

JUDICIAL COUNCIL MEETING

AGENDA

August 20, 2021

Meeting held through Webex

Chief Justice Matthew B. Durrant, Presiding

1. 12:10 p.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 12:15 p.m. Chair's Report. Chief Justice Matthew B. Durrant
(Information)
3. 12:20 p.m. State Court Administrator's Report.....Ron Gordon
(Information)
4. 12:30 p.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget & Fiscal Management Committee..... Judge Mark May
Liaison Committee..... Judge Kara Pettit
Policy & Planning Committee Judge Derek Pullan
Bar Commission..... Rob Rice, esq.
(Tab 2 - Information)
5. 12:55 p.m. ODR Update.....Justice Deno Himonas
(Information) Heidi Anderson
Brody Arishita
Meredith Mannebach
Nini Rich
Kim Zimmerman
6. 1:10 p.m. Problem-Solving Courts Recertifications Judge Dennis Fuchs
(Tab 3 - Action)
7. 1:25 p.m. Probation Policies 2.11, 2.12, 2.13, 2.14 Neira Siaperas
(Tab 4 - Action)
8. 1:30 p.m. Carryforward Budget Requests:..... Judge Mark May
(Tab 5 - Action) Karl Sweeney
8a. IT - Cisco Webex Work Fixes Heidi Anderson
8b. IT - Facilities/IT - Judicial Council Room Upgrades Heidi Anderson
8c. IT - Statewide Router Upgrades Heidi Anderson
8d. IT - Wifi Access Points Upgrades Heidi Anderson

- | | | | |
|--|--|---------------------------------------|-------------------------------|
| | | 8e. Third District Court Media Carts | Chris Davies and Tracy Walker |
| | | 8f. Court of Appeals Webex Technology | Nick Stiles |
-
- | | | | |
|-----|-----------|---|----------------------|
| 9. | 1:50 p.m. | Grant Update..... | Jordan Murray |
| | | (Information) | |
| 10. | 2:00 p.m. | Justice Court Task Force Update..... | Judge Paul Farr |
| | | (Tab 6 - Information) | Jim Peters |
| | 2:30 p.m. | Break | |
| 11. | 2:40 p.m. | Wellington and Carbon County Interlocal Agreement | |
| | | (Tab 7 - Action) | Judge Jon Carpenter |
| | | | Jim Peters |
| 12. | 2:50 p.m. | Justice Court Judge Certifications | Jim Peters |
| | | (Action) | |
| 13. | 3:00 p.m. | Fourth District Commissioner Request..... | Judge Jennifer Brown |
| | | (Tab 8 - Action) | Mark Urry |
| 14. | 3:10 p.m. | Old Business/New Business | All |
| | | (Discussion) | |
| 15. | 3:20 p.m. | Executive Session | |
| 16. | 3:30 p.m. | Adjourn | |

Consent Calendar

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

- | | |
|---------------------------|--|
| 1. Committee Appointments | ADR Committee – Nini Rich |
| (Tab 9) | MUJI Criminal Committee – Michael Drechsel |

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

July 19, 2021

Meeting conducted through Webex and at
450 S. State St.

Salt Lake City, UT. 84111

9:00 a.m. – 12:30 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

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

Excused:

Hon. Samuel Chiara
Hon. Kara Pettit
Hon. Derek Pullan

Guests:

Hon. Kate Appleby, Senior Judge
Michael Cowden, Code for America
Max Hell, Code for America
Kristina King, OLRGC
Joanna Landau, Indigent Defense Commission
Dr. Arul Mishra, University of Utah

AOC Staff:

Ron Gordon
Cathy Dupont
Michael Drechsel
Heidi Anderson
Shane Bahr
Paul Barron
Casey Huggard
Kara Mann
Meredith Mannebach
Jordan Murray
Bart Olsen
Jim Peters
Jon Puente
Clayson Quigley
Lucy Ricca
Neira Siaperas
Nick Stiles
Karl Sweeney
Keisa Williams
Jeni Wood

Guests Cont.:

Dr. Himanshu Mishra, University of Utah
Holle Petersen, Utah Legal Services
Meilani Santillan, Code for America
Noella Sudbury, Sudbury Consulting

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 David Connors moved to approve the June 28, 2021 Judicial Council meeting minutes, as amended on page 7 to change FY22 to FY21 expense. Judge Brook Sessions seconded the motion, and it passed unanimously.

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

Chief Justice Durrant did not provide a report.

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

Ron Gordon announced that Tonya Mashburn from KSL will join the courts as the new Public Information Officer. Senior judge coverage filling existing needs in the districts is going well. The Senate is expected to hold an Extraordinary Session in August to confirm new judges.

The Management Committee is meeting weekly to discuss rising COVID case counts while moving cases forward. There was an incident in which a juror was exposed to a court team member who had tested positive for COVID.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

The committee met earlier this month to address annual budget requests.

Liaison Committee Report:

The Liaison Committee has not met since the last Council meeting. The Executive and Judicial Compensation Commission informed the court that they are focusing on compensation for judges.

Policy and Planning Committee Report:

Judge Derek Pullan was unable to attend.

Bar Commission Report:

Rob Rice stated the Bar is looking forward to the upcoming Summer Convention in Sun Valley. Last checked, early registration was on par with the last Sun Valley Convention.

5. UTAH RETIREMENT SYSTEMS MEMBERSHIP COUNCIL (UTAH CODE § 49-11-205): (Ron Gordon)

Chief Justice Durrant welcomed Ron Gordon. Mr. Gordon sought the Council's approval to reappoint Judge Pettit or appoint a new judge to the Retirement Systems Oversight Board to fill the Judiciary representative. Judge Pettit was willing to serve a second term. Utah Code § 49-11-205(2)(f) states "one council member shall be a representative of members of the Judges' Noncontributory Retirement System selected by the Judicial Council." Therefore, the member does not need to be a Judicial Council member.

Chief Justice Durrant thanked Mr. Gordon.

Motion: Justice Deno Himonas moved to approve the reappointment of Judge Pettit to the Utah Retirement Systems Membership Council, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

6. **PAY INCREASE FOR CONTRACT INTERPRETERS: (Kara Mann)**

Chief Justice Durrant welcomed Kara Mann. Ms. Mann stated nationwide courts are addressing the COVID-related backlog of cases. Recently, another state asked Utah's contract certified and approved court interpreters to work for their courts at a higher rate of pay. Court interpreters provide an essential role in the judicial process. 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.

A survey of the contract rates for freelance court interpreters in nearby states showed Utah has one of the lowest hourly rates of all the states surveyed.

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

*Arizona is a non-unified 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, 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. Karl Sweeney agreed the 20% interpreter increase can be made permanent without any additional funding required. This increase would not affect the staff interpreters or the ASL interpreters.

Ms. Mann recommended a 20% contract rate increase be approved on an ongoing basis, then approve an additional one-time bonus increase (varying between 5.62% -.19%, depending on the credential) for FY22 only as the courts address the backlog. The Management Committee

requested that Ms. Mann research the possibility of increasing certified interpreters to \$50 and round up to the nearest dollar for the other interpreter levels. Mr. Sweeney believed it would be sustainable for FY22 because there is carryforward money for that account, but does not know if it could continue past FY22 on an ongoing basis. The total expenditures for FY22 would need to be reviewed since there is fluctuation in the carryforward amounts for this fund.

On July 15, 2021 the Budget & Fiscal Management Committee unanimously approved by email a 20% contract rate increase on an ongoing basis. Only one of the four members approved an additional one-time bonus increase (varying between 5.62% -.19%, depending on the credential). Judge May wasn't sure how this budget request compares to other budget requests and believed this should be reviewed annually.

Judge Shaughnessy thought Utah's interpreter pay should be comparable to neighboring states. Judge Brian Cannell asked if interpreters would be participating remotely for neighboring states' hearings. Ms. Mann assumed the majority will perform remote interpretations with neighboring states. Certified interpreters are only available in 18 languages so often other levels of interpreters are needed.

Heidi Anderson noted the IT Department is working with technology resources to better assist with remote interpreting. Ms. Mann said each justice court can select the amount they pay interpreters, some use the court's pay baseline and others set their own pay amounts. Salt Lake City Justice Court pays interpreters more than the Judiciary. Justice courts compete with other courts for interpreters.

Chief Justice Durrant thanked Ms. Mann.

Motion: Judge Shaughnessy moved to approve a permanent 20% increase in pay for contract spoken language interpreters, with a one-time FY22 bonus increase (varying between 5.62% -.19%, depending on the credential), bringing the certified interpreters pay to \$50, and rounding up to the nearest dollar amount for all other interpreter credentialing, as presented. Judge Connors seconded the motion, and it passed with Justice Himonas preferring not to vote without additional information.

7. JUSTICE COURT JUDGE CERTIFICATIONS: (Jim Peters)

Chief Justice Durrant welcomed 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 who are attorneys who may or may not have criminal law experience, or who are individuals who do not have legal training. As currently structured, appointee attends 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.

Mr. Peters sought approval from the Council to replace the current exam with a revised version that was developed with the assistance of faculty and the Utah Judicial Institute. Mr. Peters also sought approval for future exams to be updated by the Board of Justice Court Judges without the need to obtain Council approval for each revision. The Council 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. Delegating these functions to the Board of Justice Court Judges would not require a rule or statute change.

Judge Shaughnessy explained that the Management Committee felt having the Council approve the exam might result in the exam being posted publicly, whereas, the Board can be delegated to edit the exam without public access.

Chief Justice Durrant thanked Mr. Peters.

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

8. SENIOR JUDGE CERTIFICATIONS: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Ms. Dupont presented three applications for new active senior judges and several applications for recertifications for active and inactive senior judge status. 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 ratio 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

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' number of hours worked is unknown as they work in 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

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge Connors moved to approve the certification of Judge Robert Dale, Judge Royal Hansen, and Judge Darold McDade as active senior judges; the recertification of Judge Atherton, Judge Dever, Judge Low, Judge Lyon, Judge Peuler, Judge Stott, Judge Bachman, Judge Oddone, and Judge Wolthuis as active senior judges; and the recertification of Judge Bohling, Judge Hadley, Judge Higbee, Judge Lindsay, Judge Marx, Judge Vail, and Judge Waterfall as inactive senior judges, as presented. Judge Farr seconded the motion, and it passed unanimously.

9. BUDGET AND GRANTS (JCTST ALLOCATIONS): (Judge Mark May, Karl Sweeney, Jim Peters, and Jordan Murray)

Chief Justice Durrant welcomed Judge Mark May, Karl Sweeney, Jim Peters, and Jordan Murray.

JCTST Allocations

Utah Code § 78A-7-301 and Code of Judicial Administration Rule 9-107 describe the Justice Court Technology, Security and Training Account (Fund) created by the Utah Legislature. 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) reviews the requests and makes recommendations to the Council. Below is a chart that describes all requests received and the Board's recommended amount.

The balance of the Fund as of July 1, 2020 was \$636,663. The 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.

#	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
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	

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		

The criteria the Board used for deciding on budget items include 1) the amount of the request (amounts ranging from hundreds of dollars to more than \$100K); 2) if a cost is shared by the local city or county; and 3) extraordinary needs, such as a defibrillator and a live scan machine. Judge Augustus Chin noted revenues are down for all justice courts, therefore, the Council cannot rely on the notion that justice courts make money.

Annually, the Board meets with Ms. Anderson (IT Department) and Lauren Andersen (Education Department) to address their budget requests. Ms. Anderson said two-thirds of IT help desk calls come from the justice courts.

Motion: Judge Connors moved to approve the one-time and ongoing Justice Court Technology, Security, and Training requests, as presented. Judge Chin seconded the motion, and it passed unanimously.

Mr. Murray provided the 2021 second quarter grants update. The total award percentage of grant funding includes 92% federal and 8% non-federal funds. Mr. Murray will implement grant processes through the Accounting Manual rather than a standalone manual.

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>	<i>\$ 1,550,853</i>	<i>\$ 658,339</i>	<i>\$ 218,238</i>	<i>\$ 892,514</i>
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>	<i>\$ 365,500</i>	<i>\$ 24,141</i>	<i>\$ 23,116</i>	<i>\$ 341,359</i>
TOTALS FOR ALL ACTIVE GRANTS	\$ 1,916,353	\$ 682,480	\$ 241,354	\$ 1,233,873

Chief Justice Durrant thanked Judge May, Mr. Sweeney, Mr. Peters, and Mr. Murray.

10. **AMERICAN RESCUE PLAN ACT (ARPA) FUNDING: (Ron Gordon, Cathy Dupont, and Michael Drechsel)**

Chief Justice Durrant welcomed Ron Gordon, Cathy Dupont, and Michael Drechsel. Mr. Gordon explained that the Treasury Department issued a frequently asked question that specifically said ARPA funds can be used to address trial backlogs and he is confident we can accept the 1 million set aside for the courts for that purpose. The additional ARPA funds are being held pending the publication of the final regulations. We hope to see the final regulations soon.

The courts anticipate \$261K in CARES Funds.

Chief Justice Durrant thanked Mr. Gordon, Ms. Dupont, and Mr. Drechsel.

11. **REGULATORY REFORM INNOVATION OFFICE UPDATE: (Lucy Ricca)**

Chief Justice Durrant welcomed Lucy Ricca. Justice Himonas thanked Ms. Ricca, who will be leaving the office soon, for her help with this program.

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
- 1,896 legal services sought from over 1,500 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 Life 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.

Chief Justice Durrant thanked Ms. Ricca.

12. INDIGENT DEFENSE COMMISSION (IDC) REPORT: (Joanna Landau)

Chief Justice Durrant welcomed Joanna Landau. Ms. Landau is leaving the IDC for the Federal Defender's Office. Adam Trupp will be the interim director until Ms. Landau's position is filled. The IDC continues to expand their grant program with 24 counties currently participating. Ms. Landau was on the pretrial reform workgroup, which took an interest in first appearances. Ms. Landau thanked the Council and has appreciated working with the Judiciary.

Chief Justice Durrant thanked Ms. Landau.

13. COMMISSIONER RETENTION CERTIFICATIONS: (Shane Bahr)

Chief Justice Durrant welcomed Shane Bahr. Court commissioner evaluation and retention processes are governed by CJA Rules 3-111 and 3-201. Mr. Bahr presented two commissioner applications for recertifications. Neither of the commissioners has a complaint pending before the Commissioner Conduct Commission.

Commissioners whose terms expire this year

Blomquist, Michelle	Third District Court	Term start 1/1/18	Term end 12/31/21
Minas, Russell	Third District Court	Term start 10/9/19	Term end 12/31/21

Chief Justice Durrant thanked Mr. Bahr.

Motion: Judge Shaughnessy moved to approve the recertification of Commissioner Michelle Blomquist and Commissioner Russell Minas. Judge Connors seconded the motion, and it passed unanimously.

14. EXPUNGEMENT UPDATE: (Justice Deno Himonas, Noella Sudbury, Meilani Santillan, Dr. Arul Mishra, Dr. Himanshu Mishra, Michael Drechsel, Heidi Anderson, Clayson Quigley, and Jon Puente)

Chief Justice Durrant welcomed Justice Deno Himonas, Noella Sudbury, Meilani Santillan, Dr. Arul Mishra, Dr. Himanshu Mishra, Michael Drechsel, Heidi Anderson, Clayson Quigley, and Jon Puente. Ms. Sudbury presented the Clean Slate program thanking the IT Department for this time-consuming partnership. Utah law allows individuals to expunge their records, but the petition-based court process is so complex, costly, and complicated that the vast majority of people eligible to clear their records never obtain relief. In 2019, Utah became the second state in the nation to pass a Clean Slate law (H.B.341) requiring courts to make “reasonable efforts” to identify and automatically expunge qualifying misdemeanor records. Utah Code § 77-40-116. This law eliminates the need for qualifying individuals to petition the courts to obtain an expungement.

Eligible Offenses

- Class A drug possession offenses
- Most Class B and C misdemeanors
- Infractions
- Dismissals with Prejudice
- Acquittals

Ineligible Cases

- All Felonies;
- Any case types ineligible for expungement under the petition-based process;
- All exempted misdemeanors under Utah Code § 77-40- 102(5)(c) (weapons offenses, sex offenses, offenses against the person including DV and simple assault, misdemeanor DUIs, etc.)

The plan was to use Code for America’s computer software to match criminal case records then create a computer code to identify eligible cases. Currently, there are 203,000 people in Utah who meet the eligibility criteria. Mr. Cowden evaluated open-source alternatives for computer software to identify eligible cases, but only found one that worked well. Ms. Anderson said the IT Department would need to request funding for this program. Ms. Anderson confirmed reviewing expungement possibilities would be ongoing.

Ms. Anderson’s team is working on code revisions, taking into consideration any future items that may be added. The IT Department continues to work on the notification process and applying judge’s signatures to the orders, which is challenging with so many judges. Ms. Anderson asked if the courts could potentially use an AOC stamp rather than a judge’s signature. Judge Shaughnessy thought managing justice court presiding judges for signatures might be easier than managing all justice court judges, perhaps through an interlocal agreement. Justice court judges cannot sign outside of their jurisdiction, which would invalidate using a presiding

judge. Judge Farr will discuss this with the Board of Justice Court Judges. For notifications to prosecutors, one option might be to inform prosecutors of a link to find the cases.

Ms. Anderson said from an implementation standpoint, the IT Department still has several steps before they are ready to begin. Ms. Anderson was not comfortable with providing a date they would be ready and will speak with her team and Code for America. The Council requested Keisa Williams draft an opinion about dismissals without prejudice cases.

Ms. Anderson appreciated Code for America personnel and Ms. Sudbury's assistance. Ms. Sudbury thanked the University of Utah members for their time and expertise. Judge Shaughnessy said this is very impressive work for the team who put all of this together. Chief Justice Durrant thanked Justice Himonas, Ms. Sudbury, Ms. Santillan, Dr. A. Mishra, Dr. H. Mishra, Mr. Drechsel, Ms. Anderson, Mr. Quigley, and Mr. Puente, noting he was thrilled with the amount of work and expertise of the presenters.

15. WATER LAW JUDGES: (Judge Kate Appleby)

Chief Justice Durrant welcomed Judge Kate Appleby. Judge Appleby would like to establish a rule creating water law judges comparable to the rule that creates tax 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 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 as 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. The Bear River case currently has 20,000 pending claims. In 1979, the Montana 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. Judge Appleby spoke with local judges who have water law cases that have continued for years. Justice Himonas asked if the venue statute needed amending. Tax judges can hear cases statewide. Judge Shaughnessy questioned if there would be incentives for judges to sign up to handle these matters. Tax judges are supposed to get a break with their caseloads. Cathy Dupont mentioned the senior judge rules allow for coverage by senior judges for tax judges regular calendar when the tax judge is hearing a tax case.

Chief Justice Durrant thanked Judge Appleby.

Motion: Judge Connors moved to refer the creation of a rule for water law judges to the Policy and Planning Committee. Judge Cannell seconded the motion, and it passed unanimously.

16. OLD BUSINESS/NEW BUSINESS

No additional business was addressed.

17. EXECUTIVE SESSION

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

18. CONSENT CALENDAR ITEMS

a) Forms Committee Forms. Approved without comment.

b) Probation Policy 3.1. Approved without comment.

c) Committee Appointments. Appointment of Judge Adam Mow to the ADR Committee.

Appointment of Cade Stubbs and Ingrid Oseguera to the Language Access Committee.

Approved without comment.

19. ADJOURN

The meeting adjourned.

JUDICIAL COUNCIL MEETING

Minutes

July 30, 2021

12:30 p.m. – 1:08 p.m.

Meeting conducted through Webex

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
 Hon. Augustus Chin
 Hon. David Connors
 Hon. Paul Farr
 Hon. Michelle Heward
 Justice Deno Himonas
 Hon. Mark May
 Hon. David Mortensen
 Hon. Kara Pettit
 Hon. Derek Pullan

Excused:

Hon. Todd Shaughnessy, Vice Chair
 Hon. Brian Cannell
 Hon. Samuel Chiara
 Hon. Ryan Evershed
 Rob Rice, esq.
 Hon. Brook Sessions

AOC Staff:

Ron Gordon
 Cathy Dupont
 Heidi Anderson
 Jordan Murray
 Nick Stiles
 Karl Sweeney
 Amanda Herman

Excused:

Michael Drechsel
 Shane Bahr
 Jim Peters
 Neira Siaperas

Guests:

Lucy Ricca, Office of Innovation
 James, Teufel, Office of Innovation

1. WELCOME: (Chief Justice Matthew B. Durrant)

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. The Council held their meeting through Webex. The Council confirmed they had met the requirements of a quorum, per CJA Rule 2-101. Rules of the conduct of Council meetings, section (1) states “a quorum of the Council is necessary for the Council to take any action.” Section (2) states the “affirmative vote of a majority of the Council members present is required to take final action on any rule or resolution.” Judge Pullan recommended allowing Council members to vote by email on emergent basis. CJA Rule 2-101(1) states “Council members may be present either physically or by means of electronic communication.”

2. GRANT APPLICATION PROPOSAL: (Karl Sweeney and Jordan Murray)

Chief Justice Durrant welcomed Karl Sweeney and Jordan Murray. Mr. Murray submitted a new Office of Innovation grant opportunity. The objective of this project is to contribute to the development, implementation, and nationwide scalability of a regulatory system

designed to promote new legal business models and services while protecting consumers. This project will promote institutional memory and ensure success of the regulatory function of the Office, in addition to increasing the likelihood of success of legal sandboxes across other states by creating tools meant to increase adoptability and efficiency of the Utah model.

The funds requested are:

Cash Match – none

FY22 \$35,020

FY23 \$30,000

In-Kind Match

FY22	\$35,020	\$20,200 (other matching funds)	\$55,220 (total)
------	----------	---------------------------------	------------------

FY23	\$30,000	\$11,075 (other matching funds)	\$41,075 (total)
------	----------	---------------------------------	------------------

A typical Project Grant awarded by SJI requires a 50% cash match. SJI Executive Director, Jonathan Mattiello, suggested the courts application include a request to waive the 50% cash match requirement. If approved, the courts would receive full project funding from SJI with no match requirements imposed. While not required by SJI, an in-kind match of \$31,275 over 18 months will be contributed with non-state funds by Stanford University, Arizona State University or the National Center for State Courts. If the cash match waiver is not approved by the Board, this application request will be retracted, updated with matching requirements as stipulated by the Board, and recirculated to the Judicial Council for review.

Questions/Answers on the Grant application:

- 1) Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced?

Answer: No. The Utah Supreme Court voted unanimously to extend the term of the Legal Regulatory Sandbox to seven years, concluding at the end of August 2027. Operation of the sandbox will continue to be supported by grant funding and possibly through generation of a future operating budget comprised of fees paid by entities enrolled in the sandbox.

- 2) Will the funds to continue this program come from within the Judiciary's existing budget?

Answer: No

- 3) How many additional permanent FTEs are required for the grant?

Answer: 0

Temp FTEs?

Answer: 0.15

- 4) Has this proposal has been reviewed and approved by the following?

Answer: Yes. The Grant Coordinator and the Budget Manager at the AOC.

Answer: Yes. The Utah Supreme Court.

Answer: N/A. The court executives and judges in the affected district(s).

Answer: N/A. The affected Board(s) of Judges.

The solicitation advance from the State Justice Institute (SJI) with a deadline of August 1, 2021. James Teufel provided answers, via email, to Judge Pettit's questions below.

Question 1. How is this time sensitive?

A concept paper was submitted and the Executive Director of SJI requested that the courts submit a full application by the typical deadline of the concept paper. Since the courts were timely with the submission of a concept paper, this positioned the opportunity for a quick turnaround full application. The limited risk concept is addressed in response to question 3 (short-term license contracts that prevent funding shortfalls).

Question 2. How is the data being collected/managed now?

Data is currently being managed by Excel spreadsheets and csv files. QuickBase allows for increased efficiency and accuracy of entity reporting. It enables machine learning to reduce data correction time. It also creates opportunities for easier reporting on, splitting of, and aggregation of data. QuickBase includes a database with gold standard data security baked into the software too. QuickBase is a no to low code platform, which would allow for more limited staff maintenance cost after year one (after apps and the system is built out) and is also relatively easy to update. Given the visual nature of QuickBase, it allows for easy communication of the relationships among data elements.

Question 3. What is QuickBase?

The courts IT Department approved this program. Since QuickBase is a low to no code platform, after relatively brief training and the creation of handbooks, the ongoing maintenance cost is minimal, beyond the licensing fee. QuickBase includes a software platform as well as a secure database. Additionally, after speaking to platform developers, the cost of QuickBase, given its utility and low maintenance is a reasonable cost for current aims. As far as ongoing liability, QuickBase allows for one, two or three-year contracts. A one-year contract in this case minimizes any risk. If no funds are available for year two, then the license would not be renewed.

Question 4. Why can't the Hewlett grant monies be used to improve the existing data management system?

Hewlett money would likely be applied toward year two of the license. The Hewlett funding is restricted to activities of the Office. However, within the Office there is remarkable flexibility for the funding. It is functionally restricted to the Office but within reason. Hewlett will also be used to cover some of the additional ongoing costs of the Office.

Question 5. Why is there a time-sensitive need at this early stage of the program to develop tools for other states?

The Office is currently an example of visionary leadership. This state and national leadership role assists the state directly by including typical Utah stakeholders in the rule of law differently to improve access to justice for the people of Utah. The national recognition potentially leads to economies of scale and the inclusion of new stakeholders who could further bridge the access to justice gap in the state. With regard to currently available legal services relative to legal needs in Utah, to bridge the justice gap services for low-income households would need to increase fifteen times, services for middle-income double, and services for small businesses triple.

The Budget & Fiscal Management Committee approved, by email, on July 29, 2021 by a vote of 3-1 to send this item to the Judicial Council, with Judge Pettit opposing for the following reasons 1) the Budget Committee and the Council agreed to a temporary moratorium prohibiting the consideration of new grant applications unless the grant is demonstrably time-sensitive. This grant application is not time-sensitive. It appears that the submission of the concept paper has created the deadline Mr. Murray asked the Budget Committee to consider to be time-sensitive. It could have been communicated to SJI when the concept paper was submitted that the courts currently have a temporary moratorium in place in applying for new grants, and thus, any application would be made after the moratorium is lifted; alternatively, the concept paper could have waited until the moratorium was lifted; 2) it appears new funding is not necessary to purchase the QuickBase software, as the Hewlett funds could be used for that purpose; 3) the personnel hired with the Hewlett grant monies could begin work on the other two deliverables, without seeking additional grant funds, or at least not seeking them until the moratorium is lifted; and 4) there are ongoing costs associated with the QuickBase software, and although it is easy to say now that the courts can cancel the license if there was not external funding for it, in reality if the system is already in use and being relied upon, it appears likely the courts will have to find funds somewhere to renew the license.

Justice Himonas wanted the Council see Judge Pettit's questions and the answers. Judge David Mortensen questioned if the courts had any requirements to track the time as had been previously done with SJI grants. Mr. Murray said the courts would be keeping track of the percentages of time, including the Director's position, Dr. Teufel's position, and the to-be-hired at .15 FTE regulatory management database assistant (developer). Judge Mortensen hoped the tracking would be more thorough than had been done in the past for other grants.

Judge David Connors didn't understand why this was so time sensitive and couldn't have been addressed earlier. Justice Himonas said time sensitive is the standard, but does necessarily not mean it is an emergency. Justice Himonas further noted this discussion began last Wednesday and was sent to SJI on Thursday. On Friday, Justice Himonas spoke with the SJI Board.

Judge Pettit asked why the Council couldn't wait until the guardrails are in place to ensure that the Council is proceeding in an orderly fashion, as they voted to do. Justice Himonas said SJI does not know that the courts have a moratorium on grants and that is not something that they've asked anyone else either. Justice Himonas clarified that this vote would only be for the application and not the acceptance of funds, adding that the funds wouldn't come in until after the guidelines are in place. Judge Pettit said Council members were given one day to review this grant and meet and with so many Council members unable to attend, felt this was not an effective process for a subject that has a moratorium in place. Judge Pettit didn't believe this met the criteria for a rush, especially where Hewlett funds are available. Justice Himonas confirmed Hewlett funds could be used but the courts cannot then get a grant to replace those funds and the courts would have lost the ability to use the Hewlett funds to pay for other work by the contractor.

Justice Himonas said SJI will fund part of the contractor and the software but they are not willing to pay for operating costs. Judge Pettit confirmed there will be ongoing costs for this

grant. Justice Himonas confirmed there is a cost trade-off, with an increase in human cost in reviewing the data, but said the courts would not be required to continue the grant. Justice Himonas noted at some point the Council will have to hold a discussion about funding the regulatory reform and the oversight of the practice of law which is the Supreme Court's constitutional role.

Judge Mark May supported the grant. Judge Derek Pullan echoed with Judge Pettit's comments recognizing that the speed with which this process has happened can lead to poor decision-making, but understood sometimes things are outside of the courts control. Judge Pullan recommended building in the guardrails a process that is nimbler. If the courts like the software and want to continue to use the software after the grant period, Justice Himonas estimated the cost to the courts would be between \$17,000 - \$25,000 annually for the license. Heidi Anderson spoke briefly on the ability to extract the data from the software if the courts chose not to renew the software licenses. Dr. Teufel mentioned the courts could engage in a one-year license and retrieve the data before they discontinue the service, should they choose.

Chief Justice Durrant thought Judge Pettit raised legitimate concerns, that this procedure was not optimum, however, he didn't see another way to resolve this issue. At this time, the benefits of accepting the grant outweigh the concerns.

Motion: Justice Himonas moved to approve the grant application. Judge Derek Pullan amended the motion adding that in approving the grant application, the Council is making no commitment with respect to ongoing annual payments in the future, explaining that he was not willing at this time to commit to renewing this annually in the future. Judge Paul Farr seconded the amended motion. The motion passed with Judge Pettit opposed.

Justice Himonas agreed to the amended motion but also said he thought the Council and the Supreme Court need to discuss the appropriate role of each governing body with respect to funding the regulatory reform of the practice of law. Justice Himonas asked Cathy Dupont to set up the meeting with the appropriate individuals from the Supreme Court and the Judicial Council to begin the discussion on this topic. He further stated that the Council should not be put in the position of deciding which portions of the Supreme Court regulation of the practice of law the judicial council will fund. Justice Himonas believed the fiscally responsible option for the Council would be to recognize the Supreme Courts full authority when it comes to governing the practice of law.

Chief Justice Durrant thanked Mr. Sweeney and Mr. Murray.

3. OLD BUSINESS/NEW BUSINESS

No additional business was addressed.

4. EXECUTIVE SESSION

An executive session was not held.

5. ADJOURN

The meeting adjourned.

Tab 2

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
August 10, 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. – 1:52 p.m.**

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

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

Excused:

Hon. Todd Shaughnessy, Vice Chair

Guests:

Hon. James Blanch, Third District Court
Hon. Jon Carpenter, Price Justice Court
Hon. Brody Keisel, Sixth Juvenile Court
Russ Pearson, TCE, Eighth District Court

AOC Staff:

Ron Gordon
Cathy Dupont
Michael Drechsel
Heidi Anderson
Shane Bahr
Gage Hansen
Wayne Kidd
Meredith Mannebach
Jim Peters
Nini Rich
Neira Siaperas
Nick Stiles
Diane Williams
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.

Motion: Judge Mark May moved to approve the July 26, 2021 Management Committee minutes, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

The Management Committee unanimously approved by email on July 28, 2021, revisions to the Administrative Order. The Order became effective July 30, 2021.

The Management Committee unanimously approved by email on August 6, 2021, the Risk Response Checklists for Wellsville Justice Court and Juab/Nephi Justice Court.

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

Ron Gordon reserved his item until later in the meeting.

3. RECORDS ACCESS APPEAL: (Gage Hansen)

Gage Hansen stated Brady Eames appealed the denial of his request for any and all notices from the court of the proposed and adopted amended URCrP 22(e)(2) and an invitation to comment. Mr. Eames’ appeal, filed on June 22, 2021 claimed that an initial decision regarding his request was not made within 10 business days of June 4, 2021. Mr. Eames’ request was denied on June 24, 2021 because the request was overly broad. Mr. Eames has been provided the requested information with the email addresses redacted. Mr. Eames contends that those redactions conceal whether notice was duly sent.

Code of Judicial Administration Rule 11-106 states that recipients hold the right to receive notice. Mr. Eames was not in the class of email recipients, therefore, Mr. Hansen believed Mr. Eames lacked standing to receive email addresses.

Chief Justice Durrant stated for the record, Mr. Eames was invited to this meeting but failed to appear. A decision will be deliberated in executive session.

After the executive session was held, the committee denied Mr. Eames’ appeal.

**4. COMMITTEE APPOINTMENTS: (Nini Rich and Michael Drechsel)
ADR Committee**

Nini Rich addressed three professional ADR provider vacancies on the ADR Committee. The ADR Committee recommended Stephen Kelson, Talatou Abdoulaye, and Anne Cameron to fill these vacancies.

Motion: Judge Farr moved to approve the appointment of Stephen Kelson, Talatou Abdoulaye, and Anne Cameron to the ADR Committee, as presented, and place this on the Judicial Council consent calendar. Judge David Mortensen seconded the motion, and it passed unanimously.

MUJI-Criminal Committee

Michael Drechsel and Judge James Blanch addressed the two defense and two prosecutor vacancies on the MUJI-Criminal Committee. The MUJI-Criminal Committee recommended Sharla Dunroe and Janet Lawrence fill the defense counsel positions and Jeffrey Mann and Richard Pehson fill the prosecutor vacancies.

Motion: Judge Farr moved to approve the appointment of Sharla Dunroe and Janet Lawrence to fill the defense counsel positions and Jeffrey Mann and Richard Pehson to fill the prosecutor positions on the MUJI-Criminal Committee, as presented, and place this on the Judicial Council consent calendar. Judge Mortensen seconded the motion, and it passed unanimously.

**5. CHILDREN AND FAMILY LAW COMMITTEE LEGISLATIVE AUDIT
UPDATE: (Judge Elizabeth Hruby-Mills, Judge Brody Keisel, and Jim Peters)**

The Children and Family Law Committee was assigned to follow up on recommendations from the “A Performance Audit on Child Welfare During Divorce

Proceedings” legislative audit that was completed in August, 2019. The committee provided an update to the Legislature in November, 2020. The committee felt they are about halfway through the audit recommendations at this time.

Jim Peters reviewed each of the recommendations and the committees work towards resolutions. Mr. Drechsel felt the courts have a good working relationship with members of DCFS and was willing to contact them on these matters. The Management Committee thanked the Children and Family Law Committee for their continued work.

6. JUSTICE COURT TASK FORCE UPDATE: (Judge Paul Farr and Jim Peters)

Chief Justice Durrant thanked Judge Farr for his leadership with this task force and felt the work has been amazing. In December 2019, the Utah Supreme Court and Utah Judicial Council created the Justice Court Reform Task Force. The Council took responsibility for ongoing direction of the Task Force. The purpose of the Task Force was to complete a comprehensive evaluation of justice court structure and operations, and report back to the Council with recommendations to strengthen and improve the provision of court services at the misdemeanor and small claims level. The Council invited stakeholders to provide representatives to serve as members of the Task Force. Membership includes representatives from the courts, the legislature, the Governor’s office, prosecution and defense organizations, members of the bar, the Utah League of Cities and Towns and the Utah Association of Counties.

The Task Force began meeting monthly in May of 2020 receiving input from various stakeholders and involved parties. They have reviewed thousands of pages of reports and documents and reviewed prior reforms in Utah.

The Task Force presented the Management Committee with their Report and Recommendations to the Judicial Council proposal. The Task Force believes that the reforms recommended would increase public access to justice, improve the quality of justice provided, and improve public perception of court services at the infraction, misdemeanor, and small claims level. These efforts are critical as this is the court level where most citizens come into contact with the judicial system.

Judge Farr reviewed the report, noting that moving everything except infractions to the district courts under a new “division” court would require a statutory change. Justice court judges that are members of the State Bar could fill the positions needed in the division court. Hawaii had a model for resolving infractions that could be mimicked in Utah. Infraction appeals would be sent to the district court, similar to a de novo appeal.

Financial considerations show justice courts generate approximately \$42M annually in fines and fees. The cost of operating these courts as a whole is approximately \$42M annually, which identifies a fairly neutral financial scenario.

Chief Justice Durrant said the Supreme Court reviewed the report and was pleased with the work put into such a huge effort.

7. WELLINGTON AND CARBON COUNTY INTERLOCAL AGREEMENT: (Judge Jon Carpenter and Jim Peters)

Jim Peters summarized that this is somewhat of an urgent matter. The town of Wellington is a suburb of Carbon. Wellington Justice Court's only court clerk resigned. The Wellington Justice Court is being staffed by Carbon County Justice Court staff. Wellington Justice Court and Carbon County Justice Court felt an interlocal agreement would be the best scenario for all involved. They want to make this effective September 1, 2021.

Motion: Judge May moved to approve placing the interlocal agreement on the Council agenda, as presented. Judge Farr seconded the motion, and it passed unanimously.

8. DRAPER CITY AUDIT FOLLOW UP: (Wayne Kidd)

Wayne Kidd received a response from Draper City indicating that they would implement the three recommendations that they previously disagreed with. Mr. Kidd thanked the committee for working with Draper City. The final report will be provided to the city and the court. The audit department will follow up with the court.

Motion: Judge Farr moved to approve the Draper City Justice Court Audit, as presented. Judge May seconded the motion, and it passed unanimously.

9. MASK MANDATE ENFORCEMENT AND TESTING REQUIREMENTS: (Keisa Williams)

Keisa Williams provided an update that some Sheriff's offices are refusing to wear masks and enforce the mask mandate, as provided in the Administrative Order. Mr. Gordon and Ms. Williams felt the conversation with the Fourth District Court Sheriff's explaining the Order and authority went well. Other districts are noticing similar issues and more conversations are taking place. Mr. Gordon believed the conversations have gone well.

Ms. Williams said a witness refused to submit to a COVID test in a district that still requires the test. The trial was vacated therefore rendered this issue moot. If this situation arises again, one option would be to have a witness testify remotely. The committee decided to leave this policy up to individual judges.

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

Chief Justice Durrant addressed the Judicial Council agenda. Mr. Peters added Justice Court Judge Certifications to the agenda.

Motion: Judge Farr moved to approve the Judicial Council agenda, as amended to remove the Legislative Fines and Fees Audit item and add Justice Court Judge Certifications. Judge May seconded the motion, and it passed unanimously.

11. APPROVAL OF ANNUAL BUDGET AGENDA: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant addressed the Annual Budget agenda.

Motion: Judge Farr moved to approve the Annual Budget Agenda, as presented. Judge May seconded the motion, and it passed unanimously.

12. OLD BUSINESS/NEW BUSINESS: (All)

Judge Farr stated the firearms course will no longer be funded. Chris Palmer is researching the possibility of becoming an instructor. The class is offered twice a year at \$300 per participant, which comes to about \$6,000 per year averaging past participants. Judge Farr will follow up on this matter.

Judge May mentioned that CARE has gone down several times over the last couple of months. Heidi Anderson explained that they have implemented an application to identify poorly written codes so they can be fixed faster. The message to the juvenile bench is patience, the IT Department is working on this.

13. EXECUTIVE SESSION: (All)

An executive session was held.

14. ADJOURN

The meeting adjourned.

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

**Minutes
August 5, 2021
Meeting held through Webex
12:30 p.m. – 1:09 p.m.**

Members Present:

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

Excused:

Hon. Augustus Chin

Guests:

AOC Staff Present:

Ron Gordon
Cathy Dupont
Michael Drechsel
Heidi Anderson
Shane Bahr
Alisha Johnson
Jeremy Marsh
Jordan Murray
Bart Olsen
Jim Peters
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 Kara Pettit moved to approve the July 8, 2021 minutes, as presented. Justice Deno Himonas seconded the motion, and it passed unanimously.

2. FISCAL YEAR-END 2021 PRELIMINARY FINANCIALS AND CARRYFORWARD TURNOVER SAVINGS UPDATE: (Alisha Johnson)

The only part of the preliminary financials that was presented was the carryforward savings which increased from an estimate of \$2,525,000 at the end of June to \$2,603,798 as of August 4th. The other parts of the financial statements were not ready due to the YE close having just occurred. Finance will prepare the relevant YE 2021 financial statements for our Court records. The next full financials presented to BFMC will be period 1, 2022.

3. FY23 JUDICIAL PRIORITY REQUESTS AND PRIORITIZATION: (Karl Sweeney)

Judicial Assistants – Recruit and Retain
\$3,900,000 FY23 Ongoing

The existing problem is a crisis of resource depletion. The courts have an unacceptable level of instability in human capital and related necessary resources, solidly sustained nearly through the entire past decade, in the core function of Utah's courthouses (the Judicial Assistant). Additional funding would restore the ability of the Judicial Branch to internally manage business processes, organizational operations, staff training and other related matters successfully with an acceptable level of turnover within the core functions.

There was no vote on this item.

4. PRIORITIZE JUDICIAL REQUESTS FOR RECOMMENDATION TO JUDICIAL COUNCIL: (All)

Title	Amount approved	Priority placement
Judicial Assistants – Recruit and Retain	\$3,900,000	1 st
Information Technology Infrastructure and Development	\$1,122,000	2 nd
Public Outreach Coordinator	\$120,000	3 rd
Statewide Treatment Court Coordinator	\$97,700	4 th
Court Visitor Program Coordinator	\$92,100	5 th
Sixth District Court Additional Juvenile Court Judge	\$449,100	6 th *
Third District Court New Criminal Commissioners	\$584,000	7 th *

*Supplemental work by AOC will be provided to Judicial Council on these 2 requests.

Judge May and Justice Himonas (only members present at this time) agreed on the first 5 priorities as noted above and noted that the Boards of Appellate, District, and Juvenile Court Judges all voted to put Judicial Assistants as their first priority. On the 6th and 7th items, Judge May had the above-listed priority while Justice Himonas did not rank them as he felt that the Third District Court Criminal Commissioners and the Sixth District Additional Juvenile Judge requests should be driven by the AOC and not by individual districts as the AOC could ensure the requests followed consistent metrics statewide. Judge May indicated Justice Himonas did not have to rank the last 2 requests and he could forward to the Council an explanation for not ranking them. Ron Gordon said the AOC is supportive of the districts and felt the appropriate approach would be to review metrics/data from all districts before making any determinations as to whether additional Judicial Officers or administrative resources are needed. Michael Drechsel wondered if there is more that the AOC could be doing beyond the weighted caseload study to identify the various needs and burdens in the districts. Justice Himonas recommended adding comments from the districts but letting these type of requests be AOC-driven via data and the AOC would essentially evaluate the various requests for Judicial Officers and make an independent review with a recommendation as to whether more Judicial Officers were needed. Judge May thanked Mr. Drechsel and preferred to have AOC input but not have the AOC be the gatekeeper. Judge May also didn't want to stifle the districts from sending these requests.

Judge Pettit said before the courts request funding through the legislature, the courts should identify if resources could be allocated between the Sixth and Seventh District Courts. Judge Pettit noted that much of the travel in the Sixth District can be reduced with remote hearings.

Heidi Anderson said nearly every item in the IT's list is annual maintenance that needs to be paid to ensure the courts have Microsoft Office, cybersecurity software, and other critical programs. These annual payments must be paid. However, Ms. Anderson offered to move the IT non-personnel ongoing requests to one-time funding requests for FY 2023 if it would provide an advantage to getting the full Judicial Assistant funding. Mr. Gordon said this can be reviewed later in the year once we find out what the state forecast for FY 2023 looks like. Judge May preferred to keep it as is (all ongoing funds) and move it to one-time funding only if need be. Judge Pettit thought we could provide the Judicial Council with the idea to split the IT request into personnel and non-personnel with one-time funding requests for non-personnel items and ongoing for only the \$210,000 of IT personnel funding – then keep this option in our back pocket to use depending on the Utah forecast as late as January 2022.

A motion was not made on the Judicial Priorities prioritized above, however, Justice Himonas abstained from voting on the Third District Court Criminal Commissioner request and the Sixth District Court Juvenile Judge request because he didn't believe either request should be forwarded to the Council, unless it is balanced against a studied statewide approach. Judge Pettit felt the Council should be able to determine the needs based on data from all districts.

The AOC agreed to perform an analysis of the Third and Sixth District requests and make a recommendation to the Judicial Council that accompanies these requests for the August 20th annual budget planning meeting. The weighted caseload study will be reviewed with the Council on August 20 at the Budget meeting.

5. FY21 SUPPLEMENTAL CARRYFORWARD SPENDING REQUESTS: (Karl Sweeney, Chris Davies, Tracy Walker, Nick Stiles, and Heidi Anderson)

Mr. Sweeney reviewed the carryforward requests using an updated schedule which showed actual instead of forecasted results. The schedule showed that there will be \$2,603,798 in carryforward funds available. The Judicial Council has already approved \$2,183,279 in net carryforward requests, leaving the courts with a balance remaining of \$420,519 in available carryforward funds. New carryforward requests totaled \$740,000 which necessitated either prioritizing the new requests or adding \$319,481 of FY 2022 one-time turnover savings as an additional source of funding for the requests. Mr. Sweeney commented that the requests appeared to be time sensitive and essential to court business. Judge Pettit mentioned that 2 of the carryforward requests might also be funded with ARPA funding if it becomes available.

**Additional Third District Court Media Carts
\$50,000**

After carefully considering the needs of the Matheson Courthouse and West Jordan Courthouse judges and their backlog of cases the Third District Court requested two additional media carts. This supplements the two media carts approved at the June 28th Judicial Council meeting. The carts will be used for virtual jury selection and evidence presentations during jury

trials. The carts includes separate wireless monitors for the judge, witness, attorneys and the jury. The carts 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 the courts to move them throughout the courthouse sharing them between courtrooms. May be eligible for ARPA funding.

Converting Appellate Courts to Webex Capable Courts and Two Public Viewing Agenda Monitors

\$148,000 Option 1 (basic equipped courtrooms)

\$210,000 Option 2 (higher level equipped courtrooms)

Throughout the COVID pandemic the court system has quickly embraced a more technology focused system. This focus not only increases community members access to the courts, it also for the most part is viewed favorably by members of the Bar. Applicable here, the Appellate Courts are tasked with hearing cases from across the state. This funding request will enable both courts to conduct hybrid in-person/remote oral arguments. This funding request expands the court's mission as it removes barriers to an appellate system that is physically located exclusively in Salt Lake City. The Appellate Courts have been working closely with the IT team to generate an estimate of the costs associated with converting the Appellate Courts to be fully Webex capable. May be eligible for ARPA funding.

FY21 IT Services Budgeted but Work Not Completed

\$150,000

Funding was allocated in FY21 for Cisco's assistance working with the development team at the courts to build a public facing portal with Webex integration. Cisco worked on Webex for the courts' public portal. State purchasing policy requires the courts to pay an invoice only after the work is 100% completed. Cisco performed some but not all of the contract-required tasks by June 30, 2021 so the courts did not pay any of the contracted amounts. Approving this as a carryforward expense allows the courts to match the expense (which waits until project completion) with the available funds which, if approved, will be carried forward from FY21 to FY22.

Judicial Council Room A/V Upgrade

\$50,000

In line with current and future in-person and virtual meeting access needs, following the same standard set in recent conference room installations, including the Office of Fairness and Accountability conference room, the Court of Appeals conference room, and the Supreme Court conference room, and to adjust for the recent table change that rendered the existing ceiling microphones less efficient, the IT Department requested funds to replace the Judicial Council rooms antiquated Audio/Video system with updated audio and video conferencing technologies.

Cisco Router Replacement

\$160,000

The courts have 25 Cisco 2900 routers in service that have reached end-of-life. This means that Cisco will stop releasing security/vulnerability updates for this hardware, putting the

courts network at risk. The IT Department recommended replacing these with Cisco 8300 routers. The 8300 routers will have a minimum 12-year life span and accommodate bandwidth of up to 2GB.

Wifi Access Points Upgrade and Expansion
\$120,000

The courts have 125 access points (Model 3502) throughout the state that need to be replaced in order to be able to upgrade the controllers to the newest secure code base. This hardware is end-of-life and is no longer supported or supplied security updates by Cisco. Upgrading these will also give the courts the future capability of higher bandwidth on the wireless network.

Motion: Judge Pettit moved to approve the full amount of carryforward requests be submitted to the Judicial Council, including the Court of Appeals full \$210,000 request, using all of the remaining carryforward funds plus FY22 funds, as needed. Justice Himonas seconded the motion, and it passed unanimously.

The committee agreed that AOC Finance has discretion to determine which of the requests will be funded from either carryforward or FY 22 turnover savings and will update the request schedule accordingly.

6. GRANT COORDINATOR REPORT: (Jordan Murray)

Jordan Murray has been working on adding safeguards on grants. Policy & Planning is working on potential rule amendments. Mr. Murray thanked everyone involved for their work on the SJI grant application which was completed in late July.

7. OLD BUSINESS/NEW BUSINESS: (All)

Mr. Sweeney has not seen any information on when ARPA funds will be available.

Mr. Gordon mentioned the Elected Officers and Compensation Committee is working with the courts on updated data to possibility request raises for judges.

8. ADJOURN

The meeting adjourned.

Tab 3

Judicial Council August 2021 Problem Solving Court Certification

The following courts meet all Required and Presumed Best Practices:

Adult Drug	Washington County, St George	ADC1WASHINGTON	Walton
Adult Drug	Iron County, Cedar City	ADC1IRON	Mciff-Allen
Adult Drug	Davis County, Farmington	ADC1DAVIS	Edwards
Adult DUI	Davis County, Farmington	ADC2DAVIS	Edwards
Adult Mental	Washington County, St George	AMHC1Washington	Westfall
Adult Mental	Iron County, Cedar City	AMHC1IRON	Bell
Adult Mental	Davis County, Farmington	AMHC1DAVIS	Williams
Adult Mental	Cache County, Logan	AMHC1CACHE	Fonnesbeck

Courts that do not meet all Presumed or Required Best Practices:

Adult Mental	Utah County, Provo	AMHC1UTAH	Brady
Presumed # 11: Drug tests available within 48 hours (Sometimes)			
Adult Mental	West Valley Justice Court	AMHC3SALT LAKE	Gilmore
Required # 3: High Risk Participants (Class B misd)			
Required # 10: Medically Assisted Treatment (Class B misd)			
Required # 44: Excluded if no Residence			
Presumed # 2: Monitor Incentives and Sanctions			
Presumed # 11: Test Results Available Within 48 Hours			
Presumed # 12: Deliver Test Specimen Within 8 Hours			
Presumed # 29: Measures to Prevent an Overdose (Most are not drug users)			
Presumed # 35: More than 15 Participants			
Presumed # 37: New Arrests and Convictions Followed			

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

COURT LOCATION: WASHINGTON COUNTY, ST. GEORGE

COURT NUMBER: ADC1WASHINGTON

JUDGE NAME: WALTON

REVIEW DATE: MARCH, 2021

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

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

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

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

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

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

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

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

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

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

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

COURT LOCATION: IRON COUNTY, CEDAR CITY

COURT NUMBER: ADC1IRON

JUDGE NAME: MCIFF-ALLEN

REVIEW DATE: APRIL, 2021

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

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

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

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

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

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

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

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

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

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

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

COURT LOCATION: DAVIS COUNTY, FARMINGTON

COURT NUMBER: ADC1DAVIS

JUDGE NAME: EDWARDS

REVIEW DATE: JANUARY, 2021

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

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

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

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

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

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

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

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

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

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

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

COURT LOCATION: DAVIS COUNTY. FARMINGTON

COURT NUMBER: ADC2DAVIS

JUDGE NAME: EDWARDS

REVIEW DATE: JANUARY, 2021

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

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

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

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

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

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

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

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

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

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

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

COURT LOCATION: WASHINGTON COUNTY, ST. GEORGE

COURT NUMBER: AMC1WASHINGTON

NAME: WESTFALL

REVIEW DATE: APRIL, 2021

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

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

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

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

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

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

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

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

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

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

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

COURT LOCATION: IRON COUNTY, CEDAR CITY

COURT NUMBER: AMHC1IRON

NAME: BELL

REVIEW DATE: JUNE, 2021

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

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

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

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

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

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

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

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

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

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

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

COURT LOCATION: DAVIS COUNTY, FARMINGTON

COURT NUMBER: AMHC1DAVIS

NAME: WILLIAMS

REVIEW DATE: MARCH, 2021

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

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

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

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

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

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

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

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

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

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

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

COURT LOCATION: CACHE COUNTY, LOGAN

COURT NUMBER: AMHC1CACHE

NAME: FONNESBECK

REVIEW DATE: APRIL, 2021

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

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

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

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

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

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

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

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

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

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

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

COURT LOCATION: UTAH COUNTY, PROVO

COURT NUMBER: AMHC1UTAH

NAME: BRADY

REVIEW DATE: APRIL, 2021

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

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

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

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

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

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

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

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

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

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

UTAH JUDICIAL COUNCIL MENTAL HEALTH COURT CERTIFICATION CHECKLIST

REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: WEST VALLEY JUSTICE COURT

COURT NUMBER: AMHC3SALT LAKE

NAME: GILMORE

REVIEW DATE: FEBRUARY, 2021

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

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

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

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

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

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

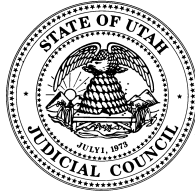
YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens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

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

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

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

Tab 4



Administrative Office of the Courts

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

July 26, 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, Utah 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 August 20, 2021.

FOR APPROVAL:

Section 2.12 Bind Over Cases

This policy, formerly titled Serious Youth Offender, was last revised in May 2018. The purpose of this policy is to outline probation officers' responsibilities for cases eligible for bind-over (transfer) to the District Court. Updates to this policy reflect changes in statute from the 2020 legislative session and provide direction regarding hearing attendance and the provision of information to the court for bind-over eligible cases.

FOR DELETION:

Section 2.11 Juvenile Sentencing Guidelines

This policy was last updated July 1, 2003 and is being recommended for deletion. The Juvenile Sentencing Guidelines referenced in the policy were retired by the Utah Sentencing Commission in December 2020 and replaced with new Juvenile Disposition Guidelines. The policy is no longer necessary since the processes outlined for utilizing the Juvenile Sentencing Guidelines are not applicable to the new Juvenile Disposition Guidelines.

Section 2.13 Certification Investigation Report

This policy was last updated in December 2019 and is being recommended for deletion. This policy is no longer necessary as probation officers are no longer required to complete certification reports. Processes for providing information to the court for bind-over cases have been included in the updates to 2.12 Bind Over Cases.

Section 2.14 Direct File for Criminal Proceedings

This policy was last updated July 1, 2003 and is being recommended for deletion. This policy is unnecessary since the information is out-of-date and does not address probation processes.

I will be available to respond to questions during your meeting on August 10, 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.**

2.12 Bind Over Cases

Policy:

This policy addresses the responsibilities of the assigned probation officer when a case eligible for bind-over to the District Court when a criminal information is filed in the Juvenile Court.

Scope:

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

Authority:

- [UCA 78A-6-703.3](#)
- [UCA 78A-6-703.5](#)

Procedure:

1. An assigned probation officer shall be in attendance and in support of the Court at hearings when a criminal information is filed involving a minor 16 or 17 years of age at the time of the offense for any of the following:
 - 1.1. Aggravated Assault resulting in serious bodily injury to another;
 - 1.2. Attempted Aggravated Murder;
 - 1.3. Attempted Murder;
 - 1.4. Aggravated Kidnapping;
 - 1.5. Aggravated Sexual Assault;
 - 1.6. Aggravated Arson;
 - 1.7. Aggravated Burglary;
 - 1.8. Aggravated Robbery;
 - 1.9. Felony Discharge of a Firearm; or
 - 1.10. Any offense other than an offense listed above involving the use of a dangerous weapon:
 - 1.10.1. If the offense would be a felony had an adult committed the offense; and
 - 1.10.2. the minor has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon that would have been a felony if committed by an adult.
2. An assigned probation officer shall be in attendance and in support of the Court at hearings when a criminal information is filed involving a minor 14 or 15 years of age at the time of the offense for any of the following:
 - 2.1. Aggravated Murder;
 - 2.2. Attempted Aggravated Murder;
 - 2.3. Murder; or
 - 2.4. Attempted Murder.
3. An assigned probation officer shall comply with any orders of the Court including the compilation of any pertinent information about the minor's social history and documented responses to previous rehabilitative and corrective efforts overseen by the probation department. The probation officer will provide information, but will not make recommendations to the court.
 - 3.1. The probation officer shall eFile any report ordered by the Court in CARE no less than 48 hours prior to a bind over hearing, unless other direction is given by the court.

History:

Drafted by Probation Policy December 4, 2020

Legal Review January 4, 2021

Draft Updated by Probation Policy February 18, 2021

Comment Period Closed March 23, 2021

Approved by Chiefs Group May 13, 2021

Approved by JTCE's June 3, 2021

Approved by BJCJ July 9, 2021

Draft For Approval

Section 2.12 Serious Youth Offender Bind Over Cases

Policy:

This policy addresses the responsibilities of the assigned probation officer when a case **eligible for bind-over to the District Court when a criminal information** ~~under the Serious Youth Offender Act (SYO)~~ is filed in the Juvenile Court.

Scope:

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

Authority:

- ~~UCA 78A-6-702~~
- ~~UCA 78A-6-704~~
- ~~Utah Rules of Juvenile Procedure: Rule 21, Rule 22, Rule 23A, and Rule 24~~
- [UCA 78A-6-703.3](#)
- [UCA 78A-6-703.5](#)

Procedure:

1. An assigned probation officer shall be in attendance and in support of the Court at hearings **when a criminal information is filed** involving a minors 16 **or 17** years **of age** ~~or older charged with any of the following Serious Youth Offender (SYO) felony~~ **at the time of the** ~~offenses for any of the following:~~
 - 1.1. ~~Aggravated arson; Aggravated assault resulting in serious bodily injury to another;~~
 - 1.2. **Attempted aggravated murder;**
 - 1.3. **Attempted murder;**
 - 1.4. Aggravated kidnapping;
 - 1.5. **Aggravated sexual assault;**
 - 1.6. **Aggravated arson;**
 - 1.7. Aggravated burglary;
 - 1.8. Aggravated robbery;
 - 1.9. ~~Aggravated sexual assault;~~
 - 1.10. **Felony** Discharge of a firearm; **or**
 - 1.11. ~~Attempted aggravated murder;~~
 - 1.12. ~~Attempted murder; or~~
 - 1.13. Any other offense **other than an offense listed above** involving the use of a dangerous weapon: ~~which would be a felony if committed by an adult, and the minor has a previous adjudication or conviction of an offense involving the use of a dangerous weapon which would have been a felony if committed by an adult.~~
 - 1.13.1. **If the offense would be a felony had an adult committed the offense; and**
 - 1.13.2. **the minor has been previously adjudicated or convicted of an offense involving the use of a dangerous weapon that would have been a felony if committed by an adult.**

2. An assigned probation officer shall be in attendance and in support of the Court at hearings when a criminal information is filed involving minors 14 or 15 years of age at the time of the offense for any of the following:
 - 2.1. Aggravated Murder;
 - 2.2. Attempted Aggravated Murder;
 - 2.3. Murder; or
 - 2.4. Attempted Murder.
3. An assigned probation officer shall comply with any orders of the Court including the compilation of any pertinent information about the minor's social history and documented responses to previous rehabilitative and corrective efforts overseen by the probation department. The probation officer will provide information, but will not make recommendations to the court.
4. The probation officer shall eFile any report ordered by the Court in CARE no less than 48 hours prior to a bind over hearing, unless other direction is given by the court.
- ~~5. The probation officer shall attend the preliminary hearing in the Juvenile Court. The jurisdiction of the Juvenile Court will terminate if the minor is bound over to the District Court.~~
- ~~6. Any felony or misdemeanor committed after the offense over which the District Court takes jurisdiction shall be tried against the minor as an adult in the District Court.~~
- ~~7. The Juvenile Court will regain jurisdiction and any authority previously exercised over the minor if there is an acquittal, a finding of not guilty, or a dismissal of the qualifying charge(s) in the District Court.~~

History:

Effective March 1, 2001

Revised and Approved November 13, 2015

Revised and Approved May 21, 2018

Drafted by Probation Policy December 4, 2020

Legal Review January 4, 2021

Draft Updated by Probation Policy February 18, 2021

Comment Period Closed March 23, 2021

Approved by Chiefs Group May 13, 2021

Approved by JTCE's June 3, 2021

Approved by BJ CJ July 9, 2021

2.11 Juvenile Sentencing Guidelines

Policy:

The probation department shall consider the juvenile sentencing guidelines and any aggravating or mitigating factors when preparing a dispositional report in a delinquency action.

Scope:

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

Authority:

- UCA 63-M-7-404
- UCA 76-1-401
- UCA 78A-6-602(2)
- Juvenile Sentencing Guidelines Manual (1997, Utah Sentencing Commission)

Procedure:

1. The probation officer shall consider the sentencing guidelines when making dispositional recommendations to the Court.
 - 1.1. The probation officer shall include the sentencing guideline recommendation in the dispositional report.
 - 1.2. The probation officer's recommendations to the court shall conform with the sentencing guidelines unless aggravating or mitigating factors exist and are documented in the dispositional report.
2. The probation department shall use the three fundamental parts of the sentencing guidelines in making a recommendation to the sentencing judge. They include:
 - 2.1. The criminal episode history assessment.
 - 2.1.1. When evaluating the criminal episode history, the most severe presenting episode is not counted in the history unless the minor is charged with a felony and has previously been in the Division of Juvenile Justice Services community-based placement. In this situation, the minor automatically qualifies for secured facility.
 - 2.1.2. If multiple episodes are being adjudicated at the same hearing, they should be adjudicated in order from least severe to most severe. All except the last episode should be added to the minor's offense history. The last episode should be treated as the presenting episode offense.
 - 2.2. The matrix with its continuum of dispositions.
 - 2.3. A list of aggravating and mitigating factors.
 - 2.3.1. Probation violation, contempt, and nonjudicial actions are to be considered as aggravating factors within the guidelines but are not to be considered as part of the criminal history assessment.

3. Prosecutors may use the guidelines to determine the implications of charging and plea negotiation.

Addendum 2.11.1 Juvenile Sentencing Guidelines

History:

Effective Amended July 1, 2003

Approved for deletion by Probation Chiefs December 10, 2020

Approved for deletion by JTCE's June 3, 2021

Approved for deletion by BJCJ July 9, 2021

Recommended for Deletion

2.13 Certification Investigation Report

Policy:

This policy gives direction to the probation officer when completing an investigative report for certification hearings.

Scope:

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

Authority:

- [UCA 78A-6-703](#)
- [UCA 78A-6-705](#)
- Utah Rules of Juvenile Procedure
 - [Rule 22](#)
 - [Rule 23](#)

Procedure:

1. The probation officer shall complete a full investigation of a minor's social history and background and prepare a report of the investigation for use by the Court during a certification hearing.
2. The probation officer shall include and/or make reference by filing date to documents in CARE the following in the investigative report:
 - 2.1. The minor's delinquent history;
 - 2.2. The minor's response to rehabilitative and correctional efforts;
 - 2.3. The minor's educational history and status;
 - 2.4. The minor's social history;
 - 2.5. A psychological evaluation and any other evaluation or assessment; and
 - 2.6. Any other matter ordered by the court.
3. The probation officer shall be available to appear and be subject to both direct and cross-examination when requested by the minor, the minor's parent, guardian and/or custodian or another party.
4. The probation officer shall electronically file in CARE and make available to the parties or to counsel, if represented, and to the minor's parent, guardian or custodian the investigation report no less than 48 hours prior to the certification hearing, unless otherwise ordered by the court.

Addendum 2.13.1 Certification Investigation Report

History:

Effective December 16, 2019

Approved for deletion by Probation Chiefs December 10, 2020

Approved for deletion by JTCE's June 3, 2021

Approved for deletion by BJCJ July 9, 2021

Recommended for Deletion

Section 2.14 Direct File for Criminal Proceedings

Policy:

This policy identifies the offenses that qualify for direct filing in District Court.

Scope:

This policy provides information to all probation officers of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-701](#)

Procedure:

1. The district court shall have exclusive original jurisdiction over all minors 16 years of age or older charged with murder or aggravated murder including any offenses arising from the same criminal episode. The district court shall have jurisdiction over any subsequent felony, misdemeanor, or infraction, committed by the minor.
2. The juvenile court will regain jurisdiction and any authority previously exercised over the minor if there is an acquittal, a finding of not guilty, or a dismissal of the qualifying charge(s) in the district court.

History:

Approved by Judicial Council January 22, 2018

Approved for deletion by Probation Chiefs January 14, 2021

Approved for deletion by JTCE's June 3, 2021

Approved for deletion by BJCC July 9, 2021

Tab 5



Updated
8.5.2021

Updated 8.5.2021

Total Case Processing Amounts from Fiscal Notes				One Time	Ongoing				
				\$ 118,100	\$ 126,300				
				Approved by Legislature					
Unfunded Budget Obligations				One Time	Ongoing				
				\$ -	\$ -				
Subtotal				\$ -	\$ -				
Forecasted Ongoing Available for Use				\$ -	\$ 139,245		\$ 139,245		
Carryforward spending requests - Actual Available \$2,603,798*				\$ 2,603,798				Carryforward '22	FYE 2021
								3,078,798	
								(475,000)	
1 Sunset Career Ladder Spending (shift to FY 2021 YE 1x Spending bucket) (Bart Olsen/Karl Sweeney)								\$ (475,000)	Move Funding to FYE 2021
									Adjusted Carryforward Available
								2,603,798	Must be below \$3.5M
Previously Approved by Judicial Council									
2 IT Contract Developers Support (Heidi Anderson)				\$ 682,000	\$ 682,000			682,000	
3 Matheson Courthouse carpet repairs (select replacement with carpet tiles) (Chris Talbot)				\$ 100,000	\$ 100,000			100,000	
4 Employee Incentives (gift cards) (Bart Olsen)				\$ 280,000	\$ 280,000			280,000	
5 ICJ Operations Funding (Dues/Training and travel/Extradition) (Neira Siaperas)				\$ 21,000	\$ 21,000			21,000	
6 Educational Assistance Program (Bart Olsen)				\$ 75,000	\$ 75,000			75,000	
7 7th District - Equipment and Improvements				\$ 17,350	\$ 17,350			17,350	
8 Time-limited Law Clerks (2 FTEs) (Shane Bahr)				\$ 191,200	\$ 191,200			191,200	
9 Secondary Language Stipend (Kara Mann)				\$ 68,900	\$ 68,900			68,900	
10 Appellate Bench Technology Upgrades (Nick Stiles)				\$ 5,329	\$ 5,329			5,329	
11 Public Transportation Partial Reimbursement Test (Chris Talbot and Holly Albrecht)				\$ 25,000	\$ 25,000			25,000	
12 3rd District - Media Carts				\$ 50,000	\$ 50,000			50,000	
13 Probation Office Cabling for Technology - Taylorsville (Chris Talbot)				\$ 25,000	\$ 25,000			25,000	
14 Price GAL Relocation to Price District Court - Tenant Build Out (Chris Talbot) (\$24,800)				\$ -	\$ -			-	GAL has surplus \$ to fund this request
15 Divorce Education for Children Website (Jon Puente)				\$ 18,000	\$ 18,000			18,000	
16 Sexual Violence Program Coordinator - temporary full year (Amy Hernandez)				\$ 57,000	\$ 57,000			57,000	
17 IT - Computer / Printer Replacement Inventory (Heidi Anderson)				\$ 250,000	\$ 250,000			250,000	
18 Facilities - Unforeseen Projects & Repairs (\$200,000) (Chris Talbot)				\$ -	\$ -			-	Higher revenues from Court Complex account (due to YE close out of clearing accounts) fully funded \$500K carryforward
19 HR - Onboarding & Recruitment Software				\$ 20,000	\$ 20,000			20,000	
20 Education - In Person Conferences				\$ 127,500	\$ 127,500			127,500	
21 ODR Facilitator Training				\$ 20,000	\$ 20,000			20,000	
22 Reserve				\$ 150,000	\$ 150,000			150,000	
Grand Total Request to Use Carryforward Funds (See Note 1 Below) - Revised June 30, 2021				\$ 2,183,279				2,183,279	FY 2022 YE Spend
23 Third District Media Carts (Chris Davies and Tracy Walker) - may be eligible for ARPA reimbursement								50,000	
24 Court of Appeals – WebEx Technology (Nick Stiles) - may be eligible for ARPA reimbursement - \$148K - \$210K range								210,000	
25 Cisco WebEx Work Fixes - FY 2022 Expense and Payment (Heidi Anderson)								150,000	
26/1 Combo 2022 CF and 2022 YE Judicial Council Room Upgrades (Heidi Anderson)								10,519	\$ 39,481
2 2022 YE Statewide Router Upgrades (Heidi Anderson) - Year End 2022 Spend									\$ 160,000
3 2022 YE WiFi Access Points Upgrades (Heidi Anderson) - Year End 2022 Spend									\$ 120,000
Excess of Requests over Available Carryforward Funds								-	-
Grand Total of Requests and Reserve to Date								2,603,798	\$ 319,481
Total Approved Uses of Carryforward/Additional Appropriations				\$ -	\$ 2,183,279	\$ -			
Balance Remaining of Carryforward Funds after Approved Spending Requests and Reserve				\$ 420,519	\$ 139,245				
LEGEND									
Highlighted items are Previously Judicial Council-Approved Requests									
Highlighted items are CHANGES from June 28th Judicial Council Meeting									
Items in red represent funding identified by the Legislature for a specific purpose									
NOTE 1: BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation. If more funds than requests are received, prioritization is optional.									
Carryforward Funding into FY 2022 is a maximum of \$3,500,000 with a Legislature-approved increase of \$1.0M.									
* The \$2.603M shown as available for carryforward into FY 2022 is based on FINAL FY 2021 numbers.									

23. FY 2022 Carryforward Spending Request* – 3rd District – Courtroom Media Carts

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

*Should FY 2022 Carryforward funds be insufficient, this request can also be approved as a FY 2022 spending request to use 1x TOS since we accumulate \$250K per month in 1x TOS.

Date: July 29, 2021

Department or District: Third District Court

Requested by: Chris Davies and Tracy Walker, Acting Third District TCEs

Request title: Additional Third District Media Carts

Amount requested: \$50,000

One-time funds

Purpose of funding request:

This request is for an additional two media carts for the Matheson Courthouse and/or West Jordan Courthouse (this supplements the 2 media carts approved at the June 28th Judicial Council Meeting). After carefully considering the needs of the Matheson Courthouse and West Jordan Courthouse judges and their backlog of cases and knowing there are some additional carryforward funds available, we request these 2 additional media carts. The carts will be used for virtual jury selection and evidence presentations during jury trials. The cart includes separate wireless 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 us to move them throughout the courthouse sharing them between courtrooms.

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

Over the course of a few years, Third District had three media carts constructed for the Matheson Courthouse. Since most of the evidence that is now presented comes in an electronic format, it was important to develop a way that evidence could be presented electronically in the courtroom. Since it was cost prohibitive to put new technology into every courtroom, we instead came up with a mobile solution. We now have the capability of moving media carts into any courtroom for a jury trial. The carts have worked out very well. Both attorneys and judges have liked the way evidence can now be presented.

In addition to using the media carts for evidence, we now also use them for virtual jury selection which we will continue to do for the rest of this year and probably into the future. Currently we have two master criminal calendars and two dedicated courtrooms for the master calendars. Each week we have one jury trial in each of the dedicated master calendar courtrooms that usually lasts 1 to 4 days. A media cart has been dedicated to the two courtrooms to be used for virtual jury selection and evidence.

In addition to the two criminal trials held each week, we are now allowing at least two longer criminal or civil jury trials to be held. This means we need additional media carts for jury selection and for presenting evidence during a jury trial.

23. FY 2022 Carryforward Spending Request* – 3rd District – Courtroom Media Carts

Beginning in August, we are going to add a third master calendar which will also requires a media cart for jury selection and evidence during the trial.

The media carts are more than just a few monitors and a TV. The technology that is required allows us to set up the monitors and TV anywhere in the courtroom by using Bluetooth. It gives us audio control, reliable video feeds, video mute options and a separate wireless judge controller. Any device can be plugged into the media cart allowing attorneys to present evidence. The mobile cart also allows us to move the media cart into the jury deliberation room which allows the jury to review evidence on the same screen they saw it on in the courtroom.

Currently Matheson Courthouse has three media carts, two of which are in our dedicated courtrooms that we are doing virtual jury selection in as well as the trials. That leaves us with one cart to move around to the other courtrooms. With the approval on June 28th for two media carts that would give us three carts to move around to different courtrooms. By requesting two more media carts we would move one of these new carts out to West Jordan (which currently only has one media cart) and have four media carts in Matheson to move around to different courtrooms.

Depending on the speed at which jury trials can be scheduled, we may need to purchase additional carts in the future.

Alternative funding sources, if any:

Alternative funding sources include (1) a FY 2022 YE Spending Request should carryforward funds not be available or, on a delayed basis, (2) saving our District funds and purchasing carts as we can afford to and/or (3) ARPA funding since this is a COVID19-related expenditure. The ability to use ARPA funds is being studied by Court personnel but it may take several months to determine the answer. We recommend this priority be funded immediately so it can be used for the jury trials that are scheduled for August 2021 forward. If ARPA funds can be used, we will seek legislative approval to include them in the FY2022 ARPA funding request to the legislature from the Courts and reimburse the Courts for this expenditure.

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

We have recognized resource and time savings by doing jury selection electronically. Prior to Covid our juror no show rate was around 40%. Since we have begun doing jury selection electronically, our no show rate has been around 7%. Jurors are more comfortable staying home, they are willing to participate and they don't have to take all day off of work. Prior to Covid our jury selection took anywhere from 4 to 6 hours. Doing it virtually, has allowed us to choose juries in two hours or less. By not having media carts our jury selection process will dramatically slow down and it will become much more cumbersome to present evidence. Third District is responsible for approximately 60% of all jury trials held in the State. As a result, it is important that we be as efficient as possible. Media carts contribute to our efficiency.

24. FY 2022 Carryforward Spending Request* – Appellate Court – Add WebEx Technology

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

*Should FY 2022 Carryforward funds be insufficient, this request can also be approved as a FY 2022 spending request to use 1x TOS since we accumulate \$250K per month in 1x TOS.

Date: July 29, 2021

Department or District: Court of Appeals & Utah Supreme Court

Requested by: Nick Stiles, Appellate Court Administrator

Request title: Converting Appellate Courts to WEBEX Capable Courts & Two Public Viewing Agenda Monitors

Amount requested: **\$148,000 Option 1 (Basically equipped courtrooms)** or **\$210,000 Option 2 (Higher level equipped courtrooms)**

Purpose of funding request:

The purpose of this funding request is to make both Appellate Courts fully WebEx functional. The funding request is time sensitive as both courts are slated to return to holding oral arguments in-person this fall, and currently do not have any Webex technology in the courtrooms.

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

Throughout the COVID-19 pandemic we as a court system have quickly embraced a more technology-focused system. This focus not only increases community members access to the courts, it also for the most part is viewed favorably by members of the Bar. Applicable here, the Appellate Courts are tasked with hearing cases from across the state. This funding request will enable both courts to conduct hybrid in-person/remote oral arguments allowing for example, one party to appear remotely from St. George and one party to appear in-person in Salt Lake City. This funding request expands the Court's mission as it removes barriers to an appellate system that is located exclusively in Salt Lake City.

The Appellate Courts have been working closely with the Court's IT team to generate an estimate of the costs associated with converting the Appellate Courts to be fully Webex capable. Included below is IT's breakdown of the costs. We have included two options for this Committee's review. The first is the basic option to get both courts operational. The second is the more advanced option with increased functionality. It is worth noting that some options will not be necessary, reducing the cost of the installation (ex: See under Supreme Court Option 2: *Media Presentation Inputs*).

Court of Appeals Option 1:

Estimated Cost: \$69,000

24. FY 2022 Carryforward Spending Request* – Appellate Court – Add WebEx Technology

Features Include:

- Individual Conference Viewing Monitors - for each Justice
- Front-of-bench mounted Large Conference Viewing Monitor - for Attorneys
- Three (3) High Definition Cameras - One for the Bench, One for the Attorneys, One for the Public Feed
- Two (2) Large Gallery Monitors - for those in attendance
- Updated Audio System
- Updated Control System - Simplifies courtroom system use
- Built-in Teleconferencing Phone System
- All associated hardware, wiring, mounts, and installation required to complete the project

Court of Appeals Option 2:

Estimated Cost: \$91,000

All of the above OPTION 1 features, plus...

- Four (4) Additional High Resolution Cameras - One per Justice and Counsel Table
- Voice-activated Camera Switching technology - Allows remote participants an improved view of the courtroom
- Media Presentation Inputs - Allows content to be shared on the rooms presentation monitors from either counsel table or the clerk station

Supreme Court Option 1:

Option 1:

Estimated Cost: \$79,000

Features Include:

- Individual Conference Viewing Monitors - for each Justice
- Two (2) Wall-mounted Large Conference Viewing Monitors - for Attorneys and those in Attendance
- Three (3) High Definition Cameras - One for the Bench, One for the Attorneys, One for the Public Feed
- Updated Audio System
- Updated Control System - Simplifies courtroom system use
- Built-in Teleconferencing Phone System
- All associated hardware, wiring, mounts, and installation required to complete the project

Supreme Court Option 2:

Estimated Cost: \$119,000

All of the above OPTION 1 features, plus...

- Six (6) Additional High Resolution Cameras - One per Justice and Counsel Table
- Voice-activated Camera Switching technology - Allows remote participants an improved view of the courtroom

24. FY 2022 Carryforward Spending Request* – Appellate Court – Add WebEx Technology

- Media Presentation Inputs - Allows content to be shared on the rooms presentation monitors from either counsel table or the clerk station
- Two (2) Additional Front-of bench Large Conference Viewing Monitors - for Attorneys
- Increase size and change location of the two (2) Large Monitors intended for the those in the Gallery

(\$4,000 was added to each option estimate as that has been previously provided as the cost to install one monitor outside each courtroom for the public to view which case is being heard, and whether the court is in session or not)

Alternative funding sources, if any:

Alternative funding sources include (1) a FY 2022 YE Spending Request should carryforward funds not be available or, on a delayed basis, (2) saving our Appellate Court funds and purchasing items as we can afford to and/or (3) ARPA funding since this is largely a COVID19-related expenditure. The ability to use ARPA funds is being studied by Court personnel but it may take several months to determine the answer. We recommend this priority be funded immediately so it can be used for the oral arguments that are scheduled for August 2021 forward. If ARPA funds can be used, we will seek legislative approval to include them in the FY2022 ARPA funding request to the legislature from the Courts and reimburse the Courts for this expenditure.

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

The consequence of not funding this request is that the Appellate Courts will not be able to conduct WebEx hearings from their courtrooms. The result would be all in-person, or all remote hearings.

25. FY 2022 Carryforward Spending Request* – IT – FY 2021 IT Orders Delivered in FY 2022

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

*Should FY 2022 Carryforward funds be insufficient, this request can also be approved as a FY 2022 spending request to use 1x TOS since we accumulate \$250K per month in 1x TOS.

Date: 7/1/2021

Department or District: IT

Requested by: Todd Eaton and Heidi Anderson

Request title: FY 2021 IT Services Budgeted but Work Not Completed in FY 2021 – Request to Carryforward IT Funds into FY 2022

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

Ongoing \$ _____

Purpose of funding request:

Cisco worked on Webex for the courts' public portal. State purchasing policy requires us to not pay an invoice before the work is completed. Cisco performed some but not all of the contract-required tasks by 6.30.2021 so we did not pay any of the contracted amounts. Approving this as a carryforward expense allows us to match the expense (which waits until project completion) with the available funds which have been carried forward from FY 2021 to FY 2022. Due to Cisco's importance to our ARPA-funded IT requests, paying this promptly upon completion of the work is essential.

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

Funding was allocated in FY 2021 for Cisco's assistance working with the development team at the courts to build our public facing portal with Webex integration. We originally anticipated the project to be complete by June 30, 2021. It was not and this is a pay upon completion project. We now expect the project to be complete within the next 30 days at which time payment is due. We respectfully request approval to carryforward IT funds into FY 2022 and pay when the project is completed.

Alternative funding sources, if any:

FY 2022 YE Spending is available should FY 2022 carryforward funds not be available.

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

The development on the public portal with regards to Webex integration will stop.

26/1. FY 2022 CF and FY 2022 YE 1x TOS Request* – IT – Judicial Council Room A/V Upgrade

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

*This request is split between FY 2022 Carryforward funds and FY 2022 1x TOS Spending Request since carryforward funds have been fully used with this request. The Courts generate in excess of \$250,000 per month in 1x TOS.

Date: 7/27/2021

Department or District: IT

Requested by: Heidi Anderson

Request title: Judicial Council Room A/V Upgrade

Amount requested: One-time \$50,000 (Funding split \$10,519 as CF and \$39,481 as FY 2022 1x TOS)

Ongoing \$ _____

Purpose of funding request:

In line with current and future in-person and virtual meeting access needs, following the same standard set in recent conference room installations, including the Office of Fairness and Accountability conference room, the Court of Appeals conference room, and the Supreme Court conference room, and to adjust for the recent table change that rendered the existing ceiling microphones less efficient, we are requesting funds to replace the Judicial Council Rooms antiquated Audio/Video system with updated audio and video conferencing technologies.

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

Most recent upgrades:

- 2014 - Added camera, TV, speakers, and ceiling microphones for conferencing
- 2010 - Digital audio system installed
- 1998 - Analog tape recording system installed (new building)

The system is out of warranty by 8 years, the equipment is discontinued, and recent audio issues suggest the system is end-of-life and on its way out. This audio/video refresh will bring the room up to the current industry and court technology standard and meet current and future in-person and virtual meeting access needs.

Features will include:

- HD Audio System for clear conferencing and recording
- HD PTZ Camera System for flexibility and high resolution video
- User-Friendly and expandable Touch Panel Control System
- Table Video and USB Conference connections simplifies setup and eliminates floor run cables
- Wireless content sharing eliminates the needs for mobile device adapters

26/1. FY 2022 CF and FY 2022 YE 1x TOS Request* – IT – Judicial Council Room A/V Upgrade

Alternative funding sources, if any: FY 2022 YE Spending Request has been used in addition to FY 2022 carryforward funds.

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

A/V service requests have increased for the room due to age-related problems with the equipment. Combine that with the increase use of the room, and the fact that the current system, even when performing as designed, is not meeting the current needs of those using the space, elevates the urgency of this request.

State Contract A/V Contractor Upgrade Quotes:

Quote #1 – Low Bid (view [here](#))

Contractor: Performance Audio
State Contract Number: MA3157
Quoted Amount: \$49,799.54

Quote #2

Contractor: GenComm
State Contract Number: MA513
Quoted Amount: \$49,979.91

2. FY 2022 YE Spending Request – IT – Cisco Router Replacement

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2022 are to be spent between July 1, 2021 and June 30, 2022; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2022.**

Date: 7/27/2021

Department or District: IT
Requested by: Heidi Anderson

Request title: Cisco Router Replacement

Amount requested: One-time \$ 160,000.00
 Ongoing \$ _____

Purpose of funding request:

Replace end of life Cisco routers on court network

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

We have 25 Cisco 2900 routers in our network that have reached End of Life. This means that Cisco will stop releasing security/vulnerability updates for this hardware. This would put our network at risk. We are recommending replacing these with Cisco 8300 routers (quote attached). The 8300 routers will have a minimum 12 year life span and accommodate bandwidth of up to 2GB. This is Cisco's year-end and we have leveraged our relationship to obtain this current pricing which includes a substantial promo/discount of \$96,494.74 (1/3rd off) that is good for 30 days only.

Alternative funding sources, if any:

FY 2023 Carryforward funds if earlier funds are not available.

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

If this amount of funding is not available our network security could be at risk. We do have an alternative to go with a model that is less expensive but has a shorter lifespan and far less bandwidth capabilities for future use. That would be the Cisco 4321 (Quote attached for \$85,000). These routers will only have a life span of 6 years (vs 12 years on the Cisco 8300) and only support a bandwidth of 50MB for all routers (vs. 2GB for the Cisco 8300) except those for sites which already exceed that, for which we have added a Boost license for 100MB (Provo, Ogden, Farmington, W. Jordan and Logan). This will be the most bandwidth these locations or any location could be allocated if this hardware is chosen. Our rep is unable to provide an updated timeline for the 4321s, but is reporting that the Boost licenses will be \$1,900 per site. That will take the total to amount to about \$96,400.00.

2. FY 2022 YE Spending Request – IT – Cisco Router Replacement

Best option - Quote for Cisco 8300 routers is [here](#).

Alternate option - Quote for Cisco 4321 Routers is [here](#). Add \$9,500 to that cost for above mentioned Boost licenses for a total of about \$95,000.

3. FY 2022 YE Spending Request – IT – WiFi Access Points Upgrade/Expansion

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2022 are to be spent between July 1, 2021 and June 30, 2022; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2022.**

Date: 7/27/2021

Department or District: IT

Requested by: Heidi Anderson

Request title: WiFi AP Upgrade and expansion

Amount requested: One-time \$ 120,000
Ongoing \$ _____

Purpose of funding request:

We have 125 Wireless Access Points (WAP) model Cisco 3502 that need to be upgraded (replaced).

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

We have 125 access points throughout the state (Model 3502) that need to be replaced in order to be able to upgrade our controllers to the newest secure code base. This hardware is End of Life and no longer supported or supplied security update by Cisco. Upgrading these will also give us the future capability of higher bandwidth on the wireless network.

Alternative funding sources, if any:

Original access points were purchased around the state with one-time money and there is no replacement schedule or budget at this time. FY 2023 Carryforward Spending is available should FY 2022 YE funds not be available.

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

The current access points are on the last software update they will support. Future updates including security updates are no longer available for the model we have. We are also unable to purchase this model any longer should an existing access point fail. For security it is imperative that we upgrade to a new model which will allow us to keep our network safe from cyber-attacks.

Quote

Quote to replace the 125 access points that are no longer supported is [here](#). This ask was increased to allow for expansion of our wireless network for better coverage in areas throughout the state where WiFi coverage has been deemed to be inadequate for court business.

Tab 6

Agenda

JUSTICE COURT REFORM TASK FORCE

**REPORT AND RECOMMENDATIONS TO THE
UTAH SUPREME COURT AND UTAH JUDICIAL COUNCIL**

AUGUST 2021

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
a. Background.....	1
b. Scope of Work	1
c. Why Reforms Are Necessary	1
1. Transparency and Accountability	1
2. Indigent Defense Services	2
3. Judicial Education and Experience Requirements.....	3
4. Financial Concerns	3
5. Substance Abuse and Mental Health Treatment	4
d. Guiding Principles	5
1. Qualified Judge.....	5
2. On-the-Record Appeal	5
3. Right to Counsel	5
4. Article VIII Courts	5
5. Substance Abuse and Mental Health	5
e. Practical Considerations.....	5
1. Constitutional Amendments	6
2. Revenue Neutrality.....	6
3. Urban/Rural	6
II. RECOMMENDATIONS.....	6
a. Structural Proposal (1-2)	6
b. Necessary Reforms (3-11)	7
c. Additional Recommendations (12-16)	8
d. Recommendations Related to Small Claims (17-25).....	9
e. Simplified Process for Infractions (26)	10
III. OPTIONS THAT WERE RULED OUT	11
a. Dissolve Justice Courts	11
b. Convert Justice Courts to Courts of Record.....	11
c. Structure Justice Courts According to the Population of the County	11
IV. TRANSITION PLAN.....	12
a. Timing.....	12
b. Financial Concerns	12
c. Court and Administrative Rules	13
d. Statutory Changes	13

ATTACHMENTS

- A. Task Force Membership
- B. Presentations to the Task Force
- C. Documents Reviewed
- D. Summary of Prior Utah Justice Court Reform Efforts

I. INTRODUCTION

a. Background

In December 2019, the Utah Supreme Court and Utah Judicial Council created the Justice Court Reform Task Force. The Council took responsibility for the ongoing direction of the Task Force. The purpose of the Task Force was to complete a comprehensive evaluation of justice court structure and operations, and report back to the Council with recommendations to strengthen and improve the provision of court services at the misdemeanor and small claims level.

The Council invited stakeholders to provide representatives to serve as members of the Task Force. Membership includes representatives from the courts, the legislature, the governor's office, prosecution and defense organizations, members of the bar, the Utah League of Cities and Towns and the Utah Association of Counties. A list of members and the constituencies they represent is included as Attachment A.

b. Scope of Work

The Task Force began meeting monthly in May of 2020. To inform its recommendations, the Task Force received input from various stakeholders and involved parties, reviewed thousands of pages of reports and documents, and reviewed prior reforms in Utah. Additional detail is provided in Attachments B through D as follows:

- Attachment B: A list of individuals and organizations that made presentations to the Task Force
- Attachment C: A list of the documents and reports reviewed by the Task Force
- Attachment D: A summary of prior reforms implemented in Utah since the creation of justice courts in 1989

c. Why Reforms Are Necessary

Public trust and confidence in the judiciary is critical for courts to be effective and for the rule of law to prevail. Every effort should be made to improve public access to justice, to improve the quality of justice provided, and to improve the public perception of the courts. While the judiciary in the United States and in Utah can be, and has been, used as a model in other jurisdictions, there are areas where improvements can be made.

The Task Force believes that the reforms recommended below would increase public access to justice, improve the quality of justice provided and improve public perception of court services at the infraction, misdemeanor, and small claims level. These efforts are critical as this is the court level where most citizens come into contact with the judicial system. Following are some areas in which reforms could be implemented to strengthen the court system.

1. Transparency and Accountability:

Judicial decisions and behavior are monitored primarily in three different ways. These include (1) the Judicial Conduct Commission ("JCC") which investigates complaints regarding judicial behavior, (2) the appeal process through which a higher court reviews the decision of a lower court, and (3) the

Judicial Performance Evaluation Commission (“JPEC”) which conducts judicial evaluations to provide voters with background information prior to judicial retention elections. While the JCC functions the same at all court levels, appeals and the JPEC process function differently at the justice court level.

A party that believes a judicial decision was in error has the right to file an appeal in which a higher court can review that decision and correct any errors. Appeals from justice courts are currently heard de novo by the district court. There is no review of a justice court judge’s decision. The judge receives no feedback, positive or negative, and there is no public record available for review. Additionally, because there are very few appellate decisions arising from the justice courts there is an absence of case law on issues that often arise in these courts. The Task Force believes that providing for an on-the-record appeal in misdemeanor and small claims cases would improve public trust and confidence in the courts as well as the quality of justice provided.

JPEC is charged with evaluating judges of all court levels and making recommendations for retention. Those recommendations are provided to the public online and in voter information pamphlets prior to each election. A significant number of justice courts are part-time. Some hear only a handful of cases per month. These courts are also located throughout the state and not just in population centers or county seats like the district court. Many of the part-time rural courts are served by judges that do not have law degrees and work full time in other occupations. Because of the logistical difficulty, JPEC is unable (and not required) to provide a full evaluation for these courts. As a result, very little information, positive or negative, is made available to the public regarding the performance of the judges serving in these courts.

2. Indigent Defense Services:

The responsibility for providing indigent defense services in Utah is left to local government. As a result, the provision of those services fluctuates significantly throughout the state. Concerns arising from this system were documented by the Judicial Council and in The Sixth Amendment Center’s 2015 Report. The concerns were most dramatic in the justice courts, where some defendants were arraigned and sentenced (both critical stages) to jail time or suspended sentences without the opportunity to have a defense attorney present. While the creation of the Indigent Defense Commission has improved some aspects of indigent defense, the concerns are still present at the justice court level. Such concerns will likely always be present under the current structure where small, part-time courts exist, and the provision of indigent defense services is primarily the responsibility of local governments. For this reason, the Task Force recommends changing the way misdemeanor offenses are processed.

The appointment of counsel is the courts’ responsibility, and the courts can make many no-cost internal improvements with or without structural reforms. In this regard, if structural reforms are not implemented, the Task Force recommends that the AOC work with Utah’s justice court judges on training and internal reforms to increase the consistency and constitutionality of the courts’ procedures around the appointment of counsel to indigent individuals. This should include: adopting uniform forms for the procedures for the appointment of counsel which are consistent with the Utah Code, Court Rules, and case law; the adoption of appropriate policies if courts are going to recoup public defender fees so that any such recoupment is consistent with the requirements of United States Supreme Court precedent; and the Judicial Council should reconsider the certification process for justice courts and whether it is adequate to comply with the courts’ responsibilities for the provision of indigent defense services.

3. Judicial Education and Experience Requirements:

Currently, applicants for justice court positions in class I and II counties are required to have graduated from law school. They cannot be required to be members of the bar due to Article VIII, Sec. 11 of the Utah Constitution. Applicants for justice court positions in other counties are not required to have any educational background other than a high school diploma.

There has been a trend throughout the United States in recent decades to move away from judges who are not members of the bar. As of 2020, twenty-eight of the fifty states already require judges handling misdemeanor criminal offenses to be lawyers. Nearly all scholarly and professional studies and reports on this topic recommend requiring judges to be lawyers. As an example, the Conference of State Court Administrators recommended in their 2013-2014 Policy Paper that judges of limited jurisdiction courts should be lawyers. Prior unsuccessful legislative efforts in Utah would have required all judges to be members of the bar. Some jurisdictions have even found a system of non-lawyer judges to be unconstitutional. For example, in Gordon v. Justice Court, 12 Cal 3d 323 (Cal. 1974) the California Supreme Court ruled it was a violation of due process to allow non-lawyers to preside over cases which could result in incarceration of the defendant.

Even more important than these trends, moving away from non-lawyer judges is necessary to address the concerns surrounding, and potential elimination of, de novo appeals in misdemeanor cases. In North v. Russell, 427 U.S. 328 (1976) the U.S. Supreme Court ruled that allowing non-lawyer judges to preside over cases involving potential incarceration did not violate the constitution so long as a defendant had the right to a second trial before a lawyer judge. The elimination of the de novo process without also eliminating non-lawyer judges would be a violation of this holding. It is therefore recommended to move away from non-lawyer judges to advance the important goal of eliminating de novo appeals.

Despite these recommendations, the Task Force does recognize the valuable contribution non-lawyer judges have made to the citizens of Utah. These judges have received significant training and experience and have made career decisions and personal sacrifices to provide this public service. As a result, the Task Force recommends moving forward in a way that would make changes over time, primarily through attrition, that would require as little displacement to currently serving judges and court staff as possible.

4. Financial Concerns:

Fine and fee revenues generated by justice courts are currently split between various accounts pursuant to state statute. The local government entity sponsoring the court is one of the entities that receives money generated by the court. Naturally, when more cases are filed (particularly traffic offenses) more revenue is generated.

Consistent with the broader recommendations, and to create consistency across the courts and administration under the judicial branch of government, the Task Force recommends changes that would decouple the courts from concerns about revenue generation.

The connection between case filings and revenue generation for the local government entity has been criticized, sometimes unfairly, by the media and others. For example, the following articles from local media have been published over the years. "Justice courts rake in the cash," Elizabeth Neff, Salt

Lake Tribune, July 17, 2015. “Should the role of justice courts be curtailed?” Marissa Lang and Robert Gehrke, Salt Lake Tribune, September 2, 2013. “Justice courts rake in the money; critics say some courts just interested in collecting fines.” Lorry Prichard and Kelly Just, Deseret News, February 3, 2011. “Justice swift, profitable.” Brady Snyder, Deseret News, April 18, 2003. While some changes have been made to address this issue, there is still a public perception that local entities view justice courts as revenue generators. These recommended changes would address this perception.

5. Substance Abuse and Mental Health Treatment

Courts handling misdemeanor cases are an important avenue for individuals to get access to appropriate treatment. Substance use disorders and mental health disorders are chronic illnesses with periodic acute episodes. Recovery from these illnesses is a process and not a single event. Compliance with court-ordered treatment is a continuum. Whatever a court does to hold an individual accountable should acknowledge their condition. The best outcomes will be achieved when the court and the attorneys understand the illness, respond with the most appropriate treatment, and then hold the individual accountable through appropriate sanctions.

Best practices would:

- Recognize that addiction and mental health disorders are chronic diseases with periodic acute episodes and that the court’s response must be tailored to the individual to address that reality;
- Ensure judges and attorneys understand the processes, purposes and limitations of treatment and drug testing;
- Apply sanctions or sentences that address criminogenic factors and also support an individual's progress toward recovery;
- Provide justice court judges and parties connections with the treatment community to facilitate access to assessment and referral resources and help to educate the court, attorneys and parties on those resources; and
- Refer individuals only to treatment providers and treatment modalities that are proven through practice to be effective, and track the provider’s fidelity to that practice.

This sort of attention to recovery and collaboration—together with accountability—is integral to the success of both the courts and the individuals who come before the court. Court decisions that recognize the challenges of treating a disease and which respond with a problem-solving approach will achieve the best outcomes for the individual and the community.

It is difficult, especially for small courts and courts outside the Wasatch Front, to use a problem-solving model and access appropriate treatment providers. While many of these best practices can, and should, be encouraged in the current justice court system, the structural reforms presented here would provide a better opportunity to fully implement these practices. Drug, mental health, and veterans court models could be established for misdemeanors under the proposed structure whereas most justice courts do not currently have the resources necessary to implement these programs. Earlier and more effective intervention at the misdemeanor level should result in fewer individuals entering the District Court system and an overall reduction in crime.

d. Guiding Principles

Over the course of its work, the Task Force has identified several principles that are essential to deliver justice in misdemeanor and small claims cases. Implementation of these principles is necessary to protect judicial independence, ensure parties' constitutional rights, provide transparency and adequate oversight of judges and courts, and increase public trust and confidence.

The recommendations set forth by the Task Force attempt to implement these guiding principles to the greatest extent possible, while recognizing the practical considerations set forth in the next section. These guiding principles include:

1. Qualified Judge. A qualified judge is essential. Bar membership is also a necessary prerequisite to the elimination of de novo appeals in misdemeanor cases. The application, selection process and criteria should ensure the greatest number of qualified applicants. Full-time judicial positions are also preferable.
2. On-the-Record Appeal. Access to an on-the-record appellate process is important in creating public trust and confidence in the courts. Such an appellate process provides individuals an opportunity to have judicial decisions reviewed, creates a body of law to guide future decisions, gives feedback and correction to judges, and provides transparency into the decisions made by judges.
3. Right to Counsel. Absent a knowing and intelligent waiver, all individuals accused of crimes involving the potential for incarceration should have counsel present at all critical stages of their case, including at arraignment.
4. Article VIII Courts. Courts of all levels in Utah are authorized by Article VIII of the Utah Constitution. While all other court levels are operated at the state level, justice courts were created by statute to be funded and operated by local government entities. Such courts are still governed by the Utah Supreme Court and Utah Judicial Council. This structure can create confusion and tension. Separation of the functions of each branch of government is necessary to insulate courts from political and financial pressures.
5. Substance Abuse and Mental Health. Substance abuse and mental health are significant concerns in the criminal justice system, particularly in misdemeanor cases where services are not as readily accessible. Consolidation of criminal courts would allow individuals greater access to treatment, probation and other services.

e. Practical Considerations

The Task Force understands that there are practical considerations that could make some reforms difficult to implement. These include financial and political considerations and difficulties created by the current legal or organizational structure. The Task Force recommendations attempt to achieve the guiding principles set forth above to the greatest extent possible while taking into account the following practical considerations.

1. Constitutional Amendments. A constitutional amendment should be avoided if possible. The amendment process is lengthy, difficult and opens a window for the possibility of unwanted outcomes.
2. Revenue Neutrality. Reforms should be as revenue neutral as possible. Reforms that have a significant financial impact are less likely to be implemented. A preliminary review of justice court finances suggests that the justice court system, as a whole, may be financially neutral with expenses and revenue being approximately even. However, this is an estimate at this point and circumstances of individual courts and localities may vary with some courts generating revenue and others operating at a loss. If the Task Force's recommendations are adopted, it recommends creating a working group to further evaluate the financial implications of these reforms.
3. Urban/Rural. Reforms must consider the differences between, and the needs of, urban and rural communities throughout the state.

II. RECOMMENDATIONS

a. Structural Proposal:

The Task Force recommends the following changes to court structure:

1. There should be created, by statute, a Division within the District Court. The final name for this Division should be determined during the implementation phase and should consider the input of stakeholders. The Task Force has discussed, and presents here, the following names for consideration: Local Division, Community Division, Community Access Division, Misdemeanor and Small Claims Division, and Circuit Court. The Court will be referred to throughout the remainder of this proposal as the "Division." Judges would be referred to as Division Judges. The Division would have jurisdiction over all small claims cases and misdemeanors (including Class A misdemeanors) in the judicial district. The Division would also have jurisdiction over cases involving infractions when there is not a justice court with jurisdiction. The Division would be a court of record. Appeals from the Division would be to the Utah Court of Appeals and on the record. Division judges would also be assigned magisterial duties such as pretrial release decisions and search warrants. Division courts could be housed with the District Courts or in current justice court facilities through local agreements.
2. Justice courts would remain as presently constituted, and their jurisdiction would be limited to infractions. Sections 78A-7-105 and 106, and possibly others will need to be amended to accomplish this. Justice courts would remain courts "not of record" with de novo appeals filed in the District Court.

There is some concern that by limiting justice court jurisdiction to infractions (and by limiting revenue generating capabilities, which is discussed below) some localities may choose to close their justice court. This is a possibility. However, this proposal also creates the opportunity for the

decriminalization of many offenses as the state and localities shift some low-level offenses that are currently classified as misdemeanors to infractions. Such a change could have a positive impact on broader criminal justice reforms.

b. Necessary Reforms as a Result of the Proposal:

Based on current constitutional and statutory language, implementing the recommendations above would result in, or necessitate, the following changes:

3. Division Judges would be required to be members of the bar, as required of all judges of courts of record (See Art. VIII, Sec. 7, Utah Constitution).
4. Following a transition period, all Division Judges should be required to serve full time. Because Article VIII, Section 10, of the Utah Constitution prohibits judges in courts of record from practicing law, a small, part-time judicial position (where bar membership is required and the practice of law is not allowed) would likely not attract as many qualified candidates.
5. Article VIII, Section 8 of the Utah Constitution requires that “vacancies” on courts of record be filled by the Governor, pursuant to the process authorized by that section and related statutes. The Task Force proposes creating the Division Courts through a process of consolidation between the District and Justice courts whereby currently serving justice court judges with law degrees would become Division Court Judges upon creation. (This would include part-time judges. As part-time judges resign or retire, those part-time positions should be eliminated.) “Vacancies” to be filled by the Governor would occur if positions remain unfilled through the creation process and as judges retire or resign in the future. Statutes would need to be adopted providing for the nominating commission process for Division Court judges. Nominating commissions for selection of Division Court judges should allow for local representation by including local representatives similar to the current nominating commissions.
6. All justice court judges currently serving would be retained in office and continue to serve as justice court judges.
7. As would be required by Article VIII, Sec. 6 of the Utah Constitution, the number of Division judges would be established by statute.
8. Rules of procedure for the Division Courts will need to be created. These should consider access to justice issues and judicial efficiency. New rules of appellate procedure should also be enacted to expedite and simplify the appellate process on cases arising from the Division. The Task Force would recommend that the appropriate Supreme Court Rules Committees be tasked with proposing the appropriate appellate and procedural rules to implement these reforms. The Task Force would also recommend that Rules 7, 7A, 27A and 27B of the current Utah Rules of Criminal Procedure be considered and incorporated into the new rules due to their efficient processing of misdemeanor cases and appeals therefrom.

9. Statutes should be enacted requiring indigent defense counsel to be present for all misdemeanor cases. Providing indigent defense services in the Division would utilize the services currently being provided in the District. Provisions should be enacted to allow the appearance of indigent defense counsel by remote means, particularly for Divisions in remote locations where such services may not be readily available in person.
10. While the de novo appeal process has its shortcomings, it is an effective and efficient tool for defendants to correct errors in their case. Tools like this are especially important in cases involving misdemeanor offenses where collateral consequences may be high, but less time and resources may be devoted to the adjudication of the case. Also, because the consequences, both direct and collateral, may take effect immediately upon judgment, a lengthy appeal process may render some issues moot and irreparable harm done before appellate review is ever obtained. As a result, a process should be considered to replace this de novo appeal tool. A defendant's right to withdraw a guilty plea should be expanded, and a lesser burden required, for plea withdrawal in misdemeanor cases (see Utah Code § 77-13-6).
11. Additional Appellate Court judge positions as well as staff and staff attorney positions will need to be created. The Task Force believes that the increase in Appellate Court caseload should correspond to a similar reduction in District Court caseload and efficiencies created by having Division judges handle Class A misdemeanors and magisterial duties. However, this offset cannot be guaranteed and additions at the Appellate Court level cannot be contingent upon the anticipated reductions created elsewhere.

c. Additional Recommendations:

While not necessary to implement the recommended structural changes, the Task Force does recommend the following reforms to fully implement the Guiding Principles identified above:

12. Statutes should be enacted to clarify that justice courts are a part of the Judicial Branch of government (as established by Article VIII) and are under the direction of the Utah Supreme Court and Utah Judicial Council. Employees of such courts should take direction from these bodies and the judge, and from their locality secondarily to the extent such direction does not conflict with that from the Court or Council.
13. The salary for full-time Division Judges should be set at 90% of a District Court judge's salary. A part-time Division Judge's salary would be prorated by applying the weighted caseload percentage to the full-time amount. Justice court judges' salaries should also be standardized at a fixed amount. The salary for all other judges in the state is fixed at a set amount. The same should apply to these judges. Benefits for all full-time judges should also be the same for judges of all court levels.
14. Accounting model 2 (where local government employees accept court payments) should be eliminated. Only court employees should be allowed to accept court payments. A

system should be implemented that would allow Individuals to pay amounts due to any court online or at any court location in the state.

15. Geographic restrictions on applying for Division Court positions should mirror that for the District Court (may apply from anywhere but must reside in the District upon appointment). For justice court positions, Utah Code § 78A-7-201 should be amended. This section limits applicants to those who have been living for the previous six months in the county, or adjacent county, in which the court is located. Individuals should be allowed to apply without any geographic restriction but following appointment should be required to live in the county or an adjacent county.
16. The Administrative Office of the Courts should assume a greater role in administration of justice courts. Practices, procedures, and forms should be standardized throughout the judicial districts.

d. Recommendations Related to Small Claims Cases:

The Task Force makes the following recommendations regarding small claims cases.

17. All small claims cases should be heard on the record in the Division.
18. Small claims cases should be separated between private and commercial claims.
19. Commercial claims would include landlord tenant and debt collection cases, or other cases where one party is or owns a business that appears in court as a plaintiff more than four times during a year.
20. The current restriction on third-party debt collection cases proceeding under small claims procedures should be removed.
21. The filing fee for commercial claims should be increased. The funds from the increase should be used to pay for attorneys or Licensed Paralegal Practitioners who would be present at all commercial small claims proceedings to provide assistance and representation to otherwise unrepresented parties in landlord tenant and debt collection cases.
22. The Online Dispute Resolution program should be expanded to all small claims cases throughout the state. This will allow greater access to justice for parties and allow courts to process these cases with greater efficiency.
23. Amendments to small claims rules and/or the creation of new procedural rules will need to be enacted for civil cases in the Division Courts. These should take account of access to justice issues and judicial efficiency, and consider efficient and limited discovery in these cases in coordination with the ODR process. The Task Force would recommend

that the appropriate Supreme Court Rules committees be tasked with proposing the appropriate appellate and procedural rules to implement these reforms.

24. Pro tem judges currently serving in justice courts should be encouraged to serve as facilitators in the ODR program. The Courts could also partner with mediation programs at local universities to provide ODR facilitators. Trials of all small claims cases should be heard by Division Court judges, not pro tem judges.
25. Webex hearings should be made available in small claims cases not only for parties, but to allow volunteers and attorneys to be present remotely.

e. Simplified Process for Infractions:

26. A simplified process for resolving infractions should be explored. Hawaii has such a process in place and some aspects could be used as a model. Under this model, when a defendant wants to contest a charge they can request an informal hearing before the judge. The rules of evidence and procedure do not apply. The citing officer also appears, and a prosecutor is not present. If the defendant is unhappy with the resolution, they have the right to appeal and have a formal trial at the District Court. The Online Dispute Resolution program currently being implemented in small claims cases could be expanded and used for resolution of infractions.

The benefits of this type of a model include greater efficiency for the court and eliminating the need for prosecution resources that can then be focused on misdemeanor cases. Many defendants are also intimidated by the formal criminal process and just want to be heard. This process would also be more efficient for defendants, especially if an ODR program were implemented, or if remote hearings were allowed.

There are some concerns that need to be addressed if such a model is implemented. First, jail time is not available as a sentence for infractions. However, if a court is allowed to use its contempt power to impose jail on an individual who fails to pay a fine on an infraction, this could be used as an end-run around the procedural protections that are currently in place. As such, the court's contempt powers would need to be addressed. Second, eliminating some of the formality and oversight could exacerbate some of the revenue concerns that exist with the current justice court model. Protections should be put in place to ensure there is not an increased pressure, or incentives, to raise revenue. Third, defendants must be adequately informed of their right to request a hearing and a trial and there should not be any fee imposed for exercising their right to either.

Events of the last two years including protests, the George Floyd case, and others have highlighted the importance of even minor interactions with law enforcement. The majority of these interactions will be in relation to traffic cases which will be processed in the justice courts with these informal proceedings. It is beyond the scope of this Task Force to address policing or other policy issues. However, the Task Force does not want to suggest that just because infraction cases do not carry the potential for jail time and would be handled under a more informal process, that they are not important or deserve scrutiny.

III. OPTIONS THAT WERE RULED OUT

Based on the guiding principles and practical considerations discussed above, the following options were considered but not recommended by the Task Force at this time.

a. Dissolve Justice Courts

Justice courts could be dissolved, and all cases could be handled by a unified, state court system. This is the option California chose. As of 2001, all justice courts had been consolidated into the state court system. This option would address the concerns that have been raised with justice courts. Article VIII, Section 1 of the Utah State Constitution provides:

The judicial power of the state shall be vested in a Supreme Court, in a trial court of general jurisdiction known as the district court, and in such other courts as the Legislature by statute may establish. The Supreme Court, the district court, and such other courts designated by statute shall be courts of record. *Courts not of record shall also be established by statute* (emphasis added).

The Task Force has discussed two possible meanings of the language, “Courts not of record shall also be established by statute.” One possible meaning is that a structure providing for courts not of record is required. A second possible meaning is that if courts not of record are going to be established and operated by local governments, it must be done by statute. In other words, a local governmental entity would not have inherent authority to create and operate a court. Rather, it must be done by statute at the state level.

While it is clear that local governmental entities are not required to operate a justice court, it is not clear to the Task Force which interpretation of this constitutional language is correct. Under the first interpretation, a constitutional amendment would be required to eliminate justice courts. Eliminating justice courts under the assumption that the second interpretation is correct could result in constitutional challenges. To avoid a debate or constitutional challenges, the Task Force has proposed moving forward with an approach that does not require a determination of this question.

There are also approximately 84 justice court judges, hundreds of court staff, and many local government leaders that have an interest in the justice courts. Proposing to eliminate these courts could create significant political opposition and result in unnecessary upheaval. For these reasons, the Task Force has not recommended elimination of justice courts.

b. Convert Justice Courts to Courts of Record

Another approach that was not adopted was that justice courts could remain in place but would be designated courts of record with an appeal to the Utah Court of Appeals. While this would resolve the de novo appeal concerns, other issues raised about the current justice court structure would not be addressed. This option would also require a constitutional amendment to several sections in Article VIII.

c. Structure Justice Courts According to the Population of the County

Options were discussed that would structure courts differently based on the size of the county (similar to the current education requirements for judges). However, treating cases and defendants

differently based on the size of the county could result in constitutional challenges. Defendants charged with similar offenses need to be afforded the same rights and opportunities without regard to the size of the court or jurisdiction.

IV. TRANSITION PLAN

The Task Force views its work up to this point as a first step. The Task Force believes it has identified general principles and best practices that should be adopted to strengthen the judicial branch. Implementation of these principles and practices involves additional work. The Task Force recommends the following going forward:

a. Timing:

The Task Force recommends that any changes to the court system be implemented over time, through attrition, requiring as little displacement to currently serving judges and court staff, prosecution and defense counsel, and other stakeholders, as possible. The Task Force recommends that implementing legislation take into account these considerations and provide effective dates in the future to allow courts, local governments, and other affected parties sufficient time to prepare for the transition.

b. Financial Concerns:

On a macro level, justice courts appear to be financially neutral. Justice courts statewide generate approximately \$42 million annually in fines and fees. The cost of operating these courts is also approximately \$42 million. On a micro level, these proposed changes could have significant financial effects on some jurisdictions. Circumstances of individual courts may vary with some generating significant revenue for the local government entity while others are a significant financial burden. Typically, courts with a high percentage of traffic cases generate more revenue while courts with a higher percentage of criminal cases operate in the negative. The Task Force anticipates that, in addition to shifting the caseload of these courts, a corresponding shift of revenue would need to occur to fund the operation of the new courts. This could result in less revenue being received by some jurisdictions.

The Task Force also acknowledges the time and resources some communities have invested in their justice courts. In some cases that includes courthouses and courtrooms. Efforts to implement this proposal should take into account those resources and seek, through cooperation and local agreements, to utilize them to the benefit of all involved.

While financial concerns will necessarily be addressed, the Task Force encourages all stakeholders to consider issues of access to justice, fundamental fairness, avoidance of financial conflicts of interest, improving the public perception of local courts, and other necessary components of a constitutional and fair judicial system, regardless of individual financial considerations.

The financial impacts of this proposal will likely be a significant factor in its implementation. The Task Force recommends the creation of a working group to study in greater detail the financial impacts, both to the state and to local governments, associated with these recommendations. Such a working group could include court administrators, AOC and local government accountants and financial officers and others.

c. Court and Administrative Rules:

The Task Force recommends that the appropriate Supreme Court rules committees be tasked with drafting proposed rules of procedure simultaneously with the advancement of this proposal. The impacts of this proposal cannot fully be known without understanding the rules and processes that would be in place. The expertise of those serving on these various committees should be included in this project. Similarly, the Judicial Council's Policy and Planning Committee should be tasked with evaluating what administrative rules need to be amended or enacted to implement this proposal. Ultimately a package that includes this proposal, proposed rule changes, and proposed legislative changes should be presented as a unified and complete proposal. Again, the Task Force encourages these bodies to prioritize access to justice, trust and confidence in the courts, and other similar principles that are fundamental to, and would further strengthen, our judicial system.

d. Statutory Changes:

Implementation of this proposal will require significant legislative changes. Many details will need to be decided upon. Just one example would be proper venue of cases in the new courts. Such details could have a significant effect on the ultimate effectiveness of this proposal. The Task Force recommends that the Judicial Council, through its Legislative Liaison Committee, and working with such other stakeholders or parties as the Committee sees fit, begin working on proposed statutory language. The goal should be to implement the principles set forth in this proposal and to create a unified package for consideration by all affected parties and branches of government.

Utah Justice Court Reform Task Force
Report and Recommendations to the Utah Judicial Council

Attachment A – Membership

<u>Name</u>	<u>Position</u>	<u>Organization Represented</u>
Chair: Judge Paul C. Farr	Justice Court Judge (Alta, Herriman, Sandy)	Judicial Council
Anna Anderson	Prosecutor	Salt Lake District Attorney's Office
Judge Brian Brower	Justice Court Judge (Clearfield, Sunset and Morgan County)	Board of Justice Court Judges
Paul C. Burke	Attorney (Ray, Quinney & Nebeker) and Chair of the Utah Supreme Court's Advisory Committee on the Utah Rules of Appellate Procedure	Utah Supreme Court
Senator Kirk Cullimore	Attorney and State Senator	Utah State Senate
Judge Brent Dunlap	Justice Court Judge (Iron County)	Board of Justice Court Judges
Ron Gordon	State Court Administrator	Administrative Office of the Courts
Judge Roger Griffin	Fourth District Court Judge	Board of District Court Judges
Representative Craig Hall	Attorney and State Representative	Utah House of Representatives
Judge Ryan M. Harris	Appellate Court Judge	Utah Court of Appeals
Joanna Landau	Attorney, Executive Director Utah Indigent Defense Commission	Utah Indigent Defense Commission
Ryan Robinson	Prosecutor (West Valley), President of the Statewide Assoc. of Prosecutors	Utah Statewide Assoc. of Prosecutors
George Sutton	Attorney (Jones Waldo)	Representing <i>Pro se</i> Defendants in Small Claims
Ann Marie Taliaferro	Attorney (Brown, Bradshaw & Moffat)	Utah Assoc. of Criminal Defense Lawyers
Commissioner Jerry Taylor	Garfield County Commissioner	Utah Association of Counties
Roger Tew	General Counsel and Policy Advisor for Utah League of Cities and Towns	Utah League of Cities and Towns
Staff: Michael Drechsel	Assistant State Court Administrator	Administrative Office of the Courts
Staff: Cathy Dupont	Deputy State Court Administrator	Administrative Office of the Courts
Staff: James Peters	State Justice Court Administrator	Administrative Office of the Courts

Utah Justice Court Reform Task Force
Report and Recommendations to the Utah Judicial Council

Attachment B – Presenters

<u>Name</u>	<u>Position</u>	<u>Presentation:</u>
Judge Rick Romney	Justice Court Judge, Chair of Board of Justice Court Judges	Board of Justice Court Judges
Senator Kirk Cullimore	State Senator and attorney representing plaintiffs in small claims	Small claims plaintiffs
Ben Marsden and Heather Robison	Law Clerks / Interns	Background research
Michael Zimmerman	Former Utah Supreme Court Chief Justice	History of the Judiciary and specifically Circuit Courts
Joanna Landau	Executive Director, Indigent Defense Commission	Indigent Defense in Justice Courts
Dr. Jennifer Yim	Executive Director of the Judicial Performance Evaluation Commission	JPEC's perspective on Justice Courts
Justice Deno Himonas	Utah Supreme Court Justice	Online Dispute Resolution Program
Judge Jon Carpenter	Justice Court Judge	"
Judge Brendan McCullagh	Justice Court Judge	"
Kim Zimmerman	Justice Court Clerk and AOC staff	"
Brody Arishita	AOC Staff	"
Clayson Quigley	AOC Staff	"
Jeff Hastings	AOC Staff	"
Dr. Kim Free	Judicial Educator, Utah AOC	Clerk and Judicial Education perspective
Jim Peters	State Justice Court Administrator	Appeal and financial statistics
Judge Paul C. Farr	Task Force Chair and Justice Court Judge	Justice Court structure and statistics
Kim Cordova	Executive Director of the Commission on Criminal And Juvenile Justice	Substance abuse and mental health issues in justice court
Elizabeth Klc	Director of Utah Substance Abuse Advisory Council	"
Patrick Fleming	Chair of Utah Substance Abuse Advisory Council	"
Adam Trupp	Assistant Director, Utah Indigent Defense Comm.	"

Keisa Williams	General Counsel, AOC	Pretrial Release Practices
Karl Sweeney	Director of Finance, AOC	Financial practices and accounting
Wayne Kidd	Director of Audit, AOC	“
Diane Williams	Auditor	“
Professor Alexandra Natapoff	Harvard Law School, nationally recognized scholar on misdemeanor court system	Misdemeanor court practices
Dillan Passmore	Law Clerk / Intern	Informal Adjudication of Infractions

Utah Justice Court Reform Task Force
Report and Recommendations to the Utah Judicial Council

Attachment C – Materials Reviewed

“Enhancing Caseflow Management to Ensure Effective Assistance of Counsel,” Justice Programs Office, School of Public Affairs at American University. January 2020.

“Final Reflections Paper – Income Based Fines,” Thomas Kelley, University of Utah Law School. Spring 2018.

“The Right to Counsel in Utah: An Assessment of Trial-Level Indigent Defense Services,” Sixth Amendment Center, 2015.

“October 26, 2015 Report.” Judicial Council Study Committee on the Representation of Indigent Criminal Defendants in Trial Courts.”

“Justice Derailed: A case study of abusive and unconstitutional practices in Colorado city courts.” ACLU of Colorado, October 5, 2017.

“Utah Indigent Defense Commission: Follow-Up Site Visit Report,” Bureau of Justice Assistances, Office of Justice Programs, December 2019.

“Principles on Fines, Fees, and Bail Practices,” National Task Force on Fines, Fees, and Bail Practices,
https://www.ncsc.org/_data/assets/pdf_file/0021/61590/Principles-on-Fines-Fees-and-Bail-Practices-Rev.-Feb-2021.pdf

“Fifty-Eight Years and Counting: The Elusive Quest to Reform Arizona’s Justice of the Peace Courts.” Anne E. Nelson, Arizona Law Review, Vol. 52:533 (2010).

“Four Essential Elements Required to Deliver Justice in Limited Jurisdiction Courts in the 21st Century.” 2013-2014 Policy Paper, Conference of State Court Administrators.

“Investigation of the Ferguson Police Department.” United States Department of Justice, Civil Rights Division. March 4, 2015.

“Public Safety – Municipal Courts.” Better Together, The Missouri Council for a Better Economy. October 2014.

“Civil Practice in Montana’s ‘People’s Courts:’ The Proposed Montana Justice and City Court Rules of Civil Procedure.” Cynthia Ford. The Scholarly Forum@Montana Law, The University of Montana School of Law. January 1, 1997.

“Missouri Municipal Courts: Best Practice Recommendations. National Center for State Courts and State Justice Institute. November 2015.

“Disorder in the People’s Courts: Rethinking the Role of Non-Lawyer Judges in Limited Jurisdiction Court Civil Cases.” Cathy Lesser Mansfield. New Mexico Law Review, Vol. 29, Winter 1999.

“Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California.” Western Center on Law & Poverty, et al. 2015.

“No Justice in Utah’s Justice Courts: Constitutional Issues, Systemic Problems, and the Failure to Protect Defendants in Utah’s Infamous Local Courts.” Samuel P. Newton, Teresa L. Welch and Neal G. Hamilton. Utah Onlaw: The Utah Law Review Online Supplement, Volume 2012.

“When Your Judge Isn’t a Lawyer.” Matt Ford. Politics, February 5, 2017.

“Preventing Whack-a-Mole Management of Consumer Debt Cases: A proposal for a Coherent and Comprehensive Approach for State Courts.” Paula Hannaford-Agor and Brittany Kauffman. Institute for the Advancement of the American Legal System, University of Denver, February 28, 2020.

“The Evolution of Utah’s Justice Courts.” Judge Paul C. Farr, Utah Bar Journal, Vol. 29, No. 4, July/August 2016.

"The Face of the Judiciary: Utah's Justice Courts." Judge Paul C. Farr, Utah Bar Journal, Vol. 25, No. 1, Jan./Feb. 2012.

Utah Judicial Council meeting minutes from February 27, 2006 and November 26, 2007.

"Interim Report." Justice Court Study Committee, December 3, 1997.

"A Guide to the Federal Magistrate Judge's System." Peter G. McCabe. Federal Bar Association White Paper, August 2014, updated October 2016.

Bernat v. Allphin, 106 P.3d 707 (Utah 2005)

City of White House v. Whitley, 979 S.W. 2d 262 (Tenn. 1998)

North v. Russell, 427 U.S. 328 (1976)

Taylorsville City v. Mitchell, 466 P.3d 148 (Utah 2020)

Utah Justice Court Reform Task Force
Report and Recommendations to the Utah Judicial Council

Attachment D – Summary of Prior Justice Court Reforms in Utah

1850	Organic Act organizing Utah Territory	Federal legislation creating a territorial court system that included justices of the peace.
1896	Utah Constitution	Article VIII of the Utah Constitution established the judiciary, including justices of the peace.
1978-1996	Circuit Courts	Circuit Courts handled misdemeanor offenses during this time-period.
1983	CCJJ Task Force	The legislature created the Utah Commission on Criminal and Juvenile Justice which established a task force to study changes to the justice of the peace system.
1984	Constitutional Amendment	Article VIII underwent significant amendment. Section 11 was added which prohibited requirements that justices of the peace be members of the bar.
1989	Justice Courts Created	Based on the task force's recommendations, justices of the peace were eliminated and justice courts were created.
1996	Justice Court Jurisdiction	With the dissolution of the Circuit Courts, jurisdiction over Class B and C misdemeanors and small claims case fell to justice courts.
2007	Nehring Commission	The Judicial Council established a committee to study justice court reform. It was chaired by judge (and subsequently justice) Ronald Nehring. Recommendations that were adopted included: The current judicial selection process was made applicable to justice courts. 6-year terms of office implemented followed by a retention election. Judge's pay set at 50-90% of a district court judge and cannot be diminished. Recommendations that were not adopted included: At least a 4-year degree for judges and eliminating part-time positions.
2011	H.B. 494	Required recording of all justice court proceedings.
2016	H.B. 160	Required judges in first and second class counties to have a law degree.
	S.B. 155	Creation of the Indigent Defense Commission.

Tab 7

Agenda

INTERLOCAL AGREEMENT
BETWEEN WELLINGTON CITY AND CARBON COUNTY

THIS AGREEMENT is made by and between CARBON COUNTY, a political subdivision of the State of Utah, having an address at 751 E. 100 N., Price, UT 84501, hereinafter referred to as "County", and WELLINGTON CITY, a municipal corporation, having an address at 150 West Main St., Wellington, UT 84542, hereinafter referred to as "City".

RECITALS

A. County operates and maintains the Carbon County Justice Court at the Carbon County Administration Building, 751 E. 100 N., Suite 1600, Price, Utah.

B. In accordance with Utah Code Section 78A-7-106, the Carbon County Justice Court has jurisdiction over class B and C misdemeanors, violations of city ordinances, and infractions committed within the boundaries of Carbon County, by persons 16 years of age or older, as well as jurisdiction over small claims cases.

C. City operates and maintains its own Justice Court in Wellington City but now desires to contract with County to provide Justice Court services for the benefit of its citizens.

D. County is willing to provide Justice Court services, by and through its Carbon County Justice Court, for the benefit of City including adjudication of all matters which fall within the jurisdiction of the Justice courts pursuant to Utah law.

E. To facilitate adjudication of those matters falling within the jurisdiction of the Carbon County Justice Court, City and County are required to establish an agreement in accordance with the Interlocal Cooperation Act, Utah Code Annotated Section 11-13-101, Et Seq.

With this background, the parties hereto agree as follows:

AGREEMENT

1. County and City hereby execute this Agreement which will enable them to cooperate with each other on the basis of mutual advantage and to thereby provide services and facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of County and City and to provide the benefit of economy of scale and utilization of resources for the overall promotion of the general welfare of the parties and the State of Utah.

2. The term of this Agreement shall be for four (4) years commencing as of September 1, 2021. The term of the Agreement shall be automatically renewed at the end of this initial four (4) year term unless either party has given prior notice to the other within thirty (30) days of the expiration of the original or any subsequent term.

3. The specific purpose of this Agreement shall be to facilitate the timely and efficient prosecution of class B and class C misdemeanors and infractions identified as criminal offenses and as set forth by the Utah Criminal Code and/or violations of the City's Municipal Code, Land Development Code, Building Code and any other codes promulgated or enforced by City and to facilitate handling of small claims actions, as well as any and all matters that come within the jurisdiction of a Justice Court as identified by Utah Code Annotated Section 78A-7-106.

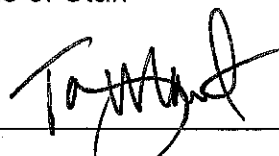
4. All fines and forfeitures collected by the Carbon County Justice Court with respect to all Wellington City cases shall be remitted in accordance with Utah Code Annotated Section 78A-7-120. A copy of said section is attached hereto as "Exhibit A", and by this reference is made a part hereof. The parties hereto reserve the right to adjust the distribution formula provided herein in accordance with any changes mandated hereafter by Utah law.

The parties hereto expressly acknowledge and agree that, in accordance with Utah Code Annotated Section 78A-7-120 (1), the treasurer of the local government responsible for the court shall mean the Treasurer of Carbon County and the treasurer of the local government which prosecutes or which would prosecute the violation shall mean the Treasurer of Wellington City.

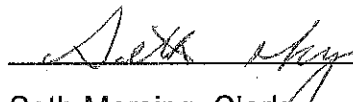
5. This Agreement may be terminated by either party upon giving thirty (30) days written notice to the other party.

6. This Agreement shall be enforced in accordance with the Interlocal Cooperation Act, as referenced above, and in accordance with Utah Code Annotated Section 78A-7-101 et seq. which specifically sets forth the laws regulating the operation and functions of the Justice Court system.

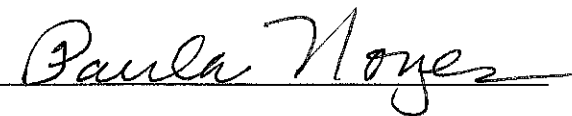
CARBON COUNTY, a political subdivision
of the State of Utah

By: 
Tony Martinez, Commission Chairman

ATTEST:


Seth Marsing, Clerk

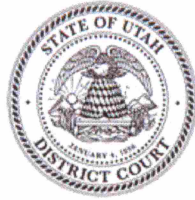
WELLINGTON CITY, a municipal corporation

By: 
Paula Noyes, Mayor

Attest:


Gracie Steele, Recorder

Tab 8



Fourth District Court

DATE: August 17, 2021
TO: Utah Judicial Council
FROM: Jennifer A. Brown, Presiding Judge
RE: **APPROVAL TO FILL 4TH DISTRICT COURT COMMISSIONER VACANCY**

It is the request of the Fourth District Court bench that the Judicial Council considers and approves the request to fill the commissioner vacancy of Sean M. Petersen.

BACKGROUND: Commission Sean M. Petersen was nominated to fill a judicial vacancy on the Fourth District Court Bench on July 8, 2021. His State Senate confirmation hearing is scheduled for Wednesday afternoon, August 18, 2021. It is anticipated that he will be confirmed, which will result in a commissioner vacancy in the Fourth District Court.

DOMESTIC FILING INVENTORY: The Fourth District Court currently has two FTE commissioner positions. In Calendar Year 2020, Commissioner Petersen's domestic inventory alone consisted of 1,539 filings, which is 30-40% of the total domestic inventory in Utah County. He also hears monthly domestic cases (in-person pre-pandemic; virtually during the pandemic) in Fillmore, Heber and Nephi-- in addition to all ORS cases for Provo and American Fork. Pre-pandemic, Commissioner Petersen's calendars consisted of 12-13 hearings each day, Monday - Friday, in addition to 25 ORS hearings every-other Friday. During the pandemic, Commissioner Petersen has maintained his caseload to avoid a large backlog. His current daily calendars consist of 8-9 hearings each day.

IMPACT IF REQUEST IS NOT GRANTED: The impact on the Fourth District Court Bench and, most importantly, on the public in general if not granted is that the other commissioner position would have an unworkable volume--- in essence, more than doubling her current volume. Commissioner Marian Ito's current domestic inventory is approximately 60-70% of all domestic filings and hearings in Utah County. Such an increase in workload for one commissioner to handle would result in substantial delays in approving divorce decrees and other critical domestic filings. This would directly impact access to justice and due process.

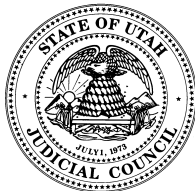
Thank you for your consideration of this request to fill the Commissioner vacancy of Sean M. Petersen.

A handwritten signature in black ink, appearing to read "JAB", is written over a horizontal line.

JENNIFER A. BROWN
Presiding Judge

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.

Tab 9



Administrative Office of the Courts

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

July 22, 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 Vacancies: These vacancies are the result of the resignations of three Committee members representing professional ADR Providers.

Eligibility Requirements: These vacancies are for professional ADR Providers.

Description of recruitment process: An email was sent to members of the Utah Court Roster of ADR Providers soliciting resumes and letters of interest.

Nominees for consideration: The ADR Committee has recommended Stephen D. Kelson, Talatou Abdoulaye and Anne A. Cameron to fill these three vacancies.

List of Professional ADR Provider Applicants (application materials attached):

Talatou Abdoulaye, Anne Cameron, Christian Clinger, America Francis, Stephen Kelson, Layne Kertamus, Laura Rasmussen, Christina Zavell

List of 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.

Professional ADR Provider Applicant Materials

Email from Talatou Abdoulaye

Dear Nini,

Attached is my resume for the Utah Court ADR committee opening.

I am interested in this position because I would like to broaden my experience in the area of ADR in relationship with courts while at the same time getting the opportunity to share my national and international experience with the other committee members. I look forward to learning from them too.

My resume offers additional information on my background. Thank you!

Talatou Abdoulaye

UT Court Roster Mediator

Utah Valley University Ombuds and Coordinator of conflict resolution

801-897-1096

Talatou Abdoulaye
Salt Lake City, UT 84111

Telephone: 801/897-1096 (cell)
Email: TalatouA@uvu.edu

Summary:

I am a culturally sensitive professional mediator. I can and have resolved complex conflicts between people and have thereby helped bring peace and understanding in workplaces, businesses and communities in our state, out of state and abroad. For example, I was recently able to help resolve a complicated and sensitive housing related conflict in the Utah valley. I can also speak and write 4 languages.

Education:

- Upcoming J.D. from Northwestern California University.
- Upcoming Bachelor of Science in Legal Studies from Utah Valley University.
- Ph.D. in Education, Culture & Society, University of Utah, Summer 2017.
- Graduate Certificate in Conflict Resolution and Mediation, University of Utah, Spring 2015.
- M. Ed in Bilingual and Multicultural Education with distinction at Northern Arizona University, Flagstaff, AZ, May 2007.
- Bachelor Degree in English at Ecole Normale Superieure de Bamako, Mali, November 1992.

Grants and Awards:

- Jones Scholar Award, University of Utah, Fall 2010 to Spring 2012
- Teaching Assistantship Award, University of Utah, Fall 2007 to Spring 2010
- U.S. State Department sponsored Fulbright Grant, August 2005 to May 2007

Work Experience:

- Utah Valley University Ombudsman and Coordinator of Conflict Resolution from Fall 2017 to present. In this position, I have, for the last 3 years, I have worked on and resolved thousands of cases on campus using mediation and other alternative dispute resolution strategies.
- Utah Court Roster Mediator: conducting mediations in small claims court and in other areas including but not limited to labor, debt, business, truancy, landlord tenant in the communities all along the Utah valley, out of state and internationally from 2015 to present.
- Teacher of English to Adult immigrants and refugees from around the world with Granite School District, from Fall 2012 to Summer 2017.
- Instructor of Multicultural Education (cultural diversity issues) at University of Utah, Summer 2010.
- Teaching Assistant at the University of Utah, Fall 2007 to Spring 2010.
- High school teacher of English in Timbuktu, Mali from October 1994 to June 2005.
- Bilingual Translator and interpreter with USC-Canada Mali, January 1993- September 1994.

Anne Cameron Mediation Cameron Law

000163

February 2, 2021

Dear Members of the Alternative Dispute Resolution Committee,

I am interested in being a member of the committee and I have directly my practice to use ADR methods, exclusively since 2018. I have been a family law attorney since 2007 and modified my practice as of January 1, 2018, to a reduced conflict and alternative dispute resolution model. I narrowed my practice to representation through mediation and the Collaborative Process (Utah Code Section 78B-19-101 et al.) with very limited litigation cases. I began to focus on my mediation practice in 2019, and as of January 1, 2020, I stopped taking or participating in litigation entirely and I only take Collaborative Law cases in addition to developing a more robust mediation practice and becoming a Court Rostered Mediator. Now my work now is mostly mediation, with pro se and represented parties, document drafting, and Collaborative Process cases. I am the current chairperson (since December 2019) of the Utah Association of Collaborative Professionals, and I am a member of the Utah and National AFCC and the UCCR.

I believe Alternative Dispute Resolution is essential to resolution of uncoupling issues when a family wants to maintain healthy relationships. ADR is also necessary in other arenas rather than more fractious methods of resolving disputes, big or small.

I am interested in being exposed to an educating and being educated on the many facets of alternative dispute resolution in and out of our Court system. I appreciate your consideration and am happy to provide more information about myself and my practice if you would find that helpful.

Regards,



Anne A. Cameron

Cameron Law/Utah Collaborative Divorce/Anne Cameron Mediation

1526 W. Ute Blvd, Suite 206, Park City, Utah 84098
1945 S 1100 E, Suite 200, Salt Lake City, Utah 84106
435-640-2158 • 435-647-6113
aaclawutah.org/utahcollabdivorce.com

Education

University of Utah, College of Law, Salt Lake City, Utah
Juris Doctor, 2000

San Diego State University, San Diego, California
Single Subject Teaching Credential, 1993
Biology, Chemistry, Anthropology

University of California, San Diego, California
B.A. Anthropology (cultural), 1991
Biology Minor, Dartmouth Exchange Program

Professional Experience

Cameron Law/Utah Collaborative Divorce/Anne Cameron Mediation June 2015 - Present. Areas of practice include Family Law, Collaborative Family Law, Mediation and Document Drafting (pro se and with counsel)

Miller Vance/Miller Law Group, March 2007 - July 2015. Areas of practice include Family Law, Collaborative Family Law, Protective Orders, Stalking Injunctions, Criminal Defense, and DABC Compliance.

Summit County Prosecuting Attorney, May 2005 - February 2007. Prosecuting Attorney, counsel to Summit County Board of Adjustment, summer 2006 – February 2007.

Salt Lake County District Attorney, January 2001- May 2005. Deputy District Attorney.

Office of the Attorney General, Criminal Division, May 1999 - December 2000. Law Clerk.

San Diego City Schools, December 1993 - June 1997. Science teacher, School Site Governance Team, Science Department Chairperson, draft and implement new science curriculum for San Diego City Schools.

Volunteer/Community Activities

Summit County Friends of Animals/Nuzzles & Co., Board of Directors, April 2014 - July 2016

Jeremy Ranch Golf and Country Club, Board of Governors, January 2016 - 2019

Park City Bar Association, Board of Directors, 2018-current

Utah Association of Collaborative Professionals, 2008 – current, Chairmen since December 2019

Collaborative Divorce Alliance, founding member 2019-current

Hobbies/Activities

**Golf, cooking, road biking, hiking, cross country skiing, reading
Memoir/short story writing**

Email from Christian Clinger

Dear Nini,

I am submitting my CV / resume and statement below to be considered to serve as an additional member from the professional mediation community for the Utah Judicial ADR Committee.

I have been a Utah Court Roster mediator for over 15 years. I am also a Master Mediator. I have previously served as a Court approved Mediation Instructor for general mediation and family law mediation. I have lectured on mediation training and ethics at the Utah State Bar Annual Convention, Mid-Year Convention, monthly CLEs, the Utah Governor's Economic Summit, the U of U Law School, U of U Communications Department, BYU Law School, and to numerous corporations, HR Departments, and Chambers of Commerce.

I just finished my term as President of the Utah State Bar Dispute Resolution Section, where I also previously served as Secretary and Treasurer. I am also a former Board Member of UCCR.

I would like to continue to serve in the mediation community and as a member of the Utah Judicial ADR Committee. I have attached my resume for your consideration.

Thank you very much for your time and attention to this email. I hope to hear back from you and the Committee in the coming weeks.

Sincerely,

Christian W. Clinger, Esq.

Clinger Law Firm, LLC

Law & Mediation Services

6925 Union Park Center, Ste. 550
 Salt Lake City, UT 84047
 (801) 273-3902 (work)

LEGAL EXPERIENCE

CLINGER LAW FIRM, LLC, SALT LAKE CITY, UTAH, 2004 TO THE PRESENT, ATTORNEY AND COURT ROSTER MEDIATOR

Founding member of Clinger Law Firm. Practice areas: Business Law, Mergers & Acquisitions, Contract Law, Civil and Commercial Litigation, Automobile Dealership Law, Restaurant Franchise Law, All Aspects of Family Law, Political Consulting - Governmental Relations, and Mediation. 21 years of corporate work and litigation experience with 19 years of experience as First Chair in litigation.

PRACTICE AREAS:

Corporate & Transactional Law: Advise corporate officers and directors on corporate governance and risk management. Draft corporate and limited liability company organizational documents. Negotiate and draft asset purchase contracts, merger & acquisition plans, real estate purchase and sale contracts, and lease agreements for commercial clients. Draft minutes for Board of Directors and Shareholder meetings for privately held corporations.

Corporate Auto Dealership Law: 20 years of Auto Dealership corporate law, employment law, real estate law, and litigation experience. Represented dealerships with the following manufacturer lines: Chevrolet, GMC, Cadillac, Buick, Honda, Toyota, Scion, Kia, Subaru, Ford, Chrysler, Dodge, Jeep, Ram, Fiat, Mazda, Isuzu Trucks, Hino Trucks, HLS Tractor, TYM Tractors, Load Trail, Wells Cargo Trailers, Polaris, and Arctic Cat. Extensive experience representing an NHRA Drag Race Strip, a Super Oval Motor Track, and a Motocross Track.

Represented dealerships in transactions totaling over 100 Million dollars including acquisitions of other dealerships, inventory, flooring financing, real estate sales, purchases, leases, and building construction.

Extensive experience in contract negotiations and drafting. Negotiate franchise agreements, commercial lease agreements, real estate purchase and sale contracts, and construction contracts. Ensure business compliance with state and local governmental regulations.

Real Estate Law: Represent commercial and residential real estate clients. Lead attorney overseeing all legal and financing issues for construction of two Chrysler, Dodge, Jeep, Ram dealerships, two Ford dealerships, a Mazda dealership, a Kia dealership, two Wells Cargo Trailers dealerships, a Polaris and Arctic Cat dealership, and the renovation and expansion of a Subaru dealership. Draft real estate purchase and sale contracts, real estate leases, and option contracts. Represent commercial clients in real estate development, construction contracts, and construction loans. Represent commercial and residential clients in court and mediation to quiet title, enforcement of contracts, and landlord/tenant cases. Since 2013, overseen the sale, purchase, lease and development of more than 135 acres representing clients in negotiations with banks and cities for RDAs, CDAs, and U.S. Department of Agriculture Real Estate Development Loan/Grants. Represent commercial and residential clients in court and mediation to quiet title, enforcement of contracts, and landlord/tenant cases.

Employment Law: Represent and defend employers at all levels from initial hearings, mediation, trial, and appeals before the Labor Commission, Workforce Services, and EEOC with cases ranging from wage claims, unemployment defense claims, gender

discrimination, and sexual harassment. Review of employee handbooks and policies.

Civil & Commercial Litigation: Experience ranging from simple to complex general and commercial civil litigation, motion practice, restraining orders and injunctions, evidentiary hearings, mediation, settlement negotiations and stipulations, and trial and appellate practice. Represent business clients before district courts and governmental regulatory agencies.

Consumer Protection Defense: Defend corporate clients and automobile dealerships that have cases before the Utah Division of Consumer Protection.

Restaurant / Food Service Law: Represent clients ranging from start-up restaurants to franchisees with local and national restaurant franchises. Ensure business compliance with state and local governmental regulations. Defend clients in employment matters. Defend clients in food safety regulation claims.

Family Law: Represent clients in divorce, alimony claims, paternity cases, custody cases, child support claims in district court and before the Office of Recovery Services, and termination of parental rights in juvenile court.

Mediation: Since 2004, listed as a Utah State Court Roster Mediator in civil cases, small claims cases, real estate law, landlord/tenant law, corporate law, contract law, and probate law. Since 2005, listed as a Utah State Court Roster Mediator for Family Law including divorces, property division, alimony, child custody, parent-time/visitation claims, and child support. Since 2011, earned the distinction of a Master Mediator with the Utah State Court Roster of Mediators.

LEGAL EXPERIENCE

INSTITUTE OF ADVANCED MEDIATION & PROBLEM SOLVING, LLC, 2011-2012, SENIOR FELLOW, MEDIATOR AND INSTRUCTOR

Approved mediation and negotiation instructor by the Utah State Courts. Master Mediator qualification by the Utah State Courts. Mediator and conflict resolution consultant for local, national, and international clients. Mediated a broad range of cases including divorce and custody conflicts, contract and business matters, probate disputes, landlord/tenant issues, real property disputes, and workplace conflicts. Mediation clients have included Fortune 500 companies as well as international corporations. Instructor for mediation training, negotiation, theory of conflict resolution management, and communication.

CALLISTER NEBEKER & MCCULLOUGH, SALT LAKE CITY, UTAH, 2001 TO 2004, CIVIL & COMMERCIAL LITIGATION, BUSINESS LAW, AUTOMOBILE DEALERSHIP LAW, CONTRACT LAW, AND FAMILY LAW.

Litigated in state and federal courts and before administrative law courts. Drafted and prepared complaints, answers, motions, and discovery pleadings. Conducted discovery. Negotiated with opposing counsel. Interviewed and counseled with clients. Analyzed purchase contracts, plans of merger, franchise agreements, and automobile dealership agreements. Researched secured transactions, real estate matters, and contract law for business clients and banks.

JUDICIAL LAW CLERK, STATE OF UTAH THIRD DISTRICT COURT, SALT LAKE CITY, UTAH, 2000 TO 2001

Judicial Law Clerk to Former Presiding Judge Frank G. Noel, Judge David S. Young, Judge Roger A. Livingston, Judge Homer Wilkinson, and Judge Pat B. Brian. Drafted and edited memorandum opinions for the judges. Prepared bench memoranda of assigned cases. Researched and wrote briefs of current case law and statutes. Reviewed records, trial transcripts, and jury instructions. Compiled references on laws and decisions.

PROFESSIONAL ASSOCIATIONS & LEADERSHIP

Utah State Bar and U.S. District Court, District of Utah (Active Status)
 Nebraska State Bar and U.S. District Court, District of Nebraska (Inactive Status, 1999)
 Utah State Bar, Dispute Resolution Section, President (2019-2020 term)
 Vice President (2018-2019 term), Secretary / Treasurer (2017 -2018 term)
 Utah State Bar, Commissioner, Board of Bar Commissioners (2 terms, 2006-2009, 2009-2012)
 Utah State Bar, Executive Committee, (3 terms, 2008-2011)
 2011-2012 Utah State Bar Constitution Day Committee, Co-Chair
 2010 - 2012 Utah State Bar Public Education Committee, Co-Chair
 2010 - 2012 Utah State Bar Public Relations Committee, Co-Chair
 2010 - 2012 Utah State Bar Pro Bono & Modest Mean Committee
 2009 - 2012 Utah State Bar Building Committee, Co-Chair
 2009 - 2012 Utah State Bar Disaster Preparedness Committee
 2009 - 2012 Utah State Bar Commission Liaison to Dispute Resolution Section
 2008 - 2012 Utah State Bar Commission Liaison to Litigation Section
 2008 - 2010 Utah State Bar Commission Liaison to Utah Minority Bar Association
 2007 - 2012 Utah State Bar Mentoring Committee and Curriculum Development, (2007 member of the founding committee)
 2006 Utah State Bar Summer Convention Committee, co-chair, Newport Beach
 2005 Utah State Bar Young Lawyer Division "We the Jury" Program, co-chair
 2004 - 2012 Utah State Bar, Bar Journal Committee
 2004 Utah State Bar 50 Year Celebration of "Brown vs. Board of Education", committee member, and co-chair of Public Education and Movie Celebrations
 2004 Utah State Bar "Jackie Robinson Appreciation Weekend" with the Calvary Baptist Church, Branch Rickey III, and the Salt Lake Stingers AAA Baseball Team, committee co-chair
 ChamberWest Chamber of Commerce, Board of Directors and General Counsel (2 terms, 2004-2006, 2006-2008)
 Additional Leadership Experience and Utah State Bar Committee leadership available upon request.

AWARDS AND RECOGNITIONS

Utah's Legal Elite, Utah Business Magazine in three separate categories: Mediation/Alternative Dispute Resolution (2011, 2013, 2014), Rising Star in the Legal Profession (2010), and Corporate/Business Law (2006, 2007, 2008, 2009)
Legal Roundtable: Industry Outlook, Utah Business Magazine, (2010, 2011, 2012, 2014, 2015, 2017, 2018, 2019, and 2020)
Intermountain Rising Star, 2008 and 2009, by Super Lawyer Magazine for Nevada, Idaho, Montana, Wyoming, and Utah
2009 Volunteer of the Year Award, ChamberWest Chamber of Commerce
Young Lawyer of the Year, 2005 Utah State Bar
Utah State Bar Section/Leader of the Year 2004, Young Lawyers Division
Heart and Hand Award, 2004, Utah Philanthropy Day

GOVERNMENTAL RELATIONS

Available upon request.

EDUCATION

CREIGHTON UNIVERSITY SCHOOL OF LAW, OMAHA, NEBRASKA
 Juris Doctor, 1999

Appellate Moot Court: First Place, 1997 Creighton University School of Law Competition
 Semi-Finalist, ABA 1998 Regional Competition, Houston, Texas
 1997 McGrath North Mullin & Kratz Appellate Moot Court
 Scholarship Recipient
 Appellate Moot Court Board

Negotiations: Second Place, 1997 Creighton University School of Law Competition

Semi-Finalist, ABA 1997 Regional Competition, Omaha, Nebraska
Negotiations Board, Vice President

Associations: Creighton Legal Clinic, Third Year Law Student Certified to Practice
ABA Law Student Division 8th Circuit Lieutenant Governor 1998-1999
(Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota)
ABA Law Student Division President Creighton Chapter, 1997-1998
Phi Delta Phi Honors Society
American Inns of Court, Robert M. Spire Chapter, Pupil 1998-1999

BRIGHAM YOUNG UNIVERSITY, PROVO, UTAH

Bachelor of Arts, 1993

Major: Political Science

Minors: English and French

Honor: Pi Sigma Alpha Honors Society

PRESENTATIONS AND PUBLICATIONS Available upon request. Lecturer and presenter on legal topics, mediation and dispute resolution topics at the University of Utah Law School, University of Utah Communications College, BYU Law School, Utah State Bar Annual Convention, Mid-Year Convention, and monthly CLEs, the Utah Governor's Economic Summit, and presenter to corporations.

Email from America Francis

Hi Nini,

I am interested in contributing to my local community and the mediating field by supporting the ADR Committee of the Utah Judicial Council. I would learn a lot and connect with other mediators. I would engage younger mediators and discuss ways we can grow both local and virtual mediation services to help people solve problems, especially while holding court faces extra challenges.

I became a mediator recently, and I have not been paid to mediate yet, but I helped work on a book for 9 months on the subject of mediation and relationships with an experienced mediator (Stan Posthumus), which taught me a lot. Last year I mediated 39 times (35 by Zoom), mostly for BYU's Center for Peace (landlord/tenant cases). I am currently the Treasurer of Providence Hall's PTO Board, and I helped found a Montessori high school in Hayward, CA. I am a loan officer, the owner of a small business, an educator (I have a Montessori credential), and I managed an apartment complex near San Francisco for 3 1/2 years. These experiences gave me a lot of insight into common reasons that people seek mediation. My BS is in Social Science, and I also taught English to students from other countries. My domestic mediation class was postponed, but I will continue to train and mediate. Please feel free to ask additional questions and to contact me if I can be of help.

kind regards,

America Francis

America J. Francis

americajfrancis@gmail.com

925.548.4511

82Ü QM

Basic Mediation class, J. Reuben Clark Law School (BYU/Ben Cook)

B.S. with Honors, BYU, Marriage, Family, & Human Dev. (Family Life Education), ESL Minor, 3.9 GPA

8ñs 8vM - 8

π>CSÁ 2019-present
Help parties resolve disputes regarding business, financial, housing, and family matters through the BYU Center for Peace and Conflict Resolution and the Family Life Center in Riverton. Part of the SL County court roster of mediators.

ĩ -Gπ·EÁE, π> π>CSÁ, 2002-03
Transcribed, abridged, and edited a self-help book on relationships, communication, and conflict resolution. Synthesized 450 pages, from three sources, into a 200-page manuscript.

ZÁ†· f Mπ·8† 1 πCEGE†· AπE 2017-present
Help clients secure funding, navigate home loans, and refinance loans (contract position). NMLS #1543059.

z† †C+D, Cπ, , f ¾ π·ĩ Áÿ WE, ZÁπ 2012-present
Sell games (Swap.com) and educational materials at teachers' conferences. Hosted weekly paid children's game events for the public library for 2 1/2 years.

Á šπ, , Á Cπ†Aπ· Á š. †š Eπ - †· ČÁ, , š..ĩ π, š Á š. A≥π† Ğ 2012-16
Completed Early Childhood Montessori credential (AMS) and a paid internship. Work as a Teacher's Assistant, and helped create a Montessori charter high school (Silver Oak, Hayward, CA).

≥† Cπ†šCπ, , Cπ†· š·zπ DÁEó - 2009
Wrote grant proposals, prepared minutes, assisted with event planning, and composed marketing documents on behalf of the Executive Director.

- Á† † D CĜ †· †«π·z1 Cππ - Á† 1 †· C 2006-10
Coordinated vendors, scheduled maintenance, rented apartments, and acted as an onsite resource for 50 apartments. Leased 54 apartments in 2009 (part time position).

- ÁÁ>Cπ†šÁ Mπ†·šÁπAČÁ 2004-05
Provided support (charts & graphs, spreadsheets, and proofreading for technical reports) for staff scientists and engineers. Edited technical reports (10,000+ pages each) as part of a team.

zπ· Á zÁπCzAπ Aπ Mπ·· Čπ Kπ·C«π EÁD ≥†šÁ 2001-02
Compiled data, proofread and contributed to manuscripts, and met with policy professionals. Coauthored a published report that was quoted in a Senate Finance Committee hearing.

STEPHEN D. KELSON, J.D., M.D.R.

9421 Silver Spring Circle
South Jordan, Utah 84070

Tel: (801) 792-2659
stephen.kelson@chrisjen.com

PROFESSIONAL EXPERIENCE

Christensen & Jensen, PC., Shareholder, 2015 – Present; Associate Attorney, 2013 – 2014

Kipp and Christian, P.C., Associate Attorney, 2004 – 2013

Zoll & Tycksen, L.C., Associate Attorney, 2003 – 2004

Second District Court, Davis County, Farmington, Utah, Judicial Clerkship, 2000 – 2002

Fourth District Court, Utah County, Provo, Utah, Judicial Clerkship, 1999 – 2000

Affiliated Computer Services (ACS) - Unibase Technologies, 1998 – 1999

Legal Liaison to Oppenheimer Wolff & Donnelly L.L.P., New York, New York

National Association of Democratic Lawyers (NADEL), Cape Town, South Africa, 1997

EDUCATION

Pepperdine School of Law, Straus Institute for Dispute Resolution **Malibu, California**
Candidate *LLM in Dispute Resolution*

Pepperdine School of Law, Straus Institute for Dispute Resolution **Malibu, California**
May 2013 *Master of Dispute Resolution*

CALI: Excellence for the Future Award (Interviewing, Counseling & Planning), 2011

CALI: Excellence for the Future Award (Mediation Theory and Practice), 2010

Witkin Award for Academic Excellence (Mediation Theory and Practice), 2010

J. Reuben Clark Law School, Brigham Young University **Provo, Utah**
April 1999 *Juris Doctorate*

International Commercial Arbitration Moot Court

Certificate of ADR Training

University of Utah, Department of History **Salt Lake City, Utah**

October 1997 *Master of Arts: Modern European History*

Focus: Portuguese Decolonial Policies in Sub-Saharan Africa

Thesis: Angola: The Battle of Luanda, 1974-75

University of Utah, Department of History **Salt Lake City, Utah**

August 1995 *Bachelor of Arts: History, cum laude*

Honor Societies: Phi Beta Kappa, Phi Kappa Phi; Phi Alpha Theta

PROFESSIONAL LEADERSHIP AND COMMUNITY INVOLVEMENT

Utah State Courts

Pro Tempore Small Claims Judge, Third District Court, 2010 – Present

Online Dispute Resolution Facilitators Subcommittee, Third District Court, 2017 – 2019

Online Dispute Resolution Facilitator, Third District Court, 2018 – Present

Utah Court Roster Mediator, 2002 – Present; Master Mediator, 2006 – Present

South African Judiciary Mediation Training Committee, Salt Lake City, Utah, 2019.
Committee Member, 2019.

Utah Council on Conflict Resolution, 2001 – Present
Chair, 2014 – 2015; Board of Trustees, 2010 – Present; Symposium Chair, 2014; Symposium Committee, 2012 – 2015, 2017, 2018, Hiring Committee, 2014, 2018, 2019; Chair of the Outreach/Programs Committee, 2010 – 2014; Chair of the Educator's Scholarship Committee, 2015 – Present

Utah ADR Services
Panel Mediator, 2013 – Present

Utah State Bar, Dispute Resolution Section, 2004 – Present
Executive Chair, 2012 – 2013; Board of Trustees, 2009 – 2014; Chair of ADR Academy, 2013; CLE/Programs Coordinator, 2012 – 2014

Salt Lake City Kiwanis Club, 2008 – Present
President, 2014 – 2015; First Vice-President, 2013 – 2014; Second Vice-President, 2012 – 2013; Board of Trustees 2010 – Present; Trust Committee 2009 - 2011

Utah Dispute Resolution (UDR)
Board of Trustees, 2014 – Present; Volunteer Mediator, 2000 – Present; Mediation Coordinator, Third District Court, small claims appeals, 2002 – 2008; Mediation Coordinator, Taylorsville Justice Court, small claims, 2005 – Present; Hiring Committee, 2019

Utah State Bar
Summer Convention Planning Committee, 2011, 2013; Spring Convention Planning Committee, 2012, 2013; Government Relations Committee, 2011 – 2014; Fall Forum Planning Committee, 2012, 2013

Utah Judicial Council Alternative Dispute Resolution Committee, 2012 – 2013

PROFESSIONAL RECOGNITIONS

American Bar Association
ABA Journal (September 2018), featured in Lorelei Laird, "The Job is Killing Them: Family Lawyers are Experiencing a Higher Rate of Threats and Violence than other Lawyers."
ABA Journal (August, 2017), profiled in "Problem Clients: For two decades a Utah lawyer has quietly studied violence against attorneys."

Utah Council on Conflict Resolution
2017 Peacekeeper Award

Martindale Hubbell
AV Preeminent Rating

Utah Business Magazine
Legal Elite, Civil Litigation, 2013 – 2016, 2018 - 2020; Arbitration/Mediation, 2017, 2021

Utah Judicial Council
2011 Utah Service to the Courts Award

Super Lawyers
Mountain States Rising Stars, 2009 and 2010; Super Lawyers, 2021

Utah Dispute Resolution

Mediator of the Year, 2005

WORKSHOPS, SEMINARS & PRESENTATIONS

Basic Mediation Training Seminar, invited to co-present at Utah Dispute Resolution's 40-Hour Basic Mediation Training Seminar regarding process, principles and experience, Salt Lake City, Utah, February 25, 2021.

23rd Annual Idaho Mediation Association Conference, Boise, Idaho (virtual platform), October 9 – 10, 2020.

- *Apology: Utilizing Effective Communication in Conflict*, October 10, 2020.
- *Threats & Violence in and After Mediation: What's Happening & How to Respond*, October 10, 2020

The Mediation Tools: Communication in Conflicts, invited to present to the Basic Mediation course (Summer Semester 2020), Utah Valley University, Orem, Utah (virtual platform), August 10, 2020.

Violence in the Legal Profession: A Study of Idaho and Our Colleagues Nationwide, invited to present at the 2020 Idaho State Bar Meeting, Boise, Idaho, July 23, 2020.

Making the Most of Mediation: Intermediate Course, invited to co-present, Utah State Bar Litigation Section CLE, Salt Lake City, Utah, January 22, 2020.

Utilizing Effective Communication in Conflicts, invited to present to the Conflict Resolutions II course, Dept. of Communication (Spring Semester 2020), University of Utah, Salt Lake City, Utah, January 21 and 23, 2020.

"You Call That an Apology?": Utilizing Effective Communication in Conflicts, invited to present to the Dispute Resolution Section of the Idaho Bar Association, Boise, Idaho, November 26, 2019.

South African Judiciary Mediation Training – Utah 2019, hosted by S.J. Quinney College of Law and J. Reuben Clark School of Law, Salt Lake City, Utah, October 23 – 30, 2019.

- *Challenges Faced by Judges When They Mediate*, panel moderator, October 23, 2019.
- *Joint-Sessions and Caucusing*, October 28, 2019.

Dispute Resolution Tools: The Effective Apology, invited to present to the Basic Mediation course (Fall Semester 2018), Utah Valley University, Orem, Utah, October 22, 2019.

Should Trials Vanish? The Limits of ADR, invited to co-present, The Federalist Society and Alternative Dispute Resolution Society, J. Reuben Clark Law School, Provo, Utah, Provo, Utah, October 19, 2019.

Mediation Skills For Everyday Life – Including Models for Facilitating Engaging Conversations, invited to co-present at the Utah State Bar Summer Convention, Park City, Utah, July 20, 2019.

Defusing Conflicts and Difficult Situations, invited to present to the Utah Paralegal Association, Annual Paralegal Day, Salt Lake City, Utah, June 21, 2019.

Basic Mediation Training Seminar, invited to present (five hours) at Utah Dispute Resolution's 40-Hour Basic Mediation Training Seminar regarding mediation of monetary disputes, Salt Lake City, Utah, June 14, 2019.

Bad Behavior in Litigation and Mediation, panel moderator, Utah State Bar and Utah State Bar Dispute Resolution Section, Salt Lake City, Utah, June 13, 2019.

De-Escalation of Disputes: Strategies to Address Uncivil and Contentious Tactics, invited to present to the Utah Defense Lawyers Association, Annual CLE Meeting, Salt Lake City, Utah, May 3, 2019.

How Attorneys Prepare for Mediation in Complex Civil Cases, invited to co-present to the Botswana Judicial ADR Delegation, Administrative Office of the Courts, Salt Lake City, Utah, April 23, 2019.

Threats and Violence In and After Mediation: What's Happening in Utah and How to Respond, invited to present for Utah State Bar Dispute Resolution Section and UCCR CLE, Salt Lake City, Utah, April 11, 2019.

The Hidden Dangers of Practice: Understanding the Risk of Violence Against Family Lawyers, Plenary Speaker, Minnesota Family Law Institute, St. Paul, Minnesota, March 18, 2019.

How to Protect Yourself and Your Workplace from Violence, invited to co-present, Minnesota Family Law Institute, St. Paul, Minnesota, March 18, 2019.

Violence in the Legal Profession and a Study of Our Colleagues Nationwide, Keynote Speaker, Utah State Bar Spring Convention, St. George, Utah, March 8, 2019.

Utilizing Effective Communication in Conflicts, invited to present to the Conflict Resolutions II course, Dept. of Communication (Spring Semester 2019), University of Utah, Salt Lake City, Utah, January 22 and 24, 2019.

Civility in the Face of Incivility, Utah State Bar and Utah State Bar Dispute Resolution Section, Salt Lake City, Utah, June 20, 2018.

Innovations in the Practice of Law, invited by the Utah Bar Association to co-present at the Innovation in Practice First Annual Practice Management Symposium, Salt Lake City, Utah, May 31, 2018.

Ethics and Professionalism in Mediation, invited to present to the Basic Mediation course (Spring Semester 2018), J. Reuben Clark Law School, Provo, Utah, April 4, 2018.

"Yeah, That's Not an Apology" invited to present to the Basic Mediation course (Spring Semester 2018), Utah Valley University, Orem, Utah, April 3, 2018.

Effective Remedies to Combat the "Rambo" Litigator, invited to present to the Southern Utah Section of the Utah Council on Conflict Resolution, St. George, Utah, March 29, 2018.

The Application of Alternative Dispute Resolution, invited to co-present, Alternative Dispute Resolution Society, J. Reuben Clark Law School, Provo, Utah, November 7, 2017.

The Future of Utah's Legal System: Expanding Access to Justice, invited to present to Kiwanis Club of Salt Lake City, Utah, July 20, 2017.

Good Faith Negotiations: Is There Any Other Way, panel moderator, Utah State Bar and Utah State Bar Dispute Resolution Section, Salt Lake City, Utah, June 21, 2017.

Avoiding Malpractice Claims as a Tax Practitioner, invited to present to the Utah State Bar Tax Section, Salt Lake City, Utah, May 31, 2017.

"You Call that an Apology?" Identifying and Utilizing an Effective Apology, invited to present at the UCCR 19th Annual Symposium, Utah Council on Conflict Resolution, Salt Lake City, Utah, May 19, 2017.

Identifying and Utilizing an Effective Apology, invited to present to the Mediation Techniques and Practices course, Center for Conflict Resolution (Spring Semester 2017), Brigham Young University, Provo, Utah, April 6, 2017.

How to Identify and Utilize an Effective Apology, invited to present to the Basic Mediation course (Fall Semester 2016), J. Reuben Clark Law School, Provo, Utah, November 2, 2016.

Connecting Cultures, Keynote Speaker, Utah Asian Chamber of Commerce 11th Annual Scholarship and Awards Gala 2016, Salt Lake City, Utah, May 7, 2016.

Stepping too Far: When Paralegals Cross Ethical Lines, invited to present for Utah Paralegal Association, Salt Lake City, Utah, October 9, 2015.

"You Call that an Apology?" Using the Double-Edged Sword Effectively, invited to present for Utah State Bar Dispute Resolution Section and UCCR CLE, Salt Lake City, Utah, September 16, 2015.

Behind Closed Doors: An Insider's View of the Rise of Mediation, invited to co-present, American Bar Association 2015 Convention, Chicago, Illinois, July 31, 2015.

Avoiding Legal Malpractice: Avoiding Professional & Ethical Pitfalls, panel moderator, Utah State Bar and Utah State Bar Dispute Resolution Section, Salt Lake City, Utah, June 17, 2015.

Clash of Cultures: How We Manage Personal Conflicts and Why, invited to present to the Utah Chapter of the National Federation of Filipino American Association (NaFFAA), Salt Lake City, Utah, April 18, 2015.

Dirty Litigation Tactics: How to Deal with the "Rambo" Litigator: Identifying the "Rambo" Litigator, invited to present by National Business Institute (NBI), Salt Lake City, Utah, April 15, 2015.

Dirty Litigation Tactics: How to Deal with the "Rambo" Litigator: Hidden Agendas: Why Does "Rambo" Exist?, invited to present by National Business Institute (NBI), Salt Lake City, Utah, April 15, 2015.

What Goes on Behind Closed Doors in Mediation, invited to co-present for the Utah State Bar Spring Convention, St. George, Utah, March 13, 2015.

Effectively Representing Clients in Mediation with Civility and Professionalism, panel moderator, ADR Academy, Utah State Bar Dispute Resolution Section, Salt Lake City, Utah, October 10, 2014.

What Goes on Behind Closed Doors in Mediation, invited to co-present for the Utah State Bar Summer Convention, Snowmass, Colorado, July 17, 2014.

Utah Newspaper Project Litigation: Antitrust Action to Save the Tribune, invited to present to Parklane Senior Living, Salt Lake City, Utah, July 9, 2014.

Civility in Negotiation and Mediation, invited to co-present for the Utah State Bar Dispute Resolution Section and UCCR's Annual Ethics Seminar, Salt Lake City, Utah, June 18, 2014.

The Changing State of the Utah Legal Profession, invited to present to Kiwanis Club of Salt Lake City, Utah, June 12, 2014.

Civility and Violence in the Legal Profession, invited to present to the Utah Paralegal Association (UPA), Salt Lake City, Utah, June 11, 2014.

Apology: Expectations and Effects on Outcomes, invited to present to Kiwanis Club of Salt Lake City, Utah, April 17, 2014.

Davencourt and its Progeny, invited to present for the Construction Litigation Practice Group of Christensen & Jensen, P.C., April 9, 2014.

Tools to Success in Mediation, invited to present for the Solo, Small Firm, and Rural Practice Section of the Utah State Bar, Salt Lake City, Utah, March 21, 2014.

Violence and Threats Against the Utah Legal Profession: What is Occurring and How to Respond, invited to present for the Utah State Bar 2013, Fall Forum, November 15, 2013.

Crossing Ethical Lines: When Paralegals go too Far, invited to present for Utah Paralegal Association, Salt Lake City, Utah, October 18, 2013.

Common Mistakes made by Attorneys in Negotiation, panel moderator, ADR Academy, Utah State Bar Dispute Resolution Section, Salt Lake City, Utah, October 4, 2013.

The Future of ADR in Utah, invited to present to the Utah Council on Conflict Resolution, Salt Lake City, Utah, September 25, 2013.

Persuasion in Mediation, invited to present for Utah State Bar Dispute Resolution Section and UCCR CLE, Salt Lake City, Utah, August 28, 2013.

Ethics and Effective Communication in Conflict Resolution, invited to present for Utah State Bar Dispute Resolution Section and UCCR CLE, Salt Lake City, Utah, June 25, 2013.

Dirty Litigation Tactics: How to Deal with the "Rambo" Litigator: Defeat the Unethical Practices of Opposing Counsel, invited to present by National Business Institute (NBI), Salt Lake City, Utah, May 23, 2013.

Violence in and around the Courthouse, invited to present at the New Mexico Mediation Association, 2013 Spring Convocation, Albuquerque, New Mexico, April 6, 2013.

Communication Skills for Client Interactions, invited to present to Pioneer Cable Contractors, Sandy, Utah, February 22, 2013.

Dealing with "Jerks": How to Avoid making a Conflict Worse, invited to present to Kiwanis Club of Salt Lake City, Utah, January 17, 2013.

40-Hour Negotiation and Mediation Intensive Workshop, invited to present eight hour communication theory and skills segment by the Institute of Advanced Mediation & Problem Solving, Salt Lake City, Utah, January 15, 2013.

Overcoming Impasse: Tools for the Toolbox, invited to present at Utah Dispute Resolution training, Salt Lake City, Utah, December 10, 2012.

Conflict Management through System Design, invited to present to Utah Council on Conflict Resolution, Salt Lake City, Utah, October 24, 2012.

Unearthing Buried Conflict, invited to present to Utah Council on Conflict Resolution, Salt Lake City, Utah, September 26, 2012.

Handling 'Rambo' Litigators in Utah: Ethics and Professionalism, invited to present by National Business Institute (NBI), Salt Lake City, Utah, August 17, 2012.

Real World Conflict Resolution and Communication Effectiveness: Pitfalls on Dealing Poorly, invited to present for Utah State Bar Dispute Resolution Section and UCCR CLE, Salt Lake City, Utah, June 26, 2012.

Escalation in Conflict: Contentious Tactics Employed in Mediation, invited to speak at the UCCR 14th Annual Symposium, Utah Council on Conflict Resolution, Salt Lake City, Utah, May 18, 2012.

Escalating Conflict: Where Did It Come From and Where is It Heading?, invited to present to Utah Council on Conflict Resolution, Salt Lake City, Utah, February 22, 2012.

Uncivil Negotiations: How Contentious Tactics Harm the Legal Practice, invited to present at Idaho 4th District Bar Association, Boise, Idaho, November 23, 2011.

Judicial Perspective on Encouraging Settlement, panel moderator, ADR Academy, Utah State Bar Dispute Resolution Section, October 13, 2011.

Help You Can Trust & Avoid Scams and Fraud, invited to present at the Utah Housing & Homeownership Preservation Conference, Salt Lake City, Utah, July 14, 2011.

40-Hour Negotiation and Mediation Certification Course, organized and taught at the Institute of Advanced Mediation & Problem Solving, Salt Lake City, Utah, 2011.

Real World Conflict Resolution and Communication Effectiveness: Enlightened Perspectives on Ethics, Cultural Issues and the Pitfalls of Dealing Poorly, invited to present for Utah State Bar Dispute Resolution Section and UCCR CLE, Salt Lake City, Utah, June 28, 2011.

Foreclosure: Legal and Tax Issues, Resources for Recovery After Foreclosure & Updates, invited to present for Federal Reserve Bank of San Francisco, Salt Lake Office, Salt Lake City, Utah, May 12, 2011.

Why Are Lawyers Such Lousy Negotiators?, invited to present at the Utah State Bar Spring Convention, St. George, Utah, March 19, 2011.

Forgiveness in Mediation, invited to present to Utah Council on Conflict Resolution, Salt Lake City, Utah, February 23, 2011.

Apologies in Settlement Negotiations, invited to present to Utah Council on Conflict Resolution, Salt Lake City, Utah, October 27, 2010.

Faculty, "ADR Academy" Dispute Resolution Section, Utah State Bar, 2009 – 2014.

Negotiation 101: Client's Role in Negotiation, Documenting the Agreement, invited to present at the ADR Academy, Utah State Bar Dispute Resolution Section, December 8, 2009.

South Africa: A Fledgling Democracy Confronts the Past, invited to present at the Brigham Young University, Kennedy Center for International Studies, International Inquiry Conference, 1999.

PUBLICATIONS

Treats and Violence In and After Mediation: What's Happening in Utah and How to Respond, 23rd Annual Idaho Mediation Association Conference, Conference Article (October 2020).

Violence in the Legal Profession: A Study of Idaho and Our Colleagues Nationwide, 2020 Idaho State Bar Annual Meeting, Conference Article, Boise, Idaho, July 23, 2020.

How to Avoid Inadequate Case Evaluation, 42 UTAH TRIAL JOURNAL 8 (Spring 2019).

The Threat of Violence: What Wisconsin Lawyers Experience, 93 WIS. LAWYER 22 (June 2019), available at <https://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=92&Issue=6&ArticleID=27059>.

De-Escalation of Disputes: Strategies to Address Uncivil and Contentious Tactics, Utah Defense Lawyers Association, Conference Article, Salt Lake City, Utah, May 3, 2019.

Another "Spillover Effect" of Domestic Violence: Threats and Violence Against Family Law Practitioners, 24 DOMESTIC VIOLENCE REP., 53 (April/May 2019), available at <https://www.civicrosearchinstitute.com/online/issue.php?pid=18>.

Threats and Violence In and After Mediation: What's Happening in Utah and How to Respond (April 2019), available at <http://www.uccr.net/pg69.cfm>.

The Rarely Discussed Danger of Family Law: Threats and Violence against Family Law Practitioners, Minnesota Family Law Institute, Conference Article, St. Paul, Minnesota, March 18, 2019.

Violence in the Legal Profession: A Study of Our Colleagues Nationwide, Utah State Bar Association, Spring Convention, Conference Article, March 8, 2019.

Co-Author with Peter Johnston, *Threats and Violence Against the Georgia Legal Profession: Results of the 2018 Survey*, GA. BAR J. (December 2018).

Vigilance & Violence: Survey Shows State Attorneys Face Threats on the Job, 20 N.H. BAR NEWS 1 (June 20, 2018), available at <https://www.nhbar.org/wp-content/uploads/fliphtml5/38/flipbook.html#p=1>.

New Hampshire Attorneys Surveyed on Threats and Violence against the Legal Profession (June 2018), available at <https://www.nhbar.org/wp-content/uploads/Kelson-Stephen-Online-Violence-Article.pdf>.

Recognize & Avoid the Threat of Violence, June 20 2017, WIS. LAWYER 20, available at <http://www.wisbar.org/NewsPublications/WisconsinLawyer/Pages/Article.aspx?Volume=90&Issue=6&ArticleID=25665>.

"That's Your Apology": Identifying and Utilizing an Effective Apology, Utah Counsel on Conflict Resolution (UCCR) (The Language of Conflict Resolution: Building a Mindful Mediation Practice), Symposium Article, May 19, 2017.

A Look at Violence Against the Vermont Legal Profession, 43 VERMONT BAR J. 30 (Spring 2017).

Co-Author with William Downes, Jr., *Utah Dispute Resolution: Celebrating 25 Years*, 30 UTAH BAR J.18, Jan/Feb 2017.

Violence Against the Michigan Legal Profession: Results of the 2014 Survey, 95 MICHIGAN BAR J. 28 (Mar. 2016).

Survey: Threats and Violence to Montana Legal Professionals: 42% Report they have Received Threats or Violence, 41 MONTANA LAWYER 14 (Feb. 2016).

Alaska Attorneys Surveyed on Threats, Violence Against Profession, THE ALASKA BAR RAG, Oct/Dec, 2015, available at http://issuu.com/alaskabarrag/docs/bar_rag_dec_2015_web.

Inside the Practice of Law: Results of the 2014 Survey of Violence, 62 THE GAVEL 9 (Fall 2015) (North Dakota).

A Look at Violence Against the Kansas Legal Profession: Results of the 2013 Survey, Kansas Defense Journal (Winter 2015), available at http://kadc.org/Portals/0/Content_Newsletter/2015%20Winter.pdf.

Identifying “Rambo” Litigators: Appropriately Dealing with Legal Incivility, National Business Institute (NBI), (Dirty Litigation Tactics: How to Deal with the “Rambo” Litigator), Seminar Article, April 15, 2015.

Hidden Agendas: Why “Rambo” Litigators Exist, National Business Institute (NBI), (Dirty Litigation Tactics: How to Deal with the “Rambo” Litigator), Seminar Article, April 15, 2015.

Hidden Dangers of Practice: Violence against the North Carolina Legal Profession, 25 N.C. LAWYER 25 (Feb. 2015).

Don’t Lose the Trial Before It Begins: Evaluate Your Case, KANSAS DEFENSE JOURNAL (Fall 2014), available at http://kadc.org/Portals/0/Content_Newsletter/2014%20Fall.pdf.

The Dispute Resolution Section: Celebrating 15 Years, 27 UTAH BAR J. 35, Nov/Dec 2014.

Why are so Many Attorneys Bad at Mediation? And How Can the Mediator Help?, Utah State Bar Dispute Resolution Section, October 20, 2014, available at <http://disputeresolution.utahbar.org/assets/KelsonMediation.pdf>.

Effectively Representing Clients in Mediation with Civility and Professionalism, 2014 ADR Academy, Utah State Bar Association, Seminar Article, October 10, 2014.

Don’t Lose the Trial Before It Begins: Evaluate Your Case, DRI (The Voice of the Defense): 20 Trials and Tribulations 2 (Spring 2014).

Violence Against the Oregon Legal Profession: A 2012 Survey Reveals Some Startling Results, OREGON STATE BAR BULLETIN—November 2013.

Hidden Dangers of Practice: Violence Against the Legal Profession, Utah State Bar 2013 Fall Forum (Violence and Threats Against the Utah Legal Profession: What is Occurring and How to Respond), Conference Article, November 15, 2013.

Arizona Lawyers Respond to Survey on Violence Against the Legal Profession, 50 ARIZ ATTORNEY 18 (Nov. 2013).

Results of the 2013 Survey of Violence Against the Iowa Legal Profession, 2013 Family Law Seminar, Iowa State Bar Association (Protecting Clients, Children, Staff and Lawyers from Violence, Kidnapping and Stalking), Seminar Article, October 24, 2013.

Violence Against the Iowa Legal Profession: Results of a 2013 Survey Indicate a Significant Percentage of Attorneys in Iowa have and do Face Threats and Violence Related to Their Practice of Law, 73 IOWA LAWYER 8, Sept/Oct 2013.

Ethics and Professionalism: The Damage of Legal Incivility, National Business Institute (NBI), (Dirty Litigation Tactics: How to Deal with the “Rambo” Litigator), Seminar Article, May 23, 2013.

Violence Against the New Mexico Legal Profession: A Summary of the Results of the 2012 State Bar of New Mexico Survey of Violence Against the Legal Profession, 52 BAR BULLETIN 7, (New Mexico) (April 3, 2013), available at www.nmbar.org/Attorneys/lawpubs/BB/bb2013/BB040313.pdf.

Where Many Litigators Still Fear to Tread: Adapting to Mediation, 25 UTAH BAR J. 6, Nov/Dec 2012.

Violence Against the Wyoming Legal Profession: Results of 2012 Survey, 35-OCT WYO. LAW. 38 (2012).

Violence Against the Nevada Legal Profession: Results of the 2012 Survey, available at <http://nvbar.org/articles/content/online-exclusive-violence-survey-report>.

Violence Against the Nevada Legal Profession: Summary Results of the 2012 Survey, 20-AUG NEV. LAW. 36 (2012).

Ethics and Professionalism: The Damage of Legal Incivility, National Business Institute (“NBI”) (Handling “Rambo” Litigators in Utah), Seminar Article, August 17, 2012.

Escalation of Conflict: Understanding and Addressing Contentious Tactics in Mediation, UCCR 14th Annual Symposium, May 17th and 18th, 2012.

Small Claims Mediation: Thoughts for Practitioners, 22 UTAH BAR J., 31 May/June 2009.

Violence Against the Idaho Legal Profession: Results of a 2008 Survey, 52 ADVOCATE (Idaho) 28, January 2009.

Ellis v. Estate of Ellis: The Unequivocal Death of Interspousal Immunity in Utah, 21 UTAH BAR J. 2, Mar/Apr 2008.

Fighting for the Moral Highground: Civil Misconduct Within the Legal Profession, DRI (The Voice of the Defense): Lawyers’ Professionalism and Ethics 2007 Spring Newsletter.

Violence Against the Utah Legal Profession - a Statewide Survey, 19 UTAH BAR J. 8, July/Aug 2006.

Violence in the Legal Profession: Methods of Protection and Prevention, 49-May ADVOCATE (Idaho) 19, May 2006.

"Going Judicial": Violence Against the Legal Profession and Preventive Strategies, MUN. LAW, July/August 2005.

Judicial Independence and the Blame Game, 15 UTAH BAR J., Jan / Feb 2002.

Violence Against Lawyers: The Increasingly Attacked Profession, 10 B.U. PUB. INT. L.J. 260, 2001.

The Doctrine of Interspousal Immunity: Does it Still Exist in Utah?, 3 J.L. & FAM. STUD. 2, 2001.

An Increasingly Violent Profession, 14 Utah Bar J. 13, Mar. 2001.

The Doctrine of Interspousal Immunity in Utah: Does it Still Exist?, 13 UTAH BAR J. 21, Dec. 2000.

Violence Against Lawyers, 23 J. LEGAL PRO., 197, 1998 / 1999.

South Africa: A Fledgling Democracy Confronts the Past, Brigham Young University, Kennedy Center for International Studies, International Inquiry Conference, Seminar Article, 1999.

Angola: The Battle of Luanda, 1974-75 (1997) (unpublished M.A. thesis, University of Utah).

Email from Layne Kertamus

Nini,

In the service of the ADR Committee of the Utah Judicial Council I respectfully submit my application materials.

I am an active mediator in Utah and believe that my passion for service in this area would help to elevate the work the the ADR Committee. A copy of my resume highlighting my qualifications is attached for your review.

Thank you for your kind consideration.


Very Best,

Layne

LAYNE KERTAMUS

MA, ARM, CPCU, SPHR

Executive Leader of Best-In-Class People, Processes and Profitability

 385.237.6723

 [linkedin.com/in/laynekertamus](https://www.linkedin.com/in/laynekertamus)

 laynekertamus@yahoo.com

PROFESSIONAL SKILLSET

- | | | |
|---------------------------|--|---------------------------|
| ✓ Neurodiversity Advocate | ✓ Full Time Woodbury School Faculty Member | ✓ Reserve Margin Analysis |
| ✓ Insurance Acquisitions | ✓ Enterprise Risk Management | ✓ Training Mentorships |
| ✓ Captive Risk Strategies | ✓ Organizational Development | ✓ Predictive Modeling |
| ✓ Mediator | ✓ Exemplary Operations Leader | ✓ Adaptive Change Leader |

Executive leader tireless in cultivating unique and valuable stakeholder experiences for 20+ years.

Proven ability to dramatically reduce cost of risk by using multiple ERM methodologies to manage and exploit risk.

Solutions-oriented communicator dedicated to building healthy, thriving human capital ecosystems.

CAREER HIGHLIGHTS

- Woodbury School of Business full time faculty member
- Diversity consultant focusing on neurodiversity in organizations
- Risk Management Steering Committee – Utilized/created various ERM tools to identify, quantify, track and report companywide exposures to top management and methods of risk transfer, treatment, and retention management
- Led a staff of 10 direct reports and 130 underwriters, claims, safety, premium audit, marketing, and customer service employees organized into 6 independent profit centers; total premium grew to \$250M
- Underwrote WC business nationwide thru appointed agents, brokers, program managers, and strategic partners. Advised CEO and Board UW Committee on plan vs. actual underwriting results to set risk tolerance parameters.
 - Protected the income statement by ceding less profitable business, implementing tiered pricing, improving risk selection & referral best practices, entering new markets based on Strategic UW Desirability Index
 - Stabilized financial ratings and BCAR using an intercompany pooling agreement. NCCI Data Reporting Q/A
- Collaboratively participated in PCIAA Workers Compensation Committee and Big Data Committee.
- Assisted in IPO, started new risk facility, and helped to facilitate several insurance acquisitions
- Harmonized WC Claims with other mandated employment benefits including FMLA/ADA and Company Leave to control claim costs and improve post injury outcomes for IE and employer

EXPERIENCE

Utah Valley University, Orem, UT

2020-current

Professional in Residence, Risk Management and Insurance

Key Accountabilities:

- Full time faculty member at the Woodbury School of Business teaching Risk Management and Insurance courses in the Finance and Economics department

- Recruiting students to the profession of risk management and assisting them in gaining professional opportunities
- Motivating students to participate in industry competitions and placing in events
- Connecting to industry partners
- Helping secure donors

Key Achievements:

- Started undergraduate RMI Minor
- Responsible for initial chartering UVU chapter of Gamma Sigma Iota, a professional risk management and insurance
-
- Increased awareness of the RMI program with Woodbury School faculty

Exaltus LLC, Salt Lake City, UT

2018 – current

Founder**Key Accountabilities:**

- Diversity and Inclusion solution provider to companies that aspire to achieve a high-performance wellness culture. See <https://asperianation.com/> for detail on the power of a neurodiverse workforce.
- Facilitating impactful client sessions using adaptive change, appreciative inquiry, and uncertainty reduction theory-based approaches within an experiential context
- Honored by Utah Business Magazine as a 2019 Living Color Honoree for contributions to diversity and inclusion.
- Co-founder of Utah Autism Resources, a consortium of organizations seeking to make Utah a national destination for excellence in Autism Spectrum Disorder resources and services

Workers Compensation Fund, Salt Lake City, UT

2012 – 2018

Vice President**Key Accountabilities:**

- Responsible for providing galvanizing leadership to 35+ personnel
- Relied upon for proficient stewardship of Enterprise Risk Management, Compliance, Captive Insurance Resources

Key Achievements:

- Implemented underwriting best-practices capable of improving compliances scores to a 93% average
- Innovatively changed UT Workers Compensation Law to include coverage for volunteers; Explained predictive model, underwriting practices, and secured rate filing approval from DOI
- Resourcefully reported on ERM best-practices and evaluation of internal risk maturity to Board Sub-Committee

NegotiGator

2008 – 2012

Owner | Operator**Key Highlights:**

- Relied upon as an industry leading authority to travel nationwide and facilitate 100+ annual presentations/trainings on HR, Leadership, Team Building, and Negotiation; Clients included P&G, Owens Corning, State of California

LAYNE KERTAMUS

385.237.6723

LAYNEKERTAMUS@YAHOO.COM

Helena College, Helena, MT

2008 – 2009

Adjunct Instructor**Key Highlights:**

Taught developmental English and interpersonal communication courses to non-traditional students with above average faculty ratings.

Montana State Fund, Helena, MT

2003 - 2008

Vice President of Insurance Operations**Key Accountabilities:**

- Responsible for providing effective leadership to 10 direct report staff and up to 130 personnel
- Relied upon to manage \$25M budget, effectively controlling actual vs. plan run rate to under 2% of authorized to fund operations, technology, and infrastructure projects

Key Achievements:

- Successfully reversed net operating loss of \$20M into net profit of \$16M within one year
- Created and launched companywide leadership training program for high potential employees; 6-month program with 10 high potentials participating of which 4 were promoted within 6-months of completion
- Implemented internal Service Level Agreements to promote resource allocation and compliance

The Doctors Company, Napa, CA

1995-2003

Assistant Vice President Reinsurance**Key Accountabilities:**

- Started reinsurance profit center trading under “TDC Re” with zero in revenue to \$64M in GWP and 102 clients representing 22% of group revenue within four years
- Defined underwriting protocols and technical standards evaluated risk reward balance consistent with risk appetite on all inwards treaty business
- Accounts written on pro rata, excess, loss sensitive, catastrophe, stop loss, dual trigger, and industry loss warranty. Covered lines of business include: Directors and Officers, Super Cat XL, Medical Professional, Legal Liability, Residual Value, Kidnap & Ransom, and International Accident
- Profit center infrastructure by hiring, training, and managing staff. Worked with company counsel, regulatory compliance, actuarial, and finance to effectively manage the portfolio

Key Achievements:

- Used reinsurance as a precursor transaction to several insurer acquisitions
- In addition to assumed treaty business writings, managed corporate ceded reinsurance program of \$80M
- Designed intercompany agreements to permit subsidiaries to share AM Best Rating
- Maximized recoveries using commutations for impaired reinsurance and Lloyds syndicates in run off
- Secured adequate evergreen LOC's from unauthorized reinsurers

USF Re, Costa Mesa, CA

1987-1995

Assistant Vice President**Key Accountabilities:**

- Facultative reinsurance underwriter serving intermediaries nationwide.

LAYNE KERTAMUS

385.237.6723

LAYNEKERTAMUS@YAHOO.COM

- Wrote approximately 2000 accounts per year involving general liability, products, umbrella, and excess on occurrence and claims made policy formats
- Conducted financial analysis of ceding company statutory financial statements
- Assisted in IPO readiness on underwriting function

Hartford Insurance Group, Brea, CA

1985--1987

Casualty Underwriter**Key Accountabilities:**

- Completed home office training program
- Increased production of agency business to \$4M in territory

EF Hutton & Co., Los Angeles, CA

1983--1984

Regional Futures Specialist**Key Accountabilities:**

- Advised 13 retail brokerage offices in Southern California on futures and options market conditions, research, and trading strategies
- Maintained internal quasi managed trading recommendations driven by proprietary self-adjusting algorithms
- Maintained Series 7, 63, & 3 licenses

EDUCATION

Master of Arts, Intercultural Communication, California State University***Bachelor of Arts, Economics***, Claremont McKenna College**Professional Training:**

Oxford University: Certificate, International Economics taught by R.G. Smethurst Provost

Harvard Kennedy School; Harvard University:

The Art and Practice of Leadership Development - A Master Course led by Dr. Ron Heifetz

Harvard Law School

Program on Negotiation taught by Michael Wheeler & Guhan Subramanian

:

Associate in Risk Management (ARM) Certificate; Chartered Property Casualty Underwriter (CPCU) Designation

Senior Professional in Human Resources (SPHR) Credential

UT State Court Approved Mediator

PUBLICATIONS | PRESENTATIONS

The Mindblind Organization: A Straightforward Cure for Ineffective Diversity and Inclusion Strategies (ebook)	2020
Diversity Best Practices EmERGE West <i>Leading with Impact: The Imperative of Neurodiversity</i>	2019
TEDx talk <i>Neurodiversity at Work: Works Best</i>	2019
<i>Communicating the Value of ERM: The Benefits of Developing an Own Risk Solvency Assessment Report</i>	2017
PCIAA-RIMS Co Author	
Enterprise Risk Management Symposium - Panel on Health Care Reform, Chair	2017
AASCIF National Conference - Panel on The Internet of Things, Chair	2016
AASCIF Super Conference – <i>Delighting Customers Thru Effective Negotiation</i>	2014
Cited as a source in Montana's Workers Compensation System, WCRI Research	2004
The Value of State Funds in Workers Compensation Markets – Testimony to Montana Legislative Committee	2003
<i>Japanese and North American Negotiation Themes</i> - Layne Kertamus, and William B. Gudykunst	1993
paper at Faces and Interfaces, International Communication Association Annual Conference	

PUBLIC SERVICE

Presidential Appointee by George H. W. Bush to Selective Service System

Appointed for two terms to Board Member of Local Board responsible for emergency preparedness planning, outreach to CA legislature, and education for compliance purposes in selected communities. Secured numerous resolutions supporting the Agency's mission

Lewis & Clark County Commissioners Appointment to STOP DUI Task Force

Board Member serving to reduce DUI incidence rate, educate alcohol servers and underage populations. Coordinated with law enforcement on random "undercover operations"

ADDITIONAL EXPERIENCE

Senate Republican Caucus, Intern

Ghost Writer for articles published by senate members on tax policy

Center for the Study of Law Structures

Research Assistant on tax reform issues

Lewis, D'Amato, Brisbois & Bisgaard,

LAYNE KERTAMUS

385.237.6723

LAYNEKERTAMUS@YAHOO.COM

Deposition Specialist – Read and summarized thousands of pages of handwritten notes written by billionaire Howard R. Hughes as evidence in preparation in legal malpractice trial involving the Howard Hughes estate and former attorneys

Utah SHRM Board Member at Large

Responsible for building the Utah SHRM member brand and membership by providing authoritative resources on all things involving work

Member of Diversity and Inclusion Committee

To: Utah Judicial Council
Re: Application for membership on ADR Committee
Da: 2/2/21

To Whom It May Concern:

I have been a family law litigator and practitioner for the past 25 years. During this time, I have seen many changes and developments in the area of family law. Of all of these changes, the single best development was the statutory requirement making mediation mandatory for all divorce cases in this State. Since that time, the mediation component has informally expanded to all family law actions, including paternity and modifications, making mediation a crucial and indispensable part of the family law process. Recognizing the value and benefit of resolving family law conflict and disputes via mediation and other ADR options, approximately three years ago I began transitioning my practice from litigation to mediation/special master/arbitration work, and now do ADR work almost exclusively. I am interested in a position on this Committee because I have witnessed first hand the positive force that mediation has played in most aspects of the law (small claims, landlord tenant, commercial/business and general civil litigation), but especially in the arena of family law. I would sincerely appreciate the opportunity to be part of improving, promoting and preserving this process; and to ensure that ADR options are accessible, efficient and affordable. Thank you for your consideration.

Sincerely,
Laura M. Rasmussen
Attorney/Mediator

LAURA MASNER RASMUSSEN205 26th Street, Suite 32

Ogden, Utah 84401

(801) 394-5522

EDUCATION**Golden Gate University School of Law; San Francisco, California: J.D., May 1996**

Activities: Student Bar Association
International Law Student Association
Women's Law Association
Sport and Entertainment Law Association
Moot Court/Mock Trial
Alternative Dispute Resolution Program

Special Classes: Writing and Research, Fall 1993
Appellate Advocacy Workshop, Spring 1995

University of California at Davis; Davis, California:
Bachelor of Arts Degree in Communications, June 1993

Honors: Dean's Honor List

Activities: Pre-Law Club
Native American Students Organization
Phi Mu Sorority

Notre Dame High School; Salinas, California:
High school diploma, college preparation and AP classes

Honors: Honor Student

Activities: Student Government
Drama Club/roles in school theatre productions
Sadd
Swim Team

LEGAL EMPLOYMENT

Rasmussen Law; Ogden, Utah: April 2018-present

Sole Practitioner: General Practice, family law, mediator

Law Firm of Farr, Rasmussen & Farr; Ogden, Utah: December 2013-March 2018

Partner: General Practice

Law Firm of Farr, Kaufman, Nichols, Olds, Kaufman & Rasmussen, LLC; Ogden, Utah: March 2005-December 2013

Partner: General Practice

Law Office of Daniel Wilson; Ogden, Utah: October 1999-February 2005

Associate: General Practice

Sole Practitioner/Contract Attorney; Ogden, Utah: May 1998-October 1999

Weber County Law Library; Ogden, Utah: March 1998-November 1998

Associate Specialist: Manage daily operations of library
Manage legal resources and reference materials
Provide legal research assistance
Conduct computer, legal research, and internet seminars

Lecturer: Sexual harassment seminar for staff and management
(November 1999-2004) Internet and legal research
Labor and Employment Law
Estate planning

Consultant: Provide advice and consulting regarding reference
(as needed) materials, layout, and legal resources

Law Offices of Greene, Chauvel, Descalso & Tully; San Mateo,
California: 1995-1997

1994-1996: Law Clerk/Paralegal

Skills: Research legal issues/case preparation
Draft legal memorandum and motions
Create settlement conference statements

Prepare deposition summaries
 Formulate discovery plans/case management
 Manage general discovery and exhibits
 Document organization in complex cases.

1996-1998: Associate Attorney

Areas of practice: Insurance Defense (State Farm)
 Business and Corporate Law/Litigation
 Transportation/Trucking (Liability Defense)

LICENSURE

California: Bar Number 184544
 Active Status 1996-1998
 Inactive Status 1998-present
 Good Standing

Utah: Bar Number 8074
 Active Status 1998-present
 Good Standing

LEGAL MEMBERSHIP/SERVICE/HONORS

California State Bar: Member 1996-present

Utah State Bar: Member 1998-present

Utah State Bar: Mentor (2009-present, mentored 6 attorneys)

Utah State Bar Mentor Coordinator: Weber County liason (2010-present)

Utah State Bar Mentor Training and Resource Committee: Member (2011-present)
 Instructor/Training (2011, 2012, 2014 and 2015)
 Utah State Bar Official Mentor Training Video on State Bar Website (2015)

Utah State Bar Family Law Section: Executive Committee, Member (2019-present)

Utah State Bar Spring Convention—2012: Chair

Weber County Bar Association: Member 1998-present
 *2009 President of the Weber County Bar Association
 *2010-2012 Treasurer of the Weber County Bar Association

Weber County Bar Association Public Service Committee: Chair (2010-present)

Weber County Justice Court Judge Nominating Commission: Chair 2010-2014

American Inns of Court, Rex E. Lee Inn: Member

Family Law Section of the Utah State Bar: Member

Juvenile Law Section of the Utah State Bar: Member

“Utah Legal Elite” for 2008, 2009, 2011, 2013 and 2014: Selected by peers as one of the State’s ‘best-of-the-best’ lawyers and recognized in *Utah Business Magazine* as among Utah’s top attorneys in FAMILY LAW.

Distinguished as one of “America’s Most Honored Professionals” for 2011, 2015 and 2018.

Martindale-Hubbell Highly Rated (legal ability and ethical standards): 2015, 2016, 2019 and 2020.

SPECIAL SKILLS

Mediator: Utah State Bar Roster-both general and domestic (2015-present)

Lecturer, public speaker: Utah State Bar Mentor Training (2011-present), Weber County Library Legal Research on the Internet class, Weber County Library Sexual Harassment, Internet Training, and Estate Planning seminars for employees.

PUBLIC SERVICE

University of Utah Executive Committee (Parent Association): Member (2016-2020)

Case Mentor for District Court (drug and mental health court) RISE program (domestics/family law: 2015)

Girl Scouts of Utah

Bonneville High School Cheer Team: 2013-2016

PTA

School Volunteer

Christmas Box House: Organizer of annual charity event

Weber County Libraries, Utah
Legal Seminars

Public speaking engagements promoting the Utah State Bar Mentor program, charities and pro bono services

Mentor Training for Utah State Bar: Instructor/lecturer (2011, 2012, 2014 sessions and 2015 training video)

Numerous Pro Bono Representation/Projects (California and Utah)
1996 to present

Legal Aid, California Bar Association
Provided pro bono services to indigent individuals, 1994-1997

Homeless Advocacy Project, San Francisco, California
Provided legal advice and representation of homeless clients, 1994-1996

Phi Mu Sorority, University of California at Davis
Toys for Tots fundraising campaign, 1992

Elliott School, Gilroy California
Tutor for dyslexic children, 1990-1997

January 25, 2021

Nini Rich, Director
ADR Programs
Utah State Administrative Office of the Courts
PO Box 140241
Salt Lake City, UT 84114

Dear Ms. Rich,

Thank you for the opportunity to be considered for the Alternative Dispute Resolution Committee of the Utah Judicial Council. My interest in applying is to participate in the continued evolution of the mediation community. The past year has presented challenges and opportunities for growth for alternative dispute resolution practices. Given many of us have shifted how we offer our services, a pathway for continued discussions on how our profession can best serve the community will be on-going. I work throughout Utah and would bring a regional perspective to conversations.

Since becoming a court-rostered domestic mediator in 2017, I earned the designation of Master Mediator and passed the Utah State Bar Exam. In addition to continuing my education in Utah, I have completed extensive training in Elder Caring Coordination, a high conflict family mediation training focused on the complicated family relationships exacerbated while caring for an elderly parent and subsequent probate issues. Although my focus remains of mediating family law matters, I have completed the five-day Introductory Training for Collaborative Law offered by the International Association of Collaborative Professionals. My belief is families are better served working through their conflict towards a resolution in a collaborative manner. The professional integrity of mediation practices is of utmost importance and I would be humbled to serve in the continued development of best practices and Rules of Professional Ethics.

I would be honored to be considered for the position and happy to answer questions or speak to my interests and experience in more detail at your request.

Christina Boyd Zavell
Attorney at Law/Master Mediator
christina@czmediation.com
401.935.9829

1555 Aerie Circle, Park City, Utah 84060

Christina Boyd Zavell, Esquire

Professional Experience

Christina Zavell Mediation, LLC, Attorney at Law, Master Mediator 2019- present
Attorney at Law and Master Mediator specializing in Family Law Matters
 Limited family law practice and Master Mediator.

Kathy Elton Consulting, Mediator 2017-2019
Court rostered Basic Mediation and Domestic Mediation 2017
 Mediate a variety of family law matters working with pro se and represented clients.

Vail Corporation, PCMR Park City, UT Winter Season 2014-present.
 Resort Services Office, Guest Service- ticket sales and customer interface

Considine & Furey, LLC Boston, MA 2006-2008
 Per Diem Contract Work, Research – responsibilities including handling diverse civil litigation cases including medical malpractice, regulatory and licensing matters.

Fidelity Title and Escrow, East Providence, RI 2002-2004
 Per Diem Contract Work, Paralegal and Legal- responsibilities included reviewing titles, preparing closing packages and representing lenders during closings.

Crowley, Considine & Dray, Fall River and Boston, Massachusetts, 1992-1996
 Associate, General Practice - responsibilities included handling diverse civil and criminal matters, domestic relations, probate, corporate litigation, and real estate. Specialized in regulatory matters including liquor licensing and racing litigation. Management responsibilities included overseeing staff and managing Fall River office operations.

Massachusetts State House, Boston, Massachusetts, 1989 – 1992
State Senator Thomas C. Norton, Senate Chairman for Committee on Government Regulations: Senior Research Analyst, Senate Chairman - worked closely with committee counsel. Responsibilities included legislative drafting on matters affecting telecommunication, electric and gas rate setting, gaming and lottery, and liquor licensing. Assisted legal counsel and reviewed all bills going through committee on an annual basis, arranged committee hearings. Served as liaison to constituents.
House Representative Joseph Connelly, Ranking Member of Committee on Government Regulations: Junior Research Analyst - researched and drafted legislation, and served as a liaison on constituent matters. Interacted with senior members of executive branch on matters affecting legislation relating to the District. Drafted press releases and handled media communication.

Scudder, Stevens & Clark, Inc., Boston, Massachusetts 1985-1989
New Product Research and Statistical Analyst, Marketing
 Reported to the Director of Marketing, researched new fund proposals and facilitated the creation of two new mutual funds. Conducted market research on existing mutual funds and prepared competitive analysis reports for senior marketing analysts.

Volunteer Experience

Park City Utah Bar Association, CLE Coordinator 2019-present

Summit Land Conservancy Board of Directors, Park City, UT 2015-2018

Vice President, Executive Committee

Volunteer Land Trust Recertification Committee 2015-2016

Chatham Hills Homeowners' Association, Park City, UT 2016-2017

Chairperson Bylaws Review Committee

Atlantic Crossing Homeowners' Association, Barrington, RI, President 2008-2012

Coordinated litigation efforts involving 12 of 18 homeowners against developer from 2010-2012. Facilitated communications within community and oversaw applications for improvements pursuant to the Covenants and Bylaws.

Blessings in a Backpack, Providence, RI, Committee 2011-2012

A non-for-profit organization providing food essentials to children on subsidized lunches each weekend during the school year within four inner-city elementary schools in Providence, RI.

Barrington School District, Barrington, RI, Strategic Plan for Barrington Public School Task Force, 2008

Committee consisted of town administrators, school committee members, parent volunteers, and representatives from the committee on appropriations led by an education consultant.

Hampden Meadows School, Barrington, RI Positive Behavioral and Interventions Strategy Committee, 2006-2008

Initiative was adopted by the Barrington School District in 2008 by all elementary schools.

Primrose Hill Elementary School, Barrington, RI, PTO Co-President 2005-2006, Chairman of Playground Committee 2004-2006

Nayatt Elementary School, Barrington, RI Chairperson Playground Renovation Committee, Executive Board 2001-2004

Spearheaded the renovation of playground and garden at neighborhood K-3. Worked collaboratively to launch fundraising efforts to raise over \$100,000 for new equipment, wrote grants to local foundations and charities to secure funding and coordinated volunteer installation efforts.

Somerset Neighborhood Homeowner Association, Bellevue, WA, Executive Board, 1997-2000

Worked to revise bylaws and covenants and secure necessary quorum vote from community of more than 1,000 homes.

Education

University of Utah, Salt Lake City, Utah

Certificate Conflict Resolution Course and Domestic Mediation Course, 2016-2017

Suffolk University Law School, Boston, Massachusetts

Juris Doctorate, Cum Laude 1992

Brown University, Providence, RI

Bachelor of Arts, International Relations 1985

ADR Committee Members

July 2021

Utah Judicial Council's ad hoc Committee on Alternative Dispute Resolution

Committee Membership as of July 22, 2021

Judge Ryan M. Harris, Utah Court of Appeals

Judge Adam T. Mow, Third District Court

Judge Troy Little, Fifth District Juvenile Court

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

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

Richard H. Schwermer
State Court Administrator

Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council / Management Committee
FROM: Michael C. Drechsel, Assistant State Court Admin. / MUJI Committee Staff
DATE: August 9, 2021
RE: MUJI Criminal – Committee Membership Appointments

The Standing Committee on Model Utah Criminal Jury Instructions is comprised of 13 individuals, four of whom must be “defense counsel” and four of whom should be “prosecutors.” Two defense counsel and two prosecutor positions expire in September 2021, requiring the committee to seek replacement members for those positions.

RECOMMENDATIONS:

After review of 13 applications, the committee recommends to the Judicial Council:

- 1) that **Sharla Dunroe** and **Janet Lawrence** be appointed to the committee as defense counsel members; and
- 2) that **Jeffrey Mann** and **Richard Pehrson** be appointed to the committee as the prosecutor members.

These membership terms would start in September 1 2021 and run to September 1, 2024. Each of these applicants have indicated a willingness to serve and have no previous service on any judicial branch committees.

PROCESS:

The committee solicited interest from the Utah Bar generally by sending out an email notice on July 22, 2021. In addition, committee staff sent direct emails to: the Utah Association of Criminal Defense Lawyers; the public defender offices in Salt Lake County, Utah County, and Davis County; and the Statewide Association of Prosecutors. The email solicitation resulted in 13 applicants submitting materials (five defense counsel and eight prosecutors).

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

Judge James Blanch (committee chair) and staff carefully reviewed all submitted materials from each applicant. In addition, staff made inquiries regarding the applicants that are being recommended to serve on the committee. The applicants are all well-qualified and the Judicial Council could do well appointing any of these individuals to the committee.

The full list of applicants is (per role, and in alphabetical order by last name, with recommended applicants in bold text):

DEFENSE COUNSEL:

Sharla Dunroe, Salt Lake Legal Defender Association
Janet Lawrence, Salt Lake Legal Defender Association
 Ben Miller, Utah Indigent Defense Commission
 Tyler Needham, Salt Lake Legal Defender Association
 Ian Quiel, Salt Lake Legal Defender Association

PROSECUTORS:

David Byrd, Salt Lake City Corp.
 Eric Gentry, Washington County Attorney's Office
 Tony Graf, Salt Lake County District Attorney's Office
 Matt Hansen, Davis County Attorney's Office
Jeffrey Mann, Utah Attorney General's Office
Richard Pehrson, Salt Lake County District Attorney's Office
 Kaye Lynn Wootton, Utah Attorney General's Office
 Stewart Young, Office of the United States Attorneys – District of Utah

The current list of committee members is:

Member	Position	Organization	Term Expire
Hon. James Blanch, <i>chair</i>	District Court Judge	Courts	09/01/2023
Hon. Michael Westfall	District Court Judge	Courts	09/01/2021
Hon. Brendan McCullagh	Justice Court Judge	Courts	08/23/2022
Sandi Johnson	Prosecutor	Utah County Attorney's Office	09/01/2023
Stephen Nelson	Prosecutor	US Attorney's Office	09/01/2023
---	Prosecutor	---	09/01/2021
---	Prosecutor	---	09/01/2021
Debra Nelson	Defense Counsel	Utah Indigent Defense Comm.	11/25/2022
Elise Lockwood	Defense Counsel	Salt Lake Legal Defenders Assoc.	01/28/2022
---	Defense Counsel	---	09/01/2021
---	Defense Counsel	---	09/01/2021
Melinda Bowen	Criminal Law Prof.	SLCo. District Attorney's Office	01/28/2022
Jennifer Andrus	Linguist / Communic.	University of Utah – Writing	09/01/2023
Hon. Linda Jones	District Court Judge	Courts	<i>Emeritus</i>