

JUDICIAL COUNCIL MEETING

AGENDA August 21, 2020

Meeting held through Webex

Chief Justice Matthew B. Durrant Presiding

1. 12:10 p.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 12:15 p.m. Oath of Office: Judge David Connors and Judge Michelle Heward.
Chief Justice Matthew B. Durrant
3. 12:20 p.m. Chair's Report. Chief Justice Matthew B. Durrant
(Information)
4. 12:25 p.m. Administrator's Report and COVID-19 Update..... Judge Mary T. Noonan
(Information)
5. 12:35 p.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget & Fiscal Management Committee..... Judge Mark May
Liaison Committee..... Judge Kara Pettit
Policy & Planning Committee Judge Derek Pullan
Bar Commission..... Rob Rice, esq.
(Tab 2 - Information)
6. 1:00 p.m. Ability-to-Pay Matrix and Unsecured BondsKeisa Williams
(Tab 3 - Action) Michael Drechsel
7. 1:25 p.m. CJA Rules for Final ApprovalKeisa Williams
(Tab 4 - Action)
8. 1:35 p.m. A Survey of Drug Court Sanctions – Price, Utah Michael Drechsel
(Information)
9. 1:45 p.m. Justice Court Reform Task Force UpdateJudge Paul Farr
(Information) Jim Peters
- 2:00 p.m. Break

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|-----|-----------|--|--|
| 10. | 2:10 p.m. | Amendments to Rule 3-413. Judicial Library Resources
(Tab 5 - Action) | Judge Mary T. Noonan
Larissa Lee
Jessica Van Buren |
| 11. | 2:20 p.m. | MyCase Update.....
(Information) | Heidi Anderson
Judge Kara Pettit |
| 12. | 2:30 p.m. | Utah State Bar Foundation Joint Grant.....
(Tab 6 - Action) | Geoff Fattah
Nancy Sylvester
Brent Johnson |
| 13. | 2:40 p.m. | Budget – Carryforward Spending Requests.....
(Tab 7 - Action) | Judge Mark May
Karl Sweeney |
| 14. | 2:50 p.m. | Old Business/New Business
(Discussion) | All |
| 15. | 3:00 p.m. | Executive Session | |
| 16. | 3:15 p.m. | Adjourn | |

Consent Calendar

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

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| 1. | Forms Committee Forms
(Tab 8) | Brent Johnson |
| 2. | Committee Appointment
(Tab 9) | Committee on Children and Family Law – Jim Peters |

Tab 1

JUDICIAL COUNCIL MEETING**Minutes****July 16, 2020****Meeting conducted through Webex****12:00 p.m. – 3:00 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. Michelle Heward
Justice Deno Himonas
Hon. Mark May
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Brook Sessions
Hon. John Walton
Rob Rice, esq.

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Michael Drechsel
Shane Bahr
Kim Free
Larissa Lee
Bart Olsen
Jim Peters
Neira Siaperas
Karl Sweeney
Nancy Sylvester
Jessica Van Buren
Jeni Wood

Excused:

Hon. Paul Farr
Hon. Todd Shaughnessy

Guests:

Jacqueline Carlton, Office of General Counsel
Hon. Dennis Fuchs, Senior Judge
Hon. Tyrone Medley, Retired
Hon. Gregory Orme, Court of Appeals
Hon. Randall Skanchy, Third District Court
Hon. William Thorne, Retired
Dr. Jennifer Yim, JPEC
Justice Michael Zimmerman, Retired

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Due to the coronavirus pandemic, the Council held their meeting entirely through Webex. Chief Justice Durrant welcomed Judge Michelle Heward. The Board of Juvenile Court Judges recommended Judge Heward to the Council. Judge Heward's Oath of Office will be conducted at the August Council meeting.

Motion Judge Kate Appleby moved to approve the June 22, 2020 and July 1, 2020 meeting minutes, as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant spoke with Senator Todd Weiler about the Supreme Court’s regulatory reform and the new Office of Fairness and Accountability.

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

Judge Mary T. Noonan said the coronavirus count in Utah continues to increase, although not as much over the past couple of days. Judge Appleby noted the news is reporting 954 cases today; however, many are from data backlog. The Management Committee approved several courthouse reopening plans with the understanding that they will need to seek the Management Committee’s approval to move to the Yellow phase when the case counts decelerate or stabilize. Bart Olsen is preparing the announcement for the nationwide recruitment of the Office of Fairness and Accountability director position.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Judge Mark May noted most of the committee’s work was conducted prior to the last Council meeting. The courts anticipate receiving about \$700,000 in CARES Act funds.

Liaison Committee Report:

Judge Kara Pettit noted a legislative special session is expected to be held in August.

Policy and Planning Committee Report:

Judge John Walton noted the committee did not meet this month.

Bar Commission Report:

Rob Rice said the Bar Commission met this morning with three new bar commissioners and one president-elect being sworn in. The meeting included a discussion on the regulatory reform.

5. AMENDMENTS TO RULE 3-413. JUDICIAL LIBRARY RESOURCES: (Larissa Lee and Jessica Van Buren)

Chief Justice Durrant welcomed Larissa Lee and Jessica Van Buren. The Law Library and Self-Help Center currently report to the Appellate Court Administrator, but are often treated as being housed under the Administrative Office of the Courts. The Law Library Director is the only person considered an “AOC Director” who does not report directly to the State Court Administrator. For finance and HR purposes, the move would require minimal work because both the Law Library and the Self-Help Center are already under their own budget and unit numbers. Ms. Lee and Ms. Van Buren recommended that the Judicial Council approve moving the Law Library and Self-Help Center to report to the State Court Administrator and amend rule 3-413 accordingly. This proposal was approved by the Supreme Court, Finance Department, and the State Court Administrator.

The amendments to the rule also included changes to the distribution of Code books due to the budget cuts. Two version were proposed. One that reduced the Code books temporarily and one that made the reduction permanent. Judge Pettit, Judge Brook Sessions, and Brent Johnson preferred a permanent change using option 2. Judge Pettit said it was agreed that a set of Code books would be approved for each courtroom not each judge. Option 2 of the rule allows for Code books in all court level courtrooms, including appellate, district, and juvenile. Judge Appleby said the issue with the appellate courts is that there are multiple appellate judges but only one courtroom per appellate court level. Judge Mark May said this would help when judges have multiple courtrooms in different court locations. Ms. Lee will edit the rule to allow each appellate justice and judge their own copy and each district and juvenile courtrooms be provided a copy and return to the Council meeting with a proposal at a later date.

Chief Justice Durrant thanked Ms. Lee and Ms. Van Buren.

6. PROBLEM-SOLVING COURT RECERTIFICATIONS: (Judge Dennis Fuchs and Judge Randall Skanchy)

Chief Justice Durrant welcomed Judge Dennis Fuchs and Judge Randall Skanchy. Judge Fuchs sought approval to recertify the Weber County Juvenile Drug Court (Judge Noland). The Council conditionally approved the recertification for 90 days on May 18, 2020. The recertification now includes a written policy dealing with medically assisted treatment.

The Council next addressed the following Salt Lake County problem-solving courts: Juvenile Drug Court (Judge Beck); Adult ASAP Drug Court (Judge Blanch); Adult Drug Court (Judge Skanchy); Adult Drug Court (Judge Shaughnessy); and Adult Drug Court (Judge Scott).

Judge Randall Skanchy noted the courts are working with the county to ensure compliance on issues that are within their control. Judge Skanchy said the issue about whether defendants should come to drug court has been discussed with prosecutors and defense attorneys. Judge Fuchs said all courts meet the 50-day requirement, however, to ensure all participants meet the deadline, defendants would need to be screened in the jails. Judge Skanchy said the district and juvenile courts met to address this issue and review the mandatory criteria and would like the Council to consider moving this requirement to the Best Practices section. Judge Fuchs was concerned that moving too many items to the Best Practices section might dilute the requirements and preferred not to move the 50-day requirement to the Best Practices section.

Chief Justice Durrant thanked Judge Fuchs and Judge Skanchy.

Motion: Judge Ryan Evershed moved to approve the recertification of the Weber County Juvenile Drug Court (Judge Noland); Juvenile Drug Court (Judge Beck); Adult ASAP Drug Court (Judge Blanch); Adult Drug Court (Judge Skanchy); Adult Drug Court (Judge Shaughnessy); and Adult Drug Court (Judge Scott), as presented. Judge Chin seconded the motion, and it passed with Judge Shaughnessy abstaining as to his court.

7. JUDICIARY TOTAL COMPENSATION STRATEGY: (Judge Mark May and Bart Olsen)

Chief Justice Durrant welcomed Bart Olsen. On November 25, 2019, the Judicial Council approved FY20 market comparability increases based on guiding principles adopted by the Budget & Fiscal Management Committee. Judge Mark May informed the Council that the Budget & Fiscal Management Committee's top priority for the coming year would be to examine the process for market comparability increases and identify recommendations to improve the overall compensation strategy. The current process for market comparability increases was developed to meet the requirements outlined in the Judicial Council Code. Particularly relevant pieces of the Code provide helpful context to contemplate future strategy by stating that Human Resource procedures shall be based upon:

“a salary schedule which provides for equitable and adequate compensation based upon studies conducted every three years of the salary levels of comparable positions in both the public and private sector and available funds;” and “employee retention on the basis of adequate performance ...” [Rule 3-402(3)(B)(ii), (iii)]

Although the requirements in Rule 3-402 may still be satisfied by retaining the current process, the effectiveness of the process is debatable. Additionally, the compensation strategy of the judiciary should be able to account for rapidly changing needs and must effectively attract and retain the people best suited to further its mission.

Judge May noted the funding is not available at this time, however, they are hoping that will change in the future. Mr. Olsen reviewed the challenges of current compensation practices and noted the goal is to intentionally generate turnover savings between \$500,000 - \$1,000,000 per year. They would like to replace the current MCA and career ladder process with salary ranges and to eliminate insignificant differentiation of jobs such as JA I, JA II, and JA III. Mr. Olsen said they would like to widen the scope of rewards, aligned with strategy such as through non-cash awards, paid services, incentivize a telecommuting opportunity, expanded leave accrual, flexible work scheduling, and strategic education assistance. If there will be FY21 carryforward funds available, the recommendation is to use data driven decisions to reward performance.

Judge Appleby said the decision to move to the JA tiers many years ago was divided. Mr. Olsen said one of the differences in the JA levels is training. The Department of Workforce Services created a similar system in an effort to move employees to the mid-level pay range. Judge Pullan was concerned about approving the new process when the funds are not available with the current economic uncertainties. Mr. Olsen confirmed the current request is for the concept only and not funding. Karl Sweeney said should the courts have additional funds towards the end of the fiscal year, then perhaps those funds could be used for compensation strategy. A request will be submitted to the Council if funding becomes available.

Chief Justice Durrant thanked Judge May and Mr. Olsen.

Motion: Judge May moved to approve the concept of transitioning the Judiciary from a market comparability process to the compensation strategy with the understanding that there are many

steps to be taken, as amended. Judge Appleby seconded the motion, and it passed with Judge Pullan and Mr. Rice voting no.

8. FY21 JUSTICE COURT TECHNOLOGY, SECURITY, AND TRAINING: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Mr. Peters reviewed funding requests as approved by the Board of Justice Court Judges and the Budget & Fiscal Management Committee. Mr. Peters explained that the restricted account created by statute was designed to assist justice courts. The Board of Justice Court Judges reviews the funding requests. There was a change with regard to item 15

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
1	AOC/Information Technology	Programming and Help Desk Support for Justice Courts	\$208,806		\$208,806	Personnel costs attributable to Justice Courts for IT support
2	AOC/Information Technology	Google Accounts for Justice Court Judges and Clerks	\$22,500		\$22,500	500 licenses @ \$45 each
3	AOC/Information Technology	CORIS Infrastructure for Justice Courts	\$165,215		\$165,215	CORIS Infrastructure for Justice Courts
4	AOC/Judicial Institute (Education)	Request for Justice Courts' Share of Education's Overhead Costs	\$45,080		\$45,080	Employee Classes, Annual Judicial Conference, Training Technology, Professional Memberships and Training of Education Personnel
5	AOC/Judicial Institute (Education)	Judicial Decision Making (Re Law and Literature)	\$1,000		\$0	The Board is not interested in doing this training virtually
6	AOC/Judicial Institute (Education)	Constitutional Law or Other Workshop	\$1,500		\$1,500	To be provided in connection with the spring conference
7	AOC/Judicial Institute (Education)	Small Claims Training for Judges Pro Tem	\$3,000		\$1,000	Small claims training provided twice each year for judges pro tem
8	AOC/Judicial Institute (Education)	New Clerk Orientation	\$1,000		\$1,000	Covers orientation for new clerks in connection with the fall conference and the spring conference
9	Board of Justice Court Judges	Trust and Confidence Committee	\$2,000		\$2,000	Funding for outreach/CLE presentations to build trust and confidence in Justice Courts
10	Board of Justice Court Judges	Computer Equipment for Judges	\$30,000		\$30,000	Funding for the cost of computer equipment for the judges
11	Board of Justice Court Judges	District Trainings	\$5,000		\$5,000	New request; previously funded by the Education Department
12	Board of Justice Court Judges	WebEx Functionality for Calling Out	\$20,000		\$0	Trial period underway; future request possible in the fall
13	Board of Justice Court Judges	Funds to Replace In-Person Training Opportunities with Distance Learning	\$50,000		\$30,000	Temporarily replaces funds for out-of-state training
14	Aurora Justice Court	Printer	\$100		\$100	Funding to purchase a new printer for the judge to use in the courtroom
15	Davis County Justice Court	Video Cart	\$547		\$0	Request to reimburse the cost of a video cart allowing parties to use their devices in court
16	Garland Justice Court	Laptop Computer for In-court Processing	\$1,000		\$500	Funding to replace an outdated laptop computer for in-court processing
17	Harrisville Justice Court	Digital Pagers for Court Patrons	\$919		\$0	Funding to purchase digital pagers for court patrons to be able to wait at a safe distance
18	Holladay Justice Court	Smart TV	\$350		\$350	Funding to purchase a smart TV for remote video hearings and appearances
19	Iron County Justice Court	LiveScan	\$6,700		\$6,700	Funding to purchase a LiveScan
20	Juab County Justice Court	Metal Detector and Recharger Kit	\$191		\$191	Funding to purchase a new metal detector and recharger kit
21	Logan Justice Court	Walk-Through Metal Detector	\$4,000		\$4,000	Funding to purchase a walk-through metal detector for the courthouse
22	Orem Justice Court	Barrier glass for the Front Counter	\$1,338		\$1,338	Funding to purchase and install barrier glass for the front counter of the court
23	Plain City Justice Court	Security Cameras for Courthouse	\$7,408		\$0	Funding to purchase and install security cameras in and around the city building
24	Pleasant Grove Justice Court	Adobe Editing Program	\$180		\$180	Funding for software to create interactive forms
25	Salt Lake City Justice Court	Headsets	\$2,500		\$2,500	Funding to purchase 10 Cisco 562 headsets for court staff
26	Salt Lake City Justice Court	iPads	\$4,000		\$2,000	Funding to purchase 10 iPads for jury trials

27	Salt Lake County Justice Court	<u>Redesign Courtrooms and Holding Cells</u>	\$50,000		\$0	Funding to redesign the courtrooms and holding cells
28	Summit County Justice Court	<u>Tablets</u>	\$1,000		\$500	Funding to buy tablets for electronic signatures in courthouse
29	Taylorsville Justice Court	<u>Sanitizer Stations</u>	\$1,000		\$1,000	Funding to purchase four hand sanitizers (two wall mount and two free standing)
30	Utah County Justice Court	<u>Monitors for Security Cameras</u>	\$1,270		\$1,000	Funding to purchase several monitors for security cameras
31	Washington City Justice Court	<u>New Court Sound System</u>	\$8,262		\$0	Funding to upgrade the court sound system
32	Washington County Justice Court	<u>Security Signage</u>	\$817		\$860	Signage prohibiting certain items within the courthouse
33	Willard City Justice Court	<u>Laptop for Courtroom</u>	\$1,295		\$500	Funding to purchase an updated laptop for the courtroom
Total One-Time Grant Requests for FY21			\$647,778		\$533,620	

Chief Justice Durrant thanked Mr. Peters.

Motion: Judge Chin moved to approve the Justice Court Technology, Security and Training one-time funding requests, as amended as to include item 15. Judge Sessions seconded the motion, and it passed unanimously.

9. COMMISSIONER RETENTIONS: (Nancy Sylvester)

Chief Justice Durrant welcomed Nancy Sylvester. Commissioner Kim Luhn and Commissioner Sean Petersen's term ends on December 31, 2020. Both sought recertification. The Council went into an executive session.

Chief Justice Durrant thanked Ms. Sylvester.

Motion: Judge Appleby moved to approve the recertification of Commissioner Kim Luhn and Commissioner Sean Petersen, as presented. Judge Chin seconded the motion, and it passed unanimously.

10. TASK FORCE ON RACIAL & ETHNIC FAIRNESS: LESSONS LEARNED AND RECOMMENDATIONS FOR FUTURE ACTION: (Judge Mary T. Noonan, Brent Johnson, Justice Michael Zimmerman, Judge Tyrone Medley, Dr. Jennifer Yim, and Judge William Thorne)

Chief Justice Durrant welcomed Brent Johnson, Justice Michael Zimmerman, Judge Tyrone Medley, Dr. Jennifer Yim, and Judge William Thorne. Chief Justice Durrant enjoyed meeting with the presenters to discuss the prior work of the Racial and Ethnic Fairness Task Force. Judge William Thorne said 20 years ago when the task force was created it included 100 members of the community from all levels, including law enforcement, court personnel, attorneys, etc. The task force issued a report..

Dr. Jennifer Yim felt the Judiciary was moving into a positive direction with building a bridge that will establish credibility. Judge Sessions appreciated the honesty with the history lesson and looks forward to encourage participation in the future. Justice Zimmerman noted this won't be an easy task and will require participation from those in the system and the community. Dr. Yim believed establishing an oversight committee might be beneficial. Judge Pettit confirmed the new director would report to the State Court Administrator.

Chief Justice Durrant thanked Mr. Johnson, Justice Zimmerman, Judge Medley, Dr. Yim, and Judge Thorne.

Motion: Justice Himonas moved to have Policy & Planning work on a rule to establish the office and create an oversight committee. Judge Appleby seconded the motion, and it passed unanimously.

11. OLD BUSINESS/NEW BUSINESS

Judge Richard Mrazik, Chair of the Outreach Committee participated in a discussion about the Outreach Coordinator position. Justice Deno Himonas noted the Outreach Committee understood that the hiring of an Outreach Coordinator position has been delayed.

Judge Pettit asked if judges could use their Judicial Operations Budget for out-of-state virtual conferences. Cathy Dupont will speak with the Finance Department about clarifying that in the Accounting Manual.

12. EXECUTIVE SESSION

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

13. CONSENT CALENDAR ITEMS

There were no consent calendar items.

14. ADJOURN

The meeting adjourned.

Tab 2

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
August 11, 2020
Meeting held through Webex
12:00 p.m. – 2:00 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

Excused:

Hon. Todd Shaughnessy

Guests:

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Michael Drechsel
Shane Bahr
Geoff Fattah
Brent Johnson
Larissa Lee
Jim Peters
Neira Siaperas
Nancy Sylvester
Keisa Williams
Jeni Wood

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. After reviewing the minutes, the following motion was made:

Motion: Judge Kate Appleby moved to approve the August 5, 2020 Management Committee meeting minutes, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

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

When speaking with the EOCJ next week, Judge Mary T. Noonan will request the Legislature to return the funds the court gave back to the state General Fund. The request will include information about the pending backlog of cases. The Court Services Department is working on data that will assist the discussion.

The committee discussed the request from Parowan Justice Court and Iron County Justice Court to move to the Yellow phase. The committee thought the letter from the local health department was not consistent with the current number of cases in the county. The tracking of numbers show a steady increase, whereas, the letter implied the numbers are decreasing. The committee seeks further clarification.

The Committee discussed the use of a standardized question for local health departments to reduce confusion. Cathy Dupont reported on the proposals from the TCE for a standardized question. Some TCEs expressed concern that the question in the checklist does not include other factors that may be relevant, such as positive test rates or pending school openings. Others did not want to deviate from the checklist language. Judge Appleby was concerned a decrease in case numbers is a result of reduced testing. Judge Mark May agreed with Judge Appleby but felt the Judiciary has no control over testing, therefore, believed that the simplest answer is to use the Plan and Checklist that were approved. Judge Appleby recommended using the Plan and Checklist then addressing information as it is sent to the committee. The committee agreed to use a standard question for local health departments and may consider other relevant factors when deciding whether to allow a court location to move to yellow. Judge Appleby clarified that the committee will review case number data on the date the committee considers the request, in addition to the recommendation of the local health department. Ms. Dupont spoke with the TCEs about tracking cases in their counties as well as Jeni Wood tracking cases.

Approved statement:

The number of COVID-19 cases in the county are:

___ decreasing

___ in an acceleration phase

___ in a stabilization phase

AND

___ (yes/no) The health care system can sustain the current number of active cases in the county.

Judge Noonan noted there have been developing conversations about staff resources when relaxing restrictions on opening courthouses.

3. PRETRIAL ABILITY-TO-PAY MATRIX AND UNSECURED BONDS: (Keisa Williams)

HB 206 becomes effective on October 1, 2020, at which point the pretrial release decision-making process will include a requirement that judges impose the “least restrictive reasonably available conditions” that will “reasonably ensure” court appearance, public safety, and the integrity of the judicial process. If a financial condition is deemed necessary under that standard, judges must consider an individual’s ability-to-pay the amount set.

The Pretrial Release and Supervision Committee has developed an ability-to-pay matrix to assist judges in determining affordable monetary bail amounts, and unsecured bonds. The Committee is recommending that the Judicial Council implement the matrix statewide and encourage the use of unsecured bonds.

Keisa Williams has been working with the Department of Public Safety, BCI, the Sheriffs’ Association, the Chiefs of Police Association, and county jails on a mechanism to provide judges with some financial information at the PC phase. A solution has been identified with an October 1 completion for law enforcement officers to ask arrestees two questions: 1) gross household income, and 2) number of dependents. If the individual agrees to provide the information (and has the capacity to do so), it will be available in Judicial Workspace in the PC

screen. Internal AOC programming will be required. Ms. Williams is working on a JAG grant to pay for associated one-time costs and the work will need to be prioritized by the IT Department.

Much like the old bail schedule, the ability-to-pay matrix is meant to provide guidance and encourage uniformity. Unlike the old bail schedule, the matrix is not charge-based and would be used in conjunction with an individualized assessment of the defendant.

H.B. 206 provides an exception to the ability-to-pay analysis requirement for unsecured bonds. Unsecured bonds are essentially an IOU with the court – a “written undertaking without sureties.” Defendants would not be required to pay any money upon release, but if they failed to appear the bond could be forfeited and a judgment entered in the amount listed on the bond.

Numerous states and jurisdictions across the country have been using unsecured bonds for years. Two Pretrial Justice Institute studies found that unsecured bonds are as effective as secured bonds in achieving court appearance and public safety, while decreasing the pretrial jail population. Taylorsville Justice Court has been using unsecured bonds for over five years with great success. In that time, only two unsecured bonds have been forfeited. Taylorsville reports that the vast majority of defendants are grateful for the opportunity and show up to court.

Chief Justice Durrant felt this was a fantastic matrix. The committee agreed with the Chief.

Motion: Judge Appleby moved to approve adding the Pretrial Ability-to-Pay Matrix to the Judicial Council agenda, as presented. Judge Farr seconded the motion, and it passed unanimously.

4. UTAH BAR FOUNDATION GRANT: (Geoff Fattah, Nancy Sylvester, and Brent Johnson)

Geoff Fattah presented an estimate of advertising costs for the PSA Campaign. Mr. Fattah recommended the courts invest in a month-long public service ad campaign through radio and Facebook. Mr. Fattah recommended the slogan “Let the Courts Come to You.” The total cost for this campaign would be \$34,000. The Bar has approximately \$10,000 and could perhaps give the courts a portion of that. Mr. Fattah will address this request with the Budget & Fiscal Management Committee later this week. If the Budget and Fiscal Management Committee cannot fund this, any money from the Bar Foundation will be returned. Judge May believes this may be funded. Judge Appleby felt this was a great idea, the committee agreed.

Motion: Judge Appleby moved to approve retroactively the Utah Bar Foundation Grant, and put it on the Judicial Council agenda, as presented. Judge Farr seconded the motion, and it passed unanimously.

**5. COMMITTEE APPOINTMENT: (Jim Peters)
Standing Committee on Children and Family Law**

Jim Peters noted the Judicial Council approved revisions to CJA Rule 1-205 which now leaves the committee with five vacancies. The committee recommended Brent Hall (attorney with experience in child abuse cases), Lisa Lokken (attorney with experience representing

parents in abuse cases), Anna Thomas (child advocacy organization representative), Dr. Alex Jensen (professional in the area of child development), and Amanda Alkema (mental health professional). Judge Appleby applauded the broad based list of members.

Motion: Judge May moved to approve Brent Hall, Lisa Lokken, Anna Thomas, Dr. Alex Jensen, and Amanda Alkema as new members to the Standing Committee on Children and Family Law, as presented, and to put this on the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

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

Chief Justice Durrant review the Judicial Council agenda.

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

7. OLD BUSINESS/NEW BUSINESS: (All)

Michael Drechsel informed the committee that the Utah Prosecution Council would like to invite a member of the Management Committee to their Fall Conference (virtual) scheduled for September 24-25, 2020 to discuss the recent administrative order and risk response plan. Judge Appleby felt Judge Todd Shaughnessy or Judge Farr would be a great fit for this assignment, depending on their availability. This is being held during the Annual Judicial Conference. Chief Justice Durrant said the defense attorneys should be invited as well. Brent Johnson referred to an Ethics Opinion and felt this would be fine. Mr. Drechsel will speak with Judge Shaughnessy and Judge Farr to coordinate this.

8. EXECUTIVE SESSION – 2020 ANNUAL JUDICIAL AWARDS

An executive session was held.

9. ADJOURN

The meeting adjourned.

**JUDICIAL COUNCIL'S
BUDGET & FISCAL MANAGEMENT COMMITTEE**

**Minutes
August 13, 2020
Meeting held through Webex
12:00 p.m. – 2:00 p.m.**

Members Present:

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

Excused:

Michael Dreschsel
Keisa Williams

Guests:

Joyce Pace, Fifth District TCE
Larry Webster, Second District TCE

AOC Staff Present:

Hon. Mary T. Noonan
Cathy Dupont
Shane Bahr
Heidi Anderson
Todd Eaton
Geoff Fattah
Amanda Herman
Alisha Johnson
Larissa Lee
Bart Olsen
Jim Peters
Clayson Quigley
Nini Rich
Neira Siaperas
Karl Sweeney
Jessica Van Buren
Brody Arishita

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

Judge Mark May welcomed everyone to the meeting. Judge May addressed the meeting minutes.

Motion: Judge Augustus Chin moved to approve the July 21, 2020 minutes, as presented. Judge Kara Pettit seconded the motion, and it passed unanimously.

2. FY 2020 YEAR END FINANCIALS: (Alisha Johnson)

Updated Forecast of FY 2020 Carry-forward to FY 2021

Alisha Johnson reviewed the FY2020 carry-forward to FY2021 funds.

Updated Forecast of FY 2020 Ongoing Turnover Savings

Ms. Johnson reviewed the FY2020 ongoing turnover savings.

#		Funding Type	Amount
1	Actual Ongoing Turnover Savings (as of end of Fiscal year)	Internal Savings	754,096
2	Turnover Savings Pledged to fund Self-Help Center		(109,800)
3	Turnover Savings Pledged to fund Office of Fairness and Accountability		(80,000)
4	Ongoing Turnover Savings Pledged to reduce FY 2021 Budget Cuts		(520,000)
Forecast of Turnover Savings for FY 2020 at Fiscal Year End			\$ 44,296

Potential Increase of Carry-forward Authority

- **\$4,000,000 for Main Line Item (currently \$3,200,000)**
- **\$1,000,000 for Contracts and Leases (currently \$500,000)**

3. FY 2020 CARRY-FORWARD REQUESTS TO FY 2021: (Karl Sweeney)

Add'l Code/Rule Books for Appellate Court (item #20). Jessica Van Buren

\$4,648 one-time funds

Fulfill request by Appellate Court to supply each Appellate judge a hard copy of the Utah Code and Rule books since they would otherwise share a single set among all judges.

Motion: Judge Chin moved to approve the request from the law library and submit to the Judicial Council for consideration as presented. Judge Pettit seconded the motion, and it passed unanimously

Court Services COGNOS Upgrade (item #21). Clayson Quigley

\$40,000 one-time funds

Court Services is currently using version 11.0.7 of COGNOS Analytics. This version was released in 2017. Several minor enhancements were released the following years with a major version update earlier this year to 11.1.6. Data analysts receive training and assistance that focuses on the latest version of COGNOS. Without an upgrade, Court Services' data analysts who receive training and/or assistance from COGNOS will be unable to fully utilize the training offered.

Motion: Judge Chin moved to approve the contingent approval of the request from the Court Services COGNOS Upgrade and submit to the Judicial Council for consideration as presented. Judge Pettit seconded the motion, and it passed unanimously

Court Services NCSC Weighted Caseload Study (item #22). Clayson Quigley

\$17,000 one-time funds

Conduct a third party analysis of our Weighted Caseload methodology.

Motion: Judge Chin moved to approve the request from the Court Services NCSC Weighted Caseload Study and submit to the Judicial Council for consideration as presented. Judge Pettit seconded the motion, and it passed unanimously

PSA Campaign re: COVID Access (item #23). Geoff Fattah

\$34,000 one-time funds

This will fund a one-month statewide public service ad campaign in English and in Spanish, encouraging the public to call or email the courts, rather than come in person during the pandemic. We have seen an increase in court patrons coming to courthouses in many districts.

Motion: Judge Pettit moved to approve the Add'l Code/Rule Books for Appellate Court, Court Services COGNOS Upgrade, Court Services NCSC Weighted Caseload Study, and the PSA Campaign re: COVID Access items, as presented. Judge Chin seconded the motion, and it passed unanimously.

4. JUDICIAL PRIORITIES – FY 2022 LEGISLATURE REQUESTS: (Heidi Anderson, Todd Eaton, Nini Rich)

IT Infrastructure and Development (item #7). Heidi Anderson and Todd Eaton

\$1,452,000 ongoing funds

To improve access to justice in Utah by improving the Courts' information technology infrastructure and development through upgrading outdated hardware/software, ensuring ongoing funding for critical security software and adding additional development staff.

Motion: Judge Chin moved to approve the IT Infrastructure and Development and the Child Welfare Mediator requests, as presented. Judge Pettit seconded the motion, and it passed unanimously

Child Welfare Mediator (item #8). Nini Rich

\$55,000 ongoing funds

To improve access to justice in Utah by providing ongoing funding to replace one-time funding for a half-time child welfare mediator in the Child Welfare Mediation Program serving Juvenile Court Dependency cases.

Motion: Judge Pettit moved to approve the Child Welfare Mediator requests, as presented. Judge Chin seconded the motion, and it passed unanimously.

5. PRIORITIZATION OF FY 2022 LEGISLATURE REQUESTS TO BE SENT TO JUDICIAL COUNCIL: (Karl Sweeney)

Board of District Court Judges Ranking (highest to lowest)

1. Commissioner Salary Parity
2. IT Infrastructure and Development
3. Community Education and Outreach Coordinator
4. PSA – NCIC

Note: They did not review Judicial Administration Certificate Program or Child Welfare Mediator.

Board of Juvenile Court Judges Ranking (highest to lowest only for those with Juvenile Court impact)

1. Child Welfare Mediator
2. IT Infrastructure and Development
3. Judicial Administration Certificate Program

6. PRIORITIZATION FOR AUGUST 21 JUDICIAL COUNCIL MEETING: (Karl Sweeney)

The Committee prioritized the FY 2022 Legislature request as follows: 1) Information Technology Infrastructure and Development, 2) Commissioner Salary Parity, 3) Child Welfare Mediator- Ongoing, 4) Community Education and Outreach Coordinator, 5) Manual PSA Calculations – Ongoing Cost for Human Review of NCIC Hits, 6) Automate Record Index Creation, 7) Court Grants Coordinator, 8) Judicial Administration Certificate Program.

7. OLD BUSINESS/NEW BUSINESS: (All)

Old Business: No old business was discussed at this time.

New Business:

Resecuring Court Funds – Judge Mary T. Noonan stated that there is an opportunity next Monday to discuss stressors and effects the COVID-19 pandemic has had on the third branch, including the budget cuts. She would like to make a couple of special requests to the legislature, requesting a special appropriation for the amounts of money that the courts turned back on the close of the June fiscal year. There was an unspent amount of \$560,000. This is one-time money that could go towards security issues, Webex programming issues, and filling 25 of the 50 open positions which happen to be Judicial Assistants.

Motion: Judge Chin moved to approve Mary T. Noonan’s proposal to resecure funds turned over to the legislature to facilitate the needs of the court in the amount of 560,000. Judge Pettit seconded the motion, and it passed unanimously.

Computer Replacement Request

\$150, 00 one-time funds

To be used to fund a mix of replacement equipment including: desktops, scanners, printers, notebooks, and other peripherals affect the productivity of court staff. After a brief discussion, it was recommended the draft be revised and sent to the Committee to have time to review.

Webex Virtual Hearing Improvement Project

\$150,000 one-time funds

This will allow Judges to utilize WebEx meetings vs. Events and have a public portal for the people who want to view court proceedings but are not a participant of the hearing. This will also allow judges to have new functionality coming to Webex meetings like breakout sessions, has muting participants, background changes and lobby functionality.

Motion: Judge Chin moved to approve the Webex Update request. Judge Pettit seconded the motion, and it passed unanimously.

8. ADJOURN

The meeting adjourned at 2:09 p.m.

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

Webex video conferencing
August 7, 2020 – 12 pm – 2 pm

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:

Brent Johnson
Shane Bahr
Paul Barron
Bart Olsen
Geoff Fattah

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 June 5, 2020 meeting. Judge Walton moved to approve the minutes as drafted. Judge Chin seconded the motion. The motion passed unanimously.

(2) 4-202.03. Records access:

Mr. Johnson: The proposed amendments to Rule 4-202.03 came from the clerks of court. When minors leave the system, clerks frequently receive requests from military recruiters for juvenile legal records. Recruiters typically bring in a signed release from the minor, but the vast majority of time they fail to get the release notarized. When clerks refuse to release the records on that basis, recruiters are behaving poorly with the front counter clerks. The clerks of court are proposing that juvenile legal records be released to military recruiters with a written release signed by the minor, removing the notary requirement.

Judge Pullan: Notarized signatures are required because the subject of the record has certain privacy interests. Minors' records are particularly sensitive. These protections are in place for good reason and obtaining a notarized signature isn't difficult. Minors can also go to the court to get the records themselves, showing initiative and demonstrating to the military that they are serious about the recruitment process. I see no reason to depart from this requirement simply because recruiters are unhappy at the front counter.

Judge Chin: I agree that it is quite important for the releases to be notarized given the sensitive nature of juvenile records. We require other people to have documents notarized.

Mr. Rice: The rule currently provides a workable mechanism for everybody, including recruiters. I propose that we decline to make changes to the rule.

Judge Chin moved to take no action. Mr. Rice seconded the motion and it passed unanimously.

(3) Rules back from public comment (already approved by JC on an expedited basis):

- CJA 1-205. Standing and ad hoc committees
- CJA 4-302. Uniform recommended fine/bail schedule
- CJA 4-701. Failure to appear
- CJA 4-704. Authority of court clerks
- CJA 6-301. Authority of court commissioners as magistrate
- CJA Appendix B. Justice Court standards
- CJA Appendix F. Utah State Courts records retention schedule

Ms. Williams: These rule amendments were related to HB 206 and were approved by the Council on an expedited basis. There were no public comments. If Policy and Planning doesn't make any changes, the rules don't need to go back to the Judicial Council for action.

The Committee made no changes to the rules. The rules will remain in effect as drafted.

(4) Public comment period extended:

- CJA 3-101. Judicial performance standards
- CJA 3-104. Presiding judges
- CJA 3-111. Performance evaluation of senior judges and court commissioners

Ms. Williams: These rules came to us from Nancy Sylvester. The public comment period closed but we've extended the comment period to address concerns outlined in a letter from JPEC regarding Rule 3-101. Ms. Sylvester reached out to Jennifer Yim to let her know that the rules will go back to the board of district court judges for consideration, along with JPEC's letter. Ms. Sylvester will keep JPEC informed throughout the review process and plans to bring the rules back to Policy and Planning in September.

Judge Pullan: I had a chance to visit with Dr. Yim about her concerns. A draft amendment is circulating with the board that I think will resolve some of the concerns. I am really encouraged by the court's positive engagement with JPEC.

(5) Rules back from public comment period for final approval:

- CJA 3-402. Human resources administration
- CJA 3-403. Judicial branch education
- CJA 4-202.08. Fees for records, information, and services
- CJA 4-106. Electronic conferencing
- CJA 4-411. Courthouse attire
- CJA 6-506. Procedure for contested matters filed in the probate court.
- CJA 9-101. Board of Justice Court Judges
- CJA 9-109. Presiding judges

Ms. Williams: These rules went out for public comment. We received comments on Rule 3-402 and Rule 4-411.

Rule 3-402

Mr. Olsen: The comment on Rule 3-402 opposes removing "employee promotions" from the list of issues that the grievance review panel may address (line 81). I am comfortable leaving it in or taking it out. The reason it was removed was because the rest of the issues listed in that section are things in which an employee has a property right. For example, if we're taking away salary, a career service employee has a property right to the salary; if we're imposing a suspension or taking any kind of disciplinary action, we are infringing on an employee's property right, whereas a promotion isn't necessarily a right. One of the things we will be including in the new HR policies is the ability for any issue not identified in rule 3-402 to be addressed through a grievance process, it just won't go all the way to the grievance review panel.

Judge Pullan: In light of our efforts to achieve racial and ethnic fairness within the court system, if a person feels that they have been repeatedly passed over due to racial or ethnic bias, what is the remedy within our HR structure?

Mr. Olsen: Currently, if someone feels passed over they can go to leadership or HR. Internally, we can review it formally or respond informally with data. The employee could also file a complaint with Utah Labor Relations Board (ULRB) and ask for a formal investigation by that agency. The new HR policies will outline the grievance process more clearly. If an employee takes an issue to their immediate supervisor or HR and they don't receive what they feel is a satisfactory remedy, they can advance it to the next level. It can be taken up to three levels, but not all the way to the grievance review panel. If the employee still doesn't feel that the remedy is satisfactory, they can look outside the court to other state agencies.

Mr. Rice: Part of the analysis regarding the property rights that Mr. Olsen discussed is whether employees have a procedural right to the grievance process. I believe that analysis weighs in favor of putting employee promotions back into the rule.

Mr. Olsen: Employees would have the right to grieve, just not all the way to the grievance review panel. The level making a final decision would depend upon where the grievance started. Most likely the final decision would be made by a court administrator or the State Court Administrator. If a direct supervisor is the subject of the grievance, employees have the right to start the grievance process with the next leadership level.

Mr. Rice: The important issue raised by Judge Pullan is do we have adequate measures in place for employee complaints and remedies surrounding discrimination. The HR Policy Review Committee has engaged in extensive efforts to revise and update the discrimination policy. The HR committee has done an excellent job and I appreciate their work.

After further discussion, Mr. Rice moved to retain the reference to employee promotions in line 81. Judge Cannell seconded the motion and it passed unanimously.

Rule 4-411

Ms. Williams: The first comment recommends adding "health" before the word "safety" in the sections discussing exceptions. Policy and Planning discussed including an exception for health safety concerns during the initial drafting process and ultimately decided to leave it out because it is too subjective. Court employees, judges, and bailiffs are not healthcare professionals. They do not possess the requisite expertise to identify legitimate health safety issues.

The second comment suggests that the rule creates a potential conflict with a statement on the bar website regarding attire for lawyers and recommends adding a comment or section in the rule addressing courtroom attire for attorneys.

Mr. Rice: The link included in the public comment takes you to the litigation section's homepage. The statement on courtroom attire for lawyers is coming from the litigation section, not the Utah Bar Association, and it appears to be an informal tip about how to dress in the courtroom. It isn't a bar rule. The statement is inconsistent with rule 4-411 and should probably be removed for the same reasons we're proposing this rule, but it should be accomplished through the Utah Bar Association.

Judge Pullan: In many ways, traditional professions have always been responsible for policing themselves. How a lawyer dresses in court communicates his or her respect for the tribunal and communicates to a potential client that they are serious about the work they do. I don't foresee lawyer attire changing significantly. I think that will take care of itself.

Judge Pullan: Judge Skanchy makes a point that judicial administration is mandating a policy that removes discretion from individual judges to make decisions regarding decorum in their own courtrooms. To some extent that is true, but I am not fully persuaded because the rule allows a judge to find a person's attire to be disruptive to the proceedings; they just have to make findings on the record supporting their decision. Discretion remains; it will just be guided now.

Judge Chin agreed and moved to send all of the rules in this section to the Council as drafted with a recommendation that the rules be approved as final. Judge Cannell seconded the motion and it passed unanimously.

(6) Office of Fairness and Accountability:

Judge Pullan: Policy and Planning has been tasked with identifying the purpose of the Office of Fairness and Accountability and creating a rule that defines the scope of the director's responsibilities. Other states may have offices tasked with similar responsibilities and that could be a good place to start. The National Center for State Courts might also be of some assistance.

Mr. Rice: I would prefer to consider the question of diversity in the spirit of the Utah Center for Legal Inclusion. They are developing a pipeline of diverse candidates for law school, attorney employment, and ultimately positions on the bench. The Judiciary isn't in a traditional position to be able to recruit diverse judges and yet that is an important part of the mission. The Judiciary should look like the community we serve. Women Lawyers in Utah is an organization dedicated to the advancement of women in the legal system and assists women lawyers in applying for positions on the bench. Judge Chin: I believe the same is true for the Utah Minority Bar Association and a couple of other organizations. Mr. Rice: The best approach for the Judiciary might be to support those types of organizations.

Judge Pullan and Judge Chin referenced an email from the Institute for the Advancement of the American Legal System out of Denver about a panel on racial and ethnic fairness in the judiciary.

Judge Pullan: In some ways, the new director for the office may be able to assist in developing the scope of responsibilities and mission. The director's job description may provide guidance. We should also address the issue of the independence of the office within our organizational structure and ensuring its legitimacy.

Ms. Williams: In reviewing the Code of Judicial Administration, Chapter 3, Article 4 seems like the most appropriate place for this rule. I could draft something similar to rule 3-401 and incorporate feedback from the NCSC and the Institute. That would give us a place to start.

Judge Pullan asked each member to give this issue some thought, and asked Ms. Williams to reach out to the NCSC and the Institute for the Advancement of the American Legal System to see if they can provide guidance and rules from other states. The Judicial Council's statement on the purpose of the office should be included in the committee's September meeting packet.

(7) Old business/new business:

Judge Pullan: When the cases under advisement rule was first discussed two years ago, there was a lot discussion about an electronic system that would act as a reminder for judges. In the 4th District, we create an electronic report for cases out 30 days but I'm not sure if that's handled the same way in other districts.

Mr. Barron: The IT Department is not actively working on an electronic reminder system for cases under advisement. CORIS has a tracking application and we separated notices to submit from those that are under advisement. We send a notification when a notice to submit is filed. It is up to the clerks to track it after that point, and to change it to under advisement status when appropriate. CORIS can run reports for cases under advisement. There are tracking mechanisms in the juvenile and appellate systems but I'm not sure exactly what they look like. It's possible to build something in CORIS that would send a warning to a judge's Judicial Workspace screen as opposed to the individual case file, or to create a tracking application. I would have to estimate the time and cost.

Judge Pullan: We would likely garner a lot of support from JPEC if we could demonstrate that our system doesn't allow things to slip through the cracks. I think every trial court judge is losing sleep over this issue. I recognize that IT has other pressing priorities right now with COVID-19, but it would be helpful to at least understand how this could work.

Judge Chin: Justice court judges get a monthly report of cases under advisement. Mr. Barron: That is pulled from the CORIS tracking system. Mr. Bahr: The issue with that system is that it lists items that have been submitted, but not necessarily received by the judge.

Judge Pullan: My clerk runs a cases under advisement report and I certify with my presiding that I don't have any cases under advisement more than 60 days.

Judge Walton: I agree that a more robust tracking system would be helpful.

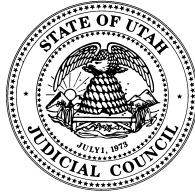
Mr. Barron: I will visit with Clayson Quigley about the reports his department runs for justice courts and try to determine whether similar reports are run for other groups as well. I will also create an estimate for a tracking/warning system in CORIS and report back to Policy and Planning next month.

Mr. Bahr: We are working with the Technology Committee to develop an IT prioritization process but it hasn't been completed yet. Judge Pullan suggested that this project be a test case for the new prioritization process and asked that Heidi and Paul provide an update in September.

(8) ADJOURN:

With no further items for discussion, Judge Walton moved to adjourn the meeting. Judge Chin seconded the motion and it was unanimously approved. The meeting adjourned at 12:55 pm. The next meeting will be on September 4, 2020 at 12 (noon) via Webex video conferencing.

Tab 3



Administrative Office of the Courts

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

August 13, 2020

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Ability-to-Pay Matrix and Unsecured Bonds

[HB 206](#) takes effect on October 1, 2020, at which point the pretrial release decision-making process will change in a number of ways, including a requirement that judges impose the “least restrictive reasonably available conditions” that will “reasonably ensure” court appearance, public safety, and the integrity of the judicial process. If a financial condition is deemed necessary under that standard, judges must consider an individual’s ability-to-pay the amount set.¹

In addition, emerging pretrial caselaw is 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. In nearly every case, when the use of monetary bail resulted in pretrial detention, courts were required to hold detention hearings with full due process protections (including a 6th Amendment right to counsel) within 24-48 hours of a defendant’s arrest.

The Standing Committee on Pretrial Release and Supervision has developed an ability-to-pay matrix to assist judges in determining “affordable” monetary bail amounts, and an unsecured bond that can be used without the need for an ability-to-pay determination. The Committee is recommending that the Council implement the matrix statewide and encourage the use of unsecured bonds.

Ability-to-Pay Matrix (Tab 1)

I have been working with the Department of Public Safety, BCI, the Sheriffs’ Association, the Chiefs of Police Association, and county jails on a mechanism to provide judges with at least some financial information at the PC phase. A solution has been identified and our goal is to complete it by October 1st. Law enforcement officers will ask arrestees two questions: 1) gross household income, and 2) number of dependents. If the individual agrees to provide the information (and has the capacity to do so), it will be available in Judicial Workspace in the PC screen. Internal AOC programming will be required. I am

¹ Utah Code [§77-20-1\(3\)\(b\)](#) (effective October 1, 2020)

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

working on a JAG grant to pay for associated one-time costs and the work will need to be prioritized by the IT Department.

Much like the old bail schedule, the ability-to-pay matrix is meant to provide guidance and encourage uniformity. Unlike the old bail schedule, the matrix is not charge-based and would be used in conjunction with an individualized assessment of the defendant and the circumstances of each case. Incorporating the two financial data points from law enforcement, the matrix recommends a range of affordable monetary bail amounts depending upon where an individual falls on the poverty guidelines and the individual's corresponding failure to appear (FTA) risk score on the PSA (if available).

The purpose behind all forms of financial release (secured bond, unsecured bond, cash, etc.) is to incentivize an individual to appear in court. There is no rational relationship between money and public safety, so the criminal activity scores on the PSA are not factored into the recommended dollar amounts. No financial condition is recommended when the FTA score is below 4 because the likelihood of appearance for scores 1-3 is very high (1 = 90%, 2 = 85%, 3 = 80%), compared to a significant drop starting at FTA 4 (4 = 69%, 5 = 65%, 6 = 60%).²

PSA Sample

New Criminal Activity Scale					
1	2	3	4	5	6
Failure to Appear Scale					
1	2	3	4	5	6

Charge(s):	
58-37-8(2)(B)(II)	POSSESSION OF A CONTROLLED SUBSTANCE SCHEDULE I/II/ANALOG
58-37A-5(1)	USE OR POSSESSION OF DRUG PARAPHERNALIA

Risk Factors:	
1. Age at Current Arrest	36
2. Current Violent Offense	No
a. Current Violent Offense & 20 Years Old or Younger	No
3. Pending Charge at the Time of the Offense	No
4. Prior Misdemeanor Conviction	Yes
5. Prior Felony Conviction	Yes
a. Prior Conviction	Yes
6. Prior Violent Offense	0
7. Prior Failure to Appear in Past 2 Years	5
8. Prior Failure to Appear Older Than 2 Years	Yes
9. Prior Sentence to Incarceration	Yes

The Pretrial Committee set \$5,000 as the maximum recommended amount on the matrix because:

1. There is a presumption of own recognizance release³,
2. The court is directed to determine the “least restrictive” condition necessary to “reasonably ensure” appearance in court,⁴
3. Even for those with the highest FTA risk (FTA 6), the likelihood of appearance is still relatively high at 60%,
4. Collateral consequences of an over-reliance on money can include loss of housing, loss of jobs, loss of custody, car repossession, interruption in medication and medical care, etc.,
5. Holding low-risk defendants for even 2-3 days increases their risk of recidivism by almost 40% compared those held no more than 24 hours,⁵ and
6. Public safety risk will be considered separately and, in addition to, failure to appear risk.

² LJAF, [Developing a National Model for Pretrial Risk Assessment](#), November 2013.

³ Utah Code §77-20-1(4)(a) (effective October 1, 2020)

⁴ Utah Code §77-20-1(3)(b) (effective October 1, 2020)

⁵ Lowenkamp, C.T., VanNostrand, M., & Holsinger, A. (2013a). [The Hidden Costs of Pretrial Detention](#). Houston: Laura And John Arnold Foundation.

If approved, the ability-to-pay matrix could be used to determine monetary bail amounts for every financial condition type including cash, credit/debit card, secured bond, and unsecured bonds.

Unsecured Bonds (Tab 2)

Without access to pretrial supervision services, monetary bail may be the “least restrictive, reasonably available” condition in cases involving a risk of flight. That presents a problem because 1) judges may not have access to financial information at the time they are required to make an initial release decision, and 2) even if they did, for the vast majority of defendants coming up with \$500 for a secured bond is insurmountable and the court is not currently structured to provide detention hearings within 48 hours of arrest.

HB 206 provides an exception to the ability-to-pay analysis requirement for unsecured bonds.⁶ Unsecured bonds are essentially an IOU with the court – a “written undertaking without sureties.”⁷ Defendants would not be required to pay any money upon release, but if they failed to appear the bond could be forfeited and a judgment entered in the amount listed on the bond.

Numerous states and jurisdictions across the country have been using unsecured bonds for years. Two Pretrial Justice Institute studies,^{8,9} found that unsecured bonds are as effective as secured bonds in achieving court appearance and public safety, while decreasing the pretrial jail population. Taylorsville Justice Court has been using unsecured bonds for over 5 years with great success. In that time, only two unsecured bonds have been forfeited. Taylorsville reports that the vast majority of defendants are grateful for the opportunity and show up to court.

Statewide processes and procedures must be devised, approved, and implemented before judges begin issuing unsecured bonds, but the Committee is seeking support from this body for the overall policy decision behind the use of unsecured bonds and any feedback or guidance as the Committee works through the following:

1. Issuing Unsecured Bonds

When judges set a monetary condition of release, defendants get to choose their method of payment (secured bond, cash, or credit/debit card).¹⁰ Unsecured bonds are not an option unless expressly authorized by a judge or magistrate.¹¹ Judges will need to authorize and set the terms of an unsecured bond in their PC release orders, or from the bench. If the defendant is in custody, the jail will need be trained to look for the unsecured bond authorization in the order, understand what it means, present it to the defendant as an option, and send a signed copy of the bond to the court. Those details have yet to be worked out with law enforcement, and will have to be done at each local level.

⁶ Utah Code [§77-20-1\(4\)\(c\)](#): “If the court determines a financial condition, *other than an unsecured bond*, is necessary to impose on an individual as part of the individual's pretrial release, the court shall consider the individual's ability to pay when determining the amount of the financial condition.” (effective October 1, 2020)

⁷ Utah Code [§77-20-4\(1\)\(b\)\(iii\)](#). The courts have had this option for years.

⁸ Jones, M.R. (2013). [Unsecured Bonds: The As Effective and Most Efficient Pretrial Release Option](#). Rockville, MD: Pretrial Justice Institute.

⁹ Brooker, C.M.B., Jones, M.R., Schnacke, T.R. (2014). [The Jefferson County Bail Project: Impact Study Found Better Cost Effectiveness for Unsecured Recognizance Bonds Over Cash and Surety Bonds](#). Rockville, MD: Pretrial Justice Institute.

¹⁰ There are a few limited exceptions. See Utah Code [§77-20-4\(1\)\(b\)](#)

¹¹ Utah Code [§77-20-4\(1\)\(b\)\(iii\)](#)

If the unsecured bond is issued prior to case filing, JAs will have to hold onto the bonds until prosecutors file an Information and initiate a case. A few minor programming changes to CORIS will be necessary in order for JAs to upload and forfeit unsecured bonds in a way that will easily differentiate them from secured bonds. I am working on a JAG grant to pay for associated one-time costs and the work will need to be prioritized by the IT Department.

2. Forfeiture Procedures

The forfeiture procedures for secured bonds set forth in [77-20b-104](#) are not applicable to unsecured bonds; that section is only applicable to sureties and surety insurers.¹² I am working with the Supreme Court's Advisory Committee on the Rules of Criminal Procedure on a new unsecured bond forfeiture rule and other amendments to the criminal rules related to HB206.

3. Training

A new draft DCJUST has been created for the filing and forfeiture of unsecured bonds. Once forfeiture procedures have been approved by the Court, the clerks of court will finalize that document and review existing DCJUSTs for any corresponding amendments. Judges and court employees will need to be trained, as well as practitioners. The defense and prosecution members of the Standing Committee have agreed to facilitate training for practitioners via the Utah Bar, SWAP, and UACDL.

I have met with the Board of District Court Judges and am scheduled to meet with the Board of Justice Court Judges this month. The District Board's feedback was positive and they are supportive of both the matrix and the use of unsecured bonds. The Uniform Fine Committee also expressed support for the matrix. I will be meeting with local benches as things progress, and there will be an education session on pretrial reforms at the annual judicial conference.

¹² "Surety" and "Sureties" are defined in [77-20-1\(1\)\(e\)](#) as "a surety insurer or a bail bond agency." "Surety Insurer" is defined in [31A-35-102\(11\)](#): "an insurer that: (a) is licensed under Chapter 4, Insurers in General, Chapter 5, Domestic Stock and Mutual Insurance Corporations, or Chapter 14, Foreign Insurers; (b) receives a certificate under this title; and (c) sells bail bonds in connection with judicial proceedings."

ABILITY-TO-PAY MATRIX - PRETRIAL RELEASE

Calendar Year 2020

ANNUAL INCOME	Poverty Level		
Family Size	100%	*150%	200%
1	\$12,760	\$ 19,140	\$ 25,520
2	\$17,240	\$ 25,860	\$ 34,480
3	\$21,720	\$ 32,580	\$ 43,440
4	\$26,200	\$ 39,300	\$ 52,400
5	\$30,680	\$ 46,020	\$ 61,360
6	\$35,160	\$ 52,740	\$ 70,320
7	\$39,640	\$ 59,460	\$ 79,280
8	\$44,120	\$ 66,180	\$ 88,240
9	\$48,600	\$ 72,900	\$ 97,200
10	\$53,080	\$ 79,620	\$ 106,160
For each add'l person add \$4,480			
*78B-22-202			

If monetary bail is deemed a least restrictive, reasonably available condition necessary to ensure appearance, below is the recommended amount:

Poverty Level:		≤ 100%	101% - 150%	151%- 199%	200+%
PSA FTA Risk Score (Appearance Rate**):	FTA 1 (90%)	\$0	\$0	\$0	\$0
	FTA 2 (85%)	\$0	\$0	\$0	\$0
	FTA 3 (80%)	\$0	\$0	\$0	\$0
	FTA 4 (69%)	\$100	\$250	\$750	\$1,000
	FTA 5 (65%)	\$250	\$500	\$1,250	\$2,500
	FTA 6 (60%)	\$500	\$1,000	\$2,500	\$5,000

**Avg appearance rate for individuals with the same risk score in the PSA validation study.

Notes:

Utah Code §77-20-1(4)(c): "If the court determines a financial condition, other than an unsecured bond, is necessary to impose on an individual as part of the individual's pretrial release, the court shall consider the individual's ability to pay when determining the amount of the financial condition."

The purpose behind all forms of financial release (secured bond, unsecured bond, cash, etc.) is to incentivize an individual to appear in court. There is no rational relationship between money and public safety, so the criminal activity scores on the PSA are not factored into the recommended dollar amounts. No financial condition is recommended when the FTA score is below 4 because the likelihood of appearance for scores 1-3 is very high (1 = 90%, 2 = 85%, 3 = 80%), compared to a significant drop starting at FTA 4 (4 = 69%, 5 = 65%, 6 = 60%).

Note: Surety bail agents are only liable for bringing a defendant to court. They are not liable if the defendant commits a new offense. In fact, if the defendant commits a new crime while out on a secured bond, the agent may be released from its obligations.

If the individual and/or the circumstances surrounding the case indicate a public safety risk, non-financial conditions should be considered in lieu of or in addition to financial conditions of release. If the individual poses a *significant* public safety risk, determine whether they are eligible for a no-bail hold under Utah Code §77-20-1(2). Under Utah Code §77-20-1(8), there is a presumption of detention if the individual is charged with criminal homicide or any offense for which the term of imprisonment may include life. Judges may delay issuing a pretrial status order if a prosecutor files a motion for detention under Utah Code §77-20-1(6).

The Pretrial Committee set \$5,000 as the maximum recommended amount on the matrix because:

1. There is a presumption of own recognizance release;
2. The court is directed to determine the "least restrictive" condition necessary to "reasonably ensure" appearance in court;
3. Even for those with the highest FTA risk (FTA 6), the likelihood of appearance is still relatively high at 60%;
4. Collateral consequences of an over-reliance on money can include loss of housing, loss of jobs, loss of custody, car repossession, interruption in medication and medical care, etc.;
5. Holding low-risk defendants for even 2-3 days increases their risk of recidivism by almost 40% compared those held no more than 24 hours; and
6. Public safety risk will be considered separately and, in addition to, failure to appear risk.

The ability-to-pay matrix may be used to determine monetary bail amounts for every financial condition type including cash, credit/debit cards, secured bonds, and unsecured bonds.

IN THE [DISTRICT][JUSTICE] COURT OF UTAH [dist_num] Judicial District, [cnty_name] County / [city_name] City		Case No: <u>Complete one bond for each case</u>
Name and Mailing Address of Defendant:		<h2 style="text-align: center;">UNSECURED BOND</h2>
Email Address:		
Telephone No. of Defendant:	Amount of this Bond	
UNSECURED BOND		
<input type="checkbox"/> I, the undersigned defendant, acknowledge that I am bound to pay to the [Name_Number] Court the sum shown above, subject to the conditions of this Bond below. I UNDERSTAND THAT IF I VIOLATE ANY OF THE TERMS AND CONDITIONS OF RELEASE, A WARRANT MAY BE ISSUED FOR MY ARREST, AND THIS BOND MAY BE IMMEDIATELY FORFEITED AND A JUDGEMENT ENTERED AGAINST ME. I understand that if a judgment is entered forfeiting this Bond, the judgment may be recorded as a lien against my property and my wages may be subject to garnishment. [NOTE TO CUSTODIAL AUTHORITY: Defendant may be released from custody upon executing this bond].		
I, the undersigned defendant, declare under criminal penalty under the law of Utah that the foregoing is true and correct.		
Date of Execution of Bond:	Signature of Defendant:	
CONDITIONS OF UNSECURED APPEARANCE BOND		
The conditions of this Bond are that the above named defendant shall appear in the above entitled action(s) whenever required and will at all times comply with the orders and processes of the Court. It is agreed and understood that this Bond is effective and binding upon the defendant and any surety throughout all stages of the proceedings in the [Name_Number] Court until the entry of judgment from which no appeal is taken or until final disposition by the court. If the defendant appears as ordered and otherwise performs the foregoing conditions of the bond, then the bond may be exonerated, but if the defendant fails to obey any of these conditions, the Court may forfeit the bond and enter an immediate judgment.		
RETURN OF CUSTODIAN OF DETENTION FACILITY		
The defendant named above was released from my custody on the date shown below upon the execution of this Unsecured Appearance Bond.		
Date Defendant Released:	Signature of Custodian:	___ Sheriff ___ Deputy Sheriff ___ Other

Tab 4



Administrative Office of the Courts

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

August 13, 2020

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

MEMORANDUM

TO: Management Committee / Judicial Council

FROM: Keisa Williams

RE: Rules for Final Approval

The Judicial Council approved the following rules for public comment. During the 45-day comment period, one comment was received on Rule 3-402 and four comments were received on Rule 4-411. Policy and Planning reviewed the comments and made one amendment to the published draft of Rule 3-402. No amendments were made to the published draft of Rule 4-411. The Policy and Planning Committee recommends the following rules to the Judicial Council for final approval with an effective date of November 1, 2020.

CJA 3-402. Human Resources Administration (AMEND)

The proposed amendments include clarifying language, provide consistency with relevant state statutes and current practices, and align with the Judicial Council's direction regarding Human Resource policies.

The public comment opposed removing "employee promotions" from the list of issues that the grievance review panel may address (line 81). After discussion, Policy and Planning agreed. In light of the Council's efforts to achieve racial and ethnic fairness within the court system, it is important to have adequate measures in place for employee complaints and remedies surrounding discrimination.

CJA 3-403. Judicial Branch Education (AMEND)

The proposed amendment in line 100 authorizes the Board of Justice Court Judges (as opposed to the Management Committee) to excuse judges from the annual justice court conference.

The proposed amendments in lines 183-192 ensure judicial mentors are timely assigned and the mentoring relationship is based upon mutually agreed learning objectives and professional development plans.

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

CJA 4-202.08. Fees for Records, Information, and Services (AMEND)

The court frequently receives requests for records and other information to be put on a thumb drive. The courts are purchasing the thumb drives to ensure their integrity and there should be a charge.

Amendments at lines 26, 31-32 account for the use of thumb drives and other current technology, and amendments at lines 32 and 35 increase the charge for storage devices from \$10.00 to \$15.00.

CJA 4-106. Electronic Conferencing (REPEAL)

Because remote hearing provisions exist in the rules of procedure, the proposal is to repeal CJA 4-106.

CJA 4-411. Courthouse Attire (NEW)

This new rule ensures that Utah's courts are open in accordance with Article 1, Section 11 of the Utah Constitution while balancing the need for decorum in court proceedings and the safety of all persons having business in Utah's courthouses.

The first public comment recommended adding "health" before the word "safety" in the sections discussing exceptions. Policy and Planning discussed including an exception for health safety concerns during the initial drafting process and ultimately decided to leave it out because it is too subjective. Court employees, judges, and bailiffs are not healthcare professionals. They do not possess the requisite expertise to identify legitimate health safety issues.

The second public comment suggested that the rule creates a potential conflict with a statement on the bar website regarding attire for lawyers and recommended adding a comment or section in the rule addressing courtroom attire for attorneys. The statement referenced in the public comment is an informal tip located on the litigation section's webpage, it is not a bar rule or a statement from the Utah Bar Association.

The third public comment supported the rule and applauded the judiciary for its dedication to increasing access to justice.

The fourth public comment expressed displeasure with a rule that he feels removes discretion from individual judges to make decisions regarding decorum in their own courtrooms. After discussion, Policy and Planning made no changes to the rule. The rule allows a judge the discretion to find a person's attire to be disruptive to the proceedings; judges will just have to make findings on the record supporting their decision.

CJA 6-506. Procedure for Contested Matters Filed in the Probate Court (AMEND)

The proposed amendment in line 20 changes "may" to "will" in regard to scheduling a pre-mediation conference.

CJA 9-101. Board of justice court judges (AMEND)**CJA 9-109. Presiding judges (AMEND)**

Proposed changes to Rule 9-101 (lines 13-17) and Rule 9-109 (lines 18-22) provide an alternative to conducting elections for leadership positions in the justice courts when the justice court conference is canceled.

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

Kara Wells

May 1, 2020 at 8:42 am

In regard to CJA03-0402. Human Resources Administration:

79 (6) A grievance review panel is established within the grievance process to sit as a quasi

80 judicial body and review any action taken under the authority of the judiciary's human resources

81 (policies) procedures and which pertains to decisions regarding employee promotions, dismissals,

I am concerned with the removal of the language "employee promotions." Taking out this language suggests that an employee will have no venue for a grievance regarding promotions. Are the Courts really going to take away our right to challenge a promotion? This seems counterintuitive to the Courts mission for justice. Even when a grievance is not won, an employee is able to feel that their concerns were heard and the risk for retaliation is reduced. Taking out this language is a disservice to court employees of all levels.

Michael Giboney

May 1, 2020 at 8:44 am

CJA04-0411. Insert "...health..." before "...safety..." in exceptions.

John Murray

May 1, 2020 at 9:09 am

The rule states that no person having business in a court shall be denied access based on attire.

Exceptions found at rule 4-411(3)(a)(i,ii,ii) are limited to clothing that would be disruptive, prejudicial, or a safety concern.

A statement on <http://litigation.utahbar.org/> states the following:

"Lawyers are expected to dress appropriately. Men should wear a tie. Lawyers should advise clients and witnesses to also dress appropriately. No one in shorts or tank tops will be allowed in the courtroom."

(Statement)

It seems that the proposed rule 4-411 precludes any requirement that anyone wear a tie or a suit coat in court and that a comment should be added to specifically state that this is the case or a fourth exception should be added to paragraph 3 of the proposed rule. Further, without an explicit exception, it seems that 4-411 should explicitly state an exception or recognize that it supersedes any bar rules or courtroom rules requiring the wearing of a necktie or suit coat.

Charles A. Stormont

May 1, 2020 at 9:43 am

I want to applaud the Judicial Council for its proposed new rule CJA04-0411 regarding Courthouse Attire. This new rule makes clear that the courts are to be open to everyone, regardless of personal circumstances or means. Often parties to debt collection and landlord tenant proceedings (e.g., evictions) have lost everything, including access to their wardrobe. Others only have access to a wardrobe for their regular lives, which do not match expectations of some in society for what should be worn in a court proceeding, nor do they have the means to access resources to meet those unrealistic and arbitrary expectations. Although I do not work in the criminal field, I understand this is also a very serious challenge for many victims of domestic violence. Appearing in court costs them hours at work, which reduces their income and impacts their ability to meet basic needs. In my opinion, by appearing in court, they have shown the system tremendous respect because they have had to overcome obstacles to be there. Convincing a supervisor it is worth letting them have time off, arranging for alternative child care, finding transportation to the courthouse, and so on. These are all real obstacles for the parties to the most frequently filed cases in Utah. By overcoming those obstacles, these parties deserve their day in court, and their attire should not arbitrarily serve as an additional barrier. In my pro bono service, I have encountered clients with legitimate defenses who possess only the clothes on their back and the things in their pockets. This rule ensures they can have their day in court. So I applaud the proposed rule as a wonderful correction of the unjustified misconceptions of some about who deserves their day in court. Thank you for this proposed rule to promote increased access to justice.

Randall N Skanchy

May 3, 2020 at 11:37 am

Proposed new rule CJA04-0411

This issue was debated at the last District Court Judges

Annual meeting. I am surprised, based upon the pushback from judges from some jurisdictions, to see this as a proposed mandate upon each judge in the state . Each judicial district and each judge , has different opinions on this issue and it unfortunate that the Judiciary is mandating what an individual judge's view of what is or is not appropriate should be.

While I don't espouse turning people away, especially in eviction and debt collection calendars, we should continue to encourage people to show their best selves. Other calendars are less about what you can wear and more about the respect one might accord to a courtroom and the litigants in that room. It doesn't seem inappropriate to ask courtroom participants to look their best and be their best in a courtroom . The erosion of courtroom decorum might have some lesson to be learned from NYC's Broken Window Policy that visible signs of crime, anti-social behavior, dirty streets, and disorder create an environment that encourages further disorder Perhaps our policy makers might consider leaving courtroom decorum to individual judges and rather examine how to build respect for all stakeholders in the courtroom.

Rule 3-402. Human resources administration.

Intent:

To establish guidelines for the administration of a human resources system for the judiciary.

Applicability:

This rule shall apply to all non-judicial officer ~~state~~ employees in the judicial branch.

Statement of the Rule:

(1) A department of human resources is established within the Administrative Office to guide ~~direct and coordinate~~ the human resources activities of the judiciary.

(2) The department of human resources shall provide the necessary human resources services to the judiciary in compliance with the state constitution, state statute, and this Code. The department of human resources shall provide ~~keep~~ all state employees in the judicial branch information regarding ~~informed of~~ benefits, compensation, retirement, and other human resources related matters.

(3) The human resources policies ~~and procedures~~ for non-judicial officer employees:

(3)(A) shall include classification of career service exempt (at-will) and non-exempt jobs, designation of FLSA exempt and non-exempt job positions, guidelines governing recruitment, selection, classification, compensation, working conditions, grievances and other areas deemed necessary; and

(3)(B) shall be based upon the following merit principles:

(3)(B)(i) the recruitment, selection and promotion of employees based upon relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

(3)(B)(ii) a salary schedule which provides for equitable and adequate compensation based upon current job market data gathered at least ~~studies conducted~~ every three years including ~~of the~~ salary levels of comparable positions in both the public and private sector, local labor market information and trends, other relevant data, and available funds;

(3)(B)(iii) employee retention on the basis of ~~adequate~~ performance that enhances and/or advances the mission of the judiciary—where appropriate, provision will be made for correcting ~~inadequate~~ performance and separating employees whose performance or

~~misconduct interferes with or fails to advance the mission of the judiciary; inadequate performance cannot be corrected;~~

(3)(B)(iv) fair treatment in all aspects of human resources administration without regard to 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~~to race, color, religion, sex, national origin, age, creed, disability, political affiliation, sexual orientation, gender identity, or other non-merit factors and proper regard for employees' constitutional and statutory rights as citizens~~; and

(3)(B)(v) notification to employees and an explanation of their political rights and prohibited employment practices.

(4) The state court level administrator shall be responsible for the day-to-day administration of the human resources system within that court level. A director of human resources, appointed by the State Court Administrator, shall be responsible for ~~effective governance~~directing and coordinating the human resources activities of the human resources ~~department system~~ and will assist the state level administrators, ~~and~~ court executives and other managers with human resources related matters.

(5) Human resources policies ~~and procedures, including and~~ a Code of Ethics for non-judicial ~~officer~~ employees, shall be adopted by the Council in accordance with the rulemaking provisions of this Code ~~and shall be reviewed every three years~~.

(5)(A) There is established a ~~H~~human ~~R~~resources ~~P~~policy ~~and procedure~~ ~~R~~review ~~e~~Committee responsible for making and reviewing proposals for ~~repealing~~ human resources ~~policy amendments~~policies and procedures and promulgating new and amended human resources policies and procedures. The committee shall review human resource policies at least every three years. The committee shall consist of the following voting members, which, where indicated, must be selected by majority vote of the entire body of the specified group:

(5)(A)(i) the director of human resources;

(5)(A)(ii) two trial court executives, selected by the trial court executives;

(5)(A)(iii) three clerks of court (one juvenile, one district, and one appellate), selected by the clerks of court;

(5)(A)(iv) a chief probation officer from the juvenile court, selected by the chief probation officers; and

69 (5)(A)(v) a case manager, selected by the clerks of court.

70 (5)(B) The chair of the committee shall be designated by the state court
71 administrator. Other members of the committee shall be appointed in a manner
72 consistent with Rule 1-205. The department of human resources shall provide
73 necessary support to the committee. Other non-voting members may be assigned
74 by the Policy and Planning Committee, as necessary to assist the committee.

75 (5)(C) Pursuant to Rule 1-204, new and amended policies ~~and procedures~~, or
76 repeals, recommended by the committee shall be reviewed by the Policy and
77 Planning Committee prior to being submitted by the Policy and Planning Committee
78 to the Judicial Council.

79 (6) A grievance review panel is established within the grievance process to sit as a quasi-
80 judicial body and review any action taken under the authority of the judiciary's human resources
81 ~~policies~~~~procedures~~ and which pertains to decisions regarding employee promotions, dismissals,
82 demotions, suspensions, reductions in force, wages/salary if an employee is not placed within
83 the salary range of the employee's current position, salary, violations of human resources
84 policies~~rules~~, and the equitable administration of insurance, retirement, or leave benefits;
85 ~~reductions in force and disciplinary actions.~~

86 (7) An official human resources file for each employee shall be maintained in the
87 Administrative Office and shall include the following records: ~~leave records, education records,~~
88 biographical information, ~~performance plans and appraisals~~, records of official human resources
89 action, standards of performance expectations, corrective actions, records of official disciplinary
90 action and supporting documentation, ~~letters of commendation~~, job applications, and payroll and
91 benefits information.

92 *Effective November 1, 2020*

Rule 3-403. Judicial branch education.**Intent:**

To establish the Judicial Branch Education Committee's responsibility to develop and evaluate a comprehensive education program for all judges, commissioners and court staff.

To establish education standards for judges, commissioners and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule shall apply to all judges, commissioners and court staff, except seasonal employees and law clerks.

Statement of the Rule:**(1) Organization.**

(1)(A) **Judicial branch education committee.** The Judicial Branch Education Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) Committee meetings.

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) **Administration.**

Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) **Standards for judges and court commissioners.**

(3)(A) **Program requirements.** All judges and court commissioners shall participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee. All judges, court commissioners, active senior judges, and active senior justice court judges shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. Judges of courts of record and court commissioners may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual Utah Judicial Conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(A)(i) **Active senior judge.** If an active senior judge applies to be reappointed and will have completed at least 60 total education hours in the two years preceding the effective date of reappointment, the Management Committee may, for good cause shown, excuse the judge from having to complete the annual 30 hour education requirement.

(3)(A)(ii) **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that:

(3)(A)(ii)(a) less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge;

(3)(A)(ii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least three years before the application;

(3)(A)(ii)(c) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(ii)(d) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B)(+) **Program components.** Education programs for judges and court commissioners shall include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of judges and court commissioners over the long term.

(3)(B)(C) **Annual conferences.** Justice court judges and active senior justice court judges shall attend the annual justice court conference unless excused by the Management Committee Board of Justice Court Judges for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, judges, active senior judges and

court commissioners of the courts of record are strongly encouraged to attend that conference.

(4) Standards for court staff.

(4)(A) State employees.

(4)(A)(i) **Program requirements.** All court staff employed by the state shall complete 20 hours of approved coursework annually.

(4)(A)(ii) **Program components.** Education programs for court staff employed by the state shall include: on-the-job orientation for new employees as well as semi-annual Orientation Academies; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) Local government employees.

(4)(B)(i) **Program requirements.** All court staff employed by the justice courts shall complete 10 hours of approved coursework annually. All other court staff employed by local government shall complete 20 hours of approved coursework annually.

(4)(B)(ii) **Program components.** Education programs for court staff employed by local government shall include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth.

(5) Reporting.

(5)(A) Judges, commissioners and court staff governed by these standards shall report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards shall be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

(6) Credit. Judicial education procedures shall include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) **Funding.**

(7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council shall receive and consider recommendations from the Committee. The Committee's annual education plan shall be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial education shall first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs.** To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan shall include out-of-state education opportunities. The Committee shall approve national education providers and shall include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel.** The Committee shall develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

(8) Mentoring.

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge shall appoint a mentor to the new judge.

(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge shall meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, shall provide the completed Mentor's Checklist to the Judicial Education Officer.

Effective November 1, 2020

Rule 4-202.08. Fees for records, information, and services.**Intent:**

To establish uniform fees for requests for records, information, and services.

Applicability:

This rule applies to all courts of record and not of record and to the Administrative Office of the Courts. This rule does not apply to the Self Help Center.

Statement of the Rule:

(1) Fees payable. Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) Use of fees. Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

(3) Copies. Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (H): \$.25 per sheet;

(3)(B) microfiche: \$1.00 per card;

(3)(C) audio tape: \$10.00 per tape;

(3)(D) video tape: \$15.00 per tape;

(3)(E) ~~floppy disk or compact disk~~ electronic storage medium other than of court hearings: \$1~~50~~.00 per ~~disk unit~~;

(3)(F) electronic copy of court reporter stenographic text: \$25.00 for each one-half day of testimony or part thereof;

(3)(G) electronic copy of audio record or video record of court proceeding: \$1~~50~~.00 for each one-half day of testimony or part thereof; and

(3)(H) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4)(A) Mailing. The fee for mailing is the actual cost. The fee for mailing shall include necessary transmittal between courts or offices for which a public or private carrier is used.

(4)(B) Fax or e-mail. The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

(5) Personnel time. Personnel time to copy the record of a court proceeding is included in the copy fee. For other matters, there is no fee for the first 15 minutes of personnel time. The fee for time beyond the first 15 minutes is charged in 15 minute increments for any part thereof. The fee for personnel time is charged at the following rates for the least expensive group capable of providing the record, information, or service:

- (5)(A) clerical assistant: \$15.00 per hour;
- (5)(B) technician: \$22.00 per hour;
- (5)(C) senior clerical: \$21.00 per hour
- (5)(D) programmer/analyst: \$32.00 per hour;
- (5)(E) manager: \$37.00 per hour; and
- (5)(F) consultant: actual cost as billed by the consultant.

(6) Public online services.

(6)(A) The fee to subscribe to public online services shall be as follows:

- (6)(A)(i) a set-up fee of \$25.00;
- (6)(A)(ii) a subscription fee of \$30.00 per month for any portion of a calendar month; and
- (6)(A)(iii) \$.10 for each search over 200 during a billing cycle. A search is counted each time the search button is clicked.

(6)(B) When non-subscription access becomes available, the fee to access public online services without subscribing shall be a transaction fee of \$5.00, which will allow up to 10 searches during a session.

(6)(C) The fee to access a document shall be \$.50 per document.

(7) No interference. Records, information, and services shall be provided at a time and in a manner that does not interfere with the regular business of the courts. The Administrative Office of the Courts may disconnect a user of public online services whose use interferes with computer performance or access by other users.

(8) Waiver of fees.

(8)(A) Fees established by this rule other than fees for public online services shall be waived for:

- (8)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;
- (8)(A)(ii) any person who is the subject of the record and who is impecunious; and
- (8)(A)(iii) a student engaged in research for an academic purpose.

(8)(B) Fees for public online services shall be waived for:

- (8)(B)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;
- (8)(B)(ii) any government entity of Utah or its political subdivisions;

86 (8)(B)(iii) the Utah State Bar;
87 (8)(B)(iv) public defenders for searches performed in connection with their duties as
88 public defenders; and
89 (8)(B)(v) any person or organization who the XChange administrator determines offers
90 significant legal services to a substantial portion of the public at no charge.

91
92 *Effective November 1, 2020*

~~Rule 4-106. Remote conferencing.~~

~~Intent:~~

~~To authorize the use of conferencing from a different location in lieu of personal appearances in appropriate cases.~~

~~To establish the minimum requirements for remote appearance from a different location.~~

~~Applicability:~~

~~This rule shall apply to all courts of record and not of record.~~

~~Statement of the Rule:~~

~~(1) If the requirements of paragraph (3) are satisfied, the judge may conduct the hearing remotely.~~

~~(2) If the requirements of paragraph (3) are met, the court may, for good cause, permit a witness, a party, or counsel to participate in a hearing remotely.~~

~~(3) The remote appearance must enable:~~

~~(3)(A) a party and the party's counsel to communicate confidentially;~~

~~(3)(B) documents, photos and other things that are delivered in the courtroom to be delivered previously or simultaneously to the remote participants;~~

~~(3)(C) interpretation for a person of limited English proficiency; and~~

~~(3)(D) a verbatim record of the hearing.~~

~~Effective May 1, 2016~~

1 **Rule 4-411. Courthouse attire.**

2 **Intent:**

3 To ensure that Utah's courts are open in accordance with Article 1, Section 11 of the Utah
4 Constitution while balancing the need for decorum in court proceedings and safety of all
5 persons having business in Utah's courthouses.

6 **Applicability:**

7 This rule applies to all Utah justice courts, district courts, juvenile courts, and appellate
8 courts.

9 **Statement of the Rule:**

10 **(1) Open courts, personal attire, and judicial officer decision-making.**

11 (1)(a) Except as provided in paragraphs (2), (3), and (4), no person having business in
12 any court shall be denied access to a courtroom or courthouse based solely on the
13 person's attire.

14 (1)(b) All courtroom access decisions based on a person's attire shall be made in
15 accordance with this rule by a judicial officer on a case-by-case basis. "Judicial officer" is
16 defined as a judge or court commissioner.

17 (1)(c) With respect to courtroom access decisions based on a person's attire, the role of
18 a court bailiff, court security, or court staff is limited to answering questions and enforcing a
19 judicial order.

20 **(2) Courthouse security.**

21 (2)(a) Court security personnel may deny access to a courthouse, if a person's attire
22 raises a legitimate safety or security threat.

23 (2)(b) Court security personnel may deny access to a courtroom based on a person's
24 attire to enforce a judicial order.

25 **(3) Integrity of court proceedings.**

26 (3)(a) A person may be denied access to a courtroom if a judicial officer decides that a
27 person's attire would:

28 (3)(a)(i) disrupt the proceedings;

29 (3)(a)(ii) prejudice any victim or party to the proceedings; or

30 (3)(a)(iii) introduce a legitimate safety or security threat.

31 (3)(b) A judicial officer making a decision to deny access to a courtroom based on the
32 factors in subsection (3)(a) shall make specific findings on the record justifying the decision.

33 **(4) Contrary statements.**

34 (4)(a) All statements contrary to this rule are hereby rescinded.

35 (4)(b) All statements contrary to this rule shall be removed, including statements
36 expressed in any courthouse, courtroom, website, or policy manual.

Rule 6-506. Procedure for contested matters filed in the probate court.**Intent:**

To establish procedures for contested matters filed in the probate court.

Applicability:

This rule applies to matters filed under Title 75, Utah Uniform Probate Code when an objection is made orally or in writing upon the record (a “probate dispute”).

Statement of the Rule:

(1) **General Provisions.** When there is a probate dispute:

(1)(A) Rule 4-510.05 of the Utah Code of Judicial Administration and Rule 101 of the Utah Rules of Court-Annexed Alternative Dispute Resolution apply.

(1)(B) Upon the filing of an 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.

(1)(C) After an objection has been filed, and unless the court has waived mediation, the court ~~will~~may schedule the matter for a pre-mediation conference for purposes of the following:

(1)(C)(i) determining whether there is good cause for the matter to not be referred to mediation;

(1)(C)(ii) ensuring that a guardianship respondent has been provided counsel or that the process provided in Utah Code section 75-5-303 has been followed;

(1)(C)(iii) determining all interested persons who should receive notice of mediation;

(1)(C)(iv) determining whether any interested person should be excused from mediation;

(1)(C)(v) selecting the mediator or determining the process and time frame for selecting the mediator, as provided in Code of Judicial Administration Rule 4-510.05;

(1)(C)(vi) determining the issues for mediation;

(1)(C)(vii) setting deadlines;

(1)(C)(viii) modifying initial disclosures if necessary and addressing discovery;

(1)(C)(ix) determining how mediation costs will be paid; and

(1)(C)(x) entering a mediation order.

(1)(D) The court will send notification of the pre-mediation conference to petitioner, respondent, and all interested persons identified in the petition at the hearing and any objection as of the date of the notification. The notification will include a statement that

(1)(D)(i) the interested persons have a right to be present and participate in the mediation, the interested persons have a right to consult with or

be 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 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.

(2)(B)(iv)(b) Any objection to the settlement of additional issues must be reduced to a writing, set forth the grounds for the objection and any supporting authority, and be filed

with the court and mailed to the parties named in the petition and any interested persons as provided in Utah Code § 75-1-201(24).

(2)(B)(iv)(c) Upon the filing of an objection to the settlement of additional issues, the case will proceed pursuant to paragraphs (2)(C) through (2)(I).

(2)(C) **Deadline for mediation completion.**

(2)(C)(i) Mediation must be completed within 60 days from the date of referral.

(2)(C)(ii) If the parties agree to a different date, the parties must file notice of the new date with the court.

(2)(D) **Mediation Fees.**

(2)(D)(i) If the estate or trust has liquid assets, and the personal representative, trustee, guardian, or conservator, as applicable, is a mediating party, the estate or trust must pay the mediator's fees.

(2)(D)(ii) Otherwise, the disputing parties will share the cost of the mediation but may later request reimbursement from the estate or trust if the estate or trust has liquid assets.

(2)(D)(iii) A party may petition the court for a waiver of all or part of the mediation fees if the party cannot afford mediator fees or for other good cause.

(2)(D)(iv) If the court grants a waiver of mediation fees, the party must contact the ADR Director who will appoint a pro bono mediator.

(2)(E) **Initial disclosures.** Within 14 days after a written objection has been filed, the parties must comply with the initial disclosure requirements of Rule 26.4 of the Rules of Civil Procedure.

(2)(F) **Discovery once a probate dispute arises.** Except as provided in Rule 26.4 of the Rules of Civil Procedure 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](#).

(2)(G) **Completion of mediation.** Upon completion of mediation, the parties will notify the Court of the mediation's resolution pursuant to [Rule 101](#) of the Utah Rules of Court-Annexed Alternative Dispute Resolution.

(2)(H) **Written settlement agreement.** If mediation results in a written settlement agreement, upon a motion from any party, the court may enter orders consistent with its terms. The filing of an objection under paragraph (2)(B)(iv)(a) does not preclude the court from entering orders consistent with the resolved issues.

(2)(I) **Remaining issues.** If issues remain to be resolved after the conclusion of mediation, the parties must request a pretrial conference with the assigned judge to establish the deadlines for any supplemental initial disclosures, fact discovery, expert disclosures, expert discovery, and readiness for trial.

Effective ~~January 1,~~ [November 1, 2020](#).

Rule 9-101. Board of Justice Court Judges.**Intent:**

To prescribe the membership, method of selection, term of office and basic procedures of the Board.

Applicability:

This rule shall apply to the Board of Justice Court Judges.

Statement of the Rule:

(1) There is hereby established a Board of Justice Court Judges comprised of the chair, six at-large members, and the three Council representatives.

(2) Members of the Board shall be elected by the justice court judges in connection with the justice court business meeting at the annual judicial conference. For all elections contemplated by this rule, judges may vote in person or remotely. The Justice Court judges shall, by majority vote of those in attendance at the annual spring training conference, elect the members of the Board.

(3) The chair and the at-large members shall serve staggered two year terms. The Council representatives shall serve during the length of their term as Council representatives.

(4) The chair shall preside over all meetings of the Board and over the Justice Court judges' training conferences. The chair may not simultaneously serve as a Council representative.

(5) Members of the Board shall elect a vice-chair and an education liaison. The vice-chair shall serve as chair in the absence of the chair or upon request of the chair. Neither the vice-chair nor the education liaison may simultaneously serve as a Council representative.

(6) There shall be an Executive Committee comprised of the chair, vice-chair and one of the Council representatives designated by the chair. The Executive Committee may take necessary action on behalf of the Board between Board meetings.

(7) If vacancies occur for any reason on the Board between elections, the Board shall elect a replacement for the unexpired term of the vacancy.

(8) Should the chair resign or leave the Board for any reason, the vice-chair shall become chair for the remainder of the term.

(9) Should the vice-chair of the Board resign or leave the Board for any reason, a new vice-chair shall be elected by the Board from among its members to serve the unexpired term of the vice-chair.

(10) If a vacancy occurs for any reason among the representatives to the Council, the Board shall designate an interim representative to serve until the next annual training conference, at which time a representative shall be elected to fill the unexpired term.

(11) The Board shall meet at least quarterly to transact any and all business that is within its jurisdiction. The Board shall rule by majority vote. All members, except the three Council representatives, are voting members. Four voting members of the Board constitute a quorum. Board meetings shall be conducted generally in accordance with Robert's Rules of Order.

(12) All business conducted by the Board shall be conducted in accordance with this Code. (13) The Board shall be responsible for certifying new justice courts and recertifying existing justice courts to the Judicial Council as outlined in Rule 9-108.

45 (13) The Board shall be responsible for certifying new justice courts and recertifying existing
46 justice courts to the Judicial Council as outlined in Rule 9-108.

47

48 *Effective November 1, 2020*

Rule 9-109. Presiding judges.**Intent:**

To establish the procedure for election, term of office, role, responsibilities, and authority of presiding judges, associate presiding judges, and education directors for Justice Courts.

Applicability:

This rule shall apply to presiding judges, associate presiding judges, and education directors in the Justice Courts.

Statement of the Rule:**(1) Election and term of office.****(1)(A) Presiding judge.**

(1)(A)(i) A presiding judge in each judicial district shall be elected by a majority vote of the active judges present at the district meetings held at the 2018 Justice Court Conference. Thereafter, regular elections shall take place at the Justice Court annual eConference in odd years for odd-numbered districts and in even years for even-numbered districts. If the Justice Court Conference is canceled, presiding judges shall be elected at district meeting held no later than the last day of the Annual Judicial Conference that same year. In the event that a majority vote cannot be obtained, the presiding judge shall be determined by the Board of Justice Court Judges. Interim elections, if necessary, shall take place as provided in this rule. A presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of presiding judge.

(1)(A)(ii) The presiding judge's term of office shall be from the time of his or her election or appointment until he or she resigns or until the next regular election, whichever occurs first. A presiding judge may serve successive terms.

(1)(B) Associate presiding judge.

(1)(B)(i) The active judges of a district may, at their discretion, elect one judge of the district to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A). An associate presiding judge shall be an active judge, currently appointed to at least one court within the district. Senior judges are ineligible to hold or vote for the office of associate presiding judge.

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge.

(1)(C) District education director.

(1)(C)(i) The active judges of a district may, at their discretion, elect one judge of the district to the office of education director. An education director shall be elected in the

45 same manner and serve the same term as the presiding judge in paragraph (1)(A).
46 Senior judges are ineligible to vote for the office of district education director but may
47 hold the office. If a district does not elect an education director, the associate presiding
48 judge, if there is one, shall serve as the education director. If the district elects neither an
49 education director nor an associate presiding judge, the presiding judge shall serve as
50 the education director.

51 (1)(C)(ii) The education director shall serve on the justice court education committee and
52 shall work with the Education Department of the Administrative Office in developing,
53 planning and presenting relevant judicial training at the district level.
54

55 **(1)(D) Removal and Other Vacancies of Office.**

56 (1)(D)(i) If the office of presiding judge becomes vacant, then the associate presiding
57 judge shall serve the rest of the presiding judge's term. If there is no associate presiding
58 judge, the district education director shall, if the education director is an active judge,
59 serve the unexpired term. Otherwise, the Chair of the Board of Justice Court Judges
60 shall appoint a judge to serve until the next district meeting.

61 (1)(D)(ii) A presiding judge may appoint, on an interim basis, an eligible judge of the
62 district to fill an unexpired term of associate presiding judge or education director until
63 the next district meeting. At the district meeting, the active judges present shall ratify the
64 appointment by majority vote. If they do not ratify the appointment, or if the presiding
65 judge does not make an interim appointment, nominations and an election shall then be
66 held at that meeting to fill the unexpired term.

67 (1)(D)(iii) A presiding judge, associate presiding judge or education director may be
68 removed from that office by a two-thirds vote of the active justice court judges in the
69 district. A successor presiding judge shall, or an associate presiding judge or education
70 director may, then be elected to fill the unexpired term of the vacant office.

71 (1)(D)(iv) In extraordinary circumstances, to preserve confidence in the fair
72 administration of justice, the Presiding Officer of the Judicial Council may remove a
73 judge from any office described in this rule. Vacancies shall be filled as provided in this
74 rule.
75

76 **(2) District meetings.**

77 (2)(A) Each district shall have regular meetings to discuss and decide district business,
78 receive training, or address issues and concerns specific to the district.

79 (2)(A)(i) The presiding judge shall call and preside over a meeting of other justice court
80 judges in the district at the annual Justice Court Conference.

81 (2)(A)(ii) Each district shall have at least one other meeting during the calendar year in
82 which a majority of active justice court judges is present, including the presiding judge or
83 associate presiding judge.
84

85 (2)(B) In addition to regular meetings, the presiding judge or a majority of the active judges
86 may call additional meetings as necessary.
87

(2)(C) An agenda shall be circulated among the judges in advance of any meeting with a known method on how matters may be placed on the agenda.

(2)(D) Other than judges and the Justice Court Administrator, attendance at district meetings shall be by invitation of the presiding judge only.

(2)(E) The issues on which judges vote shall be left to the sound discretion and judgment of each district and the applicable sections of the Utah Constitution, statutes, and this Code.

(3) Administrative responsibilities and authority of presiding judge.

(3)(A) **Generally.** The presiding judge is charged with the responsibility for the effective operation of the justice courts within a district. He or she is responsible for the implementation and enforcement of statutes, rules, policies, and directives of the Judicial Council and the Board of Justice Court Judges as they pertain to the administration of the courts. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

(3)(B) Coordination of required training.

(3)(B)(i) The presiding judge, associate presiding judge, or education director shall: (a) be responsible to see that judges in his or her district are appropriately trained, (b) assist in planning statewide trainings as part of the Education Committee, (c) plan district training to be held in connection with the meetings required by section (2), (d) recommend mentors for new judges, and (e) arrange for individual training, as needed. (3)(B)(ii) Presiding judges are encouraged to observe the hearings of judges within the district to assess training needs.

(3)(C) **Court committees.** The presiding judge shall, where appropriate, make use of committees composed of other judges and court personnel to investigate problem areas and improve the administration of justice.

(3)(D) Outside agencies and the media.

(3)(D)(i) The presiding judge shall be available to meet with the media, outside agencies, such as prosecuting attorneys, city attorneys, county attorneys, public defenders or associations of defense counsel, sheriffs, police chiefs, bar association leaders, probation providers, government officials of cities or counties located within the district, civic organizations, and other state agencies.

(3)(D)(ii) The presiding judge shall be the primary judicial representative of the justice court judges in the district.

(3)(D)(iii) Nothing in this rule shall replace or interfere with the statutory and administrative responsibilities of an appointed judge to the appointing authority of a court.

(3)(E) **Judicial officers.** The presiding judge shall discuss significant concerns, problems or complaints regarding the judges in his or her district with the Justice Court Administrator,

who shall work together to resolve the concern. In the event that another judge in the district fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment, or violates the Code of Judicial Conduct, the presiding judge may, depending on the severity of the issue and consistent with legal and ethical obligations:

(3)(E)(i) Consult with appropriate staff at the Administrative Office of the Courts and/or discuss the issue with other presiding judges;

(3)(E)(ii) Meet with the judge to explain the reasons for the directive given or the position taken, consult with the judge about alternative solutions and reevaluate the directive or position, as appropriate;

(3)(E)(iii) Present the problem to the Board of Justice Court Judges for input;

(3)(E)(iv) Require the judge to participate in appropriate counseling, therapy, education or treatment; or

(3)(E)(v) Refer the problem to the Judicial Council, the Chief Justice, or the Judicial Conduct Commission, as appropriate.

(3)(F) **Liaison.** The presiding judge or his or her designee shall serve as a liaison between the justice courts of the district and (i) the Board of Justice Court Judges and (ii) the presiding judges of Juvenile Court and District Court.

(3)(G) **Reassignment.**

(3)(G)(i) In the event that a motion to disqualify a judge or judges is filed and no appointed judge of the court is available or empowered to hear the motion, the presiding judge shall consider the motion and, if necessary, assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.

(3)(G)(ii) In the event that all of the appointed judges of a court recuse themselves from a matter, the presiding judge shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208 to serve as a temporary justice court judge.

(3)(H) **Compliance with standards.** The presiding judge shall monitor and ensure that judges are complying with performance standards established by the Council or as otherwise required by law.

(3)(I) **Performance evaluations.** Pursuant to Utah Code 78A-12-203, the presiding judge shall receive the midterm reports prepared by the Judicial Performance Evaluation Commission for the other justice court judges in his or her district. The presiding judge shall consult with the evaluated judge and the Justice Court Administrator to develop a plan for addressing the issues resulting in less than satisfactory scores.

Effective ~~June 25, 2018~~ November 1, 2020

Tab 5

UTAH SUPREME COURT

Matthew B. Durrant
Chief Justice

Thomas R. Lee
Associate Chief Justice

Deno Himonas
Justice

John Pearce
Justice

Paige Petersen
Justice

Nicole I. Gray
Supreme Court Clerk of Court

Utah Appellate Courts

Larissa Lee
Appellate Court Administrator

450 South State Street
Salt Lake City, Utah 84114-0230
Telephone: (801) 578-3834
Email: larissal@utcourts.gov



UTAH COURT OF APPEALS

Gregory K. Orme
Presiding Judge

Michele M. Christiansen Forster
Associate Presiding Judge

Kate Appleby
Judge

David N. Mortensen
Judge

Jill M. Pohlman
Judge

Ryan M. Harris
Judge

Diana Hagen
Judge

Lisa A. Collins
Court of Appeals Clerk of Court

Date: July 31, 2020
To: Judicial Council
From: Judge Mary T. Noonan, Larissa Lee, Jessica Van Buren
Subject: Folding the Law Library and Self-Help Center into the AOC
(Amending Rule 3-413)

Dear Judicial Council:

The Law Library and Self-Help Center are currently housed under the appellate umbrella. However, these departments are often treated as being housed under the Administrative Office of the Courts and logistically make more sense under the AOC. We recommend that the Judicial Council approve moving the Law Library and Self-Help Center under the AOC's umbrella and amend the attached rule to have the Law Library Director report to the State Court Administrator rather than the Appellate Court Administrator.

This move would remove some unnecessary bureaucracy because Jessica's departments function much more like an AOC department rather than a court level and are deeply involved in AOC operations. Jessica attends the AOC Director meetings and her staff attends the AOC staff meetings and parties. Jessica is the only person considered an "AOC Director" who does not report directly to the State Court Administrator.

Moreover, the move would be fairly simple. For finance and HR purposes, the move would require minimal work because both the Law Library and the Self-Help Center are already under their own budget and have their own unit numbers.

Jessica and Larissa met with the Supreme Court on June 24 and the Court unanimously supported moving the Law Library and Self-Help Center under the AOC's umbrella. In addition, Judge Noonan (proposed supervisor) and Larissa Lee (current supervisor) both support this move.

We recommend amending CJA Rule 3-413 (attached) to reflect the change in supervisor and folding these departments into the AOC. While we are amending the rule, we recommend permanently changing the language on print publications to provide that, upon request, each district and juvenile courtroom is entitled to one copy of the Utah Code Unannotated and Utah Rules Annotated and each appellate judge is entitled to one copy of the Utah Code Annotated and Utah Rules Annotated.

Sincerely,

Judge Mary T. Noonan
Larissa Lee
Jessica Van Buren

Rule 3-413. Judicial Library Resources.**Intent:**

To establish minimum standards for legal reference materials to be provided to judicial and quasi-judicial officers and court employees.

To establish acquisition, distribution and budgetary responsibilities for the legal reference materials identified in this rule for the state law librarian.

To realize financial advantages through the use of high volume purchases of regularly used legal reference materials.

Applicability:

This rule shall apply to the state law library, all judges and commissioners of courts of record and not of record, and all court employees.

Statement of the Rule:**(1) State law library.**

(1)(A) The state law library shall be supervised and administered by the state law librarian under the general supervision of the ~~Appellate~~ state ~~C~~court ~~A~~administrator.

(1)(B) The state law librarian shall facilitate the purchase of the electronic research resources and print publications authorized by this rule and arrange to have them distributed in accordance with this rule.

(2) Responsibility for providing judicial library resources.**(2)(A) Electronic research resources.**

(2)(A)(i) The state court administrator shall provide access to approved electronic research resources, including commercial legal databases.

(2)(A)(ii) All judges of courts of record, judges of courts not of record, court commissioners, and staff attorneys shall have access to these electronic research resources. Other employees may receive access to these resources based upon a demonstrated need and supervisor authorization.

(2)(B) **Print publications.** ~~The following officials or locations are authorized to receive print publications, which shall be provided by the state court administrator, unless specifically noted below, as follows:~~ Upon request, the state court administrator will provide each district and juvenile courtroom a print publication set of the Utah Code Unannotated, and one set of the Utah Court Rules Annotated, and each appellate judge a print publication set of the Utah Code Annotated, and one set of the Utah Court Rules Annotated.

~~(2)(B)(i) Judges of courts of record:~~

~~(2)(B)(i)(a) one set of the Utah Code Annotated, one set of the Utah Code Unannotated, and one set of the Utah Court Rules Annotated; or~~

~~(2)(B)(i)(b) two sets of the Utah Code Unannotated and one set of the Utah Court Rules Annotated.~~

~~(2)(B)(ii) Court commissioners: two sets of the Utah Code Unannotated and one set of Utah Court Rules Annotated.~~

~~(2)(B)(iii) Active senior judges: one set of the Utah Code Unannotated, paid for by the Administrative Office of the Courts.~~

~~(2)(B)(iv) Staff attorneys: one set of the Utah Code Unannotated and one set of Utah Court Rules Annotated.~~

~~(2)(B)(v) Courts without a permanently sitting judge: two sets of the Utah Code Unannotated and one set of Utah Court Rules Annotated.~~

(2)(C) **Publisher's complimentary copies.** The publisher of the Pacific Reporter currently provides complimentary volumes to appellate judges as of the date of the judge's appointment to the appellate court. The state law librarian shall coordinate the distribution of these materials with the judges and the publisher.

(2)(D) **Counties.** Each county shall provide a current copy of either the Utah Code Annotated with annual updates or the softbound Utah Code Unannotated to each county justice court judge serving within that county. Each county operating a court of record under contract with the administrative office of the courts shall provide the judge with access to the local law library pursuant to Section 78A-5-111.

(2)(E) **Municipalities.** Each municipality shall provide a current copy of either the Utah Code Annotated with annual updates or the softbound Utah Code Unannotated to each municipal justice court judge serving within that municipality. Each municipality operating a court of record under contract with the administrative office of the courts shall provide the judge with access to the local law library pursuant to Section 78A-5-111.

(2)(F) **Administrative office of the courts.** The administrative office of the courts shall provide a Justice Court Manual, updated biannually, to each judge of a court not of record.

(3) Budget Procedures.

(3)(A) The state law librarian shall separately account for:

(3)(A)(i) the operating budget for the state law library;

(3)(A)(ii) the costs associated with access to electronic research resources in subsection (2)(A); and

(3)(A)(iii) the costs associated with the purchase of print publications in subsection (2)(B).

(3)(B) Funds appropriated or allocated for purchasing in accordance with subsections (2)(A) and (2)(B) shall not be used to supplement the appropriation to the state law library.

(3)(C) The purchase of electronic research resources and print publications to fully implement the provisions of this rule shall be limited by the availability of funds.

(3)(D) Any publication purchased with public funds shall be the property of the court and not the property of any official. Publications provided to an official without charge to the state shall be the personal property of the official.

Tab 6



Nancy Sylvester <nancyjs@utcourts.gov>

Update on Utah Bar Foundation joint grant from SL County COVID-19 funds

Kim Paulding <kpaulding@utahbarfoundation.org>

Mon, Aug 3, 2020 at 9:16 AM

To: Nancy Sylvester <nancyjs@utcourts.gov>

Cc: Clayson Quigley <claysonq@utcourts.gov>, Kara Mann <karajm@utcourts.gov>, peytons <peytons@utcourts.gov>, ninir@utcourts.gov, heidia <heidia@utcourts.gov>, nathanaelp <nathanaelp@utcourts.gov>, cathyd <cathyd@utcourts.gov>, "Judge Mary T. Noonan" <mnoonan@utcourts.gov>, rmrazik <rmrazik@utcourts.gov>, clandau <clandau@utcourts.gov>, Judge Brendan McCullagh <bmccullagh@utcourts.gov>, huntp <huntp@gtlaw.com>

Hi AOC friends:

As you know, the Utah Bar Foundation was invited to submit a joint grant on behalf of our grantees for emergency COVID-related funding for legal services for Salt Lake County residents. I am thrilled to announce that most of the proposed projects were selected for funding for a total joint grant award of \$865,000. Of the five projects submitted by the AOC, all but one was selected for funding. They were unable to fund the ODR project at this time. However, they did let me know that a different Salt Lake County fund is opening shortly (possibly this week) and encouraged us to submit the ODR project to that fund for consideration. With the strict rules surrounding the CARES Act funding, they said they simply could not make the ODR program fit inside the rules. But they think it is an extremely critical project. Judge McCullagh and Nancy Sylvester - I will continue to stay in contact with you so that we can ensure that a request is submitted.

I would be remiss if I did not give a huge shout out to Nancy Sylvester for her amazing time, hard work and dedication to making sure the Utah Bar Foundation had everything needed IN A VERY SHORT TURN AROUND TIME PERIOD for us to submit this joint grant to Salt Lake County. Everyone pitched in and helped pull together pricing estimates (thank you Heidi for getting everything even as you were trying to get out of town for vacation!) and put together brief project descriptions. Nancy answered so many questions, texts and after hours phone calls as I tried to pull together a ~\$900K request from numerous legal aid providers in a one-week turn around. So THANK YOU!!

As you may recall, the funding is available as of 8/1/20 and must be fully expended by 12/30/20. Any funds not expended by that time must be returned. Funds will be distributed on a reimbursement basis for eligible expenses incurred 8/1/20 through 8/31/20. There will be some reporting requirements as set out by Salt Lake County but I do not know what those requirements will be yet. They will be outlined in the County contract with the Utah Bar Foundation. The UBF should receive a contract from Salt Lake County within the next week and then we will send an MOU to your organization to provide the services as outlined below.

However, there is one other glitch with these funds that is still being worked out. The Salt Lake County attorneys are uncertain if these funds can be provided to another government agency. They are looking into the allowability of this issue. If for some reason they are not able to have these funds be used as a sub grant for the AOC, the potential solution proposed by the County would be to have the funds come to the UBF and we would incur all costs to purchase equipment, sign a contract or hire the temporary staff for the Self Help Center and then "loan" everything to the AOC through the end of the year until the CARES Act funding expires. If this is the way we need to make this grant work, all items would need to remain on the UBF books through 12/30/20. Once the funds expire on 12/30/20, the UBF would be allowed to donate all equipment to the Courts. I am working with Salt Lake County attorneys Dave Johnson (and possibly Dave Pena when he returns from vacation) on this issue and the contract for funds. I should have more solid answers this week about how this will work. I have been assured by Salt

Lake County that they are committed to making sure projects 1, 3, 4 and 5 below are funded⁰⁰⁰⁰⁷⁸ however we have to make it work.

As time is of the essence in getting these funds expended, I would encourage you to begin to line up all necessary contacts so that as soon as we have a contract, we can hit go and hire, contract or purchase the items as proposed below.

Here are the proposed projects and budgets as submitted to Salt Lake County

1. The Administrative Office of the Courts (AOC) - Private, enclosed computer stations and technology assistance staffing at the Matheson and West Jordan courthouses for court patron technology access: Due to the pandemic, the Administrative Office of the Courts has currently moved court hearings and appearances online via Webex. While plans are being made to restart some in-person criminal proceedings when Salt Lake County moves to a lower color code risk, the majority of civil matters such as family law, evictions, and debt collection cases will continue to be held online to limit the number of people physically present in the courthouse at any given time. This funding would provide a total of five computer stations that would allow court patrons the ability to safely appear at their virtual hearing or court appearance if they do not have the technological skillset or adequate access to a computer and reliable internet. Funding would specifically be used to purchase three private, enclosed computer stations and to create two ADA accessible computer stations at the Matheson and West Jordan Courthouses. (Three stations at Matheson and two at West Jordan). For the most disadvantaged Salt Lake County residents, not having adequate access to technology but being required to appear at a virtual court hearing can create a very serious access to justice issue. Funding would be used to create private spaces (similar to a soundproof phone booth) that can be easily sanitized, and wired with a computer, screen for viewing the court proceeding, and video camera and microphone so the court patron can be seen and heard by the Judge. This privacy booth will allow the litigant a meaningful opportunity to participate in their scheduled hearing while minimizing the distractions that would be present in a non-private space. Additionally, a computer station will be set up at each courthouse that allows court patrons needing ADA access the ability to utilize this offered technology.
Cost: \$32,500 (\$15,000 for three private space enclosures, \$17,500 for five computer stations setup with required equipment).

NOT FUNDED YET!!!! BUT HOPEFULLY SOON!! **2. Administrative Office of the Courts (AOC) - Online Dispute Resolution Coordinator for County-wide Justice Court operations:** The Salt Lake County-wide Justice Court system wants to begin safely handling small claims cases in a consistent and fair manner that have been put on hold due to the pandemic. In 2019, 16,420 small claims cases were filed in the Salt Lake County-wide Justice Court system. Due to the pandemic, a backlog of these cases has been created. Currently, each Justice Court is making independent decisions on how and when to begin processing smalls claims cases. This can be frustrating to Salt Lake County residents knowing that each city is handling these cases differently. Having some Justice Courts not processing small claims cases can be harmful to residents that are owed a debt, such as a construction contractor trying to collect for work on a completed job. Having the Justice Courts shut down due to the pandemic can cause added economic strain for already struggling small businesses. Presiding Judge McCullagh, of the West Valley City Justice Court, has piloted an Online Dispute Resolution program for small claims cases. The Justice Courts are proposing expanding this program countywide. Doing this will offer the approximate 16,000 small claims cases filed annually a consistent way to find potential resolution. It will also help keep parties physically out of the Justice Courtroom which will keep both the general public and court staff safer from Coronavirus. Through this online program run by the courts, parties involved in a small claims case that has been filed with the Justice Court both agree to delay having a court hearing scheduled and instead attempt to settle the dispute with the help of a trained, third party volunteer facilitator using an online resolution system. This facilitator can help the parties come to an agreement on the amount owed and assist with setting up a payment plan which is submitted to

the court. If the parties do not agree, then a trial is scheduled with the Court. By funding this⁰⁰⁰⁰⁷⁹ program, it will also help address the backlog of small claims cases created from the courts shutting down due to the pandemic. Parties involved in the Online Dispute Resolution program typically find speedier resolution to their dispute and many of the cases will avoid the need for a court scheduled hearing. For matters that cannot be resolved through the Online Dispute Resolution process, the facilitator will help the courts by improving the quality and presentation of evidence at trial. This program has a proven track record through the West Valley City pilot program of speeding up the resolution process and reducing Court defaults from 71% to 53%.

Cost: \$30,000 for a five-month contract for the Online Dispute Resolution Coordinator.

3. Administrative Office of the Courts (AOC) - Multi-person listening device for translation services:

The Courts are requesting a multi-person listening device for each of the 42 District and Juvenile courtrooms located at the Matheson and West Jordan Courthouses. As the Courts begin in-person hearings, these devices will allow for safe social distancing measures due to COVID-19 for court patrons and their required language interpreter. This equipment allows the court patron and the interpreter to be able to hear each other and provide required translation services at a safe distance rather than the traditional way in which the interpreter stands slightly behind or next to the court patron. COVID-19 has greatly impacted how courts can provide language access while keeping court patrons and court staff safe through proper social distancing. **Cost: \$47,246** (42 devices at \$1,124.89 each).

4. Administrative Office of the Courts (AOC) - Technology Improvements for Necessary

The IT Department at the Utah Courts is requesting funding to better integrate the WebEx platform, which is utilized to hold all

court hearings, with the Court Information System which is the repository of all District and Justice Court case information. Computer programming will be done by a CISCO certified programmer which allow for a more secure and time efficient system of sending WebEx links and reminders for hearings to necessary court related parties by utilizing data stored in the Court Information System. Programming will also be done so that an available view-only link along with necessary consent forms for hearings open to the public as mandated by Utah Code of Judicial Administration 4-202.02 is available to the general public. Because of the pandemic, the Courts began holding court hearings virtually via WebEx. Due to this, the current process to notify parties of upcoming hearings and appearances, requires duplicate manual entry of data and information into both systems. This is time intensive, provides the possibility of human error caused security issues (by accidentally allowing a non-related viewing party of the general public the wrong link so that they are able to speak and be seen on the video feed). If any additional funding beyond the requested \$100,000 was available, the IT Department would obtain an additional bid to automate the recording of the hearing and storage placement into the For The Record (FTR) data storage.

Cost: \$100,000 for CISCO Certified Programmer to make technology improvements and link the two systems to interact seamlessly.

Virtual Court Hearings due to the Pandemic:

5. Administrative Office of the Courts Self Help Center (SHC) - Additional staffing for the

Self- Help Center that will focus on eviction-related questions: Due to the pandemic and the soon-to-expire moratorium on evictions, the Self-Help Center at the Matheson Courthouse expects to see a dramatic increase in callers needing assistance if they are facing eviction. This funding would hire a temporary staffer for five months to assist with this increase in eviction related calls.

Cost: \$26,950 (\$25,216 for temporary staff and \$1,734 for laptop and phone setup).

Congratulations again on the award and as soon as I have a contract in hand from Salt Lake County, I will let you know. Please feel free to reach out with any questions. The best way to reach me is either via this email, text or call my cell at 801-574-5985 or my home line at 801-277-6575 as

the Utah State Bar offices are still closed. As a note, I have cc'd UBF Board President Peggy Hunt⁰⁰⁰⁰⁸⁰ on this email as well so that I can keep her informed through this fast moving process.

Thank you,
Kim

Kim Paulding
Utah Bar Foundation
[645 South 200 East](#)
[Salt Lake City, Utah 84111](#)
Tel: 801-297-7046

Tab 7

Agenda

FY 2021 Carryforward and Ongoing Turnover Savings Requests					
Total Available Funds				\$ 3,210,500	\$ 754,096
#	Budget Obligations	Requested		Approved by Legislature	
		One Time	Ongoing	One Time	Ongoing
	HB002 Salary Increases (main line item only)		\$ 972,000	\$ -	\$ -
	HB002 Commissioner Recruitment and Retention		\$ 92,500	\$ -	\$ -
	HB002 Child Welfare Mediator		\$ 54,900	\$ -	\$ -
	HB002 Information Technology Enhancements	\$ 450,000	\$ 932,000	\$ -	\$ -
	HB206 Bail and Pretrial Release Amendments (in HB003)	\$ 63,000	\$ (13,000)	\$ -	\$ -
	HB288 Prosecutor Data Collection Amendments (in HB003)	\$ 2,400	\$ 33,000	\$ -	\$ -
	HB 485 Amendments Related to Surcharge Fees (in HB003)	\$ 10,500		\$ 10,500	\$ -
	Subtotal			\$ 10,500	\$ -
				Approved by Jud. Council	
Ongoing Turnover Savings - Total Available as of 6/30/2020 FINAL - \$754,096				\$ 754,096	
#	Previous Council Priorities Unfunded by Legislature - Ongoing				
1	Self Help Center-Bring 5 employees to full time - recommend funding through Ongoing Turnover Savings	n/a	\$ 109,800		\$ 109,800 E
	Recommended Essential Spend				
	Council Deferrals from August 2019 - Ongoing				
	Public Outreach / Education Coordinator Will be Presented as a 2022 request	n/a	\$ -		
	Two 3rd District Problem-Solving Drug Court Clerks Request Withdrawn by Requester	n/a	\$ -		
	Ongoing Turnover Savings - FY 2021 Requests				
1a	Fund Office of Fairness and Accountability		\$ 80,000		\$ 80,000 E
	2021 Budget Cut from SB 5001, 2020 5th Special Session		\$ 520,000		\$ 520,000 E
	Subtotal Recommended Essential	\$ -	\$ 709,800		
	Balance Remaining from Ongoing Turnover Savings	\$ -	\$ 44,296	\$ -	\$ 709,800
	Carryforward spending requests - Total Available \$3,200,000	\$ 3,200,000			
2	PSA Calculation Cost for Incuding NCIC "Hits" (Legal)	\$ 198,014		\$ 198,014	E
3	ICJ Operations Funding (Dues/Training and travel/Extradition) (Neira Siaperas) (\$24,000 approved last year - 1x)	\$ 20,000		\$ 20,000	E
4	Divorce Ed for Children Video - Teen Website (carry forward of remaining grant balance) (Public Information)	\$ 18,000		\$ 18,000	E
5	Utah Code & Rules for judges (Law Library) (\$54,069 approved last year - 1x) RULE CHANGE	\$ -		\$ -	
6	Secondary language stipend (HR) (\$65,000 approved last year - 1x)	\$ 65,000		\$ 65,000	E
7	Matheson Courthouse carpet repairs (select replacement with carpet tiles) (Facilities)	\$ 20,000		\$ 20,000	E
8	Time-limited Law Clerks (2 FTEs) (Shane Bahr) (\$190,650 approved last year - 1x)	\$ 191,200		\$ 191,200	E
9	IT Unfunded Mandates (Researching funding through CCJJ)	\$ 288,900		\$ 288,900	E
16	Public Outreach Coordinator 1st Year Funding (salary, wages, IT equipment purchases, and other office expenses)	\$ 100,000		\$ 100,000	E
17	Child Welfare Mediator PT	\$ 55,000		\$ 55,000	E
18	IT Information Technology Infrastructure and Development	\$ 1,382,000		\$ 1,382,000	E
19	Reserve - For one-time items at discretion of Judicial Council	\$ 150,000		\$ 150,000	E
	Previously Approved	\$ 2,488,114			
20	Additional Code and Rule Books for Appellate Courts	\$ 4,648		\$ -	E
21	Court Services Cognos Upgrade (Contingent Approval)	\$ 40,000		\$ -	E
22	Court Services NCSC Weighted Caseload Study	\$ 17,000		\$ -	E
23	COVID Outreach Ad Campaign	\$ 34,000		\$ -	E
24	Computer, Printer, Replacement Inventory (IT)	\$ 150,000		\$ -	E
25	Webex Enhancements (IT)	\$ 150,000		\$ -	E
	Subtotal New Recommendations	\$ 395,648			
	Grand Total Recommended Essential	\$ 2,883,762			
Deemed Non-Essential Under \$2.5M Carryforward Threshold - Potential Reassessment in Sept/Oct 2020					
10	Education Leadership and Court Skills Academy (Education)	\$ 25,500		\$ -	NE
11	Castledale Enhancements (7th District)	\$ 28,000		\$ -	NE
12	Moab Courthouse Improvements (7th District)	\$ 12,000		\$ -	NE
13	Supplemental Judicial operations budget (Finance Director) (\$70,000 approved last year - 1x)	\$ 70,800		\$ -	NE
14	Employee incentive awards (Awards and taxes) (HR) (\$260,000 approved last year - 1x)	\$ 260,000		\$ -	NE
15	Employee educational assistance (HR) (\$42,000 approved last year - 1x)	\$ 75,000		\$ -	NE
	Subtotal Other Requests - not included in expended amounts	\$ 471,300			
Total Recommended Essential Requests from \$3.2M One-time Carryforward		\$ 2,883,762	\$ -	\$ 2,488,114	\$ -
Balance Remaining of \$3.2 Approved Carryforward		\$ 316,238		\$ 711,886	\$ 44,296
LEGEND					
Highlighted items are NEW Requests. All have been deemed "essential" by Budget and Fiscal Management Committee					
Items italicized in blue represent items prioritized or deferred by the Council in August 2019 or unfunded by the legislature in FY 2020					
Items in red represent funding identified by the Legislature for a specific purpose					
E = Recommended by Budget and Finance Committee as Essential Spending					
NE = Non essential					
Carryforward Funding into FY 2021 has been increased by the legislature from \$2.5M to \$3.2M and CARES reimbursement of \$935K has been received.					
Legislature is considering request by Courts to increase General Fund Carryforward from \$3.2M to \$3.76M.					

20. FY 2020 Carryforward Spending Request – Appellate Court Utah Code Books for FY 2021

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending patterns will not fully expend our appropriations by June 30. The Legislature approved for the Judicial Branch to carry forward unspent FY 2020 funds into FY 2021. This is a request to the Judicial Council to allocate the use of these approved unspent funds.

Date: 7/29/2020

Department or District: Law Library

Presented by: Jessica Van Buren

Request title: Utah Code Books – Appellate Court

Amount requested: One time: \$4,648

Purpose of funding request:

Fulfill request by Appellate Court to supply each Appellate judge a hard copy of the Utah Code and Rule books since they would otherwise share a single set among all judges.

Law Library Budget for Utah Code and Rule books -	\$49,000
Less: Expended to Date for Utah Code and Rule books -	<u>(\$46,800)</u>
Balance available -	\$2,200

Less: Additional books for Appellate judges:

Codebook \$750 * 8 = \$6,000

Rule book \$106 * 8 = \$848

Total: \$6,848 (\$6,848)

Deficit to fund through Carryforward request	\$4,648
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Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

See above.

Alternative funding sources, if any:

None.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

See above.

21. FY 2020 Carryforward Spending Request – Court Services Analytics Software Upgrade

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2020 are normally to be spent between July 1, 2019 and June 30, 2020; however **the Legislature has approved the Judicial Branch carryforward approx. \$3.2M in unspent FY 2020 funds into FY 2021. This is a request to the Budget and Finance Committee and the Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2021.**

This request was approved by the Budget and Fiscal Management Committee contingent on Courts IT and Court Services' Cognos vendor, Sirius Communications, reaching a conclusion that the system errors noted below require a software upgrade to successfully fix the issue.

Date: 7/30/2020

Department or District: Court Services

Requested by: Clayson Quigley

Request title: Upgrade Court Services' Analytics Software

Amount requested: **One-time \$ 40,000** _____

Ongoing \$ 0 _____

Purpose of funding request:

Upgrade Court Services' Cognos Analytics software from 11.0.7 to 11.1.6

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Cognos Analytics is a business analysis tool that helps query and summarize data from court databases. Occasionally, the software requires major updates to access new features and fix known issues with the system. Court Services uses this software to provide data analysis to the judiciary as well as to external parties such as the media and justice community parties for research. This funding would be used to contract with Sirius Communications to migrate our system to the latest version of Cognos Analytics.

Court Services is currently using version 11.0.7 of Cognos Analytics. This version was released in 2017. Several minor enhancements were released the following years with a major version update earlier this year to 11.1.6. Data analysts receive training and assistance that focuses on the latest version of Cognos. Without an upgrade, Court Services' data analysts who receive training and/or assistance from Cognos will be unable to fully utilize the training offered.

As we become more data focused, the need for quick reliable data increases. Recent changes in the Utah judiciary like the PSA project and the creation of the new Office of Fairness

21. FY 2020 Carryforward Spending Request – Court Services Analytics Software Upgrade

and Accountability highlight our need for accurate, meaningful data analysis. Improvements to our tools we use to do this analysis will be key to our success going forward.

Finally, Cognos has begun to display occasional system errors decreasing our confidence in reliable reporting. These system errors have been examined by IT and Court Services to determine their cause. In many cases the cause is unknown and may be due to compatibility issues related to using an older version of the software. This upgrade would enable us to address the system errors that we have encountered by contracting with a vendor to migrate our system to a new version. Using an experienced vendor to perform this migration will increase our confidence that the system is set up correctly and tailored to our needs.

Primary benefits from upgrading include:

- New features – The new version of Cognos has several new features that will enhance our ability to provide data analysis such as:
 - Better visualizations for data
 - New User Interface for dashboards
 - Enhanced AI for generating visualizations
 - Interactive Data Tables
- Improved system performance
- Expert analysis of our system setup

Alternative funding sources, if any:

None.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

If funding is not received we will continue to experience the current reliability issues which in turn makes it harder to provide the level of reliability and timeliness to others that Court Services has historically provided.

22. FY 2020 Carryforward Spending Request – Court Services Weighted Caseload Analysis

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2020 are normally to be spent between July 1, 2019 and June 30, 2020; however **the Legislature has approved the Judicial Branch carryforward approx. \$3.2M in unspent FY 2020 funds into FY 2021. This is a request to the Budget and Finance Committee and the Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2021.**

Date: 8/3/2020

Department or District: Court Services

Requested by: Clayson Quigley

Request title: Weighted Caseload Analysis

Amount requested: **One-time** \$ 17,000

Ongoing \$ 0

Purpose of funding request:

Conduct a third party analysis of our Weighted Caseload methodology.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Court Services intends to contract with the National Center for State Courts (“NCSC”) to do an independent review of the methodology and history of our annual weighted caseload report. The NCSC will provide guidance and feedback on improving our weighted caseload to help develop a plan for conducting future weighted caseload reports. This process will:

- Review our current methodology,
- Compare our methodology with the current practices of other states,
- Update the process to account for best practices in caseload analysis, and
- Strengthen the validity of the weighted caseload by adding a neutral third party voice.

For nearly 20 years the AOC has produced an annual weighted caseload report used by court leadership and the legislature to inform policy surrounding case management and personnel at the courts. The process of developing the methodology and formula as well as conducting the actual analysis has historically been completed in-house. Nearly all other states utilize a third party to help develop the methodology or conduct the analysis all together. Our practice has been that Court Services conducts the analysis. The formula used to generate the report is designed by a committee that reviews current practices and assesses the need for change to the weighted caseload formula.

If approved, Court Services will engage the NCSC’s services in evaluating our methodology and analysis to ensure that data is being collected and reported accurately. This is a lengthy process and disruptive to our normal business. This year we have a unique opportunity to undergo this type of an evaluation due to the disruption caused by COVID-19. We anticipate that there will be no change in judicial officers due to state budget cuts. Also, the decrease in

22. FY 2020 Carryforward Spending Request – Court Services Weighted Caseload Analysis

court filings and anticipated backlog created by the pandemic result in an abnormal workload that would not be accurately reflected in the weighted caseload report.

Alternative funding sources, if any:

There is no known alternative funding source for this project.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

If funding is not received, the evaluation will not be completed. The evaluation is critical to ensuring our weighted caseload annual report is consistent with best practices and serves as a valid measure to establish staffing levels. This review will ensure accurate information is reported to court leadership, the legislature, and others who have an interest in court operations.

23. FY 2020 Carryforward Spending Request – Public Service Ad Campaign Re COVID Access

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2020 are normally to be spent between July 1, 2019 and June 30, 2020; however **the Legislature has approved the Judicial Branch carryforward approx. \$3.2M in unspent FY 2020 funds into FY 2021. This is a request to the Budget and Finance Committee and the Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2021.**

Date: 8/4/2020

Department or District: AOC – Public Information Office

Requested by: Geoffrey Fattah

Request title: One-month Public Service Ad Campaign for COVID-related Outreach

Amount requested: **One-time \$ 34,000** _____

Ongoing \$ 0 _____

Purpose of funding request:

This will fund a one-month statewide public service ad campaign in English and in Spanish, encouraging the public to call or email the courts, rather than come in person during the pandemic. We have seen an increase in court patrons coming to courthouses in many districts. (See attached Exhibit for cost breakdown and demographic information)

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Since the onset of the pandemic many court services have been moved online or handled by telephone. Efforts have been made to inform the public about the movement of services, including protective orders, remote filing, payment of fines, etc. The courts created a central public website for COVID-related information, as well as community fliers in English and the top most used languages for interpreters: Spanish, Vietnamese, and Arabic.

In the past month or so, Trial Court Executives and Clerks of Court have reported an increase in the number of patrons showing up to courthouses. While the numbers are a fraction of normal daily court business, it has risen to the level where there is concern the numbers may overwhelm reduced in-person staff.

While asking media to do stories on this topic have happened, the public permanency of the message does not last long.

It is recommended that the courts invest in a month-long public service ad campaign. The strategy below is designed to reach both older and younger demographics through radio and Facebook.

A Standing Committee on Judicial Outreach working group has also recommended that this ad campaign include Spanish-speaking media as well. The public COVID site has been translated into Spanish as well.

Alternative funding sources, if any:

23. FY 2020 Carryforward Spending Request – Public Service Ad Campaign Re COVID Access

Geoffrey Fattah has had a conversation with Kim Paulding with the Utah Bar Foundation. While the foundation has allocated most of its funds for COVID-related services, it may allocate a portion of \$10,000 remaining. Mr. Fattah has submitted a request.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

The lack of broad public information on our shift to remote services could result in increased confusion in the public about where to find help during the pandemic. It could also result in an increase in in-person courthouse patrons, which could strain limited staff. Getting the word out about remote services can help alleviate this.

23. FY 2020 Carryforward Spending Request – Public Service Ad Campaign Re COVID Access

Exhibit

Proposed One-Month Media Ad Campaign:

Media Outlet	Cost Formula ¹	Estimated Monthly Spend
KSL Radio	3 daily radio spots @ \$60 - \$80 x 7 days = \$1,260 - \$1,680 x 4 weeks	\$6,000 (@ average spot price rounded up to nearest \$1,000)
Other Bonneville Media Radio stations: Arrow 103.5/FM 100	Pricing would be similar	\$6,000 (@ average spot price rounded up to nearest \$1,000)
Facebook	30 day campaign: 6.3K – 18.3K daily reach = \$1,000	\$1,000
Telemundo TV	30 second spot @ \$30-\$125, 3 daily x 7 days = \$630 - \$2,625 x 4 weeks	\$7,000 (@ average spot price rounded up to nearest \$1,000)
Telemundo Digital – Social media/Web streaming	2 week promotion on TV & 3 week promotion online	\$3,350
Alphamedia (KDUT, KTUB, KBMG) radio	25 30-second spots per week @ \$35 per spot x 7 days = \$875 x 4 weeks	\$10,500 (\$3,500 x 3 stations)
KSL ad production		\$150
Telemundo ad production	Cost is \$650 to air on competing stations	Free
Alpha Media ad production		Free
Total		\$34,000

¹ We will negotiate with all media outlets. Number of ads may increase due to our negotiating efforts.

23. FY 2020 Carryforward Spending Request – Public Service Ad Campaign Re COVID Access

Radio

- Nielsen survey found 83% of consumers say they are listening to more radio because of the pandemic:
 - o 26% increase at home, 19% increase on mobile devices, 12% increase on computer/32% decrease in cars
- Cost to produce radio ad that can be broadcast on other stations: \$150 (for 3 months use)
- KSL reaches over 200,000 listeners a week
- 33 spots a week: \$1,770 (or \$60 - \$80 per spot, depending on time of day)
- Other option: traffic report sponsorship – 15 spots a week for 3 weeks: \$3,000

Social Media

- Utah Courts current followers: 2,465
- Facebook reach – 771- 2,227 a day (non-followers, statewide)
- 30 day campaign: \$1,000 – 6.3K – 18.3K daily reach

Spanish-Speaking Media

Telemundo/NBC Universal:

- Coverage area: Salt Lake County metro area
- Median age 44: 34% (35-49) 47% (50+)
- Gender: 61% female/39% male
- Prime viewership from 2 pm – 10 pm is 1k – 5k
- Daily digital traffic: 15.5K unique users with 22.5K page views
- Foros Digital are live-streamed educational interviews streamed on Telemundo's Facebook page. The event is promoted two weeks before the Facebook event on TV.

#

24 - FY 2020 Carryforward Spending Request – Computer Replacement Request

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2020 are normally to be spent between July 1, 2019 and June 30, 2020; however **the Legislature has approved the Judicial Branch carryforward approx. \$3.2M in unspent FY 2020 funds into FY 2021. This is a request to the Budget and Finance Committee and the Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2021.**

Date: 7/30/2020

Department or District: AOC Information Technology
Requested by: Heidi Anderson

Request title: IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements

Amount requested: **One-time \$150,000** _____

Ongoing \$ 0 _____

Purpose of funding request:

The IT Division has established an annual desktop and laptop replacement schedule that provides for each unit to be replaced once every five years. The Division has annually for the past two years requested \$250,000 for the program—this request for \$150,000 takes into account that an inventory of laptops currently exists (funded through CARES purchases) to draw from and laptops will not need to be funded from this request.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

The \$150,000 request will be used to fund a mix of replacement equipment including: desktops, scanners, printers, notebooks, and other peripherals affect the productivity of court staff. Ongoing funding is not available for this project.

Alternative funding sources, if any: None

If this request is not funded at this time, what are the consequences or is there an alternative strategy? When desktops, printers or scanners break individuals will have to go without or use an older computer that may still be working.

25 - FY 2020 Carryforward Spending Request – WebEx Virtual Hearing Improvement Project

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2020 are normally to be spent between July 1, 2019 and June 30, 2020; however **the Legislature has approved the Judicial Branch carryforward approx. \$3.2M in unspent FY 2020 funds into FY 2021. This is a request to the Budget and Finance Committee and the Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2021.**

Date: 7/30/2020

Department or District: AOC Information Technology

Requested by: Heidi Anderson

Request title: IT WebEx Virtual Hearing Improvement Project

Amount requested: **One-time \$ 150,000** _____

Ongoing \$ 0 _____

Purpose of funding request: The funding request is to enable some additional functionality within WebEx to ease the use and attendance for the hearings.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

This will allow Judges to utilize WebEx meetings vs Events and have a public portal for the people who want to view court proceedings but are not a participant of the hearing. This will also allow judges to have new functionality coming to webex meetings like breakout sessions, har muting participants, background changes and lobby functionality.

Alternative funding sources, if any: We have been given a grant from SL County to cover \$100,000 of the expense of this. This request is only asking for the remaining balance.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

We will have to live with current limited functionality in WebEx events

Tab 8

 Name

 Address

 City, State, Zip

 Phone

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

 Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff/Petitioner v. <hr/> Defendant/Respondent	<p>Subpoena (Utah Rule of Civil Procedure 30 and 45)</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner
--	---

The following records and forms must be attached to this Subpoena and served with it.

- Notice to Persons Served with a Subpoena.
- Objection to Subpoena.
- Declaration of Compliance with Subpoena.
- Witness fee.
- Application for Subpoena under the Utah Uniform Interstate Depositions and Discovery Act with attachments (for cases from states in which the Uniform Act applies).
- Notice of Deposition and Request for Subpoena in Case Pending Out of State (for cases from states in which the Uniform Act does not apply).

Serve all of these documents by one of the methods described in Utah Rule of Civil Procedure 4(d).

To:

Name and Address

Name and Address

1. ☐ You must appear at:

Address (Dirección):

Date (Fecha): _____ Time (Hora): _____ ☐ a.m. ☐ p.m.

Room (Sala): _____

To: (Choose all that apply.)

☐ testify at a trial or hearing.

Interpretation. If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

Interpretación. Si usted no habla ni entiende el Inglés el tribunal le proveerá un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.

ADA Accommodation. If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

Adaptación o Arreglo en Caso de Discapacidad. Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.

☐ testify at a deposition.

☐ permit inspection of the following premises:

_____ (address)

☐ produce the following documents or tangible things:

2. ☐ You must copy the documents or electronically stored information listed below. You must mail or deliver the copies to the person at the address at the top of the first page of this Subpoena by: _____ (date).

3. The Notice to Persons Served with a Subpoena must be served with this Subpoena. The notice explains your rights and obligations.
4. ☐ This subpoena is for a deposition and is being served on a corporation, partnership, association or governmental agency. (Utah Rule of Civil Procedure 30). You must designate one or more persons who will be questioned on your behalf .

The questions will be about (describe):

5. ☐ This Subpoena includes the terms of the attached subpoena issued by _____ (state).

If you are representing yourself or you checked paragraph 5, only the court clerk may sign this subpoena.

_____ Date	Signature ► Printed name of: Court Clerk <input type="checkbox"/> _____ Attorney for Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent <input type="checkbox"/> _____ Licensed Paralegal Practitioner for Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent <input type="checkbox"/> _____
---------------	--

Notice to Persons Served with a Subpoena

A subpoena may require you to copy and mail documents, produce documents or tangible things, appear at a hearing, trial, or deposition, or allow inspection of a location.

A subpoena can be issued by the court clerk or by a licensed attorney. You must do what it says or file an objection. If you don't comply, you can be fined or go to jail.

You can find more information about subpoenas and forms you may need at:
www.utcourts.gov/resources/forms/subpoena/

1. If the subpoena requires you to **appear to at a trial, hearing, deposition, or for inspection of a place**, you must appear at the date, time, and place designated in the subpoena. You will be required to either answer questions under oath or allow inspection of a place.

For a deposition or inspection of premises, you can be commanded to appear in only the following counties:

- If you are a resident of Utah:
 - where you reside;
 - where you are employed;
 - where you transact business in person; or
 - where the court orders.
- If you are not a resident of Utah:
 - where you are served with the subpoena; or
 - where the court orders.

2. If the subpoena requires you to **copy documents or electronically stored information**, you must:

- organize the copies as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena; and
- mail or deliver the copies and the Declaration of Compliance with the Subpoena to the attorney or party requesting the documents. You may need to modify the Declaration to fit your circumstances.

The party who requested the documents must pay the reasonable cost of copying the documents.

3. If the subpoena requires you to **produce documents or tangible things**, you must appear in person with the documents or tangible things so that they may be tested, copied, sampled, or inspected. You must:

- produce the documents or tangible things as you keep them in the ordinary course of business or organize and label them to correspond with the categories in the subpoena; and
- mail or deliver the Declaration of Compliance with the Subpoena to the requesting attorney or party.

The subpoena may require you to produce the documents at the trial, hearing, or deposition or to mail them to the issuing party or attorney.

The subpoena must be served on you at least 14 days before the date designated for compliance.

The party issuing the subpoena must pay the reasonable cost of copying and producing the documents or tangible things.

4. **Witness fee.** If the subpoena requires you to appear, a one-day witness fee must be served with the subpoena. A one-day witness fee is \$18.50 plus mileage. The witness fee for each subsequent day is \$49.00 plus mileage. Mileage is \$1.00 for each 4 miles you have to travel over 50 miles (one direction).

A subpoena issued on behalf of the United States or Utah does not have to include a witness fee and mileage.

5. **Objection to a subpoena.** You may object to all or part of the subpoena if :

- it does not give you a reasonable amount of time to comply.
- it creates an undue burden for you.
- it requires you to disclose privileged or other protected matter and no exception or waiver applies.
- it requires you to disclose a trade secret or other confidential research, development, or commercial information.
- it requires you to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.
- you are a Utah resident and it requires you to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county:
 - in which you do not reside,
 - are not employed, or
 - do not transact business in person,
 unless the judge orders otherwise.

- you are not a Utah resident and it requires you to appear at a deposition or to produce documents, electronic records or tangible things or to permit inspection of premises in a county other than the county in which you were served, unless the judge orders otherwise.

You must comply with those parts of the subpoena to which you do not object.

6. **How to object.** To object to the subpoena, complete and serve the Objection to Subpoena on the party or attorney issuing the subpoena before the compliance date.

Once you have filed the objection, you do not have to comply with the subpoena unless ordered to do so by the court.

7. **Motion to compel.** If you serve an Objection to Subpoena on the party or attorney issuing the subpoena, they may file a motion asking the court to make you comply with the subpoena. They may also ask for a hearing on the motion.

If you do not agree with the motion, you can file a Memorandum Opposing the Motion. See the court's Motions web page for information and forms: www.utcourts.gov/howto/filing/motions/.

It is possible to ask the judge to order conditions for complying with the subpoena. Consider talking to an attorney to go over your options. See the Finding Legal Help web page for information about free and low cost ways to get legal help: www.utcourts.gov/howto/legalassist/.

8. **Organizations.** If the subpoena orders a corporation, partnership, association or governmental agency that is not a party to the suit to appear at a deposition, they must designate one or more persons to answer questions on their behalf. (Utah Rule of Civil Procedure 30).

 Name

 Address

 City, State, Zip

 Phone

 Email

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff/Petitioner

V.

 Defendant/Respondent

Objection to Subpoena

(Utah Rule of Civil Procedure 45(e)(3)-(4))

 Case Number

 Judge

 Commissioner (domestic cases)

I have been served with a subpoena in this case, and I object because the subpoena:

1. ☐ Does not give me a reasonable amount of time to comply (Explain).

2. ☐ Creates an undue burden for me (Explain. Attach additional pages if needed).

3. ☐ Requires me to disclose privileged or other protected matter and no exception or waiver applies. (Describe the document or thing. Be specific.)

4. ☐ Requires me to disclose a trade secret or other confidential research, development, or commercial information. (Describe the document or thing. Be specific.)

5. ☐ Requires me to disclose an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study that was not made at the request of a party.

6. ☐ Requires me, a resident of Utah, to:

- ☐ appear at a deposition;
- ☐ produce documents, electronic records or tangible things; or
- ☐ permit inspection of a premises

in a county in which I do not reside, am not employed, and do not transact business in person.

7. ☐ Requires me, a non-resident of Utah, to:

- ☐ appear at a deposition;
- ☐ produce documents, electronic records or tangible things; or
- ☐ permit inspection of a premises

in a county other than the county in which I was served.

8. ☐ Other.

Person subject to subpoena

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 Objection to Subpoena 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 ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff/Petitioner V. <hr/> Defendant/Respondent	<p>Declaration of Compliance with Subpoena (Utah Rule of Civil Procedure 45(f))</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
--	--

1. I am the recipient of the subpoena. I have knowledge of the facts in this declaration.
2. The documents or tangible things copied or produced are a full and complete response to the subpoena.
3. The documents or tangible things are:
 - ☐ the originals.
 - ☐ true copies of the originals.
4. The reasonable cost of copying or producing the documents or tangible things is \$_____. Here is how I calculated the cost:

Custodian of the records

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 Declaration of Compliance with Subpoena 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

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
 (_____ (state) Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff/Petitioner

v.

 Defendant/Respondent

**Application for Subpoena under the
Utah Uniform Interstate Depositions
and Discovery Act**
(Utah Code 78B-17-101 et seq.)

 Case Number

 Judge

 Commissioner (domestic cases)

You must attach the following records and forms if they are not already on file with the court.

- Proposed Utah subpoena and all required supporting records and forms.
- The foreign subpoena.
- The names, addresses and telephone numbers of all attorneys of record and of any self-represented party.

1. I request a subpoena from this court incorporating the terms of the foreign Subpoena issued by or on behalf of the court in which the action is pending.

2. This court is permitted to issue a Utah subpoena because I intend to conduct discovery in this judicial district.
3. The underlying case is pending in a court of record in a state that has enacted the Uniform Interstate Depositions and Discovery Act, or provisions substantially similar to the uniform act.
4. The foreign subpoena requires the person named to: (Choose all that apply)
 - ☐ testify at a deposition.
 - ☐ permit inspection of the premises specified in the foreign subpoena.
 - ☐ produce documents or tangible things specified in the foreign subpoena.
5. The foreign subpoena is attached to this application.
6. The names, addresses and telephone numbers of all attorneys of record and of any self-represented party are attached to this application.

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

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

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Application for Subpoena under the Utah Uniform Interstate Depositions and Discovery Act 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

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
 (_____ (state) Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff/Petitioner v. <hr/> Defendant/Respondent	<p>Notice of Deposition and Request for Subpoena in Case Pending Out of State</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
--	--

You must attach the following records and forms if they are not already on file with the court.

- Proposed Utah subpoena and all required supporting records and forms.
- Commission to examine witnesses, letters rogatory, or other proof of authority to conduct depositions (if issued by the state in which the action is pending).

1. The above entitled case is pending in the _____ court of _____ (county and state), case number _____.

2. I am authorized under the laws of that state to conduct depositions in this case.

3. I have completed and I request that the clerk issue a subpoena for the following people to appear for deposition as indicated.

Name of deponent			
Address of deponent (for service)			
Date of deposition		Time of deposition	
Location of deposition (full address including any suite number)			

Name of deponent			
Address of deponent (for service)			
Date of deposition		Time of deposition	
Location of deposition (full address including any suite number)			

Name of deponent			
Address of deponent (for service)			
Date of deposition		Time of deposition	
Location of deposition (full address including any suite number)			

Name of deponent			
Address of deponent (for service)			
Date of deposition		Time of deposition	
Location of deposition (full address including any suite number)			

4. I ask the clerk to send the subpoena(s) to:

☐ me at the address above.

☐ the sheriff or constable of the county to complete service.

☐ _____ (name) to complete service.

_____ (address)

_____ (city, state, zip)

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

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

	Signature ►	
Date	Printed Name	

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Deposition and Request for Subpoena in Case Pending Out of State 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 ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

 In the District Court of Utah

 _____ Judicial District _____ County

 Court Address _____

 Petitioner

 v.

 Respondent

**Petition to Register Office of
Recovery Services (ORS) Support
Order**

(Utah Code 78B-12-113)

 Case Number

 Judge

 Commissioner (domestic cases)

-
1. I am a resident of _____ County, Utah.
 2. Respondent is a resident of _____ (county, state).
 3. The Utah Office of Recovery Services (ORS) has the authority to establish, enforce, and modify support orders.
 4. I have attached a copy of the ORS child support order issued on

_____ (date).

5. ORS is currently providing or has provided child support services. I will serve the Office of the Attorney General, Child Support Division, with a copy of this petition.
6. This court has the authority to enforce the administrative support order.
7. I ask the court to register the support order.

Petitioner

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

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

_____ Date	Signature ►	_____
	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____ Date	Signature ►	_____
	Printed Name	_____

 Name

 Address

 City, State, Zip

 Phone

 Email

 In the District Court of Utah

 _____ Judicial District _____ County

 Court Address _____

 Plaintiff/Petitioner

 V.

 Defendant/Respondent

**Order Confirming Registration of
Office of Recovery Services (ORS)
Support Order**

 Case Number

 Judge

 Commissioner (domestic cases)

The matter before the court is a Petition to Register Office of Recovery Services Support Order. 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:

1. This court:

☐ has the authority to enforce the ORS support order.

☐ does not have the authority to enforce the ORS support order.

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

The court orders:

2. The Petition to Register Office of Recovery Services (ORS) Support Order is

☐ granted. The ORS administrative support order dated _____ is the order of this court.

☐ denied.

3. ☐ The ORS administrative support order has the full force and effect of a district court order.

4. ☐ This court shall have continuing jurisdiction over this matter

5. ☐ 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	Petitioner, Attorney or Licensed Paralegal Practitioner	_____

_____	Signature ►	_____
Date	Respondent, Attorney or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order Confirming Registration of ORS Administrative Support Order on the following people.

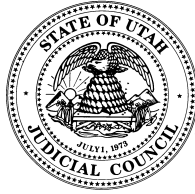
Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

Tab 9



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

FROM: Jim Peters, Staff to the Committee

DATE: August 3, 2020

RE: Recommendations for New Members of the Standing Committee on Children and Family Law

On March 13, 2020, the Judicial Council adopted recommendations from the Standing Committee on Children and Family Law to revise Rule 1-205(1)(B)(vi) of the Code of Judicial Administration. As a result of that rule change, and because of terms that have expired, the committee has five vacancies to fill. Recommendations for these positions, together with efforts made to recruit for them, are described below.

1. *(1)(B)(vi)(d) one attorney with experience in abuse, neglect and dependency cases*

To recruit for this and the other attorney position, an announcement was sent from Utah Court Notices to members of the bar on May 13, 2020 inviting interested attorneys to provide a resume and statement of interest. Applications were received from

- Mark Hales
- Brent Hall
- Catherine Hoskins
- Eric Johnson
- Matthew Johnson
- Keil Myers
- Adam Trupp
- Janette White

and are included under [Tab 1](#). The committee recommends that Brent Hall be appointed to fill this position.

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

2. ***(1)(B)(vi)(e) one attorney with experience representing parents in abuse, neglect and dependency cases***

To recruit for this and the other attorney position, an announcement was sent from Utah Court Notices to members of the bar on May 13, 2020 inviting interested attorneys to provide a resume and statement of interest. Applications were received from

- Mark Hales
- Brent Hall
- Catherine Hoskins
- Eric Johnson
- Lisa Lokken
- Keil Myers
- Jordan Putnam
- Adam Trupp

and are included under [Tab 2](#) (unless they were already included under Tab 1). The committee recommends that Lisa Lokken be appointed to fill this position.

3. ***(1)(B)(vi)(f) one representative of a child advocacy organization***

For this position, I was unable to identify a network that I could use to advertise the position with multiple organizations at the same time. I therefore approached Kids Who Count and Voices for Utah Children directly. Kids Who Count was interested, but declined, as this is not a good time for them. Voices for Utah Children is very interested in participating, however. A resume and statement of interest for Anna Thomas, the organization's policy analyst, is included under [Tab 3](#). The committee recommends that Anna Thomas be appointed to fill this position.

4. ***(1)(B)(vi)(h) one professional in the area of child development***

For this position, I contacted departments for family studies at Utah State University, Weber State University, the University of Utah, Salt Lake Community College, Utah Valley University, Brigham Young University, Snow College, Southern Utah University and Dixie State University. I received one application as a result. A resume and statement of interest for Dr. Alex Jensen is included under [Tab 4](#). The committee recommends that Alex Jensen be appointed to fill this position.

5. ***(1)(B)(vi)(i) one mental health professional***

This position is new to the committee. Through informal communications, I learned that Amanda Alkema, an LCSW with the Division of Substance Abuse and Mental Health, is interested. Based on her credentials, I think the committee would be lucky to have her. To properly recruit for the position, however, I indicated that I needed to advertise it to her colleagues. She recommended working through Brian Currie to spread the word to the Clinical Director's Committee for the Local Mental Health Authorities and Troy Shaw, Chair of the Youth Provider Association, who could forward the announcement to his network. As these efforts yielded no applications, Amanda Alkema's statement of interest and resume is the only application included under [Tab 5](#). The committee recommends that Amanda Alkema be appointed to fill this position.

Tab 1

Mark R. Hales

801.907.5588

1651 W. 14600 S., Bluffdale, UT 84065

markhales@gmail.com

May 28, 2020

James Peters
Justice Court Administrator
Administrative Office of the Courts
450 S State Street
Salt Lake City, UT 84114-0241
jamesp@utcourts.gov

Dear Jim:

I am interested an attorney position on the Standing Committee on Children and Family Law. I feel that I have the necessary experience to fulfill this position.

First, I have been practicing in family and child welfare related matters since 2007 in both the district and juvenile courts as an attorney, mediator, and guardian ad litem. Prior to that I was the Assistant Attorney General of American Samoa and prosecuted criminal matters (while also teaching at the American Samoa Police Academy) for matters involving both juveniles and adults that ranged from theft, rape, burglary, assault, and murder. In addition to my legal practice, I have presided as a Small Claims Judge for 11 years. From my last count, I am the only attorney in Utah that is on the court's roster as a mediator, private guardian ad litem, and small claims court judge who is also a member of the Parental Defense Alliance or was a former criminal prosecutor. I believe my experience makes me an ideal candidate to participate on the Committee on Children and Family Law.

In addition to my legal career, I have experience serving on various boards or committees. This includes time as a member of the Board of Directors of Camp Kostopulos ("Camp K"), which is Utah's #1 charity for children and adults with disabilities; a member of the Board of Adjustments for both West Valley City and Bluffdale City, chaired the Historic Preservation Commission for Bluffdale City, and was recently elected as a member of the Bluffdale City Council. I also was an Executive Committee Member for two grass-roots organizations trying to create a college football playoff within the NCAA Division I-A Football and volunteered with the Boy Scouts of America as a leader and executive officer and was as a high school football coach for two seasons.

In March 2020, I was chosen by my peers as one of *Utah Business* magazine's 2020 Utah Legal Elite. I believe that United States District Court Senior Judge Reggie Walton best describes my work effort in a published legal opinion. He held, "[Mark] Hales has gone above and beyond the call of duty." *Mahjor v. Kempthorne*, 518 F. Supp 2d, 221, 240 (2007). It is this same attitude, knowledge, and skill to serve as an attorney for the Standing Committee on Children and Family Law. I will be able to serve as either as an "attorney for with experience in abuse, neglect and dependency cases" or as the "attorney with experience representing parents in abuse, neglect and dependency cases." But, if I am only able to apply for one position, I would select the later.

Thanks,



Mark R. Hales, Esq.

Mark R. Hales

EMPLOYMENT

Full-Time Positions

Senior Attorney, Mediator, and Private Guardian <i>Ad Litem</i> : Jolley & Jolley, Sandy, Utah	October 2007 – Present
Assistant Attorney General: Pago Pago, American Samoa	April 2006 – October 2007
Attorney: Law Office of Mark R. Hales, Orem, Utah	April 2003 – April 2006

Other Positions

City Council Member (elected), Bluffdale City, Utah	January 2020 – Present
Administrative Law Judge (<i>Alternate</i>): West Valley City, Utah	August 2012 – Present
Small Claims Court Judge: Third District & Justice Courts, Utah	May 2009 – Present
Pro Bono Attorney/Mediator: Domestic pro se calendar, Third District Court	January 2015 – Present

LEGAL PROFICIENCIES

Administrative Law, Government Agency and Civil Litigation

- General civil litigation matters as an attorney and small claims court judge
- Presided as an Administrative Law Judge
- Represented governmental and quasi-governmental departments, boards, fire departments, and hospitals
- Investigated and prosecuted government corruption
- Represented clients before administrative judges and hearing officers

Consumer Product Protection

- Former Deputy Director of Consumer Protection
- Investigated violations of the Commerce section of the American Samoa Consumer Code
- Informed the public of consumer protections and potential frauds and scams
- Enforced the authority of the Consumer Protection Investigator

Civil Rights and Immigration Compliance and Enforcement

- Fought to protect civil rights and liberties of minorities, including those that were incarcerated
- Investigated and prosecuted immigration abuse and misuse
- Interpreted and applied American Samoa's unique Immigration Code
- Worked with immigration departments of Fiji, Kiribati, Vanuatu, Samoa, New Zealand, Panama, and the United States
- Assisted The Church of Jesus Christ of Latter-day Saints in acquiring visas for their missionaries

Land Use Compliance and Development, Zoning, and Environmental Law

- Administrative Law Judge and former zone enforcer, land use planner, and transportation planner
- Handled various land use and zoning matters, including enforcement, prosecution, and development
- Wrote briefs and motions for the trial and appellate courts on land use and zoning matters

Business Law and Entertainment Law

- Creator, executive producer, and legal counsel for production companies and television/film projects
- Provided legal counsel for several Utah production companies and theaters
- Reviewed and drafted contracts, lease agreements, articles of incorporation, partnerships, and business proposals

Domestic and Juvenile Law

- Represented clients throughout all stages of domestic matters as an attorney and private guardian ad litem
- Prosecutor over juvenile adjudicatory hearings
- Parental defense counsel in Juvenile Court matters regarding termination of parental rights
- Represented clients in obtaining and defending protective orders
- Represented clients before Administrative Law Judges challenging findings of abuse and neglect
- Handled matters assisting and preventing adoptions

Alternative Dispute Resolution

- Court-qualified mediator for all legal matters, including divorce and domestic violence
- Participated in hundreds of mediations as an attorney or mediator

Criminal Law

- Prosecutor and defense counsel involving felonies (including murder), misdemeanors, and infractions
- Appeared at Board of Pardons and Parole Hearings
- Instructor at the American Samoa Police Academy on Criminal Law and Criminal Procedure
- Collaborated with the Federal Bureau of Investigation and the Federal Bureau of Prisoners

EDUCATION

Juris Doctorate, J. Reuben Clark Law School, Brigham Young University	April 2003
Bachelor of Science, Planning and Resource Management, Brigham Young University	April 2000

LEADERSHIP

- Executive Committee Member and Legal Adviser for BCS Busters and CF-16 Coalition, both national campaigns
- Member and Legal Advisor of American Samoa's HIV/AIDS Prevention Committee, 2006-2007
- Creator and Director of the American Samoa legal externship program, placing and supervising law students, 2006-2007
- Executive Officer, Boy Scout Troop 588, West Valley City, Utah, 2010-2012
- Board of Directors, Camp Kostopulos, 2014- 2017
- Chair, Bluffdale City Historic Preservation Commission, 2018-2019

PUBLICATIONS AND PRESENTATIONS

Government

- American Samoa Attorney General's District Court Manual (2006)
- The 2000 Holden City, Utah, Zoning Ordinance (co-author)
- The 1999 Riverton City, Utah, General Plan (co-author)

Books, Articles, and Abstracts

- *Stretch Forth Thy Hand: The Symbolism of the Hand found in the Gospel* (self-published book)
- *B.U.M.P.: Build Unto My Perfection - Overcoming life's challenges* (self-published book)
- *The Grass Ain't Blue in Georgia – The Story Behind the BCS Controversy*, (book co-author)
- "The Antitrust Issues of NCAA College Football within the Bowl Championship Series," *10 Sports Law. J.* 97 (2003)
- "Antitrust Issues of the BCS: A Study of the Bowl Championship Series and Other Bowl Associations That Have Led To a Decade of Bamboozle, Corruption, and Sham Within NCAA I-A College Football," www.bcsorbs.com (article)
- "College Football 16 Team Playoff System Initiative," Flier for CF-16 given to NCAA universities (co-author)
- E.V. Dassow, "Introducing the Witnesses in Neo-Babylonian Documents," Robert Chazan and others (eds.), *Kibbaruch Hu: Ancient Near Eastern Biblical and Judaic Studies in Honor of Baruch A. Levine. Jewish Law Annual*, vol. 15 (abstract)

Presentations

- "Effective Representation Regarding Contempt in Divorce Cases" (May 2017)
- "Seeking Cumorah" (April 2000).

ACCOMPLISHMENTS

Professional

- Utah Business magazine's 2020 Utah Legal Elite – March 2020
- Elected City Council Member – Bluffdale City, Utah (2020-2023)
- Member of the Family Law Section and Parental Defense Alliance of the Utah State Bar, 2008-current
- Court-Qualified Mediator, 2012-present
- Member of the Utah State Bar Examiner Committee, July 2012- present
- Legal expert and guest for the television show, *Divorce: The Talk Show*, filmed October 21, 2011
- Creator, executive producer, and judge of *Conflict of Justice*, a TV pilot, 2014
- Creator and executive producer of *Mafia*, a TV pilot, 2005
- Legal Consultant for the film *Ruling of the Heart*
- Instructor at the American Samoa Police Academy on the topics of Criminal Law and Procedure, 2007
- Inaugural "Geography Student of the Year," Brigham Young University, 1999-2000
- President of BYU's Gamma Theta Upsilon, International Geography Honor Society, 1999-2000
- Vice President of BYU's Geography Club, 1999-2000

Personal

- Hold a concealed firearm permit
- Ram radio license operator and voluntary examiner– KG7ZUL (Amateur Extra)
- Community Emergency Response Team (CERT) – Trained
- Board of Adjustments Member, Bluffdale City, Utah, 2017 –2018 and West Valley City, Utah, 2010-2012
- Assistant high school football coach for the Pac-5 Saints (2006) and Marist Crusaders (2007), Leone, American Samoa
- Member of the American Samoa National Baseball and Softball teams
- Regular guest and contributor for "Samoan Sunrise" on KHJ radio 93.1 FM and TV Channel 13, American Samoa
- Acted in seven movies ("Bacon Number" is 2) and five musicals
- Authored, performed, and recorded "The Samoan Twelve Days of Christmas," on the ukulele
- Certified open water SCUBA diver and VIP diver for the National Parks Service of American Samoa
- Helped set a Guinness World Record for the most leap frogs (1988) on a leap-day, February 29, 1988

LOWE HUTCHINSON COTTINGHAM & HALL

A Professional Corporation
Attorneys & Counselors at Law

THOMAS E. LOWE
J. SCOTT COTTINGHAM
BRENT HALL
STEPHEN F. HUTCHINSON (Of Counsel)

Parkview Plaza II
2150 South 1300 East, Suite 120
Salt Lake City, UT 84106

Telephone (801) 486-1112
Facsimile (801) 486-1198
Website: www.wlhclawyers.com

May 27, 2020

Utah Judicial Council
Attn: Jim Peters
jamesp@utcourts.gov

Re: Open Positions on the Standing Committee on Children and Family Law

Dear Mr. Peters,

Please receive this letter as my statement of interest for the open positions on the Standing Committee on Children and Family Law. I am stating my interest for both positions: 1) as an attorney with experience in abuse, neglect, and dependency cases; and 2) as an attorney with experience representing parents in abuse, neglect, and dependency cases. Please find a copy of my resume enclosed.

My relevant experience representing parents in abuse, neglect, and dependency cases is extensive. I represented parents for over eight years as a public defender at Lokken & Associates. Since entering private practice in 2015, I have continued to represent parents privately before the juvenile court, including a contract case for the Utah Indigent Defense Program defending a private termination of parental rights against a mother in Utah County. I have represented parents before juvenile courts in the First, Second, Third, Fourth, Fifth, and Eighth Districts and have recently accepted a pro bono appointment as an adult parent's guardian ad litem following the Utah Supreme Court's request in In re G.J.P., 2020 UT 4.

In addition to my experience representing parents in abuse, neglect, and dependency cases I have served as a conflict Guardian ad Litem representing children in abuse, neglect, and dependency since 2015. I also represent family members prosecuting private abuse, neglect, and dependency cases before the juvenile court as well as kinship placements seeking guidance or intervention during a State-filed child welfare case. I also serve as an adoption attorney for DCFS foster parents when parental rights have been terminated.

I am committed to child welfare law and want to continue to improve court practices and policies for the benefit of Utah's children and attorneys. I have served on two court committees:

The Utah Supreme Court Advisory Committee on the Rules of Juvenile Procedure (2007 to 2018) and;

The Third District Family Dependency Drug Court Executive Management Committee (2007 to 2015).

Thank you for your consideration in appointment to either position. I am happy to answer and additional questions you may have via email, bhall@lhclawyers.com, or my cell phone, 801-243-3079.

Sincerely,

/s/ Brent Salazar-Hall

Brent Salazar-Hall
Attorney at Law

BRENT SALAZAR-HALL

Attorney at Law

755 East Kensington Ave, Salt Lake City, Utah 84105, Phone: (801) 243-3079

E-mail: bhall@lhclawyers.com

BAR MEMBERSHIP

Member of the Utah State Bar, October 2004, Bar No. 10315

EXPERIENCE

Lowe, Cottingham, Hutchinson & Hall, Salt Lake City, Utah

Partner/Shareholder, May 2019 to present.

- Maintain a private book of clients in family, criminal, juvenile, and general civil matters. Serve as conflict Guardian ad Litem and private Guardian ad Litem.

Prince Yeates & Geldzahler, Salt Lake City, Utah

Of Counsel, December 2018 to May 2019.

- Maintained a private book of clients in family, criminal, juvenile, and general civil matters. Served as conflict Guardian ad Litem and private Guardian ad Litem.

Jennings & Medura, LLC Salt Lake City, Utah

Partner, March 2016 to March, 2018.

Of Counsel, March 2015-2016; March 2018 to December 2018.

- Developed and maintained a private book of clients in family, criminal, juvenile, and general civil matters. Served as conflict Guardian ad Litem and private Guardian ad Litem.

Lokken & Associates, Salt Lake City, Utah

Associate Attorney, November 2006-March 2015

- Provided court-appointed representation for parents in the Third District Juvenile Court child welfare matters.
- Represented clients in family, criminal, juvenile matters as privately retained counsel.

Legal Aid Society of Salt Lake, Salt Lake City, Utah

Staff Counsel, October 2005-November 2006

- Represented low-income parties in family law proceedings and prosecuted protective orders in the Third District Court.

Law Office of James Valdez, L.C., Salt Lake City, Utah

Contract Counsel, November 2004-October 2005

- Provided criminal defense representation in State, Federal, and Justice Courts throughout the State.

BRENT SALAZAR-HALL

Attorney at Law

755 East Kensington Ave, Salt Lake City, Utah 84105, Phone: (801) 243-3079

E-mail: bhall@lhclawyers.com

City Counselor's Office, St. Louis, Missouri

Law Clerk, November 2003-April 2004

- Prosecuted city ordinance violations under a third-year practice rule including traffic, resisting arrest, and driving under the influence.

BOARD MEMBERSHIPS

Board of Trustees, Development Chair, House of Hope

Board of Trustees, Vice-President, Fathers and Families Coalition of Utah

MEMBERSHIPS & ORGANIZATIONS

Utah Supreme Court Advisory Committee on the Rules of Juvenile Procedure, 2007-2018

Utah State Bar, Family Law Section Executive Committee

Family Dependency Drug Court Executive Management Committee: 2007-2015

Member, Association of Family and Conciliation Courts

Participant: National Institute of Trial Advocacy

AWARDS

Utah Legal Elite, Family Law, Utah Business Magazine, multiple years.

Martindale Hubbell Rated AV Preeminent, 2018.

VOLUNTEERISM

Attorney Coach: Judge Memorial High School Mock Trial Team, 2005 – 2009.

Utah State Bar, New Lawyer Training Program Mentor

Volunteer attorney: Third District Court Commissioner's Pro Se docket

Central City Baseball: Little League coach, 2014

PRESENTATIONS

Moderator, 2008 National Drug Endangered Children Conference: *Drug Court Dilemma*

Moderator, 2009 Statewide Drug Court Conference: *Practitioner's Panel*

Presenter, Utah State Bar Juvenile Law Section: *Juvenile Law, NLCLE*

Presenter, University of Utah S.J. Quinney College of Law, Pro Bono Initiative

Panelist, 2011 Statewide Drug Court Conference

Panelist, 2012 University of Utah School on Alcoholism and Other Drug Dependencies

Presenter, 2012 Parental Defense Alliance of Utah CLE: *Utah Drug Testing Law*

Presenter, 2013 Parental Defense Alliance of Utah Conference, *Using DCFS*

Administrative Rules and Practice Guidelines, "Taking a Card Back from the Deck"

Panelist, 2016 Parental Defense Alliance of Utah Conference: *Appellate Practice Tips*

Presenter, 2016 Court Improvement Summit, *Disability and Diminished Capacity in the Juvenile Court*

Presenter, 2016 Utah State Bar Fall Forum, *Juvenile Court for Family Law Attorneys*

Presenter, 2018 Utah State Bar Summer Convention, *Understanding Tax Returns*

BRENT SALAZAR-HALL

Attorney at Law

755 East Kensington Ave, Salt Lake City, Utah 84105, Phone: (801) 243-3079

E-mail: bhall@lhclawyers.com

Presenter: 2018 American Academy of Matrimonial Lawyers Annual Seminar, *Non-Biological Parent Rights: Child Custody Issues Involving Stepparents, Grandparents, and Other Third Parties*

Presenter: 2019 Parental Defense Alliance of Utah Annual Conference, *Mental Health Assessments*

Presenter: 2019 Utah State Bar Summer Convention, *How to Screw Up a Custody Evaluation*

Presenter: 2019 Judicial Conference, *Paternity Issues*

EDUCATION

Saint Louis University School of Law, St. Louis, Missouri

Juris Doctor, *cum laude*, May 2004

- Top 34%, Dean's Scholar, Academic Excellence award, National Moot Court Team

Saint Louis University, St. Louis, Missouri

Honors Bachelor of Arts in Psychology, *cum laude*, May 2001

- All-American Award, National Mock Trial Tournament, 2001

LANGUAGES & INTERESTS

Proficient (not fluent) in Spanish; Eagle Scout, 2002 Winter Games Olympic Torch Bearer, Student and instructor of traditional Chinese martial arts. Outdoor enthusiast.

Catherine J. Hoskins

471 West Heritage Park Blvd, Suite 1
Layton, UT 84041
Phone: 801-593-1065

May 28th, 2020

Judicial Council

RE: Standing Committee on Family and Juvenile Law

Distinguished Judges and Members of the Council:

Please accept this letter as my formal application for one of the two attorney positions currently open on the Standing Committee on Family and Juvenile Law. Over the last twenty years I have acquired significant skills that will assist me in my efforts for this committee.

My career began in the area of family and juvenile law and has stayed fairly consistently in that realm. My practice is approximately 80% family and juvenile law and the other 20% is spent as a justice court judge. As part of my family and juvenile law practice, I routinely act as a mediator and a special master. I have found that the wearing these hats actually makes me better as there is a lot of cross over between justice courts, juvenile and family law.

In 2013 I was asked to be on the Divorce Sub-Procedures Committee and I was surprised by how much I enjoyed the work as I felt like I was able to contribute my input and then take it back to my practice and represent local attorneys in this area of the law. Over the subsequent years I have served on additional committees and each time I know it adds to being a better attorney and judge. In 2016 I was asked by the Supreme Court to serve on the Small Claims Reform Committee, once again it was a great honor to be asked and to be able to give input on issues that needed quick resolution. I have been the Co-Chair of the Second District Pro Bono Committee since its inception and I also sit on the Self-Represented Committee. There is much overlap in all of these committees because at the end of the day the goal is the same to help raise Utah Courts to the highest standards possible.

I have attended a number of trainings outside the state every time I come back, I feel privileged to be part of a State in which such a high commitment to our judiciary and legal system. In February I presented to the National Association of Jamaican Judges about technology in our Courts. After presenting I met with and watched court. I was once again humbled by how many things I take for granted as a lawyer and as a judge. A large portion of my time was with the equivalent of one of their Juvenile Court Judges and a Criminal Judge. We have so many different products and services that I was able to talk about; from our Judicial Settlement Conferences in family law cases, to our docketing and electronic filing, to our case management and trial scheduling in juvenile cases. Yet every time I do

these things I realize that I am better the more I learn from others. A representative from UNICEF was present during the training and asked me to come back and help train their family and juvenile judges on new legislation in April, this was postponed due to the current nature of events, but I am sure I will go back.

District and Juvenile Court are similar but they are different. It is akin to the United States and Canada. They both speak English and have similar populations and people traveling back and forth, but both are gravely offended if when you are there you tell them that is not how they do things back home. My background in Juvenile and Family Court will be able to add to issues that are before the standing committee. The majority of my juvenile court experience is in representation of abuse, neglect and dependency cases. I have represented parents both parents and third-party intervenors, which can make the cases even more complicated. The reason I found out about this position was my participation in the Parental Defense Alliance e-mails that I regularly receive and have attended their trainings over the years.

I believe that if I am appointed, I will bring a diversity of background in that while I occasionally practice in Salt Lake City, the majority of my practice is the Second District. I have found that there is a huge disparity in what occurs in various districts in the state and it is important to have representations from the different districts.

I have included a copy of my resume, which lists all of the committees I currently serve on and have served on. If I can answer any additional questions please do not hesitate to contact me.

Sincerely,

Catherine J. Hoskins

Attorney at Law

Catherine J. Hoskins, J.D.

471 West Heritage Park Blvd, Suite 1
Layton, UT 84041

Phone: 801-593-1065
Email: choskins@utcourts.gov

Employment

Clinton Justice Court Judge

July 2015 – Present

Syracuse Justice Court Judge

September 2014 – Present

Hoskins Legal Solutions, PLLC

January 2003 – Present

Domestic Practice

- Defend and prosecute all areas of domestic practice including adoption, divorce, protective orders and guardianship.
- Consult for other attorneys regarding custody dispute matters and available community resources.

Juvenile Court

- Represent parents and third party intervenors in neglect, abuse and dependency hearings
- Represent third party intervenors in court
- Adoptions and general welfare hearings.
- Protective orders

Special Master and Guardian ad Litem

- Work with high-conflict parents to find and implement the best interest for their children, as well as working with parents to develop skills needed to successfully co-parent.
- Work with differing personalities in high-conflict situations to keep those cases out of court.

Small Business and Civil Litigation Matters

- Consult on legal issues, corporate formation, tax planning, and general business planning.

Mediation

- Mediate domestic, landlord/tenant, real estate, probate, and small claims matters.
- Certified and on the Utah Court's Roster and Domestic Roster

Law Office of Pattie S. Christensen

November 2002 – November 2003

- Worked as an associate attorney in estate planning for individuals and other attorneys.
- Set up and consulted small businesses on a wide range of issues such as; tax planning, asset protection, and compliance.

Wingo, Rinehart & McConkie

April 2002 – November 2002

- Served as an associate attorney while waiting to be admitted to the bar.
- Performed divorce and family law work, researched and wrote appellate briefs, and managed personal injury cases.

University of Oregon, Office of Student Affairs

- Represented students before the Judicial Affairs for violations of the student conduct code, as well as assisted students with formal complaints against professors and the University.
- Attended legislative meetings with the University that affected the students.

Heritage Foundation, Washington D.C.

August 1998 – December 1998

- Interned for the President of the Foundation.
- Helped research and prepare the Index of Economic Freedom, as well as assisted in organizing and planning the annual shareholders meeting.

Lin Lyn Trading, North Salt Lake and Bangladesh Offices

January 1996 – June 1999

- Coordinated international shipments, located items to be imported overseas for local customers, and managed overseas operations.
- Drafted requests for variances to U.S. Customs Regulations, and worked with NGOs in purchasing and development.

Education

University of Oregon College of Law – Juris Doctorate, December 2001

University of Utah – Bachelor of Arts, Major: History, May 1999

Brigham Young University Idaho – Associates Degree, December 1996

Pro Bono Services

Farmington Legal Aid Clinic

Protective Orders, Farmington, UT

Family Law Clinic

Safe Harbor Domestic Cases

Ogden Pro Se Clinic

Small Claims Mediation, Justice Court

Wills for Heroes, Davis County, UT

Mentoring, University of Utah School of Law

Mentoring, Utah State Bar (on 4th mentee)

Utah Bar Law Day (lecturing at local schools)

Community Involvement

Grant Writing – Davis County School District

Grant Aid – Safe Harbor Women's Shelter

Community Council – Creekside Elementary

AYSO Certified Coach, 2005 – Present

BSA Merit Badge Counselor

Syracuse Community Development Member

Additional Training and Certifications

Mediator – University of Oregon

Domestic Mediation Training

Taught CLE on Family Law Practice for the Utah Bar

Private Guardian ad Litem Training and Certification

Legal Elite, Family Law – 2012, 2013, 2014

New Judges Orientation Part 1 – September 2014

New Judges Orientation Part 2 – January 2015

Certified Truancy Mediation

Committees and Organizations

Davis County Bar President, 2011 – 2014

Co-Chair Second District Pro Bono Committee, 2013 – Present

Second District Judicial Nominating Committee, 2012 – 2016

Member of the Rex E. Lee Inns of the Court, 2009 – Present

Divorce Procedures Sub-committee Member, 2013 – Present

Davis County Bar Member, 2010 – Present

Justice Court Board of Public Trust and Confidence, 2015 – Present

Small Claims Committee, 2016 – 2017

Justice Court Education Training Committee, 2017

Self-Represented Litigant Committee, 2018

Education Director Second District, 2018

Recent Speaking Engagements

Meet and Greet with Utah Women Judges, December 2016

Changes with Justice Courts, March 2017
Technology and Criminal Law, April 2017
RISE Training Basics of Family Law, November 2017
International Association of Women Judges, Argentina, April 2018
Alimony, May 2018
Second District Training, February 2018
Winter Clerks Training, December 2019
Spring Training, February 2020
Association of Jamaican Judges, February 2020



James Peters <jamesp@utcourts.gov>

Application Standing Committee on Children and Family Law

1 message

Eric Johnson <eric@divorceutah.com>
To: jamesp@utcourts.gov

Sat, May 16, 2020 at 11:52 AM

Dear James,

I am applying for a position on the Judicial Council's Standing Committee on Children and Family Law.

Statement of interest

I will be candid. While there are some ideas for Utah family law that are bold and have great potential, the state of virtually all things family law is generally mediocre. There is much to criticize.

Our field needs to swallow some bitter pills to get better. I know a lot of attorneys were against the LLP initiative, but the market demanded it. I applaud the Supreme Court for having the guts to proceed with it. It may put some existing divorce attorneys out of business, including me. It may be a failed experiment. But it's a worthwhile project by clearing a path for some innovation and some efforts to make legal assistance more affordable.

The "regulatory sandbox" is another welcome initiative. Significant changes in education and technology have radically changed the status and role and value of divorce and family law attorneys. The public is no longer dependent on lawyers for legal information or expertise as they were a generation ago. We cannot continue simply trying to repackage and re-brand business as usual. Those attorneys who are going to survive these changes and create a better contemporary legal system are those who adapt to and who harness these changes for the good of the clients and attorneys alike.

I want to work with the committee to help the profession keep an open mind and take a critical but optimistic view of where we stand, where we were stuck, and how we can make divorce and family law better for the public, so that divorce and family lawyers are genuinely valued and sought out legal professionals.

List of current and past court committee assignments: to the best of my recollection, I have never been on a previous court committee. I was on the Bar's CLE committee many years ago.

Resume

Eric K. Johnson

- Divorce and family law attorney who has been licensed in Utah for more 23 years (admitted 1996).
 - Utah Family Law, LC (owner) 2013 – present
- Writes (researches, edits, and revises) Volume 2 of West's Utah Practice Series: Utah Family
- I have posted hundreds of videos on UFLTV on the subject of Utah family law
<https://www.youtube.com/user/UtahFamilyLawTV/videos>
and I post a new video daily
- I have a blog on my law practice's website: <https://www.divorceutah.com/blog/>
and I post daily

Education

- J. Reuben Clark Law School 1996
- Brigham Young University 1992

Sincerely,

Eric K. Johnson, Utah Family Law, LC
Office: (801) 466-9277 - Mobile: (801) 450-0183
eric@divorceutah.com
divorceutah.com | [Firm Facebook page](#)

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Click on a face to provide feedback on my performance!

NOTICES: Nobody likes to see those interminable disclaimers at the bottom of lawyer e-mail messages, but they can be important, so [please click here](#) to see them.

21 May 20

Utah Judicial Council:

My name is Matthew Johnson and I am currently a practicing Guardian ad Litem in the Second District Juvenile Court in Ogden. I have been at this position since February 2014. I am seeking an attorney position on the Judicial Council's Standing Committee on Children and Family Law. I have an extensive background in the area of cases involving abuse, neglect and dependency. I have also represented children on child protective orders in both the District and Juvenile courts. For over the past 6 years I have been working on a daily basis on cases involving those exact issues. As a Guardian ad Litem it is my role to represent the children's best interests in cases involving abuse, neglect and dependency.

Sincerely,

Matthew Johnson

Matthew T. Johnson
 4453 W. 5225 S.
 Hooper, UT
 (801)712-9938
 whitedragon32@yahoo.com

EDUCATION

Creighton University School of Law, Omaha, Nebraska
Juris Doctor May 15, 2004

Activities: Treasurer (2002-03) & President (2003-04) of Sports & Entertainment Law Society
 Criminal Law Society, Member
 Moot Court, Participant
 Inns of Court, Member

Weber State University, Ogden, Utah
Bachelor of Science, cum laude, in Criminal Justice-Law, May 2000

Honors: Dean's List
 Criminal Justice Department Award for Honors

Activities: Alpha Phi Sigma, President

EXPERIENCE

Office of Guardian Ad Litem, Ogden, UT February 2014-Present
Attorney, Analyze and research legal issues. Represent the best interests of the juvenile client in all stages of the case. Present recommendations to the court. Give appropriate advice to juvenile clients. Draft motions, reports, correspondence and other documents related to the juvenile client's case. Conduct independent investigations. Negotiate settlements. Attend all court hearings on behalf of the juvenile client.

Law Office of Ryan J. Bushell, Ogden, UT October 2013-February 2014
Attorney, Represented clients in District, Juvenile and Justice Courts. Counseled with clients regarding their legal matters. Filed motion on behalf of clients. Negotiated settlements on behalf of client's cases. Researched and analyzed legal issues.

Davis County Attorney's Office, Farmington, Utah July 2006- Sept. 2013
Deputy County Attorney. Analyze and research legal issues. Draft memoranda and briefs of law on issues of criminal law and criminal procedure. Draft motions, letters and jury instructions. Review police reports for proper charges to be filed in District and

Juvenile Courts. Prosecute and try misdemeanors and felonies at the Justice, Juvenile and District Court levels. Specialize in the prosecution of gangs. Confer with victims on their cases. Negotiate cases.

University of Phoenix, Taylorsville, Utah September 2009- September 2015
Instructor. Facilitate learning for students. Create course syllabi, exams, and class presentations. Instruct on a variety of issues within criminal justice system. Prepare weekly instruction for classes. Evaluate the student's performance.

Eagle Gate College, Layton, Utah May 2013- June 2017
Instructor. Facilitate learning for students. Create course syllabi, exams, and class presentations. Instruct on a variety of issues within criminal justice system. Prepare weekly instruction for classes. Evaluate the student's performance.

West Bountiful City Prosecutor, West Bountiful, Utah January 2010- Sept. 2013
City Prosecutor. Analyze and research legal issues. Draft memoranda and briefs of law on issues of criminal law and criminal procedure. Draft motions, letters and jury instructions. Review police reports for proper charges to be filed in Justice Court. Prosecute and try misdemeanors at the Justice Court level.

Weber State University, Ogden, UT January 2011-January 2013
Adjunct Professor. Instruct students on the issues of Juvenile Law. Create and update course syllabi, tests, and class project. Prepare weekly class presentations and power points. Keep up to date on current issues and laws within the State of Utah concerning Juvenile Law. Evaluate the student's performances at the end of the term

Clearfield City Prosecutor, Clearfield, Utah March 2007-November 2008
City Prosecutor. Analyze and research legal issues. Draft memoranda and briefs of law on issues of criminal law and criminal procedure. Draft motions, letters and jury instructions. Review police reports for proper charges to be filed in Justice Court. Prosecute and try misdemeanors at the Justice Court level.

Iggy's Restaurant, West Jordan, UT May 2004-October 2006
Server. Responsible for patron's orders. Trained and managed other servers.

United States Air Force JAG Corps, Bellevue, Nebraska January 2004-April 2004
Legal Internship. Analyze and research legal issues. Draft memorandum in areas of military justice and Air Force regulations. Draft letters for JAG Corps.

Totally Wireless/ePhones, Layton, Utah June 1997-August 2001
Store Manager. Conducted training for new hires. Managed four sale representatives. Handled the staffing of the store including the hiring and terminating of employees. Learned and trained staff on all new store products/promotions. Required reporting/administration of store and personnel.

White Dragons of Bushido, Ogden, Utah September 1998-August 2001
Head Instructor. Trained youth and adults in martial arts. Organized and supervised the scheduling and training of all other instructors.

Weber County Attorney's Office, Ogden, Utah May 1998-September 1998
Internship. Analyzed and researched legal issues. Worked with other law clerks.

U.S. Forest Service, Ogden, Utah August 1997- August 1998
Work Study. Worked in the Planning, Appeals & Litigation Department. Redacted government documents for paralegals. Researched issues regarding the Forest Service.

SKILLS AND INTERESTS

Proficient in reading and writing Spanish. 30+ years of Martial Arts experience.
Achieved Eagle Scout rank.

Keil Robert Myers

68 S. 200 W., Apt. A, Bountiful, UT 84010
Keil.robert.myers@Gmail.com- 801.549.7630

May 15, 2020

To Whom It May Concern:

I wish to be considered for a position with the Judicial Counsel's Standing Committee on Children and Family Law. I feel as if my background and my experiences would make me an excellent fit for your office.

My experiences include working as an attorney representing indigent parents in abuse neglect and dependency proceedings where I have represented them at all stages of litigation; including initial shelter hearings, pretrial hearings, mediation, review hearings and trial. More recently, I have begun to represent minor children in child welfare and delinquency proceedings. As part of my work I have conducted independent investigations into allegations, and made reports and recommendations to the court; as well as presented evidence and filed motions and petitions on behalf of the minor child.

In addition to my paid work, I have helped run a pro bono calendar and been in frequent volunteer in in taking pro bono cases where I have consistently appeared in hearing and negotiations in assisting individuals. In 2018, I was honored with the pro bono service award by the Utah State Bar.

I appreciate your time and consideration. If you have any further questions, feel free to contact me at Keil.robert.myers@gmail.com or call me at 801.549.7630.

Sincerely

Keil Robert Myers

Keil Robert Myers
 68 S. 200 W., Apt. A, Bountiful UT 84010
 Keil.robert.myers@Gmail.com, 801.549.7630

Education

Gonzaga University School of Law

Spokane, WA

Juris Doctor, May 2016

- J. Reuben Clark Law Society President
- 2016 American Law and Justice Workshop for Refugees and Immigrants, Volunteer
- Central YMCA Mock Trial Team, Coach

Brigham Young University- Idaho

Rexburg, ID

Bachelor of Science, Political Science, April 2012

- Model Organization of American States competition – Best team
- Merit Scholarship

Experience

Law Offices of Keil R. Myers

Bountiful, UT

Attorney, November 2019- Present

- Regularly review discovery incident to litigation.
- Negotiate stipulated agreements between parties in civil cases.
- Prepare estate-planning documents as well as supporting documents.
- Assist clients with simple criminal matters
- File case documents and appear in court in regards to discovery issues.
- Review government agreements between entities.
- Act as outside counsel in real estate transactions.

Lokken and Associates

Cottonwood Heights, UT

Attorney, January 2019- October 2019

- Represent and communicate with individuals the government policies and laws related to court cases.
- Represent individuals in civil and criminal court.
- Represent clients in hearing and trial settings.
- Perform legal research on government policies and procedures as well as relevant statutes.
- Review discovery as well as perform independent investigations in civil and criminal cases.

Tranont

Lehi, UT

In-House Counsel, July 2017- May 2018

- Form entities and prepare tax documents for small businesses.
- Under the supervision of the General Counsel, work with business owners and identify risks and needs of business.
- Research and apply regulations and laws. Then educate individuals both and in and outside the company on them.
- Prepare legal documents for business use.

Dear James,

I am writing to express my interest in becoming a member of the Judicial Council's Standing Committee on Children and Family law.

As you will see from my resume, I worked within the child and family welfare system for eleven years. I found that work, and the issues involved in the work, to be compelling and always rewarding. I developed a wide range of knowledge and experience through my varied positions within the court system and the child welfare system. I have recently returned to this field in a new capacity, through my work as the Assistant Director for the IDC. My primary responsibility in this position is defender systems in juvenile court. I know that my current position will enable me to develop a greater understanding of the needs of children and families who become involved in the judicial system.

As you will also see from my resume, after eleven years in human services positions, I worked for an organization outside the child welfare system for twelve years. Throughout my twelve years with the Association of Counties, however, I focused much of my energy and time on behavioral healthcare treatment and advocacy. The challenges that arise from mental health and substance use disorders have a huge impact on children and families. The impacts are more significant when those conditions lead to a family becoming involved in the court and criminal justice system. Throughout my time with the association, I have continually been working to support the work of treatment and advocacy organizations. I would like to bring that experience and my knowledge to the standing committee.

I look forward to hearing from you. I welcome any questions or request for additional information.

Sincerely,

Adam Trupp

ADAM F. TRUPP

adamtrupp61@gmail.com
801.755.5157

PROFESSIONAL EXPERIENCE**Assistant Director – Utah Indigent Defense Commission****2020-Present**

- Collaborate with Utah counties and public defender organizations to develop system improvements under direction of the Indigent Defense Commission
- Manage and implement Commission plans for Juvenile Court defender system evaluation and improvements
- Advocate for IDC priorities before Utah state legislators and legislative committees

Behavioral Healthcare Integration Consultant – Molina Healthcare, Utah**2019-2020**

- Advise health plan president on preparations for implementing integrated behavioral and physical healthcare services for Medicaid insured patients
- Collaborate with behavioral healthcare providers across Utah to support and facilitate integration of care

Chief Executive Officer – Utah Association of Counties**2014-2019**

- Develop and implement service programs and oversee all operations of the corporation
- Advocate for interests of Utah Counties before State and Federal legislative bodies and representatives
- Direct staff in developing strategic plans to support collaboration between elected county officials to implement legislation affecting operations of county government

Chief Executive Officer – County Services Support**2016-2019**

- Develop and implement programs to support counties' delivery of public services
- Direct development of statewide data system to improve county assessors' property appraisals
- Develop program proposals and oversee staff implementing services to support counties

General Counsel – Utah Association of Counties**2006-2014**

- Research and advise elected officials on legislation affecting county government
- Provide legal counsel services to Association Board of Directors and staff
- Research, develop, and implement operational policies and procedures governing the Association

Legislative and Community Liaison – Department of Human Services**2005-2006**

- Develop and implement Department legislative goals and agenda in coordination with divisions
- Represent Department interests before legislative bodies and local governmental organizations
- Coordinate department legislative activities with advocacy groups and provider organizations
- Track litigation involving Department and advise director regarding case progress

Administrator for Policy, Planning and Legal – Division of Child and Family Services **2001-2005**

- Create, evaluate, and track agency business plans, performance plans, and compliance
- Supervise, develop and mentor staff responsible for policy writing, plan implementation and tracking
- Interpret and design implementation and training process for laws and regulations
- Liaison and issue advocacy for DCFS to Legislative committees, Task Forces, and legislators
- Direct development and implementation of DCFS rules, policies, and protocols

Assistant Juvenile Court Administrator – Utah Juvenile Court **1998-2001**

- Coordinate and develop court programs and improvement process efforts and obtain needed funding
- Provide administrative support for program development to Juvenile Court bench
- Obtain and oversee use of grant funds for projects; manage budgets and track compliance
- Staff Judicial Council and Juvenile Court Standing Committees

Staff Attorney – Office of the Guardian ad Litem **1995-1998**

- Provide legal counsel for abused, neglected, and dependent children in litigation and mediation
- Prepare for and try parental rights termination cases in Juvenile court
- Defend interests of child victims as appointed counsel in District court criminal proceedings
- Implement and manage Third District Guardian ad Litem intern program

EDUCATION

University of Utah College of Law – Juris Doctor **1992**

San Diego State University – B.A. Political Science **1984**



James Peters <jamesp@utcourts.gov>

Judicial Council's Standing Committee on Children and Family Law

1 message

Janette White <janettewhite@agutah.gov>

Fri, May 29, 2020 at 6:14 PM

To: "jamesp@utcourts.gov" <jamesp@utcourts.gov>

Hello, Mr. Peters. I am sending you this email to seek a position on the Committee on Children and Family Law. I have worked for the Utah Attorney General's Office in the Child Protection Division for the last seventeen years. Prior to that, I worked as a social worker for the Division and Child and Family Services.

I am currently the acting chair for the First District Judicial Nominating Commission and I am a member of the Supreme Court's Advisory Committee on the Rules of Juvenile Procedure.

I have worked in the family drug court programs for years and have experienced numerous changes throughout the child welfare system. I feel my extensive child welfare experience would be a benefit to this committee and I appreciate you taking the time to consider request to serve on this committee. I can be reached by this email or by cell at 801-791-1382. Thank you very much.

Janette R. White
Assistant Attorney General V
Child Protection Division
801-791-1382



Resume 5.29.2020.docx

23K

Janette R. White

Office address:

1350 East 1450 South

Clearfield, Utah 84015

801-791-1382

Janettewhite@agutah.gov**Employment History****Utah Attorney General's Office, Child Protection Division****Assistant Attorney General V**

October 2003 to Present

- Represent the Division of Child and Family Services Juvenile Court proceedings.
- Prepare legal pleadings, respond to motions and petitions, prepare cases for trial.
- Provide legal training to Division caseworkers.
- Represent caseworkers in administrative hearings.
- Member of the Recovery Drug Court Program in Davis County.
- Acting Chair, First District Judicial Nominating Commission.
- Member of the Supreme Court's Advisory Committee on the Rules of Juvenile Procedure.

Graduate Assistant Resident Director

July 2000 to May 2003: University of Idaho, Moscow, Idaho

- Supervised six to twelve Resident Assistants ("RA's").
- Resided in the residence halls, along with RA's, to supervise and monitor student activity and to provide programs and activities to residents.
- Managed disciplinary proceedings for residents who violated resident hall policy.

Victim Advocate/Plea-in-Abeyance Coordinator

January 1999 to July 2000: Davis County Attorney's Office, Farmington, Utah

- Assisted survivors of domestic violence in obtaining protective orders.
- Coordinated community attorneys to provide *pro bono* representation of victims in protective order hearings.
- Monitored defendants who entered into plea-in-abeyance agreements in domestic violence cases.
- Coordinated and trained volunteers to respond to rape crisis and domestic violence calls.
- Personally assisted local law enforcement in responding to domestic violence cases and rape crisis cases.

Social Service Worker

July 1994 to January 1999: Division of Child and Family Services, Clearfield, Utah

- Investigated allegations of child abuse and/or neglect. Specialized in serious physical abuse cases and sexual abuse investigations.
- Provided services to families either through in-home cases or foster care cases.
- Fielded calls from community members regarding allegations of child abuse and/or neglect and determine whether the allegations meet the requirements to open an investigation.

Education

August 2000 to May 2003: University of Idaho, College of Law, Moscow, Idaho

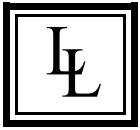
- Degree obtained: Juris Doctor
- Participated in Trial Advocacy training, Legal Aid Clinic, Mock Trial and Alternative Dispute Resolution training.
- Provided defense work and acted as a Guardian *ad Litem* with the Nez Perce Tribal Court.

- Interned with the Office of the Guardian *ad Litem*, Utah, summer 2001.
- Interned with the Washington State Attorney General's Office, summer 2002.

August 1989 to May 1994: Weber State University, Ogden, Utah

- Degree obtained: Bachelor of Science in Social Work, Minor in Child Development
- Maintained a full-tuition music scholarship throughout my time at Weber State and was on the Dean's list in 1992 through 1994.

Tab 2



LOKKEN & ASSOCIATES, P.C.

Attorneys at Law

6740 South 1300 East, Suite 225
Cottonwood Heights, Utah 84121
Tel. (801) 359-8003
Fax (801) 359-0181

May 29, 2020

Utah Judicial Council
Re: Standing Committee on Children and Family Law

Dear Committee Members:

I wish to apply for the position of an attorney with experience representing parents in abuse, neglect and dependency cases. I'm also happy to be considered as an attorney with experience in this area of law.

Statement of Interest

I began representing parents in child welfare matters in August 1995, and have continuously done so since my initial employment in this area of law. For the past 19 years, I have also managed multiple attorneys within our firm, who provide representation to indigent parents within Salt Lake County. Despite the passage of time, I have remained passionate about this area of law, and I am pleased to see the positive changes that continue to occur. In addition to child welfare, I actively practice family law. I have found that my child welfare experience has been of great benefit to the families that I am fortunate enough to work with.

Through my involvement in the child welfare community, committees and workgroups, I am aware of the positives, negatives, and current trends related to child welfare representation. My daily management of other attorneys also keeps me informed as to what is transpiring within the court system. Although I have practiced family law for well over 20 years, my true interest remains in child welfare. My representation of parents in child welfare proceedings, remains the most rewarding aspect of my legal career. I have worked with hundreds of families facing abuse, neglect or dependency allegations. Many of these families are in need of help to overcome generational barriers and issues, but they are also some of the most amazing and resilient people that I have had the pleasure of meeting. These are parents that have minimal resources, yet they find creative ways to nurture and raise their children under extremely adverse conditions. It is important that they have a voice in our community and that we continue to listen. This perspective has allowed me to move fluidly through most high conflict situations and to become a creative problem solver.

Current Committee Assignments

Utah Court Improvement Program
Statewide Table of Six
Executive Family Law Committee
Child Welfare Legislative Discussion Group
Child Welfare Core Principles Subcommittee

Past Committee Assignments

Juvenile Court Appeals Committee
Family Recovery Court
Warrant Legislation Subcommittee
Methamphetamine Conference Subcommittee
Indian Child Welfare Assessment Oversight Committee
Parental Defense Alliance Parent Video Production
Utah Court Improvement Subcommittee Parent Video Group
Utah Indigent Defense Commission Practice Standards Subcommittee

Thank you for your time and consideration. I have included my resume for your review.

Sincerely,

Lisa B. Lokken
LOKKEN & ASSOCIATES, P.C.

LISA B. LOKKEN

6740 South 1300 East, Suite 225
Salt Lake City, Utah 84121
LLokken@L2Law.com
(801) 359-8003 office

EDUCATION:

J. Reuben Clark Law School, Brigham Young University, Provo, Utah
Juris Doctorate, April 1993

Westminster College, Salt Lake City, Utah.
Bachelor of Arts, Economics, May 1989

EXPERIENCE:

Lokken & Associates, P.C. (Formerly Laherty & Associates), Salt Lake City, Utah August 1995 to Present

- President of law firm specializing in representation of parents in abuse, neglect and dependency proceedings. Management of nine attorneys and four staff members.
- Parental Defense, Third District Juvenile Court
- Family Recovery Court Attorney (Formerly Family Dependency Drug Court)
- Family Law matters: Divorce, Adoptions, Custody, Parent-Time, Support

Rasmussen & Miner, Salt Lake City, Utah

March 1994 to August 1995

- Family Law matters
- Guardian ad Litem, District Court
- Criminal Defense

MEMBERSHIPS/ACTIVITIES:

Utah State Bar (Admitted 1993, License No. 06600)

Utah Court Improvement Program

Statewide Table of Six

Juvenile Court Appeals Committee

Family Recovery Court

Warrant Legislation Subcommittee

Methamphetamine Conference Subcommittee

Executive Family Law Committee

Indian Child Welfare Assessment Oversight Committee

Parental Defense Alliance Parent Video Production

Utah Court Improvement Subcommittee Parent Video Group

Utah Indigent Defense Commission Practice Standards Subcommittee

Child Welfare Legislative Discussion Group

SPECIALIZED TRAINING, SEMINARS & PRESENTATIONS:

Annual Parental Defense Conference

1997 - 2018

- Organizer & Presenter: 1997, 2001, 2002, 2003, 2005 & 2006
- Presenter: 2010, 2011, 2012, 2013, 2014, 2017 and 2018 Case Management/Delay Reduction, Caseworker Cross Examination, Trial Preparation, Child Welfare Appeals, Case Law Update, Indian Child Welfare Act, Dealing with Difficult Clients

National Association of Drug Court Professionals (13th Annual Conference, Washington, DC)

2007

- Presenter: Family Dependency Drug Court

Statewide Drug Court Conference (Utah Division of Substance Abuse & Administrative Office of the Courts)

- Presenter: Family Dependency Drug Court

Trial Skills Training in Dependency, Abuse & Neglect

- Requested Faculty Member (National Institute for Trial Advocacy)

National Conference on Children and the Law and First National Parents Attorney Meeting Conference Washington D.C. (American Bar Association)

Case Law & Legislative Update (Juvenile Law Section)

- Presenter

Douglas County Nebraska Separate Juvenile Court Visit by Utah Juvenile Court Officials (National Center for State Courts)

- Requested Presenter for Omaha, Nebraska court system improvements

Lifetime Achievement Award Recipient (Parental Defense Alliance)

Case Law Update Presenter (Parental Defense Alliance)

Using Indian Child Welfare Act to Help Your Client

(Parental Defense Alliance and Office of the Guardian ad Litem)

Executive Family Law Committee

- Juvenile Law and Family Practitioners

S.J. Quinny College of Law -University of Utah

- Attorney Role in Child Protection Cases

AWARDS:

Attorney of the Year - Lifetime Achievement

- Parental Defense Alliance - Voted by peers in recognition of a career of professional and tireless advocacy for Utah Parents

Jordan Putnam
May 29, 2020

Statement of Interest and List of Committee Assignments

Thank you for your time and consideration of my application. I am very interested in serving on the Standing Committee on Children and Family Law. I have been interested in child welfare and family law since law school, where I interned at the Legal Aid Society of Salt Lake, and when I received the highest grade in my Juvenile Justice class. Before that, I volunteered as a Court Appointed Special Advocate (CASA) as an undergraduate student. Since that time, I have focused my career as a lawyer almost exclusively on those areas of the law.

In my current position at Lokken & Associates, P.C., I am assigned to a juvenile courtroom where I work as court-appointed counsel to indigent parents in child welfare proceedings through a contract with Salt Lake County. I am also assigned to represent indigent parents in private termination proceedings in the District Court. I have represented hundreds of parents in both Juvenile and District Court proceedings against allegations of abuse, neglect, and dependency.

Because of my interest in preserving families and strengthening child welfare within our state, I have joined the Board of Trustees for the House of Hope, a residential drug treatment facility for women with children. House of Hope is an amazing organization that allows women to receive treatment and learn parenting skills, while their children reside with them. It has been an absolute pleasure to see families strengthened and heal while going through recovery together.

I am also the President of the Board of Directors of the Parental Defense Alliance of Utah (PDA). Through a contract with the State of Utah, we provide CLE trainings and resources to parental defenders around the state in order to improve the quality of legal representation for parents. My duties include organizing, hosting, and presenting at CLE events and conferences. I work closely with stakeholders from DCFS, the Attorney General's Office, the Office of the Guardian ad Litem, and Court Administrators to improve the child welfare system. I represent the PDA on Utah's Court Improvement Program and have traveled with state teams to various child welfare conferences and workshops around the country.

I also have substantial experience in family law cases, where I have represented dozens of clients in divorce, custody, and protective order proceedings. I have substantial trial experience in both Juvenile and District Court, as well as appellate experience in child welfare matters. I believe my knowledge, experience, and passion would make me a valuable asset to the Committee.

List of Committee Assignments

- Member, Utah Supreme Court's Advisory Committee on the Rules of Juvenile Procedure (2018 - Present)
- Member, Board of Directors, Parental Defense Alliance of Utah (2017 – Present)
 - President: (November 2018 - Present)
 - Third Judicial District Representative
 - Court Improvement Program Representative
- Trustee, Board of Trustees, House of Hope (2018 - Present)
 - Treasurer (August 2018 - Present)

Jordan Putnam

12847 South Cindy Lane, Draper, Utah 84020 • 801.647.5121 • JordanPutnam@gmail.com

EDUCATION

University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah

Juris Doctor, May 2011

- Graduated with honors
- CALI Excellence for the Future Awards (Highest grade in the class):
 - Scientific Forensic Evidence, Fall 2010
 - Juvenile Justice, Spring 2010
- 2009 Lionel Frankel Public Interest Summer Fellowship
- Pro Bono Initiative Recipient: 50 hours of pro bono work as a law student

Brigham Young University, Provo, Utah

Bachelor of Arts: Political Science, December 2007

- Pi Sigma Alpha 2007 Inductee: *The National Political Science Honor Society*

EXPERIENCE

Lokken & Associates, P.C., Cottonwood Heights, Utah

Associate, August 2013 – Present

- Firm specializing in child welfare parental defense; Extensive trial experience
- Regularly appear in court to argue motions and conduct various evidentiary hearings
- Manage busy court docket on weekly basis as parental defender in juvenile court
- Appellate experience including oral argument before Utah Supreme Court
 - *In re K.T.*, 2017 UT 44

Greg Smith & Associates, West Jordan, Utah

Associate, October 2011 – July 2013

- Assigned to a variety of cases as an associate attorney in a boutique criminal defense firm
- Drafted motions and pleadings; conducted legal research; trial experience
- Regularly appeared for various hearings in justice, district and federal courts statewide
- Performed client intake and communicated with opposing counsel

Salt Lake County District Attorney's Office, Salt Lake City, Utah

Law Intern, August 2010 – April 2011

- Prosecuted misdemeanor cases in court and assisted on felony cases
- Gained experience with domestic violence, juvenile and traffic offense cases
- Drafted and argued motions; conducted legal research for deputy district attorneys

San Diego County District Attorney's Office, San Diego, California

Law Intern, May 2010 – August 2010

- Drafted motions for Pre-Trial Motions Team, conducted legal research, subpoenaed witnesses and successfully argued motions in court on a weekly basis
- Conducted felony preliminary examination hearings
- Handled more than 50 cases during three-month internship

Utah County Public Defender Association, Provo, Utah

Law Intern, May 2009 – August 2009

- Coordinated daily felony first appearance court proceedings on behalf of public defender's office
- Worked with upward of 18 new defendants on any given day
- Conducted legal research and drafted motions for office attorneys

The Church of Jesus Christ of Latter-day Saints, New Jersey

Spanish-Speaking Missionary, April 2003 – April 2005

- Served as a proselytizing missionary in northern New Jersey inner cities

**SKILLS &
INVOLVEMENT**

- Fluent in written and spoken Spanish
- Member, Utah State Bar (Admitted October 2011)
- Licensed in the U.S. District Court, District of Utah (Admitted October 2011)
- Member, Board of Directors, Parental Defense Alliance of Utah (2017 – Present)
 - President: (November 2018 - Present)
 - Third Judicial District Representative
 - Court Improvement Program Representative
- Trustee, Board of Trustees, House of Hope (2018 - Present)
 - Treasurer (August 2018 - Present)
- Member, Utah Supreme Court's Advisory Committee on the Rules of Juvenile Procedure (2018 - Present)
 - Assist in drafting and advising Utah Supreme Court on rules changes
- Table of Ten: 2018 to present
- College of Law Assembly Representative, Associated Students of the University of Utah (2009-2010)
- Student mentor to first-year law students (2009 – 2011)

Tab 3



July 17, 2020

Attn: James Peters
Utah Judicial Council
c/o Administrative Office of the Courts
450 S. State St.
SLC, UT 84114-0241

RE: Child Advocacy Organization Representation on Utah Judicial Council

Mr. Peters:

On behalf of Voices for Utah Children, I am writing to express our interest in participating as a member of the Utah Judicial Council. As the senior policy analyst working on juvenile justice reform and other child welfare issues in Utah, I would be interested in representing Voices for Utah Children, as a child advocacy stakeholder, on the Council.

I have been engaged in public policy advocacy related to criminal and juvenile justice issues in Utah since 2013. In that time, I have advocated for the rights of children in school disciplinary processes, as well as in interactions with community-based law enforcement. I have been lucky to work with educators, community advocates, families, parents, caseworkers and organizers involved in child welfare and juvenile justice issues.

Since joining Voices for Utah Children in 2017, my work has expanded further into youth-centered reform within our juvenile justice system. Through the Utah Board of Juvenile Justice and the Juvenile Justice Oversight Committee, I am honored to work with several judges, defense attorneys, prosecutors and child welfare advocates to improve policy that impacts system-involved youth. Through my work, Voices has become closely partnered with the Kinship Coalition of Utah (a network of groups advocating for children raised in "kinship families") and the First Star Academy at the University of Utah (a college preparatory program for children in the foster care system). I am also the convener and facilitator of the Justice & Equality for Kids (JE4K) Roundtable, which involves advocates for youth from the education, juvenile justice, faith-based, racial equity activism, disability rights and restorative justice communities.

I am interested in putting this knowledge, and these connections, to work on the Judicial Council, to assist in the creation and implementation of policies and practices that ensure the efficient and equitable adjudication of court cases. My hope, and that of Voices for Utah Children, would be to help improve both processes and outcomes for families and children, in service of a safe, healthier and stronger state for all Utah children.

Yours,

A handwritten signature in black ink, consisting of a series of loops and a horizontal line extending to the right.

Anna Thomas
Senior Policy Analyst



In addition to her education and civil liberties work, Ms. Acosta is also a passionate advocate for restorative justice practices, both in the education community and in the broader juvenile justice advocacy community. Her advocacy goes above and beyond making presentations about restorative justice. She practices restorative justice in her own classroom, and is willing to share her skills as an expert practitioner with those in the broader social justice community. I have seen Ms. Acosta present powerfully as part of panel discussions, facilitate restorative justice circles, and throw together discussion events at a moment's notice. She will give her time wherever she believes there is an opportunity to make things better for all youth, but in particular youth of color, queer youth and kids from other marginalized groups.

Ms. Acosta, despite the many demands on her time - both professional and personal - is an invaluable advisor to the Justice & Equality for Kids (JE4K) Roundtable, a group of community and education stakeholders who come together regularly to work on projects that benefit young people who are mistreated, discriminated against, and at-risk for involvement in the juvenile justice system. Ms. Acosta's input allows the policy work of JE4K to be increasingly practicable and practice-based. Her contributions are critical to ensuring that the focus of our work remains on the children who are most often left out and whose human and civil rights are most often violated by those in positions of power.

The seamlessness with which Ms. Acosta's classroom teaching, education advocacy and broader community work for social justice come together to support and advance the human and civil rights of both her students and her fellow educators makes her a natural fit for the Charles E. Bennett UEA Human and Civil Rights Award.

Thank you for your time and consideration of this nomination.

Yours,

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a loop.

Anna Thomas
Senior Policy Analyst
Voices for Utah Children

ANNA E. THOMAS

anna.e.brower@gmail.com - (720) 275-1557 (c)

EDUCATION

MASTER OF PUBLIC ADMINISTRATION – UNIVERSITY OF UTAH

Pi Alpha Alpha Honor Society – Fall 2014

BACHELOR OF ARTS – JOURNALISM – UNIVERSITY OF DENVER

Summa Cum Laude - Spring 2000

PROFESSIONAL EXPERIENCE

SENIOR POLICY ANALYST

Voices for Utah Children

October 2017 – present

- Responsible for research and advocacy efforts related to early childhood services, including high-quality childcare, high-quality preschool, home visiting programs and other early interventions.
- Responsible for research and advocacy efforts related to juvenile justice reform, including juvenile indigent defense, racial disparities in school discipline, implementation of ongoing state-level system reforms and alternative justice approaches for young people.
- Assist with policy advocacy efforts related to immigrant and refugee children, with a focus on advancing equitable treatment of these children within government programs and institutions.
- Contribute to organizational communications through official policy briefs and reports, social media and blog posts, public presentations and media interviews as necessary.

PUBLIC POLICY ADVOCATE / STRATEGIC COMMUNICATIONS MANAGER

American Civil Liberties Union of Utah

February 2014 – October 2017

- As part of senior leadership team, develop policy positions and coordinate advocacy on a variety of issues at the state and municipal levels, with input from local partners and national colleagues
- Conduct criminal justice policy (adult and juvenile system) research; produce policy briefs, position papers and internal policy strategies based on relevant research
- Represent ACLU policy priorities, as well as legal and legislative successes, in local and national media (print, radio and TV), as well as in community and public forums as needed
- Manage online and social media communications to reflect strategic priorities and policy goals
- Coordinate internal communications related to priority issue campaigns and facilitate issue-focused staff working groups for key strategic priorities
- Develop and manage innovative communication efforts in “hard-to-reach” target groups, particularly related to criminal justice issues and racial justice priorities
- Coordinate multiple criminal justice coalitions, inclusive of both public and non-profit sector partners, including facilitation of regular meetings and management of ongoing communication

DIRECTOR OF DEVELOPMENT

American Civil Liberties Union of Utah

December 2007 – February 2014

- Raise organizational profile statewide, representing organization to members, media, partner organizations, community organizations and the general public
- Develop and oversee annual strategic development plan for organization
- Plan and execute budget-driven fundraising campaigns among various segmented target donor groups
- Responsible for training and preparation related to Executive Director's and Board Members' donor cultivation and solicitation activities

MANAGER OF DEVELOPMENT AND COMMUNICATION

FrontRange Earth Force

February 2004 – November 2007

- Manage all organizational fundraising efforts, including substantial grant-writing and reporting
- Responsible for all organizational communications (online, print and electronic newsletter, media)
- Plan and execute public education, fundraising and partner/volunteer recognition events
- Develop organizational collateral (letterhead, fax sheets, postcards, greeting cards, promotional items)

ADDITIONAL EXPERIENCE & INVOLVEMENT

- **Vice-Chair (Incoming Chair), Utah Board of Juvenile Justice** – Commission on Criminal & Juvenile Justice – 2019 to present
- **Steering Committee Member, Enriching Utah Coalition** – 2018 to present
- **Executive Committee Member, WIC Advisory Council** – Utah Department of Health – 2018 to present
- **Volunteer Health Educator, Salt Lake County Jail** – Planned Parenthood Association of Utah – 2013 to 2020
- **Co-Chair, Utah Women's Summit** – collaborative project of Utah Dept. of Corrections and community stakeholders – 2013 to 2017
- **Volunteer Educator, Utah Juvenile Mental Health Court** – National Association for the Mentally Ill (NAMI) Utah – 2014 to 2015
- **Policy Solutions Challenge USA National Championship Team** – 2014 – University of Utah
- **Congressional Aide** – 2001 to 2002 - U.S. Representative Diana DeGette (CO-Dist. 1)

REFERENCES

MAURICE "MOE" HICKEY – Executive Director – Voices for Utah Children – (801) 364-1182 – moe@utahchildren.org

NUBIA PEÑA – Director – Utah Office for Multicultural Affairs – (801) 245-7211 – npena@utah.gov

LAURA BRIEFER – Department Director – Salt Lake City Department of Public Utilities – (801) 483-6741 – laura.briefer@slcgov.com

Tab 4



29 June 2020

Members of the Standing Committee on Children and Family Law,

I am writing regarding the open position on your committee. Family is a crucial context for health child and adolescent development; I want to be involved in important ways to improve the developmental pathways of children whose families are facing particularly salient challenges.

I have extensive experience and knowledge regarding child and adolescent development, particularly within the family context that may help your committee achieve its goals. In addition to being a father of three and previously working as a preschool teacher, I hold Master's and PhD degrees in Human Development and Family Studies from Purdue University. Currently, I am an Associate Professor of Human Development in BYU's School of Family Life. As a scholar I research the ways in which parents and siblings influence the academic, behavioral, and health outcomes of children and adolescents (including those with Autism Spectrum Disorder). As a teacher, I teach graduate and undergraduate courses focused on child and adolescent social, emotional, and cognitive development.

Thank you for considering my application to your committee. Please contact me with any questions you may have.

Sincerely,

Alex Jensen
Associate Professor of Human Development
School of Family Life
Brigham Young University

VITAE

ALEXANDER C. JENSEN

Phone: (801) 422-8335
 Email: alexjensen@byu.edu

2097 JFSB, BYU
 Provo, Utah 84602

EDUCATION

Purdue University, West Lafayette, Indiana
 Human Development and Family Studies
 Ph.D. Human Development and Family Studies (2013)
 Dissertation: *The implications of parental differential treatment: A family systems approach*

Purdue University, West Lafayette, Indiana
 Child Development and Family Studies
 MS Child Development and Family Studies (2011)
 Thesis: *"Life still isn't fair": Parental differential treatment of young adult siblings*

Brigham Young University, Provo, Utah.
 School of Family Life
 BS Marriage, Family and Human Development, Cum Laude (2009)

EXPERIENCE

2020-present	<i>Associate Professor</i> School of Family Life Brigham Young University
2014-2020	<i>Assistant Professor</i> School of Family Life Brigham Young University
2013-2014	<i>Research Associate</i> Department of Human Development and Family Studies The Pennsylvania State University

RESEARCH INTERESTS

Direct and indirect sibling influence processes (including differential treatment, resource dilution, modeling, deidentification, and within family differences), adolescence, emerging adulthood, later life. Sibling processes in the context of Autism Spectrum Disorder.

SELECTED JOURNAL PUBLICATIONS

*(denotes student collaborator)

- Jensen, A. C.,** *Apsley, H. B., *Rolan, E. P., Whiteman, S. D., & *Cassinat, J. R. (2020). Parental differential treatment and adolescent health-related behaviors: The moderating role of personality. *Journal of Youth and Adolescence*, 49, 150-161. doi:10.1007/s10964-019-01076-1
- Jensen, A. C.,** & Orsmond, G. I. (2019). The sisters' advantage? The Broader Autism Phenotype and young adults' sibling support. *The Journal of Autism and Developmental Disorders*, 49, 4256-4267. doi:10.1007/s10803-019-04139-1
- Wikle, J. S., Ackert, E., & **Jensen, A. C.** (2019). Companionship patterns and emotional states of adolescents with and without siblings. *Journal of Youth and Adolescence*, 48, 2190-2206. doi:10.1007/s10964-019-01121-z
- Jensen, A. C.,** McHale, S. M., & *Pond, A. M. (2018). Parents' social comparisons of siblings and youth problem behavior: A moderated mediation model. *Journal of Youth and Adolescence*, 47, 2088-2099. doi: 10.1007/s10964-018-0865-y
- Wikle, J., **Jensen, A. C.,** & *Hoagland, A. (2018). Adolescent caretaking of younger siblings. *Social Science Research*, 71, 72-84. doi:10.1016/j.ssresearch.2017.12.007
- Jensen, A. C.,** & McHale, S. M. (2017). Mothers', fathers', and siblings' perceptions of parents' differential treatment of siblings: Links with family relationship qualities. *Journal of Adolescence*, 60, 119-129. doi:10.1016/j.adolescence.2017.08.002
- Jensen, A. C.,** Whiteman, S. D., Bernard, J. M., & McHale, S. M. (2017). Resource reallocation? Implications of parents' resource distribution following firstborns' leaving home. *Family Process*, 56, 766-780. doi:10.1111/famp.12203
- Coyne, S. M., **Jensen, A. C.,** *Smith, N., & *Erickson, D. (2016). Super Mario brothers and sisters: Associations between coplaying video games and sibling conflict and affection. *Journal of Adolescence*, 47, 48-59. doi:10.1016/j.adolescence.2015.12.001
- Halgunseth, L. C., **Jensen, A. C.,** Sakuma, K., & McHale, S. M. (2016). The role of mothers' and fathers' religiosity in African American adolescents' religious beliefs and practices. *Cultural Diversity and Ethnic Minority Psychology*, 22, 386-394. doi:10.1037/cdp0000071
- Harper, J. M., Padilla-Walker, L. M., & **Jensen, A. C.** (2016). Do siblings matter independent of both parents and friends? Sympathy as a mediator between sibling relationship Quality and adolescent outcomes. *Journal of Research on Adolescence*, 26, 101-114. doi:10.1111/jora.12174
- Whiteman, S. D., **Jensen, A. C.,** Mustillo, S. A., & Maggs, J. L. (2016). Understanding sibling influence on adolescents' alcohol use: Social and cognitive pathways. *Addictive Behaviors*, 53, 1-6. doi:10.1016/j.addbeh.2015.09.007

- Jensen, A. C., & McHale, S. M.** (2015). What makes siblings different? The development of sibling differences in academic achievement and interests. *Journal of Family Psychology*, 29, 469-478. doi:10.1037/fam0000090
- Jensen, A. C., *Pond, A. M., & Padilla-Walker, L. M.** (2015). Why can't I be more like my brother? The role and correlates of sibling social comparison. *Journal of Youth and Adolescence*, 44, 2067-2078. doi:10.1007/s10964-015-0327-8
- Jensen, A. C., & Whiteman, S. D.** (2014). Parents' differential treatment and adolescents' delinquent behaviors: Direct and indirect effects of difference score- and perception-based measures. *Journal of Family Psychology*, 28, 549-559. doi:10.1037/a0036888
- Senguttuvan, U., Whiteman, S. D., & **Jensen, A. C.** (2014). Family relationships and adolescents' health attitudes and weight: The understudied role of sibling relationships. *Family Relations*, 63, 384-396. doi:10.1111/fare.12073.

TEACHING EXPERIENCE/COURSES TAUGHT

2016-Present	<i>Instructor</i> Advances in Human Development (Graduate Course; MFHD 611) Brigham Young University
2016-Present	<i>Instructor</i> Adolescent Development (SFL 333) Brigham Young University
2014-Present	<i>Instructor</i> Social Development (SFL 351) Brigham Young University
2012	<i>Teaching Assistant/Independent Lab Instructor</i> Advanced Methods in Child Development and Family Studies Purdue University
2012	<i>Instructor</i> Introduction to Couple and Family Relationships Purdue University

PROFESSIONAL SERVICE

Editorial Board Member	<i>Journal of Marriage and Family</i> (2020-present) <i>Research in Autism Spectrum Disorders</i> (2020-present)
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PROFESSIONAL AFFILIATIONS

International Society for Autism Research
Society for Research on Adolescence
Society for Research in Child Development

Tab 5



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF HUMAN
SERVICES

ANN SILVERBERG WILLIAMSON
Executive Director

Division of Substance Abuse and Mental
Health

DOUG THOMAS
Director

July 10, 2020

James Peters
Administrative Office of the Courts
Matheson Courthouse
450 South State St.
Salt Lake City, Ut 84114

Re: Letter of Interest – Committee on Children and Family Law

Dear Mr. Peters.

I am writing to express my interest in serving on the Committee on Children and Family Law. I have worked in the field of social work for the last eleven years in an administrative and clinical role developing and implementing behavioral health and forensic programs to serve individuals statewide. Since being hired by the Department of Human Services (DHS) in 2012, I have implemented juvenile competency, a utilization management process and System of Care statewide. I work closely with the DHS child-serving agencies, community partners and national experts to evaluate and implement effective changes to the behavioral health system.

I worked with system partners to develop System of Care Regional Advisory Councils across the state to address gaps and opportunities to improve access to community-based services and support for individuals we serve. Additionally, I participate on a court-led taskforce to improve court and community response to those with behavioral health issues by utilizing the Sequential Intercept Model for diversion from the court system into appropriate services. I have worked with legislators and key stakeholders to change and develop administrative policy, rules and statute to improve access to help individuals statewide achieve better outcomes.

Please consider my resume and this letter as a sincere intent of interest to serve on the Committee on Children and Family Law. I appreciate your consideration and look forward to hearing back from you.

Sincerely,

Amanda Alkema, LCSW

Amanda Alkema, LCSW
Forensic System Administrator
Division of Substance Abuse and Mental Health

Amanda Alkema, LCSW
Salt Lake City, Utah, 84116
385.414.1767 (m)
aalkema@utah.gov
 LinkedIn: [Amanda Alkema LinkedIn Page](#)

Education

Master of Social Work August, 2009
 University of Utah, College of Social Work, Salt Lake City, Utah

Bachelor of Science Social Work May, 2008
 (Minor: Criminal Justice)
 Weber State College, Ogden, Utah

Professional Licensure

Licensed Clinical Social Worker
 State of Utah License Number: 7471281-3501

Work Experience

Program Administrator, Forensic System, Department of Human Services, SLC, UT 2012– Present
 Kim Myers, (801) 633-2408, kmyers@utah.gov

- Create and coordinate quality consistency across Department of Human Services(DHS) forensic system
- Facilitate reports, research activities, program evaluation and budget
- Coordinate forensic contracts and training
- Liais with adult and juvenile court
- Coordinate legislative requests and changes to law
- Manage the statewide juvenile competency and attainment policies and procedures
- Lead legislative efforts surrounding the juvenile competency statute
- Reduced the number of days between juvenile competency attainment order and juvenile competency attainment final report by 41%
- Increased percentage of youth found competent to stand trial, by the court, after completion of juvenile competency attainment services by 204%
- Developed juvenile and adult forensic training with the National Youth Screening & Assessment Partners (NYSAP), CONCEPT Palo Alto University, national and state experts, and legal partners to improve quality on juvenile and adult competency to stand trial evaluations

Program Administrator, System of Care, Department of Human Services, SLC, UT

Lana Stohl, (801)505-3999, lstohl@utah.gov

- Developed and implemented policy and procedure for System of Care
- Provided supervision, developed structure and hired 20 plus staff for System of Care statewide
- Participated in research and data analysis to evaluate program effectiveness and efficiency
- Coordinated System of Care Regional Advisory Council to address gaps and support a system approach between DHS agencies, courts, community partners, educators, law enforcement agencies, faith-based organizations, treatment and crisis providers, and other governmental agencies.
- Coordinated the development of the stabilization model for Stabilization and Mobile Response being implemented in the state by contacting and coordinating with national experts and other states that have implemented a mobile crisis and stabilization response

Mental Health/Substance Use Therapist, Blomquist Hale Consulting Group, SLC, UT 2012 –2014

- Provided individual, family, and couples therapy for children, youth, and adults coping with mental health and substance use related issues. Experience and focus of therapy included depression and mood

disorders, anxiety, coping skills, relaxation techniques, assertiveness training, communication skills, mindfulness training, stress management, grieving process, family conflict, and addiction counseling

Mental Health/Substance Use Therapist, Davis Behavioral Health, Layton, UT

2009 –2012

Kim McComas, (801) 698-6333, kimm@dbhutah.org

- Developed policy and supervised youth substance use program
- Conducted ongoing evaluations of youth substance use program including researching best practices and implementing program changes as indicated
- Provided comprehensive diagnostic clinical assessments of mental health and substance use for adolescents and adults; evaluated appropriate level of treatment; developed treatment plans and monitor progress in meeting goals and objectives of treatment
- Provided individual, family, and group psychotherapy in day treatment and outpatient treatment, programs in the community and Davis County Jail

Leadership Activities and Training

- Trained by Behavioral Tech on Radical Openness DBT a therapeutic model that is effective with substance use, anxiety, depression, etc.
- Participated on the Suicide Fatality Review
- Participated on the human trafficking projects across with other child-serving agencies and community partners
- Utah Family and Children Engagement Tool (UFACET).
- Participated on the workgroup to develop the Utah Attainment Curriculum for Trial Competence (ACTC) and guidelines procedures for the Forensic Evaluators providing juvenile competency evaluations
- Presented at the National Association of State Mental Health Program Directors, Legal Division Meeting with national expert Dr. Ivan Kruh in November, 2018 on juvenile remediation programs best practice
- Presented at the National Organization of Forensic Social Work in 2016 on a coordinated approach with youth found not competent to stand trial in Utah
- Presented at the Annual Judicial Conference in 2014 to Juvenile Court Judges across the State of Utah
- Collaborating with national experts and the University of Denver on a research project to evaluate juvenile out-patient remediation programs nationwide
- Member of the Promising Youth Conference Committee (formerly known as the Troubled Youth Conference)
- Member of Utah Forensic Coordinating Council
- Member of National Association of State Mental Health Program Directors