

# JUDICIAL COUNCIL MEETING

## AGENDA

**January 25, 2021**

**Meeting held through Webex**

***Chief Justice Matthew B. Durrant, Presiding***

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. .... Chief Justice Matthew B. Durrant  
(Information)
3. 9:10 a.m. Administrator's Report and COVID-19 Update..... Judge Mary T. Noonan  
(Information)
4. 9:20 a.m. Selection of a Judicial Council Vice Chair ..... Judge Mary T. Noonan  
(Information)
5. 9:25 a.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. 9:50 a.m. Pretrial Release and Supervision Committee Report.....  
(Information) Judge George Harmond  
Keisa Williams
7. 10:00 a.m. CJA Rules 4-202.02 and 4-403 for Final Action .....Keisa Williams  
(Tab 3 - Action)
8. 10:05 a.m. WINGS Committee Report..... Judge Keith Kelly  
(Tab 4 - Information) Shonna Thomas  
Nancy Sylvester
9. 10:15 a.m. Senior Judge Certifications ..... Nancy Sylvester  
(Tab 5 - Action)
- 10:25 a.m. Break

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|-----|------------|---|--|
| 10. | 10:35 a.m. | Problem-Solving Courts Certifications.....              | Judge Dennis Fuchs<br>(Tab 6 - Action)                                 |
| 11. | 10:45 a.m. | Regulatory Reform Innovation Office .....               | Judge Mark May<br>(Tab 7 - Information)                                |
| 12. | 11:00 a.m. | Proposed Grant Policies and Procedures .....            | Karl Sweeney<br>(Tab 8 - Action) Jordan Murray                         |
| 13. | 11:10 a.m. | Legislative Updates.....                                | Michael Drechsel<br>(Information)                                      |
| 14. | 11:25 a.m. | Judicial Performance Evaluation Commission Report ..... | Dr. Jennifer Yim<br>(Tab 9 - Information) Commissioner Shannon Sebahar |
| 15. | 11:45 a.m. | Introduction of Jonathan Puente .....                   | Judge Mary T. Noonan<br>(Information)                                  |
| 16. | 11:55 a.m. | Judicial Council March 2021 Meeting Date .....          | Judge Mary T. Noonan<br>(Action)                                       |
|     | 12:00 p.m. | Lunch Break   |  |
| 17. | 12:10 p.m. | Old Business/New Business .....                         | All<br>(Discussion)  |
| 18. | 12:30 p.m. | Executive Session - There will be an executive session  |  |
| 19. | 12:50 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. Committee Appointment<br>(Tab 10) | Education Committee – Tom Langhorne |
| 2. Forms Committee Forms<br>(Tab 11) | Brent Johnson                       |

# Tab 1

## Agenda

**JUDICIAL COUNCIL MEETING****Minutes****December 21, 2020****Meeting conducted through Webex****9:00 a.m. – 12:17 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. David Connors  
 Hon. Paul Farr  
 Hon. Michelle Heward  
 Justice Deno Himonas  
 Hon. Mark May  
 Hon. Kara Pettit  
 Hon. Derek Pullan  
 Hon. Brook Sessions  
 Hon. Todd Shaughnessy  
 Rob Rice, esq.

**Excused:**

Hon. Samuel Chiara  
 Hon. Ryan Evershed  
 Jim Peters  
 Neira Siaperas

**AOC Staff:**

Hon. Mary T. Noonan  
 Cathy Dupont  
 Michael Drechsel  
 Heidi Anderson  
 Shane Bahr  
 Kim Free  
 Brent Johnson  
 Larissa Lee  
 Bart Olsen  
 Karl Sweeney  
 Nancy Sylvester  
 Keisa Williams  
 Jeni Wood

**Guests:**

Hon. James Blanch, Third District Court  
 Hon. George Harmond, Seventh District Court  
 Kristina King, OLRGG  
 Annie Knox, Deseret News  
 Hon. Barry Lawrence, Third District Court  
 Hon. David Mortensen, Court of Appeals  
 Alex Peterson, Judicial Conduct Commission  
 Dr. Jennifer Yim, JPEC

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Due to the coronavirus pandemic, the Council held their meeting entirely through Webex.

On December 7, 2020, the Council unanimously approved by email, accepting an additional \$79,000 in grant funds available through the Utah Bar Foundation (UFB) (via Salt Lake County CARES Act). UBF is the grant manager, therefore, the grant funds will be administered in the same manner as the original grant of \$206,696..



The additional funds will be used for:

- \$15,000 for 3 witness stand enclosures for jury trials during the red and yellow phase of COVID
- \$64,000 for 7 additional kiosks to allow virtual participation in court hearings. The kiosks will be placed: 2 at Matheson courthouse, 1 at West Jordan courthouse, 2 at Salt Lake City Justice Court, and 2 at the West Valley City Justice Court (these are in addition to the 3 kiosks which were approved and installed as part of the original UBF grant: 2 in Matheson and 1 in West Jordan).

On December 15, 2020 the Council unanimously approved by email a second amendment to the UBF CARES Act grant in the amount of \$92,760. The courts will repurpose \$35,714 of UBF original and first amendment grant funds which were not used due to various budget savings. The total additional funds of \$128,474 (\$35,714 + \$92,760) will be spent on the following “work from home” and “virtual or hybrid court access” projects for Salt Lake County based court employees and courthouses.

- \$22,000 for 100 computer monitors, headsets, video cameras, power cords and other technology needed to address telecommuting needs during the pandemic in Salt Lake County courthouses. \$55,000 for 50 laptops for Third District Court and appellate employees who are telecommuting during COVID
- \$12,000 for 100 monitors same conditions as above
- \$34,000 for Supreme Court conference room technology upgrades to facilitate improved capabilities to host oral arguments and other meetings from home, or if in-person attendance is needed, provide appropriate social distancing
- \$6,000 for Public Information Office radio ads regarding court access and professional voice over for the court's new Jury Safety video.

**Motion:** Judge Kate Appleby moved to approve the November 23, 2020 Judicial Council meeting minutes, as amended with Judge Connor’s corrections. Judge Augustus Chin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant recognized Judge Appleby for her extraordinary work.

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

Judge Mary T. Noonan reviewed the memberships of the Council’s executive committees.

<b>Management Committee</b>	<b>Policy &amp; Planning Committee</b>	<b>Liaison Committee</b>	<b>Budget &amp; Fiscal Management Committee</b>
Chief Justice Durrant, Chair	Judge Pullan, Chair	Judge Pettit, Chair	Judge May, Chair
Judge Farr	Judge Cannell	Judge Evershed	Judge Chin
Judge May	Judge Chiara	Justice Himonas	Justice Himonas
Judge Mortensen	Judge Connors	Judge Sessions	Judge Pettit

Judge Shaughnessy	Judge Heward		
	Rob Rice		

Jonathan Puente has accepted the position of the Director for the Office of Fairness and Accountability. He will begin January 4, 2021.

Judge Noonan mentioned there have been discussions on the COVID vaccination distribution priority list. Judge Noonan will meet with Rich Saunders, Utah Department of Health, to advance a conversation about the Judiciary's commitment to the public and the need for the vaccination. Judge Todd Shaughnessy felt the court's front line workers should be prioritized. Judge Connors thought the public defenders should be prioritized because they interact with their clients at the jails. Judge Appleby and Judge Pettit believed in an effort to move jury trials forward, perhaps potential jurors could be considered a priority. Justice Deno Himonas said the courts have the mandate for speedy public trials so he too felt the courts should assist with ensuring public defenders receive the vaccine. Judge Pullan noted judges are more separated from people in courtrooms and thought the frontline staff should be considered a higher priority than judges. Judge Pullan said the courts should have conversations with attorneys about the court plans for safety.

#### **4. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge Barry Lawrence and Shane Bahr)**

Chief Justice Durrant welcomed Judge Barry Lawrence and Shane Bahr. Judge Lawrence explained that transitioning to a virtual format in such a short amount of time has been remarkable. Judge Lawrence complimented the IT Department for their work.

- The quality of recordings of court hearings has been an issue. Judges and staff are working to ensure the recordings are clear.
- A pilot criminal jury trial is set for January 25, 2021 at the Matheson Courthouse.
- Judge Lawrence recommended the Council encourage the state to consider immunizing all frontline workers in the courthouse as soon as possible to allow courthouses to reopen.
- Eviction and addiction-related cases have risen this year.
- The Board reviewed and distributed the findings to the bench of the Legislative Audit on Fines, Fees, and Surcharges.
- The Board has been working on rule amendments.
- There is a shortage of volunteer attorneys in Post-Conviction Relief Act (PCRA) cases.
- The district judges created a searchable brief bank as a tool for judges.
- The spring conference has been reduced to two days for May, 2021.
- The Bar litigation section and Judge Andrew Stone are working on holding virtual civil jury trials.

Justice Himonas said judges are authorized to request volunteer attorney assistance from law firms. Judge Pullan questioned whether there might be grant funds through the Indigent Defense Commission that could be used for attorney assistance for PCRA cases and noted that the courts should pay lawyers for this difficult work. Rob Rice will contact the Pro Bono Commission to possibly meet with the Board of District Court Judges. Justice Himonas said the

Pro Bono Commission was not receptive to his requests for assistance with PCRA cases in the past.

Judge David Connors expressed concern about his ability to access recordings of court hearings and asked about progress on converting Webex hearings to the court FTR system. Judge Lawrence noted he always records through FTR. Judge Connors virtual proceedings are always recorded through Webex. Justice Himonas recommended the Board provide guidance to the bench on recordings. Judge Noonan will address this with the IT Department. Judge Pettit has a clerk, even if it is not hers, start the FTR courtroom recordings and felt addressing this should be a priority. Some judges highly recommend or require that attorneys have headsets with microphones for better clarity on the recordings. Shane Bahr said there is a transfer process of recordings from Webex to FTR, however, there is a large backlog.

Chief Justice Durrant thanked Judge Lawrence and Mr. Bahr.

## **5. COMMITTEE REPORTS:**

### **Management Committee Report:**

The work of this committee is reflected in the minutes.

### **Budget & Fiscal Management Committee Report:**

Judge Mark May noted the Utah Bar Foundation CARES Act Grant has increased to \$378,000. The Council discussed why the Utah Bar Foundation grant could only be used for needs in Salt Lake County rather than statewide needs. Rob Rice said only Salt Lake County and Utah County received CARES Act funds. The Utah Bar Foundation applied to Salt Lake County to use some of the Salt Lake County CARES Act funds for COVID related access to justice needs in the county. The Bar Foundation approached Utah County about using some of Utah County funds for COVID related access to justice needs, but Utah County did not award any to the Utah Bar Foundation.

### **Liaison Committee Report:**

Judge Kara Pettit noted five new judges were confirmed by the Senate. The committee will begin meeting weekly January 8. The Elected Official and Judicial Compensation Committee recommended to the Legislature that judges receive the same COLA as other employees this year.

### **Policy and Planning Committee Report:**

Judge Pullan addressed CJA Rule 3-101. The proposed amendments to Rule 3-101 establish a definition for “submitted” for purposes of the cases under advisement performance standard and clarify that judges will be considered compliant with education and cases under advisement standards if their failure to meet one or both of those standards was due to circumstances outside of the judge’s control.

Policy and Planning met with members of the Board of District Court Judges, Dr. Jennifer Yim, and two JPEC commissioners to discuss the draft rule. Neither group expressed strong objections to the rule draft.

**Bar Commission Report:**

Mr. Rice said the Bar Commission met on Friday and members expressed concern about the Senate's refusal to consider the Governor's appointment for the judicial vacancy on the Court of Appeals. The commission is working on the selection of a new director for the Utah State Bar, in anticipation of John Baldwin's retirement in 2021.

**6. PRETRIAL RELEASE AND SUPERVISION COMMITTEE REPORT: (Judge George Harmond and Keisa Williams)**

Chief Justice Durrant welcomed Judge George Harmond and Keisa Williams. The committee has been working on implementation of 2020 General Session H.B. 206. They created two subcommittees (data collection and rules). They are working with local entities on data collections in hopes to create a model dashboard for the state on what processes were prior to and after H.B. 206. Judge Connors said there is a perceived lack of consistency between judges in how they review PSAs and the decisions they make. The committee has been working with law enforcement to ensure as much information can be received as possible.

Chief Justice Durrant thanked Judge Harmond and Ms. Williams.

**7. CJA RULES 3-105, 3-201, 3-201.02, AND 3-301.01 FOR FINAL APPROVAL: (Keisa Williams)**

Chief Justice Durrant welcomed Keisa Williams. The Judicial Council approved rule 3-105, 3-201, 3-201.02, and 3-301.01 for public comment. During the 45-day comment period, no comments were received on rule 3-201 and 3-201.02. One positive comment was received on rule 3-105. Two comments were received on 3-301.01, one positive and one negative. The Policy and Planning Committee made one amendment to rule 3-201.02 in response to the public comment. The committee recommended these rules for final approval with an effective date of May 1, 2021.

**CJA Rule 3-105. Administration of the Judiciary (New)**

This rule sets forth the authority of judges, courts, the Supreme Court, and the Judicial Council to administer the functions of the judicial branch and creates a process by which the Supreme Court and Judicial Council may assess and determine exclusive and predominate authority, and how those two bodies will communicate with each other when issues arise.

**CJA Rule 3-201. Court Commissioners (Amend)**

The proposed amendments are clarifying and not substantive.

**CJA Rule 3-201.02. Court Commissioner Conduct Committee (Amend)**

In July 2020, the Judicial Council reviewed and issued a ruling on findings and recommendations made by the Court Commissioner Conduct Committee. The proposed amendments address the two issues raised by the Council; more clearly define the committee's charge and complaint procedures, and create an appeals process if the Committee dismisses a complaint without a hearing.

**CJA Rule 3-301.01. State Court Administrator—Complaints and Performance Review; Complaints Regarding Judicial Officers and State Court Employees (New)**

This rule establishes the Management Performance Review Committee, outlines a process for reviewing the performance of the State Court Administrator, and creates an avenue by which complaints regarding the State Court Administrator, judicial officers, and state court employees can be received, reviewed, and investigated.

Chief Justice Durrant thanked Ms. Williams.

**Motion:** Judge Pettit moved to approve CJA Rules 3-105, 3-201, 3-201.02, and 3-301.01 for final approval, as presented, with an effective date of May 1, 2021. Judge Brian Cannell seconded the motion, and it passed unanimously.

**8. SENIOR JUDGE APPOINTMENTS AND RULES: (Cathy Dupont and Nancy Sylvester)**

Chief Justice Durrant welcomed Cathy Dupont and Nancy Sylvester. The senior judge evaluation and appointment processes are governed by CJA Rule 3-111 and Rule 11-201. None of the senior judge applicants below have complaints pending before the Utah Supreme Court or the Judicial Conduct Commission.

**Active Senior Judge Certifications**

Judge Thomas Kay, District Court

**Active Senior Judge Recertification's**

Judge G. Rand Beacham

Judge Gordon J. Low

**Inactive Senior Judge Certifications**

Judge Mary T. Noonan

Judge Susan Weidauer

Chief Justice Durrant thanked Ms. Dupont and Ms. Sylvester.

**Motion:** Judge Appleby moved to approve the certification of Judge Thomas Kay (Active Senior Judge), the recertifications of Judge G. Rand Beacham and Judge Gordon J. Low (Active Senior Judges), and the certifications of Judge Mary T. Noonan and Judge Susan Weidauer (Inactive Senior Judges), as presented. Judge Cannell seconded the motion, and it passed unanimously.

Nancy Sylvester said the past practice for senior judge applications has not included contacting JPEC when vetting the applications. Ms. Sylvester will speak with Dr. Jennifer Yim on this matter. Judge Connors felt there may be information from JPEC regarding midterm evaluations or retention recommendations that the courts might want to consider when evaluating the appointment of a senior judge. Judge Appleby recommended sending this to Policy & Planning for review. Judge Pullan welcomed the discussion. Ms. Sylvester will work with Cathy Dupont and JPEC.

**9. JUDICIAL CONDUCT COMMISSION (JCC) REPORT: (Alex Peterson)**

Chief Justice Durrant welcomed Alex Peterson. Mr. Peterson noted there was no evidence of COVID-related complaints.

**JCC Update**

- 51 cases in FY20 (64 in FY19, 58 in FY18) and 29 cases in FY21
- Zero public dispositions in FY21 and zero DWW dispositions with no cases pending before the Supreme Court
- Published FY20 Annual Report
- Annualized requests for information as follows:
  - 7 for the AOC
  - 4 for JPEC
  - 8 for CCJJ
  - 13 for AJDC/CJE
- Received 339 phone call inquiries
- Prepared increased budget proposal
- GRAMA litigation regarding a DWW record
- Hold meetings virtually

Chief Justice Durrant thanked Mr. Peterson.

**10. MODEL UTAH CRIMINAL JURY INSTRUCTIONS COMMITTEE REPORT: (Judge James Blanch and Michael Drechsel)**

Chief Justice Durrant welcomed Judge James Blanch and Michael Drechsel. Judge Blanch thanked Mr. Drechsel for his work on the committee. The committee published for public comment a body of instructions previously adopted by the committee. Those instructions are related to:

- Defense of Habitation / Self / Others (500 series)
- DUI Instructions (1000 series)
- Assault Instructions (1300 series) – review already completed
- Homicide Instructions (1400 series)
- Sexual Offense Instructions (1600 series)
- Miscellaneous Instructions

During the comment period, the committee received more than 30 comments. The committee still has significant work left to do in considering these public comments. The committee continues its work on the Driving Under the Influence and Related Traffic instructions. The legislature passed in 2020 S.B. 238 Battered Person Mitigation Amendments. The committee has been working on instructions related to S.B. 238.

The committee makes a constant review of developing case law to ensure that jury-instruction-related issues raised in appellate case law are considered and addressed. Currently, the committee is assessing whether and how instructions might be crafted consistent with the Supreme Court's decision in Pleasant Grove City v. Terry, 2020 UT 69 (re: impossible verdicts).

Once the current projects are finalized, the committee plans to proceed with crafting instructions for Burglary and Robbery Offenses. Judge Blanch will add curative instructions to the committee's work.

Chief Justice Durrant thanked Judge Blanch and Mr. Drechsel.

## **11. OLD BUSINESS/NEW BUSINESS**

Karl Sweeney addressed a memorandum prepared by the Clerks of Court (Clerks) in which they addressed judicial assistant's worsening morale issues as a result of the pandemic-caused workloads, which the Clerks fear will result in a high rate of turnover for JAs. As of December 21, 2020 there are 33 JA/Case Manager vacant positions. The clerks suggested that the court should find a way to address the workload issues. They suggested reducing calendars and hiring temporary help for the JAs, perhaps using retired JAs who are familiar with court processes. Karl Sweeney reported that the courts have one-time savings due to higher than budgeted turnover. The additional one-time savings could be used to temporarily hire retired JAs to supplement court staffing levels. Judge Noonan and the Budget & Fiscal Management Committee requested the Council use one-time turnover savings to fund 25 temporary JA positions for up to 6 months. Judge May noted the reason the courts have so much funding available is because there are so many JA positions vacant.

Judge Shaughnessy questioned if there are retired JAs willing to be brought back on under these terms and if this was the right time to consider bringing them back because jury trials have not begun and the need may be greater when trials resume. Justice Himonas wondered if holding off on bringing them back would increase the problem. Judge Appleby said the crisis seems to be right now and the Council could consider adding more or continuing the temporary help in the future... Judge Pullan posed three comments: 1) have the courts lost JAs due to the pandemic and if so, how many; 2) capping calendars is not a workable solution; and 3) how would the Council identify the places of greatest need. Judge Pettit believed bringing JAs back now is appropriate as the need is immediate. Judge Cannell noted the First District has not experienced the same issues as other districts. Bart Olsen said the Court could be liable to pay overtime worked by a JA, even if the JA has not reported the overtime work. Justice Himonas asked if the courts could give JAs bonuses rather than comp time to be used at a later date.

Judge Noonan responded to the questions posed by Council members. She stated that the court could use the process currently in place for filling empty JA positions to also identify the areas with the most need for temporary JA assistance. Mr. Sweeney noted the Judicial Council could consider bonuses for employees if there are surplus funds available after the court returns to the Legislature the promised savings from the June budget cuts. At this time, it looks like there may be additional one-time surplus of approximately \$300,000 - \$500,000 which could be set aside for bonuses.

The request is for \$600,000 in one-time turnover savings to be used between January 1, 2021 and June 30, 2021.

**Motion:** Justice Himonas moved to approve the request for using one-time turnover savings to fund 25 temporary JA positions for 6 months and encouraged Mr. Sweeney if funds

are available to set aside funding for bonuses for JAs. Judge Shaughnessy seconded the motion, and it passed unanimously.

Chief Justice Durrant was moved by the memorandum and appreciated the discussion and decision by the Council.

**12. RECOGNITION OF OUTGOING JUDICIAL COUNCIL MEMBER: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant thanked Judge Appleby for her service on the Council stating he could not overstate how prepared and insightful she is. Judge Appleby will be missed by the Council and the courts. Judge Shaughnessy felt Judge Appleby was a solid force, always prepared, and a great sounding board to the Management Committee as well. Judge Appleby was honored to serve the Council.

**13. EXECUTIVE SESSION**

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

**Motion:** Judge Appleby moved to approve the continuance of the Westlaw contract because Westlaw offers the best value for the courts' need and because of the courts' long-term good service relationship with Westlaw. Judge Farr seconded the motion, and it passed unanimously.

**14. CONSENT CALENDAR ITEMS**

**a) Committee Appointment.** MUJI - Civil Committee appointment of Ruth Shapiro as Chair, appointment of Judge Kent Holmberg, and reappointments of Judge Keith Kelly and Lauren Shurman. Approved without comment.

**b) Probation Policies 2.4, 2.7, 4.3, and 4.7.** Approved without comment.

**c) CJA Rule 3-108 and 3-101 for Public Comment.** Approved with comments on rule 3-101 as noted in section 5 above.

**15. ADJOURN**

The meeting adjourned.



# Tab 2

## Agenda

**JUDICIAL COUNCIL'S  
MANAGEMENT COMMITTEE**

**Minutes  
January 12, 2021  
Meeting held through Webex  
12:00 p.m. – 2:45 p.m.**

*Chief Justice Matthew B. Durrant, Presiding*

**Committee Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Paul Farr  
Hon. Mark May  
Hon. David Mortensen  
Hon. Todd Shaughnessy

**Excused:**

Larissa Lee

**Guests:**

Hon. Mark Kouris, Third District Court  
Russ Pearson, TCE Eighth District Court  
Peyton Smith, TCE Third District Court

**AOC Staff:**

Hon. Mary T. Noonan  
Cathy Dupont  
Michael Drechsel  
Shane Bahr  
Brent Johnson  
Tom Langhorne  
Kara Mann  
Meredith Mannebach  
Chris Palmer  
Jim Peters  
Jon Puente  
Neira Siaperas  
Nancy Sylvester  
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 Paul Farr moved to approve the December 8, 2020 Management Committee meeting minutes, as presented. Judge Mark May seconded the motion, and it passed unanimously.

On December 8, 2020 the Management Committee approved by email the Risk Response Checklist for Roosevelt District & Juvenile Court.

**2. OATH OF OFFICE – JUDGE DAVID MORTENSEN: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant administered the Judicial Council's Oath of Office to Judge David Mortensen during this meeting so there would not be a delay in Judge Mortensen's participation as a Council member prior to the next Council meeting.

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

Judge Mary T. Noonan said the legislative session begins January 19<sup>th</sup>. Chief Justice Durrant prerecorded the State of the Judiciary address that will be made public after the presentation to the legislature. The Governor's budget included all of the Council's priorities, with the exception of the appellate e-filing item, which was removed after the budget was created. The Executive Offices and Criminal Justice (EOCJ) have two new Chairs: House Representative Craig Hall and Senator Derrin Owens.

Bear River, Weber County, and Davis County Health Departments have notified the courts that judges and employees have priority status with COVID vaccinations. Judge Todd Shaughnessy questioned if the courts should hold an internal discussion to prioritize employees for the vaccination and believed the front line employees should be the highest priority. Judge Farr agreed with front line clerks receiving the vaccination first.

### **4. INTRODUCTION OF JONATHAN PUENTE: (Judge Mary T. Noonan)**

Judge Noonan introduced Jon Puente as the new Director of the Office of Fairness and Accountability. Mr. Puente looks forward to working with and being a resource to the Utah Judiciary. Chief Justice Durrant welcomed Mr. Puente to the courts and appreciated Mr. Puente's media address.

### **5. JUSTICE COURT INTERLOCAL AGREEMENT & DISSOLUTION: (Jim Peters)**

Jim Peters presented a notice of expanded territorial jurisdiction by Vernal City, pursuant to Utah Code § 78A-7-102. Vernal City entered into an agreement with Uintah County that will allow the Vernal City Justice Court to include all of Uintah County judicial cases. It is anticipated the transition will occur 180 days from December 29, 2020, upon approval by the Judicial Council. With the expanded territorial agreement, the Uintah County Justice Court seeks to dissolve in its entirety.

At present, Judge Jody Petry presides over the Uintah County Justice Court. Judge Ray Richards presides over the Vernal City Justice Court. Neither is interested in stepping down. If approved, this proposal would force Judge Petry off the bench; dissolve the Uintah County Justice Court without legislative approval, and result in the Vernal City Justice Court hearing all cases in Uintah County beginning no later than July 1, 2021.

Whether this proposal conforms to statutory requirements is unclear. Mr. Peters was concerned about the statutory construction of the interlocal agreement. Typically, the dissolution of a justice court requires legislative approval. Uintah County doesn't believe they need legislative approval because of the proposed interlocal agreement. Judge Shaughnessy wondered if the Council's discretion was limited to ensuring the courts operate within the standards. Mr. Peters said these are both Class II courts and after combining them, they would remain a Class II court, therefore, their compliance would remain. Judge May would like a legal opinion to clarify the statute. The committee felt closing a county court could pose a problem in the future should a city court decide to close because typically when a city court closes, the cases are sent to the county court. Judge Shaughnessy noted that should Vernal City decide to close their court, the cases could fall to the district court. Judge Farr said the Justice Court Task Force is reviewing the consolidation of courts and recommended further discussion in an executive session. Brent Johnson will provide a legal opinion on this issue.

## **6. CERTIFICATION FOR JUSTICE COURT CLERKS: (Jim Peters)**

The Board of Justice Court Judges recognized a need for a clerk certification program. Mr. Peters developed a clerk certification program to provide resources and skills for court clerks and court administrators in the justice courts. Throughout the state, justice courts vary both in size and workflow processes. This program will train and test core competencies that are necessary for efficient and consistent practices throughout the various justice courts in the state.

Mr. Peters, along with the Justice Court Clerk Education Committee will determine the yearly core competencies for training and testing. This committee is made up of clerks approved by the Board from various areas and sizes of courts throughout the state to provide a broad perspective of what is needed. The committee is made up of the Conference Planning Workgroup and the Clerk Certification Workgroup.

The Conference Planning Working Group will be responsible for the content for annual clerk conferences and training as needed throughout the year for computer software updates, legislative updates, and other topics where quick training is necessary for efficient justice court processes. The Conference Planning Working Group will identify 50-75 questions per year from the annual clerk's conference, legislative updates, and other training throughout the year. This will be a portion of the yearly clerk certification test to determine the core competencies of clerks and court administrators.

The Clerk Certification Working Group will be responsible to develop training on clerk core competencies and provide these both as a resource document and as a training module in the designated learning management system (LMS). The Clerk Certification Working Group will identify 2-3 core competencies per month that will be distributed to clerks and court administrators for training and testing. Each training module will be approximately 15 minutes to allow clerks and court administrators to easily complete them along with their current duties and assignments. A pre-assessment will be given in the LMS that allows clerks and court administrators who pass with 100% to bypass the training and receive credit for that core competency. Those who do not pass the pre-assessment with 100% will be required to complete the training module and complete the post-assessment with 100% to receive credit for that core competency.

Clerks and court administrators will be required each June to complete the assigned LMS modules (average 2-3 per month) and the year-end clerk certification test. This test will be made up of approximately 100 questions where 50-75 will come from the required clerk's conference, legislative update, and other training throughout the year. The remaining questions will be pulled from the assigned LMS modules throughout the year. Clerks and Court administrators need to pass with 100% to be deemed certified. This test may be sent out in parts from the LMS for ease of completing. Courts, where their clerks and court administrators have not completed this required testing and training, will be in jeopardy of not being recertified. New clerks or court administrators hired within a given year will be given extensions to complete current year and past year(s) core competencies based upon date of hire.

Mr. Peters stated that Policy & Planning recommended further work on this subject and requested it be removed from the Council's agenda. Chief Justice Durrant thanked Mr. Peters for the excellent presentation and his work on the program.

**7. COMMITTEE APPOINTMENTS: EDUCATION COMMITTEE: (Tom Langhorne)  
Education Committee**

Tom Langhorne addressed the district court judge vacancy on the Education Committee. Judge Paul Parker, Judge Matthew Bates, and Judge Richard Mrazik expressed interest in serving on the committee.

**Motion:** Judge Farr moved to approve the appointment of Judge Matthew Bates to the Education Committee, as presented, and place this on the Judicial Council consent calendar. Judge May seconded the motion, and it passed unanimously.

**8. INTERPRETER TESTING PROTOCOLS: (Kara Mann)**

In-person group gatherings, such as training or meetings, have been prohibited in courthouses since March 12, 2020. The current Administrative Order directly impacts the ability to offer interpreter training and testing requirements that are mandatory under CJA Rule 3-306.04 for interpreter candidates.

Interpreter candidates are required to complete numerous testing and training requirements as court interpreting is a specialized field within the interpreting profession. While being bilingual is the foundation of a good court interpreter, many other skills are needed in order to accurately render an interpretation in a court environment. Because Utah State Courts recognizes this, CJA Rule 3-306.04 sets out the numerous requirements interpreters must complete in order to be a credentialed court interpreter with Utah State Courts.

The Language Access Committee's Interpreter Credentialing Subcommittee has developed a plan to offer most of the training and testing requirements remotely in 2021. However, two of the required exams, the English Written Exam and the Oral Proficiency Exam, must be held in-person as required by the National Center for State Courts ("NCSC"). NCSC will not allow either exam, which they developed and oversee, to be held remotely due to exam security concerns. Since NCSC require the exams to be offered in-person, and since in-person gatherings have been prohibited by the courts, the two exams have not been administered since January 2020.

The Interpreter Credentialing Subcommittee of the Language Access Committee requested approval to begin administering these in-person exams in 2021, with certain proposed safety precautions in place. Mr. Johnson confirmed this decision can be made by the Management Committee without having to be addressed by the Council.

**Motion:** Judge Shaughnessy moved to approve an exemption to the Risk Response Plan to allow in-person testing with appropriate safety protocols with a limit of six candidates, as required by NCSC, as presented. Judge Farr seconded the motion, and it passed unanimously.

**9. RECORDS ACCESS APPEAL: (Nancy Sylvester)**

Jeena Nilson appealed the denial by the First District Court and the State Court Administrator to obtain security camera footage from September 2, 2020. Ms. Nilson was approved to view the footage but not receive a copy. Utah CJA Rule 4-202(5)(J)(iv) provides that court records concerning the security of a court facility are protected. At the December 8,

2020 meeting Ms. Nilson did not appear, therefore, the Management Committee denied her appeal.

This item needed to be readdressed by the committee to allow for Ms. Nilson to be provided notice of the meeting.

In accordance with CJA Rule 4-202-07(5), which states “The deliberations of the Management Committee are closed, but the balance of the hearing on the appeal is an open and public meeting of which notice will be given in accordance with Rule 2-103.”

**Motion:** Judge Shaughnessy moved to deny Ms. Nilson’s appeal on the basis of nonappearance, as amended to include any further appeal on this matter be addressed by letter and not placed on the Management Committee agenda. Judge Farr seconded the motion, and it passed unanimously.

#### **10. SENIOR JUDGES AND JPEC: (Nancy Sylvester)**

Ms. Sylvester questioned whether the Council would like to verify whether a retiring judge who applies to be a senior judge has a favorable recommendation from JPEC. Judge David Mortensen suggested archiving JPEC judicial reports to allow the Council to revisit them when someone applies for senior judge status. Cathy Dupont stated the State Court Administrator receives and reviews JPEC reports on behalf of the Council. Judge Mortensen felt the Council should read the reports being sensitive to the issue but also recognized that these are real issues. Judge Shaughnessy confirmed the Council approves someone to be a senior judge but the Supreme Court has the final decision, therefore, the Supreme Court should have the reports available to them. Ms. Dupont said the Policy and Planning Committee may present proposed amendments to the rule to increase the role of the Management Committee to vet applicants.

The JPEC reports are also sent to the presiding judges. Chief Justice Durrant believed that both the Council and Supreme Court should either have a person designated to review the reports or have access to them. Judge Shaughnessy felt the distribution of the reports should comply with statute and rules.

#### **11. SELECTION OF A JUDICIAL COUNCIL VICE CHAIR: (Judge Mary T. Noonan)**

With the retirement of Judge Kate Appleby, a new Vice Chair to the Council and Management Committee needed to be selected. Chief Justice Durrant noted that Judge Shaughnessy has worked hard for the courts and recommended him for the Vice Chair position. Judge Shaughnessy was honored with the recommendation. Chief Justice Durrant appointed Judge Shaughnessy as Vice Chair to the Council.

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

The committee reviewed the Judicial Council agenda. The Clerk Certification and the Vernal Interlocal agreement will be removed.

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

**13. OLD BUSINESS/NEW BUSINESS: (All)**

The Liaison Committee recently discussed bail reform and pretrial release. Michael Drechsel said bail reform and pretrial release will be major topics for consideration this legislative session. The committee felt it would be wise for the Council to address general principles for pretrial release. Judge Shaughnessy confirmed the committee wanted to know what extent the Council should weigh in on this topic. Judge May recommended not holding this discussion during the Council meeting as it is a public meeting. The Management Committee decided to hold a special Management meeting inviting the Liaison Committee. Brent Johnson noted the rule allows for an executive session of the Council to discuss protected records. Judge Noonan will follow up with Mr. Drechsel to determine when the meeting needs to be held or if it could be held during an executive session at the January 25<sup>th</sup> Council meeting.

The COVID criminal jury trial workgroup created three documents: 1) Webex Tips for Jurors; 2) Voir Dire Playbook; and 3) Jury Process. Judge Mark Kouris will hold a pilot criminal in-person jury trial at the Matheson Courthouse on January 25<sup>th</sup>. Judge Samuel Chiara will hold a pilot criminal in-person jury trial in February in Duchesne. The Second and Fourth Districts are expected to seek approval soon to hold their pilot criminal jury trials. Chief Justice Durrant expressed his gratitude to Judge Kouris for his leadership on this pilot program and thanked everyone involved. Judge Kouris thanked Peyton Smith and Judge Shaughnessy for their hard work on the jury trial process. The local health departments are available once a week for rapid COVID testing but not daily. Judge Noonan said for purposes of protection, the courts have created layers of redundancy.

**Motion:** Judge Shaughnessy moved to approve holding the pilot in-person criminal jury trials in the Matheson Courthouse and the Duchesne Courthouse, as presented. Judge Mortensen seconded the motion, and it passed unanimously.

**14. RISK RESPONSE PLAN: (Brent Johnson)**

Mr. Johnson reviewed the proposed changes with the committee. There were neither objections nor recommended changes.

**Motion:** Judge Shaughnessy moved to approve the proposed changes to the Risk Response Plan, as presented. Judge Farr seconded the motion, and it passed unanimously.

**15. EXECUTIVE SESSION**

An executive session was held.

**16. ADJOURN**

The meeting adjourned.

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

**Minutes  
January 14, 2021  
Meeting held through Webex  
12:00 p.m. – 1:00 p.m.**

**Members Present:**

Hon. Mark May, Chair  
Hon. Augustus Chin  
Justice Deno Himonas  
Hon. Kara Pettit

**Excused:**

Michael Drechsel  
Jim Peters  
Bart Olsen

**AOC Staff Present:**

Hon. Mary T. Noonan  
Cathy Dupont  
Shane Bahr  
Alisha Johnson  
Larissa Lee  
Jordan Murray  
Neira Siaperas  
Karl Sweeney  
Jeni Wood

**Guests:**

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

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

Judge Mark May welcomed everyone to the meeting. Judge May welcomed Justice Deno Himonas to the committee. Judge May addressed the meeting minutes.

The committee unanimously approved by email on December 1, 2020 the November 12, 2020 minutes, as presented.

The committee unanimously approved by email on December 4, 2020 to send the UBF Grant first amendment to the Judicial Council.

The committee unanimously approved by email on December 11, 2020 to send the UBF Grant second amendment to the Judicial Council.

The committee unanimously approved by email on December 19, 2020 to send the request to fund 25 Judicial Assistant positions to the Judicial Council.

**2. PERIOD 5 YTD FINANCIALS: (Alisha Johnson)**

Alisha Johnson provided an update of ongoing and one-time turnover savings. Karl Sweeney noted last month the sum total of year end surplus money stayed nearly the same as last month. Last year, the combined districts totaled \$100,000 in surplus. This year, one response has received showed a surplus of \$80,000. The goal is to give the Judicial Council the total of the surplus, which will be applied statewide to bonuses. Judge May said the courts appeared to be on





#		Funding Type	Amount
1	One Time Turnover Savings (calculated from actual vacancies)	Internal Savings	2,682,782
2	Current reserve set-aside available for use	Internal Savings	381,163
	<b>TOTAL POTENTIAL SAVINGS</b>		<b>3,063,945</b>
3	Annual One Time TO Savings Pledged to Budget Cuts		(2,500,000)
	<b>Current Balance of One Time Savings</b>		<b>\$ 563,945</b>

\* The One Time Turnover Savings increased \$650,000 since last period. YTD 1x TS has surpassed our \$2,500,000 goal (without considering use of reserve).

### 3. GRANT POLICIES AND PROCEDURES: (Karl Sweeney and Jordan Murray)

Jordan Murray presented the policies and procedures for grants in the courts. As this is a new position, the policies needed to be created. The policies will then be sent to the Judicial Council for final approval. Judge Mary T. Noonan clarified that the Council will be the ultimate approving grant authority. Justice Deno Himonas will discuss this with the Supreme Court. Judge May thought this was an excellent approach. Judge Pettit agreed with the idea of new rule or rule amendments to comply with the proposal and to a compliance calendar.

Judge Pettit complimented Mr. Murray on the work he's done in a short amount of time. The committee decided to recommend to the Council and that they send it to Policy & Planning for their work. Judge Pettit was not comfortable with lifting the moratorium to seek and obtain grants until these new policies are approved by the Council. Judge May felt aside from a few minor improvements, this was very well written, and it would be productive to request lifting the moratorium. Judge Augustus Chin agreed with Judge May's proposal. Judge Pettit clarified she preferred to have a solid plan in place for consistency measures. Judge Pettit recommended providing the compliance calendar to the Council.

#### 1. ORIGINATION AND PRIORITIZATION OF GRANT REQUESTS

- a. *For areas where the Utah Constitution stipulates the Supreme Court has original jurisdiction, the Supreme Court will prioritize and authorize the pursuit of grants (subject to Judicial Council approval as set forth in Section 2 below) that complement those areas, including:*
  - i. *Issuing extraordinary writs and answering questions of state law*
  - ii. *Appellate jurisdiction as provided by statute*
  - iii. *Adopting rules of procedure and evidence*
  - iv. *Governing the practice of law*

*All Supreme Court requests will be subject to a collaborative analysis coordinated by the Grants Coordinator ("GC") that ascertains impacts on Administrative Office of the Courts (AOC) resources, with particular emphasis on Court IT capacity. Findings from the collaborative analysis will be included in the request for approval submitted to the Budget and Fiscal Management Committee and Judicial Council.*

- b. *For all other Court areas, the Judicial Council will prioritize and authorize the pursuit of grants that are submitted for consideration by the Budget and Fiscal Management Committee. The Judicial Council prioritization process is as follows:*

- i. *The GC meets annually with all Court Boards (District, Juvenile, Justice, and Appellate), select committees (Judicial Council Committees and Supreme Court Committees) and current grant managers to discuss:*
  - 1. *Current needs and priorities that can be funded with grants, including supplemental needs for all current grants (annually, Jan - March).*
  - 2. *Future ideas/opportunities that could benefit from grant funding (annually, Jan - March).*
  - 3. *Potential sources of funding for the needs and priorities identified in steps 1 and 2 (annually, Jan - March).*
  - 4. *All grant requests will be subject to a collaborative analysis performed by the GC that ascertains impacts on Administrative Office of the Courts (AOC) resources, with particular emphasis on Court IT capacity. Findings from the collaborative analysis described in the preceding paragraph above will be described and included in the request for approval.*
- ii. *Following the budget pattern, the GC will seek approval from the Budget and Fiscal Management Committee on priorities for the upcoming year (annually, May- June).*
- iii. *The Judicial Council approves the final grant plan and priorities annually in June.*
- iv. *To maximize flexibility of funding opportunities for the Courts, ad-hoc grants may still be considered for approval even if they were not identified and/or prioritized during the annual review by the Judicial Council. Before accepting ad-hoc grant funds, the GC will perform the same type of collaborative analysis listed in 1 (b) (i) (4) above.*

## **2. APPROVAL PROCESS FOR ALL GRANTS**

*Prior to review by the Judicial Council, all grant proposals must be approved by court executives and presiding judges in the affected districts, followed by approval from the appropriate Board of Judges (CJA Rule 3-411).*

### ***Federal Funding***

- a. *Tier 1: Low Impact (Utah Code § 63J-5-203)*  
*Meets all of the below conditions:*  
*< \$1 million per year in federal funds;*  
*No new permanent full or part-time employees; and*  
*No new state monies for match*
  - i. *Approval or rejection by the Judicial Council*
  - ii. *Report to Executive Appropriations Committee and Office of the Legislative Fiscal Analyst, and the Office of Legislative Research and General Council*
- b. *Tier 2: Medium Impact (Utah Code § 63J-5-204 1(b))*  
*Meets any one of the below conditions:*  
*> \$1 million but < \$10 million per year in federal funds; or*  
*Require state to add more than 0 but less than 11 permanent or part-time employees; or*  
*Require state to expend up to \$1 million per year of new state monies as match*
  - i. *Approval or rejection by the Judicial Council*
  - ii. *Review and recommendation by the Executive Appropriations Committee*
- c. *Tier 3: High Impact (Utah Code § 63J-5-204 1(a))*  
*Meets any one of the below conditions:*  
*> \$10 million per year in federal funds; or*

*Require state to add > 11 permanent full or part-time employees; or  
Require the state to expend > \$1 million per year in new state monies as match*

- i. *Approval or rejection by the Judicial Council*
- ii. *Approval or rejection by the legislature in a general or special session within 90 days of submitting the request to a funding source*

### ***Federal Funding***

- a. *Tier 1: Low Impact (Utah Code § 63J-7-202)*

*Meets all of the below conditions:*

*At least \$10k but no more than \$50k in non-federal funds;*

*No new permanent full or part-time employees; and*

*No new state monies required for match*

- i. *Approval or rejection by the Judicial Council only*
- ii. *Report to the Executive Appropriations Committee and the Office of the Legislative Fiscal Analyst*

- b. *Tier 2: Medium Impact (Utah Code § 63J-7-203)*

*Meets any one of the below conditions:*

*> \$50k but < \$1 million per year in non-federal funds; or*

*Require the state to add more than 0 but less than 11 permanent full or part-time employees; or*

*Require the state to expend \$1 to \$1 million of new state monies in a fiscal year as match*

- i. *Approval or rejection by the Judicial Council*
- ii. *Review and recommendation by the Executive Appropriations Committee*

- c. *Tier 3: High Impact (Utah Code § 63J-7-203)*

*Meets any one of the below conditions:*

*> \$1 million per year in non-federal funds; or*

*Require the state to add 11 or more permanent full or part-time employees; or*

*Require the state to expend > \$1 million per year in new state monies as match*

- i. *Approval or rejection by the Judicial Council*
- ii. *Approval or rejection by the legislature in a general or special session within 90 days of submitting the request to the funding source*

### **3. COMPLIANCE FOR APPROVED AND FUNDED GRANTS AND OTHER GRANT POLICIES**

- a. *All funded grants shall have an assigned grant manager who is the primary responsible party for grant compliance and management activities. Whenever the GC does not have primary responsibility, the grant manager will coordinate deliverables with the GC who will perform review of grant reporting for timeliness and accuracy prior to submission to Grantor.*
  - i. *The GC will maintain a compliance calendar including all reporting requirements for the Court's grant portfolio.*
  - ii. *No later than three (3) business days before a reporting deadline the grants manager will forward all associated deliverables to the GC for review and approval.*
  - iii. *If approved by the GC, the grant manager will be notified to proceed with submission of grant deliverables. If not approved, remedial steps will be communicated to the grant manager to be addressed prior to submission.*

- iv. *Each February, the GC will complete a compliance review for all grants in the Courts' portfolio. The results of this review will be compiled into a report and delivered to the Budget and Fiscal Management Committee, Internal Audit and the Judicial Council.*
- b. *The GC will be responsible for proposing updates to the Accounting Manual's Grants section as necessary.*
- c. *Grant funds shall not be used to hire permanent full-time equivalent employees unless specifically allowed under statute and approved by the Judicial Council.*
- d. *Grants which do not require funds matching (cash and/or in-kind) shall be considered preferable compared to those which do require such matches.*
- e. *In instances where matching funds are required and to the extent possible, the grant will be structured to allow for in-house labor to count towards grant matching requirements.*
- f. *Where possible and in consultation with Court IT, grant funds will be sought to hire external resources to complete IT-related tasks.*

**4. 2021 MEETING DATES: (Judge Mark May)**

The committee agreed to the following meeting dates, with all meetings scheduled from 12:00 p.m. to 2:00 p.m.

- February 18, 2021
- March 11, 2021
- April 15, 2021
- May 13, 2021
- June 17, 2021
- July 8, 2021
- August 5, 2021
- September 16, 2021
- October 14, 2021
- November 4, 2021
- December 9, 2021

**5. OLD BUSINESS/NEW BUSINESS: (All)**

[CJA Rule 1-204\(6\)](#) states that P&P and Liaison "shall elect their respective chairs annually and select a new chair at least once every two years." The committee agreed that this should be addressed with the Council. The committee agreed to a three year cycle for selecting new chairs.

**6. ADJOURN**

The meeting adjourned.

## Agenda

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

Webex video conferencing  
January 8, 2021: 12 pm -2 pm

**DRAFT**

#### MEMBERS:

#### PRESENT

#### EXCUSED

Judge Derek Pullan, <i>Chair</i>	•	
Judge Brian Cannell	•	
Judge Samuel Chiara	•	
Judge David Connors	•	
Judge Michelle Heward	•	
Mr. Rob Rice	•	

#### GUESTS:

Paul Barron  
Bart Olsen  
Jeremy Marsh  
Kim Zimmerman  
Jody Thenot  
Jim Peters

#### STAFF:

Keisa Williams  
Minhvan Brimhall

#### (1) WELCOME AND APPROVAL OF MINUTES:

Judge Pullan welcomed the committee to the meeting. The committee considered the minutes from the December 4, 2020 meeting. Judge Connors moved to approve the minutes as drafted. Mr. Rice seconded the motion and it passed unanimously.

#### (2) Rules back from public comment:

- CJA 4-202.02. Records Classification
- CJA 4-403. Electronic signature and signature stamp

Ms. Williams: Rules 4-202.02 and 4-403 are back from public comment. There were no comments on rule 4-403. We received one comment on rule 4-202.02. Currently, affidavits of indigency are private records. The proposed language would cover both affidavits of indigency and the two financial data elements now received by the AOC through the electronic probable cause system for use by judges in determining an individual's ability-to-pay a monetary bail amount. Those fields, gross household income and number of dependents, determine where an individual falls on the poverty guidelines. The comment relates to concerns about making more government records private. I do not recommend any changes based on the comment.

Judge Pullan: Each time a decision is made regarding indigency and the appointment of counsel, public funds will be expended. There may be public interest in those decisions. For example, how would the public know if we were over- or under-appointing counsel? How would the public hold anyone to account without access to that information? I think that's a fair question. "Private" is the most restrictive classification. Would "protected" be sufficient? At the same time, we don't want to chill someone's 6<sup>th</sup> Amendment right. If they know their personal financial information will become public, they may not request counsel.

Judge Connors: I don't think the comment requires a change. A criminal defendant's financial data ought to be protected. The prosecutor's office represents the interests of the government agency paying for public defense. As a party, any concerns about the over-appointment of counsel could be raised in court.

Chiara: Is there a mechanism that allows a person to petition the court for access to a private record?

Ms. Williams: Yes. Under 4-202.04(2)(B), “A person not authorized to access a non-public record may file a motion to access the record. If the court allows access, the court may impose any reasonable conditions to protect the interests favoring closure.” The public can also request data from the Court Services Department regarding the number of appointments, etc.

Judge Pullan: I am comfortable with that. If there is public interest in determining whether or not the courts are appropriately appointing public defenders, and whether those funds are being expended properly, a motion could be made to access the records and the court would have the discretion to redact the records in some way if necessary.

***Judge Connors moved to approve the proposed amendments to rules 4-403 and 4-202.02 as written with a recommendation that the Judicial Council approve them as final. Judge Heward seconded and the motion carried unanimously.***

Judge Connors: In rule 4-403, military service orders in default debt collections cases should be included in the list of things that can be taken care of with an electronic signature or signature stamp. Those are handled by clerks in our district.

*Judge Connors will work with Ms. Williams on a proposed draft for a future meeting. Those changes will not be included in the version of 4-403 approved today.*

### **(3) CJA 3-303. Justice Court Clerks:**

Jim Peters introduced Jody Thenot and Kim Zimmerman.

Mr. Peters: The proposal creates a certification requirement for every justice court clerk. Justice court clerks are not state court employees, but this idea is not without precedent. We have a certification program for juvenile probation officers as well. I will also be presenting this to the Management Committee on Tuesday. The proposed rule amendment is to CJA Rule 3-303.

There are currently 113 justice courts throughout the state, with approximately 400 justice court clerks. In the past 6 years, justice courts handled about 60% of all trial court cases. That is more than the district and juvenile courts combined. It raises an interesting question about training. Justice courts don’t have TCEs or training coordinators, many only have one clerk running the entire court. When that person leaves, there is no one to train their replacement and no one at the city or county level, including city managers, have experience running the court or with CORIS. In those smaller courts, the judge may only hold court once a week or every other week and judges aren’t in a position to train clerks. In courts with multiple clerks, a clerk with seniority may be available to train new personnel but that may not be helpful if, for example, they haven’t kept up with CORIS, MyCase, or Workspace changes. As it stands, many justice court clerks call the court’s IT department help desk with questions and are trained in that manner. That is not a good utilization of our resources and is evidence of a lack of training.

The AOC has provided training over the past 4 or 5 years, holding justice court clerk conferences twice a year. The group planning those conferences has been discussing the idea of clerk certification because justice court clerks are the backbone of those organizations and are critical to running the court properly. If the clerks aren’t well trained, judges can’t proceed. In 2018, we began holding quarterly administrative meetings with the highest-ranking clerk from every justice court, similar to the clerks of court. In 2019, that group began developing and publishing training documents, and started holding webinars called “lunch and learn,” splitting conference items up into short sessions throughout the year. Now that the learning management system (LMS) has gone live, the time is right to launch a clerk certification program.

The certification program committee has identified 137 competencies. Twenty (20) have been developed, but only 14 have been approved. The other six (6) are still out for comment. As each competency is approved, they will be added to the LMS for easy access. Each session is about 10-15 minutes long with a quiz at the end. Clerks must pass



each section with a score of 100%. They can take the quiz as many times as they need to pass. The annual certification program in LMS would include a 100-question exam that they would take at different times of the year. The exam would cover items discussed at the annual conference, legislative updates, current topics, and anything that may affect the court system, including ODR and any software updates. In order to be certified they would have to pass that exam with a score of 100%, but it can be taken as many times as needed. The goal is not to set anyone up to fail, but to ensure clerks are educated on court processes and are able to do their job well.

Ms. Thenot: As we interacted with different clerks across the state, we identified a need for consistent training that would ensure confidence in the justice court system. We have been working on this for a while and feel that it is both necessary and important.

Ms. Zimmerman: Now that we've gone live with the LMS, we are in a unique position to offer this information easily to all of the justice court clerks throughout the state. It will make a certification program much more attainable.

Judge Chiara: Do you think there will be an impact on justice courts if the clerks have to take a test every year? Do you think it will discourage people from applying or will cause clerks to quit? There is a lot of turnover amongst out district court clerks right now and I wonder if requiring an annual exam in rural areas will negatively affect their turnover rates? I support education, but I'm concerned about the pressure of having to take an annual exam.

Mr. Peters: With only one exception, the justice court administrators have been very supportive. They like the idea of knowing whether their clerks have been properly trained and can perform their jobs well. I think people outside the court would appreciate knowing whether the justice court clerks are certified. This is modeled somewhat after the BCI's annual certification requirements for TACs. Some clerks may not enjoy taking a 100-question test, but we plan to make it as manageable as possible. It isn't meant to be a "gotcha." This would allow us to see where people are struggling and make changes if needed.

Ms. Thenot: We already do something similar. Because justice courts are unique and scattered across the state, the test is critical to identify the areas where people need help. We don't have a better way to identify who might need help and on which topics.

Ms. Zimmerman: The exam isn't 100 questions all at one time, they will be able to break it up over the year. The most time will be spent on questions associated with a conference. If we approach the yearly assessment as a way to show proficiencies and identify training gaps, we can make a really positive impact. We can also try to build a community so that no one is afraid to reach out for help, especially in those courts run by a single clerk.

Judge Heward: Are we are requiring this of clerks at any other level of the court?

Mr. Peters: No. The distinction is that justice court clerks are employed by 113 different entities that are not in a position to train them, whereas juvenile and district court clerks have training coordinators, clerks of court, and multiple levels of management that can observe whether they are doing a good job or not. That isn't the case in justice courts.

Judge Heward: Some clerks have been here for a number of years and they are very competent. I am wondering if a test is the best way to assess competency for experienced clerks. I have concerns about treating them all the same every year. I want to make sure we are identifying those that need help and getting them the help they need, but I'm not sure requiring every single clerk, every single year, to pass an exam is the best approach.

Mr. Peters: The group discussed that. The challenge with clerks who have been with the court for a long time is that they were around when the old case management system or the old accounting system was in place. New systems are being developed, like MySpace and ODR, and changes are frequently made to Workspace and CORIS, so even clerks with tenure will have new information to learn. We are interested in identifying areas of improvement and resources needed. That will help us develop content for the annual conference.



Judge Heward: Do you anticipate changing the exam every year as new programs come on board?

Mr. Peters: Yes. It will be a different test every year. Exams will be designed to incorporate the content from that year's annual conference and legislative update.

Judge Connors: I share the concerns expressed by Judge Chiara and Judge Heward. If the goal is make sure we are doing a good job at training, then maybe this ought to be considered a training assessment tool and not a test. The word "test" itself is offensive in some ways. If I were told I had to test every year to keep my job, I would be offended by that. On the other hand, if I'm being asked to help the AOC determine areas of weakness in its training program by giving them a sense of what I feel well trained in and what I don't, that doesn't offend me in the least. If someone were to test me on my ability to use the electronic signing queue, I would probably fail. However, I would be happy to know the areas in which I need additional training so that I can do it properly. This may be an issue of semantics or in how we talk about it.

Pullan: I assume the authority by which we require employees of counties and cities to meet proficiency standards is in our authority to certify justice courts?

Mr. Peters: Yes. Ultimately, we envision making this a part of the recertification standards justice courts have to meet every 4 years. The Board of Justice Court Judges is working on those revisions. My proposed changes to Rule 3-303 would allow us to start the recertification program now.

Judge Pullan: Do you anticipate push back from county and city HR departments who say that the proficiency of their employees is under their purview? What would we do if a clerk's score gets lower and lower every year? We don't have the authority to terminate them.

Mr. Peters: I'd say we are doing the counties and cities a favor. We will be able to help them determine whether they hired someone that isn't a good fit much sooner than they would have otherwise. I'm happy to go to the Utah League of Cities and Towns' Fall conference to have this discussion. I think they would appreciate having assurances that their clerks know what they're doing.

Judge Pullan: Does it make sense to keep testing every clerk every year? With the exception of maybe the legislative update and annual conference standards, if a clerk has passed the test with a score of 100% for 5 years, why does she need to keep taking it? Could the requirement change to every other year at that point? If we're just trying to establish a threshold level of proficiency, once they've attained that level, do they need to keep doing it every year?

Mr. Peters: In those cases, maybe we wouldn't require 100 questions. If the Committee is more comfortable with testing less often, that would be better than nothing. If we hope to test those 137 modules, but limit them to 25-50 questions every year, that's enough material to keep us going for a while. With recent and upcoming changes to ODR and CORIS, we don't anticipate a shortage of test material for several more years. Stress on, or burnout of, clerks is something worth considering.

Judge Pullan: I tend to agree with Judge Connors. How we talk about this matters, because in some ways we are creating a barrier to employment. We already have a hard time hiring and retaining clerks. This could be interpreted as us saying that we believe them to be somewhat incompetent and, therefore, they must prove to us that they're not. I worry about that message. I also worry about treating justice court clerks differently than juvenile and district court clerks.

Judge Connors: Have you conducted a focus group or received feedback from city clerks about this kind of proposal?

Mr. Peters: Yes. The justice court administrators are the highest ranking court official in their city/county. We meet with them every three months and we've discussed this multiple times. With one exception, the justice court

administrators are supportive of this idea and are excited about having a way to identify which clerks they need to focus on. This is more than just an evaluation. The program includes a curriculum. When a new clerk in a two-clerk office is hired, the more experienced clerk may not know how to train them on 137 topics. The program gives them a road map and feedback on whether their clerks understand it. In addition to the justice court administrators, the justice court clerk certification committee includes 7-8 different clerks from across the state.

Judge Connors: I have no concerns about the training aspect, it is the “testing” aspect that I worry about. It’s good to assess how well our training is received, but the notion of requiring clerks to pass a test every year in order to serve is where I get hung up.

Ms. Thenot: The proficiency of district court clerks is tied, in part, to career ladders and raises. Justice courts don’t have that system. The goal is to make sure everyone is trained and proficient. There is some flexibility to account for the range of experience and knowledge. Clerks can take a pre-assessment in LMS and if they pass, they don’t have to do the training.

Judge Pullan: This isn’t on for action today. An extraordinary amount of work has gone into this. I don’t want anyone leaving Policy and Planning with the idea that we are resistant to improving competence in the justice court. That is clearly not the case. You have articulated good reasons for why we need to be looking at this issue. I would be interested in knowing whether the Utah League of Cities and Towns and the Utah Association of Counties are supportive. We need to ensure they are okay with us creating a rigorous standard for their employees. I can’t imagine they would be opposed for the reasons Mr. Peters stated, but bringing them to the table on the front end may help us avoid misunderstandings. How long will it take you to meet with them?

Mr. Peters: The League’s main meeting is in the Fall. UAC may be more of a challenge, especially with the session starting soon. I will report back after I’ve met with those two groups.

**(4) HR policies:**

- HR 1-5 – Judge Pullan
- HR 6-7 – Judge Cannell/Judge Heward
- HR 8-9 – Rob Rice
- HR 10-14 – Judge Connors
- HR 15-17 – Judge Chin

Judge Connors: At the last meeting, I asked for clarification on the provision in rule 3-501 on automatic benefits. It sounds like it guarantees benefits for five years, making the earned benefits only two years, but it’s unclear.

Judge Pullan: We need to make sure our rules reflect our practice.

*Mr. Olsen and Judge Connors will follow-up on that issue after the meeting.*

Judge Pullan: To make the review process more efficient, Mr. Olsen is proposing that he schedule one-hour meetings with each member to discuss questions or notes on their assigned policies. Many of the suggestions in the Google doc are grammatical and don’t need to be discussed during a meeting. After the individual meetings, Mr. Olsen would bring all of the policies back to the full committee for a robust discussion on substantive policy issues.

Mr. Olsen: I think that would save a lot of time. Each member would know exactly what they want to discuss with the full committee and the reason behind the proposed amendments.

***After further discussion, the Committee agreed to Mr. Olsen’s proposal. The Committee’s February 5<sup>th</sup> meeting will be extended to three hours (12:00-3:00 pm) and will be dedicated to finalizing as many of the proposed HR policy amendments as possible.***

Judge Cannell asked about the employee overtime compensation policy.

Mr. Olsen: The overtime issue is addressed in Section 8. I am working with Brent Johnson on a memo regarding the court's obligation to pay for compensable hours under the Fair Labor Standards Act. We need to be made aware if employees have worked overtime hours that haven't been reported, so that those employees can be paid as required. Mr. Johnson spoke with the TCEs and we are developing a reporting and approval process through management. We need open communication between line staff and management when overtime is needed, and employees need to understand that they will be compensated for time worked. The memo will also address how we plan to manage overtime moving forward.

Judge Chiara: In rural areas, many clerks don't feel like they can take overtime. They either leave and complete the work the next day, even if it needed to be done the same day, or stay to complete the work but don't report the overtime hours. They don't know, or don't feel, that they can account for the overtime hours.

Judge Pullan: If employees are working overtime and not reporting it, it needs to stop today. We need to find out if we have a financial responsibility. We may need to look at getting additional FTEs, but the cultural issues definitely need to change.

Mr. Rice: I reviewed section 8 and it accurately addresses the court's policy on overtime. The cultural aspect is a separate training issue and it's an important one to address with managers.

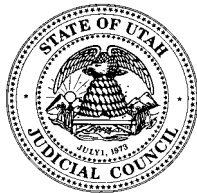
Mr. Olsen: This is something that needs to be addressed at all management levels and on an ongoing basis.

**(10) ADJOURN:**

With no further items for discussion, Judge Connors moved to adjourn the meeting. With no opposition, the meeting adjourned at 1:30 pm. The next meeting will be on February 5, 2021 at noon via Webex video conferencing.

# Tab 3

Agenda



## Administrative Office of the Courts

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

January 14, 2021

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

### MEMORANDUM

**TO: Judicial Council**  
**FROM: Keisa Williams**  
**RE: Rules for Final Approval**

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The Judicial Council approved the following rules for public comment. During the 45-day comment period, no comments were received on 4-403. One comment was received on 4-202.02 (attached). After careful consideration, Policy and Planning made no amendments in response to the public comment.

The Committee recommends the following rules to the Judicial Council for final approval, with a **May 1, 2021** effective date for **rule 4-403**.

I would recommend a back-dated effective date of **December 5, 2020** for **rule 4-202.02** because the programming to collect financial data, as described below, was completed and launched on December 5, 2020, at which point we began receiving and storing that information.

#### **CJA 4-202.02. Records Classification (AMEND)**

HB 206 went into effect on October 1, 2020. That bill requires judges to consider an individual's ability to pay a monetary bail amount any time a financial condition of release is ordered. The Judicial Council recently adopted a new matrix that recommends affordable monetary bail amounts based on an individual's gross household income and number of dependents. In order to provide judges with that information at the time an initial release decision is made, law enforcement has begun asking defendants those two questions and submitting the answers to the court electronically via the probable cause system.

Rule 4-202.02 classifies affidavits of indigency as Private records, but as it is currently written, the rule would not cover the two data elements because the answers would not be submitted as part of an affidavit. The proposed amendment at line 142 would cover both affidavits of indigency and the financial data elements as Private records.

#### **Rule 4-403. Electronic signature and signature stamp use (AMEND)**

The proposed amendments at lines 31-40 authorize judges' electronic signatures to be automatically affixed to automatic expungement orders.

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

## UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

[HOME](#)
[LINKS](#)

Posted: October 26, 2020

### Utah Courts

#### Code of Judicial Administration – Comment Period Closed December 10, 2020

**CJA04-0202.02. Records Classification (AMEND).** Clarifies that all records related to determinations of indigency are private records.

**CJA04-0403. Electronic signature and signature stamp use (AMEND).** Authorizes judges’ electronic signatures to be automatically affixed to automatic expungement orders.

This entry was posted in [CJA04-0202.02](#), [CJA04-0403](#).

« [Rules of Appellate Procedure – Comment Period Closes December 17, 2020](#)

[Code of Judicial Administration – Comment Period Closed November 21, 2020](#) »



To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

### CATEGORIES

- [-Alternate Dispute Resolution](#)
- [-Code of Judicial Administration](#)
- [-Code of Judicial Conduct](#)
- [-Fourth District Court Local Rules](#)
- [-Licensed Paralegal Practitioners Rules of Professional Conduct](#)
- [-Rules Governing Licensed Paralegal Practitioner](#)
- [-Rules Governing the State Bar](#)

UTAH COURTS

One thought on “Code of Judicial Administration – Comment Period Closed December 10, 2020”

**Eric K. Johnson**  
October 27, 2020 at 6:42 am

I do not see any ostensible sound public policy basis behind wanting to deem more and more court records “private”.

The details of litigation in taxpayer-funded courts whose proceedings are public record and open to the public are, with rare exception, subject to public access and scrutiny to ensure that the courts operate in the clear light of day A) as a check on corruption of: the legal process, of judges and court personnel, of lawyers, and of litigants and B) to maintain a real and substantive connection between the public/taxpayer and the administration of justice in society. When any branch of government operates in secret (and/or seeks to operate in secret more) that does nothing to foster or sustain public confidence in it.

The information this rule amendment would make private does not strike me as information that has done significant, if any, harm or any noticeable harm as a result of being public to this point. This proposal appears to be a solution that is not only in search of a problem, but a poorly analyzed and conceived “solution” at that.

- -Rules of Appellate Procedure
- -Rules of Civil Procedure
- -Rules of Criminal Procedure
- -Rules of Evidence
- -Rules of Juvenile Procedure
- -Rules of Professional Conduct
- -Rules of Professional Practice
- -Rules of Small Claims Procedure
- ADR101
- ADR103
- Appendix B
- Appendix F
- CJA Appendix F
- CJA01-0201
- CJA01-0204
- CJA01-0205
- CJA01-0205
- CJA01-0303
- CJA01-0304
- CJA01-0305
- CJA010-01-0404
- CJA010-1-020
- CJA02-0103
- CJA02-0104
- CJA02-0106.01
- CJA02-0106.02
- CJA02-0106.03
- CJA02-0106.04
- CJA02-0106.05
- CJA02-0204
- CJA02-0206
- CJA02-0208
- CJA02-0208
- CJA02-0212
- CJA03-0101
- CJA03-0102
- CJA03-0103
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- CJA03-0106
- CJA03-0106
- CJA03-0107
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- CJA03-0109
- CJA03-0111
- CJA03-0111.01
- CJA03-0111.02
- CJA03-0111.03
- CJA03-0111.04
- CJA03-0111.05
- CJA03-0111.06

**Rule 4-202.02. Records Classification.****Intent:**

To classify court records as public or non-public.

**Applicability:**

This rule applies to the judicial branch.

**Statement of the Rule:**

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

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

- (2)(A) abstract of a citation that redacts all non-public information;
- (2)(B) aggregate records without non-public information and without personal identifying information;
- (2)(C) appellate filings, including briefs;
- (2)(D) arrest warrants, but a court may restrict access before service;
- (2)(E) audit reports;
- (2)(F) case files;
- (2)(G) committee reports after release by the Judicial Council or the court that requested the study;
- (2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;
- (2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;
- (2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;
- (2)(K) financial records;
- (2)(L) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:
  - (2)(L)(i) amount in controversy;
  - (2)(L)(ii) attorney name;
  - (2)(L)(iii) licensed paralegal practitioner name;
  - (2)(L)(iv) case number;
  - (2)(L)(v) case status;
  - (2)(L)(vi) civil case type or criminal violation;
  - (2)(L)(vii) civil judgment or criminal disposition;



- 36 (2)(L)(viii) daily calendar;
- 37 (2)(L)(ix) file date;
- 38 (2)(L)(x) party name;
- 39 (2)(M) name, business address, business telephone number, and business email
- 40 address of an adult person or business entity other than a party or a victim
- 41 or witness of a crime;
- 42 (2)(N) name, address, telephone number, email address, date of birth, and last
- 43 four digits of the following: driver's license number; social security number;
- 44 or account number of a party;
- 45 (2)(O) name, business address, business telephone number, and business email
- 46 address of a lawyer or licensed paralegal practitioner appearing in a case;
- 47 (2)(P) name, business address, business telephone number, and business email
- 48 address of court personnel other than judges;
- 49 (2)(Q) name, business address, and business telephone number of judges;
- 50 (2)(R) name, gender, gross salary and benefits, job title and description, number
- 51 of hours worked per pay period, dates of employment, and relevant
- 52 qualifications of a current or former court personnel;
- 53 (2)(S) unless classified by the judge as private or safeguarded to protect the
- 54 personal safety of the juror or the juror's family, the name of a juror
- 55 empaneled to try a case, but only 10 days after the jury is discharged;
- 56 (2)(T) opinions, including concurring and dissenting opinions, and orders entered
- 57 in open hearings;
- 58 (2)(U) order or decision classifying a record as not public;
- 59 (2)(V) private record if the subject of the record has given written permission to
- 60 make the record public;
- 61 (2)(W) probation progress/violation reports;
- 62 (2)(X) publications of the administrative office of the courts;
- 63 (2)(Y) record in which the judicial branch determines or states an opinion on the
- 64 rights of the state, a political subdivision, the public, or a person;
- 65 (2)(Z) record of the receipt or expenditure of public funds;
- 66 (2)(AA) record or minutes of an open meeting or hearing and the transcript of them;
- 67 (2)(BB) record of formal discipline of current or former court personnel or of a
- 68 person regulated by the judicial branch if the disciplinary action has been
- 69 completed, and all time periods for administrative appeal have expired, and
- 70 the disciplinary action was sustained;
- 71 (2)(CC) record of a request for a record;
- 72 (2)(DD) reports used by the judiciary if all of the data in the report is public or the
- 73 Judicial Council designates the report as a public record;
- 74 (2)(EE) rules of the Supreme Court and Judicial Council;

- (2)(FF) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;
- (2)(GG) statistical data derived from public and non-public records but that disclose only public data; and
- (2)(HH) notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary shall contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

**(3) Sealed Court Records.** The following court records are sealed:

- (3)(A) records in the following actions:
- (3)(A)(i) Title 78B, Chapter 6, Part 1 – Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;
  - (3)(A)(ii) Title 78B, Chapter 15, Part 8 – Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed;
  - (3)(A)(iii) Section 76-7-304.5 – Consent required for abortions performed on minors; and
  - (3)(A)(iv) Section 78B-8-402 – Actions for disease testing;
- (3)(B) expunged records;
- (3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15;
- (3)(D) records showing the identity of a confidential informant;
- (3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code Section 7-2-6;
- (3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;
- (3)(G) records designated as sealed by rule of the Supreme Court;
- (3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings; and
- (3)(I) other records as ordered by the court under Rule 4-202.04.

**(4) Private Court Records.** The following court records are private:

- (4)(A) records in the following actions:

- (4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;
- (4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;
- (4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed;
- (4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed; and
- (4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court restitution judgment.
- (4)(B) records in the following actions, except that the case history, judgments, orders, decrees, letters of appointment, and the record of public hearings are public records:
  - (4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders, except that an action for consortium due to personal injury under Section 30-2-11 is public;
  - (4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;
  - (4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;
  - (4)(B)(iv) Title 78B, Chapter 7, Protective Orders;
  - (4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;
  - (4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;
  - (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
  - (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
  - (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);
- (4)(C) ~~records related to determinations~~affidavit of indigency;
- (4)(D) an affidavit supporting a motion to waive fees;
- (4)(E) aggregate records other than public aggregate records under subsection (2);
- (4)(F) alternative dispute resolution records;
- (4)(G) applications for accommodation under the Americans with Disabilities Act;
- (4)(H) jail booking sheets;
- (4)(I) citation, but an abstract of a citation that redacts all non-public information is public;
- (4)(J) judgment information statement;
- (4)(K) judicial review of final agency action under Utah Code Section 62A-4a-1009;
- (4)(L) the following personal identifying information about a party: driver's license number, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;
- (4)(M) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email

address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;

(4)(N) medical, psychiatric, or psychological records;

(4)(O) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:

(4)(O)(i) name change of a minor;

(4)(O)(ii) guardianship or conservatorship for a minor;

(4)(O)(iii) felony, misdemeanor, or infraction;

(4)(O)(iv) protective orders and stalking injunctions; and

(4)(O)(v) custody orders and decrees;

(4)(P) nonresident violator notice of noncompliance;

(4)(Q) personnel file of a current or former court personnel or applicant for employment;

(4)(R) photograph, film, or video of a crime victim;

(4)(S) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:

(4)(S)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process; or

(4)(S)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(T) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

(4)(U) record submitted for in camera review until its public availability is determined;

(4)(V) reports of investigations by Child Protective Services;

(4)(W) victim impact statements;

(4)(X) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

(4)(Y) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;

(4)(Z) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure; and

(4)(AA) other records as ordered by the court under Rule 4-202.04.

**(5) Protected Court Records.** The following court records are protected:

(5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in

- 201 anticipation of litigation or a judicial, quasi-judicial, or administrative  
202 proceeding;
- 203 (5)(B) records that are subject to the attorney client privilege;
- 204 (5)(C) bids or proposals until the deadline for submitting them has closed;
- 205 (5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation  
206 before issuance of the final recommendations in these areas;
- 207 (5)(E) budget recommendations, legislative proposals, and policy statements, that if  
208 disclosed would reveal the court's contemplated policies or contemplated  
209 courses of action;
- 210 (5)(F) court security plans;
- 211 (5)(G) investigation and analysis of loss covered by the risk management fund;
- 212 (5)(H) memorandum prepared by staff for a member of any body charged by law  
213 with performing a judicial function and used in the decision-making process;
- 214 (5)(I) confidential business records under Utah Code Section 63G-2-309;
- 215 (5)(J) record created or maintained for civil, criminal, or administrative enforcement  
216 purposes, audit or discipline purposes, or licensing, certification or  
217 registration purposes, if the record reasonably could be expected to:
- 218 (5)(J)(i) interfere with an investigation;
- 219 (5)(J)(ii) interfere with a fair hearing or trial;
- 220 (5)(J)(iii) disclose the identity of a confidential source; or
- 221 (5)(J)(iv) concern the security of a court facility;
- 222 (5)(K) record identifying property under consideration for sale or acquisition by the  
223 court or its appraised or estimated value unless the information has been  
224 disclosed to someone not under a duty of confidentiality to the courts;
- 225 (5)(L) record that would reveal the contents of settlement negotiations other than the  
226 final settlement agreement;
- 227 (5)(M) record the disclosure of which would impair governmental procurement or give  
228 an unfair advantage to any person;
- 229 (5)(N) record the disclosure of which would interfere with supervision of an offender's  
230 incarceration, probation, or parole;
- 231 (5)(O) record the disclosure of which would jeopardize life, safety, or property;
- 232 (5)(P) strategy about collective bargaining or pending litigation;
- 233 (5)(Q) test questions and answers;
- 234 (5)(R) trade secrets as defined in Utah Code Section 13-24-2;
- 235 (5)(S) record of a Children's Justice Center investigative interview before the  
236 conclusion of any legal proceedings;
- 237 (5)(T) presentence investigation report;
- 238 (5)(U) except for those filed with the court, records maintained and prepared by  
239 juvenile probation; and
- 240 (5)(V) other records as ordered by the court under Rule 4-202.04.
- 241
- 242 **(6) Juvenile Court Social Records.** The following are juvenile court social records:
- 243 (6)(A) correspondence relating to juvenile social records;

- (6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;
- (6)(C) medical, psychological, psychiatric evaluations;
- (6)(D) pre-disposition and social summary reports;
- (6)(E) probation agency and institutional reports or evaluations;
- (6)(F) referral reports;
- (6)(G) report of preliminary inquiries; and
- (6)(H) treatment or service plans.

**(7) Juvenile Court Legal Records.** The following are juvenile court legal records:

- (7)(A) accounting records;
- (7)(B) discovery filed with the court;
- (7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees;
- (7)(D) name of a party or minor;
- (7)(E) record of a court hearing;
- (7)(F) referral and offense histories
- (7)(G) and any other juvenile court record regarding a minor that is not designated as a social record.

**(8) Safeguarded Court Records.** The following court records are safeguarded:

- (8)(A) upon request, location information, contact information, and identity information other than name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a, Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;
- (8)(B) upon request, location information, contact information and identity information other than name of a party or the party's child after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;
- (8)(C) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;
- (8)(D) location information, contact information, and identity information other than name of a prospective juror summoned to attend court;
- (8)(E) the following information about a victim or witness of a crime:
  - (8)(E)(i) business and personal address, email address, telephone number, and similar information from which the person can be located or contacted;
  - (8)(E)(ii) date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information.

288

289 *Effective May/November 1, 20\_\_*

**Rule 4-403. Electronic signature and signature stamp use.****Intent:**

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

**Applicability:**

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

**Statement of the Rule:**

- (1) A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following:
  - (1)(A) bail bonds from approved bondsmen;
  - (1)(B) bench warrants;
  - (1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;
  - (1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);
  - (1)(E) orders to show cause;
  - (1)(F) orders to take into custody;
  - (1)(G) summons;
  - (1)(H) supplemental procedure orders;
  - (1)(I) orders setting dates for hearing and for notice;
  - (1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;
  - (1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and
  - (1)(L) orders appointing a court visitor.
- (2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.
- (3) ~~In a case where a domestic relations injunction must be issued under URCP 109, the electronic signature of the judge assigned to the case may be automatically attached to the domestic relations injunction form approved by the Judicial Council, without the need for specific direction from the assigned judge and without the need for a clerk's signature accompanying the judge's signature.~~ The electronic signature of a judge may be



36 automatically affixed to the following documents without the need for specific direction  
37 from the assigned judge when issued using a form approved by the Judicial Council;

38 (3)(A) a domestic relations injunction issued under URCP 109;

39 and

40 (3)(B) an automatic expungement order issued under Utah Code § 77-40-114.

- 41 (4) All other documents requiring the judge's or commissioner's signature shall be personally  
42 signed by the judge or commissioner, unless the judge or commissioner, on a document  
43 by document basis, authorizes the clerk to use the judge's or commissioner's electronic  
44 signature or signature stamp in lieu of the judge's or commissioner's signature. On such  
45 documents, the clerk shall indicate in writing that the electronic signature or signature  
46 stamp was used at the direction of the judge or commissioner and shall sign his or her  
47 name directly beneath the electronic signature or stamped imprint of the judge's or  
48 commissioner's signature.

49 *Effective ~~January 1, 2020~~*

# Tab 4

To: Utah Judicial Council  
 From: Judge Keith A. Kelly, Chair, Utah WINGS  
 Re: Utah WINGS Update  
 Date: January 25, 2021

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Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) is a problem solving body that relies on court-community partnerships to:

- Oversee guardianship practice in the Courts;
- Improve the handling of guardianship cases;
- Engage in outreach/education; and
- Enhance the quality of care and quality of life of vulnerable adults.

WINGS meets every two months. WINGS is effective through participation of key stakeholders who understand and are in a position to improve the Courts' guardianship processes.

#### **WINGS Executive Committee:**

1.	Keith A. Kelly	Judge, WINGS Chair	3 <sup>rd</sup> District
2.	Brant Christiansen	Attorney/Partner	Lewis Hansen Law Firm
3.	Nels Holmgren	Director	Division of Adult and Aging Services
4.	Nan Mendenhall	Director	Adult Protective Services
5.	Andrew Riggle	Public Policy Analyst	Disability Law Center
6.	Nancy Sylvester	Associate General Counsel	Administrative Office of the Courts
7.	Shonna Thomas	GRAMP Program Coordinator	Administrative Office of the Courts
8.	Michelle Wilkes	Court Visitor Program Coordinator	Administrative Office of the Courts

#### **Steering Committee:**

1.	James Brady	Judge	4 <sup>th</sup> District
2.	David Connors	Judge	2 <sup>nd</sup> District
3.	Kent Alderman	Attorney/Partner	Lewis Hansen Law Firm
4.	Shane Bahr	District Court Administrator	Administrative Office of the Courts
5.	TantaLisa Clayton	Attorney / Director	Utah Legal Services
6.	Rob Denton	Attorney	Attorney at Law
7.	Jeff Daybell	Staff Attorney	Access to Justice, Utah State Bar
8.	Rob Ence	Director	Utah Commission on Aging
9.	Xia Erickson	Director	Office of Public Guardian
10.	Wendy Fayles	Criminal Justice / Mentor	National Alliance on Mental Illness
11.	Michelle Miranda	Clinical Neuropsychologist	University of Utah School of Medicine
12.	Daniel Musto	Administrator	Long-term Care Ombudsman
13.	Alan Ormsby	State Director	AARP
14.	Nancy Sylvester	Associate General Counsel	Administrative Office of the Courts
15.	James Toledo	Program Manager	Utah Division of Indian Affairs
16.	Norma Valavala-Ballard	Judicial Case Manager	4 <sup>th</sup> District
17.	Todd Weiler	Senator	23 <sup>rd</sup> District
18.	Kaye Lynn Wootton	Assistant Attorney General	Medicaid Fraud Control Unit

## Accomplishments:

- CJA Rule 6-507. Approval for this new rule was an important accomplishment for WINGS in 2020. This rule codifies and details the Court Visitor Program. It also defines the process required for review of the reports submitted by Court Visitors. Reports will now be accompanied by a Request to Submit for Decision, to place review of the reports on tracking. In accordance with Rule 3-101, Judges will have 60 days to review and make findings on the report. The new rule went into effect on November 1, 2020.
- Court Order Revision. Due to COVID-19, all Court Visitor activities were moved to remote/virtual platforms. A Court Visitor raised concerns about ensuring privacy and confidentiality and limiting undue influence during Court Visitor interviews in these new environments. WINGS collaborated with the Court Visitor Program to resolve this concern. Approved language was added to the existing court orders for assigning a Court Visitor that placed restrictions on recording interviews and emphasized confidentiality practices.
- Court Partnerships. WINGS has developed and maintained positive relationships within other areas of the court system, including the Clerks of Court, Court Services, and various court committees such as the Juvenile Rules committee and the Probate subcommittee. WINGS members have attended meetings and collaborated with these entities throughout 2020, as well as invited individuals to WINGS meetings to discuss current and new issues and to offer suggestions and recommendations.
- Community Partnerships. WINGS provided an audience and networking connection for several community programs, allowing them to share information, and expand access and reach to their important services. For example, WINGS hosted Kate Nance, an Elder Law attorney working with Adult Protective Services to develop pro bono virtual clinics for vulnerable adults aimed at reducing the risks of financial exploitation in this population. Similarly, the Commodity Supplemental Food Program presented in a WINGS meeting and provided their materials for WINGS stakeholders to share within their organizations.
- National WINGS Recognition. Utah WINGS continues to have a presence and positive reputation on the national stage. For example, the National WINGS organization and the Massachusetts Guardianship Policy Institute invited the Court Visitor Program to present at the Colloquium on Guardianship Oversight in December 2020.
- Court Visitor Appreciation. An Appreciation Event was held in February 2020, to celebrate the hard work and contribution of the Court Visitor volunteers. Several WINGS members attended and were able to share with Court Visitors their experiences with the Court Visitor Program, including the value they bring to the courts and guardianship cases.

## Current & Upcoming Projects:

In April 2020, WINGS meetings moved online due to the COVID-19 pandemic; however, ongoing WINGS projects have not been disrupted. Current and upcoming projects include:

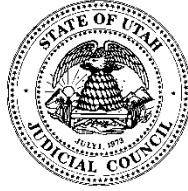
- Guardianship Education / Manuals. WINGS has been working on updating materials used in guardianship processes. These include the guardianship manual used by court staff and the

basic guidelines manual provided to proposed and newly appointed guardians. In 2020, both manuals underwent the revision and review process from WINGS stakeholders and WINGS subcommittees. They are now moving into the final phase of the process, which includes review of the final draft and approval from the appropriate court committees.

- Reminder Notice System. WINGS has been interested in improving compliance with annual reporting by guardians/conservators. The current system in place for annual guardianship reports includes sending notice to guardians/conservators when reports are past due. The 4<sup>th</sup> district clerks have also implemented a reminder system to reach out to guardians 60 days *before* their reports are due. Through collaboration between WINGS stakeholders, 4<sup>th</sup> district probate staff, Clerks of Court, and Court Services, a Reminder Notice System is ready to be implemented in a few volunteer districts, to determine its efficacy and success rate in other areas of the state. WINGS anticipates rollout of this system in early 2021.
- Annual Report Review Process. WINGS continues to work to address concerns related to a standard review of submitted annual reports in guardianship cases. This item was brought before both the Clerks of Court and the Board of District Court Judges for discussion and input. Based upon their feedback, in late 2020, WINGS created a draft coversheet to assist judges in their review process. This coversheet draft will be submitted for review and approval in early 2021.
- CJA Rule 6-501. This rule reflects the annual report review process. WINGS stakeholders identified gaps in the rule where additional language could help clarify. In December 2020, WINGS formed a subcommittee to review the language in this rule and make recommendations for suggested language additions. The subcommittee will meet in January 2021 to begin this project.
- Guardianship for School Purposes / Limited Guardianship of a Minor. WINGS was approached to look more closely at guardianships of minors. Concern was raised about authorization of limited guardianship of minors and the use of alternatives to guardianship. WINGS stakeholders plan to delve deeper into this concern in 2021, and compile suggestions for possible solutions.

# Tab 5

## Agenda

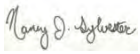


## Administrative Office of the Courts

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

### M E M O R A N D U M

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

**To:** Judicial Council  
**From:** Nancy Sylvester   
**Date:** January 14, 2021  
**Re:** Certification of Senior Judges

District court **Judge Lynn Davis**, who recently retired, has applied for active senior judge status.

Juvenile court **Judge Kent Bachman** has reapplied for active senior judge status. Judge Bachman would have been included in the other reappointments I brought you last month, but I only recently discovered that he had mailed his application to my office in November. I have been working remotely since last March.

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

- [Rule 3-111](#): governs senior judge evaluations;
- [Rule 11-201](#): governs the appointment of senior judges of courts of record.

Neither of the senior judge applicants has complaints pending before the Utah Supreme Court or the Judicial Conduct Commission. Their applications are attached and certification of each appears to be appropriate.<sup>1</sup>

<sup>1</sup> After Judge Davis applied for senior judge status, I saw that his application had the wrong language on paragraph 13 regarding JPEC certification. I corrected the application language as follows: "I understand that the Judicial Council may review my recent judicial performance evaluations in connection with my application." I reached out to Judge Davis to see if this amendment would change his response but have not heard back as of the date of this memorandum. I will reach back out prior to the Council's meeting and report his response to the Council.



**Senior Judge Application for District or Juvenile Court Judge  
Active Status**

**Qualifications for Office**

I, Judge Lynn W. Davis, hereby apply for the office of Active Senior Judge and declare as follows:

- 1) I was retained in the last election in which I stood for election.
- 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- 3) I am physically and mentally able to perform the duties of judicial office.
- 4) I demonstrate appropriate ability and character.
- 5) I am admitted to the practice of law in Utah, but I do not practice law.
- 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- 7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- 8) I am a current resident of Utah and available to take cases.
- 9) I will satisfy the education requirements of an active judge.
- 10) I will accept assignments at least two days per calendar year, subject to being called.
- 11) *If applying for a subsequent active senior judge term:* During my last term of office, I accepted assignments at least two days per calendar year. If you did not, please explain why in the lines below.  


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- 12) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration, and rules of the Supreme Court.



- 13) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been certified for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- 14) I continue to meet the requirements for certification for judicial performance evaluation as those requirements are established for active senior judges.
- 15) I was not removed from office or involuntarily retired on grounds other than disability.
- 16) I was not suspended during my final term of office or final six years in office, whichever is greater.
- 17) I did not resign as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- 18) I will submit relevant information as requested by the Judicial Council.
- 19) My date of birth is [REDACTED] and my retirement date is January 1<sup>st</sup>, 2021
- 20) I have not been subject to any order of discipline for conduct as a senior judge.
- 21) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 22) During my current term there have been 0 orders of discipline against me entered by the Supreme Court, and I have attached a copy of each, if applicable.
- 23) The address at which I can be contacted after retirement is:

[REDACTED]

### Judicial Performance Evaluation Information

I further declare as follows:

- 24) I have held no more than three cases per calendar year under advisement more than 60 days after submission. ✱
- 25) I have held no cases under advisement more than 180 days after submission.
- 26) I am in substantial compliance with the Code of Judicial Conduct.
- 27) I am physically and mentally fit for office.

28) I have obtained the following judicial education hours for the years indicated.

2018	2019	2020
30+	30+	30+

If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course. You may also use these lines to explain the reason(s) for any other gaps in your education hours.

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

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

17 DECEMBER 2020  
Date

Judge Lynn Williams  
Signature

Please complete and return the application at your earliest convenience. An electronic copy (a scanned copy that is emailed) is preferred, but you may return it using the method most convenient to you. Thank you.

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

\*Footnote to paragraph 24  
(Judicial Performance Evaluation Information)

I have had more than 3 cases for more than 60 days during the last 6 months of 2020 because of the following reasons:

My wife and I suffered from the coronavirus in late July of 2020. While I was mostly asymptomatic, I was still quarantined in lock down for 14+ days. My wife had serious health challenges with the virus.

Next, on October 31<sup>st</sup>, 2020 I had an accident that shattered my right knee cap. I had knee surgery on Monday, November 16, 2020 and was in the hospital for 2 days and then home recovery for over ten days.

In addition, my Administrative Assistant recently had neck surgery and was out for a period of time and her husband had very extensive surgery earlier this fall.

These challenges, together with coronavirus closure of the courts and handling everything by WebEx, have delayed a few decisions.

Of course all cases will be ruled on before retirement.

Next, one of the reasons for desiring Senior status is so that I can continue my appointment on the Grand Jury Panel. Michael Drechsel has informed us that our next panel hearing is scheduled for Jan. 14, 2021.



**Senior Judge Application for District or Juvenile Court Judge  
Active Status**

**Qualifications for Office**

I, L. Kent Bachman, hereby apply for the office of Active Senior Judge and declare as follows:

- 1) I was retained in the last election in which I stood for election.
- 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- 3) I am physically and mentally able to perform the duties of judicial office.
- 4) I demonstrate appropriate ability and character.
- 5) I am admitted to the practice of law in Utah, but I do not practice law.
- 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- 7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- 8) I am a current resident of Utah and available to take cases.
- 9) I will satisfy the education requirements of an active judge.
- 10) I will accept assignments at least two days per calendar year, subject to being called.
- 11) *If applying for a subsequent active senior judge term:* During my last term of office, I accepted assignments at least two days per calendar year. If you did not, please explain why in the lines below.  
I received no opportunity to accept an assignment to work because of the pandemic.
- 12) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration, and rules of the Supreme Court.

- 13) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been certified for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- 14) I continue to meet the requirements for certification for judicial performance evaluation as those requirements are established for active senior judges.
- 15) I was not removed from office or involuntarily retired on grounds other than disability.
- 16) I was not suspended during my final term of office or final six years in office, whichever is greater.
- 17) I did not resign as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- 18) I will submit relevant information as requested by the Judicial Council.
- 19) My date of birth is [REDACTED] and my retirement date is 8/1/2010
- 20) I have not been subject to any order of discipline for conduct as a senior judge.
- 21) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 22) During my current term there have been NO orders of discipline against me entered by the Supreme Court, and I have attached a copy of each, if applicable.
- 23) The address at which I can be contacted after retirement is:  
L. Kent Bachman, [REDACTED]  
 [REDACTED]  
 My email address and phone number are: [REDACTED]

#### Judicial Performance Evaluation Information

I further declare as follows:

- 24) I have held no more than three cases per calendar year under advisement more than 60 days after submission.
- 25) I have held no cases under advisement more than 180 days after submission.
- 26) I am in substantial compliance with the Code of Judicial Conduct.
- 27) I am physically and mentally fit for office.

28) I have obtained the following judicial education hours for the years indicated.

2018	2019	2020
41.25	39	17

If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course. You may also use these lines to explain the reason(s) for any other gaps in your education hours.

Juvenile Court Spring Conference, Spring 2021, (14) hrs.  
 Legislative Workshop Session, 4/21, (3.5) hrs.  
 Juvenile Spring Conference 2020, no conference invitation

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

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

November 3, 2020  
 Date

Judge Kent Bachman  
 Signature

Please complete and return the application at your earliest convenience. An electronic copy (a scanned copy that is emailed) is preferred, but you may return it using the method most convenient to you. Thank you.

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

# Tab 6

## JUDICIAL COUNCIL JANUARY 2021 PROBLEM SOLVING COURT CERTIFICATION

The following courts meet all REQUIRED AND PRESUMED BEST PRACTICES:

VETERAN COURT	VDC1SALT LAKE	SALT LAKE COUNTY	HANSEN
VETERAN COURT	VDC2UTAH	UTAH COUNTY	POWELL
ADULT DRUG COURT	ADC27WEBER	WEBER COUNTY	BEAN
ADULT DRUG COURT	ADC21TOOELE	TOOELE COUNTY	GIBSON
JUVENILE MENTAL HEALTH	JMHC2CACHE	CACHE COUNTY	GALLOWAY

The following courts meet all REQUIRED but do not meet 1 PRESUMED BEST PRACTICE:

All of the courts fail to meet the same Presumed Best Practice #35: Court has more than 15 but less than 125 participants. All the courts claim that Covid has kept their numbers down.

DEPENDENCY	JFDC11UTAH	UTAH COUNTY	NIELSEN
ADULT MENTAL HEALTH	AMHC1BOXELDER	BOX ELDER COUNTY	WALSH
DEPENDENCY	JFDDC14UTAH	UTAH COUNTY	R SMITH
ADULT DRUG	ADC7GRAND	GRAND COUNTY	MANLEY
DEPENDENCY	JFDDC5GRAND	GRAND COUNTY	MANLEY

The following courts meet all REQUIRED but do not meet more than 1 PRESUMED BEST PRACTICE:

Both have less than 15 participants but claim it is the result of Covid.

JUVENILE DRUG	JDC2UTAH	UTAH COUNTY	R SMITH
ADULT DRUG	ADC28WEBER	WEBER COUNTY	VALENCIA



Judge R Smith, Juvenile Drug Court also fails to meet Presumed Best Practice #2 in that his program admits both high risk and medium risk participants.

Judge Valencia, Adult Drug Court also fails to meet Presumed Best Practice #5 in that she is a newly appointed Judge and has not presided over the Court for at least 2 years.

**UTAH JUDICIAL COUNCIL**  
**VETERAN COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** Salt Lake County, Salt Lake City

**COURT NUMBER:** VDC1SALT LAKE

**JUDGE NAME:** Hansen

**REVIEW DATE:** January, 2021

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Veteran court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Veteran court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Veteran court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Veteran court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Veteran court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Veteran court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Veteran court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Veteran court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Veteran court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Veteran court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Veteran court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Veteran court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Veteran court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Veteran court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Veteran court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Veteran court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Veteran court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Veteran court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of veteran court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), VJO (in veteran court), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), VJO(in veteran court), and the judge attend each Veteran court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Veteran court must be reasonably related to the costs of testing or other services, (if any are assessed).	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant, (if assessed).	
X	<input type="checkbox"/>	53	The Veteran court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Veteran court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Veteran court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Veteran court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Veteran court judge attends current training events on legal and constitutional issues in Veteran courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Veteran court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Veteran court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Veteran court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
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X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Veteran court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Veteran court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Veteran court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

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X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Veteran court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Veteran court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Veteran court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Veteran courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Veteran court model and best practices in Veteran courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Veteran court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Veteran court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Veteran court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Veteran court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Veteran court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Veteran court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.

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		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
			e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Veteran courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Veteran court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Veteran court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Veteran courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Veteran court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Veteran court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Veteran court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Veteran court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



**UTAH JUDICIAL COUNCIL**  
**VETERAN COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** Utah County, Provo

**COURT NUMBER:** VDC2UTAH

**JUDGE NAME:** Powell

**REVIEW DATE:** January, 2021

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Veteran court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Veteran court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Veteran court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Veteran court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Veteran court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Veteran court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Veteran court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Veteran court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Veteran court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Veteran court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Veteran court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Veteran court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Veteran court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Veteran court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Veteran court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Veteran court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Veteran court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Veteran court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of veteran court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), VJO (in veteran court), and the judge attend each staffing meeting.	VIII.B.*

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X	<input type="checkbox"/>	53	The Veteran court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
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X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		BPS
		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
X	<input type="checkbox"/>	1	The Veteran court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Veteran court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.

YES	NO	#	NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
			e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Veteran courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Veteran court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Veteran court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Veteran courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Veteran court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	X	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Veteran court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Veteran court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Veteran court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**ADULT DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Weber County, Ogden

COURT NUMBER: ADC7 WEBER

JUDGE NAME: Bean

REVIEW DATE: January, 2021

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for	III.E.



YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			other appearances or administrative reviews when the judge is unavailable.	
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless	VII.G.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
X	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge	VIII.A.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			attend each Drug Court session.	
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.

YES	NO	PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.

YES NO		<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	X	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
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X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	X	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**ADULT DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** Tooele County, Tooele

**COURT NUMBER:** ADC#1TOOELE

**JUDGE NAME:** Gibson

**REVIEW DATE:** January, 2021

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X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
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X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
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			other appearances or administrative reviews when the judge is unavailable.	
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X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
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X	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless	VII.G.*



YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
X	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge	VIII.A.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			attend each Drug Court session.	
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.

YES	NO	NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS		BPS
		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**MENTAL HEALTH COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Cache County, Logan

COURT NUMBER: JMHCZCACHE

NAME: Galloway

REVIEW DATE: January, 2021

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health Court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Mental health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Mental health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
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X	<input type="checkbox"/>	36	Participants are not terminated from the Mental health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
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X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
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X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
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X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*



YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Mental health Court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Mental health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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X	<input type="checkbox"/>	3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.

YES NO		PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental health Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Mental health Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of eligibility screening.	
X	<input type="checkbox"/>	31	Team members are assigned to Mental health Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Mental health Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental health Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Mental health Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by	V.J.

YES NO		<b>NON-CERTIFICATION RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
			telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	X	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental health Court.	VI.I.
<input type="checkbox"/>	X	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Mental health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental health Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** Utah County, American Folk

**COURT NUMBER:** JFDC#1UTAH

**JUDGE NAME:** Nielsen

**REVIEW DATE:** January, 2021

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Family dependency court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Family dependency court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Family dependency court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Family dependency court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Family dependency court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Family dependency court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Family dependency court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Family dependency court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Family dependency court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Family dependency court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Family dependency court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of family dependency court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each staffing meeting.	VIII.B.*



YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Family dependency court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Family dependency court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.



YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Family dependency court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Family dependency court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Family dependency court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Family dependency court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of shelter hearing.	
X	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Family dependency courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Family dependency court has more than 15 but less than 125 active participants. (Utah County Substance Abuse is limiting the number of participants to 36 divided between 4 courts due to Covid)	IX.A.*
X	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.

YES NO		<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**MENTAL HEALTH COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Box Elder County, Brigham city

COURT NUMBER: AMHC1BOXELDER

NAME: Walsh

REVIEW DATE: January 2021

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health Court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Mental health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Mental health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Mental health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Mental health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Mental health Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Mental health Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of mental health court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Mental health Court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Mental health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.



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			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental health Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Mental health Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.



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X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of eligibility screening.	
X	<input type="checkbox"/>	31	Team members are assigned to Mental health Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Mental health Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental health Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
	X	35	The Mental health Court has more than 15 but less than 125 active participants. (Rural Court effected by Covid. Currently 12 participants)	IX.A.*
X	<input type="checkbox"/>	36	The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best-practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by	V.J.

YES NO		<b>NON-CERTIFICATION-RELATED BEST-PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
			telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental health Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Mental health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental health Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

**COURT LOCATION:** Utah County, Spanish Folk

**COURT NUMBER:** JFDDC120 UTAH

**JUDGE NAME:** R Smith

**REVIEW DATE:** January, 2021

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X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
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X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Family dependency court and continuing as needed throughout their enrollment in the program.	VI.E.*
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X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Family dependency court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Family dependency court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.

YES NO		PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Family dependency court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Family dependency court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Family dependency court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Family dependency court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.



YES	NO	<b>PRESUMED CERTIFICATION CRITERIA</b>		<b>BPS</b>
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of screening.	
X	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Family dependency courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Family dependency court has more than 15 but less than 125 active participants. (Utah County Substance Abuse, due to Covid, is limiting the number of participants to 36 divided among 4 courts)	IX.A.*
X	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b>		<b>BPS</b>
		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
X	<input type="checkbox"/>	1	The Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.



YES NO		<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**ADULT DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Grand County, Moab

COURT NUMBER: ADC7GRAND

JUDGE NAME: Manley

REVIEW DATE: January, 2021

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for	III.E.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			other appearances or administrative reviews when the judge is unavailable.	
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless	VII.G.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification</i>	BPS
			such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
X	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge	VIII.A.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			attend each Drug Court session.	
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	X	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	X	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	X	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	X	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.



**UTAH JUDICIAL COUNCIL**  
**FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Grand County, Moab

COURT NUMBER: JFDDC~~7~~GRAND

JUDGE NAME: Manley

REVIEW DATE: January, 2021

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Family dependency court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Family dependency court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Family dependency court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Family dependency court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Family dependency court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Family dependency court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Family dependency court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Family dependency court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Family dependency court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Family dependency court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Family dependency court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of family dependency court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Family dependency court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Family dependency court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.

YES	NO	PRESUMED CERTIFICATION CRITERIA		BPS
		#	<i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	
			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Family dependency court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Family dependency court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Family dependency court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Family dependency court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of DCFS screening.	
X	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Family dependency courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	X	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by	V.J.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
			telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	X	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	X	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	X	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

**UTAH JUDICIAL COUNCIL**  
**JUVENILE DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Utah County, Spanish Folk

COURT NUMBER: JDC2UTAH

NAME: R Smith

REVIEW DATE: January, 2021

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The juvenile drug team does not apply subjective criteria or personal impressions to determine participants' suitability for the program.	I.A.
X	<input type="checkbox"/>	4	Candidates for the Juvenile Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	C
X	<input type="checkbox"/>	5	Candidates for the Juvenile Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	C
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	C
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Juvenile Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Juvenile Drug Court.	D
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Juvenile Drug Court.	D
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Juvenile Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	D
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	The Juvenile Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D	II D
X	<input type="checkbox"/>	12	Each member of the Juvenile Drug Court team attends up-to-date training events on recognizing implicit biases and correcting disparate impacts for members of historically disadvantaged groups. R BPS II F	II F
X	<input type="checkbox"/>	13	Participants ordinarily appear before the same judge throughout their enrollment in Juvenile Drug Court. R BPS III B	III B
X	<input type="checkbox"/>	14	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for the performance are discussed by the Juvenile Drug	III D



YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification</i>	BPS
			Court team. R BPS III D	
X	<input type="checkbox"/>	15	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program.	III E
X	<input type="checkbox"/>	16	Status hearings are scheduled no less frequently than every four weeks until participants graduates.	III E
X	<input type="checkbox"/>	17	The judge spends an average of at least three minutes with each participant.	III F
X	<input type="checkbox"/>	18	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III G
X	<input type="checkbox"/>	19	If a participant has difficulty expressing him herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV B
X	<input type="checkbox"/>	20	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III H VIII D
X	<input type="checkbox"/>	21	The judge makes these decisions after taking into consideration the input of other Juvenile Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III H VIII D
X	<input type="checkbox"/>	22	The judge relies on the expert input of duly trained treatment professional when imposing treatment-related conditions.	III H
X	<input type="checkbox"/>	23	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV A
X	<input type="checkbox"/>	24	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and legal collateral consequences that may ensue from graduation and termination.	IV A
X	<input type="checkbox"/>	25	The Juvenile Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV A
X	<input type="checkbox"/>	26	The goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only few infractions.	IV A
X	<input type="checkbox"/>	27	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV F
X	<input type="checkbox"/>	28	Drug testing is performed at least twice a week.	VII G
X	<input type="checkbox"/>	29	Drug testing is random, and is available on weekend and holidays.	VII B
X	<input type="checkbox"/>	30	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII B

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	31	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII G
X	<input type="checkbox"/>	32	The Juvenile Drug Court utilizes scientifically and valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII G
X	<input type="checkbox"/>	33	Metabolite levels falling below industry-or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII I
X	<input type="checkbox"/>	34	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII I
X	<input type="checkbox"/>	35	The program requires at least 90 days clean to graduate.	
X	<input type="checkbox"/>	36	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	37	Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV J
X	<input type="checkbox"/>	38	Detention sanctions are definite in duration and typically last no more than three to five days.	IV J
X	<input type="checkbox"/>	39	Participants are given access to counsel and a fair hearing if a detention sanction might be imposed.	IV J
X	<input type="checkbox"/>	40	Participants are not terminated from Juvenile Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV K
X	<input type="checkbox"/>	41	If a participant is terminated from the Juvenile Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. R BPS* IV K	V.I.
X	<input type="checkbox"/>	42	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services.	V B
X	<input type="checkbox"/>	43	Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H	V H
X	<input type="checkbox"/>	44	Participants are not excluded from participation in DUI Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V J
X	<input type="checkbox"/>	46	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each staffing meeting. R BPS VII A*	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each Juvenile Drug Court session.	VII A
X	<input type="checkbox"/>	48	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case.	VIII B
X	<input type="checkbox"/>	49	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VII C

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	50	Court fees are reasonable and based on each participant's ability to pay.	
X	<input type="checkbox"/>	51	Treatment fees are based on a sliding fee schedule.	
X	<input type="checkbox"/>	52	A skilled and independent evaluator examines the drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X D
X	<input type="checkbox"/>	53	The Juvenile Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X D

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I A
<input type="checkbox"/>	X	2	The program admits only participants who are high risk need as measure by a validated risk and need assessment tool. <b>(Admits both high and moderate risk)</b>	I B
X	<input type="checkbox"/>	3	The Juvenile Drug Court attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, and evidence-based substance abuse and mental health treatment, behavior modification and community supervision.	III A
X	<input type="checkbox"/>	4	The judge presides over the Juvenile Drug Court for no less than two consecutive years.	III B
X	<input type="checkbox"/>	5	The Juvenile Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV F
X	<input type="checkbox"/>	6	Phase promotion is predicted on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time	IV I
X	<input type="checkbox"/>	7	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV I
X	<input type="checkbox"/>	8	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII B
X	<input type="checkbox"/>	9	Drug Testing results are available within 48 hours.	VII H
X	<input type="checkbox"/>	10	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII D
X	<input type="checkbox"/>	11	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS).	VII G
X	<input type="checkbox"/>	12	Standardized patient placement criteria govern the level of care that is provided.	V A
X	<input type="checkbox"/>	13	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Juvenile Drug Court's programmatic phase structure.	V A
X	<input type="checkbox"/>	14	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V D

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	15	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V E
X	<input type="checkbox"/>	16	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V F
X	<input type="checkbox"/>	17	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V H
X	<input type="checkbox"/>	18	Participants suffering from mental illness receive mental health services beginning in the first phase of Juvenile Drug Court and continuing as needed throughout their enrollment in the program.	V I
X	<input type="checkbox"/>	19	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI L
X	<input type="checkbox"/>	20	Clients are placed in the program within 50 days of screening for eligibility.	
X	<input type="checkbox"/>	21	Team members are assigned to Juvenile Drug Court for no less than two years.	
X	<input type="checkbox"/>	22	All team members use electronic communication to contemporaneously communicate about Juvenile Drug Court issues.	
X	<input type="checkbox"/>	23	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Juvenile Drug Courts.	VIII F
X	<input type="checkbox"/>	24	New staff hires receive a formal orientation training on the Juvenile Drug Court model and best practices in DUI Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII F
	X	25	The Juvenile Drug Court has more than 15 but less than 125 active participants. (Utah county Substance Abuse requires them to max out at 11)	IX C
X	<input type="checkbox"/>	26	The Juvenile Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X A
X	<input type="checkbox"/>	27	New referrals, new arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Juvenile Drug Court.	X C
X	<input type="checkbox"/>	28	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X G
X	<input type="checkbox"/>	29	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Juvenile Drug Court regularly monitor whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II B XE

YES NO		<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
X	<input type="checkbox"/>	2	The Juvenile Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, day treatment, intensive outpatient and outpatient services.	V B
X	<input type="checkbox"/>	3	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V E
X	<input type="checkbox"/>	4	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V E
X	<input type="checkbox"/>	5	Treatment providers administer behavioral or cognitive –behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the juvenile justice system.	V F
X	<input type="checkbox"/>	6	Treatment providers have substantial experience working with juvenile justice populations.	V H
X	<input type="checkbox"/>	7	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Juvenile Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), other major anxiety disorders.	VI E
X	<input type="checkbox"/>	8	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI F
<input type="checkbox"/>	X	9	Female participants receive trauma-related services in gender-specific groups. (Groups are not gender specific)	VI F
X	<input type="checkbox"/>	10	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI F
X	<input type="checkbox"/>	11	Participants prepare a continuing-care plan together with their counselor to endure they continue to engage in pro-social activities and remain connected with a peer support group, as appropriate, after their discharge from the Juvenile Drug Court.	VJ
X	<input type="checkbox"/>	12	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	VJ
X	<input type="checkbox"/>	13	Before starting a Juvenile Drug Court, team members attend a formal pre-implantation training to learn from expert faculty about best practices in Juvenile Drug Courts and develop fair and effective policies and procedures for the program.	VII F
X	<input type="checkbox"/>	14	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicted complementary services.	X
X	<input type="checkbox"/>	15	Information relating to the services provided and participant' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Juvenile Drug Court's adherence to best practices and in-program outcomes.	X F
X	<input type="checkbox"/>	16	Outcomes are examined for all eligible participants who entered the Juvenile Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H	X H

**UTAH JUDICIAL COUNCIL**  
**ADULT DRUG COURT CERTIFICATION CHECKLIST**  
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Weber County, Ogden

COURT NUMBER: ADC24WEBER

JUDGE NAME: Valencia

REVIEW DATE: January, 2021

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for	III.E.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			other appearances or administrative reviews when the judge is unavailable.	
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E.* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless	VII.G.*

YES NO		#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
X	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge	VIII.A.*



YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			attend each Drug Court session.	
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
<input type="checkbox"/>	X	5	The judge presides over the Drug Court for no less than two consecutive years. (Just appointed)	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.

YES	NO	PRESUMED CERTIFICATION CRITERIA		BPS
		#	There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.

YES	NO	#	<b>PRESUMED CERTIFICATION CRITERIA</b> <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Drug Court has more than 15 but less than 125 active participants. (New court and just building their participant numbers)	IX.A.*
X	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.

YES NO		<b>NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS</b> <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>		BPS
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	X	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	X	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

# Tab 7

Agenda



OFFICE OF LEGAL SERVICES INNOVATION

An Office of the Utah Supreme Court

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# INNOVATION OFFICE ACTIVITY REPORT

NOVEMBER 2020

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## SUMMARY

This Report covers the month of November 2020.

The Office has received 34 applications to the Sandbox. The Office has recommended 20 of those applications to the Court for admission to the Sandbox. The Court has authorized 16 entities (in whole or in part) to offer services in the Sandbox. 6 applicants withdrew their applications; 1 has withdrawn but will resubmit its application; 1 applicant was denied by the Office. The Innovation Office has tabled 5 applications based on the Court's statement on referral fees issued December 10, 2020. There are 2 entities currently under active review by the Innovation Office.

The following entities are operational and offered legal services to the public during the month of November: Blue Bee Bankruptcy, AGS Law, Rocket Lawyer, 1LAW. In the Office's Interim report dated November 24, 2020, it was reported that the following additional entities were operational and offering services: R&R Legal, FOCL Law, Law Pal, LawHQ, and Estate Guru. However, additional communications with those entities clarified that they were not, in fact, launched as authorized by the Court and therefore not prepared to report data for November 2020. The Office expects those entities to come online and begin reporting as indicated in Table 2. Rocket Lawyer and 1LAW continue to report as required. There are no indications of material consumer harm. Blue Bee and AGS Law will submit their first quarterly reports in January 2021.

## OVERALL METRICS

<b>Total Applications Received</b>	<b>34</b>
<b>Applicants Recommended to Court for Authorization</b>	<b>20</b>
<b>Applicants Denied Recommendation from Innovation Office</b>	<b>1</b>
<b>Applicants Denied Authorization by Court</b>	<b>0</b>
<b>Applicants Tabled (referral fees)</b>	<b>8</b>
<b>Authorized Entities</b>	<b>16</b>
<b>Entities Reporting Data (this month)</b>	<b>2</b>
<b>Entities Recommended to Exit the Sandbox</b>	<b>0</b>
<b>Key Risks and Trends</b>	There are no reported consumer complaints from reporting entities.



TABLE 1: AUTHORIZED ENTITIES<sup>1</sup>

		10 - Blue Bee	15 - AGS Law	19 - Firmly	04 - Lawpal	05 - Rocket Lawyer	07 - R&R	14 - FOCL	32 - Tanner		
Risk Level		Low	Low	Low	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate		
Total Categories		1	3	1	4	15	9	1	1		
		2	1	1	2	2	2	3	2	Total Models	
Accident/Injury	5						X			12	Lawyers employed / managed by nonlawyers
Adult Care	3					X	X			4	<50% nonlawyer ownership
Business	11		X	X		X	X		X	10	50% + nonlawyer ownership
Criminal Expungement	4					X				4	Fee sharing
Discrimination	2					X				3	Software provider /w lawyer - doc completion
Domestic Violence	4					X	X			5	Software provider w/ lawyer involvement
Education	2					X				-	Software provider w/out lawyer involvement
Employment	6					X				2	Non-lawyer provider w/ lawyer involvement
End of Life Planning	8		X		X	X	X			-	Nonlawyer provider w/out lawyer involvement
Consumer Financial Issues	7	X			X	X	X			-	
Healthcare	4					X	X				
Housing (Rental)	5				X	X					
Immigration	3					X					
Marriage and Family	7				X	X	X	X			
Military	1					X					
Native American/ Tribal Issues	-										
Public Benefits	4					X	X				
Real Estate	6		X			X					
Traffic Citations	3										

<sup>1</sup> Entity case counts reflect reporting through November 30, 2020.

TABLE 1 (CON'T): AUTHORIZED ENTITIES

		02 - 1Law	03 - LawHQ	12 - Nuttall	13 - Estate Guru	27 - Sudbury	23 - Off the Record	30 - Law on Call	31 - DSD Solutions		
Risk Level		Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate		
Total Categories		17	1	5	5	2	1	5	12		
		4	3	4	6	1	3	3	4	Total Models	
Accident/Injury	5	X	X	X					X	12	Lawyers employed / managed by nonlawyers
Adult Care	3	X								4	<50% nonlawyer ownership
Business	11	X	X	X	X			X	X	10	50% + nonlawyer ownership
Criminal Expungement	4	X				X			X	4	Fee sharing
Discrimination	2	X								3	Software provider /w lawyer - doc completion
Domestic Violence	4	X							X	6	Software provider w/ lawyer involvement
Education	2	X								-	Software provider w/out lawyer involvement
Employment	6	X	X	X		X			X	4	Non-lawyer provider w/ lawyer involvement
End of Life Planning	8	X			X			X	X	-	Nonlawyer provider w/out lawyer involvement
Consumer Financial Issues	7	X			X			X		-	
Healthcare	4	X			X						
Housing (Rental)	5	X						X	X		
Immigration	3	X							X		
Marriage and Family	7	X		X					X		
Military	1	X									
Native American/ Tribal Issues	-										
Public Benefits	4	X							X		
Real Estate	6	X			X			X	X		
Traffic Citations	3	X					X		X		

TABLE 2: AUTHORIZED ENTITIES REPORTING STATUSES

Entity Name	Risk Category	Launch Date	First Report Due	Frequency
Blue Bee Bankruptcy	Low	10/1/20	1/5/21	Quarterly
AGS Law	Low	10/1/20	1/5/21	Quarterly
Firmly LLC	Low	12/1/20	1/5/20	Quarterly
Rocket Lawyer	Low-Moderate	10/1/20	11/5/20	Monthly
R&R Legal Services	Low-Moderate	12/1/20	1/5/21	Monthly
LawPal	Low-Moderate	12/1/20	1/5/21	Monthly
FOCL Law	Low-Moderate	1/1/21	2/5/21	Monthly
Tanner	Low-Moderate	TBD	TBD	Monthly
1Law	Moderate	10/1/20	11/5/20	Monthly
LawHQ	Moderate	1/1/21	2/5/21	Monthly
Nuttal Brown	Moderate	1/1/21	2/5/21	Monthly
Estate Guru	Moderate	12/1/20	1/5/20	Monthly
Sudbury Consulting / Code for America	Moderate	TBD	TBD	Monthly
Off the Record	Moderate	TBD	TBD	Monthly
Law on Call	Moderate	2/1/21	3/5/21	Monthly
DSD Solutions	Moderate	TBD	TBD	Monthly

# Tab 8



## Administrative Office of the Courts

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

January 20, 2021

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

### Request to Judicial Council re: Court Grant Program Partial Lifting of New Grant Moratorium

**To:** Judicial Council  
**From:** Karl Sweeney, Director of Finance  
Jordan Murray, Grants Coordinator

As the attached Draft Utah Courts Grant Policies and Procedures Memorandum outlines, we have addressed the majority of issues raised by the Judicial Council on grant governance. The Budget and Fiscal Management Committee has reviewed the attached document and has approved its submission for Judicial Council review and approval of the principles contained in the Memorandum, and seeks approval to move forward with incorporating those principles into UCJA 3-411 (Grant Management) through a revision of that Rule, as well as a revision of Section 11-07 Grants (Federal and Non-Federal) of the Accounting Manual.

#### Steps accomplished:

- Created an overall Court's Grant Policies and Procedures Memorandum (attached) which provides appropriate "guardrails" for managing grants. These policies cover:
  - Grant origination and prioritization procedures,
  - Grant approval procedures, including a grant approval flowchart and
  - Grant compliance procedures
- Created a Court Grant Compliance Calendar (attached) that tracks due dates for existing compliance submissions. We also have created and are populating a Court Grant Info Sheet that provides contact information within the Courts and Grantors.
- Begun review of all Court's Grant approval and compliance during the past 5 years. This step is ongoing but we have not found any "red flags" indicating major compliance omissions.
- Contacted all Court grant managers and implemented a review process (by Director of Finance and Grant Coordinator) for all grant compliance submissions.

Permission requested:

- Pending the completion of our review of grant compliance for the past 5 years, and revision of UCJA 3-411 (Grant Management), we request a lifting of the moratorium on pursuing new grants for only those grants that have time-sensitive considerations such that further delay would jeopardize obtaining the grant or its usefulness. The moratorium would be lifted to allow communications to occur between the Courts and potential grantors, but approval of any grants would not be sought until the compliance review is completed and the Council has approved a revised version of UCJA Rule 3-411. It is our plan to present the findings of our review of past compliance and present the proposed revisions to UCJA Rule 3-411 at the February 2021 Judicial Council meeting.

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

## UTAH COURTS GRANT POLICIES AND PROCEDURES MEMORANDUM

### 1. ORIGATION AND PRIORITIZATION OF GRANT REQUESTS

- a. For areas where the Utah Constitution stipulates the Supreme Court has jurisdiction, the Supreme Court will prioritize the pursuit of grants (subject to Judicial Council approval as set forth in Section 2 below) that complement those areas, including:<sup>1</sup>
  - i. Issuing extraordinary writs and answering questions of state law
  - ii. Appellate jurisdiction as provided by statute
  - iii. Adopting rules of procedure and evidence
  - iv. Governing the practice of law

All Supreme Court requests will be subject to a collaborative analysis coordinated by the Grants Coordinator ("GC") that ascertains impacts on Administrative Office of the Courts (AOC) resources, with particular emphasis on Court IT capacity. Findings from the collaborative analysis will be described and included in the request for approval submitted to the Budget and Fiscal Management Committee and Judicial Council.

- b. For all other Court areas, the Judicial Council will prioritize the pursuit of grants that are submitted for consideration by the Budget and Fiscal Management Committee. The Judicial Council prioritization process is as follows:
  - i. To maximize flexibility of funding opportunities for the Courts, grants may be considered for approval at any time.
  - ii. All grant requests will be subject to a collaborative analysis coordinated by the GC that ascertains impacts on Administrative Office of the Courts (AOC) resources, with particular emphasis on Court IT capacity. Findings from the collaborative analysis will be described and included in the request for approval submitted to the Budget and Fiscal Management Committee and Judicial Council.
  - iii. The GC will meet annually with all Court Boards (District, Juvenile, Justice, and Appellate), select committees (Judicial Council Committees and Supreme Court Committees) and current grant managers to discuss:
    - 1. Current needs and priorities that can be funded with grants, including supplemental needs for all current grants (annually, Jan - March).
    - 2. Future ideas/opportunities that could benefit from grant funding (annually, Jan - March).

---

<sup>1</sup> See Utah Constitution Article VIII Sections 3, 4 and 5)

3. Potential sources of funding for the needs and priorities identified in steps 1 and 2 (annually, Jan - March).
  4. All grant requests will be subject to a collaborative analysis coordinated by the GC that ascertains impacts on Administrative Office of the Courts (AOC) resources, with particular emphasis on Court IT capacity. Findings from the collaborative analysis will be described and included in the request for approval submitted to the Budget and Fiscal Management Committee and Judicial Council.
- iv. Following the budget pattern, the GC will seek approval from the Budget and Fiscal Management Committee on priorities for the upcoming year (annually, May- June).
  - v. The Judicial Council will approve the final grant plan and priorities annually in June.

## **2. APPROVAL PROCESS FOR ALL GRANTS - See Exhibit A**

- a. The Budget and Fiscal Management Committee and Judicial Council will consider and approve grant opportunities according to the following criteria:
  - i. How essential is the grant to accomplishing the mission of the Utah Courts to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law?
  - ii. How much additional value does the grant create in comparison to the additional burden it creates on existing and future Court resources both during the grant project completion phase and thereafter?
  - iii. How well does the grant perform in providing measurable benefits to marginalized, minority, pro se, or similar under-served individuals and/or communities?

Grants which do not require funds matching (cash and/or in-kind) shall be considered preferable compared to those which do require such matches.

## **3. COMPLIANCE FOR APPROVED AND FUNDED GRANTS AND OTHER GRANT POLICIES**

- a. All funded grants shall have an assigned grant manager who is the primary responsible party for grant compliance and management activities. Whenever the GC does not have primary responsibility, the grant manager will coordinate deliverables with the GC who will perform review of grant reporting for timeliness and accuracy prior to submission to Grantor.
  - i. The GC will maintain a compliance calendar including all reporting requirements for the Court's grant portfolio.



- ii. No later than three (3) business days before a reporting deadline the grants manager will forward all associated deliverables to the GC for review and approval.
  - iii. If approved by the GC, the grant manager will be notified to proceed with submission of grant deliverables. If not approved, remedial steps will be communicated to the grant manager to be addressed prior to submission.
  - iv. Each February, the GC will complete a compliance review for all grants in the Courts' portfolio. The results of this review will be compiled into a report and delivered to the Budget and Fiscal Management Committee, Internal Audit and the Judicial Council.
- b. The GC will be responsible for proposing updates to the Accounting Manual's Grants section as necessary.
- c. Grant funds shall not be used to hire permanent full-time equivalent employees unless specifically allowed under statute and approved by the Judicial Council.
- d. In instances where matching funds are required and to the extent possible, the grant will be structured to allow for in-house labor to count towards grant matching requirements.
- e. Where possible and in consultation with Court IT, grant funds will be sought to hire external resources to complete IT-related tasks.

**Exhibit A****Grant Review & Approval Process**

**Grants with Supreme Court jurisdiction:**  
The Supreme Court may prioritize & authorize the pursuit of grants under their purview prior to review by BFMC and Judicial Council (Article VIII, Sections 3-4-5 of Utah Constitution)

**Grants in all other Court areas:**  
Prior to review by Judicial Council, all grant proposals must be approved by the TCE & presiding judges in the affected districts & the court level administrator followed by approval from the appropriate Board of Judges & BFMC (CJA Rule 3-411)

Federal Funding

Grants Coordinator

Non-Federal Funding

**Tier 1: Low Impact (UCA 63J-5-203)****Meets all of the below conditions:**

≤ \$1 million per year in federal funds;  
No new permanent full or part-time employees; and  
No new state monies for match

Approval or rejection by Judicial Council only <sup>1</sup>

Report to Executive Appropriations Committee and Office of the Legislative Fiscal Analyst, and Office of Legislative Research and General Counsel <sup>1</sup>

**Tier 2: Medium Impact (UCA 63J-5-204 1(b))****Meets any one of the below conditions:**

≥ \$1 million but < \$10 million per year in federal funds; or  
Require state to add more than 0 but less than 11 permanent or part-time employees; or  
Require state to expend up to \$1 million per year of new state monies as match

Approval or rejection by Judicial Council <sup>2</sup>

Review & Recommendation by Executive Appropriations Committee <sup>2</sup>

**Tier 3: High Impact (UCA 63J-5-204 1(a))****Meets any one of the below conditions:**

≥ \$10 million per year in federal funds; or  
Require state to add ≥ 11 permanent full or part-time employees; or  
Require the state to expend > \$1 million per year in new state monies as match

Approval or rejection by Judicial Council <sup>2</sup>

Approval or rejection by the Legislature in a general or special session within 90 days of submitting request to funding source <sup>2</sup>

**Tier 1: Low Impact (UCA 63J-7-202)****Meets all of the below conditions:**

At least \$10k but no more than \$50k in non-federal funds;  
No new permanent full or part-time employees; and  
No new state monies required for match

Approval or rejection by Judicial Council only <sup>3</sup>

Report to Executive Appropriations Committee and the Office of the Legislative Fiscal Analyst <sup>3</sup>

**Tier 2: Medium Impact (UCA 63J-7-203)****Meets any one of the below conditions:**

> \$50k but < \$1 million per year in non-federal funds; or  
Require the state to add more than 0 but less than 11 permanent full or part-time employees; or  
Require the state to expend \$1 to \$1 million of new state monies in a fiscal year as match

Approval or rejection by Judicial Council <sup>4</sup>

Review & Recommendation by Executive Appropriations Committee <sup>4</sup>

**Tier 3: High Impact (UCA 63J-7-203)****Meets any one of the below conditions:**

≥ \$1 million per year in non-federal funds; or  
Require the state to add 11 or more permanent full or part-time employees; or  
Require the state to expend > \$1 million per year in new state monies as match

Approval or rejection by Judicial Council <sup>4</sup>

Approval or rejection by the Legislature in a general or special session within 90 days of submitting request to funding source <sup>4</sup>

1. UCA 63J-5-203
2. UCA 63J-5-204
3. UCA 63J-7-202
4. UCA 63J-7-203

\$ = Courts may accept funds

# Tab 9

**Dianne Meppen**  
Director of Survey Research

**Samantha Ball**  
Senior Research Associate

**Marin Christensen**  
Research Associate

**Andrea Thomas Brandley**  
Research Associate

# Judicial Performance Evaluation Commission 2020 Election Survey

A survey of registered voters to ascertain how JPEC can better inform voters regarding the judges that appear on their ballot.

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**December 2020**

# Judicial Performance Evaluation Commission 2020 Election Survey

## Analysis in Brief

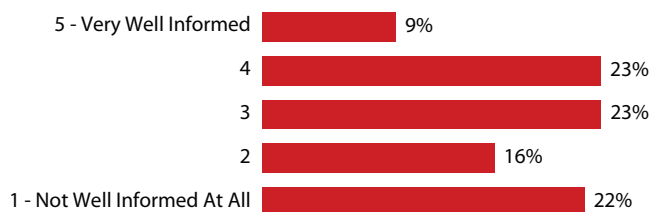
The Judicial Performance Evaluation Commission (JPEC) contracted with the Kem C. Gardner Policy Institute to formulate, conduct, and analyze a survey of registered voters. The overall objective of the survey was to ascertain how JPEC can better inform voters regarding the judges that are up for retention. The survey covered voter interest and awareness, voter knowledge, JPEC awareness and information, JPEC effectiveness, and JPEC information dissemination.

A large majority (86%) of survey respondents are aware that judges appear on the ballot. Despite this awareness, many voters do not feel well informed to make decisions about which judges should be retained.

Less than two-thirds (62%) of respondents were aware that evaluations of judges' performance are provided to Utah voters prior to the election. Even fewer respondents were familiar with the Utah Judicial Performance Evaluation Commission (JPEC), 45% were not familiar with JPEC and another 15% knew the commission by name only. Additionally, only 22% of respondents recalled hearing or seeing anything about judges' performance evaluations or where their evaluations could be found in the previous 6 weeks.

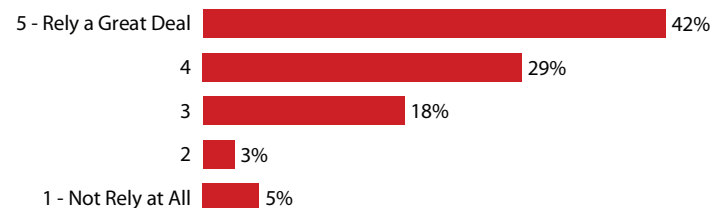
Of those who were familiar with JPEC, the majority planned to use the information provided by the commission when voting on which judges should be retained. When informing voters about judges, JPEC could consider using a website and

### Please rate how well informed you feel you are to make decisions about which judges should be retained. (n=572)



Note: Respondents used a one-to-five scale in which one means you feel "not well informed at all" and five means you feel "very well informed." Respondents only included those who responded "yes" or "don't know" to voting for judges. 2.8% of respondents responded "don't know".

### How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge? (n=365)



Note: Respondents used a one-to-five scale in which one means "not at all" and five means "a great deal". 3.0% of those questioned responded "don't know" or "wouldn't say". Respondents only included those who responded "yes" or "don't know" to voting for judges and "yes" to aware of provided evaluations of judges' performances.

providing a pamphlet to voters' mailboxes as these were the most commonly requested ways to receive the information at 89% and 75% respectively. Respondents who had reviewed information on [vote.utah.gov](http://vote.utah.gov) or [judges.utah.gov](http://judges.utah.gov) found the information helpful for:

- Finding the judges that will be on the ballot (72%)
- Providing information on individual judges to help vote (66%)
- Having an easy-to-navigate website (69%)

A large majority of respondents are interested in JPEC providing several types of information in their report to voters including:

- Whether there are disciplinary actions against the judge (97%)
- Whether the judge meets the minimum performance standards (96%)
- The judge's professional qualifications (94%)
- How long the judge has been on the bench (86%)
- Whether the commission recommends the judge be retained or not (82%)

These results indicate that registered voters value the information JPEC provides, and if aware of the information, a majority of voters will use it when making voting decisions regarding the retention of judges.

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# Introduction

The Judicial Performance Evaluation Commission (JPEC) contracted with the Kem C. Gardner Policy Institute to formulate, conduct, and analyze a survey of registered voters. The overall objective of the survey was to ascertain how JPEC can better inform voters regarding the judges that appear on their ballot. This was achieved by asking questions in the following five categories:

1. *Voter Interest & Awareness* – Respondents were asked about their general interest in the upcoming election, their awareness of the judicial voting process, and whether they intended to vote for judges, including why not if they do not plan to vote.
2. *Voter Knowledge* – Respondents were asked what sources they used to review information about judges, whether they felt most Utah voters have enough information to vote, and how well-informed they felt themselves to make decisions regarding whether or not judges should be retained.
3. *JPEC Awareness & Information* – Respondents were asked if they were aware of the provision of evaluations of judge's performances, their level of familiarity with JPEC, and which types of information JPEC should provide.
4. *JPEC Effectiveness* – Respondents were asked how much they planned to rely on JPEC information when voting and how helpful JPEC was for helping them find judges that will be on their ballot, providing information to help them vote, and having an easily navigable website.
5. *JPEC Information Dissemination* – Respondents were asked if they recalled hearing or seeing anything about judge's performance evaluations, where they heard or saw anything if they did, and how they would prefer to receive information about judges on the ballot.

# Methodology

The Gardner Institute worked with JPEC to formulate a 7-9 minute survey with both structured and unstructured questions and contracted with Lighthouse Research to conduct a mixed-mode (online and telephone) survey. Using multiple database sources, email addresses and phone numbers were appended to the selected records. A random sample of all registered voters with available phone numbers was monitored so the final sample mirrored the broader population. Those with email addresses were invited to participate online. Those without an email address, or who did not respond to the email, were contacted for a telephone survey. Data was collected October 13th-30th, 2020.

Resultant data required weighting of racial and ethnic minority groups and Weber County residents in order to better approximate registered voters in Utah. All data reported reflects these weights. The weights had little to no impact on the overall results. Before statistical analysis was performed, the interest variable was collapsed to high interest (9-10), moderate interest (6-8), and little/no interest (1-5), the county variable was collapsed to Salt Lake County, Utah County, Davis County, Weber County, and "all other", the education variable was collapsed to "with a college degree" and "without a college

degree", and the political affiliation variable included only Democrat, Republican, and unaffiliated excluding "other" due to low responses. "I don't know" and "Wouldn't say" responses were also excluded from analysis due to low responses with the exception of "I don't know" remaining in answer to the question, "Do you plan to vote on which judges should be retained?". Even though these responses were excluded from relationship analysis, all responses are shown in Appendices A and C.

Following this, a chi-square test was performed between each question and the following demographics: county, gender, age, education, political affiliation, race/ethnicity, and income. Length of residency was excluded due to a large majority of respondents living in the state more than 10 years and a lack of difference in responses based on residency length. Comprehensive cross-tabulations are provided in Appendix C with statistically significant differences noted in the footnote. All statistically significant results are at the  $p < .05$  level. Some resulting cross-tabulations contained cells with expected values less than 5, too small for a valid chi-square test. A relationship is only noted as statistically significant if the p-value was less than .05 and each cell had an expected value of 5 or more.

# Results

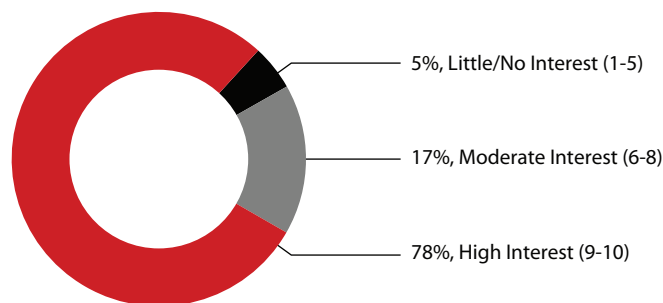
## Voter Interest & Awareness

The survey contained a total of five questions related to voter interest and awareness. Responses suggested that a sizable majority were interested in the election and aware of information regarding the retention of judges.

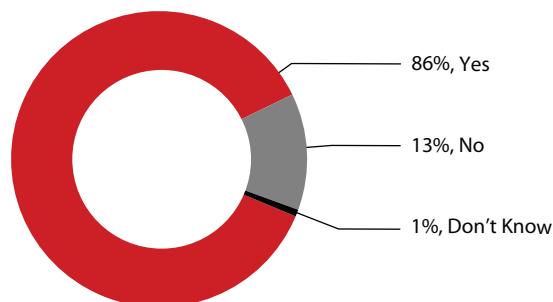
When asked how interested they were in this year's election using a one-to-ten scale, 95% percent of respondents expressed an interest of 6 or more. Over 78% indicated a high (9 or 10) level of interest associated with the highest likelihood of voting. Since respondents were all registered voters, their level of interest is likely higher than that of the general public. Interest varied across several demographic groups, the following differences are statistically significant:

- Those with a college degree were more likely to show high interest in the election (83%) than those with no college degree (74%).
- Democrats were more likely to have high interest (88%) than Republicans (81%), and both were more likely to show high interest than unaffiliated voters (70%).
- White respondents were more likely to show high interest (81%) than "all other" races (67%).

**Figure 1: On a scale of 1-10, How interested would you say you are in this year's general election? (n = 600)**



**Figure 2: Are you aware that several judges will appear on your ballot? (n=600)**



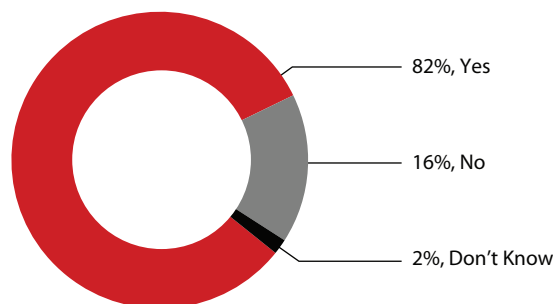
As Figures 2 and 3 show, most respondents (86%) were aware that judges would appear on the ballot. Of those who were aware, 82% indicated they were also aware that judges appearing on the ballot run in non-partisan and uncontested races. However, awareness of the race being non-partisan and uncontested varied across demographic groups, the following differences were statistically significant:

- Male respondents were more aware (87%) than female respondents (78%).
- Democrats were more aware (88%) than Republicans (83%) and both were more aware than unaffiliated voters (76%).
- White respondents were more aware (85%) than all other races (69%).

The vast majority of respondents (87%) planned to vote on the retention of judges while the remaining 13% either planned not to vote or did not know if they would vote.

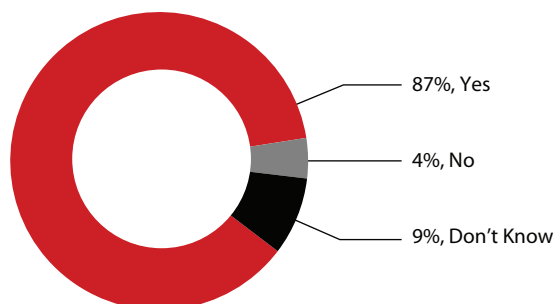
Those who indicated they did not plan to vote on which judges should be retained were asked, "What are the reasons that you will not be voting on the retention of judges?"

**Figure 3: Are you aware that in Utah, those judges that appear on the ballot run in non-partisan and uncontested races? (n=519)**



Note: This question was only asked to those who answered "yes" to the question "are you aware that several judges will appear on your ballot?"

**Figure 4: Do you plan to vote on which judges should be retained? (n=600)**





Of the 4% (n=26) of respondents who do not plan to vote:

- Nearly all (97%), selected “I don’t feel informed enough” as a reason.
- 16% selected “It doesn’t affect me”
- 21% selected “I don’t care enough”

Some respondents (10%) gave other reasons for not voting including the belief that judges should be appointed rather than elected. Verbatim responses for those who provided an “other” response are provided in Appendix B.

### Voter Knowledge

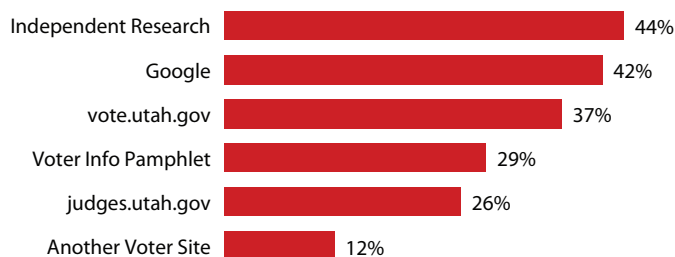
Three survey questions assessed voter knowledge. Responses indicate a perceived need for more information on judges and demographic differences in the sources of information voters use to review information on judges.

More than half of respondents selected at least one source used to review information regarding judges on the ballot. “Independent research on your own” (44%) and “Google” (42%) were the most common sources listed. However, there is no information regarding where their Google search or independent research led them. Thirty-seven percent indicated they used [vote.utah.gov](http://vote.utah.gov), 29% used the voter information pamphlet, and 26% visited [judges.utah.gov](http://judges.utah.gov). A smaller proportion of respondents used another voter site (12%). Some respondents (7%) reported other sources including family, acquaintances who are judges or lawyers, and newspaper articles. All “other” responses can be viewed in Appendix B.

Research varied by several demographic groups including age, political affiliation, and race/ethnicity. These differences can be seen in tables 1-3, with statistically significant differences noted in the footnote of each table. In general, Republican and white voters were less likely to review information about judges on nearly all sources. Younger voters were more likely to use Google, [judges.utah.gov](http://judges.utah.gov), and [vote.utah.gov](http://vote.utah.gov).

**Figure 5: Have you used any of the following sources to review information regarding the judges that will be on your ballot this year? (n=600)**

(Percent responding yes)



**Table 1: Political Affiliation by “Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?” (n=600)**

Political Affiliation	Number responding	Google	Voter Info Pamphlet	<a href="http://judges.utah.gov">judges.utah.gov</a>	<a href="http://vote.utah.gov">vote.utah.gov</a>	Another voter site	Research on own
Democrat	130	57%	29%	42%	47%	22%	50%
Republican	252	31%	26%	18%	26%	8%	39%
Unaffiliated	188	46%	31%	28%	48%	11%	47%
Other	26	42%	27%	19%	15%	15%	56%
Wouldn't say	3	33%	100%	33%	67%	33%	33%
Total	599	42%	29%	26%	38%	12%	44%

Note: Differences across political affiliations are statistically significant for Google, [judges.utah.gov](http://judges.utah.gov), [vote.utah.gov](http://vote.utah.gov), and another voter site,  $p < .05$

**Table 2: Race/Ethnicity by “Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?” (n=600)**

Race/Ethnicity	Number responding	Google	Voter Info Pamphlet	<a href="http://judges.utah.gov">judges.utah.gov</a>	<a href="http://vote.utah.gov">vote.utah.gov</a>	Another voter site	Research on own
White	493	36%	29%	24%	34%	12%	40%
All other	107	71%	29%	39%	51%	12%	65%
Total	600	42%	29%	26%	38%	12%	44%

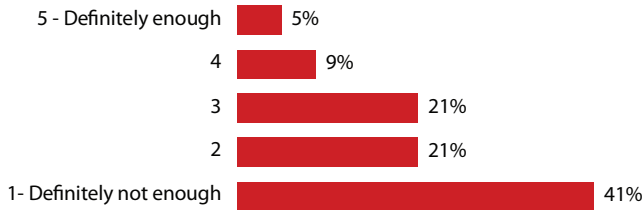
Note: Differences across race/ethnicity are statistically significant for Google, [judges.utah.gov](http://judges.utah.gov), [vote.utah.gov](http://vote.utah.gov), and research on own,  $p < .05$

**Table 3: Age by “Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?” (n=600)**

Age	Number responding	Google	Voter Info Pamphlet	<a href="http://judges.utah.gov">judges.utah.gov</a>	<a href="http://vote.utah.gov">vote.utah.gov</a>	Another voter site	Research on own
18 to 29	116	56%	29%	35%	49%	9%	49%
30 to 39	117	49%	26%	31%	45%	16%	45%
40 to 49	120	45%	26%	28%	42%	8%	51%
50 to 59	88	36%	43%	22%	30%	15%	40%
60 to 69	78	33%	21%	16%	30%	14%	38%
70 or older	81	21%	31%	18%	18%	14%	36%
Total	600	42%	29%	26%	37%	12%	44%

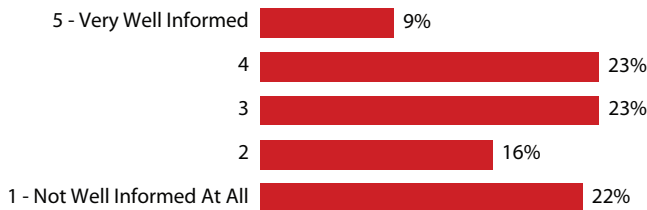
Note: Differences across ages are statistically significant for Google, voter info pamphlet, [judges.utah.gov](http://judges.utah.gov), and [vote.utah.gov](http://vote.utah.gov),  $p < .05$

**Figure 6: In general, do you feel MOST UTAH VOTERS have enough information to make informed decisions about which judges should be retained and which judges should not? (n=600)**



Note: Respondents used a one-to-five scale, with one meaning most Utah voters "definitely do NOT have enough information" and five meaning Utah voters "definitely HAVE enough information" to vote whether to retain judges on the ballot. 2.5% of respondents responded "don't know".

**Figure 7: Please rate how well informed you feel you are to make decisions about which judges should be retained. (n=572)**



Note: Respondents only included those who responded "yes" or "don't know" to voting for judges. Respondents used a one-to-five scale in which one means you feel "not well informed at all" and five means you feel "very well informed." 2.8% of respondents responded "don't know".

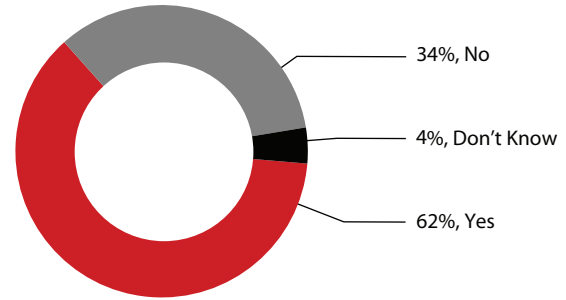
The majority of respondents (62%) believe most Utah voters do not have enough information to make informed decisions regarding the retention of judges, responding 1 or 2 on a 5-point scale where 1 is definitely not enough and 5 is definitely enough. However, respondents are more optimistic about their personal level of knowledge with only 39% indicating that they themselves are not well informed, responding 1 or 2 on a 5-point scale where 1 is not well informed at all and 5 is very well informed. Those with no college degree were statistically more likely to respond 1, not well informed at all (28%), than those with a college degree (18%).

### JPEC Awareness & Information

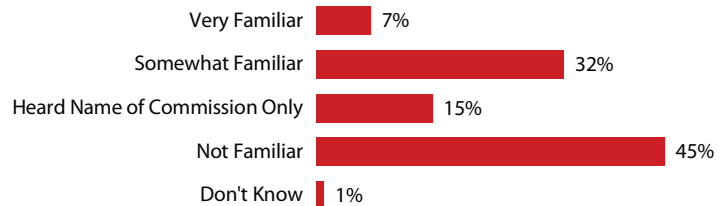
Responses from four questions aimed at assessing JPEC awareness show an opportunity to increase voter awareness as well as some differences in desired information depending on gender.

Nearly two-thirds of respondents were aware that evaluations of judges' performance are provided to Utah voters prior to the election. About one-third were not aware.

**Figure 8: Are you aware that evaluations of judges' performance are provided to Utah voters prior to the election? (n=600)**



**Figure 9: As you may know, the Utah Judicial Performance Evaluation Commission is an independent entity that evaluates the job performance of Utah judges standing for retention and reports their findings to Utah voters prior to the election. Which of the following best describes your knowledge of this commission? (n=600)**

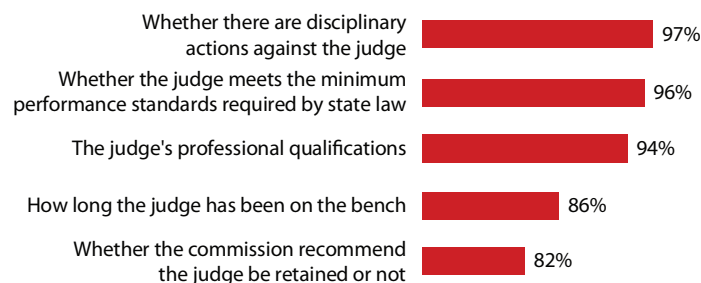


Nearly half (45%) of respondents were not familiar with the Utah Judicial Performance Commission (Figure 9). Seven percent were very familiar, 32% were somewhat familiar, and 15% knew the commission by name only.

Figure 10 shows answers selected by respondents after they were informed that "According to state law, the commission recommends to voters whether a judge should be retained or not based on their evaluation" and asked "In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters?" Respondents indicated yes or no to each option.

Results show that Utah voters want JPEC to provide more information in their report to voters. Nearly all respondents wanted to know whether the judge meets the minimum performance standards required by state law (96%), whether there are disciplinary actions against the judge (97%) and the judge's professional qualifications (94%). A large majority also wanted to know how long the judge has been on the bench (86%) and whether the commission recommends the judge be retained or not (82%).

**Figure 10: In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters? (n=600)**



**Table 4: Gender by "According to state law, the commission recommends to voters whether a judge should be retained or not based on their evaluation. In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters?"**

(Percent responding yes)

Gender	Number responding	Whether the Judge Meets the Minimum Performance Standards Required by State Law	Whether There Are Disciplinary Actions Against the Judge	Whether the Commission Recommends the Judge Be Retained	How Long the Judge Has Been on the Bench	The Judge's Professional Qualifications
Male	291	94%	96%	79%	82%	93%
Female	306	98%	97%	85%	89%	94%
Other	1	100%	100%	100%	100%	100%
Wouldn't say	2	100%	100%	50%	100%	100%
Total	600	96%	97%	82%	86%	94%

Note: Differences between genders are statistically significant for whether the judge meets the minimum performance standards, whether the commission recommends the judge be retained, and how long has the judge been on the bench,  $p < .05$

A larger proportion of female respondents wanted the listed information than male respondents. Some of these differences were statistically significant, noted in the footnote of Table 4.

In the open-ended response to the question "What other information from the commission would be helpful to voters?" over 40% of respondents did not provide detail and answered "Don't Know." Others offered a range of ideas, with answers related to judges' records of past rulings being the most commonly requested information (13%). The next most requested responses related to ratings/evaluations/recommendations for judges (6.5%), and all other types of requests were mentioned by less than 5% of respondents. Verbatim responses are provided in Appendix B.

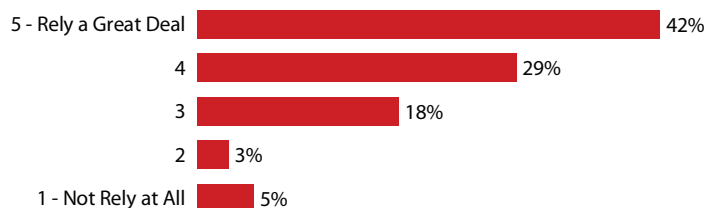
## JPEC Effectiveness

Of those who said "yes" or "don't know" to voting on judges and are aware of judicial evaluations available to voters (n=365), 71% indicate they will rely on the information JPEC provides when voting, responding a 4 or 5 on 5-point scale where 1 is not rely at all and 5 is rely a great deal. Only 8% of voters indicated they would not rely on the information, a 1 or 2 on the same 5-point scale. The remaining 18% indicated a 3 on the 5-point scale.

Those who indicated they used judges.utah.gov and/or vote.utah.gov (47%) to review information on judges were then asked to rate the judges.utah.gov and/or vote.utah.gov websites on three factors. Many found the information helpful (responding 4 or 5 on a 5-point scale where 1 is Not Helpful and 5 is Very Helpful), in the following ways:

- Helping find the judges that will be on the ballot (72%)
- Providing information on individual judges to help vote (66%)
- An easy-to-navigate website (69%)

**Figure 11: How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge? (n=365)**



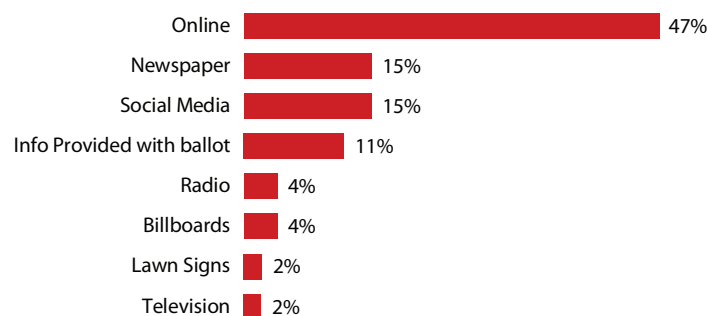
Note: Respondents only included those who responded "yes" or "don't know" to voting for judges and "yes" to aware of provided evaluations of judges' performances. Respondents used a one-to-five scale in which one means "not at all" and five means "a great deal". 3.0% of those questioned responded "don't know" or "wouldn't say".

## JPEC Information Dissemination

Responses to both of the questions directed at assessing JPEC's efforts to disseminate information, indicate an opportunity to increase awareness of judges' performance evaluations and differences in the way that voters of different ages prefer to receive information.

Only 22% of respondents recalled hearing or seeing anything about evaluations of judges in the weeks leading up to the election. Of that 22% (n=134), 47% indicated they saw something "online". Social media (15%), newspaper (15%), and information provided with ballot (11%) were the next most common responses. Many respondents (43%) provided free-response answers most often citing discussions with friends or family and emails. All "other" responses can be viewed in

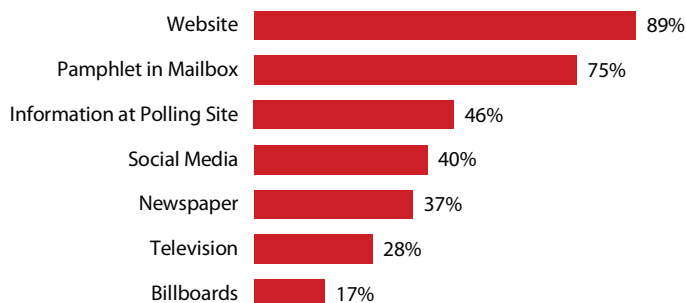
**Figure 12: In the past six weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations? (n=600) If so, where have you seen this information? (n=134)**



Note: 2% of respondents responded "don't remember/don't know" or "wouldn't say".

**Figure 13: How would you prefer to receive information about judges on the ballot? (n=599)**

(Percent responding yes)



Appendix B. Democrats (25%) and unaffiliated voters (28%) were statistically more likely to have recalled hearing or seeing anything about judges' performance evaluations than Republicans (16%).

Respondents were asked how they would like to receive information about judges. Website (89%) and pamphlet in mailbox (75%) were the most common responses. Some respondents provided free response answers including things like email, text messages, and radio. All "other" responses can be viewed in Appendix B.

Younger respondents were statistically more likely to want to receive information on a website, social media, and at the polling site. Table 5 shows a comparison of the youngest and oldest respondents. A full breakdown is provided in Appendix C.

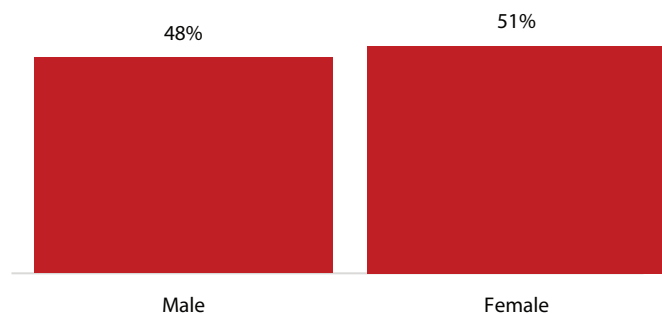
**Table 5: Youngest and Oldest Age Groups by "How would you prefer to receive information about judges on the ballot?" (n=599)**

(Percent responding yes)

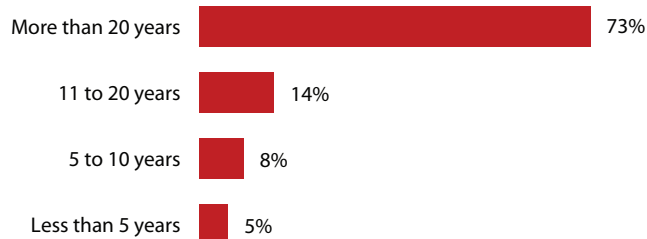
	Number responding	Website	Info at Polling site	Social Media
18 to 29	115	94%	78%	55%
70 or older	80	76%	16%	28%

Note: The results provided in this table are statistically significant,  $p < .05$ .

## Gender



## Utah Residency



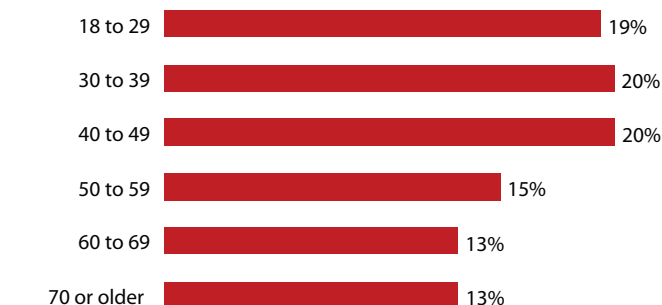
## Race/Ethnicity



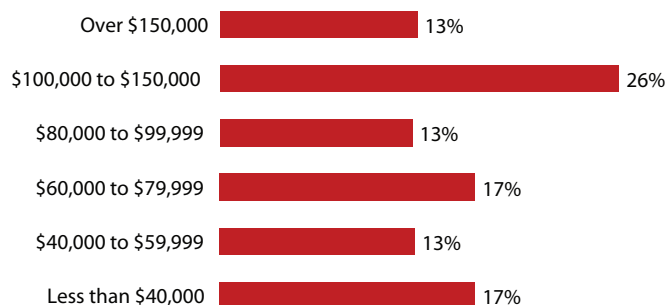
## Education



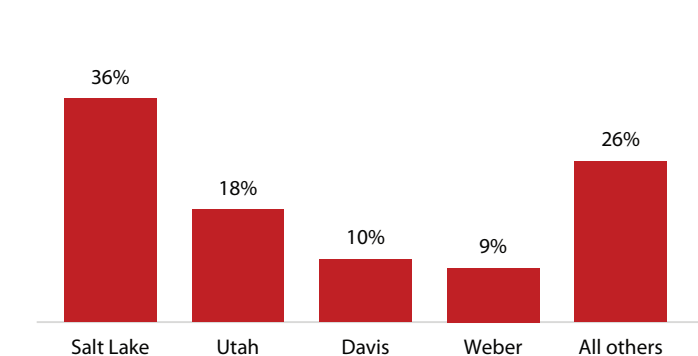
## Age



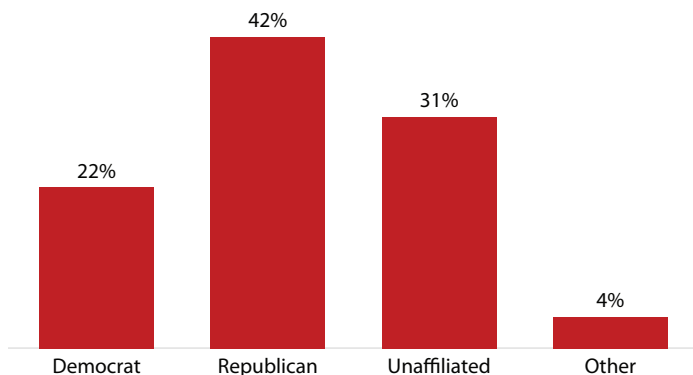
## Income



## County of Residence



## Political Affiliation



Note: The remaining 0.5% marked "wouldn't say"

# Appendix A: Questionnaire with Results

## Judicial Performance Evaluation Commission

### 2020 Election Survey Results

Telephone/Online survey

Sample size – 600 interviews

Conducted – October 13–30, 2020

Tolerated Error – +/- 4.0% on total data

**ONLINE INTRODUCTION:** This is an important survey about evaluating and voting on judges in Utah. Your email was selected at random, and we would greatly appreciate a few minutes of your time. We assure you this does not involve selling anything.

**TELEPHONE INTRODUCTION:** Hello, my name is (YOUR NAME) from \_\_\_\_\_. We are conducting an important survey about evaluating and voting on judges in Utah. I assure you I am not selling anything. Your phone number was selected at random, and we would greatly appreciate a few minutes of your time.

Percentages shown in this results document have been rounded and may not add to 100%.

#### 1. Are you a registered voter in the state of Utah?

Yes (CONTINUE)

No (ASK) Is there is a registered voter in the household that I may speak with? ( IF NOT - THANK AND TERMINATE)

Don't know/won't say (THANK AND TERMINATE)

#### 2. How interested would you say you are in this year's General Election using a 1-10 scale with one meaning "not at all interested" and ten meaning you are "very interested?" (n=600)

Not at all 1	2	3	4	5	6	7	8	9	Very 10
1%	0%	1%	2%	2%	2%	4%	10%	9%	69%

Collapsed interest results

Little or no interest (1-5)	5%
Moderate interest (6-8)	17%
Very interested (9-10)	78%

#### 3. Do you plan to vote in the upcoming election?

Yes

No (ASK: Is someone in the household who is registered to vote in Utah, IF NOT, THANK AND TERMINATE CALL)

Don't know/won't say (THANK AND TERMINATE)

#### 4. As you may know, Utah voter ballots may contain a number of different categories of choices, including candidate races at various levels of government, constitutional amendments, and local initiatives. Are you aware that several judges will appear on your ballot? (n=600)

Yes, aware	86%
No, not aware (skip Q5)	13%
Don't know/won't say	1%

**5. Are you aware that in Utah, those judges that appear on the ballot run in non-partisan and uncontested races?** (n=519)

Yes, aware	82%
No, not aware	16%
Don't know/won't say	2%

**6. Do you plan to vote on which judges should be retained?** (n=600)

Yes	87%
No	4%
Don't know	9%
No response	0%

**7. [ ASK IF NO ON Q6: ] What are the reasons that you will not be voting on the retention of judges?****- Mark all that apply** (n=26)

	n=26
I'm don't feel informed enough	97%
It doesn't affect me	16%
I don't care about this issue	21%
Other (Please specify)	10%

**8. Are you aware that evaluations of judges' performance are provided to Utah voters prior to the election?** (n=600)

Yes	62%
No	34%
Don't know/won't say	4%

**9. As you may know, the Utah Judicial Performance Evaluation Commission is an independent entity that evaluates the job performance of Utah judges standing for retention and reports their findings to Utah voters prior to the election. Which of the following best describes your knowledge of this commission?** (n=600)

Very familiar	7%
Somewhat familiar	32%
Heard name of commission only	15%
Not familiar	45%
Don't know	1%

**10. According to state law, the commission recommends to voters whether a judge should be retained or not based on their evaluation. In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters? - Mark all that apply -**

(OPTIONS WERE ROTATED IN THE PROGRAM) (n=600)

	% Yes
Whether the judge meets the minimum performance standards required by state law	96%
Whether there are disciplinary actions against the judge	97%
Whether the commission recommends the judge be retained or not	82%
How long the judge has been on the bench	86%
The judge's professional qualifications	94%



**11. What other information from the commission would be helpful to voters? Please specify.**

Responses coded into most common responses. All verbatim comments included in Appendix B)

Don't know/no comment .....	41%	Biography/history/accomplishments of judges .....	2%
Record of past rulings.....	13%	Length of time served for judges .....	1%
Ratings/evaluations/recommendations for judges .....	6%	Demographics.....	1%
Complaints/disciplines/questionable behavior .....	4%	Integrity/honesty of judges .....	1%
Political views and/or affiliations .....	4%	Fairness of judges.....	1%
Information mentioned is sufficient .....	3%	Where judges are from.....	1%
Types of cases judges have adjudicated .....	3%	Any and all information is helpful .....	1%
Beliefs/values/philosophies of judges .....	3%	Demeanor of judges .....	1%
Judges upholding of Constitution.....	2%	Where to find information .....	1%
Frequency of judges .....	2%	Number of cases adjudicated by judges .....	0%
General questions/comments/feedback for JPEC .....	2%	Who judges were appointed by .....	0%
Biases/prejudices of judges .....	2%	Miscellaneous .....	4%

**(SKIP QUESTION #12 IF RESPONDENT IS NOT PLANNING TO VOTE ON THE JUDGES)**

**12. [ IF FAMILIAR WITH EVALUATIONS ON Q8 AND ANSWERED "YES" OR "DON'T KNOW TO VOTING ON JUDGES ON QUESTION 6 ] How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge - using a 1-5 scale in which 1 means not at all and 5 means you rely a great deal ? (n=365)**

Not rely at all 1	2	3	4	Rely a great deal 5	Don't know
5%	3%	18%	29%	42%	3%

**13. In the past 6 weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations? IF YES: Where have you seen this information? (n=600)**

Yes	22%
No	78%
Don't know/won't say	0%

**14. [ IF YES ON Q13: ] Where have you seen this information? - Mark all that apply - (n=134)**

	% Yes
Newspaper	15%
Television	2%
Radio	4%
Social media (Facebook/Twitter/YouTube)	15%
Billboards	4%
Lawn signs	2%
Online	47%
Information provided with ballot	11%
Other (please specify)_____	43%
Don't know / Don't remember	1%
Wouldn't say / no response	1%



**15. Have you used any of the following sources to review information regarding the judges that will be on your ballot this year? - Mark all that apply – (n=600)**

Google	42%
Voter Information Pamphlet (online or paper)	29%
judges.utah.gov	26%
vote.utah.gov - Utah's main website	37%
Another voter site (e.g., League of Women Voters, Voterise)	12%
Independent research on my own	44%
Other (Please specify )	7%

**16. [IF YES ON JUDGES.UTAH.GOV AND/OR VOTE.UTAH.GOV OR Q15]: Using a 1-5 scale, how would you rate the judges. utah.gov/vote.utah.gov website on the following: (n=280)**

	Not Helpful 1	2	3	4	Very Helpful 5	Don't know
Helping you find the judges that will be on your ballot	0%	5%	16%	31%	41%	7%
Providing information on individual judges to help you vote	2%	6%	19%	30%	36%	7%
An easy to navigate website	1%	1%	21%	34%	35%	6%

**17. How would you prefer to receive information about judges on the ballot? - Mark all that apply – (n=599)**

Website	89%
Newspaper	37%
Pamphlet in mailbox	75%
Information at polling site	46%
Social media	40%
Television	28%
Billboards	17%
Other (specify)	7%

**18. In general, do you feel most Utah voters have enough information to make informed decisions about which judges should be retained and which judges should not? Please use a 1-5 scale with 1 meaning most Utah voters definitely do not have enough information and 5 meaning Utah voters definitely have enough information to vote whether to retain judges on the ballot? (n=600)**

1 (Definitely not enough)	2	3	4	5 (Definitely enough)	Don't know
41%	21%	21%	9%	5%	3%

**(SKIP QUESTION #19 IF RESPONDENT IS NOT PLANNING TO VOTE ON THE JUDGES IN Q6)**

**19. Rate how well informed you feel you are to make decisions about which judges should be retained using a 1 to 5 scale in which 1 means you feel not well informed at all and 5 means you feel very well informed. (n=572)**

1 (Not well informed at all)	2	3	4	5 (Very well informed)	Don't know	No resp.
22%	16%	23%	23%	9%	2%	1%

Thanks for your patience; we are almost done. The final few questions are for statistical purposes only.

## 20. Gender

Male	48%
Female	51%
Other	0%
Prefer not to say	0%

## 21. Into which age category do you fit?

18 to 29 years	19%
30 to 39 years	20%
40 to 49 years	20%
50 to 59 years	15%
60 to 69 years	13%
70 and over	13%
Prefer not to say	0%

## 22. Which of the following categories best describes your total household income?

Less than \$40,000	17%
\$40,000 to \$59,999	13%
\$60,000 to \$79,999	17%
\$80,000 to \$99,999	13%
\$100,000 to \$150,000	26%
Over \$150,000	13%
Prefer not to say	3%

## 23. With which of the following do you most identify? (n=590 responding)

American Indian or Alaska Native	1%
Asian or Asian-American	3%
Black or African American	1%
Hispanic/Latino	9%
Other Pacific Islander / Native Hawaiian	1%
White	82%
Some other race (Please specify)	3%
Don't know	1%

### Race/Ethnicity categories collapsed for analysis

White	82%
Other race/ethnicity indicated	18%

## 24. What is the highest level of education you have attained?

Some high school	1%
High school graduate	8%
Some college/associate degree/vocational certificate	40%
College graduate (4 years)	29%
Graduate work or degree	23%

### Education categories collapsed for analysis

No college degree	48%
College degree	52%

## 25. How long have you been a resident of Utah?

Less than 5 years	5%
5 to 10 years	8%
11 to 20 years	14%
More than 20 years	73%
Refuse / no response	0%

## 26. Do you consider yourself a Democrat, Republican, unaffiliated or other?

Democrat	22%
Republican	42%
Other	31%
Unaffiliated	4%
Refuse / no response	1%

## 27. What is your county of residence? (collapsed for analysis)

Salt Lake County	36%
Utah County	18%
Davis County	10%
Weber County	9%
All other counties combined	26%

**This concludes our survey.**

**Thank you for your time.**

**Have a good day.**

## Appendix B: Open-Ended Responses

**Question: What other information from the commission would be helpful to voters?**

**Responses were coded into common responses and are shown under the categories they were coded.**

### Record of Past Rulings (79) 13%

- Any decisions they made on recent or well publicized rulings
- Average sentences passed by crime level, race, gender, etc.
- Controversial decisions and sentences
- Conviction rate
- Does the judge rule more often in favor of the defendant's or the plaintiff's motions?
- Easily accessible record of judgments
- General rulings, percentages
- Highlighting recent decisions by each judge, i.e. last week a Utah County judge released a vehicle homicide drunk driver within 8 hours of his arrest. He had a list of priors. Sadly, I had already voted.
- Historical data about rulings on controversial cases
- History of their rulings during their time in office
- How did they rule on social and political issues?
- How does the judge tend to rule
- How lenient they are in sexual assault cases
- How many convicted murderers have they turned loose, what is their stand on illegal criminal aliens sneaking in and taking tax monies and other welfare privilege
- How the judges performed along all lines
- How they handled certain cases
- How they have ruled on different types of cases
- How they have voted on important or high profile cases
- How they ruled on a few cases
- How they voted
- How they voted on several issues
- How they've ruled on certain cases
- How they've ruled on hot topic cases
- I think we should know the history of their sentencing.
- I want to know current rulings. Was the punishment too harsh? Not harsh enough? Did they let a serial rapists go? Information like that.
- I would like to know more about specific rulings.
- I would like to know more about the statistics of how they rule on certain issues.
- If possible, it would be nice to have a link that would take the user to a web page that gave lists of their rulings. It would just be nice to see types of decisions that they made on regular basis.
- Incarceration percentage
- Information about prominent rulings
- Information on decisions the judge makes on cases so we can determine whether we agree with the way they handle arising conflicts
- Information on how the judge rules on certain cases, what people think of the judge in regards to fairness, and the judges demeanor in court.
- It would be nice if there was an easy way to see how they ruled in cases they presided over.
- It would be nice to know how they ruled in their cases. Especially if it was a jury trial or a bench trial. What were the outcomes and sentencing?
- Judgments on high profile decisions
- Judges' previous rulings
- Judges rulings on important issues.
- Just their stances on how they judge, how they judge on different issues
- Key rulings (particularly controversial ones) during their tenure.
- Links to cases the judge has ruled in.
- Links to court cases involving the judge and their rulings. Maybe redact the names of certain parties if they are to be protected, but allow the people to see what decisions they have been a part of more easily.
- Maybe some statistics of their case findings
- Overview of sentences
- Past judgments
- Percentages of how the judges find in types of cases (e.g. how often they allow the minimum sentences for violent crimes, how often they uphold the recommendations of probation and parole officers regarding repeat offenders, etc.)
- Possibly trends the judge may have, reviews and comments by trial lawyers
- Previous rulings
- Record
- Record of rulings
- Record of their rulings
- Ruling history
- Rulings
- Rulings; which do they rule for the most? Companies or individuals? Plaintiffs or defendants?
- Rulings and if there are tendencies in a political direction
- Rulings in recent cases
- Rulings of cases
- Rulings on controversial/large issues
- Rulings on high profile cases

- Sample rulings they have done in the past year
- Sampling of cases and how the judge ruled
- See the rate of people they find guilty.
- Sentencing harshness for sexual and child crimes
- Some key rulings
- Some major rulings might be nice. It's hard to vote on judges if you don't know their record.
- Something to do with understanding the kinds of rulings they've done
- Specific cases
- The number of guilty/innocent verdicts by category (e.g. murder, property theft, etc.)
- The way they've judged on certain issues
- Their decision records, kinds of cases, determinations
- Their verdicts on major cases of interest.
- There needs to be history on how they have been ruling. The website didn't give any good information about if they should be retained.
- This would be controversial, but it would be helpful to highlight some notable cases that the judges have ruled on.
- To know how the judges ruled on cases
- Track record on cases involving gun rights
- Trends in their rulings on specific types of offenses, such as drug, assault, white collar, etc.
- What cases they rule for or against. How many people are in jail for minor offenses vs major? What their ratio of white to black, men/women are in jail. If they are racist or biased in anyway.
- What judges have voted for on past issues
- What their percentage is for how many cases are rehabilitated successfully over a year
- What their views are based on past rulings
- Evaluations from attorneys that have worked in the judge's courtroom
- Feedback from the clerks they work with
- How attorneys and jury members would rate each judge
- How judges are reviewed by other judges and lawyers who have worked with them
- How the attorneys rate them on average in being professional, punctually responsive.
- How the public view the judge's demeanor, performance, fairness, etc.
- How they work with attorneys, treat people who come before them, and work with other judges
- I served as a volunteer for this program years ago. I was very much impressed with our judges and the criteria used to evaluate performance. The fact that we had to justify our evaluation made the process very effective.
- I would be really interested what the general populous feels about how they have performed. Is there a way to do a poll on that? I feel that if I haven't heard of this committee in the past 50 years, I want to know why I haven't heard of them before.
- If a judge is not recommended to be retained, the reasons for the negative recommendation.
- If only there were a way to actually know the nitty-gritty, but there isn't, so these evaluations will have to work.
- Information/surveys from lawyers who have worked with the judge. Each lawyer should fill one out every time they appear before the judge. They should be anonymous, like reviews from students about teachers in college.
- Lawyers who practice in front of the judges surveyed
- Maybe some form of peer review? I've seen these evaluations on previous ballots, but there isn't much differentiation or indication that they aren't all about the same.

#### **Ratings/Evaluations/Recommendations for Judges (40) 7%**

- A judge meeting absolute minimum standards sounds like a very low bar. It would be helpful to have better information on competence. Is there other, better evaluative information? Anything objective that shows some judges take forever, running up the tab and slowing the system?
- A public evaluation also.
- A public opinion survey that shows the general populations approval or disapproval of each judge
- A recommendation to retain or not
- Aggregated evaluations from associates and peers from the state judicial system, i.e. public defenders.
- Analysis of their judging
- Evaluation and approval ratings from social workers and lawyers
- More feedback on the judge; they said there was a mix but it didn't say a number.
- Not sure. I pay particular attention to the provided attorney ratings on fairness, effectiveness, etc.
- Opinions for and against the retaining of specific judges
- Opinions of citizens who have worked with the judges
- Peers' opinions
- Performance level. Religion should NOT be allowed to be mentioned. Political party should not be included. The school where they received their degrees should NOT be included (it lends to the religion affiliations) although the level of education is good to know if it's above and beyond what is standard. Otherwise it isn't relevant.
- Perhaps a rating number system could be helpful on how effective or good of judges they are.

- Police officers' opinions and Defense Attorney Association's opinion of the judges
- Quality of performance was my litmus test. Everyone below a certain percentage I voted against.
- Ratings from attorneys and public who have interacted with the judges, beyond just JPEC's compilation of information
- Ratings from other lawyers and judges who aren't on the panel.
- Reasons for or against retainment
- Recommendations from attorneys that have worked with said judges
- Results of surveys of lawyers appearing before the judges
- Surveys from lawyers who appear in court
- The jury evaluated the judge
- Their performance compared to others who previously held that position
- View of those judged by him or her
- Voters should know the opinion of the public that has dealt with the judge in the court

#### **Complaints/Disciplines/Questionable Behavior Against Judges (24) 4%**

- Any alleged complaints of judges' behavior by attorneys practicing before the Court
- Complaints
- Complaints filed against judge with responses
- Complaints that other people have about them
- Complaints that result in actions against the judge.
- Conflict of interest. Washington County has a judge that his children are continually in an out of jail.
- FGH is been found guilty of an infraction of a law.
- Has the judge been disciplined?
- Have there been any complaints about judges' failure to be neutral?
- If disciplinary action has been taken, would it be reported? Also why was it taken, the incident?
- If there are any black marks on that judge's record
- If there are significant personal indiscretions/scandals. They are a reflection of moral character and thus affect the job.
- If there has been any problems with them, announce it instead of reporting it.
- If there were any information that could indicate conflicts of interest or extreme partisan views.
- I'm not sure. Criminal or drunk driving charges and any other legal proceedings against the judge.
- It's hard to find any bad recommendations. My experience is that there are good and bad judges, but all of the recommendations are that everything is fine, which isn't

true. It makes it difficult to make informed decisions. While the current recommendations are a starting point, I feel they fall far short on providing enough information to make an informed decision.

- Judicial complaints filed against a judge
- Not sure. But the Farr West, Weber County judge should not be retained. He was very dishonest in his dealings with me and ruined my ability to get decent car insurance and issues on the background check. I appealed to him and his court and he completely dismissed me and charged me a \$100 fine for absolutely nothing that they could not prove. He is dishonest.
- Past disturbances
- Pending legal proceedings in which the judge is either a plaintiff or defendant for non-family civil matters. All pending criminal proceedings for which the judge is a defendant. Also names of cases which the judge recused themselves and whether they did do voluntarily or only after a request in court.
- Questionable professional code of conduct, interpretation of law, etc.
- Reason why they should not be retained
- The complaints against judges
- We know there is a wide range in how judges tend to pass judgment; and yet, this year all judges were evaluated equally while we learn from the Tribune that one is less honorable.

#### **Political Views/Affiliations of Judges (23) 4%**

- Any political affiliation
- How conservative/liberal they are
- How they lean in the way their judgments come down, whether they lean right or left politically. They always will. Most of the time there is a bias.
- How they rule, as in left or right
- If the judge is Republican or Democrat. If they are in someone's pocket.
- If they are a registered voter and what party they are registered with
- Judges are not nonpartisan, so I would like to know what they are registered as, Democrat or Republican.
- Judges' political leanings and/or political views (e.g. abortion, death penalty, early release, etc.)
- Liberal or Conservative
- Non partisan
- Party
- Party affiliate
- Party affiliation (2)
- Party affiliations
- Political affiliation

- Political affiliations, tax records
- Political leanings
- Political party affiliation
- Political views of the judge
- Republicans or Democrats
- Their political standing or the percentage of results that favor one party over the other
- To know if they are Republican or Democrat or before they are called in to be a judge

### **Beliefs/Values/Philosophies of Judges (18) 3%**

- Certain judges beliefs, like pro-life, pro same-sex marriage
- Church affiliation
- How he decided on some high profile cases
- How the judge decides on important issues such as DUI, repeat drug abuse and repeat youth citations.
- How they lean on specific issues (track record)
- I appreciate the comments that already exist when it comes to minorities. If there were a way to accurately report disparities in sentencing according to the race of the defendant, I would like to see that. If the judge has a high disparity rating, I would count that a negative. I would like to see how our judges are sentencing people according to race, gender, income, or any other identifying characteristics that may be a source of prejudice.
- I need to be able to learn more about the judge specifically when it comes to character, record, and racial approach.
- Information on voting record, especially regarding major issues.
- Judges' judicial philosophy
- Overview of policies
- Short statements of precedent on common issues.
- Someone who stands for what is right and determines evidence as a sign of proof.
- Stance on social issues such as abortion, marriage rights, legalization of marijuana, etc.
- The judges' stance on prevalent issues such as race, LGBTQ+ rights, etc.
- The judges' values
- Their stances in regards to what they are voting on, any issues or complaints against them
- There should be some sort of rating on how they approach particular crimes.
- Whether they support the death penalty

### **Information Mentioned is Sufficient (17) 3%**

- I feel informed.
- I have already voted, I looked at their website already. They had commentary on the judge's personality and views, those were very helpful.
- I recently just voted. I was made aware of the site that provided this information on judges. It was the first time that I was able to use this type of information to make a more informed decision on my vote for the judges. It was very helpful to leverage the insights and recommendations from a commission that is dedicated to evaluating the performance for each judge on the ballot.
- I think that covers it.
- I think they already provide a lot of information (e.g. how long they take to make a ruling, number of cases seen, satisfaction of attorneys)
- Information above is efficient
- None; I have been happy with that information.
- Nothing else. What they give gave me the things I needed to decide which way to vote for each judge.
- That information would suffice.
- That's enough.
- That's sufficient enough.
- The above covers it.
- The above encompasses everything.
- The information listed above is sufficient information.
- The preceding list of five things is enough.
- The subjects mentioned above are mainly the most important for information.
- This is enough.

### **Types of Cases Judges Have Adjudicated (15) 2%**

- A few examples of judgments, including brief backgrounds of general importance to the citizens of the judicial district.
- A list of cases they have judged
- Area of expertise, number of cases adjudicated
- High profile cases the judge presided over
- If the judges have presided over controversial cases or had a case that ended in a controversial ruling
- It might be nice to know what categories the judges are in. I don't know.
- Maybe the most recent case they have covered
- Participation in special courts like Drug Court or Mental Health Court
- Significant cases
- Statistics regarding the types of cases heard by the judge and what their adjudication was
- Types and volume of cases?
- What kinds of cases they have adjudicated over the past year



- What type of cases they hear most
- What type of cases they sat on and the way they ruled
- Which cases have been made precedent

### **Biography/History/Accomplishments of Judges (14) 2%**

- A bio of them
- Any outstanding accomplishments or other such actions the judge has done
- Bios
- Crime record
- Criminal background
- History of the judges
- If they have any type of record that should be known, like, I'm sure it's available, but any type of history that people need to know about.
- News regarding the judge
- Personal information
- Professional background prior to serving on the bench
- Publish the information on the judges
- Published journals, articles, or other papers
- Schooling
- Who they are and what they do.

### **Questions/Comments/Feedback for the Commission (14) 2%**

- Backup supporting the commission's findings
- Basis for their findings
- Get the information out in time so we know; don't wait until five days before Election Day.
- How many votes are needed to affirm judges? How are they replaced if not affirmed
- I believe that judges should have to go through reviews for their jobs just like everyone else.
- I would like to know the reasoning behind the commission's recommendations.
- Information that would let me know if the commission has a political bias. This is why I said no on wanting to see the commission's recommendations. Odds are it is politically biased.
- JPEC's report has a ton of information in it, that most voters either don't know about or don't take time to review. Presenting the summary in easily digested graphic form would be helpful: a pie chart or column graph, showing the positive response rate of lawyers, litigants, and jurors separately, e.g. Also, the ranking/recommendation at the last retention election before this one, and the vote the judge received shown both as a percentage of votes received (e.g. 93% of those voting on the judge voted to retain) and as a percentage of all votes cast (recognizing that many voters just skip the judges because they don't know the judges or anything about them sufficient to cast

an informed vote, and don't look, even with the info available).

- Methodology that the commission uses for making these decisions
- More detail regarding potentially negative feedback. What does it mean when a reviewer states the judge is less impartial or more impatient?
- More information on the performance standards required by law.
- This whole exercise is and always has been a sham. Judges should receive long-term appointments. They should be removed only through some sort of impeachment process.
- What are the qualification of the evaluation commission and how are they assigned?
- Who their replacement would be if they are not retained.

### **Biases/Prejudices of Judges (12) 2%**

- Any bias in cases
- How prejudice they are against males or females in their decision
- If the judge has made racist or sexist decisions
- If they are not bought by the Church
- If they vote counter to State and Federal constitutional rights.
- Incarceration rates and duration based on the race/ethnicity of individuals sentenced for various crimes.
- Racial basis
- The severity and duration of their sentences for minorities and how they compare to their white counterparts.
- Their bias or lack of bias on issues they have ruled over, how they treat the people in the court especially defendants and if people feel they are fair in their rulings.
- What entity pays the judge? If judges' salaries are paid by a city or county, there will be a tendency to support the city or county if any pressure is applied.
- Whether or not the judge was politically biased.
- Who they are sponsored by

### **Frequency of Judges' Rulings Being Overturned (11) 2%**

- How many appeals, and decisions against rulings in higher courts
- How many cases they judged that were turned over or repealed, what their sentences were and how they relate to others like it in severity of sentence for charges.
- How many of the judge's decisions have been overturned on appeal
- How many, or what percentage of, decisions have been overturned by subsequent courts?
- How often overturned

- How often the judge has been reversed by a higher court.
- How often the opinions of the judge are overturned
- If decision has been reversed by appeal.
- It would be nice to know if judges' decisions were overturned by appeals courts.
- Judgments overturned by higher courts.
- Percentage of overturned judgments

### **Judges Upholding the Constitution (11) 2%**

- Are their rulings following the law or attempting to rewrite the law.
- Do they follow the Constitution?
- Do they support the Constitution? Do they rule by the law or by their own personal feelings?
- Have they followed the constitution or been an activist judge
- How the judge values the Constitution and refers to it in cases
- I think we need to know their position, and if they judge according to the law or their opinion
- If the judges will uphold our constitution.
- If they obey the laws that they are sworn to uphold and are non-partial to special groups
- Record on constitutional law
- Whether or not they uphold the Constitution, federal, state or local
- Which way did they judge; by the law or how they feel?

### **Where to Find Information (8) 1%**

- How to easily find the information
- How we can access the information on the commission
- I had no idea this information even existed. Maybe send an email to registered voters regarding the performance evaluation or when looking up candidates and their political platforms there could be a banner or something that will redirect to said information.
- I looked up some of the names and found no information.
- More info
- More public information
- Where do I view the information?
- Where we can find that information? We already voted but had no idea about the commission or their information.

### **Demographics (7) 1%**

- Age (2)
- Age of judge
- Age, race, county
- Annual income
- Race
- The judges age

### **Any and All Information is Helpful (6) 1%**

- Any other information that is necessary in order to determine if a person is qualified.
- Anything and everything helps
- Anything would be helpful. Most citizens have absolutely no dealings and do not know these judges
- Are these judges I'm voting for, are they criminal judges? What kind of judges are they? They're for different circuits, right? I don't know anything about the judges. It's always been problematic for me. Voters need to be more aware of judges. Any information we can get would be helpful.
- As much information as possible about the different judges. If there are trends of what voting is typical for them.
- Information sent to our email

### **Demeanor of Judges (5) 1%**

- Attitude on the bench, peer review, lawyer review
- Judge's demeanor
- Maybe their temperament on the bench and how they come across to the people in their court.
- Temperament (2)

### **Fairness of Judges (5) 1%**

- Are they fair?
- Fairness of decision and temperament
- How many times a judge sided with a prosecutor vs. making the prosecutor prove their position?
- Where he ranks in judges being fair.
- Whether the judges are fair

### **Integrity/Honesty of Judges (5) 1%**

- How the judge has voted on topics presented to them. That is very important to me. I would rather make my own decision than have a panel of people tell me what they think.
- How they have judged on issues
- I care about honesty.
- If the judge ever recused themselves from a case and why. In my opinion, this info shows the true integrity of the judge.
- If the judge is considered upright and honest

### **Length of Time Served for Judges (4) 1%**

- How long have they held this position
- How long the judge has been in that position
- How long they have been a judge
- Length of service



**Where Judges are From (4) 1%**

- Citizen of US
- If the judge had resided/practiced outside the state of Utah
- Voters would like to know what county in Utah the judges come from.
- Where they are from

**Number of Cases Adjudicated by Judges (3) 0%**

- How many cases they judged in this most recent term
- Number and types of cases they hear and the judgment passed
- Number of decisions they have made

**Who Judges Were Appointed By (3) 0%**

- The individual responsible for putting the judge on the bench and in what year
- Who appointed them
- Who appointed them as judge, which governor

**Miscellaneous Responses (27) 4%**

- A non-partisan booklet to be an informed citizen
- A statement from the judge
- Be open, not just open to a few. Either drop the elections or open them to ALL the voters.
- Comparative case ruling challenges
- Do they love Utah?
- Donations received
- Hear more from the judges themselves
- How many times their name appears in the newspaper
- How much they pay in taxes
- I am not familiar, nor do I know what things make a good judge or not.
- I feel like the performance standards need to be raised for judges. Judges who are not attorneys need to be held to the same standards as those judges who are.
- I only know of the judge I've been confronted with.
- Just knowing what they are and what they do
- Just provide the info, but without an official recommendation. Let us make up our own minds.
- Kind of an idea of how strict they are
- Marijuana legalize it
- More information about the stuff you know
- Newsworthy information
- Perhaps a brief explanation of how a judge initially gets appointed, then how and why their position is voted on by citizens
- Personal interaction
- Pictures
- Professionalism
- Recommendations on term limits

- Stats, and lots of them!
- Time spent as commissioner. I support term limits.
- What area they serve.
- What it means to retain a judge; under what circumstances one might choose not to retain a judge?

**Don't Know, Nothing, No Comment (254) 42%**

- Can't think of any (26)
- Don't know (39)
- I don't have any questions.
- I don't really care. People just vote yes or no because they're really not concerned one way or the other.
- I have no idea.
- I'm not sure. (4)
- I'm really not sure what other information should be required.
- No
- No answer (42)
- No comment (13)
- No idea (2)
- No opinion (2)
- No suggestions
- None (56)
- None known
- None that I can think of.
- None that wasn't already said.
- Not sure (20)
- Nothing (17)
- Nothing additional
- Nothing else (12)
- Refused (5)
- Unknown (2)
- Unsure (4)

**Question: Do you identify as male, female, or other?  
"Other" responses**

- Non-binary
- Refused (2)

**Question: What are the reasons that you will not be voting  
on the retention of judges? "Other" responses?**

- Bar appointed, not people's choice!
- I did research each of the judges so that I could vote on them in my general election ballot, but I did not find enough information about them professionally that I thought I could make an educated decision on whether they should be retained or not.
- This is a weird thing to have on a ballot. The judges are not elected officials. We elect officials to appoint judges.
- Vote them all out

**Question: In the past six weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations? Where have you seen this information? "Other" responses**

- A flyer I received in the mail
- A link on a KSL article
- A relative told me about it
- Ads
- Ballotpedia link
- Bar website
- Discussed with a family member
- Discussion with friends
- Email
- Email, mailing
- E-mail; I know that it also appears in the voter guide, but I haven't seen that yet this year.
- Friends and I have used the Utah Voter's Guide for many years. It is an excellent source for non-partisan information.
- I looked on the website for my county and it led me to the judge information site. I used this to decide on judges and to turn in my ballot.
- I read all of the most recent reports on the judges before I filled out my ballot. I also read past reports that were available.
- In reading the news and following links to opinion
- Internet group
- Internet via utah.gov and through email and text
- League of Women Voters
- List of candidates online
- Local judges I know
- News
- News articles, political My neighbor
- organization postings
- News media, county website, Utah League of Women Voters, Google - I searched for it and other information on this election, such as the constitutional amendments.
- News sources, results in a Google search
- Nextdoor App
- On the Vote Utah site
- Press releases
- Reddit
- Research
- Salt Lake County Clerk voter information pamphlet
- State voter information site link to ratings.
- The voting website where you can look at all info about everyone and everything you're voting on.
- There is a .gov website with the judges and their evaluations. That's where I got the info.
- Utah voter website

- Utah.gov voter information
- utah.judges.gov (2)
- utahcounty.gov
- utcourts.gov
- Vote Utah (3)
- vote.utah.gov (6)
- vote.utah.org under the candidates and issues information tab, it has information on each judge and links to the evaluation
- vote411.org
- Voter page for Utah where you enter your address
- votesearch.utah.gov (2)
- When I searched for their names on Google it was one of the first results for almost all of the judges, except for the 2 that praised rapists for being "good men."
- Word of mouth at gatherings
- Word of mouth, Utah voter website

**Question: Have you used any of the following sources to review information regarding the judges that will be on your ballot this year? "Other" responses**

- Acquaintances that are judges
- An elected official
- Ballotpedia
- Brother-in-law who is a lawyer
- Called my father-in-law who is an attorney
- Canvased people I value in the field
- City website on judge
- Conversations on Facebook feed
- Discussing with friends who are legal professionals
- Family
- Family discussion
- Federal society website
- Friend who works in state politics
- Friends and family
- Guess
- I am an attorney and know all of them in my district.
- I got info through the mail, and I also live on the base in Dugway and they sent out an email
- I only vote yes if they have a 90% or greater rating.
- I searched the news for mentions of judges to see what they have done and tried to not be biased by language the news uses. Sites used were KSL, Salt Lake Tribune, and Deseret News.
- Interviewed a state senator
- Lawyer friend
- My husband researched them, I talked to him.
- My neighbor is a judge, he talks to him
- News article
- Newspaper articles

- Newspaper clips
- Not sure yet
- Personal case
- Personal knowledge
- Reddit (3)
- Salt Lake Tribune, Deseret News
- Speaking with officers about how they have found working with those judges' rulings and what their opinions are on them since they are the people who see exactly how those rulings are carried out and the resulting effects.
- Spoken with others that did research
- Spreadsheet matrix tallying multiple performance measure put together by an acquaintance
- Talking to someone else
- Tribune
- utcourts.gov, Wikipedia
- What I read in the paper about judges' decisions
- Word of mouth (3)

**Question: How would you prefer to receive information about judges on the ballot? Are there any others? "Other" responses**

- A list of available sites before ballots come out
- A review website that is active at all times no matter election year or not.
- ABA should list that information, but they don't.
- At the courthouse, pamphlets, etc.
- Before the election a postcard with the resources that are available or a brief summary on if a judge has not been recommended for re-election.
- Commercials
- Direct mailer
- Door pamphlets and email or text
- Email (16)
- Email from a non-partisan party
- Email just like how this survey arrived to me today.
- Emails, text messages, postal letters
- Family and constitutional based political organizations
- Have a resource I can find when I need it. Don't put it in front of me.

- I would love to have election information emailed directly to me.
- Include with the ballot
- Mass emailing to voters
- News media
- Notification when there is disciplinary action taken
- On the ballot there should be sites listed for candidate information
- Opt-in text messages
- Political advertisement mailings
- Radio (3)
- Text message
- YouTube videos and other apps young people use

**Do you consider yourself a Democrat, Republican, unaffiliated or other? "Other" responses**

- American independent
- Common sense conservative/Libertarian
- Constitutionalist (3)
- Independent (7)
- Liberal Republican
- Libertarian (9)
- Not Republican
- Registered Republican, but it seems I vote more democratic.
- Registered Republican, but will vote for who has the right attitude.
- United Utah

**With which of the following [races or ethnicities] do you most identify? "Other" responses**

- Hispanic White
- Hybrid
- Mixed White and Latino
- Native American, White
- None of your business
- Not important
- Scottish-American
- Two races

# Appendix C: Crosstabulations

## County

**How interested would you say you are in this year's General Election?**

County	Number responding	Little/no interest (1-5)	Moderate interest (6-8)	High interest (9-10)
Salt Lake	218	4%	15%	81%
Utah	110	5%	18%	77%
Davis	62	3%	23%	74%
Weber	52	8%	8%	85%
All others	158	7%	18%	75%
Total	600	5%	17%	79%

**Are you aware that several judges will appear on your ballot?**

County	Number responding	Yes, aware	No, not aware	DK
Salt Lake	218	90%	10%	0%
Utah	110	85%	14%	1%
Davis	61	82%	16%	2%
Weber	53	94%	6%	0%
All others	157	82%	17%	2%
Total	599	87%	13%	1%

**Are you aware that in Utah, those judges that appear on the ballot run in non-partisan and uncontested races?**

County	Number responding	Yes, aware	No, not aware	DK
Salt Lake	196	83%	16%	2%
Utah	95	83%	17%	0%
Davis	50	92%	8%	0%
Weber	50	80%	18%	2%
All others	129	77%	19%	4%
Total	520	82%	16%	2%

**Do you plan to vote on which judges should be retained?**

County	Number responding	Yes	No	DK	Wouldn't Say
Salt Lake	219	87%	4%	9%	0%
Utah	110	94%	2%	5%	0%
Davis	62	87%	5%	8%	0%
Weber	52	83%	8%	8%	2%
All others	157	84%	5%	11%	0%

**County \* IF NO: What are the reasons that you will not be voting on the retention of Judges? -**

Numbers in demographic categories are too small to draw conclusions and thus are not included

**Are you aware that evaluations of judges' performance are provided to Utah voters prior to the election?**

**Crosstabulation**

County	Number responding	Yes	No	DK
Salt Lake	218	62%	34%	4%
Utah	111	64%	32%	5%
Davis	61	66%	33%	2%
Weber	53	72%	23%	6%
All others	157	56%	40%	4%
Total	600	62%	34%	4%

**Which of the following best describes your knowledge of this commission?**

County	Number responding	Very Familiar	Somewhat Familiar	Heard Name of Commission Only	Not Familiar	DK
Salt Lake	218	7%	36%	12%	44%	0%
Utah	109	5%	33%	16%	46%	1%
Davis	60	10%	33%	10%	43%	3%
Weber	53	11%	25%	23%	42%	0%
All others	157	6%	25%	18%	48%	3%
Total	597	7%	31%	15%	45%	1%

**According to state law, the commission recommends to voters whether a judge should be retained or not based on their evaluation. In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters?**

*Percentages for "yes" responses shown.*

County	Number responding	Whether the Judge Meets the Minimum Performance Standards Required by State Law	Whether There Are Disciplinary Actions Against the Judge	Whether the Commission Recommends the Judge Be Retained or Not	How Long the Judge Has Been on the Bench	The Judge's Professional Qualifications
Salt Lake	218	98%	98%	82%	89%	93%
Utah	110	97%	98%	83%	83%	95%
Davis	61	95%	97%	87%	84%	92%
Weber	53	94%	89%	92%	92%	98%
All others	157	95%	97%	77%	83%	93%
Total	599	96%	97%	82%	86%	94%

**How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge?**  
**Crosstabulation**

County	Number responding	1 - Not Rely at All	2	3	4	5 - Rely a Great Deal	DK	Wouldn't say
Salt Lake	131	4%	4%	23%	24%	43%	2%	2%
Utah	71	3%	1%	14%	39%	39%	3%	0%
Davis	41	7%	0%	7%	27%	59%	0%	0%
Weber	35	3%	3%	20%	17%	46%	11%	0%
All others	86	8%	3%	20%	34%	34%	1%	0%
Total	364	5%	3%	18%	29%	42%	2%	1%

**In the past six weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations? Crosstabulation**

County	Number responding	Yes	No
Salt Lake	218	25%	75%
Utah	109	25%	75%
Davis	61	28%	72%
Weber	53	25%	75%
All others	157	14%	86%
Total	598	22%	78%

**Where have you seen this information? Crosstabulation**

*Percentages for "yes" responses shown.*

County	Number responding	Newspaper	Television	Radio	Social media	Billboards	Lawn signs	Other	Don't know	Wouldn't say	Online	Info with Ballot
Salt Lake	55	22%	4%	7%	13%	0%	4%	43%	0%	2%	46%	11%
Utah	28	4%	0%	0%	19%	7%	0%	54%	0%	0%	50%	18%
Davis	17	12%	0%	0%	17%	0%	6%	28%	0%	6%	47%	22%
Weber	13	0%	0%	8%	8%	23%	0%	54%	0%	0%	57%	0%
All others	22	27%	5%	0%	14%	0%	0%	32%	5%	0%	41%	5%
Total	135	16%	2%	4%	14%	4%	2%	42%	1%	2%	47%	12%

**Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?**

*Percentages for "yes" responses shown.*

County	Number responding	Google	Voter Info Pamphlet	<a href="http://judges.utah.gov">judges.utah.gov</a>	<a href="http://vote.utah.gov">vote.utah.gov</a>	Another voter site	Research on own	Other sources
Salt Lake	219	48%	28%	34%	42%	16%	48%	8%
Utah	110	39%	30%	24%	35%	13%	35%	6%
Davis	61	30%	28%	26%	36%	11%	36%	5%
Weber	54	61%	28%	25%	34%	13%	72%	8%
All others	157	33%	30%	18%	35%	7%	39%	8%
Total	601	42%	29%	26%	38%	12%	44%	7%

Note: Differences across counties are statistically significant for google, [judges.utah.gov](http://judges.utah.gov), and research on own,  $p < .05$

## Helping You Find the Judges that Will Be on Your Ballot Crosstabulation

County	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Salt Lake	120	1%	8%	16%	31%	38%	6%
Utah	46	0%	2%	11%	30%	52%	4%
Davis	28	0%	4%	18%	43%	36%	0%
Weber	27	0%	0%	11%	33%	44%	11%
All others	60	0%	2%	23%	27%	37%	12%
Total	281	0%	5%	16%	31%	41%	7%

## Providing Information on Individual Judges to Help You Vote Crosstabulation

County	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Salt Lake	118	3%	5%	20%	33%	33%	6%
Utah	46	2%	4%	20%	33%	37%	4%
Davis	27	4%	15%	22%	30%	30%	0%
Weber	26	0%	12%	23%	4%	50%	12%
All others	60	2%	3%	12%	35%	37%	12%
Total	277	2%	6%	19%	30%	36%	7%

## An Easy to Navigate Website Crosstabulation

County	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Salt Lake	119	3%	3%	20%	33%	35%	6%
Utah	46	0%	2%	22%	41%	30%	4%
Davis	27	0%	0%	26%	37%	37%	0%
Weber	26	0%	4%	23%	23%	38%	12%
All others	61	0%	0%	20%	34%	36%	10%
Total	279	1%	2%	21%	34%	35%	6%

## How would you prefer to receive information about judges on the ballot?

Percentages for "yes" responses shown.

County	Number responding	Website	Newspaper	Pamphlet in Mail	Info at Polling site	Social Media	Television	Billboards	Other
Salt Lake	218	87%	38%	74%	42%	36%	74%	16%	7%
Utah	110	93%	40%	77%	53%	48%	73%	19%	6%
Davis	61	90%	30%	82%	41%	36%	74%	13%	8%
Weber	53	98%	28%	64%	34%	42%	72%	8%	2%
All others	157	85%	39%	76%	55%	41%	68%	18%	11%
Total	599	89%	37%	75%	47%	40%	72%	16%	7%

Note: Differences across counties are statistically significant for website and info at polling site,  $p < .05$

## In general, do you feel MOST UTAH VOTERS have enough information to make informed decisions about which judges should be retained and which judges should not? Crosstabulation

County	Number responding	1 - Definitely not enough	2	3	4	5 - Definitely enough	DK
Salt Lake	219	41%	27%	14%	11%	5%	2%
Utah	110	42%	20%	24%	9%	5%	1%
Davis	61	44%	15%	25%	8%	5%	3%
Weber	52	42%	12%	35%	8%	2%	2%
All others	156	40%	18%	24%	6%	7%	4%
Total	598	41%	21%	21%	9%	5%	3%

## Please rate how well informed you feel you are to make decisions about which judges should be retained Crosstabulation

County	Number responding	1 - Not Well Informed at All	2	3	4	5 - Very Well Informed	Don't Know	Wouldn't say
Salt Lake	210	23%	14%	30%	19%	10%	2%	1%
Utah	109	19%	24%	24%	23%	9%	1%	0%
Davis	59	25%	10%	20%	27%	15%	0%	2%
Weber	46	15%	20%	20%	35%	2%	9%	0%
All others	149	26%	15%	21%	27%	7%	3%	1%
Total	573	23%	16%	25%	24%	9%	2%	1%

## How long have you been a resident of Utah?

### Crosstabulation

County	Number responding	Less than 5 years	5 to 10 years	11 to 20 years	More than 20 years
Salt Lake	218	5%	6%	12%	77%
Utah	110	5%	14%	15%	65%
Davis	62	5%	8%	15%	73%
Weber	53	6%	6%	13%	75%
All others	158	7%	8%	15%	70%
Total	601	5%	8%	14%	72%

### Political Affiliation Crosstabulation

County	Number responding	Democrat	Republican	Unaffiliated	Other	Wouldn't say
Salt Lake	218	29%	31%	37%	2%	0%
Utah	110	16%	53%	24%	6%	1%
Davis	61	11%	51%	30%	8%	0%
Weber	52	31%	37%	25%	6%	2%
All others	158	15%	49%	32%	4%	0%
Total	599	22%	42%	31%	4%	1%

Note: Differences across counties are statistically significant,  $p < .05$

### Income Crosstabulation

County	Number responding	Less than \$40,000	\$40,000 to \$59,999	\$60,000 to \$79,999	\$80,000 to \$99,999	\$100,000 to \$150,000	Over \$150,000
Salt Lake	215	15%	12%	15%	13%	30%	15%
Utah	109	15%	16%	22%	13%	22%	13%
Davis	60	18%	18%	13%	15%	22%	13%
Weber	51	14%	2%	12%	14%	47%	12%
All others	149	23%	14%	19%	12%	21%	11%
Total	584	17%	13%	17%	13%	27%	13%

## Education Crosstabulation

County	Number responding	College degree	No college degree
Salt Lake	219	56%	44%
Utah	110	56%	44%
Davis	61	57%	43%
Weber	54	39%	61%
All others	157	45%	55%
Total	601	52%	48%

Note: Differences across counties are statistically significant,  $p < .05$

### Gender Crosstabulation

County	Number responding	Male	Female	Other	Wouldn't say
Salt Lake	219	51%	49%	0%	0%
Utah	110	48%	51%	1%	0%
Davis	61	44%	56%	0%	0%
Weber	53	47%	53%	0%	0%
All others	157	47%	52%	0%	1%
Total	600	49%	51%	0%	0%

### Age Crosstabulation

County	Number responding	18 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 or older
Salt Lake	219	18%	24%	21%	11%	12%	14%
Utah	110	15%	23%	22%	13%	13%	15%
Davis	61	16%	16%	23%	21%	15%	8%
Weber	52	25%	17%	19%	13%	13%	12%
All others	157	23%	14%	16%	19%	14%	14%
Total	599	19%	20%	20%	15%	13%	13%

### Race/Ethnicity Crosstabulation

County	Number responding	White	All other
Salt Lake	218	76%	24%
Utah	110	85%	15%
Davis	61	93%	7%
Weber	53	72%	28%
All others	157	89%	11%
Total	599	82%	18%

Note: Differences across counties are statistically significant,  $p < .05$



## Gender

How interested would you say you are in this year's

### General Election? Crosstabulation

Gender	Number responding	No interest	Some interest	Interest
Male	291	4%	20%	76%
Female	307	6%	13%	81%
Other	1	0%	0%	100%
Wouldn't say	2	50%	50%	0%
Total	601	5%	17%	78%

Note: Differences between genders are statistically significant,  $p < .05$

### Are you aware that several judges will appear on your ballot?

Gender	Number responding	Yes, aware	No, not aware	DK
Male	291	87%	12%	1%
Female	306	86%	13%	1%
Other	1	100%	0%	0%
Wouldn't say	2	50%	50%	0%
Total	600	87%	13%	1%

### Are you aware that in Utah, those judges that appear on the ballot run in non-partisan and uncontested races?

#### Crosstabulation

Gender	Number responding	Yes, aware	No, not aware	DK
Male	252	87%	13%	1%
Female	264	78%	20%	2%
Other	1	100%	0%	0%
Wouldn't say	1	100%	0%	0%
Total	518	82%	16%	2%

Note: Differences between genders are statistically significant,  $p < .05$

### Do you plan to vote on which judges should be retained?

#### Crosstabulation

Gender	Number responding	Yes	No	DK	Wouldn't Say
Male	291	87%	5%	9%	0%
Female	306	87%	4%	8%	0%
Other	1	100%	0%	0%	0%
Wouldn't say	2	100%	0%	0%	0%
Total	600	87%	4%	9%	0%

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### Gender \* IF NO: What are the reasons that you will not be voting on the retention of Judges?

Numbers in demographic categories are too small to draw conclusions and thus are not included

### Are you aware that evaluations of judges' performance are provided to Utah voters prior to the election?

#### Crosstabulation

Gender	Number responding	Yes	No	DK
Male	291	63%	32%	5%
Female	306	61%	36%	3%
Other	1	100%	0%	0%
Wouldn't say	2	50%	50%	0%
Total	600	62%	34%	4%

### Which of the following best describes your knowledge of this commission? Crosstabulation

Gender	Number responding	Very Familiar	Somewhat Familiar	Heard Name of Commission Only	Not Familiar	DK
Male	291	8%	33%	15%	44%	0%
Female	306	7%	30%	15%	46%	2%
Other	1	0%	0%	0%	100%	0%
Wouldn't say	2	0%	0%	0%	100%	0%
Total	600	7%	32%	15%	45%	1%

### According to state law, the commission recommends to voters whether a judge should be retained or not based on their evaluation. In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters?

Percentages for "yes" responses shown.

Gender	Number responding	Whether the Judge Meets the Minimum Performance Standards Required by State Law	Whether There Are Disciplinary Actions Against the Judge	Whether the Commission Recommends the Judge Be Retained	How Long the Judge Has Been on the Bench	The Judge's Professional Qualifications
Male	291	94%	96%	79%	82%	93%
Female	306	98%	97%	85%	89%	94%
Other	1	100%	100%	100%	100%	100%
Wouldn't say	2	100%	100%	50%	100%	100%
Total	600	96%	97%	82%	86%	94%

Note: Differences between genders are statistically significant for whether the judge meets the minimum performance standards, whether the commission recommends the judge be retained, and how long has the judge been on the bench,  $p < .05$



## How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge?

Gender	Number responding	1 - Not Rely at All	2	3	4	5 - Rely a Great Deal	DK	Wouldn't say
Male	180	6%	5%	18%	25%	42%	2%	1%
Female	184	4%	1%	17%	33%	42%	3%	0%
Other	1	0%	0%	100%	0%	0%	0%	0%
Wouldn't say	1	0%	0%	0%	100%	0%	0%	0%
Total	366	5%	3%	18%	29%	42%	2%	1%

## In the past six weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations? Crosstabulation

Gender	Number responding	Yes	No
Male	291	22%	78%
Female	307	23%	77%
Other	1	0%	100%
Wouldn't say	2	0%	100%
Total	601	22%	78%

## Where have you seen this information? Crosstabulation

Percentages for "yes" responses shown.

Gender	Number responding	Newspaper	Television	Radio	Social media	Billboards	Lawn signs	Other	Don't know	Wouldn't say	Online	Info with Ballot
Male	65	8%	3%	3%	13%	0%	0%	55%	0%	0%	54%	9%
Female	70	20%	1%	4%	16%	7%	4%	30%	1%	3%	41%	13%
Total	135	14%	2%	4%	14%	4%	2%	43%	1%	1%	47%	11%

Note: Differences between genders are statistically significant for newspaper and other,  $p < .05$

## Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?

Percentages for "yes" responses shown

Gender	Number responding	Google	Voter Info Pamphlet	judges.utah.gov	vote.utah.gov	Another voter site	Research on own	Other
Male	291	40%	27%	22%	35%	9%	47%	6%
Female	307	44%	31%	30%	40%	16%	42%	8%
Other	1	100%	0%	0%	0%	0%	100%	100%
Wouldn't say	2	0%	0%	0%	0%	0%	0%	0%
Total	601	42%	29%	26%	37%	12%	44%	7%

Note: Differences between genders are statistically significant for judges.utah.gov and another voting site,  $p < .05$

## Helping You Find the Judges that Will Be on Your Ballot Crosstabulation

Gender	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Male	122	1%	7%	12%	31%	44%	4%
Female	158	0%	3%	20%	31%	37%	9%
Total	280	0%	5%	16%	31%	40%	7%

## Providing Information on Individual Judges to Help You Vote Crosstabulation

Gender	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Male	123	4%	5%	15%	33%	38%	5%
Female	157	1%	7%	22%	28%	34%	9%
Total	280	2%	6%	19%	30%	36%	7%

## An Easy to Navigate Website Crosstabulation

Gender	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Male	123	3%	2%	24%	30%	37%	5%
Female	157	0%	2%	19%	38%	34%	8%
Total	280	1%	2%	21%	34%	35%	6%

## How would you prefer to receive information about judges on the ballot?

Percentages for “yes” responses shown.

Gender	Number responding	Website	Newspaper	Pamphlet in Mail	Info at Polling site	Social Media	Television	Billboards	Other
Male	291	88%	36%	72%	44%	37%	26%	15%	7%
Female	306	89%	37%	78%	48%	43%	28%	17%	8%
Other	1	100%	100%	0%	100%	100%	100%	0%	0%
Wouldn't say	2	100%	50%	100%	50%	50%	100%	50%	0%
Total	600	89%	37%	75%	46%	40%	28%	16%	7%

## In general, do you feel MOST UTAH VOTERS have enough information to make informed decisions about which judges should be retained and which judges should not? Crosstabulation

Gender	Number responding	1 - Definitely not enough	2	3	4	5 - Definitely enough	DK
Male	291	42%	21%	18%	11%	5%	3%
Female	305	40%	21%	25%	8%	5%	2%
Other	1	100%	0%	0%	0%	0%	0%
Wouldn't say	2	50%	0%	50%	0%	0%	0%
Total	599	41%	21%	21%	9%	5%	3%

## Please rate how well informed you feel you are to make decisions about which judges should be retained Crosstabulation

Gender	Number responding	1 - Not Well Informed at All	2	3	4	5 - Very Well Informed	Don't know	Wouldn't say
Male	277	24%	16%	25%	25%	9%	1%	1%
Female	292	21%	17%	25%	24%	10%	3%	0%
Other	1	0%	100%	0%	0%	0%	0%	0%
Wouldn't say	2	100%	0%	0%	0%	0%	0%	0%
Total	572	23%	16%	25%	24%	9%	2%	1%

## How long have you been a resident of Utah?

### Crosstabulation

Gender	Number responding	Less than 5 years	5 to 10 years	11 to 20 years	More than 20 years
Male	291	6%	8%	13%	73%
Female	307	5%	8%	15%	72%
Other	1	0%	0%	100%	0%
Wouldn't say	2	50%	0%	0%	50%
Total	601	5%	8%	14%	72%

### Political Affiliation Crosstabulation

Gender	Number responding	Democrat	Republican	Unaffiliated	Other	Wouldn't say
Male	291	16%	47%	32%	4%	1%
Female	307	27%	37%	30%	5%	0%
Other	1	100%	0%	0%	0%	0%
Wouldn't say	2	0%	50%	50%	0%	0%
Total	601	22%	42%	31%	4%	0%

Note: Differences between genders are statistically significant,  $p < .05$

### Income Crosstabulation

Gender	Number responding	Less than \$40,000	\$40,000 to \$59,999	\$60,000 to \$79,999	\$80,000 to \$99,999	\$100,000 to \$150,000	Over \$150,000
Male	280	15%	16%	14%	11%	28%	15%
Female	300	19%	10%	19%	14%	25%	12%
Other	1	0%	0%	100%	0%	0%	0%
Wouldn't say	2	0%	50%	0%	50%	0%	0%
Total	583	17%	13%	17%	13%	27%	13%

### Education Crosstabulation

Gender	Number responding	College degree	No college degree
Male	291	56%	44%
Female	307	48%	52%
Other	1	100%	0%
Wouldn't say	2	0%	100%
Total	601	52%	48%

Note: Differences between genders are statistically significant,  $p < .05$

## County Crosstabulation

Gender	Number responding	Salt Lake	Utah	Davis	Weber	All others
Male	291	38%	18%	9%	9%	25%
Female	306	35%	18%	11%	9%	26%
Other	1	0%	100%	0%	0%	0%
Wouldn't say	2	0%	0%	0%	0%	100%
Total	600	37%	18%	10%	9%	26%

## Age Crosstabulation

Gender	Number responding	18 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 or older
Male	290	20%	17%	20%	14%	13%	14%
Female	307	18%	22%	20%	16%	13%	12%
Other	1	100%	0%	0%	0%	0%	0%
Wouldn't say	2	100%	0%	0%	0%	0%	0%
Total	600	19%	20%	20%	15%	13%	13%

## Race/Ethnicity Crosstabulation

Gender	Number responding	White	All other
Male	291	86%	14%
Female	307	79%	21%
Other	1	100%	0%
Wouldn't say	2	100%	0%
Total	601	82%	18%

Note: Differences between genders are statistically significant,  $p < .05$

## Age

### How interested would you say you are in this year's General Election? Crosstabulation

Age	Number responding	No interest	Some interest	Interest
18 to 29	115	10%	32%	57%
30 to 39	117	5%	17%	78%
40 to 49	121	6%	12%	83%
50 to 59	89	1%	15%	84%
60 to 69	78	3%	10%	87%
70 or older	81	2%	9%	89%
Total	601	5%	16%	79%

### Are you aware that several judges will appear on your ballot? Crosstabulation

Age	Number responding	Yes, aware	No, not aware	DK
18 to 29	116	85%	14%	1%
30 to 39	117	85%	15%	1%
40 to 49	119	87%	13%	1%
50 to 59	89	88%	11%	1%
60 to 69	78	85%	14%	1%
70 or older	80	91%	9%	0%
Total	599	86%	13%	1%

### Are you aware that in Utah, those judges that appear on the ballot run in non-partisan and uncontested races? Crosstabulation

Age	Number responding	Yes, aware	No, not aware	DK
18 to 29	99	65%	31%	4%
30 to 39	98	82%	17%	1%
40 to 49	104	81%	17%	2%
50 to 59	78	95%	4%	1%
60 to 69	66	89%	11%	0%
70 or older	73	88%	11%	1%
Total	518	82%	16%	2%

Note: Differences across ages are statistically significant,  $p < .05$

### Do you plan to vote on which judges should be retained? Crosstabulation

Age	Number responding	Yes	No	DK	Wouldn't Say
18 to 29	116	77%	8%	16%	0%
30 to 39	117	91%	3%	6%	0%
40 to 49	120	92%	5%	3%	0%
50 to 59	89	88%	1%	11%	0%
60 to 69	78	92%	4%	4%	0%
70 or older	81	83%	5%	11%	1%
Total	601	87%	4%	8%	0%

Note: Differences across ages are statistically significant,  $p < .05$

### Age \* IF NO: What are the reasons that you will not be voting on the retention of Judges?

Numbers in demographic categories are too small to draw conclusions and thus are not included

### Are you aware that evaluations of judges' performance are provided to Utah voters prior to the election? Crosstabulation

Age	Number responding	Yes	No	DK
18 to 29	115	60%	34%	6%
30 to 39	118	57%	42%	2%
40 to 49	120	63%	32%	5%
50 to 59	89	72%	27%	1%
60 to 69	78	63%	31%	6%
70 or older	80	59%	38%	4%
Total	600	62%	34%	4%

### Which of the following best describes your knowledge of this commission? Crosstabulation

Age	Number responding	Very Familiar	Somewhat Familiar	Heard Name of Commission Only	Not Familiar	DK
18 to 29	115	5%	28%	17%	48%	3%
30 to 39	117	5%	29%	14%	50%	2%
40 to 49	120	6%	33%	18%	43%	0%
50 to 59	89	11%	38%	11%	39%	0%
60 to 69	78	9%	33%	14%	40%	4%
70 or older	81	6%	30%	16%	48%	0%
Total	600	7%	32%	15%	45%	1%

According to state law, the commission recommends to voters whether a judge should be retained or not based on their evaluation. In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters?

Percentages for "yes" responses shown.

Age	Number responding	Whether the Judge Meets the Minimum Performance Standards Required by State Law	Whether There Are Disciplinary Actions Against the Judge	Whether the Commission Recommends the Judge Be Retained or Not	How Long the Judge Has Been on the Bench Crosstabulation	The Judge's Professional Qualifications
18 to 29	115	97%	96%	81%	90%	94%
30 to 39	117	98%	97%	88%	86%	92%
40 to 49	120	94%	96%	77%	88%	93%
50 to 59	89	97%	98%	88%	81%	98%
60 to 69	78	95%	96%	68%	86%	94%
70 or older	81	95%	99%	89%	84%	93%
Total	600	96%	97%	82%	86%	94%

### How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge? Crosstabulation

Age	Number responding	1 - Not Rely at All	2	3	4	5 - Rely a Great Deal	DK	Wouldn't say
18 to 29	66	5%	5%	30%	29%	24%	8%	0%
30 to 39	67	4%	3%	24%	31%	37%	0%	0%
40 to 49	74	5%	5%	15%	27%	45%	3%	0%
50 to 59	65	6%	2%	8%	34%	46%	2%	3%
60 to 69	48	10%	2%	17%	35%	35%	0%	0%
70 or older	46	0%	0%	15%	13%	70%	2%	0%
Total	366	5%	3%	18%	29%	42%	2%	1%

## In the past six weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations? Crosstabulation

Age	Number responding	Yes	No
18 to 29	115	23%	77%
30 to 39	117	26%	74%
40 to 49	119	22%	78%
50 to 59	89	21%	79%
60 to 69	78	22%	78%
70 or older	80	18%	83%
Total	598	22%	78%

## Where have you seen this information? Crosstabulation

Percentages for "yes" responses shown

Age	Number Responding	Newspaper	Television	Radio	Social media	Billboards	Lawn signs	Other	Don't know	Wouldn't say	Online	Info with Ballot
18 to 29	28	14%	0%	0%	11%	11%	0%	36%	4%	0%	67%	11%
30 to 39	31	13%	7%	10%	13%	3%	10%	33%	0%	3%	47%	13%
40 to 49	27	4%	0%	7%	19%	0%	0%	52%	0%	0%	56%	11%
50 to 59	19	5%	5%	0%	11%	5%	0%	53%	0%	0%	42%	16%
60 to 69	17	24%	0%	0%	12%	0%	0%	53%	0%	0%	29%	12%
70 or older	14	50%	0%	0%	27%	0%	0%	29%	0%	0%	20%	13%
Total	136	15%	2%	4%	15%	4%	2%	42%	1%	2%	47%	12%

Note: Differences across ages are statistically significant for online,  $p < .05$

## Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?

Percentages for "yes" responses shown

Age	Number responding	Google	Voter Info Pamphlet	judges.utah.gov	vote.utah.gov	Another voter site	Research on own	Other
18 to 29	116	56%	29%	35%	49%	9%	49%	8%
30 to 39	117	49%	26%	31%	45%	16%	45%	9%
40 to 49	120	45%	26%	28%	42%	8%	51%	8%
50 to 59	88	36%	43%	22%	30%	15%	40%	8%
60 to 69	78	33%	21%	16%	30%	14%	38%	6%
70 or older	81	21%	31%	18%	18%	14%	36%	4%
Total	600	42%	29%	26%	37%	12%	44%	7%

Note: Differences across ages are statistically significant for Google, voter info pamphlet, judges.utah.gov, and vote.utah.gov,  $p < .05$

## Helping You Find the Judges that Will Be on Your Ballot Crosstabulation

Age	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
18 to 29	67	0%	4%	19%	28%	37%	10%
30 to 39	64	0%	6%	19%	27%	36%	13%
40 to 49	62	2%	2%	21%	37%	34%	5%
50 to 59	37	0%	3%	8%	35%	51%	3%
60 to 69	27	0%	7%	11%	30%	52%	0%
70 or older	23	0%	9%	4%	35%	48%	4%
Total	280	0%	5%	16%	31%	40%	7%

## Providing Information on Individual Judges to Help You Vote Crosstabulation

Age	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
18 to 29	67	3%	13%	18%	28%	24%	13%
30 to 39	64	0%	8%	27%	25%	31%	9%
40 to 49	63	3%	2%	21%	37%	33%	5%
50 to 59	37	3%	0%	11%	32%	51%	3%
60 to 69	27	4%	7%	19%	37%	33%	0%
70 or older	23	0%	0%	13%	22%	61%	4%
Total	281	2%	6%	19%	30%	35%	7%

## An Easy to Navigate Website Crosstabulation

Age	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
18 to 29	67	3%	1%	19%	30%	33%	13%
30 to 39	64	0%	3%	30%	28%	31%	8%
40 to 49	61	0%	2%	21%	43%	31%	3%
50 to 59	36	0%	0%	11%	39%	47%	3%
60 to 69	27	7%	0%	19%	44%	30%	0%
70 or older	23	0%	4%	17%	26%	48%	4%
Total	278	1%	2%	21%	35%	35%	6%

## How would you prefer to receive information about judges on the ballot?

Percentages for “yes” responses shown.

Age	Number responding	Website	Newspaper	Pamphlet in Mail	Info at Polling site	Social Media	Television	Billboards	Other
18 to 29	115	94%	37%	70%	78%	55%	30%	27%	6%
30 to 39	118	89%	33%	72%	51%	42%	25%	18%	7%
40 to 49	120	93%	29%	75%	44%	39%	26%	18%	4%
50 to 59	88	93%	36%	73%	38%	30%	17%	7%	11%
60 to 69	78	82%	49%	77%	36%	41%	33%	15%	5%
70 or older	80	76%	44%	85%	16%	28%	37%	9%	11%
Total	599	89%	37%	75%	46%	40%	28%	16%	7%

Note: Differences across ages are statistically significant for website, info at polling site, social media, and billboards,  $p < .05$

## In general, do you feel MOST UTAH VOTERS have enough information to make informed decisions about which judges should be retained and which judges should not?

### Crosstabulation

Age	Number responding	1 - Definitely not enough	2	3	4	5 - Definitely enough	DK
18 to 29	116	31%	21%	30%	8%	7%	3%
30 to 39	117	38%	27%	21%	9%	3%	2%
40 to 49	121	39%	16%	18%	16%	7%	4%
50 to 59	87	46%	23%	20%	6%	5%	1%
60 to 69	78	50%	15%	22%	6%	4%	3%
70 or older	81	48%	22%	17%	6%	4%	2%
Total	600	41%	21%	22%	9%	5%	3%

## Please rate how well informed you feel you are to make decisions about which judges should be retained

### Crosstabulation

Age	Number responding	1 - Not Well Informed at All	2	3	4	5 - Very Well Informed	Don't Know	Wouldn't say
18 to 29	106	23%	19%	25%	19%	8%	6%	0%
30 to 39	114	23%	17%	27%	18%	8%	4%	3%
40 to 49	113	19%	13%	22%	35%	8%	1%	1%
50 to 59	87	18%	14%	25%	28%	15%	0%	0%
60 to 69	74	26%	11%	26%	30%	8%	0%	0%
70 or older	76	29%	26%	21%	13%	9%	1%	0%
Total	570	23%	16%	25%	24%	9%	2%	1%

## How long have you been a resident of Utah?

### Crosstabulation

Age	Number responding	Less than 5 years	5 to 10 years	11 to 20 years	More than 20 years
18 to 29	116	8%	11%	14%	67%
30 to 39	117	8%	13%	17%	62%
40 to 49	120	4%	7%	13%	77%
50 to 59	88	1%	8%	15%	76%
60 to 69	79	5%	5%	13%	77%
70 or older	81	6%	2%	12%	79%
Total	601	5%	8%	14%	72%

## Political Affiliation Crosstabulation

Age	Number responding	Democrat	Republican	Unaffiliated	Other	Wouldn't say
18 to 29	117	30%	27%	38%	4%	0%
30 to 39	117	31%	29%	38%	2%	0%
40 to 49	119	15%	42%	35%	8%	0%
50 to 59	89	16%	54%	22%	7%	1%
60 to 69	79	20%	48%	30%	0%	1%
70 or older	81	15%	63%	16%	5%	1%
Total	602	22%	42%	31%	4%	0%

Note: Differences across ages are statistically significant,  $p < .05$

## Income Crosstabulation

Age	Number responding	Less than \$40,000	\$40,000 to \$59,999	\$60,000 to \$79,999	\$80,000 to \$99,999	\$100,000 to \$150,000	Over \$150,000
18 to 29	115	43%	17%	13%	5%	18%	3%
30 to 39	114	9%	14%	21%	15%	29%	12%
40 to 49	117	9%	9%	11%	14%	38%	21%
50 to 59	86	9%	10%	15%	20%	22%	23%
60 to 69	74	7%	14%	22%	15%	30%	14%
70 or older	77	23%	14%	25%	9%	21%	8%
Total	583	17%	13%	17%	13%	27%	13%

Note: Differences across ages are statistically significant,  $p < .05$

## Education Crosstabulation

Age	Number responding	College degree	No college degree
18 to 29	115	37%	63%
30 to 39	117	67%	33%
40 to 49	120	58%	43%
50 to 59	89	51%	49%
60 to 69	78	45%	55%
70 or older	80	51%	49%
Total	599	52%	48%

Note: Differences across ages are statistically significant,  $p < .05$

## Gender Crosstabulation

Age	Number responding	Male	Female	Other	Wouldn't say
18 to 29	116	51%	47%	1%	2%
30 to 39	117	43%	57%	0%	0%
40 to 49	120	49%	51%	0%	0%
50 to 59	89	46%	54%	0%	0%
60 to 69	78	50%	50%	0%	0%
70 or older	80	53%	48%	0%	0%
Total	600	48%	51%	0%	0%

## Race/Ethnicity Crosstabulation

Age	Number responding	White	All other
18 to 29	116	65%	35%
30 to 39	117	81%	19%
40 to 49	120	83%	18%
50 to 59	89	88%	12%
60 to 69	77	91%	9%
70 or older	81	95%	5%
Total	600	82%	18%

Note: Differences across ages are statistically significant,  $p < .05$

## County Crosstabulation

Age	Number responding	Salt Lake	Utah	Davis	Weber	All others
18 to 29	115	34%	15%	9%	11%	31%
30 to 39	118	44%	21%	8%	8%	19%
40 to 49	119	39%	20%	12%	8%	21%
50 to 59	89	28%	16%	15%	8%	34%
60 to 69	78	33%	18%	12%	9%	28%
70 or older	80	39%	20%	6%	8%	28%
Total	599	37%	18%	10%	9%	26%

## Education

### How interested would you say you are in this year's General Election? Crosstabulation

Education	Number responding	Little or no interest	Moderate interest	High interest
College degree	310	2%	15%	83%
No college degree	289	8%	18%	74%
Total	599	5%	17%	78%

Note: Differences across levels of education are statistically significant,  $p < .05$

### Are you aware that several judges will appear on your ballot? Crosstabulation

Education	Number responding	Yes, aware	No, not aware	DK
College degree	310	86%	14%	0%
No college degree	290	87%	11%	2%
Total	600	87%	13%	1%

### Are you aware that in Utah, those judges that appear on the ballot run in non-partisan and uncontested races?

#### Crosstabulation

Education	Number responding	Yes, aware	No, not aware	DK
College degree	265	84%	15%	1%
No college degree	252	80%	18%	2%
Total	517	82%	16%	2%

### Do you plan to vote on which judges should be retained?

#### Crosstabulation

Education	Number responding	Yes	No	DK	Wouldn't Say
College degree	311	87%	5%	8%	0%
No college degree	289	87%	4%	9%	0%
Total	600	87%	4%	9%	0%

Education \* IF NO: What are the reasons that you will not be voting on the retention of Judges? - Numbers in demographic categories are too small to draw conclusions and thus are not included

### Are you aware that evaluations of judges' performance are provided to Utah voters prior to the election?

#### Crosstabulation

Education	Number responding	Yes	No	DK
College degree	310	65%	33%	3%
No college degree	290	59%	36%	5%
Total	600	62%	34%	4%

### Which of the following best describes your knowledge of this commission? Crosstabulation

Education	Number responding	Very Familiar	Somewhat Familiar	Heard Name of Commission Only	Not Familiar	DK
College degree	310	9%	31%	15%	43%	2%
No college degree	290	5%	32%	16%	47%	0%
Total	600	7%	32%	15%	45%	1%

### According to state law, the commission recommends to voters whether a judge should be retained or not based on their evaluation. In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters?

Percentages for "yes" responses shown.

Education	Number responding	Whether the Judge Meets the Minimum Performance Standards Required by State Law	Whether There Are Disciplinary Actions Against the Judge	Whether the Commission Recommends the Judge Be Retained or Not	How Long the Judge Has Been on the Bench	The Judge's Professional Qualifications
College degree	310	96%	98%	85%	84%	93%
No college degree	290	97%	96%	79%	88%	95%
Total	600	96%	97%	82%	86%	94%

### How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge?

#### Crosstabulation

Education	Number responding	1 - Not Rely at All	2	3	4	5 - Rely a Great Deal	DK	Wouldn't say
College degree	196	3%	3%	14%	34%	42%	3%	1%
No college degree	168	7%	2%	23%	23%	42%	2%	0%
Total	364	5%	3%	18%	29%	42%	2%	1%

### In the past six weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations? Crosstabulation

Education	Number responding	Yes	No
College degree	310	25%	75%
No college degree	289	20%	80%
Total	599	22%	78%



## Where have you seen this information? Crosstabulation

Percentages for “yes” responses shown.

Education	Number responding	Newspaper	Television	Radio	Social media	Billboards	Lawn signs	Other	Don't know	Wouldn't say	Online	Info with Ballot
College degree	77	16%	4%	4%	17%	3%	4%	43%	0%	1%	44%	12%
No college degree	58	14%	0%	3%	12%	5%	0%	42%	2%	2%	52%	10%
Total	135	15%	2%	4%	15%	4%	2%	43%	1%	1%	47%	11%

## Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?

Percentages for “yes” responses shown.

Education	Number responding	Google	Voter Info Pamphlet	judges.utah.gov	vote.utah.gov	Another voter site	Research on own	Other
College degree	311	41%	29%	27%	41%	14%	46%	8%
No college degree	289	43%	29%	25%	34%	10%	43%	6%
Total	600	42%	29%	26%	37%	12%	44%	7%

## Helping You Find the Judges that Will Be on Your Ballot Crosstabulation

Education	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
College degree	151	1%	3%	19%	32%	38%	7%
No college degree	128	0%	5%	13%	30%	44%	7%
Total	279	0%	4%	16%	32%	41%	7%

## Providing Information on Individual Judges to Help You Vote Crosstabulation

Education	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
College degree	152	3%	6%	18%	30%	38%	6%
No college degree	128	2%	6%	20%	31%	33%	8%
Total	280	2%	6%	19%	30%	36%	7%

## An Easy to Navigate Website Crosstabulation

Education	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
College degree	151		2%	21%	33%	38%	5%
No college degree	128	3%	2%	21%	36%	31%	7%
Total	279	1%	2%	21%	34%	35%	6%

## How would you prefer to receive information about judges on the ballot?

Percentages for “yes” responses shown.

Education	Number responding	Website	Newspaper	Pamphlet in Mail	Info at Polling site	Social Media	Television	Billboards	Other
College degree	311	90%	36%	75%	42%	36%	20%	14%	7%
No college degree	290	87%	38%	75%	52%	45%	35%	19%	8%
Total	601	89%	37%	75%	46%	40%	28%	16%	7%

Note: Differences across levels of education are statistically significant for info at polling site, social media, and television,  $p < .05$

## In general, do you feel MOST UTAH VOTERS have enough information to make informed decisions about which judges should be retained and which judges should not? Crosstabulation

Education	Number responding	1 - Definitely not enough	2	3	4	5 - Definitely enough	DK
College degree	309	42%	22%	20%	10%	5%	1%
No college degree	289	40%	19%	23%	8%	5%	4%
Total	598	41%	21%	21%	9%	5%	3%

**Please rate how well informed you feel you are to make decisions about which judges should be retained**

**Crosstabulation**

Education	Number responding	1 - Not Well Informed at All	2	3	4	5 - Very Well Informed	Don't know	Wouldn't say
College degree	296	18%	18%	24%	26%	11%	2%	1%
No college degree	277	28%	15%	25%	21%	8%	3%	0%
Total	573	23%	16%	25%	24%	9%	2%	1%

Note: Differences across levels of education are statistically significant,  $p < .05$

**How long have you been a resident of Utah?**

**Crosstabulation**

Education	Number responding	Less than 5 years	5 to 10 years	11 to 20 years	More than 20 years
College degree	310	5%	11%	14%	70%
No college degree	289	6%	5%	14%	75%
Total	599	5%	8%	14%	73%

**Political Affiliation Crosstabulation**

Education	Number responding	Democrat	Republican	Unaffiliated	Other	Wouldn't say
College degree	311	21%	40%	35%	4%	1%
No college degree	289	23%	45%	27%	5%	0%
Total	600	22%	42%	31%	4%	1%

**Income Crosstabulation**

Education	Number responding	Less than \$40,000	\$40,000 to \$59,999	\$60,000 to \$79,999	\$80,000 to \$99,999	\$100,000 to \$150,000	Over \$150,000
College degree	303	9%	10%	16%	14%	34%	17%
No college degree	281	27%	16%	19%	11%	19%	9%
Total	584	17%	13%	17%	13%	27%	13%

Note: Differences across levels of education are statistically significant,  $p < .05$

**Gender Crosstabulation**

Education	Number responding	Male	Female	Other	Wouldn't say
College degree	311	53%	47%	0%	0%
No college degree	290	44%	56%	0%	1%
Total	601	48%	51%	0%	0%

**Age Crosstabulation**

Education	Number responding	18 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 or older
College degree	310	14%	25%	22%	15%	11%	13%
No college degree	289	25%	13%	18%	15%	15%	13%
Total	599	19%	20%	20%	15%	13%	13%

Note: Differences across levels of education are statistically significant,  $p < .05$

**Race/Ethnicity Crosstabulation**

Education	Number responding	White	All other
College degree	311	86%	14%
No college degree	290	78%	22%
Total	601	82%	18%

Note: Differences across levels of education are statistically significant,  $p < .05$

**County Crosstabulation**

Education	Number responding	Salt Lake	Utah	Davis	Weber	All others
College degree	311	40%	20%	11%	7%	23%
No college degree	290	33%	17%	9%	11%	30%
Total	601	36%	18%	10%	9%	26%

Note: Differences across levels of education are statistically significant,  $p < .05$

## Political Affiliation

How interested would you say you are in this year's

### General Election? Crosstabulation

Political Affiliation	Number responding	Little or no interest	Moderate interest	High interest
Democrat	130	2%	10%	88%
Republican	253	5%	14%	81%
Unaffiliated	188	6%	23%	70%
Other	26	8%	27%	65%
Wouldn't say	3	0%	0%	100%
Total	600	5%	17%	79%

Note: Differences across political affiliations are statistically significant,  $p < .05$

### Are you aware that several judges will appear on your ballot? Crosstabulation

Political Affiliation	Number responding	Yes, aware	No, not aware	DK
Democrat	130	92%	7%	1%
Republican	253	84%	15%	1%
Unaffiliated	188	87%	13%	1%
Other	26	73%	23%	4%
Wouldn't say	3	100%	0%	0%
Total	600	86%	13%	1%

### Are you aware that in Utah, those judges that appear on the ballot run in non-partisan and uncontested races?

#### Crosstabulation

Political Affiliation	Number responding	Yes, aware	No, not aware	DK
Democrat	121	88%	11%	2%
Republican	213	83%	15%	2%
Unaffiliated	164	76%	22%	2%
Other	19	79%	21%	0%
Wouldn't say	3	100%	0%	0%
Total	520	82%	16%	2%

Note: Differences across political affiliations are statistically significant,  $p < .05$

## Do you plan to vote on which judges should be retained?

### Crosstabulation

Political Affiliation	Number responding	Yes	No	DK	Wouldn't Say
Democrat	130	86%	8%	5%	0%
Republican	251	89%	2%	9%	0%
Unaffiliated	188	86%	4%	10%	0%
Other	26	81%	15%	4%	0%
Wouldn't say	3	100%	0%	0%	0%
Total	598	87%	4%	8%	0%

Note: Differences across political affiliations are statistically significant,  $p < .05$

### Political Affiliation \* IF NO: What are the reasons that you will not be voting on the retention of Judges?

Numbers in demographic categories are too small to draw conclusions and thus are not included

### Are you aware that evaluations of judges' performance are provided to Utah voters prior to the election?

#### Crosstabulation

Political Affiliation	Number responding	Yes	No	DK
Democrat	131	67%	30%	3%
Republican	253	61%	34%	5%
Unaffiliated	188	61%	36%	4%
Other	26	50%	46%	4%
Wouldn't say	3	100%	0%	0%
Total	601	62%	34%	4%

### Which of the following best describes your knowledge of this commission? Crosstabulation

Political Affiliation	Number responding	Very Familiar	Somewhat Familiar	Heard Name of Commission Only	Not Familiar	DK
Democrat	131	3%	38%	20%	38%	1%
Republican	253	7%	30%	12%	50%	0%
Unaffiliated	189	8%	30%	17%	41%	3%
Other	25	8%	20%	12%	60%	0%
Wouldn't say	3	100%	0%	0%	0%	0%
Total	601	7%	31%	15%	45%	1%

**According to state law, the commission recommends to voters whether a judge should be retained or not based on their evaluation. In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters?**

*Percentages for “yes” responses shown.*

Political Affiliation	Number responding	Whether the Judge Meets the Minimum Performance Standards Required by State Law Crosstabulation	Whether There Are Disciplinary Actions Against the Judge Crosstabulation	Whether the Commission Recommends the Judge Be Retained or Not	How Long the Judge Has Been on the Bench	The Judge's Professional Qualifications
Democrat	131	99%	97%	85%	92%	94%
Republican	253	96%	97%	81%	87%	95%
Unaffiliated	188	94%	97%	80%	81%	91%
Other	26	100%	96%	88%	81%	96%
Wouldn't say	3	100%	100%	100%	67%	100%
Total	601	96%	97%	82%	86%	94%

**How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge?**

**Crosstabulation**

Political Affiliation	Number responding	1 - Not Rely at All	2	3	4	5 - Rely a Great Deal	DK	Wouldn't say
Democrat	84	2%	2%	18%	39%	38%	0%	0%
Republican	153	6%	3%	16%	25%	46%	2%	1%
Unaffiliated	112	7%	4%	22%	23%	38%	4%	0%
Other	14	0%	0%	14%	43%	36%	7%	0%
Wouldn't say	3	0%	0%	0%	33%	67%	0%	0%
Total	366	5%	3%	18%	29%	42%	2%	1%

**Political Affiliation \* In the past six weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations?**

**Crosstabulation**

Political Affiliation	Number responding	Yes	No
Democrat	130	25%	75%
Republican	253	16%	84%
Unaffiliated	188	28%	72%
Other	26	23%	77%
Wouldn't say	3	67%	33%
Total	600	22%	78%

Note: Differences across political affiliations are statistically significant,  $p < .05$

**Where have you seen this information? Crosstabulation**

*Percentages for “yes” responses shown.*

Political Affiliation	Number responding	Newspaper	Television	Radio	Social media	Billboards	Lawn signs	Other	Don't know	Wouldn't say	Online	Info with Ballot
Democrat	33	24%	0%	0%	18%	9%	0%	33%	0%	0%	48%	12%
Republican	40	8%	3%	0%	20%	3%	0%	41%	0%	5%	44%	15%
Unaffiliated	53	17%	4%	8%	6%	0%	6%	51%	2%	0%	49%	6%
Other	6	0%	0%	20%	40%	17%	0%	0%	0%	0%	50%	33%
Wouldn't say	2	0%	0%	0%	0%	0%	0%	100%	0%	0%	50%	0%
Total	134	15%	2%	4%	14%	4%	2%	42%	1%	1%	47%	11%

**Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?**

*Percentages for “yes” responses shown.*

Political Affiliation	Number responding	Google	Voter Info Pamphlet	judges.utah.gov	vote.utah.gov	Another voter site	Research on own	Other
Democrat	130	57%	29%	42%	47%	22%	50%	8%
Republican	252	31%	26%	18%	26%	8%	39%	6%
Unaffiliated	188	46%	31%	28%	48%	11%	47%	7%
Other	26	42%	27%	19%	15%	15%	56%	19%
Wouldn't say	3	33%	100%	33%	67%	33%	33%	0%
Total	599	42%	29%	26%	38%	12%	44%	12%

Note: Differences across political affiliations are statistically significant for Google, judges.utah.gov, vote.utah.gov, and another voter site,  $p < .05$

## Helping You Find the Judges that Will Be on Your Ballot Crosstabulation

Political Affiliation	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Democrat	82	0%	6%	12%	34%	43%	5%
Republican	87	0%	1%	13%	37%	43%	7%
Unaffiliated	103	1%	6%	21%	26%	36%	10%
Other	6	0%	0%	50%	17%	33%	0%
Wouldn't say	2	0%	0%	0%	0%	100%	0%
Total	280	0%	4%	16%	31%	40%	7%

## Providing Information on Individual Judges to Help You Vote Crosstabulation

Political Affiliation	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Democrat	82	2%	9%	27%	24%	32%	6%
Republican	87	1%	6%	9%	36%	43%	6%
Unaffiliated	104	2%	6%	21%	31%	32%	9%
Other	6	17%	0%	17%	33%	33%	0%
Wouldn't say	2	0%	0%	0%	0%	100%	0%
Total	281	2%	6%	19%	30%	36%	7%

## An Easy to Navigate Website Crosstabulation

Political Affiliation	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Democrat	82	2%	4%	17%	35%	35%	6%
Republican	86	0%	0%	21%	40%	35%	5%
Unaffiliated	104	2%	2%	24%	30%	34%	9%
Other	6	0%	0%	33%	17%	50%	0%
Wouldn't say	2	0%	0%	0%	50%	50%	0%
Total	280	1%	2%	21%	34%	35%	6%

## How would you prefer to receive information about judges on the ballot?

Percentages for "yes" responses shown.

Political Affiliation	Number responding	Website	Newspaper	Pamphlet in Mail	Info at Polling site	Social Media	Television	Billboards	Other
Democrat	131	92%	41%	78%	46%	43%	26%	18%	6%
Republican	253	85%	36%	76%	40%	40%	30%	18%	8%
Unaffiliated	188	91%	38%	72%	56%	39%	28%	12%	6%
Other	26	88%	19%	68%	42%	42%	16%	23%	15%
Wouldn't say	3	100%	33%	67%	33%	0%	0%	0%	33%
Total	601	89%	37%	75%	46%	40%	28%	17%	7%

Note: Differences across political affiliations are statistically significant for info at polling site,  $p < .05$

## In general, do you feel MOST UTAH VOTERS have enough information to make informed decisions about which judges should be retained and which judges should not? Crosstabulation

Political Affiliation	Number responding	1 - Definitely not enough	2	3	4	5 - Definitely enough	DK
Democrat	131	43%	21%	23%	9%	3%	1%
Republican	252	40%	22%	19%	10%	4%	4%
Unaffiliated	187	40%	20%	23%	7%	8%	1%
Other	26	50%	8%	23%	15%	0%	4%
Wouldn't say	3	33%	33%	0%	0%	33%	0%
Total	599	41%	21%	21%	9%	5%	3%

## Please rate how well informed you feel you are to make decisions about which judges should be retained Crosstabulation

Political Affiliation	Number responding	1 - Not Well Informed at All	2	3	4	5 - Very Well Informed	Don't know	Wouldn't say
Democrat	119	18%	10%	38%	24%	8%	2%	0%
Republican	248	27%	17%	21%	23%	8%	2%	2%
Unaffiliated	181	20%	19%	21%	25%	10%	3%	0%
Other	23	22%	22%	22%	17%	17%	0%	0%
Wouldn't say	3	0%	0%	33%	0%	67%	0%	0%
Total	574	23%	16%	25%	24%	9%	2%	1%

Note: Differences across political affiliations are statistically significant,  $p < .05$

**How long have you been a resident of Utah?****Crosstabulation**

Political Affiliation	Number responding	Less than 5 years	5 to 10 years	11 to 20 years	More than 20 years
Democrat	130	8%	12%	15%	65%
Republican	253	6%	6%	15%	72%
Unaffiliated	188	3%	7%	12%	78%
Other	26	12%	12%	12%	65%
Wouldn't say	3	0%	0%	0%	100%
Total	600	6%	8%	14%	72%

**Age Crosstabulation**

Political Affiliation	Number responding	18 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 or older
Democrat	131	27%	27%	14%	11%	12%	9%
Republican	253	13%	13%	20%	19%	15%	20%
Unaffiliated	189	24%	24%	22%	11%	13%	7%
Other	26	19%	8%	35%	23%	0%	15%
Wouldn't say	3	0%	0%	0%	33%	33%	33%
Total	602	19%	19%	20%	15%	13%	13%

Note: Differences across political affiliations are statistically significant,  $p < .05$ **Income Crosstabulation**

Political Affiliation	Number responding	Less than \$40,000	\$40,000 to \$59,999	\$60,000 to \$79,999	\$80,000 to \$99,999	\$100,000 to \$150,000	Over \$150,000
Democrat	129	23%	12%	12%	9%	34%	10%
Republican	244	16%	11%	22%	12%	25%	14%
Unaffiliated	186	17%	14%	15%	16%	25%	14%
Other	24	8%	25%	17%	13%	21%	17%
Wouldn't say	2	0%	50%	0%	50%	0%	0%
Total	585	18%	13%	17%	13%	27%	13%

**Race/Ethnicity Crosstabulation**

Political Affiliation	Number responding	White	All other
Democrat	131	69%	31%
Republican	253	91%	9%
Unaffiliated	187	80%	20%
Other	26	77%	23%
Wouldn't say	3	100%	0%
Total	600	82%	18%

Note: Differences across political affiliations are statistically significant,  $p < .05$ **Education Crosstabulation**

Political Affiliation	Number responding	College degree	No college degree
Democrat	131	49%	51%
Republican	252	49%	51%
Unaffiliated	188	58%	42%
Other	26	46%	54%
Wouldn't say	3	100%	0%
Total	600	52%	48%

**County Crosstabulation**

Political Affiliation	Number responding	Salt Lake	Utah	Davis	Weber	All others
Democrat	129	50%	14%	5%	12%	19%
Republican	253	26%	23%	12%	8%	31%
Unaffiliated	188	43%	14%	10%	7%	27%
Other	26	19%	27%	19%	12%	23%
Wouldn't say	3	33%	33%	0%	33%	0%
Total	599	36%	18%	10%	9%	26%

Note: Differences across political affiliations are statistically significant,  $p < .05$ **Gender Crosstabulation**

Political Affiliation	Number responding	Male	Female	Other	Wouldn't say
Democrat	131	35%	64%	1%	0%
Republican	253	54%	45%	0%	0%
Unaffiliated	188	50%	49%	0%	1%
Other	26	46%	54%	0%	0%
Wouldn't say	3	67%	33%	0%	0%
Total	601	48%	51%	0%	0%

Note: Differences across political affiliations are statistically significant,  $p < .05$

## Race/Ethnicity

How interested would you say you are in this year's  
General Election? Crosstabulation

Race/ Ethnicity	Number responding	Little or no interest	Moderate interest	High interest
White	493	4%	15%	81%
All other	107	8%	24%	67%
Total	600	5%	17%	79%

Note: Differences across race/ethnicity are statistically significant,  $p < .05$

Are you aware that several judges will appear on your  
ballot? Crosstabulation

Race/ Ethnicity	Number responding	Yes, aware	No, not aware	DK
White	494	86%	13%	1%
All other	106	89%	11%	0%
Total	600	87%	13%	1%

Are you aware that in Utah, those judges that appear on  
the ballot run in non-partisan and uncontested races?  
Crosstabulation

Race/ Ethnicity	Number responding	Yes, aware	No, not aware	DK
White	425	85%	13%	2%
All other	95	69%	31%	0%
Total	520	82%	16%	2%

Note: Differences across race/ethnicity are statistically significant,  $p < .05$

Do you plan to vote on which judges should be retained?  
Crosstabulation

Race/ Ethnicity	Number responding	Yes	No	DK	Wouldn't Say
White	492	87%	4%	8%	0%
All other	106	86%	5%	9%	0%
Total	598	87%	4%	8%	0%

**Race/Ethnicity \* IF NO: What are the reasons that you will  
not be voting on the retention of Judges?**

Numbers in demographic categories are too small to draw conclusions and thus are not  
included

Are you aware that evaluations of judges' performance are  
provided to Utah voters prior to the election?

Crosstabulation

Race/ Ethnicity	Number responding	Yes	No	DK
White	493	62%	33%	4%
All other	107	60%	36%	4%
Total	600	62%	34%	4%

Which of the following best describes your knowledge of  
this commission? Crosstabulation

Race/ Ethnicity	Number responding	Very Familiar	Somewhat Familiar	Heard Name of Commission Only	Not Familiar	DK
White	493	8%	31%	15%	45%	1%
All other	107	2%	36%	17%	44%	2%
Total	600	7%	32%	15%	45%	1%

According to state law, the commission recommends to  
voters whether a judge should be retained or not based on  
their evaluation. In your view, which, if any, of the  
following types of information should the Judicial  
Performance Evaluation Commission include in their  
report to voters?

Percentages for "yes" responses shown.

Race/ Ethnicity	Number responding	Whether the Judge Meets the Minimum Performance Standards Required by State Law Crosstabulation	Whether There Are Disciplinary Actions Against the Judge	Whether the Commission Recommends the Judge Be Retained or Not	How Long the Judge Has Been on the Bench	How Long the Judge Has Been on the Bench
White	493	96%	97%	83%	84%	94%
All other	107	98%	98%	77%	94%	93%
Total	600	96%	97%	82%	86%	94%



**How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge?**

#### Crosstabulation

Race/ Ethnicity	Number responding	1 - Not Rely at All	2	3	4	5 - Rely a Great Deal	DK	Wouldn't say
White	300	6%	3%	14%	33%	42%	2%	0%
All other	65	3%	0%	37%	11%	42%	5%	3%
Total	365	5%	3%	18%	29%	42%	2%	1%

**In the past six weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations? Crosstabulation**

Race/Ethnicity	Number responding	Yes	No
White	493	23%	77%
All other	107	20%	80%
Total	600	22%	78%

**Where have you seen this information?**

*Percentages for "yes" responses shown.*

Race/ Ethnicity	Number responding	Newspaper	Television	Radio	Social media	Billboards	Lawn signs	Other	Don't know	Wouldn't say	Online	Info with Ballot
White	113	14%	3%	1%	17%	2%	1%	41%	1%	2%	47%	13%
All other	21	19%	0%	19%	0%	14%	10%	50%	0%	0%	48%	0%
Total	134	15%	2%	4%	14%	4%	2%	43%	1%	1%	47%	11%

**Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?**

*Percentages for "yes" responses shown.*

Race/ Ethnicity	Number Responding	Google	Voter Info Pamphlet	judges.utah.gov	vote.utah.gov	Another voter site	Research on own	Other
White	493	36%	29%	24%	34%	12%	40%	7%
All other	107	71%	29%	39%	51%	12%	65%	8%
Total	600	42%	29%	26%	38%	12%	44%	7%

Note: Differences across race/ethnicity are statistically significant for Google, judges.utah.gov, vote.utah.gov, and research on own,  $p < .05$

**Helping You Find the Judges that Will Be on Your Ballot  
Crosstabulation**

Race/ Ethnicity	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
White	211	0%	4%	16%	32%	43%	4%
All other	69	0%	6%	19%	28%	32%	16%
Total	280	0%	5%	16%	31%	40%	7%

**Providing Information on Individual Judges to Help You  
Vote Crosstabulation**

Race/ Ethnicity	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
White	212	2%	4%	21%	30%	41%	3%
All other	68	3%	13%	13%	32%	21%	18%
Total	280	2%	6%	19%	30%	36%	7%

**An Easy to Navigate Website Crosstabulation**

Race/ Ethnicity	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
White	211	0%	2%	23%	34%	38%	2%
All other	69	6%	0%	16%	35%	26%	17%
Total	280	1%	2%	21%	34%	35%	6%

**How would you prefer to receive information about judges on the ballot?**

*Percentages for "yes" responses shown.*

Race/ Ethnicity	Number responding	Website	Newspaper	Pamphlet in Mail	Info at Polling site	Social Media	Television	Billboards	Other
White	493	88%	35%	73%	45%	37%	27%	16%	7%
All other	106	92%	44%	84%	51%	55%	29%	21%	10%
Total	599	89%	37%	75%	46%	40%	28%	17%	7%

Note: Differences across race/ethnicity are statistically significant for pamphlet in mailbox and social media,  $p < .05$



**In general, do you feel MOST UTAH VOTERS have enough information to make informed decisions about which judges should be retained and which judges should not?**  
**Crosstabulation**

Race/ Ethnicity	Number responding	1- Definitely not enough	2	3	4	5 - Definitely enough	DK
White	492	42%	22%	22%	8%	5%	3%
All other	107	38%	18%	21%	15%	7%	2%
Total	599	41%	21%	22%	9%	5%	3%

**Please rate how well informed you feel you are to make decisions about which judges should be retained**  
**Crosstabulation**

Race/ Ethnicity	Number responding	1 - Not Well Informed at All	2	3	4	5 - Very Well Informed	Don't know	Wouldn't say
White	471	24%	17%	25%	23%	9%	2%	0%
All other	102	17%	13%	24%	29%	11%	5%	2%
Total	573	23%	16%	25%	24%	9%	2%	1%

**How long have you been a resident of Utah?**  
**Crosstabulation**

Race/ Ethnicity	Number responding	Less than 5 years	5 to 10 years	11 to 20 years	More than 20 years
White	494	4%	9%	14%	73%
All other	107	9%	7%	14%	69%
Total	601	5%	8%	14%	72%

**Political Affiliation Crosstabulation**

Race/ Ethnicity	Number responding	Democrat	Republican	Unaffiliated	Other	Wouldn't say
White	493	18%	47%	30%	4%	1%
All other	107	38%	21%	36%	6%	0%
Total	600	22%	42%	31%	4%	1%

Note: Differences across race/ethnicity are statistically significant,  $p < .05$

**Income Crosstabulation**

Race/ Ethnicity	Number responding	Less than \$40,000	\$40,000 to \$59,999	\$60,000 to \$79,999	\$80,000 to \$99,999	\$100,000 to \$150,000	Over \$150,000
White	479	18%	12%	16%	14%	25%	15%
All other	106	17%	16%	22%	7%	32%	7%
Total	585	17%	13%	17%	13%	26%	13%

Note: Differences across race/ethnicity are statistically significant,  $p < .05$

**Education Crosstabulation**

Race/ Ethnicity	Number responding	College degree	No college degree
White	494	54%	46%
All other	107	41%	59%
Total	601	52%	48%

Note: Differences across race/ethnicity are statistically significant,  $p < .05$

**Gender Crosstabulation**

Race/ Ethnicity	Number responding	Male	Female	Other	Wouldn't say
White	494	50%	49%	0%	0%
All other	107	39%	61%	0%	0%
Total	601	48%	51%	0%	0%

**Age Crosstabulation**

Race/ Ethnicity	Number responding	18 to 29	30-39	40 to 49	50 to 59	60 to 69	70 or older
White	494	15%	19%	20%	16%	14%	16%
All other	106	39%	21%	20%	10%	7%	4%
Total	600	19%	20%	20%	15%	13%	14%

Note: Differences across race/ethnicity are statistically significant,  $p < .05$

**County Crosstabulation**

Race/ Ethnicity	Number responding	Salt Lake	Utah	Davis	Weber	All others
White	493	33%	19%	12%	8%	28%
All other	106	50%	16%	4%	14%	16%
Total	599	36%	18%	10%	9%	26%

Note: Differences across race/ethnicity are statistically significant,  $p < .05$

## Income

How interested would you say you are in this year's

### General Election? Crosstabulation

Income	Number responding	Little or no interest	Moderate interest	High interest
Less than \$40,000	101	11%	21%	68%
\$40,000 to \$59,999	76	5%	28%	67%
\$60,000 to \$79,999	99	6%	12%	82%
\$80,000 to \$99,999	75	1%	16%	83%
\$100,000 to \$150,000	156	2%	13%	85%
Over \$150,000	78	6%	14%	79%
Total	585	5%	17%	78%

### Are you aware that several judges will appear on your ballot? Crosstabulation

Income	Number responding	Yes, aware	No, not aware	DK
Less than \$40,000	102	83%	14%	3%
\$40,000 to \$59,999	76	88%	11%	1%
\$60,000 to \$79,999	100	86%	13%	1%
\$80,000 to \$99,999	75	91%	9%	0%
\$100,000 to \$150,000	155	86%	14%	0%
Over \$150,000	77	84%	16%	0%
Total	585	86%	13%	1%

### Are you aware that in Utah, those judges that appear on the ballot run in non-partisan and uncontested races?

#### Crosstabulation

Income	Number responding	Yes, aware	No, not aware	DK
Less than \$40,000	85	75%	21%	4%
\$40,000 to \$59,999	67	87%	10%	3%
\$60,000 to \$79,999	86	80%	19%	1%
\$80,000 to \$99,999	68	88%	10%	1%
\$100,000 to \$150,000	134	81%	17%	1%
Over \$150,000	65	88%	12%	
Total	505	83%	16%	2%

## Do you plan to vote on which judges should be retained?

### Crosstabulation

Income	Number responding	Yes	No	DK	Wouldn't Say
Less than \$40,000	102	82%	4%	14%	0%
\$40,000 to \$59,999	75	87%	7%	7%	0%
\$60,000 to \$79,999	100	89%	3%	8%	0%
\$80,000 to \$99,999	75	89%	4%	5%	1%
\$100,000 to \$150,000	156	88%	4%	8%	0%
Over \$150,000	77	86%	6%	8%	0%
Total	585	87%	4%	8%	0%

### Income \* IF NO: What are the reasons that you will not be voting on the retention of Judges?

Numbers in demographic categories are too small to draw conclusions and thus are not included

### Are you aware that evaluations of judges' performance are provided to Utah voters prior to the election?

#### Crosstabulation

Income	Number responding	Yes	No	DK
Less than \$40,000	102	54%	40%	6%
\$40,000 to \$59,999	76	68%	32%	0%
\$60,000 to \$79,999	99	54%	40%	6%
\$80,000 to \$99,999	75	72%	24%	4%
\$100,000 to \$150,000	156	68%	29%	3%
Over \$150,000	77	58%	38%	4%
Total	585	62%	34%	4%

### Which of the following best describes your knowledge of this commission? Crosstabulation

Income	Number responding	Very Familiar	Somewhat Familiar	Heard Name of Commission Only	Not Familiar	DK
Less than \$40,000	101	2%	36%	17%	44%	2%
\$40,000 to \$59,999	76	11%	36%	12%	42%	0%
\$60,000 to \$79,999	100	3%	27%	19%	51%	0%
\$80,000 to \$99,999	75	7%	32%	15%	47%	0%
\$100,000 to \$150,000	156	8%	32%	16%	42%	3%
Over \$150,000	77	14%	23%	10%	51%	1%
Total	585	7%	31%	15%	45%	1%

**According to state law, the commission recommends to voters whether a judge should be retained or not based on their evaluation. In your view, which, if any, of the following types of information should the Judicial Performance Evaluation Commission include in their report to voters?**

*Percentages for “yes” responses shown.*

Income	Number responding	Whether the Judge Meets the Minimum Performance Standards Required by State Law	Whether There Are Disciplinary Actions Against the Judge	Whether the Commission Recommends the Judge Be Retained or Not	How Long the Judge Has Been on the Bench	The Judge's Professional Qualifications
Less than \$40,000	102	96%	93%	78%	89%	93%
\$40,000 to \$59,999	76	97%	96%	79%	83%	95%
\$60,000 to \$79,999	100	98%	99%	86%	95%	95%
\$80,000 to \$99,999	75	97%	97%	83%	84%	92%
\$100,000 to \$150,000	156	96%	98%	83%	85%	92%
Over \$150,000	77	95%	97%	81%	83%	96%
Total	586	96%	97%	82%	87%	94%

**How much will you rely on the information from the Commission including their recommendation when you make your decision whether or not to retain a judge?**

**Crosstabulation**

Income	Number responding	1 - Not Rely at All	2	3	4	5 - Rely a Great Deal	DK	Wouldn't say
Less than \$40,000	54	7%	2%	15%	22%	50%	4%	0%
\$40,000 to \$59,999	49	4%	4%	24%	37%	31%	0%	0%
\$60,000 to \$79,999	51	6%	2%	27%	27%	33%	4%	0%
\$80,000 to \$99,999	52	10%	0%	8%	38%	42%	2%	0%
\$100,000 to \$150,000	107	3%	4%	23%	22%	42%	4%	2%
Over \$150,000	46	4%	7%	7%	28%	54%	0%	0%
Total	359	5%	3%	18%	28%	42%	3%	1%

**In the past six weeks, do you recall hearing or seeing anything about judges' performance evaluations or where you can find their evaluations? Crosstabulation**

Income	Number responding	Yes	No
Less than \$40,000	102	17%	83%
\$40,000 to \$59,999	76	33%	67%
\$60,000 to \$79,999	99	20%	80%
\$80,000 to \$99,999	75	28%	72%
\$100,000 to \$150,000	156	20%	80%
Over \$150,000	77	23%	77%
Total	585	23%	77%

**Where have you seen this information? Crosstabulation**

*Percentages for “yes” responses shown.*

Income	Number responding	Newspaper	Television	Radio	Social media	Billboards	Lawn signs	Other	Don't know	Wouldn't say	Online	Info with Ballot
Less than \$40,000	17	0%	0%	0%	12%	0%	0%	53%	6%	0%	53%	18%
\$40,000 to \$59,999	26	19%	4%	0%	8%	0%	4%	40%	0%	4%	44%	8%
\$60,000 to \$79,999	21	14%	0%	25%	19%	5%	10%	40%	0%	0%	35%	10%
\$80,000 to \$99,999	21	10%	5%	0%	24%	0%	0%	48%	0%	0%	38%	14%
\$100K to \$150,000	31	19%	3%	0%	13%	10%	0%	40%	0%	3%	55%	10%
Over \$150,000	17	24%	0%	0%	11%	6%	0%	39%	0%	0%	56%	22%
Total	133	15%	2%	4%	14%	4%	2%	43%	1%	2%	47%	13%

## Have you used any of the following sources to review information regarding the judges that will be on your ballot this year?

Percentages for “yes” responses shown.

Income	Number responding	Google	Voter Info Pamphlet	judges.utah.gov	vote.utah.gov	Another voter site	Research on own	Other
Less than \$40,000	101	48%	22%	30%	35%	14%	39%	2%
\$40,000 to \$59,999	76	43%	43%	34%	50%	9%	58%	8%
\$60,000 to \$79,999	100	36%	24%	18%	30%	9%	43%	8%
\$80,000 to \$99,999	75	41%	37%	21%	37%	13%	37%	9%
\$100K to \$150,000	155	43%	29%	25%	39%	12%	48%	6%
Over \$150,000	77	42%	22%	30%	32%	18%	39%	13%
Total	584	42%	29%	26%	37%	12%	44%	7%

Note: Differences across income levels are statistically significant for research voter pamphlet,  $p < .05$

## Helping You Find the Judges that Will Be on Your Ballot Crosstabulation

Income	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Less than \$40,000	47	0%	4%	19%	34%	36%	6%
\$40,000 to \$59,999	43	0%	7%	14%	33%	44%	2%
\$60,000 to \$79,999	37	0%	3%	11%	43%	30%	14%
\$80,000 to \$99,999	35	0%	6%	11%	40%	37%	6%
\$100,000 to \$150,000	81	1%	6%	20%	20%	43%	10%
Over \$150,000	33	0%	3%	24%	30%	39%	3%
Total	276	0%	5%	17%	31%	39%	7%

## Providing Information on Individual Judges to Help You Vote Crosstabulation

Income	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Less than \$40,000	47	0%	6%	30%	30%	26%	9%
\$40,000 to \$59,999	42	5%	10%	5%	43%	36%	2%
\$60,000 to \$79,999	37	0%	0%	14%	43%	30%	14%
\$80,000 to \$99,999	36	3%	3%	11%	39%	39%	6%
\$100,000 to \$150,000	80	3%	9%	24%	20%	36%	9%
Over \$150,000	33	3%	6%	30%	15%	42%	3%
Total	275	2%	6%	20%	30%	35%	7%

## An Easy to Navigate Website Crosstabulation

Income	Number responding	1 - Not Helpful	2	3	4	5 - Very Helpful	DK
Less than \$40,000	47	0%	2%	21%	38%	30%	9%
\$40,000 to \$59,999	41	5%	0%	15%	44%	34%	2%
\$60,000 to \$79,999	37	0%	3%	8%	46%	30%	14%
\$80,000 to \$99,999	34	0%	0%	18%	38%	41%	3%
\$100,000 to \$150,000	79	3%	3%	25%	23%	39%	8%
Over \$150,000	32	0%	3%	34%	19%	41%	3%
Total	270	1%	2%	21%	33%	36%	7%

## How would you prefer to receive information about judges on the ballot?

Percentages for “yes” responses shown.

Income	Number responding	Website	Newspaper	Pamphlet in Mail	Info at Polling site	Social Media	Television	Billboards	Other
Less than \$40,000	102	89%	32%	75%	61%	49%	29%	19%	9%
\$40,000 to \$59,999	76	93%	45%	82%	50%	43%	36%	25%	7%
\$60,000 to \$79,999	100	82%	47%	79%	49%	36%	31%	20%	9%
\$80,000 to \$99,999	75	91%	35%	79%	47%	32%	24%	13%	3%
\$100,000 to \$150,000	155	90%	31%	72%	41%	44%	23%	14%	6%
Over \$150,000	77	91%	38%	64%	36%	36%	26%	10%	12%
Total	585	89%	37%	75%	47%	41%	28%	17%	7%

Note: Differences across income levels are statistically significant for info at polling site,  $p < .05$

## In general, do you feel MOST UTAH VOTERS have enough information to make informed decisions about which judges should be retained and which judges should not? Crosstabulation

Income	Number responding	1 - Definitely not enough	2	3	4	5 - Definitely enough	DK
Less than \$40,000	103	39%	23%	19%	5%	10%	4%
\$40,000 to \$59,999	76	38%	18%	22%	17%	3%	1%
\$60,000 to \$79,999	101	50%	21%	18%	5%	4%	2%
\$80,000 to \$99,999	75	39%	19%	17%	9%	12%	4%
\$100,000 to \$150,000	156	38%	22%	25%	13%	1%	1%
Over \$150,000	78	45%	18%	26%	5%	5%	1%
Total	589	41%	21%	22%	9%	5%	2%

## Please rate how well informed you feel you are to make decisions about which judges should be retained

### Crosstabulation

Income	Number responding	1 - Not Well Informed at All	2	3	4	5 - Very Well Informed	Don't Know	Wouldn't say
Less than \$40,000	98	22%	17%	28%	20%	7%	4%	1%
\$40,000 to \$59,999	70	24%	14%	21%	23%	17%	0%	0%
\$60,000 to \$79,999	98	31%	19%	23%	22%	1%	1%	2%
\$80,000 to \$99,999	70	20%	17%	23%	24%	14%	1%	0%
\$100,000 to \$150,000	150	17%	17%	28%	27%	7%	3%	1%
Over \$150,000	72	29%	11%	21%	26%	13%	0%	0%
Total	558	23%	16%	25%	24%	9%	2%	1%

## How long have you been a resident of Utah?

### Crosstabulation

Income	Number responding	Less than 5 years	5 to 10 years	11 to 20 years	More than 20 years
Less than \$40,000	102	5%	8%	14%	74%
\$40,000 to \$59,999	76	5%	7%	9%	79%
\$60,000 to \$79,999	100	6%	13%	16%	65%
\$80,000 to \$99,999	75	1%	11%	12%	76%
\$100,000 to \$150,000	155	6%	5%	12%	77%
Over \$150,000	76	5%	8%	21%	66%
Total	584	5%	8%	14%	73%

## Political Affiliation Crosstabulation

Income	Number responding	Democrat	Republican	Unaffiliated	Other	Wouldn't say
Less than \$40,000	103	29%	39%	30%	2%	0%
\$40,000 to \$59,999	76	20%	37%	34%	8%	1%
\$60,000 to \$79,999	100	16%	53%	27%	4%	0%
\$80,000 to \$99,999	74	15%	41%	39%	4%	1%
\$100,000 to \$150,000	156	28%	38%	30%	3%	0%
Over \$150,000	76	17%	43%	34%	5%	0%
Total	585	22%	42%	32%	4%	0%

Note: Differences across income levels are statistically significant,  $p < .05$

## Education Crosstabulation

Income	Number responding	College degree	No college degree
Less than \$40,000	102	25%	75%
\$40,000 to \$59,999	76	41%	59%
\$60,000 to \$79,999	99	47%	53%
\$80,000 to \$99,999	75	57%	43%
\$100,000 to \$150,000	155	66%	34%
Over \$150,000	77	69%	31%
Total	584	52%	48%

Note: Differences across income levels are statistically significant,  $p < .05$

## Gender Crosstabulation

Income	Number responding	Male	Female	Other	Wouldn't say
Less than \$40,000	101	43%	57%	0%	0%
\$40,000 to \$59,999	76	58%	41%	0%	1%
\$60,000 to \$79,999	99	40%	59%	1%	0%
\$80,000 to \$99,999	75	43%	56%	0%	1%
\$100,000 to \$150,000	155	51%	49%	0%	0%
Over \$150,000	77	55%	45%	0%	0%
Total	583	48%	51%	0%	0%

## Age Crosstabulation

Income	Number responding	18 to 29	30 to 39	40 to 49	50 to 59	60 to 69	70 or older
Less than \$40,000	101	50%	10%	10%	8%	5%	18%
\$40,000 to \$59,999	76	26%	21%	13%	12%	13%	14%
\$60,000 to \$79,999	100	15%	24%	13%	13%	16%	19%
\$80,000 to \$99,999	74	8%	23%	22%	23%	15%	9%
\$100,000 to \$150,000	155	14%	21%	28%	12%	14%	10%
Over \$150,000	77	4%	18%	31%	26%	13%	8%
Total	583	20%	20%	20%	15%	13%	13%

Note: Differences across income levels are statistically significant,  $p < .05$

## Race/Ethnicity Crosstabulation

Income	Number responding	White	All other
Less than \$40,000	102	82%	18%
\$40,000 to \$59,999	76	78%	22%
\$60,000 to \$79,999	100	77%	23%
\$80,000 to \$99,999	75	91%	9%
\$100,000 to \$150,000	155	78%	22%
Over \$150,000	77	91%	9%
Total	585	82%	18%

Note: Differences across income levels are statistically significant,  $p < .05$

## County Crosstabulation

Income	Number responding	Salt Lake	Utah	Davis	Weber	All others
Less than \$40,000	101	32%	16%	11%	7%	35%
\$40,000 to \$59,999	76	34%	22%	14%	1%	28%
\$60,000 to \$79,999	99	33%	24%	8%	6%	28%
\$80,000 to \$99,999	75	36%	19%	12%	9%	24%
\$100,000 to \$150,000	156	41%	15%	8%	15%	20%
Over \$150,000	77	43%	18%	10%	8%	21%
Total	584	37%	19%	10%	9%	26%





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# JPEC MEDIA ANALYSIS

2020 Election

Executive Summary

## EXECUTIVE SUMMARY

The 2020 General Election garnered more voter participation than any general election on record, raising the question of how new voters treated the judicial retention ballot items. JPEC's goal was to double the amount of 2018 web traffic to its website, [judges.utah.gov](https://judges.utah.gov), as measured by the number of page sessions from September 1 to Election Day. Outreach efforts, combined with increased voter participation, resulted in increased voting on judges, website traffic, and public interest in the evaluation of judges.

- The overall percentage of those voting on judges held steady with the influx of voter turnout.
  - Completion rates in counties remained mostly steady, with statewide averages rising slightly from 81% in 2018 to 83% in 2020.
  - In the Third Judicial District, completion rates rose from 73% in 2016 to 80% in 2020.
- Individual website users increased by 147%, totaling 301,264 in 2020, compared to 122,145 in 2018.
  - Twenty percent of Utah voters visited [judges.utah.com](https://judges.utah.com). Of the voters who voted on judges, 25% visited the website.
  - In 2018, only 11% of voters visited [judges.utah.gov](https://judges.utah.gov). Of the voters who voted on judges, 14% visited the website.
- JPEC achieved its goal of doubling the traffic to [judges.utah.gov](https://judges.utah.gov) compared to 2018. Website traffic increased by 124%, with voters logging 328,130 page sessions compared to 146,439 in 2018.
- Pageview and session time increases indicate voters are taking additional time to review and research judges.
  - Pageview numbers increased by 262%, from 692,499 in 2018 to 2,506,171 in 2020. (Pageviews count the total number of pages to which a user clicks during a page session.)
  - Average page session duration increased 50.87%, averaging 00:04:10 in 2018 to 00:06:17 in 2020.

- Social media showed an increased irritation by voters about JPEC's unanimous recommendations for retention on all judges and the lack of outcome- or issue-based information available on judges (e.g., sentencing outcomes, partisan affiliation, types of decisions, issue stances).
- More people are now using a mobile device to view [judges.utah.gov](http://judges.utah.gov) than are using a tablet or desktop device.



## JPEC 2021 Report to the Community: 2020 Judicial Retention Election

Court Level	Regular	Provisional*	Total
Supreme Court	0	1	1
Court of Appeals	2	4	6
District Court	12	8	20
Juvenile Court	3	6	9
Justice Court	7	16	23
<b>Grand Total</b>	<b>24 (41%)</b>	<b>35 (59%)</b>	<b>59</b>

\*According to the Utah Constitution, judges must stand for the first general election at least three years after appointment. The provisional term is shorter than the regular term. Judges in Utah serve six-year terms, except for justices on the Utah Supreme Court who serve ten-year terms.

74 judges were eligible to stand for retention, as of 1/1/18.

At the end of survey cycle, 9/30/2019, JPEC completed **65** retention evaluation reports.

**59** judges appeared on the ballot and on judges.utah.gov.

**59%** of judges on the ballot have served on the bench for fewer than four years.

Voters retained **59** judges.

### What is JPEC?

The Judicial Performance Evaluation Commission was established by state statute in 2008. Its goals are:

- ✓ To provide voters with valid information about each judge's performance;
- ✓ To provide judges with useful feedback about their performance so they may become better judges and thereby improve the quality of the judiciary; and
- ✓ To promote public accountability of the judiciary while ensuring that it continues to operate as an independent branch of government.

### Did you know?

*Statute requires commissioners to vote in favor of a judge's retention if the judge meets minimum standards, unless there is substantial countervailing evidence why the judge should not be retained.*

### 2020 Elections Outreach

JPEC seeks an informed electorate for judicial retention elections. Results include:

**20%** of Utah voters visited judges.utah.gov.

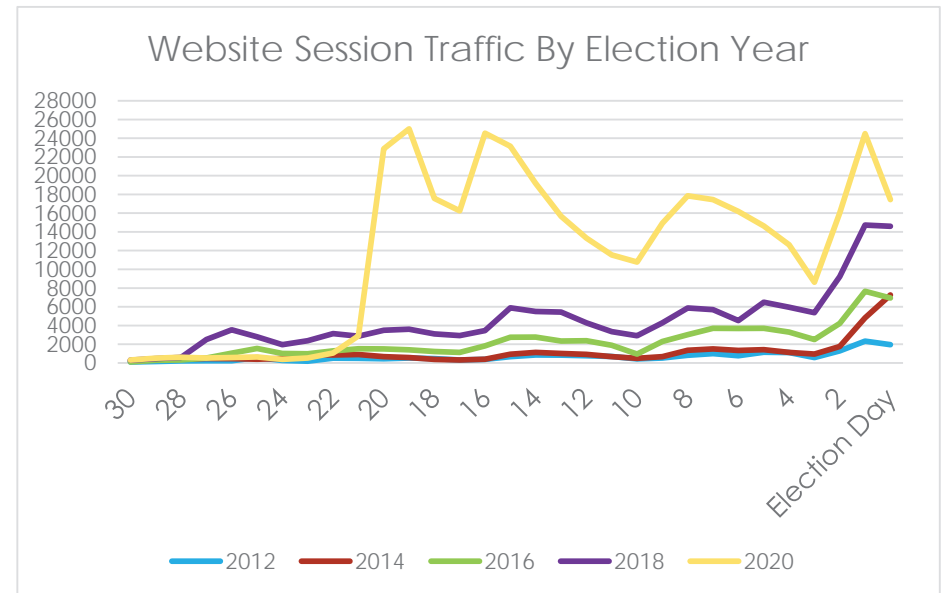
**147%** increase in individual website users.

**124%** increase in website sessions from 2018.

**107,166** impressions from billboards posted across **5** counties.

**200+** lawn signs displayed in **9** counties.

**151** posts and ads on social media, yielding **215,257** impressions.

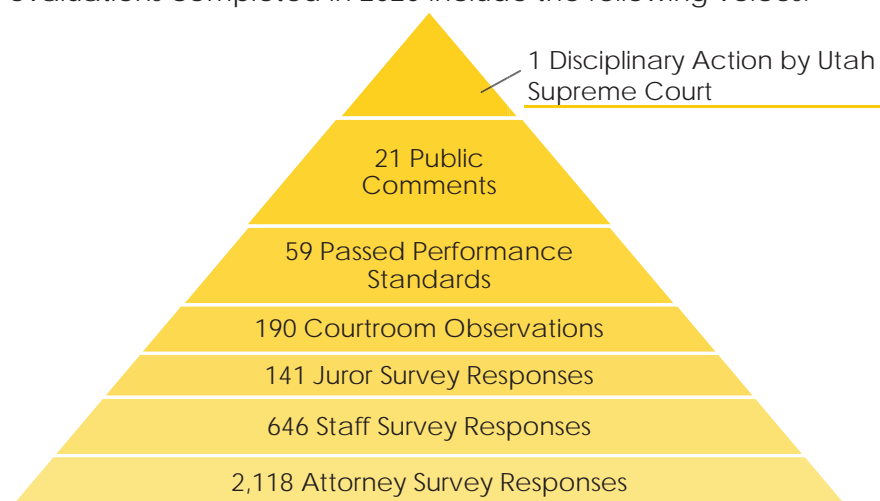


### Did you know?

*Judges see their evaluation reports before deciding whether to stand for the retention election. Some choose to resign or retire rather than face a retention election with a negative evaluation.*

## 2020 Evaluation Voices

Judge evaluations assemble and rely on the views and experiences of multiple groups that interact with judges. JPEC evaluations completed in 2020 include the following voices:



### Who are the JPEC commissioners?

- ✓ JPEC's 13 volunteer commissioners are social workers, accountants, lawyers, and community leaders who donate their time to a careful evaluation of the data collected on each judge.
- ✓ Commissioners are appointed by Governor Spencer Cox, the Utah Legislature, and the Utah Supreme Court.
- ✓ By law, about half of the membership may be attorneys. Partisan balance is required.



## Work in Progress

**Voter Survey:** During 2020, JPEC conducted a survey to learn what registered voters know about JPEC and judicial retention elections. Key takeaways:

- 1) Over half of respondents know about JPEC;
- 2) 26% plan to use JPEC's information to help them vote; and
- 3) Most want to receive information about judges through a website and a pamphlet that arrives by mail.

The survey will help JPEC to develop action items to raise voter awareness and improve how it provides information to voters.

**Basic Evaluation Pilot:** Judges who have very small caseloads (9%) have historically been difficult and prohibitively expensive to evaluate. In 2020, JPEC tested whether remote observations could provide these judges with accurate, cost-effective evaluations. Final pilot results should be issued by mid-2021; implementation may require legislation.

**Ongoing Evaluations:** With general elections every other year, JPEC's evaluations of judges are ongoing. During 2018 to 2020, it completed the following for the 2020, 2022, and 2024 elections: **18,371** survey invitations sent to Utah attorneys, **3,855** court staff and juvenile court professionals, and **1,563** jurors; Outreach to approximately **20** groups to encourage survey participation; **589** reports made during **834** court observations by **153** volunteer courtroom observers; **28** new courtroom observers were recruited and trained in **4** different sessions; **43** mid-level court observations; **333** public comments submitted by members of the public; **76** midterm evaluation reports completed for judges who will stand for retention in 2022; and **1,427** hours of volunteer service by JPEC commissioners.

# Tab 10

Agenda



## Administrative Office of the Courts

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

December 24, 2020

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

### MEMORANDUM

**TO: Management Committee/Utah Judicial Council**

**FROM: Tom Langhorne/Standing Education Committee**

**RE: New Appontment to the Standing Education Committee**

Per Code of Judicial Administration Rule 1-205, the Standing Education Committee shall, in part, be populated by a district court judge from either the second, third or fourth district.

Third District Judge Vernice Trease has decided not to serve a second term on that standing committee. Accordingly, that committee's vacancy must be filled.

The current committee membership is as follows:

Hon. Diana Hagen- Standing Committee Chair Court of Appeals  
John Larsen- IT Program Manager, AOC  
Cathy Dupont- Deputy Court Administrator, AOC  
Lynn Wiseman- Clerk of Court, Second District Juvenile Court  
Hon. John Carl Ynchausti- Second District Justice Court  
(Chair, Justice Court Judges Education Committee)  
Bart Olsen- Director of Human Resources, AOC  
Mark Paradise- Judicial Assistant, Third District Court  
Joyce Pace- Trial Court Executive, District and Juvenile Court Fifth District  
Hon. George Harmond- Seventh District Court  
James Hedges, Ph.D.- Director of Professional and Continuing Education, Westminster College  
Megan Haney- Chief Probation Officer, Third District Juvenile Court  
Hon. Kirk Morgan- First District Juvenile Court  
Tom Langhorne- Utah Judicial Institute Director

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

Description of recruitment process- Tom Langhorne sent an email to all District Court Judges requesting they submit a letter of interest to Tom. Accordingly, the following two judges submitted their letter of interest and listed their past and current committee assignments.

Statements of interest:

Judge Paul B. Parker, Third District Court

Please accept this as my statement of interest in the Education Standing Committee. I have been a judge seven years and currently have a predominately criminal calendar. I have taught sessions a couple of times at the annual conferences and teach regularly at the new judge trainings. In the past, I have served on the bail and fine committee. I am currently assigned to the Grand Jury Panel of Judges and the library oversight committee.

Judge Matthew Bates

I am not currently serving on any committees. I finished two terms on the evidence committee about 6 months ago. I also unofficially assist Keisa Williams with her work on the Pretrial Release Committee.

I am interested in helping the Standing Education Committee provide the best possible continuing education for our judges and commissioners. For about a decade I have been involved in training and teaching lawyers. I began teaching semi-annual case law updates for the Utah Prosecution Council in 2010. In 2013, I joined the faculty of the Prosecutor Boot Camp, also sponsored by the Utah Prosecution Council, and spent a week each fall on the campus of Utah State University training new prosecutors. My affiliation with the Utah Prosecution Council opened other opportunities to present at CLE events for the Utah Bar and to train outside of Utah. For the last four years, I have presented annual Supreme Court case law updates to prosecutors in Virginia. These experiences have exposed me to a variety of legal education curricula. I hope that my experience would be a valuable addition to the important work the committee does educating our judges and commissioners each year.



# Tab 11

## Agenda

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 Name

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 Address

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 City, State, Zip

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 Phone

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

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 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><b>Answers to Request for Admissions</b>          (Utah Rule of Civil Procedure 36(b))</p> <hr/> Case Number  <hr/> Judge  <hr/> Commissioner (domestic cases)
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I am the ☐ plaintiff or petitioner ☐ defendant or respondent in this case.

I understand that requests for admissions which are not answered are admitted.

Below are my answers to the Request for Admissions.

Request number 1 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 1:

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Request number 2 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 2:

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Request number 3 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 3:

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Request number 4 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 4:

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Request number 5 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 5:

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Request number 6 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 6:

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Request number 7 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 7:

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Request number 8 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 8:

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Request number 9 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 9:

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Request number 10 (copy the request exactly as it is written in the Request for Admission):

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Answer to Request number 10:

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(Use the same format and attach additional pages if needed.)

**Plaintiff/Petitioner or Defendant/Respondent**

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

Signed at \_\_\_\_\_ (city, and state or country).

	Signature ►	
Date	Printed Name	

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

	Signature ►	
Date	Printed Name	

### Certificate of Service

I certify that I filed with the court and am serving a copy of these Answers to Request for Admissions 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