

Agenda

JUDICIAL COUNCIL MEETING**AGENDA****April 26, 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 Judge Mary T. Noonan
(Information)
4. 9:20 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)
5. 9:45 a.m. Regulatory Reform Innovation Office Report Lucy Ricca
(Tab 3 - Information)
6. 9:55 a.m. Board of Justice Court Judges Report..... Judge Rick Romney
(Information) Jim Peters
7. 10:05 a.m. Judicial Performance Evaluation Commission Report Dr. Jennifer Yim
(Tab 4 - Information) Commissioner Gil Miller
- 10:25 a.m. Break
8. 10:35 a.m. Problem-Solving Court Recertifications..... Judge Dennis Fuchs
(Tab 5 - Action)
9. 10:40 a.m. Senior Judge Certifications Nancy Sylvester
(Tab 6 - Action)
10. 10:50 a.m. CJA Rules 2-211, 10-1-502, 10-1-602 for Final Approval...Keisa Williams
(Tab 7 - Action)

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| 11. | 11:00 a.m. | Uniform Fine Committee Report and Uniform Fine Schedule.....
(Tab 8 - Action) | Judge Jennifer Valencia
Shane Bahr
Clayson Quigley |
| 12. | 11:15 a.m. | Appointment of Tax Judges
(Tab 9 - Action) | Judge Keith Kelly
Shane Bahr |
| 13. | 11:20 a.m. | Language Access Committee Report and Reauthorization
(Tab 10 - Action) | Judge Michael Leavitt
Kara Mann |
| 14. | 11:35 a.m. | Budget & Grants
(Tab 11 - Action) | Judge Mark May
Karl Sweeney
Bart Olsen
Jordan Murray |
| | 12:00 p.m. | Lunch Break | |
| 15. | 12:10 p.m. | Old Business/New Business
(Discussion) | All |
| 16. | 12:30 p.m. | Executive Session - there will be an executive session | |
| 17. | 1:00 p.m. | Adjourn | |

Consent Calendar

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

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| 1. Forms Committee Forms
(Tab 12) | Nathanael Player |
| 2. CJA Rules 3-415 and 7-302 for Public Comment
(Tab 13) | Keisa Williams |

Tab 1

Agenda

JUDICIAL COUNCIL MEETING**Minutes****March 12, 2021****Meeting conducted through Webex****12:00 p.m. – 3:30 p.m.*****Chief Justice Matthew B. Durrant, Presiding*****Members:**

Chief Justice Matthew B. Durrant, Chair
 Hon. Todd Shaughnessy, Vice Chair
 Hon. Brian Cannell
 Hon. Samuel Chiara
 Hon. Augustus Chin
 Hon. David Connors
 Hon. Ryan Evershed
 Hon. Paul Farr
 Hon. Michelle Heward
 Justice Deno Himonas
 Hon. Mark May
 Hon. David Mortensen
 Hon. Kara Pettit
 Hon. Derek Pullan
 Hon. Brook Sessions
 Rob Rice, esq.

Excused:

Cathy Dupont

Guests:

John Baldwin, Utah State Bar
 Hon. M. Christiansen Forster, Court of Appeals
 Dr. Daniel Levin, P.O. Program Coordinator
 Travis Erickson, TCE Seventh District Court
 Heather Farnsworth, Utah State Bar
 Hon. Barry Lawrence, Third District Court

AOC Staff:

Hon. Mary T. Noonan
 Michael Drechsel
 Shane Bahr
 Heidi Anderson
 Geoff Fattah
 Amy Hernandez
 Alisha Johnson
 Jordan Murray
 Chris Palmer
 Jim Peters
 Jon Puente
 Clayson Quigley
 Nini Rich
 Neira Siaperas
 Nick Stiles
 Karl Sweeney
 Nancy Sylvester
 Keisa Williams
 Jeni Wood

Guests Cont.:

Brooke McKnight, Clerk of Court, Second District
 Russ Pearson, TCE Eighth District Court
 Hon. J.A. Petry, Vernal Justice Court
 Heather Thuet, Utah State Bar
 Larry Webster, TCE Second District Court

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.

Motion: Judge David Connors moved to approve the February 22, 2020 Judicial Council meeting minutes, as amended to change on page 3 under the grant rule moratorium from “lifted” to temporarily modified. Judge Brook Sessions seconded the motion, and it passed unanimously.

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

Chief Justice Durrant thanked everyone for their support with the recommendation for Ron Gordon to fill the State Court Administrator position, effective June 1st.

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

Judge Mary T. Noonan announced that the Legislature’s budget decisions have been distributed and will be addressed later in the meeting. The 1% merit increase was not funded; however, the 3% COLA increase was funded.

Brent Johnson provided, via email, a brief overview of the intended course of action in regard to the Risk Phase Response Plan due to the conditions of the pandemic and the state of emergency changing rapidly in recent weeks. The COVID-19 infection rates have dropped significantly since early January. The vaccination pace has quickened. The CDC issued new guidance related to those who have been vaccinated. And the Utah Legislature passed a bill that will end the statewide mask mandate on April 10 and codifies criteria for the end of the state of emergency. These developments have resulted in many questions about how the judiciary will conduct business in the coming months.

The Risk Phase Response plan was approved and adopted by the Management Committee. Over the next few weeks the Risk Phase Response Plan will be reviewed with an eye toward answering questions and providing guidance that will take the courts through the end of the pandemic. Modifications to the Risk Phase Response Plan will be proposed to the Management Committee at their April 13 meeting. The requirements in the current Risk Phase Response Plan will govern until then.

The answers to the many questions that have arisen are not known at this time. The Management Committee will continue to be guided by the principles of safety and following the science. As the various administrative orders have emphasized, the courts will continue to make decisions independent of what other entities have decided because the courts are in the unique position of compelling individuals to visit our buildings. At the same time, the Management Committee understands the crisis fatigue under which we have all been operating for a year and will ease any restrictions that are no longer necessary according to the science. Mr. Johnson will address the current Risk Response Plan and current Administrative Order with the changing COVID environment.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Judge Mark May said the committee met last week. The work of the committee will be addressed later in the meeting.

Liaison Committee Report:

Judge Kara Pettit noted Michael Drechsel distributed the results of the legislative session. Judge Pettit thanked Mr. Drechsel and Jim Bauer for their work on the session. The committee will next work on updating the benches about legislative changes.

Policy and Planning Committee Report:

Judge Derek Pullan said the grant guardrails project continues to move forward with a monthly reporting to the Policy & Planning Committee. The rest of the work is reflected in the minutes.

Bar Commission Report:

Rob Rice had nothing new to report as the Bar has not met since the last Council meeting and members of the Bar will provide a report to the Council.

5. UTAH STATE BAR REPORT: (Heather Farnsworth, John Baldwin, and Heather Thuet)

Chief Justice Durrant welcomed Heather Farnsworth, John Baldwin, and Heather Thuet. Ms. Farnsworth introduced President-Elect Heather Thuet.

Bar Conventions

- The Fall 2020 Forum was held virtually with 2,892 attendees
- The Spring 2021 Convention will be held virtually beginning March 25
- They are hoping for an in-person Summer Convention in Sun Valley at the end of July

Michelle Oldroyd, Director of Diversity, will work on ensuring that legal education programming is focused on these issues and provides a diverse panelists canvas. Mark Morris, Bar Commission and Chair of the Early Diversity Outreach Committee, is working with the test center for legal inclusion to introduce young children to lawyers and encourage them to consider a legal education.

Shawn Newell and Andrew Morris, co-chairs for the Excessive Force Seminar, are working with various community members and police departments.

Judge Tom Wilmore and Eric Christiansen Chair the Bar's Regulatory Reform Committee. The role has been to provide education and information to Bar members and to encourage participation.

Martha Knudsen, Wellness Representative for the Bar, is working on wellness efforts, such as monthly CLEs and may move to monthly activities post-pandemic, such as hiking or yoga.

The virtual Bar exam was successful and they may allow for the July exam to be held virtually.

The American Bar Association (ABA) has a program that will allow 10 judicial interns from diverse backgrounds to participate fully funded.

The selection committee is working to fill the Bar Commission Executive Director position. They anticipate an offer to be extended by the end of April.

Katie Woods is running alone in the President Elect Retention Election.

Chief Justice Durrant and Judge Augustus Chin thanked John Baldwin for his many years of service as the Executive Director. Mr. Baldwin said this last year has been such a challenge and thanked the Judiciary who have worked hard to keep the wheels of justice moving in a fair and equitable manner. Many Bar members have dedicated a considerable amount of their time to the justice system this year.

Chief Justice Durrant thanked Ms. Farnsworth, Mr. Baldwin, and Ms. Thuet. Chief Justice Durrant believed the Bar is fortunate to have their leadership.

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

Chief Justice Durrant welcomed Judge Barry Lawrence and Shane Bahr. The Board has been participating in roundtable virtual discussions about Webex, evictions, and jury trials. The district conference will be held virtually in May. The bench has been having difficulties with evictions due to the constant changing rules, both locally and federally. The jury trials that have been conducted recently have gone well. Next week there will be two jury trials held simultaneously. Judge Lawrence noted that the districts will need additional resources to operate the jury trials. Moving forward, they would like to reconstruct additional courtrooms for jury trials. Mr. Bahr said some of the districts have been hiring staff to assist with the jury trials.

The Fee Waiver Audit has been addressed with the bench to ensure compliance and uniformity. The Board agreed with Mr. Quigley's recommendation on weighted caseloads. If an expert panel is created, the Board would like to be included in that.

Chief Justice Durrant thanked Judge Lawrence and Mr. Bahr.

7. LEGISLATIVE UPDATES: (Michael Drechsel and Jim Bauer)

Chief Justice Durrant welcomed Michael Drechsel and Jim Bauer. Mr. Drechsel stated Mr. Bauer was unable to attend.

No.	PRIORITY	ONGOING FUNDING		ONE-TIME FUNDING		NOTES
		COUNCIL REQUEST	ACTUAL APPROPRIATION	COUNCIL REQUEST	ACTUAL APPROPRIATION	
1	TECHNOLOGY INVESTMENT	\$ 1,452,000	\$ 650,000		\$ 802,000	Partially funded - see the following six rows below (SB0002)
	IT Developers	\$ 650,000	\$ 650,000	\$ -	\$ -	Funded
	Online Court Assistance Program (OCAP)	\$ 210,000	\$ -	\$ -	\$ 210,000	Funded one-time
	Cybersecurity Infrastructure	\$ 450,000	\$ -	\$ -	\$ 450,000	Funded one-time
	Rural Courthouse Bandwidth Increases	\$ 25,000	\$ -	\$ -	\$ 25,000	Funded one-time
	Webex Licensing	\$ 45,000	\$ -	\$ -	\$ 45,000	Funded one-time
	Microsoft Licensing	\$ 72,000	\$ -	\$ -	\$ 72,000	Funded one-time
2	PUBLIC OUTREACH COORDINATOR	\$ 120,000	\$ -	\$ -	\$ 120,000	Funded one-time (SB0002)
3	PUBLIC SAFETY OUT-OF-STATE CRIMINAL HISTORY REVIEW	\$ 220,500	\$ 220,600	\$ -	\$ -	Funded (SB0002)
4	COURT COMMISSIONERS – RECRUIT & RETAIN	\$ 92,500	\$ -	\$ -	\$ -	Not funded
5	JUDICIAL ADMINISTRATION CERTIFICATE PROGRAM	\$ 50,000	\$ -	\$ 10,000	\$ -	Not funded
TOTAL		\$ 1,935,000	\$ 870,600	\$ 10,000	\$ 922,000	

Mr. Drechsel reviewed legislative bills and noted unless otherwise identified, changes to the bills become effective May 5.

HB260S04. Criminal Justice Modifications. This bill relates to the courts keeping criminal accounts receivable. The courts have been providing the Department of Corrections or other entity with any money owed. The bill requires the courts to keep the delinquent accounts until the person has completed their sentence. This will create a lot of management issues moving forward. Approximately 11,000 accounts are sent to corrections annually. Those will now stay with the courts; therefore, court personnel will be needed to manage the accounts. None of the accounts that have been sent to corrections or any other entity will be returned to the courts. The bill becomes effective July 1. The legislature appropriated \$658,000 ongoing and \$32,500 FY21 one-time, with a reduction of \$197,000 in FY22 one-time impact for this bill. Those funds are what was estimated for eight clerk positions to manage these accounts.

SJR003. Joint Resolution Dissolving Smithfield City Justice Court. The fiscal impact from Smithfield will bring money into the courts, which will hopefully offset and defray the added burden the First District Court will have since there is no Cache County Justice Court.

HB220S02. Pretrial Detention Amendments. This bill received \$6,000 in FY22 one-time funds and is associated with legislative funded Public Safety Out-of-State Criminal History Report of \$220,600 ongoing funds. These are IT-related development impacts that the courts need to have for changes to the system. This bill largely rolls back the changes made in HB206.

HB003. Current Fiscal Year Supplemental Appropriations. This bill requires the Judicial Council to report to the IGG Appropriations Subcommittee about the San Pete County Courthouse by October 1. This is an effort to reduce the cost per square foot as well as try to increase the utilization of the courthouse space. The topic of the Manti Courthouse received attention from a few local legislators. The Manti Courthouse did not receive funding, most likely due to cost.

HB101S03. Prohibited Persons Amendments. This bill requires the court, prosecutor, and defense counsel to ensure that a person is made aware of firearms restrictions every time a person enters a plea in a criminal case where that person would by virtue of the plea, become a restricted person for firearms.

HB0143. Driver License Suspension Amendments. This bill removes the courts ability to suspend a person's driver's license, except under certain circumstances.

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

8. TCE REPORT: (Russ Pearson and Travis Erickson)

Chief Justice Durrant welcomed Russ Pearson and Travis Erickson. Mr. Pearson reminded the Council that their last report was one year ago when the pandemic began. The TCEs expressed their gratitude to the Council, Management Committee, and the AOC for their leadership. The Administrative Orders and Risk Response Plans have been incredibly helpful. The past year has seen virtual meetings versus in-person which has resulted in less travel time

but more correspondence. Many of the districts have stocks of PPEs but understand when the courts are fully operational they may need additional supplies. They expect a need for more hand sanitizer wipes as more jury trials are scheduled. The TCEs have worked with staff and IT in transitioning them to work from home.

Mr. Erickson mentioned the TCEs have adapted to a new environment and challenges, that have provided opportunities to grow. There have been more meetings which resulted in additional, quicker updates. Meeting and collaborating with community partners have been a great experience and benefited the courts. The TCEs appreciated the hard work of the IT Department, especially in the rural areas. The judges who would normally travel are finding virtual hearings more convenient and allowing for additional time on the bench. Court patrons have also benefited from not have to pay for travel to courthouses in the rural areas.

The training of virtual and hybrid hearings has gone very well. The virtual experience has allowed the districts to institute more programs. The TCEs look forward to preserving those benefits. Mr. Erickson noted the Clerks of Court have done exceptional work and thanked the Council for their support. The part-time staff have appreciated additional work hours. The districts continue to adjust and adapt to the duties of the courts.

The Eighth District Court held jury trials through video jury selection and may continue through the Yellow phase with virtual jury selection. This allows potential jurors to spend less time with the process (1.5 hours vs half a day in-person). Judge Samuel Chiara noted that defense counsel stated that they were surprised at how well the virtual jury selection process worked. Feedback from jurors has shown an appreciation for the efficient process. Judge Chiara received requests to continue with virtual hearings.

The districts are transitioning from desktops to laptops. Chief Justice Durrant stated the TCEs have met the challenges faced this year.

Chief Justice Durrant thanked Mr. Pearson and Mr. Erickson.

9. PROPOSED ONE-TIME FY21 AND FY22 CARRYFORWARD REQUESTS: (Judge Mark May and Karl Sweeney)

Chief Justice Durrant welcomed Judge Mark May and Karl Sweeney.

Court Security Partner Recognition Coins

\$1,833

One-time funds

To purchase 300 award coins. Court Security gave up all General Funds in the FY 2021 budget cuts and is entirely funded by the Court Security restricted fund today. UCA 78A-2-602 says Court Security funds are to be used by the Court “to contract for court security at all district and juvenile courts throughout the state” therefore Court Security must petition to use General Funds. This request would fund Court Security recognition efforts for 3+ years.

Motion: Judge Connors moved to approve the Court Security Partner Recognition Coins for \$1,833 in one-time funds, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

Contractor Support for Critical IT Projects

\$225,000

One-time funds

The IT team leadership has been focused on delivering critical COVID projects. Due to this priority, several of the other critical IT deliverables have taken a hit. The department requested funding to hire four additional contract Sr. Project Managers (SPMs) to get the following priorities back on track: Windows 10 upgrades, court data redundancy project, MyCase Pro se, CORIS re-write. If these SPMs prove capable, they would be offered a chance to interview for fulltime positions that come open if the Legislative IT request for \$650,000 in new IT development personnel is approved. This request would fund the period from April 1 – June 30. A separate request to use FY 2022 carryforward funds to extend the temporary assignment from July 1 – September 30 will be made in May 2021.

Mr. Sweeney said the Finance Department has not received any one-time request, other than the one listed above. Judge Connors would like funding to transfer Webex recordings to FTR. Mr. Sweeney said the funds are appropriated for this process.

Motion: Judge May moved to approve the Contractor Support for Critical IT Projects for \$225,000 in one-time funds, as presented. Justice Deno Himonas seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Judge May and Mr. Sweeney.

10. HARVARD PSA UPDATE: (Judge Todd Shaughnessy and Keisa Williams)

Chief Justice Durrant welcomed Judge Todd Shaughnessy and Keisa Williams. Jim Greiner and other Harvard study personnel presented at the February 22 Management Committee meeting, reviewing Utah Code § 77-20-1. Right to Bail – Pretrial Status Order – Denial of Bail – Detention Hearing – Motion to Modify, effective October 1, 2020. Some changes included the presumption ROR release in most situations; least restrictive measures if OR is not warranted; lower cash bail amounts; and ability to pay analysis for any bail amounts. Eight interviews were conducted with the Public Defenders, State’s Attorneys, Sheriff’s, and judges and the study counties (Utah, Davis, Weber and Morgan). Data analysis was conducted in the Davis, Utah, and Weber/Morgan jails, along with data received from the AOC of pretrial participants.

PSA Tool

- The Public Safety Assessment (PSA) was developed by Arnold Ventures after analyzing hundreds of thousands of criminal records.
- The PSA determines category of risk for a defendant of committing a new crime, a new violent crime, or failing to appear.
- The PSA uses nine factors and weighs them to determine the risk category.
- The PSA is paired with a Decision-Making Framework (DMF) which allows localities to determine their risk thresholds.

PSA Factors – The PSA uses nine factors to assess the likelihood of pretrial success.

- 1) Age at current arrest
- 2) Current violent offense
- 2a) Current violent offense and 20 years old or younger
- 3) Pending charge at the time of arrest
- 4) Prior misdemeanor conviction
- 5) Prior felony conviction
- 5a) Prior conviction (misdemeanor or felony)
- 6) Prior violent conviction
- 7) Prior failure to appear in the past 2 years
- 8) Prior failure to appear older than 2 years
- 9) Prior sentence or incarceration

PSA Study

- When an arrestee receives a Probable Cause review, the judge has a 50% chance to receive a PSA-DMF System Report.
- The study is a Randomized Controlled Trial (RCT) in four Utah counties. (Weber, Morgan, Utah, Davis)
- Study officially started on April 15, 2019.
- Study is scheduled to stop randomization on April 15, 2021.
- Two years of randomization followed by two years of follow up on each study participant.

COVID Interviews

- COVID shut down the courts in March, 2020
- Jury trials stopped, hearings moved online
- Jails stopped booking all but the worst offenders
- Crime levels likely stayed same with domestic violence cases increasing
- Heavier reliance on citations
- Judges likely more lenient on bail and FTA warrants
- Technology may have helped or hurt defendants in their criminal case based on technology competency
- No significant change in demographics for those being arrested

Pretrial Utah Code § 77-20-1 interviews were conducted 1.5 months after implementation of the revised statute. Opinions on how many people were being released as a result of the statute were mixed. The opinion of the judge interviewed, who likely had the most direct experience on the matter, suggested there was a significant increase in the release rate. There was similar disagreement and uncertainty about change in conditions ordered by the judge. Interviews were conducted before the technology to transfer the arrestee's ability to pay was implemented. Most of those interviewed agreed that in the absence of the ability to pay, judges presumed indigency. All interviewees agreed that the new law had no effect on the demographics of the defendants being released OR, remanded, or released with conditions.

The adjusted anticipated number of PSAs across all study counties for the full study was approximately 17,000. The current number of PSAs is approximately 14,500. This number is

sufficiently large enough to analyze the impact of the PSA. The study is still on track to end randomization on April 15th 2021. Average NCA/FTA scores caused by COVID are not significant enough to affect the validity.

A concern was raised about the viability and validity of the study due to the pandemic and legislative changes. The study group felt despite the changes, they will still be able to draw statistically valid conclusions. Judge Shaughnessy explained that the purpose of the PSA study was to study judges to determine what affects the use of the PSA has on judges' decisions at the probable cause stage. The study is being conducted in 7-8 courts in the Second and Fourth Districts. Keisa Williams noted that although the numbers show a decline at this time, when additional case types are added, more PSAs are expected.

Chief Justice Durrant thanked Judge Shaughnessy and Ms. Williams and noted that Ms. Williams is an extremely valuable asset to the Judiciary.

11. BOARD OF APPELLATE COURT JUDGES REPORT: (Judge Michele Christiansen Forster and Nick Stiles)

Chief Justice Durrant welcomed Judge Michele Christiansen Forster and Nick Stiles. The Board has met a couple of times over the past few months. The Board welcomed Nick Stiles and are happy to have him on board.

AIS

- Staff has identified newest priorities
- The IT Department will begin making progress on these priorities again post-COVID demands

Appellate Board Conference

- Selected dates: September 9th and 10th
- The Education Department is working through the list of 23 great ideas. A noteworthy idea was women on the Supreme Court – Justice Ginsburg to be taught by Lauren Andersen
- Conference will be at Matheson

Appellate E-filing

- The first phase is complete and provided good guidance into the best program for efilng and the rough cost of building the program
- The Grants Coordinator is working on potential funding for the project
- The appellate courts and the IT Department are working together to move the project forward

Mr. Stiles and the Clerks of Court have been working on office logistics post-COVID world. This includes implementing some of the new HR policies in terms of incorporating remote work where possible.

The appellate courts have been identifying their computer inventory process at the request of the IT Department in an effort to eliminate excess devices.

Staff and Chairs of Supreme Court Advisory Committees have begun the process of preparing to fill the upcoming vacancies due to terms ending this summer.

Chief Justice Durrant thanked Judge Christiansen Forster and Mr. Stiles.

12. SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)

Chief Justice Durrant welcomed Nancy Sylvester. Juvenile Court Judge Jim Michie, who will also retire shortly, applied for inactive senior judge status. Justice court Judge David C. Dahlquist, who will retire shortly, applied for active senior judge status. Neither Judge Dahlquist nor Judge Michie has any complaints pending before the Utah Supreme Court or the Judicial Conduct Commission. The Board of Justice Court Judges has recommended Judge Dahlquist's appointment.

Chief Justice Durrant thanked Ms. Sylvester.

Motion: Judge Farr moved to approve Judge Jim Michie as an inactive senior judge and Judge David Dahlquist as an active senior judge, as presented. Justice Himonas seconded the motion, and it passed unanimously.

13. WEIGHTED CASELOADS NCSC REPORT: (Clayson Quigley)

Chief Justice Durrant welcomed Clayson Quigley. Mr. Quigley reported on the National Center for State Courts (NCSC) Weighted Caseload Report (Report) at the last Council meeting. The Council requested at that time Mr. Quigley seek review and recommendations from the Boards and appropriate stakeholders. Mr. Quigley presented to the various Boards and committees most impacted by the Reports. Overall, Mr. Quigley's impression was that the Boards have greater confidence in the Report and generally support the proposal for implementing the recommendations and further studying the issues highlighted in the Report.

The Board of Justice Court Judges raised concerns about the Report not including justice court caseload reports. However, the methodology validated by the NCSC is the same used for the justice court analyses. The Justice Court Report has a different formula for determining judicial hours because of the unique structure of the justice courts. Should the Council choose to study the judicial standard year formula, significant attention would be given to this matter. This is an important tool justice court judges use to help negotiate salaries with their city officials.

The Clerks of Court noted that the Report did not directly concern their group. They agreed generally with the recommendations and acknowledged that in many ways they are doing the things the judicial weighted caseload falls short of doing. For example, by rule they have an expert panel that meets regularly to review and revise the Clerical Weighted Caseload. They also have a detailed methodology with accompanying documentation of their surveys and other key documents. The Clerks of Court expressed that if the Judicial Standard Year Formula is studied, so should the formula for deciding clerical availability. Additionally, the Clerks of Court asked that representatives of the Clerks of Court be included on the expert panel. The perspectives and assistance from the Clerks of Court was key to the recent Juvenile Court Judicial Weighted Caseload. Across the board, there is overwhelming support for the use of a three-year average when determining judicial and clerical need.

Chief Justice Durrant thanked Mr. Quigley.

Motion: Judge Shaughnessy moved to immediately adopt the 3-year period for all planned weighted caseload efforts and that in the coming year the Council agreed to study the judge year, as presented. Judge Connors seconded the motion, and it passed unanimously.

14. OFFICE OF FAIRNESS AND ACCOUNTABILITY REPORT: (Jon Puente)

Chief Justice Durrant welcomed Jon Puente. Mr. Puente made an offer to fill the Public Outreach Coordinator position. The Office will include the Director of the Office of Fairness and Accountability, the Communications Director, the Public Outreach Coordinator, and the Court Interpreter Program Coordinator. Mr. Puente is working on gathering data to identify any disparities in the judiciary system and to use the information gathered to make data driven policy decisions to remedy disparities that disproportionately affect historically marginalized racial and ethnic minorities. It will take a minimum of six months to gather data and approximately three years to collect a good sample of criminal adjudication process data. Once the data is received and reviewed, the Office can then create policies.

Methods and standards for identifying disparities include self-identification, race perceived, Census demographics options, and current Utah category options. Demographic variables should reflect the nuances of local communities.

Mr. Puente will begin writing a strategic plan for the Management Committee's approval. The plan will include the creation of a committee. Judge Pullan and Judge Michelle Heward support Mr. Puente's roll and plan. Mr. Puente asked that the Council remember that systemic change does not happen quickly. Mr. Puente eventually wants to work on diversity on the Utah bench, which could take 10 years. Judge Pettit informed Mr. Puente that the Judiciary does not have control on judicial appointments and in the past, there have been discussions on this matter. Mr. Puente clarified that he would like to create a large, diverse pool of judicial applicants.

Judge Shaughnessy believed that if the Office is functioning as it was intended, some of the messages delivered may be difficult and uncomfortable. Judge Noonan would like a formal rule established that would send a message to the community that the creation of an advisory council is a showing of a permanent, important effort of the courts.

Chief Justice Durrant thanked Mr. Puente.

15. OLD BUSINESS/NEW BUSINESS

Karl Sweeney sought approval from the Council of the acceptance of \$180,000 in Justice Assistance Grant (JAG) funds from the Commission on Criminal and Juvenile Justice (CCJJ). These funds will be used to cover costs related to HB206 from the 2020 Legislative session. The carryforward spending request was approved in the June 22, 2020 Judicial Council for \$288,900 with a stipulation that \$180,000 of additional funds to address HB206 would not be requested from carryforward funds pending a reply from CCJJ on our request for a \$180,000 grant.

Judge Pullan reminded the Council that Old Business/New Business items should not be action items noting that systemically the Council should not be in the habit of adding action items to this section of the meeting. Rather, items should be on the Council agenda which is approved by the Management Committee.

Motion: Judge Shaughnessy moved to suspend the requirement that matters under the Old Business/New Business items not be action items and approve the JAG funds in the amount of \$180,000, as presented. Justice Himonas seconded the motion, and it passed unanimously.

Mr. Sweeney stated that Amy Hernandez, Domestic Violence Program Coordinator, was approached with a proposal from the Utah Domestic Violence Coalition (UDVC). The UDVC invited the courts to execute a non-binding memorandum of understanding which would accompany a UDVC grant application to the Federal Office of Violence Against Women. If successful, the courts would receive approximately \$254,000 in funds as a subrecipient of funds from the UDVC grant to be used to fund the contract position in the Domestic Violence Program, currently filled by Daniel Levin.

A grant was in place through December 31, 2020 from the Utah Office of Victims of Crime to fund work performed by Dr. Levin as a contractor working with the Domestic Violence Program. When that grant ended, a stopgap funding was approved by the Judicial Council in the form of a \$50,000 carryforward request to fund this position between January 1 and June 30, 2021.

Judge Pullan questioned why this was brought to the Council's attention at the last minute. Amy Hernandez noted they were not contacted until Monday. Judge Connors preferred to have a better analysis of resources than "ordinary course of business" as that phrase was not definitive of what resources are being requested. Mr. Murray stood by the assessment and noted what was presented was his best effort and was based on the results of communications with the AOC Directors. Ms. Hernandez said this request would not add more resources.

Motion: Justice Himonas moved to approve the MOU in the amount of \$254,000, as presented. Judge Chin seconded the motion, and it passed unanimously.

Justice Himonas said the ODR program will be expanded to several justice courts on April 15th. Judge Farr recollected that the program was authorized statewide, once training is complete.

16. EXECUTIVE SESSION

An executive session was not held.

17. CONSENT CALENDAR ITEMS

a) Committee Appointments. Reappointment of Judge Mike Junks to the Uniform Fine Committee. Appointment of Chip Royce to the Language Access Committee. Appointment of Judge James Brady as Chair and the appointment of Judge Michele Christiansen Forster to the Facilities Committee. Appointment of Melissa Kennedy to the Education Committee. Approved without comment.

b) CJA Rules for Public Comment. CJA Rules 1-204 and 2-103 for public comment. Approved without comment.

c) Probation Policies. Amendments to probation policies 2.3, 2.9, and 4.8. Approved without comment.

18. ADJOURN

The meeting adjourned.

Tab 2

Agenda

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
April 13, 2021
Meeting held through Webex
12:00 p.m. – 2:00 p.m.**

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

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

Excused:

Hon. Mary T. Noonan
Michael Drechsel

Guests:

Jim Bauer, JTCE Third Juvenile Court
Brett Folkman, TCE First District Court
Ron Gordon, General Counsel to Governor
Chris Morgan, TCE Sixth District Court
Joyce Pace, TCE Fifth District Court
Hon. Jennifer Valencia, Second District Court

AOC Staff:

Cathy Dupont
Heidi Anderson
Shane Bahr
Brent Johnson
Kara Mann
Meredith Mannebach
Jim Peters
Clayson Quigley
Neira Siaperas
Nick Stiles
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. Chief Justice Durrant welcomed Ron Gordon to the meeting. Mr. Gordon attended in preparation of his State Court Administrator position. Mr. Gordon has been in the Executive Branch for 24 years, noting that he assisted Governor Gary Herbert with more than 100 judicial appointments.

Motion: Judge Paul Farr moved to approve the February 22, 2021 Management Committee minutes, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

The committee unanimously approved by email on March 30, 2021 the Red Phase Jury Trial Plan for the Salt Lake City Justice Court.

The committee unanimously conditionally approved by email on April 6, 2021 the Red Phase Jury Trial Plans for the Fifth District Court and the Seventh District Court. The plans are conditional as quoted below. The corrected Plans will be sent by email to the committee. No further motions are needed.

“Fifth District Court. Paragraph F.3. Breaks. From this description, it sounds like they envision having the jurors take breaks, eat lunch, and remove masks, in the adjacent deliberation room together. If this is what is planned, it needs to be revised. One of the main issues raised by the experts with whom we consulted was where the jurors and other trial participants would eat, drink, and otherwise remove their masks. The place they do that needs to be isolated from others. In Matheson, we have small conference rooms outside each courtroom that are assigned to individual jurors. In the Seventh District, people are going to sit in their vehicles or be given a conference room. In the Fourth District, the plan as I recall was to have them gather in an eating area outside the building. All of those options are fine, and maybe there's another one that hasn't been thought of yet, but whenever people remove their masks they need to be isolated from one another.”

“Seventh District Court. Paragraph D.1. This seems to require face shields for witnesses, in addition to testifying in a witness booth. I think you will find that doing both of these is a bit disorienting for the witness, or at least for some witnesses. When using the booth, there isn't really a need to do face masks as well so maybe this should be optional.”

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

Judge Mary T. Noonan was unable to attend. Cathy Dupont thanked the committee for their support and patience during these difficult times. Ms. Dupont noted Mr. Gordon will attend Judicial Council, Management Committee, and other court meetings prior to beginning as the State Court Administrator on June 1st. Brent Johnson will retire May 28th. Interviews for his replacement will be conducted at the end of April. There were 31 qualified applicants for the General Counsel position.

Michael Drechsel and Judge Kara Pettit will provide a legislative update this Friday. Governor Spencer Cox is reviewing candidates for a judicial vacancy. The remaining judicial vacancies are still with the nominating commissions. It is anticipated that Judge Appleby’s replacement will be hired at the end of this summer. Judge Appleby continues her appellate work as a senior judge.

The state mask mandate expired; however, masks continue to be required in state buildings and in courthouses.

3. LANGUAGE ACCESS COMMITTEE REQUEST FOR REAUTHORIZATION: (Kara Mann)

The Language Access Committee requested to be reauthorized as a standing committee for another six years in accordance with CJA Rule 1-205(1)(D). The Language Access Committee provides immense support and work for Utah State Courts. A sampling of the work the committee has completed within the past six years includes:

- Creating and distributing a bench card on spoken language interpreters
- Creating and distributing a bench card on sign language interpreters
- Creating a handbook for Interpreter Coordinators
- Drafting an English Written Exam policy for interpreter candidates
- Recommending the video equipment purchased to capture ASL on the record
- Proposing revisions to Human Resource Policy 570-Second Language Stipend
- Proposing revisions to the Court's Accounting Manual Section 09-00.00
- Reviewing the court employee second language stipend scoring requirement
- Completing a survey of second language stipend employees
- Revising the Code of Professional Responsibility for Court Interpreters Exam
- Digitizing interpreter files
- Reviewing 11 formal complaints filed against court interpreters
- Participating in seven community outreach events
- Creating and distributing a guide on resuming court operations for court interpreters due to the COVID-19 pandemic
- Determining how the courts can offer interpreter testing and training requirements during the COVID-19 pandemic

Utah continues to see exponential population growth, which includes a growing non-English speaking population within the state. This directly impacts the courts as there will be an increased demand for interpreters.

The Language Access Committee asks to be reauthorized with the committee's focus continuing to be on researching and developing policies and procedures for interpretation in legal proceedings and translation of printed materials, with any necessary recommendation going to the Judicial Council; issuing informal opinions to questions regarding the Code of Professional Responsibility; and disciplining court interpreters as provided by CJA Rule 3-306.05.

Motion: Judge Farr moved to approve placing the reauthorization of the Language Access Committee on the Judicial Council agenda, as presented. Judge Mark May seconded the motion, and it passed unanimously.

4. UNIFORM FINE SCHEDULE: (Judge Jennifer Valencia, Shane Bahr, Clayson Quigley, and Nikki Bizek)

The Uniform Fine Committee undertook review and consideration of the application of the \$10 Security fee increase from 2020, application of changes from the 2021 legislative session, handling specific requests from external agencies, and "clean up" adjustments to make matters consistent between CORIS, SMOT and related sources.

They further considered HB0020, HB0026 and other recent legislative measures after discussion with Keisa Williams and Michael Drechsel. As a result of these discussions the Uniform Fine Schedule Preamble has been revised.

Judge Farr confirmed that justice court judges use the same version of CORIS as the district courts. Heidi Anderson explained that if a judge imposed a fine that was not in line with

the mandatory amount, an alert would be generated to notify the judge. Judge Shaughnessy preferred an automated process rather than relying on potentially outdated bench cards. Shane Bahr said judges seem to be in favor of moving to an electronic format and is hoping to provide additional information to the Council at their next meeting.

Motion: Judge Shaughnessy moved to approve placing the Uniform Fine Schedule on the Judicial Council agenda, as presented. Judge Farr seconded the motion, and it passed unanimously.

5. ADMINISTRATIVE ORDER'S RESTRICTIONS ON WARRANTS: (Judge Paul Farr, Jim Peters, and Brent Johnson)

The Board of Justice Court Judges recommends the Administrative Order (Order) be amended. The courts took a conservative approach in the Order and halted all warrants on Class B Misdemeanors, Class C Misdemeanors and Infractions. The courts have adapted to the point that in all justice courts the public can appear virtually either through the person's use of their own technology or through the court's technology with appropriate accommodations. Jails in Utah have adopted policies to accommodate inmates.

Beginning October 2020 in response to an updated Order many courts began issuing warrants on low level offenses with low bail or a penny bail. Unfortunately, this happened the same month as the changes to pretrial release statute made by HB206. Many law enforcement personnel incorrectly assumed that the low bail warrants were because of the changes to pretrial release and felt the courts were devaluing the dangerous work by law enforcement.

With the availability of Webex and changes to court procedures the Board would support an immediate lifting of the warrant restrictions or alternatively lifting the restrictions for courts in both the Yellow and Green phase. The courts will be able to expeditiously bring a defendant before the court in person or virtually to address custody status. For those who are unable or uncomfortable attending due to health concerns the justice court judges should be trusted to issue appropriate orders.

The Board understood that defendants most likely will not be booked into jail. Judge Shaughnessy didn't feel comfortable increasing the jail population during the pandemic. Salt Lake County does not book on misdemeanor warrants; however, other counties in the state may. Jim Peters noted the committee could decide to only allow the warrants when a county is in the Yellow or Green phase.

Brent Johnson favored the change to help the justice courts and noted that law enforcement has responded negatively to the promise to appear or penny warrants. Mr. Johnson discussed the penny warrant CORIS issue and recommended a possible change could include a roadside book and release, however, that would require additional discussions. Ms. Anderson said the penny warrant was the closest they could get to as a book and release. Judge Shaughnessy said there could be other steps before issuing a warrant, such as a promise to appear. Ms. Anderson will speak with Paul Barron to identify what changes need to be made to CORIS.

Motion: Judge Shaughnessy moved to approve the changes to the Administrative Order to remove the limitation on the issue of warrants in B & C misdemeanors and infraction cases (sections 10B and 31), as presented, and have the Supreme Court review the recommended changes. Judge Farr seconded the motion, and it passed unanimously.

6. RISK RESPONSE PLAN CRITERIA FOR GREEN PHASE: (Brent Johnson and Chris Morgan)

The amendments to the Risk Phase Response Plan were presented in response to new guidance from the CDC and on the legislature's elimination of the mask mandate. There have been questions about moving to the Green phase. Mr. Johnson felt the Judiciary's mask mandate should continue beyond the end of the statewide mask mandate. The courts would need to comply with local mask mandates. National and state health authorities now use the phrase "physical distancing" instead of "social distancing". The CDC recommends physical distancing and wearing masks and issued guidance permitting fully vaccinated people to gather without masks or physical distancing as long as everyone in the group is vaccinated.

Mr. Johnson noted some counties have not had any COVID cases for quite a while. Chris Morgan said Wayne and Piute County COVID cases have remained at zero to one case within the past two months and posed the question how would a county move to the Green phase. Judge Shaughnessy noted the Third District Court has been discussing how the courts will address masks with court patrons. The committee agreed to a simple version of the requirements that could be posted on the courthouse doors. Mr. Johnson said this decision would be the authority of the Judicial Council.

Motion: Judge Shaughnessy moved to approve the shorter version without the "whereas" clauses and to remove the Supreme Court. Judge Farr seconded the motion, and it passed unanimously.

Judge Shaughnessy asked if the courts are allowed to ask if someone has been vaccinated. Mr. Johnson confirmed the courts can ask employees if they've been vaccinated but cannot ask why or why not. Chief Justice Durrant didn't feel the need to make significant changes to the Plan at this time. Judge Shaughnessy recommended each county seek approval to move to the Green phase through the Management Committee with support from their local health departments, similar to how the initial processes were when moving to the Yellow phase. Judge Mark May thought that people may resist wearing a mask if they are vaccinated.

Judge May said it would be difficult for some counties to meet a requirement of zero cases to move to the Green phase. Mr. Morgan suggested changing it from a number to an acceptable percentage may help those situations. Chief Justice Durrant would like Ms. Dupont to speak to the State Health Department about a criterion for the Green phase. Judge May felt the Plan was adult focused and may not work as well in the juvenile court, where no one under 16 years of age qualifies for the vaccine. Judge May requested Ms. Dupont to also ask the State Health Department on this matter.

Judge Shaughnessy preferred vaccinations to be addressed but did not want to track employee vaccinations. Mr. Johnson requested accepting changes made in the Plan in section 5 on page 6, section 7 on page 7, section 11 on page 8, section 1 on page 9, section 5 on page 10,

and section 11 and 12 on pages 11 and 12. Judge Shaughnessy wanted to keep the changes from social to physical. Mr. Johnson will edit the Plan as discussed and distribute it by email to the committee. Chief Justice Durrant thought this was a reasonable step to take and recognized that this will be an ongoing process. Mr. Bahr questioned when court employees are in person with court patrons how would the mask requirement work. Judge Shaughnessy said the Plan would allow someone to remove their mask if they are in the same space as someone they know has been vaccinated. Most likely, employees will not know if a court patron has been vaccinated.

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

Chief Justice Durrant addressed the Judicial Council agenda. Judge Chiara requested an addition to the Council agenda to discuss virtual proceedings post-pandemic. After a brief discussion, Chief Justice Durrant asked that Mr. Gordon, Judge Noonan, and Ms. Dupont discuss this subject with the possibility of creating a workgroup and make a recommendation to the Management Committee. Judge Shaughnessy reminded everyone that each court level will have different tasks and recommended having the Boards discuss this. Ms. Dupont will explain this to Judge Chiara.

Motion: Judge Shaughnessy moved to approve the Judicial Council agenda, as amended with the removal of Judge Chiara's request, remove the Interlocal Agreement with Juab County and Nephi, and add Appointments of Tax Judges with Judge Keith Kelly and Mr. Bahr. Judge Farr seconded the motion, and it passed unanimously.

8. OLD BUSINESS/NEW BUSINESS: (All)

There was no additional business addressed.

9. EXECUTIVE SESSION

An executive session was held.

10. ADJOURN

The meeting adjourned.

Agenda

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

**Minutes
March 15, 2021
Meeting held through Webex
12:00 p.m. – 1:45 p.m.**

Members Present:

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

Excused:

Justice Deno Himonas
Hon. Mary T. Noonan
Michael Drechsel

Guests:

Lisa Collins, CoC, Court of Appeals
Ron Gordon, General Counsel to the Governor
Chris Morgan, TCE, Sixth District Court
Joyce Pace, TCE, Fifth District Court
Peyton Smith, TCE, Third District Court
Larry Webster, TCE, Second District Court

AOC Staff Present:

Cathy Dupont
Shane Bahr
Heidi Anderson
Aubrey Forsyth
Alisha Johnson
Kara Mann
Jordan Murray
Bart Olsen
Jim Peters
Neira Siaperas
Nick Stiles
Karl Sweeney
Chris Talbot
Jeni Wood

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

Judge Mark May welcomed everyone to the meeting. Judge May addressed the meeting minutes. Judge May welcomed Ron Gordon, who attended as part of his transition to the State Court Administrator position. Cathy Dupont thanked Mr. Gordon for attending this, as well as other court meetings.

Motion: Judge Augustus Chin moved to approve the March 4, 2021 minutes, as presented. Judge Kara Pettit seconded the motion, and it passed unanimously.

2. PERIOD 9 FINANCIALS AND TURNOVER SAVINGS UPDATE: (Alisha Johnson)

Alisha Johnson reviewed the Period 9 Financials. The Third Juvenile Court's case manager and probation positions will not be filled because the court lost a judge. Ms. Johnson noted it is normal to see the data processing payments over. Ms. Dupont said the IT ordered computers, however, those many not be received by June 30th. Ms. Dupont asked if there is a way to increase the carryforward funds. Ms. Anderson said the department has some orders that will not be delivered, perhaps by June 30th and is struggling to get equipment in. The department

will identify the equipment that is delayed or has been cancelled. They may consider modifying current equipment if need be to ensure the courts continue to operate effectively.

#		Funding Type	Amount
1	Carried over Ongoing Savings (from FY 2020)	Internal Savings	44,296
2	Current YTD Ongoing Turnover Savings FY 2021	Internal Savings	505,556
	TOTAL SAVINGS		549,852
3	Ongoing Turnover Savings Pledged to Budget Cuts (retirements)		(245,300)
4	Ongoing Turnover Savings Pledged to Budget Cuts (non-retirements)		(230,148)
5	Previously Pledged - Child Welfare Mediators (August 2020 Judicial Council meeting)		(55,000)
6	Restoration of unintended budget cut for Roosevelt Courthouse		(33,800)
Actual Turnover Savings for FY 2021 as of 4/7/2021			\$ (14,396)

#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget)	Internal Savings	1,893,088
2	Est. One Time Savings for pay period 7 periods remaining (\$70k / period)	Internal Savings (Est.)	490,000
	TOTAL POTENTIAL SAVINGS		2,383,088
Current Balance of One Time Savings			\$ 2,383,088

3. **FY 2021 CARRYFORWARD SPENDING REQUESTS: (Karl Sweeney)**

One-time requests

ICJ (Interstate Compact for Juveniles) Operations Funding

\$17,000 annual dues (obligated by statute)

\$3,000 extradition expenses

\$1,000 training

\$21,000 total

Alternate funding: None

In past years, Federal JABG funds supported the payment of national ICJ dues, but JABG funding is no longer available. Therefore, other funding is necessary to support ICJ dues. This amount is calculated based on the criteria outlined in ICJ Rule 2-101 and the calculations for each state are revised every five years.

Motion: Judge Chin moved to approve the ICJ (Interstate Compact for Juveniles) Operations Funding one-time funds request to be sent to the Judicial Council, as presented. Judge Pettit seconded the motion, and it passed unanimously.

IT Contract Developer Support

\$682,000

Alternate funding: None

This request is the 2nd of 2 related requests (the first was approved in March 2021 for \$225,000 to use FY 2021 1x surplus funds) to hire 4 Sr. Project Managers/Developers (SPMs) as employees earlier than the July 1, 2021 date when legislature-approved ongoing funding will start. This request is to retain 4 experienced contract developers currently in the roles the new SPMs will assume for purposes of training and transition of the new SPMs into their roles.

Motion: Judge Pettit moved to approve the IT Contract Developer Support one-time funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Facilities Matheson Carpet

\$100,000

Alternate funding: None

The original 22-year-old carpet in Matheson is long past the industry standard replacement cycle. Excessive wear and carpet seams coming unglued whenever the carpet is cleaned are creating safety issues. The courts received and spent \$350,000 from capital improvements in FY21 to replace the most worn and unsafe areas. The estimate to replace the remaining old carpeted areas in the building is \$300,000. Due to other budget priorities, it is unlikely that the State will fund further carpet replacement through capital improvement. Facilities requests Judicial Council approval to fund \$100,000 for FY 2023 with the goal of repeating this request 2 more times (total \$300,000) over the next 3 – 5 years to complete the project.

Motion: Judge Pettit moved to approve the Facilities Matheson Carpet one-time funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Employee Incentive Awards

\$280,000

Alternate funding: None

The Courts have established a program to provide on-the-spot recognition for outstanding service as well as a formal nomination process to reward employees for their service in the following ways:

- An innovative idea or suggestion, implemented by the courts, which improves operations or results in cost savings
- The exercise of leadership beyond that normally expected in the employee's assignment
- An action which brings favorable public or professional attention to the courts
- Successful completion of an approved special individual or team project
- Continually outstanding performance of normal responsibilities

The incentive can be issued in cash or a gift card. If deserved, a single employee can receive multiple incentive awards in a given year.

Motion: Judge Pettit moved to approve the Employee Incentive Awards one-time funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Sunset Spending – Career Ladder

\$500,000 as the first part of a maximum \$1.73M request.

Alternate funding: None

The Judicial Branch is best positioned to succeed in its mission if the courts have the right people in the right seats at the right time. The overall goal is to become more impactful and

strategic than ever before in attracting and retaining the best possible talent. Foundational to that goal are improvements to methods of compensation. Options must account for the current budget environment and be deliberately innovative toward long-term talent attraction and retention strategies. This request presents recommendations to sunset the career ladder structure and replace it with a creative, data-supported, sustainable path for the future.

A motion was not made on this item. The committee agreed to allow this item to be addressed before the Council.

Educational Assistance

\$75,000

Alternate funding: None

The Utah Courts encourage employees to seek further education in order to perform their jobs more effectively and to enhance their professional development. The Human Resources Department may assist an employee in the pursuit of educational goals by granting a subsidy of educational expenses to Court employees under specified circumstances. This request will subsidize education assistance for court employees for FY 2022.

Motion: Judge Pettit moved to approve the Educational Assistance one-time funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Courts Grants Coordinator

\$78,900

Alternate funding: None

The AOC requests to continue funding for the Grant Coordinator position. The courts are now six months past the filling of the position. The courts believe sufficient progress has been made in the following areas to justify continued one-time funding for FY 2022.

Motion: Judge Chin moved to approve the Courts Grants Coordinator one-time funds request to be sent to the Judicial Council, as presented. Judge Pettit seconded the motion, and it passed unanimously.

District Court Two Time-Limited Law Clerks

\$191,200 (\$95,600 one-time and \$95,600 ongoing)

Alternate funding: None

The Board of District Court Judges has been charged with the distribution of district court law clerk resources. As of February 1, 2021, there are thirty-one Law Clerk positions allocated in district courts across the state. Of the thirty-one law clerk positions, twenty-nine positions are funded through general funds and the equivalent of two full-time positions are funded with one-time funding. These two positions have been paid by one-time funding since 2015.

Motion: Judge Pettit moved to conditionally approve the Time-Limited Law Clerks one-time funds request of \$95,600 one-time funds to be sent to the Judicial Council, as amended to remove the \$95,600 ongoing portion. Judge Chin seconded the motion, and it passed unanimously.

Secondary Language Stipend

\$68,900

Alternate funding: None

There is a great diversity in languages spoken by court patrons. In order to facilitate court proceedings for non-English speaking patrons, the Utah Courts employs court interpreters or utilizes the foreign language talents of current court employees. There are 64 slots available for this stipend. However, not all slots are filled so we are requesting the historical average spend (\$68,900), not the maximum theoretical spend (\$83,200) if all slots are filled for the entire year.

Motion: Judge Chin moved to approve the Secondary Language Stipend one-time funds request to be sent to the Judicial Council, as presented. Judge Pettit seconded the motion, and it passed unanimously.

Ongoing requests**Roosevelt Courthouse**

\$33,800

Alternate funding: None

As part of the budget cutting process for FY 2021, the courts took the approach of taking cuts by tiers – with those that involved personnel cuts being the last cuts to make. The first cuts decided on were cuts to items called “Administrative” which including reduced travel, meals, office supplies, etc. These totaled almost 100 cuts for \$653,000, one of which was to close the Roosevelt courthouse and shift operations to Duchesne thus saving \$33,800 in annual lease payments. This cut was determined at a later date to not be feasible but that change was not communicated to Finance and thus ended up in the final list provided to the LFA. The last cuts made were to personnel including leaving 40 positions open (generating 1x turnover savings) and pledging \$475,000 in ongoing turnover savings. If done properly, ongoing turnover savings would have been increased by \$33,800 and the Administrative cuts would have been reduced by \$33,800.

Motion: Judge Pettit moved to approve the Roosevelt Courthouse one-time funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Court Commissioners – Recruit and Retain

\$92,500

Alternate funding: None

As part of the budget cutting for FY 2021, the courts committed to taking \$475,000 of ongoing turnover savings to meet the overall budget reduction. The courts forecasted this would take the entire fiscal year of 2021 to accumulate. The Courts recently eliminated 2 positions in 3rd Juvenile. These eliminated positions boosted ongoing turnover savings by \$147,000. This unexpected windfall allows the courts to reconsider the Court Commissioners request that has been put forward in 2 different legislative sessions for ongoing funding.

Motion: Judge Pettit moved to approve the Court Commissioners – Recruit and Retain one-time funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

4. AUTHORIZATION FOR USE OF ONE-TIME TURNOVER SAVINGS: (Karl Sweeney and Bart Olsen)

The committee will seek authorization from the Judicial Council to provide the State Court Administrator and Deputy State Court Administrator delegated authority for the use of up to 7% of estimated annual one-time turnover savings, not to exceed \$250,000 in a fiscal year, to address superior performance by court personnel in accepting mid-to-long term special projects, leading change initiatives, and other types of similar assignments that merit timely, significant recognition.

Ms. Dupont explained that the Finance Department assisted with identifying eligible employees then districts were provided the funds for bonuses. Another situation Shane Bahr and Neira Siaperas assisted with the determinations of bonuses.

Motion: Judge Chin moved to approve seeking Judicial Council approval to transfer authority, as presented. Judge Pettit seconded the motion, and it passed unanimously.

5. GRANT COORDINATOR REPORT: (Jordan Murray)

Jordan Murray reviewed his quarterly report.

Motion: Judge Chin moved to approve _____, as presented. Judge Pettit seconded the motion, and it passed unanimously.

6. OLD BUSINESS/NEW BUSINESS: (All)

7. ADJOURN

The meeting adjourned.

Agenda

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

Webex video conferencing
April 2, 2021: 12 pm -2 pm

DRAFT

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Derek Pullan, <i>Chair</i>	•		Paul Barron
Judge Brian Cannell	•		Wayne Kidd
Judge Samuel Chiara	•		Tiffany Pew
Judge David Connors	•		Bart Olsen
Judge Michelle Heward	•		STAFF:
Mr. Rob Rice	•		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 March 5, 2021 meeting. With the correction of a few typos, Judge Connors moved to approve the minutes as drafted. Judge Heward seconded the motion and it passed unanimously.

(2) Rules back from public comment:

- **2-211. Compliance with the Code of Judicial Administration and the Code of Judicial Conduct**

Ms. Williams: There were no formal public comments, but Judge Orme made a few minor recommendations. His proposed amendments have been incorporated.

Judge Connors: Judge Orme's recommendation to add "other" in paragraph (1) doesn't make sense in context. If I report an allegation to my judicial assistants, does that begin this process? I don't think so. If a judge violates the Code of Judicial Conduct and his clerk tells another clerk about it, does that initiate some kind of response or action? An alternative is to say, "any other court employee designated to receive or review such allegations."

Judge Pullan: Our goal is to create an organization in which there are multiple places to report problems.

Mr. Rice: In a more typical grievance procedure in an employee handbook, that clause would read, "any other management or supervisory level employee," or something to that effect. In this context, that doesn't feel like the right fix. There are so many supervisory and management employees in the Judiciary. Hopefully, supervisors are trained to report those grievances to Human Resources, but judicial conduct issues are more complex than traditional HR issues. Judge Connors has a valid point. My suggestion is to create a way to draw a smaller circle around the kind of employees we're talking about.

The Committee discussed reporting levels and employee training regarding alleged judicial conduct violations.

Judge Pullan: I don't think the presiding officer of the Council should be the only person to whom these submissions can be made. I recommend separating the reporting structure into two sections.

Mr. Rice: I agree. The first section should make it clear to line employees that they can report to anyone, and the second section should outline how the allegation gets to the Chief Justice once a report has been received at a lower level. The anti-discrimination and harassment policy is the model for the first section, stating that employees can report to anyone with whom they feel comfortable. The Human Resources department should be in the equation somewhere.

After further discussion, the Committee asked Ms. Williams to incorporate the two-step reporting structure from the HR policies into the rule and circulate it to members via email for approval.

Judge Heward moved to send rule 7-302, as amended and subject to future changes by Ms. Williams, to the Judicial Council with a recommendation that it be adopted as final. Judge Connors seconded and the motion passed unanimously.

(3) 3-415. Auditing:

Mr. Kidd: The purpose of the revisions is to clarify elements of the audit process, including the types of audits, and ensuring transparency. Substantial changes to the rule include the following:

- All boards of judges now have an opportunity to make recommendations for audit plans. Previously, only the board of justice court judges provided recommendations
- Clarifies that auditors have full, unrestricted access to all records and information
- Articulates clear definitions of fiscal and performance audits
- Clarifies that an audit may contain elements of both fiscal and performance audits
- Clarifies which individuals are involved at critical points and to whom audit reports are sent

Judge Pullan: In line 43, it says "objectivity shall be employed by the auditors at all times." Is that something in addition to the earlier statement that auditors will follow "generally accepted audit principles"? Isn't objectivity a requirement of those principles? I don't want to create the perception that there is some standard independent of generally accepted audit principles.

Mr. Kidd: Yes, objectivity is included in generally accepted audit principles. We can take that out.

Judge Pullan: Line 113 is referring to the written responses and comments authorized in lines 100 and 107, but it isn't clear. I recommend changing lines 113-114 to, "Written responses or comments to reports presented under paragraph (6)(A) shall be provided to the audit director within 30 days."

The Committee discussed whether to include a consequence for not meeting the 30-day deadline, but determined that the language should be flexible enough to allow for case-by-case decisions by the audit director.

Judge Pullan: Final reports are sent to the Management Committee, but I'm wondering if performance audits shouldn't also be sent to Policy and Planning because they deal with achieving policy goals and objectives, and financial audits to the Budget and Fiscal Management Committee for similar reasons. On the other hand, is the Management Committee acting as a screening mechanism? For example, if the Management Committee determines certain policy or financial issues need to change, then they make any necessary assignments?

Mr. Kidd: Yes, the Management Committee does make assignments as necessary, but the Audit Department should be making recommendations about copying certain boards or committees in the final reports.

Judge Connors moved to send rule 3-415 to the Judicial Council, as amended, with a recommendation that it be approved for public comment. Judge Chiara seconded and the motion carried unanimously.

(4) 7-302. Court reports prepared for delinquency cases:

Ms. Pew: The proposed amendments originated with the Juvenile Probation Policy Committee. The purpose is to align the rule with statutory changes, requirements outlined in the new juvenile disposition guide, and evidence-based practices related to objectively collecting and reporting information to the court.

The requirement that probation officers include an itemized list of losses suffered by the victim in (3)(A)(iv) has been eliminated in order to align with Utah Code section 78A-6-117, which states that a prosecutor or victim shall submit a request for restitution to the court at the time of disposition. The Board of Juvenile Court Judges feels that the role of probation officers and the role of prosecutors are very clear when it comes to restitution. The onus is on the prosecutors.

Paragraph (3)(B) has been removed to align with current evidence-based practices and research. Our officers should only include information in the court report that can be collected objectively through the administration of a validated risk assessment, collateral contacts, and formal interviewing techniques. The assessment under (3)(B) is subjective and could vary by probation officer. It's important to remove subjectivity and potential bias.

The amendments in (3)(E) update the rule to align with juvenile disposition guidelines that went into effect in December 2020. The new guidelines no longer include a sentencing matrix and now reference factors that inform disposition, which replaced "aggravating and mitigating factors."

Judge Heward: Who will gather the information for the victim impact statement? In the past, it's been done differently in districts across the state. Traditionally, in second district the county attorney's office gathers the information, but I know in other jurisdictions the probation officer has that primary responsibility. Has this met resistance from other areas of the state? Is the Board now taking the position that the county attorney's office must gather the information?

Ms. Pew: My understanding from the discussions with the Board is, yes, that should be the role of the county attorney. The probation department will continue to mail and e-file the victim impact statements in CARE, so they will still play a role in collecting that information, but when it comes to following up with the victim and getting receipts, et cetera, that would fall on the prosecutor.

Judge Heward: Will probation officers still be involved in non-judicial cases?

Ms. Pew: This rule only applies to delinquency cases in Juvenile Court, so the process for determining restitution for non-judicial agreements will remain the same.

After further discussion, Judge Heward moved to send rule 7-302, as amended, to the Judicial Council for approval for public comment. Mr. Rice seconded and the motion passed unanimously.

**(5) 10-1-501. Orders to Show Cause
10-1-602. Orders to Show Cause:**

Ms. Williams: Ms. Sylvester brought this to my attention about a week ago. The changes to rule 7 and the two new rules of civil procedure, rules 7A and 7B, go into effect on May 1, 2021. Ms. Sylvester recommends that local CJA rules 10-1-501 and 10-1-602 be repealed because they conflict with the new rules. We reached out to the 5th and 6th district benches to see if they had any thoughts or objections. Judge Bagley said the 6th district bench prefers

its local rule, but understand that it conflicts with the civil rules so they are not objecting to a repeal. I emailed Judge Westfall's concerns to the Committee separately. Per his comments, the 5th district bench is objecting to a repeal and would like to keep their local rule. My concern is that the Rules of Civil Procedure supersede these rules. I think Judge Westfall makes valid points about delay and workload, especially considering that they don't have a commissioner. I made a few edits to try and address some of his concerns, while remaining in compliance with the new rules, but I'm not sure I've succeeded. I don't think they can get around the 28-day service timeframe. Mr. Player also makes good points about forms. I don't think we want different forms for each court location. I also think the caution language and bilingual notice requirements are extremely important.

Judge Pullan: If these local rules are now in conflict with rule 7, they should be repealed. To Mr. Player's point, the purpose of the Rules of Civil Procedure is to create a uniform process of litigation statewide. A repeal might generate an initiative to adopt new local rules that are more consistent with the rules of procedure. I would prefer that process to trying to make amendments now. I propose that the committee recommend repeal, but encourage the 5th and 6th district benches to meet with the Rules of Civil Procedure committee to see if that body is willing to make adjustments, or to present new local CJA rules to this body that supplement the rules of procedure or are drafted in a way that implements rules of procedure efficiently, given local conditions.

Judge Connors: I agree. We can't maintain a rule that is not compliant or consistent with the rules of civil procedure.

Judge Chiara: I agree that the rules should be uniform. It would be inconceivable to file a summary judgment, for example, only to discover that the district had their own local rule that trumped rule 56. When I started practicing law, I had no idea how to file an order to show cause and there wasn't a rule anywhere that told me how to do it. The practice varied by district. After many years, we will finally have a uniform rule.

Mr. Rice: I agree. I don't think most practitioners are even aware of these local rules.

After further discussion, the committee asked Ms. Williams to notify Judge Bagley and Judge Westfall of the committee's decision.

Mr. Rice moved to recommend to the Judicial Council that rules 10-1-501 and 10-1-602 be repealed with an expedited May 1, 2021 effective date to coincide with the effective date of the new rules of civil procedure. Judge Connors seconded and the motion passed unanimously.

(6) ADJOURN:

With no further items for discussion, the meeting adjourned at 1:25 p.m. without a motion. The next meeting will be on May 7, 2021 at 9 AM via Webex video conferencing.

Tab 3



Office of Legal Services Innovation
An Office of the Utah Supreme Court

INNOVATION OFFICE ACTIVITY REPORT

MARCH 20, 2021

Table of Contents

Overall Metrics	1
Summary	2
Authorized Entities by Service Category	4
Authorized Entities by Service Model	6
Authorized Entities Reporting Statuses	8



OVERALL METRICS

Total Applications Received	42
Applicants Recommended to Court for Authorization	20
Applicants Denied Recommendation from Innovation Office	1
Applicants Denied Authorization by Court	0
Applicants Tabled (referral fees)	8
Authorized Entities	18
Entities Reporting Data (this month)	7
Entities Recommended to Exit the Sandbox	0
Key Risks and Trends	There are no reported consumer complaints from reporting entities.

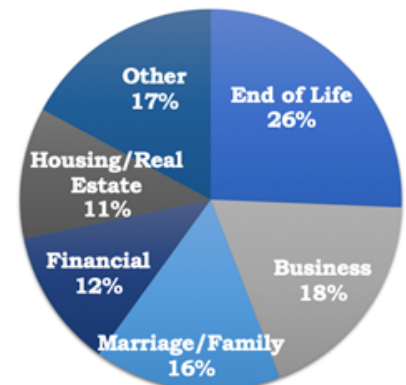
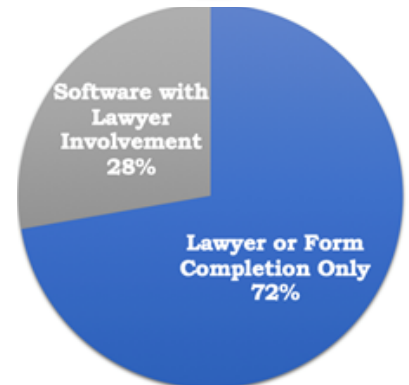
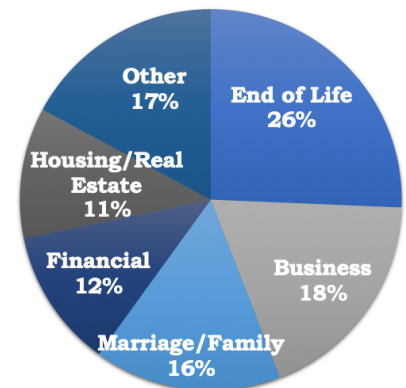


SUMMARY

This report summarizes activities and actualized risk assessment of entities approved by the Utah Supreme Court to implement legal services within the Utah Sandbox and monitored by the Office of Legal Services Innovation. This report covers the period of October 2020 through the close of February 2021.

SANDBOX ACTIVITY (OCTOBER 2020 - FEBRUARY 2021)

- 20 entities approved to offer services
 - Low Risk=3 (AGS Law, Blue Bee, Firmly)
 - Low/Moderate=6 (FOCL Law, LawPal, R&R, Rocket Lawyer, Tanner, Xira)
 - Moderate=11 (1Law, Davis & Sanchez, DSD Solutions, Estate Guru, Law HQ, Law on Call, Nuttall, Brown & Coutts, Off the Record, Pearson Butler, Sudbury Consulting, Timpanogos Legal Center)
 - High=0
- 9 entities reporting at least one data report to date.
- 612 legal services sought from approximately 500 unduplicated clients
 - Low=51 legal services sought
 - Moderate=359 legal services sought
 - 442 legal services have been delivered by a lawyer (or lawyer employee) or software for form or document completion only with lawyer involvement
 - 170 legal services have been delivered by software with lawyer involvement
 - The rank of legal category addressed has been 1) End of Planning; 2) Business; 3) Marriage/Family; 4) Financial; 5) Housing Rental; and 6) Real Estate. Six legal categories accounted for 83% of legal services. The remaining 15 possible legal categories accounted for 17%.
 - To date no complaints have been communicated by entities nor by consumers directly to the Office that would indicate harm.



Consumer Complaint Assessment: All Reporting Entities to Date

Complaint Risk Category	# Consumer Complaints	% Consumer Complaints
Consumer achieves an inaccurate or inappropriate legal result.	0	0%
Consumer fails to exercise legal rights through ignorance or bad advice.	0	0%
Consumer purchases an unnecessary or inappropriate legal service.	0	0%

- o Based on reviewing mismatches of services sought and received given fees paid, there was no evidence supporting unnecessary or inappropriate purchases of legal services. In communicating with entities regarding the amount paid for services, the amount paid reasonably fit their respective business models.
- o Applicable mismatches between services sought and received were linked to quality control of legal service intake coding (improving service sought identification methods) and error in the process of linking life events to appropriate legal needs. The Office concluded that mismatches were not harms.
- o Legal results were appropriate given legal matters and scope of service.
- o Services will continue to be monitored for complaints and results.
- o A pilot of the vanguard service audit of a moderate risk entity is ongoing.



TABLE 1: AUTHORIZED ENTITIES BY SERVICE CATEGORY

		10 - Blue Bee	15 - AGS Law	19 - Firmly	04 - Lawpal	05 - Rocket Lawyer	07 - R&R	14 - FOCL	32 - Tanner	33 - Xira Connect	39 - Davis & Sanchez
Risk Level		Low	Low	Low	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate
Total Categories		2	3	1	4	17	10	1	1	19	2
Accident/Injury	4					X	X			X	X
Adult Care	3					X	X			X	
Business	6		X	X		X	X		X	X	
Criminal Expungement	2					X				X	
Discrimination	2					X				X	
Domestic Violence	3					X	X			X	
Education	4	X				X				X	X
Employment	2					X				X	
End of Life Planning	5		X		X	X	X			X	
Consumer Financial Issues	5	X			X	X	X			X	
Healthcare	3					X	X			X	
Housing (Rental)	3				X	X				X	
Immigration	2					X				X	
Marriage and Family	5				X	X	X	X		X	
Military	2					X				X	
Native American/ Tribal Issues	1									X	
Public Benefits	3					X	X			X	
Real Estate	3		X			X				X	
Traffic Citations	1									X	



TABLE 1 (CON'T): AUTHORIZED ENTITIES BY SERVICE CATEGORY

		02 - 1Law	03 - LawHQ	12 - Nuttall	13 - Estate Guru	27 - Sudbury	23 - Off the Record	30 - Law on Call	31 - DSD Solutions	28 - Pearson Butler	36 - Timp Cert. Advocates
Risk Level		Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate
Total Categories		18	3	5	5	2	1	5	12	14	2
Accident/Injury	5	X	X	X					X	X	
Adult Care	2	X								X	
Business	7	X	X	X	X			X	X	X	
Criminal Expungement	3	X				X			X		
Criminal - Other	2	X								X	
Discrimination	3	X		X						X	
Domestic Violence	3	X							X		X
Education	2	X								X	
Employment	6	X	X	X		X			X	X	
End of Life Planning	5	X			X			X	X	X	
Consumer Financial Issues	4	X			X			X		X	
Healthcare	1	X			X						
Housing (Rental)	4	X						X	X	X	
Immigration	3	X							X	X	
Marriage and Family	4	X		X					X		X
Military	1									X	
Native American/ Tribal Issues	1									X	
Public Benefits	3	X							X	X	
Real Estate	5	X			X			X	X	X	
Traffic Citations	3	X					X		X		



TABLE 2: AUTHORIZED ENTITIES BY SERVICE MODEL

		10 - Blue Bee	15 - AGS Law	19 - Firmly	04 - Lawpal	05 - Rocket Lawyer	07 - R&R	14 - FOCL	32 - Tanner	33 - Xira Connect	39 - Davis & Sanchez
Risk Level		Low	Low	Low	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate	Low / Moderate
Total Models		2	1	1	2	2	2	3	2	3	2
Lawyers employed / managed by nonlawyers	7	X			X	X	X	X	X		X
<50% nonlawyer ownership	2	X	X								
50% + nonlawyer ownership	7				X	X	X	X	X	X	X
Fee sharing	1									X	
Software provider /w lawyer - doc completion	1				X						
Intermediary Platform	1									X	



TABLE 2 (CON'T): AUTHORIZED ENTITIES BY SERVICE MODEL

		02 - 1Law	03 - LawHQ	12 - Nuttall	13 - Estate Guru	27 - Sudbury	23 - Off the Record	30 - Law on Call	31 - DSD Solutions	28 - Pearson Butler	36 - Timp Cert. Advocates
Risk Level		Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate
Total Models		4	3	4	6	1	3	3	4	3	1
Lawyers employed / managed by nonlawyers	6	X	X	X	X			X	X		
<50% nonlawyer ownership	2		X	X							
50% + nonlawyer ownership	6	X			X		X	X	X	X	
Fee sharing	4			X	X		X			X	
Software provider /w lawyer - doc completion	2				X				X		
Software provider w/ lawyer involvement	6	X	X	X	X	X	X				
Software provider w/out lawyer involvement	-										
Non-lawyer provider w/ lawyer involvement	5	X			X			X	X	X	
Nonlawyer provider w/out lawyer involvement	1										X
Intermediary Platform	-										



TABLE 3: AUTHORIZED ENTITIES REPORTING STATUSES

Entity Name	Risk Category	Launch Date	First Report Due	Frequency
Blue Bee Bankruptcy	Low	Oct. 1, 2020	Jan. 5, 2021	Quarterly
AGS Law	Low	Oct. 1, 2020	Jan. 5, 2021	Quarterly
Firmly LLC	Low	Jan. 1, 2021	Apr. 5, 2021	Quarterly
Rocket Lawyer	Low-Moderate	Oct. 1, 2020	Nov. 5, 2020	Monthly
R&R Legal Services	Low-Moderate	Jan. 1, 2021	Feb. 5, 2021	Monthly
LawPal	Low-Moderate	Jan. 15, 2021	Jan. 5, 2021	Monthly
FOCL Law	Low-Moderate	Jan. 1, 2021	Feb. 5, 2021	Monthly
Tanner	Low-Moderate	Jan. 1, 2021	Feb. 5, 2021	Monthly
Xira Connect	Low- Moderate	Jun. 1, 2021	Jul. 5, 2021	Monthly
Davis & Sanchez	Low-Moderate	TBD	TBD	Monthly
1Law	Moderate	Oct. 1, 2020	Nov. 5, 2020	Monthly
LawHQ	Moderate	TBD	TBD	Monthly
Nuttal Brown	Moderate	Feb. 1, 2021	Mar. 5, 2021	Monthly
Estate Guru	Moderate	Dec. 1, 2020	Jan. 5, 2020	Monthly
Sudbury Consulting / Code for America	Moderate	TBD	TBD	Monthly
Off the Record	Moderate	TBD	TBD	Monthly
Law on Call	Moderate	Feb. 1, 2021	Mar. 5, 2021	Monthly
DSD Solutions	Moderate	TBD	TBD	Monthly
Pearson Butler	Moderate	Mar. 1, 2021	Apr. 5, 2021	Monthly
Timp Cert. Legal Advocates	Moderate	TBD	TBD	Monthly



Tab 4



Supporting Performance Improvement:
Judicial Evaluation Proposal
for Basic Level
Justice Court Judges
DRAFT

April 12, 2021



Background Information and Overview

This report covers the efforts of the Judicial Performance Evaluation Commission (JPEC) as it has worked to develop a more substantive evaluation for justice court judges with very low caseloads. The formal effort began in 2017 and included a study conducted by the Kem C. Gardner Policy Institute and a pilot project to test electronic observation methods (See [Figure 1](#)).¹ This report also presents findings from the pilot project and makes recommendations for further action.

Currently, JPEC evaluates 91% of all Utah judges using a variety of means, including surveys, courtroom observation, and intercept interviews. The remaining 9% of judges, those with courts with weighted caseloads of less than 0.20, are classified as “basic evaluation” judges and receive only Judicial Council certification, tracking of judicial discipline, and public comment.

The [Gardner study](#), which interviewed nearly all basic evaluation justice court judges at the time, found that the judges desired increased feedback and the associated training such evaluative feedback would identify, in order to maintain and improve their skills as judges. The study recommended consideration of electronic evaluation as an option that may effectively address the geographic, calendar, and caseload challenges of evaluating these courts.

JPEC designed a [pilot project](#) to test several electronic observation techniques, with the goal of being able to offer courtroom observation to basic evaluation judges. The pilot project began in early 2020, cost \$12,769, excluding staff time, and studied the following:

1. Technology options for electronic observation, movable camera vs. fixed camera;
2. Electronic observation in comparison to the in-person observation completed for full evaluation judges;
3. Video options, live stream vs. pre-recorded; and
4. Audio observation in comparison to video observation.

The project concluded in early 2021 with an analytic assessment of the pilot study. See the remaining report for specific information about the [findings](#) and [recommendations](#).

In brief, JPEC concludes that courtroom observation conducted through WebEx video conferencing software provides courtroom observation of comparable quality to in-person observation. In addition, it is a cost-effective option with little disruption to existing practice.

JPEC recommends implementation of an electronic courtroom observation program to supplement the basic evaluation conducted for justice court judges. Further, JPEC recommends a one-time grant process to lessen the financial burden on courts associated with the procurement of technology required for judicial evaluation.

¹ Interim reports may be viewed in the [appendices](#).



Date	Item	Notes
July 2017	JPEC begins consideration of basic evaluations	Commission motion to contract for services to assess evaluation options
November 2017 – June 2018	Kem Gardner Policy Institute study	Study assessed evaluation options from data availability and cost effectiveness perspectives
January 2019 – November 2019	Judicial rule change request	A judicial rule amendment allows JPEC to conduct video observation of justice courts for its pilot project
November 2019 – March 2021	Pilot project	Evaluated video observation in two justice courts
March 2021	Develop implementation proposal	

Figure 1: Overall Timeline to Improve Basic Evaluation

Specific Pilot Findings

- The use of WebEx video conferencing provided unanticipated benefits to courtroom observation.*

The pilot project intended to compare a lower-cost, movable camera to a higher-cost, fixed-location camera. However, the pandemic resulted in the Utah State Courts providing WebEx subscriptions to all judges to conduct court hearings by video. The pilot collected nearly all of its data using WebEx, with only a single observation occurring using the fixed camera, due to limitations to courthouse use during the pandemic. Video conference software proved to be a convenient method for court hearings, overcoming the considerable challenges of multiple cameras/microphones. Because a fixed camera could cost between \$6,000 and \$10,000 per courtroom for installation, with additional upkeep and maintenance costs, JPEC rejects the fixed camera option. By contrast, the pandemic experience has demonstrated WebEx video conference software to be a viable, cost-effective strategy.
- Electronic observation for basic evaluation judges performed comparably to in-person courtroom observation for full evaluation judges.*

The pilot produced observations by video and compared them to prior, in-person evaluations for full evaluation justice court judges. The same observers produced both sets of observations. Both sets were similarly rich and comprehensive, though the assessment noted that there were fewer illustrations and elaborated examples in the pilot observations.
- The use of live-stream video and pre-recorded video resulted in similar observation quality, with staff and observers preferring different modes.*



Observers deemed either method effective, or sufficiently effective to outweigh the time and cost associated with in-person observations, and preferable to not evaluating the judges. Both methods have advantages and disadvantages. From an observer perspective, pre-recorded video allowed observers to complete an observation in one sitting. On average, it took 3.4 court calendars to produce one observation report. Pre-recorded video is also less dependent on the observer's data connection. From a staff perspective, live streaming was easier to coordinate and ensured the observer watched an original version of court hearings. There were no significant analytic differences between methods.

4. *The use of audio recording provided acceptable courtroom observation quality, though it resulted in observer listening fatigue.*

One pilot observer used pre-recorded audio to evaluate the pilot judges. The study compared the audio observation to a report written about the same hearings observed via video by another observer. The audio observation was “better than anticipated,” according to the observer. And it was sufficient to effectively communicate “the core values of the judges,” according to the analyst. The process was hard on the observer, who reported listening fatigue because of the lack of visual input and variable audio quality.

5. *Judges who participated in the pilot project reported having a positive experience being evaluated and appreciated the quality and appropriateness of the evaluations provided to them.*

JPEC Recommendations

1. *Conduct courtroom observation for basic evaluation judges consistent with the Courtroom Observation Program's assessment of full evaluation judges, with the following exceptions.*
 - Conduct three (3) courtroom observations per judge by video observation using trained volunteer observers. Although full evaluation judges receive four (4) observations, the very low caseloads of judges who receive a basic evaluation justifies this decrease.
 - A fourth evaluation could be conducted by staff or volunteers, as necessary to gather sufficient information.
 - Observations would be conducted via WebEx videoconferencing, using either live streaming, prerecorded video, or audio recordings, with a preference for observation by video.
2. *Continue to evaluate justice court judges who receive a basic evaluation using existing performance standards, including consideration of:*
 - Judicial Council certification,
 - Utah Supreme Court public sanctions, and
 - Public comment.
3. *Create a one-time grant process to allow municipalities and counties to apply to receive JPEC funds for technology purchase(s) to enable judicial performance evaluation.*



- Each entity would be eligible for approximately \$1200 toward the purchase of technology equipment to enable judicial performance evaluation (e.g., microphones, podium iPad).
- Each court would assume responsibility for ongoing use, maintenance and replacement of devices.
- Priority would be given to courts with justice court judges who receive a basic level evaluation and that can also demonstrate financial need in order to facilitate WebEx observation during in-person hearings.

Implementation Prerequisites

Implementation of the JPEC recommendations require:

1. *For all basic evaluation court locations, maintain a current subscription to WebEx and use it for all hearings, whether conducted in-person or by video.*
2. *In-person court hearings will need to include video and audio capabilities which will allow JPEC, at a minimum, to simultaneously see the facial expressions and hear the voices of the judge and those of court participants at the podium, including attorneys, witnesses, litigants, in real time as if physically present in the same location.*
3. *The Judicial Council may require a judicial rule to allow JPEC to record and transmit video and sound of court proceedings to evaluate the performance of judges.*

Projected JPEC Workload Impact

Recommendations to improve basic evaluations for justice court judges consider the following:

- JPEC evaluates judges not court locations.
- The level of evaluation JPEC provides to a justice court judge (e.g., full, midlevel, or basic evaluation) depends on the caseload of the judge's largest court location.
- Because it is common for a justice court judge to serve more than one court, JPEC can frequently evaluate justice court judges using a midlevel or full evaluation.
- There are a large number of very low caseload courts, which, because of how they are currently served by judges, do not necessitate a basic evaluation. However, should these assignments change due to turnover or other reasons, JPEC should be ready to conduct as many evaluations as required.

The number of basic evaluations that JPEC needs to complete is somewhat difficult to predict. Whenever turnover occurs, the number of judges subject to basic evaluation could change.

- As of April 1, 2021, there were 77 justice court judges in Utah across 127 courts, including 10 open positions.
 - Over 25% of justice court judges in Utah serve more than one court location.
 - The open positions will likely result in the appointment of somewhat fewer than 10 new judges, as some positions could be awarded to an already existing justice court judge. Also, some small courts engage in interlocal agreements to engage a single judge.



- Of the 127 courts, 58 (46%) classify as basic evaluation courts by caseload. However, many of those courts are served by judges who also serve other, larger caseload courts and so receive an evaluation based on their largest caseload court.
- Currently, 19 judges across 58 courts currently receive basic evaluations. Five (5) of those positions are in very low caseload courts, are currently open, and could result in additional basic evaluation judges.

Projected JPEC Cost Estimates

JPEC could implement the recommendations beginning with the class of judges subject to the 2026 retention election, which now consists of five judges. That class size could fluctuate until early November 2023. By comparison, the class of judges who may stand for retention in 2028 includes 12 judges.

Currently, basic evaluation judges do not receive midterm evaluations (beyond receiving public comment). This program change would provide feedback to basic evaluation judges at midterm and significantly increase the number of evaluations completed by JPEC.

With the current 19 judges who receive basic evaluations, JPEC would conduct approximately 13 additional evaluations every two years.

In the extreme situation, with 58 basic evaluation judges, JPEC would need to conduct 39 additional evaluations every two years.

Staff costs: \$16,407, ongoing.

Technology grants: \$70,000, one-time.

Data processing modifications: \$5,000, one-time (including staff time).

Total maximum cost: \$16,407 in ongoing funds, \$75,000 in one-time funds.



Appendices

1. [Judicial Performance Evaluations Report](#), Kem C. Gardner Policy Institute, June 2018
2. [Basic Evaluation Pilot Assessment Report](#), Nicholas Woolf, March 2021



Judicial Performance Evaluations

**Authored By: Samantha Ball, Research Associate
Dianne Meppen, Director of Survey Research**

June 2018



Judicial Performance Evaluations

Authored by: Samantha Ball and Dianne Meppen

Table of Contents

Overview	1
Methodology	1
Judicial Performance Evaluation Programs.....	2
Performance Review Literature as it relates to Judicial Performance Evaluation.....	5
Administrative Office of the Courts (AOC) Justice Court Data / Court Clerk Interviews	8
Evaluation and On-Going Training Options.....	9
Appendix A: Judges Survey Responses	15
Appendix B: Clerk Interview Findings	31
Appendix C: Improving Judicial Evaluation by Emphasizing Professional Development	33

Overview

The Kem C. Gardner Policy Institute contracted with the Judicial Performance Evaluation Committee (JPEC) to recommend changes to the judicial performance evaluation process for lower caseload judges in Utah.

This report contains:

- An overview of methodology,
- A discussion of the purpose and value of judicial evaluation programs generally,
- A discussion of model state programs, including lower caseload judge evaluation practices,
- An assessment of performance review literature and discussion of how it relates to judicial performance evaluation,
- Insights from interviews with 16 of Utah’s 20 lower caseload judges,
- Summary of Administrative Office of Courts (AOC) data collection and court clerk interviews and,
- Evaluation and training options to increase the value of judicial performance evaluation for lower caseload judges in Utah.

Methodology

The Gardner Policy Institute completed an overview of judicial performance evaluation practices through a literature review, a discussion with the Board of Justice Court Justices, telephone interviews with employees working with judicial performance evaluation issues, and interviews with 16 of 20 lower caseload judges in Utah, and 17 court clerks. The performance evaluation literature review focuses on judicial performance evaluation and highlights evaluation of lower court judges. The literature review draws from The Institute for the Advancement of the American Legal System (IAALS), academic texts and journal articles, and state judicial performance evaluation model program websites.

In March 2018, the Gardner Policy Institute facilitated a discussion during a Board of Justice Court Judges' meeting. Judges were asked to provide feedback on what they found valuable in judicial performance evaluations, the best way to collect such information on lower caseload judge performances given the limited courtroom observation and data collection opportunities, and what questions they thought were important to ask lower caseload judges.

Between April 18, 2018 and May 17, 2018, the Gardner Policy Institute interviewed 16 of the 20 lower caseload judges in Utah. They were asked 19 questions about their experience as a lower caseload judge and about their ideas regarding training, mentorship, observation, data collection, and how to create a more meaningful judicial performance evaluation process for lower caseload judges. Each interview lasted for about 30 minutes.

In June 2018, the Gardner Policy Institute interviewed 17 justice court clerks to better understand their data collection practices and capabilities.

All of these sources were used to inform final recommendations on how to best evaluate lower caseload judges' judicial performance. Throughout the discussion, highlights and quotations from judge interviews are highlighted in red.

Judicial Performance Evaluations Programs

Judicial performance evaluation programs vary greatly by state. There are differences in the purpose of performance evaluation, the methodologies used, the people who conduct and participate in the evaluations, and the characteristics evaluated (for instance, including service to the legal community). Judicial performance evaluations can be used to further a judge's professional development, to provide information that will increase public confidence in the courts, to provide information to committees or other bodies, and to provide voters with judge-specific information during a retention election.

Adding to the complexity, state judicial structures vary notably, and judicial performance evaluation processes do not treat all types of judges uniformly. For instance, some states determine whether to retain their judges based solely on the outcome of partisan elections; some conduct a judicial performance to inform voters during a retention election and/or for professional development purposes; and others conduct performance evaluations for only a specified group of judges (such as appellate and Supreme court judges, or those in bigger counties who have opted for a review system).

According to the IAALS, Utah is one of six states that use judicial performance evaluations to educate voters prior to a retention election.¹ Alaska and Utah are the only two states to provide judicial performance evaluation retention recommendations for every judge in the state.²

In Utah, information collected for the judicial performance evaluation process differs depending upon whether a judge's caseload is considered high (more than 50 attorneys appear before them in an evaluation period), mid-level (fewer than 50 attorneys and .2 or higher caseload in at least one location) or basic low level (less than .2 weighted caseload at each location they serve). Currently, the lowest level caseload judges receive a retention election recommendation based upon their adherence to the three requirements for being a judge in Utah:

- having no less than 30 hours of continuing education;
- having no cases under advisement for more than two months; and
- not being subject to more than one public reprimand issued by the judicial conduct commission or the Utah Supreme Court.

Utah is the only state with a system that clearly delineates different standards of performance evaluation for different judges throughout the state based upon the judge's caseload level.

Utah's judicial performance evaluation process (JPE) was established in 1986. It incorporates many of the best practices for JPE suggested by the IAALS' Quality Judges Initiative and is considered a model for other states.^{3 4 5} As early as 1998, an American Judicature Society Report recognized Utah as having a model program that incorporated many of the following strong evaluation system features:⁶

- establishing clear rules
- providing adequate funding
- developing clear and measurable standards
- adopting random sampling and follow up whenever possible ensuring confidentiality to promote candid responses incorporating self-improvement components
- requiring judges to review results before they are public
- effectively disseminating results to the public
- incorporating results in designing judicial education programs; partnering with print media
- leaving the process open to amendment
- establishing training program for all evaluation commissioners, and
- involving the public and educating them about the process.⁷

Judicial performance evaluation has two main purposes: facilitating judges' professional development and informing voters prior to retention elections. Utah's judicial performance evaluation system meets both of these by conducting both a midterm and retention election evaluation on five aspects of a judge's ability: legal ability, integrity, judicial temperament, administrative performance, and procedural fairness.

Strong judicial evaluation systems are designed to "focus on the judge's competence and freedom from bias."⁸ Evaluating judicial performance involves "assessing various judicial qualities with objective criteria and methodology."⁹ In 2002, the American Bar Association (ABA) issued guidelines that emphasized criteria such as "integrity (emphasizing freedom from bias), legal knowledge, effective communication, courtroom effectiveness, management skills, punctuality, service to community and the profession, and working well with colleagues."¹⁰

In 2005, the ABA updated its guidelines, recommending "behavior-based instruments" that describe specific behaviors rather than scales on characteristics such as legal knowledge as well as getting information from multiple sources "including court staff, law enforcement officers whose duties bring them in regular contact with the judge and attorneys, jurors, litigants and witnesses who have appeared before the judge."¹¹ Moreover, JPE processes should provide judges with the "opportunity to respond to any overall assessments of their performance or to any recommendations concerning their retention before those assessments or recommendations are made public."¹²

Model programs

Along with Utah, there are several other states frequently identified as having exemplary judicial performance evaluation programs, most notably Alaska, Colorado, and Arizona. Missouri is also highlighted as the state that first introduced merit-based non-partisan judicial selection. This section describes these model programs and provides details regarding how they evaluate part-time judges.

Alaska

In Alaska, full-time judges are nominated by the Alaska Judicial Council, appointed by the governor, subject to retention elections, and required to fill out a questionnaire that provides information about their caseload, any legal or disciplinary information, relevant health information, and process feedback. Judges also provide a list for review of three trials, three non-trial cases, and any other significant cases. An independent contractor surveys all members of the bar association regarding each judge's legal ability, fairness, integrity, temperament, diligence and administrative skills. A

similar survey is done for peace and probation officers, social service professionals, and court staff, and an additional survey for jurors.¹³ Alaska holds statewide public hearings for all judges standing for retention, examines judicial records, provides opportunity for judge interviews and disseminates results.

Alaska has a different evaluation process for limited jurisdiction judges who are hired by the court system and not subject to retention elections (called magistrate judges in Alaska). Magistrate judges do not fit neatly into a single description. Some magistrate judges serve small communities, but 12 work in Anchorage. Most magistrate judges are full-time, but a few are part-time. Magistrate judges need not be lawyers. Unlike Utah's lower level caseload judges, magistrates in Alaska are state employees. However, they do not follow the same hiring and retention process as other state judges in Alaska. Magistrate judges in Alaska are hired by the presiding judge in each district.

Each magistrate is assigned a training judge who serves as both an advisor and evaluator. The magistrate has a training judge until he or she has enough experience to become a training judge themselves.

Alaska used to evaluate magistrate judges using the same comprehensive statewide survey of lawyers, social workers, and others that was being used to evaluate full-time judges. However, many magistrates in smaller jurisdictions felt the process was unfair and reviewers thought that much of the feedback was poor quality.

A revised process created in 2013 established a statewide panel comprised of training judges, senior magistrate judges and senior judges. At least two of the statewide panel members must be magistrate judges. Each magistrate is reviewed by a three-judge subset of the state panel – including at least one of whom is a magistrate and usually led by the magistrate's training judge. The three-member panel may recommend reappointment if two of the three participating members agree with the recommendation. If the three are considering not recommending the judge or are in disagreement, they may ask other panel members to participate in the evaluation. In that case, recommendation can only occur with a majority of the panel in agreement.¹⁴ The revised process also included a one-year probationary review for new magistrates that relies upon training and presiding judges to evaluate a magistrate's performance by interviewing people in the community who work closely with the magistrate judge.

The statewide panel considers an extensive magistrate performance evaluation created by the training judge based on observation of the courtroom and attention to the quality of a magistrate's administrative work. The evaluation provides rankings of "needs improvement," "meets expectations," or

“exceeds expectations” for the magistrate’s integrity, fairness; judicial temperament and demeanor; diligence; teamwork; and professional knowledge and judgment. The magistrate must meet or exceed expectations in each of these areas in order to receive a retention recommendation. Rankings are based upon interviews with attorneys, police officers, social workers, and court staff in the magistrate’s community conducted by the training judge. Additional comments are also included in each of these areas, with each section typically including a few sentences of description. Input from interviews with other stakeholders such as litigants may also be included.

Alaska’s reforms rely on more open-ended questions and are focused on collecting information from the attorneys who work most closely with a magistrate judge. In the case of the one-year probation review, the process relies solely on qualitative data. The evaluations are conducted primarily for retention recommendation. Midterm evaluations are conducted midway through each four-year term, but may be waived by the presiding judge after the first two terms.¹⁵

Like Utah, this lowest level of Alaska’s judiciary has consolidated over time and may continue to do so as part-time magistrates begin to serve multiple courts over larger geographic areas. Alaska has also improved technology in order to allow for some proceedings (such as status hearings) to be conducted by video conference.¹⁶

Colorado

Colorado’s judicial performance evaluation system relies on a performance commission of ten people in each judicial district, as well as one state commission. Commissioners evaluate judges regarding their integrity, legal knowledge, communication skills, judicial temperament, administrative performance, and service to the legal profession and public.

Commissioners must consider the following survey responses in their evaluation:

For trial judges: attorneys (including prosecutors, public defenders, and private attorneys), jurors, litigants, law enforcement personnel, court employees, court interpreters, probation office employees, social services employees, crime victims, and appellate judges.

For appellate judges: attorneys (including prosecutors, public defenders, and private attorneys), other appellate judges, appellate staff attorneys, self-represented litigants, and district judges.

The commissioners must also use courtroom observation, judge self-evaluation, a review of the judge’s decisions, caseload statistics and reports, judge interviews, a performance standards matrix, and information from meetings held with a representative of the District Attorney’s Office and/or a representative

of the Public Defender’s Office when requested. Finally, commissioners may also use additional information submitted by the members of the public, public hearings, or information from other interviews.¹⁷

Colorado conducts surveys on all state judges whether full or part-time, attorney or non-attorney, rural or non-rural. Colorado does not survey magistrate or municipal judges, with the exception of Denver city judges, who by mutual agreement are evaluated by the same process as state judges. Magistrates are assessed through a human resource performance review process at the local judicial district level and municipal judges may or may not receive a performance evaluation depending upon each municipality’s process.

Collecting a sufficiently large survey sample has been a challenge for part-time judges in Colorado, but the samples are generally somewhat diverse in terms of respondent categories such as litigant, juror, and staff. For all surveys, Colorado uses several lists that show all of the people who appear before a judge. All of these surveys are mailed, several times if needed. Attorneys receive an online survey based upon their email address. The overall response rate of 13% reflects a much lower response rate for litigants (8%) than attorneys (29%).

Like Utah, Colorado evaluates judges twice during their term. During the midterm evaluation, commissioners may indicate if a judge needs to participate in a performance improvement plan. If so, the chief district judge is responsible for seeing to it that the judge complies with the performance improvement plan. If the judge does not comply, then by law the retention recommendation for that judge must be “does not meet performance standards.” All judges are categorized as either meeting or not meeting performance standards during the retention election evaluation process.

Arizona

As required by its Constitution, Arizona conducts judicial evaluation for Supreme Court judges, Court of Appeals, and Trial Court judges working in counties at or above 250,000 people. Other counties could vote to include themselves in the evaluation system but have not.

In odd numbered years, paper surveys are distributed to all jurors, litigants, witnesses, and people who represent themselves and appeared before a judge. Attorneys and court staff receive emailed surveys if they were in a judge’s courtroom during this time. Surveys ask about a judge’s legal ability, integrity, communication skills, judicial temperament, administrative performance, and settlement activities. A report is generated from the survey results.

Judges also complete a self-evaluation (which allows comparison between their perspective and the

perspectives of those surveyed), and the public may provide written comments.

“Each judge is then assigned to a Conference Team composed of one public volunteer, one attorney volunteer, and one judge volunteer. The Conference Team meets with the judge to review the Data Report, survey and public comments, and helps the judge set performance goals. This results in a Conference Team Report,” which is used (without identifying information) to create more effective judicial education programs.¹⁸ The performance standards generally look at judicial temperament, legal ability, communication skills, integrity, and management/administrative duties by scoring on a scale from 0 to 4. If a judge scores below an average of 2 or if 25 percent or more give a judge a poor rating in any category, the threshold standard is not met.

The survey response rate tends to vary by respondent group, with returns from the 2017 survey at 22% of attorneys, 14% of litigants/witnesses and 51% of jurors.¹⁹

Arizona does not require any evaluation for lower district court judges.

Missouri

Since 1940, Missouri has had the Non-Partisan Court Plan for appellate and trial judges, touted as “the foundation for merit-based judicial selection in America.”²⁰ Courts in St. Louis, Kansas City, Clay County, Platte County, and Greene County follow a plan that includes non-partisan selection and characteristics such as a review of the candidate’s character, experience, professional strengths, and legal analysis skills. This process is only for state judges and tends to be in the most heavily populated areas of the state. Municipal judges are elected through partisan elections.²¹

Considering state systems that are frequently identified as model programs underscores the diversity of the nation’s judicial evaluation system. Missouri, the state that first embraced merit-based judicial selection, does not extend that approach throughout all areas of the state. Colorado and Arizona, both of which have extensive judicial performance evaluation processes, do not extend the processes to the municipal court level. Alaska does provide an evaluation of its magistrate judges, but it has recently revised this evaluation in light of the realities of data collection at this court level. Currently, Utah’s evaluation of lower caseload judges involves reporting only completion of the state’s three judicial requirements as the basis for retention election recommendation. Each state strikes a different balance in its effort to select and retain qualified judges when they have varying jurisdictions, demands and resources.

Performance Review Literature as it Relates to Judicial Performance Evaluation

Reviewing performance evaluation – or performance appraisal – literature provides an opportunity to consider how judicial performance evaluations differ from government and business employee evaluations, as well as what can be learned and adopted from these sectors. The following review highlights performance appraisal literature discussion points that inform possible revision of Utah’s judicial performance evaluation of lower caseload judges. Relevant portions of the Gardner Policy Institute’s lower caseload judge interviews are highlighted for consideration.

To begin, many question the effectiveness of performance evaluations. One survey showed that more than 70% of managers had deliberately inflated or deflated evaluations for reasons related to their personal relationships with employees or because there was an unintended incentive within their organization to provide higher or lower employee evaluations.²² Moreover, only 20% of federal employees reported that the appraisal system motivated them to do a better job and a meta-analysis of more than 600 studies found that at least 30% of evaluations decreased employee performance.²³

Nonetheless, most entities use performance evaluation systems, and revisions to judicial performance evaluations for lower caseload judges can be built around the known strengths and weaknesses of these systems. For instance, research has found that interactions with employees and considerations for reviewers differ depending on whether the appraisal is conducted for developmental purposes or administrative purposes. Evaluation feedback given for administrative purposes tends to be more lenient but less influential than evaluation feedback given for developmental purposes.²⁴ Ratings intended to inform employee training and development may also be more accurate than ratings associated with negative or positive administrative consequences.²⁵

Gardner Policy Institute interviews with lower caseload judges provide support for this distinction, showing a notable increase in enthusiasm and engagement when discussing training possibilities as opposed to discussing ways to recraft the retention election recommendation format.

The enthusiasm many lower caseload judges expressed for professional development during one-on-one interviews lends support to the notion that development-oriented evaluations will be influential. Training (professional development) was one of the most robust areas

of discussion. A large majority of judges felt that ongoing training was important for lower caseload judges: "...especially each year when new laws come out."

Many made creative suggestions regarding how to improve the training. Most commonly, judges expressed a need for more mock trial practical experience. Most also expressed a strong preference for in-person training over methods such as webinars, but added that a mix of offerings is important to meeting different judge's scheduling needs.

Two judges noted the distinction between rural and urban judges is more important than the difference between attorney and non-attorney judges.

"I don't have the volume and therefore the experience needed to deal with some of our more complicated and serious cases on a regular basis...the distinction should be an urban track and a rural track." Lower caseload judges felt their relative lack of exposure to different kinds of cases created a need for more practical role-playing training, including scenarios such as sentencing rather than the more typical reviews of the intricacies of the law. Some judges expressed a desire to have training on how to carry out sentencing when there are insufficient counseling and transportation options to meet the needs of the community.

"We don't have the same resources...no buses, taxis, etc."

Evaluation processes have a subjective component and can be difficult to conduct in a way that consistently promotes employee productivity. However, performance appraisal literature suggests any system should have an ongoing process involving goal setting, monitoring and data availability, continuous feedback and annual assessment.²⁶ Adapting this concept to judicial performance evaluation processes is challenging. General job performance appraisal systems involve an employer with an ongoing relationship with an employee. In contrast, a judge may or may not have a relationship with the midterm evaluator/s, and the administrative outcome of the retention election evaluation is determined by the voters.

Any judicial performance evaluation will involve one or more people assessing the judge. Performance evaluation literature outlines several possible concerns to consider in terms of evaluators' objectivity and bias. Possible cognitive biases include:

- Leniency error, where managers give more favorable reviews for reasons such as wanting to maintain a good

working relationship with an employee or having empathy for an employee's personal situation,

- Severity error, where managers want to send a message to an employee by giving a very good or very poor review,

- The spillover effect (also known as the halo or black mark effect) when an employee who is exceptionally good or bad in one area will be rated in the same way in other areas,

- The recency effect – when the most recent impression colors evaluators' assessments of previous work,

- Contrast error, when people are rated against others rather than based upon performance standards, and

- Outcome bias, when an outcome is made the focal point regardless of whether or how the employee contributed to that outcome, are common.²⁷

Evaluator training can reduce the influence of cognitive bias. This is a particularly important consideration if creating evaluation panels or providing courtroom observers (two of the options discussed in the recommendation section). Although training can be provided to judicial performance evaluation evaluators to guard against potential bias, is not possible to provide such training to those responsible for the ultimate review – voters.

It is also important to employ question wording that reflects readily observable behaviors rather than general attributes or performance criteria. For instance, survey questions such as "The judge's ruling cited applicable substantive law" and "The judge writes opinions that clearly set forth any rules of law to be used in future cases" are preferable to survey items like "legal knowledge" or "The judge is competent in the law."²⁸

Implicit bias on the basis of factors such as race, ethnicity, or gender is another possibility. Some studies show male and Caucasian judges being recommended at significantly higher rates than women and judges of color. In 2012, IAALS' review looked at retention evaluation programs in Alaska, Arizona, Colorado, and Utah found that most differences in evaluation scores were small, but women and minority judges scored lower on a few questions related to legal ability, communication skills, and temperament. In several studies, the observed bias was only present in attorney surveys – not surveys of other respondent groups. Based on these findings, IAALS recommends broad surveys that reach a variety of respondent groups (not limited to attorneys); promoting awareness of implicit bias; and developing surveys in consultation with experts.²⁹

Research also suggests a relationship between public service motivation (PSM) and employee performance that may be important for understanding lower caseload judge's motivations. Findings suggest that contrary to previous research - which showed a

relationship between PSM and employee performance generally - the relationship actually depends upon the type of work an employee does. People-processing behavior (like processing forms at the Department of Motor Vehicles) is not changed due to PSM, but people-changing behavior (like school teacher's or lower court judges who focus on individual needs in order to produce a desired result) is changed.³⁰

Interviews brought to light the unique relationship that judges in lower caseload courts are likely to have with the people they serve. In many cases, lower caseload judges know a significant portion of the people they see in the courtroom and might better understand the different factors contributing to the person's circumstance than they would if they served a large community. At least four of the judges interviewed mentioned they considered their work to be service to their community. Some saw their work as a way to give back to their community and mentioned the importance of the human service component of their work as well as the emotional toll of seeing people with major troubles in their lives. These judges felt emotionally attached and two stated that they considered the work a "privilege" despite the challenges.

Several judges thought some of the urban judges, some presenters at AOC conferences, had a condescending attitude towards lower caseload judges. This is a cognitive bias that was not found in the research, but should be considered when identifying evaluators for low caseload judges

Several lower court judges spoke about their desire to be "as good at my job as any full-time judge." One judge wanted to hear feedback from defense attorneys because they argue before a lot of other judges and he would like to improve at his job. He wanted the same full review as other judges, adding "Small courts shouldn't be viewed as less capable or held to a different standard. It is a dangerous way to think. Everyone should expect the same standard from their judges."

In terms of structure, judicial performance evaluation processes can draw from variations in traditional evaluation systems of other entities. For instance, immediate supervisors may also serve a development appraisal role while other managers serve the judgmental appraisal role.³¹ Outside expert appraisal – including using clients or customers – can be used for employee reviews, especially the government where the taxpayers and voters are the clients and

customers.³² Similarly, the current Utah system for mid-level judges can even be loosely compared to the 360-Degree Appraisal process where an employee is evaluated by subordinates, supervisors, colleagues, and self-appraisal.³³

Given that the administrative "feedback" voters give judges is less detailed and more permanent than would be typical of feedback from an employee's supervisor, judicial performance evaluation can incorporate alternatives to supervisor appraisals such as: self-appraisal, peer review, subordinate appraisals, and team manager appraisal. Self-appraisal is particularly useful for professional development and research indicates peer review can be just as accurate as supervisor ratings.³⁴ Subordinate appraisal could be particularly useful for judges who work closely with a clerk, and team manager appraisal could be used to increase organizational understanding.³⁵ Combinations of these can be considered for the judicial performance evaluation process both in terms of data collection and selection of evaluators.

Many of the judges voiced their interest in self-evaluation when discussing the possibility of creating court video for review by other judges. They noted they can't know their own tone and mannerisms without being able to review it themselves. Several have participated in and benefited from the National Judicial College at the University of Nevada, Reno, which provided a mock trial experience that included a video and subsequent review by the judge and other students.

Mentoring is also a consideration in this process, though it is not usually associated with evaluation. In a phone conversation, public administration scholar James Bowman of the Askew School of Administration and Policy at Florida State University suggested mentoring as a way to strengthen professional development among lower caseload judges. Providing a mentor is a natural choice for a job that involves on-the-job learning and infrequency of work case types.³⁶ When considering revision of a system with a purpose of better serving the public - like lower court judge performance evaluation - focusing on high quality professional development is sensible. Mentoring is already important to lower caseload judges in Utah, but revising the selection process to provide preference to judges who are eager to serve as a mentor and/or have an established relationship with a lower caseload judge could increase the potential for lower caseload judges' professional development - particularly since the majority of lower caseload judges indicated they had learned the most from their conversations with other judges.

In several cases, judges brought up the topic of mentoring before they were asked about it. All of the judges interviewed expressed support for mentoring in theory, but several had mixed reviews of their experience with mentors. Some mentors were either not accessible or a lack of connection between the two prompted the new judge to identify other judges who could serve the same purpose.

The majority of judges indicated that speaking with other judges about cases was either one of the most important or the most important way they prepared for their job.

Successful performance evaluation systems that aim to create a “partnership perspective,” where both individual action/effort and system influence is reviewed, can lead to a more productive performance evaluation. Additionally, the literature suggests employees must accept the appraisal system as useful and valid in order for it to be effective. Judge interviews suggest the Judicial Performance Evaluation Commission (JPEC) is already well recognized as the organization charged with appraising the performance of Utah judges and that judges and JPEC already share an interest in creating a system that serves the public well.³⁷ Incorporating the judges’ feedback regarding performance evaluation revisions will strengthen that partnership.

Administrative Office of the Courts (AOC) Justice Court Data / Court Clerks Interviews

The Gardner Policy Institute contacted representatives from the AOC familiar with Utah’s current evaluation process in an effort to assess the information available from low caseload courts. The AOC collects the same information for all of the courts in Utah, including Justice Courts. AOC notes there can be some variation in justice court collection practices, this happens in district level courts as well. For each case, the AOC collects:

- Judge name
- Attorney name
- Attorney email address
- Dates of appearance
- Appearance type
- Case
- Location
- Attorney bar number
- Attorney bar license state

– Hearing type identification

The AOC does not collect contact information such as phone numbers or email addresses for court clerks, bailiffs, jurors, litigants, caseworkers, law enforcement officials, court interpreters, social service employees, or the families and friends of litigants. This information is not collected consistently by justice courts. Currently, such information may be (but is not necessarily) found in prosecutor’s files, court files, and audio recordings of court proceedings. Surveying these groups would require additional effort by the judges and/or court clerks to consistently collect and record contact information or to provide written surveys or survey links at the time of court appearance.

Court Clerk Interviews

To gain a better understanding of the differences in justice courts regarding data collected, the institute conducted phone interviews with 17 of the 20 justice court clerks. Results from interviews show the large disparity between these courts. Information gathered from clerks includes court session hours, average cases seen, attorney appearances, and court staff. Clerks were also asked about the data that they collect and its availability. When asked to review information collected from these clerk interviews, the AOC said the data collected looks “very reasonable.”

The following is a summary of findings for each question asked the justice court clerks. Specific details per court can be found in Appendix B.

- Amount of court hours – Court sessions in these justice courts range greatly from one hour per month to 16 hours. Though most of the courts have a consistent starting time for their sessions, many shorten or extend court hours based on number of cases scheduled on a given day.
- Cases per month – The average number of cases seen in court sessions during a month varies by court significantly. The number of cases reported by clerks range from a low of seven cases to 150 cases per month.
- Attorney appearances - The typical number of attorney court appearances differs, with one court reporting an average of one attorney appearance per month to another court reporting a high of 30 attorneys per month. Many clerks indicate that the same attorneys can appear in their court more than one time in a month. The prosecuting attorney is the most frequently seen attorney, then public defenders, but less frequently. Information about attorney appearances in these courts is available through CORIS. Some clerks have the information in case files as well.

- Court staff – All low-case level courts have a clerk, and a few courts have a second or backup clerk. Most courts have a bailiff though a few operate without one. All clerks report having an interpreter on call to use when needed though the frequency of use varies. A small number report having back-up interpreters available to their courts. Contact information for all court staff is available through court clerks.
- Jury trials – Almost all clerks indicate they have not had a jury trial in their court for years, if at all. One court only recently had a jury trial. Court clerks were uncertain regarding the availability of contact information for jurors.
- Court information – Clerks from the various courts collect and store different amounts of data. Any information regarding the court proceeding required by AOC is automatically sent to the state through their integrated software platform. The majority of clerks report they keep contact information for litigants, witnesses, law enforcement, and interpreters in individual case files. A small number of clerks do not currently keep contact information at the court but say the prosecutor's office or law enforcement does. One clerk in rural Utah described the challenge of contact information in her area:

"Internet service in our county is not good and many cannot afford nor know how to use computers. A phone number and address is often that of a family member or friend. It is not uncommon to see addresses written as 'five miles past the windmill.' Most feel nothing good comes in the mail so mailing things isn't always effective. It is a real challenge."

- Audio / Visual equipment – A sampling of clerks were asked about video capabilities in their respective courtrooms. Very few have video recording equipment though several clerks volunteered that security cameras exist.

Clearly, any enhanced judicial performance evaluation processes in these smallest caseload courts would need to take in to consideration the unique differences of each court.

Evaluation and Training Options

A revision of Utah's judicial performance evaluation process for lower caseload judges should consider the

real differences in work and data collection possibilities between these courts and courts in more populated areas. The three options provided attempt to maximize value while taking JPEC's funding constraints and small sample sizes of low-caseload courts into account. Appendix C combines judicial performance evaluation best-practices based upon model programs and performance review literature to provide an option focused mostly on the professional development component of judicial performance evaluation. This section also includes ongoing training options based on the feedback of the judges interviewed. Regardless of the options selected, two reform elements should be considered:

Judge Response - Allow each judge to respond to the findings of the impartial evaluator assessments before retention recommendations are released to the public. Giving lower caseload judges an opportunity to respond to their assessments is consistent with other model state evaluation processes and may be particularly important given the relatively small sample of performances being evaluated, and

Judge Self-Appraisal - Each judge should provide a self-appraisal that is reviewed by JPEC along with the impartial observer report. The self-appraisal, interview assessments and lower caseload judge responses should be combined in a manner consistent with (but not identical to) the current mid-level judge midterm and retention reviews.

With lower caseload courts varying significantly in terms of remoteness, amount of scheduled court time, availability of clerk assistance, relationship with the local government and types of cases and considerations typical of their jurisdiction, it is difficult to estimate the cost of uniformly implementing potential reforms.

Evaluation Options

A. Evaluation by an Impartial Observer(s)

This (these) impartial observer(s) would be hired by JPEC to perform the following:

1. Phone Interviews - Phone call evaluations to litigants, court staff and attorneys for each judge. Evaluation calls would be made by trained JPEC staff or an independent research firm. Frequency of interviews would depend on number of cases before a court to obtain similar samples.
2. Court Video Review - Review of a minimum of four hours of videotaped court proceedings per judge. This requires JPEC to create a common system of equipment and procedures that either identifies usable video from an ongoing stream or requires starting a recording each time courtroom work is

conducted. Video evaluations would be best performed by an evaluator with some legal experience. This option draws from an idea put forth by panel members at the March 2018 Board of Justice Court Judges meeting - creating a rotating panel of three judges who would review courtroom video of the lower caseload judges in order to provide feedback. During interviews, lower caseload judges were asked what they thought of this idea. They had a range of responses, described in Appendix A.

The pros and cons of implementing this reform include:

Pros:

- Allows observation of judges at work in courtroom, yet avoids wasted trips by observers to unreliably attended remote courtroom sessions.
- Allows both evaluators and lower caseload judges to view subtle characteristics such as demeanor.
- No additional cost to increase amount of video collected to review.
- The number of staff in low caseload courts is small and limited numbers of attorneys appear in court session
- Many attorneys that evaluate judges may only have one experience before the judge they are evaluating.

Cons:

- Most courtrooms do not have a video camera and additional funding would be needed for installation, data management and maintenance.
- May face resistance from local administrators and some lower caseload judges.
- Low response rate coupled with limited number of people to interview
- Self-selected survey responses, particularly from a limited pool of potential respondents, provide a false sense of representative data.

Costs:

- JPEC administration (bid process and coordinating installation with lower caseload courts) – estimated 100 hours.
- Equipment (20 cameras including installation/software/travel).
- Training for lower court staff and oversight, estimated 20 hours.
- Ongoing equipment, IT maintenance, and employee training.

- Training time for observers, estimated 20 hours training
- Video observation (4 hours per judge) / summarize observation (2 hours per judge). Total 120 hours

Price Range: Video camera costs depend upon the quality of camera selected and whether training can be conducted at time of installation. Less expensive cameras are less secure. The estimated cost of panel creation would slightly reduce slightly JPEC administrative costs because collecting contact information for interviews would no longer be necessary.

Unprompted, several lower court judges expressed the opinion that their employer would be unlikely to pay for the cost of video equipment.

Five judges expressed genuine enthusiasm for having video of their courtrooms (one even wondered why it wasn't already being done). Five supported a video but preferred the idea of having an observer, two thought a video was better than no change, and three opposed to videos due to discomfort in front of a camera and/or concerns about the practicality of video. A video supporter suggested having the lower caseload judge present when the panel reviews the video of them so they can provide context for the proceedings. Judges also saw self-appraisal of tone and demeanor as a potential opportunity associated with the video review proposal.

B. Email surveys to all attorneys and court employees and distribute surveys to other respondent groups in the courtroom

Like the Arizona and Colorado evaluation processes for larger caseload judges, Utah could opt to email surveys to all attorneys and court employees working with lower caseload judges, and to distribute surveys (offering an online survey link as well as a paper survey) to those who appear before a judge. Non-attorney surveys could be distributed by local clerk. The response rate for these surveys is likely to be low and vary based upon respondent group, with jurors most likely to respond, attorneys second most likely, litigants least likely and other respondents somewhere in between.

There are several limitations to consider when considering the data likely to be collected from this effort. Using scientific methods, with a random sample selected from a population, an optimal number of surveys to conduct and the associated error rate can be

calculated. In this case, the varying caseloads for lower caseload justice courts means there is no one-size-fits-all number or percent of surveys to be completed in order to have a specified error rate. Interviewing or attempting to interview all potential participants in the lowest caseload justice courts (those seeing below 20 cases per month) would be ideal. For larger lower caseload courts being considered in this research, larger samples are needed than would be required if a random sample was possible. At least 100 to 200 completed interviews would be appropriate for these courts. Unfortunately, based on the experiences of other states trying to survey these same groups, we can expect a low response rate (sometimes under 10%) particularly for some categories of respondents. Additionally, self-selection is likely to play a large part in respondent selection, so the sample is not random. For nonscientific samples, more data simply means more data to use in the evaluation process, not necessarily representative data. Generally, collecting as much information as possible for each of these courts with the recognition that it is not likely a true representation of the population is the best way to view these efforts.

The pros and cons of implementing this reform includes:

Pros:

- Data is collected
- Provides lower caseload judges with more feedback.
- Opportunity to hear feedback from litigants, friends and family.

Cons:

- Low response rate coupled with limited number of people to survey
- Self-selected survey responses, particularly from a limited pool of potential respondents, provide a false sense of representative data.
- Need for mailing addresses (particularly for litigants, friends and families) means additional time requirements for court clerks.

Costs:

- Survey design – estimated 15 hours.
- Printing costs - survey/instructions/envelope – estimated 800 mailed surveys per judge (could vary widely)
- Return mailing costs
- Survey data entry - JPEC/subcontractor – estimated 160 hours (assumes 10% mailed back response rate).
- JPEC time for evaluation data summary – estimated 10 hours per judge. Total 200 hours.

C. In-Person Observation

Trained observers could visit each of the lower court judges in their courtroom at least twice a year.

Some judges interviewed preferred the idea of having an observer rather than having a video camera in the courtroom because they believed their assessment would be more nuanced. Others added a caveat that the observer should be someone well-trained in the law.

Two judges shared stories they had heard about observer evaluations that contained suggestions for the judge that were not legally appropriate. Critics of this approach thought the expense of sending an observer would be too great, or were worried an observer was unlikely to have much to observe.

The mixed view on the value of observers expressed by judges is reflected in the model state programs examined: Alaska and Colorado require courtroom observation. Arizona does not.

The pros and cons of implementing this reform includes:

Pros:

- In-person assessment of judge in courtroom.

Cons:

- Difficult to anticipate court schedules to remote areas. Good possibility of traveling to a remote location and being unable to view the judge at work.
- High travel costs associated with multiple trips to remote locations each year.
- Lower chance of observing a variety of cases and behavior than with the video option.

Costs:

- Design of observation guide, estimated 8 hours.
- Training observers, estimated 20 hours
- Observer time to observe (4 hours per judge) / summarize observation (2 hours per judge). Total 360 hours assuming one-half hour preparation time for each observation, two hours of observation, one-half hour to complete each evaluation, and driving time to each destination twice a year.
- Travel expenses for 14 overnight stays for areas 3.5 or more hours from Salt Lake City.

Ongoing Training Options

A. Strengthened Mentorship Selection Process

The new evaluation process should be coupled with a strengthened mentor experience for new lower caseload judges. In order to increase the chances of a lasting and meaningful connection, preferential treatment should be given to judges who are eager to serve as a mentor and who have an established relationship with the lower caseload judge.

B. More Practical, Mock-Trial Style Training

Although not under JPEC's purview, more practical, mock-trial style training should be integrated in the AOC continuing education for lower caseload judges. This was one of the most frequently mentioned ideas in judge interviews. Additionally, performance evaluation literature shows that evaluation feedback given for training purposes tends to be more influential than feedback given for administrative purposes. Offering mock-trial training allows for assessment and feedback on the judge's knowledge and courtroom behaviors.

In Summary

This report represents a range of possible reforms that require JPEC's assessment in order to determine the appropriate course of action given data collection limitations and finite resources. Regardless of which reform or reforms is selected by JPEC, the Gardner Policy Institute recommends a transparent reform process involving outreach to lower caseload judges, and feedback from lower caseload judges in mind. Particularly for experienced lower caseload judges who are comfortable with the current review and retention process, emphasizing a partnership approach to reform is important to acceptance and success.

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Appendix A – Judge’s Survey Responses

Interviews with 16 of Utah’s 20 low caseload judges were conducted and analyzed by Gardner Policy Institute staff. Common themes reported throughout the Literature Review and Recommendation sections. Interviewers used a general question guide but probed and clarified with additional questions during the discussions. Select comments from the interviews are included below. A comment was removed if the sentiment was repeated in another comment. Any identifying information has been removed.

Question 1 - How long have you held your current position?

Responses range from 2-37 years in their current position.

Question 2 - What educational and work background has best prepared you for your position as a judge?

Most judges felt best prepared with some sort of law-related background, others as administrators or as leaders in the community in some sort of capacity.

Life experience and doing it. Figuring it out. Nothing quite prepares you. There are statutes, codes and laws but nothing quite prepares you for sitting at the bench. You have to experience it.

This is a hard question. Have a [few degrees including] a JD, they all have been helpful, but the most helpful has been experience on the job. Time in legislature and executive branch helped me understand different government agencies and how to look up law and how government works. AOC training was also very helpful.

Common sense. Anything involved with working with the public. With regard to education, things change quickly now. Without a young clerk who is good with a computer, I would struggle. At the time, I was becoming a judge there was no education except what you get from going to meetings. District court judges were very willing to help the justice court judges. Judges would suggest I keep a difficult case under advisement and they would guide me through it.

In Utah, very few justice court judge requirements. I have been an attorney and feel as if that qualifies me for being a judge. Saying that, a lot of colleagues are not attorneys and that is why I think the justice courts can be viewed as the redheaded stepchild.

Question 3 - When you were first appointed to the court, what kind of training were you given? Probe: Did you feel prepared for the courtroom after that training?

Week-long new judge training through AOC. Because of my legal background, I didn't get as much out of this training as someone without a legal background would have. I would have wanted more mock trial experience where they provide some kind of trial script and run through scenarios. The legal stuff in the AOC training was fine, they are required to provide that, but I would have liked more practical experience. Liked the three month training at the [REDACTED] school. We would look at a film and receive feedback on our participation in a mock trial experience. You'd have people as prosecutors and defenders and others and it was run as a real trial. Then you would sit with a real attorney to review the video. It was really helpful. As a judge, it would be really nice as well because I knew I would make mistakes. People who haven't been on the bench need more practical input, maybe an event where they tell you here is how to handle an objection Here is how you talk to defendants. Also, I could have used help on how to look up a case. They show you here is your account but they don't show other mechanics. It takes us (lower caseload judges) a lot longer to learn because some judges will see more in one day than I see in three months. The most helpful training wasn't the training provided by the AOC, I spent time up on the bench watching what the judge did. That was the most valuable. I was sitting right next to two judges (people I knew previously and reached out to) and that is where I got an understanding of what I'm supposed to do.

So the AOC gives you a week's worth of training in Salt Lake. A lot of it is observing other judges and then meeting with them after to explain what we had seen. But that was the only formal training we received before taking the bench. We did have to pass a written exam at the end of the week, but it was an open book test. And we could use a bench book.

I am invited and have gone to all of the new judge orientations. I was also assigned a judge mentor, we still talk. That judge comes and sits in my court and gives me feedback.

Once hired, I went to Salt Lake and spent a week with several different judges. A lot of it was in house learning

the law and court system and what you could do. I went to their court and saw how they run. I went to three different courts that week and spoke with the judges. It was a pretty good orientation. It was hands-on... this is what you need to do. Most who presented the classes were judges and work for the court administrators office.

New judge orientation that was held in Salt Lake. This was a week's worth of sitting in classes. Judge [REDACTED] taught a course and several other judges also taught courses. I was able to speak to these judges about my questions as well. There was instruction at AOC on the basics of being a justice court judge. The Legal Institute was extremely helpful for a non-attorney judge. I have taken all the classes offered.

I went to a week-long judges' training through the AOC. And then I've had a mentor judge down here. Anytime I have any questions, need anything, or need any help, I've been able to go to that judge for help.

I went through the AOC's week long induction course and traveled through the courts to study how courts worked throughout Utah. Then we had a lot of class time and met a lot of judges. It was good training. If you pass the course, then they vet you, and you can be a judge.

I was given new judge week-long orientation. I have taken advantage of the Legal Institute's ongoing process. I took classes on criminal law, small claims, contracts, sometimes more than once to stay up on things. The Legal Institute runs the AOC and selects the professors (example of one from BYU) and they are top notch. This year, there was a class at the conference on Constitutional amendments worth eight hours of continuing education.

AOC's training is a two-day training. To some extent it prepared me. I learn by doing. It is probably a lot harder for guys who are not attorneys.

Question 4 - Have you received ongoing training?

Most judges are self-motivated and utilize all options given to them. They tend to prefer the localized focus of district trainings, and continue to utilize judge mentors, officially appointed or not.

AOC conferences and district training. I appreciate the district training because it is aimed at the district level. Every couple of months, the judges here meet with the sheriff's department and the county attorneys and we go through issues that might be a problem with us. Sometimes those things are new things and how to deal with them, as well as new laws and how we can work together to deal with them. I think that within the

county itself, we are all on the same page, it is only a 2-3 hour training every couple of months and those are extremely beneficial to me. Sherriff knows what we want and we expect and we know what the sheriff can and can't do and the county attorney knows how to deal with things between the two of us.

Absolutely - lots of it. The court requires that we maintain 30 hours of certification/education credits. My first 5-6 years, I never did less than 80-90 hours. That's how I completed my course in Legal Studies through AOC. This year will focus on new issues among the judges; demographic issues (a group of homeless, or different nationalities, or people who are subject to the 4th amendment). We do it all. And those trainings are awesome. We do a weeklong training every year in the spring.

Yes, we are required to do at least 30 hours a year. I probably do double that. The AOC offers plenty of opportunities and trainings you can go to. And our district meets once a year and gives 4-5 hours of training that deals with issues we are facing locally. There are plenty of opportunities. You could probably attend a training once a week if you were willing to travel. But our district meets once a year.

I opted to go to the Legal Institute. I am not a lawyer and needed training. I don't want to look like an oddball or make mistakes in front of lawyers representing clients. I attended a drug seminar where they talked about substance abuse problems and how you handle voluntary rehab. Got different ideas about how you might handle such a person. I'll do anything that will help me. Drugs and alcohol are at the root of a lot of problems so it helps to understand what is going on. Also, [REDACTED] District does little seminars like small claims action. I've attended some of those. It keeps us sharp on topics.

Spring conferences are required. There is also usually a District training for the [REDACTED] District with other justice court judges where the district judges pick a topic. I like the district trainings better because they are based on a new issue or something where there was a question. The Spring Conferences tend to have the same topics each year. An example is small claims training each year, which you wouldn't go to unless you don't like the other option, then you go to the small claims again and it feels pointless. This year, looking forward to the Wildlife violation focus. Probably not a topic of interest for most judges, but a big issue for the area I serve and other rural counties. The Spring Conference tends to focus on topics that would be of more interest to non-lawyers. As a lawyer, I know most of it.

I go to Spring Conference every year and I went to new judge orientation. I also go to sit in other judges' courtrooms about eight times a year. I call other judges to make sure I've made the right call.

I'm more focused on district training of 4-6 hours each year and short courses offered by AOC and taught by contracted professors. They can last anywhere from 2-8 hours. I have done three or four of those; one on constitutional law, one on the Supreme Court, and another on evidence. Also, I watch 2-4 webinars per year on targeted areas, as well, like small claims or domestic violence. I find them very helpful.

I attended the AOC training. Also, have attended Reno National Judicial College several times on topics such as bias, ethics, sentencing guidelines etc.

We are required to have 30 hour a year of additional training and most judges get more than that. Seems like the court is always putting on a seminar somewhere on different things like domestic violence and small claims.

...the best was a break out session on jury trials. Judges brought their materials to the session and talked about things like why they accepted some jury instructions and not others, or 'here is why I allow some questions and why I don't allow others.' Very hands on and practical - most helpful thing of the week by far.

Question 5 - How valuable do you feel the training you have received has been in aiding in your professional growth?

Most find it valuable, but still rely on relationships with other judges to supplement what is offered with applied advice and observation.

Annual conference provides between 20-25 hours and that has always been helpful. I have to admit that the most beneficial source of education for me has been just reading appellate cases. Back in the early days of my career, you had to subscribe to receive appellate cases every month, now they are available on the web and I monitor it daily.

Helpful, but kind of overkill. There should be different tiers of training. I have to take a week of vacation from my day job to go to a week of training where we have too many breaks. They actually did the best job they ever have this year. Kristine Prince and Kim Free have been over education and they both are fantastic.

I think it's essential. Especially the annual trainings they have once a year in St. George. Not only are the classes really good, the networking with other judges is as beneficial or more beneficial than the actual coursework. Anytime I have a question, I can reach out

to a more senior judge. Networking with other colleagues is the most helpful thing.

I think what they have come up with works well. But I also reach out to other judges and sit in their courtrooms.

Invaluable in two ways: one, it updates you on changes of how you do your job and what is required of you; two, it allows you to interact with other judges throughout Utah. You interact with them and can talk to them and ask questions. Really excellent trainings.

Invaluable. So closely related to trends and the legislative process and the new rules that are generated every year. I couldn't do without it.

It's a must. Things change every year.

It's been really valuable for me. I always learn something new or pick up something new. And in the judicial world, it's always changing. So just trying to figure out how to handle different cases, that's been helpful too.

Yes, listening to other judges helps me to be better at my profession. Sometimes I'd like to know how others handle things, I sit and observe other judges. Classes do that also, but if we're not sure of ourselves in something like small claims, it is useful to see what they do in another courtroom.

I love AOC and I know they are trying, but I did not feel prepared to sit on the bench due to AOC training. I felt prepared because I sat next to a judge after reaching out to two judges I knew. We need more mock arraignments. Other judges say hey you got that right and what you could do better, so that when someone comes in regarding something that matters to the people in your courtroom (a lot of people may only come in once when something is important enough to them to take the time to come in), you do a good job. If judges are unprepared it looks bad for everybody and can undermine confidence in the judiciary. People already sometimes have the impression that these courts are kangaroo courts. They aren't seen in a real court house, but a school or city building. Don't want to add to that impression by making it apparent that the judge doesn't know what he is doing.

Question 6 - Do you think additional or ongoing training would be valuable for low caseload judges (and especially non-attorney judges in this case) Do you think it's needed at this level?

Most judges find value in ongoing training, and some had specific ideas on how to especially cater to low-case load and/or rural judges.

Certainly there is but I wouldn't separate it based upon that distinction. We don't need to have more training, there should be different types of training for different types of courts. The judges in West Valley and Salt Lake don't need training on practical role playing or certain types of cases, they deal with hundreds of filings every week, whereas judges in really small communities - I mean I'll get a DUI or domestic violence every three or four months - I don't have the volume and therefore the experience needed to deal with some of our more complicated and serious cases on a regular basis. On the education committee, I pushed for this but didn't get anywhere because rural judges are not the priority; the distinction should be an urban track and a rural track. The rural track could spend a lot of its time giving each other pointers, role playing, covering the basics that the big city courts would be yawning and saying 'why do we need this?' There is so much esoteric information covered at our trainings that the practical trainings - with checklists and forms and role playing and seeing how people do sentencing - would be far more valuable for the small judges whether they are lawyers or not. All small court judges would benefit from role playing.

Absolutely I feel that it's valuable. Not only valuable, but it keeps us focused on who we are and what we do. There are two kinds of judges, career and service judges. In small communities, we still have to deal with the same things that city judges do. But we are service judges and do it as a service for our community. We don't do it for the money or the prestige. I have known these people [that appear in court] their entire lives. I know what their issues are, they are my people. Someone who is circuiting around once or twice a month doesn't get to know anyone.

One thing that could be helpful is a bench book. Step 1, Step 2, put in a trial script. Had it [for a past position], and it allowed me to just worry about the law rather than the mechanics. I know that this information can be put together but it hasn't been. Example, small claims from A to Z. If a situation came up for the first time in awhile, you could think 'I've got a book.' No panic mode. I am working on a bench book now.

If they could figure out how to condense it down. I think that the new lady at the AOC office really understands. In the past, you went there and the same people presented every year. The same kind of topics and you went there as a requirement. Kim Free I think understands 'let's get this done and get home,' so the days are longer but she has better topics and if you get done in 45 minutes she says 'great go home,' whereas in the past they'd string it out for the whole hour. She's more interested in getting you the information so that

you can learn rather than filling the time. I'd much rather have that. Give me a slide so that I can read it rather than drone on.

Always. When I did initial training, there were three other judges. One had just about 10% of my caseload because he lived in a tiny town. When we got back together a year later and talked it was amazing how different our experiences had been and how much more I had had to learn based on the caseload versus what he had experienced with a small caseload. So I think even the small courts need to have additional training because they don't see cases as often. Same need for both attorney and non-attorneys. I have taken courses at the Legal Institute who bring in a BYU or UofU law professor for very concentrated and condensed helpful classes.

Yes, extremely valuable. Laws change all of the time. Sentencing guidelines, bail changes, for example. If I wasn't going to training, I wouldn't know changes. Wouldn't know how to set bail. It is not set in stone, it's always changing.

Of course, especially for every year when new laws come out. Even though our caseload is small, we need to know how to apply new laws - the Spring conference is particularly important in this way. Sometimes things like mandatory counseling might not be available. We need training on how to comply with the laws. Fall meeting with our district is also important in terms of feedback back-and-forth with each other on our experiences. In our spring conference, I wish we would spend more time on how changes apply to our courts.

I think if you take advantage of what is offered, it would take care of the need. I think what I would like to see offered is if we were to do mock trials. Have somebody walk you through the actual process of doing it instead of just talking about it. Especially because you have your peers watching you, so it would be a little more realistic.

Yes, I absolutely do. I don't think you can ever know enough.

Question 7 - In terms of ongoing training, is there a certain way... in-person, a webinar, Skype, etc. that would be best and make it more likely for you to participate?

Most prefer in-person, but understand the convenience of technology for those who have long distances to travel or work other jobs. Webinars are a good solution for law updates.

Live is always best, but I complained last year to the education director about the number of trainings and how we are required to go but don't get paid for it and I have to take time off of my paid work to attend the

trainings. I really appreciate [when I receive substantial credit hours in one training]. I don't need a webinar training as much this year because of that. In year's past, I was always scrambling to get additional hours and I needed a webinar option more. There are so many sarcastic, patronizing judges in big cities that think this is what they do all day long and they are experts with it. They are patronizing to judges who do this very minimally, where it is not part of muscle memory to cite statutes. I like the live sessions, but you get a lot of judges who don't want to be there and a lot of judges who make sarcastic comments and then a lot of judges who are afraid to make comments because the West Valley judge who intimidates some people may make a comment. A webinar would be beneficial for someone who is intimidated. Or smaller groups where only rural judges were there and the more outspoken big city judges wouldn't be there to intimidate. Some judges are afraid to speak up and say they don't know something. Need an area where we can talk openly and help each other rather than have people criticize the non-law trained rural judges.

I have multiple jobs and getting away is tough. But I do try to make it to the meetings and I think that I learn so much. Sometimes I learn more during lunch hour than I learn in the meeting itself. If I were just to sit at a screen, I don't think I would gain as much as I do from the association with other judges in the meeting and the things we discuss. Easier to look at a screen, but need the association.

When the whole state gets together, I don't get as much out of it as I do at district meetings. Part of it is that we are all from smaller courts with the same issues. In-person training is my preference.

No preference. All meet a certain necessity. Maybe online is all you can do based on the time or the long drive.

Internet is an issue, I prefer in-person, but will try to make it work if internet is required.

I would attend no matter how it was offered. However, because of the networking benefits, I think the live conferences are more beneficial.

I prefer webinars. For most judges in smaller courts, it is a part time thing. I have a full time job and do this on the side. For me, going to St. George for training is two wasted days of driving. Webinars can have the same information but you can control the timing and listen twice if you would like to. With today's technology, I don't need to see another person. Don't need the camaraderie of meetings.

I don't feel like I want a webinar or tech alternative to in-person training. But, if people are more comfortable

with technology, especially younger judges, it could be a good thing. Using technology is the same for younger judges as me writing things in cursive.

I am close enough to Salt Lake City that going to a training there is not a big deal. But technology could be used, especially if it is just an update on a law. For practical training, there is a benefit to being hands-on.

Face-to-face training is my best method of learning. When you can interact with your instructor, it is easier to ask questions and follow through with things, and they can make sure you understand what you are learning.

In a classroom where you can interact and ask questions. On a webinar, you don't know who you are interrupting. Tougher to keep on track with a webinar but Skype might be a little better.

I like in-person for more in-depth and the ability to ask questions, but I really find value in the targeted subjects and convenience of a webinar. Just makes it hard to ask questions.

Question 8 - Have you had a mentor in your current position? Do you still have a mentor that works with you now or was that just when you were new?

Mentoring is invaluable, but many take advantage of those with which they have personal relationships, rather than the appointed mentor. A few judges had feedback on how to improve the mentor selection process.

I was given an AOC mentor who is a really nice guy. I can call him but my experience with sitting next to the two judges I knew was really the best. With just the assigned mentor, I wouldn't have been as well prepared. People I know better are the people I reach out to first.

I kind of had an unfortunate experience, the judge that was supposed to mentor me was retiring right as I got put on the bench. So I had very little of an actual one-on-one mentor. Luckily I had made connections with other judges so I was able to reach out by phone or text when I needed to. But I didn't really have a mentor right at first.

My mentor was a non-attorney judge. He said, 'Remember, you don't have to be a mean guy to do this job. Remember good people make mistakes.' Some people get power and they go a little crazy. Other advice was, 'If you get to a problem, call a recess or postpone for a couple of weeks.' I have made friends with a lot of judges. I know about 40 judges. I've called a lot of them with hypothetical questions. Almost like having 40 books.

My first mentor it was kind of difficult because he was quite a distance away from me. Now I reach out to the closest presiding judge.

I mentor now, and one of the judges I mentored was a former prosecutor and I learned as much from him as he did me.

I didn't have them. I was handed city and county docket books. You were on your own. I had nothing. I had no one. I went to local court with a judge who had been there a couple of years as well as some other courts. They were all mentors, they were all willing to do it, but nothing official. Still, I had special people to talk to and I still do. I still call some of these judges occasionally to get advice.

Yes but didn't need it after awhile. I called him with questions once in awhile. He said he would visit to observe me in court but he didn't. Would answer questions but I needed someone who is invested. In terms of assigning a judge, I think it would be good to ask the judge if they have someone they already know who would feel comfortable being their mentor. I think they assigned me the person who was the most experienced judge, which is fine, but sometimes he wouldn't answer my questions or it was hard to get ahold of him, so sometimes I ended up calling district court judges that I had worked for. I felt more comfortable with them. Need to feel comfortable or its not that beneficial. You need mentors when you are new. In a smaller court, once you see the cases, you pretty much see the same ones all the time. And once you see one come out of the blue, you probably won't see it again and you won't have time to call someone. No mentor needed past a year.

Question 9 - Do you think mentors would be valuable to most lower caseload judges?

All judges agree they are valuable, some with caveats.

It is great. I went to my mentor's courtroom and he came down to mine. I've talked to him numerous times on the phone. The mentoring program is one of the best things that happens in the program for a new judge. A mentor has been through it all.

Yes, especially if not they are not attorneys. They are drinking through the firehose. In rural areas, there are not as many attorneys.

No question they would. For any caseload judge, a mentor would be very helpful.

... Mentors are valuable for attorney judges too - it is a whole different world behind the bench.

To a certain extent, yes. It depends on what judge you get. Aware of some who have been named as mentors in the past and they are pathetic. They don't do anything. They are condescending. They did not even contact their mentee. I know they try to guard against that. I was asked to mentor and I said I didn't feel qualified to mentor a full time judge. I could mentor a lawyer, I do that every day. Education Committee should assign mentors based upon personalities. Some of these relationships don't work and others are awesome. I know a judge who called his mentor everyday.

Yes, a very good thing when they first come on the bench at least. To be able to call with a question or problem would have been helpful.

Absolutely. It is very important to have someone you can go to. It was very important in my first year because I had situations come up that had never been touched on in my initial training, things I didn't even know about.

Absolutely. We say this all the time at the conferences, getting the particulars of say the subpoenas, pre-trial conferences, prosecution, warrants for arrests, all those procedural details are key to knowing how to do all of those things but time spent talking with one another about cases and processes, and things we have tried that work or didn't work (something only experience delivers to a judge) is equally important. We cherish those moments that we typically only get in the hallway. That is where we compare notes and they are great notes. We don't waste time. We mentor one another every chance we get.

If we think we know it all, we are the ones who are losing and so are the people who come into see us. Not sure we need a mentor but if there were judges of greater or equal knowledge that judges knew they could call and they would always be glad to talk to. I still have questions. Small claims is an area I have more questions because there is a lot of grey area involved, you have to determine if people are telling the truth. Knowing you can discuss it with someone else is good -- not sure if that is called a mentor. I feel fortunate there are other judges I can call to discuss a matter.

They're not only valuable, but they're necessary. But not for the entire time they are there. There is now something called presiding judges. Each district elects a presiding judge. The presiding judge can provide direction to judges in their district or you, as a judge, can go to the presiding judge for advice. Every two years we elect another one.

Yes - you have to be able to have some support and be able to ask a question.

Question 10 - What are the greatest challenges that you have faced as a judge in your court? Do you think that the challenges you face differ from those of your colleagues in larger districts or with larger caseloads?

Judges have challenges offering necessary treatment options due to their remote location. For others, their challenges are administrative.

My biggest problems is that about 80% of the people that come before me are people I know. It could be through work, family, church etc. I don't imagine that is a problem in the bigger courts. If I recused myself every time I knew someone, I wouldn't be here very much.

The greatest challenge is I am a humanist. There are days when I go home, I sit in a dark place, and I cry because of what people do to themselves. The biggest challenge is not wearing my heart on my sleeve. The biggest challenge is how people react to what I ask people do. It's hard in a bigger court. How do you focus on an individual when there are 299 people right after the first waiting to see you. The smaller courts are good because I can take time with the individual and help them with their problems.

There are two categories to this question. The first being administrative: In smaller courts, the judge needs to be on top of all the administrative stuff, where in bigger courts, the judge may know nothing of the administrative side. So I have to know everything, where bigger court judges they rely on their staff of clerks. Two, and I assume this issue is the same with all judges, but about once a month I have to deal with either rowdy defendants or 'constitutionalists.' They are difficult to deal with.

The main challenge in my courts is diminishing community service options. We used to have places to send people) like Deseret Industries but they don't do it anymore. I am very limited to like the two animal shelters. The schools don't want to take them because they have a record. So my hands are tied as far as community service. The maintenance crews with the two cities I'm in will sometimes take them. The big thing in the Legislature this year is they want us to tell people, especially indigent people, that they have the right to do community service. When there is no community services, I don't know how to give them community services. It didn't become a law but I can see that forthcoming. If that happens, they are going to do community service and not pay a fine.

The biggest obstacle that I have run into is when I have people who come in front of me who need some sort of treatment like rehab. They'd benefit more from some sort of treatment than they ever would from going to jail or getting a fine. The resources are so limited, there's

not a lot I can do for them. What they need is just not available and they don't have the money to pay for the treatment. When I go to these conferences, I listen to these places that have drug and traffic courts. And they have resources to pay for treatment for people who cannot afford it. And that's probably the biggest challenge I've got.

Probably the biggest challenge I face, and maybe it's just because I'm more remote, but it would be access to different programs and different things like that. We just don't have those things for our lower case courts, like treatment centers, counselors, community service centers, different places that I can refer people to for help, we just don't have that down here. I serve, not like a lower income area, but people don't get out of town, they can't. It costs them too much to travel outside of the area to go get that treatment. So that makes it hard.

Probably dealing with the city. They tried to shut down the court and I hear they are going to try to shut it down again. I don't think they want to be in the business of running the court, but they claimed it was financial until I showed them that they had made money every year since I had been a judge. Justice court shouldn't be there to make the city money, it is a benefit to the citizens and the city to come to court. When I was hired, the mayor said 'I don't care if you make money or lose money, I just want you to treat the people well and for them to feel that they have been heard.' That is the right approach, not looking at it as a revenue generator.

My biggest challenge is the pay. Very little money. I feel like it's glorified community service. I have the ability to make more money as a lawyer and I leave paying work at my law firm every time I go to court and it's frustrating. Cities don't allot much to the judges or the clerks. You don't want courts on the backburner, they are a fairly important thing and it makes me nervous. I always put uncontested cases on my calendar mostly because I want to make sure that my court staff is doing what it is supposed to and that payments are being made. Its a battle every month- insufficient resources.

Getting the proper education, counseling, other resources for the drug problem. I didn't have to do as much with this years ago. In other areas, there are better facilities and programs for people. In a smaller court, we don't have it or it's far away, and especially difficult if someone doesn't have a license or transportation. Court plays a big role in trying to make people more productive but we don't always have access to the resources we need.

Getting interpreters, they have to know well in advance. Cops don't have computers in their cars because of

internet issues so I can't issue warrants. I do my E-verify stuff at home.

Biggest thing is that the caseload is so small it means you see things infrequently and it may be a year or so before you see it again and then it will be forgotten. That is why I am putting together a bench book. It would be great to have if you can't remember. Can't always call on the AOC or a mentor at 7:00 at night, so a bench book would be a resource. I know that AOC would help me if they could.

Used to be getting attorneys to show up on time and now in the last 18 months it has been getting them to show up *at all*. Really hinders the process of moving cases through. It is difficult. I have two courts, and each court meets one day a week, an hour and a half at one court and an hour at the other court. One of them is going to every other week for an hour and a half. I don't know about others experiences with getting attorneys to come in. I think where they have larger volume courts, the attorney can show up and do two or three cases versus coming for one, but I don't know.

My greatest challenge is that I am so limited on resources since I am so remote. I do not have a defense counsel that sits in my court. I have a victim advocate. I don't have ankle monitoring. I don't have counseling readily available. People have to drive 55-60 miles to get counseling. My challenge is how do you follow sentencing guidelines when people don't have transportation?

Question 11 - Are you familiar with the performance evaluation that judges with higher caseloads receive? Have you seen those evaluations that are longer and more in depth? (If the judge is unfamiliar, provide information on higher caseload judge evaluation as well as on lower caseload judge evaluations if needed)

Familiarity and perceived personal value of high caseload evaluations varied.

Oh yeah. We've gone over them over and over again. We don't go through that evaluation process in the lower courts. We don't have to do some of the things they have to do, but we are familiar with them.

They went over it in orientation, but I've never read one.

Yes. I read through all of them each election cycle. I think that also can provide some learning experience.

I've seen them in voting pamphlets for district courts.

I have never looked at one.

I haven't seen those, but I am familiar with how they're evaluated versus how I am evaluated.

I looked at them some time ago, but I didn't get to into them because they weren't applied to my position.

Question 12 - The highest caseload judges receive survey feedback from attorneys, jurors and staff in the following five areas. Would you value feedback on these areas as well? They are legal ability, integrity, judicial temperament, administrative performance and procedural fairness.

Most of the judges welcome any feedback to be better at their position, with the caveat it may be a challenge to obtain a necessary and fair sample with their low caseloads.

Yes. I want to be a better judge. Small courts are my foot in the door for working my way to a judge position in a bigger court. Only drawback is if there is only one attorney and that person doesn't like you, it may be biased. I strongly support giving all judges feedback on integrity, judicial temperament (critical) and procedural fairness (really important for every judge) I also want feedback on administrative performance, but with a caveat. My clerk wears five hats in the city. She is a great worker, but we are probably not doing things as well as someone who has it as their full-time job. I would still like to know areas where I could get better but not have it held against me during a retention recommendation when it is a matter of resources. They are very part-time but I want it to get better.

My colleagues, 87 or 90 of us, are getting smaller as judges get more than one court. My impression is that the non-law judges get scared to death about JPEC. Everyone is worried about job security and losing their job. Colleagues are worried they will lose their jobs and rely on the income from these jobs and so are annoyed by JPEC. For me, I do not rely on it and so I will take constructive feedback at anytime. I am okay if I am not retained. A lot of them are probably a little bit worried about JPEC giving unfavorable feedback that could lead to them losing their jobs. I would love to get feedback on my legal ability. I have not even had someone ask for a trial. I would care more about what the lawyers say than about what the layperson has to say. A lot of times laypeople don't even understand the law. Sometimes you have to make a decision that you don't even agree with but the law requires it. If people leave the courtroom mad, why would they be judging judicial fairness. I think that the lawyers would understand it though. I'm okay with anything for me. If I had a bigger court, I would enjoy the feedback. I would like to know if I treated a woman different from a man. In terms of legal acumen, I think that the lawyers are going to be better equipped to assess. Judges get more scrutiny

than the average profession. I think that any categories that you add are going to scare a lot of judges because they will be scared about losing their jobs. Me, I'd love to know about my integrity, just don't go to small claims court because everyone in small claims court leaves mad - which I think is a sign of a good judge. In most disputes there is usually some truth on both sides and so both sides leave mad. Administrative performance has always been a concern for me because my clerk handles all of that. I mean, clerks run the courts but it's the judges' necks that are on the line. Somebody that I rarely see is administrating most aspects of my court and yet I am the one who is held accountable. That is why I have my staff put every case on the docket. I don't have control over a lot of the administrative things that go on because I am not there, I don't think that is favor. It's kind of stressful to be a judge. So much scrutiny. Most are trying to do their best. It's intimidating to know that there are people who are subjectively evaluating them.

I'd love to be evaluated on all of these areas, but how can you measure it when I'm in court two days a week? I have been observed, they interviewed those leaving my courtroom and also reached out to prosecutor and defense attorneys. I got the feedback via phone call that same day. It was five years ago, so I think it may have been a pilot case, but I remember the list of questions was not that long. Another time I'm pretty sure the person told me in advance that they'd be sitting in my courtroom to observe me.

If you are a small court, you have maybe three defense attorneys come to your court all of the time and let's say that one or two of them don't do a good job and you have to get after them or maybe you practiced law against them and never got along with them, then they can really make you look bad. I think feedback is always good and everyone should have a channel for feedback. I know people come in and observe court, and some nights, court runs real smooth and everybody's respectful and everything goes well and other nights you have guys not very fun to deal with and you get after them. And so if that was going to be used then would say make it a specifically balanced thing where I am visited quite often. On the other hand, some judges aren't nice judges but may behave like an angel when observed. You'd need a good sampling. In my courtroom, I know when there is an observer because so few people are there.

All would be very valuable. I would want to know if I fell short in any of these areas.

I'd probably find value in getting feedback on legal ability. The number of attorneys I see is only 1-2 per year,

maybe a couple by phone. No value on hearing feedback in the other four areas.

I don't think they'd be too useful because of the low case load. I finished up my court load for the day and I only had seven cases and two of them didn't show which is common. Where is your survey group going to come from? I hold court once a week for three hours.

I have been through evaluations when they came down years ago. I had ten attorneys instead of 100. They asked questions of people coming and going. They also surveyed out in the lobby. The report was interesting because it was interesting to see what other people thought. If you think you are being pleasant and other people think you are being pleasant as well, it's a good deal.

I think all of those, I would like to know how I am doing. It shouldn't matter which court the defendant goes to. They are entitled to have a judge that is proficient in all those areas. And if we are not getting feedback on if we are treating people with the right respect, or with the attorneys as well, I don't know how we are going to get better.

It would be really great to get feedback in all of those areas. But I have had one jury trial in ten years. I probably have in a year, maybe five or six outside attorneys that come here. So it would be difficult who you would survey to get that information. We are in a teeny tiny little spot. Our entire court staff is fifteen or less. I wouldn't know how to tell you where to go or what to do.

Legal ability - Most people wouldn't know that much about it. Only a limited number of attorneys come in. Integrity - this is the most important. If you put aside what the judge is doing to run his court it is the next most important thing. A judge has to have that. Yes - Judicial temperament - I've seen a few judges lose their cool. I've never lost it. Administrative performance - I don't know how you would rate these small courts in that way. Procedural fairness - I don't think it would hurt to ask. I don't know how you would gain anything by asking it - not in my court.

Most cases I see are misdemeanors or infractions; small stuff. I don't think anyone I see would think they are treated differently. I would like to be evaluated, I'm always looking to be better.

Some sound good and others not. Legal ability not so much. I don't know that my caseload is big enough. I feel like when I'm voted back in, 70-80% of the county people know me at least by name, and re-election tells me whether I am doing my job well or not. I don't see enough attorneys. The county receives an evaluation

form and I feel that would be more accurate. I would want to know whether other people think I am fair.

These areas are all appropriate. I may add something along the lines of procedural competence. As far as lower caseload, I have never understood why they couldn't survey attorneys. They can get the name of every attorney that appears before me from my court calendar. The attorneys don't have to be surveyed in person. They can do it online, by mail. Jurors, I don't know. I can see where that would make sense in a busier court. I have only done three trials in my career.

Question 13 - In mid-level caseload judicial performance evaluations, court staff and others in the courtroom, including staff, litigants, participants and observers like family are asked questions in the evaluation process. How useful do you think these observations are or would be?

Some judges welcome hearing from the families of litigants; others wouldn't find it meaningful. Concerns with adequate sampling was again brought up by many.

I don't think it would be useful to me. The retention election tells me if they are being treated right or not.

Absolutely. I would think that they would come up with that earlier. There is nothing that would define our court better than coming to court and talking to everyone in it. I have always wondered, why don't you just ask the defendants? They don't have to like it, but for the most part, their opinions are just as valuable as anyone else's. And we may have only four or five attorneys appear before us in a year's time, defending different people. It would certainly identify the particular court.

I get what JPEC is doing. I think it is good for judges to have feedback. It's just weird when you have a court proceeding with lots of emotion because someone is charged with a crime, and families will always support their loved ones. They don't understand the legal nuances. They have a simplistic understanding and sometimes are out of touch with reality - I don't personally care about what someone's family says or what a losing party says. I care about what people who see the judge day-in day-out say about fairness, impartiality, legal acumen etc. Court staff and prosecuting and defense attorneys who understand it better means more to me than a passionate heated mother whose son was just found guilty. I don't really care what the family members or the litigants say. People have thanked me after court even though they didn't win but others are not looking at things objectively.

Very helpful, but I guess there has been cases where observers have tried to interview those leaving my courtroom and they didn't want to talk.

Valuable, if I was on the wrong path, or stepping out of bounds, or over the top on some decisions, I would want to know about it. For example, if I was tougher on a 27 year old male for a DUI than I would have been on a 27 year old female, I would want to know. I would want to know if I wasn't being equal. People have their prejudices whether they know it or not. I take criticism well and use it to better myself. I will sometimes ask the defendant if they think they were treated fairly.

They would be useful - the problem again is that if they are going to have someone there to do that, is hitting a time when people come. There have been some court sessions where no one shows up. The clerk and I sit there for an hour and we leave. They would have to structure those around a busier docket, which we do have. They would have to be intentional in watching the schedule. That feedback would be helpful. It's hard when sample is so small, only a small portion may be relevant.

Sometimes litigants come in and they only know court off of what they've seen on TV. So they may feel like they're not getting a fair shake or that we're not following the law. So sometimes they might be a bit biased. But most any feedback would be good feedback.

It would just be really hard to get a good sample. Of course, mail is more anonymous than in person. But I don't know at that would be effective. I think you'd get a skewed answer. I think the people that are mad enough with the court would respond negatively. The general type of person who comes to court probably wouldn't respond anyway.

I would say prosecuting and defense attorneys or the people that come in to your court or your staff who are in the court. These small courts are a different world. I'll go for weeks and months and never have an attorney in my court. Our staff would definitely be a good source to evaluate. The family is a pro and con situation. If the family is happy with what happened, your evaluation is great. If the family is not happy then the judge is an idiot. In these small communities you may get that. So far in my court, I have never seen that. 90% of the time if it is a young boy or girl and their family is there, they always say thank you when they leave. The people in small communities are just different. (Probe – what about staff?) One clerk in each court and no other court staff. (Probe – what about peer evaluations?) If they are an honest evaluation, they are all good. It is when they are dishonest that it is not good.

I would love to have that feedback. Could be their first and only time in court. I especially would want to know if the family and defendant feel that they received fair treatment. I think it is very important to get feedback from these groups, especially because of what we do as a justice court.

Have to do a bigger sampling. Some defendants are habitual. They hate the judge no matter how you treat them. Others don't understand. Example: I gave a break on fines to one woman who pled guilty but had some for mitigating circumstances. I thought that I was helping her out but I found out she went out and told my clerk how big of a jerk I was whereas another person who had to pay fines because I followed protocol thought I am nice. Need a large sampling to get rid of two sides of the spectrum and focus on the middle. The same problem would exist for clerks, one of my clerks right now has made a threat towards another clerk so I had to get after her, so her review of me is probably not that good right now. But she probably won't say why, she will just say I am not fair. Depends on the working relationship with the clerk.

Anything to make things better is fine. I figure I am being looked at every day. You never know who is saying things to evaluate you. As long as you do what's right, there is no need to worry.

They would be good. The problem you run into is that we are so small that everybody knows everybody. I don't know how much honesty you would get. When it's someone's buddy or good friend. Bi-partisanship, I don't know how that would work.

Question 14 - Are those the sources if the court were to gather information, are those the sources you would want and look at?

While some thought they were all good sources to focus on, others had feedback on why some sources might be more challenging than others.

Yes, look at anyone.

Those sources seem great if there were people.

The regional meetings that we hold once a year is where we actually get our feedback. You don't single out a person, you speak to everyone and the person who is in the wrong knows that it's them. For example, speaking to everyone about opening courts on time. Then you're not singling out a specific judge for being lazy or anything like that.

Lawyer feedback means a lot more to me because they understand legal challenges. Court staff is good but there is a big problem because you know who your

court staff is and they could fear retaliation. Most people don't dare approach a judge with concerns. I would weigh litigant input less than lawyers.

I would look to a mentor. The new presiding judge office perhaps. There are four judges in our district and two will retire this year. We need to have a presiding judge to make sure judges are doing what they should. We could also call this a mentor.

I truly think that interviewing the defendants is the way to go. We don't have a lot of really angry people leave the courtroom. I am such a small court that I can take the time with each defendant and talk to them and smooth ruffled feathers. I think surveying the defendants would show a decent number of people who were happy. Not happy maybe, but satisfied with their day in court.

I think the clerks have a lot of insight into what is going right and wrong. I think it would be good to get feedback from them. Because a lot of them work with more than one judge. And they might be able to pick up the goods and bads, what is working and what's not from several sources. And share that with whichever judges they are working with.

I question whether court staff will give you an objective answer because of relationships between judge and staff. I have only one clerk in each court. Neither is going to be negative regardless yet those are the two that really know what happens in court and how it functions. How objective can that be? Attorneys will be the best source. I have about seven attorneys who handle criminal law and some I will only see about each year, others I see once a month. I would rely more on an objective survey from a prosecutor because he is independent. I don't have a dog in the race. I would use public defenders as well.

I only saw four litigants in person out of 20 last month, most telephonically, or they don't show up. It would be hard to interview people in my courtroom for that reason.

I don't think [there are others to look at]. It's been a year since I had a attorney though.

Defense attorneys go before a lot of other courts and judges. I want to hear from them. I want to know how to get better. I want the same full review as other judges. Small courts shouldn't be viewed as less capable or held to a different standard. It is a dangerous way to think. Everyone should expect the same standard from their judges.

Question 15 - Do you have a concern that if you see people frequently in your court that they would have a hard time being candid in an evaluation?

There is little concern this would be the case; most judges believe frequent associates would be candid.

I wouldn't really have an issue. I have substituted in other courts and I got the feeling if you polled those lawyers, I would get a good evaluation.

When I filled those out for a judge when practicing law, I kind of thought that if I really hammered the judge, how would that work out? So I think sometimes you go more lenient than you want to. In my court I wouldn't really worry about the attorneys because they are all on a rotation. They are obviously getting the appointments from me, and I knew them all as an attorney and got along with all of them, so I wouldn't worry about it for myself, but I could see it being a problem in some courts.

Yeah, I can see where that might happen. I could see that going either way. It could either help you or hurt you depending on how they feel they were treated and their individual personalities. Certainly anyone coming through the court is going to have an opinion one way or another whether they were treated fair or not. I would hope, if I am doing my job right, they will feel like they were heard, and feel like they get a fair shot. That's always what I strive to do. I guess no, I don't think it would concern me if those people were interviewed.

No worry about being candid - not the attorneys I deal with. They would all be above that concern.

No. If anybody is surprised by that they probably shouldn't be in the professional arena. The people gathering or reviewing the data, this is kind of a human experience we are having here.

I think people are candid. If I didn't handle someone well, I think they would say so.

I don't think so. I definitely have regulars, but those regulars are repeats for alcohol and drugs, so whether they're under the influence would be an issue. I think my other regulars would be candid and I'd like to hear from them. Sometimes I already ask them for feedback.

Once again, I can only speak to my court. I get along so well with our county attorneys, public defenders, etc. I get along so well with everybody that it might be skewed to the positive when maybe it shouldn't be. I have one clerk. She does tons of stuff. She does the work of about 6 people and she does it well. But they would never say anything bad about me. And that's not really productive because if you are doing something wrong they'd never say anything. They're loyal. But you don't survive in these little courts by being a jerk. You have to represent the community. And you have to be honorable and have integrity.

I think you'd get a pretty honest answer. No one really has a problem voicing their opinion.

Question 16 - What methods of gathering information could provide good information on a performance evaluation? For instance, would a review of a video of court proceedings be valuable? Could you tell if you were being observed? Is there something else that you can think of that would be a good way to evaluate in the low caseload level courts?

Responses are subjective due to various factors, but they also offer suggestions due to these factors.

A person would need to know the court calendar before they come. Things change very quickly, especially between Friday and Monday morning. I don't even know if it will happen. I would hate to have someone come down for nothing. I'm audio/video 'camera shy.'

Any of them would probably work. It would be quite an expense for someone to come down here from the Wasatch area. And I don't know if any method is better than another for fact finding. All are good.

Any of them. An observer is probably the best, but probably subjective. I have some additional ideas: More mock trials. In the 5-day training when I started they had 1.5 hour mock trial sessions, and at the end I got to sit at the bench. I was also helpful to see how other judges ruled and their different styles.

I don't know as it would be too valuable because I would sit there and visit with the observer because there is not too much going on. The observer wouldn't have much to observe.

I generally know who is going to be there, and again, sometimes I'll ask people in my court their feedback. We have no video capabilities, it would have to be audio. I welcome any evaluation method.

I had the new guy came down. It has been hard for him to get to every court but he did come and talk to both of my clerks but I happened to be a day we didn't have court. Court wasn't in session that day. One judge has 10 courts. I think the guy was down here to go to other courts and he stopped by my court. (Probe – any other methods – video?) It would not be really helpful so I don't think so. But I don't think it could hurt.

I have not seen any observers in my courtroom yet, but I would like independent feedback on how I am doing. (Probe: Do you think that the video would be just as valuable as an observer?) Some things may not be caught on video. However, it is better than nothing even if something is lost. Could have an experienced judge give feedback and walk through the video with

the judge on the video. I may have habits or a tone that I don't know about that I could see in the video. It adds value to the video if used this way as a joint review.

I wonder who would set up the video. Would the state set it up? I don't think the county would go for it, even the district court doesn't have video. They are doing audio for all cases. Probably a good way to collect information. Not a fan of being on camera so would rather have audio than video even if the state set it up.

I would think the best way to do it would be to send the observers. It doesn't matter what type of technology you use, you will lose something. You don't get the whole picture unless you're actually there. I think sending the observers would be the best, most accurate method. But I wouldn't be opposed to having it taped and reviewing the tapes later.

I'm not sure about audio, sometimes I think body language and being able to see the whole picture is important. I know it's not feasible at this point, but I would love an observer to come in and just watch or a video.

In the state I came from, every court proceeding is recorded. We should have video. It can be embarrassing but you learn a lot about yourself by viewing yourself. I remember one example of a judge who always has his hand over mouth. I have had Jim Peters observe my court and my mentor but not another observer from JPEC. Open to what observers have to say but some JPEC observers have not been qualified. They are just a layperson. No legal knowledge or training. I think the most important observers would be other judges. The mentor is supposed to go observe and it was helpful when my mentor did.

It would be good. We have the capability. We've used video between defendant and jail. I think it would work. Live in-court or a person could observe us. It wouldn't hurt my feelings if they did. Call the clerk to find out how many cases - we might have 1-16 - to try to maximize number observed.

This is another lack of resources. We do not have video set up in our courtroom. I have requested to get grant money to see if we can't get that resolved up here. I think the observers in the courtroom are your first hand account, get their input on things. Audio is always an option. But the observers are important and in court observers are always an option.

To my knowledge, I have not had an observer in my court. I would welcome video on an everyday basis in court. Being able to critique ourselves may be the greatest learning experience we have because none of us know what we look like, what our ticks, facial expressions, nonverbal communication, quirks look like. I think it

would be great for all of the courts to video all proceedings.

Video and audio recordings of proceedings. I suggest going through with the judge and have the judge comment as well. Two people might interpret differently. For instance, repeat people might get shorter treatment, more habitual offenders. Judge could give context/background.

We don't video, we have audio. Observer would be better than audio or video. You can see how many people are there and what is going on. Are people respectful? Still not sure that an observer is practical for someone to the state to come down given small number of people.

Question 17 - Is it ever a concern that an observer or video would catch you on a bad day or catch you with a rotten case?

Most aren't worried, but again, an adequate sample would mitigate this concern.

Yes but not really. It's so infrequent, that I'm is not really concerned about having them observe on a bad day. However, I would want to have several days evaluated because just one day doesn't show a complete picture or a variety of cases.

Yeah, we're all human. I am sure I perform better on some days than other. But I would hope that anyone who visits my court would be treated fairly and consistently. I think it would happen, but I am not overly concerned about that.

They have to do a bigger sampling. Some defendants are habitual. They hate the judge no matter how you treat them. Others don't understand. Here is an example: Gave a break on fines to one woman who pled guilty but had some for mitigating circumstances. I thought that I was helping her out but I found out she went out and told my clerk how big of a jerk I was whereas another person who had to pay fines because I followed protocol thought I am nice. You need a large sampling to get rid of two sides of the spectrum and focus on the middle. The same problem would exist for clerks, one of my clerks right now has made a threat towards another clerk so I had to get after her, so her review of me is probably not that good right now. But she probably won't say why, she will just say I am not fair. Depends on the working relationship with the clerk.

No. I understand you can't slap people around like Judge Judy. I could stay home if I thought I was having a bad day. Only felt about 10 people out of all of the people I see needed to go to jail. I do alternative things.

No. Good days - that's all that we are allowed to have on court days. It's not like I have to sit on the bench every single day. I could be busier and be much happier. Not that I want to see more crime, that's not where I was going with that. Sometimes I feel like my education and training is not put to use as much as I would like.

No, but that is possible. Every case is different. I think if you video you do it 100% of the time or not at all. People in your court room have different demeanors and it may be done of those days and you video it. It may happen once every five years and you video that day.

I'm not allowed to have bad days. I'm a judge. I have to be above all of that.

I would hope that the sample would be larger than that. Unfortunately you have cases where you have the defendant for four years, the fine is \$1500 and they have paid \$150 in four years and it can be frustrating, but those cases should be taken as well as the cases where the fine was \$120 and they paid it and went on their way.

Everyone has times they say something they wish they hadn't. You need a good sample size.

Question 18 - One suggestion is to have a rotating panel of two or three judges that review judges on a regular basis like every four or every six months. Would that be better than observation or do you think observation is the best in terms of having someone review and watch the proceedings?

The responses to this idea are mixed, while offering what they think would work best for their circumstances.

If there was a judge who was willing to go to smaller courts and sit and give advice, that seems to make more sense. It would be more practical and efficient because they have knowledge. Send a senior judge - someone who has done what I have done. Not just someone from the state. If it was an in-person judge, that would be great - I would love to get that advice.

Observation is best, but you could have a video mixed in as well. If an observer was also one of the ones watching the video, it could also be valuable because they would have a feel for the judge and courtroom.

Panel is a better idea. As I've heard judges discuss being observed, my perception is that those observers are not necessarily law trained and don't understand some of the canons of ethics of what judges can and can't do. I specifically remember a judge whose observer observed an insurance case where they asked why he didn't do the following, when those were things he couldn't do. So he was being judged based on things

that he couldn't do. Having judges observe - some are really good and would be really helpful. I would welcome the panel of judges more than an untrained person without the knowledge of the structure of courts and what judges are allowed to do.

As far out as we are, it would be easier to have audio than to send an observer.

Downside of that is that some judges think they are the greatest thing on earth. Some don't like or are critical of other judges. Others don't care and think 'do whatever you want in your court.' I'm more hesitant on rotating panel. If another judge nitpicked, and you already had a poor relationship with him, you would probably get defensive. Being on each other's panels may not work for judges. A judge is kind of on an island -- you make decisions and don't really have anyone to talk to about them. I wouldn't be agreeable with the rotating panel idea unless everyone got to vote on who is on the panel, judges that are fair and don't have an agenda. My experience with the AOC's office is that they frequently picks the same judges to do the trainings and stuff - judges that like to talk the most, and think they are the smartest, kind of bullies in a way, especially towards the non-attorney or rural judges, or know-it-all judges. I don't see that as beneficial.

I don't have a problem with that. If three judges want to come in to my courtroom and evaluate, it probably would be good. If they can see something that you might not be doing right, I don't have a problem with that - not at all.

I prefer not to have this happen, but the courtroom is open.

I think that might be a good way to do it because they'll get a higher volume of data from the lower case judges. And it would be less expensive as well, than sending out observers.

It would be intimidating. The judges in our district, there are 12 of us and three of them have been judges longer than I have. The rest of them are younger than me. Half of us are attorney trained and half of us are lay judges. I think with the little judges, you can carry the evaluation a little too far. The local people know whether or not you're a good judge. And if you're not a good judge, they'll get rid of you. As far as a bunch of people coming into evaluate you, this is a small town. I know everybody. I know half of the names of the dogs in this town. I know everybody.

Probably just as useful as an observer.

Question 19 - Is there anything else that you would like to learn that would add to performance input for

professional development and retention evaluation purposes?

We need to be trained more in actual conducting cases and trials. I share a prosecutor who works at a dozen courts and he will tell me stories about how other judges conduct cases. The judges are ignoring procedures and I think it is because they have never been trained on what they have to do, need to do and are constitutionally obligated to do. I think they need to see more of other judges who know how to do it properly so that they can learn. More mock trial situations.

Yeah, I wish we spent more time in human services, psychology, family, things like that. We have left that to who we call health professionals, but they don't get involved unless there is money involved or if certain events come about, like domestic violence. And it's kind of unfortunate. In a small town, you're not going to have mental health professionals. This is all about people and families. I wish we put a little more energy in that. I can go to class for the next twenty years, but the people never change. They wear different clothes and have different names, but they're the same. The things that change are the laws. They change all the time.

For professional development, we need diversity in our training. This year I tried to provide that diversity as an education director for the [REDACTED] district. I brought in a Fish and Games officer and he talked about using them for community services. Nobody uses wildlife resources for their community services. Nobody had thought about it. You can pick up litter or help transport ducks to a new place. This coming fall I am trying to do a course with a lady who escaped polygamy and is now a social worker helping other people to make the transition. She came and talked to our entire department because we have an issue with polygamy moving into our area, and I thought that would be great to have all the judges have access to that. That's diversity and a cultural thing that everyone needs to be aware of. As far as the JPEC part, I think it works well for little teeny courts. We have enough to do.

Within the system, having AOC, friends, attorneys, and lay judges with the same situations willing to share experiences. Willing to see if you're going down the wrong line. I hope those friend judges would say something. Also, we don't have the same resources in rural areas. There is a major difference between Salt Lake Justice and [REDACTED] Justice. I don't want to be judged on how people respond. There are no buses, taxis, etc. These people would have to break the law to get those resources.

I'll tell you what really helps in training and teaching judge is when we met in St. George with just judges from our

area. We talked about what is happening in our courts and how we can help each other out. That was one of the best things that happened. The training was great but that was a hands-on with judges that are having the same problems. We really help each other down in this area. All the judges down here know each other. I think the courts in Utah probably do as fine a job or better than most states do. They have hired good people to be judges. (Probe: Would a more rigorous performance evaluation at this level improve the courts?) No and I don't think it should be changed.

No, I don't think so. I just kind of have wondered, I know there is not the money to have observers and things for lower court judges. So I'm glad we've had this conversation because I've wondered what they are going to do with lower court judges.

I don't know nearly enough to feel like I know enough. It's an ongoing learning experience. Every time the legislature meets each year, our jobs change. Any education that could be provided, I would be interested in.

JPEC is doing a great job. I'm impressed by them at our trainings. They are out to help. But we have a lot of non-legal judges I think are probably terrified of them. For lawyers, we are in court all of the time and I think it is easier for us.

No, I don't think so. I just kind of have wondered, I know there is not the money to have observers and things for lower court judges. So I'm glad we've had this conversation because I've wondered what they are going to do with lower court judges.

Can't think of anything. Pop in and take a look at us every now and then. I don't think it hurts. Come have a conversation with defendants.

I am a very fortunate judge with an excellent clerk and two other county judges that are willing to help. My concerns are resource concerns, where smaller areas can't do the new laws, particularly in relation to evaluation and treatment.

I believe that there needs to be a change made to the new electronic filing system that tracks cases under advisement. In a new system, the clerk reviews and has to send it to the judge's queue for a signature. I had a case where it never sent the notice to submit that triggers the 60 days. I finally asked the clerk what was going on since the stuff had been there a long time. Why didn't this guy ever file a notice to submit? She sent it to him and it was so old that the order wouldn't come up. When he looked into the actual case, he had filed two notice to submits last year and my clerk had just never taken them and put them in my queue. Now

I am held responsible for it even though she is the gatekeeper. So now it will show that I didn't get the review and signature within a 60 day period when it is not my fault at all. These things should be taken into consideration as far as leeway in recommending retention. I suggest having a mechanism such as an email of the notice to submit sent to the judge.

I want to be every bit as professional as the judge with the biggest court in Utah. I also don't want to be at a disadvantage if I am applying for another judge position. I want to have the same full review as other full caseload judges.

I'll tell you what really helps in training and teaching judge is when we met in St. George with just judges from our area. We talked about what is happening in our courts and how we can help each other out. That was one of the best things that happened. The training was great but that was a hands-on with judges that are having the same problems. We really help each other down in this area. All the judges down here know each other. I think the courts in Utah probably do as fine a job or better than most states do. They have hired good people to be judges. (Probe: Would a more rigorous performance evaluation at this level improve the courts?) No and I don't think it should be changed.

No. I like the fairly narrow focus of webinars that target specific cases, and how helpful that can be for brushing up on topics.

Training is pretty darn good. Anything to help me improve. I welcome any evaluation method. I will say I do think my court is used as a pre-trial before it goes to the next level.

Appendix B – Court Clerk Interview Responses

Court	Estimated Court Hours	Approx. Cases Per Month	Number of Jury Trials	Number of Attorneys Monthly
Randolph	Generally 2-3 hours	15-30 - Summer is busier.	Less than 1 jury trial per year	County attorney are there regularly and others come about 2 times a month The attorneys are all different.
Aurora	1 hour ("4 minutes to 45 minutes")	13 cases average	Never had a jury trial.	The city prosecutor comes as needed. No other attorneys come to this court
Stockton	About 10 hours	12-20 cases per month	No jury trials	1 legal defender / 1 prosecuting attorney between 20-25 other attorneys
Blanding	1 to 2 hours.	60-80 a month	Hardly ever	Less than 5 in a year (1 is court appointed) Some appear more than 1 time a year.
Alpine and Highland	4 hours	Between both Alpine and Highland – 150 cases per month	About 1 a year. Have not one in a while	8 attorneys a month. Some come several times a month.
Fillmore	3-4 hours	in May 2018 - 54 cases	Not many. We had one 2 years ago.	About 1-2 a month
Beaver	2 hours	???	Never had a jury trial.	10 or less a year including a public defender and two back-up defenders
Manti	Mondays and 1 times a month on Tuesday	Typical day 15 pretrials 0- 12 arraignments / 1 contempt 1 review/ 6 order to show cause 10 pretrial (maybe talk to lori)	Had one last week - most settle before they happen	
Hyrum	8 hours	60-70	One jury trial in 19 years.	9 – 10 attorneys Always the same ones
Mantua	8 hours	0 – 20 (really varies)		Not many attorneys
Plain City	3-4 hours	20	Not had one in 16 years.	3-4 per month Generally different attorneys
Wayne Co	2 hours. Judge meets individually with people one day for 2 hours	average 7 per month	0-1 a year	5 attorneys per month Generally the same attorneys appear
Manila	1 -2 hours	Average 10-12	Very rare	Less than 10-15 per year

Panguitch City	1 hour per month	5-6 per month	Not often - haven't had one in past year or two	9-10 attorneys Public defender and 3-4 different ones
Garfield	1-2 hours per month	20 per month	Very few (1 in last 5 years)	34-per month Public defender and other attorneys
Smithfield	7 hours per month	40-60 per month	None in 8 years.	6-10 a month Mostly the same - the prosecuting attorney and public defender regularly
Minersville	8 hours per month	Less than 10 cases	None in 15 years	Maybe 1 attorney a year

Appendix C - Improving Judicial Evaluation by Emphasizing Professional Development

Information from the literature review and interviews with lower level caseload judges underscores the heightened effectiveness of evaluation conducted for professional development purposes rather than for administrative purposes such as retention election recommendations. This information has important implications for Utah's current developmental midterm evaluation and administrative retention evaluation system. High turnover of judges based upon the political tides of public opinion does not serve the public good. Improving and maintaining the quality of judge's work - and identifying any judges who lack competence in administering the law - is in the public interest. Thus, focusing on the developmental side of judicial performance evaluation may minimize the tension and ambiguity that can be associated with typical appraisals used for administrative purposes. Should Utah choose to focus on reforming the professional development portion of its judicial evaluation process, the following option should be considered.

Create a State Evaluation Panel and Geographically-Based Subpanels

Creating a state judicial performance evaluation panel and geographically-based four-judge subpanels is a modified version of Alaska's magistrate judge evaluation process, drawing particularly from its one-year probation review.

The state evaluation panel of 8-12 judges should include at least two lower level court judges. The others should be divided between senior judges and judges who are serving or have served as a district education director. Under this system, each lower court judge would be reviewed by a subpanel of four judges, including one lower caseload judge, at least one senior judge, and at least one education director judge. Each subpanel would include an education director from the same general geographic area to provide synergy with district education efforts (which were already lauded by several of the judges interviewed for being well-focused on the specific education needs of lower case judges).

This system is similar to the evaluation panels in Alaska's magistrate review panel structure. However, it does not include a training judge (mentor/evaluator) position because of concern that a new lower caseload judge would be unlikely to turn as openly to a mentor with questions if that mentor also served as a primary evaluator for retention.

Including a lower caseload judge in the evaluation process addresses lower caseload judges' concern that evaluators and/or observers may not understand their situation. Consequently, it could increase the perceived legitimacy of the process among lower level caseload judges.

Although the Alaskan magistrate evaluation process and the Arizona Conference Team model both base their evaluation in part on surveys of attorneys and other respondent groups, surveys of Utah's lower caseload judges are unlikely to yield similarly meaningful results. Both Arizona and Alaska's systems address (either substantially or wholly) judges who are practicing before a much larger number of attorneys and other professionals. However, Utah is designing an evaluation for only the 20 lowest caseload judges. The low survey response rates typical of such an effort would be particularly problematic for interpreting results.

Instead, a member of the subpanel evaluating team could interview people who have regularly been in the courtroom and observed the judge at work. This may include attorneys, court employees, law enforcement, social workers, police officers, and court interpreters. These interviews would be qualitative in nature but include a detailed discussion of the judge's administrative skills, legal knowledge, judicial temperament, procedural fairness and integrity to the extent possible for each interview. Interviews could be conducted in person or over the phone, and the questions asked during the interview should be derivative of (but need not be identical to) the intercept survey questions used for Utah's mid-level judge evaluations.

Ideally, the judge conducting the interviews would be the district education director for the lower caseload judge being evaluated or the education director for a district near the lower caseload judge being evaluated. However, it is likely that in some cases other subpanel judges will conduct interviews. For instance, some subpanels may evaluate more lower caseload judges than other subpanels and consequently require more than one subpanel judge to conduct the interviews.

Providing this sort of education/evaluation overlap serves to make professional development an ongoing component of the lower caseload judge's tenure. The subpanel judge who completes the interview should summarize the findings in a report to be reviewed by the subpanel either through a conference call or in an in-person meeting.

The pros and cons of implementing this reform includes:

Pros:

- Legal expertise included in evaluation
- Regional focus in evaluation
- Lower caseload panel judge provide insight in evaluation

- Potentially wide range of respondent groups
- Links evaluation and training through district education directors

Cons:

- No direct courtroom observation
- Dependent upon existing judges to volunteer their time, otherwise would require paying panelists.
- No survey data (quantitative)
- Dependent on the willingness and availability of judge panel volunteers
- Sizable time requirement to arrange, conduct, and interviews

Costs:

- Administrative time
- Possible paid panelists.
- Operationalization of judge panels including initial planning meetings, information sharing and recruitment – estimated 45 hours.
- Collection of contact information for interviews from lower caseload clerks and judges – estimated 25 hours initially and 7 hours ongoing annually.
- Possible travel cost reimbursement for volunteer judges (including fuel, meals, and lodging).
- JPEC retention report - estimated 8 hours per judge, 160 hours total.

Price Range: Depends upon whether administrative time is assigned to existing staff time or requires additional employee work, whether evaluation subpanels meet in person or by conference call, and whether subpanels choose to discuss each judge individually or discuss multiple judges in one meeting.



Basic Evaluation Pilot Assessment Report

March 17, 2021

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CONTENTS

EXECUTIVE SUMMARY	3
OVERVIEW OF THE PILOT ASSESSMENT PROGRAM.....	6
OVERVIEW OF THE EVALUATION OF THE PILOT ASSESSMENT PROGRAM	6
TERMINOLOGY USED IN THIS REPORT	6
COMPARISON 1: QUALITY OF PILOT COs/CAs COMPARED WITH TRADITIONAL COs/CAs	7
Purpose	7
Method.....	7
Step 1: Identifying comparable past COs	7
Step 2: Computing numbers and distributions of quotations	8
Step 3: Interpreting patterns in the numbers and distributions of quotations	9
Step 4: Comparing subjective experience of producing pilot and traditional CAs	10
COMPARISON 2: LIVE STREAMING COMPARED WITH PRE-RECORDING.....	11
Purpose	11
Method.....	11
Step 1: Computing numbers and distributions of quotations	11
Step 2: Interpreting patterns in the numbers and distributions of quotations	12
Step 3: Coding the observer surveys.....	12
Step 4: Summarizing each observer's attitudes towards live streamed and pre-recorded video.....	16
Step 5: Summarizing the observers' comments regarding the advantages and disadvantages of live streamed and pre-recorded video	17
COMPARISON 3: AUDIO-ONLY COMPARED WITH LIVE STREAMED/PRE-RECORDED VIDEO.....	21
Purpose	21
Method.....	21
Step 1: Computing numbers and distributions of quotations	21
Step 2: Interpreting patterns in the numbers and distributions of quotations	22
Step 3: Comparing the coded comments from the audio-only COs with the corresponding video COs from the same sessions.....	22
Step 4: Summarizing the efficacy of audio-only recordings	26
APPENDIX 1: CA's for Judge A and Judge B.....	29
APPENDIX 2: Groups of Justice Court Judges, used for comparison	31

EXECUTIVE SUMMARY

The purpose of the Pilot Assessment program is to conduct courtroom observations of courts for which in-person assessments are not practical. Four experienced JPEC observers each conducted either 3, 4 or 5 courtroom observations using video of two rural Justice Court Judges. Observations of one Judge were live streamed as they occurred, and observations of the other Judge were pre-recorded and watched later at the observers' convenience. In addition a fifth observer listened to an audio-only version of proceedings from both courts.

This evaluation of the Pilot Assessment consists of three comparisons:

- Comparison of the quality of pilot observations with traditional in-court observations
- Comparison of live streamed and pre-recorded video of courtroom proceedings
- Comparison of audio-only recordings with the corresponding live streamed or pre-recorded video from the same court sessions

The comparisons are based on a combination of more objective information (counts and distribution of observers' comments in their observation reports) and more subjective information (survey responses from the five observers regarding their different experiences of observing live streamed and pre-recorded videos, and my own subjective impressions of producing Content Analysis reports from the observers' pilot observation reports).

COMPARISON 1: The quality of the pilot observations compared with traditional observations

(a) Objective comparison of the pilot observation reports with observation reports produced by the four observers in earlier assessment

The first comparison began by identifying appropriate past courtroom observations by the four observers to serve as a comparison to the courts observed in the pilot assessment. I then computed the number of observer comments and their distribution among our evaluative criteria of procedural fairness, for the pilot Judges and the comparison groups of Judges, to serve as indicators of the richness and comprehensiveness of their observation reports for these various groups of Judges. I then interpreted any differences in the richness and comprehensiveness of the pilot observations and the traditionally-produced observation reports for the other groups of Judges.

Regarding richness, for three of the four observers more comments resulted from the pilot observation reports than for all the other groups of judges they had observed. Overall we can therefore conclude that the pilot assessment observation reports were not less rich, and in many cases somewhat more rich, than prior observation reports, in terms of the volume of usable information produced.

Regarding the comprehensiveness of the observation reports, one observer produced comments relating to a broader range of evaluative criteria than their past reports, two were approximately the same, and one observer was somewhat less. Overall we can conclude that the pilot assessment observation reports were not less comprehensive, and for one observer more comprehensive, than prior observation reports.

(b) Subjective comparison of producing Content Analysis reports from the pilot observation reports compared with producing these reports from traditional in-court observation reports

Finally I compared my subjective experience of producing the pilot Content Analysis reports from the pilot observation reports with the experience of producing Content Analysis reports using traditionally produced observation reports from in-court observations.

Preparing Content Analysis reports from the pilot observer reports was very similar to preparing them from traditional observation reports, and the pilot Content Analysis reports seemed to be similar in quality to traditional reports. The major change was the reduced amount of illustrations and elaborated examples in the pilot observation reports, which is consistent with the observers' survey responses that indicate less nuance and context in their observations due to the limited view of the courtroom available by video. In traditional observation reports there are many illustrations and examples, and only a shortened selection appear in the Content Analysis report. In the pilot observation reports almost everything written was used. This was not problematical as the more streamlined Content Analysis reports of the past two assessment cycles do not include many, if any, elaborated examples. However, if the raw observation reports do not contain examples this would have an effect on the language in the Content Analysis reports, and also not be available for those who read the full observation reports.

COMPARISON 2: Live streaming compared with pre-recording

(a) Objective comparison of the pilot observation reports produced from live streaming compared with those from pre-recorded videos

This comparison involved computing the amount and distribution of observer comments resulting from both the live streamed and pre-recorded videos, and interpreting any differences in the richness and comprehensiveness resulting from the live streamed and pre-recorded video. There were no apparent patterns of differences in quantity or distribution of observer comments among the evaluative criteria between the live streamed observations of Judge A or the pre-recorded videos of Judge B.

(b) Summary of observers' survey comments comparing the experience of observing live streaming and pre-recorded videos

I then developed a coding scheme for analyzing the observer surveys, which presented the observers' responses to survey questions about their experience observing live streamed and pre-recorded videos. The coding scheme included six topics, two regarding the relative efficiency of the two methods, and four concerned the observation quality resulting from the two methods. I then coded the responses in the surveys and summarized each observers' attitudes towards live streamed and pre-recorded video, and summarized the observers' comments regarding the advantages and disadvantages of live streamed and pre-recorded video.

Regarding observers' attitudes towards observing either live streamed or pre-recorded videos, all four observers felt that observing by either method was either an effective way of evaluating judges, or sufficiently effective to outweigh the time and costs of multiple visits to distant locations, and preferable to not evaluating these Judges. Additionally,

- Two observers felt there was no significant difference between observing live streamed or recorded videos. One found working from video easier in several respects and would not look forward to returning to the courtroom. However, the second felt that observing video overall is harder and less enjoyable or effective than in-court observation.
- Two observers preferred the convenience and efficiencies of pre-recorded video over some lesser advantages of live streaming.

(c) Summary of observers' survey comments regarding the advantages and disadvantages of observing live streaming and pre-recorded videos

Regarding the advantages and disadvantages of live streamed and pre-recorded video, the four observers described both advantages and disadvantages to both live streamed and pre-recorded video. However, there were many more comments describing the advantages of pre-recordings and the disadvantages of live streamed video than vice versa, and the comments regarding the advantages of pre-recorded video were more substantive and persuasive and appeared to outweigh the less significant disadvantages of pre-recorded video or advantages of live streamed video.

COMPARISON 3: Audio-only recordings compared with the corresponding live streamed or pre-recorded video from the same court sessions

(a) Objective comparison of the pilot observation reports produced from audio-only recording compared with observation of live streaming or pre-recorded videos of the same sessions by other observers

This comparison began by comparing the amount and distribution of the fifth observer's comments resulting from listening to audio-only recordings with the comparable information from the other observers who either live streamed or observed pre-recorded videos from the same sessions, and interpreting any differences.

Listening to audio-only observations produced fewer and less widely distributed comments than resulted from the observer observing live streaming for Judge A, but more and more-widely distributed comments than resulted from the observer observing pre-recorded video for Judge B. However, as it turned out, the observer watching the live streaming comparison produced more and more-widely distributed comments in all their observations than either the audio-only observer or the observer watching pre-recorded videos in the current comparison. And similarly, the observer watching the pre-recorded videos in the comparison produced fewer and less-widely distributed comments in all their observations than either the audio-only observer or the observer watching live streaming in the current comparison. This is most likely to explain the differences in number and distribution of comments in this comparison. There therefore does not seem to be any useful conclusion to be drawn from this objective comparison.

(b) Summary of the fifth observer's survey comments regarding the advantages and disadvantages of observing from audio-only recordings

I then coded the fifth observer's survey responses using the same coding scheme developed above for the initial four observers' survey comments. Overall, the fifth observer found audio-only observation was better than anticipated, and sufficiently efficacious to communicate the core values of the judges and produce a "proper evaluation," even though some nuances were probably missed. As for pre-recorded video, the ability to pause, rewind, and take notes immediately while feelings were fresh were advantages over in-court observation. Audibility was better than what is sometimes experienced in court, and the efficiency of listening when convenient and not driving to court were appreciated.

The main disadvantages of audio-only recordings were the fatigue and inability to maintain focus by long stretches of listening without visual input, compounded by the auditory stress and overload caused by lack of recording clarity, which ranged from fair to atrocious. The observer noted several specific disadvantages of not having visual input as to who was present, who was speaking or their roles, their facial expressions and body language, and important evocations of "place" from seeing what was occurring in the courtroom.

OVERVIEW OF THE PILOT ASSESSMENT PROGRAM

The purpose of the Pilot Assessment program is to conduct courtroom observations of courts for which in-person assessments are not practical, and evaluate the quality of the assessments in comparison with the general norms of quality from prior courtroom observation assessments, order to assess the potential of remote courtroom observations in the future.

Four observers each conducted either 3, 4 or 5 observations of both Judge A and Judge B. For comparison purposes, observations of Judge A were live streamed as they occurred, and the observations of Judge B were pre-recorded and watched later at the observers' convenience. In addition a fifth observer listed to an audio-only version of proceedings from both courts

The intention in 2019 was to live stream Judge A's proceedings and pre-record Judge B's proceedings with secure in-court cameras installed in the courtrooms. However, due to the COVID-19 pandemic, all observed court proceedings for these two courts were conducted remotely using WebEx (except for one session recorded by in-court camera), and observers observed the WebEx either live as the proceedings were occurring for Judge A, or the recorded version of the WebEx for Judge B. The Pilot Assessments therefore differ from past courtroom observations in two major ways: conducted by observers not present in the courtroom, and assessing video conferenced rather than in-person proceedings. With the information we have it is not possible to distinguish the effects of these two separate differences from the traditional courtroom observation assessments.

OVERVIEW OF THE EVALUATION OF THE PILOT ASSESSMENT PROGRAM

The evaluation consists of three comparisons:

Comparison 1: Compare the quality of the COs/CAs produced from the pilot observations of Judge A and Judge B with general norms of quality of COs/CAs produced in the traditional way

Comparison 2: Compare COs produced from each observer's observations of (a) live streaming of the proceedings of one Justice Court with (b) pre-recordings of the proceedings of another Justice Court

Comparison 3: Compare the COs produced by a fifth observer using audio-only recordings of proceedings from both Justice Courts with COs produced by two other observers of the same sessions, one observing live streamed video for Judge A and the other pre-recorded video for Judge B.

The comparisons are based on a combination of more objective information (counts of coded data from the COs) and more subjective information (survey responses from the five observers and the two judges and my own subjective impressions of producing the pilot CAs).

TERMINOLOGY USED IN THIS REPORT

CO: Document containing all narrative comments written by an observer for one or more courtroom observation sessions of a judge, based on a standard template

CA: Content analysis report for a judge, analyzing and synthesizing all the narrative comments from all observers who observed courtroom sessions of a judge, one page or occasionally two pages in length

CO/CAs: The whole package of observer COs and CA report for one judge

Pilot Assessments: All the CO/CAs resulting from the 2020 remote observations of two Justice Court Judges in rural districts (“Judge A” and “Judge B”) who have previously received basic evaluation of objective standards but no prior courtroom observations.

Quotation: A segment of an observer’s narrative comments (e.g. a phrase, sentence, or multiple sentences) identified as meaningful or representative of one of our judicial evaluative criteria, to be used in the production of the CA.

COMPARISON 1: QUALITY OF PILOT COs/CAs COMPARED WITH TRADITIONAL COs/CAs

Purpose

To compare the quality of the CAs produced from the pilot observations of Judge A and Judge B with general norms of quality of CAs produced in the traditional way.

Method

I produced CAs in the traditional manner for the two pilot judges (Appendix 1). I then compared the number of quotations (a measure of the richness of the observations) and the distribution of quotations among the evaluative criteria (a measure of the comprehensiveness of the observations) from the pilot COs and a selection of traditionally produced COs of other judges from the same four observers, and considered my own subjective experiences of producing the pilot CAs.

This involved four steps:

- Step 1: Identifying appropriate past COs produced by the four observers that could serve as a comparison to the courts observed in the pilot assessment
- Step 2: Computing the number of quotations (as an indicator of richness) and the distribution of quotations among criteria (as an indicator of comprehensiveness) produced from the pilot and past COs
- Step 3: Interpreting any patterns in these numbers and distributions that indicate any differences in the richness and comprehensiveness of the pilot COs from the traditionally produced COs
- Step 4: Comparing my subjective experience of producing the pilot CA’s compared with the traditional process

Step 1: Identifying comparable past COs

It is not possible to closely compare the pilot assessments with prior assessments of similar courts, as similar courts (i.e. rural Justice Courts with low case volumes, small numbers of attorneys practicing, and low equivalent weighted case load (“WCL”) for the judges) have not been assessed in this way. However, as all Justice Courts hear different types and a narrower range of cases from all other courts, the CO/CAs also tend to be rather different, so I first compared the pilot assessments with COs from other Justice Courts observed by the four observers, and then as a further comparison with COs from other courts recently observed by the four observers.

I divided the current 36 Justice Court Judges into three groups that suggested degrees of objective similarity to Judge A and Judge B, regarding (a) whether or not rural, (b) the equivalent WCL of the judge, and (c) the number of attorneys seen in court. A fourth group comprised all non-Justice Court Judges who these four observers had observed in the last two cycles. Table 1 summarizes the

characteristics of these comparison groups. Group 1, with eleven judges in rural or less rural districts, or seeing fewer attorneys and with the lowest equivalent WCL, is intended to provide the best comparison group. Group 2 are five judges as objectively different as possible on these same characteristics, as a comparison. (Appendix 2 provides details of the Justice Court Judges in Groups 1-3). The remaining twenty Justice Court Judges between these extremes are in Group 3, and Group 4 comprises all non-Justice Court Judges who these four observers had observed in the last two cycles.

Comparisons will be approximate as the four observers have not all observed judges in each comparison group. Two observers have observed judges in Group 1, one has observed a judge in Group 2, three have observed judges in Group 3, and all have observed many judges in Group 4. However, we can still draw some broad-brush conclusions from these incomplete comparisons.

Table 1: Summary of comparison groups of judges

	Rural/Urban	Averages	
		Approx. WCL equivalent	Attorneys seen
Judge A	Rural	0.11	12
Judge B	Rural	0.09	4
Group 1 - Most objectively similar, 11 Justice Court judges	Rural, less rural or urban	0.79	72
Group 2 - Least objectively similar, 5 Justice Court Judges	Urban	1.03	187
Group 3 - All other Justice Court, 20 judges	Urban	1.10	91
Group 4 - All non-Justice Court Judges (from 12 to 35 per observer)	--	--	--

Step 2: Computing numbers and distributions of quotations

I compared two aspects of the COs: the number of quotations that resulted from the observers' narrative comments; and the number of our evaluative criteria to which these quotations were coded. In order to do this I computed the average number of quotations and the associated number of evaluative criteria for all judges in each group observed by each observer. Table 2 displays this information.

The averages in Table 2 may appear confusing. The average number of criteria in the third column for COs from a group of judges is typically smaller than the number of non-zero cells on the right side of the table that display the average number of quotations codes in each criteria for that same group of judges. These averages are counting different things. There may be many quotations coded to a criteria for some judges in a group, but that criteria may be used for a small number of judges in that group.

Table 2: Average numbers of quotations and evaluative criteria for each observer in each of the four groups of judges

				Average number of quotations in each evaluative criteria													
	Number of judges in group	Average number of quotations	Average number of criteria used	Listening & focus	Well-prepared & efficient	Respect for other's time	General respectful behavior	Body language	Voice quality	Courtroom tone & atmosphere	Consistent and equal treatment	Demonstrates concern for individual needs	Unhurried and careful	Considered voice	Communicates clearly	Ensures information understood	Provides adequate explanations
OBSERVER 1																	
Two pilot judges	2	28	9			1	10	1		3	2	4	1	4	1	2	3
Group 1 - most similar JC	1	19	9	1			6	1		1	1	4	1			3	1
Group 3 - other JC	5	21	10		1	1	8	1	1	1	1	3	1	1	1	1	2
Group 4 - non-JC	27	19	10	1	1	1	6	1	1	1	1	2	1	1	1	1	1
OBSERVER 2																	
Two pilot judges	2	26	11	1	2	1	7	1			3	3	3	2	1	3	3
Group 1 - most similar JC	2	21	8		1		8	2	1			3	1	1		3	2
Group 3 - other JC	3	15	7	1	1		5	1		1	1	1	1	3	1	1	1
Group 4 - non-JC	12	17	9	1	2	1	5	1	1	1	2	1	1	1	1	1	2
OBSERVER 3																	
Two pilot judges	2	29	8	1		1	7				3	9	1	3		3	3
Group 4 - non-JC	16	19	9	1	1	1	5	1	1	1	1	3	1	2	1	1	2
OBSERVER 4																	
Two pilot judges	2	9	4				3				3	2		3			
Group 2 - least similar JC	1	10	8		1	1	1				1	3		1		1	1
Group 3 - other JC	3	8	5	1		1	1		1		1	1		2		1	1
Group 4 - non-JC	19	9	5	1	1	1	3	1	1	1	1	1	1	2	1	1	1

Step 3: Interpreting patterns in the numbers and distributions of quotations

Regarding the number of quotations as an indicator of the richness of the pilot COs, for three of the four observers more quotations resulted from the pilot assessment COs than for all the other groups of judges they had observed –from 41% to 53% for these three observers (highlighted in blue).

Only Observer 2 found any significant difference between the other groups, namely, that there were only 24% more quotations in the Pilot Assessment COs compared with the most similar Justice Court Judges in Group 1, but 63% more quotations in the Pilot Assessment COs compared with judges in Groups 3 & 4 (for an overall average greater number for this observer of 46%). The fourth observer showed no significant differences in number of quotations in either the Pilot Assessment or the other three groups.

We can therefore conclude that, objectively speaking, the pilot assessment COs were not less rich, and in most cases somewhat more rich, than prior COs, in terms of the volume of usable information produced.

The second interpretation concerns the distribution of quotations among the main 14 evaluative criteria we use to organize the observers' narrative comments. The findings for this comparison were broadly similar, in that the fourth observer in Table 2 was rather different from the first three observers. His narrative comments were coded to far fewer criteria than the Justice Court judge he had observed in Group 2, although only one fewer on average than for judges in the other groups (highlighted in orange.) His pilot assessment COs were therefore somewhat less comprehensive on average than prior COs. Two of the other three observers' comments were coded to a similar number of criteria on average as for judges in other groups (highlighted in green), and the third observer had comments coded to three more criteria on average than for judges on other groups (highlighted in blue). Overall, therefore, for three of the four observers the Pilot Assessment was as comprehensive or more comprehensive than other COs produced by these observers.

Regarding which criteria were favored or disfavored in the narrative comments, for three criteria (highlighted in darker grey) either three or four of the observers did not have comments coded to these criteria. Three of the four observers also didn't have comments coded to these criteria when observing other Justice Court Judges (highlighted in lighter grey), but did when observing non-Justice Court Judges. This suggests that it is not necessarily noteworthy that these three criteria were disfavored in the pilot assessment.

We can therefore conclude that, objectively speaking, the pilot assessment COs were not less comprehensive, and for one observer more comprehensive, than prior COs in terms of the range of evaluative criteria that the observers' narrative comments were coded to.

Step 4: Comparing subjective experience of producing pilot and traditional CAs

Preparing the two pilot CAs was very similar to preparing traditional CAs. The final report seemed to me to be very similar in quality to traditional CAs.

I noticed the lack of observer comments in some areas (as already noted above in the count of criteria used). But in common with the observers who also using a reduced number of criteria for other Justice Court Judges, I also have noticed in the past less criteria used with many Justice Court Judges. I also do not have confidence in attributing any additional criteria reduction to either the switch to WebEx proceedings or the switch to live streaming or pre-recorded observations, as both are big changes.

Preparing Content Analysis reports from the pilot observer reports was very similar to preparing them from traditional observation reports, and the pilot Content Analysis reports seemed to be similar in quality to traditional reports. The major change was the reduced amount of illustrations and elaborated examples in the pilot observation reports, which is consistent with the observers' survey responses that indicate less nuance and context in their observations due to the limited view of the courtroom available by video. In traditional observation reports there are many illustrations and examples, and only a shortened selection appear in the Content Analysis report. In the pilot observation reports almost everything written was used. This was not problematical as the more streamlined Content Analysis reports of the past two assessment cycles do not include many, if any, elaborated examples. However, if the raw observation reports do not contain examples this would have an effect on the language in the Content Analysis reports, and also not be available for those who read the full observation reports.

COMPARISON 2: LIVE STREAMING COMPARED WITH PRE-RECORDING

Purpose

To compare COs and CAs produced from each observer's observations of (a) live streaming of the proceedings of one Justice Court with (b) pre-recordings of the proceedings of another Justice Court

Method

In order to compare live streamed with pre-recorded observations, I first compared the number of quotations, and the distribution of quotations among the evaluative criteria, from the COs for each observer's observations of both Judge A and Judge B. I then analyzed the survey responses from each observer, which discussed their experience of conducting their observations through live streaming or pre-recordings.

This involved five steps:

- Step 1: Computing the number of quotations (as an indicator of richness) and the distribution of quotations (as an indicator of comprehensiveness) produced from the live streamed and pre-recorded observations of each observer
- Step 2: Interpreting any patterns in these numbers and distributions that indicate any differences in the richness and comprehensiveness produced by observing live streamed and pre-recorded video
- Step 3: Developing a coding scheme for analyzing the observer surveys, and coding the data
- Step 4: Summarizing each observers' attitudes towards live streamed and pre-recorded video
- Step 5: Summarizing the observers' comments regarding the advantages and disadvantages of live streaming and pre-recorded video

Step 1: Computing numbers and distributions of quotations

In order to objectively compare live streamed and pre-recorded observations, I computed the average number of quotations and the associated number of evaluative criteria in all COs produced for Judge A (whose data was live streamed to the observer), and Judge B (whose data was pre-recorded and watched later by the observer each judge) using the same procedure and format as described above in Comparison 1. Table 3 displays this information.

Table 3: Average numbers of quotations and evaluative criteria for each judge

			Average number of quotations in each evaluative criteria														
	Average number of quotations	Average number of criteria used	Listening & focus	Well-prepared & efficient	Respect for other's time	General respectful behavior	Body language	Voice quality	Courtroom tone & atmosphere	Consistent and equal treatment	Demonstrates concern for individual needs	Unhurried and careful	Considered voice	Communicates clearly	Ensures information understood	Provides adequate explanations	
Judge A (live streamed)	21	8	1	1	1	6			1	3	3	1	2	1	3	2	
Judge B (pre-recorded)	25	8	1	1	1	7	1		1	2	5	1	3		1	3	

Step 2: Interpreting patterns in the numbers and distributions of quotations

There do not appear to be any significant patterns of differences in quantity or distribution of quotations between the COs for Judge A or Judge B.

Step 3: Coding the observer surveys

I developed a coding scheme for the observer's narrative comments in the usual iterative manner, generating initial codes as I read the comments, and then adding, modifying, and merging codes as I read and integrated additional comments. At the conclusion of this process I had a scheme with three sets of codes, and I coded each observer comment that was relevant to the evaluation to one code from each set, as follows, with the total number of associated quotations for each code in parentheses to give an initial indication of the overall focus of the observers' comments:

Type of technology

- 1 Live streaming (17)
- 2 Pre-recorded (18)
- 3 Compared with on-site observation generally (27) *[no indication whether comment referred to live streaming or pre-recorded]*
- 4 Audio-only (25)

Valency

- 1 Advantage (32)
- 2 Disadvantage (41)
- 3 No difference (14)

Topic

- 1 Efficiency
 - a. Efficiency-accuracy (9)
 - b. Efficiency-convenience & effort (28)
- 2 Observation quality
 - a. Observation quality generally (20)
 - b. Observation quality sufficient to offset time/travel saved (5)
 - c. Observe interactions & courtroom in general (8)
 - d. Observe people's reaction (12)

I organized the coded observer comments in tables of numbers of quotations, to identify patterns and priorities in the observers' comments. I combined *type of technology* and *valency* for the rows of the tables (e.g. one row is "Advantage of live streaming") and the six topics as the columns. Table 4 displays the number and distributions of coded quotations for each of the four observers.

As can be seen, the observers fell into two distinct groups. The comments of Observers 1 and 2 concerned primarily two topics (*efficiency regarding convenience and effort*, and *observation quality generally*) and their comments primarily compared working from video with in-court observation, without distinguishing between live streaming and pre-recorded video. The comments of Observers 3 and 4 primarily distinguished between live streaming and pre-recording, and their comments concerned all of the topics.

Observers 1, 2 and 4 provided 7-9 quotations each. Observer 3 contributed 35, and her opinions therefore outweigh the other observers in Tables 5 & 6 which summarize the reported advantages and disadvantages of live streaming and pre-recorded videos.

Table 4: Numbers of quotations by *type of technology/valency* and *topic* for each observer

Observer 1					
	Efficiency-convenience & effort	Observation quality generally	Efficiency-accuracy	Observation quality sufficient to offset time/travel	TOTALS
Advantage compared with onsite observation	1	1	1	1	4
No difference compared with live streaming	1				1
No difference compared with onsite observation		1			1
No difference compared with prerecorded	1				1
	3	2	1	1	7

Observer 2						
	Efficiency-convenience & effort	Observation quality generally	Observation quality sufficient to offset time/travel	Observe interactions & courtroom in general	Observe people's reaction	TOTALS
Disadvantage compared with onsite observation	2			1	1	4
Advantage compared with onsite observation			2			2
No difference compared with onsite observation	1	2				3
	3	2	2	1	1	9

Table 4 continued

Observer 3							TOTALS
	Observation quality generally	Observation quality sufficient to offset time/travel	Observe interactions & courtroom in general	Observe people's reaction	Efficiency-convenience & effort	Efficiency-accuracy	
<i>By each observation method separately</i>							
<i>Prerecorded</i>							
Disadvantage of prerecorded	1	2	1	1			5
Advantage of prerecorded	4		1	1	2		8
	5	2	2	2	2		13
<i>Live streaming</i>							
Disadvantage of live streaming	4	4	2				10
Advantage of live streaming	1	3	1				5
	5	7	3				15
<i>Compared with onsite observation generally</i>							
Disadvantage compared with onsite observation		1	1	1		1	4
Advantage compared with onsite observation	1			1		1	3
	1	1	1	2		2	7
Total	11	10	6	4	2	2	35
<i>By all disadvantages and advantages</i>							
<i>Disadvantages</i>							
Live streaming	4	4	2				10
Advantage of prerecorded	1	2	1	1			5
Disadvantage compared with onsite observation		1	1	1		1	4
	5	7	4	2		1	19
<i>Advantages</i>							
Advantage of prerecorded	4		1	1	2		8
Advantage of live streaming	1	3	1				5
Advantage compared with onsite observation	1			1		1	3
	6	3	2	2	2	1	16
Total	11	10	6	4	2	2	35

Table 4 continued

Observer 4					
	Efficiency-accuracy	Efficiency-convenience & effort	Observe people's reaction	Observation quality generally	Observe interactions & courtroom in general
TOTALS					
<i>By each observation method separately</i>					
<i>Prerecorded</i>					
Advantage of prerecorded	3	1	1		5
Disadvantage of prerecorded	1				1
	4	1	1		6
<i>Live streaming</i>					
Advantage of live streaming				1	1
<i>Compared with onsite observation generally</i>					
Advantage compared with onsite observation			1	1	2
Disadvantage compared with onsite observation		1			1
		1	1	1	3
Total	4	2	2	1	1
<i>By all disadvantages and advantages</i>					
<i>Disadvantages</i>					
Disadvantage compared with onsite observation		1			1
Disadvantage of prerecorded	1				1
	1	1			2
<i>Advantages</i>					
Advantage of prerecorded	3	1	1		5
Advantage compared with onsite observation			1	1	2
Advantage of live streaming				1	1
	3	1	2	1	1
Total	4	2	2	1	1

Step 4: Summarizing each observer's attitudes towards live streamed and pre-recorded video

Because of this disparity among observer comments I summarized the attitudes towards live streamed and pre-recorded video for each observer separately.

Observer 1

CONCLUSION: Overall Observer 1 found working from video easier in several respects, and she would not look forward to returning to the courtroom. She did not report any difference between live streamed or pre-recorded video.

SUMMARY OF COMMENTS: Observer 1 noted four advantages of observing by video compared to in-court observation. First, it was easier to focus on the participants and follow their conversations on video than when in the courtroom, where there are many distractions of people coming and going, doors slamming etc. Second, while the audio was somewhat muffled, it is often worse in court and harder to hear the participants. Third, taking notes on one computer while watching the video on another was easier and more accurate than typing up notes after the fact after returning from a court visit. Finally, the time saved in not driving to the court was an added advantage, and saved the State money.

Observer 2

CONCLUSION: Overall Observer 2 felt that observing video is harder and less enjoyable or fulfilling than in-court observation, but sufficiently effective for evaluating the judge. The observer felt there was no difference between live streamed or recorded videos.

SUMMARY OF COMMENTS: Observer 2 felt that the advantage of eliminating travel offset the harder work of taking notes and writing the report from video, and so on balance could become the standard way of observing Justice Courts. However this observer listed many disadvantages of observing by video: the experience of observing the entire courtroom cannot be replicated and is far less stimulating, less clearly audible, and had less impact. There is no opportunity to view body language or gauge how defendants appear to feel about their treatment, and notes taken are less vivid. However his report still captured "the material observations and judicial fairness of the judge" and so evaluation by video was effective.

Observer 3

CONCLUSION: Overall Observer 3 noted the observing videos is a limited experience compared to in-court observation, but is preferable to not observing these courts or incurring repeated travel costs. She noted several advantages and disadvantages to both methods, but would opt for pre-recorded video, primarily for its convenience and efficiency.

SUMMARY OF COMMENTS: Observer 3 felt that both pre-recorded or live streamed video limited her ability to gain information or insight by looking around the courtroom and observing relevant interactions. Additionally her inconspicuousness in the courtroom is less likely to affect the judge's behavior.

The main advantage of pre-recorded video was that she could watch at her convenience, and stop and restart if she became distracted. Some less significant disadvantages were that the view of people's faces from the side was not always better than being in the courtroom, and on one occasion the observer overheard private attorney discussions before a case on the recording.

On the other hand, live streaming also had advantages. All participants' faces could be seen which helps assess understanding and reactions, but only when participants were before the judge. The observer

therefore missed the opportunity to see other interactions, such as turning to another person when confused, or a person's reactions to a decision, or whether the judge notices these things. Live streaming was also inefficient, as it had to be watched several times on different days in order to observe a sufficient amount of court time.

Observer 4

CONCLUSION: Overall Observer 4 found observing video an effective way of evaluating judges. He could see all participants' faces better than when in the courtroom, although there were distracting sounds on the video and he felt less attentive at home than in the courtroom. Overall he preferred the significant efficiencies of pre-recorded video over some advantages of live streaming.

SUMMARY OF COMMENTS: Observer 4 felt that the advantage of observing video in general was seeing all participants' faces which you do not always see from the courtroom audience, and he did not mind not being able to look around the courtroom. However he felt less attentive due to being at home in a place of comfort with many distractions compared to a courtroom, and there were sound issues such as feedback, echoes and background noise.

This observer preferred the efficiency of pre-recorded video over live streamed. He could choose when to watch the video and observe in more detail by pausing and replaying, or re-watch a reaction or re-listen to a tone of voice if he felt like he didn't hear something correctly. He also didn't have to take so many notes as he could replay the video when writing his report. However there were two disadvantages of pre-recorded video. First, not being able to "choose what camera you are looking at" which he could with the live streaming, and second, a concern that when prerecorded videos "cut awkwardly after a hearing had finished" he did not know who did the cuts and what was cut, which made the observer think that recordings could be manipulated.

Step 5: Summarizing the observers' comments regarding the advantages and disadvantages of live streamed and pre-recorded video

Tables 5 & 6 displays all comments coded to the advantages and disadvantages of either live streamed or pre-recorded video, organized by the six topics. Comments comparing observation by video with in-court observation but that do not indicate any difference between live streamed and pre-recorded video are not included. All comments are lightly edited for readability.

Overall, observers described both advantages and disadvantages to both live streamed and pre-recorded video. However, there were many more comments describing the advantages of pre-recordings and the disadvantages of live streamed video than vice versa, and the comments regarding the advantages of pre-recorded video were more substantive and persuasive and appeared to outweigh the less significant disadvantages of pre-recorded video or advantages of live streamed video.

The primary advantages of pre-recorded video concerned its efficiency in increasing accuracy – due to rewinding and re-viewing when anything was unclear, and taking immediate notes rather than many hours or even days later– and providing the convenience and minimization of effort due to watching wherever and whenever the observer wished. Advantages and disadvantages of pre-recorded video related to observation quality were more evenly balanced.

The primary disadvantages of live streamed video were the inability to see reactions and interactions due to only seeing the faces of people while speaking to the Judge. Additionally, live streamed video required watching multiple sessions on different days whenever they occurred in order to observe a sufficient number of court time.

Table 5: Comments discussing the advantages and disadvantages of pre-recorded video, by topic

Topic	PRE-RECORDED VIDEO	
	Advantages	Disadvantages
Efficiency-accuracy	<p>I could pause and replay recorded proceedings which allowed me to better observe more details when re-watching things.</p> <p>I did rewind and play it back when I felt I didn't hear something correctly or wanted to re-watch a reaction or re-listen to a tone of voice.</p> <p>I could stop and start again if distracted and even rewind at my convenience</p> <p>An advantage of pre-recorded video was the ability to go back and listen again, if I didn't understand what was said, which made my reporting more accurate.</p>	<p>The prerecorded videos would sometimes cut awkwardly after a hearing had finished. I assume this was to cut out deadtime but I do not know who did the cuts and what was cut. This made me think that recordings could be manipulated.</p>
Efficiency-convenience & effort	<p>I took fewer notes when watching pre-recorded proceedings because I better remembered and understood and could replay the video when writing my report.</p> <p>I could stop and start again if distracted and even rewind at my convenience</p> <p>I could choose the times I could observe, made observing easier.</p> <p>I would opt for pre-recorded videos rather than live stream as the most convenient and time efficient method.</p> <p>A distinct advantage of pre-recorded videos is the opportunity to watch at one's convenience, and to gather enough recordings to complete two hours of observation in one sitting.</p> <p>Pre-recorded sessions avoid the periods of inactivity in live courtroom sessions when one is simply waiting while attorneys conference with clients or when inmates are brought into the courtroom.</p>	<p>At times people had variances in volume.</p>
Observation quality generally	<p>Pre-recorded videos may provide a more typical experience than live streaming because, when an observer window is visible on the screen, it's a constant reminder that the session is being observed.</p>	<p>In one prerecorded session, I overheard an attorney talking with a client, which seemed inappropriate, recorded before the case was called.</p>

Table 5 continued

Topic	PRE-RECORDED VIDEO <i>continued</i>	
	Advantages	Disadvantages
Observe interactions & courtroom	Pre-recorded video provided a more expansive view because I was able to better see people in the courtroom, including their posture and some interactions with their attorneys.	At times in a pre-recorded video I thought I'd missed a previous interaction, e.g., someone returns a paper verifying a need for a court-appointed attorney, as I didn't see it presented.
Observe people's reaction	I did rewind and play it back, often to hear something correctly or because I wanted to re-watch a reaction or relisten to a tone of voice.	In pre-recorded videos I could see people's faces rather than just a view of their back as they face the judge. But the view from the side in the split screen recordings was not a significant improvement over the view you have in a live courtroom.

Table 6: Comments discussing the advantages and disadvantages of live streamed video, by topic

Topic	LIVE STREAMED VIDEO	
	Advantages	Disadvantages
Efficiency-convenience & effort	I took notes on my computer while I watched online sessions which made writing the report easier than using pen and paper to take notes in court and then type them into my computer when preparing the report.	<p>With live online sessions, there are always some who use their phone to access the session and have no video. When I was not able to see an individual because they had no video, it was harder to stay engaged with just a voice.</p> <p>When observing online I overheard more banter before and after cases were called because people didn't turn off their microphones.</p> <p>With live streaming it was necessary to watch several times on different days in order to observe a sufficient amount of time to write a report.</p>

Table 6 continued

Topic	LIVE STREAMED VIDEO <i>continued</i>	
	Advantages	Disadvantages
Observe interactions & courtroom	With the streamed court, you can choose what camera you are looking at, but in the prerecorded ones, you were not. This can make it difficult when you are trying to observe the judge and the cameras keep changing.	<p>If a client and an attorney were in an office together, you often could only see the one who was speaking in a live online session.</p> <p>WebEx view of faces is an advantage in assessing understanding and reactions but limits additional observations of the courtroom.</p> <p>You only see the defendants' faces while they appear before the judge. You don't see any interactions among the court personnel and how the judge manages the court.</p> <p>When someone is confused, demonstrated by body language or turning to another person, it's informative to see if the judge notices and addresses that. Observing live sessions online eliminates these additional opportunities to assess the proceedings because you only see the defendants' faces while they appear before the judge. An individual's reaction after a decision often indicates if the defendant understood, the instructions were clear and whether they felt heard.</p>
Observe people's reaction	<p>I found myself watching individuals in live online sessions who were waiting on screen before their case was called. Their reactions while observing others' appearances and how they used that information in presenting their own case was interesting. One young woman asked that the judge give her "the same thing" that she'd seen in another's case.</p> <p>An advantage to a live online session is the ability to see people's faces rather than just a view of their back as they face the judge.</p>	

COMPARISON 3: AUDIO-ONLY COMPARED WITH LIVE STREAMED/PRE-RECORDED VIDEO

Purpose

To compare the COs produced by a fifth observer using audio-only recordings of proceedings from both Justice Courts with COs produced by two other observers of the same sessions, one observing live streamed video for Judge A and the other pre-recorded video for Judge B.

Method

I first compared the number of quotations and the distribution of quotations among the evaluative criteria from each of the COs, and then compared a highly summarized version of the comments made for each evaluative criteria, to determine if any significant patterns emerged. I then analyzed the survey responses from the fifth observer regarding his experience of conducting the observations from audio-only recordings.

- Step 1: Computing the number of quotations (as an indicator of richness) and the distribution of quotations (as an indicator of comprehensiveness) produced from the audio-only and corresponding live streamed and pre-recorded videos
- Step 2: Interpreting any patterns in these numbers and distributions that indicate any differences in the richness and comprehensiveness produced by audio-only or live streamed and pre-recorded videos
- Step 3: Displaying side by side and comparing the coded comments from the audio-only COs from the corresponding live streamed and pre-recorded video COs from the same sessions
- Step 4: Summarizing the efficacy of audio-only recordings

Step 1: Computing numbers and distributions of quotations

In order to objectively compare audio-only and video recordings, I computed the average number of quotations and the associated number of evaluative criteria in all COs produced by each method. Table 7 displays this information.

Table 7: Numbers of quotations and evaluative criteria for audio-only and corresponding video recordings

	Number of quotations	Number of criteria used	Number of quotations in each evaluative criteria												
			Listening & focus	Well-prepared & efficient	General respectful behavior	Voice quality	Courtroom tone & atmosphere	Consistent and equal treatment	Demonstrates concern for individual needs	Unhurried and careful	Considered voice	Communicates clearly	Ensures information understood	Provides adequate explanations	
JUDGE A															
Audio only (Observer 5)	15	5	5					5	3		1	1			
Live streamed video (Observer 2)	22	10	1	2	5				2	2	2	2	1	2	3
JUDGE B															
Audio only (Observer 5)	24	8	7					1	6		3	2			
Pre-recorded video (Observer 4)	9	4	2						2	2		3			

Step 2: Interpreting patterns in the numbers and distributions of quotations

Listening to audio-only produced fewer and widely distributed quotations than observing video for Judge A, but the reverse for Judge B. However, this would largely be explained by the similarly larger and smaller number and distribution of quotations produced by Observers 2 and 4 for all their video observations. There do not appear to be any patterns of differences in the relative distributions of quotations among the evaluative criteria between Observer 5 and Observers 2 and 4. There therefore does not seem to be any useful conclusion to be drawn from this objective comparison.

Step 3: Comparing the coded comments from the audio-only COs with the corresponding video COs from the same sessions

Table 8 displays side by side a highly edited and summarized version of all coded comments from the COs produced from listening to audio-only and to video recordings from the same sessions.

Only two comments, one from the audio-only recordings, and one from live streaming, specifically identify the mode of observation. These two important comments are highlighted in red. The first indicates that Observer 5 could not determine from the audio recording whether or not a defendant was present. The second described an observation regarding body language that could only have been made from watching video.

Other than these two instances the content and comprehensiveness of the CO's produced from audio-only recordings and video are broadly similar. One might have expected more comments regarding body language or visual aspects of behavior and interactions to be present in the COs resulting from watching video and absent from CO's that resulted from listening to audio-only recordings of the same sessions. This lack of difference between the COs may be partly explained by the additional factor of lesser visual input in general being available from hearings held over WebEx.

Table 8: Highly summarized comments from audio-only and video recording COs for Judge A and Judge B

Evaluative criteria	JUDGE A	
	Audio	Live streamed video
Listening & focus		<ul style="list-style-type: none"> • Good listener
Well-prepared & efficient		<ul style="list-style-type: none"> • Organized and prompt • Starts every hearing by announcing the defendant's name and the case number
Respectful behavior and demeanor	<ul style="list-style-type: none"> • Very approachable manner • Learned how much the absence of a few simple words can influence my feelings about fairness. • Engaged constructively with defendants. • Defendants' heart-felt expressions of thanks echoed the respect they sensed coming from the Judge • As far as I could tell the Judge never spoke directly to the defendant. I had no perception that the defendant was even present, other than my assumption that he must have been there somewhere 	<ul style="list-style-type: none"> • Courteous and respectful with everyone • Ends each hearing with a greeting that is a definitive conclusion • Maintained a steady pace with a business-like yet relaxed approach. • Explained to a nervous defendant that his charge is an infraction with no possibility of jail time, therefore cannot appoint a public defender, which puts defendant at ease
Consistent and equal treatment	<ul style="list-style-type: none"> • Adheres to the boundaries placed upon him • Indicating of the normal fees for an infraction kept me from imagining that he was pulling numbers from the air • Absence of the Judge's review of defendants' rights in the first but not subsequent sessions highlighted the importance of first impressions 	<ul style="list-style-type: none"> • Fair and impartial in all 40 hearings • Viewing rights video is not required in the first two of three hearings observed, without explanation
Demonstrates concern for individual needs	<ul style="list-style-type: none"> • Good sense of working towards the best possible outcomes • Crafted probation to incentivize avoidance of future temptations and infractions 	<ul style="list-style-type: none"> • Reflects context/background in sentencing • Could offer some life advice for some defendants in addition to imposing the sentence.
Considered voice	<ul style="list-style-type: none"> • Quickly rescheduled a hearing when defendant requested an interpreter 	<ul style="list-style-type: none"> • Watches body language and hesitancy when issuing fines and is prompt to ask if a payment schedule or community service will work • Questions defendant patiently to get his side of the story and consults record and provides rebuttals and seeks clarifications as they converse. Defendant satisfied that he is being heard

Table 8 continued, Judge A

Communicates clearly		<ul style="list-style-type: none"> • Clear in communications
Ensures information understood		<ul style="list-style-type: none"> • Good at ensuring participants understand the details before they leave • Ensures that all participants understand the proceedings
Provides adequate explanations	<ul style="list-style-type: none"> • Took time to explain court-monitored probation works 	<ul style="list-style-type: none"> • Answers questions clearly and completely • Patient and clear in describing payment options and methods • Provides good information for follow up steps

Evaluative criteria	JUDGE B	
	Audio	Pre-recorded video
General respectful behavior and demeanor	<ul style="list-style-type: none"> • Routinely addressed everyone as Mr./Ms. _____ • Commonly thanked participants for appearing • Very approachable demeanor encouraging input • Personality well matched to the position • Would be a pleasure to do business with, even if required to pay a fine • Many left court expressing truly heart-felt thanks • Voice commenting in the background that the experience wasn't as scary as they had anticipated 	<ul style="list-style-type: none"> • Exceedingly patient and kind • Handled every issue with a great deal of patience • Giving time to orient themselves in unfamiliar circumstances due to pandemic shows a great deal of respect and understanding
Voice quality	<ul style="list-style-type: none"> • Voice easy to understand • Tonality and inflections perfectly matched her 	
Courtroom tone & atmosphere	<ul style="list-style-type: none"> • Very friendly court environment without ever yielding an inch of her authority 	
Consistent and equal treatment		<ul style="list-style-type: none"> • Always asked both the city and defendant if they had anything to say and considered both sides when making her decisions • Mentioned when fines were at the normal minimum which made clear that she, too, had boundaries within which to operate and would abide by them

Table 8 continued, Judge B

Demonstrates concern for individual needs	<ul style="list-style-type: none"> • Truly cared about their understanding of their rights • Asked, “You don’t feel you were forced into a guilty plea?” • Always asked if defendants preferred monetary fines or community service • Adjustments to penalties incentivized future behavior and felt like worthy rewards for doing the right things • Offered to “step out” of the online meeting to allow privacy with their attorney underscoring importance she obviously places on it • Would have liked to hear problem-solving suggestions for transportation issues and admonition that today’s proceedings didn’t absolve them from future recurrences 	<ul style="list-style-type: none"> • Always asked defendants if they had gotten their driver’s license which would often reduce fines • Always made clear that she is more concerned about valid licenses and driving legally than about issuing fines
Considered voice	<ul style="list-style-type: none"> • Always yielded and prompted others to continue whenever there was an inadvertent overlapping of voices • Commonly asked, “Do you have any questions for me?” • Always asked, “is there anything you want to say before sentencing?” 	<ul style="list-style-type: none"> • Takes time to listen, and what you have to say actually affects her rulings • Took the time to ask about guilty pleas, listen to their point of view, and make her decisions with that information in mind • Took the time to listen to anyone who comes before her
Ensures information understood	<ul style="list-style-type: none"> • Thorough and simply stated explanations of rights • Encouraged defendants to contact the court if needing help 	
Provides adequate explanations	<ul style="list-style-type: none"> • Good explanations of rulings • Always noted the maximum penalties while making it clear that these maximums are not always imposed 	

Step 4: Summarizing the efficacy of audio-only recordings

Table 9 displays all the observer's comments coded to the efficacy of audio-only recordings, both from the observer's survey responses, and also from some comments included in this observer's COs. Most of Observer 5's comments compared audio-only recordings with both in-court observations and observations by video, without distinguishing between the alternative ways to observe court. As this comparison concerns the efficacy of audio-only recordings specifically, Table 9 includes all comments whether or not they distinguish between the alternatives to audio-only recordings.

Table 9 is displayed in two sections, both organized by the same topics as the previous comparison. The first section comments on the sufficient efficacy of audio-only recordings compared with both in-court observations and video observation, and the second section comments on the disadvantages of listening to audio-only recordings. Observer 5's comments are voluminous and are edited, re-ordered, and consolidated to eliminate detail and repetition.

Overall, Observer 5 found audio-only observation was better than anticipated, and sufficiently efficacious to communicate the core values of the judges and produce a "proper evaluation", even though some nuances were probably missed. As for pre-recorded video, the ability to pause, rewind, and take notes immediately while feelings were fresh were advantages over in-court observation. Audibility was better than what is sometimes experienced in court, and the efficiency of listening when convenient and not driving to court were appreciated. The main disadvantages were the fatigue and inability to maintain focus by long stretches of listening without visual input, compounded by the auditory stress and overload caused by lack of recording clarity, which ranged from fair to atrocious. The observer noted several specific disadvantages of not having visual input as to who was present, who was speaking or their roles, their facial expressions and body language, and important evocations of "place" from seeing what was occurring in the courtroom.

Table 9: Comments discussing the efficacy of audio-only recordings, by topic

Topic	Efficacy of audio-only recordings
Efficiency-accuracy	<p>I had control of when I paused audio recordings without missing anything - something I can't do in live court or on Webex</p> <p>With audio recording I can pause the proceedings to write lengthy notes, without missing ongoing discussion when my attention is diverted by note-taking. [However] as in live court or Webex I never get a chance for an instant replay, [with the audio-only] I just let my feelings play out as things unfolded in real time as I listened to the recording, without using the replay button</p> <p>There is a big [advantage] to begin my first draft immediately when my feelings are fresh and I can search for the right words to express them. After live court, my first draft must be delayed, sometimes until the next day.</p> <p>The type of notes I took were fundamentally the same as those I take from live court and I haven't noticed any other differences in the writing process</p>
Efficiency-convenience & effort	<p>I can listen at the time of my own choosing and take a break when I want, without needing to plan around the court's schedule and I make more efficient use of time since I don't need to drive to court.</p> <p>The silence during the "breakout sessions" caused me to lose focus but there wasn't anything going on then anyway, so maybe it really doesn't matter. I always "snapped to" when court resumed.</p>

Table 9 continued

Observation quality generally	<p>Hearing exactly what the Judge hears enhances my sense of neutrality, which sometimes suffers in live court due to inaudibility from the gallery</p> <p>I've occasionally experienced two hours of live court where I've gained less insight into the Judges and had much less to report upon than my two audio observations</p>
Observation quality sufficient	<p>I feel that the reports that I've submitted following audio observations were fleshed out enough for a proper evaluation of the judges. Sure, there were nuances that I probably missed compared to the live court or Webex experiences, but I think the core values of the judges were communicated adequately verbally. The experience was better than I had predicted</p> <p>Video wasn't necessary for me to feel Judge B would treat me fairly because her voice quality signaled an eagerness to listen, the structure of the proceedings highlighted the litigants' rights</p> <p>Oddly enough, never having seen Judge B, and only listening to a prerecorded audio track for two hours, I do somehow have a mental image of her. I picture a robed woman sitting forward in her chair, beckoning input and eagerly listening.</p>

	Disadvantages of audio-only recordings
Efficiency- convenience & effort	<p>Clarity is a major, major problem with both audio recordings I heard, and with Webex. Audio quality of the internet and cellular connections varied from fair to poor to atrocious due to pops, clicks, dropouts, and echoes frequently lead to auditory overload, with subsequent auditory stress and fatigue.</p> <p>Simply sitting and listening, as I did, gets fatiguing. I broke it up between recording sessions by diversions such as eating lunch.</p> <p>90% of my notes were from the first hour, as my auditory acuity subsided in the second hour. In live court, my notes are more evenly distributed over time. The second hour was very fatiguing for me and I was glad to come to the end of the recording, even though I'd have been open to hear more from the Judge.</p> <p>JPEC needs to be aware of how auditory fatigue affects all participants, with judges and clerks being subjected to it for hours, and also the inherent value of crisp recordings and transmissions</p> <p>The cause of long silences during "breakout" periods are understandable, but made it hard for me to stay focused on my task. My attention wavered at times, but I had predicted it would actually put me to sleep. That didn't exactly happen. If I were to do this again, I'd try to listen in a less visually distracting environment than my home office.</p> <p>Without visual input, it was harder to stay focused on my task of listening and evaluating, for my eyes tended to wander around my home office, which is full of stuff that, by its very nature of being there, I find interesting. Live court and Webex keep my attention from wandering very much.</p> <p>I couldn't begin composing my first draft before the proceedings had finished, as I can with WebEx, because of a sense of apprehension of not knowing when court would resume, so I was distracted too much by every sound which might herald a sudden resumption.</p>

Table 9 continued

Observation quality generally	<p>Observing court as an audio-only experience was weak in relation to Webex, but I think it gave me enough information to write an insightful report.</p> <p>We need to be alert to the risk that the Judge's weaknesses may be amplified by the observer's imagination about what they can't see. I tend to extrapolate downwards when things I expect to experience are out of sight and out of hearing.</p> <p>There are bound to be times when two hours of audio is insufficient. We should consider having third and fourth hours stashed away in case a longer observation is needed.</p> <p>When I observe from an audio recording, I really don't know if the actual litigants were having the same experience that I'm having. When I observe court via Webex, any technical issues are likely to be affecting everyone, including the judge who can address them immediately.</p> <p>Without the visual information it was sometimes difficult to connect the voices with the role of the person speaking. I could always pinpoint the judges' voices, and could generally decipher who the others were after sufficient conversation, but not knowing how many people were participating nor their function in court made new voices more puzzling than in live court where I can see, for instance, where they stand or sit.</p> <p>Compared to live court I have no insights gathered from: court promptness, murmurs and gestures of departing defendants, banter between court workers before court, and attentiveness of bailiff. I get a more limited perception of the court clerk.</p> <p>Being in a courtroom evokes feelings of "place" regarding respect, importance, community, and government. These feelings do not come through with much vibrancy by audio or Webex. Some of my most memorable observations have occurred when the Judges were absent. Seeing an incarcerated person enter with prison garb and handcuffs always adds a heightened dose of reality and importance to the proceedings. I have no recollection if any audio litigants were incarcerated, but ... I really couldn't tell.</p>
Observe interactions & courtroom in general	<p>A defendant appeared to be well represented by an attorney, but as far as I could tell the Judge never spoke directly to the defendant. I had no perception that the defendant was even present, other than my assumption that he must have been there somewhere.</p> <p>Compared to live court or Webex, I have no way to tell if court started promptly.</p>
Observe people's reaction	<p>Audio-only observations lack insights from facial expressions and body language of the judge, defendants and attorneys.</p>

APPENDIX 1: CA's for Judge A and Judge B

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE A

OVERALL ASSESSMENT	<p>All observers were positive about Judge A.</p> <p>All observers reported confidence that if appearing before Judge A they would be treated fairly.</p>
WIDELY AGREED-UPON THEMES	<p>All observers variously reported that Judge A was a good listener and communicated clearly. He was prompt and organized without rushing anyone, maintaining a steady pace with an efficient and business-like yet relaxed approach, often lightening the mood to put defendants at ease. He was calm and patient, courteous and personable, accommodating and responsive, and followed protocols without being stuffy. He was patient and kind, for example, he asked if defendants were hurt in their car accidents, and after he explained to a nervous defendant that his infraction meant no possibility of jail time, the defendant was comfortable proceeding with his plea. He was always respectful, saying "Thank you, sir" or "Very good, sir," and he ended each hearing with a definitive conclusion. When there were technical issues he apologized for starting late, and he was patient in helping defendants who couldn't get into WebEx, and he offered to arrange a room in the courthouse when a defendant didn't have access to a good Internet connection.</p> <p>Judge A looked out for the best interest of the defendants, for example, watching body language and hesitancy when issuing fines, and if a defendant indicated difficulty in paying he immediately asked if a payment schedule or community service would work, saying "Whatever is best for you," or, "I'm happy to work with you." He was thorough in trying to understand all circumstances and consistently gave people the benefit of the doubt. He was sympathetic to first time offenders who owned up to their mistakes, and he went "the extra mile" even when not required, for example, when postponing sentencing in order to consult public records and read police reports to verify dependents' explanations so that he could possibly reduce the fine.</p> <p>Judge A listened to and evaluated every perspective, often at great length, even when defendants were asking the same question in a different way. He asked all defendants to tell him what had happened before sentencing, patiently questioning to get their side of the story and taking it into account in his sentence. He ensured that all participants understand the proceedings and his decisions, and he provided good information for what to do next. He asked a woman with a strong accent if she needed an interpreter, and he was patient and clear in describing payment options and ensuring that these were understood. He answered questions clearly and completely, and he explained his reasoning in each case. He explained what a pretrial conference with the prosecutor was in detail.</p>
MINORITY OBSERVATIONS	<p>One observer reported that Judge A was not willing to proceed until defendants had watched the video explaining defendants' rights. However, two observers reported that the Judge was not consistent in this, and while he always asked defendants if they had seen the video, in some sessions he did not require that they had before hearing cases, and in one case he accepted a defendant's assurances that she understood her constitutional rights.</p>
ANOMALOUS COMMENTS	<p>One observer commented favorably that Judge A understood and took into account the rural nature of his jurisdiction, going to impressive lengths to maintain his neutrality and independence and taking special care to not act as any defendant's attorney.</p>

REPORT OF COURTROOM OBSERVATIONS FOR JUDGE B

OVERALL ASSESSMENT	<p>All observers were strongly positive about Judge B. One observer additionally expressed several suggestions (see “Anomalous Comments”).</p> <p>All observers reported confidence that if appearing before Judge B they would be treated fairly.</p>
WIDELY AGREED-UPON THEMES	<p>All observers particularly emphasized Judge B’s positive attitude and respectful behaviors, which made the current inconveniences seem less formidable, and that participants responded with gratitude for her consideration and encouragement. She treated everyone with courtesy, dignity and respect; and she was polite, courteous, kind, personable and encouraging, saying, “Good luck, I hope you can get the help you need. Find good friends who can support you in a positive way.” She did not hesitate to apologize when she overlooked something, and when a defendant apologized for being late, Judge B replied, “No problem, we’re just glad to have you here.” She was also firm when needed, in one case issuing a bench warrant for a no show based on the defendant’s history and serious charges. She ensured that communication could be clearly heard during video proceedings, and she was exceedingly patient when allowing defendants to “find their way” in using the technology, when walking defendants through technical issues, and when defendants were not muting their mics or were having a bad internet connection.</p> <p>All observers variously reported that Judge B was attentive, organized, and took frequent notes. She managed the courtroom with clear and concise instructions, and she neither delayed nor rushed participants. She was careful and thorough in discovering all pertinent issues and flexible regarding time to complete sanctions if defendants were making progress. She encouraged compliance by reducing fines if problems were corrected in an established time. If defendants could not pay their fines she ordered community service, explaining that this needed to be for an approved charitable organization, and she asked for a written monthly report to avoid imposing the costs of supervised probation. She gave all participants the opportunity to tell her their perspectives or ask questions, and she asked what happened or why they didn’t pay a fine so she could understand why they were in violation. She listened patiently and carefully, responding appropriately and making her decisions with that information in mind. She attended to participants’ comprehension of the proceedings, and she explained her decisions and ensured that defendants understood her reasoning. She provided clear instructions about what to do next and reassured people that they “won’t have to remember it all because you will receive written instructions.”</p>
MINORITY OBSERVATIONS	<p>One observer noted that Judge B was aware of the impact of her rulings and used it to emphasize the importance of making better choices, saying to a defendant who reacted when hearing the maximum penalties, “I noticed your head drop a little when you thought you were going to jail today. Don’t forget how that made you feel.” In contrast, another observer noted that Judge B was long-suffering and tolerant of defendants’ excuses, and the observer felt that she could be a bit more earnest with sterner rebukes in her admonitions to defendants to not repeat their behaviors.</p>
ANOMALOUS COMMENTS	<p>One observer, in addition to many strongly positive comments, and in marked contrast to the other observers, commented that because many defendants were unsure of what was happening to them and did not seem highly literate, the Judge could take this more into account when helping defendants understand their rights, her decisions, and what they must do as a result. Additionally, as some defendants appeared unsure if the Judge had heard them, she could make more frequent eye contact or confirm that she had heard them.</p>

APPENDIX 2: Groups of Justice Court Judges, used for comparison

	District	Approx. WCL Equiv.	Attorneys seen	Rural/Urban
Judge A		0.11	12	Rural
Judge B		0.09	4	Rural

Group 1 - Most similar 11 Justice Court Judges: rural or less rural districts, or seeing fewest attorneys or part time

Christensen	Box Elder	0.92	51	Rural
Fenstermaker	Springville	0.46	50	Less rural
Kerr	Summit	0.71	111	Less rural
Whitlock	Washington	1	53	Less rural
Read	Washington	1	51	Less rural
Kwan	Taylorsville	1	62	Urban
Baxter	Salt Lake	1	67	Urban
Ridge	Utah	0.56	70	Urban
Gilmore	West Valley	0.56	95	Urban
Bertch	Draper	0.65	107	Urban
<i>Average</i>		<i>0.79</i>	<i>72</i>	

Group 2 - Least similar 5 Justice Court Judges: urban, full-time, seeing the most attorneys

Magid	Salt Lake	1	277	Urban
Landau	Salt Lake	1	180	Urban
Roberts	Salt Lake		180	Urban
Robison	Salt Lake	1.11	152	Urban
Graves-Robertson	SL County	1	146	Urban
<i>Average</i>		<i>1.03</i>	<i>187</i>	

Group 3 - Other 20 Justice Court Judges: urban, full-time middle-range of attorneys seen, or insufficient information to judge comparability

Cullimore	Utah	1	82	Urban
Romney	Provo	1	85	Urban
Richards	South Salt Lake	1	94	Urban
McCullagh	West Valley	1	115	Urban
Farr	Herriman	1	118	Urban
Thompson	Murray	1	120	Urban
Boehm	South Jordan	0.79	87	Urban
Cummings	Lehi	0.87	62	Urban
Chin	Holladay	0.98	99	Urban
Ynchausti	Davis	1.12	62	Urban
Parkin	Orem	1.29	82	Urban
VoDuc	Midvale	1.45	43	Urban
Stucki	Ogden	1.565	48	Urban
Junk	Ogden	1.565	46	Urban
Peters	Salt Lake	1	136	Urban
Kunz	West Jordan	1	135	Urban
Cutler	Salt Lake		132	Urban
Renstrom	South Ogden			Urban
Anderson	South Salt Lake			Urban
Bullock	Pleasant Grove			Urban
<i>Average</i>		<i>1.10</i>	<i>91</i>	

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JPEC
UTAH JUDICIAL PERFORMANCE
EVALUATION COMMISSION

April 5, 2021

2020 Retention Judge Feedback Survey

Introduction

JPEC evaluates the performance of judges prior to general elections in order to provide voters with information about judicial performance. Retention evaluations are required for all judges when they approach the end of their terms of office and may seek an additional term. Evaluated judges receive their evaluation results from JPEC prior to the deadline by which the judge must file for the retention election. And while JPEC makes a recommendation to voters, voters make the decision whether the judge should be retained in office.

The Survey

In early 2021, JPEC conducted an electronic survey of judges retained in the 2020 election. The purpose of the survey, the second in JPEC's history, was to solicit feedback about several aspects of JPEC's evaluation process.

The survey utilized online survey software in anonymous mode so that the responses of individual judges could not be identified. Fifty-nine judges received survey invitations by email. After three reminders over eight days, the survey was closed with 49 of 59 judges responding, a response rate of 83%.

Since judges receive different types of evaluations based, in part, on their weighted caseloads, the survey only asked questions relevant to a judge's specific evaluation experience. Some survey questions thus have larger numbers of total possible responses than others.

Survey questions included scaled items, open-ended items, and one question asking for judges to rank elements of the evaluation for their usefulness to performance improvement.

The survey contained seven main sections:

<i>Introduction</i>	Respondents indicated whether this evaluation was their first retention evaluation by JPEC.
<i>Communication</i>	Respondents rated whether they understood the evaluation process and made suggestions if they wanted to receive more information.
<i>Evaluation Results</i>	Respondents evaluated the production of their reports, the helpfulness of the information contained in them, the accuracy of the evaluation, and the usefulness of the feedback.
<i>Commission Process</i>	Respondents evaluated the commission's use of blind review during deliberations along with the Voter Information Pamphlet page produced for the election.



<i>JPEC Website</i>	Respondents evaluated JPEC's website, judges.utah.gov , used for posting evaluation results.
<i>Improvements</i>	Respondents weighed in on other potential sources of judicial performance data for use in evaluations.
<i>Overall Evaluation</i>	Respondents provided an overall assessment of their satisfaction with the performance evaluation experience.

Summary Findings

Overall, including the quality, accuracy, and helpfulness of the evaluations, most surveyed judges expressed satisfaction with their performance evaluation experience with JPEC.

“There is a part my performance that I am glad is not specifically addressed in the survey: what's going on inside my head at times... When I see positive survey comments by attorneys or observers, it helps me know that I may be winning the battle with most of the negative voices that may pop up in my head at times when conducting court proceedings. I am grateful to know that people are watching what I do and listening to what I say. It helps me be and do better at this job, which is a privilege and honor to do.”

When judges do not hold positive perceptions, they were more likely to “neither agree nor disagree” with statements rather than to register disagreement.

Newly appointed judges differed slightly from those judges who have gone through more than one retention election. Newer judges tended to express stronger agreement about many aspects of their evaluation, whereas more long-standing judges tended to “agree” rather than “strongly agree.”

Survey results are summarized below by survey section. Detailed, question-by-question results follow.

Introduction

- Approximately 48% of judges who responded indicated this was their first retention evaluation by JPEC. (Q1)
- According to JPEC's data, the 2020 general election was the first retention election for 59% of the 59 judges. Survey results slightly underrepresent the responses of more newly appointed judges.
- Newly appointed judges tended to “strongly agree” to statements about their evaluation compared to judges who have experienced more than one retention election. The latter tended to “agree” on questions 6-8, 11, 22, and 24. These statements asked judges to assess the quality and accuracy of JPEC's evaluation reports.



- Sixteen of the 24 judges with more than one retention evaluation experience assessed differences between this evaluation and their prior ones. Comments fell into two groups. (Q2)
 - The most frequent comment indicated little to no discernable difference compared to prior years.
 - Another group of comments acknowledged positive improvements to the evaluation including greater detail and objectivity, and overall understanding of the process. One also remarked on an improvement in courtroom observers.

Communication

- Ninety-six percent of judges reported that they understood the overall JPEC process, and nearly 68% said they would not find it helpful to receive additional information about it. Twenty-six percent reported being unsure. (Q3-Q4)
- Eleven comments resulted in two main themes. (Q5)
 - Some judges indicated they would like to better understand specific aspects of JPEC's evaluations including courtroom observation, surveys, and justice court evaluation levels.
 - Other judges requested to receive updates about the overall process with suggestions like reminders on the evaluation timeline or news about new procedures being implemented.

Evaluation Results

- All judges agreed that JPEC's report looked professionally produced. (Q6)
- According to 98% percent of judges, the report was easy to understand. (Q8)
- Ninety percent said the numeric data in the report were helpful to receive. The remaining respondents reported being neutral. (Q9)
- Fifty-seven percent of judges reported finding written comments more helpful than numeric data. Thirty-five percent neither agreed nor disagreed and 8% disagreed. This result is different from 2019 when judges were relatively split on whether written comments or numeric data was more helpful (Q10)
- In a rank choice question, judges were able to organize which sections of the report they found most helpful: the survey numeric scores, the survey comments, courtroom observation, or something else. Overall, judges ranked survey comments as most helpful. However, unlike newly appointed judges and the surveyed judges overall, judges who have faced more than one retention election ranked survey scores most helpful. Three comments suggest that having different components of the report is helpful and provide evaluation balance. Four comments included concerns about varying components. (Q16)
- In terms of courtroom observation: (Q11-12)
 - 84% of judges felt that the courtroom observation summary (CA) provided them with helpful information, and
 - 81% find the individual courtroom observation reports helpful to receive.



- In terms of the accuracy of the assessment provided by JPEC:
 - 81% of judges surveyed agreed the assessment was accurate, with 7% disagreeing with the statement. (Q15)
 - Of the sixteen comments, five of them indicated positive sentiments about the accuracy of their assessment. Four more comments had a mixture of feedback or contained a neutral statement, and 7 more contained negative sentiments mostly over concerns of accuracy in the report. Of the comments indicating concerns about accuracy, the reasons for the perception vary considerably.
- Eighty-seven percent of judges found that the performance evaluation process provided them with useful feedback they can use to improve their performance. Significantly, of the remaining 13%, only 2% disagreed with the statement. (Q18)

Commission Process

- Forty percent of judges were aware that JPEC used a modified blind review process during its deliberations. (Q19)
- Forty-seven percent thought the use of blind review improved the evaluation process, while 49% were unsure whether it improved evaluations, and 4% disagreed. (Q20)
- Most judges who commented found blind review to be a positive addition to deliberations. (Q21)
- Ninety-six percent rated the quality of work on their Voter Information Pamphlet page to be of high quality; none found the work to be of low quality. (Q22)
- Five judges provided comments. Two comments wanted the Voter Information Pamphlet to highlight different information. (Q23)

JPEC Website

- All judges who looked for their evaluation results page on JPEC's website reported that they found it easily. (Q25)
- Ninety percent of judges found the website's summary information to be an accurate representation of their evaluation results (compared to 78% in 2019). (Q26)
- Of the four substantial comments, three judges took issue with the subjectivity of the summary (or 8% of all judges who responded to this question). (Q27)

Improvements

- Sixty-four percent of all evaluated judges agreed that JPEC should consider other sources of information in its review. (Q28)
- Ten judges provided substantial comments. Most suggestions related to incorporating more voices for general evaluation input and survey responses including suggestions like peer review and participation from defendants. (Q29)

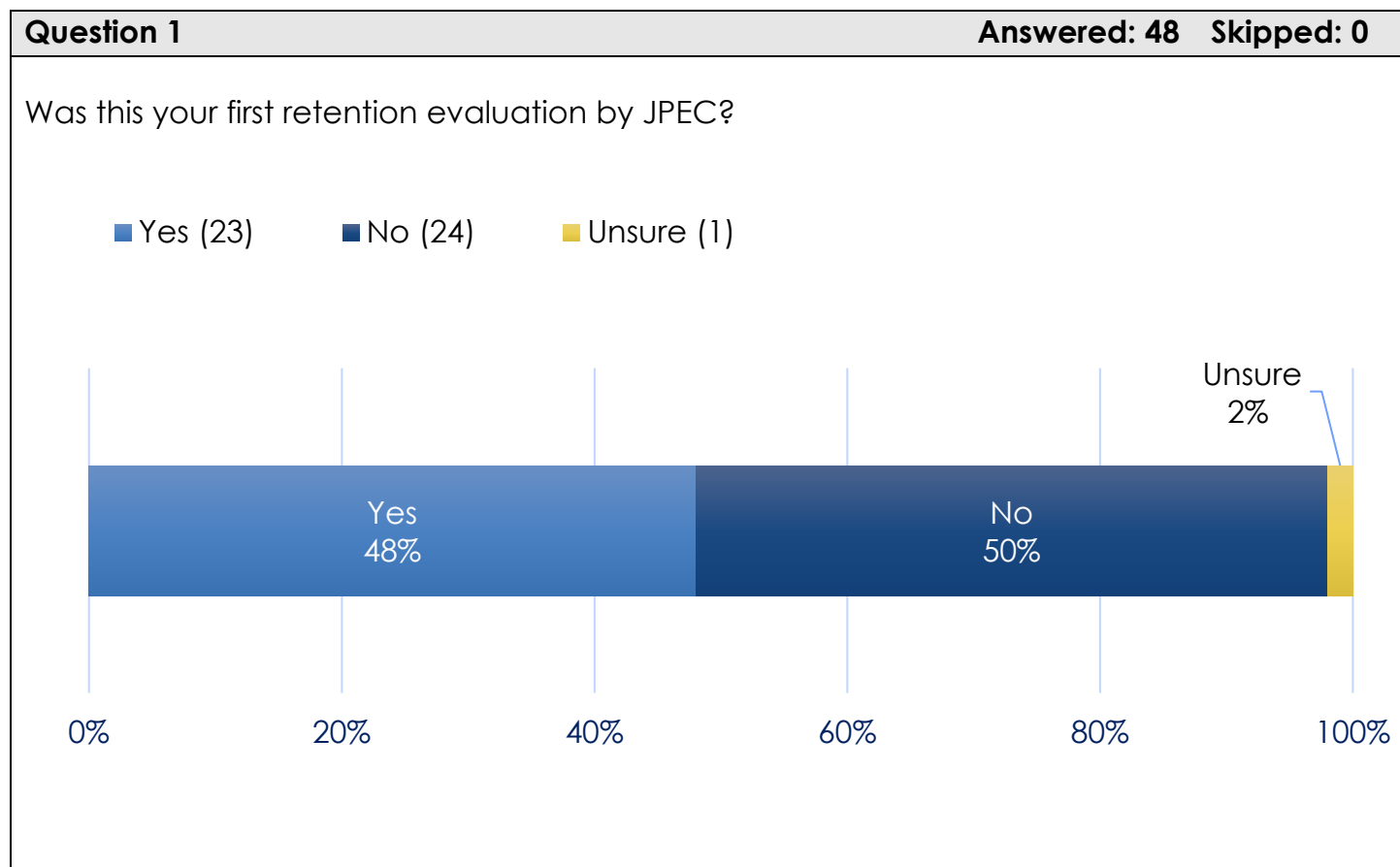


Overall Evaluation

- Eighty-nine percent of all evaluated judges expressed satisfaction with their retention evaluation experience with JPEC. The remaining 11% of judges expressed neither satisfaction nor dissatisfaction. (Q30)
- Of the eight substantive comments, two were positive and two were negative. The remaining comments contained mixed reviews or offered suggestions. All were unique comments that should be read in their entirety (below). (Q31)



2020 Retention Judge Feedback Survey Results



*Note: This question should be reviewed and possibly reformulated next election to clarify that we are asking about the judge's last full evaluation experience, not their midterm evaluation from the same cycle.

Question 2		Answered: 16	Skipped: 8
Please assess any differences between this and your prior evaluation experience.			
Respondent ID	Comment		
64272	The notifications and explanations of the process and the timelines was more thorough.		
30246	None		



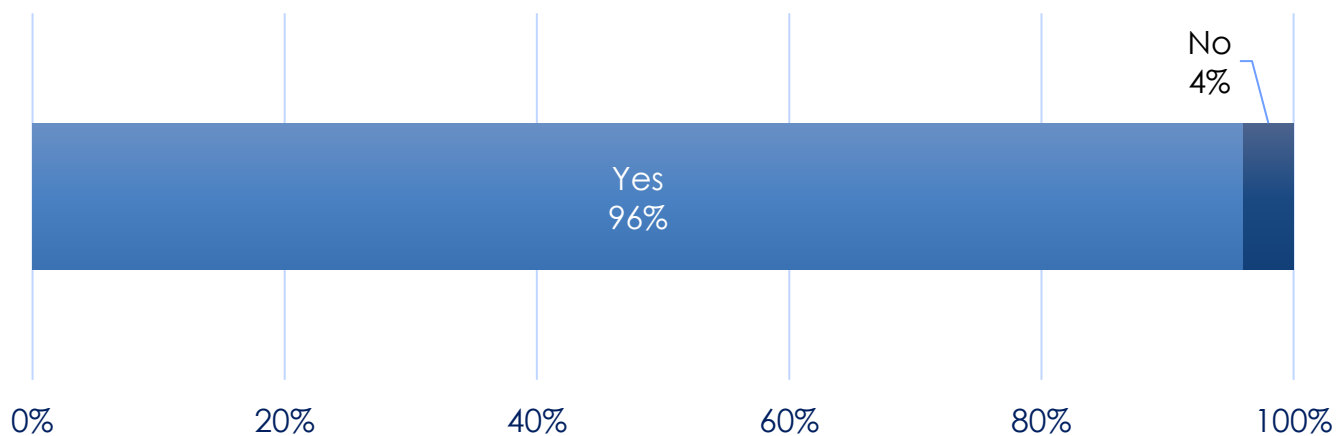
Question 2 (cont.)	
Reponsent ID	Comment
84753	The report does appear more objective.
60128	This one appeared a bit more detailed.
98550	No significant differences noted.
32701	Courtroom observers included more objective details in their reports than before.
82873	They seemed about the same. The last one was my mid-term a couple of years ago, so I don't really remember.
74604	I felt like I understood the "rules of the road" much better this time. There seemed to be much more interest in and attention to the judicial candidates this cycle and JPEC seemed to be more prominent than in years past.
13514	I do not recollect signifigant differences.
85877	Nothing that I noticed.
62419	Very similar.
49720	I thought the process of evaluation was the same expereince.
50414	Nothing significant.



Question 3**Answered: 47 Skipped: 1**

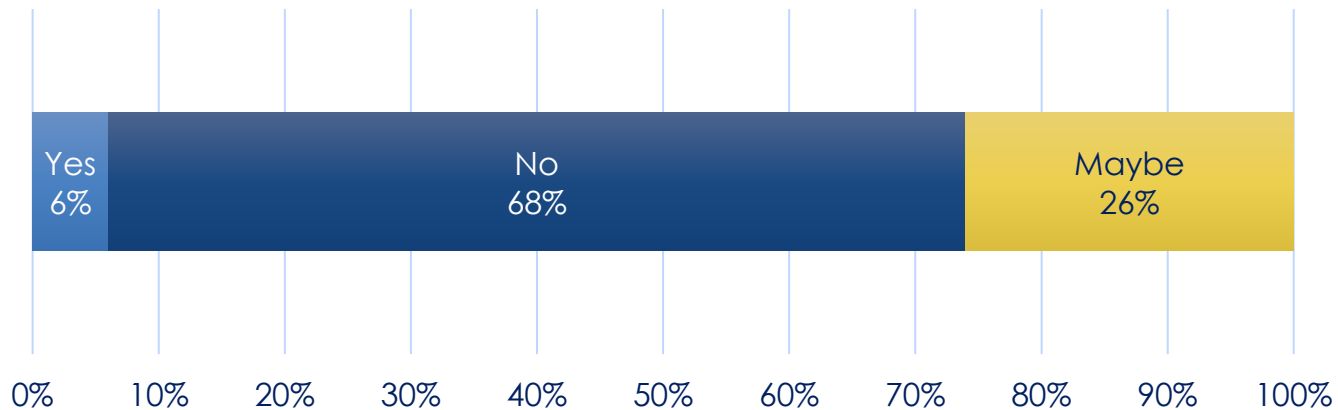
I understood the overall JPEC process.

■ Yes (45) ■ No (2)

**Question 4****Answered: 47 Skipped: 1**

Additional information about the overall JPEC process would have been helpful to receive.

■ Yes (3) ■ No (32) ■ Maybe (12)



Question 5**Answered: 11 Skipped: 37**

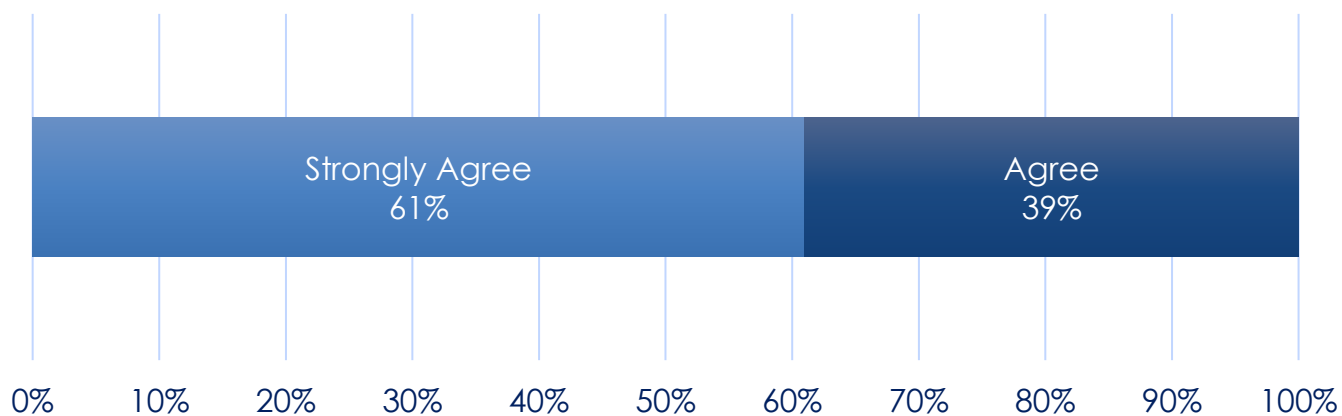
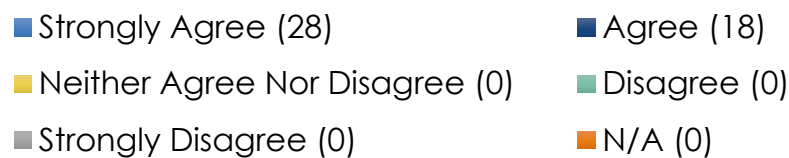
What information would be helpful and how might you want to receive it?

Respondent ID	Comment
74579	I would like to know about any changes or additions to the process.
84753	An acknowledgement that appellate opinions are a collaborative process. It should be understood that language in opinions is often the product of the panel and not necessarily the authoring judge.
42106	I would like to understand better how observers are trained. I would like to understand why some comments are included in the packets we receive that are not only not helpful but actually hurtful.
88099	Information on timing. What happens when.
30246	More information on who is being solicited to fill out the surveys and how JPEC is ensuring that it has had enough responses to make a meaningful assessment of a judge's performance. Make this a part of your explanation when explaining how surveys work and if there is not a sufficient pool of responses, maybe the report should reflect that?
26287	How much weight is given to the various information sources- attorneys, defendants, court personnel, etc.
66268	Not late evening phone calls when I am home with family.
43853	It would be helpful to have a brochure type document (email or paper) that explains the process step by step.
83972	What specifically the JPEC review involves. This is a smaller court, so I'm not sure what was done, or not done, in the review.
96300	I always appreciate the descriptions of how the judge's actions are perceived by the public and the evaluators.
58877	It would have been nice to know the process, but I wasn't really informed about any of the details, so I didn't know what to expect.

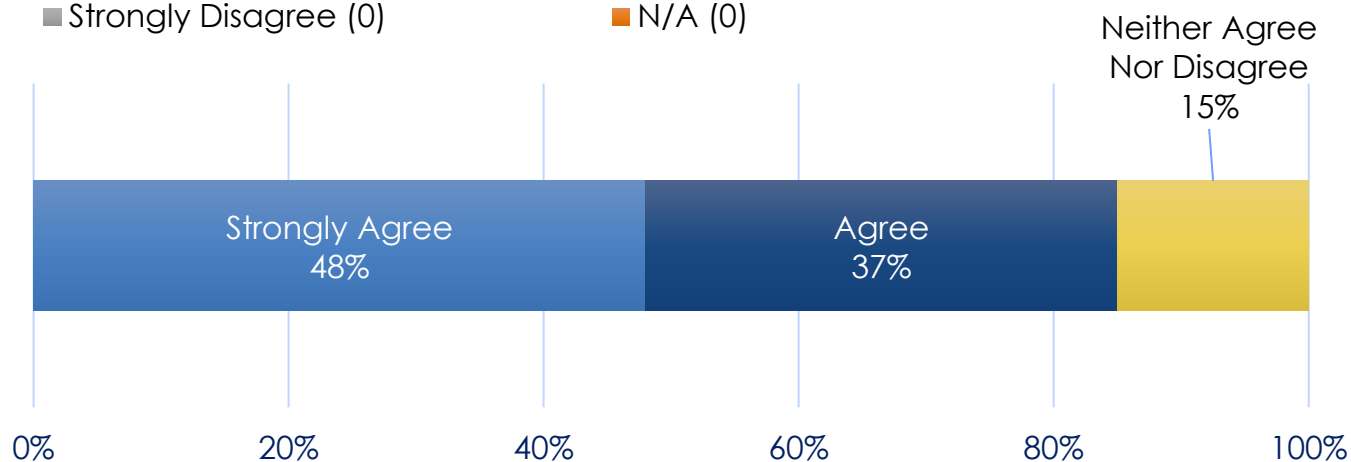
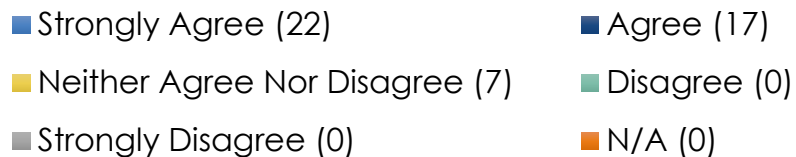


Question 6**Answered: 46 Skipped: 2**

My JPEC report looked professionally produced.

**Question 7****Answered: 46 Skipped: 2**

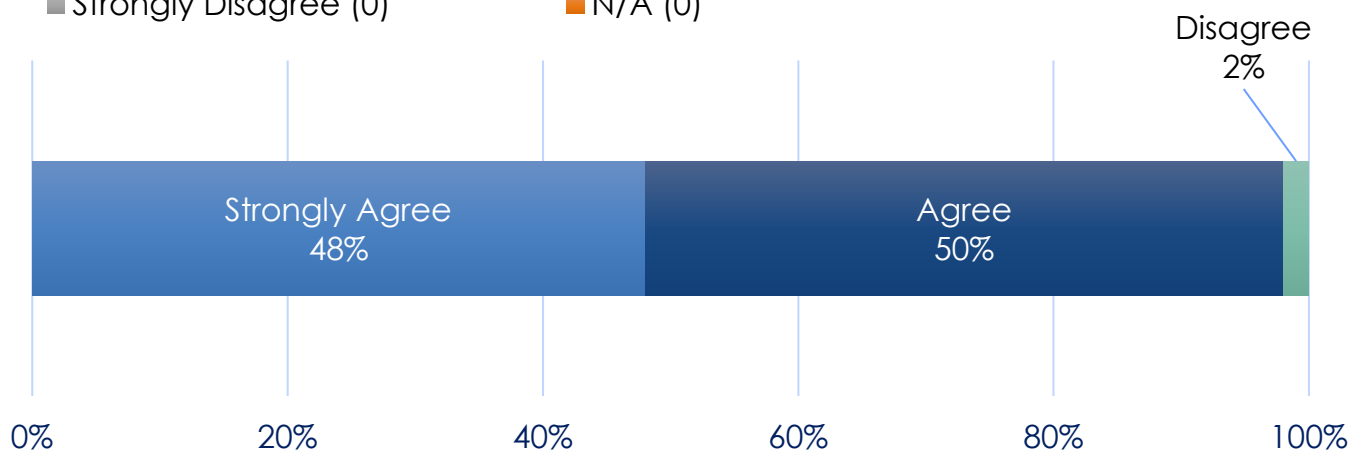
My JPEC report was error-free.



Question 8**Answered: 46 Skipped: 2**

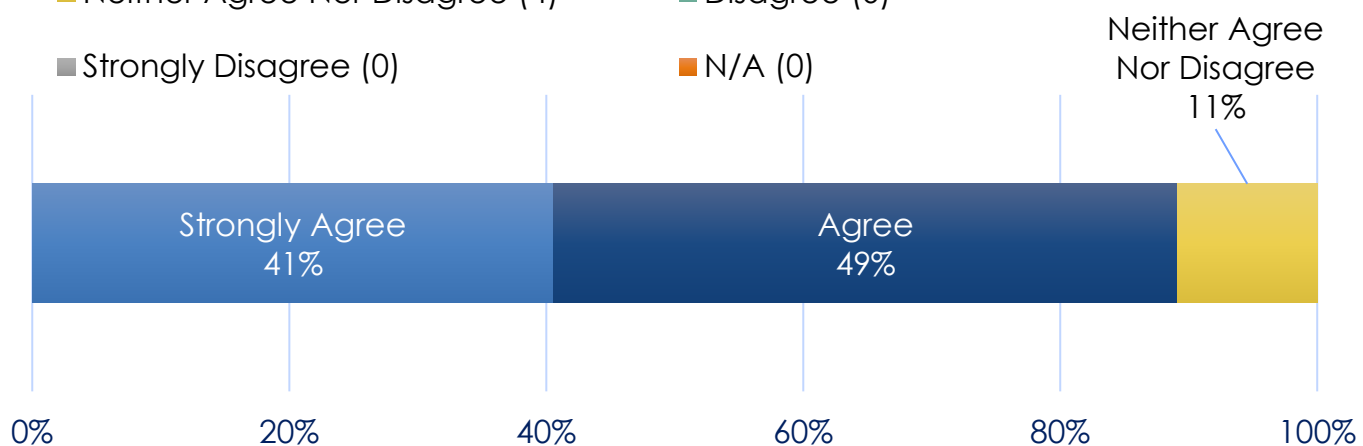
My JPEC report was easy to understand.

- Strongly Agree (22) ■ Agree (23)
- Neither Agree Nor Disagree (0) ■ Disagree (1)
- Strongly Disagree (0) ■ N/A (0)

**Question 9****Answered: 37 Skipped: 2**

The numeric data in the report were helpful for me to receive.

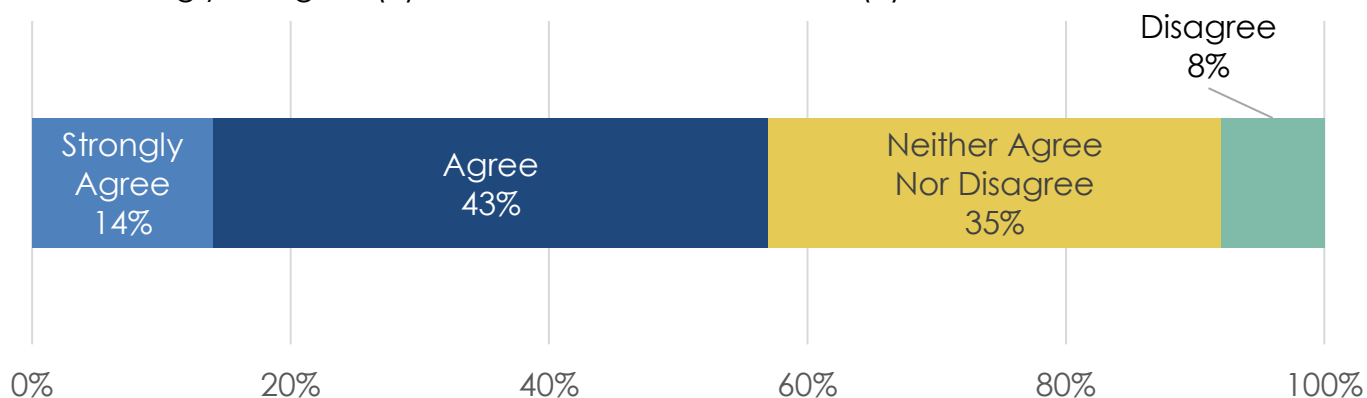
- Strongly Agree (15) ■ Agree (18)
- Neither Agree Nor Disagree (4) ■ Disagree (0)
- Strongly Disagree (0) ■ N/A (0)



Question 10**Answered: 37** **Skipped: 2**

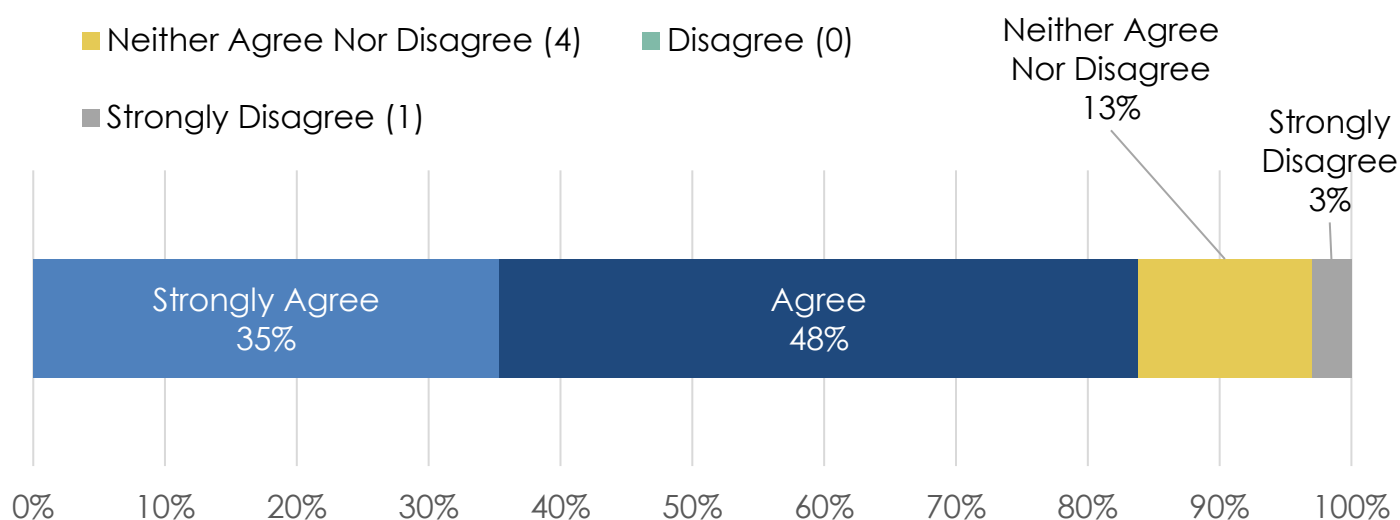
The written comments were more helpful than the numeric data in the report.

- Strongly Agree (5)
- Agree (16)
- Neither Agree Nor Disagree (13)
- Disagree (3)
- Strongly Disagree (0)
- N/A (0)

**Question 11****Answered: 37****Skipped: 2**

The summary of my courtroom observation results (content analysis) provided me with helpful information.

- Strongly Agree (11)
- Agree (15)
- Neither Agree Nor Disagree (4)
- Disagree (0)
- Strongly Disagree (1)

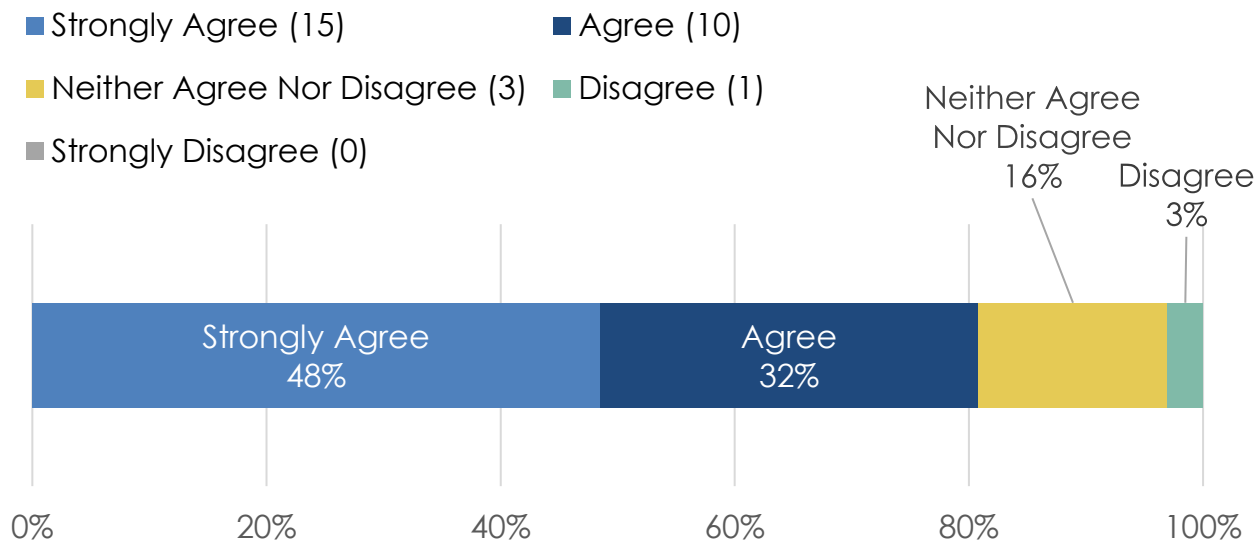


* N/A responses were removed



Question 12**Answered: 37****Skipped: 2**

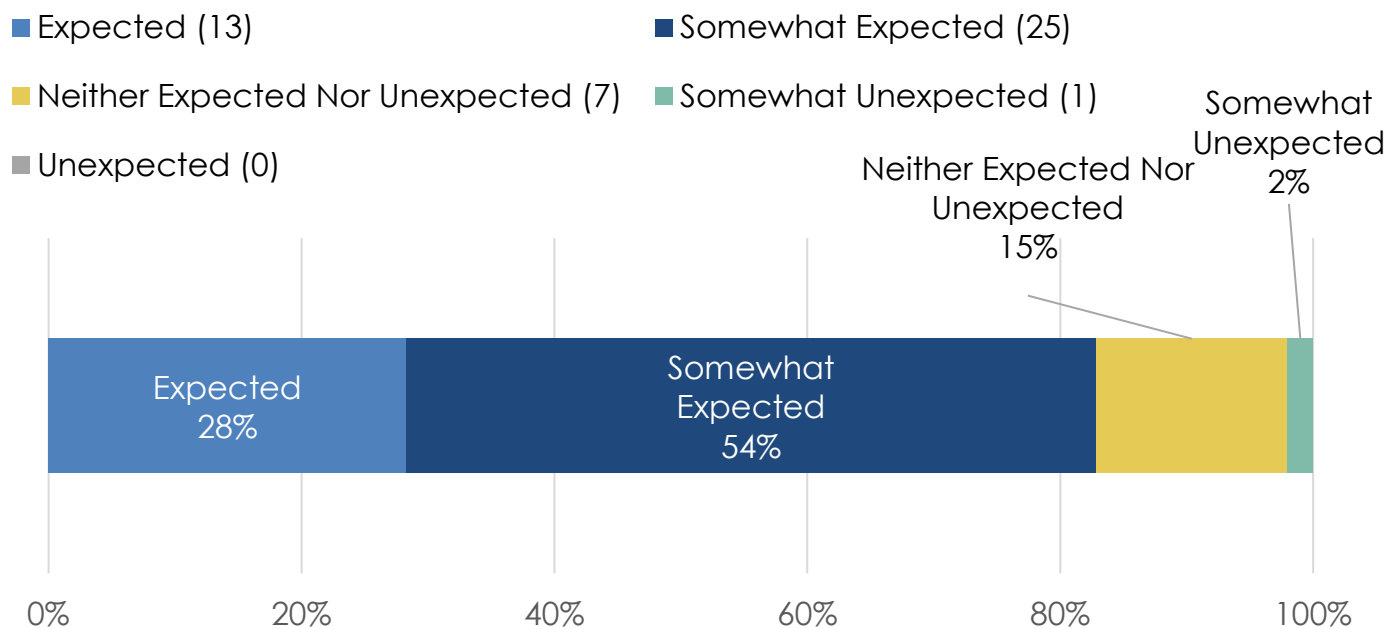
It is helpful to receive the individual courtroom observation reports.



* N/A responses were removed.

Question 13**Answered: 46****Skipped: 2**

In general, the positive results I received in my report were:



Question 14**Answered: 46****Skipped: 2**

In general, the critical results (or constructive suggestions) I received in my report were:

■ Expected (6)

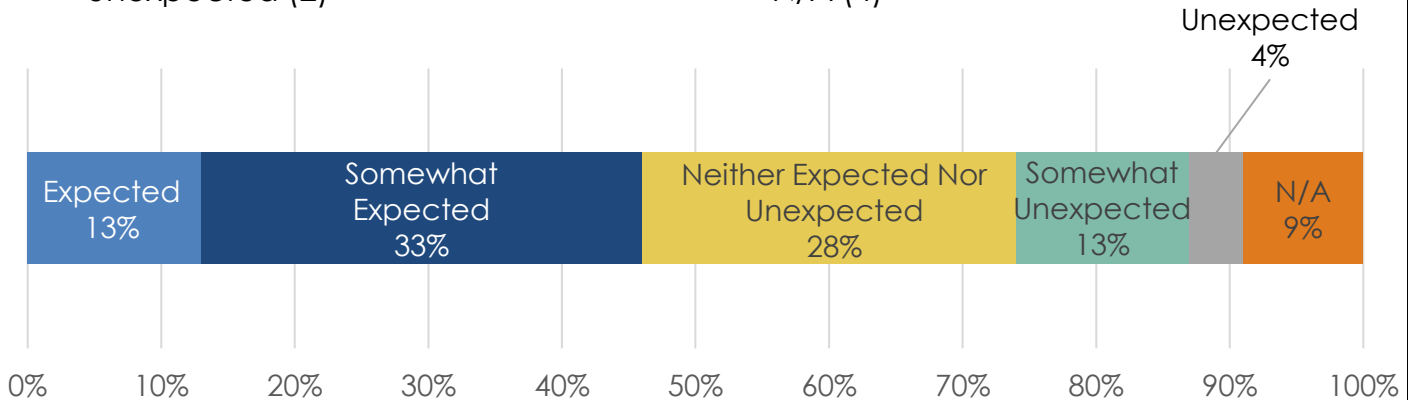
■ Somewhat Expected (15)

■ Neither Expected Nor Unexpected (13)

■ Somewhat Unexpected (6)

■ Unexpected (2)

■ N/A (4)

**Question 15****Answered: 46****Skipped: 2****Optional comments: 16**

Now, please comment on the accuracy of your report: Overall, I think the evaluation provided an accurate assessment of my judicial performance.

■ Strongly Agree (10)

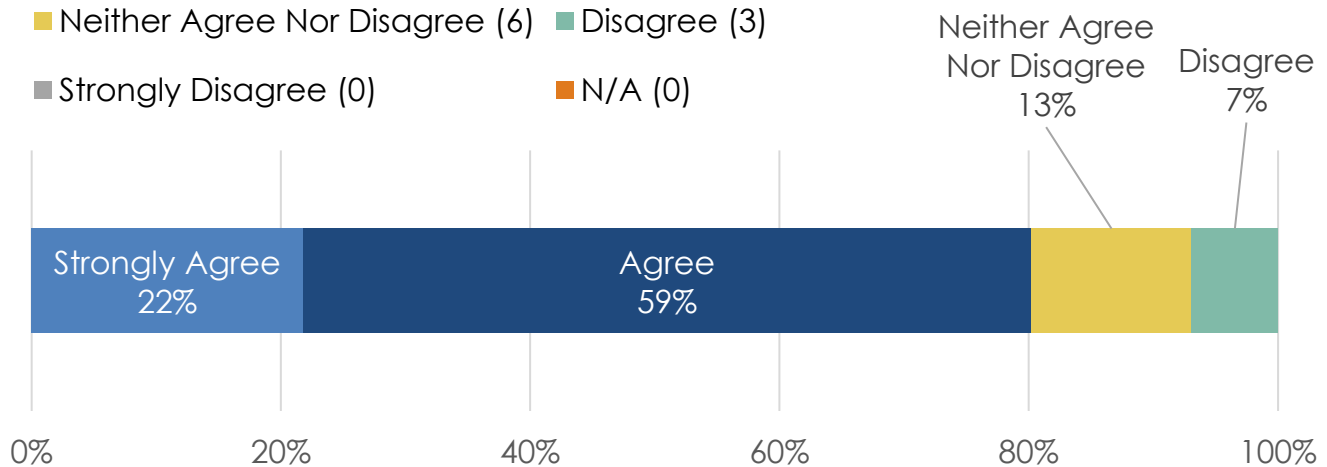
■ Agree (27)

■ Neither Agree Nor Disagree (6)

■ Disagree (3)

■ Strongly Disagree (0)

■ N/A (0)



Question 15 (cont.)

Respondent ID	Comment
64272	There is always a question or two where the response seems inconsistent with practice, but it does provide an opportunity for better communication from the bench.
95782	I do think it is hard to be judged by a defense attorney on a day they may have gotten a adverse ruling.
93659	Some of the comments I read were from individual lawyers who (in my opinion) made comments based on the ruling result, not neccessarily how I performed as a judge on their case.
60128	It provides a good guide for possible areas in need of improvement which is most helpful.
50559	The objective and unbiased Courtroom Observers do a great job, and all of their feedback was very useful and helpful. However, allowing attorneys who maybe have appeared for 20 minutes in my courtroom over the course of several years to give an opinion on whether I am qualified to be a judge and then report that vote to the public is fairly ridiculous, especially if that attorney just lost on a motion in my court or was angry because I wasted his time by explaining court procedure to an unrepresented defendant. So it really is a mixed bag, A+ for court observers, but C- for attorney rating system. Some attorneys are fair and objective, but others really aren't, and a few of the petty comments clearly showed that in my report.
11986	There is a part my performance that I am glad is not specifically addressed in the survey: what's going on inside my head at times. For example, I can be quite self-critical and tend to beat myself up for comments I feel, after the fact, I should not have made, or for being unsure or unsettled about the weight to be given certain critical evidence. I also may have cynical or demeaning thoughts if I'm not careful. So, when I see positive survey comments by attorneys or observers, it helps me know that I may be winning the battle with most of the negative voices that may pop up in my head at times when conducting court proceedings. I am grateful to know that people are watching what I do and listening to what I say. It helps me be and do better at this job, which is a privilege and honor to do.



Question 15 (cont.)

Respondent ID	Comment
98550	Judicial performance is easily misunderstood by non-law-trained observers. Responses by attorneys and parties can be strongly influenced by a favorable or unfavorable ruling, regardless of the quality of the judicial process by which the ruling is determined.
42106	Although there were some helpful and accurate insights, some comments were so off base and biased, they made me question the accuracy of the report as a whole.
95016	Courtroom observers often do not have the experience or context needed To evaluate a judges formants. For instance, in every valuation I have ever received there are comments that the judge repeats himself over and over in a rote fashion. In fact, the law requires each defendant to be told the same things I don't remit hearing. This is unavoidable. Yet it is commonly referred to as a negative thing. Additional training could seemingly solve this problem.
82873	For my own use, the most helpful part of the review are the comments from courtroom observers. I take what they say seriously and set goals to improve based on their observations.
74604	There were a couple of attorney comments that, based on content, I am certain were not references to appearances before me but instead appearances before another judge. That likely is a mistake by the attorney, not JPEC.
55432	Some comments were extremely helpful and constructive. Other comments were clearly sour grapes. And sometimes it is hard to tell the difference.
66268	The system used simply does not represent or indicate my abilities and professionalism.
58877	This report will be a useful resource and benchmark for me.



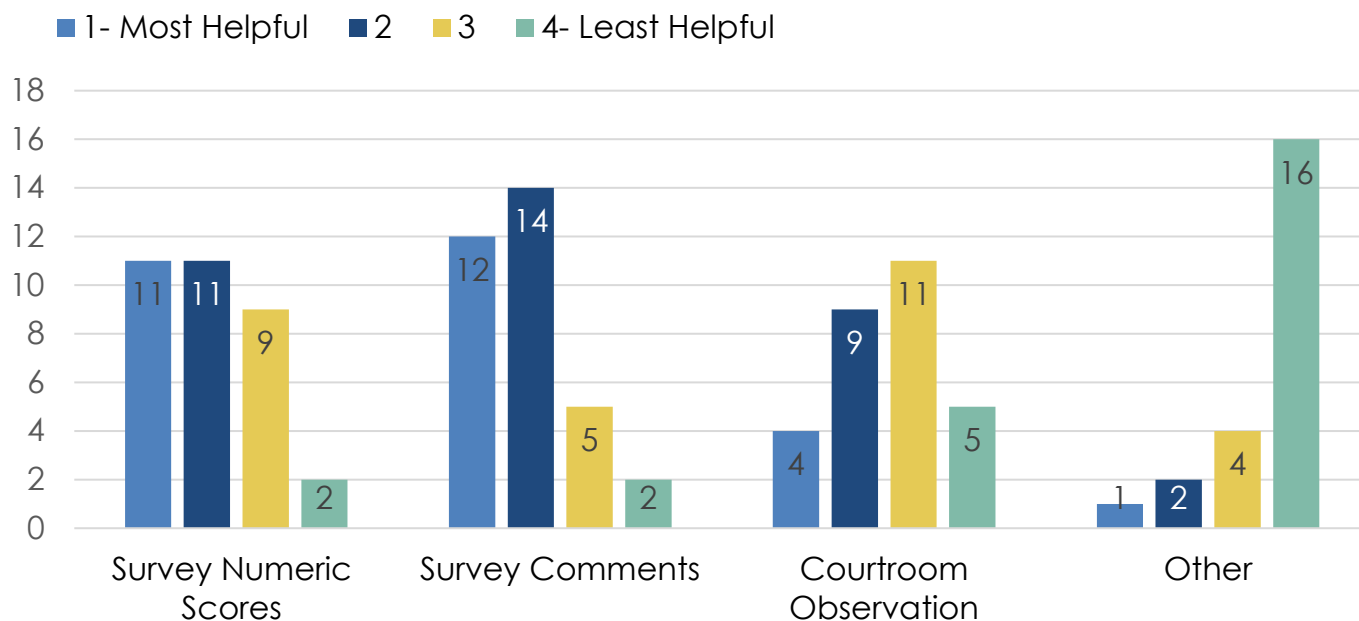
Question 15 (cont.)

Respondent ID	Comment
80656	<p>To some extent I felt like the report gave greater credence to negative comments than was appropriate by offering suggestions for how I could improve. I don't feel like offering the suggestions for improvement within the report is helpful or appropriate. It almost sounded like I acknowledged the criticism was appropriate or that I had been reprimanded in some way and had agreed to improve on those areas. If JPEC didn't take the criticisms as entirely accurate (and it appeared they didn't based upon the voting and scores), I don't think they should incorporate areas of improvement directly into the report. I understand that I passed and I didn't want to have a hearing to challenge it, as I am always open to improvement on a personal level. I just question how much of the criticism and areas for improvement should be included in the voter pamphlet. Some voters are just looking for a reason to vote no and the report seems to give those voters a reason. My completely anecdotal review of other judge's reports seems to coincide with the percent favorable votes being higher the more favorable the report. I'd be interested in knowing if there is any data correlating the report with the percent of favorable votes.</p>
43853	<p>I saw (and heard about) that for some judges their report indicated inadequacy in a minor area or two that then showed up in a judge's report as something like: Judge adequate in 3 of 4 areas. That is misleading if the judge is then recommended for retention because that is the cover of the book so to speak and the public may not dig deeper. Perhaps the emphasis should be on RECOMMENDED FOR RETENTION.</p>



Question 16**Answered: 33****Skipped: 0**

Please rank the following parts of your evaluation report in order from "most helpful" (1) to "least helpful" (4) in improving your performance as a judge.



The tables below show how new judges ranked results differed from the results of judges who had previously been through an evaluation cycle.

New Judge Rankings	Evaluation Components
1	Survey Comments
2 (tie)	Survey Numeric Scores
2 (tie)	Courtroom Observation
4	Other

Previously Retained Judge Rankings	Evaluation Components
1	Survey Numeric Scores
2 (tie)	Survey Comments
2 (tie)	Courtroom Observation
4	Other



Question 17**Answered: 10 Skipped: 28**

If you ranked "other" as a "1," "2," or "3," please comment and specify what other part of your evaluation was helpful in improving your performance as a judge.

Respondent ID	Comment
33415	Courtroom observers don't seem to understand the courtroom process or duties based on comments
95782	They are all helpful.
93659	I thought all were helpful.
98550	I did not consider any part of the evaluation to be particularly helpful.
82873	N/A
13514	N/A
85877	Communications and insights from representatives of JPEC.
49720	I think the other parts of the report round out the other areas and provide context on what would help my future performance,
50414	Courtroom observations are less than useless.
80656	Although the courtroom observers are less trained in the law than attorneys, they are not as openly biased for or against the judge. It was easier to take constructive criticism from them. The attorneys comments I could pretty well tell who said what because they are conversations I've heard or comments made directly to me or my colleagues. The attorneys comments are not especially constructive. They are at times simply hurtful and surprisingly ignorant. They often times demonstrate the lack of civility amongst attorneys is quickly directed to a judge who doesn't give them what they want. My job shouldn't be to appease attorneys sufficiently that they won't say anything negative on my reports. The education that goes into courtroom observers knowing what to look for should also be directed towards attorneys better understanding what happens with their comments. Or they should be screened and filtered better by JPEC.



Question 18**Answered: 45 Skipped: 3**

Overall, the performance evaluation process provided me with useful feedback that I can use to improve my performance.

■ Strongly Agree (16)

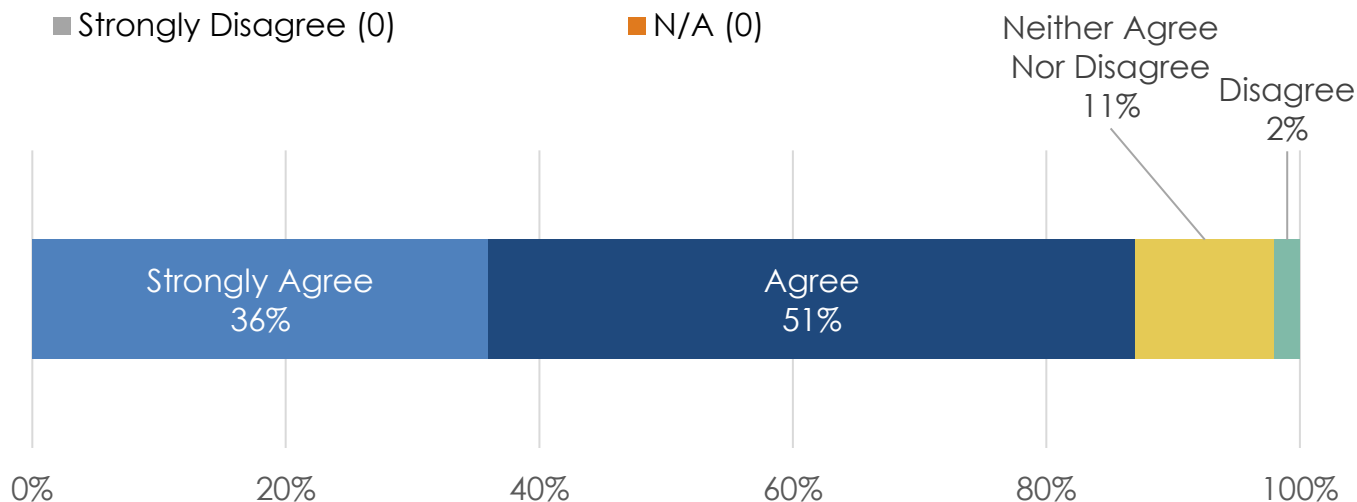
■ Agree (23)

■ Neither Agree Nor Disagree (5)

■ Disagree (1)

■ Strongly Disagree (0)

■ N/A (0)

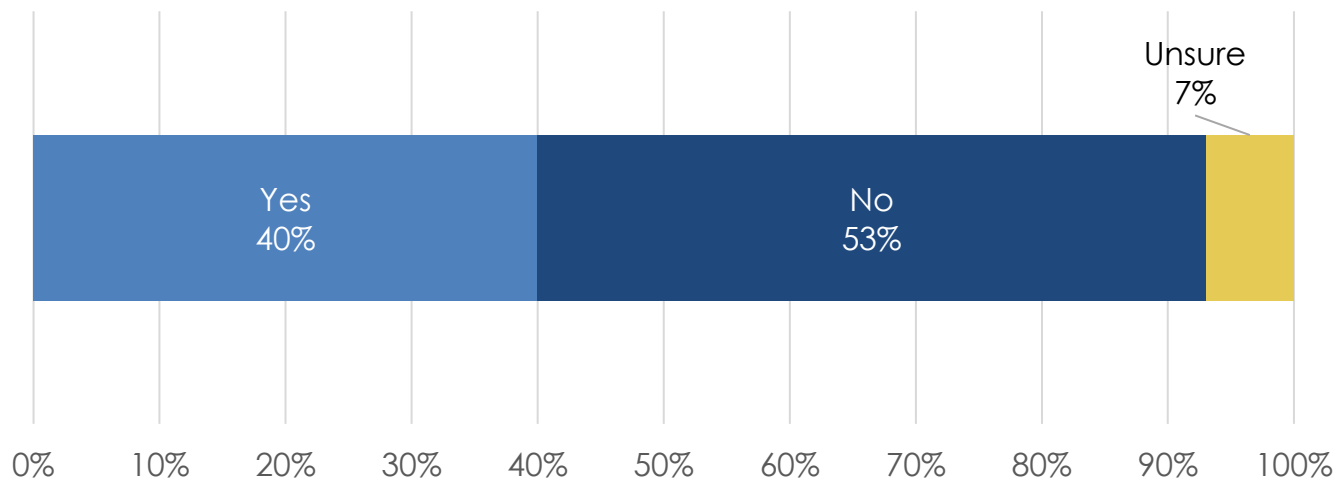
**Question 19****Answered: 45 Skipped: 3**

I was aware that JPEC conducted blind review this year.

■ Yes (18)

■ No (24)

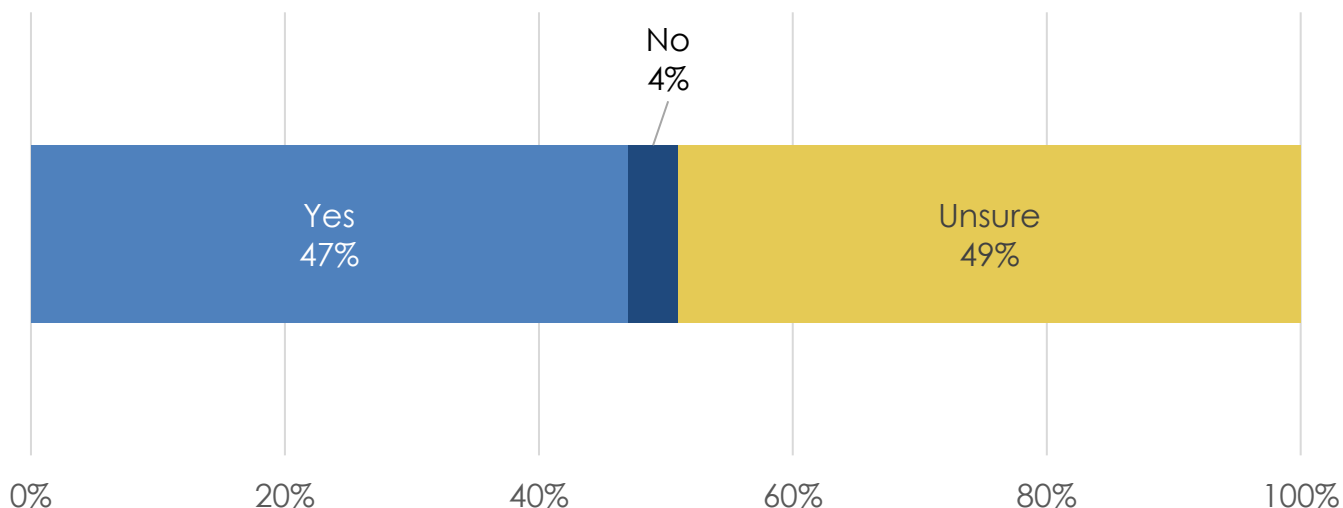
■ Unsure (3)



Question 20**Answered: 45****Skipped: 3**

Generally, I thought that blind review improved JPEC's evaluation process.

■ Yes (21) ■ No (2) ■ Unsure (22)

**Question 21****Answered: 12****Skipped: 36**

Feel free to share comments or suggestions about blind review (optional).

Respondent ID **Comment**

49515	Absolutely essential.
76106	I think blind review is important to eliminate implicit bias- I didn't know it took place, but I'm glad it did
93659	None
60128	Blind review considered more objective.
42106	I am not sure how this was done.
82873	Great idea. Keep doing it.
74604	Sounds like a lot of work but well worth the effort.
11986	Yes, that's great.
62419	I don't recall knowing it was a blind review. I did not notice a difference, but I have more confidence generally with blind reviews



Question 21 (cont.)**Respondent ID Comment****49720**

None.

80656

A blind review in my opinion is not possible for a bench composed of diverse individuals (maybe if we were all white men it would work, but we're not). The courtroom observers and attorneys all know exactly who they are evaluating. JPEC commissioners should be able to see if there is gender or racial bias which has been incorporated into the attorney/observers comments. There are also a lot of assumptions about each judge upon initially taking the bench and those assumptions then get incorporated into what would otherwise seem like objective criteria (ie, she only had criminal law experience so she obviously doesn't understand civil law; or she's divorced, so she obviously won't give men a fair hearing). If JPEC is the only blind review in the process, it seems to ignore the fact that others are evaluating a specific person. The context of the evaluation matters.

58877

I wasn't aware of it.

Question 22**Answered: 45 Skipped: 3**

Please rate quality of work provided by JPEC on your Voter Information Pamphlet page.

■ Very High Quality (24)

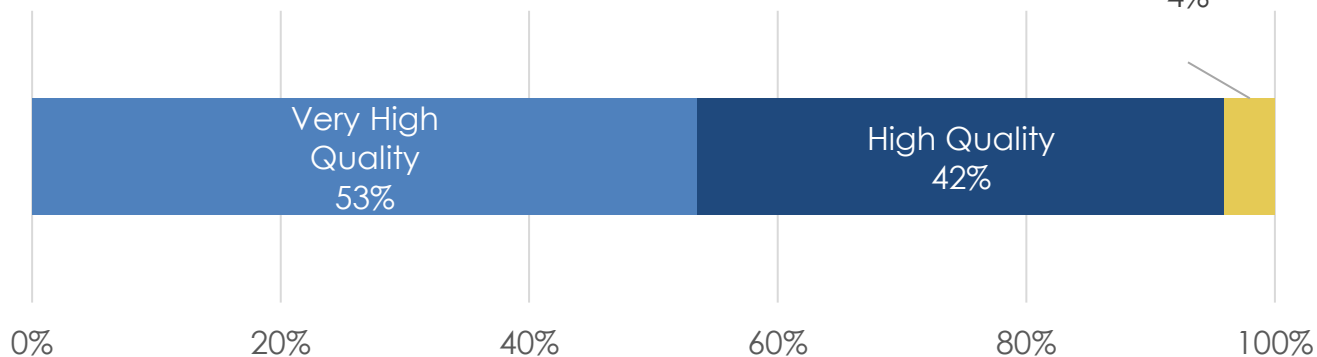
■ High Quality (19)

■ Neither High Nor Low Quality (2)

■ Low Quality (0)

■ Very Low Quality (0)

Neither High Nor
Low Quality
4%



Question 23**Answered: 5****Skipped: 43**

Feel free to make suggestions to improve the Voter Information Pamphlet page (optional).

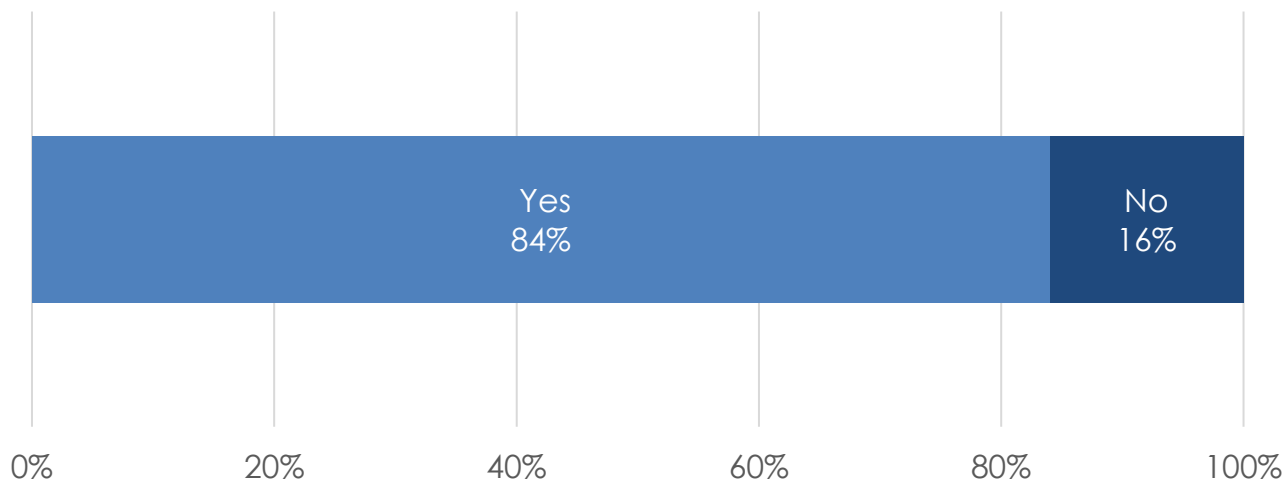
Respondent ID	Comment
93659	None
82873	The picture of me should be bigger. And it should portray me in a flattering light. For example, I might be shown holding a puppy, cleaning birds after an oil spill, or building homes for orphans.
50559	I do not think that the numeric attorney percentage rating (95% of attorneys said Judge X should be retained or was qualified) should be a lead item that is shown to the public before and above all of the other data in the report, ESPECIALLY WITH REGARD TO JUSTICE COURTS. Most of these attorneys spend very little time actually observing the judges, and too many of their comments and ratings are based on whether they won their motion or were treated as special by the judge. If we are serious about the Justice Courts treating everybody equally and fairly, then the JPEC rating system should not elevate attorneys over everybody else with regard to rating judges. Otherwise, you are creating a rather perverse incentive to do exactly the opposite of what we are supposed to be doing, taking the time to make sure ALL defendants receive procedural due process, even if that means taking the time to explain things to unrepresented parties which costs the attorneys time and money.
49720	None
43853	Please emphasize whether retention is recommended so that the public is not concerned or confused by any minor inadequacy.



Question 24**Answered: 45****Skipped: 3**

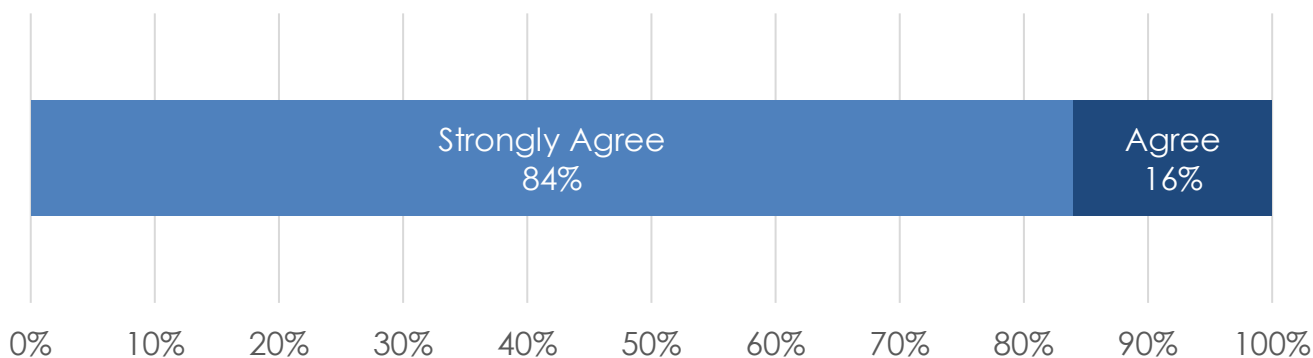
I looked at JPEC's website (judges.utah.gov) during this retention election season.

■ Yes (38) ■ No (7)

**Question 25****Answered: 38****Skipped: 10**

I was able to find my entry on JPEC's website (judges.utah.gov) easily.

■ Strongly Agree (32) ■ Agree (6)
■ Neither Agree Nor Disagree (0) ■ Disagree (0)
■ Strongly Disagree (0) ■ N/A (0)



Question 26**Answered: 38****Skipped: 10**

I think the summary information presented on JPEC's website (judges.utah.gov) is an accurate representation of my evaluation results.

■ Strongly Agree (20)

■ Agree (14)

■ Neither Agree Nor Disagree (1)

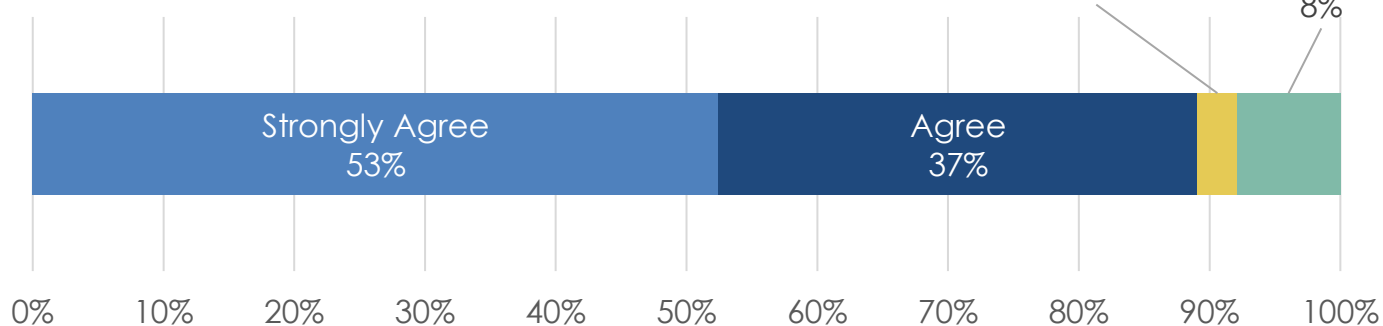
■ Disagree (3)

■ Strongly Disagree (0)

■ N/A (0)

Neither Agree
nor Disagree
3%

Disagree
8%

**Question 27****Answered: 7****Skipped: 41**

Feel free to make suggestions for improvements to JPEC's website (optional).

Respondent ID	Comment
84753	I think in an effort to differentiate the judges negative comments are overemphasized. I think that comes thru in the narratives. Very few attorneys were critical, but those few seemed overrepresented in the narrative.
93659	None
95016	The summary information seems like the most important part of the overall evaluation for the general public. Yeah that summary seems rather subjective in many cases.
82873	n/a
49720	None
26287	This is not a criticism of JPEC, but I was surprised at how many people I know had no idea that you could look up judges and the reviews. Most people didn't know that reviews were even done. I am troubled by the number of people who simply vote NO on everyone.



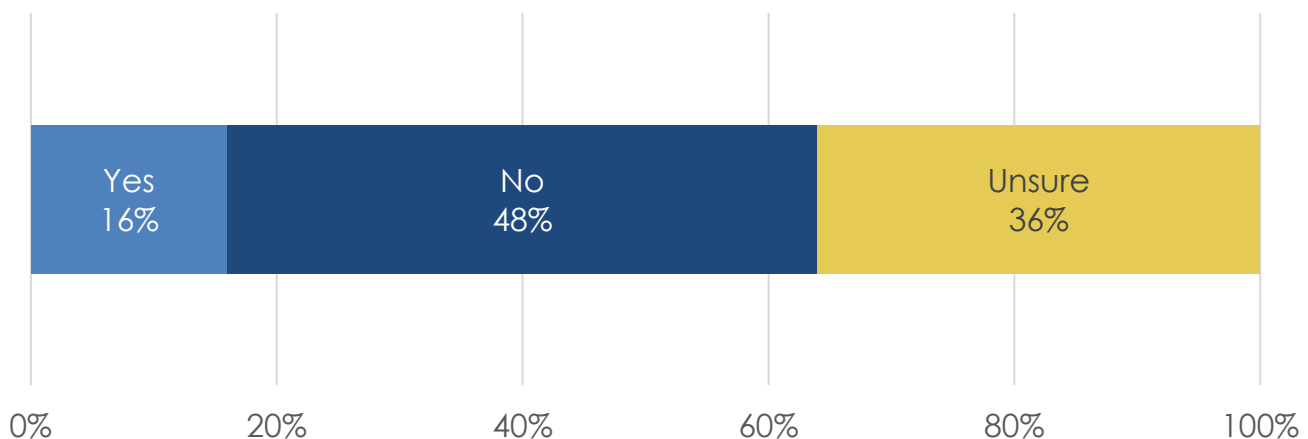
Question 27 (cont.)**Respondent ID Comment****50559**

See my comments above. That attorney rating percentage is not even remotely fair or accurate as an evaluation of judicial performance. It reflects in part whether attorneys feel they are receiving adequate special treatment by the judge and winning their cases, especially against unrepresented parties. How is it fair to take the ratings that stem from less than 2% of the cases in my court (attorneys other than the public defender) and ignore the other 98% when giving this rating in the summary? It was clear from the comments in my report that at least two attorneys voted against me in that percentage because I wasted their valuable time by explaining complex procedure to an unrepresented party. I actually have had more than one attorney tell me that the vast majority of people in my court are not entitled to understand what is happening in their case and than an unrepresented party in my court should either hire an attorney or go to law school themselves. By giving all of the practical weight to the attorney rating, the current JPEC summary actually punishes judges who try to do the right thing by giving procedural due process to everyone and not just the attorneys or those wealthy enough to afford attorneys.

Question 28**Answered: 44****Skipped: 4**

Are there other sources of information regarding judicial performance that you feel would be important for the commission to consider in its review?

■ Yes (7) ■ No (21) ■ Unsure (16)



Question 29**Answered: 11 Skipped: 37**

What other sources of information regarding judicial performance should JPEC consider when conducting its review?

Respondent ID	Comment
33415	Courtroom observers need better training or exposure to courts before used
76106	Unsure
40410	Maybe interviews of persons from the 360 review process.
55432	Generally speaking, JPEC should try to widen the base/number of people who are invited to respond and provide input, and try to widen the number of people who actually DO respond. When only a small number respond, the results can be skewed.
88099	Input from other judges. They may have information about the judge's work off the bench or their continuing education participation.
63568	I think colleagues on the bench should be able to weigh in as survey respondents, especially for the appellate bench that works collaboratively.
50414	Committee work, peer review, community engagement
30246	I wish there was some way to address the issue of those voters who vote "no" on all of the judges on the ballot. I think JPEC solicits information to give voters enough information on retention decisions for individual judges, but is there additional information that should be solicited more generally to let voters know what the consequence of a no vote actually is?
43853	Hopefully the sources are broad and represent all who appear before the court.
50559	More effort must be made to understand how everyone feels they are treated by the court system and not just the 2% (the attorneys). I know that is a very difficult task and presents many challenges given that no defendant is going to love the fine or jail time that they receive, but it makes no sense in this day and age that we have such an elitist system that really only values attorney input, especially in Justice Court, because those attorneys are very seldom present in court and handle so little of the cases in court. The average defendant, who often has to stay for the majority of the calendar, see much of the court than one of these attorneys who strolls in very late, expects to completely jump the cue and be heard immediately, and then is out again in about 5 minutes.



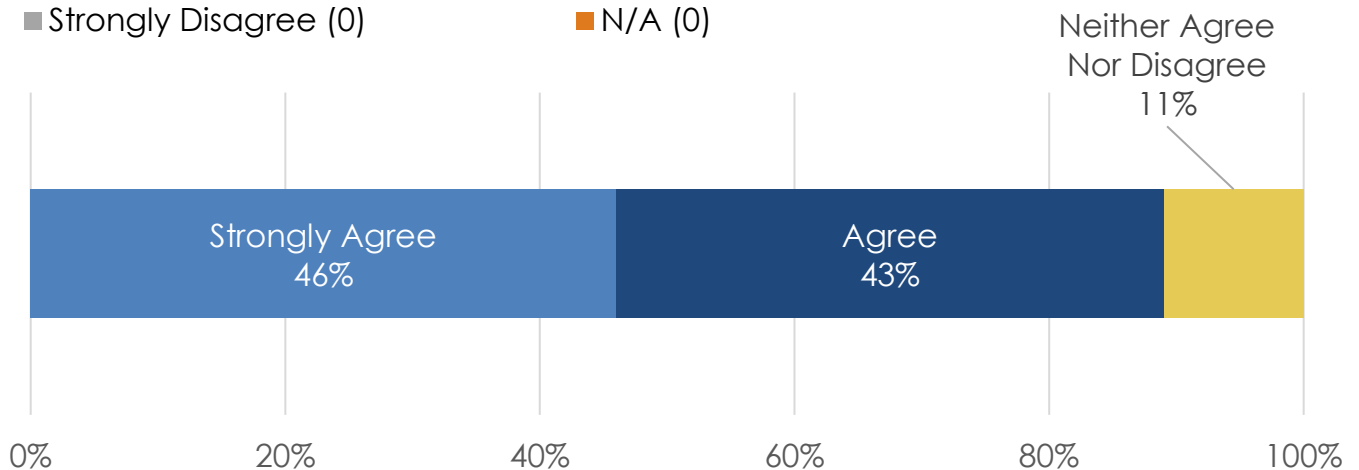
Question 29 (cont.)**Respondent ID Comment****93659**

This is more of an observation about an attachment to my report. There was an 100 plus page attachment to my report that I thought would confuse anyone who read it. It was a rambling, disjointed and inflammatory statement indicating the writer's opinion that another Judge and I were part of the "Mafia." If you read it, most would realize that the writer was likely mentally unstable. My comment is that I don't think statements that are inflammatory and unfounded, in this case clearly unsupported and whimsical, should be attached to the report without some review that determines that report is based on some fact or at has some value. I thought anyone reading it would have questioned why did they commission waste time attaching this to the report is they did not believe there was some merit to the comment. Maybe there should be some form of evaluation, criteria or other process to filter out reports that are entirely unfounded, fictional rantings of someone clearly mentally unstable.

Question 30**Answered: 44 Skipped: 4**

Overall, I am satisfied with my retention performance evaluation experience with JPEC.

- Strongly Agree (20)
- Agree (19)
- Neither Agree Nor Disagree (5)
- Disagree (0)
- Strongly Disagree (0)
- N/A (0)



Question 31**Answered: 11 Skipped: 37**

Please provide any other thoughts or suggestions – on any aspect of the judicial performance evaluation process (optional).

Respondent ID	Comment
64272	The process, no matter how many times one has been through it, is unnerving. JPECs approach is always professional, thorough and geared toward continual improvement of the process and final report. The caliber of the work is noted and appreciated.
95782	There are problems in any review process, but overall did a very good job.
93659	*No. But see my note on #27.
63568	I would like courtroom observation in the appellate courts to get feedback on my temperament and demeanor.
49720	None
82873	n/a
55432	I would like to see the public comments by Jennifer Yim and others (when they go on the news or write articles for the paper) be more judge-friendly. It wouldn't hurt to stop saying things like "this is a minimum threshold review" and start saying more things about how rigorous the appointment process is to begin with and that we generally have a good, highly-qualified judiciary and that it is no surprise that most judges get the thumbs-up from JPEC. This kind of language would reflect well not only on judges but also on JPEC and help insulate from the "well they say yes to everyone" criticism. I think it would also help to make clearer to voters (some of whom I know don't understand this) that a "NO" vote means you want the judge to be fired (rather than, say, get add'l training or some lesser sanction).
30246	I am hopeful there is a way for JPEC to be more vocally supportive of our judicial selection process generally. We don't want elections and all the problems associated with picking judges that way and I would hope JPEC could more readily combat the notions that "you should just vote no on all the judges" and "a no vote just means the the judge will have to undergo training or be evaluated." I realize that JPEC can't easily overcome disinformation or voter ignorance, but the judges don't really have a way to fight back against this and hopefully JPEC can help.

* Based on the comments provided, the respondent may have meant question 29.



Question 31 (cont.)

Respondent ID	Comment
98550	I do not believe that the process fairly considers the substantial vetting process that precedes every judicial appointment. I also do not believe that the evaluation criteria are understood by a majority of the public, and that the more complex the evaluations become the less they are understood or even considered.
42106	For example, an observer was concerned when it appeared that I read my decisions as though they had been written in advance. Sometimes my hearings are "Ruling Hearings" when in fact I do read a ruling that I wrote after taking a matter under advisement. The observer apparently jumped to a different conclusion and that made it into my report. Several comments by observers make it clear that they do not know what they are observing but still proceed to comment. My midterm included a comment that I did not dress well. I thought that odd in that rarely anyone sees me not in a robe. I found that comment not only sexist but also not accurate. Some comments are just not helpful to include.
50559	JPEC does a wonderful job for the most part, and I love what they are able to do with the Court Observers. Also, most of the report was great and very helpful and useful. However, having a few attorneys vote against my retention who admittedly don't spend any time in my courtroom (but who still felt they could vote and evaluate me) based primarily on the fact that I took the time to do what the Constitution requires and ensure procedural fairness in my court was just extremely unfair as a rating. Then the big mistake that JPEC makes is elevating that rating to to summary so that it is the one of the few things that almost every voter will see. Maybe that works for district courts in which 90% of the parties are represented by legal counsel, but it is extremely unfair and counterproductive in many ways for the justice courts in which the most attorneys making those ratings account for less than 1% of the cases in the court.



Tab 5

Agenda

JUDICIAL COUNCIL APRIL 2021 PROBLEM SOLVING COURT CERTIFICATION

The following courts meet all REQUIRED AND PRESUMED BEST PRACTICES:

ADULT DRUG COURT	MILLARD COUNTY, FILLMORE	ADC1MILLARD	HOWELL
ADULT DRUG COURT	JUAB COUNTY, NEPHI	ADC1JUAB	HOWELL
ADULT DRUG COURT	UTAH COUNTY, PROVO	ADC1UTAH	HOWELL
ADULT MENTAL HEALTH	SALT LAKE COUNTY, SLC	AMHC1SALTLAKE	TREASE
ADULT MENTAL HEALTH	SALT LAKE COUNTY, SLC	AMHC2SALTLAKE	BRERETON
FAMILY DEPENDENCY	WEBER COUNTY, OGDEN	JFDDC1WEBER	JENSEN

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

COURT LOCATION: MILLARD COUNTY, FILLMORE

COURT NUMBER: ADC1MILLARD

JUDGE NAME: HOWELL

REVIEW DATE: APRIL, 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 <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	#	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"/>	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	#	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"/>	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 <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.
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
ADULT DRUG COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: JUABCOUNTY, NEPHI

COURT NUMBER: ADC1JUAB

JUDGE NAME: HOWELL

REVIEW DATE: APRIL, 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.
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			other appearances or administrative reviews when the judge is unavailable.	
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X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
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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.*
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			such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	
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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"/>	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.
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X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
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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.*
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			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.

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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.

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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	#	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"/>	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.

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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
ADULT DRUG COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: UTAH COUNTY, PROVO

COURT NUMBER: ADC1UTAH

JUDGE NAME: HOWELL

REVIEW DATE: APRIL, 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.
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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	#	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"/>	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	#	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"/>	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.

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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: SALT LAKE COUNTY, SALT LAKE CITY

COURT NUMBER: AMHC1SALT LAKE

NAME: TREASE

REVIEW DATE: APRIL, 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. USE IT BUT NOT A POLICY	
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.*

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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.
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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.
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X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
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 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 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. MOST ARE UNABLE TO WORK	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.
<input type="checkbox"/>	X	16	The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. WORK IN PROGRESS	II.B. X.E.

UTAH JUDICIAL COUNCIL
MENTAL HEALTH COURT CERTIFICATION CHECKLIST

REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: SALT LAKE COUNTY, SALT LAKE CITY

COURT NUMBER: AMHC2SALT LAKE

NAME: BRERETON

REVIEW DATE: APRIL, 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. USE IT BUT NOT A POLICY	
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.

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
			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	#	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"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court. HOWEVER MOST ARE UNABLE TO WORK	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	#	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"/>	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.

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"/>	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 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 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. MOST ARE UNABLE TO WORK	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.
<input type="checkbox"/>	X	16	The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. WORK IN PROGRESS	II.B. X.E.

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

COURT LOCATION: WEBER COUNTY, OGDEN

COURT NUMBER: JFDDC1WEBER

JUDGE NAME: JENSEN (TOOK OVER FOR DILLON)

REVIEW DATE: APRIL, 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 <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.

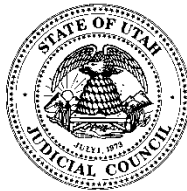
YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories 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 adjudication of Child Welfare Petition>	
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.
X	<input type="checkbox"/>	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. (New child welfare cases)	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	#	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"/>	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.
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	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.*
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.
<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.

Tab 6

Agenda

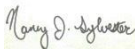


Administrative Office of the Courts

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: April 14, 2021
Re: Certification of New Senior Judge Applicants

Justice court **Judge Scott J. Cullimore**, who retired April 2, 2021, has applied for active senior judge status. District court **Judge Ernie Jones**, who retired March 16, 2021 has also applied for active senior judge status.

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

Neither judge has complaints pending before the Utah Supreme Court or the Judicial Conduct Commission. The Board of Justice Court Judges is reviewing Judge Cullimore's application. I expect that it will recommend his appointment but I will advise if that is not the case.

Both judges' applications are attached and certification appears to be appropriate.

As an aside, the Council will note that the judges' applications look different. I am working on improving the certification process by making the application more accessible through Google Forms. Judge Jones is the first to use the new form. I can see that it has some readability issues in its current state, so I will continue to refine it.

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.

NEW APPLICANTS



**Senior Justice Court Judge Application
Active Status**

I, Scott J. Cullimore, apply for the office of active senior judge and declare as follows:

- (1) I was certified by the Judicial Council for retention election or reappointment the last time the Council considered me for certification.
- (2) I voluntarily resigned from judicial office, was laid off pursuant to a reduction in force, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, recovered from or have accommodated that disability.
- (3) I demonstrate appropriate ability and character.
- (4) I was in office for at least five years.
- (5) I comply with the restrictions on secondary employment provided by the Utah Code.
- (6) I am physically and mentally able to perform the duties of judicial office.
- (7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- (8) I am a current resident of Utah.
- (9) I will satisfy the education requirements of an active justice court judge.
- (10) I will accept assignments, subject to being called, at least two days per calendar year.
- (11) *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.

- (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 recommended for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- (14) I will continue to meet the requirements for certification as those requirements are determined by the Judicial Council to apply to active senior justice court judges.
- (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 four years in office, whichever is greater. and

- (17) I did not resign from office as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause. Nancy's note: Judge Cullimore turns 75 this year.
- (18) I will submit relevant information as requested by the Judicial Council.
- (19) My date of birth is [REDACTED] and my retirement date is April 2, 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 NA orders of discipline against me entered by the Supreme Court, and I have attached a copy of each.
- (23) The address at which I can be contacted after retirement is:
[REDACTED]

My email address and phone number are: [REDACTED]

JUDICIAL PERFORMANCE EVALUATION INFORMATION

I further declare as follows:

- (24) I have not had more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year; and
- (25) I have had no cases under advisement more than six months 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. **Please see attached addendum.**

2018	2019	2020

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

- (29) I have attended the spring conference in the years indicated. **Please see attached addendum.**

2018	2019	2020

- (30) 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 understand that the Judicial Council may review my recent judicial performance evaluations in connection with my application. I also waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission be sent to the person shown below, if requested.

Date

3-29-2021

Signature

Scott Kullimore

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; Fax: 801-578-3843

Addendum to Senior Justice Court Judge Application for Judge Scott J. Cullimore.

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

Nancy's note: The Education Department said Judge Cullimore's FY2019 reporting is in error. He indicates here that he received only 27 hours, but in reality, he was fully compliant with the 30 hour requirement.

2017: 37.5 (hours were tracked for a calendar year)

2018: 43 (hours were tracked for a calendar year)

FY 2019: 27 (FY19 hours were tracked from July 2018 to June 30, 2019)

FY 2020 (FY20 education hours were suspended from July 1, 2019 to June 30, 2020)

FY 2021: 26.65 (FY21 hours are tracked from July 1, 2020 to June 30, 2021)

Because of the Pandemic education hours were suspended from July 1, 2019 to June 30, 2020.

I attended the virtual Annual Judicial Conference on September 23, 24 and 25, 2020. I have also attended Domestic Violence Training that was offered on 2-19-2021. I have attended the Justice Court Task Force Update (Part 1) that was offered on 3-5-2021. I have attended the Legislative Update offered on 3-26-2021. I am planning to attend the additional training that is scheduled for 4-27-2021, 4-28-2021 and 4-29-2021.

I have always earned more education hours than were required of me throughout my 24 years as a Justice Court Judge and will continue to earn the statutory hours required of a Justice Court Judge if granted Senior Judge Status.

Question 29. I have attended the Spring Conference in 2018, 2019. The Spring Conference was cancelled in 2020 because of the Pandemic, but I attended the Annual Judicial Conference on September 23, 24 and 25, 2020. I will attend all of the education sessions for the Spring Conference in 2021.

District and Juvenile Court ACTIVE Senior Judge Application

Active senior judge status allows you to hear and determine cases and to perform weddings and oaths.

The declarations on the form reflect the qualifications established by rule 11-201 of the Utah Code of Judicial Administration. Please review them to confirm that they all apply and fill in any information requested. You should fill in your education hours based on your records or best recollection.

Your application will be considered first by the Judicial Council and then by the Supreme Court. You will receive an oath of office form if the Court approves your appointment.

PLANNED LEAVES OF ABSENCE: A judge applying for active senior judge status must elect inactive status during any planned leaves of absence if they could interfere with the judge's ability to fully comply with annual education requirements or the judge's ability to meet the judge's minimum senior judge service days.

The respondent's email address (**ejones@utcourts.gov**) was recorded on submission of this form.

NAME: Please provide your name below.

Ernie Jones

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

03 / 16 / 2021

AGE 75: Please provide the year you will, or did, turn 75.

2022

CONTACT PHONE: Please provide your phone number. (ADMINISTRATOR: This information MUST BE REDACTED before being provided to the Judicial Council.)

[REDACTED]

CONTACT EMAIL: Please provide your email address. (ADMINISTRATOR: This information MUST BE REDACTED before being provided to the Judicial Council.)

[REDACTED]

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of ACTIVE Senior Judge and declare as follows (check ALL that apply): *

- ☒ 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.
- ☒ 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 recommended 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) I have not been subject to any order of discipline for conduct as a senior judge.

- ☒ 21) There 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.

Untitled Title

IF APPLICABLE, please explain why you DID NOT check any of QUALIFICATIONS the boxes above. In other words, please explain why any of the qualifications/declarations above do not apply to you. Please include the qualification/declaration number.

.....

JUDICIAL PERFORMANCE EVALUATION: I further declare as follows (check ALL apply): *

- ☒ A) I have held no more than three cases per calendar year under advisement more than two months after submission.
- ☒ B) I have held no cases under advisement more than 180 days after submission.
- ☒ C) I am in substantial compliance with the Code of Judicial Conduct.
- ☒ D) I am physically and mentally fit for office.

IF APPLICABLE, please explain why you DID NOT check any of the JUDICIAL PERFORMANCE EVALUATION boxes above. In other words, please explain why you HAVE NOT met any of the performance standards. Please include the standard letter(s).

.....

YEAR 1 EDUCATION: My education hours for the current fiscal year (July 1-June 30) are: *

30 or more ▼

YEAR 2 EDUCATION: My education hours for the last fiscal year (July 1-June 30) were: *

Fewer than 30 ▼

Nancy's note: Although Judge Jones indicates that he did not receive 30 hours over the past two years, I believe he wrote this in error. After speaking with him, I am confident that he has been in compliance with education requirements, especially in light of reporting periods changing and the pandemic.

YEAR 3 EDUCATION: My education hours 2 years ago (fiscal year July 1-June 30) were: *

Fewer than 30 ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during any of the three fiscal years listed above. Please include any planned courses for the current fiscal year.

I'm in my first year of retirement.

PLANNED LEAVES OF ABSENCE: Please check the box to indicate acknowledgement. *



I understand that I must request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education or minimum senior judge service day requirements.

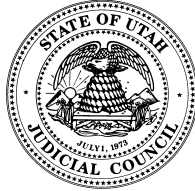
ELECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME

Ernie W. Jones

This form was created inside of Utah State Courts.

Google Forms

Tab 7



Administrative Office of the Courts

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

April 18, 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

Policy and Planning recommends that rule 2-211 be approved as final with a May 1, 2021 effective date, and recommends that rules 10-1-502 and 10-1-602 be repealed on an expedited basis with a May 1, 2021 effective date, followed by a 45-day comment period.

CJA 2-211. Compliance with the Code of Judicial Administration and the Code of Judicial (AMEND)

In the 2020 legislative session, the legislature mandated that certain policies apply to judges and court employees. It also mandated the incorporation of processes followed by other agencies. The Supreme Court added the abusive conduct policy to the Code of Judicial Conduct (CJC). Policy and Planning recommended amending CJA rule 2-111 slightly to allow all employees to report failures to comply with the CJC to the presiding judge of the Council.

The Judicial Council approved sending the proposed amendments to rule 2-111 out for public comment at the same time as the Court's companion amendments to the CJC. Following a 45-day comment period, one non-substantive comment was received. Policy and Planning adopted most of the commenter's proposed amendments and made additional changes to ensure the employee reporting structure matches the discrimination and harassment reporting structure in HR policy 550(6).

CJA 10-1-502. Orders to show cause (REPEAL)

CJA 10-1-602. Orders to show cause (REPEAL)

The Supreme Court approved revisions to [URCP rule 7, and created new URCP rules 7A and 7B](#). Rules 7A and 7B create a new, uniform process for enforcing court orders through regular motion practice. They replace the current order to show cause process found in Rule 7(q) and in the two local court rules listed above (the 2 local rules are identical). All three rules will be effective on May 1, 2021.

The 5th District bench requested that their local rule, 10-1-502, not be repealed. The 6th District bench prefers their local rule, 10-1-602, but is not objecting to its repeal. The 5th District bench expressed concerns that a repeal would result in a delay in resolving alleged court order violations as stated below:

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

“Under our local rule the moving party seeks and obtains the OSC ex parte but the OSC most often requires an appearance by the other party within just a couple of weeks. Under the new Rules no hearing can be held until more than 28 days after the OSC is issued, unless the Judge assigned to the case personally reviews the file and the pleadings to see if an exception to the time requirements of the rule should be granted. Furthermore, the Judge will have no idea how much time to allocate to the hearing without a conference with the parties. Our local Rule requires a brief court appearance by the parties, usually on a law and motion calendar. At that initial appearance on the OSC a hearing can be scheduled, if the allegations are denied, and an estimate provided by the parties of the time needed for a trial. The new rules appear to require an evidentiary hearing in every case, without any guidance regarding the time needed for that trial unless the Judge conducts the telephonic scheduling conference. I know the Rules authorize a decision on oral argument but the Judge won't know if there are evidentiary issues to be resolved until the hearing or the telephonic conference. I think the new Rules are going to require a lot more Judge time than our local Rule and result in a delay in resolving claimed court order violations.”

After careful consideration, Policy and Planning recommends that both local rules be repealed. The Committee feels that CJA rules should not conflict with the URCP and that rules of procedure should be uniform across the state. However, the Committee invited the 5th and 6th district benches to propose revisions to their local rules that are supplemental to the URCP if they feel a local rule is necessary to more efficiently manage their dockets.

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

Rule 2-211. Compliance with the Code of Judicial Administration and the Code of Judicial Conduct.

Intent:

To establish the authority of the presiding officer, the Management Committee and the Council to take corrective action in the event of non-compliance with this Code or the Code of Judicial Conduct.

Applicability:

This rule shall apply to judicial and quasi-judicial officers.

Statement of the Rule:

(1) Allegations of failure to comply with the provisions of this Code and the Code of Judicial Conduct may be reported by any court employee verbally or in writing by any of the following methods:

(1)(A) By contacting directly any supervisor or member of management with whom the employee is comfortable reporting such matters;

(1)(B) By contacting any Human Resource representative;

(1)(C) By contacting directly, any member of AOC management, including any court level administrator;

(1)(D) By contacting the State Court Administrator, Deputy State Court Administrator, or Assistant State Court Administrator; or

(1)(E) By contacting any commissioner, judge or justice.

(2) Supervisors, members of management, Human Resource representatives, and court level administrators shall promptly submit allegations reported under paragraph (1) verbally or in writing to the State Court Administrator, the Deputy State Court Administrator, or Assistant State Court Administrator.

(3) The State Court Administrator, Deputy State Court Administrator, and Assistant State Court Administrator shall promptly submit allegations reported under paragraph (2) submitted to the presiding officer of the Council by Council members, the chairs of the Boards, presiding judges, the court administrator or the Judicial Conduct Commission.

(4) The presiding officer of the Council, in consultation with the Management Committee, has the discretion to dismiss the allegations, investigate the allegations, take appropriate corrective action or submit the matter to the Council for consideration. Where corrective action is taken, the presiding officer shall report to the Council in executive session the nature of the problem

45 and the corrective action taken. Information which identifies the person who submitted the
46 allegation and ~~the~~ individual against whom corrective action is taken may be omitted from the
47 report.

48
49 (~~53~~) The Council shall convene in executive session to review those allegations of non-
50 compliance submitted by the presiding officer pursuant to paragraph (2) and, upon a majority
51 vote, direct dismissal of the allegations, investigation of the allegations, corrective action or
52 referral to the Judicial Conduct Commission. Allegations of non-compliance shall be referred to
53 the Conduct Commission only after consideration by the Council and upon a majority vote of its
54 members.

55
56 (~~64~~) The presiding officer of the Council is empowered to implement any corrective action
57 recommended by the executive management committee or the Council.

58
59 (~~75~~) If the allegations involve inappropriate behavior toward the person who submitted the
60 allegations, the presiding ~~judge-officer~~ shall notify the person whether corrective action was
61 taken. The person may ask that any decision made by the presiding officer be reviewed by the
62 Council.

63
64 *Effective May/November 1, 20__*

~~Rule 10-1-501. Orders to show cause.~~

~~Intent:~~

~~To describe the process for requesting an order to show cause.~~

~~Applicability:~~

~~This rule shall apply to the Fifth District Court.~~

~~Statement of the Rule:~~

~~(1) **Motion.** A party who seeks to enforce an order or a judgment of a court against an opposing party may file an ex parte motion for an order to show cause. The motion must be filed with the same court and in the same case in which that order or judgment was entered. The motion shall be made only on an ex parte basis, and the procedures of Rule 7 of the Utah Rules of Civil Procedure shall not apply.~~

~~(2) **Affidavit.** The motion for an order to show cause must be accompanied by at least one supporting affidavit. Each supporting affidavit must be based on personal knowledge and must set forth admissible facts and not mere conclusions. At least one supporting affidavit must state the title and date of entry of the order or judgment which the moving party seeks to enforce.~~

~~(3) **Order.** The motion for an order to show cause must be accompanied by the proposed order to show cause, which shall:~~

~~(3)(A) state the title and date of entry of the order or judgment which the moving party seeks to enforce;~~

~~(3)(B) specify the relief sought by the moving party;~~

~~(3)(C) order the opposing party to make a first appearance in court at a specific date, time and place and, then and there, to explain why or whether the opposing party acted or failed to act in compliance with such order or judgment;~~

~~(3)(D) order the opposing party to appear personally or through legal counsel at the first appearance;~~

~~(3)(E) state that no written response to the motion and order to show cause is required;~~

~~(3)(F) state that the first appearance shall not be the evidentiary hearing, but shall be for the purpose of determining~~

~~(3)(F)(i) whether the opposing party contests the allegations made by the moving party,~~

~~(3)(F)(ii) whether an evidentiary hearing is necessary,~~

~~(3)(F)(iii) the specific issues to be resolved through an evidentiary hearing, and~~

~~(3)(F)(iv) the estimated length of any such evidentiary hearing; and~~

~~(3)(G) state whether the moving party has requested that the opposing party be held in contempt and, if such a request has been made, recite that the sanctions for contempt may include, but are not limited to, a fine of \$1000 or less and a jail commitment of 30 days or less.~~

~~(4) **Service.** If the court grants the motion and issues an order to show cause, the moving party must have the order, the motion and all supporting affidavits served upon the opposing party. Service shall be made in the manner prescribed for service of a summons and complaint, unless the moving party shows good cause for service to be made by mailing or delivery to the opposing party's counsel of record and the court so orders. The date of the opposing party's first appearance on the order to show cause may not be sooner than five days after service thereof, unless:~~

~~(4)(A) the motion requests an earlier first appearance date,~~

~~(4)(B) it clearly appears from specific facts shown by affidavit that immediate and irreparable injury, loss, or damage will result to the moving party if the first appearance is not held sooner than five days after service of the order to show cause, and~~

~~(4)(C) the court agrees to an earlier first appearance date.~~

~~(5) **First Appearance.** The opposing party's first appearance on the order to show cause, at the date, time and place stated therein, shall not be the evidentiary hearing. At the first appearance, the court shall determine:~~

~~(5)(A) whether the opposing party contests the allegations made by the moving party,~~

~~(5)(B) whether an evidentiary hearing is necessary,~~

~~(5)(C) the specific issues to be resolved through an evidentiary hearing, and~~

~~(5)(D) the estimated length of any such evidentiary hearing. The court may order the parties to file memoranda on legal issues before the evidentiary hearing. If the opposing party does not contest the allegations made by the moving party, the court may proceed at the first appearance as the circumstances require.~~

~~(6) **Evidentiary Hearing.** At the evidentiary hearing on a contested order to show cause, the moving party shall bear the burden of proof on all allegations which are made in support of the order.~~

89

90 ~~(7) **Limitations.** An order to show cause may not be requested in order to obtain an original~~
91 ~~order or judgment; for example, an order to show cause may not be used to obtain a temporary~~
92 ~~restraining order or to establish temporary orders in a divorce case. This rule shall apply only in~~
93 ~~civil actions, and shall not be applied to orders to show cause in criminal actions. This rule does~~
94 ~~not apply to an~~ order to show cause issued by a court on its own initiative.

~~Rule 10-1-602. Orders to show cause.~~

~~Intent:~~

~~To describe the process for requesting an order to show cause.~~

~~Applicability:~~

~~This rule shall apply to the Sixth District Court.~~

~~Statement of the Rule:~~

~~(1) **Motion.** A party who seeks to enforce an order or a judgment of a court against an opposing party may file an ex parte motion for an order to show cause. The motion must be filed with the same court and in the same case in which that order or judgment was entered. The motion shall be made only on an ex parte basis, and the procedures of Rule 7 of the Utah Rules of Civil Procedure shall not apply.~~

~~(2) **Affidavit.** The motion for an order to show cause must be accompanied by at least one supporting affidavit. Each supporting affidavit must be based on personal knowledge and must set forth admissible facts and not mere conclusions. At least one supporting affidavit must state the title and date of entry of the order or judgment which the moving party seeks to enforce.~~

~~(3) **Order.** The motion for an order to show cause must be accompanied by the proposed order to show cause, which shall:~~

~~(3)(A) state the title and date of entry of the order or judgment which the moving party seeks to enforce;~~

~~(3)(B) specify the relief sought by the moving party;~~

~~(3)(C) order the opposing party to make a first appearance in court at a specific date, time and place and, then and there, to explain why or whether the opposing party acted or failed to act in compliance with such order or judgment;~~

~~(3)(D) order the opposing party to appear personally or through legal counsel at the first appearance;~~

~~(3)(E) state that no written response to the motion and order to show cause is required;~~

~~(3)(F) state that the first appearance shall not be the evidentiary hearing, but shall be for the purpose of determining~~

~~(3)(F)(i) whether the opposing party contests the allegations made by the moving party,~~

~~(3)(F)(ii) whether an evidentiary hearing is necessary,~~

~~(3)(F)(iii) the specific issues to be resolved through an evidentiary hearing, and~~

~~(3)(F)(iv) the estimated length of any such evidentiary hearing; and~~

~~(3)(G) state whether the moving party has requested that the opposing party be held in contempt and, if such a request has been made, recite that the sanctions for contempt may include, but are not limited to, a fine of \$1000 or less and a jail commitment of 30 days or less.~~

~~(4) **Service.** If the court grants the motion and issues an order to show cause, the moving party must have the order, the motion and all supporting affidavits served upon the opposing party. Service shall be made in the manner prescribed for service of a summons and complaint, unless the moving party shows good cause for service to be made by mailing or delivery to the opposing party's counsel of record and the court so orders. The date of the opposing party's first appearance on the order to show cause may not be sooner than five days after service thereof, unless:~~

~~(4)(A) the motion requests an earlier first appearance date,~~

~~(4)(B) it clearly appears from specific facts shown by affidavit that immediate and irreparable injury, loss, or damage will result to the moving party if the first appearance is not held sooner than five days after service of the order to show cause, and~~

~~(4)(C) the court agrees to an earlier first appearance date.~~

~~(5) **First Appearance.** The opposing party's first appearance on the order to show cause, at the date, time and place stated therein, shall not be the evidentiary hearing. At the first appearance, the court shall determine:~~

~~(5)(A) whether the opposing party contests the allegations made by the moving party,~~

~~(5)(B) whether an evidentiary hearing is necessary,~~

~~(5)(C) the specific issues to be resolved through an evidentiary hearing, and~~

~~(5)(D) the estimated length of any such evidentiary hearing. The court may order the parties to file memoranda on legal issues before the evidentiary hearing. If the opposing party does not contest the allegations made by the moving party, the court may proceed at the first appearance as the circumstances require.~~

~~(6) **Evidentiary Hearing.** At the evidentiary hearing on a contested order to show cause, the moving party shall bear the burden of proof on all allegations which are made in support of the order.~~

89

90 ~~(7) **Limitations.** An order to show cause may not be requested in order to obtain an original~~
91 ~~order or judgment; for example, an order to show cause may not be used to obtain a temporary~~
92 ~~restraining order or to establish temporary orders in a divorce case. This rule shall apply only in~~
93 ~~civil actions, and shall not be applied to orders to show cause in criminal actions. This rule does~~
94 ~~not apply to an order to show~~ cause issued by a court on its own initiative.

Tab 8

Agenda

MEMORANDUM

TO: MANAGEMENT COMMITTEE
FROM: JUDGE DAVID R. HAMILTON
SUBJECT: UNIFORM FINE COMMITTEE REPORT
DATE: 4/5/2021
CC: SHANE BAHR

On April 2 , 2021 the Uniform Fine Committee met via Webex with the following Committee members in attendance: Judge David R. Hamilton , chair , Judge Jennifer L. Valencia , Judge Michael S. Junk , Judge Brian E. Brower and Judge Jon R. Carpenter. The Committee was capably assisted by Shane Bahr, Clayson Quigley and Nikki Bizek. The Committee also received information and guidance from Keisa Williams and Michael Drecshel

The Committee undertook review and consideration of the following: 1. completion of application of the \$10 Security fee increase from 2020. 2. application of changes from the 2021 legislative session. 3. handling specific requests from external agencies. 4.”clean up” adjustments to make matters consistent between Coris , SMOT and related sources. As a result of the review the Committee recommends adjustments that will be presented in a format to be separately provided after completion by Clayson Quigley and Nikki Bizek .

The Committee further considered HB 0020, HB0026 and other recent legislative measures after discussion with Keisa Williams and Michael Drechsel. As a result of these discussions the Committee recommends adjustment of the Uniform Fine Schedule Preamble , as reflected in attachment “A”.

Respectfully submitted,
David R. Hamilton
District Judge
UF Committee Chair

UNIFORM FINE SCHEDULE

INTENT

It is the intent of the Uniform Fine Schedule to assist the sentencing judge in determining the appropriate fine to be imposed as a condition of the sentence in a particular case and to minimize disparity in sentencing for similar offenses and offenders. This schedule is not intended to supplant or to minimize a court's authority to impose a just sentence.

APPLICABILITY

These guidelines shall apply to all courts of record and not of record whenever a criminal fine may be imposed.

In determining whether a fine is appropriate to impose as a condition of the sentence for a public offense, a judge should consider several factors, including aggravating and/or mitigating circumstances set forth in the [Adult Sentencing and Release Guidelines](#), Tab 6, the cumulative effect of probation conditions, and the ability of the defendant to pay.

The amounts listed in the Uniform Fine Schedule may be used as a starting point for setting monetary bail as a condition of pretrial release, however, an individual's ability to pay must be considered **consistent with Appendix J of the Code of Judicial Administration**. ~~Utah Code section 77-20-1. Section 77-20-1 addresses additional pretrial release conditions and considerations.~~

In those parking, traffic, and infraction cases where the defendant is not required to appear and is mailed a citation indicating the fine amount, pursuant to Utah Code of Judicial Administration Rule 4-701, the amount may be increased \$50 if the defendant fails to appear or to pay within fourteen days after receiving the citation. The amount may be increased by an additional \$75 if the defendant fails to appear or to pay within forty days after receiving the citation. For information on how to calculate the surcharge on delinquent enhancements, contact the Administrative Office of the Courts.

TRAFFIC RELATED OFFENSES

Overweight Violations

The assessing court shall retain the first \$50 of the fine for offenses under Utah Code sections 72-7-404 and 72-7-406. The remainder of the fine shall be paid in accordance with Utah Code section 78A-7-120. *See Gross Weight Chart for fines.*

Traffic

A \$30 accident fee may be added to traffic violations resulting in an accident.

In either adult or juvenile court, if an accident has occurred, it may be considered by the court as an aggravating circumstance, and the fine/amount for the cited offense (which caused the accident) may be increased by the indicated amount.

All traffic offenses involving personal injury or death require a MANDATORY APPEARANCE.

A credit of \$8 ~~may~~ **must** be applied towards a fine imposed on any motor vehicle violation for the operator of a motorcycle or motor-driven cycle, class 3 electric assisted bicycle or autocycle not fully enclosed if the operator was 21 years old at the time of violation AND the operator was wearing protective head gear (Utah Code section 41-6a-1505), except for DUI offenses.

Nonresident Violator Compact

At the present time the following states are not members of the Nonresident Violator Compact (NRVC) and will not act on a request to suspend the driver's license of a person, who has been issued a traffic citation in the State of Utah and who failed to appear or contact the court on the citation: Alaska, California, Michigan, Montana, Oregon, and Wisconsin.

All other states, including the District of Columbia, are members of this compact and, with the exception of the following traffic offenses, will act on a request to suspend a driver license if the request reaches that state within six months of the date of the violation:

1. Those offenses requiring a mandatory appearance such as driving under the influence; failure to stop in the event of an accident causing death, personal injuries, or damage to property; and offenses that the directors of the compact have determined to require a mandatory appearance such as driving on suspension, driving on revocation, etc.
2. Parking or standing violations.
3. Highway weight limit violations.
4. Violations of the law governing the transportation of hazardous materials.

Because a request under the NRVC must reach a state within six months, it must be received by the Utah Driver License Division no later than 5 months after the issuance of the citation. There is no FTC in the NRVC, only FTAs. If partial payment is accepted by the court, that payment constitutes an appearance and the court cannot issue an FTC against the out-of-state driver.

PROCEEDING ON CITATION

Utah Code section 77-7-21 allows that in certain circumstances, a court may proceed with a matter on citation in lieu of an information. It states that where provided in the Uniform Fine Schedule, an individual may remit a fine without making a personal appearance before the court. Proceeding on citation, however, is permitted in limited cases and may not be allowed under circumstances specified in Utah Code section 77-7-21(1)(b).

For any class B or class C misdemeanor or any infraction listed as "Mandatory Appearance," the court may allow a defendant to voluntarily remit the fine and other penalties in lieu of appearance, unless the charge:

1. is a domestic violence offense;
2. is a DUI or driving with measurable controlled substance offense; or
3. appears to affect a victim or requires restitution.

For all other infractions, the court may allow the defendant to voluntarily remit the fine and other penalties in lieu of appearance.

SENTENCING

The felony matrix and misdemeanor matrix are guidelines for assessing penalties and fines after adjudication of a case requiring a mandatory appearance. The matrices include a broad range of fines from the statutory maximum to a base minimum within each category of offense. The matrices are to be used in conjunction with the criminal history assessment criteria. From the base financial sanction in each category, the schedules provide an escalation of the fine in correlation with the points accumulated in the criminal history criteria. The matrices also specify when both incarceration and a fine may be appropriate. Pre-sentence investigation reports include the criminal history data necessary to place the defendant's case on the matrix. In those cases where a pre-sentence report is not available, a defendant's criminal history should be verified before placing the defendant's case on the matrix. The defendant's ability to pay should be considered in determining whether or not to impose a fine and, if a fine is imposed, in establishing a payment plan.

CRIMINAL HISTORY ASSESSMENT FOR USE IN SENTENCING

The General Disposition Matrix, consistent with the Utah [Adult Sentencing and Release Guidelines \(Forms 1 & 5\)](#), classifies a defendant's criminal history in 5 categories from excellent (0-3 points), good (4-7 points), moderate (8-11 points), fair (12-15 points), and poor (16+ points). The appropriate classification is determined by summing points assessed in the Criminal History Scoring Section of Forms 1 & 5 of the Utah Adult Sentencing and Release Guidelines.

In assessing fines for Class A and B Misdemeanor offenses, excluding statutorily mandated fine amounts, the criminal disposition matrix is as follows:

GENERAL DISPOSITION MATRIX		
Misdemeanors		
CRIMINAL HISTORY	Class A Misdemeanors	Class B Misdemeanors
	Persons or Drugs	Persons or Drugs
POOR	\$2,500	\$1,000
FAIR	\$2,010	\$860
MODERATE	\$1,510	\$660
GOOD	\$1,010	\$460
EXCELLENT	\$510	\$260

THE AMOUNTS IN THIS MATRIX DO NOT INCLUDE THE SURCHARGE.

Additional Considerations in Assessing Fines:

- Fines for Class C Misdemeanors may be assessed from \$100 to \$750 using the same classification considerations per Utah Code section 76-3-301.
- Consider Jail on 2nd Offense.
- Fines for infractions may be assessed from \$0 to \$500.
- Credit is allowed towards fines for time served in jail at the rate of \$100 day.
- Credit is allowed towards fines for community service at a rate of not less than \$10/hr., per Utah Code section 76-3-301.7.

2021 UNIFORM FINE SCHEDULE

ANY OFFENSE NOT SPECIFICALLY NAMED ON THE FINE SCHEDULE AND NOT CONTAINED IN A SPECIFIC FINE SCHEDULE SHALL BE AS FOLLOWS:		
<u>FELONIES</u>	<u>FINE</u>	<u>COMMENTS</u>
• 1st degree with minimum mandatory sentence	\$25,000	Mandatory Appearance
• Other 1st degree	\$20,000	Mandatory Appearance
• 2nd degree	\$10,000	*Mandatory Appearance
• 3rd degree	\$5,000	*Mandatory Appearance
<u>MISDEMEANORS OTHER THAN LOCAL ORDINANCES</u>	Recommended/Maximum	
• Class A	\$1960/ 2500	*Mandatory Appearance
• Class B	\$690/1000	*Mandatory Appearance
• Class C	\$350/ 750	
• Infractions	**\$110/750	
<u>LOCAL ORDINANCES</u>	Recommended/Maximum	
• Class B	\$350/1000	*Mandatory Appearance
• Class C	\$180/750	
• Infractions	\$110/750	

* Unless otherwise authorized by Utah Code of Judicial Administration, Rule 7-301 and Utah Code section 77-7-21

** On an infraction, defendant cannot be held in jail in lieu of posting the fine.

***Local ordinances are subject to security surcharge.

****The amounts listed in the Uniform Fine Schedule may be used as a starting point for setting monetary bail as a condition of pretrial release, however, an individual's ability to pay must be considered in accordance with Utah Code section 77-20-1. Section 77-20-1 addresses additional pretrial release conditions and considerations.

Utah DUI Sentencing Table (Place holder)

GUIDE TO THE UNIFORM FINE SCHEDULE

The Uniform Fine Schedule is published in both .pdf (Adobe Acrobat) and .xls (Excel) file formats. The .pdf format is organized for ease of printing and the .xls format has been provided for ease in sorting. You can access these files at:

http://www.utcourts.gov/resources/rules/ucja/append/c_fineba/

Violation Code Column (Violation Code)

The code for the violation based on Utah statute.

Description Column (Description)

Description of the applicable violation.

Mandatory Appearance Column (Man App)

This column is marked Y (Yes) if a court appearance is required to resolve this offense or N (No) if no appearance is necessary and the offense can be resolved by paying the designated fine.

Default Severity Column (Deflt Sev)

The severity of the offense as determined by statute.

Suggested Fine Column, Includes Security Surcharge (\$60) (Suggest Fine)

The total Suggested Fine and Security Surcharge. This includes the \$60 security surcharge for justice courts.

Compliance Credit Column (Comp Credit)

This is the amount of credit given for complying with violation requirements prior to resolving the offense. The "Comment" column describes the compliance required.

Non-Moving Traffic Column (Non Mov)

This column is marked Y (Yes) if the offense is a non-moving traffic violation and N (No) if the offense is not a non-moving traffic violation. No surcharge should be imposed in non-moving traffic offenses. The Utah Judicial Council, through the designated Uniform Fine Committee, has the responsibility to define which offenses are moving and which are non-moving. They have

established definitions as follows: Moving violations involve an act or omission dealing with the actual driving of the motor vehicle, *e.g.*: failure to yield, speeding. Non-moving violations encompass status or conditions of the vehicle or driver license violations, *e.g.*: not registered, not licensed, broken equipment.

Surcharge Column (Surch)

Utah Code section 51-9-401(1)(a) provides that “[a] surcharge shall be paid on all criminal fines, penalties and forfeitures imposed by the courts.” It also provides that “[t]he surcharge shall be (i) 90% upon conviction of a (A) felony; (B) class A misdemeanor; (C) violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving; or (D) class B misdemeanor not classified within Title 41, Motor Vehicles, including violation of comparable county or municipal ordinances, or (ii) 35% upon conviction of any other offense, including violation of county or municipal ordinances not subject to the 90% surcharge.” Under the statute, a surcharge may not be imposed: “(a) upon non-moving traffic violations; (b) upon court orders when the offender is ordered to perform compensatory service work in lieu of paying a fine; and (c) upon penalties assessed by the juvenile court as part of the non-judicial adjustment of a case under Section 78A-6-602.”

Report to Driver License Division Column (DLD Rpt)

This column will be marked Y (Yes) if the offense is reportable to the Utah Driver License Division and N (No) if not reportable. All states and the Canadian Provinces are members of the compact that shares information regarding convictions for traffic violations. If the convicted violator has a Utah, an out-of-state, or a Canadian driver license, a record of a conviction for an offense with a “Y” in this column will be sent to the Utah Driver License Division within 10 days of the conviction or bail forfeiture. *See* Utah Code section 77-7-25 and Utah Code section 53-3-218.

A plea in abeyance in Utah will not assess points to a driving record. A plea in abeyance may be handled differently in the motorist’s home state.

Plea in Abeyance

For a Utah non-CDL (commercial driver license) driver:

A plea in abeyance does not assess points on the driver’s motor vehicle record (MVR).

For a CDL (commercial driver license) driver:

A plea in abeyance will be reflected as a citation on the MVR for a CDL driver because federal law prohibits the Driver License Division (DLD) from masking or deferring judgment for a traffic citation for CDL drivers. If the violation requires a mandatory CDL license disqualification, DLD will also take action on an abeyance.

For a non-resident, non-CDL driver:

A plea in abeyance disposition may or may not result in assessed points on a license issued in a NRVC (Non-Resident Violator Compact) state. Drivers should contact their home state driver license division to determine if a plea in abeyance disposition in Utah will be recognized as a conviction or a diversion.

Report to Bureau of Criminal Identification Column (BCI Rpt)

This column will be marked Y (Yes) if the offense is reportable to the Utah Bureau of Criminal Identification (BCI) and N (No) if it is not reportable. Offenses are determined reportable by the Utah Bureau of Criminal Identification.

Transportation Code (Trns)

This column is used to designate transportation requirements for individuals arrested in a county other than the county from which the warrant was issued. (Utah Code of Judicial Administration Rule 4-613.)

C - Requires transportation only within the county.

S - Requires transportation within the state.

Unless otherwise ordered by the court, warrants for the following offenses will require transportation from the county in which the defendant is arrested:

- felonies.
- class A misdemeanors.
- class B misdemeanors charged under Utah Code, Title 76, Chapter 5 (Offenses Against the Person), Title 76, Chapter 10, Part 5 (Weapons), and Title 41, Chapter 6a, Part 5 (Driving Under the Influence and Reckless Driving).

Unless otherwise ordered by the court, warrants for the following offenses will require transportation only within the county from which the warrant originates:

- class B misdemeanors not included in the felony, class A and B Misdemeanors noted above.
- class C misdemeanors.

Comment Column (Comments)

This field may contain comments regarding offense codes.

Violation Code	Description	Defl t Sev	Ma n App	Suggeste d Fine	Comp Credi t	Non Mo v	Surc h	DL D Rpt	BCI Rpt	Trn s	Comments
9-4-612	FRAUDULENTLY OBTAIN HOUSING BENEFITS	MB	Y	\$690	\$0	N	90%	N	Y	S	
9-8-305	EXCAVATE/REMOVE ARCHEOLOGICAL RESOURCE W	MB	Y	\$1,950	\$0	N	90%	N	Y	S	
10-3-1304	USE OF PUBLIC OFFICE FOR PERSONAL BENEFIT	MB	Y	\$690	\$0	N	90%	N	Y	C	
10-3-1305	UNLAW COMPENSATION TO ELECTED OFFICIAL	MB	Y	\$690	\$0	N	90%	N	Y	C	
10-9A-611	SALE OF SUBDIVIDED LAND BEFORE SUBDIVISION IS APPROVED	IN	N	\$350	\$0	N	35%	N	Y	C	
10-9A-802(2)(B)	BUILDING WITHOUT A PERMIT	IN	N	\$350	\$0	N	35%	N	N	C	
11-6-1	FAIL TO KEEP PAWNBROKER RECORDS	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-10-4(1)	TRANSFER OF RECORDED MATERIAL FOR PROFIT	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-10-4(2)	UNLAW SALE/DISTRIBUTE RECORDED MATERIAL	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-10-4(3)	UNAUTHORIZED RECORDING PRACTICES - EQUIPMENT RENTAL	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-10-6	UNAUTHORIZED RECORDING	MB	N	\$690	\$0	N	90%	Y	Y	C	
13-10-8	FAIL TO DISCLOSE ORIGIN OF A RECORDING	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-13-7	FAILURE TO PAY AS DIRECTED IN MOTION PICTURES ACT	IN	N	\$110	\$0	N	35%	N	N	C	
13-19-2	COMMERCIAL SHOPPING CART RETRIEVAL VIOLATION	IN	N	\$110	\$0	N	35%	N	N	C	
13-22-13	UNLAWFUL SOLICITATION TACTICS	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-22-4(1)	UNLAWFUL CHARITABLE SOLICITATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-22-5	ORGANIZATION REGISTRATION REQUIRED	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-26-8(1)(A)	TELEPHONE SOLICITOR PROHIBITED PRACTICES	MB	Y	\$690	\$0	N	90%	N	Y	C	Enhanceable offense
13-26-11	TELEPHONE FRAUD/SOLICITATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-32-103	PROHIBITED SALES - SWAP MEET	IN	N	\$210	\$0	N	35%	N	Y	C	
13-32-104	RETENTION OF RECEIPTS & TRANSACTIONS - SWAP MEET	IN	N	\$210	\$0	N	35%	N	Y	C	
13-32-105	FALSIFY/DESTROY RECORDS/RECEIPTS - SWAP MEET VENDOR	IN	N	\$350	\$0	N	35%	N	Y	C	
13-32A-104	REGISTER TO BE MAINTAINED/IDENTIFY ITEMS/PROHIBIT PAWN/SELL	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-32A-104(3)	FAIL TO MAINTAIN REGISTER OR SALE CERTAIN PROP WHEN PROHIBIT	MB	Y	\$690	\$0	N	90%	N	N	C	
13-32A-106	PAWN BUSINESS FAIL TO SUBMIT OR MAINTAIN INFORMATION	MB	Y	\$690	\$0	N	90%	N	N	C	
13-32A-106.5(3)(A)	CONFIDENTIALITY OF PAWN AND PURCHASE TRANSACTIONS	MB	Y	\$690	\$0	N	90%	N	Y	C	

13-32A-108	PAWN BROKER POLICE RETENTION OF RECORDS VIOLATION	MB	Y	\$690	\$0	N	90%	N	N	C	
13-32A-109	HOLDING PERIOD FOR ARTICLES IN PAWN	MB	Y	\$690	\$0	N	90%	N	N	C	
13-34-107(1)	POSTSECONDARY PROPRIETY SCHOOL VIOLATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
13-39-301(1)(A)	CHILD PROTECTION REGISTRY VIOLATION - FIRST OFFENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
17-23-15	REMOVAL OR DESTRUCTION OF GOV SURVEY MONUMENT	MC	N	\$350	\$0	N	35%	N	Y	C	
17-23-17(2)(A)(I)	FAILURE TO FILE MAP OF BOUNDARY SURVEY	MC	N	\$280	\$0	N	35%	N	Y	C	
17-30-22	POLITICAL COMPENSATION ACTIVITY VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
17-43-308	SHOCK TREATMENT, LOBOTOMY, OR SURGERY VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
17B-2A-821	FAILURE TO PAY FARE	IN	N	\$110	\$0	N	35%	N	Y	C	
19-4-109(7)(A)	REIMBURSEMENT FOR EXPENSES VIOLATION	MB	N	\$690	\$0	N	90%	N	Y	C	
20A-11-101.7(1)	CONCEALING CONTRIBUTORS IDENTITY ON CAMPAIGN CONTRIBUTION	MB	N	\$110	\$0	N	90%	N	Y	C	
20A-11-101.7(2)	CONCEALING CONTRIBUTORS IDENTITY ON CAMPAIGN CONTRIBUTION	MB	N	\$110	\$0	N	90%	N	Y	C	
20A-11-1103	FALSE STATEMENTS/RE-CANDIDATES FORBIDDEN	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-11-1305(2)(C)	FAIL TO FILE STATEMENT- STATE SCHOOL BOARD CANDIDATE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-11-1305(3)(C)	FAIL TO FILE STATEMENT- LOCAL SCHOOL BOARD CANDIDATE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-11-1604	FAIL TO DISCLOSE CONFLICT OF INTEREST/COMPLY WITH REPORTING	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-11-1605(4)(A)	REGULATED OFFICEHOLDER FAIL TO FILE FINANCIAL DISCLOSURE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-11-603(1)(A)	FAIL TO FILE PAC FINANCIAL STATEMENT BEFORE DEADLINE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-11-603(4)(A)	FAIL TO FILE OR AMEND A STATEMENT WITHIN 14 DAYS OF NOTICE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-11-803(1)(A)	FAIL TO FILE PIC FINANCIAL STATEMENT BEFORE DEADLINE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-11-803(4)(A)	FAIL TO FILE OR AMEND A STATEMENT WITHIN 14 DAYS OF NOTICE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-1-604	DESTROYING ELECTION PARAPHERNALIA	IN	Y	\$350	\$0	N	35%	N	Y	C	
20A-1-606(2)	NON-CANDIDATE WAGERING ON ELECTIONS	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-1-606(3)	WAGER ON ELECTION WITH INTENT TO PREVENT VOTE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-1-607	INDUCING ATTENDANCE AT POLLS-PAYMENT OF WORKERS	MB	Y	\$690	\$0	N	90%	N	Y	C	

20A-1-608	PROMISE OF APPOINTMENT TO OFFICE IN ORDER TO AID CANDIDATE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-1-610	AID, ABET VIOLATIONS OF VOTING CODE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-2-301(5)	FAIL TO DELIVER VOTER REGISTRATION	MB	N	\$690	\$0	N	90%	N	Y	C	
20A-3A-403(2)	FRAUDS AND MALFEASANCE IN VOTING BY ELECTION OFFICER	MB	N	\$690	\$0	N	90%	N	Y	C	
20A-3A-501	PROHIBITED VOTING ACTIVITY	MB	N	\$690	\$0	N	90%	N	Y	C	
20A-3A-502	INTIMIDATION/UNDUE INFLUENCE FOR VOTE OR REFRAIN FROM VOTE	MB	N	\$690	\$0	N	90%	N	Y	C	
20A-3A-503	EMPLOYER INFLUENCE OF EMPLOYEE'S VOTE	MB	N	\$690	\$0	N	90%	N	Y	C	
20A-3A-504	ALLOW BALLOT SHOW W/INTENT TO REVEAL VOTE- INTERFERE W/VOTER	MC	N	\$350	\$0	N	35%	N	Y	C	
20A-3A-506	FALSE INFORMATION OR PROVISIONAL BALLOT ENVELOPE	MB	N	\$690	\$0	N	90%	N	Y	C	
20A-11-206(6)(C)(I)	FAIL TO FILE OR AMEND REPORT BY STATE OFFICE CANDIDATE	MB	N	\$690	\$0	N	90%	N	Y	C	
20A-11-305(6)(C)(I)	FAIL TO FILE OR AMEND REPORT BY LEGISLATIVE OFFICE CANDIDATE	MB	N	\$690	\$0	N	90%	N	Y	C	
20A-17-102	REMOVE, ALTER, DEFACE, VANDALIZE A CAMPAIGN SIGN	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-17-102(1)	REMOVE, ALTER, DEFACE, VANDALIZE A CAMPAIGN SIGN	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-3-109(3)	INSTRUCTING VOTER	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-3-502	INTIMIDATION/UNDUE INFLUENCE FOR VOTE OR REFRAIN FROM VOTE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-3-503	EMPLOYER INFLUENCE OF EMPLOYEE'S VOTE	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-3-504	ALLOW BALLOT SHOW W/INTENT TO REVEAL VOTE- INTERFERE W/VOTER	MB	Y	\$690	\$0	N	90%	N	Y	C	
20A-3-506	FALSE INFORMATION ON PROVISIONAL BALLOT ENVELOPE	MB	Y	\$690	\$0	N	90%	N	Y	C	
23-13-13	COMMERCIALIZATION OF WILDLIFE UNLAWFUL	MB	N	\$690	\$0	N	90%	N	Y	C	
23-13-4	CAPTIVITY OF PROTECTED WILDLIFE UNLAWFUL	MB	N	\$690	\$0	N	90%	N	Y	C	
23-13-5	IMPORTATION OR EXPORTATION OF PROTECTED WILDLIFE	MB	N	\$690	\$0	N	90%	N	N	C	
23-15-4	FISH SCREEN INSTALLMENT VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
23-15-9	POSSESSION/TRANSPORTATION OF LIVE PROTECTED AQUATIC WILDLIFE	MB	Y	\$300	\$0	N	90%	N	N	C	
23-19-1	POSSESS OF LICENSES, CERT OF REGIST, PERMITS, AND TAGS REO	MB	N	\$300	\$0	N	90%	N	N	C	
23-19-1(1)	POSSESSION OF LICENSES, CERT OF REGIST, PERMITS AND TAGS REO	MB	N	\$300	\$0	N	90%	N	N	C	
23-19-1(2)	USE/TRANSFER/LEND HUNTING OR FISHING LICENSE/PERMIT/REGIS	MB	N	\$300	\$0	N	90%	N	N	C	

23-19-15	WILDLIFE AGENT VIOLATION	MB	Y	\$690	\$0	N	90%	N	N	C	
23-19-5	LICENSE,PERMIT,TAG,COR OBTAINED BY FRAUD.DECEIT.MISREPRESENT	MB	N	\$300	\$0	N	90%	N	N	C	
23-19-8	PROHIBITED USE OF UNSIGNED DOCUMENTS	MB	N	\$690	\$0	N	90%	N	N	C	
23-19-9(10)	UNLAWFUL PURCHASE OF A LICENSE WHILE ON REVOCATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
23-20-13	DESTROYING SIGNS OR PROPERTY OF DWR	MB	N	\$490	\$0	N	90%	N	Y	C	
23-20-14(2)(A)	TRESPASSING DURING WILDLIFE RELATED ACTIVITY	MB	N	\$260	\$0	N	90%	N	Y	C	
23-20-14(2)(D)	WRONGFUL POSTING OF PROPERTY	MB	N	\$690	\$0	N	90%	N	N	C	
23-20-15	DESTRUCTION OF PRIVATE PROPERTY	MB	N	\$490	\$0	N	90%	N	Y	C	
23-20-18	INTERFERING WITH AN OFFICER	MB	N	\$690	\$0	N	90%	N	Y	C	
23-20-19	FAIL TO STOP AT DWR ROADBLOCK OR CHECKING STATION	MB	N	\$370	\$0	N	90%	N	N	C	
23-20-20	CHILDREN ACCOMPANIED BY ADULTS WHILE HUNTING WITH WEAPON	MB	Y	\$650	\$0	N	90%	N	Y	C	
23-20-23	AIDING OR ASSISTING VIOLATION UNLAWFUL	MC	Y	\$350	\$0	N	35%	N	Y	C	
23-20-25	FAILURE TO PRODUCE LICENSE, DEVICE, AND WILDLIFE UPON DEMAND	MB	N	\$220	\$0	N	90%	N	Y	C	
23-20-29	UNLAWFUL INTERFERENCE WITH LEGAL HUNTERS/HUNTING ACTIVITY	MB	N	\$690	\$0	N	90%	N	N	C	
23-20-3	TAKE,TRANSFER,SELL,PURCHASE PROTECTED WILDLIFE	MB	Y	\$690	\$0	N	90%	N	Y	C	
23-20-3(1)(C)	ILLEGAL TAKE, TRANSPORT, SELL OR PURCHASE PROTECTED WILDLIFE	MB	Y	\$690	\$0	N	90%	N	N	C	
23-20-3(1)(G)	WANTON DESTR PROT WILDLIFE - OUT OF SEASON, BOUNDARIES. TIME	MB	Y	\$300	\$0	N	90%	N	N	C	
23-20-3.5	UNLAWFUL TAKING OF PROTECTED WILDLIFE WHILE TRESPASSING	MB	Y	\$690	\$0	N	90%	N	Y	C	
23-20-30	TAGGING REQUIREMENT VIOLATION	MB	Y	\$690	\$0	N	90%	N	N	C	
23-20-31	FAILURE TO WEAR SPECIFIED AMOUNT OF HUNTER ORANGE	MB	N	\$180	\$0	N	90%	N	N	C	
23-20-31(2)	FAILURE TO WEAR SPECIFIED AMOUNT OF HUNTER ORANGE	MB	N	\$180	\$0	N	90%	N	N	C	
23-20-4	WANTON DESTRUCTION OF PROTECTED WILDLIFE	MB	Y	\$690	\$0	N	90%	N	Y	C	
23-20-8	WASTE OF WILDLIFE	MB	N	\$690	\$0	N	90%	N	N	C	
23-23-10	HUNTING ON COOP WILDLIFE MANAGEMENT UNIT WITHOUT A PERMIT	MB	Y	\$300	\$0	N	90%	N	N	C	
23-27-201(1)(A)	POSSESS/IMPORT/EXPORT/SHIP OR TRANSPORT DREISSENA MUSSEL	IN	N	\$110	\$0	N	35%	N	Y	C	
23-27-201(1)(B)	RELEASE/PLACE/PLANT/ DREISSENA MUSSEL IN WATER BODY	IN	N	\$110	\$0	N	35%	N	N	C	

23-27-201(1)(C)	TRANSPORT A CONVEYANCE/EQUIPMENT HAS BEEN IN INFESTED WATER	IN	N	\$110	\$0	N	35%	N	N	C	
23-27-201(4)	PASS/TRAVEL TO STATION/CHECKPNT W/OUT PRESENTING CONVEYANCE	MB	Y	\$690	\$0	N	90%	N	N	C	
26-15-13(4)	VIOLATE TANNING REGULATION -MINORS NEED WRITTEN PERMISSION	IN	N	\$350	\$0	N	35%	N	N	C	
26-15-13(7)(B)	MISREPRESENT TO TANNING FACILITY THAT PERSON IS 18 OR OLDER	IN	N	\$350	\$0	N	35%	N	Y	C	
26-20-7	FALSE CLAIMS FOR MEDICAL BENEFITS	MB	Y	\$690	\$0	N	90%	N	Y	C	
26-2-16(5)	SIGN DEATH CERTIF WHERE SIGNATURE OF FUNERAL DIR REQUIRED	MB	Y	\$690	\$0	N	90%	N	Y	C	
26-23-3	DISOBEYING PUBLIC HEALTH LAWS	MB	Y	\$690	\$0	N	90%	N	Y	C	
26-23-5(1)	FALSE STMT TO VITAL RECORDS BY FILING CERT/RECORD/REPORT	MB	Y	\$690	\$0	N	90%	N	Y	C	Enhanceable Offense
26-23-5(2)	MAKE/ALTER/MUTILATE CERTIFICATE RECORD W/ INTENT TO DECEIVE	MB	Y	\$690	\$0	N	90%	N	Y	C	Enhanceable Offense
26-23-5(3)	OBTAIN/USE/SELL/FURNISH CERTIFICATE/RECORD INC. COUNTERFEITS	MB	Y	\$690	\$0	N	90%	N	Y	C	Enhanceable Offense
26-23-5(4)	POSSESS RECORD/CERTIFICATE/REPORT KNOWN TO BE STOLEN	MB	Y	\$690	\$0	N	90%	N	Y	C	Enhanceable Offense
26-23-5(5)	IMPROPER REMOVAL OF DECEASED PERSON	MB	Y	\$690	\$0	N	90%	N	Y	C	Enhanceable Offense
26-4-8	IMPROPER PROCEDURE-DISCOVERY OF DEAD BOD	MB	Y	\$690	\$0	N	90%	N	Y	C	
26-61a-103(7)(B)	NEG/RECKLESSLY RELEASE INFO FROM STATE ELEC VERIF SYSTEM	MC	N	\$350	\$0	N	35%	N	Y	C	
26-61A-204(1)(A)	CARDHLDR POSSESS MEDICAL CANNABIS W/O CARRYING CARD	IN	N	\$110	\$0	N	35%	N	Y	C	
26-61A-204(2)(C)(I)	CARDHLDR POSSESS MED CANNABIS - > LEGAL LIMIT AND = < 2X LEGAL LIMIT	IN	N	\$110	\$0	N	35%	N	Y	C	
26-61A-204(2)(C)(II)	CARDHLDR POSSESS MED CANNABIS - > LEGAL LIMIT AND = < 2X LEGAL LIMIT 2ND + OFF	MB	N	\$1,010	\$0	N	35%	N	Y	C	
26-61A-204(2)(E)(I)	NON-RES PATIENT POSS MED CANN NOT IN MEDICINAL FORM	IN	N	\$110	\$0	N	35%	N	Y	C	
26-61A-204(2)(E)(II)	NON-RES PATIENT POSS MED CANN NOT IN MEDICINAL FORM 2ND + OFF	MB	N	\$690	\$0	N	35%	N	Y	C	
26-61A-605(6)(A)	TRANSPORT MED CANNABIS SHIPMENT W/O REQUIRED MANIFEST	IN	N	\$110	\$0	N	35%	N	Y	C	
26-8A-502(6)	SUMMON AN AMBULANCE/EMERGENCY RESPONSE WHEN NOT NEEDED	MB	Y	\$690	\$0	N	90%	N	y	C	
26A-1-123(1)(A)	VIOL PUBLIC HEALTH LAWS, NOTICES, OR ORDINANCES	MB	Y	\$690	\$0	N	90%	N	Y	C	
26A-1-123(1)(B)	DISREGARD NOTICE OR ORDER - HEALTH	MB	Y	\$690	\$0	N	90%	N	Y	C	
26A-1-123(1)(C)	FAIL TO FILE REQUIRED REPORT RE DISEASE, HEALTH RELATED FACT	MB	Y	\$690	\$0	N	90%	N	Y	C	

26A-1-123(1)(D)	WILLFULLY MAKE, ALTER A PUBLIC HEALTH CERTIFICATE	MB	Y	\$690	\$0	N	90%	N	Y	C	
26A-1-123(1)(E)	FAILURE TO REMOVE OR ABATE PUBLIC HEALTH NUISANCE	MB	Y	\$690	\$0	N	90%	N	Y	C	
26A-1-123(1)(F)	CONVEY A GIFT TO LOCAL HEALTH OFFICER NOT PERMIT TO RECEIVE	MB	Y	\$690	\$0	N	90%	N	Y	C	
26A-1-123(2)	REMOVAL OR ABATEMENT OF HEALTH NUISANCE MUST BE <= 30 DAYS	MB	Y	\$690	\$0	N	90%	N	Y	C	
26A-1-123(3)	ACCEPT GIFT OR REMUNERATION BY LOCAL HEALTH OFFICER/EMPL	MB	Y	\$690	\$0	N	90%	N	N	C	
26A-1-123(4)	PERFORM NON-WORK RELATED DUTIES DURING WORK HOURS PUB HLTH	MB	Y	\$690	\$0	N	90%	N	Y	C	
30-1-11	FAILURE TO RETURN MARRIAGE LICENSE W/IN 30 DAYS	IN	N	\$350	\$0	N	35%	N	N	C	
30-1-39	MARRIAGE COUNSELING PROVISIONS	MB	N	\$690	\$0	N	90%	Y	Y	C	
31A-1-104	INSURANCE AGENT WITHOUT LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
31A-22-302	MOTOR VEHICLE INSURANCE POLICY COMPONENTS REOUIREMENT	MB	Y	\$660	\$0	N	90%	N	N	C	
31A-27A-110	FAIL TO COOPERATE W/INSURANCE COMM OR RE	MB	Y	\$690	\$0	N	90%	N	Y	C	
31A-31-103	INSURANCE FRAUD	MB	Y	\$690	\$0	N	90%	N	Y	C	
31A-31-110	FAILURE TO REPORT FRAUDULENT TITLE INSURANCE ACTS	MB	Y	\$690	\$0	N	90%	N	Y	C	
31A-31-110(1)	FAIL TO REPORT FRAUDULENT INSURANCE ACTS	MB	Y	\$690	\$0	N	90%	N	Y	C	
31A-35-701	BAIL BOND PRODUCER, SURETY PROHIBITIONS	MB	Y	\$690	\$0	N	90%	N	N	C	
31A-44-604	FALSE INFORMATION PROVIDED BY CONTINUING CARE PROVIDER	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-11-201	MANUFACTURING ALCOHOL WITHOUT A LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-1-206	UNLAWFUL ALCOHOL ADVERTISING	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-1-206(2)(B)	ADVERTISE AN ALCOHOLIC PRODUCT ON A BILLBOARD	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-13-301(8)	SELL, DISTRIBUTE BEER TO RETAILER FOR SALES OUTSIDE AREA	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-1-403(1)	UNLAWFUL TRANSFER OF PROOF OF AGE TO ANOTHER PERSON	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-1-407	VERIFICATION OF PROOF OF AGE BY APPLICABLE LICENSEES	MB	Y	\$690	\$0	N	90%	N	N	C	
32B-2-605(9)(B)	CONSUME/ALLOW ALC TO BE CONSUMED BY ANY PERSON ON PREMISES	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-208	MAINTAIN OR ASSIST IN MAINTAINING A NUISANCE	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-401(1)	SALE, FURNISH ALCOHOL BY RETAIL LICENSEE, PERMITEE. OR STAFF	MB	Y	\$690	\$0	N	90%	N	N	C	

32B-4-401(6)	UNLAWFUL SELL, SHIP, TRANSPORT OF BEER FROM OUT-OF-STATE	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-401(7)	UNLAWFUL SELL, SHIP, TRANSPORT OF LIQUOR FROM OUT-OF-STATE	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-402	UNAUTHORIZED SALE, OFFER FOR SALE, OR FURNISHING	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-403(2)(A)	SELL, OFFER, FURNISH ALC PRODUCT TO A MINOR - NEGLIGENCE	MB	Y	\$690	\$0	N	90%	N	Y	C	If committed in negligence or recklessly
32B-4-404(2)(A)	SUPPLY ALC PRODUCT TO INTOXICATED PERSON NEGLIGENCE	MB	Y	\$690	\$0	N	90%	N	Y	C	If committed in negligence or recklessly
32B-4-405	SUPPLYING ALCOHOL TO INTERDICTED PERSON	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-406(1)(A)	SUPPLY BEER TO GENERAL PUBLIC CONTAINER EXCEEDS 2 LITERS	MB	Y	\$490	\$0	N	90%	N	Y	C	
32B-4-406(1)(B)	PURCHASE, POSSESS BEER IN CONTAINER THAT EXCEEDS TWO LITERS	MB	Y	\$490	\$0	N	90%	N	Y	C	
32B-4-406(3)(A)	SUPPLY HEAVY BEER IN CONTAINER THAT EXCEEDS 2 LITERS	MB	Y	\$490	\$0	N	90%	N	Y	C	
32B-4-406(3)(B)	PURCHASE, POSSESS HEAVY BEER CONTAINER EXCEEDS TWO LITERS	MB	Y	\$490	\$0	N	90%	N	Y	C	
32B-4-408	UNLAWFUL PURCHASE OR ACCEPTANCE OF ALCOHOL	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-409	PURCHASE, POSSESS, CONSUME BY MINOR - MEASURABLE AMOUNTS	MB	Y	\$590	\$0	N	90%	N	Y	C	
32B-4-409(1)(A)	UNLAWFUL FOR MINOR TO PURCHASE AN ALCOHOLIC PRODUCT	MB	Y	\$590	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(1)(B)	UNLAWFUL FOR MINOR TO ATTEMPT TO PURCHASE ALCOHOLIC PRODUCT	MB	Y	\$590	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(1)(C)	UNLAWFUL FOR MINOR TO SOLICIT PERSON TO PURCHASE ALCOHOL	MB	Y	\$590	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(1)(D)	UNLAWFUL FOR MINOR TO POSSESS AN ALCOHOLIC PRODUCT	MB	Y	\$590	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(1)(E)	UNLAWFUL FOR MINOR TO CONSUME AN ALCOHOLIC PRODUCT	MB	Y	\$590	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(1)(F)	MEASURABLE BLOOD, BREATH, OR URINE ALC CONCENTRATION - MINOR	MB	Y	\$590	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(2)(A)	MISREPRESENT MINOR'S AGE (BY MINOR) TO OBTAIN ALCOHOL	MB	Y	\$380	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(2)(B)	MISREPRESENT MINOR'S AGE (BY ANOTHER) TO OBTAIN ALCOHOL	MB	Y	\$380	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-409(3)	MINOR IN POSSESSION OF ALCOHOL IN LIMOUSINE OR CHARTERED BUS	MB	Y	\$590	\$0	N	90%	N	Y	C	Minor offense - Under 21
32B-4-410	UNLAWFUL ADMIT/ATTEMPT TO GAIN ADMIT BY MINOR IN BAR/TAVERN	MC	Y	\$350	\$0	N	35%	N	Y	C	
32B-4-411(2)(A)(I)	UNLAWFUL USE OF PROOF OF AGE- FIRST OFFENSE	MB	Y	\$690	\$0	N	90%	Y	Y	C	

32B-4-412	UNLAWFUL PURCHASE BY INTOXICATED PERSON	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-413	UNLAWFUL PURCHASE BY INTERDICTED PERSON	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-415	UNLAWFUL BRINGING ONTO PREMISES FOR CONSUMPTION	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-416	PERMITTING MINOR TO CONSUME ALCOHOL ON CHARTERED BUS OR LIMO	IN	Y	\$340	\$0	N	35%	N	N	C	
32B-4-416(1)	PERMITTING MINOR TO CONSUME ALCOHOL ON CHARTERED BUS OR LIMO	IN	Y	\$340	\$0	N	35%	N	N	C	
32B-4-417	POSSESS, STORE, OR ALLOW CONSUMPTION OF LIQUOR ON PREMISES	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-418	UNLAWFUL STORAGE OF LIQUOR ON PREMISES	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-419	UNLAWFUL PERMITTING OF INTOXICATION	MC	Y	\$350	\$0	N	35%	N	N	C	
32B-4-421	CONSUME LIQUOR IN A PUBLIC PLACE BUILDING, PARK, OR STADIUM	MC	Y	\$350	\$0	N	35%	N	N	C	
32B-4-422	UNLAWFUL DISPENSING	MC	Y	\$350	\$0	N	35%	N	Y	C	
32B-4-422(2)	UNLAWFUL DISPENSING	MC	Y	\$350	\$0	N	35%	N	Y	C	
32B-4-422(2)(A)	SUPPLY PRIMARY SPIRITUOUS LIQUOR ON PREMISES	MC	Y	\$350	\$0	N	35%	N	Y	C	
32B-4-422(2)(B)	SUPPLY MORE THAN 2.5 OZ OF SPIRITUOUS LIQUOR PER BEVERAGE	MC	Y	\$350	\$0	N	35%	N	Y	C	
32B-4-422(2)(C)	ALLOW PERSON MORE THAN 2.5 OZ OF SPIRITUOUS LIQUOR AT A TIME	MC	Y	\$350	\$0	N	35%	N	Y	C	
32B-4-422(2)(D)(I)	ALLOW PERSON TO HAVE MORE THAN TWO SPIRITUOUS LIQUOR AT TIME	MC	Y	\$350	\$0	N	35%	N	Y	C	
32B-4-422(2)(D)(II)	ALLOW PERSONS ON PREMISES TO HAVE MORE THAN 1 SPIRIT LIQUOR	MC	Y	\$350	\$0	N	35%	N	Y	C	
32B-4-424	POWDERED ALCOHOL VIOLATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
32B-4-424(2)	USE/OFFER/PURCHASE/FURNISH POWDERED ALCOHOL	MB	Y	\$690	\$0	N	90%	N	Y	S	
32B-4-424(3)	RETAIL LICENSE HOLDER USING POWDERED ALCOHOL AS PRODUCT	MB	Y	\$690	\$0	N	90%	N	Y	S	
32B-4-501	OPERATING WITHOUT A LICENSE OR PERMIT	MB	Y	\$690	\$0	N	90%	N	N	C	
32B-4-501(1)	OPERATE W/O LICENSE/PERMIT TO SELL/CONSUME ALCOHOL ON PREMISE	MB	Y	\$690	\$0	N	90%	N	N	C	
32B-4-501(2)	FAILURE TO OBTAIN PUBLIC EVENT PERMIT FOR ALCOHOL SALES	MB	Y	\$690	\$0	N	90%	N	N	C	
32B-4-501(3)	FAILURE TO OBTAIN PRIVATE EVENT PERMIT FOR ALCOHOL SALES	MB	Y	\$690	\$0	N	90%	N	N	C	
32B-4-501(4)	OPERATE BUSINESS WITHOUT FIRST OBTAINING A LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-501(5)	FAIL TO OBTAIN PUBLIC SERVICE PERMIT FOR PUBLIC CONVEYANCE	MB	Y	\$690	\$0	N	90%	N	N	C	

32B-4-502	UNLAWFUL TO POSSESS, STORE LIQUOR PURSUANT TO FEDERAL STAMP	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-503(2)(A)	TAMPERING WITH A DABC RECORD	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-505(1)	REFUSE OR FAIL TO ADMIT TO PREMISES OR OBSTRUCT THE ENTRY	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-4-602	UNLAW TRANSPORTATION OF ALCOHOL	MB	Y	\$690	\$0	N	90%	N	Y	C	
32B-5-201(1)(A)	FAILURE TO OBTAIN RETAIL LICENSE FOR SELL/CONSUMPTION ON PREMISES	MB	Y	\$350	\$0	N	90%	N	Y	C	
32B-5-308(1)(A)	CONSUMING ALCOHOL ON DUTY	IN	Y	\$110	\$0	N	35%	N	Y	C	See 76-3-104(2)
32B-6-706(7)(B)(I)	ALCOHOL OPERATIONAL RESTRICTIONS (BEER)	MB	Y	\$690	\$0	N	90%	N	Y	C	
34-19-12	DEPUTIZING OF EMPLOYEE PROHIBITED DURING STRIKE OR LOCKOUT	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-28-12	PAYMENT OF WAGES VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-28-12(2)	REFUSE TO PAY WAGES	MB	Y	\$690	\$0	N	90%	N	Y	C	
34-28-4	FAILURE TO NOTIFY EMPLOYEE OF PAYDAY	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-29-1	SCHOOLTEACHER AGENCY COMMISSION VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-29-20	FALSE EMPLOYMENT STATEMENT	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-29-6	EMPLOYMENT REFERRAL TO UNLAWFUL PLACE	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-30-9	FAILURE TO KEEP OR PRODUCE PUBLIC WORKS RECORDS	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-32-3	PUBLIC EMPLOYERS MAKING WAGE DEDUCTION FOR POLITICAL PURPOSE	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-33-2	UNLAWFUL EMPLOYER MEDICAL EXAM FEE	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-34-17	EMPLOYEE RIGHT TO BARGAIN COLLECTIVELY	MB	N	\$690	\$0	N	90%	Y	Y	C	
34-40-204(2)(A)	VIOLATION OF MINIMUM WAGE ACT	IN	Y	\$180	\$0	N	35%	Y	Y	C	
34-40-204(2)(B)	VIOLATION OF MINIMUM WAGE ACT - 2ND VIOLATION	MC	Y	\$350	\$0	N	35%	Y	Y	C	
34-40-204(2)(C)	VIOLATION OF MINIMUM WAGE ACT - 3RD OR SUBSEQUENT	MB	Y	\$690	\$0	N	90%	Y	Y	C	
34A-2-108	EMPLOYER DEDUCTION OF PREMIUM FROM WAGE VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
34A-2-803	VIOLATION OF JUDGMENT, ORDER OR DECREE	MB	N	\$690	\$0	N	90%	Y	Y	C	
35A-4-103(1)(C)	VOID AGREEMENT CHILD SUPPORT OBLIGATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
35A-8-410	HOUSING ASSISTANCE FRAUD	MB	Y	\$690	\$0	N	90%	N	Y	C	
36-11-301	INTENTIONAL COMPENSATION CONTINGENT	MB	Y	\$690	\$0	N	90%	N	Y	C	

36-11-302	INFLUENCE/INTENTIONAL COMMUNICATION W/LEGISLATORS EMPLOYER	MB	Y	\$690	\$0	N	90%	N	Y	C	
36-11-303	INTENTIONAL COMMUNICATION/FALSE INFO TO PUBLIC OFFICER	MB	Y	\$690	\$0	N	90%	N	Y	C	
38-1-25	ABUSE OF LIEN RIGHT	MB	N	\$420	\$0	N	90%	N	N	C	
39-1-53	MILITARY VIOLATION BY LEAVING STATE	MB	N	\$690	\$0	N	90%	Y	Y	C	
39-7-113	EVICTON OF MILITARY SERVICE OR DEPENDENTS VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
39-7-114	INSTALLMENT CONTRACT DURING MILITARY SERVICE VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
39-7-115	MORTGAGE FORECLOSURE PROHIBITED DURING MILITARY SERVICE	MB	N	\$690	\$0	N	90%	Y	Y	C	
39-7-117	STORAGE LIEN PROHIBITED DURING MILITARY SERVICE	MB	N	\$690	\$0	N	90%	Y	Y	C	
4-41A-404(4)(A)	TRANSPORT MED CANNABIS W/O REQUIRED MANIFEST	IN	N	\$110	\$0	N	35%	N	Y	C	
4-44-104	UNLAWFUL PREP/DIST/SALE/OFFER OF KRATOM PRODUCT	MC	Y	\$210	\$0	N	35%	Y	Y	C	
4-44-105	UNLAWFUL PREP/DIST/SALE/OFFER OF KRATOM PRODUCT TO MINOR	MC	Y	\$460	\$0	N	35%	Y	Y	C	
4-44-201	VIOLATION OF AGRICULTURE NUISANCE JUDGMENT/ORDER	MB	Y	\$690	\$0	N	90%	Y	Y	C	
40-1-11	INTERFERING WITH NOTICES, STAKES OR MONUMENTS	MB	Y	\$110	\$0	N	90%	N	Y	C	
41-12A-601	COLLUSIVE TRANSFER OF MOTOR VEHICLE REGISTRATION	MC	N	\$350	\$0	N	35%	N	Y	C	
41-1A-1005.3	RESALE OF SALVAGE VEHICLE	IN	Y	\$350	\$0	N	35%	N	N	C	
41-1A-1005.5(2)	FAIL TO OBTAIN NONREPAIRABLE CERTIFICATE OF SELL NONREP VEH	MB	Y	\$690	\$0	N	90%	N	N	C	
41-1A-1005.5(6)	REPAIR, RECONSTRUCT, OR RESTORE A NONREPAIRABLE VEHICLE	IN	Y	\$350	\$0	N	35%	N	N	C	
41-1A-116	KNOWING, INTENTIONAL ACCESS DISSEMINATE DMV RECORDS UNLAWFUL	MB	Y	\$660	\$0	N	90%	N	Y	C	
41-1A-1305(11)	FAIL TO RETURN CANCELED,SUSP,REVOKED PLATES,REG CARD.PERMIT	MC	N	\$180	\$0	N	35%	N	Y	C	
41-1A-1305(5)	OPER VEHICLE ON HIGHWAY W/O LIC PLATES ATTACHED AND REG IN VEH	MC	N	\$180	\$0	N	35%	N	Y	C	
41-1A-1309	BOARDING VEHICLE WITH INTENT TO COMMIT CRIMINAL MISCHIEF	MC	Y	\$350	\$0	N	35%	N	Y	C	
41-1A-705	UNLAWFUL SELL, OFFER, DISPLAY FOR SALE OR EXCHANGE VEHICLE	MB	Y	\$400	\$0	N	90%	N	Y	C	
41-1A-705(2)	UNLAWFUL SELL, OFFER, DISPLAY FOR SALE OR EXCHANGE VEHICLE	MB	Y	\$400	\$0	N	90%	N	N	C	
41-1A-803(4)	ALTERED HULL ID NUMBER OR OUTBOARD MOTOR SERIAL NUMBER	MC	Y	\$890	\$0	N	35%	N	Y	C	

41-22-10.1(1)	OPER OHV ON PUB LAND, STREET, HIGHWAY NOT DESIG/POSTED AS OPEN	IN	N	\$830	\$0	N	35%	N	N	C	
41-22-10.3	OPERATE OHV ON STREET OR HIGHWAY NOT DESIGNATED OPEN	IN	N	\$300	\$0	N	35%	N	N	C	
41-22-12.1	OPERATED A WHEELED VEHICLE IN EXCESS OF 800 POUNDS ON A MAIN	IN	Y	\$640	\$0	N	35%	N	N	C	
41-22-13	PROHIBITED OHV USE- VANDALISM/HARASSMENT/BURGLARY/DAMAGE	IN	Y	\$360	\$0	N	35%	N	Y	C	
41-22-13{1}	OPERATED OHV IN CONNECTION WITH EXCESSIVE MECHANICAL NOISE	IN	Y	\$180	\$0	N	35%	N	N	C	
41-22-15	HELD AN ORGANIZED EVENT WITHOUT PROPER AUTHORIZATION	IN	Y	\$640	\$0	N	35%	N	N	C	
41-22-35	NON-RESIDENT OPERATING AN OHV WITHOUT USER FEE	IN	N	\$160	\$5	N	35%	N	N	C	
41-22-4(1)(B)	ALTER /DEFACE / REMOVE MANUFACTURERS SERIAL NUMBER ON OHV	MC	Y	\$760	\$0	N	35%	N	Y	C	
41-22-4(1)(C)	FRAUDULENT USE OR DISPLAY OF OHV REGISTRATION	MC	Y	\$350	\$0	N	35%	N	Y	C	
41-22-4(1)(D)	ALTERED OR DEFACED REGISTRATION STICKER OR CARD	MC	Y	\$350	\$0	N	35%	N	Y	C	
41-22-5.5(1)(A)	FRAUDULENT APPLICATION FOR OHV IMPLEMENT OF HUSBANDRY REGIST	IN	Y	\$760	\$0	N	35%	N	Y	C	
41-22-5.5(1)(B)	IMPROPER RECREATIONAL USE OF A IMPLEMENT OF HUSBANDRY	IN	N	\$160	\$10	N	35%	N	N	C	
41-22-5.5(1)(C)	IMPROPER DISPLAY OF IMPLEMENT OF HUSBANDRY REGIST STICKER	IN	N	\$130	\$5	N	35%	N	N	C	
41-22-5.5(3)	OPERATE WITHOUT IMPLEMENT OF HUSBANDRY REGISTRATION	IN	N	\$160	\$10	N	35%	N	N	C	
41-22-5.5(5)	OPERATE IMPLEMENT OF HUSBANDRY ALONG AN INTERSTATE FREEWAY	IN	N	\$180	\$0	N	35%	N	N	C	
41-3-201.5	BROKERING OF NEW OR USED MOTOR VEHICLE WITHOUT LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
41-3-201.5(1)(A)	BROKERING OF NEW OR USED MOTOR VEHICLE WITHOUT LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
41-3-301	FAIL TO DELIVER TITLE (DEALER)	MB	Y	\$690	\$0	N	90%	N	Y	C	
41-3-304(2)(B)	DEALER TO RETURN TEMPORARY PLATES TO DIVISION	MB	Y	\$690	\$0	N	90%	N	Y	C	
41-3-401	NO DISCLOSURE	MB	Y	\$660	\$0	N	90%	N	N	C	
41-3-402(1)	PAY OFF OF LIEN ON MOTOR VEHICLE TRADED IN	MB	Y	\$660	\$0	N	90%	N	N	C	
41-3-405	FAIL TO PAY WARRANTY OR SERVICE CONTRACT	MB	Y	\$250	\$0	N	90%	N	N	C	
41-3-408	RESALE OF BUYBACK/NON CONFORMING VEHICLE	MB	Y	\$600	\$0	N	90%	N	N	C	
41-6A-1001	PEDESTRIAN TO OBEY TRAFFIC CONTROL DEVICE	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-1002	YIELD TO PEDESTRIAN'S RIGHT OF WAY	IN	N	\$130	\$0	N	35%	N	N	C	

41-6A-1002(1)	FAIL TO YIELD TO PED WHEN TRAFFIC SIGNAL NOT OPERATING	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-1002(1)(C)	PEDESTRIAN MAY NOT WALK OR RUN IN THE PATH OF A VEHICLE	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-1002(2)	YIELD TO PEDESTRIAN'S RIGHT OF WAY - SCHOOL CROSSWALK	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-1002(3)	PASSING A VEHICLE STOPPED AT A MARKED, UNMARKED CROSSWALK	IN	N	\$350	\$0	N	35%	N	N	C	
41-6A-1003	PEDESTRIANS YIELDING RIGHT-OF-WAY	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-1004	EMERGENCY VEHICLE-PEDESTRIAN TO YIELD	IN	N	\$130	\$0	N	35%	N	Y	C	
41-6A-1005	PEDESTRIAN VIOLATION AT RAILROAD	IN	Y	\$160	\$0	N	35%	N	N	C	
41-6A-1005(2)	PEDESTRIAN PASS THROUGH OR AROUND ACTIVE CROSSING GATE	IN	Y	\$160	\$0	N	35%	N	Y	C	
41-6A-1005(3)	ENTER AREA BETWEEN RR TRACK AND SIGN IF CROSSING IS ACTIVE	IN	Y	\$160	\$0	N	35%	N	N	C	
41-6A-1005(4)	OCCUPYING RR GRADE CROSSING WHEN RR SIGN NOT ACTIVE	IN	Y	\$160	\$0	N	35%	N	N	C	
41-6A-1005(5)	REMAIN BETWEEN RR SIGN IF RR CROSSING SIGN IS ACTIVE	IN	Y	\$160	\$0	N	35%	N	N	C	
41-6A-1006	NEGLIGENTLY FAIL TO AVOID PEDESTRIAN	IN	N	\$130	\$0	N	35%	Y	Y	C	
41-6A-1007	FAILURE TO YIELD TO BLIND PEDESTRIAN	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-1008	FAILURE TO YIELD AT A SIDEWALK	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-1119	PERSONAL DELIVERY DEVICE VIOLATION	IN	N	\$160	\$0	N	35%	N	N	C	
41-6A-1120	UNLAWFULLY OPERATING A MOBILE CARRIER DEVICE	IN	N	\$235	\$0	N	35%	N	N	C	
41-6A-1201	DRIVE ON RR TRACKS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-1202	DRIVE THROUGH SAFETY ZONE - RR TRACKS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-1203	RAILROAD GATE CROSSING	IN	Y	\$160	\$0	N	35%	Y	N	C	
41-6A-1203(2)	FAILURE TO STOP OR REMAIN STOPPED AT RR CROSSING	IN	Y	\$160	\$0	N	35%	Y	N	C	
41-6A-1203(4)	VEHICLE RAILROAD CROSSING VIOLATION	IN	Y	\$160	\$0	N	35%	Y	N	C	
41-6A-1203(4)(A)	DRIVE VEHICLE THROUGH, AROUND, OR UNDER A RR CROSSING GATE	IN	Y	\$160	\$0	N	35%	Y	N	C	
41-6A-1203(4)(B)	CAUSE A NON-RAIL VEHICLE TO PASS THROUGH, AROUND RR BARRIER	IN	Y	\$160	\$0	N	35%	Y	N	C	
41-6A-1203(4)(C)	CAUSE A NON-RAIL VEHICLE TO PASS THROUGH, UNDER RR RAIL	IN	Y	\$160	\$0	N	35%	Y	N	C	
41-6A-1204	OPERATE TRAIN IN MANNER TO PREVENT VEHICLE USE OF ROAD	IN	N	\$160	\$0	N	35%	N	N	C	
41-6A-1205	BUS/TRUCK NO STOP AT RR CROSSING	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-1205(1)	CMV FAIL TO SLOW DOWN AND CHECK CLEARING	IN	N	\$160	\$0	N	35%	Y	N	C	

41-6A-1205(1)(B)	CMV STOP WITHIN 50 FT OF RR CROSSING	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-1205(1)(C)	CMV FAIL TO OBEY TRAFFIC DEVICE OR OFFICER AT RR CROSSING	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-1205(1)(D)(I)	CMV FAIL TO OBEY RR SPACE VEHICLE TOO LA	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-1205(1)(D)(II)	CMV RR CLEARANCE TOO LOW TO CLEAR TRACKS	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-1205(2)(A)	CMV FAILURE TO STOP BEFORE CROSSING RR/HWY	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-1206	ILLEGAL VEHICLE CROSSING RR TRACKS	IN	N	\$120	\$0	N	35%	N	N	C	
41-6A-1301	SCHOOL BUS TO DISPLAY LIGHTING AND SPECIAL WARNING DEVICES	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-1302(2)	FAILURE TO OBSERVE FLASHING AMBER / RED LIGHTS ON SCHOOL BUS	MC	N	\$260	\$0	N	35%	Y	N	C	10 hours compensatory service
41-6A-1302(2)(A)	FAILURE TO OBSERVE FLASHING AMBER LIGHTS ON SCHOOL BUS	MC	N	\$260	\$0	N	35%	Y	N	C	10 hours compensatory service
41-6A-1302(2)(B)	FAILURE TO OBSERVE FLASHING RED LIGHTS ON SCHOOL BUS	MC	N	\$260	\$0	N	35%	Y	N	C	10 hours compensatory service
41-6A-1501	MOTORCYCLE VIOLATION	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-1502	MOTORCYCLES OR ATV TYPE I VEH - OPERATE ON PUBLIC HIGHWAY	IN	Y	\$350	\$0	N	35%	Y	N	C	
41-6A-1502(3)	MOTORCYCLE NOT TO TRAVEL BETWEEN LANES OR ROWS OF VEHICLES	IN	N	\$120	\$0	N	35%	Y	N	C	
41-6A-1503	MOTORCYCLE ATTACHED TO ANOTHER VEHICLE	IN	N	\$180	\$0	N	35%	N	N	C	
41-6A-1619	SALE OF UNAPPROVED MOTOR VEHICLE EQUIPMENT	IN	N	\$350	\$0	N	35%	N	N	C	
41-6A-1639	TRANSPRT OF HAZARDOUS/FLAMMABLE COMMODITY	IN	N	\$280	\$0	N	35%	Y	Y	C	
41-6A-1639(2)(A)	DRIVING W/O HAZMAT PLACARDS	IN	N	\$280	\$0	N	35%	Y	N	C	
41-6A-1639(2)(B)	DRIVING W/O HAZMAT SAFETY EQUIPMENT	IN	N	\$280	\$0	N	35%	Y	N	C	
41-6A-1701	IMPROPER BACKING	IN	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1701(1)	BACKING PROHIBITED IF NOT SAFE OR INTERFERING WITH TRAFFIC	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-1701(2)	BACKING ON LIMITED ACCESS HIGHWAY	IN	N	\$110	\$0	N	35%	N	N	C	
41-6A-1702	DRIVE ON THE SIDEWALK	IN	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1707	ENTER INTERSECTION W/O SUFFICIENT SPACE	IN	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1710	FOLLOWING TOO CLOSE TO ANY AUTHORIZED EMERGENCY VEHICLE	IN	N	\$140	\$0	N	35%	N	N	C	
41-6A-1711	DRIVE OVER FIREHOSE	IN	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1712	LITTERING	IN	Y	\$350	\$0	N	35%	N	Y	C	Enhanceable Offense

41-6A-1712(1)	ILLEGAL DUMPING	IN	Y	\$350	\$0	N	35%	N	Y	C	
41-6A-1712(5)	THROWING LIGHTED MATERIAL FROM VEHICLE	IN	Y	\$350	\$0	N	35%	N	Y	C	
41-6A-1712{2}	LITTERING - 2ND OR SUBSEQUENT OFFENSE	IN	Y	\$580	\$0	N	35%	N	Y	C	
41-6A-1715	CARELESS DRIVING	MC	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1715(1)	CARELESS DRIVING	MC	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1715(1)(A)	CARELESS DRIVING >=2 VIOLATIONS IN 3 MILES	MC	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1715(1)(B)	CARELESS DRIVING DISTRACTED BY ACTIVITY OTHER THAN DRIVING	MC	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1715(1)(B)(I)	CARELESS DRIVING SEARCHING FOR ITEM IN VEHICLE	MC	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1715(1)(B)(II)	CARELESS DRIVING ATTENDING TO PERSONAL HYGIENE OR GROOMING	MC	N	\$110	\$0	N	35%	Y	N	C	
41-6A-1716(4)(A)	TEXTING OR EMAILING WHILE DRIVING	MC	Y	\$110	\$0	N	35%	Y	N	C	
41-6A-1716(4)(B)	TEXT OR EMAIL WHILE DRIVING W/PRIOR OR INJURY	MB	Y	\$690	\$0	N	90%	Y	N	C	
41-6A-1716(4)(B)(I)	CAUSE INJURY TO ANOTHER USING HANDHELD DEVICE W/OPERTNG VEH	MB	Y	\$690	\$0	N	90%	Y	N	C	
41-6A-1716(4)(B)(II)	USE HANDHELD DEVICE W/OPERATING VEHICLE 2ND/SUBS W/IN 3 YRS	MB	Y	\$690	\$0	N	90%	Y	N	C	
41-6A-209(2)(A)	SPEEDING IN A CONSTRUCTION/MAINTENANCE ZONE	IN	N	\$180	\$0	N	35%	Y	N	C	See Speeding Chart for examples of statutory defined adjustments for mph over the limit
41-6A-304	FAIL TO OBEY TRAFFIC CONTROL DEVICES	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-304(1)	FAIL TO OBEY TRAFFIC CONTROL DEVICES	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-305	TRAFFIC CONTROL SIGNAL VIOLATIONS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-305(2)(A)(II)	TRAFFIC CONTROL SIGNAL- CIRCULAR GREEN SIGNAL VIOLATION	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-305(2)(B)	FAIL TO YIELD TO PEDESTRIAN/TRAFFIC IN CROSSWALK GREEN ARROW	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-305(4)(A)	TRAFFIC CONTROL SIGNAL - AT PLACE OTHER THAN INTERSECTION	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-305(4)(C)	FAILURE TO YIELD - RIGHT TURN ON RED LIGHT	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-305(5)	STOP TO BE MADE AT SIGN/MARKING OR SIGNAL FOR HWY-RAIL LINE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-305(6)	FAIL TO YIELD RIGHT OF WAY @ INOPERABLE SIGNAL	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-305(6)(A)	FAIL TO STOP - ENTERING INTERSECTION @ INOPERABLE SIGNAL	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-307	OBEDIENCE TO FLASHING SEMAPHORE	IN	N	\$130	\$0	N	35%	Y	N	C	

41-6A-308	FAIL TO OBEY LANE USE CONTROL SIGNAL	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-309	UNAUTHORIZED PLACING OF TRAFFIC CONT DEV	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-311	INTERFERE WITH SIGNS/SIGNALS	MC	Y	\$350	\$0	N	35%	N	N	C	
41-6A-311(1)(A)	ALTER/DEFACE/KNOCK DOWN/REMOVE TRAFFIC CONTROL DEVICE	MC	Y	\$350	\$0	N	35%	N	N	C	
41-6A-311(1)(B)	ALTER/DEFACE/KNOCK DOWN/REMOVE TRAFFIC MONITORING DEVICE	MC	N	\$350	\$0	N	35%	N	N	C	
41-6A-311(1)(C)	ALTER/DEFACE/KNOCK DOWN/REMOVE RAILROAD TRAFFIC CONTROL DEVICE	MC	Y	\$350	\$0	N	35%	N	N	C	
41-6A-311(2)(A)	USE PREEMPTIVE DEVICE TO INTERFERE W/TRAFFIC CONTROL DEVICE	MC	N	\$280	\$0	N	35%	N	N	C	
41-6A-311(2)(B)	OPERATE MOTOR VEHICLE POSSESSING TRAFFIC SIG PREEMPTIVE DEV	MC	N	\$280	\$0	N	35%	N	N	C	
41-6A-401	ACCIDENT INVOLVING PROPERTY DAMAGE, DUTIES OF OPERATOR	MB	Y	\$610	\$0	N	90%	Y	Y	C	
41-6A-401(2)	FAILURE TO REMAIN AT SCENE OF ACCIDENT - DAMAGE ONLY	MB	Y	\$610	\$0	N	90%	Y	Y	C	
41-6A-401(2)(A)	ACCIDENT INVOLVING PROPERTY DAMAGE, DUTIES OF OPERATOR - W/ KNOWLEDGE OF ACCIDENT	MB	Y	\$690	\$0	N	90%	Y	Y	C	
41-6A-401(2)(C)	DUTY OF OPERATOR AFTER THE LEAVING SCENE - W/ KNOWLEDGE OF ACCIDENT	MB	Y	\$690	\$0	N	90%	Y	Y	C	
41-6A-401(3)	FAILURE TO GIVE NAME AND ASSISTANCE AT ACCIDENT - DAMAGE ONLY	MB	Y	\$610	\$0	N	90%	N	Y	C	
41-6A-401(4)	FAILURE TO REPORT AN ACCIDENT RESULTING IN DAMAGE OF >\$1500	MB	Y	\$610	\$0	N	90%	Y	Y	C	
41-6A-401(5)	FAIL TO NOTIFY OF ACCIDENT WITH UNATTENDED VEHICLE - DAMAGE	MB	Y	\$610	\$0	N	90%	Y	Y	C	
41-6A-401.7(1)	FAIL TO GIVE NAME, ASSISTANCE AT ACCIDENT- INJURY.DEATH.DAMAGE	MC	Y	\$510	\$0	N	35%	N	Y	C	
41-6A-401.7(2)	FAIL TO REPORT ACCIDENT - INJURY, DEATH, DAMAGE	MC	Y	\$510	\$0	N	35%	N	Y	C	
41-6A-401.7(3)	FAILURE TO GIVE NAME/ASST - OWNER INCAPABLE OF GIVING NOTICE	MC	Y	\$510	\$0	N	35%	N	Y	C	
41-6A-401.7(4)	FAILURE TO REPORT ACCIDENT WITH UNATTENDED VEHICLE	MC	Y	\$510	\$0	N	35%	N	Y	C	
41-6A-403	PROVIDING FALSE SECURITY INFORMATION TO PEACE OFFICER AT ACC	MB	Y	\$200	\$0	N	90%	N	Y	C	
41-6A-403(7)	PROVIDING FALSE SECURITY INFORMATION TO PEACE OFFICER AT ACC	MB	Y	\$200	\$0	N	90%	N	Y	C	
41-6A-405	GARAGE KEEPER TO REPORT DAMAGE W/O STICK	IN	N	\$350	\$0	N	35%	N	N	C	
41-6A-407	ALLOW LIVESTOCK ON HIGHWAY	IN	Y	\$350	\$0	N	35%	N	Y	C	
41-6A-517	DRIVING WITH MEASURABLE CONTROLLED SUBSTANCE	MB	Y	\$690	\$0	N	90%	Y	Y	S	

41-6A-517(2)	DRIVE WITH MEASURABLE CONTROLLED SUBSTANCE	MB	Y	\$690	\$0	N	90%	Y	Y	S	
41-6A-518	IGNITION INTERLOCK VIOLATION	MC	Y	\$510	\$0	N	35%	Y	Y	S	
41-6A-518(4)(A)	FAILURE TO INSTALL IGNITION INTERLOCK DEVICE	MC	Y	\$510	\$0	N	35%	Y	Y	S	
41-6A-518.1(2)(A)(I)	TAMPER WITH IGNITION INTERLOCK DEVICE	MB	Y	\$690	\$0	N	90%	Y	Y	S	
41-6A-518.1(2)(A)(II)	FURNISH VEHICLE W/OUT IGNITION INTERLOCK TO RESTRICT PERSON	MB	Y	\$690	\$0	N	90%	N	Y	S	
41-6A-518.1(2)(A)(III)	BLOW INTO IGNITION INTERLOCK FOR ANOTHER	MB	Y	\$690	\$0	N	90%	Y	Y	S	
41-6A-518.1(2)(A)(IV)	ADVERTISE FOR SALE/OFFER NON CERTIFIED IGNITION INTERLOCK	MB	Y	\$690	\$0	N	90%	N	Y	S	
41-6A-518.1(2)(B)(I)	RENT/LEASE/BORROW VEH W/O IGNITION INTERLOCK	MB	Y	\$690	\$0	N	90%	Y	Y	S	
41-6A-518.1(2)(B)(II)	REQUEST ANOTHER PERSON BLOW INTO IGNITION INTERLOCK SYSTEM	MB	Y	\$690	\$0	N	90%	Y	Y	S	
41-6A-518.2	INTERLOCK RESTRICTED DRIVER OPERATING VEHICLE W/O IL SYSTEM	MB	Y	\$690	\$0	N	90%	Y	Y	S	
41-6A-518.2(3)	INTERLOCK RESTRICTED DRIVER OPERATING VEHICLE W/O IL SYSTEM	MB	Y	\$690	\$0	N	90%	Y	Y	S	
41-6A-528	RECKLESS DRIVING	MB	Y	\$690	\$0	N	90%	Y	Y	S	
41-6A-530	ALCOHOL RESTRICTED DRIVERS	MB	Y	\$1,430	\$0	N	90%	Y	Y	S	Recommend credit for treatment and/or probation fees.
41-6A-601	SPEEDING	IN	N	\$130	\$0	N	35%	Y	N	C	See Speeding Chart for examples of statutory defined adjustments for mph over the limit
41-6A-601(1)	TOO FAST FOR EXISTING CONDITIONS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-601(3)	SPEEDING - TOO FAST FOR EXISTING CONDITIONS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-604	SPEEDING IN A SCHOOL ZONE	MC	Y	\$150	\$0	N	35%	Y	N	C	See Speeding Chart for examples of statutory defined adjustments for mph over the limit
41-6A-605	MINIMUM SPEED REGULATIONS VIOLATION	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-605(1)	IMPEDING TRAFFIC	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-606	SPEED CONTEST OR EXHIBITION ON HIGHWAY	MB	Y	\$510	\$0	N	90%	Y	N	C	
41-6A-606(1)	SPEED CONTEST OR EXHIBITION ON HIGHWAY	MB	Y	\$510	\$0	N	90%	N	N	C	
41-6A-701	DRIVE ON WRONG SIDE OF ROADWAY	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-701(3)	OPERATE VEHICLE AT LESS THAN NORMAL SPEED IN RIGHT HAND LANE	IN	Y	\$130	\$0	N	35%	Y	N	C	
41-6A-702	LEFT LANE RESTRICTED/VEHICLE OVER 18,000	IN	N	\$260	\$0	N	35%	N	Y	C	

41-6A-702(1)(A)	HIGH OCCUPANCY VEHICLE LANE RESTRICTION	IN	N	\$260	\$0	N	35%	N	Y	C	
41-6A-702(1)(B)	HOV ON AND OFF RAMP LANE VIOLATION	IN	N	\$260	\$0	N	35%	N	Y	C	
41-6A-702(2)	OPERATING RESTRICTED VEHICLES IN LEFT LANE OF FREEWAY	IN	N	\$260	\$0	N	35%	N	Y	C	
41-6A-703	IMPROPER PASSING/VEHICLE OPPOSITE DIRECT	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-704	IMPROPER PASSING OF VEHICLE-SAME DIRECTION	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-704(1)(A)(I)	UNLAWFUL PASSING ON LEFT	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-704(1)(A)(II)	FAILING TO YIELD TO PASSING VEHICLE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-704(2)	FAIL TO YIELD TO FASTER VEHICLE IN SAME LANE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-704(5)	UNLAWFUL LANE FILTERING	IN	N	\$130	\$0	Y	35%	Y	N	C	
41-6A-705	IMPROPER PASSING ON RIGHT OF VEHICLE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-706	IMPROPER PASSING ON LEFT OF VEHICLE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-706(1)(B)	LIMITATION ON PASSING USING ONCOMING TRAFFIC LANE	IN	Y	\$130	\$0	N	35%	Y	N	C	
41-6A-706.5	OPERATE MOTOR VEHICLE NEAR VULNERABLE USER OF A HIGHWAY	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-706.5(3)(B)	OPERATE MOTOR VEHICLE NEAR VULNERABLE USER OF HWY W/INJURY	MC	Y	\$500	\$0	N	35%	Y	N	C	
41-6A-707	DRIVE ON LEFT OF ROAD WHEN PROHIBITED	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-707(1)(A)	LEFT SIDE OF ROAD-PASSING ON HILL OR CURVE	IN	Y	\$130	\$0	N	35%	Y	N	C	
41-6A-708	FAIL TO OBSERVE NO PASSING ZONE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-709	WRONG WAY ON ONE WAY STREET	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-710	IMPROPER USAGE OF LANES	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-710(1)	FAILURE TO STAY IN ONE LANE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-710(1)(A)	FAIL TO OPERATE WITHIN A SINGLE LANE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-710(1)(B)	IMPROPER LANE CHANGE IN OCCUPIED LANE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-710(2)	IMPROPER USE OF CENTER LANE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-710(3)	FAILURE TO USE DESIGNATED LANE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-710(3)(B)	DISREGARD OF OFFICIAL TRAFFIC CONTROL DEVICE	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-711	FOLLOWING ANOTHER VEHICLE TOO CLOSE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-711(1)	FOLLOWING TOO CLOSE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-711(1)(A)	FOLLOWING ANOTHER VEHICLE CLOSER THAN REASONABLE	IN	N	\$130	\$0	N	35%	Y	N	C	

41-6A-711(1)(B)	ALLOWING SUFFICIENT DISTANCE TO PASS ANOTHER VEHICLE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-712	CROSSING HIGHWAY DIVIDER	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-712(1)	VEHICLE ON DIVIDED HWY NOT OPERATING IN RIGHT HAND OF ROADWAY	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-712(2)	CROSSING DIVIDER/BARRIER MEDIAN	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-713	DRIVING OVER GORE OR ISLAND	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-714	LIMITED ACCESS HIGHWAYS-ENTERING/EXITING	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-716	DRIVE ON TOLLWAY W/O PAYING TOLL	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-717	UNLAWFUL USE OF RUNAWAY RAMP	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-801	IMPROPER LEFT/RIGHT TURN	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-801(1)	IMPROPER RIGHT TURN	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-801(2)	IMPROPER LEFT TURN	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-801(3)(A)	IMPROPER LEFT TURN IN TWO WAY LEFT TURN LANE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-801(3)(B)	IMPROPER TWO - WAY LEFT TURN	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-801(3)(D)	IMPROPER TRAVEL IN TWO WAY LEFT TURN LANE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-801(4)	TURNING IN VIOLATION OF TRAFFIC CONTROL DEVICE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-801(4)(B)	TURNING A VEHICLE IN VIOLATION OF A TRAFFIC-CONTROL DEVICE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-802	IMPROPER U TURN	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-803	MOVING A PARKED VEHICLE WHEN UNSAFE	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-804	TURN/STOP/CHANGE LANES W/O SIGNAL	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-804(1)	FAILURE TO SIGNAL	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-804(1)(A)	UNSAFE LANE TRAVEL - SIGNAL	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-804(1)(A)(I)	UNSAFE LANE TRAVEL	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-804(1)(A)(II)	IMPROPER STOP/TURN SIGNAL	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-804(1)(B)	FAILURE TO SIGNAL FOR 2 SECONDS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-804(2)	STOPPING OR SUDDEN DECREASE IN SPEED	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-804(4)	UNLAWFUL SIGNAL FLASHING	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-901	FAIL TO YIELD RIGHT OF WAY	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-902	RIGHT OF WAY - STOP OR YIELD SIGN	IN	N	\$130	\$0	N	35%	Y	N	C	

41-6A-902(2)(A)	RIGHT OF WAY-STOP SIGNS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-902(2)(B)	FAILURE TO YIELD AFTER STOP FOR VEHICLE IN INTERSECTION	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-902(2)(C)	FAIL TO YIELD TO PEDESTRIAN IN ADJACENT CROSSWALK	IN	N	\$130	\$0	N	35%	N	N	C	
41-6A-902(3)	RIGHT OF WAY-YIELD SIGNS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-902(3)(A)	RIGHT OF WAY-YIELD SIGNS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-903	FAIL TO YIELD-VEHICLE TURNING LEFT	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-904	FAIL TO STOP FOR EMERGENCY VEHICLE/OBEY WARNING LIGHTS	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-904(1)	FAIL TO YIELD OR STOP UPON APPROACHING EMERGENCY VEHICLE	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-904(1)(A)	FAIL TO STOP FOR EMERGENCY VEHICLE	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-904(2)	VIOLATE DUTIES OF VEHICLE OPERATOR APPROACHING EMERGENCY VEH	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-904(2)(A)	FAIL TO REDUCE SPEED WHEN APPROACHING EMERGENCY VEHICLE	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-904(3)	FAIL TO REDUCE SPEED WHEN APPR TOW OR HWY MAINTENANCE VEH	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-904(3)(A)	FAIL TO REDUCE SPEED WHEN APPR HWY MAINTENANCE	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-904(4)	FAIL TO CAUTION TO AN AUTHORIZED EMERGENCY VEHICLE	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6A-905	FAIL TO YIELD TO PEDESTRIAN WORKING ON H	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-906	FAIL TO OBEY SIGNS	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6A-907	UNSAFE EMERGENCE FROM ALLEY/DRIVEWAY	IN	N	\$130	\$0	N	35%	Y	N	C	
41-8-1	OPERATING VEHICLE BY PERSONS UNDER 16	IN	N	\$120	\$0	N	35%	N	N	C	
41-8-2	PERSON UNDER 17 OPERATING VEHICLE DURING NIGHT HOURS	IN	N	\$130	\$0	N	35%	N	N	C	
41-8-2(1)	PERSON UNDER 17 OPERATING VEHICLE BETWEEN 12 AM AND 5 AM	IN	N	\$130	\$0	N	35%	N	N	C	
41-8-3	OPERATION OF VEHICLE BY PERSON UNDER 16 1/2 YEARS	IN	N	\$180	\$0	N	35%	N	N	C	
4-23-111	HOLDING A RACCOON OR COYOTE IN CAPTIVITY	IN	N	\$110	\$0	N	35%	N	Y	C	
42-3-5	FARM NAME VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
4-24-403	UNLAWFUL WEBSITE PROMOTING THE SALE OF LIVESTOCK	MB	Y	\$690	\$0	N	90%	N	Y	C	
4-24-502(1)(A)	LIVESTOCK NOT BRANDED FORAGING IN OPEN RANGE OR OUTSIDE ENCLOSURE	MB	Y	\$350	\$0	N	90%	N	Y	C	

4-24-502(1)(B)	BRAND OR MARK LIVESTOCK W/BRAND OR MARK NOT OF RECORD	MB	Y	\$350	\$0	N	90%	N	Y	C	
4-24-502(1)(C)	OBLITERATE CHANGE OR REMOVE A RECORDED BRAND OR MARK	MB	Y	\$350	\$0	N	90%	N	Y	C	
4-24-502(1)(D)	DESTROY CONCEAL EVIDENCE OF OWNERSHIP OF THE ANIMAL HIDE	MB	Y	\$350	\$0	N	90%	N	Y	C	
4-24-503	USE OF VEHICLE TO TRANSPORT STOLEN LIVESTOCK PROHIBITED	MB	Y	\$350	\$0	N	90%	N	Y	C	
4-25-301	ALLOW SWINE TO ROAM AT LARGE	MB	Y	\$690	\$0	N	90%	N	Y	C	
4-26-101	FAILURE TO CLOSE ENTRANCE TO ENCLOSURE	MC	N	\$350	\$0	N	35%	N	N	C	
4-31-102	DUTY OF OWNER TO BURY OR DISPOSE OF DEAD DOMESTIC ANIMAL	IN	N	\$350	\$0	N	35%	N	N	C	
4-31-103	DEPOSIT DEAD ANIMAL ON ANOTHERS LAND WITHOUT CONSENT	IN	N	\$350	\$0	N	35%	N	N	C	
4-32-106	SLAUGHTERING LIVESTOCK EXCEPT IN LICENSED ESTABLISHMENT PROHIBITED	MC	Y	\$350	\$0	N	35%	N	Y	C	
4-32-106(6)	SALE OR OFFER FOR SALE ANY UNINSPECTED MEAT OR POULTRY	MB	Y	\$690	\$0	N	90%	N	Y	C	
4-39-105	DOMESTICATED ELK - PROHIBITED ACTIVITIES	MB	Y	\$690	\$0	N	90%	N	N	C	
46-1-16(10)(A)	UNLAWFUL USE OF ELECTRONIC NOTARY SIGNATURE OR SEAL	MB	Y	\$690	\$0	N	90%	N	Y	C	
46-1-17(1)	UNLAWFUL VENDING OF A NOTARY SEAL	MB	N	\$690	\$0	N	90%	N	Y	C	
46-1-18(2)(C)	EMPLOYER W/KNOWLEDGE/CONSENT/PERMIT MISCONDUCT OF NOTARY	MB	Y	\$690	\$0	N	90%	N	Y	C	
46-1-18(3)(A)	UNLAWFUL USE OF NOTARY SEAL	MB	Y	\$690	\$0	N	90%	N	Y	C	
46-1-18(3)(B)	UNLAWFUL SOLICITATION OF NOTARY BY EMPLOYER	MB	Y	\$690	\$0	N	90%	N	N	C	
52-3-3	PUBLIC OFFICER EMPLOYMENT OF RELATIVES PROHIBITED	MB	N	\$690	\$0	N	90%	Y	Y	C	
52-4-209(8)(B)	GIVE FALSE IDENTITY DURING ELECTRONIC MEETING	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-10-108	KNOWING, INTENTIONAL ACCESS DISSEMINATE CITS DIVISION RECORD	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-10-111	REFUSE TO PROVIDE OR FALSE INFORMATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-18-103(6)(A)	INTERNET POSTING OF PERSONAL INFORMATION OF LAW ENFORCEMENT	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-3-109	KNOWING, INTENTIONAL ACCESS, DISSEMINATE DLD RECORD UNLAWFUL	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-3-205	LICENSE APPLICATION VIOLATION	MC	Y	\$350	\$0	N	35%	N	N	C	
53-3-229(1)	PROHIBITED USES OF DRIVER LICENSE CERTIFICATE	MC	Y	\$220	\$0	N	35%	Y	Y	C	
53-3-229(1)(A)	LEND OR PERMIT USE OF OWN LICENSE TO PERSON NOT ENTITLED	MC	Y	\$220	\$0	N	35%	Y	N	C	

53-3-229(1)(B)	DISPLAY/REPRESENT LICENSE AS ONE'S OWN NOT ISSUED TO PERSON	MC	Y	\$220	\$0	N	35%	Y	Y	C	
53-3-229(1)(C)	REFUSE TO SURRENDER LIC TO DLD OR PEACE OFFICER ON DEMAND	MC	Y	\$220	\$0	N	35%	N	Y	C	
53-3-229(1)(D)	FALSIFY OR COMMIT FRAUD IN APPL FOR LIC OR RENEWAL OF LIC	MC	Y	\$220	\$0	N	35%	Y	Y	C	
53-3-229(1)(F)	NOT AN AUTHENTIC DRIVER LICENSE	MC	Y	\$220	\$0	N	35%	Y	Y	C	
53-3-229(1)(G)	ALTER AUTHENTIC LICENSE TO MISREPRESENT ORIGINAL INFORMATION	MC	Y	\$220	\$0	N	35%	Y	Y	C	
53-3-305	NOTICE TO DL OF IMPAIRED PERSON W/INTENT TO ANNOY. HARASS. ETC..	IN	N	\$350	\$0	N	35%	N	N	C	
53-3-305(5)	NOTIFY OF IMPAIRMENT WITH INTENT TO ANNOY, HARASS SUBJECT	IN	N	\$350	\$0	N	35%	N	N	C	
53-3-406	MORE THAN ONE COM LICENSE	MB	N	\$420	\$0	N	90%	Y	N	C	
53-3-810	PROHIBITED USES OF IDENTIFICATION CARD	MC	Y	\$220	\$0	N	35%	N	Y	C	
53-3-810(1)	PROHIBITED USES OF IDENTIFICATION CARD	MC	Y	\$220	\$0	N	35%	N	Y	C	
53-3-810(3)	USE FALSE, ALTERED ID TO OBTAIN ALC, ADMITTANCE, OR EMPLOY	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-7-206	NON-STANDARD FIRE EQUIPMENT VIOLATION	MB	Y	\$670	\$0	N	90%	N	Y	C	
53-7-207	SELLING OR OFFERING NON-STANDARD FIRE EQUIPMENT	MB	Y	\$670	\$0	N	90%	N	Y	C	
53-7-216	SERVICE FIRE EXTINGUISHERS W/O LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-7-222	UNAUTHORIZED SALE/USE OF FIREWORKS	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-7-222(1)(A)	UNLAWFUL POSSESSION, DISCHARGE, SALE OF CLASS C FIREWORKS	MB	Y	\$690	\$0	N	90%	N	N	C	
53-7-222(2)	UNCLASSIFIED FIREWORKS SOLD OR OFFERED FOR SALE	MB	Y	\$690	\$0	N	90%	N	N	C	
53-7-223	UNLAW PURCHASE/POSSESSION OF FIREWORKS	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-7-225	TIMES FOR SALE AND DISCHARGE OF FIREWORKS	IN	N	\$160	\$0	N	35%	N	N	C	
53-7-225(3)	TIMES FOR DISCHARGE OF FIREWORKS	IN	N	\$160	\$0	N	35%	N	N	C	
53-7-226	UNLAW PURCHASE/POSSESSION OF FIREWORKS	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-7-226(5)	SALE/STORE/HANDLE FIREWORKS W/O PERMIT	MB	Y	\$690	\$0	N	90%	N	N	C	
53-7-226(6)	RETAIL SALE/TRANSPORT/POSSESS/DISCHARGE CLASS C EXPLOSIVE	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-7-308	ENGAGE IN LPG BUSINESS W/O A LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
53-7-312	FAIL TO OBTAIN REVIEW INSPECTION LPG FAC	MB	N	\$1,150	\$0	N	90%	N	N	C	
53-8-205(1)(B)	SAFETY INSP REQ ON 1ST TIME STREET LEGAL ATV	IN	N	\$60	\$10	Y	0%	N	N	C	\$10 CREDIT CAN BE GIVEN UPON PROOF OF SAFETY INSPECTION.
53-8-206	SAFETY INSPECTION STATION REQUIREMENTS	MB	Y	\$690	\$0	N	90%	N	Y	C	

53-8-207	PRETEND TO BE OFFICIAL SAFETY STATION	MB	N	\$310	\$0	N	90%	N	Y	C	
53-8-208	FRAUDULENT INSPECTION	MC	Y	\$280	\$0	N	35%	N	Y	C	
53-8-209	INSPECTION BY PEACE OFFICER	IN	N	\$350	\$0	N	35%	N	Y	C	
53B-17-304	USE OF DEAD BODIES FOR SCIENCE VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
53B-3-108	FAILURE TO ENFORCE REGULATIONS AT INSTITUTIONS	MB	N	\$690	\$0	N	90%	Y	Y	C	
53C-2-301	TRESPASSING ON TRUST LANDS	MB	Y	\$690	\$0	N	90%	N	Y	C	
53C-2-301(1)(F)	TRESPASSING ON TRUST LANDS	MB	Y	\$690	\$0	N	90%	N	Y	C	
53C-2-301(1)(G)	TRESPASSES UPON, USES, WASTE, DUMPS OR OCCUPIES TRUST LAND	MB	Y	\$690	\$0	N	90%	N	Y	C	
53C-2-301(4)(D)	ILLEGAL ACTIVITIES ON TRUST LAND DAMAGES/LOSS < \$500	MB	Y	\$690	\$0	N	90%	N	Y	C	
53E-4-407	BOARD MEMBER RECEIVING MONEY VIOLATION	MB	N	\$690	\$0	N	90%	N	Y	C	
53G-6-202(5)	PARENT FAILS TO ENROLL SCHOOL AGE MINOR IN SCHOOL	MB	Y	\$390	\$0	N	90%	N	Y	C	
53G-6-202(6)	PARENT FAILS TO ACT ON COMPULSORY EDUCATION	MB	Y	\$390	\$0		90%	N	Y	C	
53G-8-602	POSS/CONS ALC BEV AT SCHOOL/SCHOOL ACTIV	MB	Y	\$690	\$0	N	90%	N	Y	C	
53G-8-603	CRIMINAL TRESPASS UPON SCHOOL PROPERTY	MB	Y	\$690	\$0	N	90%	N	Y	C	
54-3-21	FAILURE TO DIVULGE PUBLIC INFORMATION PROPERLY	MB	N	\$690	\$0	N	90%	Y	Y	C	
54-5-4	USE OF PUBLIC UTILITIES WHILE SUSPENDED	MB	N	\$690	\$0	N	90%	Y	Y	C	
55-5a-3	PERMIT VIOLATION TO SELL BLIND-MADE PRODUCTS OR SERVICES	MB	Y	\$690	\$0	N	90%	N	Y	C	
56-1-12	RAILROAD INJURY OF LIVESTOCK NOT REPORTED W/IN 3 DAYS	MB	N	\$690	\$0	N	90%	Y	Y	C	
56-1-14	LOCOMOTIVE TO SOUND BELL WHILE CROSSING GRADE	MB	N	\$690	\$0	N	90%	Y	Y	C	
56-1-16	RAILROAD TO MAINTAIN SCHEDULE	MB	N	\$690	\$0	N	90%	Y	Y	C	
56-1-29	REMOVAL OR IMPROPER USE OF FIRST AID ON LOCOMOTIVE	MB	N	\$690	\$0	N	90%	Y	Y	C	
57-11-5	LAND SALES VIOLATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
58-31B-501	UNLAWFUL CONDUCT NURSING LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
58-37-3.9(3)(C)	CARDHOLDER SMOKING CANNABIS	IN	N	\$110	\$0	N	35%	N	Y	C	
58-37-6(7)(I)	LICENSED PRACTITIONER DISPENSE C/S TO CHILD W/OUT CONSENT	MB	Y	\$690	\$0	N	90%	N	Y	C	Enhanceable Offense
58-37-6(7)(J)	LICENSED PRACTITIONER ADMINISTERS C/S IN EXCESS QUANTITY	MB	Y	\$690	\$0	N	90%	N	Y	C	Enhanceable Offense
58-37-6(7)(K)	LIC PRACT NOT TO DISPENSE CONTROLLED SUB KNOWING ID IS FALSE	MB	Y	\$690	\$0	N	90%	Y	Y	C	Enhanceable Offense

58-37-6(10)	MEDICAL RESEARCHER NOT TO PRESCRIBE, DISPENSE CONTROL SUBST	MB	Y	\$690	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-7	VIOLATION OF LABELING / PACKAGING CONTROLLED SUBSTANCE	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37-7(4)	ALTER OR REMOVE LABEL OF CONTROLLED SUBSTANCE	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37-7(5)(A)	MIXED CONTROLLED SUBSTANCE IN A CONTAINER	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37-8(1)(A)(I)	KNOWINGLY PRODUCE/DISPENSE/MANUFACTURE CONTROLLED SUBSTANCE	MB	Y	\$690	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(1)(A)(II)	DISTRIBUTE/OFFER/ARRANGE DISTRIBUTION OF CONTROLLED SUBSTANCE	MB	Y	\$690	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(2)(A)(I)	POSSESSION OR USE OF A CONTROLLED SUBSTANCE	MB	Y	\$690	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(2)(A)(II)	KNOWINGLY BEING PRESENT WHEN CONTROLLED SUBSTANCE IS USED	MB	Y	\$690	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(2)(A)(III)	POSSESSION OF AN ALTERED OR FORGED RX	MB	Y	\$690	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(2)(D)	POSSESSION OF CONTROLLED SUBSTANCE MARIJUANA/SPICE	MB	Y	\$690	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37-8(2)(E)	POSSESSION OF C/S WITHIN A CORRECTIONAL FACILITY	MB	Y	\$690	\$0	N	90%	Y	Y	C	Enhanceable Offense
58-37A-5(1)	USE OR POSSESSION OF DRUG PARAPHERNALIA	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37A-5(1)(A)	USE OR POSSESSION OF DRUG PARAPHERNALIA	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37A-5(4)	UNLAW TO ADVERTISE DRUG PARAPHERNALIA	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37A-5(4)(A)	UNLAW TO ADVERTISE DRUG PARAPHERNALIA	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37B-6	USE OF IMITATION CONTROLLED SUBSTANCE	MC	Y	\$350	\$0	N	35%	Y	Y	C	
58-37C-18	REC-KEEPING FOR SALE OF CRYSTAL IODINE	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37C-19(1)	UNLAWFUL SALE OF CRYSTAL IODINE BY LICENSED PERSON	MB	Y	\$1,960	\$0	N	90%	N	Y	C	
58-37C-19.5(5)	UNLAWFUL SALE OR DISTRIBUTION OF IODINE MATRIX	MB	Y	\$690	\$0	N	90%	N	Y	C	
58-37C-20.5(6)	ILLEGAL RELEASE/MODIFICATION OF PSEUDOEPHEDRINE LOG	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37C-20.5(7)	PURCHASE EXCESS EPHEDRINE, PSEUDOEPHEDRINE	MB	Y	\$690	\$0	N	90%	Y	Y	C	
58-37F-601(1)(B)(I)	NEGLIGENT RELEASE-STATE/FED INFO OPIOID PRESCRIPT DATABASE	MC	N	\$350	\$0	N	35%	N	Y	C	
58-37F-601(1)(B)(II)	ELECTRONICALLY ACCESS INFO-OPIOID PRESCRIPTION DATABASE	MC	Y	\$350	\$0	N	35%	N	Y	C	
58-3A-501	UNLAWFUL CONDUCT/ARCHITECT	MB	Y	\$690	\$0	N	90%	N	Y	C	
58-50-4	PRIVATE PROBATION PROVIDER W/O LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
58-55-301	CONTRACTING W/O A LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
58-55-305(2)	CONSTRUCTION-CONTRACTING W/O A LIC	MB	Y	\$690	\$0	N	90%	N	Y	C	

58-55-501(13)	THEFT BY CONTRACTOR FOR TAKING MONEY W/OUT PROVIDING SERVICE	IN	N	\$160	\$0	N	35%	N	Y	C	
58-55-501(16)(A)	LICENSED CONTRACTOR DELIBERATE DISREGARD OF BLDG/CONST LAWS	MB	Y	\$690	\$0	N	90%	N	Y	C	
58-55-501(16)(D)	LICENSED CONTRACTOR WILLFUL DISREGARD OF WORKERS COMP LAWS	MB	Y	\$690	\$0	N	90%	N	Y	C	
58-55-501(8)	SUBMITTING A BID WITHOUT A LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
58-55-503(2)	FAILURE TO PAY A SUBCONTRACTOR	IN	N	\$160	\$0	N	35%	N	N	C	
58-9-607(4)	REMOVAL OF ITEMS FROM HUMAN REMAINS	MB	Y	\$690	\$0	N	90%	N	Y	C	
59-14-201(1)	FAILURE TO OBTAIN LIC TO SELL CIGARETTES	MB	Y	\$690	\$0	N	90%	N	Y	C	
59-14-208	STAMPING AND PACKAGING PROCEDURE VIOLATION	MB	Y	\$690	\$0	N	90%	N	N	C	
59-14-211	DEAL WITH PROHIB CIGS - PRIV RGHT OF ACT	MB	Y	\$690	\$0	N	90%	N	Y	C	
59-14-214	FAIL TO TIMELY FILE REPORT OR FILES FALSE, MISLEADING INFO	MB	Y	\$690	\$0	N	90%	N	Y	C	
59-14-407	FAIL TO TIMELY FILE REPORT OR FILES FALSE, MISLEADING INFO	MB	Y	\$690	\$0	N	90%	N	Y	C	
59-14-606	FAIL TO TIMELY FILE REPORT OR FILES FALSE, MISLEADING INFO	MB	Y	\$690	\$0	N	90%	N	Y	C	
59-14-803(1)	SELL/OFFER/DISTRIBUTE ELECTRONIC CIGARETTE W/OUT LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
62A-15-622	ABDUCTION OF MENTAL HEALTH PAT	MB	Y	\$690	\$0	N	90%	N	Y	C	
62A-15-643	UNLAWFUL DISCLOSURE OF MENTAL HEALTH INFORMATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
62A-3-305(1)	FAIL TO REPORT SUSPECTED ABUSE/NEGLECT/EXPLOIT OF VULN ADULT	MB	Y	\$690	\$0	N	90%	N	Y	C	
62A-3-305(5)	INTIMIDATE VULN ADULT OR PERSON COOPERATING IN INVESTIGATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
62A-4A-206(7)	TAKE ACTION AGAINST LIC OF FOSTER PARENT OR REMOVE FROM FOST	IN	N	\$620	\$0	N	35%	N	Y	C	
62A-4A-411	FAILURE TO REPORT ABUSE OF CHILD	MB	Y	\$310	\$0	N	90%	N	Y	C	
62A-4A-412(4)	RELEASE OF CONFIDENTIAL DCFS INFO	MC	Y	\$350	\$0	N	35%	N	Y	C	
62A-4A-501(2)	UNLAWFULLY PROVIDE SHELTER TO A RUNAWAY	MB	Y	\$690	\$0	N	90%	N	Y	C	
62A-5B-106(1)	INTERFERING WITH THE RIGHTS OF A DISABLED PERSON	MC	Y	\$350	\$0	N	35%	N	Y	C	
62A-5B-106(2)	KNOWINGLY MISREPRESENTING ANIMAL AS A SERVICE ANIMAL	MB	N	\$690	\$0	N	90%	N	N	C	
62A-7-106.5(2)	NON-COMPLIANCE WITH DIVISION STANDARDS	MB	Y	\$690	\$0	N	90%	N	N	C	
63A-12-105	MUTIL/DEST/DISPOSE OF RECORD CONTRARY TO GOVT RETENT SCHEDULE	MB	Y	\$690	\$0	N	90%	N	N	C	
63A-5B-1103	MAKING KEYS TO A PUBLIC, POLITICAL, COLLEGE, OR UNIV W/OUT PERMISSION	MB	N	\$690	\$0	N	90%	N	Y	C	

63C-9-301	VIOLATION OF A RULE RELATING TO THE USE OF THE CAPITOL HILL	IN	N	\$110	\$0	N	35%	N	N	C	
63G-12-211(4)	FURNISH FALSE OR FORGED INFORMATION, DOCUMENTS FOR APP	MB	Y	\$690	\$0	N	90%	N	Y	C	
63G-2-801(1)	INTENTIONALLY DISCLOSE PRIVATE, CONTROLLED RECORD	MB	Y	\$690	\$0	N	90%	N	Y	C	
63G-2-801(2)	FALSELY OBTAIN ACCESS TO RECORDS NOT LEGALLY ENTITLED TO	MB	Y	\$690	\$0	N	90%	N	Y	C	
63G-2-801(3)(A)	PUBLIC EMPLOYEE REFUSAL TO RELEASE RECORD REQUIRED BY LAW	MB	Y	\$690	\$0	N	90%	N	Y	C	
63G-2-801(3)(C)	PUBLIC EMPLOYEE REFUSAL TO RELEASE RECORD BY FINAL ORDER	MB	Y	\$690	\$0	N	90%	N	Y	C	
63G-24-103	PROVIDE/DISCLOSE PROTECTED PERSONAL INFORMATION	MC	N	\$350	\$0	N	35%	N	Y	C	
63G-6A-2404(4)(D)	GIVE/OFFER/PROMISE OR RECEIVE A GRATUITY OR KICKBACK OF <\$10	MB	Y	\$690	\$0	N	90%	N	Y	C	
63G-6A-408(8)(A)	KNOWINGLY DIVIDE PROCUREMENT IN ONE/MORE SMALLER PROCUREMENT	MB	Y	\$690	\$0	N	90%	N	Y	C	
63G-6A-408(8)(A)(I)	DIVIDE PROCUREMENT TO QUALIFY AS A SMALL PURCHASE	MB	Y	\$690	\$0	N	90%	N	Y	C	
63G-6A-408(8)(A)(II)	DIVIDE PROCUREMENT TO MEET THRESHOLD ESTABLISHED BY RULE	MB	Y	\$690	\$0	N	90%	N	Y	C	
63G-6A-408(8)(B)(IV)	DIVIDE PROCUREMENT-VALUE BEFORE IS <\$100,000	MB	Y	\$690	\$0	N	90%	N	Y	C	
63M-7-510(2)(A)	FRAUDULENT CRIME VICTIM REPARATIONS CLAIM <\$500	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-14-301	ECONOMIC BENEFITS OF BIOPROSPECTING DENIED (CRIMINAL TRESPASS	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(2)	TRESPASSING ON STATE LANDS	MB	Y	\$593	\$0	N	90%	N	Y	C	
65A-3-1(2)(A)	UNAUTHORIZED REMOVE,EXTRACT,USE,CONS OR DESTROYS RESOURCES	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(2)(B)	WITHOUT WRITTEN AUTHORIZATION: GRAZE LIVESTOCK ON STATE LAND	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(2)(C)	WITHOUT WRITTEN AUTHORIZATION: USES, OCCUPIES, CONSTRUCTS	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(2)(D)	USE OCCUPY STATE LANDS FOR MORE THAN 30 DAYS BEYOND CANCEL	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(2)(E)	NO WRITTEN AUTH: KNOWING AND WILLFUL USE STATE LAND FOR GAIN	MB	Y	\$1,080	\$0	N	90%	N	Y	C	
65A-3-1(2)(F)	APPROP/DEST HISTORIC, ARCHEO- OR PALEONTOLOGICAL RESOURCES	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(2)(G)	START CAMPFIRE/CAMP ON NAVIGABLE LAKE OR RIVER	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(2)(H)	CAMPS ON STATE LANDS OR DESIGNATED AREAS	MB	Y	\$690	\$0	N	90%	N	Y	C	

65A-3-1(2)(I)	CAMPS ON STATE LANDS > 15 DAYS WITHIN 1 MILE	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(2)(J)	CAMPS ON STATE LAND FOR 15 DAYS-RETURN TO LOCATION > 15 DAYS	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(2)(K)	FAIL OF PASSENGER 16 YRS OR OLDER, TO WEAR SEAT BELT	MB	Y	\$690	\$0	N	90%	N	N	C	
65A-3-1(2)(L)	PARK OR OPERATE VEHIC ON NAVIGABLE LAKE OR RIVER BED	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-1(3)	UNLAWFUL VEHICLE USE, CAMPING ON BEAR LAKE EXPOSED LAKE BED	MC	N	\$350	\$0	N	35%	N	Y	C	
65A-3-1(3)(A)	UNLAWFUL MOTOR VEHICLE USE, CAMPING, FIREWORKS AT BEAR LAKE	MC	N	\$350	\$0	N	35%	N	Y	C	
65A-3-1(3)(B)	UNLAWFUL MOTOR VEHICLE USE, CAMPING, FIREWORKS AT BEAR LAKE	MC	N	\$350	\$0	N	35%	N	Y	C	
65A-3-1-C	TRESPASSING ON STATE LANDS (CAMPING AND MOTORIZED)	MC	N	\$180	\$0	N	35%	N	N	C	
65A-3-1-O	TRESPASSING ON STATE LANDS (OTHER)	MC	N	\$180	\$0	N	35%	N	N	C	
65A-3-2(1)	PROHIBITED ACTS ON STATE LANDS	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-3-2(1)(A)	THROW/PLACE A GLOWING/FLAMING/LIGHTED ITEM ON HWY/WILDLAND	MB	Y	\$1,080	\$0	N	90%	N	N	C	
65A-3-2(1)(B)	OBSTRUCT STATE FORESTER OR DEPUTY IN PERFORMING FIRE CONTROL	MB	Y	\$1,080	\$0	N	90%	N	N	C	
65A-3-2(1)(C)	REFUSE TO ASSIST IN CONTROLLING FIRE WITHOUT GOOD REASON	MB	Y	\$1,080	\$0	N	90%	N	N	C	
65A-3-2(1)(D)	FIRE ANY TRACER OR INCENDIARY AMMUNITION	MB	Y	\$1,080	\$0	N	90%	N	Y	C	
65A-3-2.5	RECKLESSLY OPERATE UNMANNED AIRCRAFT	MB	Y	\$690	\$0	N	90%	N	Y	C	
65A-8-211	BURNING DURING CLOSED FIRE SEASON	MB	Y	\$1,080	\$0	N	90%	N	Y	C	
65A-8-211(2)	BURN WITHOUT PERMIT	MB	Y	\$1,080	\$0	N	90%	N	N	C	
65A-8-211(6)	FAILURE TO NOTIFY FIRE DEPT OF BURN	MC	N	\$350	\$0	N	35%	N	N	C	
65A-8-212	VIOLATION OF FIRE RESTRICTION ORDER	MB	Y	\$590	\$0	N	90%	N	N	C	
65A-8A-104	FAILURE TO NOTIFY OF INTENT TO CONDUCT FOREST PRACTICES	MB	Y	\$690	\$0	N	90%	N	N	C	
67-16-4	IMPROPER USE OF EMPLOYEES POSITION	MB	Y	\$690	\$0	N	90%	N	Y	C	
67-16-9	PUBLIC EMPLOYEE CONFLICT OF INTEREST	MB	Y	\$690	\$0	N	90%	N	Y	C	
7-25-405	DEPARTMENT OF FINANCIAL INSTITUTIONS LICENSING VIOLATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
70C-8-202	FAIL TO FILE NOTIFICATION W/DEPT FINANCE	MB	Y	\$690	\$0	N	90%	N	Y	C	
71-10-3	FAILURE TO GIVE VETERANS PREFERENCE	MB	N	\$690	\$0	N	90%	Y	Y	C	
72-5-118	UNLAWFUL ROAD CLOSURE	MC	N	\$210	\$0	N	35%	N	N	C	
72-10-109(1)(A)	FAILURE TO OBTAIN CERTIFICATE OF REGISTRATION ON AIRCRAFT	MC	Y	\$350	\$0	N	35%	N	N	C	

72-10-113	PILOT'S CERTIFICATE OF COMPETENCY REQUIRED	MB	Y	\$690	\$0	N	90%	N	N	C	
72-10-115	FAIL TO SHOW PILOT CERTIFICATE	MB	Y	\$660	\$0	N	90%	N	N	C	
72-10-127	TAMPERING WITH AIRCRAFT FORBIDDEN	MB	Y	\$690	\$0	N	90%	N	Y	C	
72-10-128	TAMPERING WITH AIRPORT OR ITS EQUIPMENT	MB	Y	\$690	\$0	N	90%	N	Y	C	
72-10-412	AIRPORT ZONING VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
72-10-501	FLYING UNDER INFLUENCE OF ALCOHOL AND/OR DRUGS	MB	Y	\$1,470	\$0	N	90%	N	Y	C	
72-14-303(2)(A)	FLY UNMANNED AIRCRAFT CARRYING WEAPON W/O CERT OF AUTHORIZATION	MB	Y	\$690	\$0	N	90%	N	Y	C	
72-14-403	UNLAWFUL OPERATION OF UNMANNED AIRCRAFT	IN	N	\$110	\$0	N	35%	N	Y	C	
72-14-403(8)(D)	UNLAWFUL OPERATION OF UNMANNED AIRCRAFT AFTER INFRACTION CONVICTION	MB	Y	\$350	\$0	N	90%	N	Y	C	
72-6-114	FAIL TO OBSERVE BARRICADE, LIGHT SIGN, CONE, OR OBEY FLAGMAN	MB	N	\$690	\$0	N	90%	Y	N	C	
72-7-102	BARRIERS PROHIBITED IN RIGHT OF WAY	MB	Y	\$180	\$0	N	90%	N	N	C	
72-7-102(2)(B)	OBJECT PROHIBITED WITHIN RIGHT OF WAY	MB	Y	\$690	\$0	N	90%	N	N	C	
72-7-106	GATES ON CLASS B AND D ROADS	MB	Y	\$690	\$0	N	90%	N	N	C	
72-7-203	FAIL TO OBTAIN JUNKYARD LICENSE	MB	Y	\$690	\$0	N	90%	N	Y	C	
72-7-301	DAMAGE TO HIGHWAY	MB	Y	\$690	\$0	N	90%	N	Y	C	
72-7-302(1)	DAMAGE TO SIGNS, WARNINGS, OR BARRIERS	MB	Y	\$690	\$0	N	90%	N	Y	C	
72-7-303	OBSTRUCTING HIGHWAY WITH SNOW OR WATER	MB	N	\$690	\$0	N	90%	N	N	C	
72-7-304	INJURY TO TREES ON HIGHWAY	MB	Y	\$690	\$0	N	90%	N	N	C	
72-7-403	TOWING REQUIREMENTS	IN	N	\$240	\$0	N	35%	N	N	C	If weight is specified, use overload schedule
72-7-403(2)	TOWING REQUIREMENTS - WHIPS/SWERVES	IN	N	\$240	\$0	N	35%	N	N	C	If weight is specified, use overload schedule
72-7-405(4)	REFUSAL TO SUBMIT TO MEASURE OR WEIGHT	IN	Y	\$290	\$0	N	35%	N	N	C	
72-7-407	IMPLEMENTS OF HUSBANDRY - ESCORT VEHICLE REQ	IN	N	\$350	\$0	N	35%	N	N	C	
72-7-408	RESTRICTIONS ON HIGHWAY USE BECAUSE OF CLIMATIC CONDITIONS	IN	N	\$210	\$0	N	35%	N	Y	C	If weight is specified, use bail for UCA 41-1a-1304
72-7-409(6)(B)(I)	FAILURE TO SECURE LOAD ON VEHICLE CREATING HAZARD	IN	N	\$260	\$0	N	35%	N	N	C	Minimum of \$200 fine or \$500 for 2nd+ offense w/in 3 years.
72-7-409(6)(B)(II)	FAILURE TO SECURE LOAD ON VEHICLE LEADING TO ACCIDENT	MB	N	\$690	\$0	N	90%	N	N	C	
72-7-409(6)(D)(I)	COMMERCIAL VEHICLE FAILURE TO SECURE LOAD CREATING HAZARD	IN	N	\$510	\$0	N	35%	N	N	C	
72-7-409(6)(D)(I){2ND }	COMMERCIAL VEHICLE FAILURE TO SECURE LOAD ON VEHICLE - 2ND/SUBSEQUENT W/IN 3 YRS	IN	Y	\$1,010	\$0	N	35%	N	N	C	Minimum of \$500 fine or \$1,000 for 2nd+ offense w/in 3 years.

72-7-503	ADVERTISING ON HIGHWAY	MB	Y	\$690	\$0	N	90%	N	N	C	
72-7-504	PROHIBITED ADVERTISING NEAR INTERSTATE OR PRIMARY SYSTEM	MB	N	\$690	\$0	N	90%	N	N	C	
72-9-105	INFORMATION LETTERED ON VEHICLE	MB	N	\$200	\$0	N	90%	N	N	C	
72-9-601	TOW TRUCK BUSINESS VIOLATION	MB	N	\$210	\$0	N	90%	N	Y	C	
72-9-602	TOW TRUCK EQUIPMENT VIOLATION	MB	N	\$210	\$0	N	90%	N	N	C	
72-9-603(1)(B)	TOWING NOTICE VIOLATION	MB	Y	\$690	\$0	N	90%	N	N	C	
72-9-701	MOTOR CARRIER UNLAWFUL CONDUCT	MB	Y	\$690	\$0	N	90%	N	N	C	
73-1-14	INTERFERE WITH WATERWORKS OR APPORTIONMENT	MB	Y	\$690	\$0	N	90%	N	Y	C	
73-1-15	OBSTRUCTING CANALS OR WATERCOURSES	MB	Y	\$660	\$0	N	90%	N	N	C	
73-18-10(1)	FAILURE TO KEEP RECORDS BY A BOAT LIVERY	MC	Y	\$310	\$0	N	35%	N	N	C	
73-18-10(2)	FAIL TO EQUIP VESSEL W/SAFETY EQUIPMENT/NOTIFY OF LIVERY RULE	MC	Y	\$310	\$0	N	35%	N	N	C	
73-18-12	RECKLESS OPERATION OF NON-MOTOR VESSEL/MANIPULATE WATER SKI	MB	Y	\$690	\$0	N	90%	N	N	C	
73-18-13(1)	FAIL TO GIVE ASSISTANCE (BOATING)	MB	Y	\$690	\$0	N	90%	N	Y	C	
73-18-13(2)	FAILURE TO GIVE NAME AND ASSISTANCE AT AN ACCIDENT	MB	Y	\$690	\$0	N	90%	N	Y	C	
73-18-13(4)	FALSE INFORMATION AT ACCIDENT (BOATING)	MB	Y	\$1,960	\$0	N	90%	N	Y	C	
73-18-13(6)	GIVE FALSE WRITTEN INFORMATION (BOATING)	MB	Y	\$1,960	\$0	N	90%	N	Y	C	
73-18-13.1(2)	ACCIDENT INVOLVING PROPERTY DAMAGE	MB	Y	\$690	\$0	N	90%	N	N	C	
73-18-15.1	VESSEL NAVIGATION & STEERING LAWS	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(1)	FAILURE TO MAINTAIN PROPER LOOKOUT	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(10)	FAILURE TO OBEY SPEED AND PROXIMITY	MC	N	\$280	\$0	N	35%	N	N	C	
73-18-15.1(11)	DAMAGE OR INJURY CAUSED BY WAKE CREATED BY OPERATORS VESSEL	MC	N	\$280	\$0	N	35%	N	Y	C	
73-18-15.1(12)	PERSON RIDING ON UNAUTHORIZED PORTION OF VESSEL	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(13)	PERSON ON BOW NOT STRADDLING STANCHION OR BLOCKING VIEW	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(14)(A)	NO OBSERVER OR OBSERVER NOT OVER 8 YEARS OF AGE	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(14)(B)	TOWED PERSON BETWEEN SUNSET AND SUNRISE	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(15)	DISPLAY NAV LIGHTS BETWEEN SUNSET/SUNRISE	MC	N	\$160	\$0	N	35%	N	N	C	
73-18-15.1(2)	FAILURE TO ALTER COURSE IN MEETING SITUATION	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(3)	FAILURE TO YIELD RIGHT OF WAY WHEN CROSSING	MC	N	\$180	\$0	N	35%	N	N	C	

73-18-15.1(4)	FAILURE TO YIELD RIGHT OF WAY WHEN OVERTAKING	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(5)	FAILURE TO STAY OUT OF WAY OF LESS MANEUVERABLE VESSEL	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(7)	FAILURE TO KEEP RIGHT IN NARROW CHANNELS	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.1(8)	FAILURE TO TAKE ACTION IN AVOIDING ACCIDENT	MC	N	\$180	\$0	N	35%	N	Y	C	
73-18-15.1(9)	FAILURE TO YIELD SAILBOAT VS SAILBOAT	MC	N	\$180	\$0	N	35%	N	N	C	
73-18-15.2	OPERATE VESSEL UNDER AGE W/O ADULT	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-15.2(1)	UNDER 16 OP MOTOR/SAILBOAT W/O ADULT/SINGLE MB/SB SUPERVISED	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-15.2(2)(A)	OPERATE PWC OVER AGE 12 UNDER AGE 16 W/OUT ADULT SUPERVISION	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-15.2(2)(B)	OPERATE PWC OVER AGE 12 UNDER AGE 16 W/O EDUCATION CERTIF	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-15.2(2)(C)	OPERATE PWC AGE 12 TO AGE 16 W/O CERTIFICATE IN POSSESSION	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-15.2(3)(A)	OPERATE PWC OVER AGE 16 UNDER 18 W/O EDUCATION CERTIFICATE	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-15.2(3)(B)	OPERATE PWC AGE 16 - 18 W/O EDUCATION CERTIF IN POSSESSION	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-15.2(5)	GAVE PERMISSION FOR UNDERAGE OPERATION	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-15.3	OPERATION OF PERSONAL WATERCRAFT PROHIBITED SUNSET - SUNRISE	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-15.5	AUTHORIZING A DUI OR RECKLESS OPERATION	MC	Y	\$360	\$0	N	35%	N	Y	C	
73-18-16	HELD A MARINE EVENT WITHOUT PROPER AUTHORIZATION	IN	Y	\$310	\$0	N	35%	N	N	C	
73-18-20(2)	FAIL TO COMPLY W/POLICE (BOATING)	MB	N	\$250	\$0	N	90%	N	Y	C	
73-18-20.4	DUTY TO REPORT FALSIFIED VESSEL OR MOTOR NUMBER	MB	Y	\$400	\$0	N	90%	N	N	C	
73-18-6(1)	FAILURE TO DISPLAY BOW NUMBERS	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-7	BOATING REGISTRATION VIOLATION	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-7(1)	EXPIRED, IMPROPER OR NO CURRENT REGISTRATION	IN	N	\$150	\$10	N	35%	N	Y	C	
73-18-7(15)	UNASSIGNED NUMBER DISPLAYED ON BOAT	IN	Y	\$150	\$0	N	35%	N	N	C	
73-18-7(3)	NO REG IN VEHICLE WHILE OPERATING (BOAT)	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-7(3)(B)	NO REGISTRATION CARD ON VESSEL	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-7(4)(A)	IMPROPER LOCATION / ATTACHMENT OF BOW NUMBERS	IN	N	\$150	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow
73-18-7(4)(B)	BOW NUMBERS/PLAIN VERTICAL BLOCK CHARACTERS AT LEAST 3" HIGH	IN	N	\$150	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow
73-18-7(4)(C)	BOW NUMBERS CONTRAST W/COLOR BACKGROUND/VISIBLE & LEGIBLE	IN	N	\$150	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow

73-18-7(4)(D)	NO SPACES OR HYPHENS BETWEEN GROUPINGS OF BOW NUMBER	IN	N	\$150	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow
73-18-7(4)(E)	BOW NUMBERS NOT READ FROM LEFT TO RIGHT	IN	N	\$150	\$0	N	35%	N	N	C	Dismissed upon proof of proper bow
73-18-7(6)	NONRES OWNER OPERATING BOAT IN EXCESS OF RECIPROCITY PERIOD	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-7.2(2)	USE OF REGISTRATION/DECAL BELONGING TO ANOTHER VESSEL	MC	Y	\$210	\$0	N	35%	N	N	C	
73-18-8	SAFETY EQUIPMENT REQUIRED TO BE ON BOARD VESSELS	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-8(1)(A)	INSUFFICIENT APPROVED PFD'S	IN	N	\$180	\$0	N	35%	N	Y	C	
73-18-8(1)(B)(I)	PFD IN UNSERVICEABLE CONDITION	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-8(1)(B)(II)	NO USCG APPROVAL ON PFD	IN	N	\$180	\$0	N	35%	N	Y	C	
73-18-8(1)(B)(III)	INAPPROPRIATE SIZE PFD	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-8(1)(E)	FAILURE TO HAVE TYPE IV PFD ON BOARD	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-8(2)	FAIL TO DISPLAY NAVIGATION LIGHTS BETWEEN SUNSET & SUNRISE	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-8(3)	IMPROPER VENTILATION	IN	N	\$150	\$0	N	35%	N	Y	C	
73-18-8(4)	NON-APPROVED OR INADEQUATE NUMBER OF FIRE EXTINGUISHERS	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-8(5)	NON-APPROVED OR INADEQUATE BACKFIRE FLAME CONTROL DEVICE	IN	N	\$150	\$0	N	35%	N	N	C	
73-18-8(7)	GAVE PERMISSION TO OPERATE WITHOUT PROPER SAFETY EQUIPMENT	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-8.1(1)	NO CAPACITY/CERTIFICATION LABEL (BOAT)	IN	N	\$180	\$0	N	35%	N	N	C	
73-18-8.1(2)	OPERATE/PERMISSION TO OPERATE/OVERLOADED/OVERPOWERED VESSEL	IN	N	\$210	\$0	N	35%	N	N	C	
73-18-8.1(3)	ALTERED/DEFACED/REMOVED CAPACITY/CERTIFICATION LABEL	IN	Y	\$310	\$0	N	35%	N	Y	C	
73-18-8.1(4)	OPERATE/PERMISSION TO OP VESSEL W/CAPACITY LABEL ALTER/DEFACE	IN	Y	\$310	\$0	N	35%	N	N	C	
73-18A-2	LITTER/POLLUTE WATER/LANDS PROH-BOATING	MB	Y	\$350	\$0	N	90%	N	Y	C	
73-18A-2(1)	LITTER/DEPOSIT WASTE ETC IN WATERS OF STATE OR LAND ADJACENT	MB	Y	\$400	\$0	N	90%	N	Y	C	
73-18A-3	UNLAWFUL USE OF MARINE TOILET	MB	Y	\$1,080	\$0	N	90%	N	N	C	
73-18A-3(1)	ALLOW MARINE TOILET RELEASE/UNTREATED BODY WASTE IN WATER	MB	Y	\$1,080	\$0	N	90%	N	Y	C	
73-18A-4(1)	MARINE TOILET WITHOUT APPROVED POLLUTION CONTROL DEVICE	MB	Y	\$400	\$0	N	90%	N	Y	C	
73-18C-302	OPERATE MOTORBOAT W/O OWNER/PROPERTY SECURITY (INSURANCE)	MC	Y	\$390	\$0	N	35%	N	N	C	

73-18C-304	NO EVIDENCE OWNER/OPERATOR SECURITY (INSURANCE) ON VESSEL	MC	N	\$390	\$0	N	35%	N	N	C	Dismissed upon proof of valid insurance at the time
73-18C-308(1)	PROVIDING FALSE EVIDENCE OWNERSHIP, INSURANCE	MB	N	\$690	\$0	N	90%	N	Y	C	
73-2-20(2)	REMOVAL, INJURY OF MARKS AND MONUMENTS	MB	Y	\$690	\$0	N	90%	N	Y	C	
73-3-26	OPERATING AS A WELL DRILLER W/O LICENSE	MB	N	\$690	\$0	N	90%	N	Y	C	
73-3-29	RELOCATION OF NATURAL STREAMS	MB	Y	\$690	\$0	N	90%	N	Y	C	
73-5-9	FAILURE TO COMPLY WITH STATE ENGINEER REQS	MB	Y	\$690	\$0	N	90%	N	N	C	
76-10-1002	FORGING OR COUNTERFEITING TRADEMARK	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1003	SELL GOODS W/ COUNTERFEIT TRADEMARK	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1004	SALES IN CONTAINERS W/REG TRADEMARK OF SUBSTITUTE ARTICLES	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1006	SALES/DEALS WITH ARTICLES BEARING REG TRADEMARK VIOLATIONS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1007	USE OF REGISTERED TRADEMARK W/O CONSENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-102	VIOLATING AD RESTRICTIONS CIGARETTES/TOBACCO/SMOKLSS TOBACCO	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-103	PERMIT MINORS TO USE TOBACCO	MC	Y	\$350	\$0	N	35%	N	N	C	
76-10-104	ADULT SELLING TOBACCO TO ADOLESCENT	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-10-104(1)	PROVIDING CIGAR, CIGARETTE, E-CIGARETTE OR TOBACCO TO MINOR	MC	N	\$350	\$0	N	35%	N	Y	C	
76-10-104.1(2)	PROVIDE TOBACCO PARAPHERNALIA TO A MINOR	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-10-105	PURCHASE OR POSSESSION OF TOBACCO BY A MINOR	IN	Y	\$70	\$0	N	35%	N	Y	C	Minimum \$60 fine and participate in court-approved education program
76-10-105.1(2)	UNLAWFUL NON-FACE-TO-FACE TOBACCO SALES	MC	N	\$350	\$0	N	35%	N	Y	C	Minimum \$60 fine and participate in court-approved education program
76-10-105.1(3)	MINOR PURCHASE OF TOBACCO MAIL BY ORDER/VENDING MACHINE	MC	Y	\$350	\$0	N	35%	N	Y	C	Minimum \$60 fine and participate in court-approved education program
76-10-105.1(5)	PERMIT UNDERAGE TOBACCO POSSESSION, BY PARENT	MC	N	\$350	\$0	N	35%	N	N	C	Minimum \$60 fine and participate in court-approved education program
76-10-105.1(5)(A)	PARENT/GUARDIAN PERMITTING MINOR PURCHASE OF TOBACCO	MC	Y	\$350	\$0	N	35%	N	Y	C	Minimum \$60 fine and participate in court-approved education program
76-10-105.1(6)(B)	PARENT/GUARDIAN PERMITTING MINOR PURCHASE OF TOBACCO 2ND OFF	MB	Y	\$690	\$0	N	90%	N	Y	S	Minimum \$60 fine and participate in court-approved education program
76-10-105.3	PROHIBITED SALE/GIFT CLOVE CIGARETTES	MB	Y	\$690	\$0	N	90%	N	Y	S	Minimum \$60 fine and participate in court-approved education program

76-10-107	ABUSE OF PSYCHOTOXIC CHEMICAL SOLVENTS	MB	Y	\$490	\$0	N	90%	N	Y	S	
76-10-107(1)(A)	USE OR POSSESS PSYCHOTOXIC CHEMICALS	MB	Y	\$490	\$0	N	90%	N	Y	S	
76-10-107(1)(A)(I)	SMELL OR INHALE FUMES OF ANY PSYCHOTOXIC CHEMICAL SOLVENT	MB	Y	\$490	\$0	N	90%	N	Y	S	
76-10-107(1)(A)(II)	POSSESS/PURCHASE/ATTEMPT PURCHASE PSYCHOTOXIC CHEM SOLVENT	MB	Y	\$490	\$0	N	90%	N	Y	S	
76-10-107(1)(B)	OFFER OR SELL PSYCHOTOXIC CHEMICALS	MC	Y	\$450	\$0	N	35%	N	Y	C	
76-10-111(3)(A)	GIFT/DIST FOR FREE SMOKELESS TOBACCO/E-CIG	MC	N	\$340	\$0	N	35%	N	Y	C	
76-10-1102(1)	GAMBLING OR ALLOWING GAMBLING	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-1109	THEFT BY CONFIDENCE GAME	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-112	FREE CIGARETTE DISTRIBUTION	MC	N	\$280	\$0	N	35%	N	N	C	Enhanceable Offense
76-10-112{2}	FREE CIGARETTE DISTRIBUTION 2ND OR SUBSEQUENT OFFENSE	MB	Y	\$690	\$0	N	90%	N	N	S	
76-10-1204.5(2)(B)	FAILURE OF COMPUTER TECH TO REPORT PORNOGRAPHIC IMAGE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1206(2)(D)	DEALING IN MATERIAL HARMFUL TO MINOR BY PERSON UNDER 16 YOA	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1223	DISTRIBUTION OF FILM FOR EXHIBITION WITHOUT BEING QUALIFIED	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1231(1)	DATA SRV CO FAIL TO PROVIDE FILTER MATERIAL HARMFUL TO MINOR	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1235	ACCESS PORNOGRAPHIC OR INDECENT MATERIAL ON SCHOOL PROPERTY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1302	PROSTITUTION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1302(1)	PROSTITUTION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1302(1)(A)	ENGAGE/OFFER/AGREE IN SEXUAL ACTIVITY W/ANOTHER FOR FEE OR FUNCTION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1302(1)(B)	ARRANGE AND MEET FOR PURPOSE OF SEXUAL ACTIVITY FOR FEE OR FUNCTION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1302(1)(C)	LOITER/WITHIN VIEW OF PUBLIC PLACE PURPOSE OF HIRED FOR SEX	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1506	THREATENING BREACH OF PEACE ON A BUS	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-10-1507(1)	REFUSAL TO COMPLY W/ RQST OF BUS COMPLY, DENY ADMISS TO TERM	MC	N	\$350	\$0	N	35%	N	Y	C	
76-10-1801(1)(A)	COMMUNICATIONS FRAUD	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1802	CALLER ID/TEXT MSG SVC TRANSMITS FALSE/INACCURATE MSG ID	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-10-1802(2)	CALLER ID/TEXT MSG SVC TRANSMITS FALSE/INACCURATE MSG ID	MC	Y	\$350	\$0	N	35%	N	Y	C	

76-10-1802(5)(B)	CALLER ID/TEXT MSG SVC TRANSMITS FALSE/INACCURATE MSG ID 2ND	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-1906	MONEY LAUNDERING (FAILURE TO REPORT)	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-10-1906(1)(C)(I)	MONEY LAUNDERING	MC	N	\$350	\$0	N	35%	N	Y	C	
76-10-201	INTERFR W/CONTROL OF WATER COMMISSIONER	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-202	TAKE WATER OUT OF TURN/EXCESS AMT/DAMAGE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-203	OBSTRUCTING WATER GATES, DIVERTING WATER	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-2101	RECYCLING BIN MISUSE	IN	N	\$160	\$0	N	35%	N	N	C	
76-10-2201	UNLAWFUL BODY PIERCING/TATTOO OF MINOR	MB	Y	\$690	\$0	N	90%	N	N	S	
76-10-2201(2)	UNLAWFUL BODY PIERCING OF A MINOR	MB	Y	\$690	\$0	N	90%	N	N	S	
76-10-2201(3)	UNLAWFUL TATTOOING OF A MINOR	MB	N	\$690	\$0	N	90%	N	N	S	
76-10-2202	LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE	MC	N	\$350	\$0	N	35%	N	Y	C	
76-10-2203	POSSESSION, SALE OR USE OF AN ADULTERANT OR SYNTHETIC URINE	IN	Y	\$110	\$0	N	35%	N	Y	C	
76-10-2204	FAILURE TO REPORT DRUG DIVERSION	MB	Y	\$690	\$0	N	90%	N	Y	C	
76-10-2301	CONTRIBUTING TO THE DELINQUENCY OF MINOR	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-2501(2)(A)	USE OF LASER POINTER AT MOVING VEH OR OC	IN	N	\$160	\$0	N	35%	N	Y	C	
76-10-2501(2)(B)	USE OF LASER POINTER AT LAW ENFORCE OFCR	MC	N	\$580	\$0	N	35%	N	Y	C	
76-10-2601	FAILURE TO FENCE SHAFTS, WELLS	MB	Y	\$690	\$0	N	90%	N	N	S	
76-10-2701	DESTRUCTIVE OR INJURIOUS LITTERING ON PUBLIC OR PRIVATE LAND	MC	N	\$350	\$0	N	35%	N	Y	C	
76-10-3001	FRAUDULENT PRACTICES TO AFFECT MARKET PRICE	MB	Y	\$670	\$0	N	90%	N	N	S	
76-10-3005	UNFAIR DISCRIMINATION BY BUYER OF MILK, CREAM OR BUTTERFAT	MB	Y	\$670	\$0	N	90%	N	N	S	
76-10-302	MARKING OF EXPLOSIVES CONTAINERS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-303	UNSAFE DISTANCE OF POWDER HOUSE	MB	Y	\$690	\$0	N	90%	N	N	S	
76-10-504	CARRYING A CONCEALED FIREARM	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-504(1)	CARRYING A CONCEALED FIREARM	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-505(1)	LOADED FIREARM IN VEHICLE ON STREET OR IN PROHIBITED AREA	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-505(3)	LOADED RIFLE, SHOTGUN, OR MUZZLE-LOADING RIFLE IN VEHICLE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-505.5(3)(A)	POSSESS DANGEROUS WEAPON ON SCHOOL PREMISES	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-508	DISCHARGE OF FIREARMS	MB	Y	\$300	\$0	N	90%	Y	Y	S	Enhanceable Offense

76-10-508(1)(A)(I)	DISCHARGING OF FIREARMS FROM A VEHICLE	MB	Y	\$300	\$0	N	90%	Y	Y	S	Enhanceable Offense
76-10-508(1)(A)(II)	DISCHARGE FIREARM FROM, UPON, OR ACROSS ANY HIGHWAY	MB	Y	\$300	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-508(1)(A)(III)	DISCHARGE OF FIREARM FROM VEHICLE AT ANY ROAD SIGNS ON HWY	MB	Y	\$300	\$0	N	90%	Y	Y	S	Enhanceable Offense
76-10-508(1)(A)(IV)	DISCHARGE FIREARM FROM VEHICLE AT PUBLIC UTILITY/FACILITIES	MB	Y	\$300	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-508(1)(A)(V)	DISCHARGE OF FIREARM AT RR EQUIPMENT/FACILITY OR SIGNS	MB	Y	\$300	\$0	N	90%	Y	Y	S	Enhanceable Offense
76-10-508(1)(A)(VI)	DISCHARGE FIREARM W/OUT WRITTEN PERMISSION OF PROPERTY OWNER	MB	Y	\$300	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-508(1)(A)(VII)	DISCHARGE FIREARM W/O PERMISSION W/IN 600 FT OF DWELLING/BLD	MB	Y	\$300	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-508(2)	ILLEGAL DISCHARGE OF A FIREARM	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-509	POSSESSION OF DANGEROUS WEAPON BY MINOR	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-509.4	POSSESSION OF CERTAIN WEAPONS BY MINORS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-509.4(1)	MINOR IN POSSESSION OF A HANDGUN	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-509.5	PROVIDING WEAPONS TO MINORS	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-10-509.7	ALLOWING A MINOR TO POSSESS A DEADLY WEAPON	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-528	CARRYING A DANGEROUS WEAPON WHILE UNDER THE INFLUENCE ALCOHOL/DRUGS	MB	Y	\$910	\$0	N	90%	N	Y	S	
76-10-529(2)(A)(II)	POSSESS DANGEROUS WEAPON, OR FIREARMS IN AIRPORT SECURE AREA	IN	N	\$160	\$0	N	35%	N	Y	C	
76-10-530	TRESPASS W/FIREARM IN HOUSE OF WORSHIP/PRIVATE RESIDENCE	IN	Y	\$160	\$0	N	35%	N	Y	C	
76-10-602	USE PERSONS NAME WITHOUT CONSENT FOR SOLICITING CONTRIBUTION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-603	USE OF NAME WITHOUT CONSENT - CHARITY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-705	CONCURRENCE IN VOTE OR ACT BY DIRECTOR	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-708	REFUSING INSPECTION OF CORPORATE BOOKS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-801	PUBLIC NUISANCE	MB	Y	\$300	\$0	N	90%	N	Y	S	
76-10-801(2)	ANY PERSON CREATING, AIDING OR CONTRIBUTING TO A NUISANCE	MB	Y	\$300	\$0	N	90%	N	Y	S	
76-10-802	BEFOULING WATERS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-805	DISPOSAL OF CARCASS OR OFFAL AT UNLAWFUL DIST FROM CITY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-10-807	VIOLATION OF ORDER ENJOINING A PUBLIC NUISANCE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-3-203.10(2)	VIOLENT OFFENSE COMMITTED IN PRESENCE OF A CHILD	MB	Y	\$690	\$0	N	90%	N	Y	S	

76-4-201	CRIMINAL CONSPIRACY	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-4-401(4)(D)	ENTICE A MINOR BY INTERNET OR TEXT (DEPENDING ON AGE)	MB	Y	\$690	\$0	N	90%	Y	Y	S	
76-4-401(4)(E)	ENTICE A MINOR BY INTERNET OR TEXT (DEPENDING ON AGE)	MC	Y	\$350	\$0	N	35%	N	Y	S	
76-5-102	ASSAULT	MB	Y	\$1,080	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-102(1)(A)	ASSAULT - ATTEMPT TO DO BODILY INJURY TO ANOTHER	MB	Y	\$1,080	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-102(1)(B)	ASSAULT-UNLAWFUL FORCE/VIOLENCE BODILY INJURY/RISK OF INJURY	MB	Y	\$1,080	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-102.9(2)	PROPELLING A BODILY SUBSTANCE	MB	Y	\$670	\$0	N	90%	N	Y	S	
76-5-106	HARASSMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-106.5(2)	STALKING	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-107	THREAT OF VIOLENCE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-107(1)(A)	THREAT OF VIOLENCE PLACE IN FEAR INJURY/DEATH/PROPERTY DAMAGE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-107(1)(B)	THREAT OF VIOLENCE ACCOMPANIED BY FORCE OR VIOLENCE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-107.1(2)(B)(II)	THREAT AGAINST SCHOOLS - PREVENT/INTERRUPT OCCUPANCY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-107.1(2)(C)	THREAT AGAINST SCHOOLS - CAUSE OFFICIAL/VOLUNTEER TO TAKE ACTION	MC	Y	\$350	\$0	N	35%	N	Y	S	
76-5-107.3(1)(B)(III)	THREAT OF TERRORISM CAUSING OFFICIAL OR VOLUNTEER ACTION	MB	Y	\$670	\$0	N	90%	N	Y	S	
76-5-107.5	HAZING	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-107.5(3)	HAZING	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-107.5(3)(A)	HAZING AGAINST ANOTHER	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-109	CHILD ABUSE/NEGLECT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-109(3)	CHILD ABUSE PHYSICAL INJURY/PERMIT ANOTHER TO INFLICT INJURY	MB	Y	\$690	\$0	N	90%	N	N	S	
76-5-109(3)(C)	INFLICT PHYS INJURY ON A CHILD W/ CRIM NEG	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-5-109.1	COMMISSION OF DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD	MB	Y	\$1,960	\$0	N	90%	N	Y	S	
76-5-109.1(2)(C)	DOM VIOL IN THE PRESENCE OF A CHILD	MB	Y	\$1,960	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-111(3)	ABUSE OF A VULNERABLE ADULT	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-5-111(3)(A)(II)	RECKLESS ABUSE OR NEGLECT OF VULNERABLE ADULT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-111(3)(A)(III)	ABUSE OR NEGLECT OF VULNERABLE ADULT BY CRIMINAL NEGLIGENCE	MC	Y	\$350	\$0	N	35%	N	Y	C	

76-5-111(8)(B)	RECKLESS DIGNITY EXPLOITATION OF VUNLERABLE ADULT BY CARETAKER	MB	Y	\$690	\$0	N	90%	N	Y	C	
76-5-111(9)(B)(IV)	CRIMINALLY NEGLIGENT FINANCIAL EXPLOITATION OF A VULNERABLE ADULT	MB	Y	\$690	0	N	90%	N	Y	S	
76-5-111.1(4)	FAILURE TO REPORT ABUSE/DISABLED OR ELDERLY ADULT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-111.1(5)	THREATEN, INTIMIDATE DISABLED/ELDER ADULT WITNESS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-303(2)	CUSTODIAL INTERFERENCE	MB	Y	\$690	\$0	N	90%	Y	Y	S	
76-5-304	UNLAWFUL DETENTION AND UNLAWFUL DETENTION OF A MINOR	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-304(1)	UNLAWFUL DETENTION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-304(2)	UNLAWFUL DETENTION OF A MINOR	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-5-401	UNLAWFUL SEXUAL ACTIVITY WITH A MINOR	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-401(3)(B)	UNLAWFUL SEXUAL ACTIVITY WITH A MINOR DEF < 4 YEARS OLDER	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-5-506.2(4)(A)	KNOWINGLY INDENT TO DEFRAUD MAKE APPLICATION FALSE ID	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-1002	DAMAGE TO MAIL RECEPTACLE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-102(6)	ARSON - PROPERTY OF ANOTHER LESS THAN \$500	MB	Y	\$670	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-104	RECKLESS BURN	IN	Y	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-6-104(1)(C)	RECKLESS BURN-FAIL TO REMOVE FLAMMABLE MATERIAL AROUND FIRE	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-104(1)(D)	RECKLESS BURNING	IN	Y	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-6-104.5	ABANDONED FIRE	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-6-104.5(3)(A)	ABANDONED FIRE - NO DAMAGE	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-6-104.5(3)(B)	ABANDONED FIRE - PROPERTY DAMAGE < \$1000	MB	Y	\$690	\$0	N	90%	N	N	S	
76-6-106	CRIMINAL MISCHIEF	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-106(1)(C)	CRIMINAL MISCHIEF - TRANSPORTATION FOR PERSONS OR PROPERTY	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-106(2)(B)(I)(B)	CRIMINAL MISCHIEF - HUMAN HEALTH OR SAFETY	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-106(2)(C)	CRIMINAL MISCHIEF: INTENTIONAL DAMAGE.DEFACE.DESTROY PROPERTY	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-106(2)(D)	CRIMINAL MISCHIEF - RECKLESSLY SHOOT OR PROPEL MISSILE	MB	Y	\$660	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-107	GRAFFITI VIOLATIONS	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-107(2)(D)	GRAFFITI VIOLATIONS LESS THAN \$300	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-107.5	VANDALISM OF PUBLIC LANDS	MB	Y	\$690	\$0	N	90%	N	Y	S	

76-6-108	DAMAGE / INTERRUPT COMMUNICATION DEVICE	MB	Y	\$603	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-108(2)	DAMAGE/INTERRUPT/PROHIBIT USE OF A COMMUNICATION DEVICE	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-108(2)(A)	INTERRUPTION/INTERFERENCE OF A COMMUNICATIONS DEVICE	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-108(2)(B)	INTERRUPTION/INTERFERENCE OF A COMMUNICATION DEVICE	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-109	OFFENSE AGAINST TIMBER/MINING/AGRICULTURE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-112(4)	AGRICULTURAL OPERATION INTERFERENCE	MB	Y	\$690	\$0	N	90%	N	N	S	
76-6-1403	FAILURE TO KEEP RECORDS - JUNK DEALER	MB	N	\$670	\$0	N	90%	N	Y	S	
76-6-1407(1)(A)	VIOLATION OF SCRAP METAL DEALER REQUIREMENTS	MC	N	\$760	\$0	N	35%	N	N	C	
76-6-1408	FALSIFICATION OF METAL SELLERS STATEMENT TO DEALER	MB	Y	\$1,010	\$0	N	90%	N	Y	S	
76-6-1408(1)	METAL SELLER FALSE STATEMENT	MB	Y	\$1,010	\$0	N	90%	N	Y	S	
76-6-205	MANUFACTURE/POSSESS BURGLARY TOOLS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-206	CRIMINAL TRESPASS	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(A)	CRIMINAL TRESPASS ENTER OR REMAIN BY PERSON OR UNMANNED AIRCRAFT	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(A)(I)	CRIMINAL TRESPASS WITH INTENT TO ANNOY OR CAUSE INJURY	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(A)(II)	CRIMINAL TRESPASS W/INTENT TO COMMIT CRIME OTHER THAN THEFT/FELONY	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(A)(III)	CRIMINAL TRESPASS RECKLESS UNMANNED AIRCRAFT CAUSING FEAR/SAFETY	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(B)	CRIMINAL TRESPASS KNOWING ENTRY UNLAWFUL PERSON OR UNMANNED AIRCRAFT	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(C)	CRIMINAL TRESPASS - CONDO UNIT	IN	N	\$250	\$0	N	35%	N	Y	C	
76-6-206.1(2)(A)	CRIMINAL TRESPASS OF ABANDONED OR INACTIVE MINE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-206.2	CRIMINAL TRESPASS ON STATE PARK LANDS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-206.3(2)	CRIMINAL TRESPASS ON AGRICULTURAL OR RANGE LAND	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-206.3(3)	CUTTING, DESTROYING, OR RENDERING INEFFECTIVE THE FENCING OF	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-206.4(2)	CRIMINAL TRESPASS BY LONG-TERM GUEST TO A RESIDENCE	MB	N	\$350	\$0	N	90%	N	Y	S	
76-6-404	THEFT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-404.5	WRONGFUL APPROPRIATION	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-6-404.5(3)(C)	WRONGFUL APPROPRIATION - MB	MB	Y	\$690	\$0	N	90%	N	Y	S	

76-6-404.5(3)(D)	WRONGFUL APPROPRIATION - MC	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-6-404.7	THEFT OF MOTOR VEHICLE FUEL	MB	Y	\$690	\$0	N	90%	Y	Y	S	
76-6-405	THEFT BY DECEPTION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-406	THEFT BY EXTORTION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-407	THEFT OF MISLAID/LOST/MISTAKEN PROPERTY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-408	THEFT BY RECEIVING STOLEN PROPERTY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-408(1)	THEFT BY RECEIVING STOLEN PROPERTY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-409	THEFT OF SERVICES	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-409.3	THEFT OF UTILITY SERVICES	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-409.6	UNLAW USE OF TELECOMMUNICATION DEVICE	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-409.7	POSSESS UNLAWFUL TELECOMMUNICATION DEVICE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-409.7(1)	POSSESS UNLAWFUL TELECOMMUNICATION DEVICE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-410	THEFT BY RENTAL AGREEMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-410(1)	THEFT-PERSON HAVING CUSTODY OF PROPERTY-REPAIR/RENT AGREEMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-410(2)	THEFT PURSUANT TO A RENTAL AGREEMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-410.5	THEFT OF RENTAL VEHICLE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-412(1)(D)	THEFT - VALUE IS < \$500	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-503.2(3)	KNOWINGLY USE FALSE FINANCIAL TRANS CARD > 500	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-503.2(4)(A)	KNOWINGLY USE FALSE FINANCIAL TRANS CARD DEFRAUD	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-503.7(2)(A)	RECORDS FILED WITH INTENT TO HARASS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-504	TAMPER WITH RECORDS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-505(1)	ISSUING A BAD CHECK OR DRAFT	MB	Y	\$790	\$0	N	90%	N	Y	S	
76-6-505(2)	ISSUE A BAD CHECK AND FAIL TO MAKE GOOD ON PAYMENT	MB	Y	\$790	\$0	N	90%	N	Y	S	
76-6-506.2	UNLAWFUL USE OF A FINANCIAL TRANSACTION CARD	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-506.2(1)	KNOWINGLY USE FALSE FINANCIAL TRANS CARD FOR CREDIT/GOODS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-506.2(2)	KNOWINGLY USE FALSE FINANCIAL TRANS CARD FOR CREDIT/GOODS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-506.2(3)	KNOWINGLY WITH THE INTENT TO DEFRAUD EXCEEDS 500.00	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-506.2(4)(A)	KNOWINGLY INTENT TO DEFRAUD MAKE APPLICATION FALSE ID	MB	Y	\$690	\$0	N	90%	N	Y	S	

76-6-506.2(5)	FINANCIAL TRANSACTION - WITH THE INTENT TO DEFRAUD	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-506.2(5)(A)	KNOWINGLY INTENT TO DEFRAUD- COUNTERFEIT OR FICTITIOUS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-506.2(5)(B)	KNOWINGLY INTENT TO DEFRAUD - SALES EVIDENCE BY CC	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-506.2(5)(C)	FINANCIAL TRANS - PURPORTED SALE NOT AUTHORIZED	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-506.6	UNAUTHORIZED FACTORING OF CREDIT CARD SALES DRAFTS	MB	Y	\$690	\$0	N	90%	N	N	S	
76-6-507	DECEPTIVE BUSINESS PRACTICE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-513(2)	UNLAWFUL DEALING WITH PROPERTY BY FIDUCIARY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-513(3)	UNLAWFUL DEALING OF PROPERTY BY FIDUCIARY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-515	USING/MAKING SLUGS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-518	CRIMINAL SIMULATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-521	FALSE/FRAUDULENT INSURANCE CLAIM	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-521(1)(B)	FALSE OR FRAUDULENT INSURANCE CLAIM	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-521(1)(B)(I)(A)	FALSE OR FRAUDULENT INSURANCE CLAIM	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-521(1)(C)	ACCEPTING BENEFITS FROM FALSE OR FRAUDULENT INSURANCE CLAIM	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-521(1)(D)	FALSE OR FRAUDULENT SCHEME TO OBTAIN FEES OR SERVICES	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-521(1)(E)	FRAUDULENT INSURANCE ACT (RUNNER VIOLATION)	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-521(1)(F)	FRAUDULENT INSURANCE ACT WITH ANOTHER	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-521(1)(G)	FRAUDULENT INSURANCE INFORMATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-524	FALSIFYING INFORMATION FOR PRECONSTRUCTION SERVICE LIEN	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-602	RETAIL THEFT (SHOPLIFTING)	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-602(2)	THEFT BY PRICE SWITCHING (SHOPLIFTING)	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-608	RETAIL THEFT DETECTION SHIELDING DEVICES > 500	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-608(1)(A)	RETAIL THEFT-DEVICE USED TO SHIELD FROM ALARM SENSOR	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-608(2)(B)(I)	RETAIL THEFT DETECTION - REMOVE A THEFT DETECTION DEVICE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-703(1)	COMPUTER CRIMES INTERFERING WITH CRITICAL INFRASTRUCTURE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-703(1)(A)	COMPUTER CRIMES< \$500 ECONOMIC LOSS-DAMAGE OR BENEFIT OBTAINED	MB	Y	\$690	\$0	N	90%	N	Y	S	

76-6-703(3)(A)	COMPUTER CRIMES - DISCLOSE/DISSEMINATE ANOTHERS IDENTITY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-703(3)(B)	COMPUTER CRIMES-DISCLOSE/DISSEMINATE AN ADULTS IDENTITY W/HARASSMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-801	LIBRARY THEFT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-803	MUTILATE/DAMAGE LIBRARY MATERIALS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-6-902	CULTURAL SITE PROTECTION	MB	N	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-902(1)	CULTURAL SITE ALTER, REMOVE, INJURE, OR DESTROY ANTIQUITIES	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-902(2)	CULTURAL SITE REPRODUCE, REWORK, OR FORGE ANY ANTIQUITIES	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6A-4(2)	PARTICIP IN PYRAMID SCHEME RECV COMP FOR INTROD PERSONS INTO	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-7-104	FORNICATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-106	RECEIVE BRIBE/BRIBERY- ENDORSEMENT OF PERSON AS PUBLIC SERV	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-110	PEACE OFFICER ACTING AS COLLECTION AGENT FOR CREDITOR	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-8-1101	TAX EVASION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-1101(1)(B)	OPERATE WITHOUT LICENSE OR PERMIT FROM STATE TAX COMMISSION	MB	Y	\$690	\$0	N	90%	N	N	S	
76-8-1203	PUBLIC ASSISTANCE FRAUD	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-1203(2)	PUBLIC ASSISTANCE FRAUD (APPLICATION)	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-1203(3)	PUBLIC ASSISTANCE DISCLOSURE REQUIRED	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-1205	PUBLIC ASSISTANCE FRAUD	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-1301	FRAUDULENTLY OBTAIN UNEMPLOYMENT COMPENSATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-1301(1)(A)	UNEMPLOYMENT COMPENSATION - FALSE STATEMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-1402	DISRUPTION OF ACTIVITIES IN OR NEAR SCHOOL BLDG	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-201	OFFICIAL MISCONDUCT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-203	UNOFFICIAL MISCONDUCT/ PUBLIC OFFICE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-301	INTERFERE W/ PUBLIC SERVANT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-301(1)(A)	USES FORCE/VIOLENCE/INTIMIDATION TO INTERFERE W/PUBLIC SERVANT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-301(1)(B)	OBSTRUCT, HINDER, CONCEAL, PREVENT LAWFUL SERVICE BY AUTHORIZED PERSON	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-301(1)(C)	INTERFERE W/ PUBLIC SERVANT ON STATE PROPERTY	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-8-301.5	FAILURE TO DISCLOSE IDENTITY	MB	Y	\$690	\$0	N	90%	N	Y	S	

76-8-302	PICKETING OR PARADING IN OR NEAR COURT	MB	N	\$690	\$0	N	90%	N	Y	S	
76-8-305	INTERFERENCE WITH ARRESTING OFFICER	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-307	FAIL TO AID PEACE OFFICER	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-311.3	ITEMS PROHIBITED IN CORRECTIONAL & MENTAL HEALTH FACILITIES	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-311.3(5)(F)	FACILITATES POSSESSION OF CONTRABAND BY OFFENDER IN CORR	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-312	BAIL-JUMPING	IN	Y	\$160	\$0	N	35%	N	Y	C	
76-8-313	THREATEN ELECTED OFFICIALS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-317	REFUSE TO COMPLY W/EVACUATE ORDER IN LOCAL/STATE EMERGENCY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-405	FAIL TO PAY OVER FINE OR FEE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-406	OBSTRUCTING COLLECTION OF REVENUE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-410	DOING BUSINESS WITHOUT A LICENSE	MB	N	\$300	\$0	N	90%	N	Y	S	
76-8-416	TAKING TOLL OR MAINTAINING RD/BRIDGE/FERRY W/OUT AUTHORIZATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-417	TAMPERING W/OFFICIAL NOTICE OR PUBLICATION	IN	Y	\$170	\$0	N	35%	N	N	C	
76-8-420	REMOVING OR DAMAGING ROAD SIGNS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-503	FALSE/INCONSISTENT STATEMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-503(1)(A)	FALSE STATEMENT UNDER OATH	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-503(1)(A)(I)	FALSE STMNT IN OFFICIAL PROCEEDING OR MISLEAD PUBLIC SERVANT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-503(1)(A)(II)	FALSE STMNT AUTHORIZED BY LAW TO BE SWORN/AFFIRMED BY NOTARY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-503(1)(B)	INCONSISTENT STMNT UNDER OATH OR AFFIRMATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-504	WRITTEN FALSE STATEMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-504(1)	WRITTEN FALSE STATEMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-504(2)	WRITTEN FALSE STATEMENT W/INTENT TO DECEIVE PUBLIC SERVANT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-504.6	PROVIDING FALSE/MISLEADING INFORMATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-504.6(1)(A)	PROVIDE FALSE/MISLEADING INFO TO COURT OFFICER	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-504.6(1)(B)	PROVIDE FALSE/MISLEADING INFO TO BCI	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-506	FALSE INFO LAW ENFORCEMENT/GOVT AGENCIES/SPECIFIED PROFESS	MB	Y	\$490	\$0	N	90%	N	Y	S	
76-8-507(1)	GIVING FALSE PERSONAL IDENTITY TO PEACE OFFICE	MC	N	\$180	\$0	N	35%	N	Y	C	
76-8-511	FALSIFY/ALTER GOVERNMENT RECORDS	MB	Y	\$690	\$0	N	90%	N	Y	S	

76-8-512	IMPERSONATION OF OFFICER	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-513	FALSE JUDICIAL/OFFICIAL NOTICE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-601	WRONGFUL COMMENCEMENT OF ACTION IN JUSTICE COURT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-602	ASSUMING LIABILITY FOR CONFERRING JURISDICTION ON JUSTICE CT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-8-703	CRIMINAL TRESPASS UPON INSTITUTION OF HIGHER LEARNING	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-8-703(1)(B)	CRIMINAL TRESPASS-INSTITUTION OF HIGHER LEARNING-2ND SUBSEQUENT	MB	Y	\$670	\$0	N	90%	N	Y	S	
76-8-705	WILLFUL INTERFERENCE W/LAWFUL ACTIVITIES OF STUDENTS/FACULTY	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-8-904	PERMIT USE OF PROPERTY/ASSEMBLY ADVOCATE CRIMINAL SYNDICALISM	MB	Y	\$690	\$0	N	90%	N	N	S	
76-9-101	RIOT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-101(1)	RIOT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-101(2)	RIOT - REFUSES TO COMPLY WITH LAWFUL ORDER	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-102	DISORDERLY CONDUCT	IN	N	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)	DISORDERLY CONDUCT	IN	N	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)(A)	DISORDERLY CONDUCT - REFUSE TO COMPLY WITH POLICE ORDER	IN	N	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)(B)(I)	DISORDERLY CONDUCT FIGHTING/VIOLENT, TUMULTUOUS BEHAVIOR	IN	N	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)(B)(II)	DISORDERLY CONDUCT - UNREASONABLE NOISES IN PUBLIC PLACE	IN	N	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)(B)(III)	DISORDERLY CONDUCT - NOISES IN PRIVATE HEARD IN PUBLIC	IN	N	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(1)(B)(IV)	DISORDERLY CONDUCT - OBSTRUCTS VEHICLE OR PEDESTRIAN TRAFFIC	IN	N	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(4)	DISORDERLY CONDUCT AFTER REQUEST TO STOP	MC	Y	\$360	\$0	N	35%	N	Y	C	
76-9-102(4)(A)	DISORDERLY CONDUCT	IN	N	\$160	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(4)(B)	DISORDERLY CONDUCT AFTER BEING ASKED TO CEASE	MC	N	\$350	\$0	N	35%	N	Y	C	Enhanceable Offense
76-9-102(4)(C)	DISORDERLY CONDUCT AFTER BEING ASKED TO CEASE AND SUBS VIOL W/IN 5 YEARS	MB	Y	\$690	\$0	N	90%	N	Y	C	Enhanceable Offense
76-9-103	DISRUPTING A MEETING/PROCESSION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-104	FAIL TO DISPERSE	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-105(1)	MAKING A FALSE ALARM - WARN OF FIRE, BOMB, OTHER CRIME	MB	Y	\$490	\$0	N	90%	N	Y	S	
76-9-106	DISRUPTING OPERATION OF A SCHOOL	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-107(2)	UNAUTHORIZED ENTRY ON SCHOOL BUS	MB	N	\$260	\$0	N	90%	N	Y	S	

76-9-108	DISRUPTING A FUNERAL OR MEMORIAL SERVICE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-201	ELECTRONIC COMMUNICATION HARASSMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-9-201(2)	ELECTRONIC COMMUNICATION HARASSMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-9-201(3)	ELECTRONIC COMMUNICATION HARASSMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-9-202	EMERGENCY REPORTING ABUSE	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-202(2)	EMERGENCY REPORTING ABUSE	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-202(2)(A)	EMERGENCY REPORTING ABUSE - REFUSE TO YIELD PHONE FOR REPORT	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-202(2)(B)	EMERGENCY REPORTING ABUSE - PHONE RQST BASED ON EMERGENCY	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-202(2)(C)	REPORT OR CAUSE RPT OF EMERGENCY TO FIRE, POLICE, MED FALSELY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301(2)	CRUELTY TO AN ANIMAL	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301(3)(A)	CRUELTY TO ANIMALS INTENTIONAL/KNOWINGLY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301(3)(B)	CRUELTY TO ANIMALS RECKLESSLY OR WITH CRIMINAL NEGLIGENCE	MC	N	\$350	\$0	N	35%	N	Y	C	
76-9-301(4)	AGGRAVATED CRUELTY TO AN ANIMAL	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-301(5)(B)	AGGRAVATED CRUELTY TO ANIMALS RECKLESSLY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301(5)(C)	AGGRAVATED CRUELTY TO ANIMAL CRIMINAL NEGLIGENCE	MC	N	\$350	\$0	N	35%	N	Y	C	
76-9-301.1	DOG FIGHTING-TRAINING DOGS FOR FIGHTING	MC	Y	\$350	\$0	N	35%	N	Y	C	
76-9-301.1(4)	ATTENDING DOG FIGHT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301.3	GAME FOWL FIGHTING	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301.3(2)	GAME FOWL FIGHTING	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301.3(2)(A)	INTENTIONALLY CAUSE A GAME FOWL TO FIGHT OR ATTACK	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301.3(2)(B)	PROMOTE ANY ACTIVITY THAT INVOLVES GAME FOWL FIGHTING	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301.5	ATTENDANCE @ ANIMAL FIGHTS PROHIBITED	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-301.8	BESTIALITY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-304	ALLOW VICIOUS ANIMAL TO GO AT LARGE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-307	INJURY TO SERVICE ANIMALS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-308(2)(A)	HARASSMENT OF LIVESTOCK BY MOTORIZED VEHICLE OR ATV	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-308(2)(B)	HARASSMENT OF LIVESTOCK BY DOG	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-308(2)(C)	HARASSMENT OF LIVESTOCK BY AN UNMANNED AIRCRAFT	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-402	PRIVACY VIOLATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-403	COMMUNICATIONS ABUSE	MB	Y	\$690	\$0	N	90%	N	Y	S	

76-9-404	CRIMINAL DEFAMATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-407(2)	CRIME OF ABUSE OF PERSONAL IDENTITY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-509	CONVEYING FALSE OR LIBELOUS MATERIAL TO MEDIA	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-601	ABUSE OF A FLAG	MB	N	\$420	\$0	N	90%	N	Y	S	
76-9-701	INTOXICATION	MC	Y	\$230	\$0	N	35%	N	Y	C	
76-9-701(1)	INTOXICATION	MC	Y	\$230	\$0	N	35%	N	Y	C	
76-9-702	LEWDNESS	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-702(1)	LEWDNESS - FIRST OR SECOND OFFENSE	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-702.3	PUBLIC URINATION	IN	Y	\$110	\$0	N	35%	N	Y	C	
76-9-702.7(4)	VOYEURISM	MB	Y	\$690	\$0	N	90%	N	Y	S	Enhanceable Offense
76-9-704(2)(A)	FAILURE TO REPORT THE FINDING OF A DEAD HUMAN BODY	MB	Y	\$690	\$0	N	90%	N	Y	S	
76-9-706	FALSE REPRESENTATION OF MILITARY AWARD	IN	N	\$350	\$0	N	35%	N	N	C	
76-9-706(2)	FALSE REPRESENTATION REGARDING AWARD OF MILITARY SERVICE	IN	N	\$350	\$0	N	35%	N	N	C	
76-9-706(3)	PURCHASE, POSSESS, SELL FALSE REPRESENTATION MILITARY AWARD	IN	N	\$350	\$0	N	35%	N	N	C	
76-9-706(4)	WEARING/USE MILITARY AWARD UNLAWFULLY	IN	N	\$350	\$0	N	35%	N	N	C	
76-9-706(5)	FALSE REPRESENTATION OF MILITARY NAME/TITLE/INSIGNIA/RITUAL	IN	N	\$350	\$0	N	35%	N	Y	C	
76-9-803(1)	RECRUITING A MINOR TO JOIN A CRIMINAL STREET GANG	MB	Y	\$1,080	\$0	N	90%	N	Y	S	
76-9-803(1)(A)	CRIM STREET GANGS SOLICIT/RECRUIT/INTIMIDATE MINOR TO JOIN	MB	Y	\$1,080	\$0	N	90%	N	Y	S	
76-9-803(1)(B)	CONSPIRE WITH INTENT TO ENTICE MINOR TO JOIN CRIMINAL GANG	MB	Y	\$1,080	\$0	N	90%	N	Y	S	
76-9-803(1)(C)	USING INTIMIDATION TO PREVENT MINOR LEAVING CRIMINAL GANG	MB	Y	\$1,080	\$0	N	90%	N	Y	S	
76-9-903	FAILURE TO DISPERSE	MB	Y	\$1,150	\$0	N	90%	N	N	S	
76-9-903(1)	FAILURE TO DISPERSE	MB	Y	\$1,150	\$0	N	90%	N	N	S	
76-9-904(2)(A)	SUBSEQUENT FAILURE TO DISPERSE	MB	Y	\$1,150	\$0	N	90%	N	N	S	
77-23-105	FAIL TO STOP - ADMIN TRAFFIC CHECKPOINT	MB	Y	\$690	\$0	N	90%	N	Y	S	
77-23A-4	WIRETAPPING OR INTERCEPTING ELECTRONIC COMMUNICATIONS	MB	Y	\$690	\$0	N	90%	N	Y	S	
77-23A-4(1)	INTERCEPTING ELECTRONIC COMMUNICATIONS	MB	Y	\$690	\$0	N	90%	N	Y	S	
77-32-202(6)(D)	FALSE STATEMENT IN AFFIDAVIT OF INDIGENCY	MB	Y	\$690	\$0	N	90%	N	Y	S	
77-36-1.1(3)(A)	PENALTY ENHANCEMENT FOR A DOMESTIC VIOLENCE OFFENSE	MB	Y	\$690	\$0	N	90%	N	Y	S	Underlying offense establishes the bail

77-36-2.5(1)	PERSONAL CONTACT WITH ALLEGED VICTIM BEFORE JAIL RELEASE	MB	Y	\$690	\$0	N	90%	N	Y	S	
77-36-2.5(1)(A)	CONTACTING DOMESTIC VIOLENCE VICTIM FROM CUSTODY	MB	Y	\$690	\$0	N	90%	N	Y	S	
77-37-4(5)	DISTRIBUTION, RELEASE, OR DISPLAY OF CHILD VICTIM INTERVIEW	MB	Y	\$690	\$0	N	90%	N	Y	S	
77-37-4(7)	DISTRIBUTE, RELEASE OR DISPLAY CHILD VICTIM INTERVIEW	MB	Y	\$690	\$0	N	90%	N	Y	S	
77-41-112	INTENTIONALLY PROVIDE FALSE INFO ON APPLICATION CERTIFICATE	MB	Y	\$690	\$0	N	90%	N	Y	S	
77-7-26	DISPOSING OF/CANCELING NOTICE TO APPEAR OR TRAFFIC CITATION	MB	Y	\$690	\$0	N	90%	N	Y	S	
78A-2-229	DIST/RELEASE DOCS PROVIDED TO PRO SE LITIGANT (AFTER DISPO)	MB	Y	\$690	\$0	N	90%	N	Y	S	
78A-2-411	COURT REPORTER OR TRANSCRIPT VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
78A-6-1001	OFFENSES AGAINST A MINOR	MB	Y	\$690	\$0	N	90%	N	Y	S	
78A-6-105	INDIVIDUAL/ENTITY KNOWINGLY ENGAGING IN UNREGULATED CUSTODY TRANSFER	MB	Y	\$690	\$0	N	90%	N	Y	S	
78A-6-1101(3)(A)	VIOLATION OF COURT ORDER/JUV. COURT	MB	Y	\$690	\$0	N	90%	N	Y	S	
78A-6-111(2)	PARENT / GUARDIAN FAILURE TO APPEAR IN COURT W/ MINOR	MB	N	\$690	\$0	N	90%	Y	Y	C	
78A-6-111(2)(B)	EMPLOYER FAILURE TO ALLOW PARENT LEAVE FOR MINOR CT	MB	N	\$690	\$0	N	90%	Y	Y	C	
78B-1-115(3)	MISREPRESENT MATERIAL FACTS REGARDING JURY DUTY	IN	Y	\$280	\$0	N	35%	N	N	C	
78B-1-126	JUROR OR WITNESS PURCHASE OF CERTIFICATE VIOLATION	MB	N	\$690	\$0	N	90%	Y	Y	C	
78B-1-132	MAY NOT FIRE EMPL FOR RESPONSE TO SUBPPO	MB	Y	\$630	\$0	N	90%	N	Y	S	
78B-5-705(1)	FALSE WRITTEN STATEMENT	MB	Y	\$690	\$0	N	90%	N	Y	S	
78B-6-1102.5	VIOLATION OF ORDER ENJOINING A NUISANCE	MB	Y	\$690	\$0	N	90%	N	Y	S	
78B-7-407(2)	VIOLATION OF DATING VIOLENCE PROTECTIVE ORDER	MB	Y	\$670	\$0	N	90%	N	Y	S	
78B-8-403	BREACH OF CONFIDENTIALITY REQUIREMENTS	MB	Y	\$690	\$0	N	90%	N	Y	S	
78B-8-603	TRANSPORT NATIVE FOREST PRODUCTS VEGETATION	MB	Y	\$690	\$0	N	90%	N	Y	S	

Speeding Tables

Violation Code	Description	Deflt Sev	Man Appr	Suggest Bail	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment
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Speeding in a Construction Zone

41-6a-209(2)(a)	1-10 MPH Over Speed Limit	IN	N	\$180	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	11-15 MPH Over Speed Limit	IN	N	\$230	\$0	N	35%	Y	N	C	

41-6a-209(2)(a)	16-20 MPH Over Speed Limit	IN	N	\$330	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	21-25 MPH Over Speed Limit	IN	N	\$480	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	26-30 MPH Over Speed Limit	IN	N	\$680	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	31+ MPH Over Speed Limit	IN	Y	\$880	\$0	N	35%	Y	N	C	Add \$20 for every mph over 31

Speeding

41-6a-601	1-10 MPH Over Speed Limit	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6a-601	11-15 MPH Over Speed Limit	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6a-601	16-20 MPH Over Speed Limit	IN	N	\$210	\$0	N	35%	Y	N	C	
41-6a-601	21-25 MPH Over Speed Limit	IN	N	\$280	\$0	N	35%	Y	N	C	
41-6a-601	26-30 MPH Over Speed Limit	IN	N	\$380	\$0	N	35%	Y	N	C	
41-6a-601	31+ MPH Over Speed Limit	IN	Y	\$480	\$0	N	35%	Y	N	C	Add \$10 for every mph over 31

Speeding in a School Zone (1st Offense)

41-6a-604	0-9 MPH Over Speed Limit	MC	Y	\$150	\$0	N	35%	Y	N	C	
41-6a-604	10-19 MPH Over Speed Limit	MC	Y	\$250	\$0	N	35%	Y	N	C	
41-6a-604	20+ MPH Over Speed Limit	MC	Y	\$450	\$0	N	35%	Y	N	C	

Speeding in a School Zone (2nd or Subsequent Offense)

41-6a-604	0-9 MPH Over Speed Limit	MC	Y	\$150	\$0	N	35%	Y	N	C	
41-6a-604	10-19 MPH Over Speed Limit	MC	Y	\$380	\$0	N	35%	Y	N	C	
41-6a-604	20+ MPH Over Speed Limit	MC	Y	\$790	\$0	N	35%	Y	N	C	

SPEEDING VIOLATIONS

The amounts below are provided as an examples to illustrate how bail amounts are adjusted based on the miles per hour (MPH) over the speed limit for the given violation code

Violation Code	Description	Deflt Sev	Man Appr	Suggested Fine	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trns	Comment
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Speeding in a Construction Zone

41-6a-209(2)(a)	1-10 MPH Over Speed Limit	IN	N	\$180	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	11-15 MPH Over Speed Limit	IN	N	\$230	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	16-20 MPH Over Speed Limit	IN	N	\$330	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	21-25 MPH Over Speed Limit	IN	N	\$480	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	26-30 MPH Over Speed Limit	IN	N	\$680	\$0	N	35%	Y	N	C	
41-6a-209(2)(a)	31+ MPH Over Speed Limit	IN	Y	\$880	\$0	N	35%	Y	N	C	Add \$20 for every mph over 31

Speeding

41-6a-601	1-10 MPH Over Speed Limit	IN	N	\$130	\$0	N	35%	Y	N	C	
41-6a-601	11-15 MPH Over Speed Limit	IN	N	\$160	\$0	N	35%	Y	N	C	
41-6a-601	16-20 MPH Over Speed Limit	IN	N	\$210	\$0	N	35%	Y	N	C	
41-6a-601	21-25 MPH Over Speed Limit	IN	N	\$280	\$0	N	35%	Y	N	C	
41-6a-601	26-30 MPH Over Speed Limit	IN	N	\$380	\$0	N	35%	Y	N	C	
41-6a-601	31+ MPH Over Speed Limit	IN	Y	\$480	\$0	N	35%	Y	N	C	Add \$10 for every mph over 31

Speeding in a School Zone (1st Offense)

41-6a-604	0-9 MPH Over Speed Limit	MC	Y	\$150	\$0	N	35%	Y	N	C	
41-6a-604	10-19 MPH Over Speed Limit	MC	Y	\$250	\$0	N	35%	Y	N	C	
41-6a-604	20+ MPH Over Speed Limit	MC	Y	\$450	\$0	N	35%	Y	N	C	

Speeding in a School Zone (2nd or Subsequent Offense)

41-6a-604	0-9 MPH Over Speed Limit	MC	Y	\$150	\$0	N	35%	Y	N	C	
41-6a-604	10-19 MPH Over Speed Limit	MC	Y	\$380	\$0	N	35%	Y	N	C	
41-6a-604	20+ MPH Over Speed Limit	MC	Y	\$790	\$0	N	35%	Y	N	C	

Violation Code	Description	DefltSev	ManApp	Suggested Fine	CompCredit	NonMov	Surch	DLDRpt	BCIRpt	Trns	Comments
41-6A-520(8)(B)	REFUSAL OF CHEMICAL TEST	MB	Y	See Statute +\$100	\$0	N	90%	Y	Y	S	
41-6A-606(2)	BARRICADE OR OBSTRUCTION	MB	N	\$510	\$0	N	90%	N	N	C	
76-10-804	MAINTAINING/COMMITTING A PUBLIC NUISANCE	MB	Y	\$690	\$0	N	90%				
76-7-101(1)	BIGAMY	IN	N	\$110	\$0	N	35%	N	N		
76-9-102(2)(B)	DISORDERLY CONDUCT	MB	Y	\$340	\$0	N	35%	N	Y		
76-10-508(1)(A)	DISCHARGE A DANGEROUS WEAPON OR FIREARM	MB	Y	\$300	\$0	N	90%	N	N		
76-10-1506(1)(A)	DISORDERLY CONDUCT, PROFANE, OBSCENE LANGUAGE	MC	N	\$350	\$0	N	35%	N	Y		
76-10-1506(1)(B)	ON MASS TRANSIT WHILE UNDER THE INFLUENCE OF ALCOHOL/DRUGS	MC	N	\$350	\$0	N	35%	N	Y		
76-10-1506(1)(C)	FAIL TO OBEY REASONABLE REQUEST/ORDER OF TRANSIT OPERATOR	MC	N	\$350	\$0	N	35%	N	Y		
76-10-1506(1)(D)	INGEST CONT SUBSTANCE/DRINK INTOXICATING LIQUID IN ANY BUS	MC	N	\$350	\$0	N	35%	N	Y		
76-10-1506(1)(E)	SMOKING TOBACCO OR OTHER PRODUCTS WHILE ON TRANSIT SYSTEM	MC	N	\$350	\$0	N	35%	N	Y		
78B-7-806(1)(A)	VIOLATION OF A JRA/JAIL RELEASE COURT ORDER	MB	Y	\$690	\$0	N	90%	N	Y		
78B-7-802(1)	VIOLATION OF A JAIL RELEASE AGREEMENT/JAIL RELEASE COURT-ORDER	MB	Y	\$690	\$0	N	90%	N	Y	C	
Federal Motor Carrier Codes											
395.22(H)(4)	VIOLATION OF REGISTERED ELD REQUIREMENTS IN-VEHICLE	MB	Y	\$600	\$0	Y	0%	N	N		
395.26(B)	VIOLATION OF ELD DATA AUTOMATICALLY RECORDED	MB	Y	\$600	\$0	Y	0%	N	N		
395.32(B)	VIOLATION OF NON-AUTHENTICATED DRIVERS LOG	MB	Y	\$680	\$0	N	90%	N	N		

Violation Code	Description	Deflt Sev	Man App	Suggested Fine	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Trn s	Comments	Comments for UFBS Committee (Not for Publication)
23-20-27	ALTERATION OF LICENSE, PERMIT, TAG OR CERTIFICATE	IN	N	\$110	\$0	N	35%	N	N	E		Remove. Statute does not exist.
41-6A-1626(2)	VEHICLE EMITTING VISIBLE CONTAMINANTS	IN	N	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 14 days.	Reduce to \$50 for first time offense
41-6A-1626(2)(2ND OFF)	VEHICLE EMITTING VISIBLE CONTAMINANTS	IN	N	\$100	\$0	Y	0%	N	N	C		Create new offense for 2nd offense
41-6A-1626(2)(B)(III)	DIESEL MFR BEFORE 1/1/08 MAY NOT EMIT VISIBLE CONTAMINANTS	IN	N	\$50	\$0	Y	0%	N	N	C		Reduce to \$50 for first time offense
41-6A-1626(2)(B)(III)(2ND OFF)	DIESEL MFR BEFORE 1/1/08 MAY NOT EMIT VISIBLE CONTAMINANTS	IN	N	\$100	\$0	Y	0%	N	N	C		Create new offense for 2nd offense
58-55-501(7)	FAIL TO OBTAIN BUILDING PERMIT	MB	Y	\$680	\$0	N	90%	N	N	E		Remove. Offense is an MA and should not be on the UFS
78B-8-304(2)	BILL FALSELY FOR PROCESS SERVICE	IN	Y	\$350	\$0	N	35%	N	Y	C		Increase suggested fine to \$350 to match SMOT.
20A-11-136(4)(C)(H)	FAIL TO FILE OR AMEND REPORT BY SCHOOL BOARD OFFICE	MB	N	\$680	\$0	N	90%	N	Y	C		Correct violation code
20A-11-1305(6)(C)(I)	OFFICER/OWNER FAIL TO FILE SUMMARY RPT W/IN 7 DAYS OF NOTICE	MB	N	\$680	\$0	N	90%	N	Y	C		Add to SMOT and Update Highlighted Fields
20A-11-403	NEW RESIDENT FAILURE TO REGISTER VEHICLE W/IN 60 DAYS	MC	N	\$1,000	\$800	Y	0%	N	N	C		Correct violation code and add to SMOT
41-1A-404(1)(C)	LICENSE PLATE TO DISPLAY REGISTRATION DECAL AND EXPIRATION	IN	N	\$50	\$0	Y	0%	N	N	E		Remove. Statute does not exist.
41-6A-902(2)	DRIVING UNDER THE INFLUENCE OF ALCOHOL/DRUGS (2ND OFFENSE)	MB	Y	\$1,610	\$0	N	90%	Y	Y	S	See DUI Matrix for sentencing	Remove. Statute does not exist.
41-6A-903(1)(A)	FAIL TO YIELD-VEHICLE TURNING LEFT	IN	N	\$130	\$0	N	35%	Y	N	C		Correct violation code
41-6A-903(1)(B)	FAIL TO YIELD-ENTER/CROSS HIGHWAY	IN	N	\$130	\$0	N	35%	Y	N	C		Correct violation code
41-6A-903(1)(C)	FAIL TO YIELD WHEN MERGING	IN	N	\$130	\$0	N	35%	Y	N	C		Correct violation code
53-10-108(11)(A)	KNOWING, INTENTIONAL ACCESS DISSEMINATE CITS DIVISION RECORD	MB	Y	\$690	\$0	N	90%	N	Y	C		Correct violation code
53-10-108(12)(A)	INTERNET POSTING OF PERSONAL INFORMATION OF LAW ENFORCEMENT	MB	Y	\$690	\$0	N	90%	N	Y	C		Correct violation code
53-18-103(6)(B)	CONDITIONAL LICENSE VIOLATION/OP VEH WITH ALCOHOL IN BODY	MB	Y	\$1,670	\$0	N	90%	Y	Y	E		Remove. Statute does not exist.
53-5-704(14)	PROVIDES FALSE INFORMATION ON CONCEALED WEAPON PERMIT APPLIC	MB	Y	\$690	\$0	N	90%	N	N	S		Does not appear on the SMOT table. Should be changed to 53-5-704(15) to match SMOT
53A-11-101.5(5)	PARENT FAILS TO ENROLL SCHOOL AGE MINOR IN SCHOOL	MB	Y	\$290	\$0	N	90%	N	Y	E		Correct violation code
53A-11-101.5(6)	PARENT FAILS TO ACT ON COMPULSORY EDUCATION	MB	Y	\$380	\$0	N	90%	N	Y	E		Remove. Statute does not exist.
65A-3-305(5)	THREATEN, INTIMIDATE (OR ATTEMPTED) VULN ADULT AS WITNESS	MB	Y	\$680	\$0	N	90%	N	Y	E		Remove. Statute does not exist.
73-3-3(9)	DIVERT WATER OR CHANGE USE W/O APPLICATION TO STATE ENGINEER	MB	Y	\$680	\$0	N	90%	N	Y	E		Remove. Statute does not exist.
76-10-2701(4)	DESTRUCTIVE OR INJURIOUS LITTERING ON PUBLIC OR PRIVATE LAND	MC	N	\$350	\$0	N	35%	N	Y	C		Correct violation code and increase suggested fine by \$10
76-5-109(3)(A)(H)	CHILD ABUSE INJURY/RECKLESS	MB	Y	\$690	\$0	N	90%	N	Y	S		Correct violation code and increase suggested fine by \$10
76-9-102(3)	DISORDERLY CONDUCT—CONTINUES AFTER REQUEST TO STOP	MC	Y	\$350	\$0	N	35%	N	Y	E		Remove. Statute does not exist.
76-9-102(2)	DISORDERLY CONDUCT AFTER REQ TO STOP	MC	Y	\$350	\$0	N	35%	N	Y	E		Remove. Statute does not exist.
76-9-304	CRUELTY TO ANIMALS	MC	Y	\$340	\$0	N	35%	N	Y	E		Remove. Statute does not exist.
78A-7-108	JUSTICE COURT JUDGE TO COLLECT FEES BEFORE FILING ACTION	MB	Y	\$680	\$0	N	90%	N	Y	S		Remove. Statute does not exist.

Tab 9

Agenda



Administrative Office of the Courts

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

April 19, 2021

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

MEMORANDUM

TO: Judicial Council

FROM: Judge Keith Kelly, Supervising Tax Court Judge

RE: Appointment of Tax Judges

Under CJA Rule 6-103(1) The Judicial Council shall formally designate at least three district court judges who volunteer as tax judges. In making the designation, the Judicial Council shall consider the knowledge and experience of the judge in relation to the theory and practice of ad valorem, excise, income, sales and use, and corporate taxation.

There are currently four judges serving as tax court judges: Judge Keith Kelly, 3rd District (Supervising Tax Court Judge); Judge Andy Stone, 3rd District; Judge David Connors, 2nd District; and Judge Noel Hyde, 2nd District. Historically, there have been six active tax court judges and the tax court judges believe having six tax court judges is needed to help spread out the work. Most recently, Judge Todd Shaughnessy and Judge Samuel Chiara have asked to be removed from the tax court judge list. The following judges have expressed interest in being appointed as tax court judges to fill the two vacancies and are now being presented to the Judicial Council for consideration.

Judge Kent Holmberg

B.S. in Business Administration with major in accounting
Worked for the Internal Revenue Service in Internal Audit while in college
Certified Public Accountant (no longer licensed)
Private practice included some corporate practice with tax advice, real property tax issues and estate planning but did not include litigating tax matters

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

Judge Kara Pettit

I have a degree in Accounting and obtained my CPA certificate by passing the CPA exam in 1988; although I was not licensed as a CPA because I went into internal auditing for 3M Co. instead of into public accounting. I have had at least one case that I can recall as a judge that involved airline property tax assessments; Salt Lake, Duchesne, Uintah, Washington, and Weber Counties filed a lawsuit against the State of Utah, challenging several provisions of the Utah Tax Code as unconstitutional. I dismissed the case on several grounds, and the Utah Supreme Court affirmed the dismissal. See Case 170904525.

Tab 10

Utah Language Access Committee Report to Utah Judicial Council

April 26, 2021

I. Interpreter Usage in Fiscal Year 2020

Court	Number of Proceedings
District Court	5,039
Juvenile Court	3,711
Justice Court	6,173
Total	14,923

District Usage of Interpreters	District Court	Juvenile Court	Justice Court
1st	243	89	389
2nd	570	496	801
3rd	2,084	1,371	3,288
4th	1,502	1,329	1,196
5th	508	85	382
6th	66	178	47
7th	37	4	57
8th	29	14	13
Youth Parole Authority		145	

II. Providing Interpreters: FY19 vs FY20

Court	FY 2019	FY 2020	Growth Percentage
District Court	6,273	5,039	-20%
Juvenile Court	4,144	3,711	-10%
Justice Court	7,525	6,173	-18%
Total	17,942	14,923	-17%

*The decrease in growth coincides with the drop in the number of proceedings held in FY20, most likely due to the COVID-19 pandemic. There was a similar -17% decrease in the total proceedings held in FY20.

III. Most Requested Languages in Fiscal Year 2020

Top Requested Languages	
Spanish	9,245
American Sign Language	3,916
Arabic	217
Marshallese	130
Mandarin	101

IV. Interpreter Exam Results

English Written Exam

Date	Number of Candidates	Passed
January 2020	9	4
March 2021	6	0

Oral Proficiency Exam

Date	Number of Candidates	Passed
January 2020	7	1
April 2021	4	TBD

V. Interpreters Added to the Roster

Certified interpreters

Language	Number
Spanish	1

Approved interpreters

Language	Number
French	1
Mandarin	1
Spanish	1

Registered interpreters

Language	Number
Cantonese	1

VI. Committee Members

- Judge Michael Leavitt, Fifth District Juvenile Court- Chair
- Yadira Call, Certified Court Interpreter
- Evangelina Burrows, Third District Interpreter Coordinator
- Amine El Fajri, Certified Court Interpreter
- Rory Jones, Chief Probation Officer, Seventh District
- Russell Pearson, Trial Court Executive, Eighth District
- Chip Royce, Court Approved American Sign Language Interpreter
- Judge Kelly Schaeffer-Bullock, Highland Justice Court
- Judge Michael Westfall, Fifth District Court

- Staffed By: Kara Mann, Language Access Program Coordinator, AOC
Jeni Wood, Recording Secretary (when available)

The Committee meets every other month on the third Friday for two hours.

VII. Completed Projects

- Revised the current continuing education reporting cycle for certified interpreters due to the COVID-19 pandemic
- Created and distributed a guide on resuming court operations for court interpreters due to the COVID-19 pandemic
- Determined how the courts can offer interpreter testing and training requirements during the COVID-19 pandemic
- Created a second language stipend assessment survey for court employees
- Compiled a report on the second language stipend for TCEs
- Suggested improvements to the second language stipends for TCEs
- Drafted a proposed rule on reciprocity
- Reviewed and proposed revisions to the Court's Accounting Manual Section 09-00.00
- Regularly reviewed requests by interpreters for reciprocity or special requests

VIII. On-Going Projects

- Updating the Language Access Plan
- Drafting a new court rule to address interpreting recorded evidence
- Revising the court interpreter invoice

IX. Future Projects

- Reviewing the hourly pay for contract interpreters in order to make a recommendation
- Creating a mentoring program for approved interpreters

X. Looking Forward- Challenges

- The backlog of proceedings due to COVID-19 and how that will place a strain on the available interpreter resources for the courts.
- The low number of approved Spanish interpreters who are passing NCSC's Oral Proficiency Exam to become certified court interpreters.
- The pay for interpreters of languages of lesser diffusion. The pay often isn't enough of an incentive for languages that are rarely requested.
- The shortage of CART service providers within Utah. CART services are provided for those who are deaf or hard-of-hearing, but do not know American Sign Language.



Administrative Office of the Courts

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

March 30, 2021

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

MEMORANDUM

TO: Management Committee/ Judicial Council

FROM: Kara J. Mann, Language Access Program Coordinator *KJM*

RE: Language Access Committee Reauthorization

The Language Access Committee is requesting to be reauthorized as a standing committee for another six years in accordance with CJA Rule 1-205(1)(D). The Language Access Committee provides immense support and work for Utah State Courts. A sampling of the work the committee has completed within the past six years includes:

- Creating and distributing a bench card on spoken language interpreters
- Creating and distributing a bench card on sign language interpreters
- Creating a handbook for Interpreter Coordinators
- Drafting an English Written Exam policy for interpreter candidates
- Recommending the video equipment purchased to capture ASL on the record
- Proposing revisions to Human Resource Policy 570-Second Language Stipend
- Proposing revisions to the Court's Accounting Manual Section 09-00.00
- Proposing revisions to the CJA Rules 3-306.01-.05
- Reviewing the court employee second language stipend scoring requirement
- Completing a survey of second language stipend employees
- Revising the Code of Professional Responsibility for Court Interpreters Exam
- Digitizing interpreter files
- Reviewing 11 formal complaints filed against court interpreters
- Creating and distributing a guide on resuming court operations for court interpreters due to the COVID-19 pandemic
- Determining how the courts can offer interpreter testing and training requirements during the COVID-19 pandemic

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 continues to see exponential population growth, which includes a growing non-English speaking population within the state. This directly impacts the courts, as there will only be an increased demand for court interpreters. Consequently, the need will remain for a committee or other body to review, research, and update Utah State Courts' language access policies and practices.

The Language Access Committee asks to be reauthorized with the committee's focus continuing to be on researching and developing policies and procedures for interpretation in legal proceedings and translation of printed materials, with any necessary recommendation going to the Judicial Council; issuing informal opinions to questions regarding the Code of Professional Responsibility; and disciplining court interpreters as provided by CJA Rule 3-306.05.

Tab 11



FY 2022 Carryforward and Ongoing Turnover Savings Requests - Period 9

Total Available Funds				\$ 2,500,000	\$ -	
		Requested		Approved by Legislature		
#	Budget Obligations	One Time	Ongoing	One Time	Ongoing	
				\$ -	\$ -	
				\$ -	\$ -	
				\$ -	\$ -	
	TO BE FILLED IN FOR PERIOD 10			\$ -	\$ -	
				\$ -	\$ -	
	Subtotal			\$ -	\$ -	
				Approved by Jud. Council		
Ongoing Turnover Savings - Total Available as of 7/1/2020- Ongoing Turnover Saving Beginning Balance		n/a	\$ 44,296			
Ongoing Turnover Savings - through 4/7/2021 payroll		n/a	\$ 505,556			
Total YTD Turnover Savings Available		n/a	\$ 549,852			
Less:	Ongoing Turnover Savings - Committed to 5.26% Budget Reduction for FY 2021	n/a	\$ (475,448)			
Remaining Ongoing Turnover Savings for Balance of FY 2021		n/a	\$ 74,404		\$ 74,404	
1	Previously Approved by Judicial Council - August 2020 - Fund Part-Time Child Welfare Mediator w/ ongoing funds		\$ (55,000)		\$ (55,000)	
FY 2021 Ongoing Turnover Savings Balance - Current Month			\$ 19,404		\$ 19,404	
	Ongoing Turnover Savings - FY 2021 Requests					
2	Unintended Budget Reduction Commitment - Reverse Ongoing Savings by Closing Roosevelt Courthouse		\$ (33,800)			
3	Fund Court Comissioners Salary Increases that Legislature Did Not Fund in FY 2021 or FY 2022		\$ (92,500)			
	Total Ongoing Turnover Savings Requested		\$ (126,300)			
	Projected Additional Ongoing Turnover Saving April - June 2021		\$ 150,000			
	Forecasted Ongoing Turnover Savings as of June 30, 2021	\$ -	\$ 43,104			
		\$ -		\$ -	\$ -	
	Carryforward spending requests - Forecasted Total Available \$2,500,000*	\$ 2,500,000				
1	Sunset Career Ladder Spending (may shift to YE 1x Spending if funds are available) (Bart Olsen/Karl Sweeney)	\$ 500,000				
Total Approved Uses of Carryforward/Additional Appropriations		\$ -		\$ -	\$ -	
Balance Remaining of Carryforward Funds after spending request and reserve fundings				\$ 2,500,000	\$ -	
LEGEND						
Highlighted items are Previously Judicial Council-Approved Requests						
Highlighted items are NEW Requests.						
Items in red represent funding identified by the Legislature for a specific purpose						
NOTE 1: BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation. If more funds than requests are						
	received, prioritization will not have to be made.					
Carryforward Funding into FY 2022 is a maximum of \$2,500,000.						
* The \$2.5M shown as available for carryforward into FY 2022 is based on a forecast of YE surplus. This forecast is based on estimates and subject to change as further data is received.						

2. FY 2022 Ongoing Turnover Savings Request – Roosevelt Courthouse

This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of Ongoing Turnover Savings.

Date: 4/15/2021

Department or District: District Courts

Requested by: Shane Bahr District Court Administrator and Karl Sweeney Director of Finance

Request title: Roosevelt Courthouse Unintended Budget Cut

Amount requested: One-time \$ _____

Ongoing \$ 33,800

Purpose of funding request: Use ongoing turnover savings to give back to 8th District funds that were pledged in discussions as a potential ongoing budget cut, but later determined to be not the best course of action.

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

As part of the budget cutting process for FY 2021, the Courts took the approach of taking cuts by tiers – with those that involved personnel cuts being the last cuts to make.

The first cuts decided on were cuts to items called “Administrative” which including reduced travel, meals, office supplies, etc. These totaled almost 100 cuts for \$653,000, one of which was to close the Roosevelt courthouse and shift operations to Duchesne thus saving \$33,800 in annual lease payments. This cut was determined at a later date to not be feasible but that change was not communicated to Finance and thus ended up in the final list provided to the LFA.

The last cuts made were to personnel including leaving 40 positions open (generating 1x turnover savings) and pledging \$475,000 in ongoing turnover savings. If done properly, ongoing turnover savings would have been increased by \$33,800 and the Administrative cuts would have been reduced by \$33,800.

This request seeks to make that adjustment.

If not funded at this time, what are the consequences or is there an alternative strategy? The closure of Roosevelt courthouse could still be pursued if this is a strategy the Judicial Council endorses, but until that decision is made it is recommended the ongoing funding be restored to the 8th district.

3. FY 2022 Ongoing Turnover Savings Request – Court Commissioners Recruit & Retain

This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of Ongoing Turnover Savings.

Date: 4/15/2021

Department or District: District Courts

Requested by: Shane Bahr District Court Administrator

Request title: Court Commissioners – Recruit and Retain

Amount requested: One-time \$ _____

Ongoing \$ 92,500

Purpose of funding request: Retain experienced commissioners and recruit the highest quality candidates.

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

As part of the budget cutting for FY 2021, the Courts committed to taking \$475,000 of ongoing turnover savings to meet our overall budget reduction. We forecasted this would take the entire fiscal year of 2021 to accumulate. The Courts recently eliminated 2 positions in 3rd Juvenile. These eliminated positions boosted ongoing turnover savings by \$147,000. This unexpected windfall allows the Courts to reconsider the Court Commissioners request that has been put forward in 2 different legislative sessions for ongoing funding.

Below is the current balance in ongoing turnover savings. We forecast approximately \$150,000 in new ongoing turnover savings by 6/30/2021. This would give the Courts enough of a balance in ongoing turnover saving to fund this amount by 7/1/2021.



FY 2021 Ongoing Turnover Savings - Update as of 04/07/2021

#		Funding Type	Amount
1	Carried over Ongoing Savings (from FY 2020)	Internal Savings	44,296
2	Current YTD Ongoing Turnover Savings FY 2021	Internal Savings	505,556
	TOTAL SAVINGS		549,852
3	Ongoing Turnover Savings Pledged to Budget Cuts (retirements)		(245,300)
4	Ongoing Turnover Savings Pledged to Budget Cuts (non-retirements)		(230,148)
5	Previously Pledged - Child Welfare Mediators (August 2020 Judicial Council meeting)		(55,000)
6	Restoration of unintended budget cut for Roosevelt Courthouse		(33,800)
Actual Turnover Savings for FY 2021 as of 4/7/2021			\$ (14,396)

3. FY 2022 Ongoing Turnover Savings Request – Court Commissioners Recruit & Retain

Alternative funding sources, if any: None, except another request to the legislature.

If this request is not funded at this time, what are the consequences or is there an alternative strategy? The Commissioners that have stayed on through the last 2 requests have shown great loyalty to the Courts. As the economy improves, the likelihood they will begin to seek alternative employment rises.

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$2.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: April 15, 2021

Department or District: HR/Court Level Administrators/AOC Finance/TCEs

Requested by: Bart Olsen, Shane Bahr, Neira Siaperas, Karl Sweeney, Lisa Collins, Chris Morgan, and Peyton Smith

Request title: Proposed Sunset for Career Ladder – **Overview of HR Comp Policy with Various Options (Attached as Exhibit D) is suggested as the first document to read.**

Amount requested: One-time \$500,000 as the first part of a maximum \$1.730M total request – the \$1.230M balance to be funded from FY 2022 YE Savings by 6.30.2022.

Ongoing \$0

Purpose of funding request: HR and Finance have been working collaboratively with management with a vision to provide cutting-edge personnel tools and strategies that build (1) a workplace people love, and (2) an environment where the Judicial Council, its committees, management and employees thrive by advancing the noble mission of the Courts.

The Judicial Branch is best positioned to succeed in its mission with the right people in the right seats at the right time. Our overall goal is to become more impactful and strategic than ever before in attracting and retaining the best possible talent. Foundational to that goal are improvements to methods of compensation. Options must account for the current budget environment and be deliberately innovative toward long-term talent attraction and retention strategies. This request presents our recommendations to sunset the career ladder structure and replace it with a creative, data-supported, sustainable path for the future.

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

Background

The current Career Ladder tool was put in place decades ago, when the issue of “unfunded liabilities” seemed to be a lesser concern across all branches of state government. Prior to 2010, the entire state operated under a “salary step” structure which inherently created financial obligation challenges. For example, at the time Utah Code required a separation of no less than 2.75% between every salary step. This resulted in too many situations where an agency or branch might have the budget to give a 1% or 2% increase, either to an individual staff or a group of “like staff” (such as all in a given job title), but the only available tool was a salary step increase. If the agency did not have the budget to give the full 2.75%, as was often the case, they felt as though they had to decide whether to simply give nothing or find off-the-radar ways to make up the difference.

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

The Judicial Branch’s Career Ladder added its own inherent challenges. Those were made painfully apparent when the Great Recession of 2008-2009 hit the country. Government organizations far and wide had to deal with painful budget cuts, and Utah’s Judicial Branch found itself unable to grant Career Ladder increases for an extended period of time because the budget simply did not exist. As improved budget conditions gradually returned over the following years, Career Ladder increases were gradually reinstated - but the process of doing so brought a negative morale impact. There was a built-in expectation that the increases were “owed” from the time employees hit each year of service, rather than the year the budget returned. Employees felt like the unintended message was that their years of service during lean budget years didn’t matter. But the budget did not and still does not provide for retroactive salary increases for funds that were lost during difficult economic times.

In 2010, the Utah Legislature passed [HB 140](#) which, among other things, dissolved compensation plans with “salary steps,” solving one piece of the challenge with funding financial obligations. At the same time, the Legislature also took steps to end the growing unfunded liabilities in the retirement plans then in place under Utah Retirement Systems (URS) and created “Tier II” contributory plans in [SB 63](#). That bill went into effect on July 1, 2011.

In spite of Legislative steps taken, the Judicial Branch continued its Career Ladder practice. In effect, this preserved a dated and rusty mechanism operating within an upgraded system. The overall system has allowed the mechanism to keep spinning, but its rusty engine broke down when the wrench of the COVID-19 pandemic was thrown into our internal compensation system. Every year, we relied on Ongoing Turnover Savings to guarantee preservation of the Career Ladder mechanism. In 2020, we had to commit all of our Ongoing Turnover Savings to the Legislature to comply with imposed budget cuts. We could not afford a single Career Ladder increase during FY21.

The Judicial Council approved a gradual transition to a more strategic compensation strategy in July 2020.¹ The detailed "Total Compensation Strategy" recommended by the Budget & Fiscal Management Committee and approved by the Judicial Council contains a recommendation to move away from the rigid structure inherent to the career ladder/job series of levels I, II and III for Judicial Assistants (JAs) and Probation Officers (POs). Some of the desired effects include (a) lifting a "cap" or "dead-end" on base salary increases after moving to level III, (b) flexibility to allow some ongoing salary increases even in leaner budget years instead of a statewide freeze when savings are limited, and (c) strategic use of relevant data such as performance, turnover, market conditions, etc., to factor in compensation decisions.

Proposal Part I: Discontinuance of Career Ladder New Hires

The rusty Career Ladder is simply a program that is no longer sustainable. We propose that effective on or before July 1, 2021, new hires are no longer placed in a Career Ladder structure (hired as level I with the expectation of being able to move to the specific level II and/or III salary rates at specific timing). Instead, new hires would simply be hired into a job (Judicial Assistant, Probation Officer) and advanced within their salary ranges as quickly as possible, with a focus on performance and accounting for available budget.

¹ The Judicial Council approved motion was to “approve the concept of transitioning the Judiciary from a market comparability process to the compensation strategy with the understanding that there are many steps to be taken.”

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

Proposal Part II: Career Ladder Sunset Options

The Judicial Council will need to pick an “exit strategy” for existing Career Ladder participants (employees currently at level I or II who theoretically could advance to the next Career Ladder step).

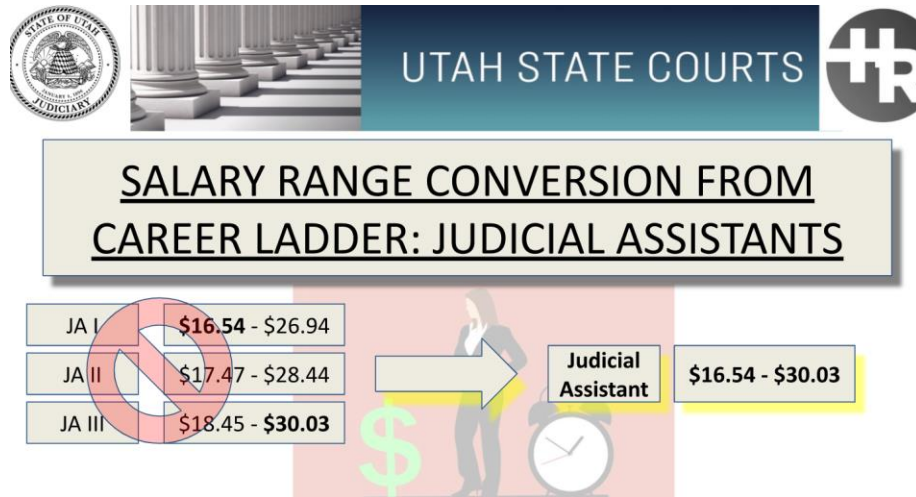
Options include:

1. **Continue** Career Ladder Program as-is for current participants using Ongoing Turnover Savings (OTS) when they become available. This is likely to obligate funds we will not have due to expected behavioral changes of current participants (See Exhibits A and A-1).
2. **Long-term Sunset** on the use of OTS for current Career Ladder participants by giving them as much as five years to complete career ladder requirements. This could potentially spread out some of the financial liability over those five years.
3. **Short-term Sunset** by stopping the use of OTS immediately, and soften the blow by rewarding current participants with one-time bonuses using one-time turnover savings (1xTS) for FY21 and FY22. HR and Finance predicted this would be the most viable and most employee-friendly option. Therefore, a business case including case studies and many other granular details was presented to management for this option. Those details are included below under the section titled “Short-Term Career Ladder Sunset.”
4. **Ultra Short-term Sunset** - same as #3 for FY21 only.
5. **Discontinue** the Career Ladder program immediately and entirely with no substitute.

Short-Term (Career Ladder) Sunset Details (Option 3)

- HR would begin processing new hire Judicial Assistants and Probation Officers in the broad classification and salary range on or before July 1, 2021 (see salary range conversion table below for visual representation).
- All current JAs and POs that already attained level III prior to July 1, 2021, would simply be reclassified to the broad job classification and salary range effective July 1, 2021. Their current salary rate would remain unaffected.
- Current employees classified as JA I, JA II, PO I or PO II could choose to be included in a modified career ladder program (the “Career Ladder Sunset Program” or “CLSP”) as explained in the Q&A section below. All others will similarly be reclassified as a Judicial Assistant or Probation Officer within the broader salary range, making them eligible for both base salary increases and incentive award bonuses moving forward, focused on job performance.

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder



Despite these proposed structural adjustments, there is no contemplated change in education plans for Judicial Assistants and Probation Officers. Management may continue to establish standards for training completion as elements of job success and/or for professional development of staff. At management discretion, training completion may continue to factor into the compensation decision-making process, but it will no longer be a main focus or driver of compensation decisions.

Analysis of the Proposed CLSP

Q1. Who is impacted? For FY 2021, all current employees classified as JA I, JA II, PO I, PO II, DPO I, and DPO II will automatically be enrolled in CLSP and receive payments for all of the career advancement steps they qualify to receive. Law Clerks at level I or II will still have pay rate changes when they pass the bar or reach a minimum amount of time with acceptable performance. All other employees that have used a “stair step” type advancement structure (ex., Admins, DPOs) where the basic job does not change with the passage of time, will also be automatically enrolled in CSLP for 2021 and receive a career ladder payment for FY 2021 if their job responsibilities have sufficiently changed to warrant it. They will also have the option either continue in the CLSP effective July 1, 2021, or convert to a performance-based compensation plan effective July 1, 2021. CLSP payment calculations for FY 2021 are explained in Q5 and Exhibit C.

Q2. What if you are in one of the levels listed above and are not actively participating in career ladder? Because everyone in these categories could theoretically choose to take advantage of the CLSP offer, we have valued the costs of the CLSP as if everyone who is eligible to advance will do so. However, the actual payouts will be based only on those who complete the required Career Ladder steps (including education and extra-curricular projects) between July 1, 2020 and June 30, 2022. Management may approve exceptions to education requirements for FY21 career ladder requirements, for courses unavailable during FY 2021. A tool has been developed for management to identify, before June 30, 2021, employees that choose to participate in the CLSP during FY22 so we can have more solid figures for budgeting purposes. Employees who are not specifically identified by management as participants in the CLSP, even if they are currently level I or level II, will not be eligible to participate in the CLSP.

Anyone who met eligibility requirements during FY 2021 but could not be compensated due to the legislative budget cuts to ongoing turnover savings will be eligible for payments in late FY 2021 or early

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

FY 2022 if the completion deadlines are extended into FY 2022. These retroactive payments are one way to minimize or eliminate as many negative repercussions as possible from the budget cuts.

Q3. Will retroactive payments for Career Ladder steps completed in FY 2021 be with ongoing turnover savings? Same question for payments for Career Ladder steps completed in FY 2022?

The CLSP, if approved, will be funded only with one-time turnover savings based on the reality that an entire fiscal year of ongoing turnover savings was committed to the Legislature and is simply gone and cannot be recovered. This painful loss brings these realities:

1. we will begin FY22 with a small amount of ongoing turnover savings from which to pay career ladder increases;
2. in this post-COVID world, ongoing turnover savings have slowed dramatically from the pre-pandemic² pace and will likely grow at the pace we achieved in FY 2021 for the foreseeable future, and
3. with Career Ladder payments running about \$475,000 per year, even with no new hires for JA/PO entering the Career Ladder after June 30, 2021, it would take between 3 – 4 years to pay off the amounts that Career Ladder participants will likely earn between July 1, 2020 and June 30, 2022 using ongoing turnover savings (**see Exhibits A and A-1 for calculations**). The forecasts in Exhibits A and A-1 do not include the risk of a recession due to an economic downturn/continuing pandemic or that other urgent needs for ongoing turnover savings might arise - which could further delay paying off the Career Ladder obligations. Career Ladder contains specific clauses that indicate payments do not need to be made in any year where budget funding is not available.

Q4. What is the best alternative to ongoing turnover savings? The CLSP assumes that Career Ladder participants value “more, sooner, safer.” The only source of near-term funds that is available in sufficient quantity to make a timely, adequate impact is 1x turnover savings (1xTOS) and given the lack of ongoing turnover savings, we recommend 1xTOS be used in lieu of ongoing turnover savings for ALL future Career Ladder payments.

The 1xTOS can come from any (or a combination of any) of these “buckets” (1) YE 2021 surplus, (2) FY 2022 carryforward or (3) FY 2022 1x turnover savings depending on when the payment is earned. We expect that for FY 2022, 1xTOS will be between \$3.0M and \$3.5M and, after reserving \$500,000 for FY 2022 year end requests and \$1.5M for carryforward into 2023, there are adequate 1xTOS in FY 2022 to pay off the maximum liability. (**See Exhibits B and B-1 for calculations**). Exhibits B and B-1 show the potential use of 1xTOS for FY 2021 and FY 2022 Career Ladder payments under the CLSP and assumes (for Exhibit B) ALL Career Ladder eligible employees choose to complete any future Career Ladder steps

² For FY 2021 we forecast ongoing turnover savings at \$500,000. For FY 2020 ongoing turnover savings were \$700,000. For FY 2019 ongoing turnover savings were \$500,000. When unemployment rates fall below 3.0% and the state government wage rate increases are below those of private employers, ongoing turnover rates increase as state employees are able to obtain exit raises from a new employer high enough to make changing jobs attractive. A large supply of discouraged workers (U-4) in Utah during Q1 2021 dampens the effects of the nominally low unemployment rate.

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

for which they are eligible. Exhibit B-1 assumes a proportion of potential Career Ladder eligible employees do not stay to complete the steps.

Management will use an automated enrollment tool to capture those who wish to take the CLSP and continue working on Career Ladder requirements into FY 2022 with a possibility of additional 1xTOS being used to pay an incentive award after completing requirements. For budgeting purposes, the election form must be completed no later than June 30, 2021.

For FY 2022, 1xTOS can be used as they accumulate so Career Ladder payments can be made each quarter in FY 2022. Using 1xTOS enables sooner, safer payments with a much earlier return to the Career Ladder participants. While ongoing turnover savings would be the ideal, it comes with an unacceptably high cost of time delays and risk of ongoing budget fluctuations.

Q5. How would payments under CLSP be calculated? We would make 1x CLSP payments as soon as funds are available using 1xTOS in amounts that approximate the annualized base pay increases that were lost in FY 2021 and would have been made in FY 2022 upon completion of the Career Ladder steps. (See Exhibit C for an example of how CLSP would impact a JA I and JA II).

Q6. What happens after CLSP goes away? How do the employees in CLSP receive raises and incentive bonuses? Effective July 1, 2022 the CLSP expires entirely. Starting July 1, 2022, all Career Ladder employees will be equally eligible for consideration for both one-time incentive awards and ongoing base salary increases under the new performance focused compensation plan.

"Performance-focused" refers to the data-driven decision-making process by management when awarding increases and incentive awards, with a focus on measurable job performance. An "increase" is an ongoing adjustment to an actual salary rate. An "incentive award" is a one-time bonus for a specific amount that may vary by person (as was done in the 2021 Q4 bonus payment plan).

For helpful context, any organization's compensation strategy exists for two specific purposes: (1) attraction, and (2) retention of the best possible talent (people) to help the organization succeed in its mission. Therefore, over the coming months, management will be establishing or re-establishing performance expectations such as those found on [templates published here](#).

Employees at all levels and tenures and in every job classification hold specific roles, all for the purpose of advancing the mission of the judicial branch. As employees succeed not only in their own assignments but also taking into account how their work impacts colleagues, court patrons, judicial officers and members of the public, those outcomes should be recognized and rewarded accordingly. Hard-and-fast restrictions on compensation like the career ladder parameters are unnecessary barriers that should be removed. Those barriers simply do more harm than good on the organization's ability to use compensation dollars in the most effective way.

Therefore, on at least an annual basis, management will be informed of the available OTS and 1xTOS funds available for base salary increases and incentive award bonuses. Equipped with those figures and with their own knowledge of employee performance measured against pre-established expectations, management will also receive relevant data such as turnover, tenure, salary range quartile distribution, etc. to make informed decisions focused on retention of high performing staff.

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

Q7. What happens to a Career Ladder participant who does not enroll in CLSP? Consistent with the rules in the current Career Ladder plan, no one will be compelled to complete the Career Ladder steps under CLSP. Those who do not enroll in CLSP for FY 2022 will (1) receive a 1xTOS funded payment for any Career Ladder steps completed before June 30, 2021 and (2) will be immediately eligible for the incentive and ongoing segments of the new performance focused compensation plan.

Q8. Do you expect Career Ladder participants to “take the money and run?” In other words, once they have received the 1xTOS funded CLSP payments, will they be more likely to leave the Courts? This is an unavoidable risk that we believe has minimal negative effects. Any form of added compensation generally has more likelihood to enhance retention than it does to increase turnover, but to the degree turnover does occur, ongoing turnover savings is likely to also be achieved which can be reinvested in our high performing employees.

We also believe we can mitigate the risk that those in Career Ladder will make the choice to leave the Courts due to the CLSP by (1) emphasizing the long-term benefits of performance focused compensation and, (2) meaningfully funding the performance based plans. We intend to over-communicate the benefits of this transition and encourage all managers to find ways to increase efficiencies so that the pool of 1x and ongoing funds available for performance based compensation grows substantially.

Alternative funding sources, if any: Ongoing turnover savings, which as explained above, we do not recommend.

If this request is not funded at this time, what are the consequences or is there an alternative strategy? We view the sunset of Career Ladder as inevitable and the transition to a much better court-wide, sustainable, performance-based compensation plan. Delaying this transition will delay the benefits of this transition.

Next Steps:

1. Due to the significance of this decision, we are not seeking Judicial Council approval today.
2. We request that the Judicial Council use the period between now and the May 24th Judicial Council meeting to explore any areas of concern.
3. Bart Olsen, Karl Sweeney and Brent Johnson are resources to the Council.
4. We ask that this item be put on the May 24th Judicial Council for further discussion and a decision. We note that a decision on May 24th would allow Career Ladder participants time to complete their FY 2021 steps before June 30th, 2021.

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

Exhibit A

Maximum Forecast Use of Ongoing Turnover Savings to Sunset Career Ladder

(Assumes all eligible Career Ladder participants choose to complete Career Ladder steps)

Estimated Career Ladder Payments Due for FY 2021		
Maximum Career Ladder Payments Due for FY 2022		
Total Obligations for Career Ladder	\$ 1,730,000	Obligation
		Remaining
Ongoing Turnover Savings Available 7/1/2021	\$ -	\$ 1,730,000
Forecast Ongoing Turnover Savings FY 2022	\$ 500,000	\$ 1,230,000
Forecast Ongoing Turnover Savings FY 2023	\$ 500,000	\$ 730,000
Forecast Ongoing Turnovers Savings FY 2024	\$ 500,000	\$ 230,000
Forecast Ongoing Turnovers Savings FY 2025	\$ 500,000	\$ (270,000)
Payout in 3.5 years		

Exhibit A - 1

Probable Forecast Use of Ongoing Turnover Savings to Sunset Career Ladder

(Assumes adjusted historical norm of Career Ladder participants choose to complete Career Ladder steps)

Estimated Career Ladder Payments Due for FY 2021		75% Part Rate
Probable Career Ladder Payments Due for FY 2022		75% Part Rate
Total Obligations for Career Ladder	\$ 1,297,500	Obligation
		Remaining
Ongoing Turnover Savings Available 7/1/2021	\$ -	\$ 1,297,500
Forecast Ongoing Turnover Savings FY 2022	\$ 500,000	\$ 797,500
Forecast Ongoing Turnover Savings FY 2023	\$ 500,000	\$ 297,500
Forecast Ongoing Turnovers Savings FY 2024	\$ 500,000	\$ (202,500)

Historical Norm Participation Rate = 55% (475K/865K)

Assume adjusted Participation Rate = 75%

Payout in 2.5 years

The historical norm for annual CL payouts is \$475,000 per year. This represents only 52% of the possible payouts due to failure to participate.

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

Exhibit B

Forecast Impact on Overall 1xTOS by Use of 1xTOS to Sunset Career Ladder

(Assumes all eligible Career Ladder participants choose to complete Career Ladder steps)

Estimated Career Ladder Payments Due for FY 2021		
Maximum Career Ladder Payments Due for FY 2022		
Total Obligations for Career Ladder	\$ 1,730,000	Obligation
		Remaining
1xTOS Used from FY 2022 Carryforward to pay		
Estimated Career Ladder Payments for FY 2021	\$ (500,000)	\$ 1,230,000
Total 1xTOS Originated in FY 2022	\$ 3,300,000	
Less: FY 2022 1xTOS used for FY 2022 YE Requests	\$ (500,000)	
Less FY 2022 1xTOS used for Carryforward to 2023	\$ (1,500,000)	
FY 2022 1x TOS available to pay Career Ladder Pymnts	\$ 1,300,000	\$ (70,000)
Payout in 1.0 year; \$2.0M excess 1xOTS		

Exhibit B - 1

Probable Impact on Overall 1xTOS to Sunset Career Ladder

(Assumes adjusted historical norm of Career Ladder participants choose to complete Career Ladder steps)

Estimated Career Ladder Payments Due for FY 2021		
Probable Career Ladder Payments Due for FY 2022		
Total Obligations for Career Ladder	\$ 1,297,000	Obligation
		Remaining
1xTOS Used from FY 2022 Carryforward to pay		
Estimated Career Ladder Payments for FY 2021	\$ (500,000)	\$ 797,000
Total 1xTOS Originated in FY 2022	\$ 3,300,000	
Less: FY 2022 1xTOS used for FY 2022 YE Requests	\$ (1,000,000)	
Less FY 2022 1xTOS used for Carryforward to 2023	\$ (1,500,000)	
FY 2022 1x TOS available to pay Career Ladder Pymnts	\$ 800,000	\$ (3,000)

Historical Norm Participation Rate = 55%

Assume adjusted Participation Rate = 75%

Payout in 1.0 year; \$2.5M in excess 1xOTS

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

Exhibit C

[Career Ladder Payouts \(click link for details\)](#)

Judicial Assistant I (click to expand into case study detail)

JaNell is a Judicial Assistant I with a hire date of January 1, 2020. She would have been eligible to advance to JA II on Jan 1, 2021, but the budget freeze halted her progress. JaNell wants to know if she can be compensated for what she's already done, and whether she should opt into the Career Ladder Sunset Program to continue on to a JA III or just move to the performance-focused compensation program on July 1, 2021.

Career Ladder Sunset FY21:

Under this program, JaNell will receive a one-time bonus equivalent to the difference in salary rate she would have received for a 2,080 hour payroll year (as long as her management verifies her eligibility by submitting the Career Ladder Incentive Request). JaNell would have gone from \$16.54 hourly to \$17.47 hourly, a difference of \$0.93 per hour, so JaNell would receive a \$1,934 Career Ladder Sunset bonus around July 2021 for completing career ladder requirements to advance to JA II.

In spite of the guaranteed bonus, JaNell's hourly rate today is still \$16.54. However, the 2021 Legislative Labor Market Increase of 3% will take JaNell to \$17.04 effective July 1, 2021.

Option A - Career Ladder Sunset FY22:

If JaNell completes requirements to move to JA III before June 30, 2022, she can receive another one-time bonus equivalent to the difference between her July 1, 2021 rate of \$17.04 hourly and the JA III salary rate of \$18.45 hourly. The difference is \$1.41 per hour, so using the same formula of that rate difference multiplied by a 2,080 payroll year, JaNell would qualify for a one-time bonus of \$2,933.

If JaNell opts for the FY22 Career Ladder Sunset, she is all but guaranteed to receive the \$2,933 bonus and she might even receive additional performance bonuses between then and June 2022, but she must recognize that opting into the FY22 Sunset renders her ineligible for an ongoing performance-focused salary increase above \$17.04 hourly until after July 1, 2022.

Option B - Performance-Focused Compensation FY22:

The performance-focused compensation program emphasizes advancement to the second quartile of a salary range during the very first few years of employment for high performing employees, especially in jobs with long-term retention challenges. It also encourages performance-focused incentive awards (bonuses) in addition to salary increases when possible.

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

Currently, the job with the highest turnover rate is the Judicial Assistant, which plays very much to JaNell's favor. The second quartile mark for the Judicial Assistant is \$19.91 per hour. She will only be at \$17.04 hourly with 1.5 years employment on July 1, 2021, which is (1) well below the \$19.91 target and (2) below the rate of others with only a few months to a year more of time in the job. Both factors increase her likelihood to receive compensation for high performance, both in terms of salary increases and incentive awards. JaNell communicates often with her supervisor to understand how she can be most successful in her job and to know how she is doing compared to expectations.

JaNell would leave the guarantee of \$2,933 on the table if she doesn't participate in the Career Ladder Sunset. However, JaNell might end up receiving somewhere close to \$3,000 total in performance bonuses throughout the year (maybe even more) if she continues her pattern of solid performance. Not only that, but JaNell could ALSO be advanced in salary to at least \$17.47 hourly (current JA II) and possibly even up to \$18.45 hourly by July 2022 depending on performance and level of turnover savings. It might be a stretch, but it's possible outside the FY22 Career Ladder Sunset and impossible if she opts into the FY22 Career Ladder Sunset.

JaNell realizes it comes down to a preference on risk level and confidence in performance. Both options are much better than a freeze on compensation dollars, one option carries potential for greater compensation than the other, but at a risk of not knowing exactly how much greater.

Judicial Assistant II (click to expand into case study detail)

Rudy is a Judicial Assistant II making \$17.47 hourly with a hire date of May 1, 2019. The 2021 Legislative Labor Market Increase of 3% will take Rudy to \$17.99 effective July 1, 2021. She would have been eligible to advance to JA III on May 1, 2020 and be paid \$18.45 hourly under the old career ladder. Still, Rudy hopes to receive some kind of compensation by finishing JA III requirements by May and wonders how that could impact her future potential earnings, if at all.

Career Ladder Sunset FY21:

Under this program, Rudy will receive a one-time bonus equivalent to the difference in salary rate she would have received for a 2,080 hour payroll year (as long as her management verifies her eligibility by submitting the Career Ladder Incentive Request). Rudy would have gone from \$17.47 hourly to \$18.45 hourly, a difference of \$0.98 per hour, so JaNell would receive a \$2,038 Career Ladder Sunset bonus around July 2021 for completing career ladder requirements to advance to JA III.

1. FY 2022 Carryforward Spending Request – Sunset Proposal for Career Ladder

Career Ladder Sunset FY22:

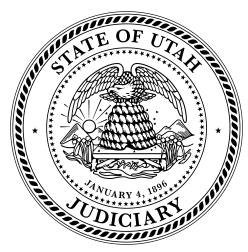
There is no program for Rudy to consider for FY22: Rudy plans to complete career ladder progress to JA III by May 2021. The bonus payment she receives for the work completed in FY21 takes her out of FY22 Career Ladder and moves her automatically to the performance-focused compensation program. She will now be eligible along with all other employees for performance-focused salary increases AND performance-focused incentive award bonuses.

Performance-Focused Compensation:

The performance-focused compensation program emphasizes advancement to the second quartile of a salary range during the very first few years of employment for high performing employees, especially in jobs with long-term retention challenges. Currently, the job with the highest turnover rate is the Judicial Assistant, which plays very much to Rudy's favor. The second quartile mark for the Judicial Assistant is \$19.91 per hour. At \$17.04 after more than a year of employment, Rudy will be well below the \$19.91 target which also increases her likelihood to receive an ongoing salary increase.

Rudy believes she is a high performer but realizes she has never really made an effort to find out how she is doing compared to job expectations. Her supervisor is approachable, so Rudy asks for feedback and finds out that there are some areas where she excels and others where she really needs to improve - but her supervisor also expresses confidence Rudy can make those changes. If Rudy does, and if enough ongoing turnover savings are generated over the coming year, Rudy could be advanced at least to \$18.45 hourly (current JA III) and maybe even as much as \$19.91 hourly (target of second quartile of JA salary range) by July 2022. \$19.91 might be a long shot, but it's actually in the realm of possibility, compared to the only possibility of the \$17.04 rate until June 30, 2022 under the Career Ladder Sunset.

Additionally, Rudy knows she will be eligible for performance based incentive award bonuses during the same time period as one-time turnover savings become available. There are no guarantees in this program, but there is potential to leave significant earnings on the table for someone else if Rudy prefers the guarantee of the career ladder sunset.



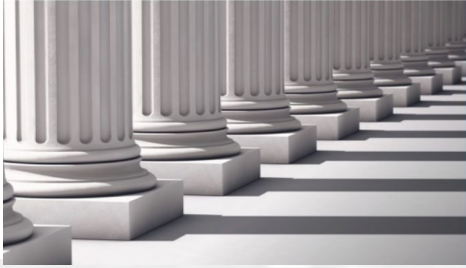
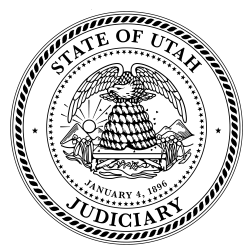
UTAH STATE COURTS

EXHIBIT D



HR Vision: We aim to provide cutting-edge personnel tools and strategies that build

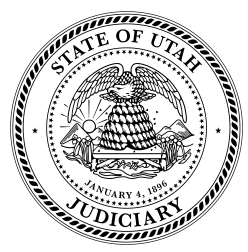
- (1) a workplace people love, and
- (2) an environment where the Judicial Council, its committees, management and employees thrive by advancing the noble mission of the Courts.



UTAH STATE COURTS

3- TO 5-YEAR COMP VISION

- Hire and keep best core courthouse talent 5-10 years or more
 - Requires abandoning specific fiscal promises we can't keep
 - Rapid advancement of *solid/high performers* to 2nd quartile of salary range
 - Combined performance reward strategy (base salary increase, cash incentive, non-cash awards, leave, etc.)
- Hire/train quarterly in bulk for core staff → **re-investable 1x turnover savings** (1xTOS) for staff compensation
- Realize business efficiencies thru technology and process improvement → **reinvest deliberate TOS from attrition** to ongoing compensation

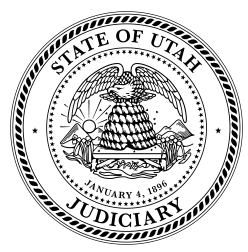


UTAH STATE COURTS

Did You Know?

- If 100% of personnel in eligible Career Ladder (CL) positions participated in CL advancement this coming year, the cost would exceed our average actual annual Ongoing TOS by 1.75x.*
- Put another way, our maximum potential liability for CL steps could equal \$1.7M in payouts by 6/30/2022.
- It's not a best practice to bank on budgetary solvency by non-participation!
- Approximately 35% of currently eligible JA I, JA II, PO I and PO II CL participants as of 4/1/2021 have not completed a CL step since 4/1/2019 (2 years+).

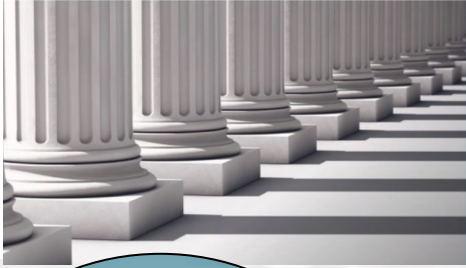
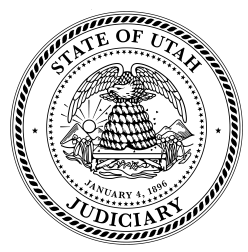
*\$1.7M/ 2 years = \$850K annual max payments/ \$500K annual Ongoing TOS = 1.75x



UTAH STATE COURTS

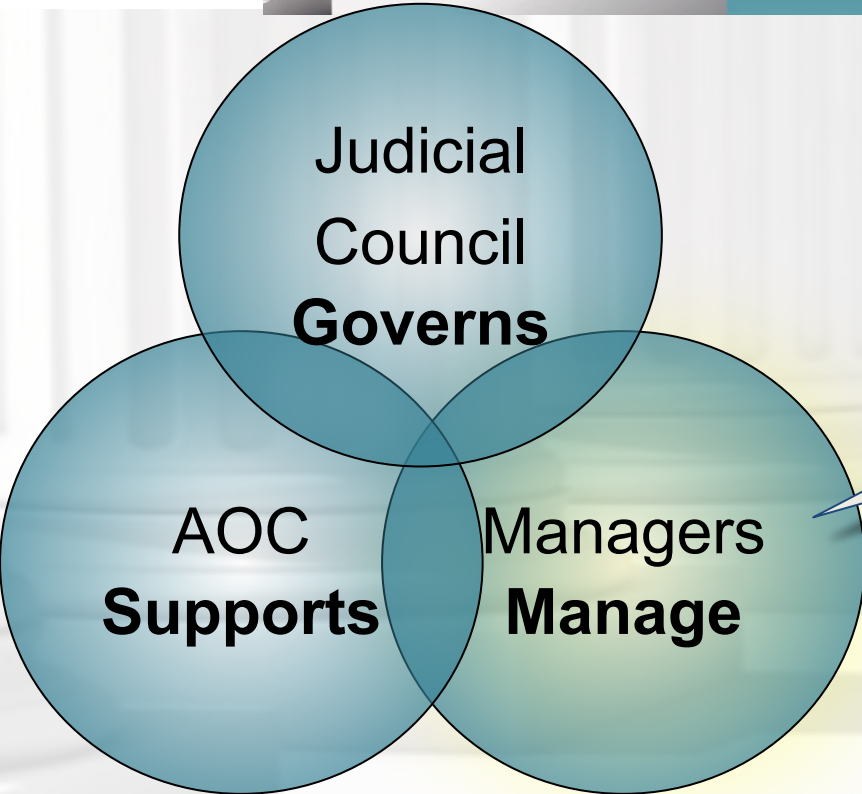
Steps We Recommend

- Discontinuance of Career Ladder New Hires no later than July 1, 2021
- Pick an exit strategy for existing CL participants. Options include:
 - 1) **Continue** Career Ladder as-is for current participants.
 - 2) **Long-term sunset** the use of Ongoing TOS for current Career Ladder participants.
 - 3) **Short-term sunset** use of Ongoing TOS immediately and soften the blow with one-time turnover savings (1xTOS) for **FY21 and FY22. This is the detailed write-up/proposal presented to leadership.**
 - 4) **Ultra short-term sunset** - same as #3 for **FY21 only.**
 - 5) **Discontinue** Career Ladder immediately and entirely with no substitute.

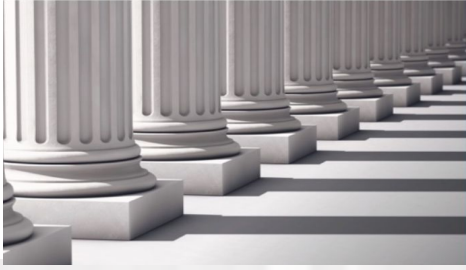


UTAH STATE COURTS

Governance Structure Lens



What do Managers think?

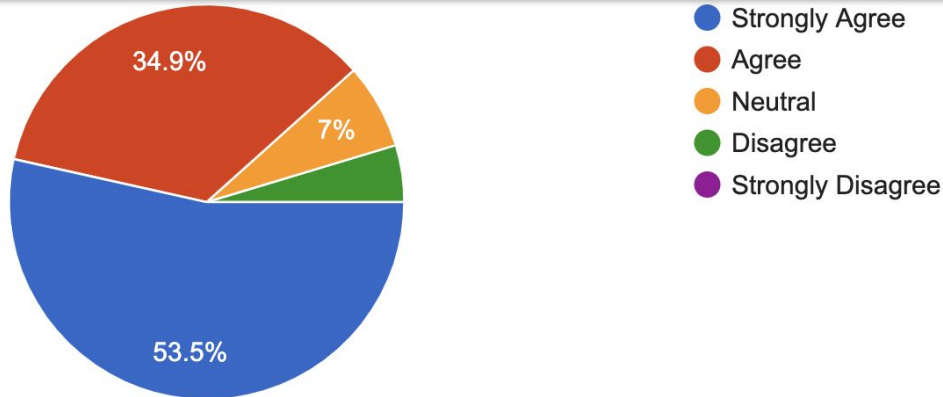


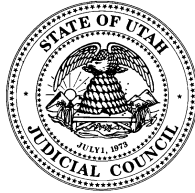
UTAH STATE COURTS

As a general statement, I support the "Career Ladder Sunset Program" as described by HR and Finance.

43 responses

**Large discussion, survey with TCE, CoC, CPO, & AOC
Dirs. 38 of 43 (88%) support option #3 (short-term sunset).**





Administrative Office of the Courts

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

April 19, 2021

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

MEMORANDUM

TO: Judicial Council

FROM: Karl Sweeney, Director of Finance
Bart Olsen, Director of Human Resources

CC: Hon. Mary T. Noonan
Cathy Dupont

RE: Requested Delegation of Authority from Judicial Council to Authorize Administrators
Limited Use of One-time Turnover Savings (1xTOS)¹

Request

In its April 15, 2021 meeting, the Budget and Fiscal Management Committee (“BFMC”) approved seeking authorization from the Judicial Council to provide the State Court Administrator and Deputy State Court Administrator (the “Administrators”) delegated authority for the use of up to 7% of estimated annual 1xTOS, not to exceed \$250,000 in a fiscal year, to address superior performance by Court personnel in accepting mid-to-long term special projects, leading change initiatives, and other types of similar assignments that merit timely, significant recognition. This request complements a similar approval by the Judicial Council in February 2020 to delegate authority to the Administrators to use up to 20% of estimated annual ongoing turnover savings not to exceed \$110,000 in a fiscal year (see Exhibit A).

Historically, the Courts have given “incentive awards” in two ways:

1. As a carryforward budget request and provided to managers statewide. These incentive awards were generally given for accomplishment of short-term projects or ideas for process improvement. Though discontinued for FY 2021 due to budget constraints, we support the return of this type of recognition for FY 2022 (see Type 2 awards on the next page). These awards are typically given as \$50 - \$100 gift cards. These incentive awards are timely but not significant.
2. As part of a large end-of-year bonus award approved when large 1xTOS are available generally in Q4 – such as the \$990,000 given out in March/April 2021. These are significant, but not usually timely since they necessarily involve waiting until a time in the fiscal year when availability of funds is assured. This is a Type 4 award.

The missing category is incentive awards that are both **significant** and **timely**.

¹ 1xTOS represents the total personnel savings (including benefits) from the time a position is vacated until it is replaced by a new hire to that position. These funds must be used within the fiscal year or roll into the annual carryforward of up to \$2.5M.

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

The purpose of a 1xTOS delegation to the Administrators is for completing mid-to-long term “stretch” assignments and projects that do not involve an ongoing pay increase but merit more than the “gift card” level of incentive compensation. It is anticipated these recognitions would go to approximately 50 - 75 Court employees (which is approx. 5 -8% of total nonjudicial personnel) every year and could be given out when the stretch assignment was complete, not in Q4. The amounts would generally be between \$1,000 - \$2,000 per person + a 32% gross up for retirement pay/employer payroll taxes. Since 1xTOS are approximately \$3.0M - \$3.5M each year, 7% would be between \$210,000 and \$245,000 per year.

This proposed delegation of authority to the State Court Administrator and Deputy State Court Administrator (the “Administrators”) offers a systematic way to fully address “personnel actions” that need to be addressed within the scope of Rule 3-301² yet retains for the Judicial Council 93% of 1xTOS which is sufficient to address court-wide needs.

Business Rationale

Similar to ongoing turnover savings, the need for managers to address personnel incentive pay issues does not stop for the 10 months of the fiscal year that precede and immediately follow the Q4 Judicial Council meeting where 1xTOS is potentially used to address Court-wide incentive pay proposals. These requests come in 2 Types:

Type 1 – Exists today but is not explicitly authorized by a delegation of authority

- Requests for incentive pay that come to the Administrators regularly to address “battlefield” assignments (such as leading a department (or an additional department) while the search for a replacement candidate is conducted) and is usually addressed with a temporary pay adjustment (paid from 1xTOS) until the assignment ends. The granting of these temporary pay increases has historically gone into the YTD calculation of 1xTOS and has reduced the amount of 1xTOS available at the end of the fiscal year to be used by the Judicial Council. The amount of 1xTOS increases that have been granted during the past 6 months is approximately \$20,000 which annualizes to \$40,000. This amount varies from year to year. These are significant, timely incentive payments but need to be authorized via this request.

Examples of recent “battlefield” increases include:

- Temporary salary increases for Christopher Morgan and Keri Sargent who served as co-TCEs after Wendell Robert’s retirement.
- Temporary salary increase for Nathanael Player who served as Law Library acting director in addition to Managing the Self-help Center after Jessica Van Buren’s departure.

Type 2 – Exists today and is authorized with 1xfunds +/- \$280,000 as a carryforward request.

- Requests for incentive pay that come in to managers who have budgets for incentive awards (either as a request for incentive cards or cash). These incentive awards are appropriate for accomplishments of limited scope and duration. To not diminish the value of the \$50 - \$100 gift card due to it being taxed, recipient paycheck is boosted by 30% to cover federal and state income taxes.

Proposed Type 3 – Does not exist today and we are seeking authorization by this delegation of authority.

The Type 3 bonus award – and one that does not exist today but should be a companion to Type 1 – is for superior performance that occurs within the confines of an existing position where the demands expand due to unexpected external events or special projects. In these situations, at present, the recognition is limited to Type 2 small incentive awards – either in cards or cash – generally for between

² Code of Judicial Administration Rule 3-301(3)(B)(v) gives the state court administrator the authority to “formulate and administer a system of personnel administration for the judiciary including but not limited to....approval of all personnel actions.”

\$50 and \$500. Two examples of Type 3 performances from the past 12 months that warrant significant, timely bonus payments include:

- IT and Court operations personnel who brought the jury selection and jury trial hardware and software to the various Courts and purchased, installed and trained Court personnel on how to use the products.
- Court staff who rendered extraordinary performance to the public, judges and their peers over many months due to the requirements of adapting to COVID19.

In all of the bonus awards outlined above, the awards would be (and are) thoroughly reviewed and approved by the TCEs and District or Juvenile Court Administrators, or the appropriate AOC Director before being submitted for any further review and payment.

If the delegated authority for using up to 7% of 1xTOS not to exceed \$250,000 annually for bonus payments is approved, the incremental impact on the total 1xTOS amounts the Judicial Council has to work with will be a maximum of \$250,000 less the amounts that are typical “battlefield” performance payments (assume +/- \$40,000 per year) from Type 1 incentive payments = +/- \$210,000 because Type 1 incentives are already in the current calculation. For a typical year where the Courts generate \$3.5M of 1xTOS, the maximum 1xTOS under this delegation (which covers Type 1 and Type 3 bonus payments) will be \$245,000 (7% of \$3.5M) leaving \$3.255M of 1xTOS available for Judicial Council use.

We believe it is essential for Type 1 and Type 3 incentive pay opportunities to be appropriately authorized and then acted on promptly and consistently. We believe that is best accomplished by specifically authorizing the Administrators funds to approve Type 1 and Type 3 requests based on requests by managers and the criteria below:

The process for submitting a personnel Type 1 and Type 3 incentive award request will be:

1. Detailed write-up by the requesting manager or Administrator. Qualifying criteria for consideration include:
 - a. Type 1 – Leadership or similar type of vacancy filled by a temporary/interim appointment until the vacancy is filled or,
 - b. Type 3 - Participating in a special project or business need that requires any of the following:
 - i. implementing a new court process that delivers substantially increased efficiencies including access to justice; or
 - ii. leading a change effort that responds to a changing court environment; or
 - iii. in a supporting role, committing consistent time to a project or business need resulting in an average of 50+ hours per week for an extended period of time (generally 8+ weeks in a quarter), or
 - iv. performing in a current position that results in the creation of substantial cost savings to the Utah Courts, or
 - v. other high value-creating endeavors that move forward the mission of the judiciary.
2. Review and approval by the appropriate AOC Director or TCE and District/Juvenile Court Level Administrator,
3. Reviews by the HR Director for compliance with HR policy and Finance Director for availability of funds, and
4. Review and approval by the Administrators.

Whatever funds not used for Type 1 or Type 3 needs will be available for Type 4 uses or as directed by the Judicial Council.

We recommend the Judicial Council approve this delegation of authority which will be incorporated in the Accounting Manual and by reference in the HR Policy Manual.

Recap of the 4 Types of Incentive Pay:

Type 1 – battlefield temporary pay increases for doing “double duty” until a replacement boss is hired (exists today as timely, significant payments – needs delegation of authority)

Type 2 – gift card incentive pay (exists today as carryforward request – timely but not significant pay)

Type 3 – mid-to-long term special projects that deserve more than a gift card= timely, significant payment (does not exist today but would be timely, significant payments – needs delegation of authority)

Type 4 – YE Bonus plan using 1xTOS (exists today as Judicial Council request– significant but not necessarily timely pay). Will be striving to create an annual amount authorized by Judicial Council for inclusion in overall compensation plan.

Bold = included under this delegation of authority.

Exhibit A**M E M O R A N D U M**

DATE: February 10, 2020

TO: Judge Mark May
Judge Kara Pettit
Judge Augustus Chin

FROM: Karl Sweeney, Director of Finance
Bart Olsen, Director of Human Resources

CC: Hon. Mary T. Noonan
Cathy Dupont

RE: Proposed Delegation of Authority from Judicial Council to Authorize Use of Ongoing Turnover Savings³

Request

We recommend the ad hoc Budget and Finance Committee (“BFC”) seek authorization from the Judicial Council to approve the use of 20% of the estimated annual Ongoing Turnover Savings (“OTS”), not to exceed \$110,000 in a fiscal year, to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. Historically, these requests have been addressed ad hoc by the State Court Administrator or Deputy State Court Administrator during periods of the year that precede the annual Judicial Council review and approval of the use of OTS (typically May).⁴ This delegation of authority to the State Court Administrator and Deputy State Court Administrator (the “Administrators”) offers a systematic way to fully address “personnel actions” (including salary increases) that need to be addressed within the scope of Rule 3-301⁵ yet retains for the Judicial Council sufficient OTS monies to address court-wide market comparability and similar issues.

Business Rationale

The need for managers to address personnel pay issues does not stop for the 10 months of the fiscal year that precede and immediately follow the May annual Judicial Council meeting where OTS is used to address Court personnel needs.

Requests for salary adjustments come in several a month to the Administrators usually to address pay inequities caused by compression, promotions for persons with superior performance who are still at the bottom of their paygrade, or department reorganizations. These salary adjustments are generally ones where there is no ability to reduce other budgeted non-salary expenses in the Unit to “pay” for the ongoing impact. Further, these salary adjustments are thoroughly reviewed and approved by the TCEs and District or Juvenile Court Administrators, or the appropriate AOC Director.

The granting of these pay increases has gone into the YTD calculation of OTS and has reduced the amount of OTS available at the end of the fiscal year to be used by the Judicial Council. The amount of increases that have been granted during the past 13 months is approximately \$117,000 which annualizes to approximately

³ Ongoing Turnover Savings (“OTS”) represent the total personnel impact (including benefits) when a position is vacated and replaced by a new hire to that position. OTS result when this annualized differential is positive because the new hire has a lower total personnel cost. If a replacement hire has a higher total personnel cost, this “negative” turnover savings reduces OTS.

⁴ In the May 2019 Judicial Council meeting, the Judicial Council approved the use of \$537,500 in OTS which was split \$400,000 to career ladder and \$137,500 to fund market comparability adjustments.

⁵ Code of Judicial Administration Rule 3-301(3)(B)(v) gives the state court administrator the authority to “formulate and administer a system of personnel administration for the judiciary including but not limited to....approval of all personnel actions.”

\$110,000. In theory, if the \$110,000 of delegated authority approximates the historical average of pay increases that Administrators have granted, the amount of OTS the Judicial Council will have to work with will be unaffected. The FY 2020 estimated annual OTS is \$600,000 at the end of period 7 and the forecast of OTS available to the Judicial Council for May 2020 is expected to be approximately \$750,000.

Recent examples of personnel pay requests include:

- Salary increase for recently-promoted, superior performing employee with comparable total service time in Utah Courts to peer in identical position who was making \$10 per hour more.
- Salary adjustment to make comparable salaries for 2 different positions within the Courts with the same managerial duties and expertise – one traditionally staffed by males, one by females. The one traditionally staffed by females had a lower pay range and pay for similarly qualified persons.

We believe it is imperative for these personnel pay issues to be acted on promptly and consistently. We believe that is best accomplished by specifically authorizing the Administrators funds to approve requests.

The process for submitting a personnel pay request will be:

5. Detailed write-up by the requesting manager,
6. Review and approval by the appropriate AOC Director or TCE and District/Juvenile Court State Level Administrator,
7. Reviews by the HR Director Review for compliance with HR policy and Finance Director for potential non-salary budget reduction opportunities, and
8. Review and approval by the Administrators.

We recommend the BFC approve this delegation of authority and seek Judicial Council authorization for same.

Grant Portfolio Quarterly ReportReporting Period: **Quarter 1** | Calendar Year **2021****Section I. Preface**

Objective: This document collects and presents data pertaining to the grant portfolio maintained by the Utah Courts. This report will be completed for each calendar quarter and presented to the Budget & Fiscal Management Committee (BFMC), the Judicial Council (JC), and any other interested stakeholders as appropriate.

What is provided: The grants portfolio quarterly report includes three sections: **(1)** Preface, **(2)** Grant Financial Review, and **(3)** Project Administrator Updates.

Section 1. Preface. This section includes an overview of the report format and contents, as well as a summary of key activities that transpired during the associated reporting period.

Section 2. Grant Financial Review. This section summarizes relevant financial updates for the Courts' grant portfolio. This spreadsheet includes active grants, expected grants, and grants which concluded during the reporting period (closed grants). "Expected grants" are opportunities which are upcoming in the following calendar quarters and for which the Courts can reasonably expect an award to be made. Expected grants have an associated status (see Legend) which is highlighted to indicate status in the approval process or to call-out other important information. Financial data include the total grant award, the life-to-date expenditures, the expenditures in the associated reporting period (highlighted column), and the remaining award balance (total award amount less life-to-date expenditures). This section also includes two portfolio allocation figures which distinguishes the percentage of total grant dollars by funding source (Federal & Non-Federal) and the percentage of grant dollars held by Department or Program. "Grant dollars" is defined as the total amount obligated at the time of award (Grant Award Budget) and does not reflect expenditures or award balance at time of report. When specific grants are referenced in text, an accompanying Grant Unit Number ("Unit #") will be cited corresponding to the Grant Financial Review spreadsheet.

Section 3. Project Administrator Updates. This section includes narrative updates from project managers/administrators for their respective grants during the reporting period.

Grant Coordinator Notes: The items below provide a broad overview of select grant-related activities during calendar Q1. For detailed information about specific grant activities from project administrators, please see the Project Administrator Updates section at the end of this report.

1. Grant Adjustments. approved with funders in Q1 include: **(a)** an extension to the State Justice Institute (SJI) Online Dispute Resolution (ODR) Assessment grant (Unit #2935) to make it co-terminus (6.30.21) with the Pew Grant funding the same project, and **(b)** a zero-dollar net budget reallocation for the SJI-funded Regulatory Sandbox project (Unit #2933) with the Utah Office for Legal Services Innovation allowing for the purchase of a case management system, the purchase or development of a reporting database, and the purchase of statistical software. In the original project scope it was thought that these tools could be either developed or repurposed in-house. As this is not the case, the Innovation Office must purchase these tools externally. Hours budgeted for the Executive Director compensation (in later phases of the project) were reduced and funds reallocated for the purchase of tools described above. Additional prospective funding will be used to supplement and restore these reductions in Executive Director compensation.

2. Supplemental Award. Near the end of Q1, the Court Improvement Program (CIP) - Data grant (Unit #2918) received notification of a supplemental pandemic-related award (\$147,058) appropriated by Congress and issued to child welfare agencies across the country and to existing CIP recipients. The CIP committee is currently assessing how to utilize these funds. This supplemental award is a reimbursable-type grant, and no funds will be expended prior and subject to approval by BFMC and JC.

3. New Applications. One new application for grant funding (exempted from moratorium) was submitted in Q1 to the Hewlett Foundation in support of the Regulatory Sandbox project (Unit #2933) with the Innovation Office. This request for \$250,000 in additional funds would support the compensation for project contractors and consultants needed for this grant over a two year period. The award letter is expected in Q2 and a proposal to accept funds will be presented to BFMC and JC for review prior to signature of the award agreement.

Section II. Grant Financial Review | Calendar Q1 2021 | As of March 31, 2021

Unit #	Sponsoring Unit (<i>& beneficiary if different</i>)	Source of Grant Funds	Grant Award Budget	Expenditures Life-to-Date	Expenditures Calendar Q1	Grant Balance Remaining	Funded Project Description
Federal Grants							
2918	Juvenile Courts	DHHS Children's Bureau	\$ 144,453	\$ 69,095	\$ 33,108	\$ 75,358	Court Improvement Program (CIP) - Data
2919	Juvenile Courts	DHHS Children's Bureau	\$ 144,453	\$ 111,776	\$ 37,141	\$ 32,677	Court Improvement Program (CIP) - Training
2957	Juvenile Courts	DHHS Children's Bureau	\$ 156,826	\$ 90,071	\$ 5,003	\$ 66,755	Court Improvement Program (CIP) - Basic
2962	Alt. Dispute Resolution	DHHS Children's Bureau	\$ 100,000	\$ 75,130	\$ 20,162	\$ 24,870	State Access & Visitation Program
2936	Justice Courts	DOJ Office of Violence Against Women	\$ 150,000	\$ 137,998	\$ 51,543	\$ 12,002	Domestic Violence Prevention: STOP Abuse Program
2967	GAL-CASA	DOJ Office of Victims of Crime	\$ 289,902	\$ 38,851	\$ 30,998	\$ 251,051	Victims of Crime Act (VOCA) State Assistance Fund
2968	GAL-CASA	DOJ National CASA Association	\$ 25,000	\$ 1,188	\$ 817	\$ 23,812	Court Appointed Special Advocates (CASA) Mentoring
2933	Appellate (Innovation Office)	State Justice Institute	\$ 200,000	\$ 52,437	\$ 33,251	\$ 147,563	Utah Innovation Office Regulatory Reform (Sandbox)
2935	Appellate (IT)	State Justice Institute	\$ 75,000	\$ -	\$ -	\$ 75,000	Online Dispute Resolution (ODR) Assessment
2939	General Counsel (IT)	DOJ Justice Assistance Grant	\$ 180,000	\$ -	\$ -	\$ 180,000	HB 206 Bail Reform & Pre-Trial Release
<i>Subtotal for Federal</i>			\$ 1,465,634	\$ 576,546	\$ 212,023	\$ 889,088	
Non-Federal Grants							
2943	Appellate (IT)	Pew Charitable Trusts	\$ 110,000	\$ -	\$ -	\$ 110,000	Online Dispute Resolution (ODR) Assessment
N/A	Juvenile Courts (3rd Dist.)	Comm on Service & Volunteerism (UServe)	\$ 5,500	\$ 4,528	\$ -	\$ 972	The Village Project (Volunteer Reimbursement)
<i>Subtotal for Non-Federal</i>			\$ 115,500	\$ 4,528	\$ -	\$ 110,972	
TOTALS FOR ACTIVE GRANTS			\$ 1,581,134	\$ 581,074	\$ 212,023	\$ 1,000,060	
Expected Grants							
TBD	Juvenile Courts (3rd Dist.)	Comm on Service & Volunteerism (UServe)	\$ 3,000	\$ -	\$ -	\$ -	Renewal for The Village Project (Volunteer Reimbursement)
TBD	Juvenile Courts	DHHS Children's Bureau	\$ 147,058	\$ -	\$ -	\$ -	Pandemic-related supplement for child welfare
2938	Appellate (Innovation Office)	The Hewlett Foundation	\$ 250,000	\$ -	\$ -	\$ -	Utah Innovation Office Regulatory Reform (Sandbox)
N/A	Justice Courts	UT Domestic Violence Coalition (UDVC)	\$ 253,000	\$ -	\$ -	\$ -	Salary/benefits for Protective Order Prgm Coordinator (36 mo.)
N/A	Multiple	American Rescue Plan Act (ARPA) - \$1.5B to be used by 12.31.2024	\$ -	\$ -	\$ -	\$ -	Tech projects, COVID reimbursement, premium pay (\$10.9 mil. requested); provided to GOPB and LFA; Special Session in May 2021
Closed Grants							
(None in Q1)			\$ -	\$ -	\$ -	\$ -	

Portfolio Allocation

Figure A.
Total Award Amount (%)
by Funding Source

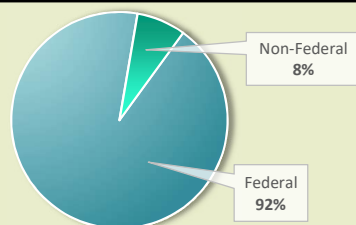
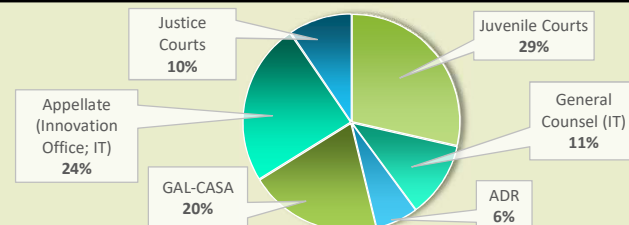


Figure B.
Award Amount (%) of
Total by Sponsoring Unit



Note: All financial data obtained from FINET

LEGEND

- Highlighted item is a reimbursable supplemental award to an active grant (CIP-Data) and is being prepared for review by BFMC & Judicial Council prior to expending funds
- Highlighted item is exempt from moratorium, application submitted; request to accept funds being prepared for BFMC & Judicial Council review prior to accepting funds
- Highlighted item is a time-sensitive renewal exempt from moratorium, application in process and proposal being prepared for BFMC & Judicial Council review prior to accepting funds
- Highlighted item includes time-sensitive funds for an ongoing grant, BFMC & JC approved MOU with UDVC (primary recipient); if awarded, BFMC & JC review prior to accepting funds
- Highlighted item is time-sensitive federal COVID-19 related funding; proposal forwarded to Governor's Office of Planning & Budget and Legislative Fiscal Analyst for review

Section III. Project Administrator Updates Q1 2021
January-March 2021

Unit #	Grant Project	Narrative Updates
2918	Court Improvement Program (CIP) - Data	During the first quarter of 2021, we held three webinars as part of a 2021 webinar series to support implementation of Utah's core principles for a fully integrated child-welfare system. Juvenile judges, attorneys practicing child-welfare, and child-welfare professionals attended these webinars and heard from national experts on the importance of early and intense family teaming, identifying family early on in a child-welfare case, and ambiguous loss and the harm of removal. For our required hearing quality project, which is focused on achieving timely and appropriate permanency children and families by supporting high quality child-welfare hearings, we held focus groups with the judges, attorneys, and child-welfare professionals piloting the use of a hearing quality bench card and companion guide. These tools are designed to give greater consistency to the permanency process so all families and practitioners are prepared to discuss permanency and other relevant issues not only in court hearings but also in meetings outside of court. Finally, our CIP Committee has started discussing how to spend the supplemental CIP grant to address needs stemming from the COVID-19 public health emergency. The committee has also started discussing what projects to include in our next 5-year strategic plan due June 30, 2021. - Bridget Koza, CIP Director
2919	Court Improvement Program (CIP) - Training	
2957	Court Improvement Program (CIP) - Basic	
2962	State Access & Visitation Program	The Access and Visitation Grant supports Utah's Third District Co-Parenting Mediation Program. In accordance with U.C.A. 30-3-38, when a motion is filed in Third District Court alleging a violation of court-ordered parent-time rights, a referral is made to the Co-Parenting Mediation Program. The case is screened and, if appropriate, scheduled for mediation within 15 calendar days of referral. A mediator is assigned from a program roster of private mediators with specific co-parenting mediation experience. Between January 1, 2021 and March 31, 2021, the program received 58 referrals and scheduled 40 mediations with parties and counsel. Due to Covid 19 pandemic safety protocols, all mediations are currently being conducted on line. - Nini Rich, ADR Program Director & Kathleen Bowman, Project Administrator
2936	Domestic Violence Prevention: STOP Abuse Program	The Domestic Violence Program (DVP) is on track to complete its STOP Abuse VAWA Program Grant goals. During quarter one, the DVP trained approximately 362 judges, court staff, victim advocates, and attorneys across the justice system about domestic violence, sexual violence, and protective orders. In addition to these trainings, the DVP has been developing criminal protective order forms that meet federal VAWA requirements and a Sexual Violence Bench Book to train judges and court staff about sexual violence. To complete work on the final grant goal, the DVP is in the process of filling the Tribal Outreach Specialist position in conjunction with the Office of Fairness and Accountability. Finally, in addition to the grant activities mentioned above, the DVP has completed the following activities: (1) facilitated a coordinated community response model (i.e. provided data to community partners, answered questions, and coordinated training activities), (2) provided expert witness testimony about protective orders and internal processes (subpoenaed in an expungement case), (3) conducted research and provided feedback for protective order and domestic violence legislation as requested by Michael Drechsel, (4) currently serving on the Domestic Violence Offender Committee (as liaison for the courts), (5) currently working with the Utah Association of Domestic Violence Treatment and the Department of Human Services to improve court access to offender treatment provider lists (i.e. providers using evidence-informed treatment standards), (6) currently developing a portion of the protective order website (with Nathanael Player's permission) to explain trauma, domestic violence, and available resources to court patrons, (7) currently developing protective order training for court staff (e.g. includes collecting data to meet state and federal requirements, CORIS and CARE protective order information, etc.), (8) currently auditing the Statewide Protective Order Network for incomplete protective order data and alerting courts to incomplete protective orders, (9) currently serving on the Domestic Violence Advisory Council (as liaison for the courts), (10) currently serving on the Sexual Violence Advisory Council (as liaison for the courts), and (11) currently serving on the National Center for State Courts' Domestic Violence Lab Implementation Working Group (as liaison for the Utah Courts). - Amy Hernandez, Domestic Violence Program Coordinator

Section III. Project Administrator Updates Q1 2021
January-March 2021

Unit #	Grant Project	Narrative Updates
2967	Victims of Crime Act (VOCA) State Assistance Fund	<p>Our grant focuses on providing direct services to child victims through the use of unpaid community volunteers- Court Appointed Special Advocates or CASA. The majority of the grant funds go to pay for the salaries/fringe of three additional volunteer coordinator positions in our three largest judicial districts. These positions recruit, train and support volunteers as they advocate for children. Our volunteers go through a comprehensive background check and significant training before taking a case. At the request of a Guardian ad Litem, they are assigned to a specific case of an at risk child/family involved in a child welfare matter before the court. They report directly to the Guardian ad Litem who represents the child in court and sometimes report directly to the judge. The volunteers commit to stay on the case until it closes, becoming an extra set of eyes and ears for abused, neglected or abandoned children. They also commit to visit with child victims twice a month and follow up on educational needs. During this quarter, we held a VOCA sponsored statewide in-service for our over 600 volunteer advocates. The National Drug Endangered Children presented and attendees learned how to better recognize the risks faced by drug endangered children and develop effective responses through identifying systems and services available to these children and families. We placed awareness billboards for recruitment on I-15 in Salt Lake City, American Fork, and St. George at the cost of \$24,750. We registered all 8 of our Volunteer Coordinators for a virtual course in Understanding Trauma from Florida State University. We mailed out encouragement cards thanking our volunteers for staying with our program and the children they serve through the difficulties and changes the last year has provided everyone. Here is a quote from one volunteer that received a handwritten message. <i>"I really appreciated your card that you sent. I've been feeling kind of discouraged with my case because I haven't been able to see my kids in person in so long, and I've felt like I couldn't connect with them as much over FaceTime. Your card definitely made me feel appreciated and encouraged."</i> - Melanie Speechly, CASA Program Administrator</p>
2968	Court Appointed Special Advocates (CASA) Mentoring	<p>This is a two year grant targeting the recruitment and assignment of CASA volunteers in rural areas to work with children in these underserved areas and are involved in child welfare matters. The majority of these funds go to awareness and recruitment campaigns. During the course of the grant our goal was to recruit 24 advocates to work with 60 children in rural areas of Utah. Even with the impact of COVID19, as of December 2020 we met the goals of the grant six months early. This grant will end in June 2021 and we hope to exceed the goal. We also are providing specific training virtually to these dedicated advocates; Fostering Futures, Cultural Competence, and Youth Impacted by Opioids. During this quarter, we continued the social media campaign we had started in the previous quarter. We put up billboards in Price, Spanish Fork, and Stansbury Park. The campaigns will continue into next quarter. - Melanie Speechly, CASA Program Administrator</p>
2933	Utah Innovation Office Regulatory Reform (Sandbox)	<p>During Q1, the Innovation Office submitted a grant proposal to the Hewlett Foundation to support the compensation for Office staff, including the Executive Director, the Data Analyst, and the Project Manager – all positions that are staffed by independent contractors. These funds would also support the hiring of a website and marketing contractor as well as an IT consultant. The work performed by the positions include the continued development and administration of the Office, processing and assessing applicants, monitoring and oversight of the authorized entities, and conducting enforcement activities as necessary. The funds will also go to compensate attorney auditors retained by the Office to audit higher risk services offered in the Sandbox. In March, SJI approved a zero-dollar budget modification (reallocation) to allow for the purchase of a robust case management system, the purchase or development of a reporting database, and the purchase of statistical software. This modification does not change the overall project budget. The Office continues to accept, review, and recommend applications to the sandbox. We have started work on development of a framework for independent audits of nontraditional providers' work product. The data analyst, Dr. James Teufel, continues to oversee the data reporting and monitoring functions of the office. The data team (led by Dr. Teufel and consisting of the Executive Director and two members of the Executive Committee) has developed a detailed reporting framework for regular reporting of case-level data by regulated entities. Those reports have started coming into the office and Dr. Teufel has developed a risk analysis framework for oversight and monitoring. The Office continues to work to improve the website and entered into a contract with a state-approved vendor to rebuild the website to make it more engaging and informative. The Office also entered into a contract to build a better application portal and tracking system for applicants and authorized entities. - Regulatory Reform Team</p>

Section III. Project Administrator Updates Q1 2021
January-March 2021

Unit #	Grant Project	Narrative Updates
2935	SJI: Online Dispute Resolution (ODR) Assessment	During this reporting period, the grant agreement was amended allowing for the repurposing of up to the total award amount to fund efforts which will (1) improve the ODR platform's usability; (2) assess and enhance accessibility features consistent with the Americans with Disabilities Act (ADA) and Web Content Accessibility Guidelines (WCAG); and (3) make any necessary interoperability updates to the Courts' "myCase" software which works in tandem with the ODR tool. Any unobligated funds following completion of these priority updates may be applied to the intellectual property deliverable. The SJI award is being amended in calendar Q2 to align with the Pew award. To prepare for the implementation of usability and accessibility enhancements, the Courts have drafted a statement of work and obtained a purchase order to secure a state-approved vendor already familiar with the Courts' technology and IT systems. This vendor will deploy and manage the Essential Accessibility (eA) platform to perform a digital accessibility evaluation and audit, launch an automated electronic testing platform, provide a dedicated program management team, and offer remediation support. Importantly, this vendor will simultaneously work to ensure that the ODR tool continues to interface seamlessly with the Courts' myCase software as both systems undergo project-related updates to usability and accessibility. Following the signature of a non-disclosure agreement, approximately 300,000 lines of code comprising the ODR tool were sent to the National Center for State Courts (NCSC) to initiate review for the adoptability assessment and drafting of documentation enhancements (a critical deliverable which will assist the on-boarding of other jurisdictions). Partners at NCSC conducting the review have reported that Utah's ODR code is "clean" (i.e., easy to comprehend and readily modifiable), which supports our goal of adoptability by other court systems. This work is being completed by NCSC at no cost to the Courts. - ODR Team
2943	Pew: Online Dispute Resolution (ODR) Assessment	
2939	HB206 Bail Reform & Pre-Trial Release	Programming was completed on the following: Added three new fields to law enforcement's side of the probable cause (PC) system: 1) gross household income, 2) family size, and 3) an opt-out button if a defendant is unable or unwilling to answer those two questions. All three fields are transmitted to the court via the PC system and are presented to judges in Judicial Workspace at the PC review phase. Added a link to the Ability-to-Pay Matrix. Programming work has begun on the following, but is not yet complete: Remove the auto-populated monetary bail amounts tied to the old bail schedule from the PC screen in Judicial Workspace Auto-populate the Ability-to-Pay Matrix with the answers to the three fields and the PSA score (if available) and the appropriate fields in the matrix will be highlighted. - Keisa Williams, Associate General Counsel
N/A	The Village Project (Volunteer Reimbursement)	Five new volunteers were onboarded during this time period. Efforts to continuously engage volunteers included virtual town halls, individual check-ins, and a volunteer initiated community service project. Grant funds have allowed volunteers to make any in person visits more specific and intentional without concern of cost. An in person appreciation event has not been possible thus far, but grant funds have allowed for small appreciation gifts during the holidays along with gas cards for those few mentors still meeting with youth in person. The Village Project is hopeful that more individual mentoring will be possible in the coming months. We are also hopeful that an in person appreciation event will be an option. - Alicia Green, Village Project Coordinator

Tab 12

Agenda

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff _____ v. _____ Defendant _____	Statement of Defendant in Support of Guilty Plea and Certificate of Counsel (Utah Rule of Criminal Procedure 11) Case Number _____ Judge _____
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I understand the following facts and rights.

1. Receipt of Information

I have received a copy of the Information(s) (charging document(s) or as amended).
I have read it or had it read or explained to me.

2. Notification of charges

I am entering a plea(s) to the charges listed below:

Crime, Code Citation, Case Number	Degree & Punishment (Min/Max and or Minimum Mandatory)
	<input type="checkbox"/> F1 5-life in prison, up to \$10,000 +90% surcharge <input type="checkbox"/> F1 other: _____ <input type="checkbox"/> F2 1-15 years in prison, up to \$10,000 +90% surcharge <input type="checkbox"/> F3 0-5 years in prison, up to \$5,000 +90% surcharge <input type="checkbox"/> MA 0-364 days in jail, up to \$2,500 +90% surcharge <input type="checkbox"/> MB 0-180 days in jail, up to \$1,000 +90% surcharge <input type="checkbox"/> MC 0-90 days in jail, up to \$750 +90% surcharge <input type="checkbox"/> Infraction up to \$750 fine +90% surcharge <input type="checkbox"/> Sentencing enhancement, minimum mandatory provision (if any): <input type="checkbox"/> Firearm restrictions (see paragraph 11 below)

Crime, Code Citation, Case Number	Degree & Punishment (Min/Max and or Minimum Mandatory)
	<input type="checkbox"/> F1 5-life in prison, up to \$10,000 +90% surcharge <input type="checkbox"/> F1 other: _____ <input type="checkbox"/> F2 1-15 years in prison, up to \$10,000 +90% surcharge <input type="checkbox"/> F3 0-5 years in prison, up to \$5,000 +90% surcharge <input type="checkbox"/> MA 0-364 days in jail, up to \$2,500 +90% surcharge <input type="checkbox"/> MB 0-180 days in jail, up to \$1,000 +90% surcharge <input type="checkbox"/> MC 0-90 days in jail, up to \$750 +90% surcharge <input type="checkbox"/> Infraction up to \$750 fine +90% surcharge <input type="checkbox"/> Sentencing enhancement, minimum mandatory provision (if any): <input type="checkbox"/> Firearm restrictions (see paragraph 11 below)

Crime, Code Citation, Case Number	Degree & Punishment (Min/Max and or Minimum Mandatory)
	<input type="checkbox"/> F1 5-life in prison, up to \$10,000 +90% surcharge <input type="checkbox"/> F1 other: _____ <input type="checkbox"/> F2 1-15 years in prison, up to \$10,000 +90% surcharge <input type="checkbox"/> F3 0-5 years in prison, up to \$5,000 +90% surcharge <input type="checkbox"/> MA 0-364 days in jail, up to \$2,500 +90% surcharge <input type="checkbox"/> MB 0-180 days in jail, up to \$1,000 +90% surcharge <input type="checkbox"/> MC 0-90 days in jail, up to \$750 +90% surcharge <input type="checkbox"/> Infraction up to \$750 fine +90% surcharge <input type="checkbox"/> Sentencing enhancement, minimum mandatory provision (if any): <input type="checkbox"/> Firearm restrictions (see paragraph 11 below)

(Attach additional sheets if necessary.)

3. Plea(s)

I am entering a plea of:

☐ **Guilty to the charges of:**

I understand pleading guilty means I admit I committed the crime(s) listed above.

☐ **No contest to the charges of:**

I understand pleading no contest means I am not contesting that I committed the crimes listed above. I am agreeing that the State could likely prove the facts below and do not dispute them.

☐ **Plea in abeyance to the charges of:**

I understand a plea in abeyance means my plea will not be entered. Instead, there will be conditions that I must complete during a certain period of time. If I meet the conditions, the court will dismiss or reduce the charges, depending upon the terms of the plea in abeyance agreement. If I do not meet the conditions, the court may enter my plea and I will be sentenced.

☐ **Other** (Explain. For example, Alford Plea or Sery Plea):

4. Elements

Each crime has certain facts that must be proven. These are called elements. The elements of the crime(s) I am pleading to are:

5. Factual basis

The facts below provide a basis for the court to accept my plea and prove the elements of the crime I am pleading to:

6. Waiver of constitutional rights

I understand that if I plead guilty or no contest I will give up all the following rights:

Right to a lawyer

I have the right to be represented by a lawyer. If I cannot afford one, the court will give me a lawyer to represent me for free.

I understand that I might be required to pay for some or all of the appointed lawyer's service to me. This could happen if a judge decides that I am able to pay for the lawyer's service to me.

☐ I have not waived my right to a lawyer. My lawyer and I have talked about this form, my rights, and the consequences of my plea.

☐ If I have waived my right to a lawyer, I have done so knowingly, intelligently, and voluntarily for the following reasons:

Right to jury trial

I have a right to a speedy and public trial by an impartial (unbiased) jury.

Right to confront and cross-examine witnesses

At trial, I would have the right to see and observe the witnesses who testify against me. My attorney would have the opportunity to ask all of the witnesses questions in a process called cross-examination. If I am representing myself, I could question and cross-examine witnesses.

Right to compel witnesses

At trial I could call witnesses. I would be able to require them to come and testify. If I could not afford to pay for the witnesses to appear, the State would pay those costs.

Right to testify and privilege against self-incrimination

At trial, I would have the right to testify, but if I chose not to, no one could make me. If I did not testify, the jury would be told they cannot hold that decision against me.

Presumption of innocence and burden of proof

I am presumed innocent until the State proves that I am guilty of the charged crime(s). If I choose to fight the charges against me, I can plead not guilty, and my case will be set for a trial.

At trial, the State would have the burden of proving each element of the charge(s) beyond a reasonable doubt.

If the trial is before a jury, the verdict must be unanimous, meaning that each juror would have to find me guilty.

I understand that if I plead guilty or no contest, I give up the presumption of innocence and will be admitting that I committed the crime(s) stated above.

Appeal

If I were convicted by a jury or judge, I would have the right to appeal my conviction and sentence. If I could not afford the costs of an appeal, the State would pay those costs.

If I plead guilty or no contest, I am giving up my right to appeal my conviction. I can still appeal my sentence if I plead, but I must file a notice of appeal within **30 days** after I'm sentenced.

Preliminary hearing

I have a right to a preliminary hearing before a trial if I am charged with a felony or class A misdemeanor.

At the preliminary hearing the State would have to provide evidence a crime was committed and I committed it. This is called "probable cause." If I plead guilty or no contest, I give up the right to a preliminary hearing.

Consequences of entering a Guilty or No Contest plea

7. Potential penalties

I read the maximum sentence for each crime I am pleading to. If I plead guilty or no contest to a crime that carries a mandatory penalty, I will get that penalty.

I know my sentence could include jail or prison time, a fine, or both. If there is a fine, a 90% surcharge maybe be added. I may be charged an additional fine for each crime that I plead to.

I may be ordered to pay victim(s) for damages caused by my crimes. This is called "restitution." This could include restitution for charges that are dismissed as part of a plea agreement.

8. Consecutive/concurrent prison terms

If there is more than one crime involved, the judge can choose to have the sentences run consecutively or concurrently.

If the sentences are consecutive, I will serve one term before the next one starts. If the sentences are concurrent, I will serve the terms at same time.

If I am on probation or parole or awaiting sentencing on another offense, my plea now may result in consecutive sentences.

If the offense I am now pleading guilty to occurred when I was imprisoned or on parole, my sentences will run consecutively unless the court finds it would be inappropriate.

9. Trial judge not bound

The judge is not required to go along with a plea agreement, including a suspended sentence or reduction of charges, even if my attorney and the prosecutor agree on the terms.

My attorney and the prosecutor cannot guarantee what the judge will do.

10. Immigration

If I am not a United States citizen, my immigration status could be negatively affected by my plea decision. This could include deportation and never being allowed to return (permanent exclusion). If I return without legal authorization I could face federal charges for illegal re-entry.

If I have questions about the effect of my plea on my immigration status, I should talk to an immigration attorney.

11. ☐ Firearm restrictions

My attorney or the prosecuting attorney has informed me that:

- conviction of the charge(s) noted above will classify me as a restricted person;
- a restricted person may not possess a firearm; and
- if I enter a plea to the criminal charges against me there will be additional criminal charges and penalties if I possess a firearm. The potential penalties will be:
 - ☐ charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge
 - ☐ charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge

I acknowledge and understand that, by pleading guilty or no contest to the criminal charge(s) I:

- will be a restricted person;
- upon conviction, will forfeit possession of each firearm that I currently possess;
- will be in violation of federal and state law if I possess a firearm.

12. Other consequences

There could be other negative consequences to my guilty plea. This includes things like my driving privileges, public benefits, housing options, and registry requirements.

I should talk to an attorney about these consequences if I have concerns.

13. Defendant's Certification

I am entering this plea of my own free will and choice.

- No force, threats of unlawful influence of any kind have been made to get me to plead guilty or no contest.
- No promises except those contained in this statement have been made to me.

I have read this statement or have had it read to me by my attorney. I understand its contents. I do not wish to make any changes because all of the statements are correct.

- I am satisfied with the advice and assistance of my attorney.
- I can read and understand the English language. If I do not understand English, an interpreter has been provided to me.
- I was not under the influence of any drugs, medication, or intoxicants that would impair my judgment when I decided to plead guilty.
- I am not presently under the influence of any drug, medication, or intoxicants that impair my judgment.
- I believe myself to be of sound and discerning mind and to be mentally capable of understanding these proceedings and the consequences of my plea.
- I am free of any mental disease, defect, or impairment that would prevent me from understanding what I am doing or from knowingly, intelligently, and voluntarily entering my plea.

I understand that:

- if I want to withdraw my guilty or no contest plea(s), I must file a written motion to withdraw my plea(s) before the judge sentences me.
- if my plea is held in abeyance, a motion to withdraw from the plea agreement must be made within 30 days of pleading guilty or no contest.
- I will only be allowed to withdraw my plea if I show that it was not knowingly and voluntarily made.
- any challenge to my plea(s) made after sentencing must be pursued under the Post-Conviction Remedies Act (Utah Code 78B-9-101 et seq.) and Utah Rule of Civil Procedure 65C.

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

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

Date

Signature ► _____
Printed Name _____

Certificate of Defense Attorney

I certify that I am the attorney for the defendant named above. I know they have read the statement or I have read it to them. I have discussed it with them and believe they fully understand the meaning of its contents and they are mentally and physically competent. To the best of my knowledge and belief, after an appropriate investigation, the elements of the crime(s) and the factual synopsis of the defendant's criminal conduct are correctly stated; and these, along with the other representations and declarations made by the defendant in the foregoing affidavit, are accurate and true.

Date

Signature ► _____
Printed Name _____

Certificate of Prosecuting Attorney

I certify that I am the attorney for the State of Utah in the case against the named defendant. I have reviewed this Statement of Defendant and find the factual basis of the defendant's criminal conduct which constitutes the offense(s) is true and correct. No improper inducements, threats, or coercion to encourage a plea have been offered defendant. The plea negotiations are fully contained in the Statement and in the attached Plea Agreement or as supplemented on the record before the court. There is reasonable cause to believe the evidence would support the conviction of defendant for the offense(s) for which the plea(s) is/are entered and that the acceptance of the plea(s) would serve the public interest.

Date

Signature ► _____
Printed Name _____

Order

Based on the facts set forth in the foregoing Statement and the certification of the defendant and counsel, and based on any oral representations in court, the Court witnesses the signatures and finds the defendant's guilty or no contest plea(s) is/are freely, knowingly, and voluntarily made.

IT IS HEREBY ORDERED the defendant's guilty or no contest plea(s) to the crime(s) set forth in the Statement be accepted and entered.

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

Signature ►

Date

Judge

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff	Acknowledgment of Firearm Restriction (Utah Code 76-10-503.1)	
v.		Case Number
Defendant		Judge

I acknowledge and understand that:

1. Firearm restriction as a result of a conviction from entering a plea.

If my conviction is the result of a guilty or no contest plea, I acknowledge that before entering my plea my attorney or the prosecuting attorney informed me that:

- a conviction in this case will classify me as a restricted person;
- as a restricted person, I may not possess a firearm. This means I cannot purchase, transfer, or own a firearm. I cannot have a firearm in my physical possession, own a firearm, or be perceived by others to own a firearm, and I cannot exercise control over a firearm;
- there will be additional criminal charges and penalties if I possess a firearm, which include:

(For a Category I restricted person)

- ☐ charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge

(For a Category II restricted person)

- ☐ charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge

I acknowledge and understand that, by pleading guilty or no contest:

- I will be a restricted person;

- upon conviction, I must forfeit possession of each firearm I possess; and
- I will be in violation of federal and state law if I possess a firearm.

2. Firearm restriction as a result of a conviction from trial.

If my conviction is the result of being found guilty at trial, I acknowledge that my attorney, the prosecuting attorney, or the court verbally informed me that:

- I am now a restricted person;
- as a restricted person, I may not possess a firearm. This means I cannot purchase, transfer, or own a firearm. I cannot have a firearm in my physical possession, own a firearm, or be perceived by others to own a firearm, and I cannot exercise control over a firearm;
- there will be additional criminal charges and penalties if I possess a firearm, which include:

(For a Category I restricted person)

- ☐ charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge

(For a Category II restricted person)

- ☐ charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge

I acknowledge and understand that:

- I am now a restricted person;
- I must forfeit possession of each firearm that I currently possess; and
- I will be in violation of federal and state law if I possess a firearm.

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

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

Date

Signature ► _____

Printed Name _____

 Name

 Address

 City, State, Zip

 Phone

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

 Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Petitioner v. <hr/> Respondent	<p>Motion for Temporary Order – With Children</p> <p><input type="checkbox"/> Hearing Requested</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner
--	---

I ask the court to enter temporary orders in the paragraphs I have marked below.

1. ☐ **Children** (including only unborn, minor and adult incapacitated children)

The petitioner and the respondent are the parents of the following children: (Add additional pages if needed.)

Child's name (first, middle and last)	Month and year of birth	Type of child
Example: Jennie Eliza Jones	January 2017	<input type="checkbox"/> Unborn <input checked="" type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated
		<input type="checkbox"/> Unborn <input type="checkbox"/> Minor <input type="checkbox"/> Adult incapacitated

The children have lived at the addresses listed below and with the persons listed below for the past five years: (Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child
Example: Jennie Jones	123 Maple St Mayberry, UT 84444	5/15/15 to present	Jane Doe, John Jones	Mother, maternal grandfather

2. ☐ Child custody

All orders involving children will include two types of custody: physical custody and legal custody.

Physical custody deals with where the children live and how many overnights the children spend with each parent.

Sole physical custody means that the children live primarily with one parent and have parent time (visitation) with the other parent (see parent-time options in Section 3).

Joint physical custody means that the children typically spend at least 30% of overnights with both parents each year and that both parents contribute to the expenses of the child in

addition to paying child support.

Split physical custody means that where there is more than one child, each parent is awarded sole physical custody of at least one of the children.

Legal custody deals with access to information and decision making.

Sole legal custody means that one parent has the right to make important decisions about the child.

Joint legal custody means that both parents: (1) have the right to information about the child (events, appointments, access to school and medical records, etc.); and (2) that both parents discuss and make major decisions together – (education, religion, medical, extra-curricular activities, etc.) but designate a parent to make the final decision if they cannot agree.

I ask the court to order temporary custody below (Choose one. If you ask for any joint legal custody or joint physical custody arrangement, you must file or attach a Parenting Plan based on Utah Code 30-3-10.7 to 30-3-10.10.):

☐ Custody arrangement: (Add additional pages if needed.)

Child's name	Month and year of birth	Order physical custody to	Order legal custody to
Example: Jennie Jones	January 2013	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

I ask the court to order the custody arrangement I have marked above because:

3. **[] Parent-time**

I ask the court to order temporary parent-time below (Choose one.):

☐ Statutory parent-time schedule: (Choose all that apply. You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Children 5-18 (equal parent-time) (Utah Code 30-3-35.2)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

I ask the court to order the parent-time schedule I chose above because:

4. ☐ **Parent-time transfers**

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time described below (Choose one.):

☐ Order transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Order transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

I ask the court to order the transfer arrangement I chose above because:

5. ☐ **Communication between parties**

I ask the court to order communication between the parties as described below
(Choose as many options as you want.):

☐ In person

☐ Phone

Petitioner's # _____ Respondent's # _____

☐ Text

Petitioner's # _____ Respondent's # _____

☐ Email

Petitioner's email address _____

Respondent's email address _____

☐ Through a third party

Name _____ Phone # _____

☐ Other method of communication: (Describe in detail.)

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the children, must not allow other people to do so and must remove the children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the children if anyone discusses the case in the presence of the minor children.

☐ The parties must not harm or threaten to harm the other parent or the children and must not allow other people to do so and must remove the children if anyone harms or threatens harm to the other parent or children.

6. ☐ **Child support**

I ask the court to order child support based on the parties' incomes or estimate of income based on ability or work history.

- a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

- ☐ The court should consider petitioner's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

- ☐ The court should consider respondent's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

- c. Order ☐ petitioner ☐ respondent to pay \$_____ per month for child support. The following child support worksheet is filed or attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-201 et seq.).

☐ This amount is **not** based on the Uniform Child Support Guidelines and I am asking for a different amount because (Choose one.):

☐ the guidelines are unjust.

☐ the guidelines are inappropriate.

☐ the guidelines amount is not in the best interest of the children.

(Utah Code 78B-12-202 and 210.)

Explain your choice:

_____.

d. Effective date (Choose one.):

☐ The child support is effective upon entry of this order.

OR

☐ The child support is effective as of this date: _____.

e. Child support will be paid as follows (Choose one.):

☐ Mandatory income withholding by the Office of Recovery Services.
Unless the Office of Recovery Services gives notice that payments will be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

I ask for direct payment because (Utah Code 62A-11-404):

_____.

f. I ask that child support payments be made (Choose one.):

☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

- g. Child support not paid on or before the due date is delinquent on the day after the due date.
- h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

7. ☐ **Child care expenses**

I ask the court to order that both parties share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other request for child care payment:

8. ☐ **Health insurance, medical and dental expenses**

Our minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance

- ☐ Medicaid
- ☐ CHIP
- ☐ Other: _____
- ☐ Not covered by insurance

- ☐ I ask the court to order that ☐ petitioner ☐ respondent maintain health insurance for our minor children. Both parties must share equally:
- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
 - b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification will reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

I ask for this order because (Choose all that apply.):

- ☐ the insurance is available to ☐ petitioner ☐ respondent;
- ☐ the cost of the insurance is reasonable
- ☐ the custodial parent prefers this arrangement.
- ☐ Other reasons:

- ☐ I ask for these additional orders regarding health insurance and medical and dental expenses:

9. ☐ **Pregnancy expenses**

I ask the court to order that ☐ petitioner ☐ respondent pay 50% of the pregnancy expenses. These expenses were billed for services the mother received after becoming pregnant and before the pregnancy ended. (You must attach all documents supporting the amounts you are requesting.)

☐ One-half of health insurance premiums not paid by an employer or government program \$ _____
from _____ to _____ (dates)

☐ One-half of medical costs related to the pregnancy not covered by insurance or government program \$ _____

10. ☐ **Tax exemptions for dependent children**

I ask the court to order tax exemptions for the dependent children for tax year _____, as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: _____

11. ☐ **Payment of bills and debts**

I ask the court to order payment of bills and debts (such as mortgage, rent, credit card, utilities, medical expenses, car payments, insurance, etc.) as follows (File or attach Financial Declaration. Add additional pages if needed.):

☐ Petitioner to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

The bills and debts should be paid as requested because:

12. ☐ **Property**

I ask the court to order the temporary use and possession of the following property (File or attach Financial Declaration. File or attach additional pages if needed.):

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ I ask the court to order that neither party sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

I ask for this property order because:

13. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

I am unable to meet my own financial needs, and I ask the court to order temporary alimony as follows (File or attach Financial Declaration.):

☐ petitioner ☐ respondent shall pay to ☐ petitioner ☐ respondent
temporary alimony in the amount of \$ _____ per month by:
(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

☐ Petitioner ☐ Respondent needs temporary alimony because :

☐ Petitioner ☐ Respondent has the financial ability to pay temporary alimony because:

14. ☐ **Attorney fees**

I ask the court to order the other party to pay \$_____ to my attorney. (You can only ask for this if you are paying an attorney to represent you in this case. You must file or attach a Financial Declaration.)

I ask for attorney fees because:

15. ☐ **Other**

I ask the court for these additional orders:

I ask for these additional orders because:

16. Documents

I have filed or attached the following documents in support of this Motion for Temporary Order (Check all that apply. Forms can be found at www.utcourts.gov):

☐ Parenting Plan (Utah Code 30-3-10.7 to 30-3-10.10)

☐ Parent time Schedule (Utah Code 30-3-35; 30-3-35.5; 30-3-35.1; 30-3-35.2)

☐ Child Support Obligation Worksheet (Utah Code 78B-12)

☐ Financial Declaration (Utah Rule of Civil Procedure 26.1)

☐ Income verification (Most recent tax return and pay stub)

☐ Other supporting documents: _____

Petitioner or Respondent

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

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

_____ Date	Signature ►	_____ Printed Name
---------------	-------------	-----------------------

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____ Date	Signature ►	_____ Printed Name
---------------	-------------	-----------------------

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for Temporary Order – With Children on the following people.

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

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Petitioner v. <hr/> Respondent	<p>Order on Motion for Temporary Order – With Children</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
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The matter before the court is a Motion for Temporary Order. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.
☐ The stipulation of the parties.
☐ The pleadings and other papers of the parties.
☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

- ☐ was ☐ was not present
☐ was represented by _____

☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

The court orders:

1. ☐ **Child custody**

☐ Custody arrangement:

Child's name	Month and year of birth	Physical custody to	Legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

2. ☐ **Parent-time** (Choose one.):

☐ Statutory parent-time schedule:

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Children 5-18 (equal parent-time) (Utah Code 30-3-35.2)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

3. ☐ **Parent-time transfers** (Choose one.):

☐ Transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

4. ☐ **Communication between parties** (Choose all that apply.):

☐ In person

☐ Phone

Petitioner's # _____ Respondent's # _____

☐ Text

Petitioner's # _____ Respondent's # _____

☐ Email

Petitioner's email address _____

Respondent's email address _____

☐ Through a third party

Name _____ Phone # _____

☐ Other method of communication: (Describe in detail.)

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the children, must not allow other people to do so and must remove the children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the children, must not allow other people to do so and must remove the children if anyone discusses the case in the presence of the children.

☐ The parties must not harm or threaten to harm the other parent or the children and must not allow other people to do so and must remove the children if anyone harms or threatens harm to the other parent or children.

5. ☐ **Child support**

- a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).
- ☐ Petitioner's income is imputed based on
- ☐ minimum wage.
- ☐ historical earnings.
- ☐ Petitioner does receive or has received public assistance.
- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).
- ☐ Respondent's income is imputed based on
- ☐ minimum wage.
- ☐ historical earnings.
- ☐ Respondent does receive or has received public assistance.
- c. ☐ Petitioner ☐ Respondent must pay \$_____ per month for child support. The following child support worksheet is attached (Choose one.):
- ☐ sole physical custody worksheet
- ☐ joint physical custody worksheet
- ☐ split custody worksheet
- (Choose one.)
- ☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).
- ☐ This amount deviates from the Uniform Child Support Guidelines. The court finds that a deviated child support amount is in the best interests of the ~~minor~~ children based on:
- ☐ the standard of living and situation of the parties.
- ☐ the relative wealth and income of the parties.
- ☐ the ability of the obligor to earn.
- ☐ the ability of the obligee to earn.
- ☐ the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income.

- ☐ the needs of the obligee, the obligor, and the child.
- ☐ the ages of the parties.
- ☐ the responsibilities of the obligor and the obligee for the support of others.
- ☐ other. (Describe.):

The reason for the deviated child support amount is:

_____.

d. Effective date (Choose one.):

- ☐ The child support will be effective upon entry of this order.

OR

- ☐ The child support will be effective as of this date: _____.

e. Child support must be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

- ☐ Direct payments to the parent receiving child support by:

- ☐ Check

- ☐ Deposit in bank account

- ☐ Cashier's check or money order

- ☐ Other: _____

f. Child support payments must be made (Choose one.):

- ☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

- g. Child support not paid on or before the due date is delinquent on the day after the due date.
- h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

6. ☐ **Child care expenses**

Both parties must share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other order for child care payment:

7. ☐ **Health insurance, medical and dental expenses**

The minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance
- ☐ Medicaid
- ☐ CHIP

☐ Other: _____

☐ Not covered by insurance

☐ ☐ Petitioner ☐ Respondent must maintain health insurance for the minor children if it is available to that parent at a reasonable cost. Both parties must share equally:

- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
- b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification must reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

8. ☐ **Tax exemptions for dependent children**

Tax exemptions for the dependent children for tax year _____ is ordered as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: _____

9. ☐ **Pregnancy expenses**

A judgment for pregnancy expenses in the amount of \$_____ is entered against (choose one):

☐ petitioner.

☐ respondent.

These expenses were billed for services received after the pregnancy began and before the pregnancy ended. This judgment will become part of the final order in this case.

10. ☐ **Payment of bills and debts**

☐ Petitioner must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

11. ☐ **Property**

Temporary use and possession of property will be as follows:

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ Neither party may sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

12. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

☐ Petitioner ☐ Respondent must pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ _____ per month by:

(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

13. ☐ **Attorney fees**

☐ Petitioner ☐ Respondent must pay \$_____ to

☐ Petitioner's attorney

☐ Respondent's attorney

14. ☐ **Other orders**

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

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

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

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion for Temporary Order – With Children on the following people.

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

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

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

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Ex Parte Verified Motion to Enforce
Domestic Order and for Sanctions**
(Utah Rule of Civil Procedure 7B)

Case Number

Judge

Commissioner

1. I ask the court to enforce the following order:

Title of Order

Date Signed

Name of Signing Judge

2. I ask for the relief described below and any other relief as may be determined by the court.

3. I personally know the facts below to be true. If I am called as a witness I would and could testify about those facts.
4. ☐ The following amounts have not been paid as required by the order I want to enforce. I ask the court to enter judgment for these amounts. (You must attach all documents supporting the amounts you are requesting.)

☐ Past due alimony \$ _____
 (If you have a contingency fee agreement with an attorney to collect alimony, use paragraph 13.)
 from _____ to _____ (dates)

☐ Past due child support \$ _____
 (If you have a contingency fee agreement with an attorney to collect alimony, use paragraph 13.)
 from _____ to _____ (dates)

☐ Reimbursement of child care expenses \$ _____
 from _____ to _____ (dates)

☐ Reimbursement of medical expenses \$ _____
 from _____ to _____ (dates)

☐ Reimbursement of medical insurance premiums \$ _____
 from _____ to _____ (dates)

☐ Reimbursement of the following debts I have paid: \$ _____
 (Describe the debts including the amounts and to whom they were paid. You must attach proof of payment.)

☐ Other (Describe):

\$ _____

5. ☐ The other party has not paid the following debts as required by the order I want to enforce. (Describe the debt, including the amount and to whom it is owed. Do not include any debts described in paragraph 4.)

I ask the court to order the party to pay the debts and order appropriate sanctions.

6. [] The other party has not delivered the following personal property as required by the order I want to enforce.

I ask the court order to the party to deliver the property to me and order appropriate sanctions.

7. [] The other party has not refinanced the following loan as required by the order I want to enforce: (Describe the loan, including the amount and to whom it is owed.)

I ask the court to order the party to refinance the loan and order appropriate sanctions.

8. [] The other party has not signed a quitclaim deed to the following premises as required by the order I want enforce:

I ask the court to order the party to sign a quitclaim deed and order appropriate sanctions.

9. [] The other party has not followed these parent-time provisions of the order I want to enforce: (Describe.)

I ask for additional or make-up parent-time: (Describe.)

10. ☐ The other party has not followed these custody provisions of the order I want to enforce: (Describe.)

I ask the court to order the party to follow the custody provisions of the order I want to enforce and order appropriate sanctions.

11. ☐ The other party has not done the following as required by the order I want to enforce: (Describe anything else the court has ordered the other party to do that has not been done.)

I ask the court to order the party to do this and order appropriate sanctions.

12. ☐ I have paid the following amount in fees to serve the motion and other costs, and I ask for reimbursement: \$_____.
(Attach receipts to prove the amount you paid. If you have a contingency fee agreement with an attorney to collect fees, use paragraph 13.)

13. ☐ I have a contingency fee arrangement with an attorney to collect the child support or alimony debt or both. I ask for judgment for:

a. ☐ The principal amount due for past due alimony from _____ to _____ (dates) in the amount of \$_____ and applicable interest in the amount of \$_____.

b. ☐ The principal amount for past due child support from _____ to _____ (dates) in the amount of \$_____, and applicable interest in the amount of \$_____.

- c. ☐ A collection fee of \$_____, as provided in the contingency fee agreement, which does not exceed the lesser of:
- ☐ the actual amount the moving party is required to pay for collection costs, or
- ☐ 40% of the principal amount owed to the moving party.
- d. Reasonable attorney fees, and
- e. Costs related to obtaining the judgment requiring the payment of the child support or alimony debt.

14. I am:

- [] requesting that the other party be held in contempt because the other party knew of the court's order, had the ability to follow the order, and willfully failed to follow the order.
- [] not requesting that the other party be held in contempt.

Petitioner or Respondent

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

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

Signature ▶

Printed Name

Date

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Signature ▶

Printed Name

Date

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span)

tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

This certificate of service is required only if the other party is represented by an attorney, or if ORS or a Guardian ad Litem involved in the case. **The other party should be served in accordance with Utah Rule of Civil Procedure 4.**

I certify that I filed with the court and am serving a copy of this Ex Parte Verified Motion to Enforce Domestic Order and for Sanctions on the following people.

Person's Name	Service Method	Service Address	Service Date
(Other party's attorney, if applicable)	<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.)		
(Office of Recovery Services, if applicable)	<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.)		
(Guardian ad Litem, if applicable)	<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.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

 Petitioner

v.

 Respondent

**Order on Motion to Enforce
Domestic Order**

 Case Number

 Judge

 Commissioner

The matter before the court is a Motion to Enforce Domestic Order. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ Petitioner ☐ Respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.
- ☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

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

The court finds:

1. The ☐ petitioner ☐ respondent:

☐ did ☐ did not know of the court's order;

☐ did ☐ did not have the ability to follow the order;

☐ did ☐ did not willfully fail to comply with the order.

2. The moving party:

☐ does not have a contingency fee arrangement with an attorney to collect the past child support, past alimony debt, or both.

☐ does have a contingency fee arrangement with an attorney to collect the past child support, past alimony debt, or both.

3. ☐ Other findings:

The court orders:

4. The Motion to Enforce Domestic Order is ☐ granted ☐ denied.

5. ☐ The moving party does not have a contingency fee arrangement with an attorney to collect the past child support, past alimony debt, or both.
(If the moving party has a contingency fee arrangement do not complete this section. Instead, skip to Paragraph 6.)

☐ Judgment is entered for the following amounts and

☐ Petitioner ☐ Respondent is ordered to pay the following amounts:

- ☐ Past due alimony \$ _____
from _____ to _____ (dates)
- ☐ Past due child support \$ _____
from _____ to _____ (dates)
- ☐ Reimbursement of child care expenses \$ _____
from _____ to _____ (dates)
- ☐ Reimbursement of medical expenses \$ _____
from _____ to _____ (dates)
- ☐ Reimbursement of medical insurance premiums \$ _____
from _____ to _____ (dates)
- ☐ Reimbursement of the following debts: \$ _____
(Describe the debts including the amount and to whom it
is owed)

- ☐ Other (Describe): \$ _____

6. ☐ The moving party does have a contingency fee arrangement with an attorney to collect the child support, alimony, or both.

The Office of Recovery Services may not collect on the debts in this section of the order, with the exception of any arrears assigned to the State of Utah. This order shall not include arrears assigned to the State of Utah and does not preclude the rights of the Office of Recovery Services to collect those arrears. If you have a case open with the Office of Recovery Services, you must provide them with a copy of this order.

☐ Judgment is entered against ☐ petitioner ☐ respondent for

\$_____, which is a total of all the amounts below (Choose all that apply.):

- a. ☐ The principal amount due for past due alimony from _____ to _____ (dates) in the amount of \$_____ and applicable interest in the amount of \$_____.

- b. ☐ The principal amount for past due child support from _____
to _____ (dates) in the amount of \$_____, and
applicable interest in the amount of \$_____.
- c. A collection fee of \$_____, as provided in the
contingency fee agreement, which does not exceed the lesser of:
☐ the actual amount the moving party is required to pay for
collection costs, or
☐ 40% of the principal amount owed to the moving party.
- d. Reasonable attorney fees ☐ in the amount of \$_____.
- e. Costs related to obtaining the judgment requiring the payment of the
child support or alimony debt.
☐ in the amount of \$_____

The court further orders ☐ petitioner ☐ respondent

7. ☐ to pay the following debts: (Describe the debt, including the amount and to whom it is
owed. Omit debts described under Paragraph (5).)

8. ☐ to deliver the following personal property:

9. ☐ to refinance the following loan:

10. ☐ to execute a quit claim deed to the following premises:

11. ☐ to provide make-up parent-time as follows:

12. ☐ to do the following concerning custody of the minor children:

13. ☐ to do the following: (Describe anything else the court orders the party to do.)

14. ☐ Contempt. (Choose (a) or (b).)

☐ a. The question of whether ☐ petitioner ☐ respondent should be held in contempt for failing to follow the previous orders of the court

☐ is ☐ is not

certified by the commissioner to the district court judge for further consideration.

☐ b. ☐ Petitioner ☐ Respondent

☐ is not in contempt.

☐ knew of the court's order, had the ability to follow the order, and willfully refused to do so. The party therefore is in contempt for failing to follow the previous orders of the court and is ordered:

☐ to pay a fine of \$_____.

☐ to serve _____ days in jail.

☐ to: (describe)

☐ can avoid the contempt sentence by doing the following:
(describe)

15. ☐ The court further orders: (describe)

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

Date

Signature ► _____
Commissioner _____

Date

Signature ► _____
Judge _____

Approved as to form.

Date

Signature ► _____
Petitioner, Attorney or Licensed Paralegal
Practitioner _____

Date

Signature ► _____
Respondent, Attorney or Licensed Paralegal
Practitioner _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion to Enforce Domestic Order on the following people.

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

 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

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

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**Ex Parte Verified Motion to Enforce
Order and for Sanctions**
(Utah Rule of Civil Procedure 7A)

Case Number

Judge

Commissioner

1. I ask the court to enforce the following order:

Title of Order

Date Signed

Name of Signing Judge

2. I ask for the relief described below and any other relief as may be determined by the court.

3. I personally know the facts below to be true. If I am called as a witness I would and could testify about those facts.
4. ☐ The other party has not done the following as required by the order: (Describe WHAT the court has ordered the other party to do that has not been done.)

I ask the court to order the party to do this and order appropriate sanctions.

5. ☐ I have paid the following amount in fees to serve the motion and other costs, and I ask for reimbursement: \$_____.
(Attach receipts to prove the amount you paid. If you have a contingency fee agreement with an attorney to collect fees, use paragraph 13.)

6. I am:

☐ requesting that the other party be held in contempt because the other party knew of the court's order, had the ability to follow the order, and willfully failed to follow the order.

☐ not requesting that the other party be held in contempt.

Plaintiff/Petitioner or Defendant/Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span)

tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



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Certificate of Service

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I certify that I filed with the court and am serving a copy of this Ex Parte Verified Motion to Enforce Order and for Sanctions on the following people.

Person's Name	Service Method	Service Address	Service Date
(Other party's attorney, if applicable)	<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.)		
(Office of Recovery Services, if applicable)	<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.)		
(Guardian ad Litem, if applicable)	<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.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

 Name

 Address

 City, State, Zip

 Phone

 Email

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

 In the District Court of Utah

 _____ Judicial District _____ County

 Court Address _____

 Petitioner/Plaintiff

v.

 Respondent/Defendant

Order to Attend Hearing Orden de Mostrar Causa

 Case Number

 Judge

 Commissioner

To:

 Petitioner/Plaintiff Name

 Respondent/ Defendant Name

Having reviewed the ex parte verified motion to enforce order, the court has scheduled a hearing at the following date and time:

Habiendo revisado la Moción para la Orden de Mostrar Causa y la declaración de respaldo, el tribunal ha programado una audiencia en la fecha y hora que sigue.

Courthouse Address (Dirección del tribunal): _____

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

Room (Sala): _____

Judge or Commissioner (Juez o Comisionado): _____

At which time you must personally appear or through counsel to explain whether you have violated the court order.

Purpose of Motion

The moving party seeks to enforce the following order:

(Order or Judgement Name)

(Date Order or Judgement was Signed)

The moving party is seeking the relief described in the attached motion and supporting statement.

Purpose of Hearing

A written response is not required, but you may file one. If you do, you must file it at least 14 days before the hearing, unless the court sets a different deadline. Any written response must follow the requirements of Utah Rule of Civil Procedure 7 or 101 if the hearing will be before a commissioner.

En cual momento el

[] peticionario [] demandado

debe mostrar causa de porque el/ella no debería ser detenido por desacato por el incumplimiento de la orden principal en este caso.

El Propósito de la Moción

la parte actora intenta hacer cumplir la siguiente orden:

(Nombre de la Orden)

(Fecha en que fue Firmada la Orden)

La parte actora está buscando la reivindicación descrita en la moción y declaración de respaldo adjunta.

El Propósito de la Audiencia

No se requiere respuesta por escrito a la moción y a la orden de mostrar causa. Esta audiencia es una comparecencia inicial, la cual no es una audiencia de pruebas, sino que es para determinar:

- si disputa usted las acusaciones hechas en la moción;
- si una audiencia de pruebas es necesaria y en cuales cuestiones; y
- el tiempo aproximado necesario para una audiencia de pruebas.

<p>Contempt of Court The moving party [] has [] has not requested that you be held in contempt of court. If the judge finds that you are in contempt of court, the sanctions may include a fine of up to \$1000 and confinement in jail for up to 30 days.</p>	<p>Desacato al Tribunal La parte actora [] ha [] no ha solicitado que la parte contraria sea declarada en desacato a este tribunal. Si el juez lo encuentra culpable de desacato al tribunal, las sanciones pueden incluir, pero no se limitan a, una multa de hasta \$1000 dólares y confinamiento en la cárcel de hasta 30 días.</p>
<p>Attendance You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.</p> <p>Evidence If you want the court to consider your evidence:</p> <ul style="list-style-type: none"> • if your case is before a commissioner you must file your evidence 14 days before the hearing; • if your case is not before a commissioner you must file your evidence 14 days after the motion was filed. <p>If you bring evidence on the day of the hearing, the court may not consider the evidence, continue the hearing and impose fees.</p> <p>Interpretation If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.</p> <p>ADA Accommodation If you need an accommodation, including</p>	<p>Asistencia Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.</p> <p>Pruebas Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.</p> <p>Interpretación Si usted no habla ni entiende el Inglés el tribunal le proveeré un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.</p> <p>Adaptación o Arreglo en Caso de Discapacidad</p>

an ASL interpreter, contact court staff immediately to ask for an accommodation.

Finding help

The court's Finding Legal Help web page

(utcourts.gov/help/)

provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code
to visit page

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

Cómo encontrar ayuda legal

La página de la internet del tribunal

Cómo encontrar

ayuda legal (utcourts.gov/help-span)

tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página
escanee el código QR

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

Date

Signature ►

Judge

Certificate of Service

This certificate of service is required only if the other party is represented by an attorney, or if ORS or a Guardian ad Litem is involved in the case. **The other party should be served in accordance with Utah Rule of Civil Procedure 4.**

I certify that I filed with the court and am serving a copy of this Order to Attend Hearing on the following people.

Person's Name	Service Method	Service Address	Service Date
(Other party's attorney, if applicable)	<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.)		
(Office of Recovery Services, if applicable)	<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.)		
(Guardian ad Litem, if applicable)	<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.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff/Petitioner v. <hr/> Defendant/Respondent	<p>Order on Motion to Enforce Order</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner
--	---

The matter before the court is a Motion to Enforce Order. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent.
☐ The stipulation of the parties.
☐ The pleadings and other papers of the parties.
☐ A hearing held on _____ (date), notice of which was served on all parties.

Plaintiff/Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Defendant/Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

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

The court finds:

1. The ☐ plaintiff/petitioner ☐ defendant/respondent:
 - ☐ did ☐ did not know of the court's order;
 - ☐ did ☐ did not have the ability to follow the order;
 - ☐ did ☐ did not willfully fail to comply with the order.
2. ☐ Other findings:

The court orders:

3. The Motion to Enforce Order is ☐ granted ☐ denied.
4. The ☐ plaintiff/petitioner ☐ defendant/respondent to do the following: (Describe anything what the court orders the party to do.)

5. ☐ Contempt.

☐ Plaintiff/Petitioner ☐ Defendant/Respondent

☐ is not in contempt.

☐ knew of the court's order, had the ability to follow the order, and willfully refused to do so. The party therefore is in contempt for failing to follow the previous orders of the court and is ordered:

[] to pay a fine of \$_____.

[] to serve _____ days in jail.

[] to: (describe)

[] can avoid the contempt sentence by doing the following:
(describe)

6. ☐ The court further orders: (describe)

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

Date _____

Signature ►

Commissioner

Date _____

Signature ►

Judge

Approved as to form.

Date _____

Signature ►

Plaintiff/Petitioner, Attorney or Licensed
Paralegal Practitioner

Date

Signature ►

Defendant/Respondent, Attorney or Licensed
Paralegal Practitioner

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion to Enforce Order on the following people.

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

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

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

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>V.</p> <p>_____ Respondent</p>	<p>Parenting Plan (Utah Code 30-3-10.7 through 30-3-10.10)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	---

Utah law requires the following:

- A joint physical custody arrangement may result in denial of cash assistance under the Employment Support Act, Title 35A, Chapter 3, of the Utah Code.
- The objectives of a parenting plan are to:
 - provide for the children's physical care and emotional stability;
 - provide for the children's changing needs in a way that minimizes the need to change the parenting plan;
 - minimize the children's exposure to conflict between the parents;
 - state the authority and responsibilities of each parent to the children;
 - encourage the parents to meet their responsibilities to their children through agreement rather than judicial decision; and

- protect the best interests of the children.
- Each parent must follow the parenting plan even if the other does not. If a parent does not follow the parenting plan, the court may find that parent in contempt of court.
- For further guidance, see Utah Code 30-3-33

This parenting plan is: (Choose all that apply.)

☐ agreed to by petitioner and respondent.

☐ proposed by ☐ petitioner ☐ respondent.

1. Family information

Petitioner

Name	
Street Address	
City, State, Zip	
Phone	
Email	

Respondent

Name	
Street Address	
City, State, Zip	
Phone	
Email	

Minor Children

Child's name (first, middle and last)	Child's gender	Month and year of birth

Child's name (first, middle and last)	Child's gender	Month and year of birth

2. **Parent-time** (Choose one.)

☐ The parents will follow the parent-time schedule in the statute(s).

The children will live with ☐ petitioner ☐ respondent and will have parent-time with the other parent according to the statutory parent-time schedule. That parent will be the “custodial” parent:

(You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

- ☐ Children under 5 (Utah Code 30-3-35.5)
- ☐ Children 5-18 (Utah Code 30-3-35)
- ☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)
- ☐ Children 5-18 (equal parent-time) (Utah Code 30-3-35.2)

For children 5-18 the parents choose the following.

Weekday parent-time will be on this day: (Choose one.)

- ☐ Monday ☐ Thursday
- ☐ Tuesday ☐ Friday
- ☐ Wednesday

If not specified, the weekday is Wednesday.

On school days parent-time starts: (Choose one.)

- ☐ at the standard time (5:30 p.m. on weekdays; 6:00 p.m. on weekends).
- ☐ when school is out.

On days when school is not in session parent-time starts: (Choose one.)

- ☐ at the standard time (5:30 p.m. on weekdays; 6 p.m. on weekends).
- ☐ at the morning time listed in the statute (depending on custodial parent's work schedule) if the noncustodial parent is able to be with the child:
 - 9:00 a.m. (30-3-35).

- 8:00 a.m. (30-3-35.1).

☐ The parents will make our own parent-time schedule.

The children will live with ☐ petitioner ☐ respondent and will have parent-time with the other parent for the following days and times:

☐ The above choices do not fit this parenting plan. Instead, the parent-time schedule will be as follows:

3. **Parent-time for special occasions**

(Choose one.)

☐ The parents will follow the holiday schedule in the statute(s) for special occasions. The

☐ petitioner

☐ respondent

will be the custodial parent for purposes of the holiday.

☐ **On school days**, holiday parent-time starts: (Choose one.)

☐ at the time listed for the holiday.

☐ when school is out until 7:00 p.m. on the last day of the holiday weekend.

☐ **On days when school is not in session**, holiday parent-time starts: (Choose one.)

☐ at the time listed for the holiday

[] at approximately 9:00 a.m. on the first day of the holiday period until 7:00 p.m. on the last day of the holiday weekend (depending on custodial parent's work schedule) if the noncustodial parent is able to be with the child.

[] The parent-time schedule for special occasions is as described below. If a schedule for a special occasion is not described, the regular schedule applies.

(Describe the children's parent-time schedule as needed. For example, Thanksgiving: Even-numbered years with petitioner; odd-numbered years with respondent. From Wednesday at 6 p.m. to Friday at 6 p.m.)

Special Occasion	Parent-Time Schedule
Labor Day Weekend	
Columbus Day Weekend	
Fall School Break	
Halloween	
Veterans' Day	
Thanksgiving Break	
Winter School Break	
Christmas Eve	
Christmas Day	
New Year's Eve	
New Year's Day	
Dr. MLK, Jr. Day Weekend	
Presidents' Day Weekend	
Spring School Break	

Special Occasion	Parent-Time Schedule
Mother's Day	
Memorial Day Weekend	
Father's Day	
Summer School Break / Vacation	
Independence Day	
Pioneer Day	
Children's Birthdays	
Petitioner's Birthday	
Respondent's Birthday	
Other Religious Holiday	
Other Civic or School Holiday	
Other Special Occasion	
Other Special Occasion	

4. **Parent-time transfers**

Pick-up and drop-off ("transfers") of the children for parent-time will be as described below (Choose one.):

☐ Transfer at **beginning** of parent-time will be by:

☐ Petitioner

☐ Respondent

☐ Other adult _____ (name)

picking up/dropping off the children at this address:

and transfer at **end** of parent-time by:

- ☐ Petitioner
☐ Respondent
☐ Other adult _____ (name)

picking up/dropping off the children at this address:

☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other pick-up/drop-off arrangement (Describe in detail.):

5. **Decision-making**

The following applies to the Parenting Plan:

- Each parent will make day-to-day decisions for the children during the time they are caring for the children.
- Either parent may make emergency decisions affecting the health or safety of the children. A parent who makes an emergency decision must share the decision with the other parent as soon as reasonably possible.

(Choose one.)

☐ **Joint decision-making.**

The parents will share responsibility for making major decisions about the children. If there is a disagreement, the parents will resolve the dispute as provided in the Resolving disputes section below.

Other:

☐ **Sole decision-making.**

The following parent will make decisions about:

Education

☐ Petitioner ☐ Respondent

Health care

☐ Petitioner ☐ Respondent

Religious upbringing

☐ Petitioner ☐ Respondent

Other:

6. **Education plan**

Location of school (Choose one.)

☐ The school the children will attend is based on:

☐ Petitioner's home residence

☐ Respondent's home residence

☐ Other specific plan for where the children will attend school:

School access

The following people have authority to check the children out of school:

☐ Petitioner

☐ Respondent

☐ Other _____ (name)

The following people have access to the children during school:

☐ Petitioner

☐ Respondent

☐ Other _____ (name)

Education decisions

If the parents cannot agree, education decisions will be made by:

- ☐ Petitioner
☐ Respondent

7. Communication with each other

Parents will communicate with each other: (Choose all that apply.)

- ☐ by any method
☐ in person
☐ by telephone
☐ by texting
☐ by letter
☐ by e-mail
☐ other (describe): _____

8. Communication with the children

The parents agree they will:

- provide age-appropriate help to the children to communicate with the other parent.
- give the children privacy during their communication with the other parent. The parents will not interfere with or monitor communication between the children and the other parent.

Parents and children may communicate with each other: (Choose all that apply.)

- ☐ Whenever the children choose.
☐ At any reasonable times (Specify.):
- ☐ weekends and holidays:
between _____ am/pm and _____ am/pm
- ☐ school days:
between _____ am/pm and _____ am/pm
- ☐ school vacation days:
between _____ am/pm and _____ am/pm

Parents may communicate with the children by following method: (Choose all that apply.)

- ☐ by any method
☐ in person

☐ by telephone

☐ parents will maintain voice mail so the children can leave and receive messages.

☐ by texting

☐ by letter

☐ by e-mail

☐ other (describe): _____

☐ Other terms about communication with the children:

9. **Records and information sharing**

(Choose all that apply.)

☐ Both parents will have access to records and the ability to consult with providers regarding education, child care, and health care.

☐ Other terms regarding records and information sharing:

10. **Travel by the children**

During their parent-time, the parent may consent for the children to travel with a sports team, religious group, school group, relatives, friends, by themselves, or with others.

☐ If the children will be travelling for more than _____ days, the parent arranging the travel will notify the other parent at least _____ days in advance. That parent will give the other parent the travel schedule, locations and phone numbers at least _____ days in advance. In case of emergency, the parent will provide as much notice as possible.

☐ Other agreements about travel by the children:

11. Military service by a parent

(Choose one.)

- ☐ One or both parents are servicemembers and a Military Parenting Plan is attached .
- ☐ Neither parent is a servicemember.

12. Child care

(Choose all that apply.)

- ☐ A child care provider for our children must be:
- ☐ a licensed child care provider.
- ☐ a relative, friend or neighbor.
- ☐ over the age of _____.
- ☐ other qualifications: _____
- ☐ Other terms about child care:

13. Relocation of a parent

(Choose all that apply.)

- ☐ If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.
- ☐ Neither parent may relocate with the minor children more than ____ miles from their current residence without a written agreement signed by the parties or further court order.

☐ Other terms about relocating:

14. Changing the plan

This plan remains in effect until changed. A change must be agreed to by both of us and in the following manner:

☐ All changes must be in writing

☐ Major or permanent changes must be in writing, but minor or temporary changes can be made orally

☐ Other

15. Resolving disputes

If the parents need to resolve a dispute regarding the children, they will discuss the issues in good faith and try to reach an agreement based on what is best for their children.

If the parents are unable to agree, they will go to the following before bringing the issue to the court (Choose all that apply.):

☐ mediation

☐ arbitration

☐ counseling

☐ Other agreements about resolving disputes:

16. ☐ **Other terms that are important to us or our children**

(Describe)

17. ☐ **Additional parenting responsibilities, expectations or commitments:**

18. This plan is made in good faith and is in the best interests of the children.

Petitioner

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Respondent

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

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

Date

Signature ► _____

Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Parenting Plan on the following people.

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

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff/Petitioner v. <hr/> Defendant/Respondent	<p>Garnishee's Answers to Interrogatories for Earnings</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
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An employer who is garnishing earnings can use the Online Court Assistance Program (OCAP - www.utcourts.gov/ocap/) to calculate the amount to be withheld and prepare the Answers to Interrogatories form for filing instead of using this form. Once you have created an OCAP account, login and go to **Garnishment / Answers to Interrogatories**.

1. Do you employ the judgment debtor?

ANSWER: ☐ Yes ☐ No

If "no," skip the remaining questions, sign this form, and mail it as indicated. If "yes," answer the remaining questions.

2. Are there other Writs of Continuing Garnishment in effect?

ANSWER: ☐ Yes ☐ No

3. If there are other Writs of Continuing Garnishment in effect, when will they expire?

ANSWER: _____

4. What is the judgment debtor's pay period?

ANSWER:

[] Weekly [] Monthly
 [] Biweekly [] Other (Describe): _____
 [] Semi-monthly

5. What is the pay period to which these answers relate?

ANSWER: Start Date: _____ End Date: _____ *

* The Writ served on you with this form is effective for one year after the date of service, or for 120 days after the date of service of another writ of continuing garnishment. If the days of the garnishment term end before the end date of the pay period, you are not required to withhold money from the debtor. Skip the remaining questions, sign this form, and mail it as indicated. Otherwise calculate the amount to be withheld.

6. Calculate the amount to be withheld from the judgment debtor. (Assume you are calculating this on the last day of the pay period for which these answers apply.)

(a) Gross earnings from all sources payable to the judgment debtor (Including wages, salaries, commissions, bonuses, or earnings from a pension or retirement program. Tips are generally not considered earnings for wage garnishment.)	\$
(b) Deductions required by law	
(b)(i) Federal income tax	\$
(b)(ii) State income tax	\$
(b)(iii) Social security tax (FICA)	\$
(b)(iv) Medicare tax (FICA)	\$
(b)(v) Other amounts required by law to be deducted (Describe reason for deduction.):	\$
(c) Total deductions (Calculate sum of 6(b)(i) through 6(b)(v).)	\$
(d) Disposable earnings (Calculate Line 6(a) minus Line 6(c).)	\$
(e) Calculate:	
(e)(i) 25% of the amount in Line 6(d); or, if this is a judgment for child support, 50% of the amount in Line 6(d); or some lesser amount, based on what the writ says	\$

(e)(ii) The difference between Line 6(d) and the federal minimum hourly wage \$7.25) times 30 times the number of weeks in this pay period For example: (Weekly): Line 6(d) minus \$7.25 X 30 X 1 week) (Biweekly): Line 6(d) minus \$7.25 X 30 X 2 weeks) (Semi-monthly): Line 6(d) minus \$7.25 X 30 X 2.16 weeks) (Monthly): Line 6(d) minus \$7.25 X 30 X 4.33 weeks)	\$
(f) Record the lesser amount from Line 6(e)(i) and Line 6(e)(ii).	\$
(g) Amount of any other garnishment or income withholding order.	\$
(h) Calculate and record Line 6(f) minus Line 6(g)	\$
(i) Amount deducted for an undisputed debt owed to you by the (Check one, both or neither.) [] judgment creditor [] judgment debtor	\$
(j) Calculate and record Line 6(h) minus Line 6(i).	\$
(k) What is the balance owed on the judgment? (You may contact the judgment creditor or judgment creditor's attorney to obtain the outstanding balance.)	\$
(l) Record the lesser amount from Line 6(j) and Line 6(k). (This is the amount to be withheld.)	\$

Person Completing Answers to Interrogatories

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

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

Date

Signature ►

Printed Name

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ►

Printed Name

Certificate of Service

I certify that I filed with the court and am serving a copy of this Garnishee's Answers to Interrogatories for Earnings on the following people.

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

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

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

 Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff/Petitioner

v.

 Defendant/Respondent

**Ex Parte Verified Motion to Enforce
Writ of Garnishment**

(Utah Rule of Civil Procedure 7A and 64D)

 Case Number

 Judge

 Commissioner (domestic cases)

Attach:

- Certificate of Service showing service upon the garnishee of the Writ of Garnishment
- Order to Attend Hearing

1. I personally know the facts below to be true. If I am called as a witness I would and could testify about those facts.
2. I am the judgment creditor, and I had the Writ of Garnishment served on

_____ (name),
the garnishee.

3. The deadline to comply with the Writ of Garnishment was _____ (date), which has passed. The garnishee has not complied with the Writ of Garnishment by failing to:

4. I have tried to settle the issue without further court action. I have in good faith discussed or attempted to discuss the issue with the garnishee.
5. I ask the court to order the garnishee to attend a hearing, be held in contempt, and reimburse me for the cost of filing this motion.

Plaintiff/Petitioner or Defendant/Respondent

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

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

Date

Signature ► _____

Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____

Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span)

tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

This certificate of service is required only if the other party is represented by an attorney. **The other party should be served in accordance with Utah Rule of Civil Procedure 4.**

I certify that I filed with the court and am serving a copy of this Ex Parte Verified Motion to Enforce Writ of Garnishment on the following people.

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

_____ Signature ► _____
 Date _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner/Plaintiff

v.

Respondent/Defendant

Order to Attend Hearing - Garnishee
Orden de Mostrar Causa

Case Number

Judge

Commissioner

To:

Garnishee Name

Having reviewed the ex parte verified motion to enforce writ of garnishment, the court has scheduled a hearing at the following date and time:

Habiendo revisado la **Moción para la Orden de Mostrar Causa y la declaración de respaldo**, el tribunal ha programado una audiencia en la fecha y hora que sigue.

Courthouse Address (Dirección del tribunal): _____

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

Room (Sala): _____

Judge or Commissioner (Juez o Comisionado): _____

At which time you must personally appear or through counsel to explain whether you have violated the court order.

Purpose of Motion

The moving party seeks to enforce the following order:

(Order or Judgement Name)

(Date Order or Judgement was Signed)

The moving party is seeking the relief described in the attached motion and supporting statement.

Purpose of Hearing

A written response is not required, but you may file one. If you do, you must file it at least 14 days before the hearing, unless the court sets a different deadline. Any written response must follow the requirements of Utah Rule of Civil Procedure 7 or 101 if the hearing will be before a commissioner.

En cual momento el

[] peticionario [] demandado

debe mostrar causa de porque el/ella no debería ser detenido por desacato por el incumplimiento de la orden principal en este caso.

El Propósito de la Moción

La parte actora intenta hacer cumplir la siguiente orden:

(Nombre de la Orden)

(Fecha en que fue Firmada la Orden)

La parte actora está buscando la reivindicación descrita en la moción y declaración de respaldo adjunta.

El Propósito de la Audiencia

No se requiere respuesta por escrito a la moción y a la orden de mostrar causa. Esta audiencia es una comparecencia inicial, la cual no es una audiencia de pruebas, sino que es para determinar:

- si disputa usted las acusaciones hechas en la moción;
- si una audiencia de pruebas es necesaria y en cuales cuestiones; y
- el tiempo aproximado necesario para una audiencia de pruebas.

Contempt of Court

The moving party

[] has [] has not

requested that you be held in contempt of court. If the judge finds that you are in contempt of court, the sanctions may include a fine of up to \$1000 and confinement in jail for up to 30 days.

Desacato al Tribunal

La parte actora

[] ha [] no ha

solicitado que la parte contraria sea declarada en desacato a este tribunal. Si el juez lo encuentra culpable de desacato al tribunal, las sanciones pueden incluir, pero no se limitan a, una multa de hasta \$1000 dólares y confinamiento en la cárcel de hasta 30 días.

Attendance

You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

Asistencia

Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

Evidence

If you want the court to consider your evidence:

- if your case is before a commissioner you must file your evidence 14 days before the hearing;
- if your case is not before a commissioner you must file your evidence 14 days after the motion was filed.

If you bring evidence on the day of the hearing, the court may not consider the evidence, continue the hearing and impose fees.

Pruebas

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretation

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

Interpretación

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

ADA Accommodation

If you need an accommodation, including

Adaptación o Arreglo en Caso de Discapacidad

an ASL interpreter, contact court staff immediately to ask for an accommodation.

Finding help

The court's Finding Legal Help web page

(utcourts.gov/help)

provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code
to visit page

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

Cómo encontrar ayuda legal

La página de la internet del tribunal

Cómo encontrar ayuda

legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página
escanee el código QR

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

Date

Signature ►

Judge

Certificate of Service

This certificate of service is required only if the other party is represented by an attorney, or if ORS or a Guardian ad Litem is involved in the case. **The other party should be served in accordance with Utah Rule of Civil Procedure 4.**

I certify that I filed with the court and am serving a copy of this Order to Attend Hearing on the following people.

Person's Name	Service Method	Service Address	Service Date
(Other party's attorney, if applicable)	<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.)		
(Office of Recovery Services, if applicable)	<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.)		
(Guardian ad Litem, if applicable)	<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.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff/Petitioner

v.

 Defendant/Respondent

Order on Motion to Enforce Writ of Garnishment

 Case Number

 Judge

 Commissioner

The matter before the court is a Motion to Enforce Writ of Garnishment. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent ☐ Garnishee.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.
- ☐ A hearing held on _____ (date), notice of which was served on all parties.

Plaintiff/Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Defendant/Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Garnishee

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

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

The court finds:

1. The ☐ plaintiff/petitioner ☐ defendant/respondent:

☐ did ☐ did not know of the court's order;

☐ did ☐ did not have the ability to follow the order;

☐ did ☐ did not willfully fail to comply with the order.

2. ☐ Other findings:

The court orders:

3. The Motion to Enforce Writ of Garnishment is ☐ granted ☐ denied.

4. The ☐ plaintiff/petitioner ☐ defendant/respondent ☐ garnishee to do the following: (Describe anything what the court orders the party to do.)

5. [] The court further orders: (describe)

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

	Signature ►	
Date	Commissioner	
	Signature ►	
Date	Judge	

Approved as to form.

	Signature ►	
Date	Plaintiff/Petitioner, Attorney or Licensed Paralegal Practitioner	
	Signature ►	
Date	Defendant/Respondent, Attorney or Licensed Paralegal Practitioner	
	Signature ►	
Date	Garnishee, Attorney or Licensed Paralegal Practitioner	

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion to Enforce Writ of Garnishment on the following people.

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

 Date

 Signature ►

 Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<div style="border-bottom: 1px solid black; margin-bottom: 10px;"> _____ Petitioner </div> <div style="margin-bottom: 10px;"> v. </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px;"> _____ Respondent </div>	<div> Findings of Fact and Conclusions of Law on Petition to Modify Divorce Decree (Utah Rule of Civil Procedure 106) </div> <div style="border-bottom: 1px solid black; margin-top: 10px;"> _____ Case Number </div> <div style="border-bottom: 1px solid black; margin-top: 10px;"> _____ Judge </div> <div style="border-bottom: 1px solid black; margin-top: 10px;"> _____ Commissioner </div>
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The matter before the court is a Petition to Modify Divorce Decree. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.
☐ The stipulation of the parties.
☐ The pleadings and other papers of the parties.
☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

The court finds:

1. The controlling order in this case is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. Jurisdiction (Choose one.)

☐ The court has jurisdiction because it has entered previous orders in this case.

☐ The court has not entered previous orders in this case, but it has jurisdiction because of the following facts:

☐ The court does not have jurisdiction because of the following facts:

3. **Change in circumstances: Requests to modify alimony**

☐ The following substantial material changes occurred. These changes were not expressly stated in the divorce decree or in the findings of fact and conclusions of law:

☐ For the retirement of a party:

- a. ☐ Retirement was not addressed in the divorce decree or the findings of fact and conclusions of law. (Describe when retirement occurred or is expected to occur and what the financial impact on you will be.)

- b. ☐ Retirement was addressed in the divorce decree or the findings of fact and conclusions of law. (Describe changes in detail. Attach additional pages if needed.)

4. **Changes in circumstances: Request not involving alimony**

☐ The following material and substantial change in circumstances have occurred since the decree was entered.

(Describe in detail the important and major changes that have taken place since the decree was entered. Attach additional pages if needed.)

The court concludes:

5. The court ☐ does ☐ does not have jurisdiction.

6. There ☐ are ☐ are not grounds to modify the controlling order.

7. Based on the facts described above, the court finds a material and substantial change in circumstances ☐ has ☐ has not occurred since the controlling order was entered. The court considered the following factors:

8. ☐ Other:

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

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

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

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact and Conclusions of Law on Petition to Modify Divorce Decree 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

Parent-time will be equal between the parties. «**res_name**» will have parent-time starting Monday morning and ending Wednesday morning. «**pet_name**» will have parent-time starting Wednesday morning and ending Friday morning. Each parent will alternate weekends having parent-time starting Friday morning and ending Monday morning. Transfers for parent-time will take place at the time the child's school begins or if school is not in session at 9:00 a.m., if the parent picking up the child is to be available with the children during the day.

The chart below shows how this schedule will function.

	« pet_name » overnights	« res_name » overnights
Week 1 Weeknights	Monday Night Tuesday Night	Wednesday Night Thursday Night
Week 1 Weekend Nights	Friday Night Saturday Night Sunday Night	
Week 2 Weeknights	Monday Night Tuesday Night	Wednesday Night Thursday Night
Week 2 Weekend Nights		Friday Night Saturday Night Sunday Night
The schedule then repeats.		

Each year, a parent may choose two consecutive weeks to exercise uninterrupted parent-time during the summer when school is not in session. A parent will choose at least 30 days before the day on which the chosen two-week period begins. In even numbered years, «**pet_name**» may choose at any time and «**res_name**» may choose after May 1. In odd numbered years, «**res_name**» may choose at any time and the «**pet_name**» may choose after May 1. The two consecutive weeks override all holidays except for Mother's Day and Father's Day.

 Name

 Address

 City, State, Zip

 Phone

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

 Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff/Petitioner

v.

 Defendant/Respondent

Petition to Modify Divorce Decree
 (Utah Rule of Civil Procedure 106)

[] and Stipulation

 Case Number

 Judge

 Commissioner (domestic cases)

Note: Do not use this form if you are asking to modify custody, parent-time, and/or child support.
 Forms for those issues are available at www.utcourts.gov.

I ask the court to modify the divorce decree as follows.

1. Controlling order

The controlling order in this case is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. **Jurisdiction**

(Choose one.)

☐ **Utah order – no other state has changed this order**

This court has jurisdiction because a Utah court entered the initial divorce decree or has already modified the order of another state and has exclusive, continuing jurisdiction.

☐ **Non-Utah order**

A court of another state having jurisdiction has declined to exercise jurisdiction (attach copy of court decision).

3. **Current provisions**

I ask the court to change the following divorce decree provisions:

(Enter the provisions from the controlling order that you want to modify. Attach additional pages if needed.)

Alimony

☐ Paragraph # _____, which says:

Other

☐ Paragraph # _____, which says:

4. **Change in circumstances: Requests to modify alimony**

(Choose all that apply.)

☐ For reasons other than retirement of a party:

The following substantial material change of circumstances (important and major) changes occurred. These changes were not expressly stated in the divorce decree or in the findings of fact and conclusions of law:

☐ For the retirement of a party:

- a. ☐ Retirement was not addressed in the divorce decree or the findings of fact and conclusions of law. (Describe when retirement occurred or is expected to occur and what the financial impact on you will be.)

- b. ☐ Retirement was addressed in the divorce decree or the findings of fact and conclusions of law. (Describe changes in detail. Attach additional pages if needed.)

5. **Changes in circumstances: Request not involving alimony**

☐ The following material and substantial change in circumstances have occurred since the decree was entered.

(Describe in detail the important and major changes that have taken place since the decree was entered. Attach additional pages if needed.)

6. **Requested changes**

Because of the change in circumstances described above, I ask the court to order the following changes. (Enter the modifications you want the court to order. Add additional pages if needed.)

☐ Paragraph # _____ should be modified to say:

☐ Paragraph # _____ should be modified to say:

7. **Other**

I ask for these other orders:

8. ☐ **Attorney fees and costs**

I ask to be awarded my attorney fees and costs.

9. **Remainder of order unchanged**

The remainder of the order should remain unchanged.

10. Documents

I am filing the following documents along with this Petition to Modify Divorce Decree (Check all that apply.):

☐ Cover Sheet

☐ Summons

☐ Non-public Information – Safeguarded Address (If applicable)

Petitioner or Respondent

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Stipulation (optional)

I am the [] petitioner [] respondent and the party responding to this Petition to Modify Divorce Decree.

1. I have received and read the petition and its supporting documents.
2. I understand what the petition requests.
3. I understand I have the right to contest the petition by filing an answer, and have the court decide the issues.
4. I waive service of the Summons.
5. I agree this court has the authority to decide this matter and I enter my appearance for that purpose.
6. I agree to the requests in the petition.
7. I agree the court may enter an order of modification consistent with the petition at any time and without further notice.

Petitioner or Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Tab 13



Administrative Office of the Courts

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

April 18, 2021

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

MEMORANDUM

TO: Judicial Council

FROM: Keisa Williams

RE: Rules for Public Comment

The Policy and Planning Committee recommends the following rules to the Judicial Council for public comment.

CJA 3-415. Auditing (AMEND)

The proposed amendments more clearly define the types of audits conducted by the Audit Department, clarify audit procedures, and identify the individuals involved at critical points.

CJA 7-302. Court reports prepared for delinquency cases (AMEND)

The Sentencing Commission released a new Juvenile Disposition Guide that does not function the same as prior juvenile sentencing guidelines in that they do not produce a specific recommendation for disposition, only factors that should be considered.

Under 7-302 currently, probation is required to include the sentencing guideline recommendation that no longer exists. Other requirements in the rule are outdated, do not align with updates to probation policy, and require information that probation officers are not qualified to determine/asses. Proposed amendments align the rule with the statute regarding probation's role in victim restitution ([78A-6-117\(j\)\(ix-x\)](#)) and the new [Juvenile Disposition Guidelines](#).

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

Rule 3-415. Auditing.**Intent:**

To establish an internal ~~fiscal~~ audit program for the judiciary within the administrative office.

To examine and evaluate court operations by measuring and evaluating the effectiveness and proper application of programs.

Applicability:

This rule shall apply to all courts and the administrative office.

Statement of the Rule:**(1) ~~Schedule of audits.~~ Audit planning.**

~~(1)(A) Periodic.~~ **Audit planning schedule.** ~~Not less than annually, T~~ the audit director shall annually prepare a plan of scheduled fiscal and ~~program~~ performance audits for submission to and approval by the Council Management Committee. ~~The Board of Justice Court Judges shall provide the audit manager a recommendation of the courts not of record to be included in the annual audit schedule submitted to the Council Management Committee.~~

~~(B) Amendment to schedule. Any modification or change to the approved plan of scheduled audits shall require prior approval by the Council Management Committee.~~

~~(C) Special audits. Requests for special audits not included in the plan shall be submitted in writing to the Council Management Committee and identify the circumstances and need for a special unscheduled audit.~~

(1)(B) Audit recommendations. The Board of Appellate Court Judges, the Board of District Court Judges, the Board of Juvenile Court Judges, and the Board of Justice Court Judges may provide the audit director recommendations to be included in the audit plan submitted to the Council Management Committee.

~~(1)(C)(D) Limited audits.~~ **State court administrator authorization.** The state court administrator may authorize a limited scope audit in the event of a reported theft, burglary, or other alleged criminal act or suspected loss of monies or property at a court location, or if a change occurs in the personnel responsible for fiduciary duties ~~the state court administrator may authorize a limited audit.~~

(1)(D) Amendment to the audit plan schedule. Any modification or change to the approved plan of scheduled audits shall require prior approval by the Council Management Committee. Requests for audits not included in the plan shall be submitted in writing to the Council Management Committee and identify the need for an unscheduled audit to be included in the plan.

(2) Authority. ~~The audit manager shall be independent of the activities audited. The audit manager auditors shall have the authority to conduct audits, consultations, and other engagements in accordance to generally accepted audit principles. The auditors shall be independent of the activities audited, and shall follow generally accepted accounting and performance audit principles for conducting internal audits. The auditors shall have full and unrestricted access to all records, documents, personnel and physical properties determined relevant to the performance of an audit. The auditor~~ manager shall have the

full cooperation and assistance of court personnel in the performance of an audit. ~~The audit manager shall follow generally accepted accounting and performance audit principles for conducting internal audits.~~

(3) **Fiscal audits.** Fiscal audits may consist of one or more of the following objectives:

(3)(A) to verify the accuracy and reliability of financial records;

(3)(B) to assess compliance with ~~management~~ fiscal policies, ~~plans~~, procedures, and ~~best practices~~; regulations;

(3)(C) to assess compliance with applicable laws and rules; ~~and~~

~~(D) to evaluate the efficient and effective use of judicial resources;~~

(3)(~~D~~E) to verify the appropriate protection of judicial assets.

(4) ~~Short audits. When a short audit is required or approved, the audit will be conducted without prior notice. The audit shall consist of a one-time reconciliation of current cash and receipts and an observation of fiscal management procedures unless otherwise directed by the State Court Administrator or Management Committee. A written report shall be prepared and exit conference conducted.~~ Performance audits. Performance auditing is an assessment that provides an objective evaluation about the performance of court operations. Court operations includes any program, activity, project, function, or policy that has an identifiable purpose or set of objectives. Performance audits may contain one or more the following objectives:

(4)(A) to assess the performance and management of court operations against objective criteria;

(4)(B) to determine how efficiently court operations manage resources;

(4)(C) to determine how effectively court operations accomplish goals and objectives;

(4)(D) to assess internal controls and compliance with laws, rules, policies, and best practices;

(4)(E) to provide information and recommendations to improve court operations.

(5) **Audit process.** An audit within the judicial branch may consist of a fiscal audit, a performance audit, or elements of both types of audits. ~~Full audits. When a full~~an audit is required or approved, the audit shall be conducted with prior notice.

(5)(A) An entrance conference shall be conducted between:

(5)(A)(1) **Courts of record:** the auditors, court executive, presiding judge, clerk of court, and state level administrator.

(5)(A)(2) **Courts not of record:** the auditors, justice court judge, ~~a local government representative~~, and state level administrator. The presiding judge may also be invited to attend.

(5)(A)(3) **Administrative offices:** the auditors, state court administrator, deputy court administrator, and department director.

~~The audit shall be conducted at the convenience of the court.~~

(5)(B) An exit conference shall be conducted at the conclusion of the audit. This conference shall include the same individuals attending the entrance conference for both courts of record, courts not of record, and administrative offices. At the exit conference, the auditors shall review the audit findings and recommendations and provide recognition for commendable court operations, when appropriate.

(5)(C) Audit results will be communicated to and approved by the Council Management Committee.

~~(6) Performance audits. During the course of conducting a short or full fiscal audit, the audit manager shall observe and review compliance with programs and procedures established by state law and this Code and make written findings and recommendations to be incorporated in the final report. The performance audit shall include an evaluation of the adequacy, effectiveness and efficiency of court operations and management. Objectivity shall be employed by the auditors at all times. Proper recognition shall be given to commendable court operations when appropriate.~~

(6) Audit reports.

(6)(A) The audit ~~manager-director~~ shall prepare a written report containing findings and recommendations as a result of the audit. A draft copy of the report shall be provided ~~in advance~~ prior to the exit conference and presented to:

(6)(A)(1) Court of record: court executive, presiding judge, clerk of court, and state level administrator ~~at the exit conference~~. An opportunity for written response or comment will be afforded the court executive and presiding judge, which will be incorporated into and become part of the final report.

(6)(A)(2) Courts not of record: the presiding judge, justice court judge, and state level administrator ~~at the exit conference~~. If the court and local government are following Accounting Model 2, then a local government representative will receive a draft copy of the sections of the report that pertain to the local government, who receipt and deposit court collected funds. An opportunity for written response or comment will be afforded the justice court judge, and a local government representative if Accounting Model 2 is being followed, which will be incorporated into and become part of the final report.

(6)(A)(3) Administrative offices: state court administrator, deputy court administrator, and department director.

Written responses or comments to reports presented under paragraph (6)(A) shall be provided to the audit director within 30 days.

(6)(B) Copies of the final report shall be provided to:

(6)(B)(1) Courts of record: the Council Management Committee, appropriate Board of Judges, state court administrator, presiding judge, court executive, and state level administrator.

(6)(B)(2) Courts not of record: the Council Management Committee, state court administrator, presiding judge, justice court judge, ~~a local government representative~~, state level administrator, and the Board of Justice Court Judges. A local government representative will receive the sections of the final report that pertain to the local government, if Accounting Model 2 is being followed.

(6)(B)(3) Administrative offices: the Council Management Committee, state court administrator, deputy court administrator, and department director.

(7) Follow-up review.

(7)(A) Courts of record: Within 12 months of ~~short or full~~ audit, the audit ~~manager~~ director shall provide a Follow-up Review form, including only non-compliance audit findings, to the court executive and copy the court level administrator. The court executive will complete the Follow-up Review form reporting on progress made toward compliance and return a copy of the completed~~the~~ form within 30 days to the audit ~~manager-director~~ and ~~copy the~~ court level administrator, the presiding judge, and the appropriate board of judges.

(7)(B) Courts not of record: Within 12 months of ~~a short or full~~ audit, the audit ~~manager-director~~ shall provide a Follow-up Review form, including only non-compliance audit findings, to the justice court judge and a copy to the state level administrator. The justice court judge will complete the Follow-up Review form reporting on progress made toward compliance and return a copy of the completed form within 30 days to the audit ~~manager-director~~, the state level administrator, the presiding judge, and the Board of Justice Court Judges.

(7)(C) Administrative offices: Within 12 months of an audit, the audit director shall provide a Follow-up Review form, including only non-compliance audit findings, to the department director and a copy to the state court administrator. The department director will complete the Follow-up Review form reporting on the progress made toward compliance and return a copy of the completed form within 30 days to the audit director and the state court administrator.

Effective May/November 1, 20__

Rule 7-302. Court reports prepared for delinquency cases.**Intent:**

To develop minimum standards for court reports to the Juvenile Court.

Applicability:

This rule shall apply to all court reports prepared for delinquency cases in the Juvenile Courts.

Statement of the Rule:

(1) **Court report.** The probation department or other agency designated by the court shall prepare a court report in writing in all cases in which a petition has been filed.

(2) **Any matter.** The court can direct the probation department to prepare a court report on any matter referred to the court.

(3) **Report contents.** The contents of the court report shall include the following:

(3)(A) a summary of:

(3)(A)(i) the circumstances surrounding the matter before the court;

(3)(A)(ii) the minor's prior referral history, including prior actions taken by the probation department;

(3)(A)(iii) any contacts and history the family has had with other agencies;

(3)(A)(iv) the victim impact statement ~~and an itemized listing of losses or damages suffered by the victim with respect to the matter before the court;~~

(3)(A)(v) responses to the minor's compliant and non-compliant behavior;

(3)(A)(vi) the minor's academic performance and behavior in school and a statement of the minor's employment history if applicable;

(3)(A)(vii) any physical or emotional problems the minor may have that could affect behavior;

(3)(A)(viii) the minor's substance use history; and

(3)(A)(ix) the strengths and weaknesses of the minor as perceived by the minor and the parents or guardian(s); ~~and~~

~~(3)(B) an assessment of:~~

~~(3)(B)(i) the minor's attitude towards the court and the minor's attitude and values in general;~~

~~(3)(B)(ii) the parents' attitude and what corrective action, if any, they took with respect to the minor's conduct and actions that brought the minor before the court; and~~

~~(3)(B)(iii) the strengths and weaknesses of the parents or guardian(s); and~~

- (3)(~~BC~~) the minor's risk level as indicated by a validated risk and needs assessment, as well as a list of risk and protective factors;
- (3)(~~DC~~) recommendations specific to the minor's risk level that consider restorative justice principles and evidence-based best practices;
- (3)(~~DE~~) an acknowledgment that probation considered the Juvenile Disposition Guidelines and if there is a deviation from the statutory presumption or an increase in the level of supervision, the specific factors supporting the deviationsentencing guideline results, including aggravating and mitigating factors; and
- (3)(~~EF~~) any other relevant information.
- (4) **Verification.** All information contained in the court report should be verified whenever possible. Individuals providing information for the report should be identified and any opinions or unverified information should be identified as such.
- (5) **Social information.** No social information shall be gathered on a minor if the minor denies the allegations during the preliminary inquiry unless the minor and parent/guardian or custodian give their written consent for the information to be gathered. (~~6~~) No social information shall be provided to the court before the minor's case is adjudicated.
- (~~6~~7) **Filing.** Once the court report is prepared, it shall be electronically filed in the minor's file.

Effective May/November 1, 20__~~19~~