

JUDICIAL COUNCIL MEETING

AGENDA

July 19, 2021

**Meeting held through Webex and at
Council Room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111**

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
(Information)
3. 9:10 a.m. State Court Administrator's Report.....Ron Gordon
(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. Utah Retirement Systems Membership Council (Utah Code § 49-11-205)..
(Tab 3 - Action) Ron Gordon
6. 9:55 a.m. Pay Increase for Contract Interpreters. Kara Mann
(Tab 4 - Action)
7. 10:05 a.m. Justice Court Judge Certifications.Jim Peters
(Tab 5 - Action)
8. 10:15 a.m. Senior Judge CertificationsCathy Dupont
(Tab 6 - Action)

9. 10:25 a.m. Budget and Grants (JCTST Allocations). Judge Mark May
(Tab 7 - Action) Karl Sweeney
Jordan Murray
Jim Peters
- 10:35 a.m. Break
10. 10:45 a.m. American Rescue Plan Act (APRP) Funding. Ron Gordon
(Information) Cathy Dupont
Michael Drechsel
11. 10:50 a.m. Regulatory Reform Innovation Office Update. Lucy Ricca
(Tab 8 - Information)
12. 11:05 a.m. Indigent Defense Commission Report. Joanna Landau
(Information)
13. 11:20 a.m. Commissioner Retention Certifications. Shane Bahr
(Tab 9 - Action)
14. 11:25 a.m. Expungement Update. Justice Deno Himonas
(Tab 10 - Information) Noella Sudbury
Meilani Santillan
Arul Mishra
Himanshu Mishra
Michael Drechsel
Heidi Anderson
Clayson Quigley
Jon Puente
- 12:10 p.m. Lunch Break
15. 12:20 p.m. Water Law Judges. Judge Kate Appleby
(Tab 11 - Action)
16. 12:35 p.m. Old Business/New Business. All
(Discussion)
17. 12:55 p.m. Executive Session - There will be an executive session
18. 1:25 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. Probation Policy 3.1
(Tab 13) | Neira Siaperas |
| 3. Committee Appointments
(Tab 14) | ADR Committee – Nini Rich
Language Access Committee – Kara Mann |

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

June 28, 2021

Meeting conducted through Webex and at

450 S. State St.

Salt Lake City, UT. 84111

9:00 a.m. – 1:50 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
 Rob Rice, esq.
 Hon. Brook Sessions

Excused:

Guests:

Commissioner Catherine Conklin, Second District Court
 Travis Erickson, TCE Seventh District Court
 Commissioner David Jordan, JPEC
 Kristina King, OLRGC
 Hon. Barry Lawrence, Third District Court
 Russ Pearson, TCE Eighth District Court
 Peyton Smith, TCE Third District Court
 Aimee Thoman, Judicial Conduct Commission
 Dr. Jennifer Yim, JPEC

AOC Staff:

Ron Gordon
 Cathy Dupont
 Michael Drechsel
 Holly Albrecht
 Lauren Andersen
 Heidi Anderson
 Shane Bahr
 Todd Eaton
 Amy Hernandez
 Alisha Johnson
 Kara Mann
 Meredith Mannebach
 Jeremy Marsh
 Jordan Murray
 Bart Olsen
 Jim Peters
 Jon Puente
 Nini Rich
 Neira Siaperas
 Ryan Steffensen
 Nick Stiles
 Karl Sweeney
 Chris Talbot
 Keisa Williams
 Jeni Wood

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. The Council held their meeting through Webex and in-person.

Motion: Judge Derek Pullan moved to approve the May 24, 2021 Judicial Council meeting minutes, as amended, to correct section 13 to include “Critical to Judge Pullan’s motion to support the sandbox grant, was Justice Himonas assuring the Council that the Supreme Court would never approach the legislature, unilaterally, to request funding for the office. Any legislative request for such an appropriation would be through the standard process of prioritization and approval by the Council.” Justice Himonas questioned whether a request for ARPA funds would need to follow the same process. Judge Pullan wasn’t sure of the answer. Justice Himonas requested guidance on this issue. Judge David Connors said if this was the type of request that might divert funding from the Judiciary, then the Council should be involved. Justice Himonas and Judge Connors discussed whether an ARPA request might or might not impact court funds and whether the decision was most appropriately made with the Judicial Council or the Supreme Court when the American Rescue Plan Act (ARPA) funds would be used by the Office of Innovation, and is part of the regulation of the practice of law which is the Supreme Court’s jurisdiction. Judge Connors noted that this “ends up messing up with the priorities set by the Council for funding of the Judiciary in general.” The Council decided to further this discussion at a later date. Another change to the minutes included amending section 18 to “Judge Pullan emphasized it would be important to assure employees that discretionary compensation decisions would be guided by objective criteria and principles.” Judge Brian Cannell seconded the motion, and it passed unanimously.

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

Chief Justice Durrant had the privilege of speaking at Chief Justice Richard C. Howe’s funeral. Justice Howe served on the Utah Supreme Court from 1980 to 2002 and was the Chief Justice of the Utah Supreme Court from 1998 to April 2002. Chief Justice Durrant said Justice Howe led with quiet dignity.

3. STATE COURT ADMINISTRATOR’S REPORT: (Ron Gordon)

Keisa Williams hired an Associate General Counsel, beginning July 6th. The position for the second Associate General Counsel posting closed Friday. Ron Gordon appreciated all of Ms. Williams’ efforts in her new position. The Public Information Officer position interviews were held last week. Michael Drechsel and Mr. Gordon presented to the budget subcommittee earlier this month regarding the backlog of jury trials. The subcommittee appreciated the effort in creating the plan to address jury backlogs.

Each entity is responsible to ensure they are using ARPA funds appropriately. AOC staff is working to evaluate the interim federal regulations to make determinations about ARPA funding options. The Governor’s Office of Planning and Budget has been designated as the grant coordinator for the ARPA funds. Mr. Gordon is soliciting information from other state courts about how they plan to use ARPA funds.

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 this will be discussed later in the meeting.

Liaison Committee Report:

Judge Pettit stated the Pretrial Release group is meeting every other week.

Policy and Planning Committee Report:

Judge Derek Pullan will discuss the committees work later in this meeting.

Bar Commission Report:

Rob Rice reported that Elizabeth Wright was hired as the Executive Director of the State Bar. Ms. Wright has an excellent reputation throughout the country and has a deep understanding of the Bar's work. Nancy Sylvester has been hired as the Bar's General Counsel. Judge Brendan McCullagh has been recognized as Judge of the Year. The Bar's Summer Convention begins July 28.

5. **JUDICIAL CONDUCT COMMISSION REPORT: (Aimee Thoman)**

Chief Justice Durrant welcomed Aimee Thoman.

Membership Update

- a. New Members: Sen. Mike McKell (R).
- b. Missing Members: None.
- c. Current Members (11): Rep. Craig Hall, Chair; Ms. Cheylynn Hayman, Ms. Michelle Ballantyne, Judge David Mortensen, Judge Todd Shaughnessy, Rep. Elizabeth Weight, Senator Mike McKell, Senator Jani Iwamoto, Mr. Stephen Studdert, Mr. Mark Raymond, Ms. Georgia Thompson.
- d. The Supreme Court renewed Ms. Hayman's appointment in April for four more years. Next scheduled Supreme Court appointment is in 2024.

Caseload Update and Analysis

- a. Currently, the JCC is at 72 cases in FY21 (51 in FY20, 64 in FY19, 58 in FY18) and expects to close year at mid-70's.
- b. In FY21, they have had 0 public dispositions, 0 DWW dispositions and 12 reconsideration requests. No JCC cases are pending before the Utah Supreme Court.
- c. Staff will conduct and report analysis of previous 18-months for any "delay" anomaly associated with COVID 19.

Misc. Activities (over the last six months)

- a. Annualized requests for info (AOC = 16, JPEC = 6, CCJJ = 16, AJDC/CJE = 124) and 311 answered phone call inquiries.
- b. Staff working on publishing FY21 Annual Report and reporting annual performance measures to the legislature.

- c. Resolved GRAMA litigation regarding a DWW record. (Records not released).
- d. JCC has returned to meeting in person and will also continue video conferencing for members and the public.

Chief Justice Durrant thanked Ms. Thoman.

6. JPEC JUROR SURVEY AD HOC SUBCOMMITTEE REQUEST: (Dr. Jennifer Yim and Commissioner David Jordan)

Chief Justice Durrant welcomed Dr. Jennifer Yim and Commissioner David Jordan. Dr. Yim presented the Utah Judicial Performance Evaluation Juror Impact Analysis (2012-2019). The report examined the impact of jurors in the performance evaluation scores of Utah judges based on the 2012, 2013, 2015, 2017 and 2019 Utah JPEC Judicial Performance Evaluation surveys. These surveys included questions from which four performance scores were calculated: Legal Ability, Integrity, Judicial Temperament, and Administrative Skills. Administrative skills include communications, and procedural fairness in the courtroom. This Juror Impact Analysis report focused on only the last three scores since jurors were not asked to rate judges' legal ability.

To assess the impact of jurors on judicial reviews, the data was analyzed using Analysis of Variance (ANOVA). This technique is useful to examine the effect of a single variable on an outcome, and to assess whether different groups have statistically different average values. Linear regression and correlation analysis were also used to measure the impact of the number of jurors who evaluate a judge and that judge's performance ratings.

The results of this impact analysis suggest that jurors may have had a significant impact on the scores a Utah state judge received during the 2012-2019 period.

- For all scores, jurors rate judges significantly higher than the ratings provided by attorneys and court staff.
- On average, jurors' ratings are above ~4.85 for all scores compared to ~4.52 for court staff and ~4.37 for attorneys.
- Since jurors tend to rate all judges significantly higher, those judges who oversee fewer or no jury cases (for instance Juvenile judges) may be at a disadvantage.
- Regression analysis showed that the percentage of jurors evaluating a judge has a statistically significant impact on that judge performance scores. For each percentage point increase in the number of jurors evaluating a judge, the overall Integrity and Judicial Temperament as well as Administrative Skills mean scores of that judge are increased by 0.004 and the judge's Procedural Fairness mean score is increased by 0.005.

The analysis of juror surveys indicated judges who hold more jury trials may have an advantage over judges who do not have an opportunity to hold jury trials. Some judges are more active in soliciting jury survey responses by having their court staff contact jurors to encourage responses. This is allowed but can also result in significant skewing of the scores. The combination of those factors tends to favor judges who hold a lot of jury trials. This may not be fair on a comparative basis of judges who do not have as many jury trials. The larger the sample size of jurors, the larger the score as it tends to overwhelm the other responses.

JPEC ran test cases for judges who were on the border of meeting or not meeting the statutory standards presumption for retention. In a few cases, juror scores made the difference for judges between meeting the standard and not meeting the standard. JPEC did not recommend that juror surveys be dropped, however, judges who do not hold many jury trials have a significant comparative disadvantage to those judges who do have more jury trials.

Dr. Yim explained that the denominator in the average calculation is done by the total number of respondents, such as, if someone has 80 jurors and 10 court staff and 50 attorneys then there would be a comparably large impact for that judge.

Dr. Yim asked if the Council would like to participate in the workgroup that will study this issue. Judge Pullan thanked Dr. Yim and Commissioner Jordan for raising this issue. Chief Justice Durrant pointed out that some district court judges benefit more than others due to the juror surveys and that JPEC's goal is to create a more equitable scenario. Judge Shaughnessy believed one problem is the district court judge who does a lot of jury trials versus another who doesn't but there is also a problem with a district court judge who conducts jury trials versus a juvenile court judge who handles no jury trials. Judge Shaughnessy wondered if mathematical adjustments could be made to put all judges on equal footing. Dr. Yim agreed that this could be a solution, noting that JPEC preferred to have the Council's input prior to implementing any changes.

Chief Justice Durrant thanked Dr. Yim and Commissioner Jordan, noting that the Judiciary appreciates Dr. Yim and the members of the commission for their conscientious procedural fairness. Chief Justice Durrant and Mr. Gordon will work to assign court person(s) to the subcommittee.

7. OFFICE OF FAIRNESS AND ACCOUNTABILITY CREATION OF A COMMITTEE: (Jon Puente)

Chief Justice Durrant welcomed Jon Puente. Jonathan Puente requested a new committee be created to assist his office with developing a strategic plan by early 2022. The Strategic Plan Development Committee will include approximately 16 members, made up of AOC Directors, representatives from the Boards of Judges, TCE's, public members, and other stakeholders.

The committee will help to promote a systemic, collaborative, and strategic approach to achieve the goals and objectives they set and to enhance the AOC's interest in advancing fairness, accountability, and inclusion in the Judiciary through the Strategic Plan. Upon approval of the Strategic Plan by the Judicial Council, the committee would be charged with the implementation and ongoing monitoring of the plan, including measuring progress toward achieving goals and objectives.

Strategic Plan Process and Timeline

The process will focus on

- Impact
 - What and whom
- How will the AOC achieve this impact?
- What will be the specific priorities?

- What will be the needed resources?
- How will the courts know progress is being made?

Timeline

- Phase 1 (July 2021)
 - Background research with committee
- Phase 2 (August – December 2021)
 - Planning/drafting sessions with the committee
 - Drafting sessions with subcommittees
 - Engage with stakeholders on first draft
 - Present draft to Judicial Council
- Phase 3 (January – February 2022)
 - Present stakeholder and Judicial Council feedback to the committee
 - Update draft with committee
 - Present stakeholders complete draft for final feedback
 - Finish draft
- Phase 4 (March – April 2022)
 - Submit complete draft to Judicial Council

The committee would be divided into workgroups assigned to specific tasks.

It was mentioned that the Racial and Ethnic Task Force ultimately dissolved but the courts were in a better position today to sustain this system. Mr. Rice recommended a member of the Utah Center for Legal Inclusion (UCLI) be added to the committee and possibly a member from the Young Women's Christian Association (YWCA). Judge Pettit questioned if this should be a standing committee and if the composition should be reviewed stating that there seem to be two separate objectives: one for administrative personnel and one for the community. Mr. Puente felt it would be better to start as an ad hoc committee then transition if need be. Mr. Puente believed stakeholders included employees and members of the public.

Justice Himonas endorsed the idea of a committee but will vote against this due to the committee composition recommendation. Justice Himonas hoped that making this office independent, the courts would hear more from outside agencies. Mr. Puente explained he only planned on having three judges plus AOC personnel on the committee.

Mr. Puente understood the Council's concern and thought the key to success was to find a balance of recommendations from outside entities with court personnel. Judge Shaughnessy noted this office should have an independent body outside of the courts to help provide direction. A committee comprised of individuals outside of the courts would not oversee the creation of a strategic plan. The Judiciary will need trusted voices to deliver difficult news with the data collected. Ms. Williams conducted a 50-state survey, which found the vast majority of states have an independent commission. Ms. Dupont explained that the public comment period for the OFA rule will be addressed in August with Policy & Planning. Ms. Dupont recommended having Policy & Planning work with Mr. Puente at that time and report back to the Council.

Chief Justice Durrant thanked Mr. Puente.

Motion: Judge Shaughnessy moved to have Policy & Planning address the creation of an independent body prior to the strategic plan's creation, as amended. Justice Himonas seconded the motion, and it passed unanimously.

8. BUDGET AND GRANTS FY22 CARRY FORWARD REQUESTS AND ONGOING SPENDING REQUESTS: (Judge Mark May, Karl Sweeney)

Chief Justice Durrant welcomed Judge Mark May and Karl Sweeney. Judge May mentioned that the courts received \$1M in ARPA money to fund senior judges and their support staff, however, it is undetermined if this use is permissible under the interim federal regulations.. The Budget & Fiscal Management Committee determined not to spend these funds until more information can be obtained. One strategy might be to request \$1M from the legislature to fund this item. If denied by the legislature, the courts could use turnover savings or FY22 one-time funding. As to pay increases for JAs, Judge May noted this is not on the budget list for discussion today, however, that may be a legislative request.

ONE-TIME FUNDING REQUESTS

Mr. Sweeney requested an amendment on the Sunset Career Ladder request to \$475,000 as one-time FY22 instead of carry forward.

Contractor Support for Senior Project Manager/Developer Training and Critical IT Projects in FY 2022

\$682,000

Alternate funding: None

This request is the second of two related requests (the first was approved in March 2021 for \$225,000 to use FY21 one-time surplus funds) to hire/promote four Senior Project Managers/Developers (SPMs) earlier than the July 1, 2021 date when legislature-approved ongoing funding will start. This request is to retain four 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.

Matheson Carpeting

\$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 court 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 requested the Judicial Council approval to fund \$100,000 for FY23 with the goal of repeating this request two more times (total \$300,000) over the next three to five years to complete the project.

Employee Incentive Awards

\$280,000

Alternate funding: This funding has always been carved out of carry forward funds from the prior fiscal year. If the courts do not fund this amount, there will be no funds available to fund employee incentive awards.

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.

Interstate Compact for Juveniles (ICJ) Operations Funding

\$21,000 (\$17,000 Annual dues; \$3,000 extradition expenses; and \$1,000 training)

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 which are currently assessed at \$17,000/year. 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. Next calculation will occur at the end of FY21 and new dues, if any, will go into effect for FY23.

Educational Assistance for FY22

\$75,000

Alternate funding: None

Previously \$0 was approved for FY21 due to budget cuts; actual spend for FY20 was approximately \$60,000. The 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 FY22. Courses completed during FY21 are not eligible for reimbursement. The amount requested is slightly higher than FY20 actual due to expected pent-up demand for this benefit.

Seventh District Court – Equipment and Improvements

\$17,350

Alternate funding: Funds from the FY22 budget year.

The request was to purchase new laptops for district court judges, Monticello courtroom podium, Price Courthouse storage cabinets, all-in-one Webex-enabled computer for court patrons, and Castle Dale Courthouse improvements.

District Court Two Time-Limited Law Clerks (Continuation of Funding)

\$191,200

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 onetime funding.

Historically, the Board has sought one-time funding, year to year, in order to maintain the number of law clerk positions until there were adequate ongoing funds to transition law clerk positions to permanent funding. Now that the courts are coming up on seven years of one-time funding, the courts ask the Judicial Council to consider funding at least one of the two law clerk positions with ongoing funds some time in FY22. The courts realize that this would require one-time funding for both positions until sufficient ongoing funds were available. This request does not increase the total number of district court law clerk positions.

Secondary Language Stipend

\$68,900

Alternate funding: This funding is not included in our base budget and the courts have traditionally used carry forward funds to provide this stipend. If this request is not funded, interpretation services to court patrons could decline as fewer qualified interpreters are available.

There is a great diversity in languages spoken by court patrons. In order to facilitate court proceedings for non-English speaking patrons, the courts employ 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. For FY21 and FY20 the request was for \$65,000.

Technology Improvements – Utah Supreme Court and Court of Appeals Benches

\$5,320

Alternate funding: None

The Supreme Court and Court of Appeals do not have any computers or monitors in their courtrooms. Prior to the COVID pandemic, there was not a realized need for computers/monitors on the benches. That need has now been realized, and the appellate courts respectfully submitted this request for funding to place monitors and docking stations on the appellate benches.

Public Transit Partial Reimbursement Program

\$25,000

Alternate funding: None

To provide court employees state-wide with an opportunity to receive a 50% reimbursement of the costs paid for utilizing public transit until the funds are depleted. One-time funds are requested to evaluate the response from employees and determine if this plan is well-utilized.

Third District Court – Media Carts

\$50,000

Alternate funding: Save district funds

This request is for two media carts for the Matheson Courthouse. The carts will be used for virtual jury selection and evidence presentations during jury trials. The cart includes separate monitors for the judge, witness, attorneys and the jury. The cart will allow the judge to turn off the jury monitor until the evidence has been admitted by the judge. The carts are portable which will allow movement throughout the courthouse. This will save the courts from installing this in each courtroom. The West Jordan Courthouse has one media cart.

The Second District Court requested a media cart. Judge Shaughnessy reminded the Council that the media carts can be moved to other courtrooms. Peyton Smith said the media carts are also being used for jury selection. Heidi Anderson will meet with AOC administrators about current stock and future needs to ensure needs of the courts are met.

New Taylorsville State Office Building (TSOB) Probation Offices Cabling/Network Spend

\$25,000

Alternate funding: None

The Third District Juvenile Court is relocating, combining the West Valley and City Probation offices into a new space in the TSOB around January 2022. The State (DFCM) and City of West Valley are covering the cost of the construction and a new furniture package. The court still needs to provide a new network circuit, data fiber runs and hardware (router, WAN access points, etc.) for functionality in the new space. This does not include computers, printers, phones and copiers that will be relocated for use in the new space from the offices they are vacating. Facilities has typically funded these IT costs in new office space.

Price, Utah GAL Office Lease Termination, Relocation and New Space Build Out

\$24,800

Alternate funding: None

Carbon County informed the courts in April that they needed to terminate the GAL lease in the old courthouse building in order to move forward with the county health department renovations that include the courts space in the facility. The best alternative for replacement

office space is to build out two GAL offices inside the secured Price Courthouse, which is a county owned facility.

Carry forward Bar Foundation Grant for Teen Website Development

\$18,000

Alternate funding: The grant provides the funds and this request is merely to carry forward the grant monies into FY22. If not used, the grant monies will be returned.

The Bar Foundation supplied the Divorce Education for Children Program \$20,000 to develop an educational website for teens experiencing parental separation. Attempts to develop this website have been delayed due to staff turnover and COVID, although \$2,000 has been spent to date. Development of a teen curriculum and a curriculum for children five to eight will begin development in late May of FY21 and is expected to be delivered in August FY22.

Sexual Violence Program Coordinator

\$57,000

Alternate funding: None. The grant funding for Jonathan Love's position will be depleted by June 30, 2021.

The issue of sexual violence frequently arises in the district courts and appellate courts. Statute, judicial rule, and case law surrounding sexual violence typically require a nuanced and detailed judicial approach. Due to the varied nature of sexual violence and the courts' role in addressing it, stakeholders across Utah requested the development of a sexual violence bench book and training for judges and court staff. This bench book addresses emerging case law in sexual violence cases, best practices in sentencing, working with marginalized populations, understanding the civil law impacts of sexual violence, and other critical educational needs.

IT – Computer/Printer Replacement Inventory (IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements)

\$250,000

Alternate funding: None

The IT Division has established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. The Division has annually requested \$250,000 for the program – although last year's request was reduced to \$150,000 which considered that an inventory of laptops was funded through CARES funds in FY21, and thus reduced the need for laptop replacements.

Facilities – Contingency Request for Unforeseen Projects & Repairs

\$200,000

Alternate funding: None

Facilities funds unforeseen/unbudgeted projects and repairs statewide every year. Due to funding reductions in the Court Complex fees and parking revenue in FY21, Facilities will not have any reserve funds left to draw from carryover funding for these projects in FY22. ARPA funding may yet be obtained as the courts made a \$350,000 request for ARPA funding in April

2021 along with the 2 approved requests, but to date the legislature has chosen to not address this request in its first pass for funding.

Applicant Tracking (ATS) and Onboarding System Request

\$20,000

Alternate funding: Ongoing funds are an alternate source, but not logical or desirable due to the existing agreement parameters of using DHRM systems. DHRM may move to a different vendor for recruitment and onboarding at any time. Because they charge a flat rate for using their HR software platforms, the courts could opt-in if at some point they adopt systems better suited to court needs.

This request is to fund a more secure and independent Onboarding and Recruitment Software application and process. This software would be leased and any updates would be included in the asking price. The courts could discontinue this program, however, if the software is efficient, the courts will ask for funding next year to continue the program. If the system works, the next request would be for ongoing funds. The IT Department is comfortable with this program as it will not require IT support.

Support for In-Person Conference and Employee Manager Training

\$127,500

Alternate funding: None

This request seeks to fund the shortfall in education's budget for FY22 to enable education to be responsive to the requests of the various Boards of Judges to return to in person trainings, including judge and employee conferences for FY22. Education is requesting that \$113,500 in one-time funding be allocated to support four in-person conferences (all judicial, district, juvenile and employee), and \$14,000 in one-time funding to be used to develop performance based, soft-skilled, mid-level manager courses for probation officers and judicial assistants – made necessary to transition away from career ladder toward a performance-based rewards system. The courts have approximately \$186,000 for conference. The Annual Judicial Conference cost \$100,000; therefore, funding is needed for additional conferences.

ODR Facilitator Training

\$20,000

Alternate funding: None

Recruitment, training and oversight of 18 additional volunteer Online Dispute Resolution (ODR) Facilitators in order to accommodate a statewide rollout of the ODR Program for small claims cases. The Judicial Council approved \$15,000 last year but as the program is moving statewide, the courts need additional facilitators. This will include the contract for Nancy McGee.

Reserve

\$150,000

Alternate funding: None

This is a request for one-time funds which will be available to pay for unexpected/unplanned one-time expenditures at the discretion of the Judicial Council. Funds not spent can be re-purposed at the end of 2022 for other one-time spending priorities including FY23 carry forward requests. Historically, the courts have used reserve funds but not gone beyond that amount.

Motion: Judge May moved to approve the Contractor Support for Senior Project Manager Developer Training and Critical IT Projects in FY22, the Matheson Carpeting, the Employee Incentive Awards, the Interstate Compact for Juveniles (ICJ) Operations Funding, the Educational Assistance for FY22, the Seventh District Court – Equipment and Improvements, the District Court Two Time-Limited Law Clerks (Continuation of Funding), the Secondary Language Stipend, the Technology Improvements – Utah Supreme Court and Court of Appeals Benches, the Public Transit Partial Reimbursement Program, the Third District Court – Media Carts, the New Taylorsville State Office Building (TSOB) Probation Offices Cabling/Network Spend, the Price, Utah GAL Office Lease Termination, Relocation and New Space Build Out, the Carry forward Bar Foundation Grant for Teen Website Development, the Sexual Violence Program Coordinator, the IT – Computer/Printer Replacement Inventory, the Facilities – Unforeseen Projects & Repairs, the Applicant Tracking (ATS) and Onboarding System Request, the Support for In-Person Conference and Employee Manager Training, the ODR Facilitator Training, and the Reserve one-time funds request, as presented. Judge Farr seconded the motion, and it passed unanimously.

ONGOING FUNDING REQUESTS

Court Commissioners – Recruit and Retain

\$92,500

Alternate funding: None, except another request to the legislature.

As part of the budget cutting for FY21, the courts committed to taking \$475,000 of ongoing turnover savings to meet our overall budget reduction. The courts forecasted this would take the entire fiscal year of 2021 to accumulate. The courts recently eliminated 2 positions in Third District Juvenile Court. 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 two different legislative sessions for ongoing funding.

Ongoing Turnover Savings to Address 11% Salary Cap

\$50,000

Alternate funding: The cost of the solution represents almost half of the court's yearly hotspot allocation. The courts would need to address this issue over several years without this one-time request for additional carry forward money.

In February 2020 the Judicial Council approved the use of 20% of the estimated annual ongoing turnover savings not to exceed \$110,000 in a fiscal year by the State Court Administrator and Deputy State Court Administrator to address departmental reorganizations, "hot spot" salary adjustments and other types of routine ongoing salary increase requests. This year, the courts request an additional \$50,000 to address the consequences of a now-repealed HR

policy that limited salary increases for individuals who were internally promoted to 11% of their current salary. Over the years, this policy resulted in external hires earning larger salaries than some of our internal hires who are in the same roles and have similar years of experience. The request also includes a couple of salary adjustments to address comparability issues related to addressing the 11% rule impact.

District Court Administration Reorganization

\$126,000

Alternate funding: One-time funding to cover the position in the short term with a commitment to fund with ongoing funds as soon as they are available. A legislative request may be another option, but it will not meet the urgency of this request.

Access to justice in the district courts has evolved over the last decade and will continue to evolve for years to come. The Board of District Court Judges is playing a greater role in creating the vision for the District Courts and how they operate. A growing number of programs, initiatives, and applications have been developed that require resources to maintain, improve, and operate. The Board of District Court Judges, District Court Bench, Trial Court Executives, District Clerks of Court and other district court staff need more support to continue moving forward with their current and future initiatives. The purpose of the request is to secure funding to support one additional FTE in the Office of District Court Administration (ODCA).

The AOC has been working to restructure innovations in a manner to offer better support for the demands on court personnel.

Grants Coordinator Position – Continued Funding

\$78,900

Alternate funding: Continued use of one-time carry forward funds.

The AOC requested to convert funding for the Grant Coordinator (GC) position to ongoing funds. The courts are now six months past the filling of this position. The AOC believes sufficient progress has been made in the following areas to justify ongoing funding for FY22:

- assessing past compliance with grants,
- building relationships with grant providers,
- establishing guardrails to the grant compliance process in terms of review of submissions since the coordinator start date
- developing a revised grant policy (CJA Rule 3-411),
- preparing a grant compliance calendar,
- building strong relationships of trust with Court grant managers and
- collaborating with grant applicants to submit select grants that meet the grant moratorium exceptions for Judicial Council review.

Chief Justice Durrant thanked Judge May and Mr. Sweeney.

Motion: Judge Connors moved to approve the Court Commissioners – Recruit and Retain, the Ongoing Turnover Savings to Address 11% Salary Cap, the District Court Reorganization, the

Grants Coordinator Position, ongoing funds requests’ as presented. Judge Michelle Heward seconded the motion, and it passed unanimously.

9. SENIOR JUDGE RULES FOR APPROVAL: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. In the fall of 2019 the Board of Senior Judges created a workgroup to amend senior judge rules. At the same time, the TCEs and the Management Committee identified language in the senior judge rules that was not clear. In October of 2020, the senior judges presented proposed amendments to the Policy and Planning Committee. The Policy and Planning Committee appointed a workgroup to review and make recommendations about the proposed amendments to the senior judge rules. The workgroup included Judge Connors, Chair, Judge Pullan, Cathy Dupont, staff, Judge Atherton, active senior judge, Peyton Smith, TCE, Third District Court, and Joyce Pace, TCE, Fifth District and Juvenile Courts.

The workgroup accepted the proposed amendments to the senior judge rules presented by the senior judges at the October 2020 Policy and Planning Committee meeting, except for Rules 3-108 and 11-201. The workgroup added language to Rule 3-108 that permits some flexibility for appointing a senior judge when there are exigent circumstances. Rule 11-201 was modified at the request of the Supreme Court to give the Management Committee the authority to recommend the appointment of a senior judge.

The Board of Senior Judges approved the workgroup’s changes, with the understanding that Policy and Planning will work to establish guidelines for evaluating how to determine the need for senior judges in Rule 11-201, and that the language will be reviewed in 2 to 3 years. On June 4, 2021, the Policy and Planning Committee approved the amendments to the senior judge rules.

Judge Todd Shaughnessy questioned if it would be better to have a designated presiding judge over the senior judges as a contact person or a liaison between the courts and the senior judges. Ms. Dupont explained the Board of Senior Judges has been making efforts to be a more structured group. A recommendation was made that the Chair of the Board can serve in that role. Shane Bahr mentioned many of the districts have received responses from senior judges and have filled their needs. Justice Himonas was concerned about having to call senior judges rather than email them for assignments.

The two TCEs on the workgroup provided valuable experience with senior judge usage. Judge Pettit asked about mentoring senior judges. Ms. Dupont provided that Tom Langhorne wanted senior judges to serve as mentors in rural areas.

Judge Pullan corrected CJA Rule 1-304 on line 74 and line 79. Judge Pettit recommended having the Board of Senior Judges review the structure of assignments.

Chief Justice Durrant thanked Ms. Dupont. Judge Connors thanked Ms. Dupont for her work on the rules. Policy & Planning will hold on the structure of assignments until it is determined whether having a presiding judge through the Board helps.

Motion: Judge Shaughnessy moved to approve CJA Rules 1-305, 3-104, 3-108, 3-113, 3-501, and 11-201, as presented, with an effective date of June 28, 2021 and to be sent for public comment. Judge Connors seconded the motion, and it passed unanimously.

10. JUDICIAL COUNCIL 2022 SCHEDULE APPROVAL: (Ron Gordon)

Chief Justice Durrant welcomed Ron Gordon. Mr. Gordon presented the 2022 proposed Judicial Council schedule. Mr. Gordon explained that the Council will plan on holding their March meeting in St. George in conjunction with the Bar's Spring Convention in St. George, if the convention is held in St. George.

Chief Justice Durrant thanked Mr. Gordon.

Motion: Judge Shaughnessy moved to approve the Judicial Council 2022 schedule, as presented. Judge Connors seconded the motion, and it passed unanimously.

11. OLD BUSINESS/NEW BUSINESS

Mr. Sweeney sought funding to substitute ARPA funds to cover July, August, September for senior judges and JAs needed. The JAG award includes funding for the courts for the backlog of jury trials. Mr. Gordon explained the courts are hoping for reimbursement of funds from ARPA funding.

Motion: Judge Connors moved to approve using FY22 one-time turnover July savings of \$300,000 and \$150,000 budget to pay for senior judge and JAs to assist with the backlog of jury trials to be reviewed on a monthly basis to compare federal regulations to ensure the courts are following the appropriate rules. Judge Shaughnessy seconded the motion, and it passed unanimously.

12. EXECUTIVE SESSION

Motion: Judge Shaughnessy moved to go into an executive session to discuss a personal matter. Judge Pullan seconded the motion, and it passed unanimously.

13. CONSENT CALENDAR ITEMS

None.

14. ADJOURN

The meeting adjourned.

Tab 2

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
July 13, 2021
Meeting held through Webex
and in the Council Room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
12:00 p.m. – 1:54 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:

Michael Drechsel

Guests:

Hon. Kate Appleby, Senior Judge
Rory Jones, Seventh District Court
Angie Weeks, First District Court

AOC Staff:

Ron Gordon
Cathy Dupont
Heidi Anderson
Shane Bahr
Wayne Kidd
Kara Mann
Meredith Mannebach
Chris Palmer
Jim Peters
Nini Rich
Neira Siaperas
Nick Stiles
Diane Williams
Jeni Wood

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

Chief Justice Matthew B. Durrant arrived late to the meeting. Judge Todd Shaughnessy welcomed everyone to the meeting.

Motion: Judge Paul Farr moved to approve the June 2, 2021 and the June 8, 2021 Management Committee minutes, as presented. Judge Mark May seconded the motion, and it passed unanimously.

On June 30, 2021 the Management Committee approved by email the Risk Response Checklists for Sanaquin/Genola/Goshen, Enterprise, Hyde Park, Centerville, North Salt Lake, South Weber, South Jordan Justice Courts and the Third District Juvenile Court West Valley Probation Offices.

2. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)

Ron Gordon said the AOC continues to fill vacant positions, including Gage Hansen as one of the new Associate General Counsel. The second Associate General Counsel and the Public Information Officer positions should be filled soon. Judge Shaughnessy noted compensation for attorneys has increased due to the employment market and felt the courts should review all attorneys working in the court system. Cathy Dupont stated the courts have seen a significant decline in applications for all job types.

The legislature has sent requests to the Judiciary for additional information on the budget. The courts continue to work with the State Auditor on current audits.

The ability to use ARPA funds for jury trial backlogs will be allowed as provided by the Treasury. Mr. Gordon explained that the courts continue to provide information on the possible uses of ARPA funds to the legislature. The funds will not be distributed until regulations have been approved.

3. WATER LAW JUDGES: (Judge Kate Appleby)

Judge Kate Appleby thanked the Management Committee for allowing her time on the agenda. Judge Appleby would like to establish a rule comparable to the tax judges for water law judges. Judge Appleby presented the Resolving Water Conflicts in California Courts Report and the Network Note Focus on Utah Report that focused on race, federal Indian policy, and access to water. Judge Appleby felt this is the right time and noted many other states have water law judges, noting that litigants would not be forced to use these judges but can if they choose.

The Bear River runs through three states, the Bear River Compact divides the river into three sections. There is current litigation on portions of the River and Utah is expecting litigation soon on the Utah portion of the River. In 1979 the legislature created the Montana Water Court to expedite and facilitate the statewide adjudication of over 219,000 state law-based water rights and Indian and Federal reserved water rights claims. The Water Court has exclusive jurisdiction over the adjudication of water rights claims. Montana has two dedicated water judges and 11 water masters.

There is an organization that is creating course curriculum for training water law judges. Code of Judicial Administration Rule 6-103. District Court Tax Judges was designed to establish a procedure whereby district court tax cases are heard by designated tax judges.

Judge David Mortensen thought this was a good idea and attended the Dividing the Water Conference.

Motion: Judge Mortensen moved to approve adding the Water Law Judges item to the Council agenda, as presented. Judge May seconded the motion, and it passed unanimously.

4. UTAH RETIREMENT SYSTEMS MEMBERSHIP COUNCIL: (Ron Gordon)

Mr. Gordon provided that the Retirement Systems Oversight Board includes a Judiciary representative, appointed by the Judicial Council. Judge Kara Pettit's first term is expiring. Judge Mortensen believed this position needed to be a person on the Judicial Council.

Motion: Judge Farr moved to approve sending the Utah Retirement Systems Membership Council item to the Council, as presented. Judge Mortensen seconded the motion, and it passed unanimously.

5. COMMITTEE APPOINTMENTS: (Nini Rich and Kara Mann)
ADR Committee

Nini Rich addressed the judicial vacancy on the ADR Committee. Judge Adam Mow expressed interest in serving on the committee.

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

Language Access Committee

Kara Mann addressed the Clerk of Court and the Certified Interpreter vacancies on the Language Access Committee. Cade Stubbs, Fifth District Court volunteered as the Clerk of Court representative and Ingrid Oseguera volunteered to fill the Certified Interpreter vacancy.

Motion: Judge Farr moved to approve the appointment of Cade Stubbs and Ingrid Oseguera to the Language Access Committee, as presented, and place this on the Judicial Council consent calendar. Judge May seconded the motion, and it passed unanimously.

6. PAY INCREASE FOR CONTRACT INTERPRETER: (Kara Mann)

Ms. Mann stated as Utah State Courts begins to address the backlog that was a result of the COVID pandemic, so to do other states. Recently, another state has approached Utah State Court's contract certified and approved court interpreters to work for their courts. It is not confirmed but suspected that this is due to the state's backlog in cases from the pandemic and the low number of credentialed interpreters on their court roster. This increase would not affect the staff interpreters or the ASL interpreters.

A survey has been completed of the contract rates for freelance court interpreters in nearby states. In examining the rates, Utah State Courts has one of the lowest hourly rates of all the states surveyed.

State	Credential	Hourly Rate
Arizona	Certified	\$95*†
Colorado	Certified	\$45-\$55† (pay depends on the language)
Idaho	Certified	\$39 - \$44† (pay depends on their exam scores)
New Mexico	Certified	\$50
Utah	Certified	\$39.80
Wyoming	Certified	\$55

*Arizona is a nonunified court system, with the rates decided by the local courts. This is the data available for the largest jurisdiction in the state.

† Denotes two hour minimums

To retain interpreters for Utah State Courts, especially as the courts reopen and address the backlog, the Language Access Committee recommended the Judicial Council approve a

permanent 20% rate increase for contract spoken language court interpreters to stay competitive with other states. The proposed 20% contract hourly rates would be as follows.

Credential	Current Contract Rate	Proposed Contract Rate
Certified	\$39.80	\$47.76
Approved	\$34.11	\$40.93
Registered	\$34.11	\$40.93
Conditionally-Approved	\$18.57	\$22.28

The 20% increase will cost an additional \$156,152 based on FY19 spending, which is the last full fiscal year not impacted by the pandemic. Contract court interpreters are paid from the JWI fund, which can absorb the proposed 20% increase on an ongoing basis. Finance Director Karl Sweeney and Finance Manager Alisha Johnson have reviewed the JWI fund expenditures and agree the 20% increase can be made permanent for the court interpreters without any additional funding required.

Court interpreters provide an essential role in the judicial process for Utah State Courts. While contract court interpreters are not court employees, they are language access professionals who are essential to ensuring due process for limited English proficiency parties. Without a contract rate increase to stay competitive with other states, the courts run a high likelihood of further prolonging the backlog for cases that require a court interpreter.

Judge Shaughnessy asked if it would be worth rounding up the proposed amount to \$50, which would match New Mexico and be more competitive. Ms. Mann will check with Finance to ensure the courts can support the increase. Ms. Dupont thought this might be eligible for ARPA funds. The committee requested this item be emailed to the Budget & Fiscal Management Committee for an email approval with the increased amount to \$50, assuming Finance approves the amount. This item will remain on the Council agenda.

7. JUSTICE COURT JUDGE CERTIFICATIONS: (Jim Peters)

Utah Code § 78A-7-202(5) requires that “every prospective justice court judge attend an orientation seminar conducted under the direction of the Judicial Council. Upon completion of the orientation program, the Judicial Council shall certify the justice court judge as qualified to hold office.” Code of Judicial Administration Rule 9-106 establishes “the orientation and testing procedure to be followed in determining certification of proposed justice court judges.”

Prospective justice court judges include city and county appointees with one of three backgrounds. Some are attorneys with criminal law experience, others are attorneys without criminal law experience, and still others are not attorneys at all. As currently structured, they attend a week-long “orientation seminar” together which includes two days of classroom instruction and three days of observation in courtrooms in Salt Lake City, Sandy, and West Valley. Following the seminar, an exam is administered to test the prospective judges’ understanding of the concepts most relevant to serving as a justice court judge. After that is an exam that has been revised with the assistance of faculty, the Education Department, and the Board of Justice Court Judges.

Mr. Peters sought approval from the Management Committee to replace the current exam with the revised version, both of which were provided. Going forward, with the committee's approval, Mr. Peters proposed that the exam be updated by the Board of Justice Court Judges without the need to obtain Council approval for each revision. The committee was supportive of Mr. Peters' proposal. In addition, the committee was in favor of having the Board of Justice Court Judges oversee the curriculum for New Judge Orientation, which could vary depending on the background and experience of the participants. The committee did not believe that delegating these functions to the Board of Justice Court Judges would require a rule or statute change, but it should be approved by the Council.

Motion: Judge Farr moved to approve having the Board of Justice Court Judges oversee the orientation seminar and exam for new justice court judges, provided the Council agrees, as presented. Judge May seconded the motion, and it passed unanimously.

8. PROBATION POLICY 3.1: (Neira Siaperas)

Neira Siaperas reviewed Probation Policy 3.1, noting that the Board of Juvenile Court Judges approved the revisions.

Section 3.1 Victim Outreach and Response

This policy was last updated September 18, 2018. The purpose of this policy is to provide direction to the probation department regarding contact and coordination with victims.

Motion: Judge May moved to approve probation policy 3.1 and adding this item to the Council consent calendar, as presented. Judge Farr seconded the motion, and it passed unanimously.

9. JUVENILE COURT PROBATION OPERATIONS PANDEMIC RISK PHASE RESPONSE PLAN: (Neira Siaperas)

Ms. Siaperas presented the Juvenile Court Probation Operations Pandemic Risk Phase Response Plan noting the objective was to identify operations of probation staff while adhering to the Judiciary Risk Phase Response Plan, while implementing the CDC recommendations and physical distancing guidelines. Angie Weeks reviewed the main changes in the Plan. Judge Shaughnessy identified a minor correction in the Plan.

Motion: Judge May moved to approve the Juvenile Court Probation Operations Pandemic Risk Phase Response Plan, as presented. Judge Farr seconded the motion, and it passed unanimously.

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

Judge Shaughnessy addressed the Judicial Council agenda and will ask the Council if they would prefer a semi-annual Innovation report rather than a quarterly report.

Motion: Judge Farr moved to approve the Judicial Council agenda, as amended to remove the Children and Family Law Committee report. Judge May seconded the motion, and it passed unanimously.

11. OLD BUSINESS/NEW BUSINESS: (All)

Meredith Mannebach noted the District Court Green Phase Workgroup would like to present to the Council in July an operating plan for the courts. Ms. Mannebach said the Workgroup would like feedback from judges and attorneys before long-term decisions are made. Judge Shaughnessy agreed with receiving input from stakeholders, however, some of the decisions may not be the courts, such as; the prison may not be willing to transport prisoners for a 15 minute hearing. The committee agreed to postpone adding this to the Council agenda this month to allow for the plan to be more developed, to allow for the Board to review the plan, and because the courts do not anticipate moving to the Green phase anytime soon.

Ms. Dupont said the current Administrative Order allows all courts to operate in the Yellow phase as long as they've had their Risk Response Checklist approved. The TCEs questioned what the process should be when the state transmission index showed a county was in the high index. Mr. Gordon said the decisions may continue to be more difficult due to experts' warning of a fall surge with significant increases in COVID cases. Mr. Gordon reviewed current statute. Ms. Dupont wondered is there a point where the Management Committee would want to mandate certain responses to the increasing COVID cases. Chief Justice Durrant questioned if the courts could require court employees to be vaccinated if they are in contact with jurors or inmates. The committee decided to meet each Wednesday for the next three weeks at noon. Ms. Dupont will reach out to Dr. Minor on these issues.

12. EXECUTIVE SESSION

An executive session was held.

13. ADJOURN

The meeting adjourned.

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

**Minutes
July 8, 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
Michael Drechsel

Guests:

Hon. Marvin Bagley, Sixth District Court
Hon. Brody Keisel, Sixth District Court
Hon. Mark Kouris, Third District Court
Hon. Wallace Lee, Sixth District Court
Chris Morgan, TCE, Sixth District Court
Joyce Pace, TCE, Fifth District Court
Keri Sargent, Clerk of Court, Sixth District Court

AOC Staff Present:

Ron Gordon
Cathy Dupont
Heidi Anderson
Shane Bahr
Alisha Johnson
Jeremy Marsh
Jordan Murray
Bart Olsen
Jim Peters
Jon Puente
Neira Siaperas
Nick Stiles
Karl Sweeney
Shonna Thomas
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.

Motion: Judge Augustus Chin moved to approve the June 17, 2021 minutes, as amended to correct Judge Pettit's motion on the district court position to clarify that the grant coordinator position will be included, not first. Judge Kara Pettit seconded the motion, and it passed unanimously.

2. JCTST FUND PROPOSED EXPENDITURES FOR FY22: (Jim Peters)

Jim Peters reviewed Utah Code § 78A-7-301 and Code of Judicial Administration Rule 9-107's description of the Justice Court Technology, Security, and Training Account (Fund). The Fund increases with the collection of the security surcharge attached to a variety of other fines. The Fund decreases as money is allocated to local government and state entities involved in operating or supporting one or more justice courts.

Each year, applications are solicited for audit, technology, security, and training needs in justice courts throughout the state. The Board of Justice Court Judges (Board) then reviews the requests and makes recommendations to the Judicial Council.

The balance of the Fund as of July 1, 2020 was \$636,663. The Judicial Council authorized expenditures for FY21 in the amount of \$689,126 and revenue collected during FY21 is projected to be approximately \$675,000, resulting in a forecasted balance of \$622,537 as of June 30, 2021. Recommendations for spending from the Fund in FY22 amount to \$778,101. If approved, and revenues in the coming year increase to \$725,000, the Fund balance is expected to be approximately \$50,000 lower next year than it was this year. In other words, if revenue continues to run lower than expenses by the amount forecasted for FY22, there will come a point approximately 10 years from now where the Fund is no longer capable of covering the needs of the Justice Courts. Mr. Peters explained the Board will continue to address using reserve funds and does not plan on using reserve funds unless need be. Judge Chin clarified that using reserve funds took careful consideration and was not the Board's first goal, however, there were requests that the Board felt needed to be considered.

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
1	AOC/Information Technology	Programming and Help Desk Support for Justice Courts	\$208,808		\$208,808	Personnel costs attributable to Justice Courts for IT support
2	AOC/Information Technology	Google Accounts for Justice Court Judges and Clerks	\$22,500		\$22,500	500 licenses @ \$45 each
3	AOC/Information Technology	CORIS Infrastructure for Justice Courts	\$165,215		\$165,215	CORIS Infrastructure for Justice Courts
4	AOC/Judicial Institute (Education)	Request for Justice Courts' Share of Education's Overhead Costs	\$45,080		\$45,080	Partial cost of providing employee classes, the Annual Judicial Conference, training technology, professional memberships and training of education personnel
5	AOC/Judicial Institute (Education)	Judicial Decision Making (fka Law and Literature)	\$8,000		\$8,000	Funding for a 1.5 day program for 15 judges
6	AOC/Judicial Institute (Education)	Constitutional Law or Other Workshop	\$4,000		\$0	Cost of an extra workshop to be provided in connection with the spring conference
7	AOC/Judicial Institute (Education)	Small Claims Training for Judges Pro Tem	\$1,000		\$1,000	Small claims training provided twice each year for judges pro tem
8	AOC/Judicial Institute (Education)	New Clerk Orientation	\$8,000		\$0	Cost of in-person orientation for new clerks in connection with the spring conference
9	Board of Justice Court Judges	Trust and Confidence Committee	\$2,000		\$2,000	Funding for outreach/CLE presentations to build trust and confidence in the Justice Courts
10	Board of Justice Court Judges	Computer Equipment for Judges	\$25,000		\$25,000	Funding for the cost of laptops for the judges
11	Board of Justice Court Judges	District Trainings	\$10,000		\$10,000	Funding to provide training to judges and clerks at the district level
12	Board of Justice Court Judges	Financial Assistance for Active Senior Judges to Attend the Spring Conference	\$2,500		\$2,400	Assistance for four active senior judges @ \$600 each (if application is approved)
13	Board of Justice Court Judges	Out-of-State Training Fund	\$50,000		\$20,000	Funding for out-of-state training and other educational opportunities

14	Centerville	One year subscription to DocuSign Business Pro	\$480		\$0	Software to obtain electronic signatures from defendants on various forms
15	Ephraim Justice Court	Replacement Laptop for Courtroom	\$1,000		\$0	Funding for a new laptop for clerical use
16	Holladay Justice Court	Public Computer Access	\$2,295		\$0	Funding to provide a computer station outside the clerks' office
17	Millard County Justice Court	Defibrillator	\$400		\$400	Funding to help purchase a new defibrillator for the courthouse lobby
18	North Salt Lake Justice Court	Digital Signature Service	\$1,920		\$0	Funding to purchase software that can obtain digital signatures from defendants
19	Ogden City Justice Court	Ballistic Glass for Front Counter	\$69,925		\$0	Funding to cover a Design Basis Threat Analysis and ballistic glass for the front counter
20	Provo City Justice Court	iPads, Wall Mounts and Electrical Work for Charging Stations	\$4,500		\$0	Funding to purchase hardware to obtain digital signatures from defendants
21	Rich County Justice Court	Laptop for the Justice Court Judge	\$1,800		\$0	Funding to purchase a new laptop for the judge
22	Riverdale Justice Court	Security Upgrades for the Riverdale Courthouse	\$10,507		\$1,300	Funding to fix the panic buttons, install a bullet-proof window, and install a wood door
23	Salt Lake County Justice Court	New Xray Machine	\$20,500		\$0	Funding to replace an Xray machine that is over 25 years old
24	Taylorsville Justice Court	LiveScan	\$7,500		\$3,200	Funding for the purchase and installation of a LiveScan fingerprint machine for the court
25	Utah County Justice Court	Improved Security for the Entrance Checkpoint for the Courthouse	\$4,027		\$2,000	Funding to purchase ballistic resistant film to the tempered glass used at the security checkpoint
26	Washington City Justice Court	Sound System for Courtroom	\$9,940		\$0	Funding to upgrade the sound system for the courtroom
27	West Jordan Justice Court	Upgrade Courtroom Technology	\$104,000		\$0	Funding to upgrade the sound system and other courtroom technology
Total One-Time Grant Requests for FY22			\$790,895		\$516,901	

Motion: Judge Chin moved to approve the one-time and ongoing Justice Court Technology

Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
AOC/Audit	Internal Audit Position Dedicated to the Justice Courts	\$75,000	\$75,000		Covers the cost of one FTE equivalent in the Audit Department
AOC/Information Technology	Webex Licenses and Support	\$20,000	\$20,000		Covers cost of Webex licenses at \$215 each
AOC/Judicial Institute	Education Coordination Fee	\$50,000	\$50,000		Coordination of all justice court events with personnel from Education
AOC/Judicial Institute	Justice Court Education Coordinator	\$66,000	\$66,000		Funding for half of the Justice Court Education Coordinator
AOC/Judicial Institute	New Judge Orientation	\$3,500	\$3,500		Estimated cost of orientation for new justice court judges up to three times per year
AOC/Judicial Institute	Justice Court Clerks' Conference	\$50,000	\$15,000		Estimated cost of providing an in-person conference for 350 clerks
AOC/Judicial Institute	Justice Court Judges' Conference (Spring)	\$40,000	\$28,450		Estimated cost of providing an in-person conference to 77 judges in spring 2022
AOC/Judicial Institute	Annual Judicial Conference (Fall)	\$25,800	\$14,250		Estimated cost of having 77 judges attend the Annual Judicial Conference
AOC/Judicial Institute	Justice Court Benchbook Update	\$1,500	\$0		The contract with Brent Johnson required \$3,000 every two years
Totals					
Total Requests		\$1,111,695			
Total Ongoing Grant Funds			\$261,200		
Total One-Time Grant Funds Recommended for FY22				\$516,901	
Total of Recommended Awards			\$778,101		

Security, and Training requests, as amended to inform the Board that the committee does not support continued use of reserve funds. Judge Pettit seconded the motion, and it passed unanimously.

3. FY23 JUDICIAL PRIORITY REQUESTS: (Karl Sweeney)

Mr. Sweeney presented ongoing funding requests noting that these have not been approved by the respective Boards. Judge May felt the committee could review and vote on these requests; however, the Boards need to vet the requests before priorities are identified at the August meeting. Judge May further noted that he would like the Boards to provide their prioritization of the requests.

Ongoing Funding Requests
Court Visitor Program Coordinator
 \$92,024

The Court Visitor Program (CVP), under the Guardianship Reporting and Monitoring Program (GRAMP), provides to district court judges a cadre of trained volunteers to serve as court visitors in guardianship and conservatorship proceedings. GRAMP was created to assist the Judiciary, provide the court with tools to establish accountability in guardianship and conservatorship cases, and to detect potential abuse in the vulnerable adult population. This request is for funding for an additional FTE – Court Visitor Program Coordinator. The court has continuing jurisdiction over guardianship cases, by statute.

Motion: Judge Pettit moved to approve the Court Visitor Program Coordinator ongoing funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Statewide Treatment Court Coordinator
 \$97,688

Funding from this request will support one FTE to serve as the Statewide Treatment Court Coordinator. This position will serve both district and juvenile courts in all districts throughout the state. This is a new shared position that will serve juvenile and district courts. This position will be housed at the Administrative Office of the Courts and primary supervision will be provided by the District Court Administrator in collaboration with the Juvenile Court Administrator. Shane Bahr explained that there has been a greater national movement for statewide coordinators. This position will be in addition to Judge Fuchs' responsibilities for certifications. Judge Fuchs is on a part-time contract position that is funded by the Division through the Tobacco fund. Judge May recommended having the Division pay for part of this position's salary. Judge Pettit felt the committee should be able to send the request to the legislature as is, rather than with a possible alternative solution.

Motion: Judge Pettit moved to approve the Statewide Treatment Court Coordinator ongoing funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Sixth District Additional Juvenile Court Judge
 \$449,065 ongoing
 \$25,000 one-time
 \$474,065 total

The Sixth District Court sought funding for a new juvenile court judge and two JAs for a variety of reasons that will be outlined in this building block request. In order to set the stage for this request it must be noted that the Sixth District Court is the only district in the State of Utah with just one juvenile court judge. It is also the only district with only two district court judges. In spite of the small number of judges it is an enormous district, geographically speaking. The district encompasses six counties, which means it covers more counties than any other judicial district in the State of Utah. As such, there are a variety of juvenile court dockets being heard in six different counties by one judge every month. In addition to those courtroom calendars, the juvenile court judge carries a partial district court caseload. Not only is this a challenge for the judge, it is also a challenge for the judicial assistants who have to work in both a juvenile court and district court setting. Chris Morgan informed the committee that travel time for the judges takes a considerable amount of time with one court being a three hour drive to another.

The district has seen a significant increase in child-welfare cases. Neira Siaperas found it difficult to compare juvenile cases through the weighted caseload study because the study was changed significantly. Judge Brody Keisel noted the changes in attorneys have caused problems trying to accommodate hearings. The district judges have a hard time taking time off due to the demands in each of the counties. Judge Keisel will continue to hold hearings through Webex when possible. Guardian ad Litem attorneys indicated they prefer youth be in a courtroom with the judge, rather than through Webex. Judge May found interacting with youth in person provides a higher quality to the youth.

Motion: Judge Chin moved to approve the Sixth District Additional Juvenile Court Judge ongoing funds request to be sent to the Judicial Council, as presented. Judge Pettit seconded the motion, and it passed unanimously.

Information Technology Infrastructure and Development \$1,122,000

To improve access to justice in Utah by improving the Courts' information technology infrastructure and development through upgrading outdated hardware/software, ensuring ongoing funding for critical security software and adding additional development staff. This request includes 100% of the \$802,000 of one-time IT spending requests approved in the 2021 Legislative Session. To those requests, they added a request for spending an additional \$320,000 of ongoing funds to address a critical need to purchase cyber security ransomware insurance. All of these requests are urgent. And that urgency has only increased with the issues surrounding access to justice in a post-COVID court system. All of these requests will enable to the courts to move forward in efforts to serve the people in a way that protects them as they interact with the courts. Heidi Anderson said this is basically the same request as last year with minimal changes.

Motion: Judge Pettit moved to approve the Information Technology Infrastructure and Development ongoing funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Public Outreach Coordinator \$120,000 (plus travel and equipment)

Based on past recommendation by the courts' Racial and Ethnic Fairness study to invest more time and resources toward actively reaching out to marginalized communities, based on a national call by NCSC and the SCOTUS Chief Justice to provide more public education about the role and functions of the Judicial Branch, and based on the identified urgent need to reach self-represented litigants during a time of social and economic uncertainty, the Outreach Committee and the Resources for Self-Represented Parties Committee recommended the creation of a Public Outreach Coordinator position, which was approved and funded with one-time funds and housed in the Office of Fairness and Accountability. In a short time, the OFA through the Public Outreach Coordinator has started to formalized and coordinate efforts to forge important partnerships, engaged community leaders, and spearhead outreach efforts to historically marginalized communities in need.

Motion: Judge Chin moved to approve the Public Outreach Coordinator ongoing funds request to be sent to the Judicial Council, as presented. Judge Pettit seconded the motion, and it passed unanimously.

New Criminal Commissioners \$500,000

The most recent data indicates that the Third District is understaffed by 2.3 judicial officers (3.7 judicial officers if using more realistic pre-COVID numbers). In recent years, the Council added 1 new position and planned to add 2 new judicial positions to complete the process. COVID halted everything. Luckily, COVID also reduced caseloads and the generous assistance of the Juvenile Bench kept the district afloat. The Third District is still in need of 2 judicial officers. The most direct and effective use of new help, involves the First Appearance Court and warrant duties. And, instead of adding 2 new judges, 2 Criminal Commissioners would be a superior financial and operations fit. Judge Mark Kouris has been and will continue to research data on the judicial need. The district sees between 10,000-13,000 cases per year. The next court sees less than 50%. Stakeholders are very supportive of this concept.

Motion: Judge Pettit moved to approve the New Criminal Commissioners ongoing funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

JA Recruit and Retain \$3.8M

Bart Olsen sought to stabilize the judicial positions. Ron Gordon explained that this was a last minute proposal. From 2013 the turnover rate has continued to remain between 10-15%. Judge Pettit noted this is an important issue but wanted to ensure all stakeholders were able to provide input. Judge Pettit appreciated Mr. Olsen's efforts. Judge Pettit was concerned that option A did not reflect an effective increase for JA II and IIIs. Option B provides a more equitable pay increase. Judge Pettit thought JAs were more in line with legal assistants than with a clerical group.

The committee requested Mr. Olsen return next month with a more informative request under the Option B scenario.

4. GRANT COORDINATOR REPORT: (Jordan Murray)

Jordan Murray provided the 2021 second quarter grants update. The total award percentage of grant funding includes 92% federal and 8% non-federal funds.

Percentage of grant funds

- Appellate 33%
- District 0
- Juvenile 31%
- Justice courts 5%
- ADR 5%
- IT 9%
- GAL 17%

Source of Grant Funds	Grant Award Budget	Expenditures Life-to-Date	Expenditures Calendar Q2	Grant Balance Remaining
Federal Grants				
DHHS Children's Bureau	\$ 145,564	\$ 102,137	\$ 38,874	\$ 43,427
DHHS Children's Bureau	\$ 147,058	\$ -	\$ -	\$ 147,058
DHHS Children's Bureau	\$ 145,564	\$ 81,326	\$ 23,135	\$ 64,238
DHHS Children's Bureau	\$ 156,103	\$ 29,980	\$ 5,606	\$ 126,123
DHHS Children's Bureau	\$ 100,000	\$ 100,000	\$ 30,353	\$ -
DOJ Office of Violence Against Women	\$ 85,000	\$ 40,000	\$ 20,000	\$ 45,000
DOJ Office of Victims of Crime	\$ 289,902	\$ 220,000	\$ 69,000	\$ 69,902
DOJ National CASA Association	\$ 26,662	\$ 7,024	\$ 5,836	\$ 19,638
State Justice Institute	\$ 200,000	\$ 77,872	\$ 25,434	\$ 122,128
State Justice Institute	\$ 75,000	\$ -	\$ -	\$ 75,000
DOJ Justice Assistance Grant	\$ 180,000	\$ -	\$ -	\$ 180,000
<i>Subtotal for Federal</i>	\$ 1,550,853	\$ 658,339	\$ 218,238	\$ 892,514
Non-Federal Grants				
The Hewlett Foundation	\$ 250,000	\$ -	\$ -	\$ 250,000
Pew Charitable Trusts	\$ 110,000	\$ 20,250	\$ 20,250	\$ 89,750
Comm on Service & Volunteerism (UServe)	\$ 5,500	\$ 3,891	\$ 2,866	\$ 1,609
<i>Subtotal for Non-Federal</i>	\$ 365,500	\$ 24,141	\$ 23,116	\$ 341,359
TOTALS FOR ALL ACTIVE GRANTS	\$ 1,916,353	\$ 682,480	\$ 241,354	\$ 1,233,873

5. OLD BUSINESS/NEW BUSINESS: (All)

Mr. Sweeney continues to prepare ARPA funding requests. Mr. Gordon believed the courts would receive funding for jury trial backlog through ARPA.

Mr. Sweeney confirmed that the Judicial Operations Budget this fiscal year will be \$500. Alisha Johnson was confident the courts would reach \$475,000 in carry forward funds.

6. ADJOURN

The meeting adjourned.

Tab 3

Effective 7/1/2019**49-11-205 Membership Council established -- Members -- Chair -- Duties -- Expenses and per diem.**

- (1) There is established a Membership Council to perform the duties under Subsection (5).
- (2) The Membership Council shall be composed of 15 council members selected as follows:
 - (a) three council members shall be school employees selected by the governing board of an association representative of a majority of school employees who are members of a system administered by the board;
 - (b) one council member shall be a classified school employee selected by the governing board of the association representative of a majority of classified school employees who are members of a system administered by the board;
 - (c) two council members shall be public employees selected by the governing board of the association representative of a majority of the public employees who are members of a system administered by the board;
 - (d) one council member shall be a municipal officer or employee selected by the governing board of the association representative of a majority of the municipalities who participate in a system administered by the board;
 - (e) one council member shall be a county officer or employee selected by the governing board of the association representative of a majority of counties who participate in a system administered by the board;
 - (f) one council member shall be a representative of members of the Judges' Noncontributory Retirement System selected by the Judicial Council;
 - (g) one council member shall be a representative of members of the Public Safety Retirement Systems selected by the governing board of the association representative of the majority of peace officers who are members of the Public Safety Retirement Systems;
 - (h) one council member shall be a representative of members of the Firefighters' Retirement System selected by the governing board of the association representative of the majority of paid professional firefighters who are members of the Firefighters' Retirement System;
 - (i) one council member shall be a retiree selected by the governing board of the association representing the largest number of retirees, who are not public education retirees, from the Public Employees' Contributory, Public Employees' Noncontributory, and New Public Employees' Tier II Contributory Retirement Systems;
 - (j) one council member shall be a retiree selected by the governing board of the association representing the largest number of public education retirees;
 - (k) one council member shall be a school business official selected by the governing board of the association representative of a majority of the school business officials from public education employers who participate in a system administered by the board; and
 - (l) one council member shall be a special district officer or employee selected by the governing board of the association representing the largest number of special service districts and local districts who participate in a system administered by the board.
- (3)
 - (a) Each entity granted authority to select council members under Subsection (2) may also revoke the selection at any time.
 - (b) Each term on the council shall be for a period of four years, subject to Subsection (3)(a).
 - (c) Each term begins on July 1 and expires on June 30.
 - (d) When a vacancy occurs on the council for any reason, the replacement shall be selected for the remainder of the unexpired term.
- (4) The council shall annually designate one council member as chair.

- (5) The council shall:
- (a) recommend to the board and to the Legislature benefits and policies for members of any system or plan administered by the board;
 - (b) recommend procedures and practices to improve the administration of the systems and plans and the public employee relations responsibilities of the board and office;
 - (c) examine the record of all decisions affecting retirement benefits made by a hearing officer under Section 49-11-613;
 - (d) submit nominations to the board for the position of executive director if that position is vacant;
 - (e) advise and counsel with the board and the director on policies affecting members of the various systems administered by the office; and
 - (f) perform other duties assigned to it by the board.
- (6) A member of the council may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Enacted by Chapter 31, 2019 General Session

Tab 4



Administrative Office of the Courts

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

July 9, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee & Judicial Council

FROM: Language Access Committee

RE: Recommended Rate Increase for Contract Court Interpreters

As Utah State Courts begins to address the backlog that was a result of the COVID-19 pandemic, so too do other states. Recently, another state has approached Utah State Court's contract certified and approved spoken language court interpreters to work for their courts. It is not confirmed but suspected that this is due to the state's backlog in cases from the pandemic and the low number of credentialed interpreters on their court roster.

A survey has been completed of the contract rates for freelance court interpreters in nearby states. In examining the rates, Utah State Courts has one of the lowest hourly rates of all the states surveyed.

State	Credentailing	Hourly Rate
Arizona	Certified	\$95*†
Colorado	Certified	\$45-\$55† (pay depends on the language)
Idaho	Certified	\$39 - \$44† (pay depends on their exam scores)
New Mexico	Certified	\$50
Utah	Certified	\$39.80
Wyoming	Certified	\$55

*Arizona is a nonunified court system, with the rates decided by the local courts. This is the data available for the largest jurisdiction in the state.

† Denotes two hour minimums

To retain interpreters for Utah State Courts, especially as the courts reopen and address the backlog, the Language Access Committee recommends the Judicial Council approve a permanent 20% rate increase for contract spoken language court interpreters to stay competitive with other states. The proposed 20% contract hourly rates would be as follows.

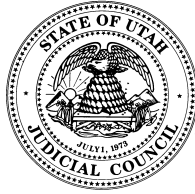
**The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.**

Credential	Current Contract Rate	Proposed Contract Rate
Certified	\$39.80	\$47.76
Approved	\$34.11	\$40.93
Registered	\$34.11	\$40.93
Conditionally-Approved	\$18.57	\$22.28

The 20% increase will cost an additional \$156,152 based on FY2019 spending, which is the last full fiscal year not impacted by the COVID-19 pandemic. Contract court interpreters are paid from the JWI fund, which can absorb the proposed 20% increase on an ongoing basis. Finance Director Karl Sweeny and Finance Manager Alisha Johnson have reviewed the JWI fund expenditures and agree the 20% increase can be made permanent for the court interpreters without any additional funding required.

Court interpreters provide an essential role in the judicial process for Utah State Courts. While contract court interpreters are not court employees, they are language access professionals who are essential to ensuring due process for limited English proficiency parties. Without a contract rate increase to stay competitive with other states, the courts run a high likelihood of further prolonging the backlog for cases that require a court interpreter.

Tab 5



Administrative Office of the Courts

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

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Jim Peters, Justice Court Administrator

DATE: July 13, 2021

RE: Certification of New Justice Court Judges

Prospective justice court judges include city and county appointees with one of three backgrounds. Some are attorneys with criminal law experience, others are attorneys without criminal law experience, and still others are not attorneys at all. Before they are allowed to perform judicial duties, they must be certified by the Judicial Council. *See* 78A-7-202(6) attached.

At present, certification includes a week-long “orientation seminar” which includes two days of classroom instruction and three days of observation in courtrooms in Salt Lake City, Sandy, and West Valley. Following the seminar, an exam is administered to test the prospective judges’ understanding of the concepts most relevant to serving as a justice court judge. Rule 9-106 of the Code of Judicial Administration, also attached, provides additional detail about the process.

The Board of Justice Court Judges believes that both the orientation seminar and the exam need to be updated from time to time. Accordingly, I presented a revised exam to the Management Committee at its most recent meeting. I requested that, going forward, the Board of Justice Court Judges oversee the content and structure of the orientation seminar, as well as the exam administered at its conclusion, without the need to obtain Council approval. The Management Committee was supportive of this proposal, provided the full Council agrees.

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

Effective 5/5/2021**78A-7-202 Justice court judges to be appointed -- Procedure.**

- (1) As used in this section:
- (a) "Local government executive" means:
 - (i) for a county:
 - (A) the chair of the county commission in a county operating under the county commission or expanded county commission form of county government;
 - (B) the county executive in a county operating under the county executive-council form of county government; and
 - (C) the county manager in a county operating under the council-manager form of county government;
 - (ii) for a city or town:
 - (A) the mayor of the city or town; or
 - (B) the city manager, in the council-manager form of government described in Subsection 10-3b-103(7); and
 - (iii) for a metro township, the chair of the metro township council.
 - (b) "Local legislative body" means:
 - (i) for a county, the county commission or county council; and
 - (ii) for a city or town, the council of the city or town.
- (2) There is created in each county a county justice court nominating commission to review applicants and make recommendations to the appointing authority for a justice court position. The commission shall be convened when a new justice court judge position is created or when a vacancy in an existing court occurs for a justice court located within the county.
- (a) Membership of the justice court nominating commission shall be as follows:
- (i) one member appointed by:
 - (A) the county commission if the county has a county commission form of government; or
 - (B) the county executive if the county has an executive-council form of government;
 - (ii) one member appointed by the municipalities in the counties as follows:
 - (A) if the county has only one municipality, appointment shall be made by the governing authority of that municipality; or
 - (B) if the county has more than one municipality, appointment shall be made by a municipal selection committee composed of the mayors of each municipality and the chairs of each metro township in the county;
 - (iii) one member appointed by the county bar association; and
 - (iv) two members appointed by the governing authority of the jurisdiction where the judicial office is located.
- (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be appointed by the regional bar association. If no regional bar association exists, the state bar association shall make the appointment.
- (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing authority or an elected official of a county or municipality.
- (d) The nominating commission shall submit at least three names to the appointing authority of the jurisdiction expected to be served by the judge. The local government executive shall appoint a judge from the list submitted and the appointment ratified by the local legislative body.
- (e) The state court administrator shall provide staff to the commission. The Judicial Council shall establish rules and procedures for the conduct of the commission.

- (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through the Utah State Bar, on the Utah Public Notice Website, created in Section 63A-16-601, and through other appropriate means.
- (4) Selection of candidates shall be based on compliance with the requirements for office and competence to serve as a judge.
- (5) Once selected, every prospective justice court judge shall attend an orientation seminar conducted under the direction of the Judicial Council. Upon completion of the orientation program, the Judicial Council shall certify the justice court judge as qualified to hold office.
- (6) The selection of a person to fill the office of justice court judge is effective upon certification of the judge by the Judicial Council. A justice court judge may not perform judicial duties until certified by the Judicial Council.

Amended by Chapter 355, 2021 General Session

Rule 9-106. New judge certification procedure.**Intent:**

To establish the orientation and testing procedure to be followed in determining certification of proposed justice court judges.

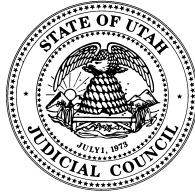
Applicability:

This rule shall apply to all newly appointed justice court judges who are not already certified judges in other justice courts in Utah. This rule shall not apply to active senior justice court judges.

Statement of the Rule:

- (1) The Council shall schedule three orientations each year. Upon receipt of written notification of the name of a proposed judge, both the proposed judge and the appointing authority shall be notified in writing of the date of the next orientation, and such notification shall include a copy of this rule.
- (2) At least 10 days prior to the orientation, the proposed judge shall be sent a copy of the current Manual for Justice Court Judges.
- (3) Prior to the orientation, the appointing authority shall assure, and shall notify the Council, that the proposed judge meets the statutory qualifications for office.
- (4) The orientation shall cover substantive and procedural issues pertinent to justice courts as outlined in the Manual for Justice Court Judges.
- (5) Upon completion of the orientation session, an examination shall be administered. In order to be certified, each proposed judge must attend all parts of the orientation and must answer at least 80% of the examination questions correctly.
- (6) If a proposed judge fails to answer 80% of the questions correctly, that proposed judge shall have the opportunity to take another examination not sooner than 15 days after the orientation. The second examination shall be preceded by a substantive review of the first examination and an opportunity for additional instruction.
- (7) A proposed judge who fails to answer 80% of the questions on the second examination correctly must wait until the next scheduled full orientation in order to be retested. The appointing authority shall be notified of the status of the proposed judge, and the provisions of paragraphs (5) and (6) above shall once again apply.
- (8) Upon completion of the orientation process, the Justice Court Administrator shall make a recommendation to the Council respecting certification. The Council shall either certify that the proposed judge has attended the orientation and successfully passed the examination, or decline to certify the same. The Council shall notify the proposed judge and the appointing authority of its decision in writing.
- (9) The Council may waive any of the non-statutory requirements above for good cause shown.

Tab 6



Administrative Office of the Courts

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

July 12, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Cathy Dupont, Deputy State Court Administrator

RE: Senior Judge Certifications/Recertifications

I have three new active senior judge certifications and several recertifications for your consideration. None of the judges seeking initial certification or recertification have any outstanding complaints after a finding of reasonable cause with the Judicial Conduct Commission or the Utah Supreme Court. ([Code of Judicial Administration Rule 11-201\(2\)](#)) All of the judges meet the criteria found in Code of Judicial Administration Rules [11-201. Senior Judges.](#), [11-203. Senior Justice Court Judges.](#), and [3-111. Performance Evaluation of Active Senior Judges and Court Commissioners.](#)

CJA Rule 3-111(3)(A)(ii)(b) states a satisfactory score for a question is achieved when the ration of favorable responses is 70% or greater. The National Center for State Courts (NCSC) prepares the performance evaluations on a [Likert scale](#). Seventy percent of a 0-5 score is 3.5. All senior judges' scores exceed 3.5.

Initial Certifications Seeking Active Senior Judge Status

Judge Robert Dale will retire on August 16, 2021 from the Second District Court.
Performance Survey Score No information available

Judge Royal Hansen will retire on August 16, 2021 from the Third District Court.
Performance Survey Score 4.60

Judge Darold McDade will retire on July 16, 2021 from the Fourth District Court.
Performance Survey Score No information available

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

Recertifications of Active Senior Judges

District Court Active Senior Judges

Judge Judith Atherton

Performance Survey Score 4.53
 Receiving Benefits No
 History of Hours Worked 2021 = 0, 2020 = 68, 2019 = 0, 2018 = 0

Judge L.A. Dever

Performance Survey Score No information available
 Receiving Benefits No
 History of Hours Worked 2021 = 0, 2020 = 0, 2019 = 16, 2018 = 0

Judge Gordon Low

Performance Survey Score 3.99
 Receiving Benefits Yes
 History of Hours Worked 2021 = 0, 2020 = 0, 2019 = 0, 2018 = 0

Judge Michael Lyon

Performance Survey Score 4.71
 Receiving Benefits Yes
 History of Hours Worked 2021 = 0, 2020 = 44, 2019 = 0, 2018 = 8

Judge Sandra Peuler

Performance Survey Score 4.45
 Receiving Benefits No
 History of Hours Worked 2021 = 0, 2020 = 0, 2019 = 0, 2018 = 0

Judge Gary Stott

Performance Survey Score 4.18
 Receiving Benefits Yes
 History of Hours Worked 2021 = 16, 2020 = 12, 2019 = 0, 2018 = 0

Juvenile Court Senior Judges

Judge Kent Bachman

Performance Survey Score 4.25
 Receiving Benefits No
 History of Hours Worked 2021 = 0, 2020 = 0, 2019 = 0, 2018 = 0

Judge Frederick Oddone

Performance Survey Score 4.81
 Receiving Benefits Yes
 History of Hours Worked 2021 = 4, 2020 = 28, 2019 = 0, 2018 = 0

Justice Court Active Senior Judges

Judge Ronald Wolthuis

NCSC does not conduct performance evaluations on justice court judges

Justice court judges do not receive benefits from the Utah Judiciary

Justice court judges amount of hours worked is unknown as they travel to multiple courts

Appellate Court Active Senior Judges

Judge Russell Bench

Performance Survey Score No information available

Receiving Benefits Yes

History of Hours Worked 2021 = 0, 2020 = 0, 2019 = 0, 2018 = 0

Recertifications of Inactive Senior Judges

District	Juvenile	Justice
Judge William Bohling	Judge Kay Lindsay	Judge David Marx
Judge Scott Hadley		Judge Allen Vail
Judge Thomas Higbee		Judge Scott Waterfall

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.

NAME: Please provide your name below.

Robert J. Dale

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

08 / 16 / 2021

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2025

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.

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.

.....

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

.....

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

.....

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

/s/ Robert J. Dale

This form was created inside of Utah State Courts.

Google Forms

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.

NAME: Please provide your name below.

Royal Hansen

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

08 / 01 / 2021

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2023

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.

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.

This is my first application for a senior judge position. I have not been a senior judge previously.

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

Not applicable

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).

Not applicable

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

Not applicable

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

/s/Royal Hansen

This form was created inside of Utah State Courts.

Google Forms

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.

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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.

NAME: Please provide your name below.

Darold J. McDade

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

07 / 16 / 2021

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2038

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.
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- ☒ 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.

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.

Still an active Judge with retirement date of July 16, 2021

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

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

/s/ Darold J. McDade

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Google Forms

District and Juvenile Court ACTIVE Senior Judge Application

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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.

NAME: Please provide your name below.

Judith S. H. Atherton

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

08 / 01 / 2013

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2025

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.

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.

.....

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

3d District Ct-SLC (throughout), West Jordan (2019?) and Tooele (2021), 4th District Ct.-American Fork and Spanish Fork (2018?), 2d District Ct.-Farmington (2018?)

.....

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

.....

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

Judith S. H. Atherton

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Google Forms

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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.

NAME: Please provide your name below.

L. A. Dever

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

11 / 07 / 2014

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2016

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.
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- ☒ 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.

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.

I volunteered but the cases were resolved, continued or I was not called.

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

3rd District Court, 1995-2014

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

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

/s/ . L. A. Dever

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Google Forms

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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.

NAME: Please provide your name below.

GORDON J. LOW

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

09 / 01 / 2007

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2020

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.
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- ☒ 9) I will satisfy the education requirements of an active judge.
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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.

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.

.....

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

1987-2007 UTAH FIRST DISTRICT COURT

.....

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: *

Fewer than 30 ▼

YEAR 2 EDUCATION: My education hours for the last year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

I WAS OUT OF THE COUNTRY UNTIL MARCH OF 2020. I ATTENDED JUDICIAL CONFERENCES WHEN I WAS ABLE, BUT WAS OUT OF STATE AND ONLY ATTENDED VIRTUALLY A FEW HOURS OF THE ANNUAL CONFERENCE AS I WAS ABLE. TO DATE FOR 2020 -JUNE 2021, I HAVE 5 HOURS WITH CACHE COUNTY BAR, 8 WITH UTAH SPRING BAR, 4 LEGISLATIVE UPDATE, AND WITH THE DISTRICT COURT CONFERENCE FOR WHATEVER HOURS WERE THERE PROVIDED. I PLAN ON ATTENDING THE ANNUAL CONFERENCE, VIRTUALLY OR IN-PERSON AS IT IS PRESENTED.

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

GORDON J. LOW

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Google Forms

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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.

NAME: Please provide your name below.

Michael D. Lyon

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

09 / 01 / 2013

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2018

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.
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- ☒ 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.

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.

During the pandemic year of 2020, I received no opportunities for senior judge service.

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

No opportunities

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

.....

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

Michael D. Lyon

This form was created inside of Utah State Courts.

Google Forms

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.

NAME: Please provide your name below.

Sandra Peuler

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

12 / 31 / 2011

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2021

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.

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.

I did not accept assignments in the last two years, because I was not asked to do so. I did not resign from judicial office; I retired before reaching the mandatory retirement age.

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

I was not asked to serve

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

.....

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

/s/ Sandra N. Peuler

This form was created inside of Utah State Courts.

Google Forms

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.

NAME: Please provide your name below.

gary d stott

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

07 / 30 / 9

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2017

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.

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.

none

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

forth, fifth district courts. Also District courts in Kanab and Richfield. Have served in all listed to date.

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).

none

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

.....

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

Gary D. Stott

This form was created inside of Utah State Courts.

Google Forms

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.

NAME: Please provide your name below.

L. Kent Bachman

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

08 / 01 / 2010

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

2014

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.

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.

.....

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

None because of Covid

.....

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

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

This form was created inside of Utah State Courts.

Google Forms

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.

NAME: Please provide your name below.

Frederic Oddone

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

05 / 01 / 2013

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birthdate.

september 27, 2019

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.

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.

.....

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

Senior Judge Juvenile Court

.....

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 year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

.....

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

Frederic Oddone

This form was created inside of Utah State Courts.

Google Forms

Justice 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 11-203 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.

NAME: Please provide your name below.

Judge Ronald C. Wolthuis

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

12 / 31 / 2016

AGE 75: Please provide the year you will, or did, turn 75. Please do NOT provide your actual birth date.

2029

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.

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.

.....

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

Taylorsville, June 2019 - Dec. 2019, West Jordan, 4 - 5 times each year 2018 - present.

.....

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: My education hours for the current fiscal year (July 1-June 30) are: *

30 or more ▼

YEAR 2: My education hours for the last fiscal year (July 1-June 30) were: *

30 or more ▼

YEAR 3: My education hours 2 years ago (fiscal year July 1-June 30) were: *

30 or more ▼

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.

Did you attend the Spring Justice Court Judges Conference during each of the three years? *

☒ Yes

☐ No

IF APPLICABLE, please explain why you DID NOT attend the Spring Justice Court Judges Conference during any of the three years.

.....

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

Ronald C. Wolthuis

.....

This form was created inside of Utah State Courts.

Google Forms

Court of Appeals 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.

NAME: Please provide your name below.

Russell W Bench

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

01 / 01 / 2010

AGE 75: Please provide the year you will or did turn 75. Please do NOT provide your actual birth date.

2025

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.

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.

11) I accepted all assignments, whenever I was called. In some years, I was not called.

JUDICIAL PERFORMANCE EVALUATION: I further declare as follows (check ALL apply): *



A) I have circulated not more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year.



B) I have achieved a final average time to circulation of a principal opinion of not more than 120 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).

IF APPLYING FOR REAPPOINTMENT, please list the approximate dates that you served on the bench.

Served on Court of Appeals from Feb. 1987 through Dec. 2009

YEAR 1: My education hours for the current fiscal year (July 1-June 30) are: *

30 or more ▼

YEAR 2: My education hours for the last fiscal year (July 1-June 30) were: *

30 or more ▼

YEAR 3: My education hours 2 years ago (fiscal year July 1-June 30) were: *

30 or more ▼

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.

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

/s/Russell W Bench

This form was created inside of Utah State Courts.

Google Forms

Appellate, District, Juvenile Court INACTIVE Senior Judge Application

Inactive senior judge status allows you 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.

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.

NAME: Please provide your name below.

William B. Bohling

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

11 / 01 / 2004

AGE 75: Please provide the year you will, or did, turn 75. Please do NOT provide your actual birth date.

2016

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of INACTIVE 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) There is NOT a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 8) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

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.

.....

ELECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME

William B. Bohling

.....

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Appellate, District, Juvenile Court INACTIVE Senior Judge Application

Inactive senior judge status allows you 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.

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.

NAME: Please provide your name below.

Scott Marriott Hadley

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

08 / 01 / 2017

AGE 75: Please provide the year you will, or did, turn 75. Please do NOT provide your actual birth date.

2029

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of INACTIVE 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) There is NOT a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 8) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

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.

.....

ELECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME

Scott M. Hadley

.....

This form was created inside of Utah State Courts.

Google Forms

Appellate, District, Juvenile Court INACTIVE Senior Judge Application

Inactive senior judge status allows you 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.

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.

NAME: Please provide your name below.

Thomas M. Higbee

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

04 / 30 / 2018

AGE 75: Please provide the year you will, or did, turn 75. Please do NOT provide your actual birth date.

2028

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of INACTIVE 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) There is NOT a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 8) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

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.

ELECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME

/s/ Thomas Miles Higbee

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Google Forms

Appellate, District, Juvenile Court INACTIVE Senior Judge Application

Inactive senior judge status allows you 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.

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.

NAME: Please provide your name below.

Kay Lindsay

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

12 / 13 / 2013

AGE 75: Please provide the year you will, or did, turn 75. Please do NOT provide your actual birth date.

2018

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of INACTIVE 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) There is NOT a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 8) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

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.

.....

ELECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME

Kay Lindsay

.....

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Google Forms

Justice Court INACTIVE Senior Judge Application

Inactive senior judge status allows you to perform weddings and oaths.

The declarations on the form reflect the qualifications established by rule 11-203 of the Utah Code of Judicial Administration. Please review them to confirm that they all apply and fill in any information requested.

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.

NAME: Please provide your name below.

David Marx

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

04 / 30 / 2019

AGE 75: Please provide the year you will, or did, turn 75. Please do NOT provide your actual birth date.

2023

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of INACTIVE 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) There is NOT a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 8) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

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.

I have a Juris Doctor degree but never sat for the Utah State Bar exam. Justice Court Judges do not receive compensation under the Judges' Retirement Act.

ELECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME

David Marx

This form was created inside of Utah State Courts.

Google Forms

Justice Court INACTIVE Senior Judge Application

Inactive senior judge status allows you to perform weddings and oaths.

The declarations on the form reflect the qualifications established by rule 11-203 of the Utah Code of Judicial Administration. Please review them to confirm that they all apply and fill in any information requested.

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.

NAME: Please provide your name below.

Allan D. Vail

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

02 / 20 / 2011

AGE 75: Please provide the year you will, or did, turn 75. Please do NOT provide your actual birth date.

2011

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of INACTIVE 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) There is NOT a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 8) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

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.

1) I reached the age of 75 prior to retention elections. 2) I was a non attorney justice.

ELECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME

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Justice Court INACTIVE Senior Judge Application

Inactive senior judge status allows you to perform weddings and oaths.

The declarations on the form reflect the qualifications established by rule 11-203 of the Utah Code of Judicial Administration. Please review them to confirm that they all apply and fill in any information requested.

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.

NAME: Please provide your name below.

R Scott Waterfall

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

12 / 01 / 2016

AGE 75: Please provide the year you will, or did, turn 75. Please do NOT provide your actual birth date.

08/04/2029

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of INACTIVE 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) There is NOT a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 8) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

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.

#6 To my knowledge I am not eligible as a Justice Court judge.

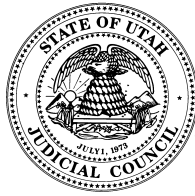
ELECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME

RSWaterfall

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

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Budget and Fiscal Management Committee

FROM: Jim Peters, Justice Court Administrator

DATE: July 2, 2021

RE: Board Recommendations for FY22 Allocations from the
Justice Court Technology, Security and Training Account

Section 78A-7-301 of the Utah Code and Rule 9-107 of the Code of Judicial Administration (both attached) describe a fund created by the Utah Legislature. It is known as the Justice Court Technology, Security and Training Account (Fund). The Fund increases with the collection of the security surcharge attached to a variety of other fines. The Fund decreases as money is allocated to local government and state entities involved in operating or supporting one or more justice courts.

Each year, applications are solicited for audit, technology, security, and training needs in justice courts throughout the state. The Board of Justice Court Judges (Board) then reviews the requests and makes recommendations to the Judicial Council. Attached is a chart that describes all requests received, together with the amount the Board would recommend awarding to the applicants on a one-time or ongoing basis.

The balance of the Fund as of July 1, 2020 was \$636,663. The Judicial Council authorized expenditures for FY21 in the amount of \$689,126 and revenue collected during FY21 is projected to be approximately \$675,000, resulting in a forecasted balance of \$622,537 as of June 30, 2021. Recommendations for spending from the Fund in FY22 amount to \$778,101. If approved, and revenues in the coming year increase to \$725,000, the Fund balance is expected to be approximately \$50,000 lower next year than it was this year. In other words, if revenue continues to run lower than expenses by the amount forecasted for FY22, there will come a point approximately 10 years from now where the Fund is no longer capable of covering the needs of the Justice Courts.

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

Effective 5/13/2014**78A-7-301 Justice Court Technology, Security, and Training Account established -- Funding -- Uses.**

There is created a restricted account in the General Fund known as the Justice Court Technology, Security, and Training Account.

- (1) The state treasurer shall deposit in the account money collected from the surcharge established in Subsection 78A-7-122(4)(b)(iii).
- (2) Money shall be appropriated from the account to the Administrative Office of the Courts to be used for audit, technology, security, and training needs in justice courts throughout the state.

Amended by Chapter 189, 2014 General Session

Rule 9-107. Justice court technology, security, and training account.**Intent:**

To establish the process for allocation of funds from the Justice Court Technology, Security, and Training restricted account.

Applicability:

This rule shall apply to all applications for and allocations from the account.

Statement of the Rule:

- (1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.
- (2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.
- (3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.
- (4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.
- (5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges, and that recommendation, along with all timely applications shall then be forwarded to the Management Committee of the Judicial Council. The Management Committee will then make the final awards.
- (6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.

**Justice Court Technology, Security and Training Account
Funding Requests for FY22**

Requests for One-Time Funding

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
1	AOC/Information Technology	Programming and Help Desk Support for Justice Courts	\$208,806		\$208,806	Personnel costs attributable to Justice Courts for IT support
2	AOC/Information Technology	Google Accounts for Justice Court Judges and Clerks	\$22,500		\$22,500	500 licenses @ \$45 each
3	AOC/Information Technology	CORIS Infrastructure for Justice Courts	\$165,215		\$165,215	CORIS Infrastructure for Justice Courts
4	AOC/Judicial Institute (Education)	Request for Justice Courts' Share of Education's Overhead Costs	\$45,080		\$45,080	Partial cost of providing employee classes, the Annual Judicial Conference, training technology, professional memberships and training of education personnel
5	AOC/Judicial Institute (Education)	Judicial Decision Making (fka Law and Literature)	\$8,000		\$8,000	Funding for a 1.5 day program for 15 judges
6	AOC/Judicial Institute (Education)	Constitutional Law or Other Workshop	\$4,000		\$0	Cost of an extra workshop to be provided in connection with the spring conference
7	AOC/Judicial Institute (Education)	Small Claims Training for Judges Pro Tem	\$1,000		\$1,000	Small claims training provided twice each year for judges pro tem
8	AOC/Judicial Institute (Education)	New Clerk Orientation	\$8,000		\$0	Cost of in-person orientation for new clerks in connection with the spring conference
9	Board of Justice Court Judges	Trust and Confidence Committee	\$2,000		\$2,000	Funding for outreach/CLE presentations to build trust and confidence in the Justice Courts
10	Board of Justice Court Judges	Computer Equipment for Judges	\$25,000		\$25,000	Funding for the cost of laptops for the judges
11	Board of Justice Court Judges	District Trainings	\$10,000		\$10,000	Funding to provide training to judges and clerks at the district level
12	Board of Justice Court Judges	Financial Assistance for Active Senior Judges to Attend the Spring Conference	\$2,500		\$2,400	Assistance for four active senior judges @ \$600 each (if application is approved)
13	Board of Justice Court Judges	Out-of-State Training Fund	\$50,000		\$20,000	Funding for out-of-state training and other educational opportunities

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
14	Centerville	One year subscription to DocuSign Business Pro	\$480		\$0	Software to obtain electronic signatures from defendants on various forms
15	Ephraim Justice Court	Replacement Laptop for Courtroom	\$1,000		\$0	Funding for a new laptop for clerical use
16	Holladay Justice Court	Public Computer Access	\$2,295		\$0	Funding to provide a computer station outside the clerks' office
17	Millard County Justice Court	Defibrillator	\$400		\$400	Funding to help purchase a new defibrillator for the courthouse lobby
18	North Salt Lake Justice Court	Digital Signature Service	\$1,920		\$0	Funding to purchase software that can obtain digital signatures from defendants
19	Ogden City Justice Court	Ballistic Glass for Front Counter	\$69,925		\$0	Funding to cover a Design Basis Threat Analysis and ballistic glass for the front counter
20	Provo City Justice Court	iPads, Wall Mounts and Electrical Work for Charging Stations	\$4,500		\$0	Funding to purchase hardware to obtain digital signatures from defendants
21	Rich County Justice Court	Laptop for the Justice Court Judge	\$1,800		\$0	Funding to purchase a new laptop for the judge
22	Riverdale Justice Court	Security Upgrades for the Riverdale Courthouse	\$10,507		\$1,300	Funding to fix the panic buttons, install a bullet-proof window, and install a wood door
23	Salt Lake County Justice Court	New Xray Machine	\$20,500		\$0	Funding to replace an Xray machine that is over 25 years old
24	Taylorsville Justice Court	LiveScan	\$7,500		\$3,200	Funding for the purchase and installation of a LiveScan fingerprint machine for the court
25	Utah County Justice Court	Improved Security for the Entrance Checkpoint for the Courthouse	\$4,027		\$2,000	Funding to purchase ballistic resistant film to the tempered glass used at the security checkpoint
26	Washington City Justice Court	Sound System for Courtroom	\$9,940		\$0	Funding to upgrade the sound system for the courtroom
27	West Jordan Justice Court	Upgrade Courtroom Technology	\$104,000		\$0	Funding to upgrade the sound system and other courtroom technology
Total One-Time Grant Requests for FY22			\$790,895		\$516,901	

Ongoing Funding

Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
AOC/Audit	Internal Audit Position Dedicated to the Justice Courts	\$75,000	\$75,000		Covers the cost of one FTE equivalent in the Audit Department
AOC/Information Technology	Webex Licenses and Support	\$20,000	\$20,000		Covers cost of Webex licenses at \$215 each
AOC/Judicial Institute	Education Coordination Fee	\$50,000	\$50,000		Coordination of all justice court events with personnel from Education
AOC/Judicial Institute	Justice Court Education Coordinator	\$55,000	\$55,000		Funding for half of the Justice Court Education Coordinator
AOC/Judicial Institute	New Judge Orientation	\$3,500	\$3,500		Estimated cost of orientation for new justice court judges up to three times per year
AOC/Judicial Institute	Justice Court Clerks' Conference	\$50,000	\$15,000		Estimated cost of providing an in-person conference for 350 clerks
AOC/Judicial Institute	Justice Court Judges' Conference (Spring)	\$40,000	\$28,450		Estimated cost of providing an in-person conference to 77 judges in spring 2022
AOC/Judicial Institute	Annual Judicial Conference (Fall)	\$25,800	\$14,250		Estimated cost of having 77 judges attend the Annual Judicial Conference
AOC/Judicial Institute	Justice Court Benchbook Update	\$1,500	\$0		The contract with Brent Johnson required \$3,000 every two years

Totals

Total Requests	\$1,111,695		
Total Ongoing Grant Funds		\$261,200	
Total One-Time Grant Funds Recommended for FY22			\$516,901
Total of Recommended Awards		\$778,101	

Fund Balance

Beginning Fund Balance as of July 1, 2020	\$636,663
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Beginning Fund Balance as of July 1, 2021	\$622,537
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Plus Projected Revenue in FY22 \$725,000

Less Approved Expenditures \$778,101

Fund Balance as of July 1, 2022 (Projected)	\$569,436
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2021 QUARTERLY GRANTS UPDATE

Calendar Quarter	1	2	3	4
	Jan-March	April-June	July-Sep	Oct-Dec

Drafted July 2021

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Grant Coordinator Updates

This section provides a broad overview of select grant-related activities during the calendar quarter. For information about specific grant activities from project administrators and staff, please see the subsequent Project Staff Updates section.

- 1) Revisions to CJA Rule 3-411 (grant management) are underway with Policy and Planning. Accounting Manual §11.07.00 is being concurrently updated to serve as the Court Grants Policy and Procedures manual.

2) Grant Adjustments:

GRANT	GRANTOR & PROJECT	DESCRIPTION
#2935	State Justice Institute <i>ODR Assessment</i>	Successfully amended agreement extending grant term by six months now concluding on December 31, 2021. Full award amount may be used to support accessibility and usability modifications to ODR and MyCase.
#2943	Pew Charitable Trusts <i>ODR Assessment</i>	Successfully amended agreement extending grant term by six months now concluding on December 31, 2021. Full award amount may be used to support accessibility and usability modifications to ODR and MyCase.

3) Grant Status Update:

GRANT	GRANTOR & PROJECT	DESCRIPTION
N/A	UServe Utah <i>The Village Project</i>	The Village Project was not selected for FY22 funding by UServe Utah (request \$5,000). Project Coordinator (Alicia Green) is exploring potential use of general funds for volunteer reimbursement and is planning to submit a request to Juvenile Justice Advocates. \$1,500 of unexpended UServe funds approved for rollover into FY22. Grant Coordinator is researching other potential funders.

4) Funds Accepted:

GRANT	GRANTOR & PROJECT	DESCRIPTION
#2938	Hewlett Foundation <i>Utah Innovation Office & Regulatory Sandbox</i>	Agreement executed. \$250,000 in funds accepted to support contract-based staff for the Innovation Office.

Project Staff Updates

This section includes narrative updates from project administrators or designated staff for their respective grants during this quarter.

GRANT	TITLE	UPDATES
#2918 #2919 #2957	CIP - Data CIP - Training CIP - Basic	<p>We submitted our CIP grant renewal application on June 30, 2021. Our application included our next 5-year strategic plan and here are the projects we will be working on:</p> <ul style="list-style-type: none"> • Hearing Quality Project: implementing a benchcard to improve the discussions at hearings so appropriate and timely permanency is achieved for all children and families. • Multidisciplinary Parent Representation Project: working with Capacity Building Center for Courts to evaluate two multidisciplinary parent representation projects (Salt Lake and Utah Counties) to determine if rates of reunification and time to permanency improve. • Integrated Child-Welfare System Project: creating a cross-training program to assist judges, attorneys, child-welfare staff, tribal partners, and other stakeholders with implementing Utah's core principles and guiding practices. • Indian Child Welfare Act Data Collection Project: working on electronic solutions to improve data collection to assist in assessing compliance with ICWA. <p style="text-align: right;">– Bridget Koza</p>
#2962	State Access & Visitation	The State Access and Visitation Program continues to provide mediation services under UCA 30-3-38. – Kathleen Bowman
#2936	Domestic Violence Prevention (VAWA)	With grant funds, the Domestic Violence Program (DVP) trained 506 court staff and judges (over multiple training events) during quarter two. The DVP has also taken over management of the protective order network. With grant funding, the DVP also updated the network according to NCIC requirements, continued developing the criminal protective orders, and worked with community partners to address data collection issues. Finally, the DVP is developing a sexual violence bench book and has several chapters written (currently editing). – Amy Hernandez
#2967	Victims of Crime Act (VOCA) / Guardian ad Litem	We have purchased many art supplies and are holding peer to peer art events across the state. We will engage with 150 youth involved in care and their CASAs for "Painting in the Park" events. These events are painting classes offered in small group settings with step by step instructions. We have had billboards placed in Draper and off I-215 and Redwood. In April we assigned 107 new children a CASA and swore in 21 new advocates. In May we assigned 53 new children a CASA and swore in 29 volunteer advocates. – Melanie Speechly

#2968	Victims of Crime Act (VOCA) / CASA Mentoring	We extended our billboard in Springville. It will run for another six months. We are running Facebook ads. We also advertised in the St. George Spectrum. We have met our grant goal of serving 60 children in rural areas by recruiting 24 CASAs despite the various impacts of the pandemic. – Melanie Speechly
#2933 #2938	Utah Innovation Office & Regulatory Sandbox	<ul style="list-style-type: none"> • Solicitation posted for Executive Director; • Solicitations being prepared for other contract positions; • Supreme Court extends Regulatory Sandbox period to seven years; • \$250,000 Hewlett Foundation award accepted by the Courts; • Metrics to date: <ul style="list-style-type: none"> ○ 47 applications received; ○ 28 authorized entities; ○ 1,896 legal services sought from over 1,500 unduplicated clients; ○ Trend continues regarding very low consumer complaints (two to date) • Other states continue turning to Utah as a model for regulatory reform. Florida just released a report indicating pursuit of a possible sandbox approach. <ul style="list-style-type: none"> - Jordan Murray on behalf of Lucy Ricca
#2935 #2943	Online Dispute Resolution (ODR) Assessment	<ul style="list-style-type: none"> • Grant agreements amended to extend funding period through 12/31/21; • Vendor (Sirius) eA accessibility assessment and report completed for ODR and MyCase; • This quarter laying groundwork for: 1) ADA compliance resolution per eA accessibility report; 2) UI/UX modifications for ODR and MyCase; 3) MyCase Pro Se Enhancements including adding a timestamp to the header of attached files, adding small claims Government (SG) case types, and guided interview/forms. <ul style="list-style-type: none"> - Jordan Murray on behalf of Brody Arishita
#2939	Bail Reform & Pre-Trial Release	All project activities completed to date occurred in calendar Q1. No new work was conducted on this project between April-June 2021. Grant-funded project activities are resuming in calendar Q3. IT is assessing costs to complete the remaining PC/PSA work. – Michael Drechsel
---	The Village Project Mentoring Program	This quarter included a mentor appreciation event which was postponed from January due to the pandemic. Volunteers, mentees, and families enjoyed a day at lagoon amusement park. Mentees were able to participate in rock climbing and golfing with mentors. – Alicia Green

Grants Financial Summary | Calendar Q2 2021 | Preliminary as of June 30, 2021

Unit #	Sponsoring Unit (beneficiary if different)	Funded Project Description	Grant Award Budget	Expenditures Life-to-Date	Expenditures Calendar Q2	Grant Balance Remaining	Source of Grant Funds
Federal Grants							
2918	Juvenile Courts	Court Improvement Program (CIP) - Data	\$ 145,564	\$ 102,137	\$ 38,874	\$ 43,427	DHHS Children's Bureau
TBD	Juvenile Courts	Pandemic-related supplement to CIP-Data grant (#2918)	\$ 147,058	\$ -	\$ -	\$ 147,058	DHHS Children's Bureau
2919	Juvenile Courts	Court Improvement Program (CIP) - Training	\$ 145,564	\$ 81,326	\$ 23,135	\$ 64,238	DHHS Children's Bureau
2957	Juvenile Courts	Court Improvement Program (CIP) - Basic	\$ 156,103	\$ 29,980	\$ 5,606	\$ 126,123	DHHS Children's Bureau
2962	Alt Dispute Resolution	State Access & Visitation Program	\$ 100,000	\$ 100,000	\$ 30,353	\$ -	DHHS Children's Bureau
2936	Justice Courts	Domestic Violence Prevention: STOP Abuse Program	\$ 85,000	\$ 40,000	\$ 20,000	\$ 45,000	DOJ Office of Violence Against Women
2967	GAL-CASA	Victims of Crime Act (VOCA) State Assistance Fund	\$ 289,902	\$ 220,000	\$ 69,000	\$ 69,902	DOJ Office of Victims of Crime
2968	GAL-CASA	Court Appointed Special Advocates (CASA) Mentoring	\$ 26,662	\$ 7,024	\$ 5,836	\$ 19,638	DOJ National CASA Association
2933	Appellate (Innovation Office)	Utah Innovation Office & Regulatory Sandbox	\$ 200,000	\$ 77,872	\$ 25,434	\$ 122,128	State Justice Institute
2935	Appellate (IT)	Online Dispute Resolution (ODR) Assessment	\$ 75,000	\$ -	\$ -	\$ 75,000	State Justice Institute
2939	General Counsel (IT)	HB206 Bail Reform & Pre-Trial Release	\$ 180,000	\$ -	\$ -	\$ 180,000	DOJ Justice Assistance Grant
<i>Subtotal for Federal</i>			\$ 1,550,853	\$ 658,339	\$ 218,238	\$ 892,514	
Non-Federal Grants							
2938	Appellate (Innovation Office)	Utah Innovation Office Regulatory Sandbox	\$ 250,000	\$ -	\$ -	\$ 250,000	The Hewlett Foundation
2943	Appellate (IT)	Online Dispute Resolution (ODR) Assessment	\$ 110,000	\$ 20,250	\$ 20,250	\$ 89,750	Pew Charitable Trusts
N/A	Juvenile Courts (3rd Dist.)	The Village Project (Volunteer Reimbursement)	\$ 5,500	\$ 3,891	\$ 2,866	\$ 1,609	Comm on Service & Volunteerism (UServe)
<i>Subtotal for Non-Federal</i>			\$ 365,500	\$ 24,141	\$ 23,116	\$ 341,359	
TOTALS for Active Grants			\$ 1,916,353	\$ 682,480	\$ 241,354	\$ 1,233,873	
Potential Future Funds							
N/A	Justice Courts	Salary/benefits for Protective Order Prgm Coordinator (36 mo.)	\$ 253,000	\$ -	\$ -	\$ -	UT Domestic Violence Coalition (UDVC)
N/A	Multiple	Approved by Utah Legislature - IT Projects (\$11M), Jury Trial Backlog (\$1M), Manti Courthouse (\$2M)	\$ 14,000,000	\$ -	\$ -	\$ -	American Rescue Plan Act (ARPA) - \$14M to be used by 12.31.2024
Closed Grants							
(None in Q2)			\$ -	\$ -	\$ -	\$ -	

Portfolio Allocation

Figure A.
Total Grant Funds (%)
by Funding Source

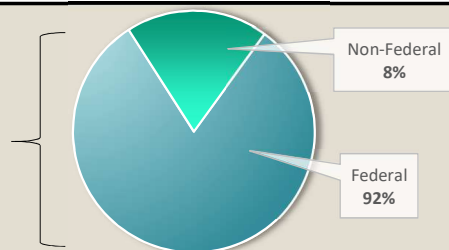
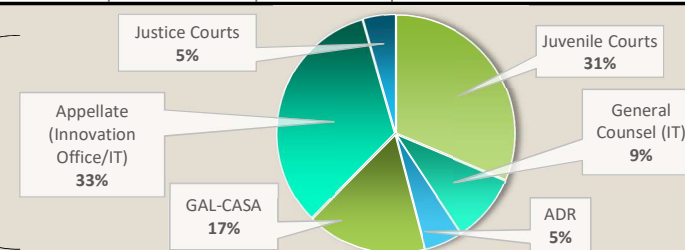


Figure B.
Award Amount
(%) of Total by
Sponsoring Unit


LEGEND

Highlighted item for ongoing grant; BFMC/JC approved MOU with UDVC (primary applicant); if awarded, BFMC/JC review prior to accepting funds

Highlighted item is federal COVID-19-related funding

Tab 8



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

INNOVATION OFFICE ACTIVITY REPORT

MAY 2021

DRAFTED JUNE 18, 2021

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Sandbox Activity (October 2020 - May 2021)	2
Authorized Entities	4



OVERALL METRICS

Total Applications Received	47
Applicants Recommended to Court for Authorization	28
Applicants Denied Recommendation from Innovation Office	1
Applicants Denied Authorization by Court	0
Applicants Tabled (referral fees)	8
Inactive or Withdrawn Applicants Before Recommendation	7
Currently Under Office Review	2
Recommended to Court for Authorization Decision	1
Authorized Entities	28
Entities Reporting Data (this month)	7
Entities Recommended to Exit the Sandbox	0
Key Risks and Trends	There was one reported consumer-related complaint from reporting entities.



SUMMARY

This report summarizes activities and negative 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 May 2021.

SANDBOX ACTIVITY (OCTOBER 2020 - MAY 2021)

- 28 entities approved to offer services
 - Low Risk=4 (AGS Law, Blue Bee, Firmly, Hello Divorce)
 - Low/Moderate=10 (FOCL Law, Jordanelle Blocks, LawPal, Legal Claims, Inc., Mountain West Legal Protective, R&R, Robert Debry & Associates, Rocket Lawyer, Tanner, Xira)
 - Moderate=13 (1Law, Davis & Sanchez, DSD Solutions, Estate Guru, Holy Cross Ministries, LawGeex, Law HQ, Law on Call, Nuttall, Brown & Coutts, Off the Record, Pearson Butler, Sudbury Consulting, Timpanogos Legal Center)
 - High=1 (AAA Fair Credit)
 - 4% high risk; 46% moderate risk; 36% low/moderate risk; 14% low risk
- 12 entities reporting data to date; 8 reporting this period
 - 2 low risk entities; 6 low/moderate risk entities; 4 moderate entities
- 1896 legal services sought from over 1500 unduplicated clients
 - Low=113 legal services sought (2 entities)
 - Low/Moderate=491 legal services sought (6 entities)
 - Moderate=1292 legal services sought (4 entities)
 - 68% of legal services produced via moderate risk entities
 - 1459 legal services have been delivered by a lawyer (or lawyer employee) or software for form or document completion only with lawyer involvement
 - 437 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) Accident/Injury. Five legal categories accounted for 77% of legal services. The remaining 15 possible legal categories accounted for 23%. The top three categories accounted for 58% of legal service.



- o To date, entities have reported two complaints to the Office. The first complaint was reported on in the previous report and received an appropriate response. The second complaint was found to fall outside of the three consumer harms.

Consumer Complaint Assessment: All Reporting Entities to Date

Complaint Risk Category	# Consumer Complaints	% Consumer Complaints
Consumer achieves an inaccurate or inappropriate legal result.	1	<1%
Consumer fails to exercise legal rights through ignorance or bad advice.	0	0%
Consumer purchases an unnecessary or inappropriate legal service.	0	0%

- o Audit materials have begun to be collected from two moderate risk entities that have delivered sufficient moderate risk services.
- 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. Audits of moderate risk services will further inform the mismatch issue as applicable to two entities.
- o Other identified data reporting issues were linked to entities having difficulty pulling data from internal systems to align with Sandbox prescribed coding. These issues were resolved through follow-up communications and/or data clarification requests.
- o Legal results were appropriate given legal matters and scope of service. Some distal legal outcomes will not be knowable by reasonable means.
- o The pilot of the vanguard service audits of moderate risk entities is ongoing. One entity has submitted audit materials, and the second entity is preparing to submit data on a subset of moderate risk services as selected by the Office. The Office is working through mechanisms to recruit and pay auditors but may use volunteers to pilot the audit method during June/July to expedite the process.



TABLE 1: AUTHORIZED ENTITIES

Entity Name	Risk Level	Service Models	Service Categories
10 - Blue Bee Bankruptcy	Low	Lawyers employed / managed by nonlawyers	Education
		<50% nonlawyer ownership	Consumer Financial Issues
15 - AGS Law	Low	<50% nonlawyer ownership	Business
			End of Life Planning
			Real Estate
19 - Firmly, LLC	Low	<50% nonlawyer ownership	Business
44 - Hello Divorce	Low	Lawyers employed / managed by nonlawyers	Marriage and Family
		<50% nonlawyer ownership	
04 - Lawpal	Low / Moderate	Lawyers employed / managed by nonlawyers	End of Life Planning
		50+% nonlawyer ownership	Consumer Financial Issues
		Software provider /w lawyer - doc completion	Housing (Rental)
			Marriage and Family
05 - Rocket Lawyer	Low / Moderate	Lawyers employed / managed by nonlawyers	Accident / Injury
			Adult Care
			Business
			Criminal Expungement
			Criminal (Other)
			Discrimination
			Domestic Violence
			Education
			Employment
			End of Life Planning
		50+% nonlawyer ownership	Consumer Financial Issues



			Healthcare
			Housing (Rental)
			Immigration
			Marriage and Family
			Military
			Public Benefits
			Real Estate
07 - R & R Legal Services	Low / Moderate	Lawyers employed / managed by nonlawyers	Accident / Injury
			Adult Care
			Business
			Domestic Violence
			End of Life Planning
		50+% nonlawyer ownership	Consumer Financial Issues
			Healthcare
			Marriage and Family
			Public Benefits
14 - FOCL Law	Low / Moderate	Lawyers employed / managed by nonlawyers	Marriage and Family
		50+% nonlawyer ownership	
		Software provider /w lawyer - doc completion	
32 - Tanner LLC (Withdrawn from Sandbox)	Low / Moderate	Lawyers employed / managed by nonlawyers	Business
		50+% nonlawyer ownership	
33 - Xira Connect	Low / Moderate	50+% nonlawyer ownership	Accident / Injury
			Adult Care
			Business
			Criminal Expungement
			Discrimination



		Fee Sharing	Domestic Violence
			Education
			Employment
			End of Life Planning
			Consumer Financial Issues
			Healthcare
			Housing (Rental)
			Immigration
		Intermediary Platform	Marriage and Family
			Military
			Native American / Tribal
			Public Benefits
			Real Estate
			Traffic Citations
37 - Robert DeBry (Withdrawn form Sandbox)	Low / Moderate	Lawyers employed / managed by nonlawyers	Accident / Injury
		50+% nonlawyer ownership	
38 - Davis & Sanchez	Low / Moderate	Lawyers employed / managed by nonlawyers	Accident / Injury
		50+% nonlawyer ownership	Education
39 - Legal Claims Benefits	Low / Moderate	Lawyers employed / managed by nonlawyers	Accident / Injury
			Education
		50+% nonlawyer ownership	Healthcare
			Military
41 - Mountain West Legal Protective	Low / Moderate	Lawyers employed / managed by nonlawyers	Housing - Rental
		50+% nonlawyer ownership	Real Estate



02 - 1Law	Moderate	Lawyers employed / managed by nonlawyers	Accident / Injury
			Adult Care
			Business
			Criminal Expungement
			Criminal (Other)
		50+% nonlawyer ownership	Discrimination
			Domestic Violence
			Education
			Employment
			End of Life Planning
		Software provider w/ lawyer involvement	Consumer Financial Issues
			Healthcare
			Housing (Rental)
			Immigration
		Non-lawyer provider w/ lawyer involvement	Marriage and Family
			Public Benefits
			Real Estate
			Traffic Citations
03 - Law HQ	Moderate	Lawyers employed / managed by nonlawyers	Accident / Injury
		50+% nonlawyer ownership	Business
		Software provider w/ lawyer involvement	Employment
12 - Nuttall Brown	Moderate	Lawyers employed / managed by nonlawyers	Accident Injury
		50+% nonlawyer ownership	Business
		Software provider w/ lawyer involvement	Discrimination
		Non-lawyer provider w/ lawyer involvement	Employment



			Marriage and Family
13 - Estate Guru	Moderate	Lawyers employed / managed by nonlawyers	Business
		50+% nonlawyer ownership	End of Life Planning
		Fee Sharing	Consumer Financial Planning
		Software provider /w lawyer - doc completion	Healthcare
		Software provider w/ lawyer involvement	Real Estate
		Non-lawyer provider w/ lawyer involvement	
23 - Off the Record	Moderate	50+% nonlawyer ownership	Traffic Citations
		Fee Sharing	
		Software provider w/ lawyer involvement	
27 - Sudbury Consulting	Moderate	Software provider w/ lawyer involvement	Criminal Expungement
			Employment
28 - Pearson Butler	Moderate	50+% nonlawyer ownership	Accident / Injury
			Adult Care
			Business
			Discrimination
			Education
		Fee Sharing	Employment
			End of Life Planning
			Consumer Financial Issues
			Housing (Rental)
			Immigration
		Non-lawyer provider w/ lawyer involvement	Marriage and Family
			Military



			Native American / Tribal
			Public Benefits
			Real Estate
30 - Law on Call	Moderate	Lawyers employed / managed by nonlawyers	Business
			End of Life Planning
		50+% nonlawyer ownership	Consumer Financial Issues
			Housing (Rental)
		Non-lawyer provider w/ lawyer involvement	Real Estate
31 - DSD Solutions	Moderate	Lawyers employed / managed by nonlawyers	Accident / Injury
			Business
			Criminal Expungement
		50+% nonlawyer ownership	Domestic Violence
			Employment
			End of Life Planning
		Software provider w/ lawyer involvement	Housing (Rental)
			Immigration
			Marriage and Family
		Non-lawyer provider w/ lawyer involvement	Public Benefits
			Real Estate
			Traffic Citations
36 - Timp. Cert. Advocates	Moderate	Nonlawyer provider w/out lawyer involvement	Domestic Violence
			Marriage and Family
42 - Jordanelle Blocks	Moderate	Lawyers employed / managed by nonlawyers	Business
		50+% nonlawyer ownership	
		Fee Sharing	Housing - Rental
		Software provider /w lawyer - doc completion	



		Software provider w/ lawyer involvement	Real Estate
		Non-lawyer provider w/ lawyer involvement	
43 - LawGeex	Moderate	Lawyers employed / managed by nonlawyers	Business
		50+% nonlawyer ownership	Healthcare
		Software provider w/ lawyer involvement	
45 - Holy Cross Ministries	Moderate	Non-lawyer provider w/ lawyer involvement	Financial Issues
			Immigration
			Health Care
			Public Benefits
46 - Gregory Hawkins	Moderate	Lawyer sharing fees with nonlawyers	End of life planning
47 - AAA Fair Credit	High	Non-lawyer provider w/out lawyer involvement	Financial Issues
			Healthcare
			Public Benefits

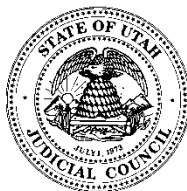


TABLE 2: AUTHORIZED ENTITIES REPORTING STATUSES

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
Hello Divorce	Low	Aug. 1, 2021	Oct. 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
Xira Connect	Low- Moderate	Jun. 1, 2021	Jul. 5, 2021	Monthly
Davis & Sanchez	Low-Moderate	TBD	TBD	Monthly
Legal Claims Benefits	Low-Moderate	TBD	TBD	Monthly
1Law	Moderate	Oct. 1, 2020	Nov. 5, 2020	Monthly
LawHQ	Moderate	TBD	TBD	Monthly
Nuttall 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	Aug. 1, 2021	Sept. 5, 2021	Monthly
Pearson Butler	Moderate	Mar. 1, 2021	Apr. 5, 2021	Monthly
Timp Cert. Legal Advocates	Moderate	TBD	TBD	Monthly
Mountain West Legal Protective	Moderate	Jul. 1, 2021	Aug. 5, 2021	Monthly
Jordanelle Blocks	Moderate	TBD	TBD	Monthly
Law Geex	Moderate	Aug. 2, 2021	Sept. 1, 2021	Monthly
Holy Cross Ministries	Moderate	TBD	TBD	Monthly
Gregory Hawkins	Moderate	TBD	TBD	Monthly
AAA Fair Credit	High	TBD	TBD	Monthly



Tab 9



Administrative Office of the Courts

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

MEMORANDUM

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

To: Judicial Council
From: Shane Bahr
Date: July 13, 2021
Re: Certification of Court Commissioners

A. COURT COMMISSIONER REAPPOINTMENTS

The court commissioner evaluation and retention processes are governed by the following Utah Code of Judicial Administration rules:

- [Rule 3-111](#): governs court commissioner evaluations;
- [Rule 3-201](#): governs the retention of court commissioners.

During the Judicial Council's July meeting, the Council begins the process of recertifying for retention court commissioners whose terms expire December 31. The following court commissioners fall in that category:

Court Commissioners:

Last_Name	First_Name	Salute	Court	Geographic_Division	Term_Start	Term_End
Blomquist	Michelle	Commissioner	District Court	Third Judicial District	1/1/2018	12/31/2021
Minas	Russell	Commissioner	District Court	Third Judicial District	10/9/2018	12/31/2021

The results of the commissioners' most recent attorney surveys as well as their self-declarations are attached. *I will circulate their performance evaluations separately.* Neither of the commissioners has a complaint pending before the Commissioner Conduct Commission. The certification process is outlined in more detail below.

B. THE COMMISSIONER CERTIFICATION PROCESS

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

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.

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

Any court commissioner you certify will be sent to the judges of the commissioner's district for decision. Retention is automatic unless the judges decide not to retain.

C. PERFORMANCE STANDARDS FOR COMMISSIONERS

i. Attorney Survey of Court Commissioners

A satisfactory score for an attorney survey question is achieved when the ratio of favorable responses is 70% or greater. A court commissioner's performance is satisfactory if at least 75% of the questions have a satisfactory score; and the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

ii. Cases Under Advisement

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

A court commissioner in a trial court demonstrates satisfactory performance by holding:

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

iii. Education

Court commissioners must comply annually with judicial education standards, which is at least 30 hours of continuing education per year.

iv. Substantial Compliance with the Code of Judicial Conduct

A commissioner's performance is satisfactory if the commissioner's response in their self-declaration form demonstrate substantial compliance with the Code of Judicial Conduct, and if the Council's review of formal and informal sanctions leads you to conclude the commissioner is in substantial compliance with the Code of Judicial Conduct.

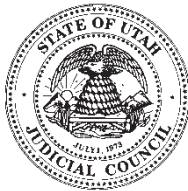
v. Physical and Mental Competence

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

vi. Performance Evaluations of Commissioners

Performance evaluations are required annually for all court commissioners. The presiding judge is to provide a copy of each commissioner evaluation to the Judicial Council.

COURT COMMISSIONERS



Performance Evaluation Self Declaration Form

From the start of your current term of office to the present:	Yes	No
(1) Have you held more than three cases per calendar year under advisement more than 60 days after submission?		X
(2) Have you held any case under advisement more than 180 days after submission?		X
(3) Are you in substantial compliance with the Code of Judicial Conduct?	X	
(4) Are you mentally and physically fit for office?	X	
(5) Do you have any disciplinary matters pending before the Judicial Council?		X
(6) Do you have any disciplinary matters pending before the Court Commissioner Conduct Committee of which you are aware?		X
(7) Please enter your education hours for the following years.		
2018	2019	2020
25.00*	55.00	40.25
<p>*My hire date was 10/09/2018. Previously I was not subject to the Rule 3-403 requirements.</p> <p>If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course.</p>		

June 10, 2021

Date


 Commissioner

Please complete this form and return it no later than June 18, 2021 to nancyjs@utcourts.gov.

COMMISSIONER RUSSELL MINAS

Question	Certification Score	Inadequate	Less than Adequate	Adequate	More than Adequate	Excellent	No Personal Knowledge	Average	Average All Commissioners
Demonstrates understanding of the substantive law and any relevant rules of procedure and evidence.	84.1%	1	3	8	10	27	0	4.20	4.37
Is attentive to factual and legal issues before the court.	82.4%	1	4	9	9	26	0	4.12	4.29
precedent.	79.1%	3	4	7	11	22	2	3.96	4.10
Grasps the practical impact on the parties of the commissioner's rulings, including the effect of delay and increased litigation expense.	78.4%	5	4	7	7	26	0	3.92	3.98
Is able to write clear judicial opinions.	81.6%	1	6	3	6	21	12	4.08	4.19
Is able to clearly explain the legal basis for judicial opinions.	80.8%	2	6	4	12	24	1	4.04	4.08
Demonstrates courtesy toward attorneys, court staff, and others in the commissioner's court.	90.2%	1	2	3	8	35	0	4.51	4.54
Maintains decorum in the courtroom.	91.8%	1	1	2	9	36	0	4.59	4.46
Demonstrates judicial demeanor and personal attributes that promote public trust and confidence in the judicial system.	89.0%	1	2	3	11	32	0	4.45	4.37
Prepares for hearings.	83.3%	3	2	7	9	28	0	4.16	4.41
Avoids impropriety or the appearance of impropriety.	90.6%	2	0	5	5	37	0	4.53	4.51
Displays fairness and impartiality toward all parties.	84.9%	3	1	6	10	29	0	4.24	4.32
Is able to clearly communicate, including explaining the basis for written rulings, court procedures, and decisions.	79.1%	3	4	8	9	23	2	3.96	4.18
Manages workload.	78.4%	1	2	10	10	14	12	3.92	4.22
Is willing to share proportionally the workload within the court or district, or regularly accepts assignments.	86.3%	1	0	3	3	12	30	4.32	4.54
Is willing to share proportionally the workload within the court or district, or regularly accepts assignments.	83.5%	1	3	8	9	25	3	4.17	4.29
Overall Average Score:	84.0%	30	44	93	138	417	62	4.20	4.30

Comments:

Commissioner Minas inappropriately favors women.

Commissioner Minas is unwilling to hear corrections from attorneys when he absolutely has the facts wrong. (This happens in nearly every hearing)

His BLUSTER ON attitude means that more orders have to be objected to and injustice FREQUENTLY happens. 30 seconds of listening would save THOUSANDS of dollars of attorney fees.

Be a problem solver, not a punisher. If you don't want people coming to court with petty disputes, stop rewarding the party who keeps bringing petty disputes to court. Not every motion for an order to show cause needs to be summarily granted. Holding someone in contempt over a harmless violation of a trivial paragraph in a decree only encourages the parties to look for "gotchas" to torture each other with. You lecture the parties about not working things out on their own but then you incentivize litigation by awarding fees for disputes that never should have been heard in the first place.

Commissioner Minas Has quickly become one of the best and most reliable commissioners. I believe this is because he actually practiced family law as his primary focus prior to being appointed to the bench.

Review the pending motions and materials before the hearing.

Have him review Rule 4 and Rule 101.

He is getting much better. Tries hard.

Commissioner Minas is still getting into the swing of being a judge rather than a practitioner, but because of that he is acutely aware of the impact his decisions have on the parties and counsel. He is also well versed in the law, but could improve his understanding of procedure.

He is an excellent Commissioner!

There is a case that my client should have prevailed, technically, and been awarded attorney fees. I did a lot to try and stop the issue from going to court. Commission Minas ordered mediation and reserved everything. I understand not wanting to reward people by awarding fees. However, when I, as an attorney, spend either my client's money or *my unpaid time* trying to defuse the situation and be professional, and the other side is rewarded because the authority figure won't even acknowledge my efforts, I become less interested in spending my time or efforts in avoiding court.

The only thing that Commissioner Minas appears to struggle with is adhering to his own rulings for continuity purposes during the case. For example, in hearing 1, he will make an order, and then in hearing 2 a couple of months down the road, he may not remember what he previously ruled and then does something different, and this can cause issues.

Prepare for hearings and actually read materials and take notes prior to hearings. Multiple hearings continued because of lack of preparation by the commissioner. Leads to arbitrary decisions uninformed by facts and literal need to read pleadings into record at the hearing because he has not read in advance. Leads to protracted a long hearings as well, which causes calendars to run long and limits further other litigants ability to be heard. He has a great legal mind and all the ability, but is simply not prepared and has not organized his calendar enough to be effective.

I feel like pro bono parties are allowed to excessively talk about irrelevant issues thus delaying the proceedings.

The Commissioner should encourage pro se litigants to comply with the Rules and penalize noncompliance,

Commissioner Minas requires that each motion or issue before him be scheduled for a separate hearing, even on simple issues. This often leads to significant delays, inefficiency, and cost to the parties. Many motions are fairly simple and could and should be quickly heard and decided as part of another hearing, or combined together with other simple issues, which would move cases faster and save the parties time and money.

Written decisions are sometimes convoluted. Interrupts arguments. Doesn't appear to have fully digested arguments before hearings. Sometimes expresses emotional responses versus legal reasoning, which to a degree makes sense in a highly emotionally charged setting.

I think Commissioner Minas is great.

I think Comm Minas is fair, and thorough and maintains excellent demeanor for a commissioner. His reasoning for his decisions is well thought out. However, I think he can get lost in the weeds too often and focus on irrelevant issues and spend way too much time asking questions. As a result, I believe his calendars run longer than most. That would be the only area of improvement I would suggest.

7/9/2021
Page 2



Performance Evaluation Self Declaration Form

From the start of your current term of office to the present:				Yes	No
(1) Have you held more than three cases per calendar year under advisement more than 60 days after submission?					X
(2) Have you held any case under advisement more than 180 days after submission?					X
(3) Are you in substantial compliance with the Code of Judicial Conduct?				X	
(4) Are you mentally and physically fit for office?				X	
(5) Do you have any disciplinary matters pending before the Judicial Council?					X
(6) Do you have any disciplinary matters pending before the Court Commissioner Conduct Committee of which you are aware?					X
(7) Please enter your education hours for the following years.					
2018	2019	* 2020	* 2021		
45.25	48.25	Approx. 31	12.75		
If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course.					
AUG, 2021 COMMISSIONER CONFERENCE				≈ 6 HOURS	
SEPT. OCT, 2021 JUDICIAL CONFERENCE				≈ 16 HOURS	
				+ (TEACHING)	

July 9, 2021
Date

Michelle Blomquist
Commissioner

Please complete this form and return it no later than June 18, 2021 to nancyjs@utcourts.gov.

* WE ARE NOW UNDER A FISCAL YEAR REPORTING REQUIREMENT, SO THESE HOURS ARE MY CALCULATION BASED ON THE CALENDAR YEAR. I WAS OVER 36 HOURS FOR EACH FISCAL YEAR WHEN WE CHANGED FROM A CALENDAR TO A YEARLY REPORTING.

ESTIMATED
MRS

COMMISSIONER MICHELLE BLOMQUIST

Question	Certification Score	Inadequate	Less than Adequate	Adequate	More than Adequate	Excellent	No Personal Knowledge	Average	Average All Commissioners
Demonstrates understanding of the substantive law and any relevant rules of procedure and evidence.	91.9%	0	6	2	11	62	0	4.59	4.30
Is attentive to factual and legal issues before the court.	91.9%	0	4	6	9	62	0	4.59	4.19
departures from precedent.	89.5%	1	4	8	10	57	1	4.48	3.99
commissioner's rulings, including the effect of delay and increased litigation expense.	82.0%	6	5	10	14	46	0	4.10	3.95
Is able to write clear judicial opinions.	88.4%	0	3	5	13	34	26	4.42	4.12
Is able to clearly explain the legal basis for judicial opinions.	90.3%	0	4	7	13	56	0	4.51	3.98
Demonstrates courtesy toward attorneys, court staff, and others in the commissioner's court.	91.1%	1	3	5	13	59	0	4.56	4.53
Maintains decorum in the courtroom.	93.6%	0	1	5	13	62	0	4.68	4.44
Demonstrates judicial demeanor and personal attributes that promote public trust and confidence in the judicial system.	91.6%	1	3	5	10	60	1	4.58	4.34
Prepares for hearings.	93.1%	0	2	5	12	62	0	4.65	4.31
Avoids impropriety or the appearance of impropriety.	93.4%	0	2	6	8	63	1	4.67	4.48
Displays fairness and impartiality toward all parties.	88.6%	2	6	6	8	59	0	4.43	4.28
Is able to clearly communicate, including explaining the basis for written rulings, court procedures, and decisions.	90.9%	1	2	7	13	58	0	4.54	4.06
Manages workload.	88.9%	0	2	9	12	42	15	4.45	4.12
Is willing to share proportionally the workload within the court or district, or regularly accepts assignments.	93.1%	1	0	3	2	29	46	4.66	4.47
Is willing to share proportionally the workload within the court or district, or regularly accepts assignments.	89.0%	1	1	11	10	48	9	4.45	4.24
Overall Average Score:	90.5%	14	48	100	171	859	99	4.52	4.24

Comments:

The commissioner gets stuck on understanding the law and therefore delays matters.

Commissioner Blomquist is probably the most fair, reasonable and predictable commissioner in Utah. The fundamental problem with practice before commissioners, doesn't apply to her at all - concern about fairness and predictability. The other problem is demonstrating

The Commissioner is extremely condescending toward attorneys and parties and has even laughed and chuckled in open court at positions taken. The Commissioner does not grasp the practical impact of her ruling on parties and the fact

Commissioner Blomquist is a model family law commissioner. Empathetic yet impartial. Sets appropriate limits and is very focused. She is professional in the extreme and I recommend Com. Blomquist is such a relief to practice in front of. She is always prepared, always respectful and she is predictable because she actually applied the law to facts. I honestly cannot say enough good things about her. She is one of the best Commissioners this state has, if not the best. She always cites the law she is relying on, as well as the facts to support Listen to the actual facts without relying on bias

She takes a very long time to sign orders in her queue sometimes. On the whole she is excellent.

I get good rulings from Commissioner Blomquist when my client is female, and poor rulings when my client is male. There does not seem to be any legal basis for the difference.

I have been very impressed with Commissioner Blomquist for the most part. She is one of two Commissioners I prefer to be assigned to because follows the law so particularly she is predictable. I have been concerned during COVID. She appears more stressed, certifies difficult cases to the Judge rather than making a ruling, and is probably over worked, but I have had nothing but good experiences with Commissioner Comm. Blomquist always does an excellent job. It is a Commissioner Blomquist is highly respected and is one of the best commissioners. I have no suggestions for improving her I'm sorry, but this Commissioner just doesn't seem to grasp all the legal implications and the law. She is knowledgeable but not always on point. She is too serious and comes across to litigants that she is stern, unsympathetic, and just increases attorney fees and cost by her odd rulings. Of all the Commissioners she has the most experience, and Commissioner Blomquist is amazing and should not change a thing. She is prepared, fair, follows procedure and the law, Commissioner Blomquist is delightful to work with. I have enjoyed presenting argument in front of her because I know she will weigh everything presented before making her I genuinely cannot think of anything. I have nothing but respect & admiration for Commissioner Blomquist. She is appropriately patient with whacky litigants & lawyers, but then shifts to firm & stern when lines are crossed. I very much appreciate her professionalism, intellect, wisdom, Award attorney's fees when frivolous or repetitive matters Commissioner Blomquist is excellent and always very detailed I don't have anything to add to the above answers. To have more personality from the bench. She is like a boring

My usual experience with Commissioner Blomquist has been positive. However, I have had recent experiences with the Commissioner that has led me to believe her rulings were biased, and had more to do with her opinion of the party than with the facts or law of the case. I also wish the

She isn't oriented towards problem solving. As with most of the other commissioners, issues are just kicked down the road to be handled by the judge or the parties at mediation. Many of her rulings defy a logical explanation and simply do

Commissioner Blomquist often gets caught up to much in procedure and forgets the substantive effect of her rulings. This increases litigation costs and fails to recognize equity. Also, there are times when she laughs under her breath at

She is one of the very best Commissioners we have. We are lucky to have her. The courts would be better if we had more commissioners like her. That being said, and because the question calls for a suggestion for improvement, her

Can't say enough good things about Comm. Blomquist. I would rate her highest of all commissioners.

Sometimes seems to have her decision made before oral arguments which makes it seem like a waste of time. Also has perception biases if one parent removes the child from the same town is the other and immediately blames the parent

I have no concerns about Commissioner Blomquist's performance. I believe we are fortunate to have her on the

Tab 10

Clean Slate Validation Report

Prepared by Noella Sudbury, J. D., Dr. Arul Mishra[†], and Dr. Himanshu Mishra[‡]*

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*Sudbury Consulting

[†]University of Utah

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Introduction

In 2019, Utah became the second state in the nation to pass a Clean Slate law—a law that provides automatic criminal record expungement to individuals with qualifying criminal records who have remained crime free for a set period of time.

Rather than requiring individuals to petition a court for relief, clean slate laws use computer technology to identify eligible cases and generate judicial expungement orders for cases that meet the legal criteria for automatic expungement relief.

To assist with the implementation of Utah’s Clean Slate law, the Utah Administrative Office of the Courts entered an agreement with Code for America (“CfA”) to provide free technical assistance in identifying people and cases eligible for automatic expungement under Utah law.

The Administrative Office of the Courts requested that this study be done to ensure that Code for America’s person matching software and expungement eligibility code is working properly, and identifying only those people and cases that are “clean slate eligible” under Utah’s Expungement Act.

Background

According to estimates provided by the Utah Department of Public Safety, more than 1 in 3 Utahns has some type of criminal record. Those records—even ones that are very old and very minor—are publicly available and permanent, unless an individual successfully obtains a legal expungement under Utah law.

While Utah’s Expungement Act sets forth a process for individuals to legally expunge most types of felony and misdemeanor records, this petition-based court process is so complex, costly, and complicated that the vast majority of individuals eligible to expunge their records never obtain relief.¹ As a result, most Utahns who would be legally eligible for criminal record expungement continue to be burdened by the estimated 45,000 collateral consequences of a criminal record. These barriers include, but are not limited to, a lack of meaningful access to jobs, housing, and education.²

In order to address some of the barriers presented by the petition-based expungement process, and to decrease the number of people with old and minor criminal records who are shut out of Utah’s workforce, housing market, and other opportunities, Utah stakeholders and advocates worked together to design and launch a

¹According to 2018 data from the Utah Department of Public Safety, there are over 800,000 people with a Utah criminal record. However, of those people with records, an average of only 5,410 people per year across the state apply to BCI each year to get their records expunged. While no Utah specific studies have been done on the number of people in Utah who have records that would be eligible for a legal expungement, a number of national studies suggest that very few people eligible for a petition-based expungement in any state successfully make it through the process. See, e.g., Jeffrey Belbin, Justin McCrary, & Joshua Epstein, *Unmarked? Criminal Record Clearing and Employment Outcomes*, The Journal of Criminal Law and Criminology, Vol. 108, No.1 (2017) at 21 (noting record clearing remedies remain “opaque and inaccessible” to many people with criminal records); J.J. Prescott and Sonja B. Starr, *Expungement of Criminal Convictions: an Empirical Study*, Harvard Law Review (forthcoming), at 19 (finding that in Michigan only 6.5% of individuals eligible to receive criminal record set-asides actually obtained relief).

²Selbin, McCrary & Epstein, *supra* n.1 at 15 (noting “people with criminal records are subjected to roughly 45,000 sanctions, disabilities, disqualifications, or other negative consequences”); US Commission on Civil Rights, *COLLATERAL CONSEQUENCES: The Crossroads of Punishment, Redemption, and the Effects on Communities* (2019) (“Individuals with criminal histories face barriers to voting, serving on a jury, holding public office, securing employment, obtaining housing, receiving public assistance, owning a firearm, getting a driver’s license, qualifying for financial aid and college admission.”)

bipartisan campaign to pass a “Clean Slate” law in Utah.³

Utah’s Clean Slate bill—**HB 431**, was sponsored by Representative Eric Hutchings (R), and Senator Daniel Thatcher (R). The bill passed with unanimous support in the Utah State Legislature, and was signed into law by Governor Gary Herbert on March 28, 2019. On this date, Utah became the second state in the nation to automate the criminal record expungement process for individuals with qualifying misdemeanor records.

Under Utah’s Clean Slate law, individuals with eligible records no longer need to apply for an expungement, pay fees, hire lawyers, or petition the court. Instead, with no action from the individual, Utah’s state agencies—Utah’s Judiciary and the Utah Department of Public Safety, are required to identify and expunge all criminal records eligible for clean slate relief.

Implementation Efforts

Under HB 431, Utah’s Clean Slate law was supposed to go into effect on May 1, 2020. However, due to COVID-19, implementation efforts were delayed for several months. To assist the courts with implementation of the law, the Utah Administrative Office of the Courts (“the AOC”) entered a data sharing agreement with Code for America, a non-profit technology company that partners with government to build digital tools to improve access to government programs and services.

The scope of Code for America’s work was two-fold.⁴ Because Utah has a case-based court record system, Code for America first had to design and use computer software to match criminal history records to the associated record holders. Once they had a person-based, rather than case-based criminal history database to work from, Code for America then wrote computer code to identify cases eligible for automatic expungement relief based on the statutory criteria under Utah’s Expungement Act and the definition of a “clean slate eligible” case and other statutory criteria under Utah’s Expungement Act.⁵

Code for America’s preliminary work was completed and presented to the AOC in April 2021. According to the code’s preliminary estimates, over 200,000 people across Utah were determined to have a “clean slate eligible” case.

Before moving forward with the automatic expungement of clean slate eligible court records, the AOC wanted to ensure that Code for America’s person-matching software and eligibility code accurately identified only those people and cases legally eligible for automatic expungement relief under Utah law. In order to do so, the Utah Administrative Office of the Courts entered a second data sharing agreement with Sudbury Consulting, LLC (“Sudbury Consulting”) and Dr. Arul Mishra and Dr. Himanshu Mishra, from the University of Utah (“University of Utah”). The validation study was organized by Sudbury Consulting, and the data was provided to the University of Utah researchers, who analyzed it and reported the statistical results.

The study objectives of this work are outlined below.

³For more background on the campaign leading to the successful passage of Utah’s Clean Slate law, **see this article**, published by the Collateral Consequences Resource Center in January 2021.

⁴For a detailed report summarizing Code for America’s work, see the Retroactive Conviction Relief Project Report included as Addendum A.

⁵The statutory criteria for “clean slate eligible” cases is set forth under Utah Code Section 77-40-102(5)(a).

Validation Study Objectives

The overall objective in partnering with the University of Utah and Sudbury Consulting is to ensure that as the AOC implements Utah’s Clean Slate law, they issue judicial expungement orders only for those cases that meet the statutory criteria for automatic expungement under Utah law. This analysis involves two separate questions:

- Did Code for America’s person-matching software accurately identify and match cases to the correct people?
- Did Code for America’s clean slate eligibility code correctly identify only those cases eligible for automatic expungement relief under Utah Code Section 77-40-102(5)(a)?

Study Methodology

Before Utah’s Clean Slate law was passed, a person’s eligibility for an expungement could be determined by an attorney, or by an individual’s application to BCI. Therefore, to determine whether CfA’s eligibility determinations were accurate, the University of Utah advised that Sudbury Consulting partner with legal expungement experts, and volunteers from BCI’s expungement eligibility team.

Pursuant to the study design, Sudbury Consulting organized two validation day events, on May 25th and May 27th, 2021, and recruited a total of 20 volunteers to participate.

Volunteers for the validation events included Utah criminal defense attorneys, prosecutors, legal aid lawyers, and paralegals who have deep subject matter experience in legal expungement eligibility. In addition to the legal volunteers, the BCI Expungement Unit also participated in the event. This Unit is responsible for reviewing and analyzing the eligibility of all individuals who apply for an expungement under Utah law.

Data for the validation day events was provided by the Administrative Office of the Courts. This data included four spreadsheets generated from CORIS data: (1) a list of 1,250 randomly selected “Qualified” cases, i.e., cases that CfA’s code determined to be clean slate eligible; (2) a list of 1,250 randomly selected “Unqualified” cases, i.e., cases that CfA’s code determined to be ineligible for relief (referred to as CfA decision in the analysis); (3) full case histories for all individuals with a case on the Qualified list; (4) full case histories for all individuals with a case on the Unqualified List.⁶

To be eligible for relief under Utah’s Clean Slate law, an individual cannot have a number of cases that exceeds the numerical limits in Utah’s Expungement Act.⁷ Therefore, to determine eligibility of any case, the validators had to review an individual’s entire criminal case history.

On the day of the validation event, each validator was given a dataset of around 50 cases to review. This dataset included the full case history for each person who had a case that was included in either the Qualified or Unqualified dataset provided by the courts. Validators were not told which cases in the full case history were contained on the lists provided by the courts, or whether the cases they were reviewing were qualified or unqualified. Note, only the case information was provided to the validators, they were not provided the final decision of CfA. Hence, their determination was done independently.

⁶Full case histories provided by the AOC included a number of data fields, including a person’s name, date of birth, case number, charges, code violation, case disposition, adjudication date, and whether the person had any outstanding fines and fees.

⁷See Utah Code Section 77-40-102(5)(a)(ii).

Validators were then asked to review each person’s case history in their dataset and provide an eligibility determination on both the person level and the case level. On the person level, validators were asked to indicate whether each person on their list was: (1) fully eligible (meaning a person’s whole record would be eligible for automatic expungement), (2) partially eligible (meaning at least one case on the person’s record would be eligible for automatic expungement), or (3) not eligible (meaning the person had no cases that were eligible for automatic relief). On the case level, validators were asked to indicate whether each case reviewed was “eligible,” or “not eligible” for relief. Finally, if a validator determined the person’s case was not eligible, they were asked to provide a reason why the person was not eligible. The choices were provided in a drop-down menu, and included:

1. **Too Many Cases:** meaning the person had a number of cases that exceeded the numerical limits set forth in the Utah Expungement Act;
2. **Ineligible Case Type:** meaning the particular case reviewed was not a case type eligible for automatic relief under Utah’s Expungement Act;
3. **Case Dismissed Without Prejudice:** meaning the person had at least one misdemeanor level charge within a case that was dismissed without prejudice;
4. **Open Case:** meaning the person had a criminal case currently pending before the court;
5. **Fines and Fees:** meaning the person was disqualified due to outstanding legal financial obligations such as court fines, fees, or unpaid restitution.
6. **Other:** this category was provided in case there was any other reason a human validator determined a case was ineligible for relief.

Across the two days, the validators reviewed the full criminal history provided by the courts for a total of 1,571 Qualified or Unqualified case lists provided by the AOC. The attorney validators provided a determination of Eligible or Ineligible (referred to in the analysis as *attorney determination*).

Following the two validation events, the validators’ eligibility determinations were compared with the Qualified and Unqualified Lists provided by the courts to determine the overall match rate between CfA’s determinations and the human expert review. This data was then provided by Sudbury Consulting to the U of U for further review and analysis.

Data Preprocessing

Data from 1,571 cases reviewed by attorney validators was obtained from Sudbury Consulting. The data had both the decision by CfA as well as the attorney determination. No race or ethnicity data was included in the dataset, so the University of Utah used an algorithm to infer this information. The algorithm uses last name to predict race and first name to predict gender. Therefore, each first name in the data set was divided into the first and the middle name. Each last name was divided into last name, hyphenated last name, and any suffix.⁸ The algorithm was trained on Social Security Administration and Census Data⁹, first names were

⁸Each unique name might appear more than once in the dataset e.g., for the same person and case, code violations could be different; for the purposes of inferring likely-race, likely-ethnicity, and likely-gender, we used each name appearing in the dataset only once.

⁹Tzioumis, Konstantinos. 2018. “Demographic Aspects of First Names.” *Scientific Data*, 5 (1). Nature Publishing Group: 1–9.

used to predict gender of each person and last names were used to predict likely-race of each person¹⁰. For 98 individuals, the prediction model was not able to determine likely-race by last name.

Definitions

The next section defines terms that will be used in the analysis. These terms include confusion matrix, sensitivity, specificity, accuracy¹¹, confidence interval^{12,13} fairness metrics, etc.

Confusion Matrix

CfA makes an expungement decision by determining whether a case is eligible or ineligible for expungement. Hence, its decision falls into two categories. Similarly, an attorney looking at the same case information could decide whether the case is eligible or ineligible for expungement. Since the case information looked at by CfA and the attorneys is the same, their expungement decision could match or mismatch. In the past, attorneys have been the ones to make such determinations, and hence, their decision is considered the *ground truth*, for the purposes of this analysis, and the CfA decision is compared to the attorney determination. The confusion matrix, as the name suggests, is a matrix with 4 cells of information displayed as two rows and two columns (as depicted in Figure 1). The attorney determination (referred to as the ground truth) appears on the left as the two rows and the CfA decision appears as the two columns.

As Figure 1 shows, attorney determination can be *yes, the case is eligible for expungement* which is referred to as **p** or *no, the case is ineligible for expungement* referred to as **n**. Similarly, the columns represent the CfA decision of whether a case is eligible (**p'**) or ineligible (**n'**) for expungement. Each of the 4 cells represents the number of times CfA decisions matched or mismatched with the attorney determination. **True Positive** represents the number of times the attorney determination (*p*) and CfA decision (*p'*) matched. **False Positive** shows the number of times when the attorney determination was *n* but the CfA decision was (*p'*) i.e. a mismatch. Similarly, **False Negative** shows a mismatch when the attorney determination was *p* but the CfA decision was (*n'*). **True Negative** indicates a match between the attorney determination (*n*) and CfA decision (*n'*).

¹⁰Jacob Kaplan (2021). predictrace: Predict the Race and Gender of a Given Name Using Census and Social Security Administration Data. R package version 2.0.0. <https://CRAN.R-project.org/package=predictrace>. The algorithm outputs Hispanic as the only ethnicity, hence we mention both race and ethnicity. No other ethnicity information is outputted by the algorithm

¹¹Altman, Douglas G., and J. Martin Bland. "Diagnostic tests. 1: Sensitivity and specificity." *BMJ: British Medical Journal* 308, no. 6943 (1994): 1552.

¹²Gardner, M. J., and D. G. Altman. Calculating confidence intervals for proportions and their differences." *Statistics with confidence*. London: BMJ Publishing Group (1989): 28-33.

¹³Cumming, Geoff. *Understanding the new statistics: Effect sizes, confidence intervals, and meta-analysis*. Routledge, 2013.

		CfA Prediction		total
		p'	n'	
Attorney Determination (Ground Truth)	p	True Positive	False Negative	P
	n	False Positive	True Negative	N

Figure 1: Confusion Matrix

Sensitivity

This is a measure that captures the *True Positive Rate*. In this case, sensitivity measures how often the CfA decision correctly generates an Eligible decision for cases that are Eligible for expungement, as determined by attorneys (the ground truth). It is calculated as: $TP/(TP + FN) = (\text{Number of True Positives})/(\text{Number of all positive assessments})$. As can be seen from Figure 1 $TP + FN$ is all the cases that attorneys determined as *Eligible* i.e. **p**. As an example, if CfA decisions are 90% sensitivity, then it will correctly decide for 90% of cases that are Eligible as being Eligible. However, it will decide that 10% of the cases, which are actually Eligible to be Ineligible.

Specificity

It is a measures that captures the *True Negative Rate*. In this case, it would be the ability of the CfA to correctly identify as Ineligible, all cases that are determined Ineligible by the attorneys (i.e. the ground truth). It is calculated as: $TN/(TN + FP) = (\text{Number of true negative assessment})/(\text{Number of all negative assessment})$. As an example, if CfA decisions have 90% specificity, then it will correctly identify for 90% of cases that are Ineligible as being Ineligible. However, it will decide that 10% of the cases, which are actually Ineligible to be Eligible.

Accuracy

Accuracy is a measure that determines how well CfA decisions match with the attorney determination given all cases. As explained previously, a match would be when an Eligible case is given an Eligible decision by CfA (True Positive) and when a an Ineligible case is given an Ineligible decision by CfA (True Negative). It is calculated as follows

$$Accuracy = \frac{TN+TP}{TN+TP+FN+FP} = \frac{\text{Number of correct assessments}}{\text{Number of all assessments}}$$

Confidence interval

In the context of the clean slate project, the population includes all the cases in the Utah court system. A random sample of cases was drawn from this population and all of the analysis is based on this random sample. In essence, conclusions about the population are drawn based on the data obtained from a sample selected from it. From this sample, parameters such as accuracy, sensitivity, specificity are estimated. While parameter values are obtained from the sample, which is much smaller than the population, the aim is to draw some conclusions about the population using the sample. The confidence interval specifies how confident one can be that this interval captures the population parameter i.e. the true value of the population would fall in this interval¹⁴. As sample size increases, the range of the confidence interval becomes narrower. In the results section, a 95% confidence interval is reported, which suggest that one can have 95% confidence that the interval captures the population parameter. As an example, if accuracy is 85% and the 95% Confidence interval is (81.2%, 89.5%) then it can be stated that while the sample estimate of accuracy is 85%, one can be 95% confident that in the population, the accuracy estimate will fall between 81.2% and 89.5%.

Fairness Metrics

In order to understand whether any group is treated differently than others, some metrics for comparison are needed. Two such fairness metrics are commonly used, Disparate Impact and Statistical Parity Difference¹⁵. These are two metrics among several that are available to assess fairness. In order to explain how these metrics are calculated, Figure 2 shows confusion matrices for men and women. The numbers appearing in the figure are made-up for illustration purposes. Men and women would form the two groups and it can be examined, using these two fairness metrics, whether the two groups receive a similar or differential treatment.

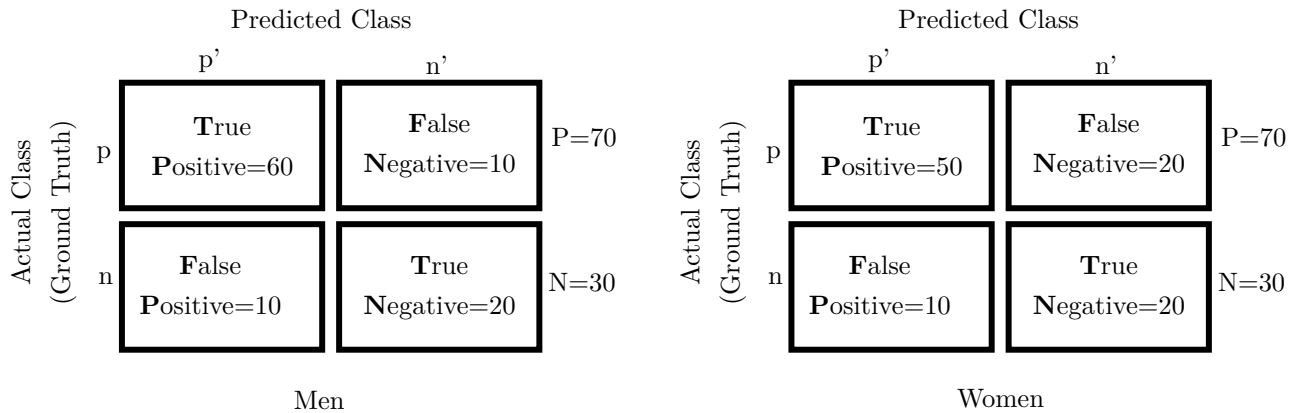


Figure 2: Confusion Matrix for men and women

Statistical Parity Difference For an expungement decision, according to this metric, a model is unbiased or fair if it classifies the same proportion of cases from the two groups, men and women, as Eligible for expungement. Note, in this hypothetical example *Predicted class* refers to a model's predictions and *Actual class* refers to the ground truth. Therefore, ideally the difference between the proportion of women's cases

¹⁴Cumming, Geoff (2014), "The New Statistics: Why and How." *Psychological Science*, 25 (1), 7-29.

¹⁵Trisha Mahoney, Kush R. Varshney, Michael Hind, *AI Fairness*, O'Reilly Media, Inc. 2020.

classified as Eligible and proportion of a men’s cases classified as Eligible would be close to zero. Using the confusion matrices for men and women, their proportions can be calculated. The proportion of men’s cases classified as Eligible is $\frac{70}{100} = 0.70$, and the proportion of women’s cases classified as Eligible is $\frac{60}{100} = 0.60$. The statistical parity difference, therefore, is $0.60 - 0.70 = -0.10$ or -10% , which means that in this made-up example the model is biased against women.

Disparate Impact This metric compares the proportion of women’s cases that received an Eligible prediction to the proportion of men’s cases that received an Eligible decision. The calculation involves the proportion of the women’s cases that received an Eligible decision divided by the proportion of the men’s cases that received an Eligible decision. Used for expungement decisions, this would be $\frac{60/100}{70/100} = 0.857$ or 86% . The ideal value of this metric is 1.0 or 100% , but according to the disparate impact guideline, the positive prediction for any unprivileged group should be at least 80% of the rate for the privileged group¹⁶.

Statistical Results

The first analysis used all the data from the 1571 cases and does not distinguish based on gender or race. These results provide an overall picture. It uses the information from the confusion matrix to calculate sensitivity, specificity, and accuracy. The results for this overall analysis are explained in detail. The same inferences can be made for the subsequent analysis based on gender and race.

Overall Data

		CfA Prediction		
		p'	n'	total
Attorney Determination (Ground Truth)	p	True Positive = 806	False Negative = 116	P
	n	False Positive = 98	True Negative = 551	N

Figure 3: Confusion Matrix

Confusion Matrix In figure 3, the True Positive value of 806 denotes that for 806 cases the CfA’s decision that a case was Eligible for expungement, matched the attorney’s determination. The True Negative value of 551 indicates that CfA’s decision that a case was ineligible matched the attorney determination. The False Positive value of 98 denotes that in 98 cases, CfA determined that a case was Eligible, but the attorney determined the case was ineligible. Finally, the False Negative value of 116 again shows a mismatch with CfA’s decision of Ineligible not matching with the attorney determination of Eligible.

¹⁶MacCarthy, Mark. “Standards of fairness for disparate impact assessment of big data algorithms.” *Cumb. L. Rev.* 48 (2017): 67.

Metric	Estimate	95% Confidence Interval
Accuracy	86.38%	(84.58, 88.04)
Sensitivity	87.42%	(85.1, 89.49)
Specificity	84.9%	(81.91, 87.57)

Sensitivity, Specificity, Accuracy Using the confusion matrix the Accuracy value was calculated as 86.38% and its corresponding confidence interval was 84.58% and 88.04%. The range in the confidence interval signifies that in this sample of cases the Accuracy value is 86.38% but in the overall population of cases it can be stated with 95% confidence that the Accuracy value would fall between 84.58% and 88.04%.

The Sensitivity value indicates what percentage of cases identified by attorneys as Eligible, the CfA model also had the ability to identify as Eligible. Overall, CfA was able to identify 87.42% of the cases determined by the attorney as Eligible, to be Eligible. Here the confidence interval indicates that while in this sample the sensitivity is 87.42%, in the overall population it can be stated with 95% confidence that the Sensitivity values would be between 85.1% and 89.49%.

Specificity measures the ability of the CfA model to identify Ineligible cases as Ineligible. Overall, the CfA model was able to identify 84.9% of the cases determined by the attorneys as Ineligible, to be Ineligible. The 95% confidence interval indicates that the sample Specificity is 84.9% while in the overall population it would fall in the range between 81.91% and 87.57%.

Comparison by Gender

As explained previously, using first names in the cases, likely-gender was inferred. The next analysis provides the confusion matrix for women and men. As described earlier the Accuracy, Sensitivity, and Specificity values were calculated from the confusion matrix.

Women

		CfA Prediction		total
		p'	n'	
Attorney Determination (Ground Truth)	p	True Positive = 277	False Negative = 40	P
	n	False Positive = 27	True Negative = 144	N

Figure 4: Confusion Matrix

Metric	Estimate	95% Confidence Interval
Accuracy	86.27%	(82.89, 89.2)
Sensitivity	87.38%	(83.22, 90.83)
Specificity	84.21%	(77.86, 89.33)

Men

		CfA Prediction		
Attorney Determination (Ground Truth)		p'	n'	total
	p	True Positive = 501	False Negative = 73	P
	n	False Positive = 69	True Negative = 390	N

Figure 5: Confusion Matrix

Metric	Estimate	95% Confidence Interval
Accuracy	86.25%	(84, 88.3)
Sensitivity	87.28%	(84.28, 89.9)
Specificity	84.97%	(81.36, 88.11)

Gender based Fairness Assessment

The analysis indicates that the proportion of men's cases that CfA determined Eligible for expungement in this sample was 55% and the proportion of women's cases was 62%. Hence, using men as the reference, according to Statistical Parity Difference and Disparate Impact, CfA's determinations are not biased against women.

Gender	Proportion determined eligible by CfA	Statistical Parity Difference (compared to males)	Disparate Impact (compared to males)
Men	0.55		
Women	0.62	0.62-0.55 = 0.07	0.62/0.55 = 1.13

Comparison by race or ethnicity

As explained earlier, using last names in the cases, likely-race (or ethnicity) was inferred. The next analysis provides the confusion matrix for cases of White people, Hispanics, Black people, and Asians.¹⁷ The Accuracy, Sensitivity, and Specificity values were calculated from the confusion matrix.

White people

		CfA Prediction		total
		p'	n'	
Attorney Determination (Ground Truth)	p	True Positive = 573	False Negative = 82	P
	n	False Positive = 64	True Negative = 405	N

Figure 6: Confusion Matrix

Metric	Estimate	95% Confidence Interval
Accuracy	87.01%	(84.9, 88.92)
Sensitivity	87.48%	(84.7, 89.92)
Specificity	86.35%	(82.91, 89.33)

Hispanics

		CfA Prediction		total
		p'	n'	
Attorney Determination (Ground Truth)	p	True Positive = 156	False Negative = 21	P
	n	False Positive = 23	True Negative = 89	N

Figure 7: Confusion Matrix

¹⁷There were 9 individuals in the dataset who were classified as American Indian. Due to the small number of observations, their analysis was not included.

Metric	Estimate	95% Confidence Interval
Accuracy	84.78%	(80.11, 88.71)
Sensitivity	88.14%	(82.44, 92.5)
Specificity	79.46%	(70.8, 86.51)

Black people

CfA Prediction				
Attorney Determination (Ground Truth)	p'		n'	total
	p	True Positive = 8	False Negative = 2	P
	n	False Positive = 0	True Negative = 9	N

Figure 8: Confusion Matrix

Metric	Estimate	95% Confidence Interval
Accuracy	89.47%	(66.86, 98.7)
Sensitivity	80%	(44.39, 97.48)
Specificity	100%	(66.37, 100)

Asians

CfA Prediction				
Attorney Determination (Ground Truth)	p'		n'	total
	p	True Positive = 16	False Negative = 2	P
	n	False Positive = 1	True Negative = 13	N

Figure 9: Confusion Matrix

Metric	Estimate	95% Confidence Interval
Accuracy	90.62%	(74.98, 98.02)
Sensitivity	88.89%	(65.29, 98.62)
Specificity	92.86%	(66.13, 99.82)

Race based Fairness Assessment

The analysis indicates that the proportion of cases that CfA determined Eligible for expungement in this sample, by race was as follows: White people: 57%, Hispanic: 62%, Black people's: 42% and Asian: 53%.

Hence, according to Statistical Parity Difference and Disparate Impact, using White people's cases as the reference, CfA's decisions are not differentiating when ethnicity was Hispanic or when race was Asian. However, for Black people's cases the Statistical Parity Difference value, which ideally should be closer to zero, is -0.15, indicating some level of unfairness. Disparate Impact also shows the same pattern. However, the number of Black people in the sample was too low to draw statistically valid conclusions. Therefore, larger samples would be needed to gather more insights.

Race	Proportion determined eligible by CfA	Statistical Parity Difference (compared to whites)	Disparate Impact (compared to whites)
White	0.57		
Hispanic	0.62	$0.62 - 0.57 = 0.05$	$0.62 / 0.57 = 1.09$
Black	0.42	$0.42 - 0.57 = -0.15$	$0.42 / 0.57 = 0.74$
Asian	0.53	$0.53 - 0.57 = -0.04$	$0.53 / 0.57 = 0.94$

In sum, in our first level of analysis, we used the confusion matrix (overall, by gender, and by race) to determine the number of cases when the CfA decision did not match with the attorney validators determination. We had used the attorney determination as the *ground truth* or reference against which the CfA decision was validated. However, we would like to note that ground truth may not necessarily mean the absolute truth as humans can also make some errors. To address this concern, a second level of analysis was conducted in which a second set of attorney validators examined all False Positive and False Negative cases. Again, these attorney validators were just shown the case information without any knowledge of the decisions reached by the CfA or the first set of attorneys. Moreover, it is possible that what is labeled as True Positive and True Negative in the analysis might still have errors when both Attorney and code made the same error. For further examination of such errors, we would need each case to be examined by not one but several human judges and the majority vote be considered as the ground truth. However, given the logistic and cost constraint of obtaining several attorney determinations, this was not feasible for the purposes of this report.

Second Validation study for False Positive and False Negative Cases

Sudbury Consulting worked with attorney validators to conduct a second review of all cases where CfA's decision did not match Attorney determination. This included 214 total cases — 98 False positives, i.e.,

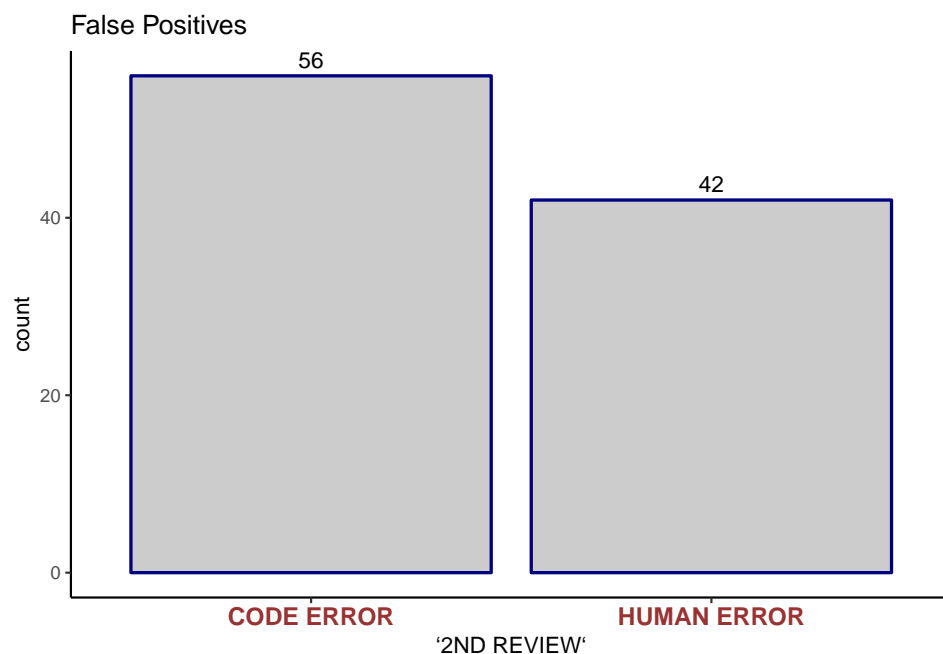
instances where CfA determined the case was Eligible, but the attorney determined the case was Ineligible, and 116 False Negatives, i.e., instances in which CfA determined a case was Ineligible, but attorneys determined the case was Eligible.

For the second review of False Positive and False Negative cases, Sudbury Consulting provided the full criminal history records for each False Positive and False Negative case, and had a different attorney validator review the records a second time.

Following the second review, Sudbury Consulting provided the dataset of the second validation study of False Positives and False Negatives to the University of Utah researchers. The University of Utah provided statistical results as reported in the following two figures. The explanations for the reasons provided by the second set of attorneys is provided by Sudbury Consulting.

Statistical results of False Positives from second validation study

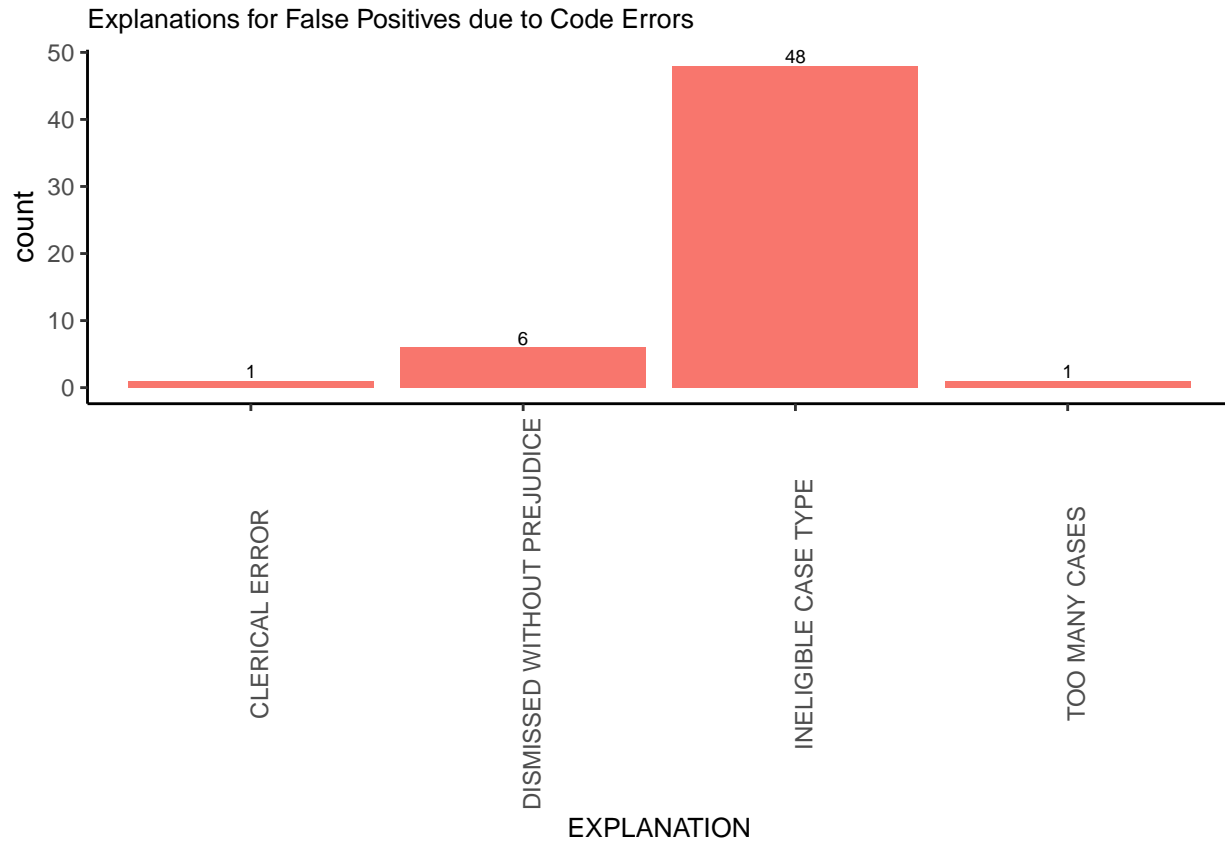
The results of the second review of False Positive cases are depicted in the following two figures. The first figure shows all False Positive cases reviewed by the second set of attorney validators, and indicates, which errors were determined as being made by the CfA (code error) and which were errors were determined as being made by the first set of attorneys (human error). The second figure presents the reasons provided by the second set of attorney validators to support their decision of a case being Eligible or Ineligible.



The above figure shows that when the False Positive cases were reviewed by a second attorney, whether the second attorney's determination matched with the CfA decision, indicating a human error, or the first attorney's determination, indicating a code error. Note, the first attorney's determination was considered the ground truth in the first level of analysis. The second level analysis reveals that of the 98 False Positive cases, 56 were due to CfA error (referred to as code error), while 42 were due to Attorney error (referred to as human error) in the Figure. Specifically, **code error** means that 56 of the cases which were labeled as Eligible by CfA were labeled as Ineligible by both the first and second attorneys. In other words, both

attorneys agreed that the case was Ineligible. **Human error** means that 42 of the cases determined to be Eligible by CfA, were determined to be Ineligible by the first attorney, but Eligible by the second attorney. That is, upon second review, the second attorney agreed with CfA's determination that the case was eligible.

The Figure below summarizes the second attorney validators explanations for why they determined a case was Eligible or Ineligible.





Explanation for the second attorney determination

Provided below, by Sudbury Consulting, is an analysis and summarization of the explanations given by the second attorney validators. Before the second review occurred, 6% of the cases in the sample were determined to be false positives. After the second review, several human errors were discovered, and the false positive error rate dropped to 3.5% of cases.

As explained more fully below, the reasons for the remaining false positive errors were easy to identify. When these errors are corrected, it is estimated that the total number of false positive cases due to code error will be under 1% of all cases.

Ineligible Case Types The largest category of errors—48 of 56 total code errors, or 86% of all false positive code errors, fell into the “Ineligible Case Type” category. This error type involved a situation where CfA determined a case was eligible, but both the first and second attorney validator agreed that the case type was not a “clean slate” eligible case as that term is defined in the Expungement Act. Notably, all false positive ineligible case types were misdemeanor level conviction types. No felony case types were found in the false positive dataset. Upon closer review of the misdemeanor case types, the reason for the error became clear. While the code correctly excluded all ineligible case types listed under the petition-based process, as set forth in Utah Code Section 77-40-105, it mistakenly excluded the list of additional exceptions listed in Utah Code Section 77-40-102(5)(c). Under the text of this section the following cases are ineligible for automatic expungement relief: - any of the offenses listed in Subsection 77-40-105(2)(a);

- an offense against the person in violation of Title 76, Chapter 5, Offenses Against the Person;

- a weapons offense in violation of Title 76, Chapter 10, Part 5, Weapons;
- sexual battery in violation of Section 76-9-702.1;
- an act of lewdness in violation of Section 76-9-702 or 76-9-702.5;
- an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
- damage to or interruption of a communication device in violation of Section 76-6-108;
- a domestic violence offense as defined in Section 77-36-1; or
- any other offense classified in the Utah Code as a felony or a class A misdemeanor other than a class A misdemeanor conviction for possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i).

When the list of ineligible case types on the false positive list was compared to this section, it accounted for 100% of the ineligible case type code errors. Once this list of case types is added to the code, the ineligible case type error rate will be 0%, and the total false positive error rate will be under 1% of all cases.

Cases Dismissed Without Prejudice and Clerical Errors

The second category of errors, 7 of the total 56 code errors, involved cases where CfA's code determined a case was eligible, but both the first and second attorney found the case was ineligible because it was dismissed without prejudice. In 6 of these cases, the attorneys selected "dismissed without prejudice," as the reason for ineligibility, and in one of the cases, an attorney selected "other," and noted that in her view, the case was ineligible, but it was likely due to a clerical error.

The second category of errors, 7 of the total 98—roughly 7% of all total false positive errors, involved cases identified by the code to be eligible that were dismissed without prejudice.

Under the Expungement Act, only cases dismissed with prejudice are eligible for automatic expungement. In 7 cases, both the first and second attorney validators determined that because one charge in the case was dismissed without prejudice, the entire case was ineligible for automatic clearance. However, as explained in the "clerical error" section below, not all attorneys were in agreement that this factual situation made these cases ineligible. In the vast majority of cases, the second reviewer found these cases to be eligible, due to a clerical error. Regardless of which set of attorneys is correct, this is also a very easy code fix. Once we receive guidance from the AOC on how to treat these cases, we will be able to either include or exclude all cases in this category.

Too Many Cases

The third category of false positive code errors, was "Too Many Cases," meaning the attorney validator determined that the person had too many cases to be eligible for relief under the Expungement Act. Only 1 case fell into this category.

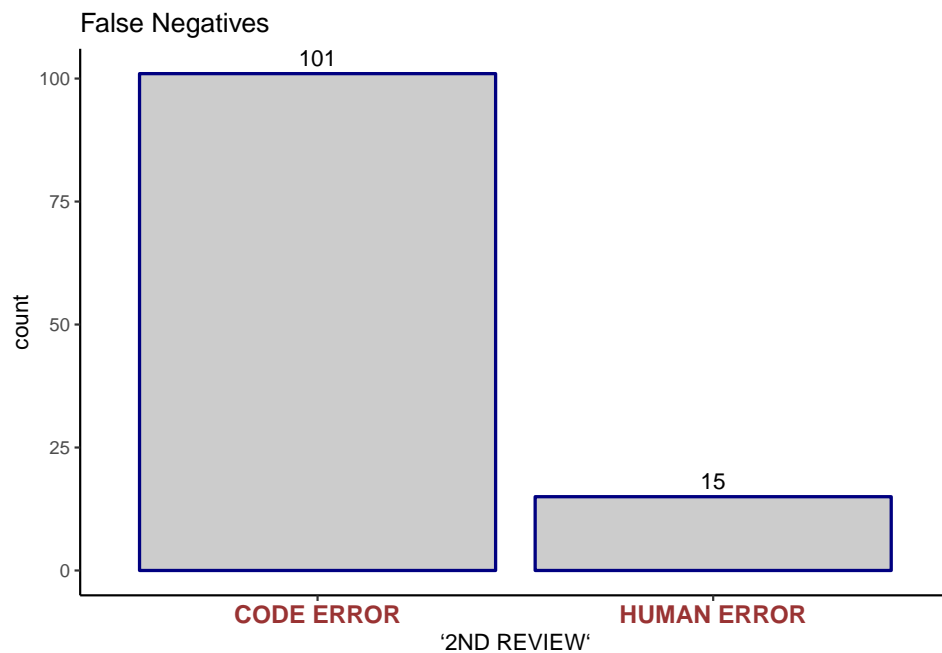
False Positive Human Errors

42 of the total 98 false positives—roughly 43% of all total false positives, were due to human error. In other words, a second reviewer determined that the first attorney validator's determination was incorrect, and that CfA correctly determined the case was eligible. Second reviewers were asked to provide an explanation for their determination. Upon review of the second determinations, these reasons were coded into the following 7 categories. "Eligible Case Type," and "Clerical Errors," accounted for 86% of all errors.

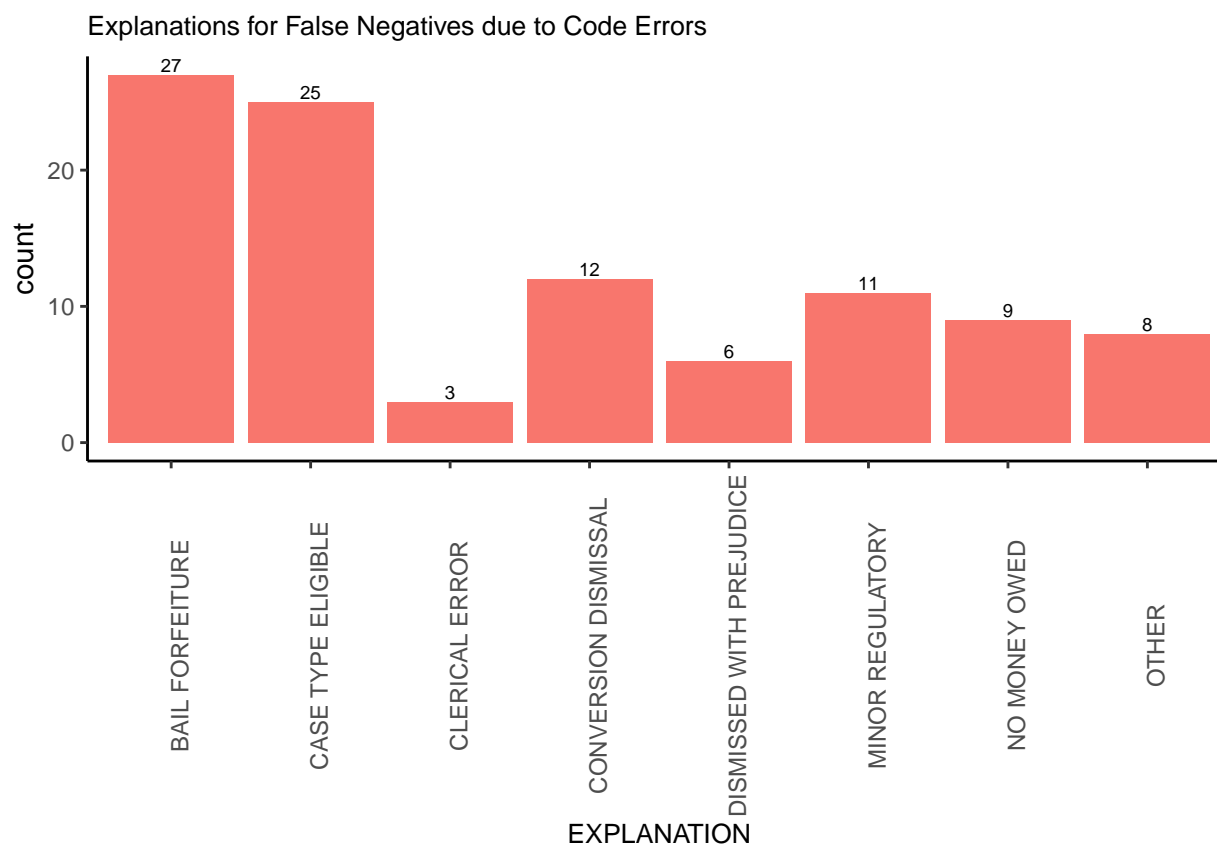
- **Eligible Case Type (26 of 42):** an eligible case type error means that upon second review, the second attorney validator determined that the case type was “clean slate eligible,” i.e., it met the criteria for automatic expungement as set forth by the statute.
- **Clerical Error (10 of 42):** This involved a situation where a case had multiple charges, some of which were eligible convictions, and others that were dismissed without prejudice. Upon a second review of those cases, the second attorney validator determined that while the docket said a particular charge was dismissed without prejudice, this was a clerical error. In these cases, a review of the docket showed that an individual pled guilty to one charge, and therefore the rest of the charges should have been dismissed with prejudice. These cases were coded as “clerical errors,” and determined to be eligible.
- **Not Too Many Cases (2 of 42):** this error type means the second attorney validator determined the individual’s total number of cases was within the limits permitted under the Expungement Act.
- **No Money Owed (1 of 42):** this involved a situation where CfA determined the case was eligible, and the first attorney validator determined the case was ineligible due to unpaid fines and fees, Upon reviewing the dockets, the second attorney validator determined that there was no amount owed by the person, and therefore, CfA correctly determined the case was eligible for automatic clearance.
- **No Open Case (1 of 42):** this involved a situation in which the first attorney validator determined the person was disqualified due to an open case, but upon second review, the second attorney found no open cases.
- **Not in Waiting Period (1 of 42):** meaning the first attorney found a case was ineligible due to a waiting period, but the second attorney determined that the case was not in the waiting period, and therefore the case was eligible.
- **Other (1 of 42):** this involved any other reason why a case was ineligible. Only one case fell into this category. It was a case that was found eligible by a second attorney validator, due to it being an acquittal.

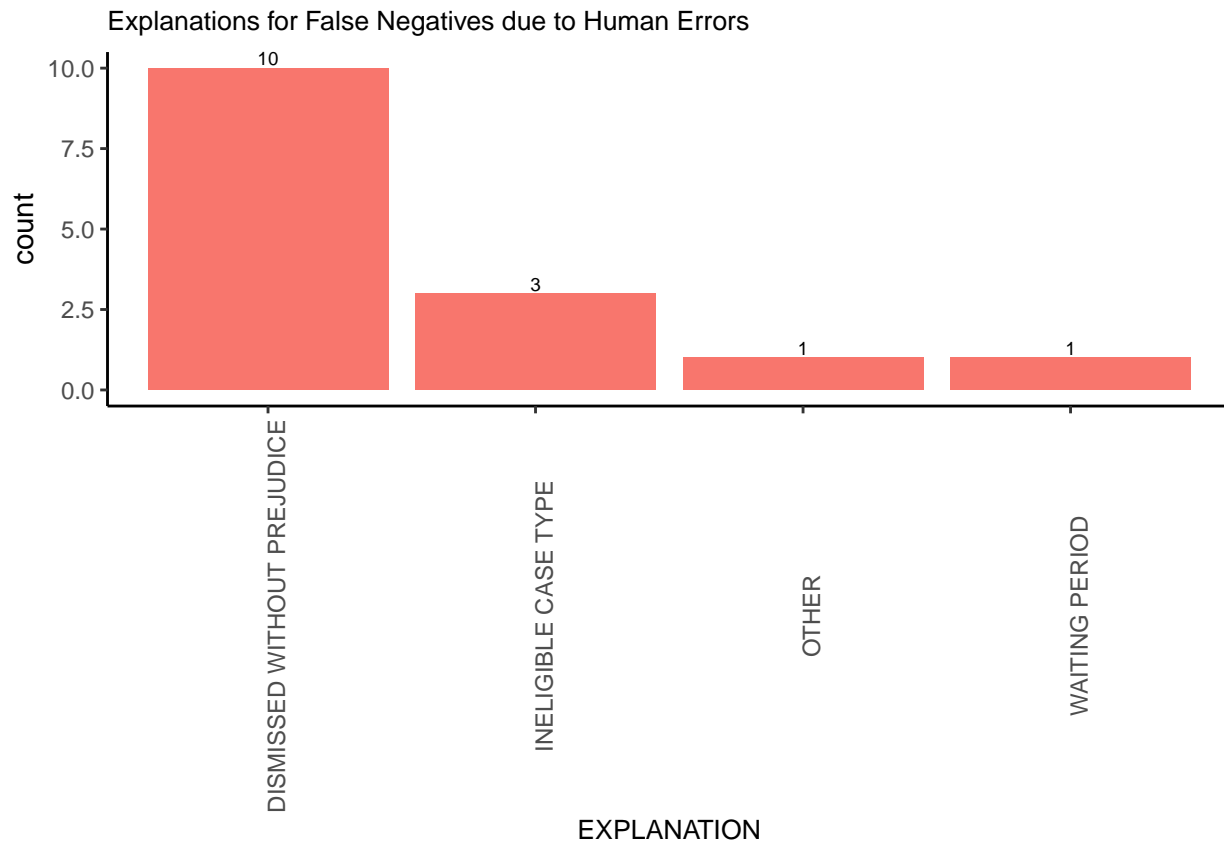
Statistical results of False Negatives from second validation study

Similar to the validation performed for the False Positive cases, the 116 False Negative cases were also provided to a second set of attorney validators who independently provided their determination of Eligible or Ineligible. The second set of attorney determination was then compared to the CfA decision and the first set of attorney determination. The statistical results, from the University of Utah researchers are depicted in the following two figures. The first figure shows that of the 116 False Negative cases, 101 were determined as *code error* and 15 as *human error* by the second set of attorney validators. That is, 101 cases labeled by CfA as Ineligible were determined to be Eligible by both the first and second set of attorneys. 15 cases labeled as Ineligible by CfA were considered Eligible by the first set of attorneys but Ineligible by the second set of attorney validators.



The second figure categorizes the reasons provided by the second set of attorney validators to support their decision of a case being Eligible or Ineligible.





Summary of the second review of false negative cases

The analysis and explanations for the second attorney determination for False Negatives are provided as follows by Sudbury Consulting.

There were a total of 116 False Negative Cases (7 percent of the total sample). The second attorney validation determined that 15 of these cases were due to human error. That is, the CfA decision matched with the second attorney determination. However, in 101 cases, both the first and second attorney validator determined that although CfA determined the case was ineligible, the case was in fact eligible i.e. it was code error. The error types for the false negative cases fell into the following categories:

- **Case Type Eligible or Minor Regulatory Offenses (35%):** in 36 cases, the second attorney validator found that although CfA determined the case type was ineligible, both the first and second attorney validators determined the case type was eligible for automatic expungement. Many of these cases were minor regulatory offenses that may not have been picked up by the code.
- **Bail Forfeiture (27%):** For some reason, whenever the judgment was “bail forfeiture” CfA found the case to be ineligible for relief. Upon second review, these cases were found to be clean slate eligible cases that qualified for automatic clearance.
- **Conversion Dismissal or Dismissed with Prejudice (18%):** in 18 cases, both the first and second attorney validators determined that although CfA determined the case was ineligible, the case was dismissed with prejudice, and therefore eligible for relief. These cases were coded by the second attorney

validators as either “conversion dismissal” or “dismissed with prejudice.”

- **No Money Owed (9%):** in 9 cases, both the first and second attorney validators determined that although CfA determined the case was ineligible due to unpaid fines and fees, upon review of the dockets, there was no amount owed in the case.¹⁸
- **Clerical Error (3%):** in 3 cases, the second attorney validator determined that while CfA found a case to be ineligible due to a charge being dismissed without prejudice, that upon review of the dockets, the case actually should have been dismissed with prejudice, and was therefore eligible for automatic relief.
- **Other (8%):** in 8 cases, both the first and second attorney validators found the case was eligible for another reason, such as an acquittal, set aside, or decline in prosecution.

Conclusions

The main aim of this report was to examine the accuracy of CfA’s software and eligibility determinations to help ensure that as the AOC implements Utah’s Clean Slate law, that it is expunging only those types of cases that meet the criteria for automatic expungement set forth in the statute. To achieve this goal, we used legal expungement experts to validate CfA’s work, because in the past, this type of expertise was needed to determine whether one qualified for expungement. First, Sudbury Consulting conducted a validation study by giving legal expungement experts lists of randomly selected cases to review. The data was then analyzed by the University of Utah researchers. The first level of statistical analysis was conducted by creating a confusion matrix which determined the match versus mismatch between CfA decision and attorney determination. The results revealed that of the 1571 cases reviewed, 1357 decisions matched, 98 were False Positives (CfA decision was Eligible while attorney determination was Ineligible), and 116 were False Negatives (CfA decision was Ineligible while attorney determination was Eligible). Further breakdown by gender, race, and ethnicity was conducted. The specificity, sensitivity, and accuracy values with 95% confidence interval has been presented for each of the analysis - overall, by gender, and by race or ethnicity. The fairness metrics indicate that the CfA determinations show no bias against women, Asians, or Hispanics but a potential bias emerged for Black people. However, given the small sample size, more data needs to be gathered before statistically valid conclusions can be drawn. A second validation study was performed by Sudbury Consulting to further review the False Positive and False Negative cases, again using attorney validators. The second set of validators’ decisions either matched CfA decision (indicating human error by the first set of attorneys) or the first attorney decision (indicating code error by CfA). The statistical analysis was performed by the University of Utah researchers for the second validation study and a detailed analysis and explanation of the reasons was performed by Sudbury Consulting. After the second review, the false positive error rate dropped to only 3.5% of reviewed cases, and the reasons for the code error were easily identified. Once the code errors are corrected, it is estimated that the potential false positive error rate for the sample will be under 1% of all cases.

¹⁸There seemed to be a consistent code error in pulling the fines, fees, and restitution information from cases. While the amount shown as owing could typically be tied back to some place on the docket, in most cases it was a paid bail or bond amount, and the balance in the case showed as zero.

Agenda

Retroactive Conviction Relief Project

Presented to the Utah Administrative Office of the Courts by Code for America

Executive Summary

For the past year, Code for America has been leading the effort to provide conviction relief in the state of Utah by matching duplicate individuals in its court systems. From detailed research on the problem space, to vendor selection and data review across multiple phases of the project, we feel highly confident in the resulting set of eligible records we were able to provide.

During this project, the teams at Code for America and the Administrative Office of the Courts have manually reviewed over 100k records: 60k individuals and 30k charges. Following the guidance set forward by the AOC, we selected the most conservative methods for matching individual records: including all potential matches to minimize any possibility of expunging an ineligible record.

The results have been impressive. Out of 43,883 records reviewed, 25,946 records were associated with individuals potentially eligible for conviction relief (those with five or fewer cases). Of those, court staff flagged only 42 records associated with individuals for a matching error rate of 0.16%. In each case, the records were flagged for further review because they may have been overmatched (combining a father and son with a similar birthday into one individual).

Out of 30k charges reviewed by the AOC's technical staff, only 200 were found ineligible, all of which were due to severity and judgement code changes that had taken place after our eligibility determination. These errors were expected until Code for America refreshes the data with more recent charges and issues the final list of eligible charges for retroactive conviction relief.

For the final stage of the process, 20 legal expungement experts reviewed 1,571 qualified and unqualified cases provided by court staff and compared the results to Code for America's automated solution. A report that contains a detailed review of that work, is filed alongside this report.

According to the report, once Code for America updates the code to include statutes deemed ineligible by expungement experts, "it is estimated that the false positive error rate for the sample will be under 1% for all cases." By comparison, the study found the human error rate for false positives to be 2.7%.

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Evaluating the Problem Space

While matching millions of individuals across a large set of messy and inconsistent records is a daunting challenge, it is not a particularly new one. It is a defined problem space with over 50 years of active research and development in the fields of statistics, computer and data science.

Its history dates back to a 1946 article in the American Journal of Public Health titled, *Record Linkage*¹. The article discusses the implementation of Canadian legislation to link all of an individual's government records into a *uniform name index*: a successful project that centralized state records and established the nation's Vital Statistics Council.

Statistical research and theories for record linkage continued to develop over the next two decades, formalized in Ivan Peter Fellegi's 1969 article, *A Theory for Record Linkage*² for the Journal of the American Statistical Association. This was the first formal statistical model for a field to become known as **Entity Resolution**³.

Computer science university research continued over the past few decades, leading to the development of open source entity resolution frameworks like the Stanford Entity Resolution Framework (SERF)³ and the OYSTER (Open sYSTem for Entity Resolution) project⁴.

Commercial software vendors entered the space twenty years ago, with a large proliferation around 2010 as large-scale computing became more accessible and enabled the widespread use of machine learning technology.

Since the early 2000s, the industry has been driven substantially by the needs of law enforcement, including terrorist screening, insurance fraud detection, USA Patriot Act compliance, organized retail crime ring detection and applicant screening⁵.

In the past decade, Entity Resolution has reached a point where it can be considered at least as consistent and accurate as traditional clerical methods. A 2014 paper from the U.S. Bureau of the Census, entitled, *MATCHING AND RECORD LINKAGE*⁶ touches on how the technology is often better than what one can achieve with human intervention:

The primary reasons computers are used for exact matching are to reduce or eliminate manual review and to make results more easily reproducible. Computer matching has the advantages of allowing central supervision of processing, better quality control, speed, consistency, and better reproducibility of results.

After exploring the problem space, with over fifty years of research and development and regular use in the criminal justice sector, we felt quite confident Code for America could assist. We were addressing a known problem, a solved problem and a problem *better solved with software* than clerical work.

Evaluating the Vendor Landscape

The second phase of the work involved evaluation of the software and service providers in the Entity Resolution space. The technical landscape included published algorithms, open source software libraries and third-party software. None of the open source options we found worked "out of the box". They required large scale efforts to train and test the software. Third-party software proved the most effective.

We wanted to make sure the software we were using was applicable in terms of scale (tens of millions of records), focus (identifying people based on common identifiers) and industry (used for law enforcement and homeland security applications).

For our initial tests we ran 10-30k records through Senzing and a demo version of Data Match Enterprise. Here are some of the challenges we ran into with the latter solution: 1) requirement to define every permutation of fields you would like to match (for comparison, Senzing found 576 different combinations), and 2) because of this the software wasn't able to learn about changes over time. Based on these challenges we found the Data Match Enterprise solution insufficient for the problem at hand.

We also explored using the open source SERF (Stanford Entity Resolution Framework) framework; however, we found the software too generalized and configurable to easily leverage for this problem. Essentially, it's more of a toolkit for doing entity resolution than an off the shelf solution.

Finally, we tested this vendor against our own internal data science approach and found the software to yield significantly better results. The software was used to improve the results of our Pandemic-EBT program providing free school lunches to over 267,000 children in Minnesota during the Coronavirus pandemic.

One final note on the Senzing solution. Since 2012, this software has been used in a multi-state project to improve the integrity of voter registration data. The Electronic Registration Information Center (ERIC) project, a consortium of 30 states sharing voter registration data in association with Pew Research, rely on this vendor's entity resolution technology to validate voter registration data.

The company's founder was formerly IBM's Chief Scientist of Context Computing, where he developed IBM's next generation entity resolution technology, upon which the Senzing software is based.

Results

In our testing of the software we observed several key factors of the Senzing software that yielded the best results:

1. The software was clearly focused around matching individuals and all of our key identifiers: name, dob, address, ssn, driver's license, phone and email.
2. The software was pre-trained against comparable data sets and able to recognize widely differing formats for names, addresses and dates of birth.
3. The software handled data entry, transcription and optical character recognition errors flawlessly.
4. The software was particularly impressive when it came to address matching. There were many non-obvious address formats the software was able to match.
5. The software went beyond traditional machine learning approaches in data matching, particularly with names. Under the hood, it leveraged IBM's Global Name Management for culturally-aware name matching of compound surnames and nicknames.

Evaluating Matching Capabilities

We wanted to evaluate how the software handled the fundamental challenge we're trying to solve: matching a messy and duplicative data set with inconsistent identifiers and a fair amount of data entry and transcription errors.

We ran the software against a larger data set and examined the results, evaluating each of the key identifiers and exploring exactly how the records were matched. Illustrated examples are often best for conveying all of the nuance involved.

The key to matching against criminal history data is rooted in strong name / date of birth matching. These are often the only consistent identifiers one finds in court systems. One of the key advantages of the Senzing solution was a name matching system that incorporated common sense and culturally aware name matching techniques on top of the standard machine learning algorithms best suited for handling spelling errors.

Another key consideration was how the software handled clerical errors. We wanted to make sure the software was able to accommodate the inconsistencies inherent in long lifecycle data sources.

Name Matching

Name matching was able to handle nicknames, abbreviations, misspellings, reorderings, name changes and compound surnames, as illustrated with the three examples below:

Given the decades of data collection, transcription and technology shifts inherent in the courts, we wanted to be sure the software could handle all of the major transcription issues: hearing, reading or typing the data incorrectly.

- | | | |
|---------------------------|-------------------------------|-----------------------------|
| • Billy Albert Lechner | • Nikki L White | • Val Modesto |
| • Billy Letcher | • Nicki Lee Shawn White | • Valerie R Modesto |
| • Willaim Albert Lechner | • Nicki Leeshauna White | • Valerie Rodriquez |
| • William A Echer | • Nicki Leeshawn White | • Valerie Rodriquez Medesto |
| • William A Lechaer | • Nickie White | |
| • William A Lechenr | • Nickie Ivy | |
| • William A Lechner | • Nickie L White | |
| • William A Luchner | • Nickie L Ivy | |
| • William Albert Lechener | • Nickie Lee White | |
| • William Albert Lecher | • Nickie Lee Shawn White | |
| • William Albert Lechner | • Nickie Leeshawn White | |
| • William Albert Lenchner | • Nickie Leeshawn Ivy (White) | |
| • William Lechener | • Nickie Leshawna White | |
| • William Lecher | | |
| • William Lechner | | |
| • William Letchner | | |
| • William H Lechner | | |

One individual matched over 50 unique names:

- Antoine Steve Bombs
- Stephen A Bombs
- Stephen A Bomes
- Stephen Antione Bombs
- Stephen Antoine Bombs
- Stephen Antoine Bomes
- Stephen Bomb
- Stephen Bombs
- Stephen Bombs Willowtree
- Stephen Bomes
- Stephen Boombs
- Stephen H Bomes
- Steve A Bombs
- Steve A Bomes
- Steve A Boombs
- Steve A Willowtree
- Steve A. Bomes
- Steve Anthony Willowtree
- Steve Antione Bomes
- Steve Antoine Bombs
- Steve Antoine Bomes
- Steve Antoine Boomb
- Steve Antoine Boombs
- Steve Anton Willowtree
- Steve Antone Bombs
- Steve Antonie Bombs
- Steve Antonine Bombs
- Steve Antonio Bombs
- Steve Bomb
- Steve Bombs
- Steve Bomes
- Steve Boombs
- Steve Willowtree
- Steven A Boombs
- Steven A Bombs
- Steven A Bomes
- Steven A Boombs
- Steven Andrew Bombs
- Steven Andrew Boombs
- Steven Anthony Bombs
- Steven Antione Bombs
- Steven Antoine Bombe
- Steven Antoine Bombs
- Steven Antoine Boombs
- Steven Anton Willowtree
- Steven Antone Bombs
- Steven Antone Bomes
- Steven Antone Boombs
- Steven B Boombs
- Steven Bomb
- Steven Bombe
- Steven Bombs
- Steven Bomes
- Steven Boombs

Date of Birth Matching

The software's date of birth matching accounted for every data entry and transcription error we were able to consider:

1951-01-08
1951-02-05
1951-02-08
1951-02-09
1951-07-08
1951-12-08
1961-07-08

These are actual dates matched to a single individual based on common data entry errors:

- One digit off
- Digits that look alike during transcription
- Adjacent numbers on a numeric keypad

Social Security Number Matching

We found a similar ability to address these data errors on social security and driver's license numbers. The software also matched digit-shifted (for example, accidentally pressing the zero key a couple of times before typing the number) numbers gracefully, which were encountered quite often in the data.

Similar data errors can be found with other identifiers, like SSN. The entity-resolution software was able to account for these as well.

123-45-6789
124-45-6789
123-45-6784
001-23-4567
XXX-45-6789

Address Matching

The ability to match addresses was particularly impressive. In addition to handling the common data entry errors described above, the software was able to resolve addresses in a wide array of formats:

1234 S 250 W Magna, Ut 84084
1234 S 250 W W Jordan, Ut
1234 S 250 W W Jordan, Ut 84084
1234 S 250 W West Jordan, Ut
234 South 250 W Slc, Ut 84120

1234 S 250 W West Valley City, Ut
1234 So 250 W West Jordan, Ut
1234 So 250 W Wj, Ut 84084
1234 South 250 West Slc, Ut 84120
1234 South 250 West West Jordan, Ut

Entity Centered Learning

One final, unique, aspect of the software was its entity centered learning approach, which means the software accommodates for how people change over time. Every time a new record is added, the software goes back to see if / how that informs relationships between any other records in the system.

In the simplest scenario, if "Susan Codsworth" had a phone number of "555-3232" and was born on 4/1/80, and we later see "Sue B. Jackson" with the same number (or address) and date of birth, the software would match the individuals assuming there was a surname change.

In the data, we witnessed as many as five surname changes over time creating sets of matched records nearly impossible for a human to consistently identify, while also considering potential name and address variants, misspellings and data entry errors around numerical fields like date of birth and social security number.

Name	DOB	Age	SSN	Drivers Licenses	Addresses	Phones
Phyllis Ranger	1980-05-03	41	555-323-1199	UT 999888777	1099 E 550 S Salt Lake City, Ut 84444	
Phyllis B Ranger	1980-05-30	41		UT 999888777	1099 E 550 S Salt Lake City, Ut 84444	
Phyllis B Ranger	1980-05-30	41		UT 999888777	1099 E 550 S Salt Lake City, Ut 84444	
Phyllis B Ranger	1980-05-03	41			1099 E 550 S Salt Lake City, Ut 84444	
Phyllis Bailey Mars	1980-05-03	41	555-323-1199	UT 999888777	880 Walter Street Salt Lake City, Ut 84445	888-323-1212
Phyllis Bailey Mars	1980-05-03	41	555-323-1199		880 S Walter St. Slc, Ut 84445	
Phyllis Bailey Crockett	1980-05-03	41		UT 999888777	101 35 Th Street Ogden, Ut	
Phyllis Bailey Mars	1980-05-03	41	555-323-1199		880 So Walter St Salt Lake City, Ut 84445	
Phyllis M Winter	1980-05-03	41		UT 999888777	700 West Maple Street Ogden, Ut 84441	
Phyllis M Winter	1980-05-03	41		UT 999888777	700 West Maple Street Ogden, Ut 84441	
Phyllis B Crockett	1980-05-03	41			227 13 Th Street Ogden, Ut 84441	
Phyllis B Crockett	1980-05-03	41				

Matching records against the full data set

We proceeded to import the full data set into the application. The software was able to match records across any combination of available fields. The following chart below outlines the top combinations of fields the software was able to match.

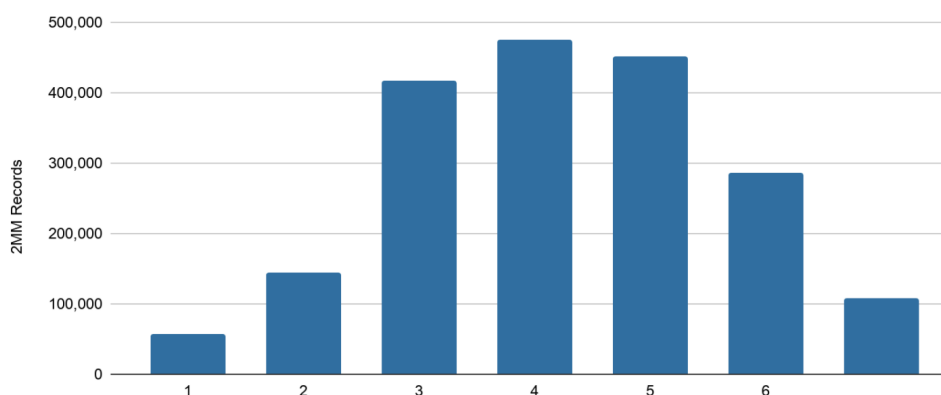
In all, the software matched across 576 unique combinations of fields. The top two, comprising over 400k of the 1.8MM records matched, were +NAME+DOB+GENDER+SSN+DRLIC and +NAME+DOB+GENDER+SSN+DRLIC+ADDRESS.

This level of matching is incredibly comprehensive and would be quite difficult for a human to achieve. A full chart of all matching algorithms is available upon request.

Top Matching Algorithms

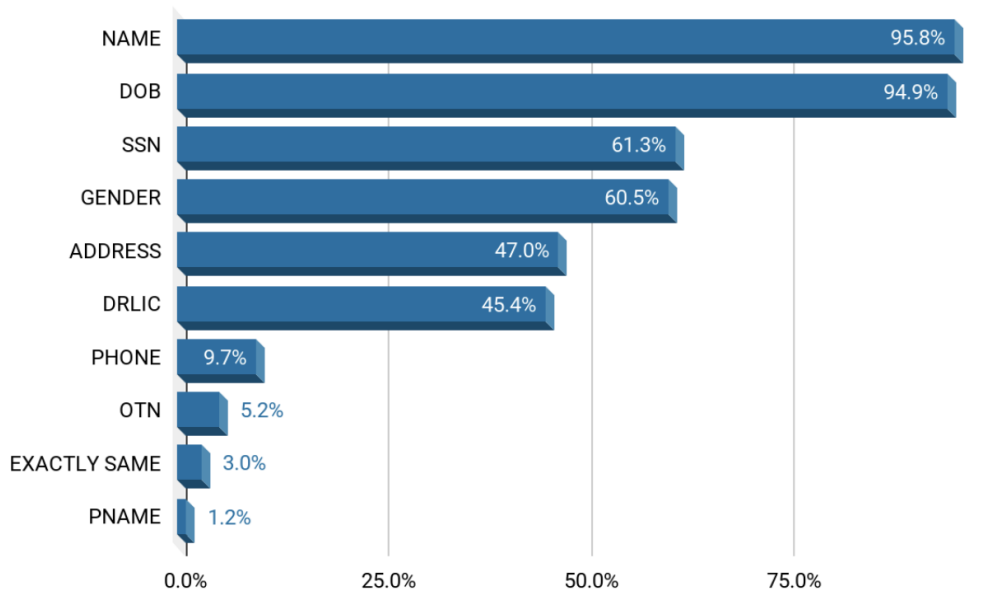
Algorithm	Count	
+NAME+DOB+GENDER+SSN+DLIC	205,461	11%
+NAME+DOB+GENDER+ADDRESS+SSN+DLIC	203,609	11%
+NAME+DOB+GENDER	131,059	7%
+NAME+DOB	122,499	6%
+NAME+DOB+ADDRESS	115,555	6%
+NAME+DOB+GENDER+SSN	110,921	6%
+NAME+DOB+SSN	109,551	6%
+NAME+DOB+GENDER+ADDRESS	85,205	4%
+NAME+DOB+GENDER+ADDRESS+PHONE+SSN+DLIC	80,321	4%
+NAME+DOB+GENDER+ADDRESS+SSN	74,482	4%
+NAME+DOB+ADDRESS+SSN	65,769	3%
+NAME+DOB+SSN+DLIC	65,197	3%
+NAME+DOB+ADDRESS+SSN+DLIC	61,193	3%
+EXACTLY_SAME	57,827	3%

90% MATCHED ON 3+ FIELDS



Over 90% of the records matched on three or more fields, with over 60% of records matching on Social Security Number. Nearly all of the records matched on name and date of birth.

Most Commonly Matched Fields



Internal Review of 18k Records

Throughout this process, Code for America staff reviewed the records of nearly 18k individuals. The team reviewed and categorized many of the matches to evaluate the consistency of the results. We built a web-based data review tool that allowed the team to review data across three stages:

1. Searching and filtering records based on
 - Personal identifiers like name, dob, ssn and address
 - Match details like match score and the list of fields matched / unmatched
 - Other key metrics like the popularity of an individual's surname
2. An “at a glance” view of individual matches that summarized all unique identifiers for an individual - allowing for quick review of records, flagging any that looked suspicious
3. A detailed history of all records that would allow team members to drill down into the data to see the rationale behind more complicated matches. This history also included the records of any exact name matches for direct comparison, ensuring we weren't missing any potential matches.

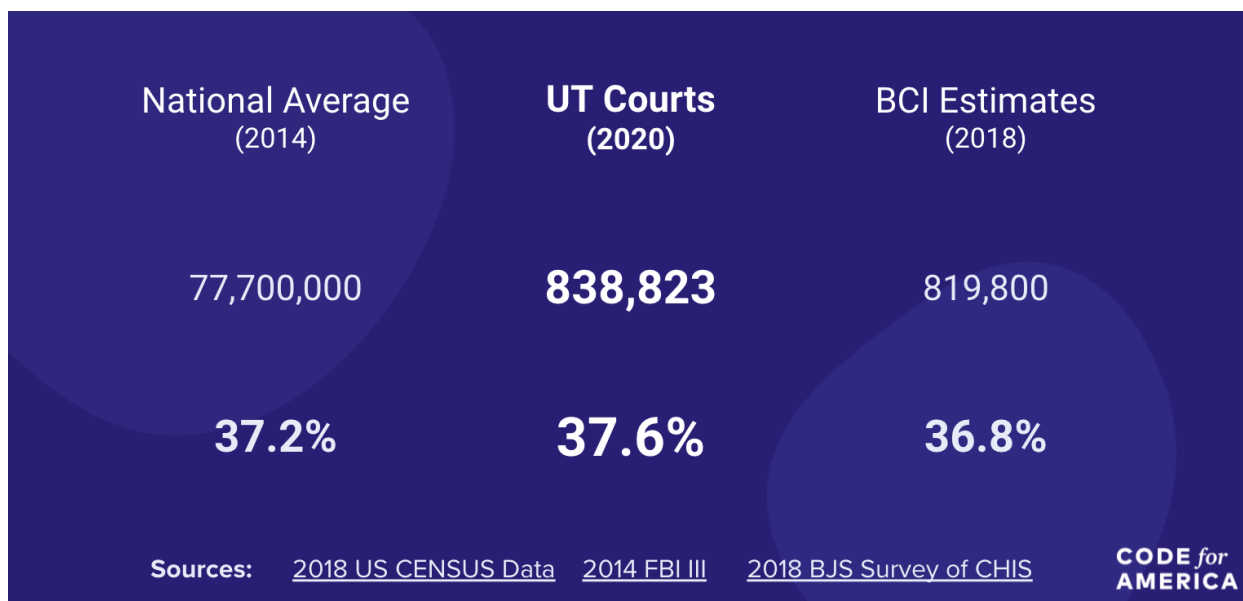
Comparison of Key Metrics

Once we ran the software against the full set of court records, we needed a benchmark to compare our results. The two primary data points for comparison were the state and national estimates of individuals living with a criminal history.

For state numbers we used the number of records in the criminal history repository (reported as 819,800 as of 2018 to the Bureau of Justice Statistics). For national estimates we used the FBI's Interstate Identification Index's total of 77.7MM adults living in the US with a criminal record as of 2014.

Within 1% of State and National Estimates

After several rounds of filtering and scoping the data, our initial estimates of 1.18MM were brought within 1% of both state and local estimates: 838,823 adult residents of Utah with a criminal record. Initial estimates included business entities, out of state residents and deceased individuals.



AOC Review and Validation

Up to this point, there had been a lot of manual review of the data. Code for America reviewed nearly 18k records in the previous phase of the project and determined the matching to be at least as good as a human could do. Oftentimes, team members would have to look deeply at a set of matched records to understand exactly how the individual matched.

Match Review Tool

Our next phase was to employ the domain experts at the Administrative Office of the Courts, the people that work with the data day to day, to review the matches themselves. We enhanced our internal review tool for use by AOC Staff to continue to review the data over the next few months.

Identify Any Obviously Mismatched Individuals

Check the box for any individual that was obviously matched incorrectly (7,812 remaining).

[Show Instructions »](#)

Flag	Individual	#	Names	DOB	Age	SSN	License	
<input type="checkbox"/>	hanaJotn taickPr meeaGs	19	toannhaJ carkPti ameGse tJoannah asmGee toaahnnJ P eaemsG nJo P maGese	xxxx/xx/xx	49	xxx-xx-xxxx	xxxxxxxxxx xxxxxxxxxx	Q
<input type="checkbox"/>	daMalnoeg Mike orlaBre	7	eoanMglad earoBrl elroBra dingeaMoa goaadIMne orerBl Melagdoan ieMk orralBe	xxxx/xx/xx xxxx/xx/xx	91	xxx-xx-xxxx	UT xxxxxxxxxx	Q
<input checked="" type="checkbox"/>	icFr iSpsre solhicN	5	crFi spSrei hsnicoi crFi psSeri Ncoilhs cFri Seenrpc hloiscN	xxxx/xx/xx xxxx/xx/xx xxxx/xx/xx	47 33	xxx-xx-xxxx xxx-xx-xxxx	xxxxxxxxxx xxxxxxxxxx	Q
<input type="checkbox"/>	sJmae Rebotr yrTaol	13	aJmes rtoRbe ryloTa oreRtb Jsame ryoaIT Jasem R ylorat sameJ ITyroa	xxxx/xx/xx xxxx/xx/xx	68 69	xxx-xx-xxxx xxx-xx-xxxx	xxxxxxxxxx UT	Q
<input type="checkbox"/>	Rcrioad nMrooe ooenMr vRraie	14	iarRdoc eMnoro raiveR dhRiroca roenMo Rrvael rcRaodi roMone cRraoid erRvia doRcria arveRi oorMen aircdoR reonMo onorMe Ravrei aidRorc aveRri eoonMr	xxxx/xx/xx xxxx/xx/xx xxxx/xx/xx	76	xxx-xx-xxxx	UT xxxxxxxxxx	Q

You have identified 1 individual(s) for review.

[NEXT PAGE »](#)

AOC Staff Review of 44k Records

The court staff reviewed the records of nearly 45k individuals for potentially mismatched data, flagging 1,881 of these individuals as potentially being "overmatched" (meaning they would want to go back in a second pass and see if the matches truly represented the same individual).

- **Two and a half months of review by Court staff**
- **43,883 individual records reviewed**
- **1,881 records flagged as potentially over-matched**
- **42 over-matched records with 5 or fewer cases:**

individuals potentially eligible for conviction relief

Significantly, only 42 records flagged were related to individuals that were potentially eligible for clean slate relief. The vast majority of the records flagged applied to individuals with dozens of cases who would fall out of eligibility regardless.

Margin of Error

In the end, staff reviewed 25k records with 5 or fewer cases (those potentially eligible for conviction relief under the law). They flagged 42 of them. These were mostly familial relations such as a father and son living at the same address with a similar birth date, which were overmatched with one another.

In reviewing the matches of 45k individuals by AOC staff and 18k individuals by Code for America staff, with a resulting margin of error for eligible individuals of less than two tenths of one percent, we feel extremely confident in the validity of the matches the software was able to provide.

Eligibility Determination

In the next phase of work, Code for America used the matched data set and the court's case / charge data to determine the set of convictions.

Our data science team implemented the eligibility logic, which we were able to summarize and provide to the engineering team at the AOC.

The Utah Conviction Relief Eligibility Signoff addendum outlines our eligibility flows along with the specific statutes, dispositions and other information we were basing our eligibility logic upon. We enumerated every individual statute, severity, waiting period, disposition and carveout we found in the eligibility process for review and approval by court staff.

AOC Eligibility Review

Review of 30k Eligible Charges

The AOC Court Data Services team reviewed over 30k eligible charges and found 200 incorrect charges: all of which were expected based on severity and/or judgement code changes after the fact. Based on their review they felt confident moving forward to the final step of the validation process.

Human Expert Review

For the final stage of the process, 20 legal expungement experts reviewed 1,571 qualified and unqualified cases provided by court staff and compared the results to Code for America's automated solution. A report that contains a detailed review of that work, is filed alongside this report.

According to this report, once Code for America updates the code to include statutes deemed ineligible by expungement experts, "it is estimated that the false positive error rate for the sample will be under 1% for all cases." By comparison, the study found the human error rate for false positives to be 2.7%.

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Tab 11

Resolving Water Conflicts in California Courts

Since California achieved statehood in 1850, California courts have adjudicated conflicts over water. The California Supreme Court forged the Appropriation Doctrine for water rights. Often called the “first-in-time, first-in-right” method for establishing water rights, the Appropriation Doctrine arose from Gold Rush mining camps. States across the West adopted the Appropriation Doctrine that the California court first established in 1855.

Since then, California created the most sophisticated water system in the world and generated the most complex water conflicts. Courts play a central role in addressing those conflicts. Droughts increase water conflicts that raise the most complex issues, requiring judges to evaluate complicated law, complex science, and a long history of water rights and conflict.

Judges need special assistance to resolve water conflicts effectively and efficiently, so drought conflicts are not prolonged and conflict is reduced. Providing funding to California courts to facilitate their adjudication of water conflicts helps all who rely on California water, particularly during severe droughts like the one Californians now suffer.

Funding for California Judges to Resolve California Water Conflicts During the Drought

Appropriation: \$2 million to the California Judicial Council

Authorized Uses: Judicial Training on Water Law, Science, Management and Infrastructure
Special Masters to Assist Judges on Water Cases
Judicial Meetings/Conferences on Water Law Conflicts

Program: Organize a Judicial Council-led program to broaden and sustain judicial expertise in the area of complex water law and litigation. Supported by recognized experts in the field, this program would expand education and training for judges, and provide resources that could include access to specialist staff, to increase judicial knowledge and procedural efficiencies in the adjudication of such cases. The program will include:

- Development of California-Specific Water Conflict Educational Sessions
- Identification of Judges Who Will Receive Water Conflict Education
- Appointment, by Chief Justice, of Special Masters with Expertise in Water Science and Management
- Integration with Complex Litigation Program, Allowing Chief Justice to Assign Water Litigation to Judges in Water Conflict Program

Leadership: California Court of Appeal Justice Ronald Robie, who has worked on water conflicts in all three branches of California Government since 1962, will assist the Chief Justice and the Judicial Council in organizing this program.

Participation: Superior Court judges identified by the Chief Justice, from counties across the state; State Water Resources Control Board administrative law judges

The Network Note **May 2021**

Focus on Utah

Race, Federal Indian Policy, and Access to Water **Parts III – The Lower Klamath River**

Dividing the Waters will convene its 3rd webinar on racial justice and water in August. It will address tribal water interests in the Lower Klamath River conflict, where the conflict has focused on four power dams' impact on the salmon fishery, which is central to the River's tribal interests. For more than a decade, the tribes and state and federal governments have worked to remove the dams. A recent settlement of issues before the Federal Energy Regulatory Commission suggests dam removal is on the horizon.

UT: Salt Lake City Adjudication Moving Forward

After decades of scant activity, the Jordan River/Utah Lake water rights general adjudication in Salt Lake City has new life. It started as a private dispute in 1936 between irrigation companies, converted to a general adjudication in the 1940's, and, in the 1970's, expanded to include the entire watershed. Claims were accepted, and then the case languished for decades for want of funding and an outdated statute.

In 2012, the Governor's water plan included reinvigoration of the adjudication. Four years later, the Legislature modernized and streamlined the general adjudication statute, to put more burden on claimants, allow the court to appoint a special master, and provide additional funding for attorneys and staff for the State Engineer, pushing adjudications to conclusion.

Like many states, Utah's State Engineer lays the groundwork for judicial adjudications. Utah State Engineer Teresa Wilhelmsen has responsibility to ask the court to initiate these specialized civil actions, call for claims, investigate those claims, and propose a determination, which leads to filing of objections which must then be resolved in the litigation.

DTW Convener Judge Kate Appleby first encountered *Dividing the Waters* after she got the assignment as the trial judge for the adjudication. When she moved up to the Court of Appeals, Judge Laura Scott got the assignment.

After the statutory reform, Scott appointed water lawyer Rick Knuth as her special master. With Rules of Civil Procedure insufficient for general adjudications, they adopted specialized procedures to ensure that appropriators who had now decades-old claims received full due process. They have increased the rate of claims objection resolutions by seven-fold.

In Focus: Judge Laura Scott (Utah District Court/SLC)
District Judge Laura Scott got the Jordan River adjudication assignment when her predecessor was elevated.

Scott grew up in Salt Lake City and got her BA from the University of Utah and JD from Arizona State University. After graduating, she returned to Utah to serve as a counsel for the University of Utah until 1997, when she joined one of Salt Lake City's largest law firms, where she maintained a commercial/real estate litigation practice for 17 years.

Governor Herbert appointed Scott to the bench in 2014. She serves as her district's Associate PJ, and handles a civil calendar and felony drug court. After she got the adjudication, *Dividing the Waters* Convener Eric Wildman led a Utah judicial training seminar on water and advised Scott by phone. She has enjoyed learning about water and working with Rick Knuth to develop specialized procedures for Utah. As she proceeds, she looks forward to participating in *DTW*.

UT: State Water Agencies

The State of Utah has a mix of agencies involved in water. The Department of Natural Resources includes:

- **Division of Water Rights**, led by the State Engineer, which administers the water rights appropriation system.
 - **Division of Water Resources**, as the "steward" of Utah's water, has responsibility for planning, conserving, developing and protecting the resource. The Division also includes the **Board of Water Resources**, which plans Utah's water future with river basin representatives.
- The Department of Environmental Quality has a **Division of Water Quality** that has responsibility for implementing the Clean Water Act and the Safe Drinking Water Act, and addresses watershed management and wastewater issues.

UT: Water Conflicts Across Utah

As the 2nd driest state in the US (after Nevada), water is critical to Utah – its history, economy and future.

- **Lake Powell Pipeline:** This controversial project would build a pipeline from Lake Powell, to serve communities 140 miles north, around St. George in southern Utah.
- **Southwest Groundwater:** Is over-appropriated in the Beryl Basin, with regional conflicts among irrigators.
- **Great Salt Lake:** As its region grows, less water reaches the shrinking lake and dusty playas emerge, raising air quality issues for the people of its namesake city.

Ideas for Network Note? Court Decision on Water? Contact ALFIII@sbcglobal.net

Rule 6-103. District court tax judges.

Intent:

To designate certain district court judges as tax judges.

To establish a procedure whereby district court tax cases are heard by designated tax judges.

To designate a supervising tax judge.

Applicability:

This rule shall apply to district court judges.

Statement of the Rule:

(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.

(2) If a party to a case involving taxation makes a request, as part of the complaint, petition for review, or first responsive pleading, to have the case assigned to a tax judge, the case will be assigned to a tax judge. Thereafter, a request to have the case assigned to a tax judge may be granted in the discretion of the judge assigned to the case.

(3) Assignment of cases involving taxation to a tax judge shall be made on a random basis. Assignment will include an adjustment in the judge's calendar to allow the judge to handle the case.

(4) For purposes of this Rule 6-103, cases involving taxation include:

- (i) appeals from and petitions for review of decisions of the Utah State Tax Commission;
- (ii) actions brought for recovery of a tax or portion of a tax paid under protest; and
- (iii) cases which originate under Section 59-2-402 of the Utah Code relating to transitory personal property.

(5) The tax judges shall elect one of the tax judges to be the supervising tax judge. The term of office of the supervising tax judge is two years beginning July 1. The supervising tax judge shall be primarily responsible for:

- (i) the assignment of taxation cases to tax judges;
- (ii) the coordination of schedules of tax judges and the assignment of courtrooms and facilities in conjunction with the state court administrator and the presiding judge of each district court;
- (iii) addressing concerns of tax judges, other district court judges, or the Judicial Council regarding the management of district court taxation cases;

(iv) overseeing the tax education of the tax judges, in conjunction with the Standing Committee on Judicial Branch Education and the Education Division of the Administrative Office of the Courts;

(v) presiding over meetings of the tax judges; and

(vi) the use of law clerk resources to develop tax expertise, to assist the tax judges, and to facilitate consistency in the development of case precedents in the tax area and otherwise assist in the transition as new tax judges are designated.

(6) If a tax judge decides a taxation case of first impression, or one which creates new law or gives new guidance, the tax judge shall cause an opinion of the case to be published. An opinion need not be published where the case deals with settled rules of law.

(7) Tax judges shall serve only so long as they are district court judges. Tax judges may, however, resign as tax judges, at their own request or the request of the Judicial Council, while still serving as district court judges.

(8) If a tax judge does not have a full workload of taxation cases, the judge shall hear non-tax district court cases to maintain a full workload of cases.

Tab 12

Agenda

 Name

 Address

 City, State, Zip

 Phone

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

 Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff v. <hr/> Defendant	<p>Debt Collection Complaint</p> <hr/> Case Number <hr/> Judge
--	--

1. Jurisdiction and Venue

This is the correct court location to file in because (Choose all that apply):

- ☐ Defendant is a resident of this county.
☐ Defendant is doing business in this county.
☐ The contract was created in this county.
☐ The contract was to be performed in this county.
☐ Other: _____

2. Contract or Agreement

- ☐ I made the following contract or agreement with the defendant:
 (Describe what each person agreed to do and the date you made the agreement.)

- ☐ My claims are based on defendant's failure to pay a debt owed to someone else. I have the right to collect that debt. Defendant had a contract with:

_____ (name of creditor). A copy of that agreement is attached as Exhibit A. The defendant agreed to the following:

3. The agreement allowed for:

- ☐ interest in the amount of _____.
- ☐ attorney fees for the prevailing party.
- ☐ collection costs.

4. **Broken Contract or Agreement**

The defendant broke the agreement as follows:

(Explain how the defendant broke the agreement and what the defendant owes you.)

5. **Request for Relief**

I ask the court to:

- ☐ Order defendant to pay me \$_____.
- ☐ Order defendant to pay _____% interest, with interest starting on this date: _____.
- ☐ Order defendant to pay my legal costs and any attorney fees.
- ☐ Order defendant to pay me a collection fee of \$_____.
- ☐ Other:

6. ☐ I have attached the following documents in support of this complaint:

Plaintiff

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	_____

 Name

 Address

 City, State, Zip

 Phone

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

 Email

I am ☐ 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

Declaration in Support of Motion for Legal Fees

(Utah Rule of Civil Procedure 73)

 Case Number

 Judge

 Commissioner (domestic cases)

1. I am the attorney or licensed paralegal practitioner for the (choose one):

☐ plaintiff or petitioner

☐ defendant or respondent

☐ other: _____

2. I was hired to represent the above party on _____ (date).

3. My billing rate is \$_____ (amount) per hour.

4. I have been licensed as a legal professional since _____ (date).
5. I have spent time on the following aspects of the case (Include time records and descriptions of work performed. Attach additional sheets if needed.):

Amount of time spent on task	Description of task

(Attach additional sheets if needed.)

6. I am entitled to legal fees totaling \$_____ (amount).
7. This amount is reasonable because (explain):

Attorney or Licensed Paralegal Practitioner of record

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

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

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Declaration in Support of Motion for Legal Fees on the following people.

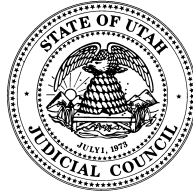
Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/>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

Tab 13



Administrative Office of the Courts

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

June 30, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Members of the Judicial Council Management Committee

FROM: Neira Siaperas, Juvenile Court Administrator

RE: Proposed Probation Policies for Review and Approval

The Board of Juvenile Court Judges has proposed revisions of the following policies which are now advanced to the Management Committee for review and consideration. Additionally, I seek placement on the Judicial Council's consent agenda for July 19, 2021.

Section 3.1 Victim Outreach and Response

This policy was last updated September 18, 2018. The purpose of this policy is to provide direction to the probation department regarding contact and coordination with victims. Updates to this policy are necessary in order to clarify that victims are only entitled to receive information regarding the offense with which they are associated; to specify the information that may be released to a victim when the offense is closed through nonjudicial adjustment; to specify documentation requirements following contact with victims; and to include a provision in alignment with updates to statute (78A-6-117(2)(j)(x)) that the probation officer is not the party responsible for requesting an order for restitution to the court.

I will be available to respond to questions during your meeting on July 13, 2021.

Thank you.

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

3.1 Victim Outreach and Response

Policy:

This policy provides direction to probation department staff regarding outreach and response to victims.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 77-37-2\(3\)](#)
- [UCA 77-38-1\(1-14\)](#)
- [UCA 77-38-2\(5\)](#)
- [UCA 78A-6-110](#)
- [UCA 78A-6-117](#)
- Utah Rules of Judicial Administration
 - [Juvenile Court Operations - Rule 7-302\(3\)\(c\)](#)
- [Utah Rules of Juvenile Procedure- Rule 50](#)
- [Utah State Restorative Justice Manual](#)

Reference:

- Legal Memo: The Agency Responsible for Providing Information to Crime Victims

Procedure:

1. The probation officer shall ensure that a Victim Packet is sent to the identified victim(s) within seven days of being assigned a referral. The probation officers shall coordinate the gathering of information from the victim(s) on cases with multiple defendants.
 - 1.1. A victim packet will include:
 - 1.1.1. A cover letter;
 - 1.1.2. A victim impact statement;
 - 1.1.3. A victim restitution statement; and
 - 1.1.4. A victim contact information form (eFiled as safeguarded).
 - 1.2. The probation officer shall ensure that the Victim Packet is correctly eFiled.
2. The probation officer shall review the documentation received from the victim and verify that contact information is accurate in CARE.
 - 2.1. The probation officer shall ensure that additional documentation is requested if insufficient information is received from the victim.
 - 2.2. The probation officer shall ensure that the notice of hearing and/or notice of expungement boxes are marked in CARE when a victim requests notification.

- 2.3. The probation officer shall ensure requests for Victim Offender Mediation are referred to the Victim Offender Mediation Program and all mediation documents are correctly eFiled.
 - 2.4. The probation officer shall notify the prosecutor when a Failure to Complete Mediation form is received.
3. The probation officer shall address responses from the Victim Packet with the referred minor and the minor's parent/guardian/custodian.
4. The probation officer shall not disclose the following victim information without a court order:
 - 4.1. Address;
 - 4.2. Telephone number;
 - 4.3. Place of employment;
 - 4.4. Email address; and
 - 4.5. Other identifying information.
5. The probation officer shall summarize non-safeguarded information from the Victim Packet in all applicable court reports.
6. The probation officer shall only release information to a victim that is associated to the incident involving the victim. Any information not pertinent to the victim shall be redacted.
7. The probation officer shall ensure the victim is notified when:
 - 7.1. A nonjudicial adjustment includes restitution or when restitution is court-ordered;
 - 7.2. A nonjudicial adjustment includes a no-contact provision or when the court issues a no-contact order;
 - 7.3. A nonjudicial extension for restitution or other nonjudicial provisions that apply to the victim is granted; or
 - 7.4. There is a victim request for notification of future hearings in the case.
8. The probation officer may only release information from a nonjudicial agreement relevant to the associated victim regarding the following:
 - 8.1.1. general counseling requirements;
 - 8.1.2. no-contact provisions;
 - 8.1.3. restitution; and/or
 - 8.1.4. Victim Offender Mediation.
9. The probation officer may release the dispositional order when the case is resolved in court and is pertinent to the offense associated with the victim.
10. The probation officer shall ensure that any contact with a victim is documented in the Victim Notes section in CARE.

11. The probation officer is not responsible for requesting a restitution order from the court.
-

History:

Approved by the Judicial Council and Effective September 18, 2018

Update by Policy Committee October 17, 2019

Comment Period End March 20, 2020

Approved by Chiefs July 9, 2020

Approved by JTCEs November 16, 2020

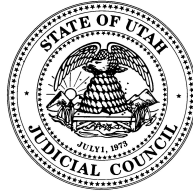
Approved by BJCJ December 11, 2020

Updated by Probation Policy Workgroup March 18, 2021

Approved by Chiefs April 8, 2021

Approved by JTCE May 6, 2021

Approved by BJCJ May 14, 2021



Administrative Office of the Courts

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

December 30, 2020
March 19, 2021 (updated)

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

TO: Board of Juvenile Court Judges

FROM: Meg Sternitzky, Juvenile Law Clerk

RE: The Agency responsible for providing information to Crime Victims

This memorandum seeks to clarify the role of probation and the prosecution in providing and collecting information from crime victims in the Juvenile Court. This memorandum will first analyze the Crime Victims' Act and whether probation can provide information to crime victims. This memorandum will then proceed with an analysis of the role of probation and prosecution in the criminal justice system and whether probation or the prosecution is the more appropriate agency to collect information from victims and provide notice of hearings. This memorandum will conclude with an analysis of the information that probation can provide to a victim when a minor enters into a nonjudicial adjustment. Please note, the terms "crime victim" and "victim" are used interchangeably. Also note, that Part I of this memorandum assumes that the prosecuting authority is involved in the case.

ISSUES:

1. Is it the role of probation or the prosecution to provide and collect information from victims and notify victims of hearings? Specifically, regarding Probation Policy 3.1, is it the role of probation to provide the victim with the victim packet and notice of hearings?
2. Can a probation officer send a letter to victims after a nonjudicial adjustment has been reached that includes information on restitution, non-contact provisions, and victim offender mediation? Additionally, can a probation officer tell a victim that counseling is included as a requirement in a nonjudicial adjustment?

BRIEF ANSWERS:

1. The plain meaning of the Victims' Right Act permits probation officers to reach out and provide information and notice to victims. However, it may be more appropriate for the prosecutor to provide notice of hearings and collect information from victims.
2. The Juvenile Court Act and the Victims' Right Act permit probation officers to provide victims with information on restitution, non-contact provisions, and victim offender mediation when a nonjudicial adjustment has been reached. The probation officer can also tell the victim that counseling is included as a requirement in a nonjudicial adjustment.

ANALYSIS:**I. THE ROLE OF PROBATION AND THE PROSECUTION.**

The Utah Legislature enacted the Victims' Right Act in 1987. *State v. Casey*, 2002 UT 29, ¶ 18, 44 P.3d 756 (citing Utah Code Ann. § § 77-37-1 to -5 (1999)). This statute includes, among other things, a bill of rights for victims. *Id.* (citing Utah Code Ann. § 77-37-3). The Utah Legislature then passed the Victims' Rights Amendment, which was ratified by Utah citizens on November 8, 1994. *Id.* The Victims' Rights Amendment bestows specific rights upon crime victims and gives the Utah Legislature the power to enforce and define its terms by statutes. *Id.* (citing Utah Const. art. 1, § 28). The Utah Legislature subsequently enacted the Right of Crime Victims Act, which elaborates upon the rights afforded crime victims under the Victims' Rights Amendment. *Id.* (citing Utah Code Ann. § § 77-38-1 to -14 (1999 & Supp. 2001)).

The Victims' Right Act is most pertinent to this issue. The bill of rights in the Victims' Right Act provides, in part, that "[v]ictims . . . have a right to be informed and assisted as to their role in the criminal justice system . . . [including] a right to clear explanations regarding relevant legal proceedings . . . [and] the right to timely notice of judicial proceedings." Utah Code § 77-37-3(1)(b),(c),(i). The issue is whether it is the responsibility of probation officers or the prosecuting attorney to inform and assist victims. Section I.A. of this memorandum will analyze the plain meaning of the Victims' Right Act. The next section will then proceed to analyze the role of probation officers and prosecutors in the criminal justice system.

A. Plain Meaning Of "All Criminal Justice Agencies" In The Victims' Right Act

The plain meaning of the Victims' Right Act permits probation officers to reach out and provide information and notice to crime victims. As a preliminary matter, Utah courts first look at the plain

meaning of statutes and “go no further unless they are ambiguous.” *State v. Casey*, 2002 UT 29, ¶ 20 (citing *State v. Ostler*, 2001 UT 68, ¶ 7, 31 P.3d 258). To begin, the Victims’ Right Act states that **all criminal justice agencies** have the duty to provide information and assistance to victims, including the right to timely notice of judicial proceedings. *See* Utah Code § 77-37-3(1)(b),(i) (emphasis supplied). Although “criminal justice agencies” is not defined in the Victims’ Right Act, the canon *Noscitur a Sociis* provides that the meaning of a word can be determined based on the context in which it is found.¹ The Crime Victims’ Right Act notes specific agencies that have a duty to protect victims’ rights, including: law enforcement, prosecution, corrections personnel, agencies controlling facilities, and officers of the court. *See* Utah Code Utah Code § 77-37-3(1)(a),(d),(g). As a result, it can be inferred that “all criminal justice agencies” includes the aforementioned agencies, since the terms appear in the same context. Consequently probation officers, as officers of the court, fit within the meaning of “all criminal justice agencies.” Therefore, probation officers have a duty to provide information and assistance to victims.

Moreover, it is important to note that the Juvenile Court Act explicitly permits probation to notify victims of the restitution process. The Juvenile Court Act provides that “the prosecuting attorney **or** the court’s probation department shall provide notification of the restitution process to all reasonably identifiable and locatable victims . . .” Utah Code § 78A-6-117(j)(viii) (emphasis supplied). The plain meaning of this section mandates that the prosecution or probation must inform the victim about restitution. As a result, the Victims’ Right Act and the Juvenile Court Act not only permit but place a duty on probation to reach out and provide notice and information to victims. Although the plain meaning of the Victims’ Rights Act, together with the Juvenile Court Act, places a duty on probation officers to reach out and provide information to crime victims, the function of each criminal justice agency determines its role in assisting victims. The next section of this memorandum examines whether probation or the prosecution is the appropriate agency to collect information from victims and provide notice of hearings.

B. Probation Can Provide Information To Victims

Probation can **provide** information to victims, including the victim packet, but it may be more appropriate for the prosecutor to **collect** the victim packet and provide notice of hearings (emphasis supplied). To begin, the 1982 President’s Task Force on Victims of Crime “recommended that prosecutors assume the responsibility for keeping victims notified of all court proceedings and bringing to

¹ Stephen Adams, *Listing the Canons of Construction*, IDAHO STATE BAR, https://isb.idaho.gov/wp-content/uploads/canons_w_commentary.pdf (last visited Dec. 30, 2020).

the court's attention the victim's view on such subjects as bail, plea bargains, sentences, and restitution."² The Utah Council on Victims also envisioned that most notices would be sent by prosecutors.³ Utah courts have also held that the right to be informed is mediated through a duty of the prosecution. *State v. Brown*, 2014 UT 48, ¶ 17, 342 P.3d 239. Additionally, some responsibilities are delegated exclusively to the prosecution. For example, under the Juvenile Court Act, the victim must provide the **prosecutor** with information to determine the amount of restitution. Utah Code § 78A-6-117(j)(ix) (emphasis supplied). The Juvenile Court Act also provides that the **prosecutor or victim** is responsible for submitting the request for restitution to the court. *Id.* § 78A-6-117(j)(ix) (emphasis supplied). The Utah Supreme Court reasoned that prosecutors have a duty to collect information and convey requests to the court because they are "obligated to alert the court when they know that the court lacks relevant information."⁴ Thus, authorities appear to agree that the prosecution should assume the role of notifying the victim of hearings and collecting information to convey requests to the court.

The Utah Office for Victims of Crime, on the other hand, lists the responsibilities of corrections as: assisting victims when threats are made, assisting victims in understanding the correction system, collecting and disbursing restitution, notifying victims of an offender's release, providing a secure waiting area, and providing information regarding the level of protection (see appendix).⁵ Although the juvenile probation department is not corrections, their responsibility to victims is similar -- namely to assist with restitution and protection.⁶ Consequently, it may be more appropriate for the prosecutor to collect the information from victims and provide notice of hearings, because this responsibility aligns more with the role of the prosecution.

Lastly, however, it is important to note inter-agency collaboration is essential to ensure victims' rights are protected. While the role of the prosecution is suited to collect information from the victim and notify the victim of court hearings, all criminal justice agencies have the duty to provide information and

² Paul G. Cassell, *Treating Crime Victims Fairly: Integrating Victims into the Federal Rules of Criminal Procedure*, 2007 UTAH L. REV. 861, 865 (2007).

³ Paul G. Cassell, *Balancing the Scales of Justice: The Case for and the Effects of Utah's Victims' Rights Amendment*, 1994 UTAH L. REV. 1373, 1391 (1994).

⁴ *Recent Developments in Utah Law: B. A Victim's Right to be Heard Under the Victims' Rights Amendment, the Victims' Right Act, and the Rights of Crime Victims Act*, 2003 UTAH L. REV. 716, 721 (2003) (quoting *State v. Casey*, 2002 UT 29, ¶ 32, 44 P.3d 756).

⁵ *Victims and Witnesses Have Rights!*, UTAH OFF. FOR VICTIMS OF CRIME, <https://justice.utah.gov/Crime/Documents/Crime%20Victim%20Information/Victims%20&%20Witnesses%20Have%20Rights%20Brochure.pdf> (last visited Dec. 30, 2020).

⁶ The comparison between corrections and juvenile probation can be made, because similar principles can apply to both systems. See *State in Interest of J.M.H.*, 924 P.2d 895, 896 n. 1 (Utah Ct. App. 1996) (stating similar underlying principles may apply to both systems).

assistance to victims. Consequently, it is within the purview of probation to assist the prosecution in upholding victims' rights.

II. INFORMATION PROBATION CAN PROVIDE TO A VICTIM WHEN A MINOR ENTERS INTO A NONJUDICIAL ADJUSTMENT.

This section of the memorandum will address the information that probation can provide to a victim when a minor enters into a nonjudicial adjustment. Specifically, Section II.A. will address whether probation can send information about restitution, non-contact provisions, and victim offender mediation. The following section will then analyze whether probation can inform a victim that counseling is included as part of the nonjudicial adjustment.

A. Probation can send information about restitution, non-contact provisions, and victim offender mediation.

Probation can send a letter to victims after a nonjudicial adjustment has been reached that would include restitution, non-contact provisions, and victim offender mediation provisions. In fact, this may be required of probation. Under the Juvenile Court Act, "the victim of any act charged in a petition or information involving an offense committed by a minor which if committed by an adult would be a felony or a class A or class B misdemeanor shall, upon request, be afforded all rights afforded victims in . . . Title 77, Chapter 37, Victims' Rights." Utah Code § 78A-6-114(d). Again, the Victims' Right Act states that all criminal justice agencies have the duty to provide information and assistance to victims. *See* Utah Code § 77-37-3(1)(b),(i).

Furthermore, the Juvenile Court Act states that "[w]ithin seven days of receiving a referral that appears to be eligible for a nonjudicial adjustment . . . the court's probation department shall provide an initial notice to reasonably identifiable and locatable victims of the offense contained in the referral." Utah Code § 78A-6-602(9)(a). This notice can include notice of restitution. To reiterate, the Juvenile Court Act explicitly permits probation to notify victims of the restitution process. The Juvenile Court Act provides that "the prosecuting attorney **or** the court's probation department shall provide notification of the restitution process to all reasonably identifiable and locatable victims . . ." Utah Code § 78A-6-117(j)(viii) (emphasis supplied). The plain meaning of this section mandates that the prosecution or probation must inform the victim about restitution. Additionally, notice should include information about mediation and non-contact provisions, since victims have the right to a speedy disposition of the charges and a right to be informed as to the level of protection available to protect them from intimidation and harm. *See* Utah Code § 77-37-3(1). As a result, the Juvenile Court Act and the Victims' Right Act permit probation officers to provide the aforementioned information to victims -- whether the minor is

going through the court process or a non-judicial adjustment is immaterial to probation's ability to provide this information.

B. Probation can send information about counseling services.

There is no authority that prohibits a probation officer from telling a victim that counseling is included as a requirement in a nonjudicial (as long as information on counseling records is not disclosed). Pursuant to the Juvenile Court Act, victims can be informed of conditions of release and dispositions, and victims may access "disposition orders against the minor" or a "decree imposed by the court." *See* Utah Code § 78A-6-114(1)(e); CJA 4-202.03(6)(E). Although a nonjudicial adjustment is **not** a disposition, informing the victim about the conditions of a nonjudicial, aligns with the victim's general right to have information about case status and case outcome. Additionally, victims have a right to protection -- a right to be informed as to the level of protection available to protect them from intimidation and harm. *See* Utah Code § 77-37-3(1). If this issue arises mostly in the context of sexual offense cases, informing the victim that a minor is in counseling, could aid in the victim's level of protection.

Consequently, although there is no specific right of victims to be informed about nonjudicial conditions -- victims can be informed about the conditions through another right, such as the right to have information regarding case disposition or the right to protection. As a result, probation officers do not have an obligation to inform the victim that a minor is in counseling, but the law does not prohibit them from doing so either.

CONCLUSION: The plain meaning of the Victims' Right Act permits probation officers to reach out and provide information and notice to crime victims. However, it may be more appropriate for the prosecutor to collect the victim packet and provide notice of hearings. Additionally, when a minor enters into a nonjudicial adjustment probation can send a letter to victims after a nonjudicial adjustment has been reached that would include restitution, non-contact provisions, and victim offender mediation provisions. Moreover, there is no authority that prohibits a probation officer from telling a victim that counseling is included as a requirement in a nonjudicial adjustment.

TAB 1: AGENCY RESPONSIBILITIES TO VICTIMS

Prosecutors' Responsibilities

- provide information regarding sources of protection from threats and harassment
- provide information about the criminal justice process and the role of victims and witnesses in that process
- provide clear explanations regarding legal proceedings
- inform victim of State Crime Victim Reparations program and provide needed assistance in understanding procedures for obtaining reparations
- provide individual with timely notice of court appearances as well as postponements
- inform parent/guardian of community resources available to children involved in crime
- establish policies and procedures to encourage speedy disposition of criminal cases
- Inform victim within seven days of filing felony charges

3

-
- after filing felony criminal charges and upon victim's request, provide victim notice of important hearings
 - when appropriate, introduce a photograph of the victim taken before the homicide
 - provide restitution information to the court, including victims' names and claims
 - provide information regarding the level of protection from intimidation and harm available to victims and witnesses and the sources of that protection

Corrections Responsibilities

- assist victims when threats are made
- assist victims in understanding correction system
- assist in determining restitution amounts, collecting and disbursing
- inform victims of the State Crime Victim Reparations program
- upon proper request, notify victims of offender's release from halfway house, work release, rehabilitation program, state hospital or escape
- provide secure waiting areas away from offender and offender's family while victims wait to testify at parole hearing
- provide information regarding the level of protection from intimidation and harm available to victims and witnesses and the sources of that protection

3.1 Victim Outreach and Response

Policy:

This policy provides direction to probation department staff regarding outreach and response to victims.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 77-37-2\(3\)](#)
- [UCA 77-38-1\(1-14\)](#)
- [UCA 77-38-2\(5\)](#)
- [UCA 78A-6-110](#)
- [UCA 78A-6-117](#)
- Utah Rules of Judicial Administration
 - [Juvenile Court Operations - Rule 7-302\(3\)\(c\)](#)
- [Utah Rules of Juvenile Procedure- Rule 50](#)
- [Utah State Restorative Justice Manual](#)

Reference:

- **Legal Memo: The Agency Responsible for Providing Information to Crime Victims**

Procedure:

1. The probation officer shall ensure that a Victim Packet is sent to the identified victim(s) within seven days of being assigned a referral. The probation officers shall coordinate the gathering of information from the victim(s) on cases with multiple defendants.
 - 1.1. A victim packet will include:
 - 1.1.1. A cover letter;
 - 1.1.2. A victim impact statement;
 - 1.1.3. A victim restitution statement; and
 - 1.1.4. A victim contact information form (eFiled as safeguarded).
 - 1.2. The probation officer shall ensure that the Victim Packet is correctly eFiled.
2. The probation officer shall review the documentation received from the victim and verify that contact information is accurate in CARE.
 - 2.1. The probation officer shall ensure that additional documentation is requested if insufficient information is received from the victim (~~see Addendum 3.1.1 Probation Practices to Determine Nonjudicial Restitution~~).

- 2.2. The probation officer shall ensure that the notice of hearing and/or notice of expungement boxes are marked in CARE when a victim requests notification.
- 2.3. The probation officer shall ensure requests for Victim Offender Mediation are referred to the Victim Offender Mediation Program and all mediation documents are correctly eFiled.
- 2.4. The probation officer shall notify the prosecutor when a Failure to Complete Mediation form is received.
3. The probation officer shall address responses from the Victim Packet with the referred minor and the minor's parent/guardian/custodian, ~~during the preliminary interview.~~
4. The probation officer shall not disclose the following victim information without a court order:
 - 4.1. Address;
 - 4.2. Telephone number;
 - 4.3. Place of employment;
 - 4.4. Email address; and
 - 4.5. Other identifying information.
5. The probation officer shall summarize non-safeguarded information from the Victim Packet in all applicable court reports.
6. **The probation officer shall only release information to a victim that is associated to the incident involving the victim.** ~~The probation officer shall ensure the victim is notified when a nonjudicial adjustment includes restitution or when restitution is court ordered, and document that contact in a case note.~~ **Any information not pertinent to the victim shall be redacted.**
7. The probation officer shall ensure the victim is notified when: ~~a nonjudicial adjustment includes a no-contact provision or when the court issues a no-contact order.~~
 - 7.1. **A nonjudicial adjustment includes restitution or when restitution is court ordered;**
 - 7.2. **A nonjudicial adjustment includes a no-contact provision or when the court issues a no-contact order;**
 - 7.3. **A nonjudicial extension for restitution or other nonjudicial provisions that apply to the victim is granted; or**
 - 7.4. **There is a victim request for notification of future hearings in the case.**
8. **The probation officer may only release information from a nonjudicial agreement relevant to the associated victim regarding the following:**
 - 8.1. **general counseling requirements;**

- 8.2. no-contact provisions;
 - 8.3. restitution; and/or
 - 8.4. Victim Offender Mediation.
9. The probation officer may release the dispositional order when the case is resolved in court and is pertinent to the offense associated with the victim.
 10. The probation officer shall ensure that any contact with a victim is documented in the Victim Notes section in CARE.
 11. The probation officer is not responsible for requesting ~~It is not the probation officer's responsibility to request~~ a restitution order from the court.

History:

Approved by the Judicial Council and Effective September 18, 2018

Update by Policy Committee October 17, 2019

Comment Period End March 20, 2020

Approved by Chiefs July 9, 2020

Approved by JTCEs November 16, 2020

Approved by BJCJ December 11, 2020

Updated by Probation Policy Workgroup March 18, 2021

Approved by Chiefs April 8, 2021

Approved by JTCE May 6, 2021

Approved by BJCJ May 14, 2021

Proposed Policy Update for 3.1 Victim Outreach

1. Comment/Theme:

- ❖ **2.4, The intention here is not clear. Is the notification to the prosecutor the same as a request for decision? Would we notify the prosecutor on a failure to complete mediation form on an NJ case? It is my understanding there are several reasons that a failure to complete mediation form is received. I don't think all of them should require notification to prosecutor or a request for decision. In a Nonjudicial situation if a failure to complete a mediation is received for an offender failing to attend a pre-meeting this would be a reason to request a decision from CA which in turn would notify the prosecutor, but if the failure to complete a mediation form is received due to not being convened after pre-meetings are held shouldn't the youth offender still be given the opportunity to handle the restitution amount through an NJ agreement? If this is the case why would a prosecutor need to be notified? I guess ultimately I am reading this as notification to the prosecutor as the same as a request for decision.**
 - **Policy Committee Response:** Yes a notification to the prosecutor is considered a request for a decision. For the youth to substantially comply with mediation they just have to attend the pre-meeting. If an agreement is not reached to move forward with mediation at the pre-meeting (or anytime before the meeting) the PO can still offer the youth an opportunity to complete restitution in a nonjudicial as guided by the sliding scale.
 - **Policy Committee Decision:** N/A

2. Comment/Theme:

- ❖ **6. This is similar to 7.4.1 and 7.4.2 but without the restrictions. I think this needs to be elaborated on or just addressed in 7.4.**
- ❖ **7.4.1 This authorizes release of a dispositional order. What happens when there are incidents being handled that the victim is not associated with? Is the Victim entitled to the whole thing? should the order be redacted?**
 - **Policy Committee Response:** #6 was included to highlight that in certain situations the PO will want to check to make sure they are not releasing other info to the victim they are not entitled to. As an example, if there are multiple incidents on one order, the PO would only be able to release the information specific to the disposition of the incident the victim was involved with. Whoever is sending out the order to the victim should redact information from the order if it doesn't pertain to the offense the victim is associated with.
 - **Policy Committee Decision:** NA

3. Comment/Theme:

- ❖ **2. 7.4 Should we keep the question on the Victim Impact Statement Packet page 4 Victim Contact-Safeguarded Information "#2. Do you wish to be notified of the resolution of this case?" I know the forms committee is**

currently working on getting an updated version of the Victim Impact Statement packet approved. I don't see why we are asking the question if we can't do what we are asking.

- ❖ **7.4.2 This limits what we can release when the case is handled by NJ. Do we just ignore the Victim Impact Statement question I referred to in my 7.4 comment when none of the listed criteria are applicable? again this brings me back to my 7.4 comment do we keep this question in the victim impact statement packet? Can we advise the victim the case is being handled through an NJ agreement if we don't go into communicating consequences? The Nonjudicial Agreement isn't one of the listed criteria but I can't imagine what a phone call or letter would be otherwise if the criteria are not applicable.**

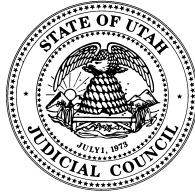
- **Policy Committee Response:** We would still want to continue to offer the victim the option to be notified of the resolution of the case as that's required by statute, the policy is just clarifying in that instance if they want to be notified, what items the probation officer is able to notify them of. Probation officers are still able to notify the victim of most conditions that were included in the court order or nonjudicial agreement. Although we cannot send a copy of the nonjudicial to the victim, we can call them or include in a letter the outcome of the case and the items included in the nonjudicial that pertain to the victim (ie. restitution, no-contact orders).
- **Policy Committee Decision:** NA

4.Comment/Theme:

- ❖ **7.5 What hearings does this specifically include? does it include reviews? Also, I have had incidents when a charge is dismissed (plea agreement) but restitution is left open and reviewed on other incidents. This would affect notice of hearing. The incident wouldn't be reviewed but the restitution for the victim may be. What happens in those situations? I am used to checking the box (2.2) and clerical addressing the notice of hearing but this may not be the same in all districts.**

- **Policy Committee Response:** If the victim marks that they want to be notified this would include any future hearings that pertain to the offense they are a victim of, including reviews and expungements (if the victim selects it). You are correct in your understanding that if the charge is dismissed they would not be notified of any future hearings and the PO would need to follow up (either with the victim or victim advocate) to make sure the victim knows what is going on with restitution.
- **Policy Committee Decision:** NA

Tab 14



Administrative Office of the Courts

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

July 1, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee
FROM: Nini Rich, ADR Director
RE: ADR Committee Appointee Request

Name of Committee: Alternative Dispute Resolution Committee

Staff: Nini Rich

Reason for Vacancy: This vacancy is the result of the resignation of Judge Royal I. Hansen, Third District Court, who is retiring on August 1, 2021.

Eligibility Requirements: This vacancy is for a District Court Judge.

Description of recruitment process: An email was sent to members of the District Court Bench and the Board of District Court Judges. Judge Adam T. Mow, Third District Court, expressed interest to the Board of District Court Judges and the Board recommended Judge Mow for appointment to the Committee.

Nominees for consideration: The ADR Committee, Chaired by Judge Royal I. Hansen, has recommended Judge Adam T. Mow for appointment to the ADR Committee.

Current ADR Committee Members: Attached

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 Judicial Council's ad hoc Committee on Alternative Dispute Resolution

Committee Membership as of May 14, 2021

Judge Royal I. Hansen, Chair, Third District Court

Judge Ryan M. Harris, Utah Court of Appeals

Commissioner Michelle C. Tack, Third District Court

Michele Mattsson, Chief Appellate Mediator, Utah Court of Appeals

Professor James Holbrook, S.J. Quinney College of Law, University of Utah

Professor Carolynn Clark, University of Utah, Conflict Resolution Program

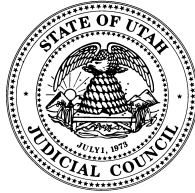
Professor Benjamin Cook, J. Reuben Clark College of Law, Brigham Young
University

Michelle M. Oldroyd, Utah State Bar, Director of Professional Education

Marcella L. Keck, Attorney/Mediator

Kent B. Scott, Attorney/Mediator

Nini Rich, staff, ADR Director, Administrative Office of the Courts



Administrative Office of the Courts

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

July 6, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee/ Judicial Council

FROM: Kara J. Mann

RE: Language Access Committee Appointment

Currently, there are two open vacancies on the Language Access Committee which must be filled by a Clerk of Court representative and a certified court interpreter representative in accordance with CJA Rule 1-205(1)(B)(ix).

At this time the Language Access Committee is comprised of the following members:

- Judge Michael Leavitt, Fifth District Juvenile Court- Chair
- Yadira Call, Certified Court Interpreter
- Evangelina Burrows, Third District Interpreter Coordinator
- Rory Jones, Chief Probation Officer, Seventh District
- Russ Pearson, TCE, Eighth District
- Chip Royce, Court-Approved American Sign Language Interpreter
- Judge Michael Westfall, Fifth District Court
- Judge Kelly Schaeffer-Bullock, Highland Justice Court

For the Clerk of Court vacancy, I provided a memo announcing the vacancy to the Clerks of Court. Through this recruitment process, the Clerks of Court recommends the following Clerk of Court for consideration.

- Cade Stubbs, Fifth District/Juvenile Court

For the certified court interpreter vacancy, I emailed all certified court interpreters announcing the open position on the committee on June 25, 2021. Through this recruitment process, the Language Access Committee has the following candidate to submit for consideration.

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

- Ingrid Oseguera

Ms. Oseguera's résumé is enclosed for your consideration. Additionally, Ms. Oseguera is not currently serving on any other committee for Utah State Courts.

Encl. Ingrid Oseguera's cover letter and résumé

INGRID OSEGUERA

801-897-4400 / ingridinterpreting18@gmail.com

Dear Ms. Kara Mann,

Thank you for sharing with me about this great opportunity to represent my colleague interpreters before such an honorable Language Access Committee.

My name is Ingrid Oseguera. I have been a certified court interpreter for the state of Utah for 11 years, as my resume will indicate. I'm interested in being part of this important committee. My experience and skills would make a valuable addition to the committee.

Most recently, my responsibilities as President, then Vice-President of UTIA (Utah Translators and Interpreters Association) has giving me a lot of experience to sit in organizations and committees of Language Access in the United States.

I have attached my resume and I look forward to hearing from you regarding this position to serve my interpreting community and the Judicial Council.

Sincerely,

Ingrid Oseguera, AA, Sp-CMI and Certified Court Interpreter

Member of UTIA, ATA, NAJIT, and IMIA

ingridinterpreting18@gmail.com

<https://interpretingacademy.com/>

Ingrid E. Oseguera, CMI-Spanish Interpreter, Utah Certified Court Interpreter ingridinterpreting18@gmail.com

2235 West 4800 South, Roy, Utah 84067

- 801.897.4400 -

EDUCATION

B.S. Degree, Spanish Commercial Emphasis

Minor: Communications

Weber State University, Ogden, UT

SKILL SET SUMMARY:

WORK EXPERIENCE

2016-2021 Spanish Interpreter for Intermountain Health Care

2013-2016 Language Coordinator for the UCR, Intermountain Health Care

2012-2021 Medical Interpreter Trainer, Global1voice,

2000-2021 Certified Spanish interpreter for the Utah State Courts

- Assist in interpreting from Spanish to English in justice, juvenile, and district courts

2010-2021 Prime for Life Instructor

ATA Outreach Program

- Conducted programs in schools to educate about the interpreting and translation profession

Spanish Interpreter for Adult Probation and Parole Agency

Performed consecutive interpretation for interviews and translate statements

COMGAP

Medical Interpreter Trainer

Interpreter Coordinator and Trainer

Coordinate request of interpreters of all languages on-site and by phone

Training bilingual personal of IHC hospitals

PROFESSIONAL AFFILIATIONS

Weber State University Spanish Club, President

Utah Translators and Interpreters Association, President 2014-2018

Utah Translators and Interpreters Association, Vice-President 2019-2021

National Association of Judiciary Interpreters and Translators

International Medical Interpreters Association, Associate Member

Director of Board of National Board of Certifying Medical Interpreters

ATA

TRAININGS

IMIA, Leadership Academy graduate

Community Interpreter, Cultural Competency and Medical Terminology Trainer, Cross Cultural Communications

Prime for Life Instructor

Medical School at the San Carlos de Guatemala University, Guatemala,

Interpretation Coursework:

- Certified Medical Interpreter (NBCMI)
- Quality Interactions Cultural Competency,
- Court Interpreter Certification (Spanish), Utah AOC, Salt Lake City, UT
- Court Interpreter Workshop, Consortium for language Access in the Courts, Salt Lake City, UT
- English as a Second Language Coursework, Weber State University, Ogden City, UT
- Professional Development Training, Source Language Solutions, Salt Lake City, UT

- Medical Interpreter Training, University of Arizona, Sacramento, CA
- Written Test Preparation Seminar: University of Arizona, Los Angeles, CA
- Bridging the Gap—Medical Interpreting Training, Salt Lake City, UT
- Medical Terminology, Community Education of Granite Dist., Taylorsville City, UT

INTERNSHIPS:

Weber Juvenile Justice Court

McKay Dee Hospital, Language Services

COMMUNITY ORGANIZATIONS:

President and Vice-president of UTIA (Utah Translators and Interpreters Association)

President of "Club de Español de Weber State"

Director of Diversity Committee for WSU Davis Campus

WSU Honors Senator