

JUDICIAL COUNCIL MEETING

AGENDA

November 25, 2019

Council Room

Matheson Courthouse

450 South State Street

Salt Lake City, Utah 84111

Chief Justice Matthew B. Durrant Presiding

1. 9:00 a.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 9:05 a.m. Chair's Report Chief Justice Matthew B. Durrant
(Information)
3. 9:10 a.m. Administrator's Report Judge Mary T. Noonan
(Information)
4. 9:20 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
ad hoc Budget & Finance Committee Judge Mark May
Liaison Committee Judge Kara Pettit
Policy & Planning Committee Judge Derek Pullan
Bar Commission Rob Rice, esq.
(Tab 2 - Information)
5. 9:40 a.m. Technology Committee Report & Recommendations... Justice John Pearce
(Tab 3 - Action) Heidi Anderson
- 10:40 a.m. Break
6. 10:50 a.m. Creation of Joint Task Force on Procedural Reforms for Justice Courts
(Tab 4 - Action) Judge Kate Appleby
Michael Drechsel
7. 11:05 a.m. Proposed Amendment to Utah Code § 78A-7-206 Compensation to Justice
Court Judges Judge Rick Romney
(Tab 5 - Action) Jim Peters
8. 11:15 a.m. Budget & Finance Committee: Market Survey and Clerical Reallocation
Recommendation Judge Mark May
(Tab 6 - Action) Bart Olsen
Karl Sweeney

9. 11:45 a.m. Judicial Council Annual Report Utah Code § 78A-2-104
(Tab 7 - Action) Judge Mary T. Noonan
Cathy Dupont
- 12:00 p.m. Break (Lunch)
10. 12:10 p.m. Pretrial Release and Supervision Report..... Judge George Harmond
(Information) Keisa Williams
11. 12:40 p.m. Procedural Due Process in the Pretrial Context: Caselaw re: Ability to Pay
Analysis..... Keisa Williams
(Tab 8 - Action)
12. 12:55 p.m. CJA Rule 6-506 for Final Action..... Keisa Williams
(Tab 9 - Action)
13. 1:00 p.m. HR 440 Education Assistance, HR 550 Discrimination and Harrassment,
and Problem-Solving Court Checklist for Final Action Keisa Williams
(Tab 10 - Action)
14. 1:15 p.m. Problem-Solving Court Inventory and Recommendations Shane Bahr
(Tab 11 - Action) Judge Mark May
15. 1:30 p.m. NCSC System Review Phase 2..... Judge Mary T. Noonan
(Action) Cathy Dupont
16. 1:45 p.m. Senior Judge Certification..... Cathy Dupont
(Tab 12 - Action)
- 1:50 p.m. Break
17. 2:00 p.m. An Action Plan for Compiling Judicial Council History..... Geoff Fattah
(Tab 13 - Information)
18. 2:20 p.m. Old Business/New Business All
(Discussion)
19. 2:40 p.m. Executive Session - There will be an executive session
20. 3:00 p.m. Adjourn

Consent Calendar

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

- | | |
|---|--|
| 1. Forms Committee Forms
(Tab 14) | Brent Johnson |
| 2. CJA Rules 1-204, 1-205, 3-111, 3-406, 4-905 and
Appendix F, and Utah Code § 10-1-202 for Public
Comment for Public Comment
(Tab 15) | Keisa Williams |
| 3. Committee Appointments
(Tab 16) | Ethics Advisory Committee – Brent Johnson
Forms Committee – Brent Johnson
MUJI Criminal Committee – Michael Drechsel
Judicial Outreach – Geoff Fattah |

Tab 1

Agenda

JUDICIAL COUNCIL MEETING**Minutes****October 28, 2019****Matheson Courthouse****Council Room****450 S. State St.****Salt Lake City, Utah 84111****9:00 a.m. – 12:00 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 Deno Himonas – by phone
 Hon. Mark May
 Hon. Kara Pettit
 Hon. Derek Pullan
 Hon. Brook Sessions
 Hon. Todd Shaughnessy
 Hon. John Walton
 Rob Rice, esq.

Excused:

Jim Peters

AOC Staff:

Hon. Mary T. Noonan
 Cathy Dupont
 Michael Drechsel
 Shane Bahr
 Geoff Fattah
 Katie Gregory
 Larissa Lee
 Clayson Quigley
 Neira Siaperas
 Chris Talbot
 Keisa Williams
 Jeni Wood

Guests:

Jim Bauer, Third District Juvenile TCE
 Hon. Michele Christiansen Forster, Court of Appeals
 Travis Erickson, Seventh District TCE
 Joyce Pace, Fifth District TCE
 Commissioner Bridget Romano, JPEC
 Ron Shepherd, Third District Probation Officer
 Hon. F. Richards Smith, Fourth District Juvenile
 Gary Syphus, Legislative Fiscal Analyst
 Dr. Jennifer Yim, JPEC

1. **COUNCIL PHOTO.** The annual Judicial Council photo was taken.
2. **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 September 10, 2019 meeting, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant had nothing new to report.

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

Judge Mary T. Noonan noted Judge Lichman, a Florida judge who is a national expert on addressing mental health issues in the justice system, is expected to attend an event being organized by the Courts and the Department of Human Services as part of the initiative for the Courts & Community Response to Those with Mental Illness (also known as the Sequential Intercept Model). He is available on one of the following dates April 20-22, 2020.

The NCSC System Review Steering Committee met last week with Patti Tobias to begin the process for phase 2 of the system review. The committee will present a proposed contract and timeline to the Council in November.

The Governor has appointed Teresa Welch and Kristine Johnson to the Third District Court.

5. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Ad Hoc Budget & Finance Committee Report:

The committee held its first meeting and addressed two main issues:

- The market comparability analysis, which will be addressed again in November, and
- The reallocation issue, which will be discussed at this meeting.

Liaison Committee Report:

The committee met on September 30 and reviewed current legislation. Cathy Dupont noted Senator Weiler will sponsor the judicial housekeeping bill and the judicial reallocation bill. Michael Drechsel is consulting with national experts to help the committee better understand how the courts can effectively and accurately communicate court fiscal impact to the legislature.

Policy and Planning Committee Report:

The subcommittee created from the June Council retreat completed their work on two rules.

Bar Commission Report:

Rob Rice noted the Bar approved the first four Licensed Paralegal Practitioners (LPPs), three of which are established with law firms, and one is working on creating their own business.

6. JUDICIAL PERFORMANCE EVALUATION COMMISSION REPORT: (Dr. Jennifer Yim and Commissioner Bridget Romano)

Chief Justice Durrant welcomed Dr. Jennifer Yim and Commissioner Bridget Romano. Dr. Yim introduced Commissioner Romano. JPEC and judges (not in the 2020 retention term) met with attorneys to prepare them for the judicial survey. They emphasized the purpose of responding to the survey, the importance of honesty, and ensuring attorneys understood that

judges want their feedback. Recently, there were approximately 230 CLE participants at the Bar-approved one-hour JPEC professionalism CLE.

The response rate for surveys conducted by court staff this year is comparable to surveys in the past; however, comments received indicate a fear of retribution. JPEC addressed this with the TCEs. The Council recommended JPEC attend the next annual conference to speak with judges.

Chief Justice Durrant thanked Dr. Yim and Commissioner Romano.

7. CJA RULE 4-401.02 FOR FINAL APPROVAL: (Dr. Jennifer Yim, Commissioner Bridget Romano, Judge Derek Pullan, and Keisa Williams)

Chief Justice Durrant welcomed Dr. Jennifer Yim, Commissioner Bridget Romano, and Keisa Williams. JPEC requested an amendment to Code of Judicial Administration Rule 4-401.02 Possession and Use of Portable Electronic Devices to allow JPEC to engage in a pilot project using audio and video recordings of justice court hearings to create a system for courtroom observation that mimics the in-person courtroom evaluation to which all other judges are subject. The pilot will be conducted only for mid-term judges so that the effect of the pilot can be evaluated independent of any concern with actual retention elections for those judges. The rule recently completed a 45-day comment period, where one comment was received.

Because in-person observation does not result in any permanent record beyond the documented observations of the JPEC observer, the audio and video recordings will not be retained beyond the period necessary to review the recordings. By designating the records “not public,” access to the recordings will be restricted. The Court has the ability to restrict access to records under Utah Code § 63G-2-201(3), which states: “The following records are not public: (b) a record to which access is restricted pursuant to court rule [or] another state statute...” Under Utah Code § 78A-12-206(1)(c) and (d), JPEC reports and information obtained in connection with evaluations are protected. Reports only become public on the day following the last day on which a judge may file a declaration of candidacy for a retention election. Because this pilot will only involve mid-term judges that are not subject to retention, the recordings remain protected under both 78A-12-206 and CJA 4-401.02.

Chief Justice Durrant thanked Dr. Yim, Commissioner Romano, Judge Pullan, and Ms. Williams.

Motion: Judge Shaughnessy moved to approve amendments to CJA Rule 4-401.02, as presented with an effective date of November 1. Judge Augustus Chin seconded the motion, and it passed unanimously.

8. CJA RULE 4-103 FOR FINAL ACTION: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Code of Judicial Administration Rule 4-103 Civil Calendar Management completed a 45-day public comment period with no comments received. As part of the annual review of the Code of Judicial Administration as required by CJA Rule 2-207, Policy and Planning observed that, Subsection (3) in rule 4-103 creates confusion when it references “Pursuant to Rule 41 of the Utah Rules of Civil Procedure.

Rule 41 does not actually require “without prejudice” language. Making the revisions as proposed by Policy and Planning will eliminate the confusion without compromising the mandate in Holmes v. Cannon, 2016 UT 42.

Chief Justice Durrant thanked Ms. Williams.

Motion: Judge Todd Shaughnessy moved to approve amendments to CJA Rule 4-103, as presented with an effective date of November 1. Judge Mark May seconded the motion, and it passed unanimously.

9. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge F. Richards Smith and Neira Siaperas)

Chief Justice Durrant welcomed Judge F. Richards Smith and Neira Siaperas. Judge Smith noted Judge Kimberly Hornak, Third District Juvenile, is retiring. The average length of service for current juvenile court judges is 6.4 years of service. Only five judges have ten or more years of service. Sixteen of the thirty-one juvenile court judges have five or less judicial years of service.

The Board of Juvenile Court Judges is committed to maintaining fidelity to best practice standards for child-welfare cases. The Education Department will work with the juvenile bench in creating a better mentoring program for juvenile court judges. Juvenile court judges have been assisting district court judges, specifically in the Eighth District with some district court cases. The Sixth District Juvenile Court assists the district court with domestic matters. The Third District has an agreement, beginning January 1, 2020, where the juvenile court will assume the responsibility of the district courts’ first appearance calendars, five days a week.

The Council recommended training juvenile court judges that assists with district court cases.

Chief Justice Durrant thanked Judge Smith and Ms. Siaperas.

10. COURT COMMISSIONER CONDUCT COMMISSION REPORT: (Judge Michele Christiansen Forster and Katie Gregory)

Chief Justice Durrant welcomed Judge Michele Christiansen Forster and Katie Gregory. The commission received three complaints this past year. Two complaints were dismissed by letter, and the third complaint was against staff and not a commissioner. It was therefore forwarded to the appropriate supervisor.

Policy & Planning is working on amending the complaint process. Judge Christiansen Forster noted she has met her tenure on this Commission therefore; a new Chairperson will need to be appointed.

Chief Justice Durrant thanked Judge Christiansen Forster and Ms. Gregory.

11. AN ACTION PLAN FOR COMPILING JUDICIAL COUNCIL HISTORY: (Geoff Fattah)

Chief Justice Durrant welcomed Geoff Fattah. Mr. Fattah presented a preliminary action plan for creating a Judicial Council history. The goals of the project are to preserve and prepare oral histories and primary source documents, and commission an author to write a history that is both engaging, accessible, and structured in a way to be updated every 10 years.

The following is a preliminary outline of the first steps for creating the Judicial Council history.

- I. Capture Oral Histories
- II. Preserve and Index Judicial Council Primary Documents
- III. Commission an Author

Oral histories of key figures involved in the formative years of the Judicial Council need to be identified and preserved. It is recommended that these oral histories be captured on video for historical value (approximate cost \$10,000). The following individuals have been identified:

Chief Justice Richard Howe
 Chief Justice Michael Zimmerman
 Chief Justice Christine Durham
 Judge Gregory Orme, Utah Court of Appeals
 Tim Shea, former Appellate Courts Administrator
 Dan Becker, former State Court Administrator

In order to prepare for the Council History, all Judicial Council documents must be indexed by time and topic, as well as searchable by keyword. The Utah State Law Library contains 28 linear feet of Judicial Council materials (dated from 1973). There are also 22 additional volumes of materials in binders located at the AOC. Using a standard formula of 1,800 pages per linear foot, that comes to an estimated 61,200 pages. The Utah State Law Library has offered to begin indexing Council documents. Depending on the estimate on time and scope of indexing Council documents, there may be a need to hire a scanning service, temporary help for indexing/metadata entry or both.

The Judicial Council, with the assistance of the AOC, will likely need to post an RFP to commission a writer to create this historical work. An RFP committee, as well as a project-working group, will need to be formed. We will then need to seek the assistance of Council members, judges, law professors, and other attorneys to recruit and encourage prospective authors to apply. AOC legal should also be involved in reviewing the contract to ensure that the Utah State Courts retain the appropriate rights over the final work. Once the work is completed, a working group will be needed to fact check and advise on content. It is recommended that the final product be formally published, including registration with the Library of Congress.

Mr. Fattah will seek guidance from the National Center for State Courts regarding possible grants and report to the Council in November.

Chief Justice Durrant thanked Mr. Fattah.

12. PROPOSED LEGISLATION RE: THIRD DISTRICT JUDICIAL REALLOCATION: (Judge Mark May and Michael Drechsel)

Chief Justice Durrant welcomed Michael Drechsel. Mr. Drechsel mentioned that after the Budget Committee met, the Legislative Fiscal Analyst Office (LFA) recommended that three juvenile court judges be reallocated to district courts. At the courts request, the EOCJ Legislative Appropriations Subcommittee delayed action on the LFA recommendation in order to give the Judicial Council time to make a recommendation on judicial re-allocation.

The Ad Hoc Budget and Finance Committee considered the recommendations of the Boards of District Court Judges and Juvenile Court Judges in making the following recommendation to the Council:

1. Upon retirement of one juvenile court judge from Third District Juvenile Court, the position should be reallocated through legislation to a district court position in the Third District; and
2. the judicial districts should carefully review capacity and determine how the juvenile courts can (continue to) provide assistance to the district courts in meeting workload needs (particularly in Third District and Fifth District).

Judge May noted that the weighted caseload data for this year indicates that there are too many juvenile court judges in some districts. He cautioned against reducing the number of juvenile court judges by more than one position based on one year of data and suggested that the courts should evaluate multiple years of data to determine the trend in the data, which is what the courts do when we ask the legislature for additional judges. The courts do not make changes in the number of judicial officers without multi-year trends. The trend in the weighted caseload for juvenile courts may be impacted by the update of the weighted caseload formula being developed for the juvenile courts, which should more accurately reflect workload after juvenile justice reform. Judge May commented that over the course of this next year, the juvenile court judges can assist where possible with district court calendars. He commented that the weighted caseload data does not reflect the assistance the juvenile court judges currently provide to the district courts. The Council addressed reviewing caseloads over the course of 2-3 years.

Clayson Quigley explained juvenile weighted caseloads.

The Fifth District Judicial Weighted Caseload reached 116% of the statewide standard in FY 2019. The Bench currently holds six judicial seats and the FY 2019 Judicial Weighted Caseload indicates a shortage of 1.0 Judicial Officers. The Fifth District has determined that the primary coverage need is located in the St. George Courthouse.

The Fifth District has been and continues to take steps toward maximization of internal resources. The Seventh District coverage capacity will be affected for a period due to Judge Thomas' retirement and pending the confirmation of new district court judge. Fifth District and Seventh District Trial Court Executives, Presiding Judges, and Clerks of Court have studied both districts needs and abilities. The following factors were considered:

- Judicial time and travel
- Limited local legal community/courtroom availability
- Clerical resources
- Remote hearings

The Seventh District could share a portion of the Fifth District uncontested civil, domestic, and probate case load. The Fifth and Seventh Districts are currently seeking additional information about the percentage of caseload standard assigned per office or per judge. This information is needed to determine the appropriate case type and assignment weights to best distribute the workload.

The Fifth and Seventh Districts would need to coordinate to develop business rules and clerical best practices to manage the shared caseload, monitor, and report on standards for time to disposition, case pending, and matters under advisement. This approach addresses emerging clerical duties resulting from the electronically shared caseload. The districts would also work together on a process for facilitating the electronic review of pro se filings and determine the process of judge reassignment back to Fifth District when needed. Fifth and Seventh Districts would regularly review individual district needs and abilities in order to determine whether additional caseload support is needed and what opportunities exist.

The Council discussed whether to recommend a reduction in the number of juvenile court judges by one or two in this year's legislation.

Chief Justice Durrant thanked Judge May and Mr. Drechsel.

Motion: Judge Ryan Evershed moved to approve 1) upon retirement of one juvenile court judge from Third District Juvenile Court, the position be reallocated through legislation to a district court position in the Third District; and 2) the judicial districts carefully review capacity and determine how the juvenile courts can continue to provide assistance to the district courts in meeting workload needs (particularly in Third District and Fifth District), as presented. Judge Shaughnessy proposed a substitute motion to first vote on whether to reduce a juvenile judge in the third district upon retirement, and to decide on where to re-allocate the judge in a separate motion. Judge Pettit seconded the motion to vote on reducing the number of juvenile court judges in the third district by one upon a retirement. The motion passed with Judge Appleby, Judge Walton, Judge Pullan, Judge Farr, Judge Shaughnessy, and Justice Himonas opposed.

Motion: Judge Pullan moved to allocate a juvenile court judge from the Third District Juvenile Court to the Fifth Judicial District Court. Judge Cannell seconded the motion, and it passed with Judge Evershed opposed.

13. JUDICIAL COUNCIL COMPOSITION COMMITTEE RECOMMENDATIONS: (Michael Drechsel)

Chief Justice Durrant welcomed Michael Drechsel. In June 2019, the Judicial Council tasked an ad hoc Composition Committee with assessing the ideal composition of the Judicial Council and its Executive Committees (Management Committee, Liaison Committee, and Policy and Planning Committee. The Council was also interested in recommendation regarding the

Council's *ad hoc* Budget and Finance Committee becoming a fourth Executive Committee. The Composition Committee met during the intervening months and now makes the following recommendations to the Council:

1) Size of the Council:

In order to facilitate the work of the Judicial Council and its Executive Committees, the committee recommends that the Council increase membership by adding two new members: one additional Second District Court dedicated judge and one additional juvenile court judge, as determined by the Juvenile Bench.

2) *Ad Hoc* Budget and Finance Committee:

The committee recommends that the *ad hoc* Budget and Finance Committee be formally established as a permanent Executive Committee. Consistent with the other Executive Committees, there would not be a requirement that each of the three members represent any particular level of court. The committee recommends that the Policy and Planning Committee assist in drafting the duties of the Budget and Finance Committee, primarily to be drawn from a restructured Rule 3-406.

3) Communication and Transparency:

The committee recommends that any group advancing a recommendation to the Judicial Council or any of its Executive Committees be invited to participate in any meeting where that matter is being deliberated.

4) Participation in Council Process:

The committee recommends that each Board of judges (Appellate, District, Juvenile, and Justice) determine how that Board can proactively be involved in Council processes and implement a plan to effectuate the desired level of involvement.

The Council discussed the recommendations. Concerning the proposed new positions on the Council, the Council discussed how Second District having a dedicated seat on the Council would affect First District (since those two district currently share a seat). The Council noted the two options identified in the Composition Committee memo. Judge Cannell noted the First District is part urban and part rural and in that way is similar to the Fifth District. As a result, the groupings for district court representation on the Council might be best balanced by the following:

First and Fifth Districts = one seat for 10 judges

Second District = one seat for 14 judges

Third District = two seats for 31 judges

Fourth District = one seat for 13 judges

Sixth, Seventh, and Eighth Districts = two seats for 8 judges

The Council reviewed urban vs. rural representation and when additional members would begin on the Council, if the necessary statutory changes were approved by the Legislature.

Chief Justice Durrant thanked Mr. Drechsel.

Motion: Justice Deno Himonas moved to approve the following:

- 1) the Council be increased by adding two new members: one additional district court position dedicated to the Second District and one additional juvenile court position to be allocated as determined by the Juvenile Bench (this motion was amended with input from Judge Pettit to clarify that the breakdown of district court Council positions would be as outlined above and to have the Liaison Committee work with the Legislature to make necessary revisions to Utah Code § 78A-2-104 and to have Policy & Planning revise any related rules in the Code of Judicial Administration);
- 2) the ad hoc Budget and Finance Committee be formally established as a permanent Executive Committee, after Code of Judicial Administration Rule 1-204 has been amended;
- 3) Policy and Planning Committee assist in drafting the duties of the Budget and Finance Committee;
- 4) that any group advancing a recommendation to the Judicial Council or any of its Executive Committees be invited to participate in any meeting; and
- 5) each Board of judges (Appellate, District, Juvenile, and Justice) determine how that Board can proactively be involved in Council processes and implement a plan to effectuate the desired level of involvement.

Judge Walton seconded the motion, and it passed unanimously.

14. RETENTION ELECTIONS CERTIFICATION: (Judge Mary T. Noonan)

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.” Judge Julie Lund has met the standards as required by CJA Rule 3-101. Judge Lund did not submit her self-declaration because she plans to retire soon. Upon learning of this, JPEC advised Judge Lund that given the timing of her retirement, it was best that she go through the certification process. JPEC is willing to accept a late certification decision regarding Judge Lund from the Council.

Motion: Judge Appleby moved to approve Judge Julie Lund for the 2020 election term, as presented. Judge Paul Farr seconded the motion, and it passed with one opposed.

15. SENIOR JUDGE CERTIFICATIONS: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Ms. Dupont informed the Council that Judge Tubbs submitted an application a few days before the Council meeting. He is retiring November 3 and would like to assist his court with coverage until they select a new judge. There has not been time to verify his status with the Judicial Conduct Commission. Judge David Tubbs has not met his CLE required hours for 2019, but because the year is not over, Brent Johnson suggested that we measure CLE requirements based on 2016 through 2017. Judge Tubbs exceeded his CLE requirements for all 3 years.

Justice court senior judges seeking certification:

Active

Judge Carolyn E. Howard

Judge David Tubbs

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

Justice court senior judges seeing recertification:

Active

Judge Darold M. Butcher

Judge Steve Hansen

Inactive

Judge Dennis Barker

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge May moved to defer consideration of Judge Howard until the November Council meeting, to approve the certification of Judge David Tubbs (active) and to approve the recertification of Judge Darold Butcher (active), Judge Steve Hansen (active), and Judge Dennis Barker (inactive), with the understanding that Judge Tubbs' certification is subject to confirmation by the Judicial Conduct Commission that there are no complaints pending. Judge Cannell seconded the motion, and it passed unanimously.

16. WEST VALLEY PROBATION OFFICES RELOCATION: (Chris Talbot and Jim Bauer)

Chief Justice Durrant welcomed Chris Talbot and Jim Bauer. The West Valley Justice Court and West Valley probation office need to be moved from the building used by the West Valley Police Department. Mr. Talbot explained that relocating the West Valley probation offices 1.5 miles would allow for the same amount of space and would allow the configuration supportive of the probation office needs. Additionally, this would allow the office located near the airport to relocate to the new building. The new space is not expected to cost the courts any additional money. The justice court will move into the existing facility.

Chief Justice Durrant thanked Mr. Talbot and Mr. Bauer.

17. OLD BUSINESS / NEW BUSINESS

Mr. Talbot noted the courts will not be able to fund an additional juvenile courtroom for the Wasatch courthouse. Mr. Talbot will continue to research funding for this.

Judge Shaughnessy requested the Budget & Finance Committee review 1) the possibility of moving the cost of softbound Utah Code books to judges' judicial operations budget, 2) how else the funds can be used, and 3) allow for partial ordering of Code books, such as only ordering volume 3.

Judge May addressed age limits for senior judges. Cathy Dupont noted a working committee will review all senior judge rules.

Ms. Dupont stated the Justice Court Board rejected a request from the Salt Lake City Justice Courts for approximately \$4,000 to update the artwork in the Justice Court to reflect cultural diversity and to be more welcoming of culturally diverse communities. The Board did not approve the use of funds for the justice court project. The justice court found alternate private funding from the Utah Center for Legal Inclusion. Justice John Pearce requested the Council or the AOC provide some funding for the project as a way of supporting judicial efforts to reach diverse populations and to be more welcoming to diverse populations. . The Council did not take any action on the request.

18. 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.

19. CONSENT CALENDAR ITEMS

a) Forms Committee Forms. Verified Parentage Petition, Stipulation, Findings of Fact and Conclusions of Law, and Parentage Decree and Judgment. Approved without comment.

b) Probation Policy 5.2 Revision. Approved without comment.

c) Committee Appointments. Resources for Self-Represented Parties – Appointment of Judge Richard Mrazik to the committee and as Chair. Facilities Planning – Reappointment of Archie Philips, termination of Lyle Knudsen. Approved without comment.

20. ADJOURN

The meeting adjourned.

Tab 2

JUDICIAL COUNCIL MANAGEMENT COMMITTEE**Minutes****November 12, 2019****Council Room****Matheson Courthouse****450 South State Street****Salt Lake City, Utah 84111****12:00 p.m. – 4:00 p.m.***Chief Justice Matthew B. Durrant, Presiding***Committee Members:**

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

Excused:

Larissa Lee

AOC Staff:

Hon. Mary T. Noonan
 Cathy Dupont
 Michael Drechsel
 Heidi Anderson
 Shane Bahr
 Lucy Beecroft
 Geoff Fattah
 Alisha Johnson
 Brent Johnson
 Bart Olsen
 Jim Peters
 Tiffany Pew
 Neira Siaperas
 Karl Sweeney
 Keisa Williams
 Jeni Wood

Guests:

Judge Brook Sessions, Wasatch County Justice Court

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

Judge Kate Appleby presided and welcomed everyone to the meeting. After reviewing the minutes, the following motion was made:

Motion: Judge Todd Shaughnessy moved to approve the October 8, 2019 Management Committee meeting minutes, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

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

The Third District Juvenile Mental Health Court (Judge Elizabeth Knight) will receive the Utah Substance Use and Mental Health Advisory Committee Annual Award next month at the Capitol.

Judge Mary T. Noonan noted Council members will be invited to the April 21-22, 2020 Courts & Community's Response to Those Suffering with Mental Illness task force (sequential intercept model) conference.

Cathy Dupont is working on a contract with the National Center for State Courts (NCSC) for the second phase of the system review. J.D. Gingerich will participate along with Patti Tobias from the NCSC. The committee scheduled its next meeting for December 10 directly following the Management Committee meeting. The phase two system review is expected to begin early 2020.

The Third District Court has announced its intention to change the way criminal cases are assigned between Matheson and West Jordan beginning in February. All criminal cases will be filed at Matheson and the case will then be assigned between the two court locations based on caseload. The new assignment process impacts IT, Finance, and Clerk of Court workload. The impacted groups are meeting to problem solve implementation issues. Judge Noonan thanked Ms. Dupont for her efforts with this transition.

3. TECHNOLOGY COMMITTEE REPORT & RECOMMENDATION: (Justice John Pearce and Heidi Anderson)

Heidi Anderson will seek approval from the Council to create a process to prioritize the various IT projects requested by different groups in the judiciary. The Technology Standing Committee will review the list of pending projects and new IT requests, prioritize the requests, and bring their recommendations for prioritization to the Judicial Council for approval. The committee currently meets quarterly, however, if approved, may meet more often. The department currently is working on 28 projects, not including normal business duties.

Ms. Anderson noted that IT changes needed to implement legislative and rule changes must take priority. If implemented, the Technology Committee will provide the status of projects when seeking the Council's recommendations for prioritization. Ms. Dupont asked if changing the Technology Committee from a standing committee to a Council executive committee would help facilitate this process. She also asked if the membership of the committee needed to change as a result of the new duties. Ms. Anderson will review the committee membership to ensure the committee is comprised of individuals who possess the ability to appropriately review requests. If the committee composition needs to be amended, Ms. Anderson will address this with Policy & Planning.

Ms. Anderson will bring a proposal to the November Council meeting.

Motion: Judge Todd Shaughnessy moved to have the Technology Committee present a proposal to the November Council agenda, as presented. Judge Farr seconded the motion, and it passed unanimously.

4. PROPOSED AMENDMENT TO UTAH CODE § 78A-7-206 COMPENSATION TO JUSTICE COURT JUDGES: (Judge Rick Romney and Jim Peters)

Judge Romney was unable to attend. Jim Peters presented proposed changes to Utah Code § 78A-7-206, by date:

- Effective July 1, 2021, a governing body of a municipality or county may not set a full-time justice court judge's salary at less than 70% nor more than 90% of a district court judge's salary; and
- Effective July 1, 2022, a governing body of a municipality or county may not set a full-time justice court judge's salary at less than 80% nor more than 90% of a district court judge's salary.

The Board of Justice Court Judges set a goal to review judicial compensation, including amending the statute and creating a joint task force, among other changes. The Management Committee decided to postpone requesting a statute amendment from the legislature until all requests can be identified by the Board. In the event the Council approves a joint task force, a chair will be needed or co-chairs to include a justice court judge. Judge Farr volunteered to co-chair, if approved.

Motion: Judge Shaughnessy moved to approve moving the judicial compensation request to the Council agenda, as amended, to add the request for a joint task force. Judge May moved to amend the motion to be submitted to the Council as a packaged deal. Judge Farr seconded the motion, and it passed unanimously.

5. CREATION OF JOINT TASK FORCE ON PROCEDURAL REFORMS FOR JUSTICE COURTS: (Judge Kate Appleby and Michael Drechsel)

Due to the high volume of justice court cases, the justice courts are the most frequent point of contact between the people of Utah and the judicial system. At present, someone dissatisfied with the outcome of a justice court proceeding may appeal the decision through a re-trial in district court. Substituting a more traditional type of appeal from justice court cases would eliminate duplicative proceedings.

The advisory committee developed two feasible models for reform, one limited to small claims cases, and the other for all justice court cases. The committee concluded that the data does not support making procedural reforms in small claims cases only, and that although there are significant good reasons for eliminating re-trials in all types of justice court cases, this would be a controversial and costly.

The committee recommended the Council establish a broad-based task force to consider justice court reforms that go beyond the scope of making further adjustments to the Utah Rules of Civil Procedure and the Utah Rules of Small Claims Procedure. The committee proposed that the Supreme Court ask the Council to consider a larger-scale reform of the justice court system to eliminate re-trials in all case types and to implement stream-lined record-review appeals for small claims cases with traditional appellate review in criminal cases.

There is a developing interest in other aspects of justice court reform, such as setting salary floors and ceilings, consolidating jurisdictions to make full-time calendars, and requiring

that justice court judges be licensed attorneys. The time may be appropriate to engage in comprehensive reform that ultimately would modernize and improve these courts.

Mr. Drechsel sought a recommendation as to who would chair this task force, if approved. Justice court judges have declined from more than 130 (some part-time) to approximately 80 judges with more of them transitioning to full-time status. Approximately 40 justice court judges are not attorneys. The possibility of a grandfather clause will be discussed at the Board of Justice Court Judges retreat in January.

Motion: Judge May moved to approve sending this item to the Council for review, as presented. Judge Farr seconded the motion, and it passed unanimously.

6. BUDGET & FINANCE COMMITTEE: MARKET SURVEY

RECOMMENDATION: (Judge Mark May, Bart Olsen, and Karl Sweeney)

The Budget & Finance Committee voted to prioritize a full review and analysis of the process the judiciary uses to conduct market comparability studies.

Judge Mark May reported that the committee used four principles to evaluate which employees would receive market comparability raises. The principles were based on percentage below market rates, critical function for the judiciary, turnover for the position, and employees who were impacted by the application of human resource rules that capped internal hire pay increases to 11%. The committee will recommend to the Judicial Council that market comparability raises be awarded to:

- Employees identified in Bart Olsen's analysis using the principles of below market, critical function, turnover, and disparate rule. Identified personnel with salaries below the market level at or above 19% would receive a 10% increase, personnel with salaries below the market level between 11% - 18% would receive a 5% increase, personnel with salaries below the market level between 5% - 10% would receive an increase of 5%, and personnel with salaries below the market level between 2% - 5% would receive a 2% increase, for a total of \$133,640;
- Interpreters, at the rate of 10%, to be funded from the Juror, Witness, Interpreter Line Item, and
- Hot spot raises for employees for the remaining \$3,360 in ongoing funds, as determined by the State Court Administrator.

The approved salary increases would exceed the allowed \$137,000 by \$600.

The Budget and Finance Committee also addressed clerical weighted caseloads which suggests that there is a surplus of 5 clerical positions in the state. The Judicial Council asked the committee to consider using the extra clerical positions to fund budget requests. The committee did not approve using clerical funds through attrition for unfunded budget requests (Public Outreach Coordinator, Self-Help Center funding increase, and two drug court clerks). The committee recommends that the judiciary wait to see if the trends for clerical weighted caseload continue, in the same manner that the judiciary is waiting to see if the judicial weighted caseload trends continue. Court Services Department is interested in updating the weighted caseloads as well as other possible programs used to calculate staff workloads.

Motion: Judge Shaughnessy moved to approve sending the Budget and Finance Committee's recommendations for market comparability adjustments and to delay using clerical positions to fund budget requests to the Judicial Council for their consideration. Judge Farr seconded the motion, and it passed unanimously.

7. GROUP GATHERINGS - MEALS - ACCOUNTING MANUAL SECTION 07-03.00: (Cathy Dupont and Karl Sweeney)

Ms. DuPont discussed the Judiciary's current policy for group gatherings and provided some summary budget information about group gatherings. The committee discussed evaluating the judiciary policies and practices related to group gatherings, including comparing our policies and practices with executive and legislative branch practices and policies.

Motion: Judge Shaughnessy moved to have Ms. Dupont conduct further research then readdress this at the December Management Committee meeting and notify the TCEs verbally of their districts' spending. Judge May seconded the motion, and it passed unanimously.

8. DAVIS DISTRICT LIMITED AND SECOND DISTRICT FINAL AUDIT REPORTS: (Karl Sweeney)

Mr. Sweeney reviewed the Davis District Limited and the Second District Final Audits.

Motion: Judge Shaughnessy moved to approve the Davis District Limited and the Second District Final Audit Reports, as presented. Judge May seconded the motion, and it passed unanimously.

9. JUDICIAL COUNCIL ANNUAL REPORT UTAH CODE § 78A-2-104: (Judge Mary T. Noonan and Cathy Dupont)

Judge Noonan reviewed previous and proposed Annual Reports and how they comply with the statute. After brief discussion, Judge Noonan will present a proposal to the Judicial Council for revising the Judiciary's Annual Report. The committee preferred the Annual Reports be provided electronically, when possible. Geoff Fattah noted 2,000 reports are printed annually. One recommendation was to create two reports, one geared toward the legislature and one to the community.

Motion: Judge May moved to approve Judge Noonan presenting a proposed Annual Report to the Council. Judge Shaughnessy seconded the motion, and it passed unanimously.

10. PROCEDURAL DUE PROCESS IN THE PRETRIAL CONTEXT: CASELAW RE: ABILITY TO PAY ANALYSIS: (Keisa Williams)

Over the last several years, in both state and federal cases, courts consistently hold that it is an unconstitutional deprivation of due process and equal protection rights under the 14th Amendment to set monetary conditions of pretrial release without first considering, among other things, an arrestee's ability to pay the amount set.

Keisa Williams provided a brief overview of state and federal cases in an effort to open discussion, development, and implement procedures surrounding the ability to pay analyses in the pretrial context.

Representative Hutchings requested the judiciary draft legislation to address this nationwide trend. Ms. Williams is speaking to judges through their respective district bench meetings and believes funding could be provided through a grant. Judge Farr recommended including this issue with the justice court reform.

Judge Shaughnessy recommended having the subcommittee present an outline of a constitutionally sufficient pretrial process at the November Council meeting and to change the Council item from a discussion item to an action item.

11. PROBLEM-SOLVING COURT (PSC) INVENTORY AND RECOMMENDATIONS: (Shane Bahr and Judge Mark May)

In March, 2019 the Council requested a small workgroup be created to conduct an inventory of PSC coordination and certification and provide recommendations.

As of November 1, 2019 there were 68 certified problem-solving courts in the state with 2 new court applications pending approval. The first adult drug court in Utah was established in 1996 and for many years statewide coordination of drug court and other problem-solving courts rested with Rick Schwermer and Sr. Judge Dennis Fuchs. Judge Fuchs has worked as a part-time contract court employee whose primary task has been to coordinate the certification and recertification process of problem-solving courts.

Coordination at the local level varies. Some courts divide coordinator duties among various team members while other courts have a primary coordinator who is responsible for coordinating duties in addition to their other full-time job.

In 2004, the Council adopted minimum guidelines for drug courts. In 2007, the Council adopted a rule to provide increased consistency and quality control over the State's drug courts. Mr. Schwermer and Judge Fuchs were involved with a nationwide committee to write the National Best Practice Standards and in 2012 these best practices became the basis for the formal certification process in place today. Certification and recertification visits are to ensure best practice standards are being met. Judge Fuchs is the only resource to monitor compliance and to offer technical assistance throughout the state.

Through the process of reviewing results of in-state and out-of-state surveys and other written materials specific to problem-solving court coordination the PSC workgroup believes a more structured and robust coordinated approach at the state and local level needs to be implemented.

The structure recommended by the workgroup consists of:

- 1) Hiring a full-time statewide problem solving coordinator as soon as possible and support staff to assist with evaluation, training and certification;
- 2) Creating a statewide problem solving court coordinating committee; and
- 3) Obtaining additional court FTEs to serve as local problem solving court coordinators.

A standing committee consisting of judges, local coordinators from various districts and court types, along with representation from local and state stakeholders, would report to the Council. This committee will focus on the primary goals of statewide coordination, which includes:

- Quality Assurance
- Training
- Funding
- Research and Evaluation
- Technology
- Advocacy

The Council may consider delegating a portion or all certification approval duties to this committee to assist in managing, training, and monitoring drug courts. Funding through a grant may be possible.

Motion: Judge Farr moved to send this to the November Council meeting, to adopt the report, and to consider grant funding. Judge Shaughnessy seconded the motion, and it passed unanimously.

12. COMMITTEE APPOINTMENTS: (Brent Johnson, Michael Drechsel, and Geoff Fattah)

Ethics Advisory Committee

Brent Johnson addressed the committee reappointment of a second 3-year term for Judge Laura Scott and a juvenile court judge vacancy position. The committee recommended Judge Paul Dame.

Motion: Judge Shaughnessy moved to approve the reappointment of Judge Laura Scott and the appointment of Judge Paul Dame to the Ethics Advisory Committee, and to place this item on the Judicial Council consent calendar. Judge May seconded the motion, and it passed unanimously.

Forms Committee

Mr. Johnson addressed the committee's paralegal vacancy position. The committee recommended Amber Alleman.

Motion: Judge Farr moved to approve the appointment of Amber Alleman to the Forms Committee, and to place this item on the Judicial Council consent calendar. Judge May seconded the motion, and it passed unanimously.

MUJI - Criminal Committee

Michael Drechsel addressed the committee's defense counsel vacancy position. The committee recommended Debra Nelson.

Motion: Judge Shaughnessy moved to approve the appointment of Debra Nelson to the MUJI - Criminal Committee, and to place this item on the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

Judicial Outreach Committee

Geoff Fattah addressed the committee's juvenile court judge, justice court judge, and TCE vacancy positions. The committee recommended Judge Tupakk Renteria, Judge Bryan Memmott, and Krista Airam.

Motion: Judge Shaughnessy moved to approve the appointment of Judge Tupakk Renteria, Judge Bryan Memmott, and Krista Airam to the Judicial Outreach Committee, and to place this item on the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the proposed agenda for the November 25, 2019 Judicial Council meeting. After brief discussion,

Motion: Judge May moved to approve the Judicial Council agenda, as amended to include clerical reallocation to the Budget & Finance Committee recommendations, to change the Procedural Due Process agenda item to an action item, and switch the Creation of Joint Task Force on Procedural Reforms for Justice Courts item with the Proposed Amendment to Utah Code § 78A-7-206 Compensation to Justice Court Judges item. Judge Shaughnessy seconded the motion, and it passed unanimously.

14. OLD BUSINESS/NEW BUSINESS: (All)

There was no additional business discussed.

15. EXECUTIVE SESSION.

An executive session was held.

16. ADJOURN

The meeting adjourned.

Agenda

**JUDICIAL COUNCIL'S
AD HOC BUDGET & FINANCE COMMITTEE**

**Minutes
November 5, 2019
Council Room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
11:00 a.m. – 2:00 p.m.**

Members Present:

Hon. Augustus Chin
Hon. Mark May
Hon. Kara Pettit

Excused:**AOC Staff Present:**

Hon. Mary T. Noonan
Cathy Dupont
Michael Drechsel
Shane Bahr
Geoff Fattah
Alisha Johnson
Brent Johnson
Larissa Lee
Bart Olsen
Sarah Osmond
Jim Peters
Nathanael Player
Clayson Quigley
Neira Siaperas
Peyton Smith
Karl Sweeney
Jessica Van Buren
Jeni Wood

Guests:

Jim Bauer, TCE Third District
Daniel Meza Rincon, COC, Third Juvenile
Russ Pearson, TCE Eighth District
Wendell Roberts, TCE Sixth District
Larry Webster, TCE Second District
Shelly Waite, JTCE Fourth Juvenile

1. WELCOME & APPROVAL OF MINUTES: (Judge Mark May)

Judge Mark May welcomed everyone to the meeting. Attendees introduced themselves. Judge May addressed the minutes from the previous meeting.

Motion: Judge Augustus Chin moved to approve the September 17, 2019 minutes, as presented. Judge May seconded the motion, and it passed unanimously.

2. MARKET COMPARABILITY ANALYSIS: (Bart Olsen)

The 2019 market comparability analysis (MCA) showed the following positions more than 10% below market:

Admin Assistant II	16%	Library Asst I/II	21% - 34%
Attorney/Law Clerk	12% - 17%	Mgmt Analyst II	18% - 24%
Cap Lit Research Atty	16%	Mediator	18% - 35%
Caseload Coord I	14% - 15%	OTP (Training) Spec	14%
Court Pgm Coord I	20% - 25%	Receptionist I	13%
Dist Admin Asst I	22%	Self-Help Ctr Atty	21% - 24%
HR Support/Rep	19% - 20%	Support Svcs Coord	11% - 18%
Juv Justice Mediator	18%	Supreme Ct Admin	19%

Bart Olsen presented possible options, based on **market only**, for applying the \$137,000 MCA increases, as approved by the Judicial Council.

- 10% increases for staff rates at 23% or more below market
- 5% increases for staff rates between 16% - 22% below market
- Less than 15% below market = 0 increase (funds exhausted)

Possible options, based on **market and critical function**, for applying the \$137,000 MCA increases, as approved by the Judicial Council.

- All incumbents at more than 10% below market are considered
- Critical function defined:
 - A = Justice Services are inaccessible to at least some group of citizens without this role
 - B = Justice Services are severely impacted without this role
 - C = Justice Services are somewhat impacted without this role
- A & B at 19% or more below market = 10% increase
- A & B between 11% and 18% below market = 5% increase
- C = 0 increase (funding exhausted)

Possible options, based on **market, critical function, and turnover**, for applying the \$137,000 MCA increases, as approved by the Judicial Council.

- All incumbents at more than 10% below market are considered
- Critical function defined:

- A = Justice Services are inaccessible to at least some group of citizens without this role
- B = Justice Services are severely impacted without this role
- C = Justice Services are somewhat impacted without this role
- A & B at 19% or more below market = 10% increase
- A & B between 11% and 18% below market = 5% increase
- C = 0 increase (funding exhausted)
- Turnover rate less than 8% per year = 0 increase

Possible options, based on **market, critical function, turnover, and disparate rule**, for applying the \$137,000 MCA increases, as approved by the Judicial Council.

- All incumbents at more than 10% below market are considered
- Critical function defined:
 - A = Justice Services are inaccessible to at least some group of citizens without this role
 - B = Justice Services are severely impacted without this role
 - C = Justice Services are somewhat impacted without this role
- A & B at 19% or more below market = 10% increase
- A & B between 11% and 18% below market = 5% increase
- C = 0 increase (funding exhausted)
- Turnover rate less than 8% per year = 0 increase
- Disparate Court Rule defined:
 - Current policy placing maximum percentage increase on promotion creates significant inequity between internally promoted staff and externally hired staff for same job
- 5% increase if more than 5% below market, 3% increase if more than 2% below market

The committee agreed that accepting the market, critical function, turnover, and disparate rule option would be best to include most employees. Mr. Olsen noted interpreters are not included in this list because they can be funded through the Juror, Witness, and Interpreter Line Item. .

Motion: Judge Chin moved to approve:

- Raises for the employees identified in Bart Olsen's analysis using the principles of below market, critical function, turnover, and disparate rule. Identified personnel with salaries below the market level at or above 19% would receive a 10% increase, personnel with salaries below the market level between 11% - 18% would receive a 5% increase, personnel with salaries below the market level between 5% - 10% would receive an increase of 5%, and personnel with salaries below the market level between 2% - 5% would receive a 2% increase, for a total of \$133,640 ; and
- Providing the market comparability raises of 10% for interpreters to be funded from the Juror, Witness, Interpreter Line Item

Judge Kara Pettit seconded the motion, and it passed unanimously.

The committee discussed how to use the remaining 3,360 in ongoing money for market comparability raises. The committee discussed whether to try to provide raises for people in the C category under critical function, or to address the employee's whose salaries are lower due to the impact of Court rule (hot spot raises). Mr. Olsen recalculated costs if raises were provided to the C category for critical function analysis. The committee determined that the cost of providing as low as a 2.5% raise for the C category of critical function decreased the raises for the A and B category to an unacceptable level, and was not the best option. The committee focused on the need for hot spot raises. MS. Dupont explained internal candidates who are promoted to a new position cannot receive a raise higher than 11%, which often results in lower salaries for internal candidates in comparison to external candidates.

Motion: Judge Chin moved to approve using the remaining \$3,360 in ongoing market comparability funds for hot spot raises, as determined by the State Court Administrator. Judge Pettit seconded the motion, and it passed unanimously.

3. CLERICAL WEIGHTED CASELOAD:

The following describes the major components of the weighted caseload and notable changes in this time period.

Case Type Weights: Revised case processing times (weights) for case types and events in both district and juvenile courts were adopted in 2017. The revised weights were derived from surveys administered by committee members. No changes were made to the case type weights for this time period.

No changes were made to the Case and Event Counts, Time Available Calculations, and Minimum Staffing Adjustment.

Staff Available (FTE) count: The staff available/FTE count is determined by counting DPRs provided by AOC Human Resources. Team managers, case managers and judicial assistants are included in the count. The interpreter coordinator in third district is counted because it was converted from a clerical position. Clerks of court are not counted. Of note, third district received 2 new judge allocations from the 2019 legislative session and 4 additional clerical staff will be added during FY 2020 that are not accounted for in this study.

Aspirational in nature: The Utah clerical weighted caseload model, like those used in other courts, is an aspirational model. It assumes a fully staffed, adequately trained court staff each working at 100% efficiency. It does not account for vacancies and the efficiency challenges of inexperienced staff. This aspirational model reflects workload requirements in smaller courts with limited turnover well. Courts with regular turnover may perceive the weighted caseload as not fully reflecting their workload. The committee has set a goal for the coming year to look at ways to account for turnover. The model is most effectively used as a tool to compare staffing among courts.

10% Deviation: The model allows a court to be understaffed by 10% before the court is flagged as needing additional staff resources. Conversely, a court can be overstaffed by 10% before staff

resources are identified as surplus. The deviation is intended to provide a workload range before action is required recognizing that case filings fluctuate.

Changes in Clerical Need: Overall, the changes in clerical need were related to decreased referral filings in the juvenile court. The committee noted a substantial shift between the FY19 preliminary and final reports and recognizes referrals counted in the preliminary are still actively being worked on and not reflected in the final report.

Fiscal Year 2019

(Filings 7/1/18 thru 6/30/19)

Clerical Weighted Caseload Summary Results

Judicial District	Updated 4/29/19 Existing FTE	FTE Need	Min. Staff Adj. rounded nearest .5	Total FTE Need	FTE Difference	10% Deviation (Total FTE Need)	FTE Outside of Deviation
District 1	22.50	22.41	0.00	22.41	0.09	2.24	
District 2	66.00	64.14	1.50	65.64	0.36	6.56	
District 2 Juvenile	21.50	19.90	0.00	19.90	1.60	1.99	
District 3	142.50	149.05	0.00	149.05	-6.55	14.90	
District 3 Juvenile	41.00	33.01	1.50	34.51	6.49	3.45	3.04
District 4	57.50	62.80	0.50	63.30	-5.80	6.33	
District 4 Juvenile	24.00	17.23	2.00	19.23	4.77	1.92	2.85
District 5	34.00	31.95	0.50	32.45	1.55	3.25	
District 6	10.00	11.92	0.50	12.42	-2.42	1.24	-1.18
District 7	14.00	10.91	1.00	11.91	2.09	1.19	0.90
District 8	15.50	12.50	0.00	12.50	3.00	1.25	1.75
	448.50	435.82	7.50	443.32	5.18		7.37

Third district was allocated 4 new clerical staff to begin in FY2020 not accounted for in this study.

3A. PROJECTED AVAILABLE SAVINGS: (Karl Sweeney and Bart Olsen)

Karl Sweeney provided the committee a baseline potential annual savings for each JA position that was not filled, assuming a beginning salary for a JA I with maximum benefits as \$67,000.

3B. FOURTH DISTRICT JUVENILE, TCE RESPONSE, AND CLERK OF COURT RESPONSE, AND TCE RESPONSE: (Shelly Waite and Daniel Meza Rincon)

The Fourth Judicial District encompasses Wasatch, Utah, Juab and Millard counties, which geographically covers an area of 12,584 miles, making this district both urban and rural. There are six juvenile courthouse locations, more than any other Juvenile District across the state. Unique challenges often occur when coverage is needed in one of our rural courthouse locations. Of the 21 JAs, 7 of them have 2 years or less experience.

The Fourth District Juvenile Court recognized that they may be trending toward a reduced clerical staffing need, but asked for additional time to assess whether or not this latest report is an outlier or not and that the Clerical Weighted Caseload Committee provide information on how Case Managers and Team Managers are being counted.

The Fourth District Juvenile Court proposed minimizing clerical staffing as follows include consideration of turnover and the impact of coverage to rural courthouses.

1. Ensure that the 0.5 position eliminated April 2019 is reflected in future reports along with not counting the time-limited 0.5 position.

2. Hold the next clerical vacancy for an evaluation of the position.

If the trends continue to show an excess in clerical needs move to the following proposal.

2A. Reduce the position to part time.

3. With a subsequent clerical vacancy, reduce the position to part time.

3A. The juvenile court has a part-time JA position that is funded out of the district court. That position could be funded in one of the vacant positions listed above with juvenile funds.

Daniel Meza Rincon attended the meeting in representation of the Clerks of Court. The Clerks of Court requested the following:

1. A more significant timeframe to determine whether the caseload reports are representative of an actual trend.

2. Time and resources to make the necessary adjustments to the clerical weighted caseload in order to accurately reflect the needs of a functional courthouse on a more individual basis.

The Trial Court Executives recommended not reallocating current clerical resources until there is a consistent trend through historical data of clerical weighted caseloads.

Judge May noted statistically juvenile case filings are declining. Mr. Quigley will prepare a historical clerical weighted caseload report by district for the past five years. Currently, the Third District has nine JA positions open. Third District Juvenile Court has three positions open. Overall, both district and juvenile courts requested the length of time for training JAs be incorporated in clerical weighted caseload reports. There has been a 25% JA turnover statewide in both district and juvenile courts.

3C. COURT SERVICES RESPONSE: (Clayson Quigley)

The weights used in weighted caseload study's should not be utilized to compare to any single case, just as the survey responses only make sense as a whole. There is such variety in personalities and workplace cultures and practices that any single instance will be unrepresentative of the group as a whole. However, through the aggregate responses which are validated by a group of clerical representatives, the courts should be confident that the responses and eventual weights used in the study accurately represent the average work experience.

Currently, Court Services is engaged in reviewing and updating the Juvenile Judicial Weighted Caseload Study and the creation of a Probation Officer Weighted Caseload Study. The Juvenile Judicial weighted caseload is anticipated to be completed in the late spring/early summer, 2020. The Probation Officer Weighted Caseload Study is occurring concurrently however the results of that study will not be released until approximately September 2020. The Clerical Weighted Caseload was last revised in 2016.

3D. FY20 BUDGET REQUESTS

3D(i). PUBLIC OUTREACH/EDUCATION COORDINATOR: (Geoff Fattah)

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 Council was Public Outreach/Education coordinator is \$94,060 in ongoing money (1 FTE). The Council deferred this request to the Budget & Finance Committee to seek internal funding.

3D(ii). SELF-HELP CENTER FUNDING INCREASE: (Nathanael Player)

Permanent full-time funding with the existing five staff attorneys (who are only permanently funded for 30 hours per week) would cost \$98,155. 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.

The Judicial Council approved funding for an additional staff attorney in the amount of \$96,909 and deferred this request to the Budget & Finance Committee to seek internal funding.

3D(iii). TWO PROBLEM-SOLVING COURT CLERKS: (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.

Judge Pettit recommended postponing a decision on these requests until after the 2020 legislative session to allow for a determination by the legislature regarding moving a Third District Juvenile judge position to the Fifth District and until additional analysis can be acquired. Judge Chin would like to have the courts examine the reason for high turnover rates.

Motion: Judge Pettit moved to take no action to reallocate current resources. Judge Chin seconded the motion, and it passed unanimously.

Judge Noonan noted, if resubmitted, these requests will be addressed by the Council in the spring. Brent Johnson noted the Council felt these items should be given priority, however, ultimately decided not to fund these requests through legislation and possibly seek funding internally. Mr. Johnson asked whether it would be appropriate for the Council to reconsider these funding requests for this year in light of the Budget Committee's recommendations.

4. FUTURE AGENDA ITEMS: REVIEW AND PRIORITIZE: (Judge Mary T. Noonan and Cathy Dupont)

Xchange: Review Rule (how are Xchange funds used)

Quarterly Reports: One-Time Human Resource Savings and Ongoing Human Resource Savings (when someone leaves the courts and the position is unfilled, this is one-time savings, when someone leaves the court and the new hiree is paid less the remaining amount is ongoing savings)

Review Future Market Comparability Process (move from a lottery system to a more equitable environment)

Preparation for May, June, and August Budget Portion of Judicial Council Meeting (including those who will have budget requests present to this committee prior to the Council meeting)

PSA Manual Calculation of National Criminal History (the collection of data from the NCSC that has budget implications)

Motion: Judge Pettit moved to have Karl Sweeney, staff to this committee, create a budget request timeline calendar. Judge Chin seconded the motion, and it passed unanimously.

Judge May noted the committee will prioritize the evaluation of the process used for the market comparability process.

5. SELECTION OF DATES FOR FUTURE MEETINGS: (Judge Mark May)

After brief discussion, the committee scheduled the next meeting for December 5 from 12:00 p.m. – 1:30 p.m.

6. OLD BUSINESS/NEW BUSINESS: (All)

Judge May would like to add the judicial operations budget issue to the next meeting (as a discussion item) with data on how much funds is not used each year and how much can be moved over to the following fiscal year. The committee will address Xchange funds next month.

Judge May also requested the committee be provided with regular court financial statements to better understand results for the year and what might be available for carryover into 2021.

7. ADJOURN

The meeting adjourned at 1:26 p.m.

Agenda

UTAH JUDICIAL COUNCIL POLICY AND PLANNING COMMITTEE MEETING MINUTES

Judicial Council Room (N301), Matheson Courthouse
450 South State Street, Salt Lake City, Utah 84114
November 1, 2019 – 12:00 p.m. to 2:00 p.m.

DRAFT

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Shelley Waite
Brent Johnson

STAFF:

Keisa Williams
Minhvan Brimhall (recording secretary)

(1) WELCOME AND APPROVAL OF MINUTES:

Judge Pullan welcomed the committee to the meeting. The committee considered the minutes from the October 4, 2019 meeting. With no changes, Rob Rice moved to approve the draft minutes. Judge Chin seconded the motion. The committee voted and the motion was unanimously passed.

(2) CJA APPENDIX F. UTAH STATE COURT RECORDS:

Mr. Johnson reviewed two proposed amendments. The Legislature changed the statute last year making domestic violence misdemeanor offenses enhanceable for 10 years. The first amendment moves the language regarding DV misdemeanor offenses from the 5 year section to the 10 year section. The second amendment eliminates the reference to Rule 9-301 under (B)(5)(a) because that rule has been repealed and records can now be destroyed at the same time as the case file.

With no further discussion, Mr. Rice moved to approve the rule as amended. Judge Cannell seconded the motion. The committee voted and the motion unanimously passed. The approved amendments will go to the Judicial Council for approval for public comment.

(3) RULES BACK FROM PUBLIC COMMENT:

CJA 4-410. (New) Courthouse Closure.

This is a new rule. The purpose is to establish protocols for presiding judges, court staff, and other affected stakeholders in the event a courthouse needs to be closed or its opening delayed. It is back from public comment. No comments were received.

Shelly Waite, Trial Court Executive for the 4th District Juvenile Court, reported questions from the TCEs regarding the practical application of some of the requirements under the rule. Starting at line 25, the rule discusses an "order." There is some confusion among presiding judges and TCEs about what

elements should be included in the order. Ms. Waite asked whether there was a template order that jurisdictions could use to ensure they are in compliance with the rule. Similar practical questions included: where does the order go, how is the order used, what is the difference between an order and a notice, what is the timing for issuing notices and orders? Ms. Waite didn't have any recommendations regarding language changes in the rule itself, but thought an outline of the timeline and procedural requirements, and a template order would be most helpful.

Ms. Williams offered some suggestions based on her understanding of the rule, including the difference between a notice and an order, the timing and elements for each, and the communication requirements and timing. Depending on the situation and jurisdiction, it may be difficult to post a notice on the courthouse door during inclement weather. Ms. Williams stated that those procedures probably shouldn't be outlined in the rule because every jurisdiction and circumstance may require a different approach. Mr. Rice asked whether there are other circumstances in which presiding judges issue administrative orders. Judge Pullan stated that there have been administrative orders signed by the Chief Justice posted in the building.

Ms. Williams provided a bulleted outline of the procedures under the rule. The Committee discussed whether the order should be retained and by whom. Judge Pullan stated that keeping the order may be important if, for example, a party missed a filing deadline and the statute of limitations had run. He suggested that orders be kept centrally by the AOC because there are no case numbers associated with them. Judge Cannell stated that his jurisdiction keeps a binder of standing orders. Ms. Waite stated that they have shared files where those items are stored. The Committee determined that orders should be sent to the State Court Administrator's Office and be retained by the TCEs or presiding judges.

Judge Pullan suggested that a form order with check boxes be created for use as a starting point for judges, especially given that these situations don't arise often. Ms. Williams will create a draft template order, with a procedural checklist as the first page, and include it on the next agenda. Judge Pullan stated that presiding judges need to make these decisions in consultation with the TCEs and that requirement should be included in the procedural outline. The outline should also include the procedure for retention of the order. Judge Pullan suggested that a new provision, subsection 9, be added to the rule to include the retention requirement.

Mr. Rice asked whether the court could send electronic closure notices via the e-filing system. Ms. Williams noted that if it's possible, it's unlikely that the system could send notices only to specific jurisdictions. If notices can be sent, they would likely have to be sent to everyone. The Committee felt a message to everyone would be okay as long as the affected court was named because many attorneys travel to different courts. Ms. Williams stated that there may be multiple messages in one day at different times based on when a jurisdiction makes a decision to close. Judge Chin stated that the multiple notices would be anticipated as weather travels across the State. The messages should also be included in the MyCase system. An electronic notice requirement could be added as (5)(C). The Committee discussed whether notices could be sent by the State Bar. Mr. Rice stated that his concern with a Bar email is that it would introduce a middle person. The emails notifying attorneys that the e-filing system is down comes from the court.

The committee recommended that this item be tabled to allow Ms. Williams time to speak with the IT department to determine capability, costs, and time frame of electronic closure notices. Ms. Williams will seek feedback from the TCEs on the draft order template and invite Ms. Waite back to the next meeting when Rule 4-410 will be discussed. No motion was made for this item.

(4) 1-204. EXECUTIVE COMMITTEES:

In June of this year, the Judicial Council created an “Interim Ad Hoc Budget Committee.” CJA 1-204 outlines the three current executive committees. CJA 1-205 outlines the Council’s authority to create ad hoc committees. CJA 3-406 addresses the court’s Budget and Fiscal Management policy and responsibilities. Judge Pullan stated that the Judicial Council voted to make the Budget and Finance Committee a permanent executive committee, requiring amendments to CJA 1-204 and CJA 3-406.

The committee recommended changing the name of the Budget Committee to “Budget and Fiscal Management Committee” in both rules 1-204 and 3-406 to be consistent with the language in 3-406. Judge Pullan recommended that the role of the Budget and Fiscal Management Committee should be to make recommendations to the Council regarding budget management and budget development in accordance with 3-406. Mr. Rice stated that the need for the committee was born out of a desire to be more anticipatory about budget issues, especially those that might arise during the fiscal year so that the Council can be less reactive. The Committee agreed to reference 3-406 in 1-204.

Ms. Williams stated that Judge Noonan expressed a need for changes to the responsibility of the state court administrator outlined in 3-406 based on the Council’s discussions. Judge Pullan noted that any Council decision regarding the budget would be informed by the Budget and Fiscal Management Committee’s work, so it may not be necessary to change the Council’s responsibilities or add a section for the Budget Committee in 3-406.

Under (2)(B), the state court administrator can order reductions or reallocation of funds upon notice to the Council. The committee removed that authority because the SCA will now be making recommendations to the Budget Committee. The Budget Committee will make recommendations to the Council about priorities, initial allocations, and reductions or reallocations. The SCA will implement the Council’s decisions.

Judge Walton moved to approve the suggested amendments to both rules. Judge Cannell seconded the motion. The motion was unanimously approved. The amendments will go to the Judicial Council for approval to be sent out for public comment.

(5) 4-905. RESTRAINT OF MINORS IN JUVENILE COURT:

The proposed change is minor. It came out of Judge Evershed’s annual review. The amendment was on hold because Nancy Sylvester was proposing unrelated changes to 4-905 and the Committee intended to make both changes at once. However, Nancy’s project has since been placed on a permanent hold so Ms. Williams recommended moving forward with the change. The proposed amendment is to remove subsection 36 from the reference to 78A-6-105 because the statutory subsections continue to change.

With no additional changes or further discussion, Mr. Rice moved to accept amendments to rule 4-905 as presented. Judge Chin seconded the motion. The motion unanimously passed. The rule will go to the Judicial Council for approval for public comment.

(6) 3-201. COURT COMMISSIONERS and 3-201.02. COURT COMMISSIONERS CONDUCT COMMITTEE:

Policy and Planning reviewed revised drafts of rules 3-201 and 3-201.02 in March and May 2019. At its May 3rd meeting, the Committee asked Mike Drechsel to prepare edits in light of the committee’s discussion. The recommendations from that meeting were to change “sanction” to “corrective action,” make it clear that both the Council and the presiding judge can take corrective actions as the result of a complaint or poor performance, include removal as a possible corrective action, and to remove language regarding records access.

Judge Pullan made two suggestions: In 3-201.02(3)(A), remove the requirement that Commissioners pay a fee to obtain a copy of the record of a court commissioner conduct committee hearing. In 3-201.02(4), the 30 day time requirement for filing objections to committee findings should be moved under subsection (3) because that section discusses the conduct committee hearing process. Objections should be filed with the conduct committee, not the Council, because the conduct committee will be in the best position to determine how objections should be resolved. The Council will receive the complete file, including the objections and how they were resolved, from the conduct committee. After discussion, the Committee agreed with both suggestions.

Mr. Rice stated that the rule seems to lack an appeal process. He asked what happens after a finding in a complaint against a judge before the judicial conduct commission. Judge Pullan stated that these rules should be modeled as closely as possible with the judicial conduct commission process. Mr. Rice suggested that Ms. Williams review the Code of Judicial Conduct to see whether these rules are mirroring the judicial conduct commission procedures and bring the rules back to the Committee with proposed changes.

No motion was made to this item at this time.

(7) 3-111. PERFORMANCE EVALUATION OF ACTIVE SENIOR JUDGES AND COURT COMMISSIONERS:

The request for this change came from the Forms Committee. As part of the Forms Committee's review of forms for reporting cases under advisement, they noticed different standards in the rules for active judges versus senior judges and commissioners. The proposed amendment is a technical change from "60 days" to "two months" to be consistent with the statute and other rules. The change would allow all judicial officers to use the same form.

With no further discussion, Mr. Rice moved to approve the rule as amended. Judge Chin seconded the motion. The motion unanimously passed. The rule will go to the Judicial Council for approval for public comment.

(8) ANNUAL REVIEW PROJECT:

Ms. Williams reviewed the list of rules up for review in 2020. Judge Walton and Judge Evershed are set to review the rules listed. They will present any proposed amendments to the Committee at the September 4, 2020 meeting to allow for final adoption by November 1, 2020.

(9) OLD BUSINESS/NEW BUSINESS:

The Board of District Court Judges would like to be informed and included in meetings where Policy and Planning will be discussing rules which may affect district court judges. When adding items to the agenda, Ms. Williams will consider who may be affected and then extend a broad invitation to all stakeholders that might be impacted. The goal is to increase transparency and communication.

Judge Cannell suggested that the Council or Committee member scheduled to report to the Board of District Court Judges should provide a synopsis about items which came directly from the Board. If the reporting member isn't on the Policy and Planning Committee, a P&P member should prepare the reporting Council member with a status update. It might also be beneficial to reach out to the Chair beforehand and ask what they want to hear about. The reporting member would then report back to the Policy and Planning Committee about the Board's feedback. The Committee agreed. Judge Walton reported to the BDCJ in Price. He suggested that the reporting member stay for the entire Board meeting

to ensure the Board understands that the Committee and Council are invested and want to be a part of the dialogue and solution. Judge Pullan asked Ms. Williams to confirm that he is scheduled to report to the Board in November.

The Committee will be working on rule amendments consistent with the Council's decision to amend the composition of the Council. A statutory amendment is required so there isn't a rush, but the Committee should get a rule amendment drafted. Judge Cannell noted that the rule amendment will need to be tied with the annual meeting. Judge Pullan stated that amending the rule doesn't make sense until the statutory amendment is in place, but a rule amendment can be drafted with an effective date after the annual meeting.

The Courtroom Attire rule will be presented to all Boards of Judges and the Supreme Court for feedback.

(10) ADJOURN:

With no further items for discussion, Judge Chin moved to adjourn. The meeting adjourned at 10:20 am. The next meeting will be held on December 6, 2019 at 12 pm (noon).

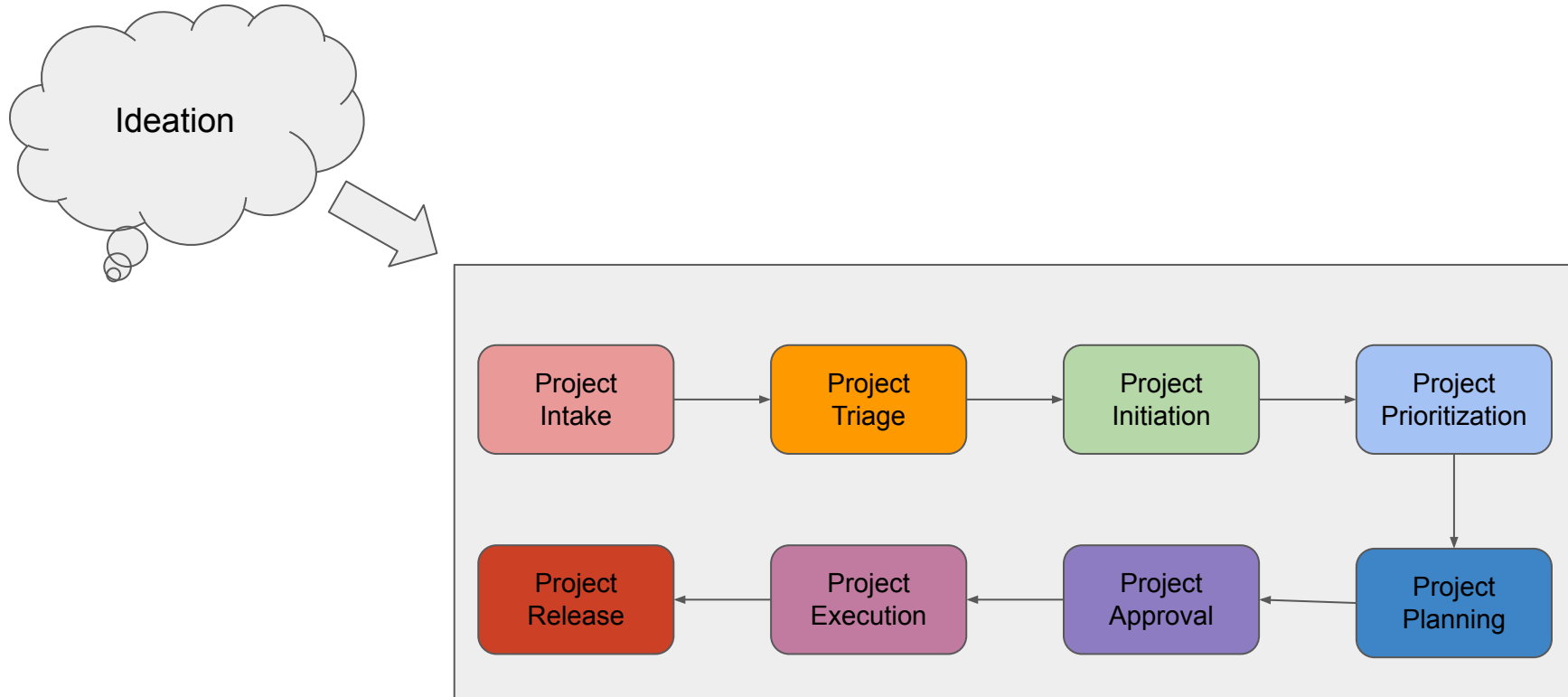
Tab 3

Agenda

Overview of Projects:

Intake, Prioritization, and Planning

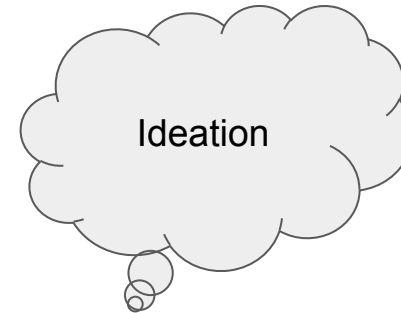
Workflow Overview



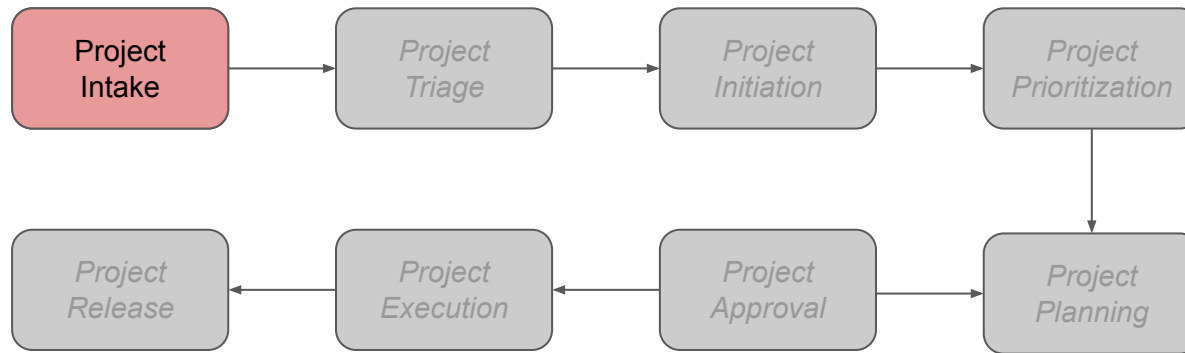
Ideation

A certain amount of work needs to be done before it becomes a project. To start a project we need to know the **Objective** of the project and a **Value Statement** of what benefit the project will deliver. Basic questions need to be answered like:

- Who is this for?
- Why is this important now?
- When does this need to be done by?
- Is someone paying?
- Have we made obligations?
- What is the Minimum Viable Product (MVP)?



Workflow Overview




Project Intake Form

Project
Intake

000049

Project Intake Form

[Introduction](#)
[Help Guide](#)
[Feedback](#)

All Dashboards

Recently Viewed

- Project Intake Form
- Test Billing Project
- PC/PSA
- Release 20B--Fall 2019
- Expense Tracking Dashboard
- Software Subscriptions Report
- Release 20A
- Active Projects Portfolio
- Current Development Focus
- Development Team Dashboard
- [+ Create Dashboard](#)

Administration

Form for submitting a n

Development/Software Project

This form is for any new software development including enhancements and modifications to existing software.

In the Description field please include the following two items: 1. A brief description of the project and deliverables. 2. A statement of value (why are we doing this, what business value will be achieved when it is accomplished).

[Add New Project](#)


New IT/Networking Project

This form is for any new infrastructure or Network requested spends.

In the Description field please include the following two items: 1. A brief description of the project and deliverables. 2. A statement of value (why are we doing this, what business value will be achieved when it is accomplished).

[Add New Project](#)

Project Intake Form



[Introduction](#)
[Help Guide](#)
[Feedback](#)

All Dashboards

Recently Viewed

Project Intake Form

Test Billing Project

PC/PSA

Release 20B--Fall 2019

Expense Tracking Dashboard

Software Subscriptions Report

Release 20A

Active Projects Portfolio

Current Development Focus

Development Team Dashboard

+ Create Dashboard

Administration

Development/Software Project

This form is for any new software development including enhancements and modifications to existing software. In the Description field please include the following two items: 1. A brief description of the project and deliverables. 2. A statement of value (why are we doing this, what business value will be achieved when it is accomplished).

Project Name*

Description*

Max effort (hours)

Deadline

mm/dd/yy

Contract value (\$)

Team Lead

Scheduled Release

Product/Program

Project Sponsor*

Key Stakeholder

Funding Source

Documents:

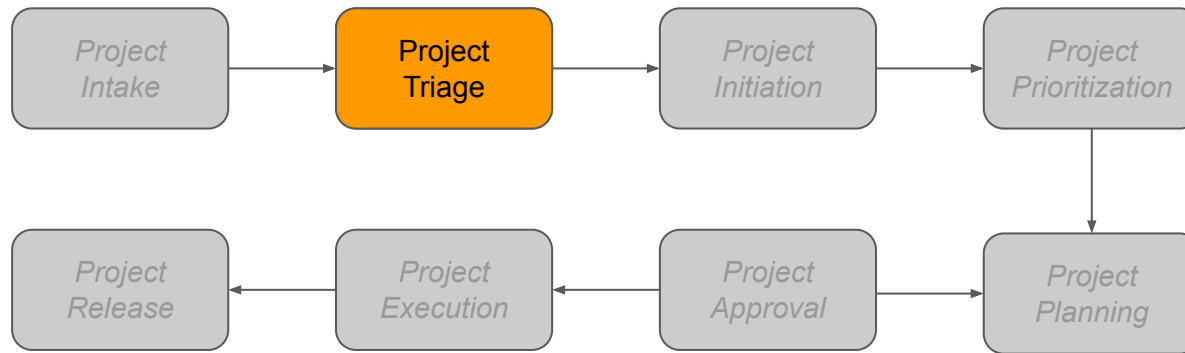
Upload

Add New Project

Cancel

Project Intake 000050

Workflow Overview



Project Triage

- Preliminary decision to move forward
- Most projects will wait for the next prioritization



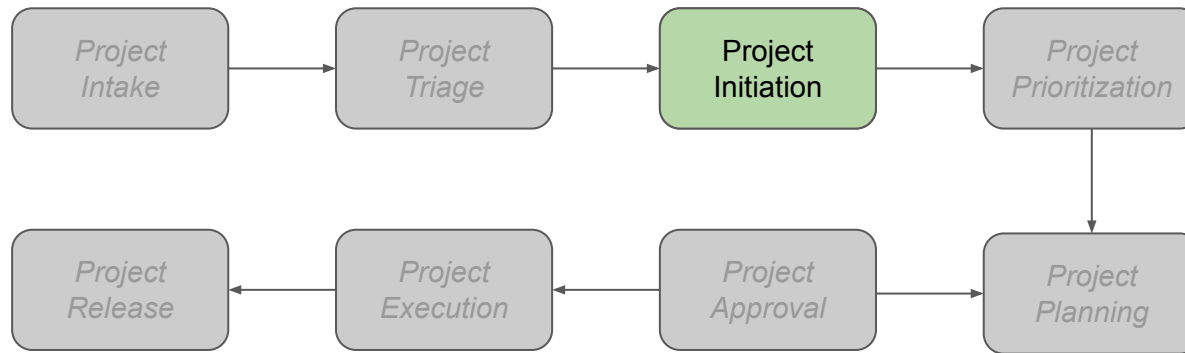
**Tech Standing
Committee Task**



Prioritization Factors (For Example):

- Is it a legislative mandate?
- Is it a rule change?
- Is there dedicated outside funding?
- Does it save the courts money
- Does it help mitigate or improve the weighted caseloads?
- Does it improve access to justice?
- What are the number of users on which this will have a positive impact?
- Are there security or supportability costs or concerns?

Workflow Overview

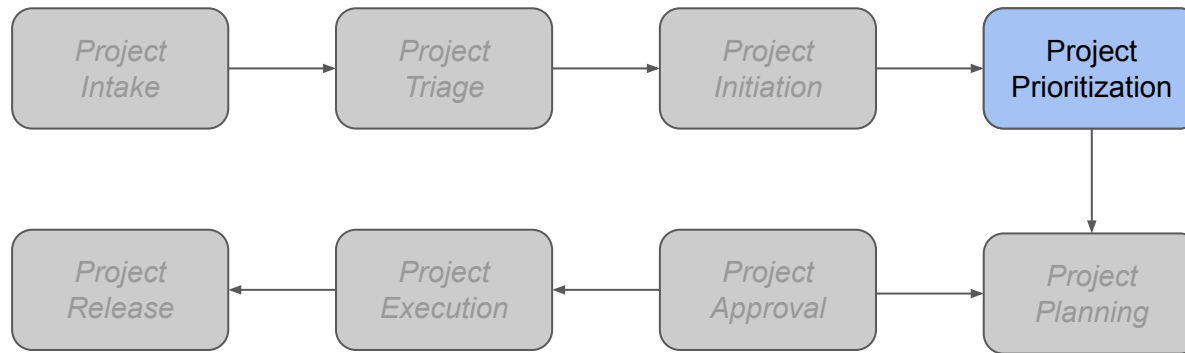


Project Initiation

- Determine the basic information and scope of the project
- In particular determine the objective of the project and the value it will bring to the courts.
- Set up the project for tracking
- **Should be done prior to prioritization.**



Workflow Overview



Project Prioritization

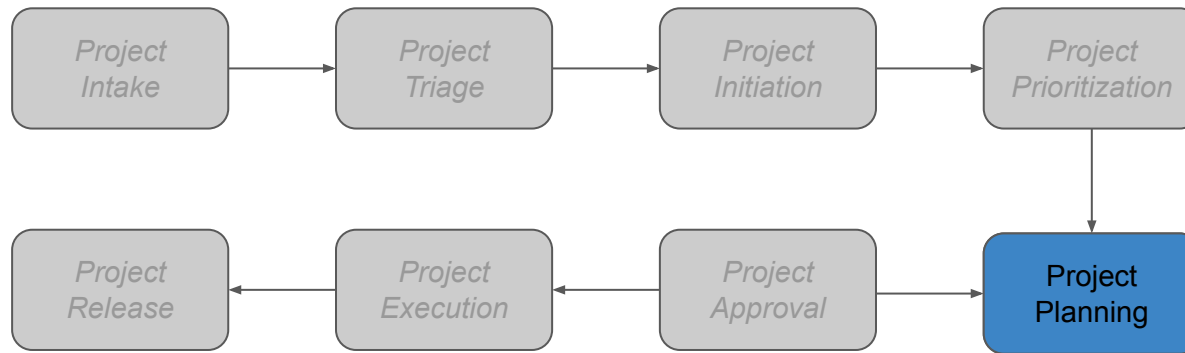
- Occurs monthly for all existing projects.
- Takes input from current, new & icebox stories.
- Determine the order in which resources are assigned to projects.



**Tech Standing
Committee Task**

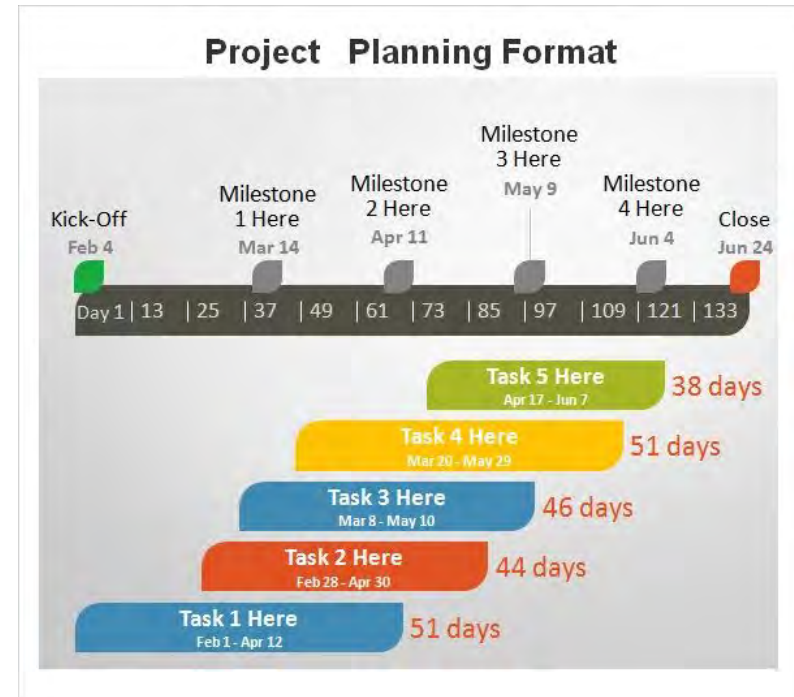
ACTIVE PROJECTS		JohnL		
✦ 19-070 Court Services HB 239	for Legislative	Dev	MarianneP	Initiation
✦ 19-097 eFiling Notifications and Enhanceme...		Dev	PrgMgmt	Initiation
✦ 19-134 Rule 109 Design	for Judicial Council	Dev	PrgMgmt	[Execution]
✦ 19-126 Informix Patch 12.10.fc12w1	for Sec...	Ops	PrgMgmt	Initiation
✦ 18-038 My Case for Coris Rewrite	for CORIS...	Dev	MarianneP	Closing
✦ 20-045 Rule 109 Implementation	for Judicial...	Dev	PrgMgmt	Planning
✦ 20-012 PC/PSA		Dev	JohnL	Planning
✦ 20-027 Expungements-Clean Slate	for Legis...	Dev	KellyT	Initiation
✦ 20-026 Mobilize	for CORIS Core Team	Dev	KellyT	Initiation
✦ 20-035 Redundancy		Ops	KellyT	Initiation
✦ 18-006 Websphere Upgrade and Team Migr...		Dev	JohnL	[Execution]
✦ 20-049 AOC Financial Systems Update	for ...	Dev	KellyT	Initiation
✦ 20-041 SMACS		Ops	ToddE	Initiation
✦ 20-054 Cisco hardware refresh and Cisco D...		Ops	ChristopherD	Initiation
✦ 20-052 DUO two factor authentication for AD		Ops	PrgMgmt	Initiation
✦ 19-072 Least-Privilege Administrative Model		Ops	ChristopherD	Planning
✦ 19-060 CY19 Legislative Changes	for Legisl...	Dev	JohnL	Planning
✦ 20-053 AIS FY20 Deployments		Dev	PrgMgmt	Initiation
✦ 20-033 Refactor 4GL CORIS		Dev	JohnL	Initiation
✦ 20-031 CIP FY20	for CARE Core Team	Dev	MarianneP	Planning

Workflow Overview

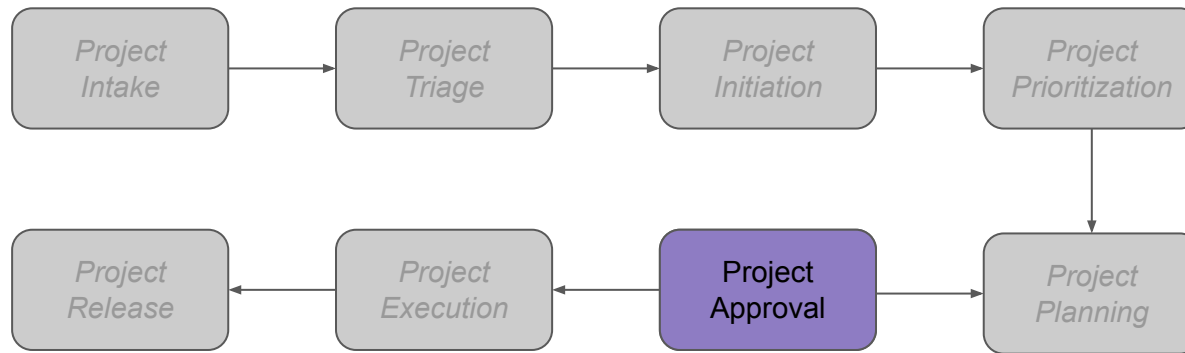


Project Planning

- Led by Project manager to:
 - Determine the scope of work
 - Determine the resources needed
 - Determine the level of effort
 - Determine the duration of time
- The project team is involved to review work plan for feasibility and accuracy.
- Need to determine the true cost and opportunity cost of the effort.



Workflow Overview



Project Approval

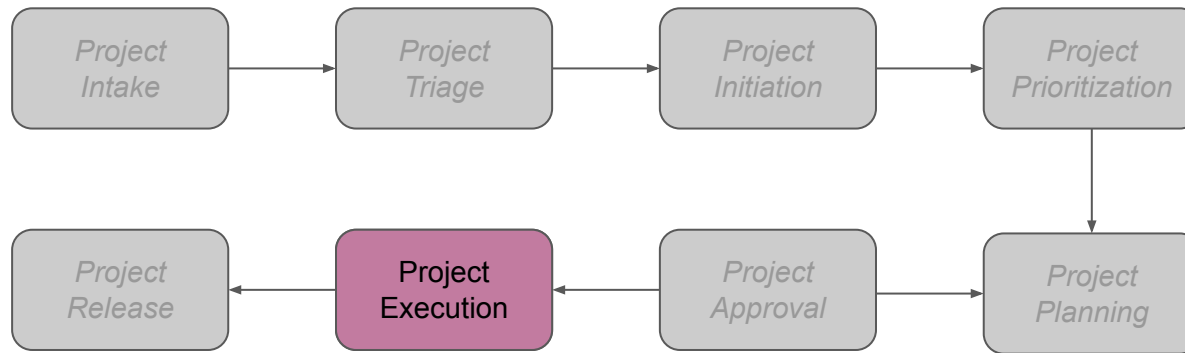
- Final Go/No Go decision is made after the projected Scope/Duration/effort is determined.
- After Project Approval, canceling or modifying projects becomes costly.



**Tech Standing
Committee Task**



Workflow Overview

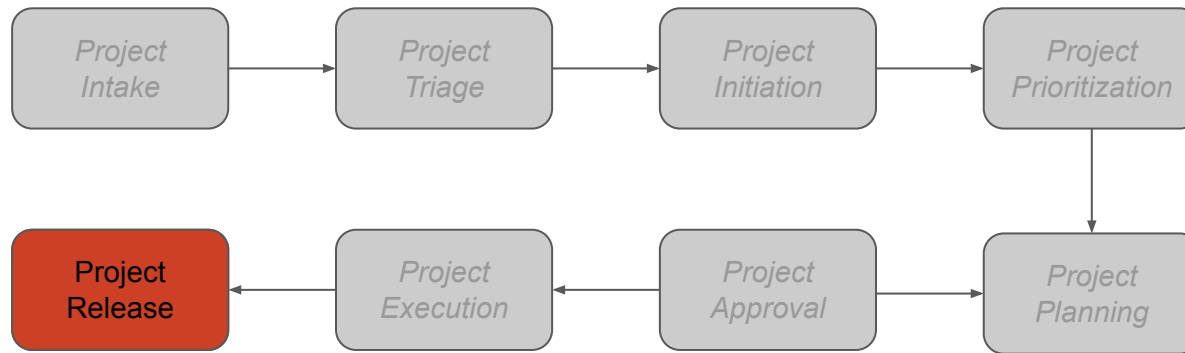


Project Execution

- Designed to allow the teams to work with as little distraction or reprioritization as possible.
- Fewer projects, more concerted effort.

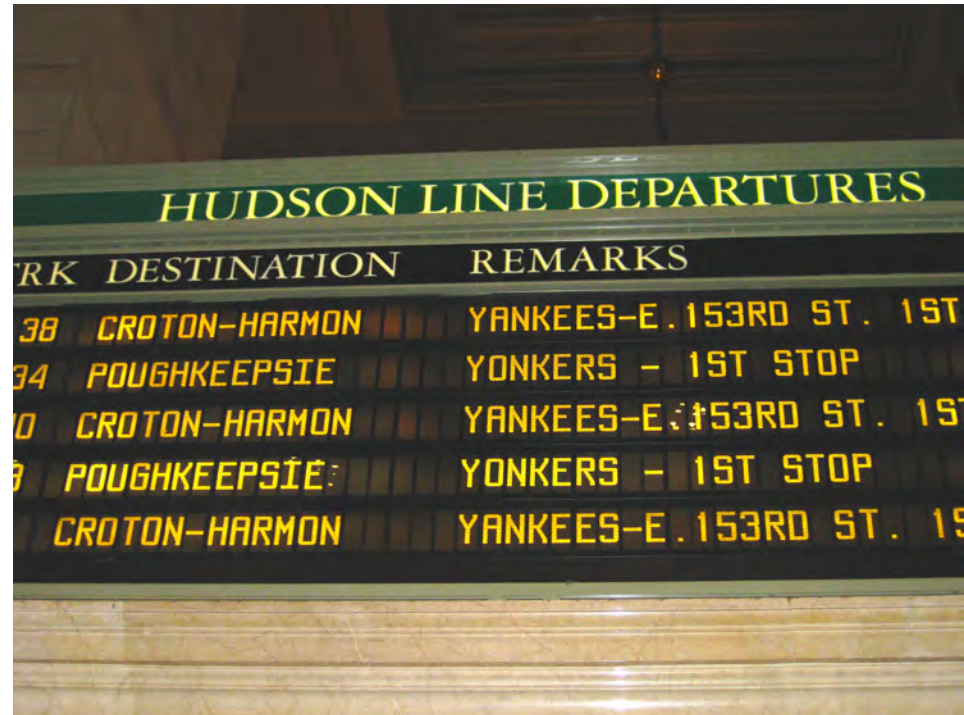


Workflow Overview



Project Release

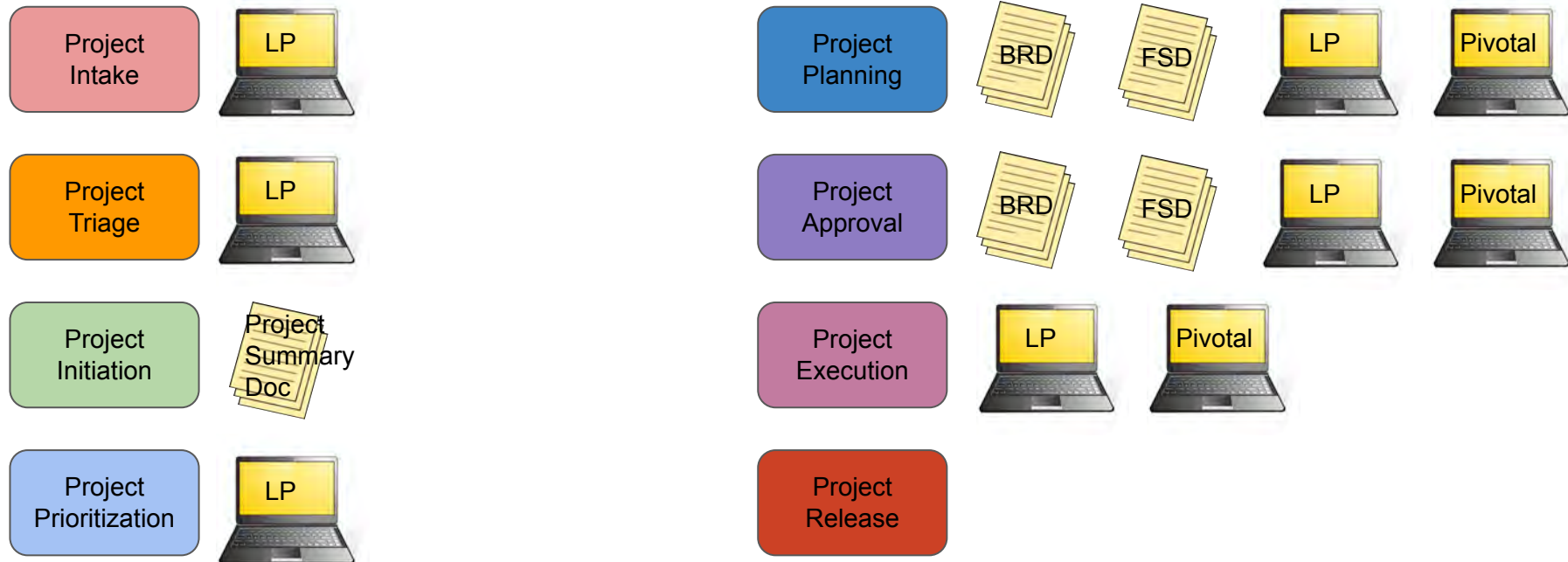
- Releases are regular and consistent.
- Releases are planned as part of the entire process



Project Status Tracking

Tools, Reports, and Documents

Project Artifacts



Tab 4

Agenda

REPORT

ADVISORY COMMITTEE OF THE UTAH SUPREME COURT ON POTENTIAL PROCEDURAL REFORMS FOR JUSTICE COURTS

October 2019

ADVISORY COMMITTEE MEMBERS AND PARTICIPANTS

Judge Kate Appleby, *Utah Court of Appeals, Chair*

Judge Heather Brereton, *Third District Court*

Mr. Michael Drechsel, *Assistant State Court Administrator**

Ms. Cathy Dupont, *Deputy Court Administrator**

Judge Paul Farr, *Justice Court*

Dr. Kim Free, *Judicial Educator**

Mr. James Peters, *Justice Court Administrator*

*Administrative Office of the Courts (AOC) Staff Attorney Keisa Williams staffed the project at its inception in March 2018; Mr. Drechsel in his capacity as an AOC Staff Attorney assumed those responsibilities and will retain them in his capacity as the Assistant State Court Administrator. Ms. Dupont assisted the committee when she was the Appellate Court Administrator, and will continue to do so as the Deputy Court Administrator. Deputy Court Administrator Jacey Skinner assisted the committee for a period of months beginning in the summer of 2018. Dr. Free also began assisting the committee in the summer of 2018. Additionally, the committee has benefitted from the contributions of Court of Appeals Staff Attorney Mary Westby, who is a member of the Utah Supreme Court's Advisory Committee on the Rules of Appellate Procedure. It solicited and received feedback from judges in all eight judicial districts during district-level education trainings throughout the state.

SUMMARY

The high volume of justice court cases, compared with the case numbers in other courts, make the justice courts the most frequent point of contact between the people of Utah and the judicial system, and their perceptions and experiences inevitably influence public opinion about the judiciary as a whole. At present, someone dissatisfied with the outcome of a justice court proceeding may appeal the decision through a re-trial in district court—a procedure commonly perceived as duplicative and inefficient that imposes unnecessary expense as well as hardship for litigants and witnesses. Substituting a more traditional type of appeal from justice court cases would eliminate duplicative proceedings and perhaps promote efficiency. At the same time, significant structural changes to the long-standing justice court system would have correspondingly significant consequences for stakeholders of every type, and their concerns must be taken into account and addressed.

The Advisory Committee explored several potential procedural reforms for justice courts that would eliminate re-trials in small claims cases, criminal cases, and traffic infractions. Ultimately, it developed two feasible models for reform—one limited to small claims cases, and

the other for all justice court cases—and for each of these identified areas of required change, considered the likely advantages and disadvantages, and posed questions for further deliberation. This report outlines the models. Ultimately, the committee concluded that the data do not support making procedural reforms in small claims cases only, and that although there are significant good reasons for eliminating re-trials in all types of justice court cases, this will be a controversial and costly undertaking. Because either reform would require constitutional and statutory changes, the committee recommends that the Supreme Court refer the matter to the Judicial Council with a request that it consider establishing a task force with appropriately broad stakeholder representation to further explore the options and, if appropriate, to seek legislation through its liaison committee in coordination with the Supreme Court’s Advisory Committee on the Rules of Civil Procedure and its Advisory Committee on the Rules of Appellate Procedure.

BACKGROUND

The Advisory Committee’s Charge

In March 2018, the Utah Supreme Court expressed its interest in “exploring procedural reforms in cases initiated in the justice courts” and established this committee to advise it on ways to implement those potential reforms. It noted its concern that the current system providing for appeals in the form of re-trials in district court “may impose unnecessary costs on litigants and the court system,” particularly in small claims proceedings, where “[t]he whole point of such proceedings is inexpensive, quick resolution.” It added that it is “interested in exploring the possibility of amendments to our rules, to controlling legislation, and (if necessary) to the Utah Constitution to pave the way for elimination of the appeal by *de novo*¹ trial,” substituting “a more traditional appeal, but on an expedited path.” It stated its openness “to the possibility of a constitutional amendment repudiating the right to a jury trial in certain small claims cases under a certain dollar value.”

The court is unanimous in its support of this charge, but also identified other elements of possible reform over which it is less certain. “Some of the more open questions concern (1) the nature and extent of the ‘record’ to be established in the justice court; (2) the form and nature of the expedited appeal from a justice court decision—proper standard(s) of review; whether it should be to the court of appeals, to a panel of district court judges, or even to a single district court judge; word limits or other limits on the appeal; . . . (3) whether the reforms to the appeal process or to other procedures should be limited to small claims cases or should extend to criminal cases filed in justice courts; and (4) whether a limited right of disclosure or discovery should be available in small claims actions.”

¹ “This Latinism, usually an adjective <de novo review>, as an adverb means ‘anew.’” Bryan A. Garner, *Garner’s Dictionary of Legal Usage* (3rd Ed., Oxford 2009). Except in the context of a direct quotation, this interim report uses the term “re-trial”.

This report focuses first on the committee's thoughts for implementing reforms to small claims procedure to eliminate or reduce appeals in the form of re-trials and to provide, instead, for a more traditional but expedited record-review appeal. Second, it presents a model that would eliminate re-trials in every type of justice court case; a couple of potential variations on this model are described. Because either reform would go beyond modification of the Supreme Court's procedural rules, the report recommends referring the matter to the Judicial Council for more comprehensive consideration.

The Constitutional and Statutory Framework

The Utah Constitution provides: "The judicial power of the state shall be vested in a Supreme Court, in a trial court of general jurisdiction known as the district court, and in such other courts as the Legislature by statute may establish. The Supreme Court, the district court, and such other courts designated by statute shall be courts of record. Courts not of record shall also be established by statute."²

Pursuant to statute, "there is created a court not of record known as the justice court."³ The statute gives justice courts jurisdiction "over class B and C misdemeanors, violation of ordinances, and infractions committed within their territorial jurisdiction by a person 18 years of age or older."⁴ The statute also identifies some criminal offenses committed by younger people over which the justice court has jurisdiction. Additionally, "[j]ustice courts have jurisdiction of small claims cases"⁵ The statute does not further address small claims cases.

The Utah Constitution also provides appellate rights. With respect to criminal cases, "the accused shall have . . . the right to appeal in all cases."⁶ Further, "[t]he district court shall have appellate jurisdiction as provided by statute. . . . Except for matters filed originally with the Supreme Court, there shall be in all cases an appeal of right from the court of original jurisdiction to a court with appellate jurisdiction over the cause."⁷ Put simply, defendants in criminal cases have a constitutional right of appeal, and statutes provide district courts appellate jurisdiction over some types of cases.

The justice court statute states that appeals from a justice court criminal case are by "trial de novo in the district court,"⁸ and "[t]he decision of the district court is final and may not be appealed unless the district court rules on the constitutionality of a statute or ordinance."⁹

² [Utah Const. art. VIII, § 1.](#)

³ [Utah Code Ann. § 78A-7-101\(1\).](#)

⁴ [Utah Code Ann. § 78A-7-106\(1\).](#)

⁵ [Utah Code Ann. § 78A-7-106\(6\).](#)

⁶ [Utah Const. art. I, § 12.](#)

⁷ [Utah Const. art. VIII, § 5.](#)

⁸ [Utah Code Ann. § 78A-7-118.](#) The statute also provides for re-hearings. *See id.* at (4); *see also* Utah R. Sm. Cl. Pro., R. 6 (written motions may be filed and oral motions made, but "[n]o motions will be heard prior to trial.").

⁹ [Utah Code Ann. § 78A-7-118\(8\).](#)

This means that even when a decision in a criminal case is appealed by means of a re-trial, most justice court appeals end in district court, not an appellate court.

Similarly, under the small claims statute, “[e]ither party may appeal the judgment in a small claims action to the district court . . . and the appeal is a trial de novo and shall be tried in accordance with the procedures of small claims actions.”¹⁰ The re-trial is on the record, and the decision “may not be appealed unless the court rules on the constitutionality of a statute or ordinance.”¹¹ Accordingly, as with criminal cases, few cases reach an appellate court.

*Justice Court Now*¹²

Small claims cases and cases involving ordinance violations, infractions, and class B and C misdemeanors are heard in municipal or county justice courts, or in one case, a justice court division of a district court.¹³ The justice courts are divided into classes calibrated by the number of case filings per month,¹⁴ and municipalities and counties may establish them, with the Judicial Council certifying the courts pursuant to standards set by statute.¹⁵

¹⁰ [Utah Code Ann. § 78A-8-106](#).

¹¹ *Id.*

¹² Utah has 82 justice court judges, not counting senior judges, and depending upon how they are counted, 116 justice courts. The number of courts is difficult to determine because of the fluidity of various interlocal agreements. Some counties are certified as a single court but have multiple court locations as a convenience to the public, such as Emery County, which maintains courthouses in Castle Dale and Green River, or Tooele County, which maintains courthouses in Tooele and Wendover. Others are co-located—North Logan and Hyde Park, for example—because the jurisdictions are close together and can achieve some efficiencies by sharing the same judge and/or judicial clerks—but if the counties were to terminate their interlocal agreements, they could revert to running separate and independent courts. Six of the eight judicial districts have either multiple courthouses or courts co-located with courts of other jurisdictions. With the foregoing in mind, the Justice Court Administrator counts the courts by physical locations because that is what the public understands best, and it requires no understanding of the interlocal agreements. Using that approach, Utah has 116 justice courts. If one were to count the sites operating multiple courts (so that North Logan and Hyde Park were counted as two courts), that would increase the total by 9, up to 125. On the other hand, one could not count the extra sites in Tooele and Emery counties, which would reduce the total by 2. Depending on how Utah’s justice courts are counted, the number ranges from 114 to 125.

¹³ “There is created a limited jurisdiction division of the district and justice courts designated small claims courts.” [Utah Code Ann. § 78A-8-101](#). Not all counties and municipalities have justice courts. At present, “Cache County is the only county that does not have a county justice court, so filing in district court should occur only in cases from unincorporated Cache County and from municipalities in Cache County that do not have a justice court.” <https://www.utcourts.gov/howto/smallclaims/> (last accessed Oct. 16, 2019). Under the Rules of Judicial Administration, “[s]mall claims actions shall be filed in a justice court with territorial jurisdiction. If there is no justice court with territorial jurisdiction, the case may be filed in the district court, and the plaintiff shall state why no justice court has jurisdiction.” [R. Jud. Admin. 4-801](#).

¹⁴ [Utah Code Ann. § 78A-7-101](#).

¹⁵ [Utah Code Ann. § 78A-7-102](#).

Judges in some justice courts must be law-trained; in others, they need not be.¹⁶ Of the 82 justice court judges currently serving, 49 have law degrees.¹⁷ They are selected for office through a process involving county nominating commissions and appointment by an “appointing authority of the jurisdiction expected to be served by the judge.”¹⁸ The Judicial Council certifies qualified judges.¹⁹ Justice court judges are evaluated by the Judicial Performance Evaluation Commission and are subject to retention elections.²⁰

Observation: Local control of justice courts, especially in counties with low populations, has been a high priority for some stakeholders.

Compensation for justice court judges is “determined by the governing body of the respective municipality or county”²¹ and may not be “less than 50% nor more than 90% of a district court judge’s salary.”²² Not all justice court judges serve full-time.²³ A judge may be

¹⁶ [Utah Code Ann. § 78A-7-201](#) (establishing eligibility requirements in relation to the respective class of the county). This structure is constitutionally sound: “We conclude that the Kentucky two-tier trial court system with lay judicial officers in the first tier in smaller cities and an appeal of right with a de novo trial before a traditionally law-trained judge in the second does not violate either the due process or equal protection guarantees of the Constitution of the United States.” *North v. Russell*, 427 U.S. 328, 339 (1976).

¹⁷ That number constitutes approximately 60% of justice court judges, but because a high percentage of the state’s population is in counties with law-trained justice court judges, “approximately 74% of justice court cases will be presided over by a judge with a law degree.” Paul Farr, [The Evolution of Utah’s Justice Courts](#), 29 *Utah Bar. J.*, No. 4, 26, at 27. Not all of the law-trained justice court judges are admitted to practice law in Utah; Utah Code section 78A-7-201(2) requires only a degree “that makes one eligible to apply for admission to a bar in any state.”

¹⁸ [Utah Code Ann. § 78A-7-202](#).

¹⁹ [Utah Code Ann. § 78A-7-202](#).

²⁰ [Utah Code Ann. § 78A-7-203](#). The process used for evaluations differs depending on the caseload of the court. There are concerns about evaluations for judges with lower caseloads, among other things because of limited opportunities for courtroom observation and data collection.

²¹ [Utah Code Ann. § 78A-7-206\(1\)](#).

²² [Utah Code Ann. § 78A-7-206\(1\)\(a\)](#). A full-time justice court judge’s salary must be between 50% and 90% of a district court judge’s salary. *Id.* The dollar numbers change annually as district court judges’ salaries are adjusted. For Fiscal Year 2019, the salary of a district court judge was \$166,300, which means that the salary of a full-time justice court judge serving on only one court could range from \$83,150 on the low end to \$149,670 on the high end. A judge who serves less than full-time receives a reduced portion of that range, calculated by using a judicial weighted caseload formula developed for justice courts. A judge whose court has a weighted caseload of 10% of a full-time court, for example, should be paid between \$8,315 and \$14,967 (though many receive more than the high end). The situation is a little more complicated for a justice court judge with more than one court. Those judges can combine salaries from multiple jurisdictions to earn up to as much as the salary of a district court judge. With that said, the statute refers only to *salary*, so money that would exceed the statutory maximum for salary is sometimes converted into benefits or other perquisites, thereby increasing the judge’s total compensation. The Board of Justice Court Judges is interested in seeking amendment of the statute to adjust compensation range limits for justice court judges.

²³ Establishing full-time positions for all justice court judges could yield many benefits. As a January 6, 2016 Editorial in the Salt Lake Tribune explained, “having only full-time judges would make it easier to educate them, and they would gain judicial experience faster because they hear more cases.” <https://archive.sltrib.com/article.php?id=3381585&itype=CMSID> (last accessed Oct. 16, 2019). The judicial evaluation process also would be better served if all judges were full-time. The Judicial Performance Evaluation Commission has struggled to determine how to meaningfully evaluate judges serving in very small courts. Having full-time judges would allow for a better performance evaluation process, which likely would result in improved

employed as a judge by more than one entity, and some justice court judges earn income from sources other than their judicial positions, including practicing law.²⁴

Some justice courts in three districts use judges pro tempore²⁵ to hear “small claims cases or petitions against minors for possession or use of tobacco.”²⁶ A court rule establishes an application process for judges pro tempore, presiding judges recommend candidates for appointment, and the Supreme Court may appoint qualified applicants, either on a case-by-case basis or for limited periods, generally without compensation.²⁷

Observation: This practice relieves justice court judges of small claims work at no expense to the municipalities and cities, and in the experience of the justice court judge who is a member of this committee, using judges pro tempore for small claims cases hastens their resolution.²⁸ In addition, the practice allows qualified attorneys to obtain some judicial experience. We also note that many judges, even those with law training, have not had experience with civil cases before being appointed to the bench, and therefore small claims parties might be better served by having a judge pro tempore with civil experience decide the case. On the other hand, judges pro tempore do not undergo the selection process used for justice court judges, are not evaluated by JPEC,

quality of justice. Owing to economies of scale, a smaller number of full-time judges likely would be more financially efficient.

To some extent, there is a naturally occurring trend towards having judges serve full-time. Right now, 82 justice court judges serve in approximately 114 separately operating justice courts. This is fewer than the 125 to 135 courts previously in operation, in part because some of those courts have already combined and are serving multiple jurisdictions. Additionally, several judges serve in multiple jurisdictions. A good example is Judge Mark McIlff, who serves in 10 small jurisdictions which, together, total 115% of an FTE based on judicial weighted caseload. Currently, of the 82 justice court judges, almost half (38) are at less than .5 of an FTE. Nearly one quarter (19) are at less than .25. Consolidation of courts and a requirement that judges be full-time could be required by statute.

In FY 2017, 11 justice courts each had more than 10,000 total case filings (Salt Lake, Sandy, Washington County, Ogden, Orem, West Valley, Provo, Davis County, Utah County, Taylorsville, West Jordan). These courts were served by a total of 19 full-time judges who processed 43% of the statewide total justice court caseload. This included 48% of the total criminal filings, 71% of the total small claims filings, and 39% of the total traffic filings. While travel and logistics would have to be considered, based on the workload currently being processed by these courts, it would appear that the total justice court caseload for the state could be processed by perhaps fewer than 40 full-time judges.

²⁴ Anecdotal, some non-law trained justice court judges have various forms of extra-judicial employment such as store management, high school coaching, auditing, and ranching. By statute, if the judge is law-trained, the judge may practice law except in justice courts and in criminal matters in all types of courts. [Utah Code Ann. § 78A-7-206\(2\)](#).

²⁵ “For the time being; appointed to occupy a position temporarily, a judge pro tempore.” *Black’s Law Dictionary*, (9th ed. 2009). District courts may not use judges pro tempore to preside over re-trials. See [Utah Code Ann. § 78A-8-106\(2\)](#).

²⁶ [Sup. Ct. R. Pro. Practice 11-202](#). At present, the Second, Third, and Fourth Districts use judges pro tempore. Anecdotal, we understand that judges pro tempore are used to relieve the work load of the justice court judges in these three high-population districts where case filings are more numerous than in other jurisdictions.

²⁷ [Sup. Ct. R. Pro. Practice 11-202](#).

²⁸ The committee notes that the same more rapid case resolution would be achieved with the addition of judicial positions, but acknowledges that this would cost municipalities and cities more money.

are not answerable to the public through retention elections, and do not have the training and education opportunities available to justice court judges. Especially for the reasons related to public accountability, the committee is not enthusiastic about the practice.

Justice court cases include ordinance violations and infractions.²⁹ Traffic citations are a subset of infractions, and constitute the overwhelming majority of justice court cases.³⁰ Traffic citations usually are resolved with payment of a fine,³¹ there is no court appearance, and cities and towns receive revenue from collecting the fines³² at fairly low administrative cost.³³ Some cases do result in court appearances and trials, however, and of those, a much smaller number is appealed to district court,³⁴ where there are re-trials on the record, with a more traditional appeal available only in the rare event that the district court decides a constitutional issue. For infractions, “[n]o jury shall be allowed in the trial.”³⁵

Class B and C misdemeanor criminal cases are the most common case type considered in justice court hearings and trials.³⁶ These proceedings involve the defendant, a prosecutor, defense counsel in most cases, a bailiff, and, if there is a trial, witnesses, and oftentimes juries.³⁷ This means expense beyond the low administrative cost of collecting fines in traffic citation cases, including the salaries of prosecutors and some defense counsel, as well as bailiffs and judicial assistants. Witnesses may be entitled to attendance fees,³⁸ and jurors are entitled to a fee for their service, and in some cases, mileage.³⁹

Small claims cases comprise a small portion of a justice court case load:⁴⁰ these are cases seeking damages not to exceed \$11,000,⁴¹ and use special procedural rules “to carry out

²⁹ [Utah Code Ann. § 78A-7-106\(1\)](#). Under the criminal code, “[o]ffenses are designated as felonies, misdemeanors, or infractions.” [Utah Code Ann. § 76-3-102](#); see also [Utah Code Ann. § 76-3-105](#) (“Infractions are not classified.”).

³⁰ The numbers used for this paper differentiate between traffic *citations*, which are resolved by payment of a fine, and traffic court *cases*, which are resolved after a court proceeding of some sort. Statewide, 249,473 traffic citations were issued in fiscal year 2018. These are cases in which the offense is uncontested and resolved by paying a fine without a court hearing. Traffic court cases, on the other hand numbered 86,755, and do involve a court hearing.

³¹ For most people, paying the fine is more convenient and less expensive than challenging the citation in court, and especially so for people who are merely passing through the jurisdiction.

³² [Utah Code Ann. § 78A-7-120](#).

³³ Cases that evolve into hearings and trials obviously are more expensive.

³⁴ In fiscal year 2018, 283 traffic court cases and traffic citations were appealed from justice court to district court.

³⁵ [Utah R. Crim. P. 17\(d\)](#); see [South Salt Lake City v. Maese, 2019 UT 58](#) (there is no constitutional right to a jury trial for traffic violations).

³⁶ In fiscal year 2018, 70,323 cases involving infractions and class B and C misdemeanors were filed in justice court.

³⁷ See [Utah Const. art. I, § 12](#).

³⁸ See [Utah R. Crim. Pro. 14](#); see also [Utah R. Civ. Pro. 45](#).

³⁹ “In the justice courts, the fees, mileage, and other expenses authorized by law for jurors, prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs shall be paid by the municipality if the action is prosecuted by the city attorney, and by the county if the action is prosecuted by the county attorney or district attorney.” [Utah Code Ann. § 78B-1-117\(3\)](#). See also [Utah Code Ann. § 78B-1-119\(1\)](#).

⁴⁰ In fiscal year 2018, 25,909 small claims cases were filed in justice court.

⁴¹ [Utah Code Ann. § 78A-8-102\(1\)](#).

the statutory purpose of small claims cases, dispensing speedy justice between the parties.”⁴² Litigants may proceed with or without counsel.⁴³ The proceedings require clerical staffing and the involvement of a judge, but in jurisdictions using judges pro tempore, the judge may be a volunteer rather than someone compensated by the municipality or city.

An on-line dispute resolution (ODR) program for small claims cases filed in West Valley City Justice Court has been available for slightly longer than one year and the results were sufficiently impressive⁴⁴ to warrant expanding the pilot project to two additional courts, one with a different make-up of cases, and the other in a rural district.⁴⁵ It seems likely that the program eventually will be made available statewide. The goal is to make dispute resolution more convenient and efficient and thereby reduce the number of defaults, but the committee anticipates that a further benefit will be a reduction in the number of small claims re-trials.

A final important piece of background information involves “the record.” As noted above, Utah’s constitution provides that “[c]ourts not of record shall also be established by statute.” Pursuant to statute, justice courts are designated as courts “not of record,” but pursuant to a different statute, audio recordings of the proceedings have been made since 2011.⁴⁶ Criminal defendants and small claims litigants have a right to trial, and after that may “appeal” an adverse verdict through re-trial in district court⁴⁷—it is not a review of the record in the traditional sense of an appeal, but rather, an opportunity for a second trial, this time on the record.⁴⁸

Observation: Some justice court judges perceive that small claims cases are presented less vigorously and thoroughly than they could be because litigants know they will have

⁴² [Utah R. Sm. Claims Pro. 1.](#)

⁴³ Nationwide, 76% of small claims litigants were represented by counsel, while defendants were represented in only approximately 15% of cases. Source: [NCSC Landscape of Civil Litigation in State Courts \(2015\)](#). Although these numbers are a little stale, “[t]his suggests that small claims courts, which were originally developed as a forum for self-represented litigants to access courts through simplified procedures, have become the forum of choice for attorney-represented plaintiffs in debt collection cases.” [Call to Action: Achieving Civil Justice For All, at 9-10.](#)

⁴⁴ In calendar year 2018, the number of hearings was reduced from 120 to 25; trials dropped from 7 to 6. The number of default judgments entered decreased from 94 to 15 cases. See [Judicial Council Meeting Minutes, April 2019.](#)

⁴⁵ The pilot project began in September of 2018, and recently was expanded to Orem City Justice Court and Carbon County Justice Court.

⁴⁶ The Judicial Council is required to ensure that justice courts have “a system to ensure the justice court records all proceedings with a digital audio recording device and maintains the audio recordings for a minimum of one year.” [Utah Code Ann. § 78A-7-103.](#) Anecdotally, these recordings are sometimes used in connection with Judicial Conduct Commission investigations and proceedings, as well as for impeachment purposes during re-trials in district court. The Justice Court Administrator reports that the quality of the recording devices, and therefore the recordings themselves, varies from courtroom to courtroom and sometimes involves setting up portable equipment.

⁴⁷ In fiscal year 2018, of the 70,323 criminal cases filed in justice court, 622 were appealed through a re-trial in district court. For small claims cases, of the 25,909 cases filed in justice court, only 168 were appealed through a re-trial.

⁴⁸ The right to an “appeal” from a court not of record is satisfied by provision for a re-trial in a court of record. [City of Monticello v. Christensen, 788 P.2d 513, 516 \(Utah 1990\).](#)

an opportunity for re-trial in district court. Even if this perception is inaccurate, the re-trial in district court is often a better presentation of the case because each side is more fully aware of the other's position, and may come to court better prepared with documentation and witnesses to support their respective positions. In any case the low number of cases re-tried in district court suggest that the litigants are satisfied with the result achieved in justice court.

Observation: Some justice court judges perceive that criminal cases likewise are not presented as vigorously and thoroughly as they could be because prosecutors and defenders rely on the possibility of a re-trial if the justice court result is unfavorable to their clients. Our committee includes a former public defender and a former prosecutor, each of whom practiced in justice court and in district court, and in their opinions, each side in criminal cases presents its best case in justice court. Their view is that each side is motivated to conclude the case as quickly and efficiently as possible; re-trials occur only when one side is not satisfied with the result achieved in justice court.

Observation: Because no traditional appellate review of justice court decisions is available, justice court judges do not have the benefit of written appellate decisions addressing their work. As a Conference of State Court Administrators' policy paper put it, "[t]he limited jurisdiction judge never learns, by being affirmed or reversed, whether the judge's process and legal rulings were correct or, if incorrect, for what reason."⁴⁹ The feedback this committee received from justice court judges around the state is that they would appreciate appellate review of their work.

District Court Re-Trials

Defendants in ordinance violation, infractions, and class B and C misdemeanor cases and litigants in small claims cases may appeal adverse decisions through a re-trial in district court.

Observation: Re-trials are expensive.⁵⁰ For litigants it may mean additional time away from work; it doubles transportation costs; it prolongs an already-stressful process; and if counsel has been retained, that expense is increased if the case is re-tried. For witnesses, including alleged victims, re-trials impose additional emotional wear and tear, time away from work, transportation expense, and inconvenience. Re-trials are also an inefficient and expensive use of government resources. For example, re-trial of a criminal case before a jury imposes upon more citizens, and it requires additional court administrative costs and judicial time. Moreover, the state "is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses

⁴⁹ Conference Report, Conference of State Court Admin., [Four Essential Elements Required to Deliver Justice in Limited Jurisdiction Courts in the 21st Century \(2013-2014\)](#), at 7.

⁵⁰ Litigants must "go through the same process of trial and verdict again in the general jurisdiction court before there is an opportunity for appellate review. No defendants accused of a felony and no litigant in a high-value civil case is burdened with such a 'two-tier' system of adjudication." [Four Essential Elements](#), at 7.

subpoenaed by indigent defendants, and interpreter costs in criminal actions in the courts of record,” and “is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record.”⁵¹ This is concerning because if the public regards court processes as wasteful, respect and support for the judiciary is undermined.

Observation: Some justice court judges from whom the committee received feedback expressed concern that victims of domestic violence are especially reluctant to appear for court, and if a conviction is appealed, a disproportionate number of those cases will not actually be re-tried.

Observation: When a litigant receives different judgments from different courts as a result of a re-trial, public confidence is likely diminished. If the result of the re-trial is more favorable to the appealing party, that party is convinced that the justice court simply got it wrong, but if the result is not more favorable, the appeal process likely feels even more wasteful and the appealing party may feel punished for exercising the right to appeal. The committee is unsure whether substituting a traditional appeal for a re-trial would ameliorate this concern.

In criminal cases, a jury trial is available in each court. Although juries are not available in small claims court at the initial trial in justice court, re-trials of justice court small claims cases in district court may involve jury trials.⁵² Our Supreme Court has not decided whether a small claims litigant has a right to a jury trial in justice court in the first instance, but plaintiffs who want a jury trial in cases seeking damages in an amount under the statutory limit for small claims cases have always been able to file their cases in district court and demand a jury there, or waive that right and proceed in small claims court. Under procedural rules adopted in August 2016, small claims defendants have the ability to remove a case to district court and request a jury trial.⁵³ The existing system appears to satisfy constitutional concerns without requiring constitutional or statutory changes.

The committee notes that in the Third District Court, “[f]or appeals filed in locations where a program for mediating small claims appeals exists, the parties are required to mediate the dispute prior to the case being scheduled for pretrial or trial.”⁵⁴ Anecdotally, this procedure is not being used.

⁵¹ [Utah Code Ann. § 78B-1-117](#).

⁵² See [Simler v. Chilel, 2016 UT 23](#).

⁵³ In 2017, of the 196 small claims cases appealed from justice court to district court, all but 3 were filed without a jury demand.

⁵⁴ [R. Jud. Admin. 10-1-305\(1\)](#).

There is no right to appellate review of a re-trial unless the district court “rules on the constitutionality of a statute or ordinance.”⁵⁵ This rarely occurs.⁵⁶

A Summary of the Numbers

In fiscal year 2018, justice court filings included 249,473 traffic citations, 86,755 traffic court cases, 70,323 misdemeanors and infractions, and 25,909 small claims cases, totaling 432,460 cases. Of these, 283 traffic court and traffic citation cases, 622 misdemeanor and infraction cases, and 168 small claims cases were appealed by re-trial in district court. This is 1073 cases, and of these, only 12 reached the appellate courts.⁵⁷

JUSTICE COURT REFORM MODELS⁵⁸

As this report has noted, the high number of justice court cases, compared with those in other courts,⁵⁹ means that these courts are the most frequent point of contact between citizens and the court system, and their experiences there will influence public opinion of the judiciary as a whole. Increasing efficiency in the justice courts could influence public opinion in a positive direction, but at the same time, significant structural changes to the long-standing justice court system will have consequences for stakeholders of every type.

Observation: We need to identify all stakeholders and address their concerns. The committee anticipates that the stakeholders would include the public (both as parties to cases and as non-party community members), taxpayers, the legislature (representing the public and as a separate branch of government), local government officials (including city councils, county commissions, mayors, clerk/auditors), prosecutors and law enforcement officials, defense attorneys, members of the bar in general, existing justice court judges, court staff, and others.

⁵⁵ [Utah Code Ann. § 78A-7-118\(8\)](#); [Utah Code Ann. § 78A-8-106\(2\)](#); see also [Utah Code Ann. § 78A-4-103\(2\)](#) (“The Court of appeals has appellate jurisdiction, . . . over: . . . (e) appeals from a court of record in criminal cases, except those involving a conviction or charge of a first degree felony or capital felony.”).

⁵⁶ For fiscal year 2018, just 16 cases reached the appellate courts.

⁵⁷ For fiscal year 2018, just 12 cases appealing a district court re-trial of a case originating in justice court reached the appellate courts: 10 to the Court of Appeals, 2 to the Supreme Court.

⁵⁸ Justice courts have been the subject of repeated reform efforts over many years. See, e.g., [Report of the Judicial Council Special Committee on Justice Court Legislation: Justice Court Study Committee Interim Report](#) (Dec. 3, 1997). The 1997 effort noted that “[b]ecause justice courts are not courts of record, a de novo review appears to be mandated. Many, although not all, of the objections to de novo review lie in the potential for two jury trials. Any recommendations for changes to the jury system would be beyond the Committee’s scope. Therefore, the Committee defers to other groups to address these issues.” *Id.* Among the most prominent was a 2007 justice court study committee informally known as “the Nehring Commission.” See [Judicial Council Meeting Minutes, Nov. 26, 2007](#); see also Paul Farr, [The Evolution of Utah’s Justice Courts](#), 29 *Utah Bar J.*, No. 4, 26.

⁵⁹ In fiscal year 2018, 439,358 cases were filed in justice court, contrasted with 252,080 filed in district court during the same period.

The justice court reform models outlined here, and the accompanying observations, were developed with these considerations in mind. Each model identifies what legislative, statutory, and rules changes would be required to effect the change;⁶⁰ identifies what the committee sees as the advantages of each; identifies some likely stakeholder concerns; and identifies the potential effect on revenue and spending. These models also consider important objectives such as reducing inefficiency, while supporting respect for judicial function.

MODEL I: Justice Courts Would Be Courts-of-Record for Small Claims Cases, With Traditional Record-Review Appeals

This model would make the justice courts courts-of-record for small claims cases, and allow for jury trials in justice court. There would be no re-trial in district court of small claims cases. Appeals would be conducted in a manner similar to a traditional review of the record, using streamlined procedures so as to quickly bring these cases to resolution.

Observation: This model would require changes to the constitution and to the Utah Code, as well as to the Rules of Small Claims Procedure and the Rules of Appellate Procedure.

Observation: This model has the benefit of eliminating the inefficiency and expense of re-trials in small claims cases without sacrificing their just resolution. Avoiding a retrial also would be less stressful for litigants and witnesses.

Question: The committee wonders whether substituting a record-review appeal for a retrial would be less expensive for parties and the courts, or simply shift the cost. All justice courts have basic recording equipment, so there would be no cost to the court to record the proceedings, but all justice courts would have to have access to an electronic record and parties would bear the expense of preparing an appeal. The burden of these expenses would be offset to some extent by not having to try the case twice, but the committee is unsure whether it ultimately would result in cost savings.

Observation: Because only 168 small claims cases were appealed through a re-trial, this model would require a significant effort for a small number of cases. If non-small claims appeals (misdemeanors and infractions) remain in the current system and continue to be appealed through re-trial, we may not be addressing the driving reason for change—improving efficiency and avoiding duplication of effort.

Observation: This model would require justice court judges to have law degrees, thus triggering all of the legal changes required to implement that in state law. Law-trained judges of courts-of-record are appointed by the governor at the state level and are state

⁶⁰ Neither model can be effected solely through modification of the Supreme Court's procedural rules.

employees. Shifting justice court judges from employment by local government entities will likely not be favored by local communities and impose additional responsibilities on the executive and legislative branches.

This model contemplates that a record-review type of appeal would not be limited to matters involving the constitutionality of statutes and ordinances, but would proceed under streamlined appellate rules for small claims cases, and would result in a written order briefly explaining the decision, or in a published opinion. This model could provide an appeal to either the District Court or the Court of Appeals.

Observation: Singling out small claims cases for this special appellate model fragments the administration of appellate justice. It may be more advisable to adopt policies that can be uniformly applied to both small claims and criminal cases.

Observation: Published opinions help develop the law and provide guidance to judges. Even an unpublished per curiam decision or an order would help improve the justice court decisional process: “[w]ritten appellate opinions approving the work of a limited jurisdiction judge or correcting any errors that occur in limited jurisdiction court would guide limited jurisdiction court judges on proper processes and procedures. The legal acumen of limited jurisdiction judges, whether lawyers or not, could be readily determined by review of the recorded proceedings. This would provide transparency and promote faith in the judicial process that is not found when limited jurisdiction court proceedings are not recorded.”⁶¹

Observation: Written decisions or published opinions would help people who have not been law trained understand what happened in their cases. This is an important component of procedural fairness.

Observation: A district court judge could perform a record-review style appeal in lieu of conducting a re-trial, but it seems likely that rendering a written decision after a record review would require more time for the judge than would a re-trial, and district court judges do not have the assistance of full-time law clerks for producing written decisions. If the traditional appeal was considered by a panel of district court judges, there would be significant practical challenges for coordinating schedules to hear oral argument and decide cases. These obstacles could be overcome, but the committee anticipates a lack of enthusiasm from the district court bench for this approach.

Observation: The Court of Appeals already does this type of work and from a structural standpoint could easily undertake traditional, albeit streamlined, appellate review of justice court small claims cases. What we do not know is what would be the case

⁶¹ Conference Report, Conference of State Court Admin., [Four Essential Elements Required to Deliver Justice in Limited Jurisdiction Courts in the 21st Century \(2013-2014\)](#), at 9-10.

volume and it is difficult to predict whether the number of small claims cases appealed from justice court would increase or diminish if we were to substitute record-style review for retrial.

Observation: The Rules of Appellate Procedure would have to be revised to provide for expedited briefing, review, and disposition of small claims matters, so as to provide rapid resolution of these cases and continue to dispense speedy justice to the parties. The following is an outline of an approach, which also would require some changes to the Rules of Small Claims Procedure and a statutory amendment specifying the scope of appeal.

The Scope of Appeal: An appeal from a small claims judgment could be limited to legal issues to be reviewed for correctness. This narrow scope has the following benefits:

Limiting appeals to issues of law— such as the constitutionality of a statute, statutory interpretation, or interpretation of a contract clause— simplifies the record on appeal because a transcript would not be necessary. Parties can make their legal arguments in the memoranda without much factual background. Without the need for a transcript, the appeal would proceed more quickly and would be less expensive. But one challenge with this approach to appeal without a transcript is that the small claims court would have to write a detailed decision, which would impose an additional burden on the justice court judges.

Reviewing matters of law would develop a body of law and provide guidance to justice court judges in matters that currently may evade review, such as debt collection, because of the re-trial process currently in use. This as a compelling benefit.

Excluding factual matters from appeal recognizes the informality of procedures and the active role of judges in small claims cases. The standard of review for factual issues is already deferential and would likely be even more deferential in small claims cases. An appeal from a finding of fact in a situation in which the judge is essentially a trial participant as well as acting as the fact-finder would face an extremely high burden. Limiting the scope of appeal achieves a balance of interests and would preserve litigant and judicial resources.

The Record on Appeal: The record on appeal would be the documents filed in the case, any documents used at trial, and the justice court’s ruling and judgment. The procedure for preparing the record would be simplified to expedite the appeal.

The justice courts are moving toward having the record available electronically, and some apparently are already to that point. If the record is electronic, then the formal step of preparing a record under rule 11 of the Utah Rules of Appellate Procedure would not apply. Eliminating this intermediate step would further expedite the appeal process.

If the scope of appeal is limited and the requirement for preservation of issues relaxed in small claims cases, then trial transcripts would not be necessary. At the end of trial, the judge could inform the parties of the opportunity to identify perceived errors made during trial. The rules of procedure for small claims trials could be amended to require that any preserved issues be documented by the justice court in its written decision. This would assist the appellate court without requiring a transcript.

Documents used at trial must be received by the justice court to be made part of the record. They should be electronically scanned so they are available as part of the electronic record on appeal. This will require a rule amendment.

The justice court's order should include detailed findings and conclusions to permit review. This would also require a rule amendment to rule 7 because the rule currently provides that "no written findings are required." But if a traditional appeal is substituted for a re-trial, the justice court must present some findings of facts and legal rationale for its decision.

Notice of Appeal: Under the current small claims rules, a notice of appeal must be filed within 28 days after the entry of judgment or final order of the justice court.⁶² The current notice of appeal form for small claims would be changed to add information to expedite the appeal. For example, an appellant would identify the issues intended to be raised on appeal in the notice. This information would essentially replace the information in a docketing statement.

Appellant's Memorandum: Within a short number of days after the notice of appeal has been filed, the appellant would file a memorandum in support of the appeal. The memorandum would not be as formal as a brief and would have no binding requirements, but would include a statement of the issues presented, an introduction to give context to the case, and an argument. If the scope of appeal is limited and the record simplified, the need for a statement of facts and citations to the record is eliminated. The page/word limit should be low.

⁶² See [Small Claims R. 12\(a\)](#).

Appellee's Memorandum: Within a few days after service of the appellant's memorandum, the appellee would be required to file a responsive memorandum. The appellee's memorandum could restate the issues on appeal if the appellee disagrees with the issues as framed in the appellant's brief. The memorandum would include an argument and would be subject to the same page/word limitations imposed upon the appellant.

Appellant's Reply Memorandum: Within fifteen days after service of the appellee's responsive memorandum, an appellant may file a reply memorandum with a specified word or page limit.

Expedited Review: Once briefing is complete, an appellate court staff attorney could suggest that the appeal be resolved by order, per curiam decision, or a published opinion. Oral argument could be scheduled at the discretion of the appellate court. An order could be entered to resolve the appeal quickly with an opinion to be issued at a later date.

Observation: Anything other than resolution by order will extend the time to disposition of the case. The committee hopes that for small claims cases not involving complex issues, there will be no oral argument and the case will be resolved with an order. It is concerned that traditional records-review style appeals will undercut the purpose of small claims court to achieve quick resolution of these cases.

MODEL II. Justice Courts Would Be Courts-Not-of-Record for Traffic Citations and Traffic Cases, and Courts-of-Record for All Other Cases With Traditional Record Review

This model would leave traffic court as a non-record division of justice courts; for traffic court cases, appeals would proceed as they do now through a re-trial in district court with no appeal to an appellate court available unless the district court determines a constitutional issue concerning a statute or ordinance. All other cases would be handled by justice courts or a justice court division of a district court as courts-of-record, including small claims cases, with jury trials available in all case types. Appeals of small claims cases would proceed as outlined above; appeals in criminal cases would proceed with traditional appellate review.

Observation: This model likely would require a constitutional change, and it would require statutory changes as well as changes to the Rules of Small Claims Procedure.

Observation: This model might satisfy concerns about leaving minor matters in the hands of local communities, and it also would leave undisturbed the revenue generated for municipalities through their traffic courts. The committee is uncertain whether this model would leave enough of the existing justice court system intact to satisfy concerns about maintaining local control and losing revenue.

Observation: Eliminating the availability of a re-trial in district court, where the judges are law-trained, would mean that justice court judges presiding over jury trials at least in criminal cases would have to be law-trained. Historically, this idea has received some resistance, among other things because some of our counties have few resident attorneys and thus a small pool of candidates.⁶³ Constitutional⁶⁴ and statutory changes to the residency requirements could eliminate this problem, especially if the changes allowed law-trained individuals to preside in more than one jurisdiction and thereby reach full-time employment as a judge. Another basis for resistance is a cultural attitude that the types of matters coming before the justice courts can be resolved through common sense and without the need of law-trained presiding officers.

OTHER THINGS TO CONSIDER

Another Approach

Another approach not discussed during the advisory committee's meetings with justice court judges but which perhaps deserves exploration by a Judicial Council steering committee, is to retain justice courts as a court-not-of-record for traffic citations and cases, and to refer all other matters (class A, B, and C misdemeanors, warrants, probable cause determinations, preliminary hearings, and small claims cases) to a justice court division of the district court.

Observation: If the law is revised to make the justice court a court-of-record for non-traffic matters (which in turn requires law-trained judges) with an appeal to be filed in the court of appeals, the distinction between a justice court judge and a district court judge is reduced to the point that it is almost meaningless.

Observation: The judges in the non-traffic division of this court should have district-wide jurisdiction (as opposed to being limited to county-wide/adjacent county jurisdiction). This district-wide authority would allow judges to carry a large case load in rural areas, but would also likely require the judges to be state employees (because they cover too much territory to pay piecemeal from area to area).

Observation: Making justice court judges state employees would improve the State judicial governance structure, bringing more judges solidly under the governing umbrella of the Judicial Council and outside the pressure of local community influence.⁶⁵

⁶³ Utah is geographically large, with 29 counties, many of which are sparsely populated. Informal data from show that Piute County has no attorneys (presumably other than the county attorney), Rich County and Daggett County each have one, Wayne County and Beaver County each have two, and Garfield County has four.

⁶⁴ [Utah Const. art. VIII, sec. 7](#): "If geographic divisions are provided for any court, judges of the court shall reside in the geographic division for which they are selected."

⁶⁵ See Conference Report, Conference of State Court Admin., [Four Essential Elements Required to Deliver Justice in Limited Jurisdiction Courts in the 21st Century \(2013-2014\)](#), at 10.

Personal Injury Cases in Small Claims Court

The committee devoted some time to considering whether personal injury cases should be eliminated from small claims court. Our models assume this case type will continue to be eligible for small claims court, but there are compelling arguments against this. Carving out a case type from small claims court would deprive plaintiffs of a potential avenue to obtain speedy justice, but at the same time, a plaintiff is almost inevitably doomed to failure in such cases without the benefit of discovery and expert witnesses, and defendants have a corresponding right to present their cases using experts and with at least some discovery to determine appropriate damages. It is difficult to imagine that this could be done properly in a small claims court setting, but there are arguments on either side and the advisory committee did not reach a consensus on the matter.

RECOMMENDATIONS

The committee recommends referring the project to the Judicial Council with a request to establish a broad-based task force to consider justice court reforms that go beyond the scope of making further adjustments to the Utah Rules of Civil Procedure and the Utah Rules of Small Claims Procedure. Although the current system involving appeals through re-trial in district court appears duplicative and inefficient, adjusting the entire system through statutory, constitutional, and rules amendments for the benefit of avoiding re-trials in 168 small claims appeals would be an undertaking with unwarranted expense. Instead, the advisory committee proposes that the Supreme Court ask the Judicial Council to consider a larger-scale reform of the justice court system to eliminate re-trials in all case types and to implement stream-lined record-review appeals for small claims cases with traditional appellate review in criminal cases. Given what appears to be a developing interest in other aspects of justice court reform—such as setting salary floors and ceilings, consolidating jurisdictions to make full-time calendars, and requiring that justice court judges be licensed attorneys—this may be an opportune time to engage in comprehensive reform that ultimately would modernize and improve these courts, thereby elevating public confidence in the courts with which the people of Utah most commonly interact.

Tab 5

78A-7-206. Determination of compensation and limits -- Salary survey -- Limits on secondary employment -- Prohibition on holding political or elected office -- Penalties.

(1) Every justice court judge shall be paid a fixed compensation determined by the governing body of the respective municipality or county.

(a) ~~Effective July 1, 2021, the governing body of the municipality or county may not set a full-time justice court judge's salary at less than 750% nor more than 90% of a district court judge's salary.~~ Effective July 1, 2022, the governing body of the municipality or county may not set a full-time justice court judge's salary at less than 80% nor more than 90% of a district court judge's salary.

(b) The governing body of the municipality or county shall set a part-time justice court judge's salary as follows:

(i) The governing body shall first determine the full-time salary range outlined in Subsection (1)(a).

(ii) The caseload of a part-time judge shall be determined by the office of the state court administrator and expressed as a percentage of the caseload of a full-time judge.

(iii) The judge's salary shall then be determined by applying the percentage determined in Subsection (1)(b)(ii) against the salary range determined in Subsection (1)(a).

(c) A justice court judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all county or municipal employees for the jurisdiction served by the judge.

(d) Notwithstanding Subsection (1)(c), a justice court judge may not receive a salary greater than 90% of the salary of a district court judge.

(e) A justice court judge employed by more than one entity as a justice court judge may not receive a total salary for service as a justice court judge greater than the salary of a district court judge.

(2) A justice court judge may not appear as an attorney in any:

(a) justice court;

(b) criminal matter in any federal, state, or local court; or

(c) juvenile court case involving conduct which would be criminal if committed by an adult.

32 (3) A justice court judge may not hold any office or employment including contracting for
33 services in any justice agency of state government or any political subdivision of the state
34 including law enforcement, prosecution, criminal defense, corrections, or court employment.

35 (4) A justice court judge may not hold any office in any political party or organization engaged
36 in any political activity or serve as an elected official in state government or any political
37 subdivision of the state.

38 (5) A justice court judge may not own or be employed by any business entity which regularly
39 litigates in small claims court.

40 (6) The Judicial Council shall file a formal complaint with the Judicial Conduct Commission for
41 each violation of this section.

42

Tab 6

Agenda

AOC Market Comparability Analysis 2019

Judicial Council Meeting
November 25, 2019

PROBLEM

2019 Market Comparability Analysis (MCA) for the
Administrative Office of the Courts suggested a

\$700,000+ problem

to be solved with a budget of

\$137,000 from turnover savings.

SOLUTION

Develop guiding principles (*in addition* to the market analysis) to determine a recommendation to allocate the \$137,000 turnover savings.

GUIDING PRINCIPLES

1. Market analysis to determine level(s) of alignment and/or misalignment of current AOC employees in comparison to the job market

GUIDING PRINCIPLES

1. Market Analysis
2. Critical function analysis to differentiate the direct impact of a given job/function on the Courts' ability to provide justice services to the people

GUIDING PRINCIPLES

1. Market Analysis
2. Critical function
 - a. The justice system is inaccessible to at least some group of citizens without this role
 - b. The justice system is severely impacted without this role
 - c. The justice system is somewhat impacted without this role

GUIDING PRINCIPLES

1. Market Analysis
2. Critical Function
3. Turnover rate analysis on AOC jobs, averaged over the past three years using total number of jobs in a function and total number of employees leaving that job each year.

GUIDING PRINCIPLES

1. Market Analysis
2. Critical Function
3. Turnover Rate
4. Disparity of court rule analysis to consider how the current policy of placing a maximum percentage increase (11%) on promotion creates inequity between internally promoted staff and externally hired staff for the same job.

OPTIONS CONSIDERED

1. Market Analysis ONLY:
 - a. 10% increases for staff with rates at 23% or more below market
 - b. 5% increases for staff with rates between 16% - 22% below market

COST: \$136,472

OPTIONS CONSIDERED

1. Market Analysis ONLY: **\$136,472**
2. Market + Critical Function:
 - a. Justice System inaccessible without role, and 19% or more below market = 10% increase
 - b. Justice System severely impacted without role and 19% or more below market = 10% increase
 - c. Above roles between 11% and 18% below market = 5% increase

COST: \$135,309

OPTIONS CONSIDERED

1. Market Analysis ONLY: **\$136,472**
2. Market + Critical Function: **\$135,309**
3. Market + Critical Function + Turnover:
 - a. Discovered the turnover analysis only helped filter the group in the final option to a figure that is within the \$137,000 budget
 - b. Filtered out job functions with a turnover rate of less than 8% per year

COST: \$104,165

OPTIONS CONSIDERED

1. Market Analysis ONLY: **\$136,472**
2. Market + Critical Function: **\$135,309**
3. Market + Critical Function + Turnover: **\$104,165**
4. Market + CF + Turnover + Disparate Rule:
 - a. TCE staff impacted by disparate rule and more than 5% below market = 5% increase
 - b. TCE staff impacted by disparate rule and more than 2% below market = 3% increase

COST: \$133,640

OPTIONS CONSIDERED

1. Market Analysis ONLY: **\$136,472**
2. Market + Critical Function: **\$135,309**
3. Market + Critical Function + Turnover: **\$104,165**
4. Market + CF + Turnover + Disp. Rule: **\$133,640**

COMMITTEE DECISION RECOMMENDS:

000108

1. Market Analysis ONLY: **\$136,472**
2. Market + Critical Function: **\$135,309**
3. Market + Critical Function + Turnover: **\$104,165**
4. Market + CF + Turnover + Disp. Rule: **\$133,640**

**Additional recommendation to use remaining
\$3,360 for AOC “hot-spot” increase**

Agenda

Projected Available Savings – Judicial Assistants (JA)

- Should the savings (from attrition) of the “excess” five JAs per the recent clerical weighted caseload study be used to fund other FY 20 budget requests?
- We recommend against using this as a funding source:
 - Statewide FTEs in JA roles 374
 - 2019 Statewide JA turnover 78
 - JA Turnover % 21%
 - The “excess” is theoretical since the 5 JAs are needed to fill vacancies; further reducing the JA FTEs simply exacerbates the effect on court operations.

Note: Each JA I position including benefits yields approx. \$67K per head in potential annual savings x 5 FTEs = \$335K total.

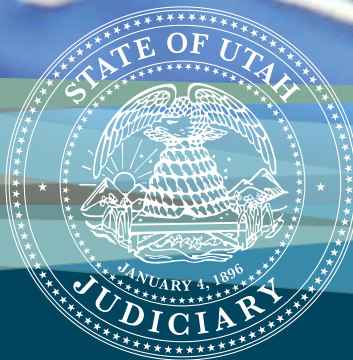
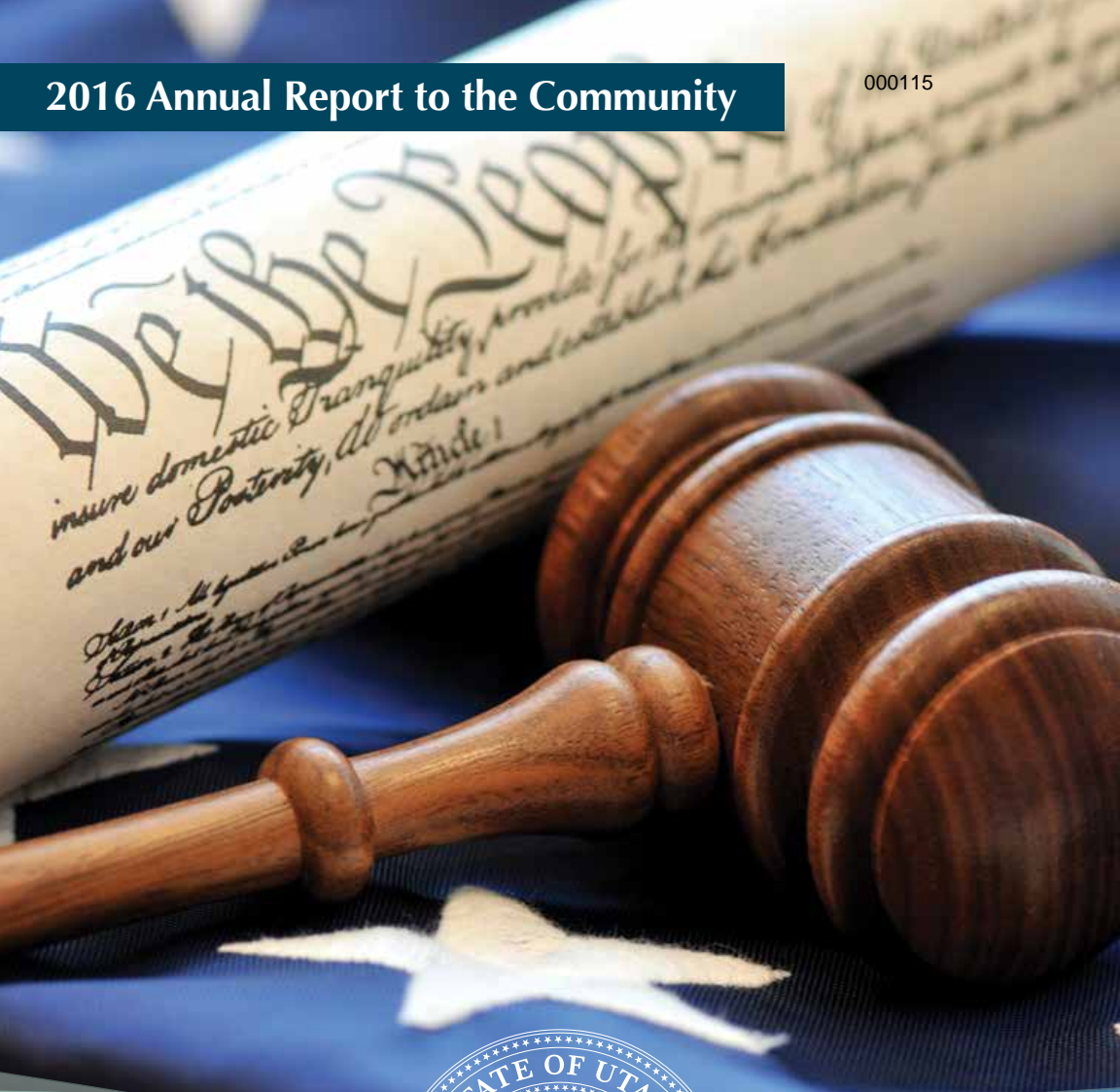
Tab 7

Effective 5/8/2018**78A-2-104 Judicial Council -- Creation -- Members -- Terms and election -- Responsibilities -- Reports -- Guardian Ad Litem Oversight Committee.**

- (1) The Judicial Council, established by Article VIII, Section 12, Utah Constitution, shall be composed of:
 - (a) the chief justice of the Supreme Court;
 - (b) one member elected by the justices of the Supreme Court;
 - (c) one member elected by the judges of the Court of Appeals;
 - (d) five members elected by the judges of the district courts;
 - (e) two members elected by the judges of the juvenile courts;
 - (f) three members elected by the justice court judges; and
 - (g) a member or ex officio member of the Board of Commissioners of the Utah State Bar who is an active member of the Bar in good standing at the time of election by the Board of Commissioners.
- (2) The Judicial Council shall have a seal.
- (3)
 - (a) The chief justice of the Supreme Court shall act as presiding officer of the council and chief administrative officer for the courts. The chief justice shall vote only in the case of a tie.
 - (b) All members of the council shall serve for three-year terms.
 - (i) If a council member should die, resign, retire, or otherwise fail to complete a term of office, the appropriate constituent group shall elect a member to complete the term of office.
 - (ii) In courts having more than one member, the members shall be elected to staggered terms.
 - (iii) The person elected by the Board of Commissioners may complete a three-year term of office on the Judicial Council even though the person ceases to be a member or ex officio member of the Board of Commissioners. The person shall be an active member of the Bar in good standing for the entire term of the Judicial Council.
 - (c) Elections shall be held under rules made by the Judicial Council.
- (4) The council is responsible for the development of uniform administrative policy for the courts throughout the state. The presiding officer of the Judicial Council is responsible for the implementation of the policies developed by the council and for the general management of the courts, with the aid of the state court administrator. The council has authority and responsibility to:
 - (a) establish and assure compliance with policies for the operation of the courts, including uniform rules and forms; and
 - (b) publish and submit to the governor, the chief justice of the Supreme Court, and the Legislature an annual report of the operations of the courts, which shall include financial and statistical data and may include suggestions and recommendations for legislation.
- (5) The council shall establish standards for the operation of the courts of the state including, but not limited to, facilities, court security, support services, and staff levels for judicial and support personnel.
- (6) The council shall by rule establish the time and manner for destroying court records, including computer records, and shall establish retention periods for these records.
- (7)
 - (a) Consistent with the requirements of judicial office and security policies, the council shall establish procedures to govern the assignment of state vehicles to public officers of the judicial branch.
 - (b) The vehicles shall be marked in a manner consistent with Section 41-1a-407 and may be assigned for unlimited use, within the state only.

- (8)
- (a) The council shall advise judicial officers and employees concerning ethical issues and shall establish procedures for issuing informal and formal advisory opinions on these issues.
 - (b) Compliance with an informal opinion is evidence of good faith compliance with the Code of Judicial Conduct.
 - (c) A formal opinion constitutes a binding interpretation of the Code of Judicial Conduct.
- (9)
- (a) The council shall establish written procedures authorizing the presiding officer of the council to appoint judges of courts of record by special or general assignment to serve temporarily in another level of court in a specific court or generally within that level. The appointment shall be for a specific period and shall be reported to the council.
 - (b) These procedures shall be developed in accordance with Subsection 78A-2-107(10) regarding temporary appointment of judges.
- (10) The Judicial Council may by rule designate municipalities in addition to those designated by statute as a location of a trial court of record. There shall be at least one court clerk's office open during regular court hours in each county. Any trial court of record may hold court in any municipality designated as a location of a court of record.
- (11) The Judicial Council shall by rule determine whether the administration of a court shall be the obligation of the Administrative Office of the Courts or whether the Administrative Office of the Courts should contract with local government for court support services.
- (12) The Judicial Council may by rule direct that a district court location be administered from another court location within the county.
- (13)
- (a) The Judicial Council shall:
 - (i) establish the Office of Guardian Ad Litem, in accordance with Title 78A, Chapter 6, Part 9, Guardian Ad Litem; and
 - (ii) establish and supervise a Guardian Ad Litem Oversight Committee.
 - (b) The Guardian Ad Litem Oversight Committee described in Subsection (13)(a)(ii) shall oversee the Office of Guardian Ad Litem, established under Subsection (13)(a)(i), and assure that the Office of Guardian Ad Litem complies with state and federal law, regulation, policy, and court rules.
- (14) The Judicial Council shall establish and maintain, in cooperation with the Office of Recovery Services within the Department of Human Services, the part of the state case registry that contains records of each support order established or modified in the state on or after October 1, 1998, as is necessary to comply with the Social Security Act, 42 U.S.C. Sec. 654a.

Amended by Chapter 25, 2018 General Session



Courts Taking a Leadership Role in Reform Efforts



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



Table of Contents

Introduction	2
Systemic Solutions: Judicial Leadership and Reform Efforts	4
Improving Pretrial Release Practices in Utah	4
Licensed Paralegal Practitioner: A New Approach to Legal Assistance	6
Indigent Representation Study	7
Justice Reinvestment Initiative	9
Navigating the Court System	13
Court Governance and Administration	14
Utah Judicial Council	14
Utah State Courts Boards of Judges	15
Presiding Judges	16
Court Executives	17
Administrative Office of the Courts	17
Awards and Honors	18
Court Facility Update	22
2015 Court Caseload	24

Introduction



The Utah courts periodically convene groups of interested parties to study issues that pertain to the larger justice system. Three such groups wrapped up their work at the end of 2015. Two of the studies—indigent representation and pretrial release—were products of Utah Judicial Council committees. A third, the Task Force to Examine Limited Legal Licensing, was convened by the Utah Supreme Court.

All three studies involved important systemic issues and required the participation and perspectives of a wide range of public and private groups and individuals. The indigent representation study, for example, could only be done effectively with the participation of county and municipal officials, who bear much of the responsibility for funding indigent representation in Utah. The pretrial release study,

which considered the application of evidenced-based practices applied to pretrial release decisions, needed the perspective of the insurance commission and the bail bond industry. The limited legal licensing study, which considered the issue of whether qualified non-lawyers should be able to practice law on a limited basis, needed the participation of several different perspectives from within the legal community.

The quality products produced by all three groups dramatically improved our understanding of the issues and problems that required attention, and all three presented comprehensive and thoughtful proposed solutions. The court is indebted to all who gave their time and expertise in order to advance the administration of justice in Utah. The reports are available for review on the courts' website.

We'd also like to draw attention to the article titled *Court Users Report High Level of Satisfaction*. The results of the 2015 court biennial survey of courthouse patrons statewide found that 92 percent agreed with the statement: "I am satisfied with my experience at the court today." The positive assessment, which is consistent with prior surveys, is a reflection of the dedication and hard work performed by our judges and staff every day.

We would like to express appreciation to Governor Gary Herbert and members of the Legislature for their continued support of Utah's courts.

Honorable Matthew B. Durrant
Chief Justice, Utah Supreme Court

Daniel J. Becker
Utah State Court Administrator

Systemic Solutions

Judicial Leadership and Reform Efforts

Improving Pretrial Release Practices in Utah

In the criminal justice system, a person is considered innocent until proven guilty. This presumption of innocence is a right guaranteed in the Bill of Rights and protects individuals from being wrongly accused.

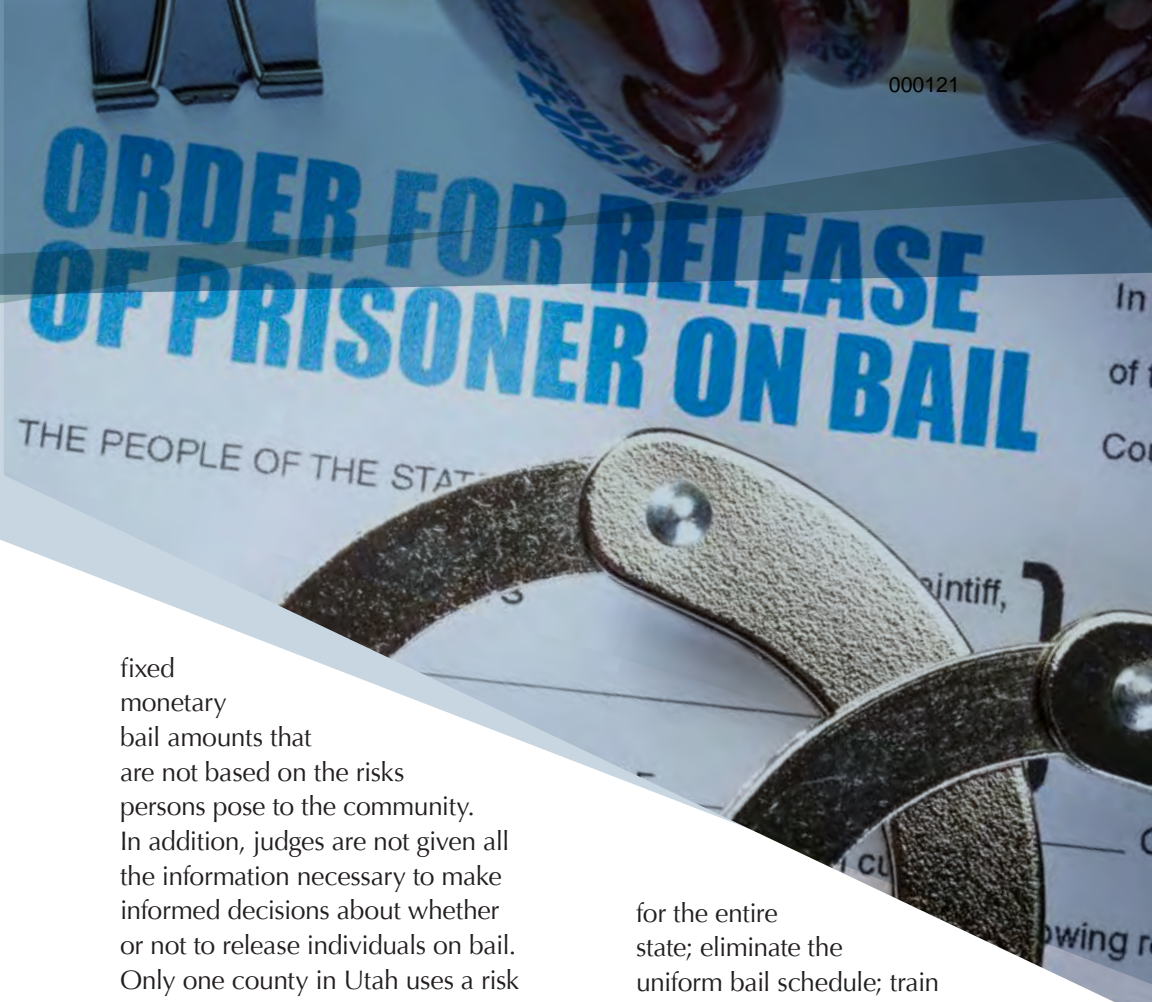
In Utah, a person also has a right to have a judge determine whether or not to release the person on bail while awaiting his or her trial date. In deciding whether a defendant should be released on bail, the judge must consider whether or not the accused will commit another crime while out on bail and whether or not they are a flight risk or are likely to appear at future court dates.

Bail plays a significant role in the pretrial release process. Bail secures a person's release and can be monetary or based on other conditions. Bail is typically set by the judge based on the offense the defendant is charged with, rather than on the defendant's individual characteristics. Its purpose is to guarantee the defendant's appearance in court.

However, bail does not always prevent a defendant from reoffending while out on pretrial release or guarantee he or she will show up for court appearances. For the past few years, there has been a movement nationwide to rely less on bail when determining whether or not a defendant should be released before trial and more on evidence-based practices.

In fall 2014, the Utah Judicial Council formed a Pretrial Release Committee, which was charged with conducting a thorough assessment of Utah's existing pretrial release practices and determining if alternative practices should be considered. Throughout 2015, the committee met and heard from local and national experts on pretrial release issues. In November, the committee completed a comprehensive report that identifies a number of areas in need of improvement.

For example, Utah law discourages judges from making individualized decisions regarding pretrial release. Instead, judges are encouraged to follow



ORDER FOR RELEASE OF PRISONER ON BAIL

fixed
monetary
bail amounts that
are not based on the risks
persons pose to the community.
In addition, judges are not given all
the information necessary to make
informed decisions about whether
or not to release individuals on bail.
Only one county in Utah uses a risk
assessment tool to measure the risks
associated with pretrial release.

As a result of the study, the committee
developed 12 recommendations to
address needed improvements. They
are as follows: create a statutory
presumption in favor of pretrial release
without financial conditions; refrain
from holding people in custody
for minor offenses; adopt process
recommendations of the Board of
District Court Judges; administer a
pretrial risk assessment to all persons
at the time of booking and make the
results available to judges; develop
pretrial services personnel or agencies

for the entire
state; eliminate the
uniform bail schedule; train
prosecutors and defense counsel
to provide additional and better
information at pretrial release or bail
hearings; update and improve the laws
and practices governing monetary bail
forfeiture; create a standing committee
on pretrial release and supervision;
improve data and IT systems; improve
judicial training; and educate the public
on these issues.

Once these recommendations are
implemented, Utah's courts will be
better prepared to make decisions
regarding pretrial release. To read the
report, please visit the court's website
at www.utcourts.gov/resources/reports.

Licensed Paralegal Practitioner: A New Approach to Legal Assistance

After several months of careful examination, the Utah Supreme Court has approved a recommendation that would allow qualified non-lawyers to practice law on a limited basis.

In May 2015, the Utah Supreme Court appointed the Limited Legal Licensing Task Force to study the Supreme Court rules governing the practice of law and consider whether to permit qualified non-lawyers to perform limited law-related services. The task force began by looking at several areas in District Court where a large number of cases are being handled by self-represented litigants, such as debt collection, eviction and family law cases. The task force then looked at the steps needed to resolve disputes in these practice areas and whether or not a qualified paraprofessional could provide the legal services necessary to complete these steps.

In November 2015, the task force recommended that the Utah Supreme Court create a subset of legal services that a licensed paralegal practitioner can provide in debt collection, eviction and family law cases. Within these practice areas, a paralegal practitioner will be able to do the following: establish a contractual relationship with a client who is not represented by a lawyer; conduct client interviews; complete

court-approved forms; advise which form to use and how to complete the form; sign, file and serve the form; obtain, explain and file any necessary supporting documents; represent a client in mediated negotiations; prepare a written settlement agreement in conformity with the mediated agreement; and advise how a court order affects the client's rights and obligations.

The minimum education recommended for a paralegal practitioner is an associate's degree with a paralegal or legal assistance certificate from a program approved by the American Bar Association. In addition, the practitioner would need to complete paralegal certification through the National Association of Legal Assistants Certified Paralegal/Legal Assistant exam; complete a course of instruction for a practice area; and acquire practical experience working as a paralegal under the supervision of a lawyer or through internships, clinics or other means.

The task force has recommended that licensing and regulation of paralegal practitioners be administered by the Utah State Bar. This new approach to legal assistance will provide self-represented parties the legal services desired at a reasonable price.



Indigent Representation Study

In 2011, the Utah Judicial Council commissioned a task force to study Utah's indigent criminal defense system. Members of the task force included public and private defense attorneys, prosecutors and representatives of the Utah Association of Counties, the Utah League of Cities and Towns, district and appellate judges, legislators and other stakeholders from around the state.

The study took four years to complete, primarily due to the complexity of the issue and because of the need for outside assistance. Early in the process a grant request was submitted to the Bureau of Justice Assistance to help gather and organize information about

the practices in Utah to procure and provide indigent defense services. The grant request highlighted a need for comprehensive data. No two Utah counties use exactly the same method to fulfill their obligation to provide lawyers for indigent defendants, and the cities and towns are equally disparate.

The committee and a technical assistance provider identified 10 representative Utah counties in which to conduct site visits, review contracts and interview stakeholders. The data, collected for more than a year, confirmed many assumptions and served as a basis from which conclusions could be drawn and recommendations made.

The task force was mindful of the great diversity of resources and needs in the state, and the recommendations reflect that sensitivity. Nonetheless there were common findings across the state, in rural and urban counties and municipalities. These findings led to a short list of important recommendations for change.

Perhaps the most important finding was that there is no common way of selecting, appointing, paying for or overseeing defense counsel. This, coupled with the lack of data, led to the task force recommendation that a statewide commission be created to set data collection standards, to compile the data, to monitor the appointment of counsel and to monitor counsel's performance. This legislatively-created commission would also spur future adjustments in the appointment and monitoring processes.

Many of the structural problems found were tied to the contracting process used by local government, so a recommendation was made to reform and standardize the terms of these contracts. These contracts will define the relationship not only between defense attorneys and the government, but also between the attorney and their client.

Similarly, in misdemeanor cases particularly, disincentives exist that inhibit the ability of a judge to appoint

counsel, and even if appointed, the lawyer's performance is often influenced by the financial considerations and the contractual relationship. Another confounding factor in misdemeanor cases is the mismatch between the Sixth Amendment right to counsel and the interest of defendants to complete simple matters quickly. This mismatch is largely the result of Utah's offense categorization. For example, a simple speeding ticket, by virtue of the fact that jail is a possibility, triggers many of the representation shortfalls found by the task force.

As officers of the court, all judges, prosecutors, and defense counsel need to be reminded of the law relative to defendant's Sixth Amendment rights. The judicial component of that training was implemented in 2015.

Utah's judiciary is not afraid to tackle difficult topics and the Council seeks issues of systemic, if not constitutional dimensions, to study. Judges don't decide policy, but they can and should convene partners to develop consensus about issues that would not otherwise be studied in a collaborative way. Our justice system—in its broadest sense—is better for these initiatives, and the consensus that emerges.



Justice Reinvestment Initiative

When legislators began holding hearings about plans to move the state prison in 2013, a larger issue began to emerge about the offenders who inhabit the prison cells. Legislators started to look at the number and type of inmates that comprise the prison population and to ask whether incarceration was the best option for all of them.

The questions led to a grant application to the Pew Charitable Trust to study the choices made by Utah's criminal justice system. The result was a nine-month study of Utah's criminal statutes, prosecution, the courts and probation and parole systems.

The study—known as the Justice Reinvestment Initiative or JRI—included representatives of those involved in these areas as well as defense counsel, treatment providers, various advocacy groups and others. In the end, a consensus emerged about how to proceed and House Bill 348 was introduced during the 2015 legislative session.

The consensus was threefold. The first recommendation was to pay attention to the research regarding what works, what doesn't and, perhaps more importantly, what makes things worse, for example increases crime. What the research revealed is that judges and

others need to sentence, supervise and treat the offender, not the offense. Offenders need to be assessed with validated assessment tools in order to find out how to treat, supervise and sentence them. Only then can an offender's needs be addressed in a more targeted and effective way.

The second recommendation was to modify some of the criminal penalties and sentencing and supervision strategies. For example, basic behavior modification theory dictates that how an offender is rewarded for complying with supervision conditions and punished for non-compliance makes a substantial difference in the effectiveness of the supervision.

The Utah Sentencing Commission has developed a comprehensive matrix of positive and negative responses to different types of compliant and non-compliant behavior. That matrix provides guidance to judges and probation officers about how to respond to a probationer's behavior.

The final recommendation addresses individuals who need behavioral health treatment for substance abuse

or mental health issues. This treatment also should be based on what research indicates works, doesn't work or does harm. The Division of Substance Abuse and Mental Health is developing certification standards and a process for certifying programs and providers to ensure that behavioral health treatment is effective. Judges will have a list of certified programs to which they can refer defendants and have confidence that the providers are competent and the programs effective.

These recommendations and resultant changes are significant. The first step in implementing the recommendations is training, which is underway. Built into the JRI process is data collection and an evaluation mechanism with the hope that in time will show proof of the program's success.

The changes are broad and deep and every aspect of the criminal justice system must adapt in order to reduce crime and save public resources. The courts have played and will continue to play a central role in these changes.



Court Users Report High Level of Satisfaction

Utahns reported a high level of satisfaction with access and fairness in the state's courts, according to results from a survey conducted during the summer of 2015.

The Access and Fairness Survey measured court users' views in 20 areas, including business hours, time needed to finish court business, treatment by court staff, disability accommodations, language barriers, courthouse safety, the courtroom experience and ease of parking.

Survey results have been consistently positive each of the six times the survey has been conducted since 2006. Ninety percent or more of survey participants

rank Utah's courts adequate or better in all but one category. The category that fell below 90 percent was whether both sides at the hearing were treated the same. Eighty-nine percent of those surveyed responded positively to that question.

The Access and Fairness Survey is conducted biennially in each of the state's 38 district and juvenile courthouses for one full court day. People are asked to take the survey as they leave the courthouse, including attorneys, jurors, law enforcement, litigants and their families and friends, paralegals, social service agency staff, victims and witnesses.

Survey results for all years are available on the Utah State Courts' website at www.utcourts.gov.



eFiling Arrives in Juvenile Court

The Utah State Courts have added a new eFiling component to the mix. As of Dec. 1, 2015, Utah's juvenile courts began eFiling documents in existing cases. Utah district courts began to implement eFiling in civil cases in 2011, and completed eFiling for all case types Dec. 31, 2014.

eFiling in Juvenile Court is being implemented in two phases. Phase 1 began September 2015 and involved programming the Court, Agency, Record Exchange—known as C.A.R.E.—to test eFiling documents in existing cases. After a successful run, mandatory eFiling in existing cases was launched on Dec. 1, 2015. The second phase addresses C.A.R.E. programming to test eFiling documents in new cases, which begins June 2016 and becomes

mandatory Aug. 1, 2016. The final phase will be eFiling for self-represented litigants.

The advantages to eFiling include added convenience and efficiency. When attorneys or parties eFile documents, the process is quick and provides less chance for error. In addition, eFiling gives attorneys access to view all documents filed in their case via C.A.R.E. Unlike District Court eFiling, which utilizes private electronic filing service providers, Juvenile Court eFiling is programmed into C.A.R.E.

Utah's court system has been implementing e-business solutions for the past six years. The court's "e" portfolio also includes e-warrants and e-payments.

Navigating the Court System

Utah Supreme Court

Five Justices: 10-year terms

The Supreme Court is the “court of last resort” in Utah. It hears appeals from capital and first-degree felony cases and all District Court civil cases other than domestic relations cases. The Supreme Court also has jurisdiction over judgments of the Court of Appeals, proceedings of the Judicial Conduct Commission, lawyer discipline and constitutional and election questions.

Court of Appeals

Seven Judges: 6-year terms

The Court of Appeals hears all appeals from the juvenile courts and those from the district courts involving domestic relations and criminal matters of less than a first-degree felony. It also may hear any cases transferred to it by the Supreme Court.

Juvenile Court

Thirty Judges: 6-years terms. 1.5 Court Commissioners

Juvenile Court is the state court with jurisdiction over youth under 18 years of age who violate a state or municipal law. The Juvenile Court also has jurisdiction in all cases involving a child who is abused, neglected or dependent.

District Court

Seventy-one Judges: 6-years terms. 10.5 Court Commissioners

District Court is the state trial court of general jurisdiction. Among the cases it hears are: civil cases, domestic relations cases, probate cases, criminal cases, small claims cases and appeals from justice courts.

Justice Court

Ninety-eight Judges: 4-year terms

Located throughout Utah, justice courts are locally-funded and operated courts. Justice Court cases include misdemeanor criminal cases, traffic and parking infractions and small claims cases.



Court Governance and Administration

Utah Judicial Council

The Utah Judicial Council is established in the Utah Constitution and directs the activities of all Utah courts. The Judicial Council is responsible for adopting uniform rules for the administration of all courts in the state, setting standards for judicial performance, and overseeing court facilities, support services, and judicial and nonjudicial personnel. The Judicial Council holds monthly meetings, typically at the Scott M. Matheson Courthouse in Salt Lake City. These meetings are open to the public. Dates and locations of Judicial Council meetings are available at www.utcourts.gov/admin/judcncl/sched.htm.

Utah Judicial Council

Chief Justice Matthew B. Durrant, chair, Utah Supreme Court

Judge Randall N. Skanchy, vice chair, Third District Court

Judge Marvin D. Bagley, Seventh District Court

Judge Ann Boyden, Third District Court

Judge Mark R. DeCaria, Second District Court

Judge Paul Farr, Sandy City Justice Court

Judge Thomas M. Higbee, Fifth District Court

Justice Thomas R. Lee, Utah Supreme Court

Judge David C. Marx, Logan and Hyde Park Justice Courts

Judge David N. Mortensen, Fourth District Court

Judge Mary T. Noonan, Fourth District Juvenile Court

Judge Reed S. Parkin, Orem City Justice Court

Judge Kate A. Toomey, Court of Appeals

John Lund, Esq., Utah State Bar

Daniel J. Becker, secretariat, State Court Administrator

Utah State Courts Boards of Judges

The Utah State Courts has four boards of judges representing each court level that meet monthly. The boards propose court rules, serve as liaison between local courts and the Judicial Council, and plan budget and legislative priorities.

Board of Appellate Court Judges

Chief Justice Matthew B. Durrant, chair, Utah Supreme Court
 Judge Michele M. Christiansen, Utah Court of Appeals
 Justice Christine M. Durham, Utah Supreme Court
 Justice Deno Himonas, Utah Supreme Court
 Justice Thomas R. Lee, Utah Supreme Court
 Judge Gregory K. Orme, Utah Court of Appeals
 Judge John A. Pearce, Utah Court of Appeals
 Judge Stephen L. Roth, Utah Court of Appeals
 Judge Kate Toomey, Utah Court of Appeals
 Judge J. Frederic Voros, Jr., Utah Court of Appeals
 Tim Shea, board staff, Appellate Court Administrator

Board of District Court Judges

Judge Noel S. Hyde, chair, Second District Court
 Judge Kevin K. Allen, First District Court
 Judge Lyle R. Anderson, Seventh District Court
 Judge Robert J. Dale, Second District Court
 Judge Mark S. Kouris, Third District Court
 Judge Bruce C. Lubeck, Third District Court
 Judge Eric Ludlow, Fifth District Court
 Judge Derek Pullan, Fourth District Court
 Judge Andrew H. Stone, Third District Court
 Judge James R. Taylor, Fourth District Court
 Debra Moore, board staff, District Court Administrator

Board of Juvenile Court Judges

Judge Paul D. Lyman, chair, Sixth District Court
 Judge Michelle E. Heward, Second District Juvenile Court
 Judge Scott N. Johansen, Seventh District Juvenile Court
 Judge Elizabeth A. Lindsley, Third District Juvenile Court
 Judge Mark W. May, Third District Juvenile Court
 Judge Sharon S. Sipes, Second District Juvenile Court
 Judge Rick Smith, Fourth District Court
 Dawn Marie Rubio, board staff, Juvenile Court Administrator

Board of Justice Court Judges

Judge Reuben J. Renstrom, chair, Harrisville City, Riverdale City,
 South Ogden City, South Weber City, and Woods Cross City Justice Courts
 Judge Brent Bullock, Lindon and Pleasant Grove Justice Courts
 Judge Paul Farr, Herriman, Lehi, and Sandy City Justice Courts
 Judge Augustus Chin, Holladay Justice Court
 Judge David Marx, Logan and Hyde Park Justice Courts, Judicial
 Council Representative
 Judge Brendan P. McCullagh, West Valley City Justice Court
 Judge Douglas Nielson, Lehi Justice Court
 Judge Reed S. Parkin, Orem City Justice Court, Judicial Council Representative
 Judge Catherine E. Roberts, Salt Lake City Justice Court
 Judge Vernon F. Romney, Provo Justice Court
 Richard Schwermer, board staff, Assistant State Court Administrator

Presiding Judges

The presiding judge is elected by a majority vote of judges from the district and is responsible for effective court operation. The presiding judge implements and enforces rules, policies, and directives of the Judicial Council and often schedules calendars and case assignments. The presiding judge works as part of a management team in the district, which includes the trial court executive and clerk of court.

Presiding Judges

Utah Supreme Court-Chief Justice Matthew B. Durrant
 Court of Appeals-Judge J. Frederic Voros, Jr.
 First District Court-Judge Thomas L. Willmore
 First District Juvenile Court-Jeffrey “R” Burbank
 Second District Court-Judge John R. Morris
 Second District Juvenile Court-Judge Jeffrey Noland
 Third District Court-Judge Randall Skanchy
 Third District Juvenile Court-Judge Mark May
 Fourth District Court-Judge David N. Mortensen
 Fourth District Juvenile Court-Judge Suchada P. Bazzelle
 Fifth District Court-Judge John Walton
 Fifth District Juvenile Court-Judge Thomas M. Higbee
 Sixth District Court-Judge Wallace A. Lee
 Sixth District Juvenile Court-Judge Paul D. Lyman
 Seventh District Court-Judge George Harmond
 Seventh District Juvenile Court-Judge Mary L. Manley
 Eighth District Court-Judge Edwin T. Peterson
 Eighth District Juvenile Court-Judge Ryan Evershed

Court Executives

The Utah State Court's trial court executives are responsible for day-to-day supervision of non-judicial administration of the courts. Duties include hiring and supervising staff, developing and managing a budget, managing facilities, managing court calendars, and developing and managing court security plans.

Appellate Courts-Tim Shea
 First District and Juvenile Courts-Corrie Keller
 Second District Court-Sylvester Daniels
 Second District Juvenile Court-Travis Erickson
 Third District Court-Peyton Smith
 Third District Juvenile Court-Neira Siaperas
 Fourth District Court-Shane Bahr
 Fourth District Juvenile Court-James Peters
 Fifth District and Juvenile Courts-Rick Davis
 Sixth District and Juvenile Courts-Wendell Roberts
 Seventh District and Juvenile Courts-Terri Yelonek
 Eighth District and Juvenile Courts-Russell Pearson

Administrative Office of the Courts

The Administrative Office of the Courts is responsible for organizing and administering all of the non-judicial offices of the Utah State Courts. Activities include implementing the standards, policies and rules established by the Utah Judicial Council. The Court Administrator Act provides for the appointment of a State Court Administrator with duties and responsibilities outlined in the Utah Code. Appellate, district, juvenile, and justice court administrators and local court executives assist State Court Administrator Daniel J. Becker in performing these duties and responsibilities. Also assisting the state court administrator are personnel in finance, human resources, internal audit, judicial education, law, planning, public information, rules, and technology. Mediators, Office of the Guardian ad Litem, a District Court capital case staff attorney, and two Juvenile Court law clerks are also based in the Administrative Office of the Courts.

For more information on Utah's State Court System, go to www.utcourts.gov.



Awards and Honors

Honorable Lyle R. Anderson,

Seventh District Court, *2015 Judicial Excellence Award*, Utah State Bar

David Cooley, Judicial Assistant, First District Court, *2015 Meritorious Service Award*, Utah Judicial Council

Spencer W. Cottle, Deputy Probation Supervisor, Fourth District Court, *2015 Meritorious Service Award*, Utah Judicial Council

Honorable James Z. Davis, Court of Appeals, *Lifetime Service Award*, Utah State Bar

Le Davis, Judicial Case Manager, Fourth District Juvenile Court, *2015 Meritorious Service Award*, Utah Judicial Council

Honorable Glen R. Dawson, Second District Court, *2015 Judicial Excellence Award*, Utah State Bar

Honorable Christine Decker (ret.),

Third District Juvenile Court, *Woman Lawyer of the Year Award*, Women Lawyers of Utah and the *Scott M. Matheson Award*, from the Troubled Youth Conference Nominating Committee

Brett Folkman, Supervisor, First District Juvenile Court, *2015 Meritorious Service Award*, Utah Judicial Council

Ron Gordon, Executive Director, Commission on Criminal & Juvenile Justice, *2015 Amicus Curiae Award*, Utah Judicial Council

Janell Hall, Probation Officer III, Eighth District Juvenile Court, *2015 Meritorious Service Award*, Utah Judicial Council

Honorable Royal I. Hansen, Third District Court, *2015 Judicial Excellence Award*, Utah State Bar



Wendy Jones, Accounting Manager,
Third District Court, *2015
Meritorious Service Award*, Utah
Judicial Council

Honorable Thomas L. Kay, Second
District Court, *2015 Judicial
Excellence Award*, Utah State Bar

Corrie Keller, First Judicial District
Trial Court Executive, *2015 Judicial
Administration Award*, Utah
Judicial Council

Honorable Claudia Laycock, Fourth
District Court, *2015 Judge of the
Year Award*, Utah State Bar

Honorable Andrea W. Lockwood,
Ogden City Justice Court, *2015
Quality of Justice Award*, Utah
Judicial Council; *2015 Justice Court
Service Award*, Justice Court Board

Honorable David Mortensen, Fourth
District Court, *2015 Judicial
Excellence Award*, Utah State Bar

Michele Mattsson, Chief Appellate
Mediator, Utah Court of Appeals,
2015 Peacekeeper Award, Utah
Council on Conflict Resolution

Ellen Peterson, Case Manager, Third
District Court, *2015 Meritorious
Service Award*, Utah Judicial
Council

Provo City Justice Court, *2015 Justice
Court of the Year Award*, Justice
Court Board

Honorable Derek P. Pullan, Fourth
District Court, *2015 Judicial
Excellence Award*, Utah State Bar

Honorable Tupakk Renteria, Third
District Juvenile Court, *Outstanding
Mentor Award*, Utah State Bar

Nini Rich, ADR Director,
Administrative Office of the Courts,
2015 Peacekeeper Award, Utah
Council on Conflict Resolution

Julie Rigby, Team Manager, Third District Court, *2015 Meritorious Service Award*, Utah Judicial Council

Honorable John Sandberg, Clinton and Clearfield Justice Courts, *Lifetime Achievement Award*, Justice Court Board

Honorable Todd M. Shaughnessy, Third District Court, *2015 Judicial Excellence Award*, Utah State Bar

Kapiolani Smith, Judicial Services Manager, Third District Court, *2015 Meritorious Service Award*, Utah Judicial Council

Charles A. Stormont, J.D. Lyons, and the Debt Collection Calendar Pro Bono Team, *2015 Service to the Courts Award*, Utah Judicial Council

Third District Nominating

Commission, Jill Brown, Jim Gowans, Andrea Martinez Griffin, David Hall, Peter Stirba, Peggy Stone and Deirdre Straight, *2015 Service to the Courts Award*, Utah Judicial Council

Libby Wadley, Online Training Program Specialist, Administrative Office of the Courts, *2015 Meritorious Service Award*, Utah Judicial Council

Mary Westby, Central Staff Attorney, Utah Court of Appeals, *2015 Meritorious Service Award*, Utah Judicial Council

Honorable G. Michael Westfall, Fourth District Court, *2015 Judicial Excellence Award*, Utah State Bar

Honorable Thomas L. Willmore, First District Court, *2015 Judicial Excellence Award*, Utah State Bar

Judges Who Retired From the Bench in 2015

Judge James Z. Davis,
Utah Court of Appeals

Honorable Christine Decker, 3rd
District Juvenile Court

Honorable Ronald E. Nehring,
Utah Supreme Court

In Memoriam

Honorable Karla Stahlei, retired,
Fifth District Juvenile Court

Honorable Garry Sampson, retired,
Lehi Justice Court

Commissioner Michael Evans, retired,
Third District Court

Craig Ludwig, Clerk of Court,
Third Judicial District

Court Assistance

is a Call, Email or Text Away

The Self-Help Center is a free service of the Utah State Courts that helps people understand their legal rights and responsibilities and helps them resolve legal problems on their own if they cannot afford a lawyer or choose not to hire one.

The Self-Help Center is a virtual center that provides services through a toll-free telephone helpline, email, text and the court's website. The center's staff speaks English and Spanish and is able to access court interpreters if someone speaks another language. The center helps people with cases at all court levels—justice, juvenile, district and appellate—and responds to questions about all legal issues. In FY2015, the center responded to more than 18,000 inquiries.

Self-Help Center staff attorneys provide the following services:

- Information about the law and court process
- Court forms and instructions and assistance completing forms
- Information about an individual court case
- Information about mediation services, legal advice and representation through pro bono and low cost legal services, legal aid programs and lawyer referral services
- Information about resources provided by law libraries and government agencies
- Presentations to the public and court staff on court self-help resources and how to navigate the justice system

For more information, go to www.utcourts.gov and click the link for Self-Help Center.

Court Facility Update

Utah operates 41 courthouses throughout the state from Brigham City to Monticello. Ensuring that these facilities meet the needs of an ever-changing population is paramount to providing Utah citizens access to justice.

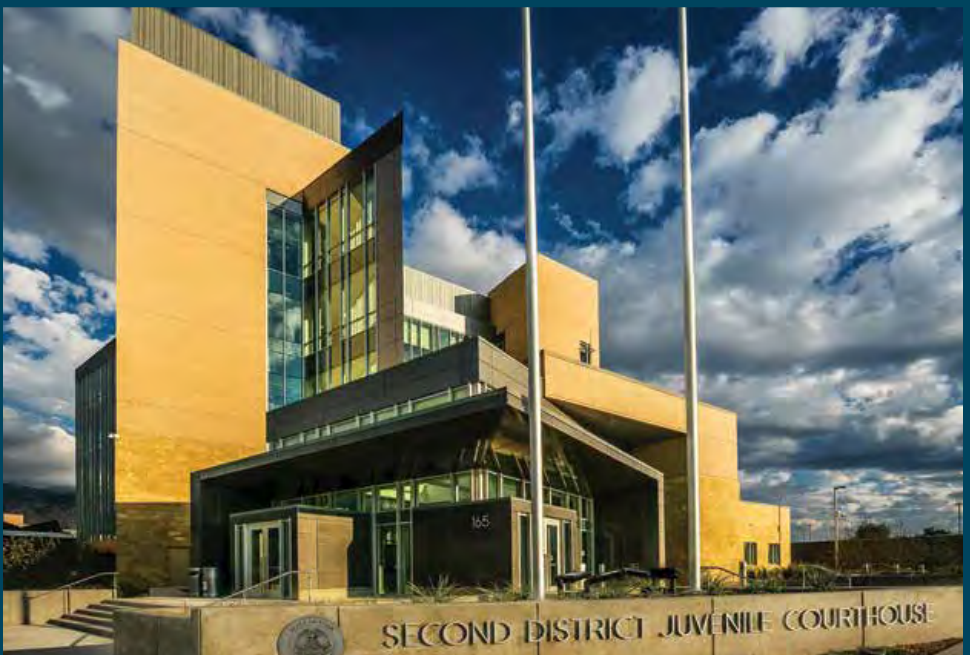
Plans to construct a new 4th District Provo Courthouse are underway to replace three facilities that are outdated and no longer provide adequate security or meet ADA guidelines. In 2015, the Legislature funded the design and construction of a new courthouse with groundbreaking anticipated spring of 2016.

The new 210,000 sq. ft. facility will have 16 courtrooms, secure prisoner holding and transport areas, Guardian Ad Litem offices, Juvenile Probation offices, secure

employee and judicial work areas, mediation conference rooms and a secure public entrance and waiting areas. The \$80,000,000 facility will consolidate the Orem and Provo juvenile courthouses as well as the Provo District Courthouse.

The building is scheduled to open summer of 2018. Patrons of the new courthouses can rest easy knowing their safety and security are well protected.

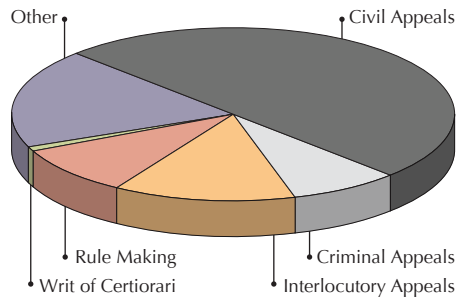




2015 Court Caseload

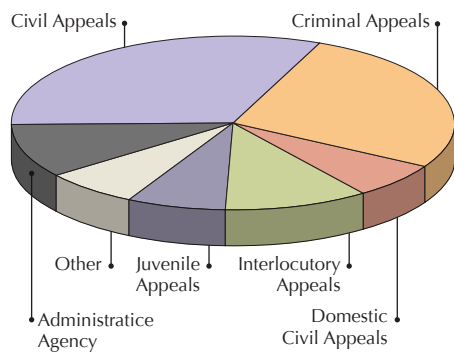
FY 2015 Supreme Court Filings

Civil Appeals	304
Criminal Appeals	50
Interlocutory Appeals	81
Other	56
Rule Making	5
Writ of Certiorari	112
Total Filings	608
- Transferred to Court of Appeals	484
- Retained for decision	124
Total FY 15 Dispositions	231



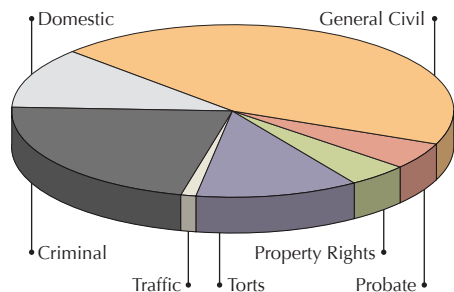
FY 2015 Court of Appeals Filings *(Including Transfers from Supreme Court)*

Administrative Agency	103
Civil Appeals	323
Criminal Appeals	274
Domestic Civil Appeals	69
Interlocutory Appeals	108
Juvenile Appeals	74
Other	69
Total Filings	1,020
Total FY 15 Dispositions	889



FY 2015 District Court Filings and Dispositions

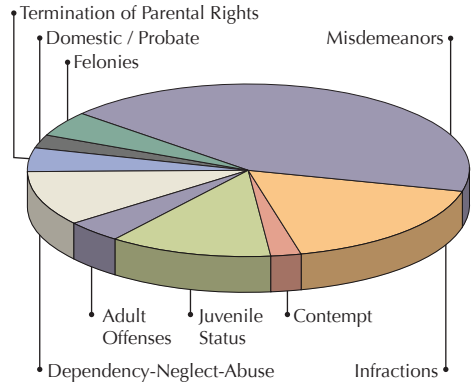
	Filings	Dispositions
Criminal	39,639	38,102
Domestic	20,701	20,377
General Civil	79,604	84,068
Probate	9,208	9,303
Property Rights	8,200	7,930
Torts	21,225	21,768
Traffic	1,973	1,935
Total Filings	180,550	183,483



FY 2015 Juvenile Court Referrals

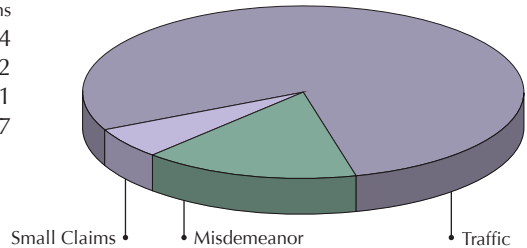
	Referrals
Felonies	1,662
Misdemeanors	14,908
Contempt	6,026
Infractions	791
Juvenile Status	4,197
Adult Offenses	1,399
Dependency-Neglect-Abuse	3,602
Termination of Parental Rights	1,599
Domestic / Probate	823
Total	35,007

Total FY15 Disposition Clearance Rate . 96%



FY 2015 Justice Court Filings and Dispositions

	Filings	Dispositions
Misdemeanor	72,835	78,074
Small Claims	27,400	37,022
Traffic	359,387	384,401
Total	459,622	499,497



FY 2016 Annual Judicial Budget as Part of State of Utah Budget

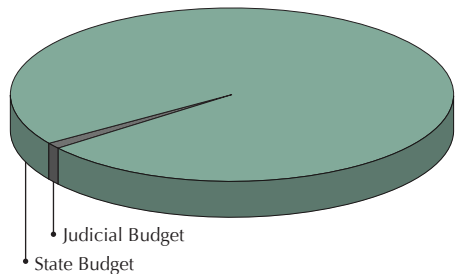
All Funds

Including General Funds & Federal Funds

Judicial Budget \$151,433,000
appropriated FY 2016 budget

State Budget \$16,457,859,000
appropriated FY 2016 budget

Total State Budget . . . \$16,609,292,000

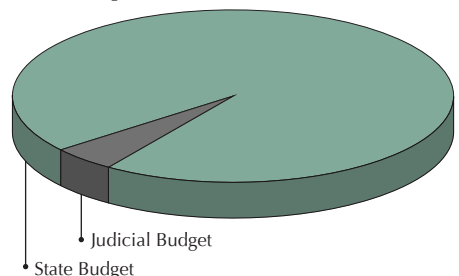


General Funds Only

Judicial Budget \$123,648,000
appropriated FY 2016 budget

State Budget \$2,361,535,000
appropriated FY 2016 budget

Total State General Funds \$2,485,183,000



Source: Budget of the State of Utah, FY 2015-2016; Office of the Legislative Fiscal Analyst



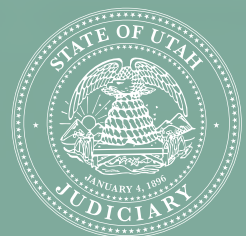
ADMINISTRATIVE OFFICE OF THE COURTS

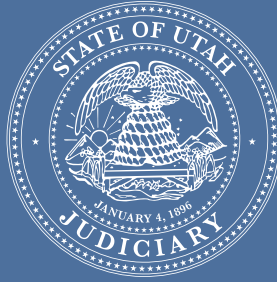
450 South State Street
Salt Lake City, UT 84114

2017 Annual Report to the Community



Greater Access
Through Innovation





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

Table of Contents

Introduction	2
Responsiveness and Innovation	4
Licensed Paralegal Practitioners	4
Online Dispute Resolution	6
A Closer Look: Innovations in Process	7
eFiling Expands in Utah Juvenile Court	7
eFiling Arrives in Utah Justice Court	8
Improvements to the Domestic Case Process	9
Juvenile Indigent Representation Study Committee	9
Working to Resolve Disputes Outside of the Courtroom	10
Training Future Court Leaders is an Investment in Excellence	12
Navigating the Court System	14
Court Governance and Administration	15
Utah Judicial Council	15
Utah State Courts Boards of Judges	16
Presiding Judges	17
Court Executives	17
Administrative Office of the Courts	17
Awards and Honors	18
Court Facility Update	21
2016 Court Caseload	22



Introduction

Our courts are owned by the people and are tasked with resolving disputes brought by people. Whether an individual, a business, or an official representing state or local government, ensuring that the public has access to their courts is a responsibility we take very seriously.

Such access can be hindered by cost, distance, and inconvenience. We recognize the implications of such barriers and are working to make them as minimal as possible, if not remove them altogether. This report highlights a number of these efforts, including new programs, such as Licensed Paralegal Practitioners and Online Dispute Resolution, existing services, such as the Self-Help Center and Alternative Dispute Resolution, and technological improvements, which can bring the courthouse to the individual.

The Licensed Paralegal Practitioner is a new market-based solution aimed at providing legal assistance in domestic, landlord/tenant, and debt collection cases where the full services of a lawyer are not necessary. A committee of the Utah Supreme Court is presently preparing the rules, course work, and licensing requirements that will allow this new type of legal assistance to be available. It is anticipated that in early 2018 Utah will become only the second state to offer such assistance.



Online Dispute Resolution is another innovation presently being developed by the Utah courts. Think of the many functions that are possible from a hand-held device and add the ability to resolve a small claims case to that list. A committee of the Utah Judicial Council is presently working on providing court patrons the ability to have a case evaluated, mediated, or, if necessary, resolved by a judge without a trip to a courthouse. This is a technology and service application that Utah is out front in making available in order to improve convenience and reduce cost.

The Self-Help Center, a remote service that provides assistance to self-represented patrons, is on track to assist over 20,000 people this year, while the Alternative Dispute Resolution Program has been providing mediation in a variety of case types for over 20 years. These court programs and others, along with programs provided through the Utah State Bar, are all aimed at lowering barriers and providing the public better access to their courts.

We would like to express appreciation to Governor Gary Herbert and members of the Utah Legislature for their continued support of Utah's courts.



Honorable Matthew B. Durrant
Chief Justice, Utah Supreme Court

Daniel J. Becker
Utah State Court Administrator

Responsiveness and Innovation

Licensed Paralegal Practitioners: A New Profession Takes Shape

A new licensed legal profession is coming soon to Utah.

In May 2015, the Utah Supreme Court appointed a task force to study whether qualified non-lawyers should be permitted to provide legal advice and assistance to clients in certain areas of law without the supervision of a lawyer. Despite the tremendous service that lawyers provide to their clients, and efforts of the Utah State Bar to provide legal services to under-served clients, the Utah Supreme Court was concerned that there were still a large number of people who needed legal assistance, yet do not have a lawyer to help them.

The Limited Legal Licensing Task Force quickly took up its work, and in November 2015, it issued a forward-thinking report, recommending that the Utah Supreme Court create a new legal professional who could practice law on a limited basis. This new Licensed Paralegal Practitioner (LPP) would have more training and responsibilities than a normal paralegal, but would not be a lawyer.

In his 2016 State of the Judiciary address, Utah Supreme Court Chief Justice Matthew Durrant described the new LPP program as putting Utah, “on the cutting edge of innovation and public service when it comes to access to justice.” He also lauded the program’s great potential to the people of Utah:

“We believe this new client and market-driven approach holds great promise – not as a substitute for attorneys – but as a complementary legal resource for providing meaningful assistance in specific areas where existing legal resources are inadequate and the need is great.”



LPPs will be able to help clients in three areas: debt collection, eviction, and family law cases. These are areas where Utah residents generally do not hire lawyers. The task force found an LPP can be a cheaper alternative for people who can't afford a lawyer, or who don't want to spend their money on one. An LPP would be able to assist clients by doing such things as filling out court-approved forms, filing and serving the forms, advising clients how a court order affects their rights and obligations, representing a client in settlement negotiations, and helping clients prepare a written settlement agreement. An LPP, however, cannot represent a client in the courtroom.

The Utah Supreme Court appointed a steering committee to implement the task force's recommendations. The steering committee coordinates the work of four subcommittees — executive, education, admissions and administration, ethics and discipline — that are working hard to develop the basic infrastructure for the program, which will include defining minimum educational requirements, learning objectives and required curricula, licensing, mentoring, continuing education, service to the community, and rules of professional responsibility and discipline. The subcommittees have made remarkable progress, and are finalizing their proposals to be transmitted to the steering committee for its consideration.

The steering committee is expected to complete its work in early 2017, making it possible for Utah to see its first paralegal practitioners sometime in 2018.

Online Dispute Resolution: Handling Small Claims Cases Online Can Save People Time and Money

In a world of changing technologies and even greater access to the internet, the opportunity to improve the court system in the State of Utah and to make it more accessible to everyday citizens through technology gave rise to a proposal to develop an online court in which many individuals would no longer need to enter a courthouse to resolve certain disputes. In September of 2015, the Judicial Council approved the development of a pilot project that would allow small claim civil disputes to be heard in a virtual environment where the dispute can be resolved online.

In July of 2016 the Utah Judicial Council formed a steering committee to begin development of the project. Under the leadership of Utah Supreme Court Justice Deno Himonas, the group has been working to move the traditional court process of pursuing money claims under \$10,000 to an online environment. The main goals of the pilot project include developing an online system that will feature alternative dispute resolution, improve access to justice in small claims cases, simplify court processes, and reduce costs for all involved.

To accomplish these goals the steering committee is building a program that assists parties in resolving their case by facilitating communication between parties as well as providing individualized assistance to develop and present their claims to an adjudicator. The program will be easy to understand and use, accessible to unrepresented individuals involved in a small claims case, and robust enough to assist parties in finding a resolution to their disputes without the need to ever step into a courthouse or take the time to be at a trial. The pilot project will not replace the current small claims system but will provide an alternative to the traditional court process for those who prefer to resolve their case on their own time and through a fair and efficient online process.

The pilot project is set to be completed in June of 2017. If successful, the project may act as a framework for moving other court processes online in an effort to improve the overall efficiency and effectiveness of Utah's judicial system.

A Closer Look: Innovations in Process

eFiling Expands in Utah Juvenile Court

The Juvenile Court began eFiling on existing cases in September 2015. This process became mandatory on Dec. 1, 2015. In 2016, eFiling was expanded to include functions to enable prosecutors, attorneys general, private attorneys and probation officers to file new cases at any time of the day or night. On Aug. 1, 2016, case initiation through eFiling became mandatory.

Unlike District Court eFiling, which utilizes private service providers, Juvenile Court eFiling is integrated into the Juvenile Courts' case management system C.A.R.E. (Court Agency Record Exchange).

This year, Juvenile Court eFiling expanded access for attorneys or parties to eFile and view documents in C.A.R.E. 24 hours a day, seven days a week. The major benefit of eFiling for the Juvenile Court is efficiency and reduction in error due to misfiling. As an example, some routine documents are "auto filed" into the court record. This means that a document is not processed or filed by judicial assistants, and is handled only as necessary, such as at the time of the court hearing. Between 50-60% of the documents eFiled with the Juvenile Court are auto filed. Other benefits to attorneys, judges, and judicial assistants include:

- Proposed orders are created in C.A.R.E. and automatically transferred to the judge's queue for approval and signature so a judge may digitally sign or edit the proposed order as needed, instantly.
- Linking documents that are related to one other, such as a motion and order, for ease of review or access.

Additional functionality is being developed to make the eFiling process better for attorneys, judges, and judicial assistants. The next phase of Juvenile Court eFiling will include functionality for self-represented litigants.



eFiling Arrives in Utah Justice Court

Following the advent of eFiling in the District and Juvenile Courts, the Judicial Council adopted a rule in 2016 that brought eFiling to Utah's Justice Courts as well. Once necessary changes were made to the District Courts' eFiling programs, the Administrative Office of the Courts began to pilot eFiling by working with the Justice Courts, prosecutors and defense counsel in West Valley City and West Jordan to monitor the filings submitted electronically and make any additional programming changes. As the pilot progressed, additional courts were added.

On Nov. 14, 2016, eFiling was made available in every Justice Court. On Dec. 31, 2016, the electronic filing of pleadings and other papers by attorneys relating to criminal cases in Justice Court became mandatory. eFiling is also available in small claims cases, though it is not mandatory.

Improvements to the Domestic Case Process

The Domestic Case Process Improvement Subcommittee is authorized by the Judicial Council to review current practices in domestic cases, examine data about domestic case filings, examine other jurisdictions' programs that are intended to simplify processes, and identify best practices.

The subcommittee conducted a survey of judges, commissioners, attorneys, and self-represented parties to identify issues that needed to be examined and areas for improvement.

Subcommittee members include judges, commissioners, family law attorneys, the courts' Self-Help Center, mediators, and others with an interest in domestic law.

Recommendations will be reviewed by the Standing Committee on Children and Families and are due to the Judicial Council in July of 2017.

Juvenile Indigent Representation Study Committee

In June 2016, the Judicial Council created the Juvenile Indigent Representation Study Committee to conduct a thorough assessment of the provision of indigent representation services for juveniles in delinquency cases and adults in child welfare cases before Utah's Juvenile Courts. Guided by the results of the recent study completed by the Indigent Criminal Defense Task Force, the committee was directed to expand on that inquiry to identify those problems and issues unique to juvenile representation.

In November 2016, the committee made an initial report to the Judicial Council. The committee's report included recommendations regarding best practices, model contracts, data collection and the newly formed Indigent Defense Commission. The committee is expected to make its final report to the Judicial Council in early 2017.

Working to Resolve Disputes Outside of the Courtroom

In 1994, the Utah State Legislature enacted the Utah Alternative Dispute Resolution Act (ADR Act) (Utah Code §78B-6-201 et seq.) which required the Judicial Council to implement a program utilizing alternative dispute resolution in the state courts. The program was implemented by the Judicial Council and Utah Supreme Court rules on Jan. 1, 1995. The program encourages the use of Alternative Dispute Resolution (ADR) if it serves the interests of the involved parties. It is not intended to supplant traditional litigation, only to supplement it, and to provide more flexibility and choice of methods used to resolve disputes.

Since that time, several more ADR Programs have been established by the Utah Legislature: Child Welfare Mediation, Parent-Time (Co-Parenting) Mediation, and Mandatory Divorce Mediation; all which reference the ADR Act and court rules for program development and procedure. Each year, more than 3,000 mediation sessions are conducted through the Utah State Courts' ADR programs. In addition to mediations conducted through court programs, many mediations are also arranged privately.

Utah State Courts ADR programs are structured in various ways. Generally speaking, if the program is mandatory, the court requires more training, oversight and evaluation. For general civil cases, the court administers a roster of private mediators and arbitrators who have met specific education, experience, and ethical requirements.

For Child Welfare Mediation cases which are individually court-ordered and subject to very tight statutory timelines, the court provides staff mediators who are hired and trained specifically for these cases. Child Welfare mediators assist parents, attorneys, and caseworkers in working together to resolve issues and negotiate agreements that will meet the needs of the family and best interests of the children. Participants in child welfare mediation report greater satisfaction with their agreements, more clarity on their roles and responsibilities, and service



plans which are implemented sooner and with better follow through. Since 1998, the Child Welfare Mediation Program has conducted over 14,000 mediations for the Utah's juvenile courts, with 85% reaching full resolution.

The courts' Restorative Justice Mediation Programs use specially trained volunteers to mediate cases involving juvenile offenders and crime victims, as well as students who are experiencing problems with school attendance. Other mediation programs, including Small Claims, Law and Motion, and Landlord-Tenant utilize trained volunteer mediators and are administered through collaborations with schools, universities, and other nonprofit organizations. Over 1,000 pro bono mediations were provided through ADR Program collaborations with nonprofit community organizations and educational institutions.

All of these programs are overseen by the ADR Committee, which advises the Judicial Council on policies, plans, and priorities relating to Alternative Dispute Resolution. The committee is made up of judges, commissioners, attorneys, mediators, and mediation educators. Recently the committee completed the Utah Mediation Best Practice Guide. The Best Practice Guide provides a summary of Utah statutes and court rules governing mediation, as well as national standards of best practice for mediators. The guide is a concise, user-friendly reference for Utah mediators, lawyers, parties, and administrators. A copy of the Guide and additional information about the courts' ADR Program can be found at www.utcourts.gov/mediation.

Training Future Court Leaders is an Investment in Excellence

Similar to other American institutions, the Utah State Courts' workforce, is experiencing a well-documented aging demographic. Baby Boomers are retiring at an accelerated speed. As a result, the generational composition of the courts' overall workforce is changing rapidly.

The below chart illustrates that, until recently, Baby Boomers comprised the courts' largest age group. However, as of 2015, Boomers gave way to the Millennials to assert themselves as the dominant court workforce age group.

All Staff	Millennial Those born between 1983-2004	Generation X Those born between 1965-1984	Baby Boomer Those born between 1946-1964	Traditionalist Those born 1945 and earlier
2013	28%	32%	38%	2%
2015	36%	30%	33%	1%

Proactively anticipating the courts' aging demographic bubble, the Judicial Council in 2014 empowered the Administrative Office of the Courts' Human Resources and Education departments to collaboratively create a succession planning strategy. Getting ahead of the courts' aging demographic trend was important, in part, because the courts were potentially threatened with losing invaluable institutional memory, internal talent, and long-held unique institutional values.

Human Resource and Education department representatives began succession planning efforts by meeting with court employees and leaders across the state. Those meetings yielded rich ideas to address the retirement bubble dilemma.

Those statewide conversations led to the creation of two separate academies, both designed to prepare our non-supervisory and middle- management employees for future higher level management and leadership opportunities. Even in their infancy, these academies have measurably enhanced the management and leadership skills of graduates.

In a parallel succession planning effort, the AOC has collaborated with Michigan State University's Judicial Administration Program to offer a university-recognized certificate in Judicial Administration. The first round of MSU judicial administration students graduated in August 2016. That class was comprised of Utah's Trial Court Executives, Clerks of Court and Chief Probation Officers. The second round of MSU judicial administration students, comprised mainly of AOC managers, is scheduled to graduate in 2017.



The MSU curriculum is designed around 10 core court competencies as developed by the National Association of Court Management (NACM). To graduate, the students must culminate their coursework by successfully completing a "capstone project," which improves their court's administration of justice.

The Utah State Courts' succession planning strategy emphasizing weeklong academies and a multi-year judicial administration curriculum is the only one of its kind in the country. This unique innovation once again demonstrates our courts are learning organizations committed to ensuring the future excellence of Utah's court system.

For example, overall, 26% of academy graduates were promoted to a higher position within a year and a half after graduating. The first 2014 Court Skills Academy saw a 42% promotion rate among its graduates.

Prior to attending the academies, every student was asked to self-assess their skills and abilities in three dozen court skill categories. After attending the academies, they were again asked to self-assess their skills and abilities along those same categories.

One hundred percent of academy graduates indicated their proficiencies along every single learning objective, skill, and ability had improved. In fact, the majority of skills and abilities showed very significant improvement according to post-academy evaluation measurements.

Immediate supervisors were also surveyed as to their academy students' pre- and post-academy skills improvement. The supervisor survey results uniformly reflected that academy graduates' court skill levels improved across the board.

Navigating the Court System

Utah Supreme Court

Five Justices: 10-year terms

The Supreme Court is the “court of last resort” in Utah. It hears appeals from capital and first-degree felony cases and all District Court civil cases other than domestic relations cases. The Supreme Court also has jurisdiction over judgments of the Court of Appeals, proceedings of the Judicial Conduct Commission, lawyer discipline and constitutional and election questions.

Court of Appeals

Seven Judges: 6-year terms

The Court of Appeals hears all appeals from the juvenile courts and those from the district courts involving domestic relations and criminal matters of less than a first-degree felony. It also may hear any cases transferred to it by the Supreme Court.

Juvenile Court

Thirty-one Judges: 6-year terms. 1.5 Court Commissioners

Juvenile Court is the state court with jurisdiction over youth under 18 years of age who violate a state or municipal law. The Juvenile Court also has jurisdiction in all cases involving a child who is abused, neglected or dependent.

District Court

Seventy-two Judges: 6-year terms. 10.5 Court Commissioners

District Court is the state trial court of general jurisdiction. Among the cases it hears are: civil cases, domestic relations cases, probate cases, criminal cases, small claims cases and appeals from justice courts.

Justice Court

Ninety-eight Judges: 6-year terms

Located throughout Utah, justice courts are locally-funded and operated courts. Justice Court cases include misdemeanor criminal cases, traffic and parking infractions and small claims cases.



Court Governance and Administration

Utah Judicial Council

The Utah Judicial Council is established in the Utah Constitution and directs the activities of all Utah courts. The Judicial Council is responsible for adopting uniform rules for the administration of all courts in the state, setting standards for judicial performance, and overseeing court facilities, support services, and judicial and nonjudicial personnel. The Judicial Council holds monthly meetings, typically at the Scott M. Matheson Courthouse in Salt Lake City. These meetings are open to the public. Dates and locations of Judicial Council meetings are available at www.utcourts.gov/admin/judcncl/sched.htm.

Chief Justice Matthew B. Durrant, chair,
Utah Supreme Court
Judge Kate A. Toomey, Court of Appeals,
vice chair
Judge Marvin D. Bagley, Seventh District Court
Judge Ann Boyden, Third District Court
Judge Mark R. DeCaria, Second District Court
Judge Paul Farr, Sandy City Justice Court
Judge Thomas M. Higbee, Fifth District Court
Justice Thomas R. Lee, Utah Supreme Court

Judge David C. Marx, Logan and Hyde
Park Justice Courts
Judge Mary T. Noonan, Fourth District
Juvenile Court
Judge Reed S. Parkin, Orem City Justice Court
Judge Derek P. Pullan, Fourth District Court
Judge Todd M. Shaughnessy, Third District Court
John Lund, Esq., Utah State Bar
Daniel J. Becker, secretariat, State Court
Administrator

Utah State Courts Boards of Judges

The Utah State Courts has four boards of judges representing each court level that meet monthly. The boards propose court rules, serve as liaison between local courts and the Judicial Council, and plan budget and legislative priorities.

Board of Appellate Court Judges

Chief Justice Matthew B. Durrant, chair,
Utah Supreme Court
Judge Michele M. Christiansen, Utah
Court of Appeals
Justice Christine M. Durham, Utah Supreme
Court
Justice Deno Himonas, Utah Supreme Court
Associate Chief Justice Thomas R. Lee, Utah
Supreme Court
Judge David M. Mortensen, Utah Court
of Appeals
Associate Presiding Judge Gregory K. Orme,
Utah Court of Appeals
Justice John A. Pearce, Utah Supreme Court
Judge Jill M. Pohlman, Utah Court of Appeals
Judge Stephen L. Roth, Utah Court of Appeals
Judge Kate Toomey, Utah Court of Appeals
Presiding Judge J. Frederic Voros, Jr., Utah
Court of Appeals
James Ishida, board staff, Appellate Court
Administrator

Board of District Court Judges

Judge Mark S. Kouris, chair, Third District Court
Judge Kevin K. Allen, First District Court
Judge Lyle R. Anderson, Seventh District Court
Judge Robert J. Dale, Second District Court
Judge Noel S. Hyde, Second District Court
Judge Christine Johnson, Fourth District Court
Judge Bruce C. Lubeck, Third District Court
Judge Eric Ludlow, Fifth District Court
Judge Andrew H. Stone, Third District Court
Judge James R. Taylor, Fourth District Court
Commissioner Kim Luhn, Third District Court
Debra Moore, board staff, District Court
Administrator

Board of Juvenile Court Judges

Judge Michelle E. Heward, chair, Second
District Juvenile Court
Judge Mary Manley, vice chair, Seventh
District Juvenile Court
Judge Ryan Evershed, Eighth District
Juvenile Court
Judge Elizabeth A. Lindsley, Third District
Juvenile Court
Judge Jim Michie, Third District Juvenile Court
Judge Sharon S. Sipes, Second District
Juvenile Court
Judge Rick Smith, Fourth District Juvenile Court
Dawn Marie Rubio, board staff, Juvenile Court
Administrator

Board of Justice Court Judges

Judge Reuben J. Renstrom, chair, Harrisville City,
Riverdale City, South Ogden City, South Weber
City, and Woods Cross City Justice Courts
Judge Brent Bullock, Lindon and Pleasant Grove
Justice Courts
Judge Augustus Chin, Holladay Justice Court
Judge Brent Dunlap, Parowan City, and Iron
County Justice Courts
Judge Paul Farr, Herriman, Lehi, and Sandy City
Justice Courts
Judge David Marx, Logan and Hyde Park
Justice Courts
Judge Reed Parkin, Orem City Justice Court
Judge Catherine E. Roberts, Salt Lake City
Justice Court
Judge Vernon F. Romney, Provo Justice Court
Judge Brook Sessions, Wasatch County
Justice Court
James Peters, board staff, Justice Court
Administrator

Presiding Judges

The presiding judge is elected by a majority vote of judges from the district and is responsible for effective court operation. The presiding judge implements and enforces rules, policies, and directives of the Judicial Council and often schedules calendars and case assignments. The presiding judge works as part of a management team in the district, which includes the trial court executive and clerk of court.

Utah Supreme Court-Chief Justice

Matthew B. Durrant

Court of Appeals-Judge J. Frederic Voros, Jr.

First District Court-Judge Thomas L. Willmore

First District Juvenile Court-Angela F. Fannesbeck

Second District Court-Judge W. Brent West

Second District Juvenile Court-Judge

Sherene Dillon

Third District Court-Judge Randall Skanchy

Third District Juvenile Court-Judge Mark May

Fourth District Court-Judge Darold J. McDade

Fourth District Juvenile Court-Judge

Suchada P. Bazzelle

Fifth District Court-Judge John Walton

Fifth District Juvenile Court-Judge

Thomas M. Higbee

Sixth District Court-Judge Wallace A. Lee

Sixth District Juvenile Court-Judge Paul D. Lyman

Seventh District Court-Judge George Harmond

Seventh District Juvenile Court-Judge

Mary L. Manley

Eighth District Court-Judge Edwin T. Peterson

Eighth District Juvenile Court-Judge

Ryan Evershed

Court Executives

The Utah State Court's trial court executives are responsible for day-to-day supervision of non-judicial administration of the courts. Duties include hiring and supervising staff, developing and managing a budget, managing facilities, managing court calendars, and developing and managing court security plans.

Appellate Courts-James Ishida

First District and Juvenile Courts-Brett Folkman

Second District Court-Larry Webster

Second District Juvenile Court-Travis Erickson

Third District Court-Peyton Smith

Third District Juvenile Court-Neira Siaperas

Fourth District Court-Shane Bahr

Fourth District Juvenile Court-James Bauer

Fifth District and Juvenile Courts-Rick Davis

Sixth District and Juvenile Courts-Wendell Roberts

Seventh District and Juvenile Courts-Terri Yelonek

Eighth District and Juvenile Courts-Russell Pearson

Administrative Office of the Courts

The Administrative Office of the Courts is responsible for organizing and administering all of the non-judicial offices of the Utah State Courts. Activities include implementing the standards, policies and rules established by the Utah Judicial Council. The Court Administrator Act provides for the appointment of a State Court Administrator with duties and responsibilities outlined in the Utah Code. Appellate, district, juvenile, and justice court administrators and local court executives assist State Court Administrator Daniel J. Becker in performing these duties and responsibilities. Also assisting the state court administrator are personnel in finance, human resources, internal audit, judicial education, law, planning, public information, rules, and technology. The office also includes mediators, Office of Guardian ad Litem, a District Court capital case staff attorney, and two Juvenile Court law clerks.

For more information on Utah's State Court System, go to **www.utcourts.gov**.

Awards and Honors

Cheryl Aiono, Judicial Assistant, Probate/Appeals, *Records Quality Award*, Utah Judicial Council

Honorable Lyle Anderson, Seventh District Court, *Judicial Excellence Award*, Utah State Bar

Evangelina Burrows, Court Interpreter Coordinator, Third District Court, *Meritorious Service Award*, Utah Judicial Council

Debbie Carlson, Domestic Case Manager, Second District Court, *Meritorious Service Award*, Utah Judicial Council

Honorable Augustus Chin, Salt Lake County Justice Court, *Service Award*, Justice Court Board

Honorable Glen R. Dawson, Second District Court, *Judicial Excellence Award*, Utah State Bar

Honorable Royal I. Hansen, Third District Court, *2016 Peacekeeper Award*, Utah Council on Conflict Resolution

Honorable Ryan Harris, Third District Court, *Judicial Excellence Award*, Utah State Bar

Dawn Hautamaki, Clerk of Court, Eighth District, *Meritorious Service Award*, Utah Judicial Council

Dawn Hautamaki (Clerk of Court), Brigitte Townsend (Case Manager), Eighth District Court, *Records Quality Award*, Utah Judicial Council

James R. Holbrook, Clinical Professor, University of Utah S.J. Quinney College of Law, *Amicus Curiae Award*, Utah Judicial Council

Emily Iwasaki, Law Clerk, Third District Juvenile Court, *Meritorious Service Award*, Utah Judicial Council

Honorable Jerald Jensen (retired), Sunset City and Davis County Justice Courts, *Lifetime Achievement Award*, Justice Court Board

Peggy Johnson, Field Services Specialist, Administrative Office of the Courts, *Records Quality Award*, Utah Judicial Council

Kathi Johnston, Judicial Assistant III, First District Court, *Meritorious Service Award*, Utah Judicial Council

Honorable Thomas L. Kay, Second District Court, *Judicial Excellence Award*, Utah State Bar

Honorable Eric A. Ludlow, Fifth District Court, *Judicial Excellence Award*, Utah State Bar

Rhonda Meeks, Judicial Assistant, Third District Court, *Meritorious Service Award*, Utah Judicial Council

Honorable David Miller, Centerville and North Salt Lake Justice Courts, *Justice Court Judge of the Year Award*, Justice Court Board

R. John Moody, Guardian ad Litem Attorney, Fourth District Juvenile Court, *Meritorious Service Award*, Utah Judicial Council

Honorable David N. Mortensen, Utah Court of Appeals, *Judicial Excellence Award*, Utah State Bar

Nancy Nelson, Conference Coordinator, Administrative Office of the Courts, *Meritorious Service Award*, Utah Judicial Council

Honorable C. Dane Nolan, Third District Juvenile Court, *2016 Judge of the Year*, Utah State Bar

Heather Olsen, Probation Officer, Third District Juvenile Court, *Meritorious Service Award*, Utah Judicial Council

Kimbal Parker, Chief Probation Officer, Fourth District Juvenile Court, *Meritorious Service Award*, Utah Judicial Council

James M. Peters, Trial Court Executive, Fourth District Juvenile Court, *Judicial Administration Award*, Utah Judicial Council

Kristine Price, Judicial Educator, Administrative Office of the Courts, *Meritorious Service Award*, Utah Judicial Council

Honorable Derek P. Pullan, Fourth District Court, *Judicial Excellence Award*, Utah State Bar

Honorable Jeanne M. Robison, Salt Lake City Justice Court, *Quality of Justice Award*, Utah Judicial Council

Alice Ronan, Team Manager,
Third District Juvenile Court,
Meritorious Service Award, Utah
Judicial Council

Joanne Sayre, Probate Case
Manager, Third District Court,
Meritorious Service Award, Utah
Judicial Council

**Honorable Todd M.
Shaughnessy**, Third District
Court, *Judicial Excellence Award*,
Utah State Bar

**Honorable William A. Thorne
Jr. (ret.)**, Utah Court of Appeals,
2016 Distinguished Service Award,
National Center for State Courts

Honorable Vernice S. Trease,
Third District Court, *Mentoring
Award*, Women Lawyers of Utah

Honorable Jeffrey C. Wilcox,
Fifth District Court, *Judicial
Excellence Award*, Utah State Bar

Honorable Thomas Willmore,
First District Court, *Judicial
Excellence Award*, Utah State Bar

Jennifer L. Wood, Legal
Secretary, Administrative Office
of the Courts, *Meritorious Service
Award*, Utah Judicial Council

Carolyn Wooten, Truancy
Specialist, Jordan School District,
Service to the Courts Award, Utah
Judicial Council

Terri Yelonek, Trial Court
Executive, Seventh District Court,
Judicial Administration Award,
Utah Judicial Council

**Seventh District Court Clerical
Team**, District and Juvenile
Courts, *Records Quality Award*,
Utah Judicial Council

**Members of the Probation
Officer Trainers and Committee**,
Statewide, *Meritorious Service
Award*, Utah Judicial Council

Salt Lake City Justice Court,
Justice Court of the Year Award,
Justice Court Board

Third District Court Employees,
Records Quality Award, Utah
Judicial Council

Judges Who Retired From the Bench in 2016

Honorable J. Mark Andrus,
Second District Juvenile Court

Honorable Charlene Barlow,
Third District Court

Honorable Fred Howard, Fourth
District Court

Honorable Scott Johansen,
Seventh District Juvenile Court

Honorable Claudia Laycock,
Fourth District Court

Honorable Paul Maughan, Third
District Court

Honorable Russell B. Bulkley,
Garfield County Justice Court

Honorable Lee Bunnell,
Washington City Justice Court

Honorable Tony Hassell, Morgan
County Justice Court

Honorable F. Kirk Heaton, Kane
County Justice Court

Honorable Jerald L. Jensen,
Davis County and Sunset Justice
Courts

**Honorable Catherine M.
Johnson**, South Salt Lake Justice
Court

Honorable Ross McKinnon, Rich
County Justice Court

Honorable Linda Murdock, East
Carbon and Helper Justice Courts

Honorable Les Scott, Salina and
Aurora Justice Courts

Honorable Anne B. Steen,
Daggett County Justice Court -
Dutch John Precinct

Honorable R. Scott Waterfall,
Roy City Justice Court

Honorable Ronald Wolthuis,
Midvale Justice Court

In Memoriam

Honorable James Z. Davis,
retired, Utah Court of Appeals

Honorable Don Tibbs, retired,
Sixth District Court

Honorable Stephen Henroid,
retired, Third District Court



Architect's Rendering: Provo Courthouse



Architect's Rendering: Price Courthouse

Court Facility Update

Utah operates 41 courthouses throughout the state from Logan to Monticello. Ensuring that these facilities meet the needs of an ever-changing population is important to providing Utah citizens access to justice.

We are currently building new courthouses in Provo (4th District, Utah County) and Price (7th District, Carbon County). These facilities will replace and consolidate three facilities in Utah County and one in Carbon County that are outdated and no longer provide adequate courtroom and related space, facility security, and do not comply with ADA guidelines.

The new Provo Courthouse will be 230,000 square feet. It will have 18 courtrooms, secure prisoner holding and transport areas, Guardian Ad Litem offices, Juvenile Probation offices, secure employee and judicial work areas, mediation conference rooms, and secure public entrance and waiting areas. This facility will consolidate the Orem Juvenile, Provo Juvenile, and Provo District courthouses.

The new Price Courthouse will be 32,000 square feet. It will have three courtrooms, secure prisoner holding and transport areas, Juvenile Probation offices, secure employee and judicial work areas, mediation conference rooms, and secure public entrance and waiting areas.

Both facilities are scheduled to open in 2018. Patrons to the new courthouses will benefit from the improvements to safety and security.

During the 2017 Legislative Session the courts will be requesting funding to design and construct a new facility in Sanpete County, Manti, in the 6th District.

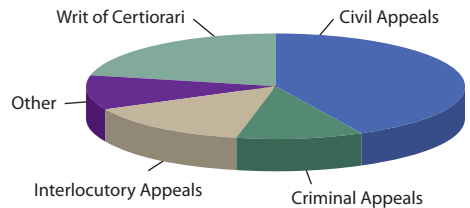
2016 Court Caseload

FY 2016 Supreme Court Filings

Civil Appeals.....	249
Criminal Appeals.....	63
Interlocutory Appeals.....	86
Other.....	61
Writ of Certiorari.....	126
Total Filings.....	585

Transferred to Court of Appeals.....	423
Transferred from Court of Appeals.....	23
Retained for decision.....	185

Total FY 16 Dispositions.....220

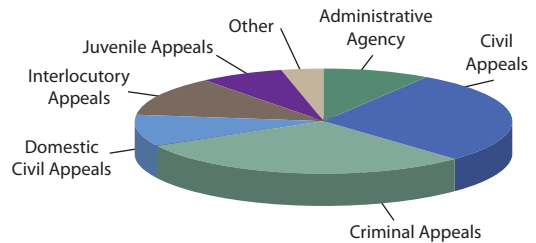


FY 2016 Court of Appeals Filings

(Including Transfers from Supreme Court)

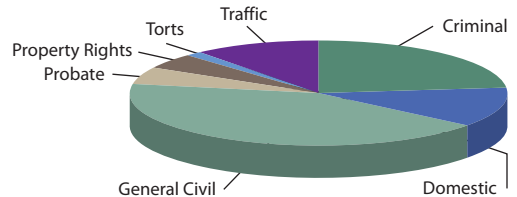
Administrative Agency.....	88
Civil Appeals.....	272
Criminal Appeals.....	277
Domestic Civil Appeals.....	93
Interlocutory Appeals.....	116
Juvenile Appeals.....	67
Other.....	33
Total Filings.....	946

Total FY 16 Dispositions.....846



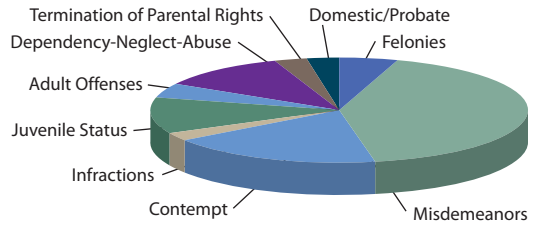
FY 2016 District Court Filings and Dispositions

	Filings	Dispositions
Criminal.....	40,082	44,122
Domestic.....	21,144	20,639
General Civil.....	72,355	72,965
Probate.....	9,160	8,757
Property Rights.....	8,260	7,802
Torts.....	2,091	2,046
Traffic.....	18,528	18,543
Total Filings.....	171,620	174,874



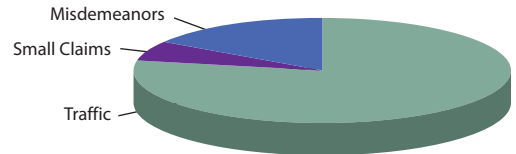
FY 2016 Juvenile Court Referrals

Felonies	1,580
Misdemeanors	12,775
Contempt	5,551
Infractions	790
Juvenile Status	3,323
Adult Offenses	1,404
Dependency-Neglect-Abuse	3,394
Termination of Parental Rights	801
Domestic/Probate	816
Total	30,434



FY 2016 Justice Court Filings and Dispositions

	Filings	Dispositions
Misdemeanors	68,612	70,145
Small Claims	26,678	27,598
Traffic	333,519	342,686
Total	428,809	440,429

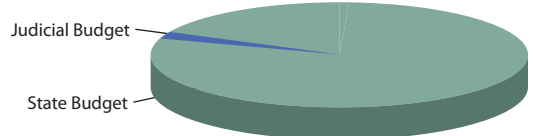


FY 2017 Annual Judicial Budget as Part of State of Utah Budget

All Funds Including General Funds & Federal Funds

Judicial Budget \$157,140,000
appropriated FY 2017 budget
 State Budget \$17,112,189,000
appropriated FY 2017 budget

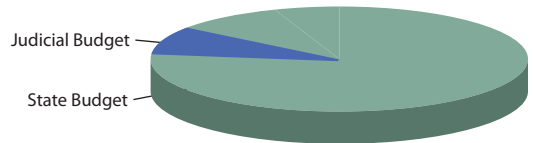
Total State Budget \$17,269,329,000



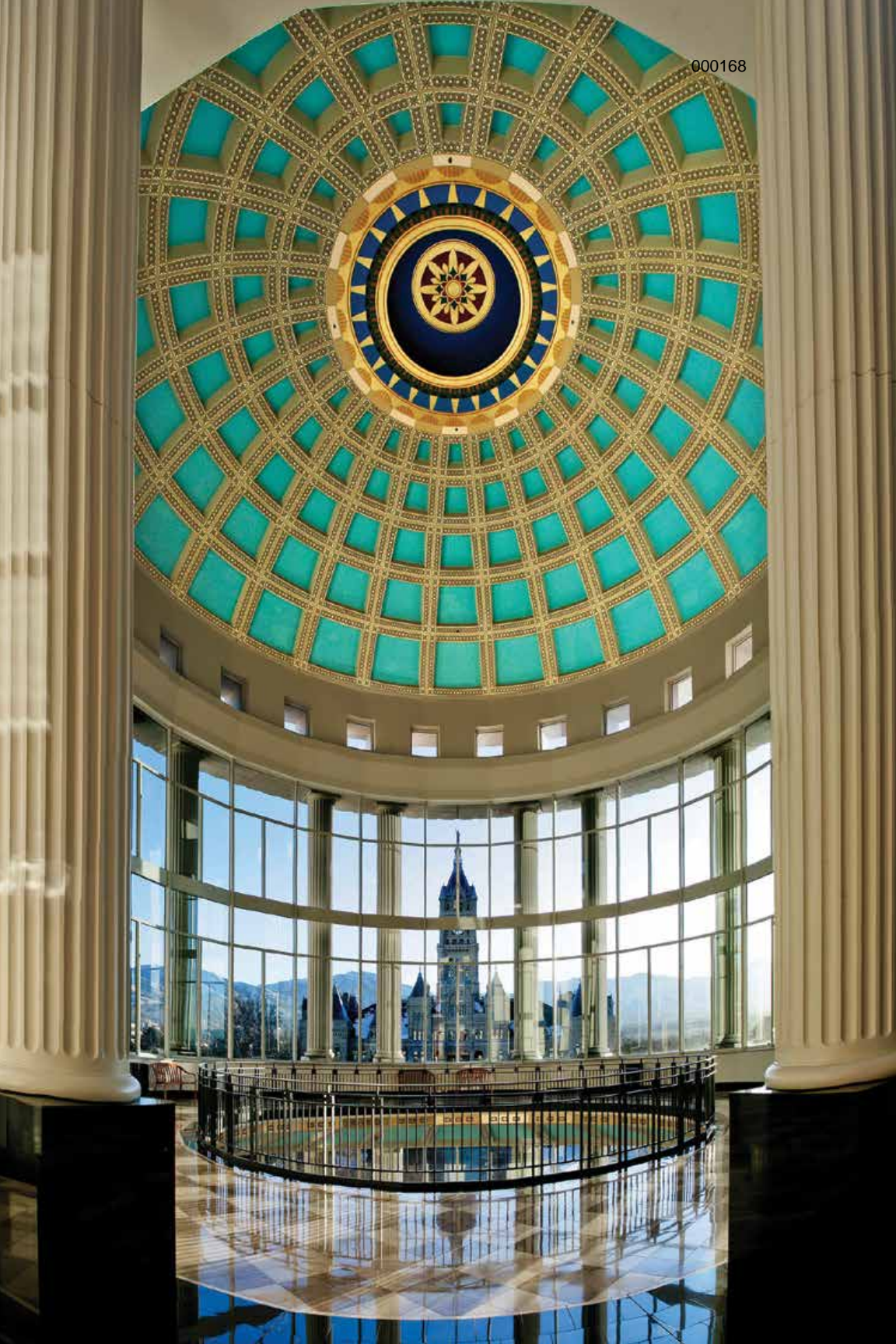
General Funds Only

Judicial Budget \$129,198,000
appropriated FY 2017 budget
 State Budget \$2,250,783,000
appropriated FY 2017 budget

Total State General Funds \$2,379,981,000



Source: Budget of the State of Utah, FY 2016-2017; Office of the Legislative Fiscal Analyst



Court Assistance is a Call, Email or Text Away

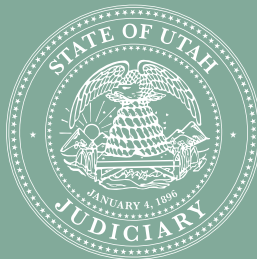
The Self-Help Center is a free service of the Utah State Courts that helps people understand their legal rights and responsibilities and helps them resolve legal problems on their own if they cannot afford a lawyer or choose not to hire one.

The Self-Help Center is a virtual center that provides services through a toll-free telephone helpline, email, text and the court's website. The center's staff speaks English and Spanish and is able to access court interpreters if someone speaks another language. The center helps people with cases at all court levels—justice, juvenile, district and appellate—and responds to questions about all legal issues. In FY2016, the center responded to more than 21,000 inquiries.

Self-Help Center staff provide the following services:

- Information about the law and court process
- Court forms and instructions and assistance completing forms
- Information about an individual court case
- Information about mediation services, legal advice and representation through pro bono and low cost legal services, legal aid programs and lawyer referral services
- Information about resources provided by law libraries and government agencies
- Presentations to the public and court staff on court self-help resources and how to navigate the justice system

**For more information, go to www.utcourts.gov
and click the link for Self-Help Center.**



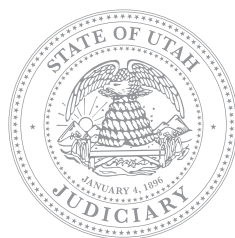
ADMINISTRATIVE OFFICE OF THE COURTS

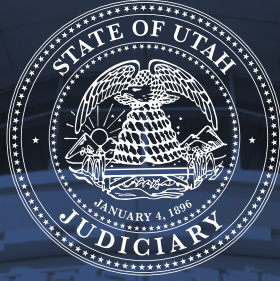
450 South State Street
Salt Lake City, UT 84114



000172

2018 Annual Report to the Community





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

Contents

Introduction	3
------------------------	---

ACCESS

Taking small claims online: Access to Justice through Online Dispute Resolution (ODR)	4
Improving access to justice through MyCase	5
Utah courts continue to receive positive feedback from court patrons	6
Licensed paralegal practitioners means greater access to justice	8

ACCOUNTABILITY

Keeping a measure on performance	10
Judicial performance evaluations and judicial selection	11
Holding Utah's attorneys to high professional standards	12

FAIRNESS

Smarter sentencing leads to better outcomes	13
Changes to juvenile justice mean fewer court referrals and focus on prevention	15
Putting more information into judges' hands will mean better pre-trial release decisions	17
Court Facility Update	18
Awards & Honors	20
Court Governance and Administration	22
By the Numbers	25



Honorable Matthew B. Durrant and
Richard H. Schwermer

Introduction

Access, accountability, and fairness. These are general principles that take on a tangible, almost urgent meaning when one is talking about our courts. Few people choose to come to court, but when they do it is usually because of some sort of crisis. So, the courts owe particular care to those who find themselves in that situation.

We view access not just as being available; rather we seek out those who need the courts and engage them with information, tools, and services. We have several initiatives that seek to anticipate the needs of court users and to make their court experience easier, cheaper, and less intimidating.

Utah courts also lead the country in providing usable data. These data inform and hold accountable our internal operations, our timeliness, and our quality of service. We publish searchable court performance data, down to the courthouse level, on our website. The independent Judicial Performance Evaluation Commission likewise publishes objective performance data about every judge, and this year the Utah Supreme Court has undertaken a study of the discipline system used to hold attorneys accountable.

Finally, Utah's courts have a history of looking out for those who may not otherwise have a voice, a history of looking for solutions to unfair circumstances, and of seeking better ways of doing things; particularly ways of doing things that are informed by research, evidence, and objective analysis. In the past these issues have included justice court reform, drug and mental health courts, and indigent defense representation. This year our efforts have been directed at making the pre-trial release of people charged with crimes more fair for the offender, and more effectively targeted at public safety. We have also worked to implement juvenile justice reforms, and smarter sentencing initiatives in adult courts.

Utah courts are committed to providing access to all, accountability to policy makers and the public, and fairness to every person we serve. What follows is our report to the community on our efforts in 2017 and our initiatives through 2018.

Honorable Matthew B. Durrant,
Chief Justice, Utah Supreme Court

Richard H. Schwermer,
Utah State Court Administrator.

Taking small claims online: Access to Justice through Online Dispute Resolution (ODR)

In July 2016, the Utah Judicial Council appointed a steering committee that was tasked to develop and build an Online Dispute Resolution (ODR) platform for parties to resolve their small claims disputes at their own convenience online whether at home, on a mobile device, or public computer. The development of ODR was an opportunity to determine if innovations in technology could assist courts in improving access to justice and creating efficiencies in court processes by redefining how the courts operate in the digital age.

The steering committee focused on developing an online system that featured alternative dispute resolution, helped remove barriers for individuals to access courts services, simplified court processes, and reduced costs for all involved in these disputes.

ODR aims to educate and guide users to file and resolve their small claims disputes entirely online. The program allows parties to access their case information and documents, communicate and negotiate a resolution with all parties involved in the dispute, and receive individualized assistance from a facilitator who supports parties in resolving the dispute on their own. If parties are unable to resolve the dispute through agreement, the program guides users to their trial, which can be held either online or in a courthouse.

The steering committee is in the final stages of development of the ODR program and expects to begin testing the program in the West Valley City Justice Court in 2018. If successful, the program will be rolled out statewide and may help to lay the foundation necessary to move other case types online in Utah's courts.



Improving access to justice through MyCase

Imagine being able to get alerts on a hearing involving your court case on your computer or mobile device.

In an effort to improve access to justice this new web portal will allow any party to a case to access documents, review information, and subscribe to important notifications from the court online. MyCase will be available to any individual who has a case before a district or justice court anywhere in the state. MyCase is designed for the general public and only grants access to information on the user's case, including private information for that user only. Access to MyCase and the case information will be provided at no charge to the user.

MyCase includes the ability for users to subscribe to email and text notifications for activity on their case. Users will be able to get information on upcoming hearings, such as time, location, and hearing type. Users will also be able to review their transaction history and make payments through their MyCase portal.

MyCase will decrease the need for parties to physically visit a courthouse in order to access information. The MyCase portal will be available in 2018.

Utah courts continue to receive positive feedback from court patrons

Utahns reported a high level of satisfaction with access and fairness in the state's courts, according to results from a survey conducted during the summer of 2017.

The Access and Fairness Survey measured the views of court users on 20 topics, including business hours, time needed to finish court business, treatment by court staff, disability accommodations, language barriers, courthouse safety, the courtroom experience and ease of parking.

Survey results have been consistently positive each of the seven times the survey has been conducted since 2006. No other court in the nation has conducted this study as consistently as Utah.

Highlights of the survey include: 94 percent said court staff paid attention to their needs, with 96 percent saying they were treated with courtesy and respect by staff. Ninety-three percent indicated the court forms they needed were easy to understand, and 94 percent said they understood what happened in their case.

The statement "I felt safe in the courthouse" garnered the highest score, with 98 percent of participants rating it as adequate or better.

The Access and Fairness Survey is conducted biennially in each of the state's 38 district and juvenile courthouses for one full court day. Attorneys, jurors, law enforcement, litigants and their families and friends, paralegals, social service agency staff, victims and witnesses are asked to take the survey as they leave the courthouse.

Survey results for all years are available on the Utah State Courts' website at www.utcourts.gov.

Help is just a call or click away

The Self-Help Center is a free service of the Utah State Courts providing services through a toll-free telephone helpline, email, text, and the Courts' website. Many people in Utah cannot afford an attorney or choose not to hire one. The Self-Help Center helps these people help themselves.

Help is available to anyone who contacts the center. The Self-Help Center assists people with cases at every court level; including justice, juvenile, district, and appellate courts; and responds to questions about all legal issues. The center's staff attorneys are able to assist people directly in English and Spanish, and numerous other languages through certified interpreters.

In FY 2017, the SHC responded to more than 19,000 inquiries. The Self-Help Center:

- Demystifies the law by explaining legal processes in plain English
- Promotes efficiency in the legal system by giving individuals information on legal requirements and next steps in their cases, and providing court forms and help completing forms
- Makes the courts open and accessible by furnishing clear explanations of many legal issues and requirements on the courts' website
- Connects people with other resources including pro bono and low-cost legal services, legal aid programs, lawyer referral services, mediation, law libraries, and government agencies
- Educates the public on court self-help resources and how individuals navigate the legal system

For more information on resources available for self-represented parties, please visit www.utcourts.gov/selfhelp

Licensed paralegal practitioners means greater access to justice



The Utah Supreme Court anticipates admitting its first Licensed Paralegal Practitioner in 2018. This will make Utah the second state in the country to embrace this new profession—a profession with the goal of improving access to justice for all Utahns.

In May 2015, the Utah Supreme Court appointed a task force to study whether qualified non-lawyers should be permitted to provide legal advice and assistance to clients in certain areas of law without the supervision of a lawyer. Despite the tremendous service that lawyers provide to their clients, and efforts of the Utah State Bar to provide legal services to under-served clients, the Utah Supreme Court was concerned that there were still many people who needed legal assistance, yet did not have a lawyer to help them.

The Limited Legal Licensing Task Force quickly took up its work, and in November 2015, it issued a historic report, recommending that the Utah Supreme Court create a new legal professional, one who could practice law on a limited basis. This new Licensed Paralegal Practitioner (LPP) would have more training and responsibilities than a normal paralegal, but would not be a lawyer.



LPPs will be able to help clients with debt collection, eviction cases, and certain family law matters. The task force found an LPP can be a cheaper alternative for people who can't afford a lawyer, or who don't want to spend their money on one. An LPP will be able to assist clients by doing such things as filling out court-approved forms, filing and serving the forms, advising clients how a court order affects their rights and obligations, representing a client in settlement negotiations, and helping clients prepare a written settlement agreement. An LPP, however, cannot represent a client in the courtroom.

The Utah Supreme Court next appointed a steering committee to implement the task force's recommendations. The steering committee is working to develop the basic infrastructure for the program, which includes defining minimum educational requirements, learning objectives and required curricula, licensing, mentoring, continuing education, service to the community, and rules of professional responsibility and discipline.

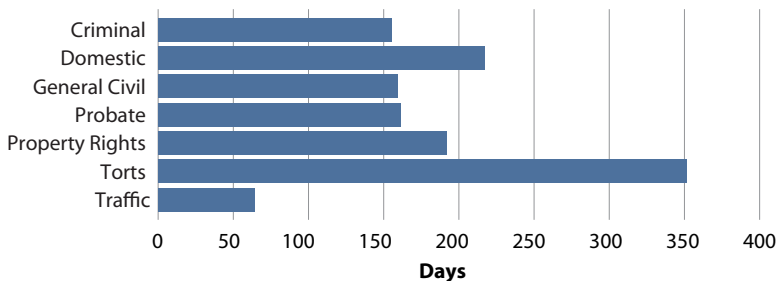
The steering committee expects to complete its work in early 2018, making it possible for Utah to see its first paralegal practitioners in the fall of 2018.

Keeping a measure on performance

For more than a decade, the Utah Judicial Council has been systematically monitoring court performance. During this time, performance and process improvement have become a regular part of court operations. To measure access and fairness, court patrons are surveyed every other year about their court experience. Survey results are provided to local courts to highlight successes and determine where improvements are needed. To address case management efficiency, courts regularly review their progress in moving cases toward timely resolutions. Management teams share information with judges on performance measures and cases taking longer than the typical time for resolution are reviewed to determine if court intervention by case managers is required. An important component to the performance measurement process is that the results are posted to the public on the courts website, which demonstrates the commitment of the courts to transparency in its operation.

Average Age of Pending Cases - All Districts

Tracking the age of cases helps the court ensure cases are disposed in a timely manner. Cases pending longer than recommended timelines may indicate the need for court intervention.



These measures and others are available for public viewing at www.utcourts.gov/courtools/

Judicial performance evaluations and judicial selection

In Utah, we are fortunate to have a merit-based system for selecting and retaining our judges. This system ensures our judges' ability to make decisions based on the rule of law. The Judicial Article of the Utah Constitution, revised effective July 1, 1985, established merit selection as the exclusive method of choosing a state court judge. As stated in the Utah Constitution: "Selection of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration." This is unlike many other states where campaign contributions, sometimes to the tune of millions of dollars, and politics play key roles in who serves on the bench.

The five steps in the Utah merit selection process are nomination, appointment, confirmation, evaluation, and retention election.

The process for appointing state court judges is managed by the Utah Commission on Criminal and Juvenile Justice. The Governor appoints a bipartisan committee of lawyers and non-lawyers for each judicial district, including the appellate courts. These committees are called judicial nominating commissions. Commission members review the applications for vacant judicial positions and select candidates to interview. After it has conducted the interviews, the Commission refers five names (for district and juvenile court judges) or seven names (for appellate court judges) to the Governor. The Governor appoints one of the nominees who must then be confirmed by a majority of the Utah State Senate.

The process for selecting justice court judges is similar to the process for selecting state court judges. A key difference, though, is that the appointing authority is the municipality or county rather than the governor.

Each judge will stand for an unopposed retention election at the first general election held more than three years after his or her appointment. After the first retention election, Supreme Court justices stand for retention in an unopposed election every tenth year; all other judges do so every sixth year.

Prior to retention, the Utah Judicial Performance Evaluation Commission (JPEC) evaluates Utah's judges on their performance and recommends to voters whether a judge should be retained. JPEC reports the results on the commission website, www.judges.utah.gov, and in the Voter Information Pamphlet posted on the Utah State Elections Page (elections.utah.gov).

The five steps in Utah's merit selection process are one reason among many that Utah is considered a model court system both domestically and internationally. By using a comprehensive merit selection and retention process, Utah ensures that only the highest caliber judges serve the people of this great state.

Holding Utah's attorneys to high professional standards

Utah's Constitution gives the Utah Supreme Court the responsibility to regulate the practice of law. This fall, the Utah Supreme Court formed a committee to review a report by the American Bar Association (ABA) on ways to improve the functions of the Utah Bar's Office of Professional Conduct (OPC). The report is the result of a comprehensive review, including a site visit by a team of experts assembled by the ABA.

Chaired by Third District Judge James Blanch, the committee is comprised of judges, attorneys, and court staff. The committee is studying the 109-page report issued by the ABA's Standing Committee on Professional Discipline. The court committee will consider recommendations made in this report and make recommendations to the Utah Supreme Court on the attorney discipline process. "To assure the public's trust, attorney discipline should be fair and independent. We look forward to working with the court to improve Utah's process," said Utah State Bar President John Lund, a member of the committee. A report with recommendations is anticipated to be sent to the Utah Supreme Court by July of 2018. The ABA report can be found at: https://www.utcourts.gov/resources/reports/docs/ABA-OPC_Report.pdf

Smarter sentencing leads to better outcomes

Historically, sentencing decisions have been primarily focused on the “level” or seriousness of the crime committed. However, studies show there is a better, more effective method to sentencing. Evidence-Based Sentencing (EBS) is the application of methods proven to reduce the likelihood a defendant will re-offend, and to hold them accountable. EBS applies a set of sentencing practices that include identifying an offender’s risk to re-offend, matching risk factors to supervision levels, and providing proven treatment services and programs tailored to an individual offender’s specific risks, and treatment needs. The primary goal of EBS is to focus time and resources on the offender who is not likely to succeed without intensive services, and expend minimal resources on low-risk offenders.

EBS provides judges information to consider regarding potential supervision and treatment conditions with the aim to reduce an offender’s risk of reoffending, but does not refer to the decision regarding an offender’s appropriate punishment.

EBS practices promote interventions that have proven to improve public safety, reduce crime, re-offenses, and probation failures; promote offender accountability and avoid future victimization. EBS practices also show promising fiscal benefits such as freeing up prison and jail beds for more serious offenders by effectively supervising lower risk offenders in the community and reduce social, economic, and family costs associated with crime and imprisonment.



Utah State Courts strive to advance access to fair, equal, and efficient justice through implementation of evidence-based practices which focus on an offender's risks and needs in order to prevent further criminal activity and increase overall public safety.

In 2017 Utah State Courts received federal grant funds through the Commission on Criminal and Juvenile Justice to conduct "Smarter Sentencing" workshops around the state. Workshop participants consist of multidisciplinary stakeholders including judges, probation officers, prosecuting attorneys, defense counsel, law enforcement, substance abuse and mental health representatives, and court staff. Thus far, these collaborative workshops have included 98 judges and stakeholders.

Changes to juvenile justice mean fewer court referrals and focus on prevention

In the spring of 2017, the passage and implementation of HB239, *Juvenile Justice Amendments*, led to significant changes to the juvenile justice system.

The legislation was the culmination of an intensive, six-month review of juvenile justice data and information to assist the workgroup with its recommendations for legislative change. Members of the Juvenile Court bench and Juvenile Court administration, along with partner juvenile justice agencies, served on the workgroup. The underlying philosophy of the workgroup's efforts included keeping low risk youth out of the juvenile justice system; working with moderate risk youth in their homes, schools, and communities; and providing targeted responses to high risk youth who may need to be removed from their communities and placed in secure facilities because of public safety risks. Dollars now used for out-of-home placements could then be repurposed and shifted to "front-end" services for low risk youth for prevention services to keep these youth out of the juvenile justice system.

HB239 affected the Utah Juvenile Court in myriad ways. First, school districts are no longer able to refer low level delinquent acts, status offenses, and habitual truancy cases to the Juvenile Court. Instead, the schools are able to work with the youth through local restorative justice programs and intervention services. This way, youth with low level, school-based, and school discipline violations are not "criminalized" and pushed into the juvenile justice system. Fewer school-based referrals come to the Juvenile Court now, but serious offenses are still referred to the Juvenile Court.

Second, the Juvenile Court's nonjudicial adjustment process was expanded to include more allowable offenses and more opportunities for youth to participate, even those with repeat offenses. Again, the idea here is that youth are not pushed further into the juvenile justice system that involves more severe consequences. Instead, youth work with Juvenile Court probation officers through structured interventions, services, consequences, and restitution commitments.

Third, caps were placed on fines, fees, and community service hours on cases petitioned to the Juvenile Court. This way youth are not overwhelmed by com-

mitments that in many cases they are unable to fulfill and keep them tied to the juvenile justice system.

Finally, HB239 provided a very structured decision-making process for judges to follow for high risk youth who committed serious offenses as they are considered for out-of-home placements such as community placement and secure care.

The Juvenile Justice Oversight Committee, which includes representation from the Juvenile Court including judges, administration, and probation representatives, is tasked with overseeing the implementation of HB239. The Juvenile Justice Oversight Committee developed a website and resources to provide information and assistance to schools, law enforcement, prosecutors and others affected by HB239. To spread the message and raise awareness of HB239, the Oversight Committee sponsored a series of HB239 roadshows initially targeting schools, school resource officers, and law enforcement agencies. Judges, Juvenile Court administrators, trial court executives, and chief probation officers served on HB 239 roadshow panels to talk about the HB239 changes to the juvenile justice system and respond to questions. A roadshow took place at least once in each of Utah's eight judicial districts.

While change is often challenging and the impact on the Juvenile Court is great, the long-term impact of HB239 on Utah youth is promising. The Juvenile Court is committed to the underlying philosophy and tenets of HB239 and the Juvenile Court will work hand-in-hand with our partners to make certain that the promise of juvenile justice reform is realized.

Putting more information into judges' hands will mean better pre-trial release decisions

Every day our judges face the difficult decision about whether a person arrested for a crime should stay in jail while awaiting trial, or whether they can be safely released. In order to make these decisions, judges rely on their own instincts and on very limited information they are provided by law enforcement in a brief probable cause statement. Judges do not have access to an offender's criminal history or any other information related to their risk to flee or to commit a new offense. Without the benefit of this sort of individualized risk assessment, many times judges must default to a bail schedule to set release conditions – a chart that designates a specific money amount for each criminal charge.

As a result, people who pose a significant public safety risk are able to post bail and go on to commit other crimes. In contrast, low-level, nonviolent, and often lower-income defendants who are unlikely to commit a new crime, are kept behind bars. This creates hardship for low-level offenders and reduces the public's safety. Research shows that even a short stay in jail can have negative consequences for individuals, families, and communities. It can cause a person to lose their job, housing, and even custody of his/her children. Faced with these pressures, pretrial defendants often plead guilty to crimes they may not have committed just so they can get back to work and their families.

After years of careful study, Utah courts are working to implement a validated pretrial risk assessment tool called the Public Safety Assessment (PSA). The tool uses evidence-based, objective, criminal history information to predict the likelihood that an individual will engage in new criminal activity if released, and to predict the likelihood that he/she will fail to appear for a future court hearing. In addition, it flags those defendants who present an elevated risk of committing new violent criminal activity while awaiting trial.

Judges are not required to follow the recommendation of the PSA; rather, judges will continue to rely on their instincts and vast experience on the bench, as well as this new information. Monetary conditions of release set in accordance with the bail schedule may still be used when appropriate. The PSA will help judges make better informed decisions in order to protect public safety.

COURT FACILITY UPDATE



Price Courthouse

Utah operates 41 courthouses throughout the state from Logan to Monticello. Ensuring that these facilities meet the needs of an ever-changing population is paramount to providing Utah citizen's access to justice.

We are currently building new courthouses in Provo (4th District Utah County) and Price (7th District Carbon County).

The Price courthouse replaces the existing courthouse that is outdated and out of compliance with current security, ADA and general courthouse guidelines. The new courthouse will be 32,000 square feet. It will have three courtrooms, secure prisoner holding and transport areas, Juvenile Probation offices, secure employee and judicial work areas, mediation conference rooms, and secure public entrance and waiting areas. This facility will replace the current facility, built in 1986.



Provo Courthouse

The Provo facility will replace and consolidate three facilities in Utah County that are outdated and no longer provide adequate program space. The new courthouse will be 230,000 square feet. It will have 18 courtrooms, secure prisoner holding and transport areas, Guardian Ad Litem offices, Juvenile Probation offices, secure employee and judicial work areas, mediation conference rooms, and secure public entrance and waiting areas. This facility will consolidate the Orem Juvenile, Provo Juvenile, and Provo District courthouses.

Patrons utilizing the new courthouses will benefit from the improvements to safety and security. The Price courthouse is scheduled to open in July 2018, and January 2019 for the Provo courthouse.

During the 2018 Legislative Session the courts will request funding to design and construct a new facility in Sanpete County, Manti, in the 6th District.

AWARDS & HONORS

Honorable Lyle R. Anderson, Seventh District,
Judicial Excellence Award,
Utah State Bar

Gabriella Archuleta, Court Improvement
Coordinator, *Meritorious Service Award*, Utah
Judicial Council

Johnizan Bowers, Judicial Educator, Meritorious
Service Award, Utah Judicial Council

Honorable Ann Boyden, Third District, *Judge
Kathleen Nelson Award*, Utah Fall Substance
Abuse Conference

Honorable Samuel A. Chiara, Eighth District,
Judicial Excellence Award, Utah State Bar

Lisa A. Collins, Clerk of Court, Utah Court of
Appeals, *Meritorious Service Award*, Utah Judicial
Council

Honorable Lynn W. Davis, Fourth District, *Judicial
Excellence Award*, Utah State Bar

Chief Justice Matthew Durrant, Utah Supreme
Court, *Judicial Excellence Award*, Utah State Bar

Rene GiaComazza, Clerk of Court, Fifth District
Juvenile, *Meritorious Service Award*, Utah Judicial
Council

Honorable Ryan M. Harris, Utah Court of Appeals,
Judicial Excellence Award, Utah State Bar

Liesl Jacobson, Children's Services Coordinator,
Service to the Courts Award, Utah Judicial Council

Brent Johnson, General Counsel, Administrative
Office of the Courts, *Judicial Administration
Award*, Utah Judicial Council

Honorable Thomas L. Kay, Second District,
Judicial Excellence Award, Utah State Bar

Lee Ann Heim Mueller, eFiling Specialist, Third
District, *Meritorious Service Award*, Utah Judicial
Council

Sally Koch, Judicial Assistant, Third District,
Records Quality Award, Utah Judicial Council

Wallace S Odd II, First District Mental Health Court,
Service to the Courts Award, Utah Judicial Council

Honorable Gregory K. Orme, Utah Court of
Appeals, *Judicial Excellence Award*, Utah State Bar

Ashley Palmer, Case Manager, Fifth District
Juvenile, *Meritorious Service Award*, Utah Judicial
Council **Sheila Penrose**, Court Visitor Volunteer,
Third District, *Service to the Courts Award*, Utah
Judicial Council

Honorable Derek P. Pullan, Fourth District,
Judicial Excellence Award, Utah State Bar

Honorable Reuben Renstrom, Riverdale, South
Ogden, Woods Cross, Harrisville, South Weber
Justice Courts, *Quality of Justice*, Utah Judicial
Council

Honorable Catherine Roberts, Salt Lake City
Justice Court, *Quality of Justice*, Utah Judicial
Council

Honorable Stephen Roth, Utah Court of Appeals,
Judge of the Year, Utah State Bar

Stewart Ralphs, Executive Director, Legal Aid
Society, *Amicus Curiae Award*, Utah Judicial
Council

Honorable Todd M. Shaughnessy, Third District,
Judicial Excellence Award, Utah State Bar

Kelly Snow, Judicial Assistant III, Eighth District,
Meritorious Service Award, Utah Judicial Council

Susan Vogel, Staff Attorney, Self Help Center,
Meritorious Service Award, Utah Judicial Council

Honorable Frederic Voros, Utah Court of Appeals,
Judge of the Year, Utah State Bar

Tracy J. Walker, Clerk of Court, Third District,
Meritorious Service Award, Utah Judicial Council

Honorable W. Brent West, Second District, *Judicial
Excellence Award*, Utah State Bar

Honorable G. Michael Westfall, Fifth District,
Judicial Excellence Award, Utah State Bar

Diane L. Williams, Internal Auditor, Administrative Office of the Courts, *Meritorious Service Award*, Utah Judicial Council

Honorable Thomas L. Willmore, First District, *Judicial Excellence Award*, Utah State Bar

Emily Wing Smith, Volunteer Mentor, Village Project Mentor Program, Third District, *Service to the Courts Award*, Utah Judicial Council

Fourth District Provo Juvenile Court Truancy

Team, Victor Enriques, Jode Porter, Tammy Baker, Chris Cook, Jason Johnson, Cheryl Wright, *Meritorious Service Award*, Utah Judicial Council

Members of the AOC Case Planning Committee,

John Bowers, Angie McCourt, Tiffany Rupe, *Meritorious Service Award*, Utah Judicial Council

Judges Who Retired From the Bench in 2017

Justice Christine Durham, Supreme Court

Honorable Stephen Roth, Appellate Court

Honorable J. Frederic Voros, Appellate Court

Honorable Charles Behrens, Third District Juvenile Court

Honorable Jeffrey Burbank, Second District Juvenile Court

Honorable Scott Hadley, Second District Court

Honorable Samuel Mcvey, Fourth District Court

Honorable C. Dane Nolan, Third District Juvenile Court

Honorable Clinton Balmforth, Alta and South Jordan Justice Courts

Honorable Beesley, Plain City Justice court

Honorable Wayne Cooper, Clarkston Justice Court

Honorable Ivo Peterson, Moroni, Ephraim, Manti, Gunnison, fountain Green, Fairview, Spring City and Mt. Pleasant Justice Courts

Honorable Catherine E. Roberts, Salt Lake City Justice Court

Honorable Marsha Thomas, retired 2016, Taylorsville Justice Court

Honorable Steven Wallace, Orderville Justice Court

In Memoriam

Honorable Robert Hilder, retired, Third District Court

Honorable Martin J. Nay, retired, Panguitch City Justice Court

Honorable Linda Murdock, retired, Helper and East Carbon Justice Courts

Honorable Seth Rigby Wright, retired, Monticello Justice Court

COURT GOVERNANCE AND



Utah Judicial Council

The Utah Judicial Council is established in the Utah Constitution and directs the activities of all Utah courts. The Judicial Council is responsible for adopting uniform rules for the administration of all courts in the state, setting standards for judicial performance, and overseeing court facilities, support services, and judicial and nonjudicial personnel. The Judicial Council holds monthly meetings typically at the Scott M. Matheson Courthouse in Salt Lake City. These meetings are open to the public. Dates and locations of Judicial Council meetings are available at www.utcourts.gov/admin/judcncl/sched.htm.

Chief Justice Matthew B. Durrant, chair,
Utah Supreme Court
Judge Kate A. Toomey, Court of Appeals,
vice chair

Judge Augustus Chin, Holladay Justice Court
Judge Mark R. DeCaria, Second District Court
Judge Paul Farr, Sandy City Justice Court
Judge Thomas M. Higbee, Fifth District Court
Justice Thomas R. Lee, Utah Supreme Court
Judge David C. Marx, Logan and Hyde Park
Justice Courts
Judge Mary T. Noonan, Fourth District
Juvenile Court
Judge Kara Pettit, Third District Court
Judge Derek P. Pullan, Fourth District Court
Judge Todd M. Shaughnessy, Third District Court
Rob Rice, Esq., Utah State Bar
Richard Schwermer, secretariat, State
Court Administrator

Utah State Courts Boards of Judges

The Utah State Courts has four boards of judges representing each court level that meet monthly. The boards propose court rules, serve as liaison between local courts and the Judicial Council, and plan budget and legislative priorities.

Board of Appellate Court Judges

Chief Justice Matthew B. Durrant, chair,
Utah Supreme Court
Associate Presiding Judge Michele M. Christiansen,
Utah Court of Appeals
Judge Diana Hagen, Utah Court of Appeals
Judge Ryan Harris, Utah Court of Appeals
Justice Deno Himonas, Utah Supreme Court
Associate Chief Justice Thomas R. Lee, Utah
Supreme Court
Judge David M. Mortensen, Utah Court of Appeals
Presiding Judge Gregory K. Orme, Utah
Court of Appeals
Justice John A. Pearce, Utah Supreme Court
Justice Paige Petersen, Utah Supreme Court
Judge Jill M. Pohlman, Utah Court of Appeals
Judge Kate Toomey, Utah Court of Appeals
Cathy Dupont, board staff, Appellate Court
Administrator

Board of District Court Judges

Judge Andrew Stone, chair, Third District Court
Judge Bryan Cannell, First District Court
Judge Sam Chiara, Seventh District Court
Judge Noel S. Hyde, Second District Court
Judge Christine Johnson, Fourth District Court
Judge Barry Lawrence, Third District Court
Judge Thomas Lowe, Fourth District Court
Judge Eric Ludlow, Fifth District Court
Commissioner Kim Luhn, Third District Court
Judge John Morris, Second District Court
Shane Bahr, board staff, District Court
Administrator

Board of Juvenile Court Judges

Judge Ryan Evershed, chair, Eighth District
Juvenile Court
Judge Angela Fannesbeck, First District
Juvenile Court
Judge Julie Lund, Third District Juvenile Court
Judge Jim Michie, Third District Juvenile Court
Judge Robert Neill, Second District Juvenile Court
Judge Douglas Nielsen, Third District
Juvenile Court
Judge F. Rick Smith, Fourth District Juvenile Court
Dawn Marie Rubio, board staff, Juvenile Court
Administrator

Board of Justice Court Judges

Judge Reuben J. Renstrom, chair, Harrisville City,
Riverdale City, South Ogden City, South Weber
City, and Woods Cross City Justice Courts
Judge Brent Bullock, Lindon and Pleasant Grove
Justice Courts
Judge Jon Carpenter, Wellington and Price
Justice Courts
Judge Brent Dunlap, Parowan City, and
Iron County Justice Courts
Judge Paul Farr, Herriman, Lehi, and Sandy City
Justice Courts
Judge David Marx, Logan and Hyde Park
Justice Courts
Judge Reed Parkin, Orem City Justice Court
Judge Catherine E. Roberts, Salt Lake City
Justice Court
Judge Vernon F. Romney, Provo Justice Court
Judge Brook Sessions, Wasatch County
Justice Court
James Peters, board staff, Justice Court
Court Administrator

Presiding Judges

The presiding judge is elected by a majority vote of judges from the district and is responsible for effective court operation. The presiding judge implements and enforces rules, policies, and directives of the Judicial Council and often schedules calendars and case assignments. The presiding judge works as part of a management team in the district, which includes the trial court executive and clerk of court.

Utah Supreme Court-Chief Justice

Matthew B. Durrant

Court of Appeals-Judge Gregory K. Orme

First District Court-Judge Kevin K. Allen

First District Juvenile Court-Judge

Angela F. Fannesbeck

Second District Court-Judge W. Brent West

Second District Juvenile Court-Judge

Sherene Dillon

Third District Court-Judge Randall Skanchy

Third District Juvenile Judge Julie V. Lund

Fourth District Court-Judge James Brady

Fourth District Juvenile Court-Judge

Suchada P. Bazzelle

Fifth District Court-Judge John Walton

Fifth District Juvenile Court-Judge

Thomas M. Higbee

Sixth District Court-Judge Wallace A. Lee

Sixth District Juvenile Court-Judge Paul D. Lyman

Seventh District Court-Judge Douglas Thomas

Seventh District Juvenile Court-Judge

Mary L. Manley

Eighth District Court-Judge Edwin T. Peterson

Eighth District Juvenile Court-Judge Ryan Evershed

Court Executives

The Utah State Court's trial court executives are responsible for day-to-day supervision of non-judicial administration of the courts. Duties include hiring and supervising staff, developing and managing a budget, managing facilities, managing court calendars, and developing and managing court security plans.

Appellate Courts-Cathy Dupont

First District and Juvenile Courts-Brett Folkman

Second District Court-Larry Webster

Second District Juvenile Court-Travis Erickson

Third District Court-Peyton Smith

Third District Juvenile Court-Neira Siaperas

Fourth District Court-Mark Urry

Fourth District Juvenile Court-James Bauer

Fifth District and Juvenile Courts-Joyce Pace

Sixth District and Juvenile Courts-Wendell Roberts

Seventh District and Juvenile Courts-Terri Yelonek

Eighth District and Juvenile Courts-Russell Pearson

Administrative Office of the Courts

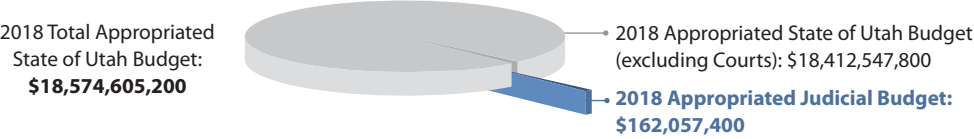
The Administrative Office of the Courts is responsible for organizing and administering all of the non-judicial offices of the Utah State Courts. Activities include implementing the standards, policies and rules established by the Utah Judicial Council. The Court Administrator Act provides for the appointment of a State Court Administrator with duties and responsibilities outlined in the Utah Code. Appellate, district, juvenile, and justice

court administrators and local court executives assist State Court Administrator Richard Schwermer in performing these duties and responsibilities. Also assisting the state court administrator are personnel in finance, human resources, internal audit, judicial education, law, planning, public information, rules, and technology. Mediators, Office of the Guardian ad Litem, a District Court capital case staff attorney, and two Juvenile Court law clerks.

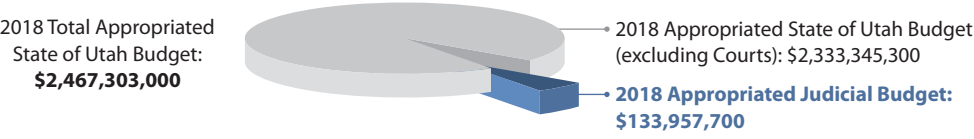
For more information on Utah's State Court System, go to **www.utcourts.gov**.

BY THE NUMBERS

All Funds including General Funds & Federal Funds



General Funds only



Supreme Court FY'17

	Filings
Civil Appeals.....	249
Criminal Appeals.....	60
Interlocutory Appeals.....	74
Other.....	57
Writ of Certiorari.....	117
Total Filings.....	557
Transferred to Court of Appeals.....	425
Transferred from Court of Appeals.....	27
Retained for decision.....	159
Total Dispositions.....	202

Court of Appeals FY'17

(Including transfers from Supreme court)

	Filings
Administrative Agency.....	79
Civil Appeals.....	278
Criminal Appeals.....	275
Domestic Civil Appeals.....	55
Interlocutory Appeals.....	89
Juvenile Appeals.....	85
Other.....	39
Total Filings.....	900
Total Dispositions.....	844

District Court FY'17

	Filings	Dispositions
Criminal.....	42,111	44,334
Domestic.....	20,870	20,958
General Civil.....	68,232	73,513
Probate.....	9,891	9,045
Property Rights.....	8,135	8,222
Torts.....	1,990	2,072
Traffic/Parking.....	15,308	18,648
Total.....	166,537	176,792

Juvenile Court Referrals FY'17

	Total
Felonies.....	1,572
Misdemeanors.....	12,517
Contempt.....	3,441
Infractions.....	804
Juvenile Status.....	3,103
Adult Offenses.....	1,390
Dependency-Neglect_Abuse.....	3,541
Termination of Parental Rights.....	894
Domestic/Probate.....	817
Total.....	28,079

Justice Court FY'17

	Filings	Dispositions
Misdemeanors.....	68,273	67,142
Small Claims.....	28,820	28,658
Traffic.....	331,743	336,515
Total.....	428,836	432,315



ADMINISTRATIVE OFFICE OF THE COURTS
450 South State Street
Salt Lake City, UT 84114



Bringing the Courts to the People.





Contents

Introduction 2

Expanding Services Means Better Access to the Courts

- Online Dispute Resolution (ODR) 5
- Self Help Center 6
- Licensed Paralegal Practitioners 7

Problem Solving Courts: Connecting Services
to Those Who Need Them 8

Juvenile Courts - The Changing Role of Probation
and Engaging Directly with Service Providers 10

Connecting the Courts with Communities 12

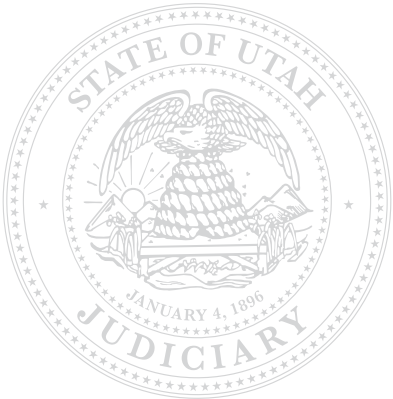
Children Challenged by Divorce Have Help 14

Court Facility Update 16

Awards & Honors 18

Court Governance & Administration 20

By the Numbers 24



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.

The courts strive to serve the public according to these principles at every point of contact with our system. People turn to the courts when seeking resolution of a dispute or when otherwise facing an urgent legal matter or difficult circumstance. We recognize that simply offering courthouses is not enough. We must adapt our service delivery to the needs and even expectations of citizens in order to reduce stress, increase efficiencies and provide simpler access to justice.



Honorable Matthew B. Durrant
Chief Justice, Utah Supreme Court



Honorable Mary T. Noonan
Interim State Court Administrator

Over the years, the Utah State Courts have sought innovative ways to improve court services through the use of technology. We have also strengthened our self-help center and mediation programs. And recently, we have launched two new initiatives designed to increase access to services and to provide ever more convenient ways for citizens to resolve legal disputes.

The first of these new efforts is Online Dispute Resolution or ODR. This program is one of the first of its kind in the nation. Through ODR, people are able to address their small claims dispute entirely on-line, without having to come to court. They do so with the assistance of court-trained facilitator, who helps the parties exchange information and negotiate a resolution. If the parties reach an agreement, the computer generates the document and the case is concluded. If the parties cannot agree, the facilitator helps the parties prepare the case for court, which may result in trial or having a judge decide the matter without trial.

The second initiative, launched by the Utah Supreme Court, creates a new class of legal professionals: the Licensed Paralegal Practitioner or LPP. A licensed paralegal practitioner must complete paralegal training and also become certified as an LPP. LPPs provide legal advice and offer assistance in three discrete areas of law: landlord-tenant, debt collection, and family law. This program, which begins in 2019, is designed to provide Utahns with increased access to legal services, at reduced cost.

The courts are committed to providing the public access to justice under the law. We are accountable to citizens and policy makers. What follows is our report to the community on our efforts in 2018 and our initiatives in 2019.



Expanding Services Means Better Access to the Courts

The Utah State Courts are working to eliminate barriers to the courts by developing and improving programs that expand court services online, help unrepresented parties, and increase the availability of legal professionals.

Online Dispute Resolution (ODR)

Coming to court can be a hassle. Parties may have to take time off work, arrange for child care, fight traffic, or deal with parking or transportation issues. In September 2018 the courts launched a pilot program in small claims cases filed in West Valley City Justice Court which directs all cases to a new online process.

The goal of ODR is to make it more convenient and efficient for people to resolve their disputes. ODR allows parties to settle their case virtually, with the help of a trained facilitator.

Once a small claims case is filed, the plaintiff logs in to the online system within 7. The defendant then logs in to the system within 14 days of being served.

Once both parties have signed into the system, the assigned facilitator starts the conversation. If the parties are able to reach an agreement, the facilitator can help the parties draft the final documents. If the parties cannot agree, the facilitator can help them prepare the documents needed to prepare for trial.

ODR is convenient because parties can participate on their schedule, not the court's schedule. They can respond to messages at any time, day or night, weekends and holidays. Everything can be done wherever they are, as long as they have internet access.

If the parties cannot come to an agreement, the case proceeds to the judge, a small claims trial is scheduled, and the judge hears the case.

Self-Help Center

Most people in Utah cannot afford an attorney or choose not to hire one. The Self Help Center (SHC) helps these people help themselves. The SHC is a free service of the Utah State Courts, operating as a virtual help desk, providing court-related help through a toll-free telephone helpline, email, text, and the courts' website.

Help is available to anyone who contacts the SHC. The SHC helps people with cases at every level of state court. SHC staff attorneys are able to assist people directly in English and Spanish, and through certified interpreters in numerous other languages.

The Self-Help Center:

- Demystifies the law by explaining legal processes in plain language
- Promotes efficiency in the legal system by providing information about legal processes and next steps in their cases and providing court forms and help completing forms
- Provides help with the Online Court Assistance Program, a document assembly program that creates documents needed for divorce, parentage, protective orders, landlord-tenant cases, and guardianship cases
- Makes the courts open and accessible by furnishing clear explanations of many legal issues and requirements on the courts' website
- Connects people with other resources, including free and low-cost legal services, legal aid programs, lawyer referral services, mediation, law libraries, and government agencies
- Educates the public and court staff on court self-help resources and how people can navigate the legal system

In 2018, the SHC responded to more than 19,000 inquiries, or over 1,600 per month.



Licensed Paralegal Practitioners

The three areas of the law with the highest concentration of people representing themselves are debt collection, family law, and evictions. A new breed of professionals, Licensed Paralegal Practitioners (LPPs) will soon provide an affordable, market-oriented solution. In 2015 the Utah Supreme Court created a task force to develop this new profession. LPPs will be licensed and regulated by the Utah State Bar under the authority of the Utah Supreme Court.

LPPs will be able to help clients complete court forms, review documents from other parties, explain those documents, and negotiate settlement agreements.

The courts have been working to create the new infrastructure needed for this new profession, including licensing and education criteria, rules of professional conduct, and forms.

Rules of professional conduct have been approved by the Supreme Court. More than 200 current paralegals have expressed an interest in becoming LPPs. The first LPPs are planned to be licensed in 2019.

Problem Solving Courts: Connecting Services to Those Who Need Them



Utah's Problem Solving Courts: Drug Courts, Mental Health Courts, Veterans Treatment Courts, aren't really courts, but rather specialized calendars within district, juvenile, and justice courts, however, the name is important, and intentional. The focus of the judges in these courts isn't to referee disputes, but to coach participants to success, and to help them solve the problems that brought them to the courts in the first place.

Almost all Utah problem solving courts take only participants that have a poor prognosis, that is, there is little likelihood that they will succeed in a standard court process. That prognosis tells us they need the highest level of supervision and accountability that we can provide.

These courts also only take participants who have a poor treatment prognosis as well, that is, there is little likelihood that they will overcome their behavioral health problems (usually drug addiction and/or serious mental health needs) with standard behavioral health treatment. This treatment prognosis tells us that they need the most intensive, monitored treatment program that we can provide. In other words, these are the toughest cases we have, and they will only succeed if they get the best, most intensive intervention we have, and that intervention is a problem solving court.

There have been thousands of studies done on what really works with this population, and Utah has been directly guided by that research. Our problem solving courts are required by the Judicial Council to follow these evidence based practices in order to be certified to operate. The practices of these courts are closely monitored and their outcomes are measured. For most participants, the outcome of participation in one of these courts is graduation, and then the dismissal of the original criminal charges. The vast majority of these graduates stay on the right path, and never return to court or to the lifestyle that brought them there.

Most people have heard of drug courts, but there are two variations on this approach that are particularly rewarding. First, Family Dependency Courts, or FDCs, take parents who are alleged to have abused or neglected their children. If serious drug abuse is the reason for the child abuse or neglect, it makes sense to treat the addiction, and then give parents assistance to get their children back. Many times these parents are successfully treated, and the families can be safely reunited, saving the child welfare system resources, and most importantly, serving the best interest of the children.

Another popular variation on the drug court theme is a Veterans Treatment Court. These courts serve veterans who have served our country and returned home in need of help. Whether it is post-traumatic stress disorder, a substance use disorder, or something else, they need and deserve our best efforts to help them. We offer specialized PTSD treatment through the Veterans Hospital, and pair them with mentors who are also veterans. The results have been very impressive. They reconnect with the spirit of teamwork, accomplishment and service that sustained them in the military, and now we are seeing some of the graduates come back as mentors for the next group of veterans in need.

The teamwork and shared sense of purpose and accomplishment that sustains participants also lifts the court team members. Judges and others on these teams are energized and encouraged by the successes they see, and they also learn lessons that can be generalized to other calendars and other cases. In this way Utah's problem solving courts not only improve the lives of the participants, but they also reduce crime, save tax dollars, save lives, and in the end improve the quality of life in our communities.

Juvenile Courts - The Changing Role of Probation and Engaging Directly with Service Providers

On July 1, 2018, the final provisions of juvenile justice reform passed during the 2017 and 2018 legislative sessions, went into full effect. This has resulted in several changes in probation officers' work with youth referred to Utah's Juvenile Courts. Those changes include an increased use of nonjudicial adjustments, a universal use of risk assessments and new behavioral screening tools, and soon, direct access to providers of much-needed services.

Perhaps the most prominent change in probation practices has been a significant increase in the use of nonjudicial adjustments. Nonjudicial adjustments are voluntary agreements between youths, their parents/guardians, and the probation department to resolve delinquency episodes referred to the Juvenile Court. These are done without the involvement of a juvenile court judge. Most youths referred for status, infraction, and misdemeanor episodes are offered nonjudicial adjustments, with some exceptions for higher-risk youth and for certain serious offenses. This change has resulted in a dramatic shift. During fiscal years 2015 through 2017, only 30% of referred delinquency episodes were resolved through nonjudicial adjustments. Now, almost 70% of episodes are closed nonjudicially.

Another significant change involves a requirement that probation officers meet with referred youths and their family in individual appointments, rather than addressing lower level offenses through a group diversion process. This change has resulted in an improved service to youth through the individual attention and administration of validated risk and needs screenings and assessments (PSRA and PRA) that form the very foundation of evidence-based juvenile justice practices. During fiscal years 2015-2017,



more than 26% of episodes referred were resolved by the juvenile court without the youth being screened or assessed for risk of re-offense. In fiscal year 2018, that rate dropped to 10%.

In addition to the PSRA and PRA assessments, every 12- to 17-year-old youth referred to the Juvenile Court for delinquency is offered a brief screening instrument designed to identify potential behavioral health needs of youth. With the identified risk of reoffending and behavioral health needs, the probation officer can quickly resolve a low-risk youth's case with a nonjudicial adjustment, and refer the family to a list of local service providers if appropriate. Soon, a host of services and interventions will be available to all youth involved in Utah's juvenile justice system, including youth with nonjudicial adjustments and youth in rural areas where services are traditionally scarce.

The aim of these changes is to identify and address risk factors and behavioral health needs in order to reduce the risk of reoffending, as well as to increase the scope of access to services throughout the state of Utah, so our youth are better served, and our communities are safer.



Connecting the Courts with Communities

Civic literacy is essential to a healthy democracy. The average citizen is not familiar with their judicial system until they find themselves suddenly thrust into a situation where they need information about the courts.

That is why the Courts have recognized the need to educate residents about the role Utah's judiciary serves, its processes, and its services.

One of the most effective ways for public outreach and education has been courthouse tours. Each year 1,200 to 1,700 students tour the Matheson Courthouse, where they learn the role of the judiciary among the three branches of government, get to observe live court, and ask judges questions. The Utah State Courts also regularly host groups of government officials from other countries (recently South Korea, Argentina, Afghanistan, Albania, and Italy) who come to learn how Utah's courts operate. Utah courts have long been recognized by the National Center for State Courts as a national model of excellence.

Utah's judges also often speak at schools and other venues. Many of our judges work with their local schools to hold mock trials and participate in other youth events. We are fortunate to have judges who embrace the spirit of public service. Many judges and court staff volunteer at charity organizations throughout the year.

Through the Self-Help Center and Public Information Office, the Courts have made an effort to attend community events to answer questions face to face, and explain the various services the Courts provide. This past year the Courts have participated in Partners in the Park – three local events sponsored by the University of Utah Neighborhood Partners program, The Living Traditions Festival, the PTA Convention, the United Way 211 Resource Fair, and a meeting with members of Utah's Vietnamese community. One unique event the Courts participated in this past year was the extremely popular comic book/fantasy FanX convention, which draws an estimated 110,000 participants. Over the course of three days, court volunteers consisting of staff and judges interacted with over 2,400 patrons, talking with them about the role of Utah's courts.

Utah's courts continue to be dedicated in service to Utah's communities, and will strive to reach out, help, and educate.

Children Challenged by Divorce Have Help

The Divorce Education for Children program seeks to help Utah families impacted by parental separation by empowering children with tools that will enhance their social and emotional well-being. This award-winning program is a free resource for families across the state. It currently operates in five locations including Logan, Ogden, Salt Lake City, West Jordan, Provo, and is coming soon to St. George in 2019.

It is widely understood that children of divorcing parents often struggle with the ongoing physical and emotional stress of conflict in the home. Notably, major life changes can become corrosive to a child's ability to fight off physical illnesses, perform well in school, get along with their peers, and eventually build healthy relationships of their own. Many children will still report painful feelings two years after their parent's divorce.

Recognizing these struggles, the late Commissioner Michael Evans created Divorce Education for Children in 2003. Within five years, it became a state-funded program. This free, two-hour class is taught by certified mental health professionals with assistance from judges and court commissioners. Often, this class is the only opportunity children of divorce will have to interact with a mental health professional, as well as a judge or commissioner, who cares about their perspective on matters about divorce.

Divorce Education for Children serves two other important purposes. It teaches children of divorcing parents how to identify their feelings, and it assists them in developing communication and coping skills. They also learn that they are not alone and that divorce is not their fault. Second, it teaches children about the court system and the role of the judge in a divorce proceeding. Children have an opportunity to be in a courtroom



and interact with a commissioner or judge who cares about them and is prepared to answer their questions about divorce. To date, this program has received overwhelmingly positive feedback from the hundreds of parents and children who have participated in Divorce Education for Children.

A healthy adjustment to divorce strengthens children and their future; and in turn, has the power to strengthen communities. Since children cannot achieve a healthy adjustment entirely on their own, Divorce Education for Children welcomes all Utah families impacted by separation to visit (utcourts.gov/divorceedforchildren) to see what we can do for you.

Court Facility Update



Utah operates 41 courthouses throughout the state from Logan to Monticello. Ensuring that these facilities meet the needs of an ever-changing population is paramount to providing Utah citizen's access to justice. The new Price Seventh District Courthouse in Carbon County opened to the public on Sept. 14, 2018 and replaced the existing facility that was built in 1986. This

modern facility meets all current courthouse design standards to provide the public with safe and secure access to justice. The new courthouse is approximately 32,000 square feet with three courtrooms with secure in-custody holding areas, Juvenile Probation offices, secure judicial / staff work areas, mediation conference rooms, a secure public entrance, it is and fully ADA accessible. The new Courthouse was dedicated by Utah Supreme Court Chief Justice Matthew Durrant on Oct. 22, 2018.

The new Provo Fourth Judicial District Courthouse is on schedule to open to the public on Jan. 28, 2019 and will consolidate three separate Utah County court facilities into one central location. The new courthouse is approximately 230,000 square feet with 12

District courtrooms, four Juvenile courtrooms, Guardian Ad Litem offices, Juvenile Probation offices, mediation conference rooms, secure in-custody holding/transport areas, and a secure public entrance. This modern facility meets all national courthouse design standards to provide the public with safe and secure access to justice. The dedication is scheduled for Feb. 4, 2019.



During the 2019 Legislative Session, the Courts will request funding for a new courthouse facility to replace the existing court leased space in the Sanpete County Administration Building in Manti. The Courts currently lease 12,000 square feet in a structure built in 1935 that no longer accommodates the complex safety and security requirements of a courthouse. A new modern facility is a critical need for the Courts in order to replace the current building, which has security and accessibility deficiencies.



Awards & Honors

- Krista Airam**, Trial Court Executive, Second District Juvenile Court, *Judicial Administration*, Utah Judicial Council
- Amy Earle**, Veterans Justice Outreach Coordinator Third District Veterans Treatment Court, *Amicus Curiae Award*, Utah Judicial Council
- Randy D. Edwards**, Veterans Treatment Court Mentor-Coordinator, *Service to the Courts*, Utah Judicial Council
- Honorable Paul Farr**, Alta, Herriman & Sandy Justice Courts, *Quality of Justice*, Utah Judicial Council
- Honorable Thomas M. Higbee**, Fifth District Juvenile Court, *Judge of the Year*, Utah State Bar
- Steven G. Johnson**, Attorney at Law, *Service to the Courts*, Utah Judicial Council
- Bev Klungervik**, Child Welfare Mediation Coordinator, *Meritorious Service*, Utah Judicial Council
- Honorable Mary T. Noonan**, Fourth District Juvenile Court, *Scott M. Matheson Award*, Promising Youth Conference
- Honorable Gregory K. Orme**, Utah Court of Appeals, *Judicial Excellence*, Utah Bar Litigation Section
- Josh Pittman**, Judicial Assistant, Fourth District Juvenile Court, *Meritorious Service*, Utah Judicial Council
- Melissa Sanchez**, Specialty Courts Program Coordinator, *Meritorious Service*, Utah Judicial Council

Lisa Towner, Volunteer Court Visitor, *Service to the Courts*, Utah Judicial Council

Honorable Thomas Willmore, First District Court, *Judicial Excellence*, Utah Bar Litigation Section

Danelle Zuech, Judicial Assistant, Second District Court, *Meritorious Service*, Utah Judicial Council

Non-judicial Adjustment Workgroup, Ron Shepherd, Branden Putnam, Christina Bishop, Christy Segura, Derick Veater, Donni Nelson, Kimberly Heywood, Mike Broberg, Robert Curfew, Ryan Smith, Ryan Moyes, Shane Kibler, Shaun Jeffs, Troy Brown, *Meritorious Service*, Utah Judicial Council

AOC Finance Team, Mary Bunten, Suzette Deans, Julie Farnes, Alisha Johnson, Nicholas Gordon, Michelle Johnson, Milton Margaritis, *Meritorious Service*, Utah Judicial Council

PC/PSAC Initiative Team, Keisa Williams, Kim Allard, Kim Free, Heidi Anderson, Brody Arishita, Clayson Quigley, *Meritorious Service*, Utah Judicial Council

CARE IT Team, Brody Arishita, Dave Hayward, Kevin Klingler, Holly Shepherd, *Records Quality*, Utah Judicial Council

Judges Who Retired From the Bench in 2018

- Honorable Robert Adkins**, Third District Court
- Honorable Ann Boyden**, Third District Court
- Honorable Bruce Lubeck**, Third District Court
- Honorable Paul Lyman**, Sixth District Juvenile Court
- Honorable W. Brent West**, Second District Court
- Honorable Thomas Higbee**, Fifth District Juvenile Court
- Honorable Lyle Anderson**, Seventh District Court
- Honorable Janice Frost**, Second District Juvenile Court
- Honorable Mary Noonan**, Fourth District Juvenile Court
- Honorable Michael Allphin**, Second District Court

In Memoriam

- Honorable Christine Decker**, retired, Third District Juvenile Court
- Honorable Richard Carr**, senior judge, Hildale Justice Court
- Honorable Larry Kilby**, retired, Summit County Justice Court

Utah Judicial Council

The Utah Judicial Council is established in the Utah Constitution and directs the activities of all Utah courts. The Judicial Council is responsible for adopting uniform rules for the administration of all courts in the state, setting standards for judicial performance, and overseeing court facilities, support services, and judicial and nonjudicial personnel. The Judicial Council holds monthly meetings typically at the Scott M. Matheson Courthouse in Salt Lake City. These meetings are open to the public. Dates and locations of Judicial Council meetings are available at www.utcourts.gov/admin/judcncl/sched.htm.

Chief Justice Matthew B. Durrant, *Chair, Utah Supreme Court*

Judge Kate Appleby, *Vice Chair, Utah Court of Appeals*

Judge Kevin Allen, *First District Court*

Judge Augustus Chin, *Holladay Justice Court*

Judge Ryan Evershed, *Eighth District Juvenile Court*

Judge Paul Farr, *Herriman and Sandy Justice Courts*

Associate Chief Justice Thomas R. Lee, *Utah Supreme Court*

Judge David C. Marx, *Logan-North Logan-Hyde Park Justice Courts*

Judge Mark May, *Third District Juvenile Court*

Judge Kara Pettit, *Third District Court*

Judge Derek Pullan, *Fourth District Court*

Rob Rice, *Utah State Bar*

Judge Todd M. Shaughnessy, *Third District Court*

Judge John Walton, *Fifth District Court*

Honorable Mary T. Noonan, *Staff, Interim Court Administrator*

Utah State Courts Boards of Judges

The Utah State Courts has four boards of judges representing each court level that meet monthly. The boards propose court rules, serve as liaison between local courts and the Judicial Council, and plan budget and legislative priorities.

Board of Appellate Court Judges

Chief Justice Matthew B. Durrant, *Chair, Utah Supreme Court*

Judge Michele M. Christiansen Forster, *Utah Court of Appeals*

Judge Diana Hagen, *Utah Court of Appeals*

Judge Ryan M. Harris, *Utah Court of Appeals*

Justice Deno Himonas, *Utah Supreme Court*

Associate Chief Justice Thomas R. Lee, *Utah Supreme Court*

Judge Gregory K. Orme, *Utah Court of Appeals*

Justice John A. Pearce, *Utah Supreme Court*

Judge Kate Appleby, *Utah Court of Appeals*

Cathy Dupont, *Staff, Appellate Court Administrator, Utah Supreme Court*

Board of District Court Judges

Judge Samuel Chiara, *Chair, Eighth District Court*

Judge Brian Cannell, *First District Court*

Judge Christine Johnson, *Vice Chair, Fourth District Court*

Judge Noel Hyde, *Second District Court*

Judge Barry Lawrence, *Third District Court*

Judge Wallace Lee, *Sixth District Court*

Judge Thomas Low, *Fourth District Court*

Commissioner Kim M. Luhn, *Third District Court*

Judge John R. Morris, *Second District Court*

Judge Laura Scott, *Third District Court*

Judge Andrew H. Stone, *Third District Court*

Shane Bahr, *Staff, District Court Administrator*

Board of Juvenile Court Judges

Judge Ryan Evershed, *Chair, Eighth District Juvenile Court*

Judge James Michie, *Vice Chair, Third District Juvenile Court*

Judge Angela Fonnesbeck, *First District Juvenile Court*

Judge Julie Lund, *Third District Juvenile Court*

Robert Neill, *Second District Juvenile Court*

Judge Douglas Nielsen, *Lehi Justice Court*

Judge F. Richards Smith, *Fourth District Juvenile Court*

Neira Siaperas, *Staff, Juvenile Court Administrator*

Board of Justice Court Judges

Judge Reuben Renstrom, *Chair, Harrisville-Riverdale-South Ogden-South Weber-Woods Cross Justice Courts*

Judge Anna Anderson, *South Salt Lake Justice Court*

Judge Brian Brower, *Clearfield, Sunset, and Morgan Courts*

Judge Jon Carpenter, *Wellington/Price Justice Court*

Judge Augustus Chin, *Holladay Justice Court*

Judge Paul Farr, *Herriman and Sandy Justice Courts*

Judge Morgan Laker-Cummings, *Lehi Court*

Judge David C. Marx, *Logan-North Logan-Hyde Park Justice Courts*

Judge Rick Romney, *Provo Justice Court*

Judge Brook Sessions, *Wasatch County Justice Court*

James Peters, *Staff, Justice Court Administrator*

Presiding Judges

The presiding judge is elected by a majority vote of judges from the district and is responsible for effective court operation. The presiding judge implements and enforces rules, policies, and directives of the Judicial Council and often schedules calendars and case assignments.

The presiding judge works as part of a management team in the district, which includes the trial court executive and clerk of court.

Utah Supreme Court - Chief Justice Matthew B. Durrant, *Chair*

Court of Appeals – Judge Gregory K. Orme

First District Court – Judge Angela F. Fannesbeck

First District Juvenile Court - Judge Angela F. Fannesbeck

Second District Court – Judge David Connors

Second District Juvenile Court – Judge Sherene Dillon

Third District Court – Judge Randall Skanchy

Third District Juvenile Court – Judge Julie Lund

Fourth District Court – Judge James Brady

Fourth District Juvenile Court – Judge F. Richards Smith

Fifth District Court – Judge Jeffrey Wilcox

Fifth District Juvenile Court – Judge Paul Dame

Sixth District Court – Judge Marvin Bagley

Seventh District Court – Judge Douglas Thomas

Seventh District Juvenile Court – Judge Mary Manley

Eighth District Court – Judge Clark McClellan

Eighth District Juvenile Court – Judge Ryan Evershed

Court Executives

The Utah State Court's trial court executives are responsible for day-to-day supervision of non-judicial administration of the courts. Duties include hiring and supervising staff, developing and managing a budget, managing facilities, managing court calendars, and developing and managing court security plans.

Appellate Courts – Cathy Dupont

First District and Juvenile Courts – Brett Folkman

Second District Court – Larry Webster

Second District Juvenile Court – Krista Airam

Third District Court – Peyton Smith

Third District Juvenile Court – Neira Siaperas

Fourth District Court – Mark Urry

Fourth District Juvenile Court – James Bauer

Fifth District and Juvenile Court – Joyce Pace

Sixth District and Juvenile Court – Wendell Roberts

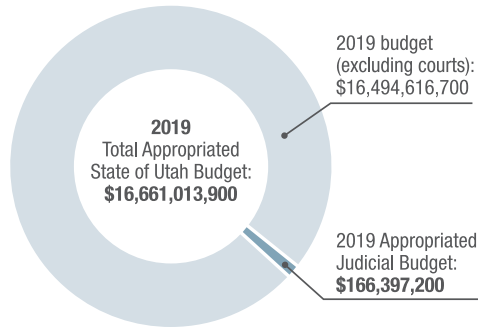
Seventh District and Juvenile Court – Travis Erickson

Eighth District and Juvenile Court – Russell Pearson

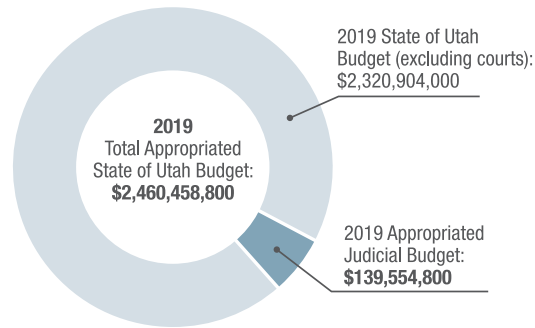
By the Numbers

000214

All Funds Including General Funds & Federal Funds

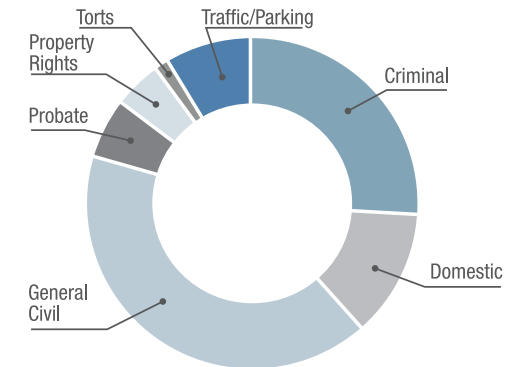


General Funds Only



District Court FY'18 Filings Dispositions

	Filings	Dispositions
Criminal	43,775	40,820
Domestic	21,072	20,602
General Civil	69,405	66,377
Probate	9,896	9,538
Property Rights	7,887	7,506
Torts	2,303	2,215
Traffic/Parking	14,709	14,601
Total	169,047	161,659



SUPREME COURT FY'18

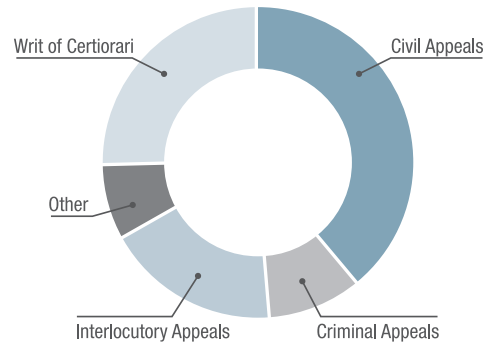
Filings

Civil Appeals	219
Criminal Appeals	55
Interlocutory Appeals	102
Other	44
Writ of Certiorari	143

Total Filings 563

Transferred to Court of Appeals	371
Transferred from Court of Appeals	18
Retained for decision	210

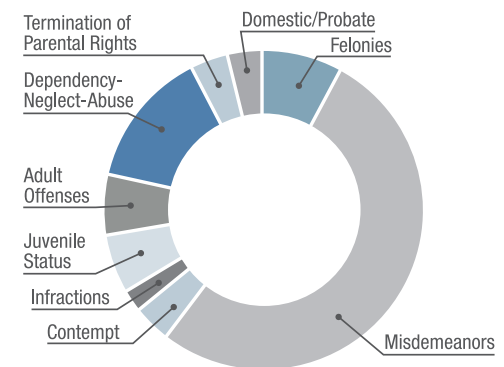
Total Dispositions 212



Juvenile Court Referrals FY'18

Case Type	Total
Felonies	1,924
Misdemeanors	12,938
Contempt	940
Infractions	554
Juvenile Status	1,467
Adult Offenses	1,512
Dependency-Neglect_Abuse	3,431
Termination of Parental Rights	937
Domestic/Probate	946

Total 24,649



COURT OF APPEALS FY'18

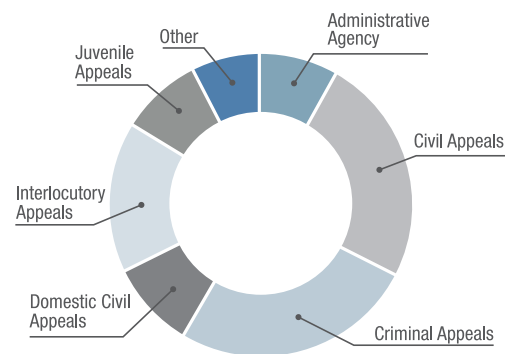
(Including transfers from Supreme court)

Filings

Administrative Agency	67
Civil Appeals	209
Criminal Appeals	215
Domestic Civil Appeals	77
Interlocutory Appeals	133
Juvenile Appeals	72
Other	63

Total Filings 836

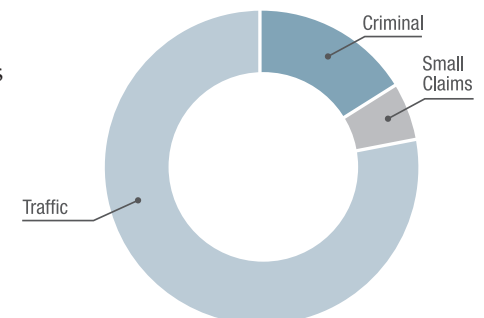
Total Dispositions 890



Justice Court FY'18 Filings Dispositions

	Filings	Dispositions
Criminal	70,561	70,916
Small Claims	25,943	25,510
Traffic	342,854	347,371

Total 439,358 443,797





ADMINISTRATIVE OFFICE OF THE COURTS
450 South State Street
Salt Lake City, Ut 84114

Tab 8

Agenda



Administrative Office of the Courts

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

November 4, 2019

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

MEMORANDUM

TO: Management Committee / Judicial Council

FROM: Keisa Williams

RE: National Caselaw re: Ability to Pay Analysis and Procedural Due Process in the Pretrial Context

Over the last several years, in both state and federal cases across the country, courts are consistently holding that it is an unconstitutional deprivation of due process and equal protection rights under the 14th Amendment to set monetary conditions of pretrial release without first considering, among other things, an arrestee's ability to pay the amount set.

Most of the cases are requiring courts to hold a hearing, with full due process protections (including a 6th Amendment right to counsel), to make those determinations within 24-48 hrs of arrest. As you can imagine, that would significantly alter the way the courts do business, and we do not currently have the funding or infrastructure in place to accomplish it.

While none of the cases discussed below are precedential, I believe several are persuasive and I have become increasingly concerned that the courts' (and other criminal justice stakeholders') application of the state's pretrial release laws and court rules may not be constitutionally upheld if challenged in court. As of today, I am aware of at least 25 cases across fourteen states and four federal circuit courts in which pretrial ability to pay analyses are at issue. Below is a brief overview of a few of the cases I believe to be most representative of the overarching legal analysis and findings in the majority of the cases across the country. The 11th Circuit's rational basis standard of review is the minority position.

The Standing Committee on Pretrial Release and Supervision has identified this issue as critical and is working to identify any necessary changes to court policies and procedures, and to develop statewide reform proposals for the Council's consideration. The purpose of this memo is to inform the Council of emerging caselaw and to solicit guidance and direction for the Pretrial Committee as they begin this important work.

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

Below are some, but not all, of the cases I have identified which address ability to pay analyses in bail sets. *Some citations may be outdated.

State:

- *In re Kenneth Humphrey*, 19 Cal. App. 55th 1006 (2018) (Court of Appeal of the State of California, First Appellate Division, Division Two)
- *Robinson et al., v. Martin, et al.*, Case no. 2016 CH 13587 (Circuit Court of Cook County, IL, County Department, Chancery Division)
- *Brangan v. Commonwealth*, 80 N.E.3d 949 (Mass. 2017)(Supreme Judicial Court of Massachusetts)
- *Scione v. Commonwealth*, Case no. SJC-12536 and *Commonwealth, v. David W. Barnes*, Case no: SJC-12540 (Supreme Judicial Court of Massachusetts)
- *State v. Brown*, 338 P.3d 1276 (2014)(Supreme Court of New Mexico)
- *People ex rel. Desgranges, Esq. on behalf of Kunkeli v. Anderson*, Case no. 90/2018 (Supreme Court of the State of New York, County of Dutchess)
- *Philadelphia Community Bail Fund v. Magistrate Bernard, et al.*, Case no. 21 EM 2019 (Supreme Court of Pennsylvania, Eastern District)

Federal:

- *Buffin v. City and County of San Francisco, et al.*, Case no. 4:15-cv-04959-YGR (U.S. District Court for the Northern District of California)
- *Kandace Kay Edwards v. David Cofield, et al.*, Case no. 3:17-cv-321-WKW (U.S. District Court for Middle District of Alabama, Eastern Division)
- *Schultz, et al. v. State of Alabama, et al.*, Case no. 5:17-cv-00270-MHH (U.S. District Court for the Northern District of Alabama, Northeastern Division)
- *Walker v. City of Calhoun, GA* (“Walker I”), 2016 WL 361612 (N.D. Ga. Jan. 28, 2016)
- *Walker v. City of Calhoun, GA* (“Walker II”), 682 F. App’x 721, 724-25 (11th Cir. 2017)
- *Walker v. City of Calhoun, GA* (“Walker III”), 2017 WL 2794064 (N.D. Ga. June 16, 2017)
- *Walker v. City of Calhoun, GA* (“Walker IV”), 901 F.3d 1245 (11th Cir. 2018)
- *Caliste v. Cantrell*, Case no. 2:17-cv-06197-EEF-MBN (U.S. District Court, Eastern District of Louisiana)
- *United States v. Mantecon-Zayas*, 949 F.2d 548 (1st Cir. 1991)
- *Ross v. Blount*, Case no. 2:19-cv-11076-LJM-EAS (U.S. District Court for the Eastern District of Michigan, Southern Division)
- *Dixon v. St. Louis*, Case no. 4:19-cv-00112-AGF (U.S. District Court, Eastern District of Missouri, Eastern Division)
- *Collins v. Daniels*, Case no. 1:17-cv-00776-RJ-KK (U.S. District Court for the District of New Mexico)
- *Collins v. Daniels*, Case no. 17-2217 and 18-2045 (U.S. Court of Appeals for the 10th Circuit)
- *ODonnell v. Harris County, Texas, et al.*, Case no. 4:16-cv-01414 (U.S. District Court for the Southern District of Texas, Houston Division)
- *ODonnell v. Harris County, Texas, et al. (ODonnell I)*, 892 F.3d 147 (5th Cir. 2018)
- *ODonnell v. Goodhart. (ODonnell II)*, 900 F.3d 220 (5th Cir. 2018)
- *Daves, et al., v. Dallas County, Texas, et al.*, Case no. 3:18-CV-0154-N (U.S. District Court for the Northern District of Texas, Dallas Division)
- *Booth v. Galveston County, et al.*, Case no: 3:18-CV-00104 (U.S. District Court, Southern District of Texas, Galveston Division)(September 11, 2019)

Buffin, et al., v. City and County of San Francisco, et al., 2018 WL 424362 (U.S. District Court, N.D. California)

Issues: (**Excluded issue related to CBAA's intervenor status*)

1. Whether the use of San Francisco's Felony and Misdemeanor Bail Schedule as a basis for defendant Sheriff to release detainees prior to arraignment, where those detainees do not have the means to afford the amounts set forth therein, significantly deprives detainees of their fundamental right to liberty?
2. Whether plausible alternatives exist which would allow for their release?
3. Whether the continued use of such a schedule violates the Due Process and Equal Protection clauses of the United States Constitution?

Holding: "Plaintiff's motion for summary judgement is granted..." "The evidence demonstrates that the Sheriff's use of the Bail Schedule significantly deprives plaintiffs of their fundamental right to liberty, and a plausible alternative exists which is at least as effective and less restrictive for achieving the government's compelling interests in protecting public safety and assuring future court appearances. Operational efficiency based upon a bail schedule which arbitrarily assigns bail amounts to a list of offenses without regard to any risk factors or the governmental goal of ensuring future court appearances is insufficient to justify a significant deprivation of liberty."

"...the Court will issue an injunction enjoining the Sheriff from using the Bail Schedule as a means of releasing a detainee who cannot afford the amount but will delay issuing the injunction pending briefing."

Certified Class: All pre-arraignment arrestees (1) who are, or will be, in the custody of the sheriff, (2) whose bail amount was set by the bail schedule, (3) whose terms of pretrial release have not received an individualized determination by a judicial officer, and (4) who remain in custody for any amount of time because they can't afford to pay.

Facts: Plaintiff #1 was 19 yrs old and was arrested for grand theft of personal property. Bail amount set at \$30,000 (\$15,000 for each booking charge) pursuant to the bail schedule. She couldn't afford to pay. DA's office decided not to file charges and she was released. Despite having been detained on a Mon. night, she was never taken to court on Tues. or Wed. for an initial appearance. She was released Wed. night after spending 46 hrs in custody. She lost her job.

Plaintiff #2 was 29 yrs old and was arrested for assault with force likely to cause great bodily injury. Bail was set at \$150,000 (\$75,000 each for 2 counts). She couldn't afford to pay. After 29 hrs in jail and prior to her initial appearance, she was released after her uncle paid an initial down payment to a bondsman of \$1,500 on a \$15,000 non-refundable premium. Her sister and grandmother co-signed. DA's office did not file formal charges. Her family members were still obligated to pay the \$15,000 premium.

The San Francisco superior court established the bail schedule, which is comprised principally of a three-columned table that identifies an "offense" or penal code section, a short "description" thereof, and a fixed "bail" amount. The Sheriff consults the bail schedule to determine an arrestee's bail amount. The Sheriff locates each "booking charge," tabulates the amounts designated per charge, and releases the detainee upon payment of that sum. "The Sheriff applies the process mechanically, making no individualized assessment regarding public safety, flight risk, ability to pay, or strength of evidence."

“Under state law, some arrestees may apply to a magistrate for pre-arraignment release on lower bail or on his or her own recognizance (OR). The application can be made without a hearing. Ironically, individuals charged with certain offenses are ineligible to apply pre-arraignment for either OR release or a reduction in bail, but if they pay the applicable amount under the Bail Schedule, the Sheriff may release them.”

In setting bail, a judge or magistrate may consider the information included in a report prepared by investigative staff (pretrial staff) employed by the court for the purpose of recommending whether a detainee should be released on his/her OR. For arrestees eligible for OR release, pretrial staff prepare a packet including the PSA, summary of criminal history, and police report. The packet is presented to the duty judge at arraignment.

“In terms of timing, the evidence unequivocally demonstrates that arrestees who post the full amount of bail listed on the Bail Schedule can secure release more quickly than any other category of arrestees. This is true even when an arrestee who posts the full bail amount has been charged with a more serious offense than the indigent arrestee.” “...a wealthy arrestee who is charged with a violent offense can be released from custody within a matter of hours, while an indigent arrestee can remain incarcerated for as many as five days before seeing a judicial officer or the case is discharged for ‘lack of evidence.’”

Analysis:

Strict Scrutiny review applies to plaintiffs’ Due Process and Equal Protection claims.

- Heightened scrutiny is required by the U.S. Supreme Court’s *Bearden-Tate-Williams* line of cases,¹ particularly “where fundamental deprivations are at issue and arrestees are presumed innocent.”
- Because the Sheriff’s use of the Bail Schedule implicates plaintiffs’ fundamental right to liberty, “any infringement on such rights requires a strict scrutiny analysis.”
- Distinguished *Walker v. City of Calhoun*, 901 F.3d 1245 (11th Cir. 2018) and *ODonnell v. Goodhart*, 900 F.3d 220 (5th Cir. 2018)(“*ODonnell II*”), and aligned with the dissenting opinions in those two cases.
- *ODonnell II* is a split decision of the 5th Circuit arising from *procedural* due process claims. That case’s passing reference to the appropriateness of “rational basis review” ignores its own decision in *ODonnell v. Harris County*, 892 F.3d 147 (5th Cir. 2018)(“*ODonnell I*”) calling for “heightened scrutiny.”
- Indigent arrestees detained prior to their individualized hearings solely because they cannot afford secured money bail do not receive any “meaningful consideration of other possible alternatives” that would enable their pre-hearing release.
- Rather, they “share two distinguishing characteristics” which trigger heightened scrutiny: (1) “because of their impecuniness they [are] completely unable to pay for some desired benefit”; and (2) “as a consequence, they sustain an absolute deprivation of a meaningful opportunity to enjoy a benefit.”²
- In *Walker*, a split 11th Circuit court vacated a preliminary injunction based on *procedural* due process arguments. This court finds that *Walker*’s reasoning regarding *procedural* due process

¹ *Bearden v. Georgia*, 461 U.S. 660 (1983); *Tate v. Short*, 401 U.S. 395 (1971); and *Williams v. Illinois*, 399 U.S. 235 (1970)

² *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 20 (1973)

does not bear on the analysis of plaintiffs' equal protection and *substantive* due process claims here. Walker didn't challenge the amount and conditions of bail *per se*, but the process by which those terms are set.

- This court does not share the same view on the principle of liberty as the *Walker* court.
- In cases involving the fair treatment of indigents in the criminal justice system, "[d]ue process and equal protection principles converge."³ Constitutional questions in that context require "a careful inquiry into such factors as 'the nature of the individual interest affected, the extent to which it is affected, the rationality of the connection between legislative means and purpose, [and] the existence of alternative means for effectuating the purpose...'" Those means are not hard and fast but must be tested. The question is under what standard.

There is no 48-hour safe harbor window for making indigency determinations.

- In *Gerstein*, the Supreme Court held that the 4th Amendment requires a prompt judicial determination of probable cause as a prerequisite to an extended pretrial detention following a warrantless arrest. 420 U.S. at 124-25. The Court did not specify what would meet the promptness standard, instead noting that "the nature of the probable cause determination usually will be shaped to accord with a State's pretrial procedure viewed as a whole." *Id.* At 123.
- The Supreme Court noted a *presumption*, not a safe harbor.
- The *McLaughlin* Court made clear that the 48-hour presumption was rebuttable. A probable cause hearing held within 48 hours may nonetheless be unconstitutional "if the arrested individual can prove that his or her probable cause determination was delayed unreasonably." 500 U.S. 44, at 56 (1991). In the dissent, Scalia said 48 hours was arbitrary and argued that given the data available, law enforcement needed only 24 hours to obtain probable cause review.
- The 48 hour presumption must be viewed in context. Nothing stopped the lower court from taking Plaintiff #1 to court on Tuesday morning, 10 hrs after she was booked, or even on Wednesday. Had it done so, Plaintiff would have seen a judge who could have made a release determination. Holding her 4 ½ times longer and well after the court closed on Wednesday suggests that the gov't is unjustifiably taking advantage of the 48-hr window. Such delay for delay's sake has been condemned by the Supreme Court (referencing *McLaughlin*).

A significant deprivation of liberty has occurred.

- The existence of a significant deprivation is not a threshold requirement *triggering* strict scrutiny, but rather the first inquiry in a strict scrutiny analysis.
- All parties agree that cash and the posting of a surety bond are the fastest ways to be released. The use of the bail schedule results in longer statutory detention of the plaintiff class.
- In determining significance, the time differential is but one component of the analysis. "Significance" is measured by more than just a difference in hours. The real world consequences of such a deprivation can include loss of employment, housing, public benefits, child custody, and the burden of significant long-term debt due to a short period of detention. Many detainees plead guilty (or no contest) at an early stage in the proceedings to secure their release.
- Given the consequences which flow from extended pre-arraignment detention, the court finds the deprivation significant.

³ Referring to the rule of law established by the *Bearden-Tate-Williams* cases

Plausible alternatives exist which are consistent with the government's compelling interests.

- Plaintiffs bear the burden of identifying a plausible alternative that is less restrictive and at least as effective at serving the government's compelling interests: protecting public safety and assuring future court appearance.
- The burden is not high, and it need not rise to the level of scientific precision.⁴
- Plaintiffs' proposed alternative is to rely solely on the PSA. In enacting S.B. 10,⁵ the government *itself* concurs that the alternative is plausible. Unlike current reliance on the bail schedule, S.B. 10 requires all jurisdictions to generate a PSA for each arrestee, *prior to arraignment*, to determine eligibility for release, with low- and medium-risk individuals to be released OR prior to arraignment *without review by the court*.
- The court declined to address the constitutionality of S.B. 10. "The wholesale elimination of bail is outside the scope of this action."
- The argument that the plaintiffs' proposed alternative would pose "insurmountable administrative" problems for the Sheriff in determining which arrestees can "afford" bail is unfounded. Other jurisdictions have detainees execute affidavits for determining ability to pay.⁶
- The court referenced a study report conducted by the California Chief Justice's Pretrial Detention Reform Workgroup as additional evidence that a plausible alternative to the current system exists.

The proposed alternative is less restrictive than and at least as effective as the Bail Schedule in serving the government's compelling interests, and does not perpetuate the deprivation of one's liberty.

- The record is devoid of *any* evidence showing that the Bail Schedule considers either of the government's articulated goals: public safety and appearance.
- There is no requirement for any input, data collection, deviation reports, or comparative data in putting together the bail schedule.
- Defendants admit that there are no peer-reviewed studies that have empirically addressed questions specifically regarding the effectiveness of bail schedules, and that such schedules are simply used for "operational efficiency."
- Absent any evidence justifying the bail schedule as a means for accomplishing the government's compelling interests, the court finds that "operational efficiency" does not trump a significant deprivation of liberty. Delay until the end of the 48 hours appears to have become operational protocol.
- Merely assigning a random dollar amount to a code section does not address an actual person's ability or willingness to appear in court or the public safety risk a person poses. At most, all that can be discerned is that the amounts are so high as to keep all arrestees detained except for those who can afford to be released.
- This practice replaces the presumption of innocence with the presumption of detention.
- Accordingly, the Bail Schedule, which merely associates an amount of money with a specific crime, without any connection to public safety or future court appearance, cannot be deemed *necessary*. In fact, the use of such an arbitrary schedule may not even satisfy an analysis under a

⁴ See, e.g., *Ashcroft*, 542 U.S. at 666-68 and *Video Software Dealers Ass'n v. Schwarzenegger*, 556 F.3d 950, 965 (9th Cir. 2009)

⁵ August 20, 2018, Governor Brown signed the California Money Bail Reform Act (S.B. 10) into law, which was originally set to go into effect on October 1, 2019. However, a referendum to overturn S.B. 10 qualified for the November 3, 2020 statewide ballot. Approval by a majority of voters will be required before S.B. 10 can take effect.

⁶ See, e.g., *Walker*, 901 F.3d at 1253 and *O'Donnell II*, 900 F.3d at 222.

rational basis review. The presumption of detention is not rationally related to a legitimate government purpose.⁷

Walker v. City of Calhoun, 2016 WL 361612 (N.D. Ga. Jan. 28, 2016) (“*Walker I*”) and *Walker v. City of Calhoun, GA* (“*Walker III*”), 2017 WL 2794064 (N.D. Ga. June 16, 2017) (incorporating its findings in *Walker I* and issuing another preliminary injunction with more specificity pursuant to the 11th Circuit in *Walker v. City of Calhoun, GA* (“*Walker II*”), 682 F. App’x 721, 724-25 (11th Cir. 2017) (vacating on grounds that the district court’s order in *Walker I* was insufficiently specific).

Issue:

1. Whether Defendant violated the Plaintiff class’s 14th Amendment rights by jailing them because of their inability to pay fixed amounts of secured money bail?
2. Whether Plaintiff is entitled to an order preliminarily and permanently enjoining Defendant from enforcing its post-arrest money-based detention policies against Plaintiff and the class?

Holding:

1. Plaintiff’s Motion for Preliminary Injunction is granted.
2. Defendant is ordered to implement post-arrest procedures that comply with the Constitution, and further orders that, unless and until Defendant implements lawful post-arrest procedures, Defendant must release any other misdemeanor arrestees in its custody, or who come into its custody, on their own recognizance or on an unsecured bond in a manner otherwise consistent with state and federal law and with standard booking procedures.
3. Arresting officers, jail staff, or the court – as soon as practicable after booking – must verify that an arrestee is unable to pay secured or money bail via a sworn affidavit of indigency. The affidavit of indigency must be evaluated within 24 hrs after arrest.
4. The affidavit must include information about the arrestee’s finances and the opportunity for the arrestee to attest indigency, defined as “less than 100 percent of the applicable federal poverty guidelines.”
5. Defendant may not continue to keep arrestees in its custody for any amount of time solely because the arrestees cannot afford a secured monetary bond.

Certified Class: All arrestees unable to pay for their release who are or will be in the custody of the City of Calhoun as a result of an arrest involving a misdemeanor, traffic offense, or ordinance violation.

Facts: Plaintiff is a 54-yr-old unemployed man with a mental health disability and income of \$530/mo. in Social Security disability payments. Plaintiff has a prescription for medication for his mental disorder and must take the medication every day. He was arrested for being a pedestrian under the influence of alcohol, a misdemeanor with no possible jail sentence and a fine not to exceed \$500. He was held in jail on \$160 cash bond for 5 days before filing suit.

At the time the case was filed, Defendant rarely, if ever, deviated from the scheduled secured money bail amounts. Defendant did not allow post-arrest release on recognizance or with an unsecured bond prior to initial appearance. Defendant held weekly court sessions on Mondays, and new arrestees who could not post bond had to wait until the following Monday to see the judge. Defendant did not hold court on the Monday following Plaintiff’s arrest, due to the Labor Day holiday. Plaintiff was not scheduled to

⁷ See Chemerinsky, Erwin, *Constitutional Law Principles and Policies*, 5th Edition, at 706.

appear in court until 11 days post-arrest. Plaintiff was released 6 days following arrest (1 day after the filing of this suit) by stipulation of the parties.

After the case was filed, and while this case was pending, the Municipal Court issued a standing order altering its bail policy as follows:

- Re-adopted the bail schedule for state offenses, with cash bail set at an amount no more than the expected fine with applicable surcharges should the accused later enter a plea or be found guilty.
- As an alternative to cash bail, arrestees can use their driver's license as collateral, or "make secured bail by property or surety" at an amount "twice that set forth in the schedule."
- If they can't meet those conditions, they shall be brought before a judge within 48 hrs of arrest for an initial appearance. They shall be represented by court-appointed counsel, and will be given the opportunity to object to the bail amount, including on the basis of indigency.
- The court shall determine whether the accused is unable to post a secured bail because he/she is indigent, making an individualized determination based upon the evidence provided.
- If the court finds the person indigent, he shall be subject to release on recognizance without making secured bail, with notice of the date for the next proceeding or trial.
- If no hearing is held within 48 hrs, the accused shall be released on a recognizance bond.
- On charges of a violation of city code (vs. state law), arrestees shall be release on an unsecured bond in the amount established by the bail schedule.

Analysis:

Plaintiff has a substantial likelihood of succeeding on the merits of his claims.

- Keeping individuals in jail solely because they cannot pay for their release, whether via fines, fees, or cash bond, is impermissible.⁸
- Any bail or bond scheme that mandates payment of pre-fixed amounts for different offenses to obtain pretrial release, without any consideration of indigence or other factors, violates the Equal Protection Clause.
- The Equal Protection Clause generally prohibits "punishing a person for his poverty."⁹ This provision has special implications as it relates to depriving a person of his liberty.
- This is especially true where the individual being detained is a pretrial detainee who has not yet been found guilty of a crime.¹⁰ In *Pugh*, the 5th Circuit observed that a bond schedule that did not take into account indigency would fail to pass constitutional muster.
- Although the standing order attempts to remedy the deficiencies of the earlier bail policy, it simply shortens the amount of time that indigent arrestees are held in jail to 48 hours. However, any detention based solely on financial status or ability to pay is impermissible.
- Generally, an individual's indigence does not make them a member of a suspect class. However, detention based on wealth is an exception to the general rule that rational basis review applies to wealth-based classification.
- Because the new bail order treats those who can afford to pay the bail schedule amount differently than those who can't, it was subject to heightened scrutiny.

⁸ *Tate v. Short*, 401 U.S. 395, 398 (1971); *Williams v. Illinois*, 399 U.S. 235, 240-41 (1970); *Smith v. Bennett*, 365 U.S. 708, 709 (1961); *Griffin v. Illinois*, 351 U.S. 12, 19 (1956)

⁹ *Bearden v. Georgia*, 461 U.S. 660, 671 (1983)

¹⁰ *See Pugh*, 572 F.2d at 1056 ("We view such deprivation of liberty of one who is accused but not convicted of crime as presenting a question having broader effects and constitutional implications than would appear from a rule stated solely for the protection of litigants.").

The amended bail policy does not deprive Plaintiff of his standing.

- There is no guarantee that Defendant will not revert back to its previous bail policy at some point. Further, the Standing Order gives rise to some of the same concerns as the previous bail policy. For the same reason, the standing order does not render this case moot.
- Given Plaintiff's evidence that he is indigent, it is entirely foreseeable that Plaintiff might be subject to arrest and detention in violation of his rights even under the new Standing Order.
- The Plaintiff is not challenging the requirements or provisions of a state statute or bail schedule *per se*.

Plaintiff has suffered irreparable harm.

- Plaintiff has suffered an improper loss of liberty by being jailed simply because he could not afford to post money bail. This constitutes irreparable harm.¹¹

The balance of harms favors Plaintiff.

- Defendant's contention that modifying its bail system will create significant administrative and procedural problems and will result in the release of individuals who pose a risk or danger to the community is unpersuasive.
- Defendant fails to acknowledge that its current system of releasing arrestees as soon as they post bond does nothing to address either of those concerns.
- Any difficulties Defendant may suffer if the Court grants injunctive relief are not so significant as to outweigh the important constitutional rights at issue.

Public interest supports preventing the violation of a party's constitutional rights.

- "It is always in the public interest to prevent the violation of a party's constitutional rights."¹²
- "Upholding constitutional rights surely serves the public interest."¹³

Walker v. City of Calhoun, 901 F.3d 1245 (11th Cir. 2018) ("Walker IV")

Issue: What process does the Constitution require in setting bail for indigent arrestees?

Holding:

1. *Younger* abstention was not warranted;
2. City was not immune from § 1983 liability;
3. Due process and equal protection, rather than the Eighth Amendment, applied to indigent arrestee's claims;
4. Bail schedule order was not subject to heightened scrutiny (*Dissenting opinion would have imposed strict scrutiny*);
5. District court abused its discretion in granting preliminary injunction requiring municipal court to make indigency determination with respect to arrestees within 24 hours;
6. District court abused its discretion in issuing preliminary injunction requiring municipal court to adopt affidavit-based process for determining indigency;

¹¹ See *Rodriguez v. Providence Cmty. Corrs., Inc.*, Case No. 3:15-CV-01048, — F.Supp.3d —, —, 2015 WL 9239821, at 9 (M.D.Tenn. Dec. 17, 2015) (finding that irreparable harm requirement was satisfied based on "the unconstitutional liberty deprivation which stems from Defendants' practice of jailing probationers on secured money bonds with[out] an indigency inquiry").

¹² See *Simms*, 872 F.Supp.2d at 105

¹³ See also *Giovani Carandola, Ltd.*, 303 F.3d at 521

7. Arrestee failed to establish that he was likely to succeed on the merits of his claim that municipal court's standing bail order violated equal protection and due process; but
8. Arrestee's claim challenging original bail policy was not moot.
9. The district court may enjoin a return to the City's original bail policy, but the district court erred in also enjoining the entirely constitutional standing bail order. The preliminary injunction is vacated and the case is remanded to the district court for further proceedings.

Analysis:

Younger does not apply.

- Younger doesn't readily apply because Walker is not asking to enjoin any prosecution.¹⁴
- Walker does not ask for pervasive federal court supervision of State criminal proceedings, but merely asks for a prompt pretrial determination of a distinct issue which will not interfere with subsequent prosecution.
- At the very least, the district court could reasonably find the relief Walker seeks is not sufficiently intrusive to implicate *Younger*. The district court did not abuse its discretion and was not required to abstain.

City is not immune from §1983 liability.

- Georgia law indicates that the City has the authority to set bail policy. The State's broad grant of authority enables the City to regulate bail and the City already does so.
- Georgia's Uniform Municipal Court Rules, as promulgated by the Supreme Court of Georgia, recognize that "[b]ail in misdemeanor cases shall be set as provided in [State statutes], *and as provided by applicable municipal charter or ordinance.*"
- The district court did not err in finding that the City could directly regulate bail if it wished to and so may be held responsible for acquiescing in an unconstitutional policy and practice by its Municipal Court and its police.

The 14th Amendment, rather than the 8th Amendment, applies to Plaintiff's claims.

- The 8th Amendment doesn't apply because the right at issue here is equal protection, not the protection against excessive bail.
- If the 8th Amendment did apply, the Plaintiffs would lose because the 8th Amendment says nothing about whether bail shall be available at all, but is meant merely to provide that bail shall not be excessive in those cases where it is proper to grant bail.¹⁵
- Bail is not excessive under the 8th amendment merely because it is unaffordable. The basic test for excessive bail is whether the amount is higher than reasonably necessary to assure the accused's presence at trial. As long as that's the reason for setting the bond, the final amount, type, and other conditions of release are within the discretion of the releasing authority.
- The district court correctly evaluated this case under due process and equal protection of the 14th Amendment.
- The decisive case is *Pugh v. Rainwater*. The court weighed the State's compelling interest in assuring appearance at trial with an individual's presumption of innocence and constitutional guarantees. 572 F.2d 1053, 1056 (5th Cir. 1978).

¹⁴ *Gerstein v. Pugh*, 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54 (1975),

¹⁵ *Carlson v. Landon*, 342 U.S. 524 (1952)

- *Pugh* held that the “demands of equal protection of the laws and of due process prohibit depriving pre-trial detainees of the rights of other citizens to a greater extent than necessary to assure appearance at trial and security of the jail.”
- Therefore, the “incarceration of those who cannot” meet a master bond schedule’s requirements, “without meaningful consideration of other possible alternatives, infringes on both due process and equal protection requirements.”
- Walker’s claim, like the plaintiffs’ in *Rainwater*, doesn’t challenge the amount and conditions of bail *per se*, but the process by which those terms are set.
- In *Bearden v. Georgia*, the court explained that “[d]ue process and equal protection principles converge in the Court’s analysis” of cases where defendants are treated differently by wealth. Under Due Process, “we generally analyze the fairness of relations between the criminal defendant and the State.” Under Equal Protection, we address “whether the State has invidiously denied one class of defendants a substantial benefit available to another class.”¹⁶

Bail Schedule order was not subject to heightened scrutiny.

- In *Rainwater*, the court approved the “[u]tilization of a master bond schedule” without applying any heightened form of scrutiny. It upheld the scheme because it gave indigent defendants who could not satisfy the master bond schedule a constitutionally permissible secondary option: a bail hearing at which the judge could consider “all relevant factors” when deciding the conditions of release.
- In *Bearden*, mere diminishment of a benefit (as opposed to an absolute deprivation of a meaningful opportunity to enjoy that benefit) was insufficient to make out an equal protection claim: “[A]t least where wealth is involved, the Equal Protection Clause does not require absolute equality or precisely equal advantages.”
- Under the new bail order, indigent defendants suffer no absolute deprivation of pretrial release, rather they must merely wait some appropriate amount of time to receive the same benefit as the more affluent.
- After such a delay, they arguably receive preferential treatment by being released on recognizance without having to provide any security. Such a scheme does not trigger heightened scrutiny under the Supreme Court’s equal protection jurisprudence.
- Similarly, in *Salerno*, the Supreme Court’s analysis was much closer to a relatively lenient procedural due process analysis than any form of heightened scrutiny.¹⁷ Rather than asking if preventative detention of dangerous defendants served a compelling or important State interest and then demanding narrow tailoring, the Court employed a general due process balancing test between the State’s interest and the detainee’s.
- Even if *Salerno* did embrace a form of heightened scrutiny, we do not believe it applies in this case because the City is not seeking to impose any form of preventative detention. Walker was released, and the standing bail order guarantees release within 48 hours of arrest to all indigent defendants.

Indigency determinations for purposes of setting bail are presumptively constitutional if made within 48 hours of arrest.

- Relying on *County of Riverside v. McLaughlin* (500 U.S. 44, 55 (1991)) – making probable cause determinations within 48 hours of arrest complies with the promptness requirement.
- This court expressly rejects a 24 hour bright-line limitation.

¹⁶ 461 U.S. 660, 661, 103 S.Ct. 2064, 76 L.Ed.2d 221 (1983)

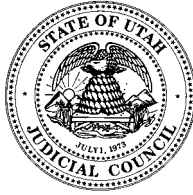
¹⁷ 481 U.S. at 741, 107 S.Ct. 2095.

- *McLaughlin* allows detention for 48 hours before even establishing probable cause. The Court expressly envisioned that one reason is so that PC hearings could be combined with bail hearings and arraignments. The city can take 48 hours to set bail for someone held *with* probable cause.
- The 5th Circuit in *ODonnell* recently imported the *McLaughlin* 48-hour rule to the bail determination context. They held that a 24-hour limit was a heavy administrative burden and therefore too strict.
- The court expressly did not decide whether a jurisdiction could adopt a system allowing for longer than 48 hours to make a bail determination because the city's system sets 48 hours.

An affidavit-based procedure for indigency determinations is not required.

- Federal courts should give States wide latitude to fashion procedures for setting bail.
- Directly on point, the bail rule upheld in *Rainwater* was based on formal hearings at which judges would consider the arrestee's financial resources, just as the Standing Bail Order provides.
- Even if *Rainwater* were not dispositive, however, there is no constitutional basis for the district court's imposition of its preferred method of setting bail.
- The City may have had good reasons for preferring a judicial hearing to a purely paper-based process for evaluating indigency. It may reasonably prefer that a judge have the opportunity to probe arrestees' claims of indigency in open court.
- Whatever limits may exist on a jurisdiction's flexibility to craft procedures for setting bail, it is clear that a judicial hearing with court-appointed counsel is well within the range of constitutionally permissible options.

Tab 9



Administrative Office of the Courts

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

Hon. Mary T. Noonan
Interim State Court Administrator

Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council Members

FROM: Keisa Williams, Associate General Counsel – AOC

DATE: Thursday, October 16, 2019

RE: New Rule: CJA 6-506 – Procedure for contested matters filed in the probate court – For Final Action

On May 3, 2019, representatives of the Probate Subcommittee of the Advisory Committee on the Rules of Civil Procedure presented to Policy and Planning a new rule for the Code of Judicial Administration. CJA 6-506 is a new rule that doesn't currently exist in the Code of Judicial Administration. It outlines procedures for contested probate matters, including mandatory mediation of contested matters.

CJA 6-506 references a new Utah Rule of Civil Procedure (URCP 26.4 – "Provisions governing disclosure and discovery in contested proceedings under Title 75 of the Utah Code"). The Supreme Court will be asked on October 21, 2019 to authorize final publication of URCP 26.4. A draft copy of both CJA 6-506 and URCP 26.4 are included.

Both rules published for comment this summer and received some discussion. Those comments are attached. The Policy and Planning and Civil Rules Committees considered the comments and made several changes to their respective rules based on the feedback. Those changes are tracked in the attachments.

Policy and Planning recommends that the Judicial Council authorize CJA 6-506 to be published as final at the same time as URCP 26.4 (when such publication is authorized by the Supreme Court). This will allow the rules to be published as a cohesive whole.

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

CJA06-0506. New.

Draft: October 16, 2019

1 Rule 6-506. Procedure for contested matters filed in the probate court.

2 **Intent:**

3 To establish procedures for contested matters filed in the probate court.

4 **Applicability:**

5 This rule applies to matters filed under Title 75, Utah Uniform Probate Code when an objection is made
6 orally or in writing upon the record (a "probate dispute").

7 **Statement of the Rule:**

8 (1) **General Provisions.** When there is a probate dispute:

9 (1)(A) Rule 4-510.05 of the Utah Code of Judicial Administration and Rule 101 of the Utah
10 Rules of Court-Annexed Alternative Dispute Resolution apply.

11 (1)(B) Upon the filing of an ~~written~~ objection with the court in accordance with Rule 26.4(c)(2) of
12 the Utah Rules of Civil Procedure, all probate disputes will be automatically referred by
13 the court to the Alternative Dispute Resolution (ADR) Program under Rule 4-510.05 of
14 the Utah Code of Judicial Administration, unless the court waives mediation.

15 (1)(C) After an objection has been filed, and unless the court has waived mediation, the court
16 will schedule the matter for a pre-mediation conference for purposes of the following:

17 ~~(1)(C)(i)~~ determining whether there is good cause for the matter to not be referred to
18 mediation;

19 ~~(1)(C)(ii)~~ ensuring that a guardianship respondent has been provided counsel or that
20 the process provided in Utah Code section 75-5-303 has been followed;

21 ~~(1)(C)(i)(1)(C)(iii)~~ determining all interested persons who should receive notice of
22 mediation;

23 ~~(1)(C)(iv)~~ determining whether any interested person should be excused from
24 mediation;

25 ~~(1)(C)(ii)(1)(C)(v)~~ selecting the mediator or determining the process and time
26 frame for selecting the mediator, as provided in Code of Judicial
27 Administration Rule 4-510.05;

28 ~~(1)(C)(iii)(1)(C)(vi)~~ determining the issues for mediation;

29 ~~(1)(C)(iv)(1)(C)(vii)~~ setting deadlines;

30 ~~(1)(C)(v)(1)(C)(viii)~~ modifying initial disclosures if necessary and addressing
31 discovery;

32 ~~(1)(C)(vi)(1)(C)(ix)~~ determining how mediation costs will be paid; and

33 ~~(1)(C)(vii)(1)(C)(x)~~ entering a mediation order.

34 (1)(D) The court will send notification of the pre-mediation conference to petitioner, respondent,
35 and all interested persons identified in the petition at the hearing and any objection as of
36 the date of the notification. The notification will include a statement that

37 (1)(D)(i) the interested persons have a right to be present and participate in the
38 mediation, the interested persons have a right to consult with or be

CJA06-0506. New.

Draft: October 16, 2019

represented by their own counsel, and the interests of the interested persons cannot be negotiated unless the interested persons specifically waive that right in writing; and

(1)(D)(ii) unless excused by the court, an interested person who fails to participate after receiving notification of the mediation may be deemed to have waived their right to object to the resolution of the issues being mediated.

(2) **Procedure**

(2)(A) **Objections.** A party who files a timely ~~written~~ objection pursuant to Rule of Civil Procedure 26.4 is required to participate in the court-ordered mediation unless the court upon motion excuses the party's participation.

(2)(B) **Involvement of Interested Persons.**

(2)(B)(i) Any notice required under this rule must be served in accordance with Rule 5 of the Utah Rules of Civil Procedure.

(2)(B)(ii) Once mediation is scheduled, the petitioner must serve notice of the following to all interested persons:

(2)(B)(ii)(a) The time, date, and location of the scheduled mediation;

(2)(B)(ii)(b) The issues to be mediated as provided in the pre-mediation scheduling conference order;

(2)(B)(ii)(c) A statement that the interested persons have a right to be present and participate in the mediation, that the interested persons have a right to consult with or be represented by their own counsel, and that the interests of the interested persons cannot be negotiated unless the interested persons specifically waive that right in writing; and

(2)(B)(ii)(d) a statement that, unless excused by the court, an interested person who fails to participate after being served notice of the mediation may be deemed to have waived their right to object to the resolution of the issues being mediated.

(2)(B)(iii) Additional issues may be resolved at mediation as agreed upon by the mediating parties and the mediator.

(2)(B)(iv) Once the mediation has taken place, the petitioner must notify all interested persons in writing of the mediation's outcome, including any proposed settlement of additional issues.

(2)(B)(iv)(a) An excused person has the right to object to the settlement of any additional issue under (2)(B)(iii) within 7 days of receiving written notice of the settlement.

CJA06-0506. New.

Draft: October 16, 2019

- 75 (2)(B)(iv)(b) Any objection to the settlement of additional issues must be
 76 reduced to a writing, set forth the grounds for the objection
 77 and any supporting authority, and be filed with the court and
 78 mailed to the parties named in the petition and any
 79 interested persons as provided in Utah Code § 75-1-201(24).
 80 (2)(B)(iv)(c) Upon the filing of an objection to the settlement of additional
 81 issues, the case will proceed pursuant to paragraphs (2)(C)
 82 through (2)(I).
 83 (2)(C) **Deadline for mediation completion.**
 84 (2)(C)(i) Mediation must be completed within 60 days from the date of referral.
 85 (2)(C)(ii) If the parties agree to a different date, the parties must file notice of the new
 86 date with the court.
 87 (2)(D) **Mediation Fees.**
 88 (2)(D)(i) If the estate or trust has liquid assets, and the personal representative,
 89 trustee, guardian, or conservator, as applicable, is a mediating party, the
 90 estate or trust must pay the mediator's fees.
 91 (2)(D)(ii) Otherwise, the disputing parties will share the cost of the mediation but may
 92 later request reimbursement from the estate or trust if the estate or trust has
 93 liquid assets.
 94 (2)(D)(iii) A party may petition the court for a waiver of all or part of the mediation fees
 95 if the party cannot afford mediator fees or for other good cause.
 96 (2)(D)(iv) If the court grants a waiver of mediation fees, the party must contact the ADR
 97 Director who will appoint a pro bono mediator.
 98 (2)(E) **Initial disclosures.** Within 14 days after a written objection has been filed, the parties
 99 must comply with the initial disclosure requirements of Rule 26.4 of the Rules of Civil
 100 Procedure.
 101 (2)(F) **Discovery once a probate dispute arises.** Except as provided in Rule 26.4 of the Rules
 102 of Civil Procedure or as otherwise ordered by the court, once a probate dispute arises,
 103 discovery will proceed pursuant to the Rules of Civil Procedure, including the other
 104 provisions of Rule 26.
 105 (2)(G) **Completion of mediation.** Upon completion of mediation, the parties will notify the Court
 106 of the mediation's resolution pursuant to Rule 101 of the Utah Rules of Court-Annexed
 107 Alternative Dispute Resolution.
 108 (2)(H) **Written settlement agreement.** If mediation results in a written settlement agreement,
 109 upon a motion from any party, the court may enter orders consistent with its terms. The
 110 filing of an objection under paragraph (2)(B)(iv)(a) does not preclude the court from
 111 entering orders consistent with the resolved issues.

Formatted: Not Strikethrough

Rule 26.4. Provisions governing disclosure and discovery in contested proceedings under Title 75 of the Utah Code.

(a) **Scope.** This rule applies to all contested actions arising under Title 75 of the Utah Code.

(b) **Definition.** A probate dispute is a contested action arising under Title 75 of the Utah Code.

(c) **Designation of parties, objections, initial disclosures, and discovery.**

(c)(1) **Designation of Parties.** For purposes of Rule 26, the plaintiff in probate proceedings is presumed to be the petitioner in the matter, and the defendant is presumed to be any party ~~filing who~~ has made an objection. Once a probate dispute arises, and based on the facts and circumstances of the case, the court may designate an interested person as plaintiff, defendant, or non-party for purposes of discovery. Only an interested person who has appeared on the record will be treated as a party for purposes of discovery.

(c)(2) **Objection to the petition.**

(c)(2)(A) Any oral objection ~~must be made at a scheduled hearing on the petition and must~~ then be put into writing and filed with the court within 7 days, unless the written objection has been previously filed with the court. The court may for good cause in a guardianship or conservatorship case accept an objection made using the person's preferred means of communication and document the objection in the court record.

(c)(2)(B) A written objection must set forth the grounds for the objection and any supporting authority, must be filed with the court, and must be mailed to the parties named in the petition and any interested persons, ~~as that term is defined provided in Utah Code § 75-1-201(24),~~ unless the written objection has been previously filed with the court.

(c)(2)(C) An objection made using the person's preferred means of communication under paragraph (c)(2)(A) must also set forth the grounds for the objection and any supporting authority to the extent possible. The court will provide notice of the objection to the parties named in the petition and any interested persons, as that term is defined in Utah Code § 75-1-201.

(c)(2)(~~D~~) If the petitioner and objecting party agree to an extension of time to file the written objection, notice of the agreed upon date must be filed with the court.

(c)(2)(E) The court may modify the timing for making an objection in accordance with Rule 6(b).

(c)(2)(~~D~~F) In the event no written or other objection under paragraph (c)(2)(A) is timely filed, the court will act on the original petition upon the petitioner's filing of a request to submit pursuant to Rule 7 of the Utah Rules of Civil Procedure.

(c)(3) **Initial disclosures in guardianship and conservatorship matters.**

(c)(3)(A) In addition to the disclosures required by Rule 26(a), and unless included in the petition, the following documents must be served by the party in possession or control of the documents within 14 days after a written objection has been filed:

(c)(3)(A)(i) any document purporting to nominate a guardian or conservator, including a will, trust, power of attorney, or advance healthcare directive, copies of which must be served upon all interested persons; and

(c)(3)(A)(ii) a list of less restrictive alternatives to guardianship or conservatorship that the petitioner has explored and ways in which a guardianship or conservatorship of the respondent may be limited.

This paragraph supersedes Rule 26(a)(2).

(c)(3)(B) The initial disclosure documents must be served on the parties named in the probate petition and the objection and anyone who has requested notice under Title 75 of the Utah Code:

(c)(3)(C) If there is a dispute regarding the validity of an original document, the proponent of the original document must make it available for inspection by any other the contesting party within 14 days of the date of referral to mediation unless the parties agree to a different date.

(c)(3)(D) The court may for good cause modify the content and timing of the disclosures required in this rule or in Rule 26(a) in accordance with Rule 6(b). ~~for any reason justifying departure from these rules.~~

(c)(4) Initial disclosures in all other probate matters.

(c)(4)(A) In addition to the disclosures required by Rule 26(a), and unless included in the petition, the following documents must be served by the party in possession or control of the documents within 14 days after a written objection has been filed: any other document purporting to nominate a personal representative or trustee after death, including wills, trusts, and any amendments to those documents, copies of which must be served upon all interested persons.

This paragraph supersedes Rule 26(a)(2).

(c)(4)(B) The initial disclosure documents must be served on the parties named in the probate petition and the objection and anyone who has requested notice under Title 75 of the Utah Code.

(c)(4)(C) If there is a dispute regarding the validity of an original document, the proponent of the original document must make it available for inspection by the contesting party within 14 days of the date of referral to mediation unless the parties agree to a different date.

(c)(4)(D) The court may for good cause modify the content and timing of the disclosures required in this rule or in Rule 26(a) in accordance with Rule 6(b). ~~for any reason justifying departure from these rules.~~

(c)(5) Discovery once a probate dispute arises. Except as provided in this rule or as otherwise ordered by the court, once a probate dispute arises, discovery will proceed pursuant to the Rules of Civil Procedure, including the other provisions of Rule 26.

72 | (d) **Pretrial disclosures under Rule 26(a)(5), objections.** The term “trial” in Rule 26(a)(5)(B) also
73 refers to evidentiary hearings for purposes of this rule. No later than 14 days prior to an evidentiary
74 hearing or trial, the parties must serve the disclosures required by Rule 26(a)(5)(A).
75

CJA06-0506. New.

Draft: October 16, 2019

112 (2)(l) **Remaining issues.** If issues remain to be resolved after the conclusion of mediation, the
113 parties must request a pretrial conference with the assigned judge to establish the
114 deadlines for any supplemental initial disclosures, fact discovery, expert disclosures,
115 expert discovery, and readiness for trial, ~~and to inform the parties of the availability of an~~
116 ~~informal trial under Rule 4-1001.~~
117

COMMENTS TO URCP, CJA AUGUST 8, 2019

URCP Rule 26.4, CJA Rule 6-506

URCP026.04. Provisions governing disclosure and discovery in contested proceedings under Title 75 of the Utah Code. New. Carves out the circumstances under which an objection to a probate petition may be made, as well as the initial disclosures and timelines for discovery.

CJA06-506. Procedure for contested matters filed in the probate court. New. Codifies a long-standing probate mediation practice in the Third District, makes probate mediation statewide, institutes a pre-mediation conference, and addresses the role of interested persons.

<https://www.utcourts.gov/utc/rules-comment/2019/06/24/rules-of-civil-procedure-and-code-of-judicial-administration-comment-period-closes-august-8-2019/>.

Comments

Anonymous

(1)(B): “Upon the filing of a written objection with the court in accordance with Rule 26.4(c)(2) of the Utah Rules of Civil Procedure, all probate disputes will be automatically referred by the court to the Alternative Dispute Resolution (ADR) Program under Rule 4-510.05 of the Utah Code of Judicial Administration, unless the court waives mediation” should be changed to allow private mediators to also mediate contested probate disputes or allow the ADR program to contract private mediators to mediate contested probate disputes.

Nancy's response:

This comment addresses CJA 6-506. In the Third District, where this program first piloted many years ago, mediation has always been done through the ADR program. The court has an interest in using mediators vetted through the ADR program from a consumer protection standpoint.

Jeffrey Bahls

Both of these proposed rules are poorly constructed and are not designed for the fair and orderly administration of an estate.

The URCP 026.4 rule has been designed to favor the apparent personal representative or the first person/entity to file petition for appointment as the personal representative. The time frames for objection, notice and response are ridiculously short. For an ill disposed petitioner could easily take control of an estate where the family is in turmoil due to a sudden death or there is a huge distance/ time problem. Under the proposed URCP 026.04 there is almost no time for a family member with an

interest in the estate to learn what is going on, find and hire skilled counsel, gather information, and file an objection. In this day and age with scattered families not only over the US but world wide this proposed rule fails to take in these practical considerations. Where there is a disabled person involved, a frequent occurrence, it is even more difficult for him or her to operate within the confines of the proposed rule.

Nancy's response:

This comment addresses URCP 26.4. Regarding the time frame issues he raises, paragraph (c)(3)(D) allows departure from the timing of disclosures for any reason, which could include the distance issue. (c)(4)(D) allows the same. It probably makes sense to add the same type of provision to paragraph (c)(2), as follows: "The court may modify the timing for filing a written objection for any reason justifying departure from these rules."

The CJA 06-506 is equally deficient. The issues in an estate are typically (1) valuation of assets; (2) management of the estate; (3) distribution of those assets; (4) expenses of administration; (5) tax issues; (6) fees of personal representative; and (7) conflicts of interest. Mediation is a good way of resolving many of the more mundane property distribution issues in a particular estate and maybe some management and expense issues. Most of the remaining categories are not easily address by mediation. These are most frequently complicated issues of fact (like valuation, expenses, and management) and of law (like taxes, conflicts, fees of the personal representative, and distribution). As presently drawn the mandatory nature of the rule is an obstacle to the very flexibility that is needed to mold the role of the court to particular situations. The time frames for response and action is also not well served for the same reasons previously discussed. I would suggest that rule require the court to hold a mandatory conference on these issues once raised after a filing and a response to determine if mediation is a reasonable way to resolve the issues or whether discovery and hearing or the filing of briefs on pure matters of law be appropriate. This is particularly important where minors and disabled persons are involved. The rule as drawn only favors personal representatives who want to cram down a result, novel a good result.

Nancy's response:

This comment addresses CJA 6-506. I would suggest that the rule already does what the commenter would like to see done in providing that the court can waive mediation. But perhaps the rule could be bolstered in (1)(C), for example, by adding a provision that says something to the effect of "determining whether the case contains complicated issues of fact and law that are better resolved in the ordinary court of litigation rather than through mediation."

Jeff Skoubye

CJA06-506 line 83 and 84 has a strikeout that makes no sense and needs to be corrected. I believe the stricken language should not be stricken.

Nancy's response:

This comment addresses CJA 6-506. I agree that the stricken language should remain in. This was an oversight.

Earl Tanner

I agree that the strike-outs in proposed CJA06-506 lines 83 and 84 seem inappropriate.

I would add that the “informal trial under Rule 4-1001” at line 107 puzzles me since I can’t find such a rule in CJA.

Nancy's response:

This comment addresses CJA 6-506. I agree that the stricken language at lines 83 and 84 should remain in. This was an oversight. The informal trial rule language at line 207 should be stricken, though. That rule is still in the pipeline.

Proposed Rule 26.4 at lines 62-63 requires pretrial disclosures no later than 14 days before the hearing. Rule 26(a)(5)(B) sets that date at 28 days before the hearing and requires a counter designation at 14 days that includes objections to depositions and exhibits. Lines 62-63 should be stricken and the usual rules retained.

Nancy's response:

This comment addresses URCP 26.4. The commenter makes a good point. If paragraph (d) is kept in, it should be titled, “Pretrial disclosures under Rule 26(a)(5).” But I think he’s right that this paragraph may be redundant to (c)(5) unless we want to make the point that “trial” in Rule 26(a)(5) also refers to evidentiary hearings.

ADR Committee of the Judicial Council

Proposed addition to Rule 6-506 (1)(C):

Insert additional provision as new (iii) “selecting the mediator or determining the process and time frame for selecting the mediator. The mediator shall be selected as provided in Code of Judicial Administration Rule 4-510.05(4),”

Nancy's response:

This comment addresses CJA 6-506 and what will occur at the premediation conference. This could be wordsmithed since these subparagraphs are offset by commas, but the ADR Committee has suggested a good addition.

Andrew Riggle

The Disability Law Center (DLC) is the state's protection and advocacy agency for Utahns with disabilities. We are also a member of the Working Interdisciplinary Network of Guardianship Stakeholders.

The DLC is concerned by lines 13-14, which require an objection to a petition be made at a hearing and filed in writing within 7 days. A respondent may fear objecting publicly, especially if a parent or other individual whose relationship is important to him or her is the petitioner. Relatedly, for physical, sensory, cognitive, or other reasons, a respondent may find it difficult to submit an objection in writing. Therefore, we recommend language be added clarifying that a court should offer assistance to a respondent in filing an objection using his or her preferred method or means of communication.

The DLC appreciates the reference in lines 32-34 to the statute's preference for limited guardianship or conservatorship. However, we think it will be reinforced by not only identifying what alternatives, if any, have been explored, but whether and how come each was found to be inappropriate or inadequate. This could be accomplished by including language similar to "If any of these alternatives exist, why are they not sufficient to support or protect the respondent?," as found in the Bench Book under "Questions a Judge Should Consider in Determining Capacity, Appropriate Guardian, and Limited Guardianship."

Thank you for your time and consideration of our feedback. If you have questions or would like more information, please do not hesitate to contact us.

Nancy's response:

This comment addresses URCP 26.4. Regarding lines 13-14, as I mentioned above, a provision in (c)(2) could be added, as follows: "The court may modify the timing for filing a written objection for any reason justifying departure from these rules." And also add to that, "If a respondent is unable to object in writing due to disability or related circumstance, the court may accept an objection filed using the person's preferred means of communication." I am a bit concerned about putting in the rule that the court will assist the respondent in objecting to the petition because the court's role is to act on information it receives, and I would be concerned about a perception that the court favors the respondent in providing too much assistance. I think this would be a good opportunity for the court to appoint a court visitor to investigate the respondent's circumstances and preferences and/or appoint counsel. Regarding lines 32-34, I think this paragraph already assumes what the commenter proposes. The rule asks petitioners to tell the court how the guardianship or conservatorship may be limited.

Andrew Riggle

The Disability Law Center (DLC) is the state's protection and advocacy agency for Utahns with disabilities. We are also a member of the Working Interdisciplinary Network of Guardianship Stakeholders.

Given that lines 12-14 of CJA 06-506 require all matters under Title 75 in which an objection is filed to be referred to mediation, the DLC agrees with Mr. Bahls comment, "that [the] rule require the court to hold a mandatory conference on these issues once raised after a filing and a response to determine if mediation is a reasonable way to resolve the issues or whether discovery and hearing or the filing of briefs on pure matters of law be appropriate. This is particularly important where minors and disabled persons are involved."

Regardless of whether it occurs as a result of mediation or a hearing, guardianship and, to a lesser extent, conservatorship can lead to the elimination of some or all of a respondent's civil rights. Therefore, the DLC strongly recommends that lines 29-30 and 49-51 include the requirement of counsel from UCA 75-5-303(2)(b), and follow the process in 75-5-303(5)(d) if a respondent is not represented by counsel.

If mediation is mandated, line 82's requirement that the parties share the cost of mediation could be problematic or prohibitive for many respondents with disabilities who may wish to object, but often have little in the way of income or assets.

Thank you for your time and consideration of our feedback. If you have questions or would like more information, please do not hesitate to contact us.

Nancy's response:

This comment addresses CJA 6-506. Regarding lines 12-14, as I mentioned above, perhaps the rule could be bolstered in (1)(C), for example, by adding a provision that says something to the effect of "determining whether the case contains complicated issues of fact and law that are better resolved in the ordinary court of litigation rather than through mediation." Regarding the requirement of counsel, I would instead add a provision to paragraph (1)(C) that says something to the effect of, "ensuring that the respondent has been provided counsel or that the process provided in Utah Code section 75-5-303(5)(d) has been followed." Regarding line 82, this concern may be addressed in line 87, which involves a waiver of mediation fees.

Tab 10

Agenda



Administrative Office of the Courts

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

Hon. Mary T. Noonan
Interim State Court Administrator

Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: **Judicial Council members**
FROM: **Keisa Williams, Associate General Counsel – AOC**
DATE: **October 28, 2019**
RE: **HR 440 – Education Assistance – For Final Approval**
HR 550 – Discrimination and Harassment – For Final Approval
Problem-Solving Court Certification Checklist – For Final Approval

HR 440 – Education Assistance

The proposed amendments (lines 15-16) eliminate the provision allowing the Deputy State Court Administrator to approve education assistance requests over the presumed maximum. The Human Resources Department and the Deputy State Court Administrator expressed a need for a hard and fast cap because granting exceptions reduces the amount available to others. The amendment was reviewed by Brent Johnson. Policy and Planning now recommends this rule to the Judicial Council for final approval with a November 1, 2019 effective date.

HR 550 – Discrimination and Harassment

The Judicial Council asked the Human Resources Review Committee to update the Courts' discrimination and harassment policy, and to seek feedback from the Policy and Planning Committee before advancing a proposal to the Council. The Human Resources Review Committee, with support from Rob Rice and Brent Johnson, engaged in several revisions of this policy.

The Council asked the Review Committee to pay particular attention to the creation of a mechanism whereby employees would clearly understand to whom and how they are permitted to report allegations about judges, justices, and high-level directors or administrators. The language in subsection (1) definitively states that the policy applies to everyone, including judges, justices, and high-level administrators, and subsection (5) provides detailed reporting procedures.

Policy and Planning now recommends this rule to the Judicial Council for final approval with a November 1, 2019 effective date.

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

Mr. Johnson has identified three companion rules that he believes should be amended once HR 550 is approved. If approved, HR 550 will be the only policy in the Personnel Policy and Procedures Manual applicable to judges. To ensure judges are aware of their responsibilities, Mr. Johnson recommends incorporating a reference to HR 550, or language outlining specific duties, in the following rules:

- CJA 3-103. Administrative Role of Judges
- CJA 3-104. Presiding Judges
- Code of Judicial Conduct. Canon 2.3. Bias, Prejudice, and Harassment
 - Amend protected categories to make it consistent with HR 550

Once the Judicial Council approves HR 550, Policy and Planning will consider amendments to CJA 3-103 and CJA 3-104. Mr. Johnson will propose amendments to CJC Canon 2.3 to the Supreme Court for approval.

Problem-Solving Court Certification Checklist

At the August 23, 2019 Judicial Council meeting, Judge Fuchs requested a change to the problem-solving court certification checklist. Currently, criteria # 2 under Presumed Certification Criteria states: “The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.” The monitoring requirement relates to NADCP best practices standards, but Judge Fuchs indicated that unless the AOC Information Technology Department is able to create an automated process to track that information and store it in an accessible database, problem-solving courts will be unable to comply.

The Council asked Policy and Planning to consider the impact of changing the criteria to a Non-Certification-Related Best Practice Standard, and whether problem-solving courts around the state would be able to comply with the requirement if it remained unchanged. Policy and Planning concurred with Judge Fuchs’ recommendation and determined that problem-solving courts are not currently equipped to accurately and consistently capture the data necessary to comply with this requirement. Moving the criteria to Best Practice Standards will preserve the issue until such time as a technological solution can be implemented.

Policy and Planning now recommends the revised checklist to the Judicial Council for final approval with a November 1, 2019 effective date.

EDUCATION ASSISTANCE 440

PURPOSE

Court employees are encouraged to seek further education to perform their jobs more effectively and to enhance their professional development. The Human Resources Department may assist an employee in the pursuit of educational goals by granting a subsidy of educational expenses to Court employees under specified circumstances.

SCOPE

This policy is subject to availability of funds and applies to Career Service and Career Service Exempt employees who have been employed by the Courts for a period of at least one (1) year and have successfully completed a probationary period.

POLICY AND PROCEDURE

1. Conditions of Education Assistance.

1.1 Education Assistance may not exceed \$5,250 per employee in any one fiscal year (July 1st - June 30th), ~~unless approved in advance by the Deputy State Court Administrator.~~ Tuition costs shall not be carried into the next fiscal year for reimbursement.

1.2 Employees are encouraged to attend course(s) during non-working hours. In the alternative, management may flex an employee's work schedule to allow the employee to attend course(s).

1.3 If management requires an employee to attend an educational program or course, the Courts shall pay the full cost.

1.4 The Education Assistance Program does not reimburse the cost of textbooks.

2. Eligibility.

2.1 The employee must be pursuing a Bachelor's or Master's degree at an accredited university or college, unless otherwise approved by the Director.

2.2 The employee's educational program must provide a benefit to the Courts.

3. Request for Education Assistance.

3.1 The Director shall allocate education assistance twice a year.

- Education Assistance applications for summer and fall terms will be accepted from June 1st through July 15th.
- Education Assistance applications for spring terms will be accepted from November 1st through December 15th.

3.2 All employees applying for education assistance shall complete the Education Assistance application with the appropriate information and approving signatures and submit to the Human Resources Department.

3.3 Unless there are sufficient funds to satisfy all applications, education assistance will be awarded by random drawings in July and December.

39 4. Reimbursement.

40 4.1 An employee shall complete an Education Assistance Contract, approved and
41 issued by the Human Resources Department, documenting participation in the
42 Education Assistance Program and agreeing to repay any education assistance money
43 received in the twenty-four (24) months immediately preceding termination from Court
44 employment.

45 4.2 The employee shall disclose all scholarships, subsidies and grant monies provided
46 to the employee for the educational program.

- 47 ○ The amount reimbursed by the Courts may not include funding
48 received from any scholarships, subsidies or grant monies.

49 4.3 To be reimbursed, an employee must complete the approved course(s) with a final
50 GPA of 2.0 or better. If the course is only offered on a pass/fail basis, the employee must
51 receive a passing grade.

52 4.4 To be reimbursed, the employee must submit the following documentation:

- 53 ○ Education Assistance Contract;
- 54 ○ FI048 Employee Reimbursement/Earnings Request Form;
- 55 ○ Proof of grades (GPA of 2.0 or better); and
- 56 ○ Proof of tuition payment

57 4.5 The employee shall be responsible for determining if the reimbursement amount is
58 taxable income.

59
60 *Effective November 1, 2019*

Human Resources Policy 550 – Discrimination and Harassment

1. The judicial branch is committed to providing a work environment free from all forms of discrimination and harassment based on the following: sex, gender, age, ancestry, national origin, race, color, religious creed, mental or physical disability or medical condition, sexual orientation, gender identity or expression, marital status, military or veteran status, genetic information, or any other category protected by federal, state or applicable local law. This policy applies to every employee of the judicial branch, regardless of their position, including Administrative Office of the Courts management, as well as commissioners, judges and justices. This policy also applies to contractors, vendors, and other third parties who affect the workplace environment. In addition to the protections provided by this policy, commissioners, judges and justices are prohibited under the Utah Code of Judicial Conduct from manifesting bias or prejudice or engaging in harassment.

2. Sexual harassment.

2.1 The judicial branch strictly prohibits and will not tolerate sexual harassment of any kind by any individual, employee, commissioner, judge or justice. Sexual harassment may include: any conduct of a sexual nature that is unwelcome and makes a person feel that the work environment is intimidating, offensive or hostile; any conduct between people of the opposite sex or the same sex; and non-sexual comments, threats or actions that display hostility toward a person in the workplace because of gender.

2.2 All types of unlawful offensive, hostile and intimidating behavior are prohibited by this policy. The following list is not intended to be all-inclusive, but illustrates kinds of behavior that may be considered forms of sexual harassment, and are strictly prohibited:

2.2.1 Offering a job benefit in return for sexual favors.

2.2.2 Taking or threatening to take an adverse action against an individual who refuses sexual advances.

2.2.3 Other advances or requests of a sexual nature.

2.2.4 Sexual flirtations.

2.2.5 Unwelcome or inappropriate statements about an individual's body or sexuality.

2.2.6 Sexually degrading words to describe a person.

- 2.2.7 Gestures of an obscene or sexually suggestive nature.
- 2.2.8 Humor or jokes of a sexual nature.
- 2.2.9 Posters, pictures, cartoons, toys or objects of a sexual nature.
- 2.2.10 Leering or staring that is offensive.
- 2.2.11 Any unwelcome touching or other physical contact with an individual.
- 2.2.12 Hostile comments toward employees in the workplace because of gender.
- 2.2.13 Sexting, texting, messaging, emailing, or any other form of communication of a sexually suggestive nature.

3. **Other types of harassment.**

- 3.1 Harassment based on an individual's race, color, religion, religious affiliation, age, national origin, ancestry, mental or physical disability or medical condition, sex, gender, sexual orientation, gender identity or expression, genetic information, marital status, military or veteran status or any other category protected by federal, state or local law is prohibited under this policy and will not be tolerated.
- 3.2 All types of unlawful offensive, hostile and intimidating behavior are prohibited by this policy. The following list is not intended to be all-inclusive, but illustrates kinds of behavior that may be considered forms of harassment, and are strictly prohibited.
 - 3.2.1 Telling racial, ethnic, disability, age-related or other types of degrading jokes.
 - 3.2.2 Making racial, ethnic, or religious slurs, and other forms of degrading name calling.
 - 3.2.3 Making threats or intimidation based on a category protected by the judiciary's policies.
 - 3.2.4 Possessing written or graphic material or communications in the workplace that is offensive based on a category identified in 3.1 or that violates universal standards of conduct.
 - 3.2.5 Texting, messaging, emailing, or any other form of communication that is offensive, hostile or intimidating.

4. **Retaliation.**

- 4.1 The judicial branch also prohibits retaliation against persons who make reports of discrimination or harassment or who provide assistance during an investigation. Retaliation will not be tolerated and will be considered a serious form of misconduct which can result in disciplinary action up to and including immediate termination of employment.

5. **Reporting Procedures.**

5.1 Any employee who believes they have been subject to, have witnessed, or are aware of discrimination or harassment by any employee, commissioner, judge or justice, individual or entity is strongly encouraged to report the incident. All employees can report discrimination, harassment, or retaliation verbally or in writing by any of the following methods:

5.1.1 By contacting directly any supervisor or member of management with whom the employee is comfortable reporting such matters.

5.1.2 By contacting any Human Resource representative using contact information at <https://www.utcourts.gov/intranet/hr/cus.htm>

5.1.3 By contacting directly, any member of AOC management, including any court-level administrator.

5.1.4 By contacting the State Court Administrator, Deputy State Court Administrator, or Assistant State Court Administrator.

5.1.5 By contacting any commissioner, judge or justice.

5.2 Commissioners, judges, justices, court executives and administrators, supervisors and managers must report any complaints or misconduct under this policy promptly to an appropriate authority, including a Human Resources representative at <https://www.utcourts.gov/intranet/hr/cus.htm> for further action.

5.3 Upon receipt, Human Resources must promptly respond to any complaint of discrimination, harassment, or retaliation.

6. **Confidentiality.**

6.1 Reports of policy violation will be addressed as confidentially as possible. Information will be disclosed only on a need-to-know basis for the purpose of responding to the report. At the conclusion of the response to the report, all relevant parties will be notified.

7. **Corrective Action.**

7.1 Violation of this policy will be considered a serious form of misconduct which can result in disciplinary action up to and including immediate termination of employment.

Effective November 1, 2019

UTAH JUDICIAL COUNCIL
ADULT DRUG COURT CERTIFICATION CHECKLIST
REVISED AND ADOPTED JANUARY 28, 2019

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
<input type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
<input type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.
<input type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
<input type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input type="checkbox"/>	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input type="checkbox"/>	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
<input type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
<input type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input type="checkbox"/>	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
<input type="checkbox"/>	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input type="checkbox"/>	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input type="checkbox"/>	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
<input type="checkbox"/>	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
<input type="checkbox"/>	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input type="checkbox"/>	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
<input type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment	VIII.A.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Drug Court session.	
<input type="checkbox"/>	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case.	VIII.B.
<input type="checkbox"/>	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input type="checkbox"/>	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
<input type="checkbox"/>	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
<input type="checkbox"/>	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input type="checkbox"/>	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
<input type="checkbox"/>	<input type="checkbox"/>	32	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input type="checkbox"/>	<input type="checkbox"/>	43	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input type="checkbox"/>	<input type="checkbox"/>	54	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input type="checkbox"/>	<input type="checkbox"/>	65	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
<input type="checkbox"/>	<input type="checkbox"/>	76	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input type="checkbox"/>	<input type="checkbox"/>	87	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	98	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	109	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	1110	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	1211	Drug test results are available within 48 hours.	VII.H.
<input type="checkbox"/>	<input type="checkbox"/>	1312	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
<input type="checkbox"/>	<input type="checkbox"/>	1413	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
<input type="checkbox"/>	<input type="checkbox"/>	1514	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	1615	Standardized patient placement criteria govern the level of care that is provided.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	1716	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	1817	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input type="checkbox"/>	<input type="checkbox"/>	1918	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	2019	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	2120	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input type="checkbox"/>	<input type="checkbox"/>	2221	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input type="checkbox"/>	<input type="checkbox"/>	2322	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	2423	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	2524	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	2625	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their	VI.D.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
			enrollment in the program.	
<input type="checkbox"/>	<input type="checkbox"/>	27 26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	28 27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	29 28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	30 29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
<input type="checkbox"/>	<input type="checkbox"/>	31 30	Clients are placed in the program within 50 days of arrest.	
<input type="checkbox"/>	<input type="checkbox"/>	32 31	Team members are assigned to Drug Court for no less than two years.	
<input type="checkbox"/>	<input type="checkbox"/>	33 32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
<input type="checkbox"/>	<input type="checkbox"/>	34 33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	35 34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	36 35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
<input type="checkbox"/>	<input type="checkbox"/>	37 36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	<input type="checkbox"/>	38 37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
<input type="checkbox"/>	<input type="checkbox"/>	39 38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input type="checkbox"/>	<input type="checkbox"/>	40 39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input type="checkbox"/>	<input type="checkbox"/>	41 40	The program conducts an exit interview for self-improvement.	
YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including	V.A.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
			detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	
<input type="checkbox"/>	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input type="checkbox"/>	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.

YES NO

☐ ☐

#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<u>16</u>	<u>The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.</u>	<u>II.B.</u> <u>X.E.</u>

Tab 11

Agenda

Inventory and Recommendations Concerning Coordination and Certification of Problem Solving Courts in Utah

A Report to the Judicial Council



Problem Solving Court Inventory Work Group

District Court Judge Jeffrey Wilcox (5th District Adult Drug Court)

Juvenile Court Judge Mark May (3rd District Dependency Drug Court)

Kay Allen, Probation Officer and Family Drug Court Coordinator (4th District Juvenile Court)

Melissa Granillo-Sanchez, Specialty Courts Program Coordinator (3rd District Juvenile Court)

Neira Siaperas, Juvenile Court Administrator

Shane Bahr, District Court Administrator

Wendell Roberts, Trial Court Executive (6th Judicial District)

(Sr. Judge Dennis Fuchs served as a consultant to the work group)

Purpose of Inventory

On March 8, 2019 members of the Judicial Council engaged in a discussion concerning coordination and certification of Problem Solving Courts (PSC) in the State of Utah. As a result of their discussion the Council requested a small workgroup be created and given the charge to conduct an inventory of PSC coordination and certification. In addition, the Judicial Council asked the work group to provide recommendations regarding Utah problem solving court coordination and certification.

Current Status and Brief History of Utah Problem Solving Courts

As of November 1, 2019 there were 68 certified problem solving courts in the state and two new court applications pending approval¹. The first adult drug court in Utah was established in 1996 and for many years statewide coordination of drug court and other problem solving courts rested with Rick Schwermer and Sr. Judge Dennis Fuchs. Prior to Rick's retirement in January, 2019, in addition to many other key responsibilities; he served as the primary contact for problem solving courts in Utah. Sr. Judge Dennis Fuchs has worked as a part-time contract court employee whose primary task has been to coordinate the certification process of problem solving courts around the state.

Coordination at the local level varies² from court to court. Some courts spread coordinating duties among various team members while other courts identify a primary coordinator who is responsible for coordinating duties in addition to their other full-time job.

Drug Court is based on evidence based practices and the process of ensuring Utah's Problem Solving Courts meet best practices has been an evolving process. In 2004, the Judicial Council first adopted minimum guidelines for drug courts. In 2007, the Judicial Council adopted a rule to provide increased consistency and quality control over the State's drug courts. Both Rick Schwermer and Sr. Judge Dennis Fuchs were involved with a nationwide committee to write the National Best Practice Standards and in 2012 these best practices became the basis for the formal certification process in place today. The process for certification has also been an evolving process. The first two years of visits were largely educational. Visits now are more compliance oriented with Judge Fuchs ensuring that Courts are in compliance with all required best practice standards in order to be recertified. Efforts to ensure that all Courts are in compliance are limited by current resources. At present, Sr. Judge Fuchs is the only resource to monitor compliance and to offer technical assistance throughout the state.

¹ Appendix A

² Appendix B

Inventory

Information about local PSC coordination, statewide PSC coordination and certification was collected through an online survey of judges who preside over problem solving courts.

According to the information collected through the judge survey, coordination duties are generally shared among multiple team members. Of the thirty-five judges who responded to the survey, 74% report having a single person assigned to coordinate the day to day operations of the court. Depending on the court type and location of the court, coordination duties are completed by various team members. In some courts it appears the treatment representative takes the lead on coordination efforts, while in other courts coordination duties may fall the judge, probation officer, prosecutor, or a judicial assistant who also manages large civil and/or criminal calendars. Only two courts report having dedicated problem solving court coordinators whose primary responsibility it is to manage the drug court coordination in their respective court(s).

A majority of judges report there are certain aspects of coordination in their local courts that work well and indicate there is good collaboration and support among team members. Judges praise the work of the team they work with and recognize their dedication to the court and to the PSC participants.

When asked what is not working well with local court coordination, some the response included delays in getting clients into drug court, a lack of identifying and coordinating resources, ineffective communication about client status, inadequate case management, lack of treatment reports, inability to update and maintain handbooks and policies and procedures, and a lack of data collection and program evaluation.

Turn-over among judges, court staff and other stakeholders who were instrumental in establishing problem solving courts over the years makes it extremely difficult to stay consistent and retain fidelity to the problem solving court model; especially when duties are shared among team members. Some judges suspect only minimum coordinating duties are being completed. There is a sense that a piecemeal approach may meet the minimum standards, but does not afford a problem solving court team the ability to evaluate and make enhancements to the programs when and where needed.

Judges were asked about whether or not statewide coordination was meeting the needs of their local courts. 31.5% agreed that statewide coordination was meeting their needs; 34.3% were neutral, and the remaining 34.2% reported statewide coordination was not meeting the needs of their court. Several judges report the only state coordination received is through the statewide conference which is held every-other year and through the recertification process required every two years. Judges who preside over problem solving courts other than adult drug court voiced concern that coordination and assistance afforded to mental health court, DUI court, juvenile courts, veterans court etc. is lacking.

When asked what improvements could be made to statewide coordination, a few responses were:

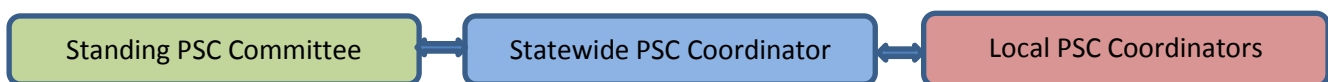
- Better communication and support and resources.
- More communication among problem solving courts, data collection/sharing, etc.
- A statewide coordinator focused on getting information to individual courts.
- Seeking out our (local court) input and needs.
- Include leadership from the juvenile court in the coordination duties. Acknowledge and have an open discussion about the competing interests and best practices of child welfare mandates and problem solving court mandates and how to provide fidelity to each.
- More direction on required policies and procedures and also providing resources for treatment and drug testing.

The workgroup, with assistance with the Center for Court Innovation, surveyed other states about how they structure state coordination, local coordination, and certification³. Of the fourteen states who responded with information, thirteen of the states report having at least one dedicated statewide PSC coordinator. All reporting states indicated some level of local coordination of each state. Some states divide the coordination duties among team members. However, the majority have dedicated court employees who serve as local coordinators.

Recommendations

Through the process of reviewing results of in-state and out-of-state surveys and other written materials specific to problem solving court coordination the PSC work group believes a more structured and robust coordinating approach at the state and local level needs to be implemented. By implementing a more supportive structure problem solving courts will be better equipped to maintain fidelity to the evidence based principles of the problem solving court model. As a result we will deliver more effective services to problem solving court participants and reduce the risk of doing harm to those participating in problem solving courts.

The structure recommended by the work group consists of: 1) hiring a full-time statewide problem solving coordinator and support staff to assist with evaluation, training and certification; 2) creating a statewide problem solving court coordinating committee; 3) obtaining additional court FTEs to serve as local problem solving court coordinators.



It is recommended that the full-time coordinator position be created as soon as possible and convene the statewide Standing PSC Committee with a charge to evaluate the actual number of local PSC coordinators needed throughout the state. Based on information received from other states it is anticipated there is a minimum need of 8 -10 FTE to coordinate local courts. Local

³ Appendix C

PSC Coordinator positions may be full-time or part-time based on the need of the region or judicial district.

1. Statewide Problem Solving Court Coordinating Committee

The PSC workgroup recommends the creation of a Statewide Problem Solving Court Coordinating Committee. Ideally, this committee will report to the Judicial Council and membership of this committee would consist of judges, local coordinators from various districts and court types, along with representation from local and state stakeholders. This committee will focus on the primary goals of statewide coordination⁴ which include:

- Quality Assurance
- Training
- Funding
- Research and Evaluation
- Technology
- Advocacy

The Judicial Council may consider delegating a portion or all certification approval duties to this committee. The Council may also want to consider establishing the Problem Solving Court Coordinating Committee in the near future; prior to allocation of funds for statewide and local coordinators.

2. Statewide Problem Solving Court (PSC) Coordinator

To achieve the goals of statewide coordination most state courts employ at least one dedicated statewide problem solving court coordinator to work with the statewide coordinating committee and local problem solving court coordinators along with problem solving court teams. For example- Idaho has 71 problem solving courts and employs one full-time statewide coordinator. Colorado has three full-time state-wide coordinators to work with 80 problem solving courts.

The work group recommends that the council seek funding for at least one full-time problem solving court coordinator. Responsibilities of Statewide PSC Coordinators vary from state to state depending on need, court structure and size/number of problem solving courts in the state. Of the states that responded to our request for information, primary duties of the Statewide PSC Coordinator may include:

- Providing technical assistance to local courts by assisting judges and local coordinators find answers to emerging issues about local resources and team dynamics
- Serving as staff to the Standing PSC Committee
- Assisting with solicitation and allocation of state/grant funds
- Providing quality assurance of best practices, including certification
- Enhancing case management, data collection, and statewide evaluation
- Collaborating with other statewide stakeholders on sustainability and enhancement matters

⁴ Appendix D

- Functioning as the subject matter expert re: problem solving courts
- Serves as the liaison with national PSC organizations; collects and disseminates information
- Identifies potential impact on the judiciary from proposed legislation and initiatives
- Provides statewide and local technical assistance and training

The next phase of Medicaid Expansion in Utah is scheduled to go into effect on January 1, 2020. Medicaid expansion will drastically impact those who are eligible to participate in problem solving courts. In order to communicate the changes to process and to maximize the impact that Medicaid Expansion can have on the problem solving court participants, it is essential to enhance PSC coordination in order to relay accurate and timely information from state agencies to the local courts.

3. Local Problem Solving Court Coordinators

Local Problem Solving Court Coordinators serve as the “hub” of the local problem solving court team(s). Information provided by other states indicates that most local coordinators are court employees. While there are states that have local coordinators who are not court employees and report being successful, other states report they have had non-court employees as coordinators in the past, but do not believe it is as effective as having the local PSC coordinator position filled by a dedicated court employee.

The number of local coordinators needed throughout the state will depend upon the size of the court served and geography of the respective judicial district or region. Depending on the circumstances and duties assigned, a PSC coordinator may coordinate multiple courts or may coordinate a single small court in addition to other court duties. As an example, Minnesota has 65 problem solving courts and has 40-45 local coordinators to work with these courts. Idaho has one supervising coordinator in each of their seven districts in addition to other region coordinators who coordinate one or many courts.

Some of the local PSC Coordinator duties may include, but are not limited to:

- Overseeing the day to day operation of the program
- Adhering to certification standards
- Training of interdisciplinary team and local committee members regarding certification standards and other evidence based practices
- Collaborating and promote problem solving courts with community partners
- Data collection and program evaluation
- Writing and maintain policy and procedures, and participant handbooks
- Serving as staff to local problem solving court steering committee and assisting with Alumni groups
- Managing contracts, writes and manages grant and state funds as necessary
- Actively participates in team staff meetings
- Meeting with potential participants for screening and processes applications – Case management

- Serving as the liaison between local courts and state PSC Committee and State Coordinator
- Coordinating drug testing options
- Gathering participant progress reports and disseminates information to team members
- Acting as arbitrator to resolve team disputes and conflicts and they arise
- Consulting with the problem solving court judges on a wide range of organizational and managerial issues

Funding and Implementation

There are not dedicated funds presently allocated to support problem solving court coordination. In order to implement the recommendations in this report there will have to be additional resources allocated for the Statewide PSC Coordinator and Local PSC Coordinator positions. Since the timing of this report does not allow the Council time to prioritize a request for funding from the upcoming legislature, the workgroup recommends applying for federal grant funds as soon as possible. If grant funding is not awarded in the next round of grant funding opportunities, we recommend submitting a Building Block to be prioritized as a request to the 2021 legislature.

Certification

Rule 4-409 - Council Approval of Problem Solving Courts, outlines the requirements to operate a problem solving court. As such, a problem solving court must initially be certified by the Judicial Council prior to beginning operations and then be recertified every two-years. In many ways, Utah is a leader when it comes to problem solving court certification. Of the 13 states that responded to our request for information concerning certification, only four states report having a certification process.

According to the feedback the workgroup received from judges, a fair number reported that the current certification process is effective and meets the goal of increasing fidelity to the problem solving court model. Others reported the current process is based on the honor system and there isn't a true audit of court processes, drug testing, treatment, and other key components. Another observation is that the current process outlines the requirement for fidelity to the model and is effective in that regard. However, reports from judges indicate there isn't a lot of feedback or assistance to problem solving courts. There needs to be more follow up, better consistency and feedback about, and after, the certification process.

Most judges acknowledge that the current certification process has value. The primary concern is that the current process needs to be enhanced and there needs to be additional resources dedicated to this effort. With nearly 70 problem solving courts throughout the state, the PSC workgroup does not believe a single part-time position has enough time to adequately assess and provide feedback to all problem solving courts in the state. As such, the workgroup recommends additional FTEs, to assist a full-time State PSC Coordinator enhance the services afforded to problem solving courts through the certification process.

The PSC Work Group appreciates the opportunity to submit the recommendations to the Judicial Council regarding statewide coordination, local coordination and certification. Based on the

research and information provided by judges and other state PSC coordinators we believes the recommendations made in this report, if implemented, will benefit the court, partnering agencies, communities, and most importantly the families and individuals who participate in problem solving court.

Appendix

Appendix A.....	Certified Problem Solving Courts
Appendix B.....	Survey of Judges
Appendix C.....	Survey of Other State PSC Coordination and Certification
Appendix D.....	“Statewide Coordination of Problem Solving Courts: A Snapshot of Five States”

APPENDIX

A

CERTIFIED PROBLEM SOLVING COURTS 2019

Adult Drug Courts

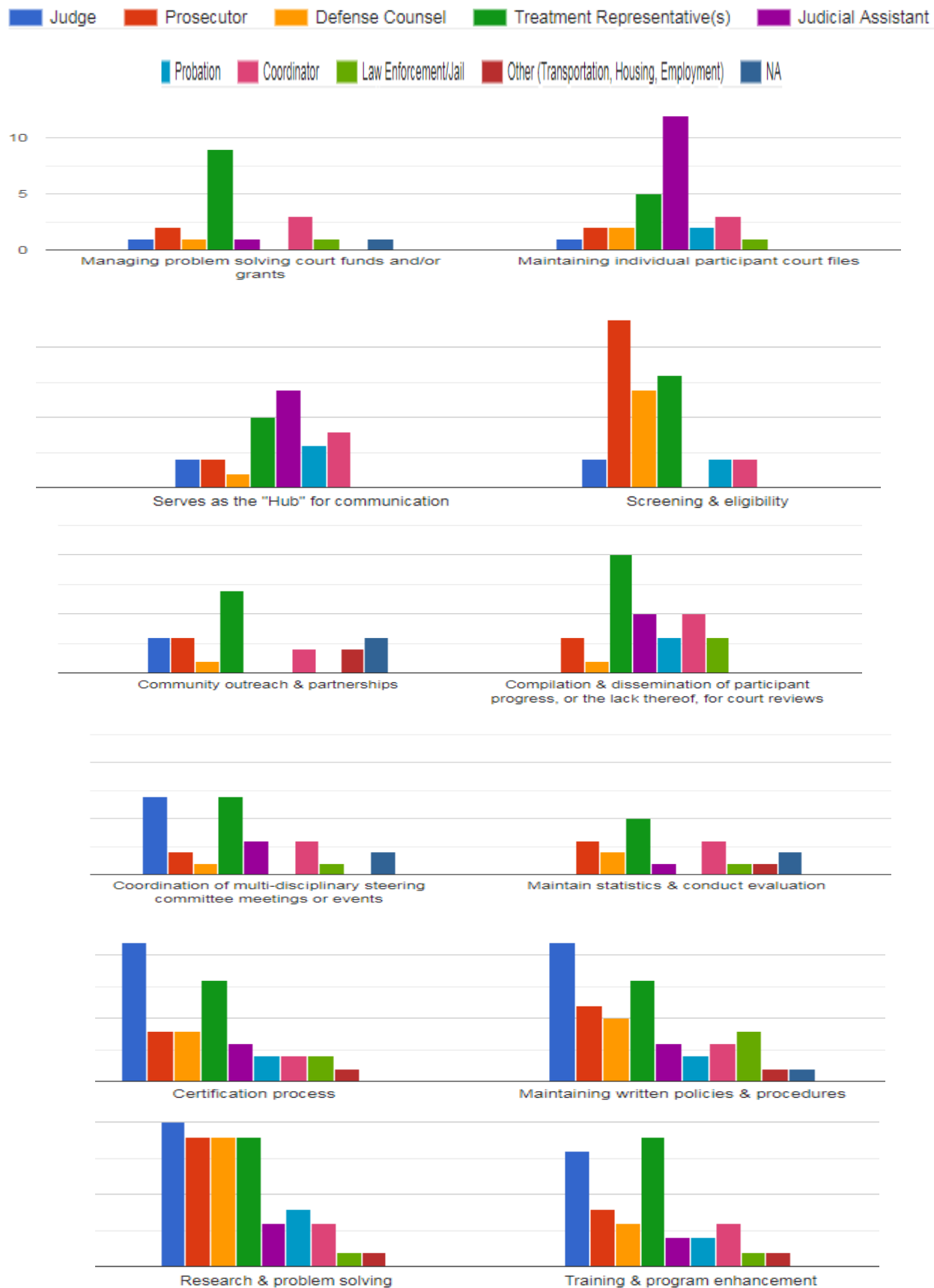
County	City	Judge
Weber	Ogden	Bean
Weber	Ogden	DiReda
Davis	Farmington	Morris
Davis	Farmington	Morris
Tooele	Tooele	Gibson
Wasatch	Heber	Brown
Juab	Nephi	Howell
Millard	Fillmore	Howell
Iron	Cedar City	Barnes
Washington	St. George	Wilcox
Grand	Moab	Manely
Cache	Logan	Willmore
Box Elder	Brigham City	Maynard
Weber	Riverdale	(Justice)
Salt Lake	Salt Lake City	Scott
Salt Lake	Salt Lake City	Skanchy
Salt Lake	Salt Lake City	Blanch
Salt Lake	Salt Lake City	Shaughnessy
Salt Lake	West Jordan	Hogan
Summit	Park City	Corum
Utah	Provo	Taylor
Utah	Provo	Eldridge
Sevier	Richfield	Bagley
Sanpete	Manti	Keisel
Kane	Kanab	Lee
Uinta	Vernal	McClellan
Carbon	Price	Hammond
Emery	Castle Dale	Thomas
Grand	Moab	Manley
San Juan	Monticello	Torgerson
Adult Mental Health Court		
Cache	Logan	Fonnesbeck
Box Elder	Brigham City	Cannell
Davis	Farmington	Kay
Salt Lake	Salt Lake City	Brereton
Salt Lake	Salt Lake City	Trease

Salt Lake	West Valley	Gillmore (Justice)
Washington	St. George	Leavitt
Utah	Provo	Brady
Iron	Cedar City	Little
Washington	St. George	Westfall
Box Elder	Brigham City	Cannell
Weber	Ogden	Hyde
Davis	Farmington	Dawson
Sevier	Richfield	Bagley
Veteran Drug Courts		
Salt Lake	Salt Lake City	Hansen
Utah	Provo	Powell
Juvenile Drug Court		
Weber	Ogden	Dillon
Utah	Provo	Smith
Weber	Ogden	Noland
Salt Lake	Salt Lake City	Beck
Dependency Drug Court		
Weber	Ogden	Dillon
Weber	Ogden	Heward
Salt Lake	West Jordan	Renteria
Grand	Moab	Manley
Weber	Ogden	Heward
Davis	Farmington	Neill
Salt Lake	Salt Lake City	May
Salt Lake	Salt Lake City	Hornak
Salt Lake	Salt Lake City	Lund
Salt Lake	West Jordan	Jimenez
Utah	American Fork	Bazzelle
Utah	Provo	Nielsen
Utah	Provo	Bartholomew
Utah	Spanish Fork	Smith
Carbon	Price	Bunnell
Juvenile Mental Health Court		
Cache	Brigham City	Morgan
Box Elder	Brigham City	Morgan
Salt Lake	Salt Lake City	Knight

APPENDIX

B

Adult Drug Court Team Member Roles and Responsibilities



Adult Mental Health Team Members Roles and Responsibilities

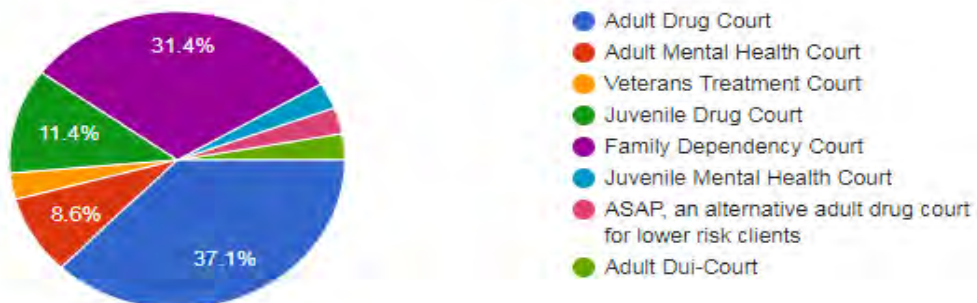


Juvenile Drug Court Team Members Roles and Responsibilities



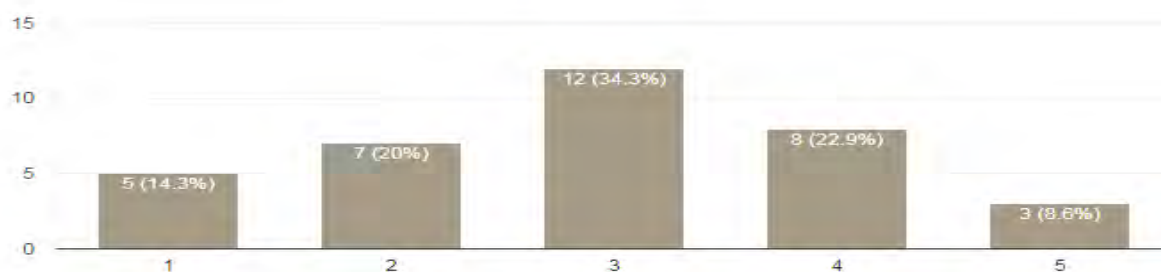
Please indicate the type of problem solving court.

35 responses



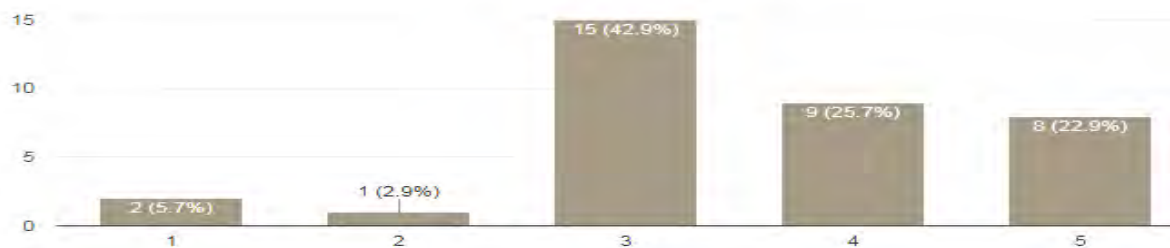
The current statewide coordination of problem solving courts is meeting the needs of this court?

35 responses



The certification process is meeting the goal of increasing fidelity to the problem solving court model.

35 responses



APPENDIX

C

Survey of Other State PSC Coordination and Coordination Answers by State (Alphabetical)

1. Alabama

Response By: Denise Shaw

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?

I'm not sure what you looking for in the first part of the question, but local coordinators are responsible for notifying the team of participant adherence to rules, working with the local judges, working with the community stakeholders, promoting drug court in their jurisdictions, they may also be responsible for supervising case managers, coordinating with treatment providers and drug testing lab personnel. They are usually the ones responsible for supplying AOC with the monthly drug court reports and turn in expense reports for the grant funds received from the state, and I am sure numerous other duties.

- b. Are local coordinators court employees, or employees of partner/team agencies?

We do not have coordinators employed through the courts. Most are either employed through the Community Corrections Program or the Court Referral Program.

- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?

We have the Alabama Drug Offender Accountability Act that allows for judicial circuits to set up drug courts based on the 10 Key Components, we are a UJS, but drug courts here are not uniform. My role is to keep track of the number of drug courts, the number of participants, perform site visits to ensure best practices are being followed, provide continuing education on drug courts through our annual conference, oversee the appropriation received from the legislature for drug court funding, as well as many other administrative duties.

- d. Has the state adopted a certification process? If so, what is the process/structure?

No

- e. Does the state have a unified court system?

Yes

2. Colorado

Response By: Sarah Keck

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?

Here is the list of essential functions straight from the job description:

Plans, implements, and monitors the day to day activities of the assigned problem solving court(s) and ensures the court is implementing key components while serving the appropriate target population(s). In collaboration with other stakeholders, develops and implements a strategic plan that meets the long term goals of the community and ensures program sustainability. Serves as an active member of the problem solving court team. In conjunction with court support staff, directs and maintains an accounting and auditing system with respect to grant funds. May write

and manage grants; plans and prepares budgetary estimates and justifications. Coordinates and approves expenditures for the problem solving court(s).

Organizes and facilitates interdisciplinary training for problem solving court team members. Maintains cooperative relationships with program stakeholders including, but not limited to, treatment agencies, community organizations, Probation Services, the Division of Behavioral Health, Defense Counsel, Prosecution, Judicial Officers, and other court staff. Attends and participates in conferences, meetings and committees as the problem solving court representative. Also attends pre-court staff meetings and court hearings as deemed appropriate. Consults with problem solving court judges on a wide range of organizational and managerial issues including but not limited to problem solving court efficiency, internal and external quality assurance. Facilitates community presentations, assists in docket development, coordinates community service, promotes team integrity, develops community resources, monitors quality assurance, develops agendas, collects data and works closely with the program evaluator. In conjunction with the other team members the coordinator is responsible for problem solving and program fidelity. Acts as the liaison between the problem solving court judge, court personnel, probation staff, treatment providers, attorneys, and other members of the problem solving court team. Compiles participant information and disseminates the information to the respective team members prior to pre-court staff meetings and court reviews. May complete a standardized intake assessment/screening on potential problem solving court candidates

- b. Are local coordinators court employees, or employees of partner/team agencies?
Most of our coordinators are state judicial employees there are a few coordinators that receive a portion of their FTE from grant or the county.
- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?
Colorado has a team of 3 full time employees housed under the Criminal Justice Programs Unit in Court Services that coordinates the 80 Colorado Problem Solving Courts at the state level. The primary duties are to provide technical assistance, training, facilitation, and support to all programs statewide. Provide outreach and assist districts in setting up and maintaining problem solving courts. Provide data assistance for tracking and analysis, coordinate for statewide evaluation, provide data to districts and statewide stakeholders. Staff the Advisory committee and accreditation process, training and education subcommittee, technical assistance subcommittee, and to provide guidance and strategic planning for supporting problem solving courts. Maintain the Problem Solving Court website and resources on the website as well as the internal judicial net website. Provide staff and Peer reviews to courts statewide. Staff and maintain the Professional Problem Solving Court mentoring program. Planning and staffing of the annual CCJC and Convening Conferences.
- d. Has the state adopted a certification process? If so, what is the process/structure?
YES. Colorado started an accreditation process for courts in 2017 where courts will apply and complete application to show that they are meeting Colorado and National standards. This application will be reviewed by State Court Administrator Problem Solving Court Staff and be considered by the Advisory committee. See link for information on process and application: <https://www.courts.state.co.us/Administration/Program.cfm?Program=58>

(The information and links are on the right side menu with the info on the Accreditation Program and all of the forms needed for the application process.)

- e. Does the state have a unified court system?
Yes

3. Delaware

Response By: Brenda Wise

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?
- Oversees the day-to-day operation of the program.
 - Ensures that referrals to the program are processed in a timely manner and communicates the eligibility decision to all parties.
 - Develops and maintains all program materials including the policy and procedure manual, participant handbook, and participation agreements or contracts.
 - Conducts participant exit interviews and performs other quality assurance reviews to obtain feedback on program operations.
 - Maintains participant information in an electronic case management system.
 - Ensures that new team members are orientated to the program and their roles and responsibilities.
 - Schedules regular team meetings that focus on program policy, structure, and team-building activities designed to improve team function.
 - Maintains program policies and procedures and ensures that the program operates consistent with program policies and procedures. Updates policies and procedures regularly to reflect program changes.
 - Routinely monitors the quality and timeliness of program data entry and addresses performance issues.
 - Monitors programmatic data on a semi-annual basis and provides the team with performance updates.
 - Reports programmatic data, policy considerations, proposed changes, and other pertinent matters to Statewide Problem-Solving Court Coordinator.
 - Plans and facilitates steering committee meetings.
 - Acts as a spokesperson for the program to community leaders and organizations.
 - Organizes, coordinates and attends regular team trainings.
 - Acts as arbitrator to resolve team disputes and conflicts as they arise.
 - Is knowledgeable about the problem-solving court model, effective treatment interventions, the national drug court standards, and the Delaware Problem-Solving Courts Best Practice Standards.
- b. Are local coordinators court employees, or employees of partner/team agencies?
Coordinators are court employees.
- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?
I serve as the Statewide Problem-Solving Court Coordinator. I'm responsible for the creation of policies and procedures, training and implementation of best practices for our

problem-solving courts. I also serve as the liaison between other state agencies. I'm also responsible for the creation of new alternative programs, such as our Community Court.

- d. Has the state adopted a certification process? If so, what is the process/structure?
We do not have a certification process.

- e. Does the state have a unified court system?
Yes we have a unified court system.

4. Idaho

Response by: Scott Ronan

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?

We have 71 problem-solving courts, with a coordinator for each court. Many at this point are coordinators as their only job, while in some of our more rural and frontier areas, coordination duties are in addition to another position such as a county misdemeanor probation officer or a deputy clerk of the court. Many of our coordinators also coordinate more than one court. And for each of our seven judicial districts has one problem-solving court (PSC) district managers that are state employees (one is state funded, but remained a county employee) and are supervised by the TCA. They also coordinate at least one court, and in some cases multiple. Attached is a job description sample for coordinators and also one for the PSC district managers. A typical week for a coordinator looks like this:

- I. Appointments with potential participants/ process applications=
- II. Meet with team members (tx, probation, etc.) to talk about individual clients and program processes
- III. Enter data in a statewide case management system both for their internal use and to meet state minimal data requirements
- IV. Enter data in an electronic health record to begin treatment billing for participants
- V. Prepare staffing reports by receiving written or verbal reports for most team members and then compiling and disseminating prior to the hearing
- VI. Contribute during the staffing by sharing best practices with the team and offering information and/or recommendations for sanctions or incentives on each client
- VII. Recording their own notes on hearing outcomes for each participant
- VIII. Meet with participants about sanctions, continual, or additional requirements (communicate service hours, writing an essay, etc.)
- IX. Filling out surveys and providing data to state and local entities
- X. Engaging community members for resources (elf club or preparing budget reports for the TCA and county commissioners)
- XI. Everything else as needed.

- b. Are local coordinators court employees, or employees of partner/team agencies?
They are all county employees and as coordinators fall under the supervision of the district court. The PSC district managers are state employees but still fall under the supervision of the district court. Anytime we have had a coordinator funded or supervised by a prosecutor's office or a treatment agency, it has not worked out well because they try to follow the judge's guidance and leadership, but ultimately find that they are beholden to

the funder of the position, which creates an unproductive imbalance and sometimes a separation of powers issue.

- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?

The state coordinator reviews and provides input on statute, rules, and policies that govern problem solving courts. the state coordinator is responsible for compiling statewide data on a variety of internal and external requests (media, legislators, the Court, etc.). The state coordinator manages the state funds appropriated by the legislature and approved by the Idaho Supreme Court for coordination, drug testing, and treatment (a little over \$8 million today). I spend the majority of my time on large projects that can be proposals for statewide changes or the development and implementation of statewide initiatives such as the implementation, training, and upgrade of our statewide Case Management System (Odyssey- Supervision Module), our implementation of a statewide comprehensive quality assurance plan for problem solving courts, or trying to identify upcoming Medicaid Expansion impacts. I provide a ton of education either through one on one with coordinators and judges to coordinating and finding funding for assistance with a statewide conference or presenting at various statewide committees or local meetings. I spend some time providing guidance on evaluation efforts with our data and evaluation department and conducting our own surveys or research into trends for utilization and use of funding that is disseminated to judges and coordinators throughout the state. The major responsibility has been and continued to be the staffing of our legislatively required statewide committee (link to statute: <https://legislature.idaho.gov/statutesrules/idstat/Title19/T19CH56/SECT19-5606/>) we meet twice per year and have several workgroups that dedicate time to developing and making recommendations on budget and policy recommendations for the ultimate review and approval by the Supreme Court. In a typical day I spent a lot of time helping coordinators and judges with best practice questions or with emerging issues at the local level about resources or team dynamics. Attached is the job description I was hired on but the job of state coordinator is only part of my current position as I also work with statewide committees for the identification and implementation of evidence based sentencing and supervision practices for magistrate and district judges.

- d. Has the state adopted a certification process? If so, what is the process/structure?

We do have a certification process but it is really in its infancy. We have been utilizing a peer review process throughout Idaho for a few years now to help provide information back to individual adult drug courts, but recently have had a statewide QA plan and Idaho Standards (based on the national standards put out by NADCP) adopted by our Idaho Supreme Court. Here is the link to our webpage with the ISC order and additional relevant content. <http://www.isc.idaho.gov/solve-court/home>

The statewide behavioral health and quality assurance manager, our division director, and application specialist and I, just finished a statewide road show where we presented and met with stakeholders in every judicial district to review the standards and the QA plan. Every adult drug court (we have plans for other court types such as Veterans Treatment Court and DUI Courts, etc.) has been sent an online survey we created as the certification survey that was built on the standards to provide a baseline of data so we know what we have and what we need to ensure adherence to the standards. In future years we could potentially have all PSC court types replicate this process and we would use the information as a resource to find or ask for funding where have gaps, and where do not have gaps but have non-compliance issues, each court can begin the process to work with their local leadership to try to achieve

compliance. The certification survey is an important piece of our overall QA plan, but it is only one piece that will help us to arrive at and maintain high quality courts based on the evidence on what works.

The Center for Court innovation has federal funding to help with the state coordinators meetings and have been very helpful in gathering information on behalf of the group and providing opportunities to meet and collaborate on topics of interest. The contact person right now is Karen Otis otisk@courtinnovation.org and I bet she would be happy to reach out on your behalf with questions you may have concerning state coordinators. Rick was pretty active with this group and they know him pretty well at CCI. I think Judge Fuchs has been attending these meetings so he may have some additional information as well.

- e. Does the state have a unified court system?
Not Answered

5. Kentucky

Response By: Melynda Benjamin

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?

The specialty courts are entirely managed by the Specialty Court Department of the AOC. Local Program Supervisors oversee the local offices for each program.

The Program Supervisor acts as the administrator of the local drug court and is responsible for overseeing the day-to-day operations. As administrators, they are responsible for supervision of local drug court staff; performing assessments to determine if referred defendants meet eligibility requirements; completing individual program plans for all participants; coordinating with various community agencies to ensure all needed services are accessible to all participants; maintaining and reporting drug court data, attending all drug court staffings and sessions.

- b. Are local coordinators court employees, or employees of partner/team agencies?

Local staff (program supervisor, case manager, treatment coordinator) are all employees of the Administrative Office of the Courts.

- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?

State coordinator (Executive Officer) is the appointing authority and manages all employees and operations of the Specialty Courts statewide including the operations division manager, training and support division manager , two regional operations supervisors, and eight regional supervisors. State Coordinator and division managers are responsible for all training including state wide conferences. The office oversees employee hiring/discipline issues with the support of the AOC HR department, manages the budget and applies for and manages grants for the local level courts with the aid of the AOC budget department. The department also centrally collects local data through our management system and processes with the aid of the AOC data and research department.

- d. Has the state adopted a certification process? If so, what is the process/structure?

No. The Chief Justice has recently given permission for the state to begin working on a certification program.

- e. Does the state have a unified court system?

Yes

6. Maryland

Response By: Richard Barton

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?

Though the Judiciary has nearly \$8 million in grant funds to support the problem-solving courts in Maryland, the coordination of the programs is generally left up to each jurisdiction. Local coordinators apply for grants, ensure data is uploaded into our statewide PSC database, coordinate services, and in some cases supervise case managers and other employees.

- b. Are local coordinators court employees, or employees of partner/team agencies?

In most cases, they are court employees. In a small few, the court has contracted with an outside entity to provide coordinator services. In these cases, they are from local non-profits and the relationships have been great.

- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?

Me and my office (5 total) oversee all the grants from the Judiciary as well as any federal (BJA) or other state grants. I maintain the contracts for our statewide PSC database, set up regional and statewide trainings, coordinate technical assistance for planning and operational teams, compile an annual report for the Judiciary, staff judicial committees, and conduct site visits to ensure that each program is complying with key components and best practices.

- d. Has the state adopted a certification process? If so, what is the process/structure?

No

- e. Does the state have a unified court system?

Maryland is not a simple yes or no. Our District Courts (municipal cases) are unified while our Circuit Courts (Felony) are not.

7. Michigan

Response By: Andrew Smith

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?

Local treatment courts are coordinated on a local level. Each program has a self-designated coordinator, whose responsibilities vary from program to program. Some coordinators strictly do administrative work for the program like grant writing, program oversight, and team coordination, while other coordinators take on additional roles like probation/case

management work. In Michigan, a single jurisdiction could have multiple program types, so we see coordinators who coordinate multiple programs.

- b. Are local coordinators court employees, or employees of partner/team agencies?
Coordinators are most often court employees, but some programs have contracted coordinators.
- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?
The MSC State Court Administrative Office plays three major roles for the state's Problem Solving Courts. First, the legislature's yearly PSC appropriation comes through our office, in which we grant out to our courts. Courts submit grant applications yearly that we score and review and make award determinations. Next, we are responsible for certifying our programs (190+ PSCs). We go onsite to about 40 program as year for certification review. Finally, we provide PSC technical assistance and trainings for the courts.
- d. Has the state adopted a certification process? If so, what is the process/structure?
Yes -
<https://courts.michigan.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/Specialty/PSCCert.pdf>
- e. Does the state have a unified court system?
Yes

8. Minnesota

Response By: Abby Kuschel

Attachments

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?
Currently in Minnesota we have 65 treatment courts (drug, DWI, veterans, juvenile drug, tribal healing to wellness, mental health, Family Dependency Treatment Courts, and hybrid courts). We have approximately 40-45 local treatment court coordinators that are supervised by the individual judicial districts. Minnesota has 10 judicial districts. Many of the local coordinators have more than one court that they coordinate. We only have one coordinator that is full-time that only coordinates one court, otherwise, it is usually 2-3 courts per coordinator. Several of the judicial districts have a "Lead Coordinator" or "Coordinator Supervisor" who supervises the coordinators in that district. I as the State Coordinator do not supervise any treatment court coordinators. I am the only state coordinator and do not have additional staff.
- b. Are local coordinators court employees, or employees of partner/team agencies?
Of the 40-45 coordinators, approximately 13 of them are employed by their counties and the remaining is employed by the Judicial Branch. Some have additional duties such as case management and probation roles in addition to being the coordinator.
- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?
I've attached a few of our policies that govern treatment courts in the State of Minnesota that maybe helpful to you.
- d. Has the state adopted a certification process? If so, what is the process/structure?
We currently do not have a certification process, but we do an online self-assessment that courts complete once every two years and evaluate their adherence to our local Minnesota Treatment Court Standards.

- e. Does the state have a unified court system?

No

9. Nevada

Response by: Linda Aguire

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?

Each court is set up within their jurisdiction. They are required to obtain services for their courts. Their judges direct the local coordinators of their duties. Some have treatment background and some do not. The local coordinator is responsible for making sure all reporting requirements are completed.

- b. Are local coordinators court employees, or employees of partner/team agencies?

Local coordinators are hired by the jurisdiction and normally a court employee.

- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?

When treatment courts are funded by the State they are required to follow certain requirements within our guidelines, Best Practices and Standards and follow the 10 Key Components. The state coordinator is responsible for obtaining grant applications from the courts within the state, review, and make recommendations to the Funding Committee. The coordinator is also responsible for monitoring all courts and their quarterly reports reviewing their spending. The coordinator provides training to the local coordinators, and team members on using the statewide database program. The coordinator is also required to provide the information to funding committee members for their quarterly funding committee meetings. This position is also required to send input to the statistic group annual report information. There are many other duties as well.

- d. Has the state adopted a certification process? If so, what is the process/structure?

We are in the process of finalizing our Best Practices moving toward peer-review, then to certification.

- e. Does the state have a unified court system?

No

10. New Hampshire

Response By: Alex Casale

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?

Each court has its own coordinator who is employed by the treatment agency we contact with or the county that we contract with.

- b. Are local coordinators court employees, or employees of partner/team agencies?

80% of them are treatment employees and 20% are county, 0% are court employees.

- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?

I oversee the database and all the information on what's happening in each program. I visit 2-3 programs a week and oversee their staffing / procedures. Each program must submit an annual budget and have an approved policy book and handbook. They must also follow state policies that are created out of my office. They can all be found on our website. <https://www.courts.state.nh.us/drugcourts/NHofficeDOP.htm>

- d. Has the state adopted a certification process? If so, what is the process/structure?

It's basically that they fill out the annual application, survey, budget, and have all the correct policies in place. I then approve or deny the program.

- e. Does the state have a unified court system?
Yes

11. New Mexico

Response By: Robert Mitchell

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?
In some jurisdictions, the local coordinator is responsible for program administration, such as managing contracts and invoicing, writing policy and procedure, community mapping, etc. In other jurisdictions, the coordinator serves as a probation officer or a case manager. In a few areas, the coordinator does all the above.
- b. Are local coordinators court employees, or employees of partner/team agencies?
In most cases, they are court employees; however, in limited cases, the coordinator is a contractor.
- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?
The coordination at the state level is related to: 1) Supplemental funding distribution to local judicial districts, 2) Managing statewide contracts for screening instruments, information management, etc., 3) Hosting statewide conferences, 4) Collecting, analyzing, and reporting performance data, 5) Providing technical assistance, 6) Developing standards and funding guidelines, and 7) Managing quality engagement initiatives such as peer review and certification.
- d. Has the state adopted a certification process? If so, what is the process/structure?
Yes. It began as primarily a desktop document review process, but is under further development. As we have been involved in certification, we have identified several areas that could be modified for efficiency. Currently, programs must be certified every three years and may receive a provisional certification with annual review if they meet most requirements but need to address certain aspects needing additional time.
- e. Does the state have a unified court system?
Yes

12. Ohio

Response By: Monica Kagey

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?
Ohio is home-rule so every jurisdiction does this differently. A few of the most common models are 1-Hiring a staff person whose sole responsibility it is to coordinate one or more treatment courts in a jurisdiction; 2-Assigning a probation officer as the coordinator and the PO for the treatment court; or 3-Using an employee of a local treatment agency or ADAMH Board as the coordinator. Each treatment court in Ohio creates the local job responsibilities for their jurisdiction. Here is one example: Maintains the daily operations of the specialized docket; Meets with any potential participants upon referral; Gathers progress reports from treatment and service providers to present to the treatment team; Attends treatment team meetings and status review hearings; Participates in any discussions regarding incentives, sanctions, phase advancement, successful completion, and termination; Coordinates

random alcohol and drug screens and monitors compliance with any sanctions; and Meets with a participant regularly to discuss individualized program goals and progress while the participant is in the specialized docket.

- b. Are local coordinators court employees, or employees of partner/team agencies?
See response above.
- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?
In Ohio, local jurisdictions plan and implement treatment courts based upon need. At the state level, we assist with any planning needs as well as training and technical assistance along the way. There is state level funding available that requires compliance with Ohio's certification process. We also facilitate round tables for professionals working within Ohio's treatment courts as well as do all certifications. The state coordinator manages the section of the Supreme Court of Ohio that completes the previously mentioned work. I can also forward a position description if this would help.
- d. Has the state adopted a certification process? If so, what is the process/structure?
Yes. <http://www.supremecourt.ohio.gov/JCS/specDockets/certification/default.asp>
- e. Does the state have a unified court system?
No

13. Vermont

Response By: Kim Owens

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?
Limited Service (grant funded) staff are employed by judiciary to coordinate programs within their region and are referred to as Regional Treatment Court Coordinators. Primary duties are included in the attached job description but are basically to manage the team, referral process and relationships with all team members and treatment/service providers in their region. They meet with me weekly for supervision, conduct systems meetings that I attend and complete fidelity first assessment tools for best practice compliance. They oversee that the program is running smoothly and address barriers to entry and best practice on the local level.
- b. Are local coordinators court employees, or employees of partner/team agencies?
Court Employees
- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?
See Attachment
- d. Has the state adopted a certification process? If so, what is the process/structure?
No, but we monitor with fidelity first for adherence to best practices.
- e. Does the state have a unified court system?
Yes

14. Washington

Response By: Tony Walton

- a. How are local treatment courts coordinated, and what are the primary duties of the local coordinators?

Primary duty of the county coordinators is related to training and developing policies and procedures.

- b. Are local coordinators court employees, or employees of partner/team agencies?
I would say most of the coordinators are employed by the court system but there are a couple counties where the coordinator is from the treatment agency.
- c. How are treatment courts coordinated at the state level and what are the primary duties of the state coordinator?
Washington does not have a full time State Coordinator. I attempt to assist where I can in developing statewide guidance on best practices. In addition, I provide administrative support for the Criminal Justice appropriations that come out of the WA State legislature.
- d. Has the state adopted a certification process? If so, what is the process/structure?
Not Yet
- e. Does the state have a unified court system?
No

Appendix D

This fact sheet describes
the goals five states
are pursuing as they
coordinate their
problem-solving courts.

The five states are:

California, Idaho,
Indiana, Maryland,

and New York.

STATEWIDE COORDINATION OF PROBLEM-SOLVING COURTS: A SNAPSHOT OF FIVE STATES

In recent years, states around the country have begun to centralize their administration of problem-solving courts — drug courts, mental health courts, domestic violence courts, community courts, and others. How effective have these coordination efforts been? What challenges have been encountered along the way? What lessons have been learned so far?

Starting with a roundtable discussion in 2008 that brought together court administrators, policymakers, researchers, and representatives of national organizations, the Bureau of Justice Assistance — in partnership with the Center for Court Innovation — has helped statewide problem-solving court coordinators assess their work and find new ways to advance their goals. This document draws upon that roundtable discussion as well as interviews with statewide coordinators in five jurisdictions to identify the most common goals of statewide coordination. The states surveyed are California, Idaho, Indiana, Maryland, and New York.

GOALS OF STATEWIDE COORDINATION

□ Quality Assurance

In many states, quality assurance — helping problem-solving courts apply state-of-the-art strategies and maintain appropriate standards to achieve the best possible outcomes — is the core goal of statewide coordination. The challenge, some statewide coordinators say, is to provide effective oversight without stifling local innovation. Some methods employed by statewide coordinators include:

- creating and promulgating guidelines for planning and operation of courts;
- monitoring compliance with guidelines;
- identifying and promoting promising practices; and
- providing technical assistance.

□ Training

Statewide coordinators identified training as another common goal of statewide coordination. Regular training promotes effective court operations, bringing new staff up to speed on problem-solving principles and practices, refreshing skills of long-term staff, and keeping everyone current about new developments in the field. While annual statewide trainings were the most commonly cited strategy, some jurisdictions discussed how reduced resources have provided them with the opportunity to find innovative ways to meet training needs, including developing Internet-based learning systems.

□ Funding

All the statewide coordinators acknowledged that they had an important role to play in helping to find resources for problem-solving courts, including:

- tracking grant opportunities;
- educating legislators; and
- developing tools that help jurisdictions quantify the impact of their work.

□ Research and Evaluation

Statewide coordinators use research and evaluation as tools to achieve many of the other goals identified in this fact sheet. Research and evaluation are central to fundraising, improving court performance, and training. The statewide coordinators recommended a number of ways to promote strong research and evaluation practices, including:

- providing localities with the training and tools to do on-site action research that gives individual courts useful feedback about program operations and performance;
- organizing large-scale evaluations to help courts refine their practice and promote the problem-solving court model; and
- disseminating information learned from research and evaluation.

□ Technology

Statewide coordination has played an important role in improving information management technology to support court operations, program management, and research. Among other things, statewide coordinators have:

- adapted information systems to accommodate the needs of case management and compliance monitoring (for instance, allowing for tracking of participants' attendance at mandated treatment);
- designed technology to meet research and evaluation needs;
- trained various members of the court team (judge, court clerks, case manager) and relevant government agencies on how to use data systems;
- put in place appropriate confidentiality controls for protection of participants' information; and
- integrated special systems with the general court system's information management tools.

□ Advocacy

Statewide coordinators work both internally and externally to advance the concept of problem-solving justice. Some strategies they have used include:

- helping to develop new problem-solving court models;
- leading campaigns to educate the public about the advantages of the problem-solving approach; and
- sponsoring research on how to integrate problem-solving principles into conventional courtrooms.

STATE PROFILES

California

The role of coordination is support of local innovation for broad application of collaborative justice court principles and creation of a branchwide collaborative justice court system.

— Nancy Taylor

Collaborative Justice Program of
the Administrative Office of the Courts

The Collaborative Justice Program of the Administrative Office of the Courts provides statewide coordination for California's 500 collaborative justice courts. Statewide administrators in California attribute the robust development of problem-solving courts to a combination of statewide coordination and grassroots interest. In California, many problem-solving courts (called "collaborative justice courts") predate the unification of the statewide court system in 1998 and the subsequent development of the California Judicial Council's Collaborative Justice Courts Advisory Committee in 2000, though the momentum of expansion greatly accelerated after 2000. Despite a large statewide apparatus to support problem-solving justice, statewide coordinators say they seek to preserve local commitment to collaborative justice court development.

□ Quality Assurance

California has developed recommended guidelines for its various collaborative courts. California has also developed the *Collaborative Justice Courts: Resource Workbook* as a guide for planning and implementing effective collaborative justice court programs and *Applying Collaborative Justice Court Principles and*

Practices, a curriculum designed for collaborative justice court planners or those interested in incorporating collaborative justice court principles in conventional courtrooms. Quality assurance is also addressed through funding. Courts are required to adhere to 11 components identified by the Collaborative Justice Courts Advisory Committee that address all types of collaborative justice courts. Technical assistance, site visits, trainings and networking meetings help to ensure that courts are faithful to the 11 components.

□ Training

California holds regional and statewide conferences and provides funding for a certain number of staff from each jurisdiction to attend. The Administrative Office of the Courts offers technical assistance to local courts, helping assess training needs and finding or providing resources to meet those needs. California also promotes mentorship by fostering connections between new judges and experienced judges and between new staff and experienced staff. More recently California has been looking to increase distance learning opportunities such as a Driving Under the Influence website for peer courts, a tool kit for veterans courts, and a “how-to” manual for Driving Under the Influence courts and Driving Under the Influence prevention programs. California provides networking meetings for collaborative justice court coordinators, listservs for judges, and networking conference calls by court type. The court system also provides educational programs in law schools and schools of social work, as well as placing interns from these schools in local collaborative justice courts.

□ Funding

One of the tools used by California to address sustainability and funding is research. Positive research results have supported passage of appropriations bills for drug courts, mental health courts, reentry courts, peer courts, and homeless courts. To supplement state funding, courts are offered training and technical assistance in grant writing and grants administration. Over the years, collaborative justice work by the Administrative Office of the Courts has been funded by multiple funders, including the California Department of Mental Health, the California Department of Alcohol and Drug Programs, the California Emergency Management Agency, the Bureau of Justice Assistance, and several foundations.

Wanting to empower local jurisdictions, California is developing a validated tool to help individual courts produce cost-benefit information about

their own programs. The tool is web-based, and courts can enter data on their program’s procedures and participants and their associated costs (e.g., cost per drug test, average cost of a day of probation, etc.). The tool is able to calculate the costs and benefits of the program based on a comparison with a non-problem solving court using data collected in prior phases of the cost study. The tool will be launched initially only for drug courts, but there are plans to conduct additional cost-benefit studies for other court types. The hope is that jurisdictions will be able to regularly evaluate a court’s cost-effectiveness, without incurring large fees from outside evaluators, and be able to share this information with funders.

□ Research and Evaluation

California’s statewide coordinators have tended to sponsor large evaluations of multiple programs rather than smaller evaluations of individual courts in the state. Examples of research include *Domestic Violence: A Descriptive Study* (an investigation of the potential challenges to implementing domestic violence courts) and *California Drug Courts: A Methodology for Determining Costs and Benefits* (a three-part evaluation involving nine courts to determine the cost-effectiveness of drug courts). A performance measures study of dependency drug courts (drug courts that address substance abuse issues that contribute to the removal of children from the care of their parents) is currently underway, as are evaluations of juvenile and adult mental health courts and reentry courts. In an effort to support the broad practice of collaborative justice court principles, the state administration also conducted a study entitled “Collaborative Justice in Conventional Courts.”

□ Technology

The California court system is in the process of creating a statewide data management system. State administrators participated in the development of the system to ensure that case processing data for each type of collaborative court was included. The Administrative Office of the Courts, in partnership with Department of Alcohol and Drug Programs and with support from the Bureau of Justice Assistance, began the Statewide Collaborative Court Data Collection Project in December 2009. This multi-phase project focuses on assessing the data collection needs and capacities of collaborative justice courts in California, identifying and defining core data elements that should be collected by all collaborative courts throughout the state and pilot testing the feasibility of collecting such data on a statewide level. Design elements, such as data sharing capabilities,

are being discussed, and this information will eventually be used to create a statewide data collection system.

□ Advocacy

California's Collaborative Justice Courts Advisory Committee has been investigating how to take collaborative justice principles to scale. In collaboration with the Center for Court Innovation, the committee issued two reports on transferring collaborative justice principles to mainstream courts and created the curriculum described above under 'Quality Assurance.' Members of the committee worked closely with the Judicial Council's Task Force for Criminal Justice Collaboration on Mental Health Issues to produce recommendations that feature many collaborative justice court principles and practices. A partnership with the California Department of Alcohol and Drug Programs and the Department of Social Services led to expanded funding of dependency drug courts and to a statewide inter-branch project to take dependency drug courts to scale. Similarly, statewide coordinators partnered with the Office of Traffic Safety to expand DUI courts, and to develop DUI prevention programs in peer courts and "DUI Court in Schools" programs. State administration worked with the Center for Court Innovation to develop a report on the history of California's collaborative justice courts for use in policy and public education environments.

Idaho

The development of problem-solving courts in Idaho has been a three-branch collaborative effort — with support from the executive branch, the legislature, and the supreme court.

—Norma Jaeger
Idaho Drug and Mental Health Court
Coordinating Committee

While local leadership played an important role, leadership from the top has been critical to the expansion of problem-solving justice in Idaho. Opening its first drug court in 1998, Idaho had nine additional drug courts in operation by 2000. Judicial leaders, recognizing the intervention's potential to impact their large docket of drug dependent defendants, made expansion of drug courts their number-one priority for 2000's legislative session. That same year, the governor, in response to requests for increased funding for new prison construction, created a programmatic and budget package aimed at expanding access to substance abuse treatment. This initiative included funding for substance

abuse treatment for drug court participants. In 2001, the legislature passed the Idaho Drug and Mental Health Court Act (later amended to include Mental Health Courts), which set aside funding for problem-solving courts and created the Drug and Mental Health Court Coordinating Committee. By 2002, drug courts operated in all seven of Idaho's judicial districts, and by 2010, there were 57 drug and mental health courts across the state.

□ Quality Assurance

The Drug and Mental Health Court Coordinating Committee requires that local jurisdictions give them notice before they open — or close — a problem-solving court. Approval by the committee is necessary to open a new problem-solving court. "We want to make sure that the plan for the court is consistent with best practices, that there are adequate resources to operate it, and that those participating have initial training," explains Judge Daniel Eismann, chief justice of the Idaho Supreme Court and chair of the Idaho Drug and Mental Health Court Coordinating Committee.

The coordinating committee has also developed guidelines for the operation of adult drug courts, juvenile drug courts, and mental health courts. The guidelines include information on screening and assessment of program participants, selection of appropriate treatment providers, case management, and evaluation. Idaho has used an annual, self-administered checklist to review compliance with statewide guidelines, and is developing a structured peer-review process, based on these guidelines and on additional research on evidence-based drug court practices. The coordinating committee will be further reviewing the current statewide guidelines with an eye to establishing required standards of operation. Finally, special judicial advisors have been appointed to visit local drug and mental health courts and offer support and assistance in achieving desired outcomes.

□ Training

Idaho has sought to address the high cost of travel associated with holding its annual statewide training. The Drug and Mental Health Court Coordinating Committee developed two strategies to respond to this concern. The first was to move from having one statewide training to having multiple regional trainings. Idaho found that holding three regional trainings instead of one statewide training saves roughly 50 percent on the cost of travel for practitioners. The second strategy Idaho has pursued is increasing its distance learning offerings. Idaho is developing webinars and holding online meetings with local practitioners.

Idaho continues to supplement its regional trainings with trainings for individual jurisdictions or targeted trainings on particular topics for designated groups, such as a training for new court coordinators. Idaho has also created a handbook for new coordinators that includes information on practical matters such as how to use the data management system.

□ Funding

Continued funding for drug and mental health courts relies on forging strong partnerships with key stakeholders, including the Department of Health and Welfare, state and county probation agencies, elected county clerks and their deputies, and communities across the state. These partnerships led to a three-branch initiative of the governor, legislature, and the courts to address drug- and alcohol-related needs in the criminal justice system in 2001. In the midst of a prison overcrowding crisis, the legislature set aside money for drug courts and, subsequently, for mental health courts. In 2003, the Legislature established a special fund for drug and mental health courts, with revenues coming from a 2-percent surcharge on sales by the Idaho liquor dispensaries. The fund was later augmented by an increase in court fines. This fund, together with ongoing legislative appropriations for drug and alcohol treatment, has continued to provide a stable foundation for drug and mental health court operations.

□ Research and Evaluation

The Drug and Mental Health Court Coordinating Committee has sponsored two evaluations of drug court outcomes and one evaluation of DUI court outcomes. A few local Idaho jurisdictions have conducted process evaluations, but the coordinating committee has been reluctant to encourage local jurisdictions to undertake outcome evaluations on their own. According to Norma Jaeger, statewide drug and mental health court coordinator, “Evaluation is best handled by someone with expertise and the ability to determine whether the data available is adequate for a particular type of evaluation. It is more likely that we on the state level would have the resources and the information necessary to accomplish evaluations. Given the limited resources and personnel, we really have not pushed local evaluation.”



Technology

Idaho has a statewide problem-solving information management system — originally developed when the Drug and Mental Health Court Coordinating Committee wanted to conduct an evaluation of its drug courts, and the experts hired from the University of Cincinnati to perform the evaluation found that there was not enough data collected by the courts to be evaluated. The coordinating committee requested that the experts provide them with a mandatory minimum of data elements that a court must collect in order to perform an evaluation. The system has since been augmented to provide for more sophisticated management and analysis. The problem-solving court data system is a module that is part of the larger court system’s management information system.

In implementing its system, the coordinating committee confronted the challenge of manpower limitations on data entry. It found that court coordinators did not always have the time to input all of the necessary data. To address the problem, Idaho allowed jurisdictions to use some of their court coordination funding for data entry. Usually this took the form of hiring a part-time assistant to enter data.

□ Advocacy

Advocacy for problem-solving courts has been a priority of the state’s highest court and has been personally led by all of the chief justices, beginning in 2001. Drug courts and mental health courts have been marketed as a means of reducing prison populations. Because rising incarceration costs were a major concern, aligning drug courts with the legislature’s agenda helped make the initiative attractive to legislators. To maintain support, the judiciary has delivered annual reports to legislators and invited legislators to participate in graduation ceremonies in their home district.

More recently, the judiciary petitioned the legislature to allow drug courts to issue restrictive driving permits to DUI defendants who have been in good standing for 45 days. The legislation passed unanimously despite the fact that it raised some initial media controversy. National endorsement of DUI courts by Mothers Against Drunk Driving was important to its passage. The support of Mothers Against Drunk Driving was earned by demonstrating that getting people into treatment, when combined with close supervision and strict court-administered accountability, is an effective strategy for reducing drunk driving.

Indiana

The Judicial Conference and the Indiana General Assembly provide courts with a framework within which to operate which is not overly prescriptive. Our system permits problem-solving courts a great deal of flexibility and independence.

— Mary Kay Hudson
Indiana Judicial Center

Problem-solving courts in Indiana have been shaped by legislation. The first drug court opened in Indiana in 1996. In 2002, lobbying by the Indiana Association of Drug Court Professionals led to the adoption of drug court legislation by the Indiana legislature. As part of the legislation, the Indiana Judicial Center of the Judicial Conference of Indiana was authorized to create a certification process for drug courts. In 2006, the legislature adopted legislation for reentry courts. In 2010, the legislature adopted general problem-solving courts legislation that authorizes the Indiana Judicial Center to certify all types of problem-solving courts.

Despite the active involvement of the legislature and the Indiana Judicial Center, Mary Kay Hudson, problem-solving court administrator for Indiana, believes the development of problem-solving justice in Indiana has been driven by demand from the localities. “Development has been initiated at the local level with support from the supreme court and the legislature. When we have new courts opening it is because a jurisdiction has learned about the model and has taken the initiative to begin planning on their own,” she said. Indiana currently has 31 drug courts, seven reentry courts and one mental health court that are certified by the Indiana Judicial Center. (There are some problem-solving courts that are not certified by the Indiana Judicial Center.)

Quality Assurance

In 2010, the Indiana state legislature authorized the Indiana Judicial Center to offer certification of problem-solving courts. The Judicial Conference Problem-Solving Courts Committee is currently developing protocols for certifying a court as “problem-solving.” Once complete, the voluntary certification process will involve a review of the court’s policies, procedures, and operations to make sure they are in compliance with what is required by legislation, Judicial Conference Rules and case law. Courts that choose to participate in the process must be re-certified at least every three years.

Mary Kay Hudson explains that for a jurisdiction without a unified court system, developing rules for problem-solving courts can be a challenge due to

the variation in practices among local jurisdictions. Certification improves the local courts’ fidelity to the problem-solving court model. However, Indiana does not require problem-solving courts to be certified. Rather, the state encourages certification by making certified courts eligible for certain state grants and training opportunities.

Training

The Indiana Judicial Center sponsors an annual training conference for problem-solving courts. The topics covered vary from year to year but the conference is designed to be broad enough to address the needs of the various types of courts and the differing experience levels of court team members. In 2010, the Indiana Judicial Center sponsored a conference on problem-solving court planning, which it hopes to turn into an annual event. Topics covered at the planning conference included confidentiality, screening and eligibility, principles of effective intervention, and use of incentives and sanctions. All trainings offered by the Indiana Judicial Center are open to problem-solving court team members of an operational court or a court in planning and offered free of charge. However, the Indiana Judicial Center does not cover the cost of lodging or travel for training events.

Funding

Indiana does not have state appropriations for problem-solving courts. However, the Indiana Judicial Center works with local jurisdictions to support problem-solving court expansion (in 2002, there were 14 drug courts; by 2010, there were 31). Mary Kay Hudson attributes this success to local jurisdictions actively pursuing grant funding and finding inventive ways to use available resources. The Indiana Judicial Center supports local jurisdictions by being a resource for information on funding opportunities, assisting in grant writing and preparing letters of support, and fostering relationships with state and national organizations that provide funding or technical assistance.

Research and Evaluation

The Indiana Judicial Center has contracted with an outside agency to conduct evaluations of Indiana’s problem-solving courts. Between 2006 and 2007, NPC Research, a private research and evaluation consulting firm, conducted process, outcome, and cost-study evaluations on five adult drug courts. The center also encourages local jurisdictions to perform their own evaluations. As part of its certification process, the center frequently recommends that juris-

dictions implement a research and evaluation program. In addition, the center uses the latest research on problem-solving justice to inform the recommendations that it makes to local jurisdictions during the certification process.

□ Technology

Indiana is in the process of creating a statewide data management system for its general court system. The community supervision module of the system will be responsive to the needs of problem-solving courts. For example, the new system will allow problem-solving courts to track the following information: drug screens, medications, sanctions, and administrative hearings. The supervision module is currently being piloted.

□ Advocacy

The Indiana Judicial Center has been consulting with Madison County on developing a way to take problem-solving justice to scale. The county received a grant as part of the American Recovery and Reinvestment Act to pursue integrating the administrative structures of its mental health, reentry, and drug courts with the goal of creating an umbrella structure that improves efficiency and resource allocation.

Maryland

Coordination has made the difference for us. Being able to promote problem-solving in a systematic way and have quality control over problem-solving courts has been important to the development of the movement.

— Judge Jamey Hueston
Maryland Judicial Conference's Committee on
Problem-Solving Courts

Judicial leaders have been a major force behind problem-solving courts in Maryland. In 2002, the judiciary established the Drug Treatment Courts Commission to promote the development of drug courts through promulgation of promising practices, provision of training and technical assistance, and facilitation of evaluation. Membership in the commission included representatives of the Governor's Office, legislators, circuit and district court judges, and various state agencies.

Wanting to institutionalize the work of the commission and expand its scope to all problem-solving courts, in 2006 the judiciary created the Judicial Conference Committee on Problem-Solving Courts. As a standing committee of the Judicial Conference, the Committee on Problem-Solving Courts is embedded in the judiciary's administrative system.

Although problem-solving courts enjoy support from both executive and legislative branches, Maryland does not have formal legislation that regulates problem-solving courts. By 2010, Maryland had over 40 problem-solving courts.

□ Quality Assurance

All jurisdictions interested in starting a problem-solving court must apply to the Judicial Conference Committee on Problem-Solving Courts. The application process involves a review of the court's policies, procedures, projected caseload, service offerings to court participants, funding sources, and agency/service organization partnerships. Once the applicant's proposal has been vetted by the committee on Problem-Solving Courts, the application is sent to the Maryland Court of Appeals for final approval. As an aid to planning, the committee has also developed guides to assist in implementing drug courts (including juvenile drug treatment, DUI, and dependency drug treatment courts).

In addition to the application process, other strategies in the committee's oversight plan for problem-solving courts include: periodic site visits, regular review of program capacity rates, periodic review of progress and statistical reports and technical assistance to individual jurisdictions to help address challenges.

□ Training

Maryland statewide coordinators sponsor a yearly two-day training symposium. The symposium brings in experts from around the country to cover topics of importance to practitioners, such as treating juveniles, conducting clinical assessments, and drug testing. Since its inception in 2003, the symposium's attendance has steadily increased, and in 2009, the symposium hosted over 250 drug court team members. While originally focused on drug courts, the symposium has expanded to include topics relevant to mental health and truancy courts.

In 2009, in partnership with Goodwill Industries of the Chesapeake, the Office of Problem-Solving Courts also held "roles training" for drug court case managers and representatives from partnering agencies such as Probation and the Department of Juvenile Services. The purpose of the training was to explain the role of the case manager in drug court. Held

over a six-month period, the training topics as motivational interviewing, case notes, clinical tools, ethics, and confidentiality.

The Office of Problem-Solving Courts has created a “Drug Court 101” course as an introduction for new drug court staff. The course provides an overview of how drug courts operate and describes the roles and responsibilities of each member of the drug court team.

While the current economic climate has required the Office of Problem-Solving Courts to stop funding out-of-state travel for training, the Office of Problem-Solving Courts may cover the cost of in-state training and travel for practitioners through funds granted to problem-solving courts by the state legislature.

□ Funding

Maryland employed an educational campaign to secure state funding for its problem-solving courts. Educational efforts aimed at legislators, which also benefitted from the support of the state’s chief judge, Robert Bell, included many in-person meetings. While time consuming, these meetings were critical to the success of the campaign because they provided the opportunity to improve understanding of the benefits of problem-solving courts, identify mutual goals, and develop coordinated strategies.

Maryland’s Office of Problem-Solving Courts currently manages approximately five million dollars received from the state legislature. It distributes these funds directly to local jurisdictions through an application process. It also underwrites treatment of program participants by providing money to the Maryland Drug Abuse Administration. Because of its expertise, the Drug Abuse Administration is viewed as being better able to monitor the use of treatment dollars.

□ Research and Evaluation

Maryland has a detailed strategic evaluation plan that includes process, outcome, and cost-benefit evaluations. Working with NPC Research, Maryland has been able to complete process evaluations of all of its drug courts. It has also been able to conduct outcome and cost-benefit evaluations of drug courts that are sufficiently large to generate adequate data to study. Maryland is now working with the University of Maryland to expand its evaluation program to include other problem-solving courts. “The only way we are going to survive is through evaluations,” says Judge Jamey Hueston, chair of the Committee on Problem-Solving Courts.

consisted of 60 hours of instruction on such

Evaluation has helped court administrators cultivate bipartisan support for problem-solving courts at the local and state levels.

□ Technology

Maryland has a statewide management information system in use by all of its drug courts. The impetus to develop the system came from the need to collect data for evaluation purposes but the system has uses beyond research. One of these is a mechanism for inter-agency data sharing that improves communication, collaboration, and coordination among the courts and partner agencies. A strict electronic client release (consent) procedure helps prevent breaches of client confidentiality.

□ Advocacy

Maryland’s statewide coordination body has worked to build strong support for problem-solving initiatives within the judicial, legislative, and executive branches. Key to its strategy has been the strong leadership of the chief judge.

New York

For New York State to effectively build a large network of problem-solving courts, we needed a statewide office with the authority, expertise, and staff to develop and oversee planning and implementation.

— Judge Judy Harris Kluger
Chief of Policy and Planning for the New York State
Unified Court System

The development of problem-solving courts in New York was propelled by judicial leadership. Early support from judicial leaders such as former Chief Judge Judith Kaye and current Chief Judge Jonathan Lippman has been critical to the success of the movement. Having witnessed the impact of drug courts, first opened in New York in the 1990s, former Chief Judge Judith Kaye convened an independent commission to investigate New York State courts’ handling of drug cases. Based on the recommendation of the commission that drug treatment courts be made available in every jurisdiction, the Office of Court Drug Treatment Programs was established to promote the development of drug courts.

Judge Judy Harris Kluger was appointed to oversee the development and operation of problem-solving courts beginning in 2003, and, as other types of courts opened, her statewide

coordination was expanded to include integrated domestic violence courts, domestic violence courts, community courts, sex offense

courts, mental health courts, drug courts, and family treatment courts. Most recently, New York has introduced veterans' tracks

core topics (such as adolescent chemical use, pharmacology of addiction, and incentives and sanctions), a resource library with materials on best practices in

❑ Quality Assurance

Before planning a new problem-solving court, the Office of Policy and Planning works with local administrative judges to determine the location for the court and select the presiding judge. Typically, staff from the Office of Policy and Planning and the Center for Court Innovation then work closely with the designated judge and court staff through a several month planning process that includes local stakeholders. That process culminates in the creation of a document that the Office of Policy and Planning and the local administrative judge must approve before the court begins hearing cases. Through this planning process, each court is created according to the statewide model, with flexibility to accommodate some local variation.

To support the problem-solving courts and promote consistency, the Office of Policy and Planning has created numerous guides and operations manuals, including *Integrated Domestic Violence and Domestic Violence Tool Kits*, the *Sex Offense Court Training and Legal Resource Materials* binder, and the *Drug Court Recommended Practices* guide.

The Office of Policy and Planning maintains contact with the nearly 300 problem-solving courts around the state. Through site visits, statistical review and communications with judges and court personnel, New York's statewide coordinators identify problems before they become serious.

❑ Training

The Office of Policy and Planning works with the Center for Court Innovation and other national experts to ensure that appropriate training is available for each court type and its judges, staff, and other stakeholders. The office conducts a statewide training program of its own. It also sends judges and court staff in the problem-solving courts to national trainings as well.

Given the current fiscal crisis, New York has been exploring ways to provide training at a reduced cost. For example, the Office of Policy and Planning offers webinars and videotaped training to judges and court staff without the need for travel within the state. Recently, in partnership with the Center for Court Innovation, New York developed an online training website for drug courts. The online learning system includes presentations by national experts on

planning and implementing a drug court, and a virtual site tour of a drug court.

❑ Funding

During uncertain fiscal times, statewide coordination has become even more important to the continued vitality of problem-solving courts in New York. “We have worked hard to access grant funding for our courts, which has allowed us to send more people to treatment,” explains Judge Judy Kluger, chief of the Office of Policy and Planning. New York has also used grant funds to develop training programs. The Office of Policy and Planning has been working with local jurisdictions to analyze ways to improve efficiency, particularly looking at how to maximize the use of existing staff across multiple projects.

❑ Research and Evaluation

New York relies on the Center for Court Innovation to perform research and evaluation of problem-solving courts. The center has conducted numerous independent evaluations (process, outcome, and cost-benefit analysis) that the statewide coordinators’ office uses to improve court programs. For instance, a center study found that participation in batterer intervention programs did not impact recidivism. The Office of Policy and Planning disseminated that information to all domestic violence courts, and, as a result, domestic violence courts in New York rarely include batter programs to effect behavior change, but use them as a mandate and as means of monitoring defendants. In 2011, the center will spearhead a major evaluation of New York drug courts that will include 87 sites. The study will seek to determine which drug court policies and procedures have positive or negative effects on outcomes.

❑ Technology

New York has developed a number of supportive technology applications for problem-solving courts to track cases and record information on case status, activity, and services. The Division of Technology, in collaboration with the Office of Policy and Planning, developed and supports applications for criminal drug courts and family treatment courts, integrated domestic violence courts and domestic violence courts, sex offense courts, and mental health courts. The drug court application, one of the earliest of these systems, includes instruments to screen clients for admission, assess their treatment needs, and track compliance in drug courts. Staff from the Center for Court Innovation work closely with the Office of Policy and Planning and the Division of Technology to prioritize system improvements, assist in designing

new systems, provide user support, develop data reports, and conduct training.

With one of the largest problem-solving court networks in the country, New York leverages technology to allow it to remain nimble in its response to changing conditions. With the reform in 2009 of the Rockefeller-era drug-sentencing laws, New York has seen a rise in defendants being sent to treatment instead of jail. New York is investigating how technology can be used to expand drug court capacity, particularly looking at building an automated-screening system that would screen new arrests for drug court.

□ Advocacy

The existence of a central coordinator's office enabled not only the propagation of additional problem-solving courts in New York but also the creation of new problem-solving court types. Sex offense courts and mental health courts, for example, gained traction under the leadership of the Office of Policy and Planning.

The Office of Policy and Planning brings into the state new ideas and information on problem-solving courts and on the underlying subject matter of these courts. The Office of Policy and Planning views training as a form of advocacy. For example, training for sex offense court judges and staff includes information on the latest research on sex

offender management and treatment, much of which has changed the way judges think about sex offense cases.

The Office of Policy and Planning promotes coordination and information-sharing between the courts and outside agencies such as the Division of Criminal Justice Services and the Office of Mental Health, which in turn helps to support the work of problem-solving courts.

FOR MORE INFORMATION

Visit:
www.courtinnovation.org

Write:

Expert Assistance

Center for Court Innovation
520 Eighth Avenue

New York, New York 10018

Call: (646) 386-4462

E-mail:
expertassistance@courtinnovation.org

FURTHER READING

'A New Way of Doing Business': A Conversation about the Statewide Coordination of Problem-Solving Courts

http://www.courtinnovation.org/sites/default/files/statewide_rt_2_09.pdf

Applying the Problem-Solving Model Outside of Problem-Solving Courts

<http://www.courtinnovation.org/sites/default/files/Applying%20Problem-SolvingModel.pdf>

Breaking with Tradition: Introducing Problem Solving in Conventional Courts

<http://www.courtinnovation.org/sites/default/files/break%20with%20trad.pdf>

Going to Scale: A Conversation About the Future of Drug Courts

<http://www.courtinnovation.org/sites/default/files/goingtoscale1.pdf>

Principles of Problem-Solving Justice

<http://www.courtinnovation.org/sites/default/files/Principles.pdf>

Problem-Solving and the American Bench: A National Survey of Trial Court Judges

http://www.courtinnovation.org/sites/default/files/natl_judges_survey.pdf

The Hardest Sell? Problem-Solving Justice and the Challenges of Statewide Implementation

<http://www.courtinnovation.org/sites/default/files/Hardest%20Sell1.pdf.pdf>

Tab 12

Agenda



Senior Judge Application Active Status

I, Carolyn E. Howard, 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; *Unaware of any evaluation results*
- (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. *but was retained in*
- (14) I was not removed from office or involuntarily retired on grounds other than disability. *2016*
- (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 **PRIVATE** and my retirement date is *UNKNOWN* **PRIVATE**
- (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
32.5	36	Approx 21

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

I am registered for the Fall Conference for Justice Court Judges

- (28) I have attended the spring conference in the years indicated. *towards CJE credits - Other conferences available to attend as well -*
- | 2017 | 2018 | 2019 |
|------|------|------|
| True | True | TRUE |
- (29) I understand that I must contact the Administrative Office of the Courts and request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education requirements.

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

Date

September 9, 2019

Carolyn E. Howard

Please complete and return by September 20, 2019 to:

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

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

September 9, 2019

Dear Judicial Council,

Thank you for your consideration of my application for Active Senior Justice Court Judge. I have served for almost 6 years in Saratoga Springs City, Utah as a Justice Court Judge. I love serving in the Justice Court, and have found much satisfaction serving as a Justice Court Judge.

In approximately 2016, I underwent a JCC complaint. The complaint was ultimately dismissed, however I subsequently agreed with the AOC to undergo 1 year of mentoring with Judge Paul Farr. I began the mentoring in January of 2019 and am continuing to be mentored by Judge Farr, which mentoring is expected to conclude in December of 2019.

I have found my mentoring with Judge Farr to be an excellent opportunity. Judge Farr has spent hours with me training me to be a better Judge. I believe that I have become a better Judge because of the mentoring with Judge Farr. I have learned a great deal. I am thankful to Judge Farr for his time and energy on my behalf and look forward to his mentoring for the next three months.

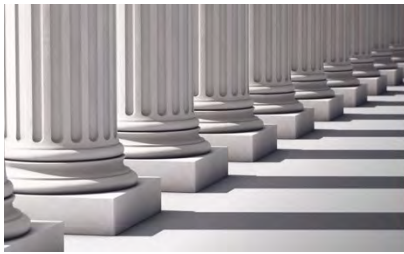
If I were to be accepted as an Active Senior Judge, I plan to fully be involved in the Justice Courts and do anything that is asked of me. I plan to volunteer to help at conferences and substitute when opportunities arise. I am also on a rotating schedule to do the PC bail statements for the Fourth District Justice Courts. If permitted, I would love to remain on the rotating schedule for the Fourth District Justice Courts for the PC bail statements.

In addition, I enjoy the conferences and wish to continue in the Justice Court system as an Active Senior Judge, with the responsibilities the position carries.

Again, thank you for your consideration of my application for Active Senior Justice Court Judge.

/s/ Carolyn E. Howard, J.D.

Tab 13



UTAH STATE COURTS

Agenda

Utah Judicial Council History

Proposed Action Plan

During the Judicial Council's June 2019 retreat, the Council identified the need for a comprehensive history of the Judicial Council, including its formation, subsequent decisions, and changes (1973 – present). It was also recognized that key figures involved in the formative years of the Judicial Council are progressing in age, and that there is a need to capture their perspective sooner than later. The purpose of this project is to ensure that the primary focus and mission of the Judicial Council is not lost; so that it may inform future members of the Council, court staff, and the public at large.

Preservation and preparation of oral histories and primary source documents is a priority, with the ultimate intent to commission an author to write a history that is both engaging, accessible, and structured in a way to be updated every 10 years.

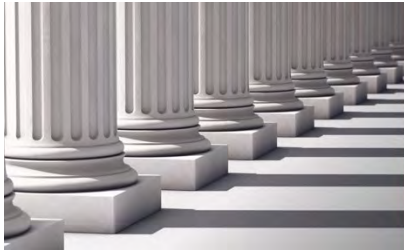
The following is a preliminary outline of the first three key steps. Also included is the scope of work, available resources, and possible needed resources.

- I. Capture Oral Histories
 - II. Preserve and Index Judicial Council Primary Documents
 - III. Commission an Author
-

I. Capture Oral Histories

Scope of Work: Oral histories of key figures involved in the formative years of the Judicial Council need to be captured and preserved. It is recommended that these oral histories be captured on video for historical value. The following individuals have so far been identified:

- Chief Justice Richard Howe
- Chief Justice Michael Zimmerman
- Chief Justice Christine Durham
- Judge Gregory Orme, Utah Court of Appeals
- Tim Shea, former Appellate Courts Administrator
- Dan Becker, former State Court Administrator



UTAH STATE COURTS

Available Resources: Communication Director Geoffrey Fattah has the basic equipment to conduct on-camera interviews. It is advisable to have someone with solid institutional knowledge, such as Brent Johnson or Tim Shea, to advise on what questions to ask, or to help conduct the interviews.

Possible Needed Resources: If identified as needed, there is the option to hire a professional film crew to conduct the interviews. The estimated cost would be about \$10,000. As an alternative, we could seek the help of a local university, although there is no guarantee of the production value.

II. Preserve and Index Judicial Council Primary Documents

Scope of Work: There are 28 linear feet of binders of Judicial Council materials located in the Utah State Law Library that include early council meetings starting in 1973. There are also 22 additional volumes of materials in binders located at the AOC. Using a standard formula of 1,800 pages per linear foot, that comes to an estimated 61,200 pages.

Judicial Council minutes from 1997 to current year are available on the public website and are searchable. These documents should be searchable by keyword. There are gaps in earlier years, however.

Earlier Council minutes starting from September 1972 are available on the courts intranet, however, there are issues with how some of these documents were scanned that may prevent OCR (optical character recognition).

In order to prepare for the Council History, all Judicial Council documents must be indexed by time and topic, as well as searchable by keyword.

Available Resources: The Utah State Law Library has offered to begin indexing Council documents.

Library staff will need time to analyze the documents further before being able to estimate how long this aspect of the project might take. Ideally, documents should be searchable by date, keyword, and topic.



UTAH STATE COURTS

Possible Needed Resources: Depending on the estimate on time and scope of indexing Council documents, there may be a need to hire a scanning service, temporary help for indexing/metadata entry, or both.

III. Commission an Author

Scope of Work: The Judicial Council, with the assistance of the AOC, will likely need to post an RFP to commission a writer to create this historical work. The writer preferably will need to be demonstrably proficient in established historical research methods, have a level of familiarity with Utah courts and law in general, and must be able to take a large amount of complex information and write in an engaging and accessible manner. Research needs to be done to determine the current market value of such a commission.

Available Resources: An RFP committee, as well as a project working group, will need to be formed. We will then need to seek the assistance of Council members, judges, law professors, and other attorneys to recruit and encourage prospective authors to apply.

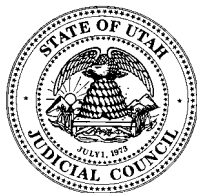
AOC legal should also be involved in reviewing the contract to ensure that the Utah State Courts retain the appropriate rights over the final work.

Possible Needed Resources: Once the work is completed, a working group will be needed to fact check and advise on content. It is recommended that the final product be formally published, including registration with the Library of Congress.

###

Tab 14

Agenda



Administrative Office of the Courts

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

November 14, 2019

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

MEMORANDUM

TO: Judicial Council

FROM: Kim Allard

RE: Addendum: Parentage language provisions

The Council recently approved a number of parentage language provisions approved by the Standing Committee on Forms. It's come to my attention that some provisions were missing or not properly updated in the document provided. Much of the missing language addresses when the petitioner is a minor. The following addendum includes those provisions for your review.

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

<p>SECTION 1.1 Petitioner Info Petition and Stipulation</p>	<p>This matter is before the court on «pet_name_possessive» Parentage Petition.</p> <p>[] «pet_name» is under 18 years old, and is authorized to appear without a general guardian because (Utah Rule of Civil Procedure 17):</p> <p><i>«IF pet_under_18 = "Married"»</i> «pet_name» is married, and a copy of the marriage certificate is attached. (Utah Code 15-2-1).</p> <p><i>«IF pet_under_18 = "Emancipated"»</i> «pet_name» is emancipated, and a copy of the emancipation order is attached. (Utah Code 78A-6-805).</p> <p><i>«IF pet_under_18 = "UIFSA"»</i> This action is subject to the Utah Uniform Interstate Family Support Act (UIFSA) (Utah Code 78B-14-302).</p> <p>-----</p> <p>[] «pet_name» is under 18 years old. «preparer_name» is «pet_name_possessive» general guardian. (Utah Rule of Civil Procedure 17).</p> <p><i>«IF pet_guardian_status = "Parent"»</i> «preparer_name» is the legal parent of «pet_name».</p> <p><i>«IF pet_guardian_status = "Minor"»</i> «preparer_name» has been appointed guardian of «pet_name», and a copy of the Letter of Guardianship is attached.</p> <p><i>«IF pet_guardian_status = "UIFSA"»</i> «preparer_name» was appointed guardian ad litem for «pet_name», and a copy of the order appointing «preparer_name» is attached.</p> <p>-----</p> <p><i>«IF YEARS FROM(pet_dob, TODAY) < 18»</i> «pet_name:LIKE THIS» is under 18 years old and is appearing with a guardian.</p> <p>-----</p>	
<p>SECTION 1.0 Findings</p>	<p>This matter is before the court on «pet_name_possessive» Parentage Petition.</p> <p>[] «pet_name» is under 18 years old, and is authorized to appear without a general guardian because (Utah Rule of Civil Procedure 17):</p>	<p>Same as in petition and findings</p>

	<p>«IF pet_under_18 = "Married"» «pet_name» is married, and a copy of the marriage certificate is attached. (Utah Code 15-2-1)</p> <p>«IF pet_under_18 = "Emancipated"» «pet_name» is emancipated, and a copy of the emancipation order is attached. (Utah Code 78A-6-805)</p> <p>«IF pet_under_18 = "UIFSA"» This action is subject to the Utah Uniform Interstate Family Support Act (UIFSA) (Utah Code 78B-14-302)</p> <p>[] «pet_name» is under 18 years old. «preparer_name» is «pet_name_possessive» general guardian. (Utah Rule of Civil Procedure 17)</p> <p>«IF pet_guardian_status = "Parent"» «preparer_name» is the legal parent of «pet_name».</p> <p>«IF pet_guardian_status = "Minor"» «preparer_name» has been appointed guardian of «pet_name», and a copy of the Letter of Guardianship is attached.</p> <p>«IF pet_guardian_status = "UIFSA"» «preparer_name» was appointed guardian ad litem for «pet_name», and a copy of the order appointing «preparer_name» is attached.</p>	<p>New</p>
<p>SECTION 1.2 Respondent Info Petition and Stipulation</p>	<p>«IF ANSWERED(res_dob) AND YEARS FROM(res_dob, TODAY) < 18» «res_name:LIKE THIS» is under 18 years old.</p> <p>«PN1». «res_name» is under 18 years old and may be required to appear through a general guardian. (Utah Rule of Civil Procedure 17) A general guardian can be a parent or a guardian appointed by the court, such as a guardian of a minor or a guardian ad litem.</p> <p>«res_name» does not have to appear through a general guardian if «res_name» is</p> <ul style="list-style-type: none"> • married (Utah Code 15-2-1), • has been declared emancipated in a court proceeding and is older than 16 (Utah Code 78A-6-805), or • if the Utah Uniform Interstate Family Support Act (UIFSA) applies (Utah Code 78B-14-302). <p>«res_name» is encouraged to talk to an attorney before deciding whether or not to appear on their own or through a general guardian. There may be other laws which allow a minor to appear without a guardian.</p>	

	<p>If «res_name» does not appear on their own or through a general guardian within 21 days of «res_name» being served with the Summons and Parentage Petition, the court should appoint a guardian ad litem.</p>	
<p>SECTION 1.2 Respondent Info Findings</p>	<p><input type="checkbox"/> «res_name» is under 18 years old and appeared through (Utah Rule of Civil Procedure 17):</p> <p><input type="checkbox"/> parent</p> <p><input type="checkbox"/> mother _____ (name)</p> <p><input type="checkbox"/> father _____ (name)</p> <p><input type="checkbox"/> court appointed guardian _____ (name)</p> <p><input type="checkbox"/> guardian ad litem _____ (name)</p> <p><input type="checkbox"/> «res_name» is under 18 years old and appeared without a guardian because (Utah Rule of Civil Procedure 17):</p> <p><input type="checkbox"/> «res_name» is married. (Utah Code 15-2-1)</p> <p><input type="checkbox"/> «res_name» has been declared emancipated in a court proceeding and is older than 16. (Utah Code 78A-6-805)</p> <p><input type="checkbox"/> the Utah Uniform Interstate Family Support Act (UIFSA) applies. (Utah Code 78B-14-302)</p>	
<p>SECTION 13 Findings Intro</p>	<p>«res_name» was properly served with a copy of the Parentage Petition, and the court has jurisdiction to enter a Parentage Decree.</p> <p><input type="checkbox"/> «res_name» and «pet_name» have signed a Stipulation agreeing to the terms of «pet_name_possessive» «IF file = "Amend"»Amended«END IF» Verified Parentage Petition.</p> <p><input type="checkbox"/> «res_name» did not respond to the Summons and Parentage Petition and «res_his_her» default has been entered by the court.</p> <p><input type="checkbox"/> The parties have settled all issues and stipulated to the terms in open court.</p> <p><input type="checkbox"/> The parties have settled all issues and submitted a written stipulation which has been filed with the court.</p>	

	<p>[] The court makes the following Findings of Fact and Conclusions of Law after an evidentiary hearing or trial.</p> <p>The court finds as follows:</p>	
Venue	<p>Venue (Utah Code 78B-15-605) «PN1». Venue is proper because: The children live in or are present in this county. They are with «pet_name».</p> <p>«IF venue = "Res Resides"» The children do not live in Utah. «res_name» lives in this county.</p> <p>«IF venue = "Preg Pet Resides"» This case involves an unborn child. The pregnant parent, «pet_name», lives in this county.</p> <p>«IF venue = "Preg Res Resides"» This case involves an unborn child. The pregnant parent, «res_name», lives in this county.</p> <p>«IF venue = "Unknown Pet Resides"» This case involves an unborn child. The location of the pregnant parent, «res_name», is unknown. This case is being filed in the county where «pet_name» lives.</p> <p>«IF venue = "Unknown Res Resides"» This case involves an unborn child. The location of the pregnant parent, «pet_name», is unknown. This case is being filed in the county where «res_name» lives.</p> <p>«IF venue = "Male Deceased"» «male_name» is deceased. The probate or administration of his estate has been filed in this county.</p>	<p>Approved language</p> <p>Additional alternatives</p>
SECTION 2.0 Children Petition	<p>CHILDREN (Utah Code 78B-15-101 et seq.) «PN1». This parentage petition is about the following children. «END IF» Born: Unborn: Expected Birth:</p>	Approved
SECTION 5 Parental Identification for Each Child	<p>Parental Identification for Each Child</p> <p>6. «name» is the biological parent of the children named below: a. Pugsley Addams Born 01/01/2005</p> <p>Father unborn child alternates</p>	

Petition Stipulation	<p>«name» is the biological father of the unborn child. «name» is not the biological father of the unborn child. I don't know if «name» is the biological father of the unborn child. «name» is the legal father of the unborn child. «name» is not the legal father of the unborn child. I don't know if «name» is the legal father of the unborn child.</p> <p>Mother alternates «name» is the biological mother of the unborn child. «name» is not the biological mother of the unborn child. I don't know if «name» is the biological mother of the unborn child. «name» is the legal mother of the unborn child. «name» is not the legal mother of the unborn child. I don't know if «name» is the legal mother of the unborn child.</p>	
SECTION 5 Parental Facts for Each Child Findings	<p>Parental Facts for Each Child 6. Gomez Addams is the biological parent of the children named below: b. Pugsley Addams Born 01/01/2005</p> <p>Father alternates «name» is the biological father of the unborn child. «name» is not the biological father of the unborn child. It is not known if «name» is the biological father of the unborn child. «name» is the legal father of the unborn child. «name» is not the legal father of the unborn child. It is not known if «name» is the legal father of the unborn child.</p> <p>Mother alternates «name» is the biological mother of the unborn child. «name» is not the biological mother of the unborn child. It is not known if «name» is the biological mother of the unborn child. «name» is the legal mother of the unborn child. «name» is not the legal mother of the unborn child. It is not known if «name» is the legal mother of the unborn child.</p>	See comment above
	<p>Children birth records (Required by Utah Office of Vital Records and Statistics) 7. Petitioner Information a. Name: Morticia Voss b. Gender: Female</p>	

	<p>c. Full birth name as it appears on her birth certificate: Morticia Voss</p> <p>8. Respondent Information</p> <p>a. Name: Gomez Addams</p> <p>b. Gender: Male</p> <p>c. Full birth name as it appears on his birth certificate: Not Available</p> <p>9. Child: <<Child_name>></p> <p>a. Child's full name as currently listed on the child's birth certificate: Karina Voss</p> <p>b. Child's date of birth: 01/01/2019</p> <p>c. Father's full name as it should appear on <<Child_name>>'s birth certificate: Gomez Adams</p> <p>Alternate language</p> <p>Unborn Child</p> <p>Child's name as it should appear on the child's birth certificate: N/A</p> <p>Child's expected date of birth:</p> <p>Father's full name as it should appear on the unborn child's birth certificate:</p> <p>«name» should not be listed as father on the unborn child's birth certificate.</p> <p>-----</p> <p>«child's name should not be changed on «child_his_her» birth certificate.</p> <p>«child_name>>'s name should be changed on «child_his_her> birth certificate to:</p> <p>«child_namechange»</p> <p>«name » should be removed as father from «child_name's birth certificate</p>	
Child Name Change Petition Stip, Findings	«PN1». It is in « child_name_possessive » best interest that their name be changed to « child_namechange »	
Child Name Change Decree	«PN1». « child_name's>> name is changed to « child_namechange>> .	
SECTION 42 Conclusions of Law Findings	<p style="text-align: center;">CONCLUSIONS OF LAW</p> <p>The court concludes it has jurisdiction over the parties and «pet_name» is entitled to a parentage decree in accordance with the Findings of Fact. The parentage decree becomes final when entered into the case history.</p>	

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>Plaintiff/Petitioner _____</p> <p>v. _____</p> <p>Defendant/Respondent _____</p>	<p>Summons for Publication</p> <p>Case Number _____</p> <p>Judge _____</p> <p>Commissioner (domestic cases) _____</p>
---	--

The State of Utah To: _____ (name of defendant/respondent):

A lawsuit has been started against you. You must respond in writing for the court to consider your side. You can find an Answer form on the court's website: www.utcourts.gov/howto/answer/.

You must file your Answer with this court: _____ (court name and address). You must also email, mail or hand deliver a copy of your Answer to the other party or their attorney:

You must file your Answer with this court: _____ (court name and address). You must also email, mail or hand deliver a copy of your Answer to the other party or their attorney:

_____ (party or attorney name and address).

Your response must be filed with the court and served on the other party within 30 days of the last day of this publication, which is _____ (date).

[Spanish is an example only]

Se ha presentado una demanda en su contra. Si desea que el juez considere su lado, deberá presentar una respuesta por escrito dentro del periodo de tiempo establecido. La respuesta por escrito es conocida como la Respuesta.

Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.

Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por

If you do not file and serve an Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party wins, and you do not get the chance to tell your side of the story.

Read the complaint or petition carefully. It explains what the other party is asking for in their lawsuit. You are being sued for (briefly describe the subject matter and the sum of money or other relief demanded):

incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.

Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.

Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.

Date

Signature ►

Printed Name

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Plaintiff/Petitioner</p> <p>v.</p> <p>_____</p> <p>Defendant/Respondent</p>	<p>Default Certificate (Utah Rule of Civil Procedure 55)</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner (domestic cases)</p>
---	---

- The following documents were served:
 - ☐ Summons and Complaint/Petition
 - ☐ Counterclaim
 on _____ (date). Proof of service or an acceptance of service has been filed or is attached.
- The time to file an Answer has passed, and the
 - ☐ plaintiff/petitioner
 - ☐ defendant/respondent
 has not answered or otherwise appeared.
- I hereby enter the default of the
 - ☐ plaintiff/petitioner
 - ☐ defendant/respondent
 and issue this Default Certificate.

Date

Signature ►

Court Clerk

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff/Petitioner v. <hr/> Defendant/Respondent	Military Service Declaration <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
--	--

- I have asked the clerk of court to issue a Default Certificate showing
☐ plaintiff/petitioner
☐ defendant/respondent
 is the defaulting party.
- The military status of the defaulting party is
☐ in military service. I will also submit a Military Service Order.
☐ not in military service.
☐ unknown to me.

3. My statement about the defaulting party's military status is based on the following:

(For example: "John Doe is 88 years old which is too old to be in the military. I've lived with him for the past twenty years. I personally know he has not been in the military during those twenty years. He has worked full-time at ACME Cleaning Services as a janitor in Salt Lake City for the past five years.")

Plaintiff/Petitioner or Defendant/Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Military Service Declaration 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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Plaintiff/Petitioner</p> <p>v.</p> <p>_____</p> <p>Defendant/Respondent</p>	<p>Military Service Order</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner (domestic cases)</p>
---	--

The court finds

- Based on the statements made in the Military Service Declaration, the court finds (choose one):
 - ☐ the military service status of the non-appearing party is unknown.
 - ☐ the non-appearing party is in military service.

The court orders

(Choose paragraph 2 or 3.)

- ☐ Because the court finds the military service status is unknown, the case may (choose one):
 - ☐ proceed without a bond being filed.
 - ☐ proceed once the ☐ plaintiff/petitioner ☐ defendant/respondent files a bond in the amount of \$_____.
- ☐ Because the court finds the non-appearing party is in military service, the court appoints an attorney to represent the non-appearing party. The action is stayed for 90 days from this date.

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

Date

Signature ► _____
Judge

Certificate of Service

I certify that I filed with the court and am serving a copy of this Military Service 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.)		

Date

Signature ►

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Motion for Default Judgment
(Utah Rule of Civil Procedure 55)

 Plaintiff/Petitioner

v.

 Defendant/Respondent

 Case Number

 Judge

 Commissioner (domestic cases)

1. The following documents were served:
 - ☐ Summons and Complaint/Petition
 - ☐ Counterclaim
 on _____ (date). Proof of service or an acceptance of service has been filed or is attached.
2. The time in which to file an Answer has passed, and the
 - ☐ plaintiff/petitioner
 - ☐ defendant/respondent

has not answered or otherwise appeared.

3. The default certificate has been submitted.
4. I ask the court to enter judgment as requested in the Complaint/Petition.

Plaintiff/Petitioner or Defendant/Respondent

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

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

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

 In the Juvenile Court of Utah

 Judicial District _____ County

 Court Address _____

 In the Matter of

 Petitioner

Petition for Authorization to Marry
 (Utah Code 30-1-8(2) and 30-1-9(3))

 Case Number

 Judge

Certification of County Clerk

I certify:

1. Petitioner is _____ years of age.
2. Petitioner's birth date is: _____.
3. Petitioner's proposed spouse's birth date is: _____.
4. Petitioner has parental consent to marry. Petitioner has demonstrated parental consent by providing (choose one):
 - ☐ signed consent from a parent who is not divorced from the other parent and where another guardian or custodian has not been given custody of the minor.
 - ☐ consent given under oath or affirmation which states that although the parents of the minor applicant are divorced, the consenting parent has sole legal custody of the minor applicant.
 - ☐ consent given under oath or affirmation which states that although the parents of the minor applicant are divorced the parents have been awarded joint legal custody of the minor applicant and the consenting parent has

been awarded physical custody for the majority of the time.

- [] consent given under oath or affirmation which states that although the minor is not in the custody of a parent, the consenting party is not a parent but has been appointed as legal guardian, which was demonstrated by providing proof of the guardianship.

County Clerk

Notice to Petitioner

- Your marriage license cannot be issued until the court approves the petition. This process can take some time.
- You and your proposed spouse will be required to complete premarital counseling unless otherwise decided by the court.
- The court will schedule a hearing. You must attend with your parent.
- There is a filing fee for this petition.

Petition

1. I am the petitioner.
2. The difference between my proposed spouse's age and my age is
 ☐ less than seven years.
 ☐ seven years or more.
3. My proposed spouse or I reside in this county.
4. I ask for authorization to marry _____.
5. I make this request to marry voluntarily of my own free will and not as a result of any threat, promise or payment.
6. I have known my proposed spouse since: _____ (date).
7. The details of how I met my proposed spouse are:

8. I want to marry my proposed spouse because:

Minor

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
---------------	-------------	-----------------------

In the Juvenile Court of Utah

____ Judicial District _____ County

Court Address _____

In the Matter of

Petitioner**Findings and Order on Petition for
Authorization to Marry**

(Utah Code 30-1-8(2) and 30-1-9(3))

Case Number_____
Judge**The court finds**

1. ☐ Petitioner is under 18 years of age and not less than 16 years of age.
2. Petitioner demonstrated parental consent to the county clerk by providing (choose one):
 - ☐ Signed consent from a parent who is not divorced from the other parent where another guardian or custodian has not been given custody of the minor by a court order.
 - ☐ Signed consent given under oath or affirmation which states that although the parents of the minor applicant are divorced, the consenting parent has sole legal custody of the minor applicant.
 - ☐ Signed consent given under oath or affirmation which states that although the parents of the minor applicant are divorced the parents have been awarded joint legal custody of the minor applicant and the consenting parent has been awarded physical custody for the majority of the time.
 - ☐ Signed consent given under oath or affirmation which states that although the minor is not in the custody of a parent, the consenting party is not a parent but has been appointed as legal guardian, which was demonstrated by providing proof of the guardianship.
3. Petitioner
 - ☐ is voluntarily entering into this marriage.
 - ☐ is not voluntarily entering into this marriage.
4. The marriage
 - ☐ is in the best interest of the minor under the circumstances.

☐ is not in the best interest of the minor under the circumstances.

5. ☐ The age difference between the parties

☐ is seven years or fewer.

☐ is not seven years or fewer.

6. ☐ The petitioner and proposed spouse completed premarital counseling.

☐ Premarital counseling is not required because it is not reasonably available.

7. ☐ Other:

The court orders

Having reviewed the Petition and having made inquiry of the petitioner on the record on the date indicated below, it is hereby ordered that:

☐ The petitioner must continue to attend school.

☐ Authorization to marry is granted.

☐ Authorization to marry is denied.

☐ Other conditions:

Date

Signature ►

Judge

You must return this signed order of the Court to the County Clerk to obtain your marriage license.

 Name

 Address

 City, State, Zip

 Phone

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

 Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

 Petitioner

v.

 Respondent

**Motion for Summary Judgment to
Declare Non-Parentage After
Genetic Testing**

(Utah Rule of Civil Procedure 56, Utah Code 78B-15-101 et seq., 78B-15-501 et seq., and 78B-15-617)

 Case Number

 Judge

 Commissioner

1. I am a party in this case.
2. I ask the court for summary judgment on the issue of parentage for the children listed below.
3. Petitioner, Respondent and the children named below participated in genetic testing.

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

4. ☐ Petitioner ☐ Respondent **is not** the biological parent of the children named below.

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

5. ☐ Petitioner ☐ Respondent **is** the biological parent of the children named below.

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

6. There are no other material facts that would justify disregarding the genetic testing results.
7. There is no genuine dispute as to any material fact.
8. I am entitled to summary judgment as a matter of law.
9. I have attached a copy of the genetic testing results.

Information required for the Utah Office of Vital Records and Statistics

10. Full name of mother as listed on the child's birth certificate (first, middle, maiden and last name):

11. Full name of father as listed on the child's birth certificate:

12. ☐ Utah Office of Vital Records and Statistics should be ordered to **remove** _____ (name)
as father from the birth certificate of the following children:

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

13. ☐ Utah Office of Vital Records and Statistics should be ordered to **add** _____ (name)
as father to the birth certificate of the following children:

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

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

Petitioner or Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for Summary Judgment to Declare Non-Parentage After Genetic Testing on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff/Petitioner v. <hr/> Defendant/Respondent	<p>Order Granting Motion for Summary Judgment on Non-Parentage</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
--	---

The matter before the court is a Motion for Summary Judgment to Declare Non-Parentage After Genetic Testing. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ Petitioner ☐ Respondent.
☐ The stipulation of the parties.
☐ The pleadings and other papers of the parties.
☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

The court finds the following facts are undisputed:

1. Petitioner, respondent, and the following children participated in genetic testing.

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

2. The genetic testing results show ☐ petitioner ☐ respondent **is not** the biological parent of the following children.

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

3. The genetic testing results show ☐ petitioner ☐ respondent **is** the biological parent of the following children.

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

4. There are no other facts material to this motion that are in genuine dispute.

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

The court orders:

5. The Motion for Summary Judgment to Declare Non-Parentage After Genetic Testing is granted.
6. ☐ Petitioner ☐ Respondent **is not** the biological parent of the following children.

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

7. ☐ Petitioner ☐ Respondent **is** the biological parent of the following children.

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

Information required for the Utah Office of Vital Records and Statistics

8. [] Full name of mother as listed on the child's birth certificate (first, middle, maiden and last name):

9. [] Full name of father as listed on the child's birth certificate:

10. [] Utah Office of Vital Records and Statistics is ordered to **remove**

(name) as father from the birth certificate of the following children:

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

11. [] Utah Office of Vital Records and Statistics is ordered to **add**

 (name) as father to the birth certificate of the following children:

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

12. ☐ Other:

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

_____	Signature ► _____
Date	Commissioner _____
_____	Signature ► _____
Date	Judge _____

Approved as to form.

_____ Signature ► _____

Date _____
Plaintiff/Petitioner, Attorney or Licensed
Paralegal Practitioner _____

Date _____
Defendant/Respondent, Attorney or Licensed
Paralegal Practitioner _____

Signature ► _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order Granting Motion for Summary Judgment on Non-Parentage 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

IN THE _____ DISTRICT COURT

_____, COUNTY, STATE OF UTAH

<p style="text-align: center;">_____ vs. _____</p> <p>The Combined Child Support Obligation Table used for calculation is: <input type="checkbox"/> 78B-12-301(1) and 78B-12-302(1) <input type="checkbox"/> 78B-12-301(2) and 78B-12-302(2)</p>	CHILD SUPPORT OBLIGATION WORKSHEET (JOINT PHYSICAL CUSTODY) Civil No. _____
--	---

	MOTHER	FATHER	COMBINED
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.			
2a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	-	-	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	-	-	
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-	-	
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Enter the Combined Support Obligation here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	%	%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. Enter the number of overnights the children will spend with each parent. (They must total 365). Each parent must have at least 111 overnights to qualify for Joint Physical Custody (U.C.A. 78B-12-208).			365
7b. Identify the parent who has the child the lesser number of overnights, and continue the rest of the calculation for them. You will be making adjustments to the net amount owed by this parent.	(Name of parent with lesser number of overnights)		
8a. For the parent who has the child the lesser number of overnights multiply the number of overnights that are greater than 110 but less than 131 by .0027 to obtain a resulting figure and enter in the space to the right.			
8b. Multiply the result on Line 8a by the Combined Support Obligation on Line 4 for this parent and enter the number in the space to the right.	\$		
8c. Subtract the respective dollar amount on Line 8b from this parent's share of the Base Support Obligation found in the column for this parent on Line 6 to determine the amount as indicated by U.C.A. 78B-12-208 (3)(a) and enter the amount in the space to the right.	\$		
9a. Additional calculation necessary if both parents have the child for more than 131 overnights (Otherwise go to Line 10): For the parent who has the child the lesser number of overnights multiply the number of overnights that exceed 130 (131 overnights or more) by .0084 to obtain a resulting figure and enter it in the space to the right.			
9b. Multiply the result on Line 9a by the Combined Support Obligation on Line 4 for this parent and enter each in the space to the right.	\$		
9c. Subtract this parent's dollar amount on Line 9b from their respective amount as identified on Line 8c to determine the amount as indicated by U.C.A. 78B-12-208 (3)(b) and enter the amount in the space to the right. Go to Line 10.	\$		

10. BASE CHILD SUPPORT AWARD: If the result in Line 9c. is > 0 , then this parent is the obligor (and the other parent is the obligee). Enter the amount in Line 9c here. This is the amount owed by this parent to the obligee all 12 months of the year. If the result in Line 9c is < 0 , then this parent is the obligee (and the other parent is the obligor). Enter the absolute value of the result in Line 9c here. This is the amount owed to this parent by the obligor all 12 months of the year.

\$

11. Which parent is the obligor? () Mother () Father

12. Is the support award the same as the guideline amount in Line 10? () Yes () No
If NO, enter the amount ordered: \$_____, and answer number 13.

13. What were the reasons stated by the Court for the deviation?

() property settlement

() excessive debts of the marriage

() absence of need of the custodial parent

() other: _____

Attorney Bar No. _____

INSTRUCTIONS FOR THE JOINT PHYSICAL CUSTODY WORKSHEET

Line 1. Enter the number of natural and adopted children of the mother and father for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter the mother's and father's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to another parent [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Cancelled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of support either parent is court ordered to pay for children by another partner [(U.C.A. 78B-12-204(1)]. Previously ordered support may include specifically ordered payments toward a child's medical expenses, child care, or child support [U.C.A. 78B-12-102(7)]. A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) and (7) state: "(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if: (i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or (ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase. (b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

"(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order."

Use the WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME and/or the WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME to compute the obligations of the respective parents for the additional children.

Line 3. Complete the calculation as directed.

Line 4. The amount on the "Combined Child Support Obligation Table" shows the amount BOTH parents combined should contribute for the support of their child(ren).

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

Line 6. Calculate each parent's share of the amount in Line 4 as a dollar amount.

Line 7. This is the total number of overnights the children will have with each parent. Each parent must have at least 111 overnights to qualify for Joint Physical Custody (U.C.A. 78-12-208).

Line 7b. The rest of the calculation will be made for the parent who has the child(ren) the lesser number of overnights. So identify this parent here and continue the calculation for only this parent.

Line 8a. Complete the calculation as directed. This is the mathematical figure that will be used to reduce the base support obligation for overnights totaling between 110 to 130 [U.C.A. 78B-12-208 (3) (a)].

Line 8b. Complete the calculation as directed. This is the combined support obligation as a dollar figure for this parent.

Line 8c. Complete the calculation as directed. This is this parent's share of the base support obligation as a dollar figure.

Line 9a. If both parents have the child for more than 131 overnights, then continue the calculation as directed. This is the mathematical figure that will be used to reduce the base support obligation for any overnights greater than 130 that the child(ren) have with the parent who has the child(ren) the lesser number of overnights [U.C.A. 78B-12-208 (3) (b)]. **Otherwise go to Line 10.**

Line 9b. Complete the calculation as directed. This is the combined support obligation as a dollar figure for this parent.

Line 9c. Complete the calculation as directed. This is this parent's share of the base support obligation as a dollar figure.

Line 10. Designate which parent must pay support and the support amount by completing the calculation as directed. The Base Child Support Award is the amount the obligor pays to the obligee all 12 months of the year. See the **Insurance Premium** and **Child Care Adjustment Worksheet** to determine how the insurance premiums and child care expenses may change the amount the obligor pays to the obligee.

Line 11. Designate which parent must pay support.

Line 12. Complete Line 12 to indicate if the amount ordered deviates from the guideline amount in Line 10..

Line 13. Complete Line 13 if the obligor will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table" or the "Low Income Table."

IN THE _____ DISTRICT COURT

_____, COUNTY, STATE OF UTAH

<p>_____</p> <p style="text-align: center;">vs.</p> <p>_____</p> <p>The Combined Child Support Obligation Table used for calculation is: <input type="checkbox"/> 78B-12-301(1) and 78B-12-302(1) <input type="checkbox"/> 78B-12-301(2) and 78B-12-302(2)</p>	<p>CHILD SUPPORT OBLIGATION WORKSHEET (SOLE CUSTODY AND PATERNITY)</p> <p>Civil No. _____</p>
--	--

	MOTHER	FATHER	COMBINED
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.			
2a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	—	—	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	—	—	
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	—	—	
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Base Combined Support Obligation. Enter it here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	%	%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. BASE CHILD SUPPORT AWARD: Bring down the amount(s) from Line 6 or enter the amount(s) from the Low Income table per U.C.A. 78B-12-205. The parent(s) without physical custody of the child(ren) pay(s) the amount(s) all 12 months of the year.	\$	\$	

8. Which parent is the obligor? ☐ Mother ☐ Father ☐ Both
9. Is the support award the same as the guideline amount in Line 7? ☐ Yes ☐ No
 If NO, enter the amount(s) ordered: \$ _____ (Father) \$ _____ (Mother) and answer number 10.
10. What were the reasons stated by the court for the deviation?
☐ property settlement
☐ excessive debts of the marriage
☐ absence of need of the custodial parent
☐ other: _____

Attorney Bar No. _____

INSTRUCTIONS FOR THE SOLE CUSTODY WORKSHEET

Line 1. Enter the number of natural and adopted children of the mother and father for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter the mother's and father's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to another parent [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Canceled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of support either parent is court ordered to pay for children by another partner [(U.C.A. 78B-12-204(1)]. Previously ordered support may include specifically ordered payments toward a child's medical expenses, child care, or child support [U.C.A. 78B-12-102(7)]. A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) and (7) state: "(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if: (i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or (ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase. (b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

"(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order."

Use the WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME and/or the WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME to compute the obligations of the respective parents for the additional children.

Line 3. (See U.C.A. 78B-12-205) If the obligor's income is over \$1,050 complete the calculation as directed. If the obligor's income is \$650 to \$1,050 then calculate the child support award using the "Combined Child Support Obligation Table" and the "Low Income Table." The child support award will be the lesser of the two amounts. Enter the lesser of the two amounts on Line 7. If the obligor's income is \$649 or less, refer to U.C.A. 78B-12-205(6).

Line 4. The amount on the "Combined Child Support Obligation Table" shows the amount BOTH parents combined should contribute for the support of their children.

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

Line 6. Calculate each parent's share of the amount in Line 4 as a dollar amount.

Line 7. The Base Child Support Award is the amount the obligor pays to the obligee. This is the amount the parent(s) without physical custody of the child(ren) pays all 12 months of the year. See the **Insurance Premium and Child Care Adjustment Worksheet** to determine how insurance premiums and child care expenses may change the amount the obligor pays to the obligee.

Line 8. Designate which parent or parents have a support obligation based on this worksheet.

Line 9. Complete Line 9 to indicate if the amount ordered deviates from the guideline amount in Line 7.

Line 10. Complete Line 10 if the obligor will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table," "Low Income Table" or in accordance with U.C.A. 78B-12-205.

IN THE _____ DISTRICT COURT

_____, COUNTY, STATE OF UTAH

<p>_____</p> <p style="text-align: center;">vs.</p> <p>_____</p> <p>The Combined Child Support Obligation Table used for calculation is: <input type="checkbox"/> 78B-12-301(1) and 78B-12-302(1) <input type="checkbox"/> 78B-12-301(2) and 78B-12-302(2)</p>	<p>CHILD SUPPORT OBLIGATION WORKSHEET (SOLE CUSTODY AND PATERNITY)</p> <p>Civil No. _____</p>
--	--

	MOTHER	FATHER	COMBINED
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.			
2a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	—	—	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	—	—	
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	—	—	
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Base Combined Support Obligation. Enter it here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	%	%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. BASE CHILD SUPPORT AWARD: Bring down the amount(s) from Line 6 or enter the amount(s) from the Low Income table per U.C.A. 78B-12-205. The parent(s) without physical custody of the child(ren) pay(s) the amount(s) all 12 months of the year.	\$	\$	

8. Which parent is the obligor? ☐ Mother ☐ Father ☐ Both
9. Is the support award the same as the guideline amount in Line 7? ☐ Yes ☐ No
 If NO, enter the amount(s) ordered: \$ _____ (Father) \$ _____ (Mother) and answer number 10.
10. What were the reasons stated by the court for the deviation?
☐ property settlement
☐ excessive debts of the marriage
☐ absence of need of the custodial parent
☐ other: _____

Attorney Bar No. _____

1022FAJ Approved [Date]

INSTRUCTIONS FOR THE SOLE CUSTODY WORKSHEET

Line 1. Enter the number of natural and adopted children of the mother and father for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter the mother's and father's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to another parent [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Canceled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of support either parent is court ordered to pay for children by another partner [(U.C.A. 78B-12-204(1)]. Previously ordered support may include specifically ordered payments toward a child's medical expenses, child care, or child support [U.C.A. 78B-12-102(7)]. A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) and (7) state: "(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if: (i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or (ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase. (b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

"(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order."

Use the WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME and/or the WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME to compute the obligations of the respective parents for the additional children.

Line 3. (See U.C.A. 78B-12-205) If the obligor's income is over \$1,050 complete the calculation as directed. If the obligor's income is \$650 to \$1,050 then calculate the child support award using the "Combined Child Support Obligation Table" and the "Low Income Table." The child support award will be the lesser of the two amounts. Enter the lesser of the two amounts on Line 7. If the obligor's income is \$649 or less, refer to U.C.A. 78B-12-205(6).

Line 4. The amount on the "Combined Child Support Obligation Table" shows the amount BOTH parents combined should contribute for the support of their children.

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

Line 6. Calculate each parent's share of the amount in Line 4 as a dollar amount.

Line 7. The Base Child Support Award is the amount the obligor pays to the obligee. This is the amount the parent(s) without physical custody of the child(ren) pays all 12 months of the year. See the **Insurance Premium and Child Care Adjustment Worksheet** to determine how insurance premiums and child care expenses may change the amount the obligor pays to the obligee.

Line 8. Designate which parent or parents have a support obligation based on this worksheet.

Line 9. Complete Line 9 to indicate if the amount ordered deviates from the guideline amount in Line 7.

Line 10. Complete Line 10 if the obligor will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table," "Low Income Table" or in accordance with U.C.A. 78B-12-205.

IN THE _____ DISTRICT COURT

_____, COUNTY, STATE OF UTAH

<p style="text-align: center;">_____</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">_____</p> <p>The Combined Child Support Obligation Table used for calculation is:</p> <p>() 78B-12-301(1) and 78B-12-302(1)</p> <p>() 78B-12-301(2) and 78B-12-302(2)</p>	<p>WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME</p> <p>Civil No. _____</p>
--	---

OTHER PARENT NAME _____	FATHER	OTHER PARENT	COMBINED
1. Enter the # of natural and adopted children of the father and the other parent.			
2a. Enter the father's and other parent's gross monthly income. Refer to Instructions for definition.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	—	—	
2c. Enter pre-existing ordered child support. (Do not enter obligations ordered for the children in this case.)	—	—	
3. Subtract Lines 2b and 2c from 2a. This is the Adjusted Monthly Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Combined Support Obligation. Enter it here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	%	%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. Enter the amount of the children's portion of the insurance premium actually paid.			\$
8. Enter the monthly work or training related child care expense for the children in Line 1.			\$

9.	FATHER'S SHARE OF BASE CHILD SUPPORT AWARD FOR THE CHILDREN IN LINE 1. Enter the amount for the father from Line 6.	\$
10.	FATHER'S SHARE OF CHILDREN'S INSURANCE FOR THE CHILDREN IN LINE 1. Multiply Line 7 by .50, and enter the result here.	\$
11.	FATHER'S SHARE OF WORK OR TRAINING RELATED CHILD CARE EXPENSES FOR THE CHILDREN IN LINE 1. Multiply Line 8 by .50, and enter the result here.	\$
12.	FATHER'S SHARE OF TOTAL CHILD SUPPORT OBLIGATION TO THE CHILDREN IN LINE 1. Add Lines 9,10, and 11. This amount may be used to adjust the father's gross income on the sole, split, or joint custody worksheets.	\$

INSTRUCTIONS FOR CHILDREN IN THE FATHER'S HOME WORKSHEET

Use this worksheet to determine the father's obligation for natural or adopted children who live in his home and who are not children of the mother listed on the Sole, Split, or Joint Custody Worksheets (primary worksheets). The father may use this worksheet in modifying an existing child support award, setting a paternity award, or other appropriate circumstances where the father has child support obligations for other children.

Other Parent Name: The other parent may be a current spouse, partner, or an ex-spouse of the father.

Line 1. Enter the number of natural or adopted children of the father and the other parent named on this worksheet. If the father has children in his home by more than one mother, complete a separate WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME for the children of each other parent.

Line 2a. Enter the father's and other parent's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. In the FATHER'S column, enter the monthly alimony amount he is paying to a parent other than the one listed on this worksheet or the primary worksheet. In the OTHER PARENT'S column enter the monthly alimony that father is paying to someone other than the mother listed on this worksheet.

Line 2c. In the FATHER'S column, enter the court ordered child support he is ordered to pay for children other than the children listed on the primary worksheet. In the OTHER PARENT'S column list the amount that mother is ordered to pay for children other than those listed on this worksheet.

Line 7. In the combined column, enter the children's portion of insurance premium that is actually paid. To determine the children's portion divide the total premium by the number of persons covered by the policy and then multiply that number by the number of children listed on this worksheet that are covered by policy.

Line 8. Enter the amount of work-related, reasonable, child care expenses for up to a full-time work week or training schedule.

Line 9. Complete this line as directed.

Line 10. Complete the calculation as directed.

Line 11. Complete the calculation as directed.

Line 12. Enter the amount on this line on Line 2d of the Sole Custody Worksheet, Line 3d of the Split Custody Worksheet or Line 2d of the Joint Custody Worksheet.

IN THE _____ DISTRICT COURT

_____, COUNTY, STATE OF UTAH

<p style="text-align: center;">_____ vs. _____</p> <p>The Combined Child Support Obligation Table used for calculation is: <input type="checkbox"/> 78B-12-301(1) and 78B-12-302(1) <input type="checkbox"/> 78B-12-301(2) and 78B-12-302(2)</p>	WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME Civil No. _____
--	--

OTHER PARENT NAME _____	MOTHER	OTHER PARENT	COMBINED
1. Enter the # of natural and adopted children of the mother and the other parent.			
2a. Enter the mother's and other parent's gross monthly income. Refer to Instructions for definition.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	—	—	
2c. Enter pre-existing ordered child support. (Do not enter obligations ordered for the children in this case.)	—	—	
3. Subtract Lines 2b and 2c from 2a. This is the Adjusted Monthly Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Combined Support Obligation. Enter it here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	%	%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. Enter the amount of the children's portion of the insurance premium actually paid.			\$
8. Enter the monthly work or training related child care expense for the children in Line 1.			\$

9.	MOTHER'S SHARE OF BASE CHILD SUPPORT AWARD FOR THE CHILDREN IN LINE 1. Enter the amount for the mother from Line 6.	\$
10.	MOTHER'S SHARE OF CHILDREN'S INSURANCE FOR THE CHILDREN IN LINE 1. Multiply Line 7 by .50, and enter the result here.	\$
11.	MOTHER'S SHARE OF WORK OR TRAINING RELATED CHILD CARE EXPENSES FOR THE CHILDREN IN LINE 1. Multiply Line 8 by .50, and enter the result here.	\$
12.	MOTHER'S SHARE OF TOTAL CHILD SUPPORT OBLIGATION TO THE CHILDREN IN LINE 1. Add Lines 9, 10, and 11. This amount may be used to adjust the mother's gross income on the sole, split, or joint custody worksheets.	\$

INSTRUCTIONS FOR CHILDREN IN THE MOTHER'S HOME WORKSHEET

Use this worksheet to determine the mother's obligation for natural or adopted children who live in her home and who are not children of the father listed on the Sole, Split, or Joint Custody Worksheets (primary worksheets). The mother may use this worksheet in modifying an existing child support award, setting a paternity award, or other appropriate circumstances where the mother has child support obligations for other children.

Other Parent Name: The other parent may be a current spouse, partner, or an ex-spouse of the mother.

Line 1. Enter the number of natural or adopted children of the mother and the other parent named on this worksheet. If the mother has children in her home by more than one father, complete a separate WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME for the children of each other parent.

Line 2a. Enter the mother's and other parent's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. In the MOTHER'S column, enter the monthly alimony amount she is paying to a parent other than the one listed on this worksheet or the primary worksheet. In the OTHER PARENT'S column enter the monthly alimony that father is paying to someone other than the mother listed on this worksheet.

Line 2c. In the MOTHER'S column, enter the court ordered child support she is ordered to pay for children other than the children listed on the primary worksheet. In the OTHER PARENT'S column list the amount that father is ordered to pay for children other than those listed on this worksheet.

Line 7. In the combined column, enter the children's portion of insurance premium that is actually paid. To determine the children's portion divide the total premium by the number of persons covered by the policy and then multiply that number by the number of children listed on this worksheet that are covered by policy.

Line 8. Enter the amount of work-related, reasonable, child care expenses for up to a full-time work week or training schedule.

Line 9. Complete this line as directed.

Line 10. Complete the calculation as directed.

Line 11. Complete the calculation as directed.

Line 12. Enter the amount on this line on Line 2d of the Sole Custody Worksheet, Line 3d of the Split Custody Worksheet or Line 2d of the Joint Custody Worksheet.

Tab 15

Agenda



Administrative Office of the Courts

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

Hon. Mary T. Noonan
State Court Administrator

Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: **Judicial Council members**
FROM: **Keisa Williams, Associate General Counsel – AOC**
DATE: **November 4, 2019**
RE: **Rules for Public Comment**

The Policy and Planning Committee recommends the following rules to the Judicial Council for public comment.

CJA 1-204 – Executive Committees

CJA 3-406 – Budget and Fiscal Management

At its October 28, 2019 meeting, the Judicial Council formalized a new executive committee, the Budget and Fiscal Management Committee. The Council asked Policy and Planning to review associated rules and outline the new Committee's duties. Proposed amendments to Rule 1-204 (lines 11-12 and 34-37) add the Budget and Fiscal Management Committee to the executive committee list, and define the Committee's duties.

The amendments to the State Court Administrator's responsibilities in Rule 3-406 (lines 47-48 and 145-146) reflect the Council's policy change regarding its budget process. The State Court Administrator will now make recommendations to the Budget and Fiscal Management Committee, rather than orders and notice to the Council, when implementing the Council's fiscal priorities and allocation of funds, and when changes to those allocations are needed.

CJA 1-205 – Standing and Ad Hoc Committees

The Online Court Assistance Program Committee no longer exists. The membership lists for the Committee on Resources for Self-Represented Parties and the Committee on Court Forms include "one member of the Online Court Assistance Committee." Because the OCAP Committee no longer exists, each membership list (lines 127 and 195) has been revised to remove those members. Both effected committees approved the change.

CJA 3-111 – Performance Evaluatino of Active Senior Judges and Court Commissioners

As part of its review of new forms for reporting cases under advisement, the Standing Committee on Court Forms noticed different standards in the rules for active judges versus senior judges and commissioners. One rule (3-101) said judges must report cases over two months, while the other rule (3-111) said senior judges and commissioners must report cases over 60 days. The statute

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

(78A-2-223) sets a standard of two months for trial judges. To allow all judicial officers to be able to use the same form, the language in Rule 3-111(line 161) has been changed from "60 days" to "two months."

CJA 4-905 – Restraint of Minors in Juvenile Court

The proposed amendment (line 13) is to eliminate the subsection of the referenced statute to avoid outdated citations in the future.

CJA 10-1-202 – Verifying Use of Jury

The Second District Court requested that local supplemental rule CJA 10-1-202 be repealed because it is no longer needed. The Second District is now following practices set forth in general rules observed by all other judicial districts.

CJA Appendix F – Utah State Court Records Retention Schedule

The first amendment (line 108) eliminates the requirement that the enhancement forms previously required under Rule 9-301 be retained permanently. Because Rule 9-301 was repealed, those records should now be destroyed at the same time as the file to which the record pertains. Eliminating the specific reference in the schedule will default to that result.

The second amendment (lines 112-113, and 116) changes the retention for domestic violence cases to ten years to reflect the change in statute that makes those offenses enhanceable for ten years.

Rule 1-204. Executive committees.**Intent:**

- To establish executive committees of the Council.
- To identify the responsibility and authority of the executive committees.
- To identify the membership and composition of the executive committees.
- To establish procedures for executive committee meetings.

Applicability:

- This rule shall apply to the judiciary.

Statement of the Rule:

- (1) The following executive committees of the Council are hereby established: (a) the Management Committee; (b) the Policy and Planning Committee; ~~and~~ (c) the Liaison Committee; and (d) the Budget and Fiscal Management Committee.
- (2) The Management Committee shall be comprised of at least four Council members, one of whom shall be the Presiding Officer of the Council. Three Committee members constitute a quorum. The Presiding Officer of the Council or Presiding Officer's designee shall serve as the Chair. When at least three members concur, the Management Committee is authorized to act on behalf of the entire Council when the Council is not in session and to act on any matter specifically delegated to the Management Committee by the Council. The Management Committee is responsible for managing the agenda of the Council consistently with Rule 2-102 of this Code. The Management Committee is responsible for deciding procurement protest appeals.
- (3) The Policy and Planning Committee shall recommend to the Council new and amended rules for the Code of Judicial Administration. The committee shall recommend to the Council new and amended policies, or repeals, for the Human Resource Policies and Procedures Manual, pursuant to Rule 3-402. The committee shall recommend to the Council periodic and long term planning efforts as necessary for the efficient administration of justice. The committee shall research and make recommendations regarding any matter referred by the Council.
- (4) The Liaison Committee shall recommend to the Council legislation to be sponsored by the Council. The committee shall review legislation affecting the authority, jurisdiction, organization or administration of the judiciary. When the exigencies of the legislative

process preclude full discussion of the issues by the Council, the Committee may endorse or oppose the legislation, take no position or offer amendments on behalf of the Council.

(5) The Budget and Fiscal Management Committee shall review court budget proposals, recommend fiscal priorities and the allocation of funds, and make recommendations to the Council regarding budget management and budget development in accordance with Rule 3-406.

~~(5)~~(6) Members of the executive committees must be members of the Council. Each executive committee shall consist of at least three members appointed by the Council to serve at its pleasure. The members of the Policy and Planning Committee and the Liaison Committee shall elect their respective chairs annually and select a new chair at least once every two years.

~~(6)~~(7) Each committee shall meet as often as necessary to perform its responsibilities, but a minimum of four times per year. Each committee shall report to the Council as necessary.

~~(7)~~(8) The Administrative Office shall serve as the secretariat to the executive committees.

Effective May/November 1, 20__

CJA Rule 3-406

Draft: 10/28/19

Rule 3-406. Budget and fiscal management.**Intent:**

To develop and maintain the policies and programs of the judiciary through sound fiscal management.

To provide for sound fiscal management through the coordinated and cooperative effort of central and local authorities within the judiciary.

To maintain accountability for appropriated funds, and to maintain a balanced budget.

To cooperate with the Governor and the Legislature in managing the fiscal resources of the state.

Applicability:

This rule shall apply to the management of all funds appropriated by the state to the judiciary.

Statement of the Rule:

(1) **Fiscal programs and program directors established.** For purposes of fiscal management, the judiciary is divided into programs. Each program budget is managed by a program director designated by the state court administrator and approved by the Management Committee.

The budget of a geographic division shall be managed by the court executive subject to the general supervision of the program director.

(2) Budget management.

(A) **Responsibility of the council.** The responsibility of the Council is to:

(i) cooperate with the Governor and the Legislature in managing the fiscal resources of the state;

(ii) assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature; and

(iii) allocate funds as required to maintain approved programs and to assure a balanced judicial budget.

(B) **Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(i) implement the directives of the Council;

(ii) direct the management of the judiciary's budget, including orders recommendations to reduce or redirect allocations ~~upon notice to the Council;~~ and

Formatted: Font: Bold

(iii) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches.

(C) Responsibility of the administrative office. It is the responsibility of the administrative office to:

(i) clear all warrants and other authorizations for the payment of accounts payable for the availability of funds;

(ii) monitor all expenditures;

(iii) provide monthly expenditure reports by court to court executives, program directors, the state court administrator, Boards of Judges and the Council; and

(iv) develop a manual of procedures to govern the payment of accounts payable and the audit thereof. The procedures shall be in conformity with generally accepted principles of accounting and budget management.

(D) Responsibility of the program directors. Within their respective programs, it is the responsibility of the program directors to:

(i) comply with the directives of the Council and the state court administrator;

(ii) administer the reduction or redirection of allocations;

(iii) monitor all expenditures;

(iv) supervise and manage court budgets in accordance with the manual of procedures; and

(v) develop recommendations for fiscal priorities, the allocation of funds, and the reduction or redirection of allocations.

(E) Responsibility of court executives. Within their respective courts, it is the responsibility of court executives to:

(i) comply with the directives of the Council, the state court administrator, and the program director, and to consult with the presiding judge and the individual judges of that jurisdiction concerning budget management;

(ii) develop work programs that encumber no more funds than may be allocated, including any reduction in allocation;

(iii) amend work programs as necessary to reflect changes in priorities, spending patterns, or allocation;

(iv) credit and debit accounts that most accurately reflect the nature of the planned expenditure;

(v) authorize expenditures;

(vi) prepare warrants and other authorizations for payment of accounts payable for submission to the Administrative Office;

(vii) monitor all expenditures; and

(viii) develop recommendations for fiscal priorities, the allocation of funds, and the reduction or redirection of allocations.

(F) **Process.** After the legislative general session the state court administrator shall consider all sources of funds and all obligated funds and develop a recommended spending plan that most closely achieves the priorities established by the Council at the prior annual planning meeting. The state court administrator shall review the recommended spending plan with the Management Committee and present it to the Judicial Council for approval.

(3) Budget development.

(A) Responsibility of the council. It is the responsibility of the Council to:

(i) establish responsible fiscal priorities that best enable the judiciary to achieve the goals of its policies;

(ii) develop the budget of the judiciary based upon the needs of organizations and the priorities established by the Council;

(iii) communicate the budget of the judiciary to the executive and legislative branches; and

(iv) allocate funds to the geographic divisions of courts in accordance with priorities established by the Council.

(B) Responsibility of the boards. It is the responsibility of the Boards to:

(i) develop recommendations for funding priorities; and

(ii) review, modify, and approve program budgets for submission to the Council.

(C) Responsibility of the state court administrator. It is the responsibility of the state court administrator to:

(i) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches; and

(ii) ~~develop recommendations to implement~~ the Council's ~~for~~ fiscal priorities and ~~the~~ allocation of funds.

(D) Responsibility of the administrative office. It is the responsibility of the Administrative Office to:

(i) develop a schedule for the timely completion of the budget process, including the completion of all intermediate tasks;

(ii) assist program directors and court executives in the preparation of budget requests; and

(iii) compile the budget of the judiciary.

(E) Responsibility of the program directors. Within their respective programs, it is the responsibility of program directors to review, modify, and approve budget requests.

(F) Responsibility of court executives. Within their respective courts, it is the responsibility of court executives to:

(i) work closely with presiding judges, judges, and staff to determine the needs of the organization; and

(ii) develop a budget request that adequately and appropriately meets those needs.

(G) Process.

(i) Each Board of Judges, each court and committee and each department of the administrative office of the courts may develop, prioritize and justify a budget request. The courts shall submit their requests to the appropriate Board of Judges. The committees and the departments of the AOC shall submit their requests to the state court administrator.

(ii) The Boards shall consolidate and prioritize the requests from the courts and the requests originated by the Board. The state court administrator shall consolidate and prioritize the requests from the committees and departments.

(iii) The state court administrator shall review and analyze all prioritized budget requests and develop a recommended budget request and funding plan. The state court administrator shall review the analysis and the recommended budget request and funding plan with the Council.

(iv) At its annual planning meeting the Council shall consider all prioritized requests and the analysis and recommendations of the state court administrator and approve a prioritized budget request and funding plan for submission to the governor and the legislature.

(4) General provisions.

(A) Appropriations dedicated by the Legislature or allocations dedicated by the Council shall be expended in accordance with the stated intent.

(B) All courts and the Administrative Office shall comply with the provisions of state law and the manual of procedures.

(C) Reductions in allocations, reductions in force, and furloughs may be ordered by the state court administrator with notice to the Council. In amending the work program to reflect a budget cut, reductions in force and furloughs shall be used only when

CJA Rule 3-406

Draft: 10/28/19

204 absolutely necessary to maintain a balanced budget. If reductions in force are
205 necessary, they shall be made in accordance with approved personnel procedures. If
206 furloughs are necessary, they should occur for no more than two days per pay period.

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

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

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

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

Applicability:

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

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

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

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

(1)(B) Composition.

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

- (1)(B)(i)(c) one lawyer recommended by the Board of Bar Commissioners;
- (1)(B)(i)(d) two court executives;
- (1)(B)(i)(e) two court clerks; and
- (1)(B)(i)(f) two staff members from the Administrative Office.
- (1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of:
- (1)(B)(ii)(a) one district court judge who has experience with a felony docket;
- (1)(B)(ii)(b) three district court judges who have experience with a misdemeanor docket;
- (1)(B)(ii)(c) one juvenile court judge; and
- (1)(B)(ii)(d) three justice court judges.
- (1)(B)(iii) The Ethics Advisory Committee shall consist of:
- (1)(B)(iii)(a) one judge from the Court of Appeals;
- (1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;
- (1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- (1)(B)(iii)(d) one juvenile court judge;
- (1)(B)(iii)(e) one justice court judge; and
- (1)(B)(iii)(f) an attorney from either the Bar or a college of law.
- (1)(B)(iv) The Judicial Branch Education Committee shall consist of:
- (1)(B)(iv)(a) one judge from an appellate court;
- (1)(B)(iv)(b) one district court judge from Judicial Districts 2, 3, or 4;
- (1)(B)(iv)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- (1)(B)(iv)(d) one juvenile court judge;
- (1)(B)(iv)(e) the education liaison of the Board of Justice Court Judges;
- (1)(B)(iv)(f) one state level administrator;
- (1)(B)(iv)(g) the Human Resource Management Director;
- (1)(B)(iv)(h) one court executive;
- (1)(B)(iv)(i) one juvenile court probation representative;
- (1)(B)(iv)(j) two court clerks from different levels of court and different judicial districts;
- (1)(B)(iv)(k) one data processing manager; and

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

(1)(B)(vi)(n) two juvenile court judges.
(1)(B)(vi)(o) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vii) The Committee on Judicial Outreach shall consist of:

(1)(B)(vii)(a) one appellate court judge;
(1)(B)(vii)(b) one district court judge;
(1)(B)(vii)(c) one juvenile court judge;
(1)(B)(vii)(d) one justice court judge; one state level administrator;
(1)(B)(vii)(e) a state level judicial education representative;
(1)(B)(vii)(f) one court executive;
(1)(B)(vii)(g) one Utah State Bar representative;
(1)(B)(vii)(h) one communication representative;
(1)(B)(vii)(i) one law library representative;
(1)(B)(vii)(j) one civic community representative; and
(1)(B)(vii)(k) one state education representative.
(1)(B)(vii)(l) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(viii) The Committee on Resources for Self-represented Parties shall consist of:

(1)(B)(viii)(a) two district court judges;
(1)(B)(viii)(b) one juvenile court judge;
(1)(B)(viii)(c) two justice court judges;
(1)(B)(viii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;
~~(1)(B)(viii)(e) one member of the Online Court Assistance Committee;~~
~~(1)(B)(viii)(e)~~(1)(B)(viii)(f) one representative from the Self-Help Center;
~~(1)(B)(viii)(f)~~(1)(B)(viii)(g) one representative from the Utah State Bar;
~~(1)(B)(viii)(g)~~(1)(B)(viii)(h) two representatives from legal service organizations that serve low-income clients;
~~(1)(B)(viii)(h)~~(1)(B)(viii)(i) one private attorney experienced in providing services to self-represented parties;

~~(1)(B)(viii)(i)~~ ~~(1)(B)(viii)(j)~~ two law school representatives;
~~(1)(B)(viii)(j)~~ ~~(1)(B)(viii)(k)~~ the state law librarian; and
~~(1)(B)(viii)(k)~~ ~~(1)(B)(viii)(l)~~ two community representatives.

(1)(B)(ix) The Language Access Committee shall consist of:

- (1)(B)(ix)(a) one district court judge;
- (1)(B)(ix)(b) one juvenile court judge;
- (1)(B)(ix)(c) one justice court judge;
- (1)(B)(ix)(d) one trial court executive;
- (1)(B)(ix)(e) one court clerk;
- (1)(B)(ix)(f) one interpreter coordinator;
- (1)(B)(ix)(g) one probation officer;
- (1)(B)(ix)(h) one prosecuting attorney;
- (1)(B)(ix)(i) one defense attorney;
- (1)(B)(ix)(j) two certified interpreters;
- (1)(B)(ix)(k) one approved interpreter;
- (1)(B)(ix)(l) one expert in the field of linguistics; and
- (1)(B)(ix)(m) one American Sign Language representative.

(1)(B)(x) The Guardian ad Litem Oversight Committee shall consist of:

- (1)(B)(x)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(xi) The Committee on Model Utah Civil Jury Instructions shall consist of:

- (1)(B)(xi)(a) two district court judges;
- (1)(B)(xi)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(xi)(c) four lawyers who primarily represent defendants; and
- (1)(B)(xi)(d) one person skilled in linguistics or communication.

(1)(B)(xii) The Committee on Model Utah Criminal Jury Instructions shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) one justice court judge;
- (1)(B)(xii)(c) four prosecutors;
- (1)(B)(xii)(d) four defense counsel;
- (1)(B)(xii)(e) one professor of criminal law; and
- (1)(B)(xii)(f) one person skilled in linguistics or communication.

(1)(B)(xiii) The Committee on Pretrial Release and Supervision shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) one juvenile court judge;
- (1)(B)(xiii)(c) two justice court judges;
- (1)(B)(xiii)(d) one prosecutor;
- (1)(B)(xiii)(e) one defense attorney;
- (1)(B)(xiii)(f) one county sheriff;
- (1)(B)(xiii)(g) one representative of counties;
- (1)(B)(xiii)(h) one representative of a county pretrial services agency;
- (1)(B)(xiii)(i) one representative of the Utah Insurance Department;
- (1)(B)(xiii)(j) one representative of the Utah Commission on Criminal
and Juvenile Justice;
- (1)(B)(xiii)(k) one commercial surety agent;
- (1)(B)(xiii)(l) one state senator;
- (1)(B)(xiii)(m) one state representative;
- (1)(B)(xiii)(n) the Director of the Indigent Defense Commission or
designee; and
- (1)(B)(xiii)(o) the court's general counsel or designee.

(1)(B)(xiv) The Committee on Court Forms shall consist of:

- (1)(B)(xiv)(a) one district court judge;
- (1)(B)(xiv)(b) one court commissioner;
- (1)(B)(xiv)(c) one juvenile court judge;
- (1)(B)(xiv)(d) one justice court judge;
- (1)(B)(xiv)(e) one court clerk;
- (1)(B)(xiv)(f) one appellate court staff attorney;
- (1)(B)(xiv)(g) one representative from the Self-Help Center;
- (1)(B)(xiv)(h) the State Law Librarian;
- (1)(B)(xiv)(i) the Court Services Director;
- ~~(1)(B)(xiv)(j)~~ one member selected by the Online Court Assistance
Committee;
- ~~(1)(B)(xiv)(k)~~ (1)(B)(xiv)(i) one representative from a legal service
organization that serves low-income clients;
- ~~(1)(B)(xiv)(l)~~ (1)(B)(xiv)(k) one paralegal;
- ~~(1)(B)(xiv)(m)~~ (1)(B)(xiv)(l) one educator from a paralegal program or law
school;

~~(1)(B)(xiv)(n)~~(1)(B)(xiv)(m) one person skilled in linguistics or
communication; and

~~(1)(B)(xiv)(e)~~(1)(B)(xiv)(n) one representative from the Utah State Bar.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator

for committee appointments. Except as otherwise provided in this rule, the administrator shall:

- (3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;
- (3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;
- (3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and
- (3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

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

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

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

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

Rule 3-111. Performance Evaluation of Active Senior Judges and Court Commissioners.**Intent:**

To establish a performance evaluation, including the criteria upon which active senior judges and court commissioners will be evaluated, the standards against which performance will be measured and the methods for fairly, accurately and reliably measuring performance.

To generate and to provide to active senior judges and court commissioners information about their performance.

To establish the procedures by which the Judicial Council will evaluate and certify senior judges and court commissioners for reappointment.

Applicability:

This rule shall apply to presiding judges, the Board of Justice Court Judges, and the Judicial Council, and to the active senior judges and court commissioners of the Court of Appeals, courts of record, and courts not of record.

Statement of the Rule:**(1) Performance evaluations.****(1)(A) Court commissioners.**

(1)(A)(i) On forms provided by the administrative office, the presiding judge of a district or court level a court commissioner serves shall complete an evaluation of the court commissioner's performance by June 1 of each year. If a commissioner serves multiple districts or court levels, the presiding judge of each district or court level shall complete an evaluation.

(1)(A)(ii) The presiding judge shall survey judges and court personnel seeking feedback for the evaluation. During the evaluation period, the presiding judge shall review at least five of the commissioner's active cases. The review shall include courtroom observation.

(1)(A)(iii) The presiding judge shall provide a copy of each commissioner evaluation to the Judicial Council. Copies of plans under paragraph (3)(G) and all evaluations shall also be maintained in the commissioner's personnel file in the administrative office.

- (1)(B) **Active senior judges.** An active senior judge's performance shall be evaluated by attorneys as provided in paragraph (3)(A) and by presiding judges and court staff as provided in paragraph (3)(B).
- (2) **Evaluation and certification criteria.** Active senior judges and court commissioners shall be evaluated and certified upon the following criteria:
- (2)(A) demonstration of understanding of the substantive law and any relevant rules of procedure and evidence;
 - (2)(B) attentiveness to factual and legal issues before the court;
 - (2)(C) adherence to precedent and ability to clearly explain departures from precedent;
 - (2)(D) grasp of the practical impact on the parties of the commissioner's or senior judge's rulings, including the effect of delay and increased litigation expense;
 - (2)(E) ability to write clear judicial opinions;
 - (2)(F) ability to clearly explain the legal basis for judicial opinions;
 - (2)(G) demonstration of courtesy toward attorneys, court staff, and others in the commissioner's or senior judge's court;
 - (2)(H) maintenance of decorum in the courtroom;
 - (2)(I) demonstration of judicial demeanor and personal attributes that promote public trust and confidence in the judicial system;
 - (2)(J) preparation for hearings or oral argument;
 - (2)(K) avoidance of impropriety or the appearance of impropriety;
 - (2)(L) display of fairness and impartiality toward all parties;
 - (2)(M) ability to clearly communicate, including the ability to explain the basis for written rulings, court procedures, and decisions;
 - (2)(N) management of workload;
 - (2)(O) willingness to share proportionally the workload within the court or district, or regularly accepting assignments;
 - (2)(P) issuance of opinions and orders without unnecessary delay; and
 - (2)(Q) ability and willingness to use the court's case management systems in all cases.
- (3) **Standards of performance.**
- (3)(A) **Survey of attorneys.**
 - (3)(A)(i) The Council shall measure satisfactory performance by a sample survey of the attorneys appearing before the active senior judge or court commissioner during the period for which the active senior judge or court commissioner is being evaluated. The Council shall measure

satisfactory performance based on the results of the final survey conducted during a court commissioner's term of office, subject to the discretion of a court commissioner serving an abbreviated initial term not to participate in a second survey under Section (3)(A)(vi) of this rule.

(3)(A)(ii) **Survey scoring.** The survey shall be scored as follows.

(3)(A)(ii)(a) Each question of the attorney survey will have six possible responses: Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No Personal Knowledge. A favorable response is Excellent, More Than Adequate, or Adequate.

(3)(A)(ii)(b) Each question shall be scored by dividing the total number of favorable responses by the total number of all responses, excluding the "No Personal Knowledge" responses. A satisfactory score for a question is achieved when the ratio of favorable responses is 70% or greater.

(3)(A)(ii)(c) A court commissioner's performance is satisfactory if: at least 75% of the questions have a satisfactory score; and the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

(3)(A)(ii)(d) The Judicial Council shall determine whether the senior judge's survey scores are satisfactory.

(3)(A)(iii) **Survey respondents.** The Administrative Office of the Courts shall identify as potential respondents all lawyers who have appeared before the court commissioner during the period for which the commissioner is being evaluated.

(3)(A)(iv) **Exclusion from survey respondents.**

(3)(A)(iv)(a) A lawyer who has been appointed as a judge or court commissioner shall not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline shall not be a respondent in the survey.

(3)(A)(iv)(b) With the approval of the Management Committee, a court commissioner may exclude an attorney from the list of respondents if the court commissioner believes the attorney will not respond objectively to the survey.

(3)(A)(v) **Number of survey respondents.** The Surveyor shall identify 180 respondents or all attorneys appearing before the court commissioner, whichever is less. All attorneys who have appeared before the active senior judge shall be sent a survey questionnaire as soon as possible after the hearing.

(3)(A)(vi) **Administration of the survey.** Court commissioners shall be the subject of a survey approximately six months prior to the expiration of their term of office. Court commissioners shall be the subject of a survey during the second year of each term of office. Newly appointed court commissioners shall be the subject of a survey during the second year of their term of office and, at their option, approximately six months prior to the expiration of their term of office.

(3)(A)(vii) **Survey report.** The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the number and percentage of respondents for each of the possible responses on each survey question and all comments, retyped and edited as necessary to redact the respondent's identity.

(3)(B) **Non-attorney surveys.**

(3)(B)(i) **Surveys of presiding judges and court staff regarding non-appellate senior judges.** The Council shall measure performance of active senior judges by a survey of all presiding judges and trial court executives, or in the justice courts, all presiding justice court judges and the justice court administrator, of districts in which the senior judge has been assigned. The presiding judge and trial court executive will gather information for the survey from anonymous questionnaires completed by court staff on the calendars to which the senior judge is assigned and by jurors on jury trials to which the senior judge is assigned. The Administrative Office of the Courts shall distribute survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal

ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

(3)(B)(ii) **Surveys of Court of Appeals presiding judge and clerk of court.**

The Council shall measure performance of active appellate senior judges by a survey of the presiding judge and clerk of court of the Court of Appeals. The presiding judge and clerk of court will gather information for the survey from anonymous questionnaires completed by the other judges on each panel to which the appellate senior judge is assigned and by the appellate law clerks with whom the appellate senior judge works. The Administrative Office of the Courts shall distribute the survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

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

(3)(C)(i) A senior judge or court commissioner in a trial court demonstrates satisfactory performance by holding:

(3)(C)(i)(a) no more than three cases per calendar year under advisement more than ~~60 days~~two months after submission; and

(3)(C)(i)(b) no case under advisement more than 180 days after submission.

(3)(C)(ii) A senior judge in the court of appeals demonstrates satisfactory performance by:

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

(3)(D) **Compliance with education standards.** Satisfactory performance is established if the senior judge or court commissioner annually complies with the judicial education standards of this Code, subject to the availability of in-state education programs. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the state court administrator.

(3)(E) **Substantial compliance with Code of Judicial Conduct.** Satisfactory performance is established if the senior judge or court commissioner demonstrates substantial compliance with the Code of Judicial Conduct, if the Council finds the responsive information to be complete and correct and if the Council's review of formal and informal sanctions lead the Council to conclude the court commissioner is in substantial compliance with the Code of Judicial Conduct. Under Rule 11-201 and Rule 11-203, any sanction of a senior judge disqualifies the senior judge from reappointment.

(3)(F) **Physical and mental competence.** Satisfactory performance is established if the senior judge or court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(3)(G) **Performance and corrective action plans for court commissioners.**

- (3)(G)(i) The presiding judge of the district a court commissioner serves shall prepare a performance plan for a new court commissioner within 30 days of the court commissioner's appointment. If a court commissioner serves multiple districts or court levels, the presiding judge of each district and court level shall prepare a performance plan. The performance plan shall communicate the expectations set forth in paragraph (2) of this rule.

(3)(G)(ii) If a presiding judge issues an overall “Needs Improvement” rating on a court commissioner’s annual performance evaluation as provided in paragraph (1), that presiding judge shall prepare a corrective action plan setting forth specific ways in which the court commissioner can improve in deficient areas.

(4) **Judicial Council certification process.**

(4)(A) **July Council meeting.** At its meeting in July, the Council shall begin the process of determining whether the senior judges and court commissioners whose terms of office expire that year meet the standards of performance provided for in this rule. The Administrative Office of the Courts shall assemble all evaluation information, including:

(4)(A)(i) survey scores;

(4)(A)(ii) judicial education records;

(4)(A)(iii) self-declaration forms;

(4)(A)(iv) records of formal and informal sanctions;

(4)(A)(v) performance evaluations, if the commissioner or senior judge received an overall rating of Needs Improvement; and

(4)(A)(vi) any information requested by the Council.

(4)(B) **Records delivery.** Prior to the meeting the Administrative Office of the Courts shall deliver the records to the Council and to the senior judges and court commissioners being evaluated.

(4)(C) **July Council meeting closed session.** In a session closed in compliance with Rule 2-103, the Council shall consider the evaluation information and make a preliminary finding of whether a senior judge or court commissioner has met the performance standards.

(4)(D) **Certification presumptions.** If the Council finds the senior judge or court commissioner has met the performance standards, it is presumed the Council will certify the senior judge or court commissioner for reappointment. If the Council finds the senior judge or court commissioner did not meet the performance standards, it is presumed the Council will not certify the senior judge or court commissioner for reappointment. The Council may certify the senior judge or court commissioner or withhold decision until after meeting with the senior judge or court commissioner.

(4)(E) **Overcoming presumptions.** A presumption against certification may be overcome by a showing of good cause to the contrary. A presumption in favor of certification may be overcome by:

(4)(E)(i) reliable information showing non-compliance with a performance standard; or

(4)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

(4)(F) **August Council meeting.** At the request of the Council the senior judge or court commissioner challenging a non-certification decision shall meet with the Council in August. At the request of the Council the presiding judge shall report to the Council any meetings held with the senior judge or court commissioner, the steps toward self-improvement identified as a result of those meetings, and the efforts to complete those steps. Not later than 5 days after the July meeting, the Administrative Office of the Courts shall deliver to the senior judge or court commissioner being evaluated notice of the Council's action and any records not already delivered to the senior judge or court commissioner. The notice shall contain an adequate description of the reasons the Council has withheld its decision and the date by which the senior judge or court commissioner is to deliver written materials. The Administrative Office of the Courts shall deliver copies of all materials to the Council and to the senior judge or court commissioner prior to the August meeting.

(4)(G) **August Council meeting closed session.** At its August meeting in a session closed in accordance with Rule 2-103, the Council shall provide to the senior judge or court commissioner adequate time to present evidence and arguments in favor of certification. Any member of the Council may present evidence and arguments of which the senior judge or court commissioner has had notice opposed to certification. The burden is on the person arguing against the presumed certification. The Council may determine the order of presentation.

(4)(H) **Final certification decision.** At its August meeting in open session, the Council shall approve its final findings and certification regarding all senior judges and court commissioners whose terms of office expire that year.

(4)(I) **Communication of certification decision.** The Judicial Council shall communicate its certification decision to the senior judge or court commissioner.

268 The Judicial Council shall communicate its certification decision for senior judges
269 to the Supreme Court and for court commissioners to the presiding judge of the
270 district the commissioner serves.

271 *Effective May/November 1, 20____*

Rule 4-905. Restraint of minors in juvenile court.**Intent:**

To provide for proper restraint of minors in juvenile court proceedings.

Applicability:

This rule applies to the juvenile court.

Statement of the Rule:

(1) Absent exigent circumstances, a minor, while present in a juvenile courtroom, shall not be restrained unless the court finds by a preponderance of the evidence that:

(1)(A) restraints are necessary to prevent physical harm to the minor or a third party present in the courtroom;

(1)(B) the minor is a flight risk;

(1)(C) the minor is currently in jail, prison or a secure facility as defined by Utah Code section 78A-6-105~~(36)~~;

(1)(D) the seriousness of the charged offense warrants restraints; or

(1)(E) other good cause exists for the minor to be restrained.

(2) Any person with an interest in the case may move the court to restrain a minor during court proceedings. The court shall permit all persons with a direct interest in the case the right to be heard on the issue of whether to restrain the minor.

(3) If the court orders that a minor should be restrained, the court shall reconsider that order at each future hearing regarding the minor.

(4) Ex parte communications that provide information on the criteria listed in paragraph (a) are not prohibited. However, the judge or commissioner shall notify all other parties of the communication as soon as possible and shall give them an opportunity to respond.

Effective May/November 1, 20____

~~Rule 10-1-202. Verifying use of jury.~~

~~Intent:~~

~~To establish a procedure allowing attorneys to enter an appearance or request a trial setting by telephone.~~

~~To establish a procedure allowing attorneys to verify with the clerk's office, by telephone, the need for a jury in criminal cases.~~

~~Applicability:~~

~~This rule shall apply to the Second District Court in Class B and C misdemeanors and infractions.~~

~~Statement of the Rule:~~

~~(1) Defendants and/or their attorneys, who enter an appearance in a criminal case or request a trial setting by telephone, shall be deemed by the Court as having waived the filing of a formal Information and having agreed to proceed on the citation, unless the filing of an Information is specifically requested in writing.~~

~~(2) Defendants and/or their attorneys who demand a jury trial in a criminal case may file a written demand in accordance with the Rules of Criminal Procedure or, in the alternative, may request a jury trial and move the Court to waive the filing of the written demand upon assuming responsibility for verifying the need for a jury with the Clerk of the Court on the business day before commencement of the trial and stipulating that a failure to do so shall be construed by the Court as a waiver of a jury trial.~~

~~Effective May/November 1, 20__~~

Appendix F. Utah State Court Records Retention Schedule

(A) Definitions.

(A)(1) **Appellate proceedings.** As applicable to the particular case:

(A)(1)(a) expiration of the time in which to file an appeal;

(A)(1)(b) completion of the initial appeal of right;

(A)(1)(c) completion of discretionary appeals; or

(A)(1)(d) completion of trial court proceedings after remittitur.

Appellate proceedings do not include collateral review, such as a petition for post conviction relief or a petition for writ of habeas corpus, although these petitions may themselves be the subject of appellate proceedings.

(A)(2) **Case file.** The compilation of documents pertaining to a case in the district court and justice court. The compilation of documents pertaining to an individual under the jurisdiction of the juvenile court.

(A)(3) **Case history.** Includes the docket, judgment docket, registry of judgments, register of actions and other terms used to refer to a summary of the parties and events of a case.

(A)(4) **Clerk of the court.** Includes all deputy clerks.

(A)(5) **Confidential records.** Records classified in accordance with the Title 63G, Chapter 2, Government Records Access and Management Act and Rule 4-202 et seq. of the Judicial Council as private, protected, juvenile, or sealed.

(A)(6) **Critical documents.** As applicable to the particular case:

(A)(6)(a) **Civil.** Final amended complaint or petition; final amended answer or response; final amended counterclaims, cross claims, and third party claims and defenses; home study or custody evaluation; jury verdict; final written opinion of the court, including any findings of fact and conclusions of law; final trial court order, judgment or decree; interlocutory order only if reviewed by an appellate

27 court; orders supplemental to the judgment and writs that have not expired;
 28 notice of appeal; transcripts; appellate briefs; final order, judgment or decree or
 29 any appellate court; case history.

30 (A)(6)(b) **Child abuse, neglect or dependency.** In addition to that which is
 31 required of civil cases, shelter hearing order; adjudication orders; disposition
 32 orders; reports of the Division of Child and Family Services; psychological
 33 evaluations; reports from treatment providers; motion for permanency hearing;
 34 response to motion for permanency hearing; petition for termination of parental
 35 rights; and response to petition for termination of parental rights.

36 (A)(6)(c) **Divorce and domestic relations.** In addition to that which is required of
 37 civil cases, petitions to modify or enforce a final order, judgment or decree and
 38 the final order entered as a result of that petition.

39 (A)(6)(d) **Felonies, including offenses by a minor in juvenile court.** All
 40 documents other than duplicates, subpoenas, warrants, orders to show cause,
 41 presentence investigation reports and notices of hearings.

42 (A)(6)(e) **Misdemeanors and infractions, including offenses by a minor in**
 43 **juvenile court.** Final amended citation or information; jury verdict; final written
 44 opinion of the court, including any findings of fact and conclusions of law; final
 45 trial court order, judgment or decree; notice of appeal; appellate briefs; final
 46 order, judgment or decree or any appellate court; case history.

47 (A)(6)(f) **Probate.** In addition to that which is required of civil cases, will admitted
 48 to probate; trust instrument; final accounting; reports, findings and orders
 49 regarding the mental competence of a person.

50 (A)(7) **Document.** Any pleading or other paper filed with or created by the court for a
 51 particular case, regardless of medium.

52 (A)(8) **Off-site storage.** Storage at the State Records Center under the control of the
 53 Division of State Archives.

54 (A)(9) **On-site storage.** Storage at the courthouse or any secure storage facility under
 55 the control of the court.

(A)(10) **Retention period.** The time that a record must be kept. The retention period is either permanent or for a designated term of months or years.

(B) Case Records.

(B)(1) **Objectives.** The objective of the records retention schedule is to maintain convenient access to the documents of the case and to the case history as necessary to the activity in the case. Even in a case in which judgment has been entered there may be substantial activity. In criminal cases, the court can expect affidavits alleging violations of probation and petitions for post conviction relief. In civil cases, the court can expect to issue writs, orders supplemental to the judgment and to conduct other proceedings to collect the judgment. In divorce cases, the court can expect petitions to modify the decree or to enforce visitation and support. This may mean more immediate access in particular cases. The objective of the records retention schedule is to guide the transfer of permanent records to off-site storage and the destruction on non-permanent records.

(B)(2) **Storage medium.** The decisions of what storage medium to use and when to use are left to local discretion, needs and resources of the clerk of the court.

With proper training or by the Division of State Archives the clerk of the court may microfilm records. Given the sensitive nature of identifying information contained in court records, such as name, address, telephone number, and social security number of parties, witnesses and jurors, microfilming of court records by Utah Correctional Industries is prohibited. All microfilming shall be in accordance with the standards adopted by the Division. All microfilm developing and quality assurance checks shall be done by the Division. The Division of State Archives shall keep the original film and return a copy to the court.

The clerk of the court may scan documents to a digital image based on local needs and resources. Once scanned to a digital image, the document may be destroyed. Electronic documents may be printed and maintained in the case file.

(B)(3) **Storage location.** The Administrative Office of the Courts shall maintain all computer records. The clerk of the court shall store on site pending cases, closed cases

with significant post judgment activity, and cases with a retention period of less than permanent.

The clerk of the court shall not store case files with significant activity off-site. Records in which there is an order of alimony or child support, visitation or custody shall not be stored off-site until at least three years has expired from the date of the last activity in the case. Within these parameters, the decision to store permanent records on-site or off-site is left to local discretion, needs and resources. The state court records officer and the Division of State Archives may evaluate exceptions for courthouses with critically short storage problems. Records stored off-site shall be prepared in accordance with standards and instructions of the Division of State Archives. If a record stored off-site is needed at the courthouse, the record will be returned to the court for the duration of the need. The clerk of the court shall not return a record in which there is an order of alimony or child support, visitation or custody to off-site storage until at least three years after the last activity in the case.

(B)(4) **Critical documents.** At any time after the completion of appellate proceedings, the clerk of the court may remove from the case file and destroy all documents other than critical documents.

(B)(5) **The retention period in a criminal case begins as of the completion of the sentence.** The level of offense is determined by the offense of which the defendant is convicted or to which the offense is reduced under Utah Code Section 76-3-402. The retention period in a civil or small claims case begins as of the expiration or satisfaction of the judgment. The retention periods are for the following terms.

(B)(5)(a) **Permanent.** All case types not governed by a more specific designation; ~~the record of arraignment and conviction required by Rule 9-301;~~ prosecution as a serious youth offender.

(B)(5)(b) **10 years.** Third degree felonies; violations of Utah Code Section 41-6a-502 or Section 41-6a-503, or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that section; hospital liens; domestic violence misdemeanors within the scope of Utah Code Section 77-36-1.

CJA Appendix F. Utah State Court Records Retention Schedule

DRAFT: 10/21/2019

114 (B)(5)(c) **5 years.** Administrative agency review; civil and small claims cases
 115 dismissed with prejudice; forcible entry and detainer; investigative subpoenas;
 116 ~~domestic violence misdemeanor within the scope of Utah Code Section 77-36-1;~~
 117 post conviction relief or habeas corpus other than capital offenses and life without
 118 parole; tax liens; temporary separation; worker's compensation; probable cause
 119 statements and search and arrest warrants not associated with a case.

120 (B)(5)(d) **3 years.** Violations of Utah Code Section 53-3-231; violations of Utah Code
 121 Section 76-5-303.

122 (B)(5)(e) **1 year.** Civil cases with a judgment of money only; extraditions;
 123 misdemeanors and infractions classified as "mandatory appearance" by the Uniform
 124 Fine and Bail Schedule; petitions to expunge an arrest record in which no charges
 125 have been filed.

126 (B)(5)(f) **6 months.** Civil and small claims cases dismissed without prejudice;
 127 misdemeanors and infractions classified as "non-mandatory appearance" by the
 128 Uniform Fine and Bail Schedule; small claims cases with a judgment of money only.

129 (B)(6) **Retention period in Juvenile Court.** The retention period in a delinquency
 130 petition or referral begins as of the completion of the sentence. The retention period in
 131 other cases begins as of the expiration of the judgment. The retention periods are for the
 132 following terms.

133 (B)(6)(a) **Permanent.** Adoptions; civil cohabitant abuse; orders terminating parental
 134 rights; prosecution as serious youth offender; substantiation.

135 (B)(6)(b) **Until the youngest subject of the petition reaches age 28.** Abuse,
 136 neglect and dependency; felonies.

137 (B)(6)(c) **Until the subject of the petition reaches age 18 and jurisdiction of the**
 138 **court is terminated.** Misdemeanors and infractions other than non-judicial
 139 adjustments; interstate compact.

140 (B)(6)(d) **10 years.** Violations of Utah Code Section 41-6a-502 or Section 41-6a-503,
 141 or of Section 41-6a-512 if the conviction is to a reduced charge as provided in that
 142 section.

- 143 (B)(6)(e) **3 years.** Violations of Utah Code Section 53-3-231.
- 144 (B)(6)(f) **1 year.** Petitions to expunge an arrest record in which no charges have
145 been filed.
- 146 (B)(6)(g) **6 months.** Non-judicial adjustment of referrals; misdemeanors and
147 infractions classified as “non-mandatory appearance” by the Uniform Fine and Bail
148 Schedule, such as fish and game violations; cases dismissed without prejudice.
- 149 (B)(7) **Retention period in Supreme Court and Court of Appeals.** The retention
150 period for records in the Supreme Court and Court of Appeals is permanent.
- 151 (B)(8) **Special cases.**
- 152 (B)(8)(a) The retention period for foreign judgments, abstracts of judgment and
153 transcripts of judgment is the same as for a case of the same type filed originally in
154 Utah.
- 155 (B)(8)(b) The retention period for contempt of court is the same as for the underlying
156 case in which the contempt occurred.
- 157 (B)(8)(c) The retention period in the juvenile court for records of the prosecution of
158 adults is the same as for the corresponding offense in district or justice court.
- 159 (B)(9) **Case related records.** If the record is filed with the case file, it is treated as a
160 non-critical document unless it is specifically included within the definition of a critical
161 document. If the record is not filed with the case file then its retention period is
162 determined in accordance with the following schedule:
- 163 (B)(9)(a) **Audio and video tapes and tape logs; court reporter notes.** For
164 misdemeanors, infractions and small claims, 3 years from the date the record is
165 created. Otherwise, 9 years from the date the record is created. Tapes shall not be
166 reused.
- 167 (B)(9)(b) **Court calendars.** As determined by the clerk of the court based on local
168 needs.

169 (B)(9)(c) **Confidential records.** Confidential records are retained for the same
 170 period as the case to which they apply, but they are filed and stored in such a
 171 manner as to protect their confidentiality.

172 (B)(9)(d) **Depositions.** 6 months after the close of appellate proceedings.

173 (B)(9)(e) **Exhibits.** Three months after disposition of the exhibit in accordance with
 174 Code of Judicial Administration 4-206.

175 (B)(9)(f) **Expunged records.** For the same time as though the record had not been
 176 expunged.

177 (B)(9)(g) **Indexes.** Permanent.

178 (B)(9)(h) **Jury lists and juror qualification questionnaires.** 4 years from
 179 completion of term of availability.

180 (B)(9)(i) **Case history.** Permanent.

181 (B)(10) **Record destruction.** Court records 50 years of age or older shall be reviewed
 182 for historical significance by the Division of State Archives prior to destruction. If a record
 183 is of historical significance, the Division will take possession. If a record is not of
 184 historical significance, the court shall manage the record in accordance with this
 185 schedule.

186 Paper documents shall be destroyed after expiration of the retention period or after
 187 copying the document to microfilm, digital image, or electronic medium. If documents are
 188 copied to microfilm, digital image, or electronic medium, the court may maintain the
 189 paper documents until such later time that convenient access to the case file can be
 190 achieved by means of microfilm or digital image. Each court is responsible for destroying
 191 records or making arrangements for destroying records. The court must comply with all
 192 laws applicable to the method of destruction. Confidential records must be shredded
 193 prior to destruction. Recycling is the preferred method of destruction. In addition, the
 194 court may destroy records by incineration or deposit in a landfill. If the court is unable to
 195 destroy records by these means, the court may arrange through the state court records
 196 officer to have records destroyed by the State Records Center, which may charge a fee.

197 **(C) Administrative Records.**

198 (C)(1) **Record storage, microfilming, imaging and destruction.** Administrative
 199 records shall be stored on-site. Administrative records may be microfilmed or scanned to
 200 a digital image based on local needs and resources.

201 (C)(2) **Retention period.** The retention period for administrative records is in
 202 accordance with the following schedule.

203 (C)(2)(a) **Accounting, audit, budget, and finance records.** 4 years from the
 204 date the record is created.

205 (C)(2)(b) **Final reports approved by the Judicial Council.** Permanent.

206 (C)(2)(c) **General counsel legal files.** 10 years from date the record is created.

207 (C)(2)(d) **Juror fee and witness fee payment records.** 4 years from date of
 208 payment.

209 (C)(2)(e) **Meeting minutes.** Permanent.

210 (C)(3) **Other Record Retention.** All administrative records not specifically listed in this
 211 record retention schedule will be retained, transferred or destroyed according to the
 212 appropriate court policy and procedure manual or the "Utah State Agency General
 213 Retention Schedule."

214 **(D) Email retention.**

215 (D)(1) **Incidental Personal Correspondence.** Correspondence that does not relate to the
 216 business of the courts. The sender and recipient should delete the email as soon as s/he
 217 has no more need for it.

218 (D)(2) **Transitory Correspondence.** Court-related correspondence that is transitory in
 219 nature and does not offer unique information about court functions or programs. These
 220 records include acknowledgment files and most day-to-day office and housekeeping
 221 correspondence. The sender and recipient should delete the email as soon as s/he has no
 222 more need for it.

223 (D)(3) **Policy and Program Correspondence.** Court-related correspondence that provides
 224 unique information about court functions, policies, procedures, or programs. These records
 225 document material discussions and decisions made regarding all court interests. The
 226 recipient should delete the email as soon as s/he has no more need for it. The sender must
 227 retain policy and program email for the same duration as the Utah State Archives Record
 228 Retention Schedule for a record of that type.

229 (D)(4) **The sender must retain policy and program correspondence in a reproducible**
 230 **medium separate from transitory messages.** The sender can do this by moving the email
 231 message to an electronic folder in the email system with an appropriate retention period or
 232 by copying the correspondence to another medium for retention, such as a web page, a
 233 saved file, or a printed document. If the sender copies the email to another medium for
 234 retention, s/he should delete the email.

235 (D)(5) **Email records of a terminated or transferred employee.**

236 (D)(5)(a) **Supervisor's or designee's responsibility.** If an employee is scheduled for
 237 termination or transfer, the employee's supervisor or designee will notify the Help Desk
 238 of the IT Division using the form provided by the Division. Upon termination or transfer,
 239 the supervisor or designee will review the employee's email. The supervisor or designee
 240 will retain policy and program correspondence of which the employee was the sender in
 241 accordance with paragraph (D)(3).

242 (D)(5)(b) **IT Division's responsibility.** If the employee is transferred, the IT Division will
 243 maintain the employee's email account at the new location. If the employee is
 244 terminated, the IT Division will:

- 245 ~~4~~(D)(5)(b)(i) De-provision the user id and email account of the employee;
- 246 ~~2~~(D)(5)(b)(ii) Remove authority to sign on to the court's computing network;
- 247 ~~3~~(D)(5)(b)(iii) Remove authority to access the court's email account;
- 248 ~~4~~(D)(5)(b)(iv) Remove the employee from group email lists; and
- 249 ~~5~~(D)(5)(b)(v) Remove authority to access personal and network drives.

250 Upon receipt of notice of termination or transfer, the IT Division will retain the employee's
251 email in its original form for 180 days from the date of termination or transfer. After 180
252 days, the IT Division may back up the employee's email, delete the email account and
253 recover and reuse the disk space. The IT Division will retain the back-up off site for one
254 year from the date of deletion. If a terminated or transferred employee returns within 180
255 days after the date of termination, the IT Division will reactivate the employee's email
256 account.

257 (D)(6) **Litigation.** Upon notice of pending or potential litigation, the IT Division will retain the
258 employee's email in the current format until notice that the litigation is complete or is no
259 longer contemplated. At such time, the employee's email will be subject to this section (D).

260 *Effective: May/November 1, 20*

Formatted: Font: Italic

Tab 16



Administrative Office of the Courts


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

October 1, 2019

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

MEMORANDUM

TO: Management Committee of the Utah Judicial Council and Judicial Council

FROM:  Brent M. Johnson

RE: Ethics Advisory Committee Membership

Judge Laura Scott is currently a district court representative on the Ethics Advisory Committee. Her first term on the committee expires in December. Judge Scott would like to serve another term and the committee would like her continue to serving on the committee. Judge Scott has been a very valuable member of the committee. The committee's work has increased in the past year and she has been very engaged. We therefore ask that the Management Committee and the Judicial Council reappoint Judge Scott for another three-year term.

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



Administrative Office of the Courts

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

October 17, 2019

Hon. Mary T. Noonan
Interim State Court Administrator
Cathy Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee and Judicial Council

FROM: Brent M. Johnson

RE: Ethics Advisory Committee

The Ethics Advisory Committee is seeking a replacement for a position that will become vacant in December. The Ethics Advisory Committee includes a juvenile court judge. Judge Renee Jimenez currently occupies that position, but her term expires in December. Because Judge Jimenez has served two terms a replacement must be appointed. The Board of Juvenile of Court Judges solicited interest from the juvenile court bench. The applicants were Judge Michelle Heward, Judge Kirk Morgan, and Judge Paul Dame. The Board of Juvenile Court Judges recommended that Judge Paul Dame be appointed. Judge Dame would be an excellent member. Judge Dame is very conscientious and engaged and will add valuable perspective. The Ethics Advisory Committee therefore recommends that the Management Committee and the Judicial Council appoint Judge Dame as the juvenile court representative on the Ethics Advisory Committee.

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




Administrative Office of the Courts

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

November 4, 2019

Hon. Mary T. Noonan
State Court Administrator
Cathy Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee and Judicial Council
FROM:  Brent M. Johnson
RE: Forms Committee

The Forms Committee has a requirement for a paralegal member. The position is currently filled by Christina Cope. At the time of her appointment, Ms. Cope was working as a paralegal, but she has since been hired by the district court. The committee would like to replace Ms. Cope with a new member.

The Utah Supreme Court recently conducted the swearing in ceremony for the first Licensed Paralegal Practitioners in the state. One of those LPPs, Amber Alleman, has approached a Supreme Court justice expressing interest in joining the Forms Committee. Ms. Alleman was referred to the chair of the committee, Randy Dryer. After reviewing Ms. Alleman's qualifications, Mr. Dryer recommends that the Judicial Council appoint Ms. Alleman as the paralegal member of the Forms Committee.

The Forms Committee will benefit from a Licensed Paralegal Practitioner being a member of the committee because the committee work is very important to the LPP practice. Ms. Alleman is currently employed by Clyde Snow and worked with Ellen Maycock for 16 years. She has the experience and interest in the topic that the committee desires. The Forms Committee therefore requests that the Judicial Council appoint Ms. Alleman.

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



Administrative Office of the Courts

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

Hon. Mary T. Noonan
State Court Administrator

Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council / Management Committee
FROM: Michael C. Drechsel, Associate General Counsel – AOC
DATE: Thursday, October 31, 2019
RE: MUJI Criminal – Defense Attorney Committee Appointments

The Standing Committee on Model Utah Criminal Jury Instructions is comprised of 13 individuals, four of whom should be "defense counsel." One member of the committee who had been serving in a defense counsel position (Jessica Jacobs) resigned from the committee when she took new employment that did not involve serving as defense counsel. As a result of her resignation, the committee is required to find a new person to serve in this role.

RECOMMENDATION:

After reviewing applications, the committee recommends to the Judicial Council that Debra Nelson be appointed to the committee as a defense counsel member.

PROCESS:

The committee solicited interest from the Utah Bar by sending out an email notice on August 12, 2019. The email solicitation resulted in the following four applicants submitting materials (in alphabetical order):

Scott Garrett

Durham Jones & Pinegar (and former Iron County Attorney)

Remington "Jiro" Johnson

Salt Lake Legal Defender Association (currently prepares minutes for the committee)

Debra Nelson

Salt Lake Legal Defender Association – Appellate Attorney

Edwin Wall

Wall Law Office – Private Practitioner

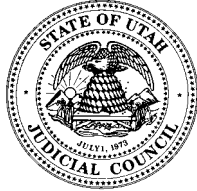
The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

The applicants are all well-qualified and the Judicial Council could do well appointing any of the applicants to the committee. After careful review of the materials submitted by each applicant, the Chair recommends that the Council appoint Debra Nelson. The basis for this recommendation is largely the result of the unique nature of Ms. Nelson's professional experience as an appellate defense attorney for more than 15 years. The committee believes her experience will be valuable in crafting model jury instructions that are robust and resistant to creating issues on appeal. Her perspective will help to round out the perspectives of the two appellate prosecutors already serving on the committee. Adding Ms. Nelson's point of view will assist the committee in understanding the appellate defense perspective, resulting in a more balanced set of viewpoints.

Ms. Nelson currently serves on the following Supreme Court committees:

- Ethics and Discipline Committee of the Utah Supreme Court (2019-present)
- Supreme Court's Standing Committee on Appellate Representation (2018-present)

Ms. Nelson does not serve on any Judicial Council committees. To the extent Ms. Nelson's other committee involvements is of concern to the Council, the committee is willing to continue its consideration of the remaining applicants and bring another recommendation to the Council at a future meeting. The application materials for each of the interested individuals can be provided upon request to committee staff, Michael Drechsel.



Administrative Office of the Courts

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

November 4, 2019

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

MEMORANDUM

TO: Management Committee – Utah Judicial Council

FROM: Standing Committee on Judicial Outreach

RE: Appointment of Judge Tupakk Renteria, Judge Bryan Memmott, and Krista Airam

On behalf of the Standing Committee on Judicial Outreach and its chair, Hon. Elizabeth Hruby-Mills, we would respectfully request to approval of the following three nominees.

These nominees will replace the following outgoing members: Seventh District Juvenile Judge Craig Bunnell, who recently joined the Board of Juvenile Court Judges; Judge Anna Anderson, who stepped down from the bench at South Salt Lake Justice Court; and Fifth District TCE Joyce Pace, who cited tight time constraints.

Invitations for nominations were sent to the Board of Juvenile Court Judges, the Board of Justice Court Judges, and to all TCEs.

The Board of Juvenile Court Judges has recommended Third District Juvenile Judge Tupakk Renteria. Other juvenile judges who volunteered were Second District Juvenile Judge Debra Jensen, Fourth District Juvenile Judge Scott Davis, and Fourth District Judge Brent Bartholomew.

The Board of Justice Court Judges has recommended Judge Bryan Memmott with Plain City, Woods Cross and South Weber justice courts.

Among the TCEs, Second District Juvenile TCE Krista Airam volunteered to serve as the TCE representative.

Rule 3-114. Judicial Outreach

Standing Committee on Judicial Outreach

Intent of the committee:

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

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

Current Committee Members:

Judge Elizabeth Hruby-Mills, District Court judge representative (Chair)
Judge Jill Pohlman, Court of Appeals, Appellate Representative
Juvenile Court judge representative - vacant
Jonizan Bowers, Judicial Education
Justice Court judge representative - vacant
Brent Johnson, state level administrator representative
Court Executive representative - vacant
Nicholas M. Shellabarger, Utah Board of Education
Michelle Oldroyd, Utah State Bar representative
Michael Anderson, communication representative
Community Representative - vacant
Jessica Van Buren, Utah State Library representative
Judge Laura Scott, Chair of Divorce Education for Children Subcommittee
Judge Shauna Graves-Robertson, Chair of Community Relations Subcommittee
Geoffrey Fattah, Director of Communications, staff liaison

Thank you,

Geoffrey Fattah
Communication Director
Utah State Courts