

Administrative Office of the Courts

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

TO

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

MEMORANDUM

10.	Judiciui Coulien
FROM:	Jim Peters Justice Court Administrator
DATE:	September 27, 2021
RE:	Additional Self Declaration Forms for Justice Court Judges

Judicial Council

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

Retention Election Self-Declaration Form for Justice Court Judges

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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)

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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 ye	ear 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

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? *

\bigcirc	Yes	
\bigcirc	No	

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

O 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? *
O Yes
Ο Νο

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

YesNo

Not applicable

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

Education Hours

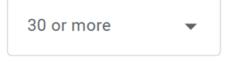
8) YEAR 1 EDUCATION: My education hours for the current fiscal year (July 1, 2021 - June 30, 2022) are: *

Fewer than 30

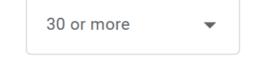
9) YEAR 1 EDUCATION: If you have fewer than 30 hours for the current year, list any courses you will complete before the end of the year and the number of hours associated with the courses.

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: *



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



12) YEAR 4 EDUC 2018 - June 30, 2		3 years ago (fiscal year July 1,
30 or more	•	
	,	4 years ago (fiscal year July 1,
2017 - June 30, 2		

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

*

This form was created inside of Utah State Courts.



Retention Election Self-Declaration Form for Justice Court Judges

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Email *	
Paul Farr	

Calculating Under Advisement Numbers

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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
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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 ye	ear 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

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? *

\bigcirc	Yes	
\bigcirc	No	

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

O 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? *
O Yes
Ο Νο

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

YesNo

Not applicable

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

Education Hours

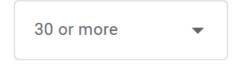
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Fewer than 30

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 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: *



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30 or n	nore	•

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2018 - June 30, 2019) were: *

30 or more

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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

you answered no to 18), please explain.
ignature
LECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME
aul C Farr

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Email *	
Mark McIff	

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

O 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? *
O Yes
No

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

Yes

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 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: *

30 or more

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) Yes

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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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Email *	
	Bryan Memmott

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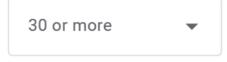
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Justice Court Judges Conference

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Bryan J. Memmott

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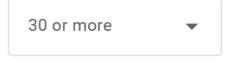
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Fall Conference and any other courses necessary.

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Signature

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Brook Sessions

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