



Administrative Office of the Courts

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

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

MEMORANDUM

TO: Judicial Council

FROM: Jim Peters
Justice Court Administrator

DATE: September 27, 2021

RE: Additional Self Declaration Forms for Justice Court Judges

To assess compliance with the performance standards set forth in Rule 3-101 of the Code of Judicial Administration, justice court judges *due for a retention evaluation* were asked to complete a self-declaration form. Twenty-nine justice court judges completed the forms, and they were provided to you last week.

In addition to those who will be receiving a retention evaluation from JPEC, there are five other judges who need to stand for retention in 2022. These are judges with multiple courts who are not due for a retention evaluation because JPEC is using the appointment date for one of their other courts to define the “controlling cycle” for evaluations. But they need to stand for retention nevertheless. I am therefore requesting that the Judicial Council also certify the following justice court judges for retention in 2022:

- Judge Randy Birch
- Judge Paul C. Farr
- Judge Mark McIff
- Judge Bryan J. Memmott
- Judge Brook Sessions

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

Retention Election Self-Declaration Form for Justice Court Judges

This form is to be completed by any justice court judge who will be up for retention in 2022. It should be submitted by Friday, August 27, 2021. Based on the information provided, the Judicial Council will make a certification decision about your candidacy at its meeting on Tuesday, September 28, 2021. That decision is due to JPEC by October 1, 2021. For more information about the performance standards that this form is asking about, please see Rule 3-101 of the Code of Judicial Administration.

Email *

 Randy Birch

Calculating Under Advisement Numbers

If your term began on January 2, 2017, the Max allowed Cases Under Advisement for your entire term is 13 and your one year Max allowed Cases Under Advisement is 6. (See Examples 1 & 2 below)

If you started your term more recently than January 2, 2017, your Under Advisement limits are available at



For all judges, your Under Advisement limits were calculated using the formulas below. Please feel free to use them to confirm your limits.

FORMULAS:

1) Max Cases UA=(TODAY()-Term Start)/365*3

2) Max 1 year UA=Max Cases UA/2

These numbers are rounded down to give you the limits.

EXAMPLE 1:

So, for example, a judge whose term began on January 2, 2017 would have a Max Cases UA of 13. If that judge had 14 or more cases that were under advisement more than two months after submission during the judge's current term, the judge would mark YES to Question 1.

EXAMPLE 2:

If that same judge had a Max 1 year UA of 6, and the judge had 7 or more cases under advisement more than two months after submission in a single year, the judge would mark yes to Question 2.

EXAMPLE 3:

Last Name	First Name	Term Start	Max Cases UA	Round Down	Max 1 year UA	Round Down
Example	Example	1/2/17	13.82	13.00	6.50	6.00

More Than Two Months Under Advisement

1) From the start of your current term to the present, have you held more than an average of three cases per calendar year under advisement more than two months after submission ("exceptional cases")? In other words, have you exceeded the Max Cases UA described in the previous section during your current term? *

☐ Yes

☒ No

2) From the start of your current term to the present, have you held more than half of the maximum exceptional cases in any one calendar year? In other words, have you exceeded the Max 1 year UA described in the previous section during any year of your current term? *

☐ Yes

☒ No

3) If you answered yes to 1) or 2), were the circumstances causing a delayed decision beyond your personal control? *

☐ Yes

☐ No

☒ Not applicable

4) If you answered yes to 3), please explain.

.....

More Than Six Months Under Advisement

5) During your current term of office, have you held any case under advisement more than six months after submission? *

☐ Yes

☒ No

6) If you answered yes to 5), were the circumstances causing a delayed decision beyond your personal control? *

☐ Yes

☐ No

☒ Not applicable

7) If you answered yes to 6), please explain.

.....

Education Hours

8) YEAR 1 EDUCATION: My education hours for the current fiscal year (July 1, 2021 - June 30, 2022) are: *

Fewer than 30



9) YEAR 1 EDUCATION: If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.

Annual conference - I have 10 months

10) YEAR 2 EDUCATION: My education hours for the last fiscal year (July 1, 2020 - June 30, 2021) were: *

30 or more



11) YEAR 3 EDUCATION: My education hours 2 years ago (fiscal year July 1, 2019 - June 30, 2020) were: *

30 or more



12) YEAR 4 EDUCATION: My education hours 3 years ago (fiscal year July 1, 2018 - June 30, 2019) were: *

30 or more



13) YEAR 5 EDUCATION: My education hours 4 years ago (fiscal year July 1, 2017 - June 30, 2018) were: *

30 or more



14) If you have failed, or will fail, to obtain 30 education hours in any year, were the circumstances surrounding the failure beyond your personal control? *

☐

Yes

☐

No

☒

Not applicable

15) If you have failed, or will fail, to obtain 30 education hours in any year, please explain:

.....

16) SPRING CONFERENCE: Did you attend the Spring Justice Court Judges Conference during each year of your term? *

- ☒ Yes
- ☐ No

17) If you answered no to 16), please explain.

Fitness for Office

18) Are you mentally and physically fit for office? *

- ☒ Yes
- ☐ No

If you answered no to 18), please explain.

Signature

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

*

/s/ R Birch

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Email *

Paul Farr

Calculating Under Advisement Numbers

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☐ Yes

☒ No

2) From the start of your current term to the present, have you held more than half of the maximum exceptional cases in any one calendar year? In other words, have you exceeded the Max 1 year UA described in the previous section during any year of your current term? *

☐ Yes

☒ No

3) If you answered yes to 1) or 2), were the circumstances causing a delayed decision beyond your personal control? *

☐ Yes

☐ No

☒ Not applicable

4) If you answered yes to 3), please explain.

.....

More Than Six Months Under Advisement

5) During your current term of office, have you held any case under advisement more than six months after submission? *

☐ Yes

☒ No

6) If you answered yes to 5), were the circumstances causing a delayed decision beyond your personal control? *

☐ Yes

☐ No

☒ Not applicable

7) If you answered yes to 6), please explain.

.....

Education Hours

8) YEAR 1 EDUCATION: My education hours for the current fiscal year (July 1, 2021 - June 30, 2022) are: *

Fewer than 30



9) YEAR 1 EDUCATION: If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.

I will be attending portions of the fall judicial conference, spring conference and online courses. In 11 years on the bench I have always completed well above 30 hours per year.

10) YEAR 2 EDUCATION: My education hours for the last fiscal year (July 1, 2020 - June 30, 2021) were: *

30 or more



11) YEAR 3 EDUCATION: My education hours 2 years ago (fiscal year July 1, 2019 - June 30, 2020) were: *

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14) If you have failed, or will fail, to obtain 30 education hours in any year, were the circumstances surrounding the failure beyond your personal control? *

☐

Yes

☐

No

☒

Not applicable

15) If you have failed, or will fail, to obtain 30 education hours in any year, please explain:

.....

16) SPRING CONFERENCE: Did you attend the Spring Justice Court Judges Conference during each year of your term? *

☒ Yes

☐ No

17) If you answered no to 16), please explain.

.....

Fitness for Office

18) Are you mentally and physically fit for office? *

☒ Yes

☐ No

If you answered no to 18), please explain.

.....

Signature

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

*

Paul C Farr

.....

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Email *

Mark McIff

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☐ Yes

☒ No

2) From the start of your current term to the present, have you held more than half of the maximum exceptional cases in any one calendar year? In other words, have you exceeded the Max 1 year UA described in the previous section during any year of your current term? *

☐ Yes

☒ No

3) If you answered yes to 1) or 2), were the circumstances causing a delayed decision beyond your personal control? *

☐ Yes

☐ No

☒ Not applicable

4) If you answered yes to 3), please explain.

.....

More Than Six Months Under Advisement

5) During your current term of office, have you held any case under advisement more than six months after submission? *

☐ Yes

☒ No

6) If you answered yes to 5), were the circumstances causing a delayed decision beyond your personal control? *

☐ Yes

☐ No

☒ Not applicable

7) If you answered yes to 6), please explain.

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Education Hours

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Fewer than 30



9) YEAR 1 EDUCATION: If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.

I have over 6 hours currently.

Annual Judicial Conference next week - Estimated 15+

Spring Justice Court Judge Conference - Estimated 15+

Spring Justice Court Clerk Conference - Estimated 10+

Video training on LMS system - as needed or desired

10) YEAR 2 EDUCATION: My education hours for the last fiscal year (July 1, 2020 - June 30, 2021) were: *

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☐

Yes

☐

No

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Not applicable

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☒ Yes

☐ No

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Fitness for Office

18) Are you mentally and physically fit for office? *

☒ Yes

☐ No

If you answered no to 18), please explain.

Signature

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

*

/s/ Judge Mark McIff

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Google Forms

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Email *

 Bryan Memmott

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☒ No

3) If you answered yes to 1) or 2), were the circumstances causing a delayed decision beyond your personal control? *

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☐ No

☒ Not applicable

4) If you answered yes to 3), please explain.

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More Than Six Months Under Advisement

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☐ Yes

☒ No

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Justice Court Judges Conference

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Fitness for Office

18) Are you mentally and physically fit for office? *

☒ Yes

☐ No

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Signature

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

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Bryan J. Memmott

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Email *

Brook Sessions

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Fall Conference and any other courses necessary.

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