

JUDICIAL COUNCIL MEETING

AGENDA

February 28, 2022

Meeting held through Webex

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
(Information)
3. 9:10 a.m. State Court Administrator's Report.....Ron Gordon
(Information)
4. 9:20 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget & Fiscal Management Committee..... Judge Mark May
Liaison Committee..... Judge Kara Pettit
Policy & Planning Committee Judge Derek Pullan
Bar Commission.....Margaret Plane, esq.
(Tab 2 - Information)
5. 9:30 a.m. Legislative Update Michael Drechsel
(Information)
6. 10:00 a.m. ADR Committee Report Judge Adam Mow
(Tab 3 - Information) Nini Rich
7. 10:15 a.m. WINGS Committee Report..... Judge Keith Kelly
(Tab 4 - Information) Shonna Thomas
- 10:30 a.m. Break
8. 10:40 a.m. Senior Judge Certification.....Cathy Dupont
(Tab 5 - Action)
9. 10:45 a.m. Problem-Solving Courts Certification Judge Dennis Fuchs
(Tab 6 - Action)
10. 10:55 a.m. Language Access Committee Report..... Cade Stubbs
(Tab 7 - Information) Kara Mann

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|-----|------------|--|-----------------|
| 11. | 11:05 a.m. | Budget and Grants..... | Judge Mark May |
| | | (Tab 8 - Action) | Karl Sweeney |
| | | | Bart Olsen |
| | | | Jordan Murray |
| 12. | 11:25 a.m. | Salt Lake City Justice Court Grant Request | Ron Gordon |
| | | (Tab 9 - Action) | Jordan Murray |
| 13. | 11:35 a.m. | Windows 7, Webex, and Device Transition | Heidi Anderson |
| | | (Tab 10 - Action) | Karl Sweeney |
| 14. | 11:45 a.m. | Justice Court Reform | Judge Paul Farr |
| | | (Tab 11 - Action) | Jim Peters |
| | | | Karl Sweeney |
| | | | Jordan Murray |
| | 12:00 p.m. | Lunch Break | |
| 15. | 12:10 p.m. | Green Phase Workgroup | Ron Gordon |
| | | (Tab 12 - Action) | |
| 16. | 12:20 p.m. | LGBTQ+ Chamber of Commerce | Samantha Taylor |
| | | (Tab 13 - Discussion) | Chris Wharton |
| 17. | 12:30 p.m. | Old Business/New Business | All |
| | | (Discussion) | |
| 18. | 12:40 p.m. | Executive Session - there will be an executive session | |
| 19. | 12:55 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
(Tab 14)

MUJI – Civil Committee – Stacy Haacke
 GAL Committee – Stacey Snyder
 Court Facility Planning Committee – Chris Talbot
 Judicial Outreach Committee – Valeria Jimenez
 Ethics Advisory Committee – Keisa Williams

Tab 1

JUDICIAL COUNCIL MEETING**Minutes**

February 11, 2022
Meeting held through Webex

12:00 p.m. – 12:10 p.m.

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

Hon. Todd Shaughnessy, Vice Chair
 Hon. Samuel Chiara
 Hon. Augustus Chin
 Hon. Ryan Evershed
 Hon. Paul Farr
 Hon. Michelle Heward
 Hon. Mark May
 Hon. David Mortensen
 Hon. Kara Pettit
 Hon. Derek Pullan

Excused:

Chief Justice Matthew B. Durrant, Chair
 Hon. Keith Barnes
 Hon. David Connors
 Justice Paige Petersen
 Margaret Plane, esq.
 Hon. Brook Sessions
 Michael Drechsel

AOC Staff:

Ron Gordon
 Cathy Dupont
 Neira Siaperas
 Jeni Wood

Guests:

Kim Brock, TCE Third District Court
 Hon. Michael DiReda, Second District Court
 Hon. Noel Hyde, Second District Court
 Russ Pearson, TCE Eighth District Court
 Larry Webster, TCE Second District Court

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

Judge Todd Shaughnessy welcomed everyone to the meeting. Chief Justice Matthew B. Durrant was unable to attend.

2. APPROVAL OF SECOND DISTRICT COURT COMMISSIONER: (Judge Michael DiReda and Larry Webster)

Judge Shaughnessy welcomed Judge Michael DiReda and Larry Webster. After discussion and review of the applicants, the Second District Court bench voted to nominate Julie Winkler for approval by the Judicial Council. Ms. Winkler is highly respected for her legal service work. Judge Michelle Heward felt Ms. Winkler was very qualified for this position, given her past workload.

Judge Shaughnessy thanked Judge DiReda and Mr. Webster.

Motion: Judge Heward moved to approve Julie Winkler as the new Second District Court Commissioner. Judge Augustus Chin seconded the motion, and it passed unanimously.

3. ADJOURN

The meeting adjourned.

DRAFT

JUDICIAL COUNCIL MEETING

Minutes

January 31, 2022

Meeting held through Webex

12:00 p.m. – 1:23 p.m.

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Todd Shaughnessy, Vice Chair
Hon. Keith Barnes
Hon. Augustus Chin
Hon. David Connors
Hon. Ryan Evershed
Hon. Paul Farr
Hon. Michelle Heward
Hon. David Mortensen
Justice Paige Petersen
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Brook Sessions

Excused:

Hon. Mark May
Margaret Plane, esq.
Michael Drechsel

Guests:

AOC Staff:

Ron Gordon
Cathy Dupont
Lauren Andersen
Heidi Anderson
Shane Bahr
Alisha Johnson
Meredith Mannebach
Daniel Meza-Rincon
Bart Olsen
Jim Peters
Nathanael Player
Keri Sargent
Neira Siaperas
Nick Stiles
Karl Sweeney
Melissa Taitano
Jeni Wood

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Todd Shaughnessy moved to go into an executive session to discuss protected documents. Judge Augustus Chin seconded the motion, and it passed unanimously.

2. BUDGET PRIORITIES: (Ron Gordon)

The Executive Appropriations Committee requested appropriation subcommittees to submit one list of priorities that includes both general fund requests and ARPA requests. Because of this, the Management Committee will need to decide if any ARPA requests are higher priorities than the six general fund budget requests the Judicial Council approved last August.

The courts were further informed that the Legislature intends to use a clause in ARPA that allows states to use funds on any item the state desires, regardless of whether it qualifies as an ARPA expense, if the state has experienced a decline in revenue during the pandemic. The Legislature has determined that the State has experienced a decline in revenue of \$1.1 billion meaning that the Legislature can use \$1.1 billion of ARPA funds for any expense, whether or not related to the pandemic. This means that the competition for ARPA funds will increase significantly. The Legislature is essentially considering ARPA funds to be the same as one-time general fund money. The courts were aware of this clause; however, the courts were operating under instructions to submit only ARPA-eligible projects. It is unlikely that the courts will receive all requested ARPA funds. It may also be helpful to remove some of the lower priority requests so that the courts can narrow the focus on the most important projects.

Currently approved Council priorities

Priority	Title	Ongoing funds	One-time funds
1 st	Judicial Assistants – Recruit and Retain	\$3,900,000	
2 nd	Information Technology – Development and Security	\$1,122,000	
	\$210,000 Online Court Assistance Program (OCAP) \$72,000 Microsoft Licensing \$25,000 Rural Courthouse Bandwidth Increases \$45,000 Webex Licensing \$450,000 Cybersecurity Infrastructure \$320,000 Cybersecurity Ransomware Insurance		
3 rd	Public Outreach Coordinator	\$120,000	
4 th	New Sixth District Court Juvenile Court Judge	\$449,100	\$25,000
5 th	Court Visitor Program Coordinator	\$92,100	
6 th	Statewide Treatment Court Coordinator	\$97,700	
	Total	\$5,780,900	\$25,000

Judicial Assistants: Recruit & Retain \$3,900,000

Purpose: stabilize unacceptable Judicial Assistant (JA) turnover rates by correcting inadequate compensation.

- More than 40% of judicial branch FTEs are JAs (455 FTEs), each of whom serves a critical core function in court operations. Courts simply cannot reliably operate without well-trained, dedicated JAs.
- Over the last 10 years, the 3-year average JA turnover rate has increased from a manageable 8.65% to a completely unsustainable 25% in 2021. After careful review, this appears to be primarily attributable to inadequate compensation:
 - in 2011, JA compensation was 80% of the average Utah non-farm rate, by 2021, that had slipped to only 70%; and
 - in 2016, JA compensation was \$1.92 (or 10%) less than comparable private sector employment, by 2020, that gap widened to \$4.51 (or 20%).
- The judicial branch is doing everything possible to internally address this issue, but the challenge requires legislative assistance and budget prioritization.

Information Technology: Development & Security

\$1,122,000

Online Court Assistance Program (OCAP)

\$210,000

Purpose: hire two dedicated OCAP technical support staff. OCAP is a computer system that helps self-represented parties generate necessary legal forms. For many individuals, OCAP is the only method for them to prepare documents to file or respond in a court case. The system requires continual maintenance and technical support to update for statute changes, security best-practices, and to expand to new case types.

Microsoft Licensing

\$72,000

Purpose: maintain upgraded Microsoft software. The courts rely on Microsoft Office as the standard for documents in the legal field. The licensing model for this software is now subscription-based, requiring ongoing annual renewal to maintain necessary access for judges and relevant staff.

Rural Court Location Bandwidth Increases

\$25,000

Purpose: provide parties, attorneys, judges, and court staff with sufficient bandwidth at rural courthouses. Internet bandwidth is limited in rural Utah. In the current technology-based legal landscape where web-based video is often used for official court business, insufficient bandwidth artificially constrains what can be accomplished in rural courthouses, limiting efficiency for patrons and for the courts that serve them.

Webex Licensing

\$45,000

Purpose: continued access to remote meeting software for court hearings. Remote court hearings are proving to be advantageous for parties and attorneys for many hearing types. The Judiciary anticipates these types of remote hearings will continue in the future, and needs funding to pay for necessary licensing.

Cybersecurity Infrastructure

\$450,000

Purpose: maintain a robust cybersecurity platform equal to modern-day challenges. The Judiciary's cybersecurity software protects court systems and data from cyberattack. This software is operationally necessary, blocking hundreds of thousands of potential threats every month. The software platform must be renewed in May 2022 to maintain existing protections.

Cybersecurity Ransomware Insurance

\$320,000

Purpose: obtain insurance to offset potential costs associated with any future successful ransomware attack. Though rare, government entities (including courts) have been victims of successful ransomware attacks over the last several years (e.g., Atlanta, Texas, Louisiana). Coupled with the "\$450,000 Cybersecurity Infrastructure" request above, this is a belt-and-

suspenders approach to insuring court operations without risking a potentially paralyzing fiscal impact.

Public Outreach Coordinator

\$120,000

Purpose: establish consistent, sustainable bridges with the public, including marginalized communities. Previously paid for with one-time funding, this coordinator is currently providing critical support for public outreach and education in all of Utah's communities, with a special focus on those communities that have expressed perceived bias due to race and gender. These efforts are increasing public trust and confidence in the courts and should be funded ongoing.

New Juvenile Court Judge – Sixth District

\$449,100 ongoing and \$25,000 one-time

Purpose: increase juvenile court capacity in six Utah counties to match demand. The Sixth District Juvenile Court includes Sanpete, Sevier, Piute, Wayne, Garfield, and Kane counties. Currently, a single juvenile court judge serves nearly 70,000 residents spanning across nearly 16,000 square miles. This regularly requires significant travel time, often resulting in unfortunate, but necessary, delay. This single juvenile court judge is carrying the caseload of 1.6 judges. An additional judge will allow the juvenile court to more promptly serve the child welfare needs and the juvenile delinquency challenges of the citizens of these rural counties.

Court Visitor Program Coordinator

\$92,100

Purpose: improve ability to promptly provide reliable, verified guardianship information to judges. Since 2012, the Court Visitor Program has delivered an essential service to the courts by monitoring guardianships and conservatorships, providing reliable and verified information to judges through careful coordination with trained volunteers to investigate the circumstances and well-being of protected persons, locate guardians who do not keep the court updated, and audit records. Guardianship case filings have increased more than 30% over the last five years. Lacking sufficient resources, the program is unable to address existing needs promptly and adequately, taking up to 12 weeks (instead of the typical 6-8 weeks) to provide responsive information to the court.

Statewide Treatment Court Coordinator

\$97,700

Purpose: provide support for the 65 district and juvenile problem-solving treatment courts operating across Utah. Problem-solving courts (like drug court, mental health court, and veterans treatment court) are dedicated court calendars staffed by a multi-disciplinary team of trained professionals to serve a specific population of individuals who receive treatment, community supervision, regular court appearances, and program support in order to help these individuals successfully exit the criminal justice system and enter lives of recovery and stability. Currently, these problem-solving courts operate without the benefit of a full-time statewide coordinator to provide operational and technical support, and to streamline education, certification, and evaluation efforts for delivery of effective services, including statewide performance-based data tracking.

ARPA Requests for FY 2023

Priority	Title	Funds
1 st	IT Access to Justice – Response to COVID, Part II	\$3,200,000
2 nd	Case Backlog – Response to COVID, Part II	\$1,540,000
3 rd	Interpreter Equipment	\$97,000
4 th	Eviction Court Facilitators	\$166,000
5 th	Self-Help Center	\$64,000
6 th	COVID Supplies	\$100,000
7 th	Public Outreach and Engagement	\$30,000
8 th	Legal Sandbox	\$649,000
9 th	Premium Pay for Essential Workers	\$2,500,000
10 th	Loss of Revenues – Public Parking Garage	\$843,000
	Total	\$9,189,000

IT Access to Justice – Response to COVID-19 – Part II **\$3,200,000**

The pandemic has required courts to shift away from in-person to virtual proceedings, accelerating a movement towards access to justice. By increasing virtual access and proceedings the courts not only resolve the pandemic issues but lay the groundwork for virtual access and proceedings (including attendant technical, educational, and translation services) which will expand access to justice, particularly for our self-represented and marginalized communities.

Items included in this request include:

- Appellate e-filing of cases replaces hand-delivery of case materials to the appellate court or email to appellate court staff - \$594,000.
- E-payment revamp provides ability to pay court fines, fees etc. at places convenient to the payer (e.g. walk-in retail locations, after-hour kiosks, etc.) creating ways for the unbanked to make payments without taking time off from work - \$475,000.
- Juvenile case pro se e-filing with digital signatures - \$125,000.
- Court workspace transformation from separate offices and cubes through creating “hoteling” workspaces where employees can maintain social distancing while maintaining team efficiencies for projects and daily work - \$825,000.
- Expand Xchange access to include free one-time use as well as access by tablet and phone - \$125,000.
- Grow MyCase payment options from PC only to tablet and phone which exponentially increases access for marginalized communities - \$180,000.
- Update CARE to be accessible by phone and tablet as well as offer ADA access - \$650,000.
- Add QR codes to MyCase to allow greater access for e-filing, documents and notifications - \$160,000.
- Phase 2 of enhancements to public portal to view hearings - \$120,000.

Case Backlog – Response to COVID – Part II
\$1,540,000

This continues funding for senior judges, judicial assistants and other costs to reduce the backlog of cases including jury trials to pre-pandemic numbers. The amount requested was boosted \$540,000 to include proctored COVID rapid tests to protect jurors, witnesses and other court participants during jury trials. Efforts to reduce the backlog during FY 2022 have taken more time than anticipated. This request extends the extra staffing through June 30, 2023.

Interpreter Equipment
\$97,000

This request will permit the courts to purchase 72 sets of multi-people interpreting equipment; ensuring all courts beyond Salt Lake County can provide language access in a safe manner that does not require the interpreter and limited English proficiency party to be next to each other.

Eviction Court Facilitators
\$166,000

Funding will provide help for parties facing occupancy hearings – by hiring two time-limited eviction court facilitators based in Salt Lake County who would help to reduce homelessness for those impacted by the pandemic by:

- whenever possible, contacting defendants when eviction lawsuits are filed against them to explain their options;
- educating parties about rental assistance as soon as the occupancy hearing is scheduled;
- working with parties to apply for rental assistance;
- reminding parties to attend their hearings to hopefully increase attendance; and
- connecting defendants with social services agencies and housing providers.

Self Help Center
\$64,000

Hire, for a period of one year, a family law attorney who will work with the court's IT Department to create entirely new family law forms that can be created, filed and retrieved on MyCase. MyCase can also be accessed through phones, something that the OCAP program does not allow. The forms will more closely resemble California's family law forms, which require the patron to very clearly choose what they are asking the court for (eliminating writing out their own wishes), and will result in very clear, enforceable language in their court orders

COVID Supplies
\$100,000

Represents the ongoing expenditures for masks, sanitizer and other supplies (filters) to reduce the spread of COVID. This request seeks funding from July 1, 2021 through the end of FY 2023.

Public Outreach and Engagement
\$30,000

This appropriation will fund incremental efforts by the Office of Fairness and Accountability's digital public outreach and engagement to ensure students are outreached

through virtual means so that they are aware of court resources and processes, especially as it relates to the state's Clean Slate Law. The Utah State Courts OFA is also requesting funds to produce and distribute educational/promotional videos and targeted social media ads about court resources and processes, and hire a temporary Graphic Design/Content Creator Intern.

Legal Sandbox

\$649,000

Represents 2 years of funding for the Supreme Court's Office of Legal Services Innovation. The Supreme Court, as the government branch with the constitutional authority for the administration of justice, has made combating the access to justice crisis confronting Utahns of all socioeconomic levels a top priority. In this vein, the court created the Office of Legal Services Innovation and the Utah Legal Sandbox, seeking to use regulatory reform to enable and incentivize private and nonprofit sector innovation, diversification, and competition in the legal services industry while ensuring that vulnerable consumers are protected from harm.

Premium Pay for Essential Workers

\$2,500,000

Premium Pay is part of the defined eligible ARPA areas. This request seeks to provide a modest amount of premium pay for essential court workers who provided the services to the public during the pandemic. Courts had to remain open and functioning during the pandemic. The request seeks a \$1.00 per hour premium pay amount for all days where a court field employee (primarily JAs and POs) regularly performed in-person services or handled documents that were handled by others in the performance of their regular court duties.

Loss of Revenues – Public Parking Garage

\$843,000

This request seeks recovery under an ARPA provision to cover reduced revenues due to COVID. The courts were the recipients of parking garage fees for the public parking areas below the Matheson Courthouse which were used for all types of repairs and maintenance items (carpet, remodel of space, repairs). Due to COVID, the usage of the public parking went below the cost of retaining an operator so parking is now free. The request is to recover past and forecasted losses through December 31, 2023.

Motion: Judge Connors moved to go out of executive session. Judge Augustus Chin seconded the motion, and it passed unanimously.

Ranking	Item	Ongoing Funds	One-time Funds
1	Judicial Assistants Recruit and Retain	\$3,900,000	
2	IT Technology Development and Security	\$1,122,000	
	Access to Justice IT Part II		
3	Appellate E-filing		\$593,400
4	E-Payments Revamp		\$475,000
5	Xchange		\$125,000
6	MyCase		\$180,000

7	ARPA Case Backlog Part II		\$1,000,000
8	ARPA COVID Supplies		\$640,000
9	Public Outreach Coordinator	\$120,000	
10	Sixth District Additional Juvenile Court Judge	\$449,100	\$25,000
11	Court Visitor Program Coordinator	\$92,100	
12	Statewide Treatment Court Coordinator	\$97,700	
13	ARPA Legal Sandbox		\$649,000
14	ARPA Self-Help Forms		\$64,000
15	ARPA Interpreter Equipment		\$97,000
16	ARPA Eviction Court		\$166,000
17	ARPA Public Outreach		\$30,000
18	Juvenile Pro Se E-Filing Including Digital Signatures		\$125,000
19	Modernize CARE to a Responsive Design/ADA Compatibility		\$650,000
20	Adopt Workspaces for COVID Safety		\$826,500
21	QR Codes Embedded on Court Documents		\$160,000
22	Public Portal for Hearings		\$120,000
	Total	\$5,780,900	\$5,925,900

Motion: Judge Connors moved to approve the revised list as described (shown in the table above). Judge Brook Sessions seconded the motion, and it passed unanimously.

3. STAKEHOLDER PRESENTATIONS TO THE JUDICIAL COUNCIL: (Ron Gordon)

This item was not addressed.

4. ADJOURN

The meeting adjourned.

Agenda

JUDICIAL COUNCIL MEETING
Minutes

January 18, 2022
Meeting conducted through Webex

9:00 a.m. – 12:09 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
 Hon. Todd Shaughnessy, Vice Chair
 Hon. Keith Barnes
 Hon. Augustus Chin
 Hon. David Connors
 Hon. Ryan Evershed
 Hon. Paul Farr
 Hon. Michelle Heward
 Hon. David Mortensen
 Justice Paige Petersen
 Hon. Kara Pettit
 Margaret Plane, esq.
 Hon. Derek Pullan
 Hon. Brook Sessions

Excused:

Hon. Mark May

Guests:

Jeri Allphin, Daggett County Justice Court
 Emily Ashcraft, Deseret News
 Commissioner James C. Jenkins, JPEC
 Hon. Richard Mrazik, Third District Court
 Dr. Jennifer Yim, JPEC

AOC Staff:

Ron Gordon
 Cathy Dupont
 Michael Drechsel
 Heidi Anderson
 Shane Bahr
 Casey Huggard
 Alisha Johnson
 Meredith Mannebach
 Tania Mashburn
 Jordan Murray
 Bart Olsen
 Marianne Perry
 Jim Peters
 Nathanael Player
 Keri Sargent
 Neira Siaperas
 Nick Stiles
 Karl Sweeney
 Melissa Taitano
 Chris Talbot
 Keisa Williams
 Jeni Wood

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

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

Motion: Judge Paul Farr moved to approve the December 20, 2021 Judicial Council meeting minutes, as presented. Judge Brook Sessions seconded the motion, and it passed unanimously.

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

Chief Justice Durrant videotaped this year's State of the Judiciary. Chief Justice Durrant thanked Michael Drechsel, Ron Gordon, and Cathy Dupont for their help with the speech.

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

Mr. Gordon noted the link for the State of the Judiciary was emailed to all judicial employees and is scheduled for 2:15 today. A link to the court's YouTube channel will also be sent after the recording is available.

The United States Supreme Court stayed OSHA's emergency temporary standard regarding mandatory vaccinations for companies with 100 or more employees. The issue is back with the Sixth Circuit Court of Appeals.

Governor Spencer Cox and the State Health Department recommended those who have COVID symptoms remain at home rather than get tested, with exceptions, because the COVID testing facilities are completely overwhelmed with the Omicron spike in cases. Ms. Dupont has been working to ensure testing capacity is in place for in-person jury trials. The courts are looking at a contract for proctored tests where individuals test themselves with online assistance.

Mr. Gordon mentioned that he, Ms. Dupont and other court personnel met with Representative Cheryl Acton, Chair of the Executive Offices and Criminal Justice appropriations committees, to explain the courts budget requests. The statewide turnover rate for judicial assistants in 2021 was 25%, which is unsustainable and impacts the ability of the courts to operate. A couple of years ago, the turnover rate was 19%. This underscores the need for this budget item.

The Utah Judicial Council's Annual Report was emailed to all judicial employees as well as the Legislature and the Governor.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Karl Sweeney mentioned the committee will address budget items later in the meeting.

Liaison Committee Report:

Judge Kara Pettit reported that the committee began their weekly meetings. Judge Pettit distributed an email to court management reminding them of the one-voice philosophy.

Policy and Planning Committee Report:

The committee did not meet in January.

Bar Commission Report:

Margaret Plane mentioned the Bar Commission did not meet recently, however, they are discussing whether to hold their March St. George meeting in person or virtual.

5. **LEGISLATIVE UPDATES: (Michael Drechsel)**

Chief Justice Durrant welcomed Michael Drechsel. Mr. Drechsel reminded the Council that the session started today. The six budget priorities the Council set last August have been addressed with the Executive Offices and Criminal Justice Appropriations Subcommittee (EOCJ):

- 1) Judicial Assistants Recruit and Retain;
- 2) IT Infrastructure and Development;
- 3) Public Outreach Coordinator;
- 4) Sixth District Court Juvenile Judge
- 5) Court Visitor Program Coordinator; and
- 6) Statewide Treatment Court Coordinator.

The Judiciary has two current bills. One will create the Sixth District Court juvenile judicial position (SB0086 District and Juvenile Judge Amendments). The other bill SB0098 (Judiciary Amendments), will clarify justice court operations, including recognizing presiding judges in justice courts in statute.

Mr. Drechsel has reviewed and responded to 110 bills at this point. Mr. Drechsel will keep the benches informed of relevant bills. Mr. Drechsel provided a brief summary of other proposed bills.

Mr. Gordon and Judge Pettit noted Mr. Drechsel was well-respected with the legislature. Chief Justice Durrant thanked Mr. Drechsel, noting he is truly extraordinary.

6. **JUDICIAL PERFORMANCE EVALUATION COMMISSION: (Dr. Jennifer Yim and Commissioner James C. Jenkins)**

Chief Justice Durrant welcomed Dr. Jennifer Yim and Commissioner James C. Jenkins. The proposed changes in HB0040, Judicial Performance Evaluation Commission Amendments, recognize the independence of voters to use the information that JPEC provides without being told how to vote. Supported by research and similar changes made in neighboring states, JPEC proposes to change its reporting language from “recommends retention” to “passes minimum performance standards.” When the decision of how to vote is left expressly to voters, there is increased consistency between the judge's performance evaluation result and voter choice, as demonstrated by other states. HB0040 was unanimously approved by the Government Operations Interim Committee.

Historically, all courtroom observers completed their observations in person. However, in the spring of 2020, all Utah courtrooms moved to a virtual setting using Webex due to the ongoing COVID pandemic. At that time, JPEC made a change to its administrative rule allowing observations to be completed over Webex. Since then, 95% of observations have been completed virtually.

Chief Justice Durrant and Mr. Gordon attended a JPEC meeting in December. Commissioner Jenkins found references about JPEC on the courts website and wondered if one way to strengthen the judiciary with voters would be to refer inquiry to JPEC, such as through

the Frequently Asked Questions section of the courts website. Justice Paige Petersen supported JPEC's role and recommendation believing that the work of JPEC is key for judges. Ms. Plane consistently receives feedback that people appreciate JPEC's website. Chief Justice Durrant and Judge Pullan thought JPEC's link could be posted on the website home page and on the Frequently Asked Questions section. Heidi Anderson said there is American Rescue Plan Act (ARPA) funding to assist the courts with updating the website which could help with the links to JPEC.

Dr. Yim proposed sending a letter to judges with their midterm reports explaining any areas of concern. The comment would only be included in the letter and not the midterm report and would not be sent to the presiding judge. JPEC does not want to stigmatize any judges, but this is more a step towards transparency. Judge Pullan and Judge Pettit thought if JPEC found a consistent concern with a judge, it should be reported to the presiding judge. Dr. Yim didn't have any concern with providing the report to the presiding judge, she was just concerned it would tarnish a judge's reputation for a minor concern that didn't rise to the level of the judge not being retained.

Dr. Yim explained areas of concern are made from multiple sources and not one person's comment. Judge Shaughnessy doesn't believe a judge can be held to a standard without knowing any areas of concern and appreciated Dr. Yim's move to notify judges. Judge Michelle Heward thanked Dr. Yim for JPEC's transparency, stating that judges pay a lot of attention to the notices they receive from JPEC. Judge Heward thought having the assistance of a presiding judge would be helpful. Judge Shaughnessy asked how would JPEC handle an issue if a judge didn't respond to the area of concern. Dr. Yim said if the area of concern worsened, this would result in further conversations, but JPEC would not view a non-response as an aggravating factor.

The Council agreed to alert the presiding judge but not the Council if there are any areas of concern that do not rise to the level of JPEC not recommending a judge for retention.

Dr. Yim reminded the Council that JPEC will reach out to judges for pictures and biographies.

Chief Justice Durrant thanked Dr. Yim and Commissioner Jenkins.

7. DRAFT LEGISLATION ON PRESIDING JUDGES' COMPENSATION: (Ron Gordon)

Chief Justice Durrant welcomed Ron Gordon. In October 2021, the committee discussed draft legislation that would establish uniform compensation for presiding and associate presiding judges. Those amounts are set in statute and are currently not consistent for district, juvenile, and appellate courts. The committee supported draft legislation that would clearly state that presiding judges receive an additional \$2,000 per year and associate presiding judges receive an additional \$1,000 per year. The Liaison Committee supported the proposal.

Mr. Gordon questioned whether the draft legislation should apply to justice court judges as well. Boards and committees that have considered the draft legislation are comfortable having it apply to justice court judges; with the understanding that there is currently no funding for

additional compensation for presiding and associate presiding judges in justice courts. Therefore, if the draft legislation applies to justice court judges, it would need to specify the funding source for the additional compensation.

There are at least three approaches.

1. The legislation could require local governments to provide the additional compensation. That approach would place an additional fiscal burden on local governments and would likely not be supported by local governments.
2. The legislation could identify an existing restricted account and expand the permitted uses of the restricted account to include additional compensation for presiding and associate presiding judges in justice courts. The Finance Department has an idea for an existing account that could be expanded for this use.
3. The legislation could request that the expenses be covered through the general fund. This approach would involve somewhat complicated legislation that appropriates funds to the state courts and directs the state courts to provide those funds to the local governments employing the presiding and associate presiding justice court judges. This could create some complicated accounting scenarios, especially if the justice court judge presides in more than one jurisdiction.

The Justice Court Training Account is a sustainable option for funding justice court presiding judges, with current estimates at \$12,000 a year for justice courts. Judge Pullan asked if now was the time to address increasing the amounts provided to presiding judges. Judge Shaughnessy didn't believe people took the positions for the financial rewards and preferred to not have presiding judges vie for that position for compensation purposes. Judge Pettit preferred not to advance any additional funding this year so the legislature can concentrate on staff pay increases.

Judge Sessions recommended when a discussion takes place on salary increases for presiding judges, perhaps a reduction in their workload could also be addressed consistent with the actual time they are spending in their roles. Mr. Gordon offered to assist with sending a message to the Elected Official and Judicial Compensation Commission for a salary recommendation and review of presiding judges' workloads.

Chief Justice Durrant thanked Mr. Gordon.

Motion: Judge Sessions moved to approve moving the legislation forward this year with the amendment to the Justice Court Training Account and defer until next year the increased compensation for presiding judges, as presented. Judge Pullan seconded the motion, and it passed unanimously.

8. COMMITTEE ON RESOURCES FOR SELF-REPRESENTED PARTIES REPORT AND REQUEST FOR REAUTHORIZATION: (Judge Richard Mrazik and Nathanael Player)

Chief Justice Durrant welcomed Judge Richard Mrazik and Nathanael Player. The Committee on Resources for Self-Represented Parties is guided by CJA Rule 3-115. The committee is charged with studying the needs of self-represented parties within the Utah

Judiciary; propose policy recommendations; assess available services and forms; ensure court programs for self-represented parties are integrated into statewide and community planning for legal services to low- and middle-income individuals; and recommend measures to the Judicial Council, State Bar, and other appropriate entities for improving the legal system. The committee also develops action plans for the management of cases involving self-represented parties.

In the past year, the committee worked on the following:

- E-filing for self-represented parties through MyCase;
- Outreach to marginalized communities with the Office of Fairness and Accountability;
- Expansion of pro se calendars, however, logistical hurdles and lack of volume presented challenges;
- Maintaining the option of remote hearings, working with the Access to Justice Commission and the Utah State Bar;
- Developing a wage theft clinic, encouraging community partners work together on this issue; and
- CLE credit for court-referred pro bono service through a proposed rule for a two-year pilot program.

The work of the committee has been somewhat reactive to the challenges and opportunities presented by the pandemic. Looking prospectively to calendar year 2022, the committee hopes to work with new committee members to develop a strategic plan to move forward, focusing on initiatives that center the needs of self-represented litigants to make the courts more open, fair, efficient, and independent.

Judge Pullan generally noted that when the Council creates committees to perform functions, there isn't an identifiable point when the committee needs to end so the Council could focus on something else. Judge Pullan expressed support for reauthorizing this committee, but questioned whether, at some point, a committee that keeps getting re-authorized should be converted to a standing committee.

Chief Justice Durrant thanked Judge Mrazik and Mr. Player.

Motion: Judge Pettit moved to approve the reauthorization of the Committee on Resources for Self-Represented Parties for a six-year term, as presented. Judge Chin seconded the motion, and it passed unanimously.

9. CERTIFICATION OF JUSTICE COURT JUDGES: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Mr. Peters sought certification from the Council on new justice court judges: Jeri L. Allphin to the Daggett County Justice Court, Matthew D. Carling to the Parowan Justice Court, E. Jed Labrum to the Duchesne County Justice Court, and K. Shawn Patton to the Utah County Justice Court. The judges have completed new judge orientation earlier in January.

Chief Justice Durrant thanked Mr. Peters.

Motion: Judge Chin moved to certify Jeri L. Allphin to the Daggett County Justice Court, Matthew D. Carling to the Parowan Justice Court, E. Jed Labrum to the Duchesne County Justice Court, and K. Shawn Patton to the Utah County Justice Court, as presented. Judge Farr seconded the motion, and it passed unanimously.

10. BUDGET AND GRANTS: (Judge Mark May, Karl Sweeney, Cathy Dupont, Chris Talbot, and Jordan Murray)

Chief Justice Durrant welcomed Karl Sweeney, Cathy Dupont, Chris Talbot, and Jordan Murray. Mr. Sweeney reported that there is \$400,183 of actual turnover ongoing savings for FY22, with a forecast of an additional \$163,633. Ongoing turnover savings is created when a vacant position is filled at a lower rate and/or with lower benefits. There are currently 38 positions that have turned over in the past 90 days. There will be a request to use funds in this category for 2022 performance-based raises and hot spot awards.

The one-time turnover savings for pay period ending November 26, 2021 is \$4,192,693.

New Third District Juvenile Court Taylorsville State Office Building Probation Office AV System

\$47,806

One-time funding

This request is to fund the first phase of AV equipment and installation at the new offices scheduled to open in March of 2022. The second phase will follow through a FY 2022 carryforward request later in FY 2022 to be expended in FY 2023. The second phase budget is \$61,508 for a phase 1 and 2 total expenditure of \$139,314. There are 38 employees merging from two locations into this office space. The office space includes non-dedicated workspace for anyone who works in the office that day. Phase 2 will be needed to fund the conference rooms.

Motion: Judge Shaughnessy moved to approve the New Third District Juvenile Court Taylorsville State Office Building Probation Office AV System request for \$47,806 one-time funds, as presented. Judge Chin seconded the motion, and it passed unanimously.

Supplemental Utah Criminal Justice Center (UCJC) Consulting

\$5,000

One-time funds

UCJC is proposing the AOC enter into a memorandum of understanding to provide consulting services to each of the branches/agencies that are part of its Board of Directors. The requested amount is \$5,000 for a one-year MOU. The MOU would provide stability to UCJC's finances and in return provide expertise from their staff on various court initiatives.

Motion: Judge Shaughnessy moved to approve the Supplemental Utah Criminal Justice Center (UCJC) Consulting request for \$5,000 one-time funds, as presented. Judge Chin seconded the motion, and it passed unanimously.

Mr. Murray continues to monitor grants.

Chief Justice Durrant thanked Mr. Sweeney, Ms. Dupont, Mr. Talbot, and Mr. Murray.

11. AUTOMATED EXPUNGEMENT UPDATE: (Heidi Anderson and Marianne Perry)

Chief Justice Durrant welcomed Heidi Anderson and Marianne Perry. The IT Department is ready to begin automatically expunging acquittals and dismissals with prejudice and clean slate cases in an interim phase. They identified approximately 218,000 acquittals and dismissals with prejudice cases and approximately 600,000 clean slate cases to be expunged. Acquittals and dismissals with prejudice will be started as a micro pilot within the next few weeks as part of continuous testing with BCI. The system will send an email to prosecutors with a list of expunged cases. Once testing is finished, the IT Department will increase the amount of cases that will be expunged and make their way through the backlog.

Production runs of auto-expungements, to include clean slate cases, will begin on February 7, 2022. For acquittals and dismissals, the system will continue to send out an email to prosecutors with a list of case numbers expunged. For clean slate cases, the system will email a preliminary list of cases and provide 35 days for objection. Once 35 days have passed, the cases without an objection will be automatically expunged. For all cases being expunged, an order will automatically be added to the case in CORIS. The judge's signature stamp will be added to each order. Part of the programming will allow monitoring by the district and justice court administration teams (Shane Bahr and James Peters).

Ms. Anderson sought approval from the Council to begin the interim process. The courts will continue to work with BCI to make sure everything is working on both ends and will also start work on the next phase to include the Xchange Prosecutor Portal and the traffic deletion process. Ms. Anderson valued and appreciated her team and outside entities who assisted with this project.

Judge Pullan asked if an error rate had been identified. Ms. Anderson explained that they the process is designed to err on the side of caution. They have not identified an error rate, noting that the program has never sent a person's case through the process that does not meet the required criteria. Judge Shaughnessy asked if individual judges will receive the cases in their assigning cue. The program will assign the signatures in the clean slate program rather than each judge receiving the notices.

Chief Justice Durrant thanked Ms. Anderson and Ms. Perry.

Motion: Judge Shaughnessy moved to approve beginning the clean slate expungement process, as presented. Judge Chin seconded the motion, and it passed unanimously.

12. OLD BUSINESS/NEW BUSINESS

No additional business was discussed at this time.

13. EXECUTIVE SESSION

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

Motion: Judge Pullan moved to adopt the findings and conclusions of the Court Commissioner Conduct Committee with respect to Commissioner T.R. Morgan; adopt the majority recommendation that Commissioner Morgan be removed from office, a sanction that cannot be imposed because Commissioner Morgan has resigned; and provide notice of this decision in writing to Commissioner Morgan. Judge Shaughnessy seconded, and it passed with Judge Connors' abstaining.

14. CONSENT CALENDAR ITEMS

a) Committee Appointments. Reappointment of Charles Stormont, Peter Strand, Leslie Francis, Shawn Newell, Nicole Gray, and Janet Thorpe, and the appointment of Judge Jan, Judge Welch-O'Donnal, Shannon Treseder, Marcus Degen, Alison Satterlee, and Brooke Robinson to the Committee on Resources for Self-Represented Parties. Approved without comment.

b) Forms Committee Forms. Declaration of Financial Status (Criminal) and Order on Declaration of Financial Status (Criminal). Approved without comment.

15. ADJOURN

The meeting adjourned.

Tab 2

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
February 8, 2022
Meeting held through Webex
12:00 p.m. – 2:50 p.m.**

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

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

Excused:

Michael Drechsel

Guests:

Madelynn Herman, Pulaski County, Virginia
Hon. Lee Chitwood, Pulaski County, Virginia
Jaime Clemmer, Pulaski County, Virginia
Hon. Dennis Fuchs, Senior Judge
Hon. Elizabeth Knight, Third Juvenile Court
Luis Sanchez, appellant

AOC Staff:

Ron Gordon
Cathy Dupont
Lauren Andersen
Shane Bahr
Paul Barron

AOC Staff Cont.:

Lucy Beecroft
Todd Eaton
Stacy Haacke
Amy Hernandez
Valeria Jimenez
Alisha Johnson
Wayne Kidd
Tania Mashburn
Jordan Murray
Bart Olsen
Chris Palmer
Jim Peters
Jon Puente
Keri Sargent
Neira Siaperas
Stacey Snyder
Nick Stiles
Karl Sweeney
Melissa Taitano
Chris Talbot
Keisa Williams
Jeni Wood

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Chief Justice Durrant congratulated Ron Gordon on 25 years of service with the State, beginning with the Commission on Criminal and Juvenile Justice in 1997.

Motion: Judge Mark May moved to approve the January 11, 2022 Management Committee minutes, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

**2. JUDICIAL INSTITUTE REQUEST FOR IN-PERSON EDUCATION EVENTS:
(Judge Elizabeth Knight and Lauren Andersen)**

The Judicial Institute was given permission by the Management Committee on December 14, 2021 to hold in person, small educational events, such as New Judge Orientation. The Judicial Institute is requesting permission to hold in-person conferences in March, April and May. The Judicial Institute met with each respective Board and asked members of Utah's Executive and Legislative branch if they were holding in-person events. The Board of District Court Judges and Board of Justice Court Judges were interested in meeting in-person and would feel comfortable with showing proof of vaccination or on-site testing. The Board of Juvenile Court Judges preferred further deliberation before providing a recommendation to the committee. The executive and legislative branches held in-person events with attendees ranging from 75-800, with optional masks.

Judge Paul Farr was concerned about the optics of holding conferences when people aren't able to come to court. Judge May preferred remote attendance be allowed. Judge Shaughnessy thought district courts would prefer to return to in-person meetings but would feel better if there was a virtual option. Judge David Mortensen was supportive of hybrid conferences. Lauren Andersen noted Moab conferences would not allow for virtual events due to the bandwidth. The in-person events could have on-site COVID tests available. Cathy Dupont explained the courts have 800 tests, and could set some aside for testing before the conference.

Ms. Andersen felt confident the department could handle the on-site workload if one of their members tested positive. Social distancing would be done as best as possible, given the locations. The committee agreed that it would help to have a mask requirement, a virtual option, and testing.

Ms. Dupont reviewed the guidelines in the Risk Phase Response Plan which includes language that provides flexibility in the Yellow Phase to hold in-person hearings when it is not feasible to hold a remote hearing. Chief Justice Durrant thought the committee could consider amending the language to be more consistent, such as adding an in-person hearing may be held if a judge deems it appropriate. Ms. Dupont suggested having the COVID tests deployed across the state for those who want to attend in-person so they could test before they arrive at a courthouse. The committee agreed to this and that it must be emphasized that people are honest with their symptoms.

Motion: Judge Shaughnessy moved to allow the March and April events to occur in person, as amended to allow a hybrid conference, if the conference requires a negative test prior to arriving at the conference or test upon arrival, a mask requirement, and reinforces that each person is responsible for identifying any symptoms, and with the understanding that if COVID numbers spike before a conference, the Management Committee has the ability to require a fully remote conference. Judge Mortensen seconded the motion, and it passed unanimously.

3. **AUDIT OF TOOELE COUNTY JUSTICE COURT: (Wayne Kidd and Lucy Beecroft)**

Wayne Kidd presented the Tooele County Justice Court Audit. This audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Lucy Beecroft, Internal Auditor, served as the lead auditor for this review.

Motion: Judge Farr moved to approve the Tooele County Justice Court Audit, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

4. **AUDIT OF XCHANGE SERVICES: (Wayne Kidd and Lucy Beecroft)**

Mr. Kidd presented the “A Review of Xchange Services Utah District Court’s Case Lookup System” Audit. This audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Lucy Beecroft, Internal Auditor, served as the lead auditor for this review.

Motion: Judge Shaughnessy moved to approve the Review of Xchange Services Audit, as presented. Judge Farr seconded the motion, and it passed unanimously.

5. **GREEN PHASE WORKGROUP: (Ron Gordon)**

The Judicial Council requested a workgroup be created to conduct an in-depth study of the use of virtual technology on a permanent basis. Mr. Gordon recommended the membership of the workgroup consist of: **Internal stakeholders** – judges from all court levels, one or more judicial assistants, one or more Clerks of Court, Self-Help Center, representative from the Standing Committee on Resources for Self-represented Parties, and IT support; and **External stakeholders**- Department of Corrections, Sheriff’s Association, Utah State Bar Litigation Section, Utah Statewide Association of Prosecutors, Utah Association of Criminal Defense Lawyers, and juvenile court professionals. **Staff** would consist of Meredith Mannebach, Ron Gordon, Cathy Dupont, Neira Siaperas, Shane Bahr, and Jim Peters.

Discussion Issues

- Published or pending reports
 - Harvard Access to Justice - child welfare proceedings in Juvenile Court
 - Other Side Working Group Report to the Minnesota Judicial Council
 - Utah Remote Hearings Study
 - How Courts Embraced Technology, Met the Pandemic Challenge, and Revolutionized Their Operations (Pew Charitable Trusts)
 - Access to Justice survey (Utah State Bar)
- Data
 - Number of hearings it takes to resolve a case
 - Length of hearings
 - Number of days between calendar settings
 - Failure to appear
 - Days cases pending
 - Number of cases pending
- Urban vs. rural issues
- Internet connectivity

- Equipment costs (for the courts and external stakeholders)
- Problem-solving courts
- First appearance calendars

Judge Shaughnessy thought the external stakeholders should be invited on an as needed basis but otherwise felt the list of members was well formed.

Motion: Judge May moved to approve the Green Phase Workgroup composition, as amended to have external stakeholders invited on an as needed basis. Judge Shaughnessy seconded the motion, and it passed unanimously.

6. RECORDS ACCESS APPEAL: (Stacy Haacke)

Luis Sanchez appealed the denial of his records request and his request for a fee waiver. Mr. Sanchez has provided no information related to his impecuniosity.

Mr. Sanchez was welcomed to the meeting. Mr. Sanchez explained that the courts would not need to create documents because there should be notes already made, if an investigation was held. His request for the names, titles, and salaries of individuals should be provided by Utah Code § 63G-2-301(2)(B) as public record. Mr. Sanchez stated the courts failed to meet the burden that releasing information could interfere with an investigation. Mr. Sanchez said public interest in favoring access to records is greater than restricting access. Mr. Sanchez believed the court is retaliating against him and possibly framing him. Mr. Sanchez noted that his request for records was not duplicative because he never received the first set. He found it difficult to believe the courts do not hold any photographs of the incident. Mr. Sanchez argued that fees should be waived because he is media and said his publications have received millions of views on different platforms and believe he is considered an investigative journalist; therefore, his fee waiver should be granted. Mr. Sanchez thought his fee waiver should be granted because his findings would benefit the public.

The Committee noted that the court is not required to create records in response to a request and that some of Mr. Sanchez's records requests are duplicative or available on the public website.

Motion: Judge Shaughnessy moved to affirm the decision of the State Court Administrator with respect to the records appeal, as presented. Judge Farr seconded the motion, and it passed unanimously.

7. COMMITTEE APPOINTMENTS: (Stacy Haacke, Stacey Snyder, Chris Talbot, Valeria Jimenez, and Keisa Williams)

The committee decided to no longer require presentations from staff regarding committee appointments, but to have staff be available for questions.

Committee on Model Utah Civil Jury Instructions

The Committee on Model Utah Civil Jury Instructions sought the appointment of Alyson McAllister as Chair, Lauren Shurman as Vice Chair due to Ruth Shapiro stepping down as Chair, and the reappointments of Alyson McAllister and Douglas Mortensen.

Guardian ad Litem Committee

The Guardian ad Litem Committee sought the appointment of Kathleen Bounous, General Counsel to the Governor in place of Ron Gordon.

Court Facility Planning Committee

The Court Facility Planning Committee sought the appointment of Brian Bales to fill the industry standard position on the committee and Judge Lee Edwards in place of Judge Jon Carpenter, who has met his term limit.

Committee on Judicial Outreach

The Committee on Judicial Outreach sought the appointment of Benjamin Carrier to replace Nicholas Schellabarger as the state education representative.

Ethics Advisory Committee

The Ethics Advisory Committee sought the appointment of Judge Gregory Lamb to fill outgoing Judge Wallace Lee's position.

Motion: Judge Farr moved to approve the appointment of Alyson McAllister as Chair, Lauren Shurman as Vice Chair, and the reappointments of Alyson McAllister and Douglas Mortensen to the Committee on Model Utah Civil Jury Instructions; the appointment of Kathleen Bounous to the Guardian ad Litem Committee; the appointment of Brian Bales and Judge Lee Edwards to the Court Facility Planning Committee; the appointment of Benjamin Carrier to the Committee on Judicial Outreach; the appointment of Judge Gregory Lamb to the Ethics Advisory Committee, as presented, and place this on the Judicial Council consent calendar. Judge Mortensen seconded the motion, and it passed unanimously.

8. SPECIAL INDEX REQUEST UNDER CJA RULE 4-202.02: (Paul Barron and Keisa Williams)

Paul Barron presented a proposal from John Wright, CEO, Graphicsoft, who is a bulk subscription customer, and wants to add birthdates to the bulk data provided to the company. Even though birthdates in criminal cases are public on Exchange, it is a data field that is prohibited for bulk data customers. Mr. Wright requested the committee amend CJA Rule 4-202.02 to allow for the release of litigants' birthdates. The courts currently have approximately 12 bulk subscribers. The committee could consider limited options, such as birthdates for only criminal cases and/or only providing the year of birth. However, judges were not in favor of this change.

Mr. Barron confirmed Xchange is now available to anyone for a fee. Judge Mortensen said birthdates are listed on Xchange so it is already accessible for criminal defendants. Judge Shaughnessy said there's no reason to include the birthdates in bulk if they are already available. Keisa Williams explained that the Policy & Planning Committee was concerned that providing birthdates in bulk could result in identity theft.

Motion: Judge Shaughnessy moved to not revise the rule to allow for birthdates in an index of bulk requests. Judge Farr seconded the motion, and it passed unanimously.

9. **DOMESTIC VIOLENCE MENTORSHIP PROJECT: (Amy Hernandez)**

Unlike other crimes, domestic violence increases and intensifies in a cyclical nature. Prior to the pandemic, nearly a quarter of homicide victims in Utah died as a result of domestic violence. Agencies across Utah have reported that since the pandemic began, the rate and severity of domestic violence cases have drastically increased.

Due to the rising cases of domestic violence, Amy Hernandez requested to implement a pilot program based upon a criminal domestic violence docket model utilized in the “Juvenile and Domestic Relations District Court” located in Pulaski, Virginia. Pulaski’s court model focuses upon increasing victim safety and offender accountability through compliance reviews.

Utah justice courts do not have a uniform approach to tracking and enforcing compliance among domestic violence defendants. Unlike the district courts which have access to Adult Probation and Parole services, the justice courts often track and enforce compliance through judicial monitoring. From one court location to the next, there is very little consistency in how or if compliance is enforced or tracked. To address this lack of consistency, a pilot domestic violence compliance docket in a few justice courts (yet to be determined and approved by the Board of Justice Court Judges) was presented. The program would track and report upon the following outcomes:

- court efficiency,
- procedural justice outcomes for court patrons,
- defendants compliance with court orders,
- defendants recidivism rates where possible, and
- victims safety outcomes where possible.

The Center for Court Innovation and the Pulaski Juvenile and Domestic Relations District Court will assist the pilot program to ensure that it adheres to evidence-based best practices in accordance with the Center for Court Innovation’s Domestic Violence Court Mentorship Program.

Judge Farr was in favor of the program and has offered to pilot the program in his court. Several other justice courts have agreed to run the pilot program as well. Judge Dennis Fuchs said it was important that the committee understood the dockets could be considered problem-solving courts under the same criteria as identified by the Judicial Council. As defined in CJA Rule 4-409 Council Approval of Problem-Solving Courts, “a problem-solving court is a targeted calendar of similar type cases that uses a collaborative approach involving the court, treatment providers, case management, frequent testing or monitoring and ongoing judicial supervision. Examples include drug courts, mental health courts and domestic violence courts.” Judge Shaughnessy thought there are some differences between this pilot program and the specialty courts. He confirmed that all domestic violence cases would be placed in the program. Judge Fuchs said best practices have shown more harm than good when lumping all of these cases together, furthering that at some point assessments need to be done on each individual.

Judge Lee Chitwood explained that he has a separate compliance docket for all adult domestic violence cases where a person has been found guilty or has accepted a plea agreement, but does not have a team approach for the individuals. Probation officers attend his hearings. The

treatment providers do not attend court, rather, they provide a report. The Virginia model is not considered a problem-solving court. Judge May thought the Virginia model was markedly similar to the juvenile courts, with some but not all aspects of a specialty court.

Judge Farr said they will determine at a later time how they will identify providers to the program. Judge Fuchs stated private providers make their money from the participants who are required to take the treatment so it's in their benefit to continue to services, even if they may no longer be needed. Ms. Hernandez said best practices could include that providers must be certified and follow rules.

Motion: Judge Farr moved to approve the pilot program, as presented. Judge May seconded the motion, and it passed unanimously.

10. WINDOWS 7, WEBEX, AND DEVICE TRANSITION: (Heidi Anderson, Todd Eaton, and Karl Sweeney)

Windows 7 is no longer supported and can no longer receive critical patches from Microsoft. Webex will no longer function on Windows 7 machines beginning April 2022. Since January 2020, the courts have purchased over 1,300 laptops and PCs at a cost of about \$1.4M. There are currently 1,183 employees, including judges. Todd Eaton said there are more than 4,000 active computers, including those in courtrooms. The department will assign COVID laptops and docking stations to the districts. Decommissioned PCs will no longer function. Heidi Anderson's team will meet with each TCE to review their inventory. The total cost of upgrading all 4,000 would be over \$5M. The department is trying to reduce the device count to assist with lowering the cost of this transition.

Ms. Dupont suggested having TCEs work with their benches to identify the old devices that they think need to be replaced. The committee understood that having the Technology Committee address this would not change the financial need to reduce the number of devices in order to remove the Windows 7 computers, although the Technology Committee was asked a couple of years ago to address the amount of devices that an employee or judicial officer should be allowed to use. Mr. Eaton explained that they are already meeting with the TCEs and that the memo needs to be sent as soon as possible and sought support from the committee to endorse the memo. Mr. Gordon will contact the Technology Committee to renew the request for them to work on developing a policy for the number of devices that will be permitted for employees and judicial officers. The committee felt the Council should hold a conversation about sending the communication about the need to remove Windows 7 devices and the lack of funding to replace all of the old devices.

Motion: Judge May moved to add this item to the Judicial Council agenda. Judge Shaughnessy seconded the motion, and it passed unanimously.

11. JUSTICE COURT REFORM: (Judge Paul Farr, Jim Peters, Karl Sweeney, and Jordan Murray)

The Justice Court Reform Workgroup, chaired by Judge Farr, provided a report to the committee. Two fundamental efforts must commence to mobilize and advance the initiative forward. These foundational tasks include data collection and analysis and coalition building

with an anticipated start date of April 1, 2022 and would continue for a period of 24 months. The project expectations include detailing caseload and financial analysis, reform recommendations based on the analysis, consensus building through-out the state with stakeholder groups, Utah Bar Journal article, Law Review article, and draft rules and legislation. The AOC evaluated costs for two scenarios. Option A is using primarily internal resources and Option B is using primarily outside resources.

Option A

Title	FTE	Costs	Term	Comments
Project manager	.5 FTE	\$150,000	24 months	
Admin support	1 FTE	\$0	24 months	
Finance and accounting	1.5 FTE	\$230,000	24 months	Using current staff
Audit services	.8 FTE	\$0	24 months	Using current staff
Court Services	1 FTE	\$80,000	24 months	Using current staff
Facilities support	.66 FTE	\$0	8 months	Using current staff
Intern assistance		\$25,000	As needed	
Travel allowance		\$25,000	As needed	

Total Costs **\$510,000**

Option B

Project manager	.5 FTE	\$150,000	24 months	
Admin support	1 FTE	\$0	24 months	
Finance and accounting and Audit services	2 FTE	\$350,000	24 months	
Court Services	1 FTE	\$80,000	8 months	Using current staff
Facilities support	.66 FTE	\$0	8 months	Using current staff
Intern assistance		\$145,000	As needed	
Travel allowance		\$25,000	As needed	

Total Costs **\$750,000**

Karl Sweeney noted if funded internally then additional funds would be requested to backfill the work that would be set aside to do this study. Judge May thought this should go through Budget & Fiscal Management Committee then to the Council rather than the Management Committee. Mr. Gordon stated that they weren't sure which option to take to the Budget Committee so they wanted this committee's opinion first. Judge Shaughnessy recommended having the Council provide direction on these options, then they can pursue the grant route to try to avoid using the Court's carryforward funds. Mr. Gordon will revise the memo to the Council to include specific questions for the Council to consider. Judge Shaughnessy didn't want to bind the courts to a request for next year that may affect other budget items.

Motion: Judge Shaughnessy moved to have the Council make a decision on this matter. Judge Farr seconded the motion, and it passed unanimously.

12. **POLICY RECOMMENDATIONS ON WORKFORCE CLIMATE: (Jon Puente)**

The Office of Fairness and Accountability recommended the following to address workplace and judicial climate.

- Work with JPEC to have equity, diversity, and inclusion be part of Judicial Minimum Performance Standards.
- Work with the Supreme Court to adopt ABA Model Rule 8.4(g) which addresses professional misconduct for lawyers to engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law.
- Work with the Supreme Court and the Utah State Bar for the creation of an MCLE rule dealing with elimination of bias in the legal profession.
- Restructure CJA Rule 3-403(3)(A) to require all active judges and senior judges to complete 30 hours of preapproved education annually, with a minimum of one hour of ethics, harassment, diversity (including power differentials), and elimination of bias training.
- Training on the elimination of bias, and DEI at new judge and new employee orientation.
- Harassment and abusive conduct training at new judge orientation.
- Designate mandatory training for court employees, supervisors, directors, and judicial officers, including bystander, implicit bias, and power differential trainings.
- Have accountability reporting of mandatory trainings by directors and middle management during quarterly interviews with leadership.
- Eliminate stigma and fear of reporting harassment by having multiple pathways of reporting, and have staff be aware of pathways. Post these pathways and resources in as many physical locations. Design educational campaign of reporting pathways.
- Support newly formed employee resource groups.

Judge Shaughnessy was supportive of the goals but felt some of the items listed were not in the control of the courts. He also noted that asking the Legislature to change the JPEC minimum performance standards for judges could create a lot of challenges. Chief Justice Durrant and Judge Farr were concerned about the JPEC item and preferred further discussions be held before addressing it with JPEC. Ms. Williams was concerned about legal implications with some of the items.

Judge Shaughnessy requested not tying these proposals to Commissioner Morgan's incident because these are items that the Judiciary should be doing without that incident being addressed.

Motion: Judge Farr moved to add all items with the exception of the JPEC item to the Council agenda and invite further discussion on the JPEC item. Judge Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the Judicial Council agenda. Mr. Gordon stated that the LGBTQ+ Chamber of Commerce agenda item may include some unsettling content. The committee decided to keep this item on the agenda and have Mr. Gordon obtain additional information.

Motion: Judge Shaughnessy moved to approve the Judicial Council agenda, as amended to add the Windows 7 item and add the Policy Recommendations on Workforce Climate item. Judge Farr seconded the motion, and it passed unanimously.

14. OLD BUSINESS/NEW BUSINESS

Ms. Dupont mentioned the Second District Court – Morgan County was seeking an exception for jury trials. Additionally, the TCEs addressed some concerns about symptomatic jurors being seated. The committee decided to stay on the line after the Council meeting on Friday to discuss both issues.

15. EXECUTIVE SESSION

An executive session was held.

16. ADJOURN

The meeting adjourned.

Tab 3

Utah Court-Annexed Alternative Dispute Resolution (ADR) Program

FY2021 Annual Report to the Judicial Council – Feb. 28, 2022

History

In 1994, the Utah State Legislature enacted the Utah Alternative Dispute Resolution Act which required the Judicial Council to implement a program utilizing Alternative Dispute Resolution (ADR) in the state courts. The program was implemented by the Judicial Council and Supreme Court rules in January 1995.

Covid-19 Pandemic Response

All mediation programs directly administered through the Court's ADR Office (Child Welfare, Co-parenting and Restorative Justice) were shifted online in April 2020 and continue to be offered exclusively online as of February 28, 2022.

ADR Programs

Child Welfare Mediation	Statewide (Juvenile Court cases involving abuse or neglect)
Co-Parenting Mediation	Third District (U.C.A. §30-3-38)
Divorce Mediation	Statewide (U.C.A. §30-3-39)
General Civil Referrals	Statewide (Mediation or Arbitration) (UCJA 4-510.05)
Restorative Justice	Statewide (Juvenile Victim/Offender & Truancy Mediation)
Probate Mediation	Statewide (UCJA 6-506)
Small Claims Mediation	Various Justice Courts
Small Claims Appeals	Second and Third Districts

ADR Program Structure and Rationale

The Utah Court ADR Programs are structured in various ways. Generally speaking, if the program is mandatory, we have more interest in quality assurance and require more training, oversight and evaluation:

- For **General Civil and Probate case referrals** we administer a Court Roster of private mediators and arbitrators who have met specific education, experience and ethical requirements as outlined in UCJA 4-510.03 and who requalify annually. Parties select their own mediator in these cases.
- For **Mandatory Divorce Mediation** we have a sub roster of Divorce Mediators who have received additional specialized training and mentoring.
- For **Co-parenting Mediation** referrals, which are required to be mediated within 15 days of filing, we screen cases, contact parties and assign mediations to a closed roster of private providers with specialized experience and training.
- For **Child Welfare Mediation** cases which are court-ordered and subject to very tight statutory timelines, we provide court staff mediators who are hired and trained specifically for these cases.
- For **Juvenile Court Victim/Offender and Truancy** cases, we provide court staff mediators who are hired and trained specifically for these case types.
- **Small Claims Mediation** programs utilize trained volunteer mediators and are administered through collaborations with universities and nonprofit community mediation organizations. The ADR Director collaborates with other court departments to support the rollout of Online Dispute Resolution (ODR) in the Justice Courts.

Utah Court-Annexed ADR Program – FY2021 Annual Report to Judicial Council
Page 2

ADR Program Statistics and Services –FY2021

- 2,109 cases were referred to ADR Programs that are directly administered by the Utah State Court’s ADR Office. In addition, more than 4,000 cases were mediated by private ADR providers selected by parties.
- Six ADR staff mediators (5 FTE) were assigned 1,643 Child Welfare mediations statewide. Of those cases mediated, 86% were resolved. Since 1998, the Child Welfare Mediation Program has conducted over 20,000 mediations for the Utah Juvenile Courts.
- Two Juvenile Justice mediators were assigned 84 Victim/Offender mediations and 27 Truancy mediations statewide.
- More than 181 *pro bono* Divorce and Co-parenting mediations were arranged by ADR staff.
- 587 *pro bono* mediations were provided through ADR Program collaborations with nonprofit community mediation organizations and educational institutions.
- The Utah Court Roster lists 172 private ADR providers who mediated 3,785 cases and arbitrated 27 cases in CY2020 (annual roster reporting is by calendar year). Court Roster members also provided 592 *pro bono* mediations and 2 *pro bono* arbitrations. Roster members reported conducting 63% of mediation sessions online in 2020.
- The ADR Committee of the Utah Judicial Council provides ethics outreach and education through the Utah Mediation Best Practice Guide created by the Committee in 2016. The Committee continues to review and update the Best Practice Guide based on input from outreach efforts and developments in the field of ADR.
- The Council’s ADR Committee created an online ethics examination for new applicants to the Utah Court Mediation Roster which expanded the scope of the exam to cover all Utah court rules and statutes that govern ethical behavior of mediators who are members of the Utah Court Roster. The ADR Committee continues to review Court Roster requirements in light of the Covid-19 pandemic and the increased use of virtual platforms to conduct mediation online.
- Ongoing ADR Training and information are provided to court personnel through New Judge Orientations and specialized training sessions arranged for judges, court staff and supervisors.
- ADR outreach and education are provided to the Utah Judicial Council, Utah State Bar, Utah State Legislature, Utah ADR Providers and court clients through reports, seminar and conference presentations and the ADR Program web site.

Utah Judicial Council's ad hoc Committee on Alternative Dispute Resolution

Committee Membership as of February 28, 2022

Judge Adam T. Mow, Chair, Third District Court

Judge Ryan M. Harris, Utah Court of Appeals

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, S.J. Quinney College of Law, University of Utah

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

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

Stephen D. Kelson, Attorney/Mediator

Talatou (Abdoulaye) Maiga, Ombudsman, Utah Valley University

Anne A. Cameron, Attorney/Mediator

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

Tab 4



Administrative Office of the Courts

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

February 28, 2022

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

MEMORANDUM

TO: Judicial Council
FROM: Judge Keith Kelly – WINGS Chair
Shonna Thomas, Program Coordinator - GRAMP
RE: Utah WINGS – Annual Report

The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) committee is a problem solving body that relies on court-community partnerships to:

- Oversee guardianship practice in the Courts;
- Improve the handling of guardianship cases;
- Engage in outreach/education; and
- Enhance the quality of care and quality of life of vulnerable adults.

WINGS is effective through participation of key stakeholders who understand and are in a position to improve the Courts' guardianship processes.

WINGS Executive Committee:

1.	Keith A. Kelly	Judge, WINGS Chair	3 rd District
2.	Brant Christiansen	Attorney/Partner	Lewis Hansen Law Firm
3.	Nels Holmgren	Director	Division of Adult and Aging Services
4.	Nan Mendenhall	Director	Adult Protective Services
5.	Andrew Riggle	Public Policy Analyst	Disability Law Center
6.	Shonna Thomas	Program Coordinator - GRAMP	Administrative Office of the Courts
7.	Michelle Wilkes	Court Visitor Program Coordinator	Administrative Office of the Courts

WINGS Steering Committee:

8.	James Brady	Judge	4 th District
9.	David Connors	Judge	2 nd District
10.	Shane Bahr	District Court Administrator	Administrative Office of the Courts
11.	Deborah Brown	Professional Guardian	Guardianship & Conservator Services
12.	TantaLisa Clayton	Attorney / Director	Utah Legal Services
13.	Katie Cox	Attorney	Disability Law Center
14.	Rob Denton	Attorney	Attorney at Law
15.	Rob Ence	Director	Utah Commission on Aging
16.	Xia Erickson	Director	Office of Public Guardian
17.	Wendy Fayles	Criminal Justice / Mentor	National Alliance on Mental Illness
18.	Leslie Francis	Attorney	University of Utah Law School
19.	Michelle Miranda	Clinical Neuropsychologist	University of Utah School of Medicine
20.	Daniel Musto	Administrator	Long-term Care Ombudsman
21.	Alan Ormsby	State Director	AARP
22.	Danaka Robles	Judicial Case Manager	4 th District
23.	Keri Sargent	Asst. District Court Administrator	Administrative Office of the Courts
24.	Katie Thomson	Judicial Case Manager	3 rd District
25.	James Toledo	Program Manager	Utah Division of Indian Affairs
26.	Todd Weiler	Senator	23 rd District
27.	Kaye Lynn Wootton	Assistant Attorney General	Medicaid Fraud Control Unit

WINGS Projects:

- CJA Rule 6-501 – Reporting Requirements for Guardians and Conservators. WINGS stakeholders identified gaps in this rule where additional language could help clarify. Working alongside the probate subcommittee, revisions to this rule were brought to the Policy and Planning committee in November 2021, for review and feedback. The committee recommended minor changes. WINGS continues to work with the probate subcommittee to make the suggested changes. This rule will be presented again to Policy and Planning in early 2022.
- Annual Report Review Process. In conjunction with Rule 6-501, WINGS created a new form, “Review of Guardianship or Conservatorship Reports” (copy attached). This form is intended to be filed by the guardian/conservator at the time the annual report is submitted, to assist the judge in the review process. The Forms committee reviewed the document and gave approval for its use in October 2021. Guardians/Conservators can begin using the form once revisions to CJA Rule 6-501 have been approved.
- Guardianship for School Purposes / Limited Guardianship of a Minor. WINGS was approached to look more closely at guardianships of minors. Concern was raised about court-appointed limited guardianships of minors for school purposes, in conflict with [Utah Codes 75-5-201\(1\)\(a\)](#) and [53G-6-303](#).

WINGS met with a legal representative from the Weber school district. WINGS also worked with the probate subcommittee. Upon confirming that Utah statute does not support a limited guardianship for a minor for school purposes, steps were taken to remove language from existing clerical and guardian manuals, court websites, OCAP, and CJA Rule 6-501. After revisions to Rule 6-501 are approved, WINGS will look at ways to assist in educating court staff of the changes.

- CJA Rule 6-507 – Court Visitors. This rule, which went into effect in November 2020, codifies and details the Court Visitor Program. In 2021, WINGS worked on revisions to the rule, including adding language to the definition of a Court Visitor, describing more clearly the process required for review of the reports submitted by Court Visitors, and clarifying the mechanism for making objections to Court Visitor reports.

In collaboration with the probate subcommittee, the suggested revisions to this rule were brought to the Policy and Planning committee in November 2021, for review and feedback. The committee recommended minor language changes. WINGS continues to work with the probate subcommittee to make the suggested changes. This rule will be presented again to Policy and Planning in early 2022.

- Utah Code 75-5-303. In October 2021, WINGS began reviewing [Utah Code 75-5-303](#), based upon reports from GRAMP, the Court Visitor Program, district court staff, and community partners of the need to clarify some of the language, intent, and training surrounding the statute. WINGS has identified seven areas in the statute that contain (a) confusing language resulting in some districts not properly following the code, (b) contradictions with other language in the statute, or (3) outdated language or criteria. WINGS will continue to review and develop recommendations on improving this statute.
- Rule 1-205 and WINGS Rule. WINGS took on the project of becoming a formal committee under the supervision of the Judicial Council. WINGS stakeholders engaged in discussions on the benefits and potential issues related to seeking this designation. It was determined that formalizing the committee's status under the Judicial Council would provide a clear succession plan for the district court judges serving on WINGS. It would also allow for improved rotation of court staff interested in serving.

WINGS created amendments to Rule 1-205 and developed a new supplemental WINGS rule (3-421). In December 2021, WINGS stakeholders unanimously approved the suggested amendments. WINGS will continue to pursue this project in 2022, with plans to present to the Policy and Planning committee in February.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for

_____,
Respondent

**Review of Guardianship or
Conservatorship Reports**

Case Number

Judge

The following reports are submitted for review: (check all that apply)

- ☐ Annual Financial Accounting ☐ Court Visitor Report ☐ Inventory Report
- ☐ Proof of Minor's Insurance Deposit ☐ Report on Status of the Ward ☐ Final Accounting

The judge, having reviewed the above report(s):

- ☐ Approves the reports as submitted. No further action is required.
- ☐ Requests the following additional information from the filer:

- ☐ Directs that a court visitor be appointed regarding the following:

- ☐ Directs that a hearing be set regarding the following:

- ☐ Other (describe):

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

(This form does not need to be sent if the court approves all the reports as submitted.)

Clerk's Certificate of Service

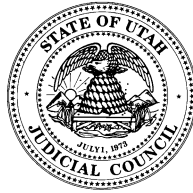
I certify that on _____ (date) a copy of this Review of Guardianship or Conservatorship Reports was sent to the following people at the following addresses:

Date

Signature ► _____

Printed name of court clerk _____

Tab 5



Administrative Office of the Courts

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

January 31, 2022

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

MEMORANDUM

TO: Judicial Council

FROM: Cathy Dupont, Deputy State Court Administrator

RE: Senior Judge Certification

I have one new active senior justice court judge certification for your consideration. Judge Ronald Powell is seeking initial certification and does not 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\(2\)](#)) Judge Powell appears to meet the criteria found in Code of Judicial Administration Rule [11-203. Senior Justice Court Judges.](#)

The National Center for State Courts does not conduct performance evaluations on justice court judges. We are working with the NCSC to determine if that is a possibility. The Board of Justice Court Judges unanimously supported Judge Powell's application (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.

Justice Court ACTIVE Senior Judge Application

Active senior judge status allows you to hear and determine cases and to perform weddings and oaths.

The declarations on the form reflect the qualifications established by rule 11-203 of the Utah Code of Judicial Administration. Please review them to confirm that they all apply and fill in any information requested. You should fill in your education hours based on your records or best recollection.

Your application will be considered first by the Judicial Council and then by the Supreme Court. You will receive an oath of office form if the Court approves your appointment.

PLANNED LEAVES OF ABSENCE: A judge applying for active senior judge status must elect inactive status during any planned leaves of absence if they could interfere with the judge's ability to fully comply with annual education requirements or the judge's ability to meet the judge's minimum senior judge service days.

NAME: Please provide your name below.

Ronald E Powell

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

03 / 17 / 2022

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

2022

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of ACTIVE Senior Judge and declare as follows (check ALL that apply): *

- ☒ 1) I was retained in the last election in which I stood for election.
- ☒ 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- ☒ 3) I am physically and mentally able to perform the duties of judicial office.
- ☒ 4) I demonstrate appropriate ability and character.
- ☐ 5) I am admitted to the practice of law in Utah, but I do not practice law.
- ☐ 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- ☒ 7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- ☒ 8) I am a current resident of Utah and available to take cases.
- ☒ 9) I will satisfy the education requirements of an active judge.
- ☒ 10) I will accept assignments at least two days per calendar year, subject to being called.
- ☐ 11) (If applying for a subsequent active senior judge term) During my last term of office, I accepted assignments at least two days per calendar year.
- ☒ 12) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration, and rules of the Supreme Court.
- ☒ 13) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been recommended for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- ☒ 14) I continue to meet the requirements for certification for judicial performance evaluation as those requirements are established for active senior judges.
- ☒ 15) I was not removed from office or involuntarily retired on grounds other than disability.
- ☒ 16) I was not suspended during my final term of office or final six years in office, whichever is greater.
- ☒ 17) I did not resign as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 18) I will submit relevant information as requested by the Judicial Council.
- ☒ 19) I have not been subject to any order of discipline for conduct as a senior judge.

- ☒ 21) There is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 22) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

IF APPLICABLE, please explain why you DID NOT check any of QUALIFICATIONS the boxes above. In other words, please explain why any of the qualifications/declarations above do not apply to you. Please include the qualification/declaration number.

5. I did not attend a Law school 6. My Jurisdiction Stockton Precint did not offer retirement 11. This is my first application for Sr. Judge

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

N/A

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

- ☒ A) I have held no more than three cases per calendar year under advisement more than two months after submission.
- ☒ B) I have held no cases under advisement more than 180 days after submission.
- ☒ C) I am in substantial compliance with the Code of Judicial Conduct.
- ☒ D) I am physically and mentally fit for office.

IF APPLICABLE, please explain why you DID NOT check any of the JUDICIAL PERFORMANCE EVALUATION boxes above. In other words, please explain why you HAVE NOT met any of the performance standards. Please include the standard letter(s).

N/A

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

30 or more ▼

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

30 or more ▼

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

30 or more ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during any of the three fiscal years listed above. Please include any planned courses for the current fiscal year.

N/A: I have always maintained more than 30 hrs

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

☒ Yes

☐ No

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

N/A

PLANNED LEAVES OF ABSENCE: Please check the box to indicate acknowledgement. *

☒ I understand that I must request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education or minimum senior judge service day requirements.

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

Ronald E Powell

This form was created inside of Utah State Courts.

Google Forms

Tab 6

JUDICIAL COUNCIL FEBRUARY 2022

CERTIFICATION

The following courts essentially meet The Required and Presumed Best Practices:

Adult:

District 1	Cache County	Logan	Judge Cannell	ADC2CACHE
District 1	Box Elder County	Brigham City	Judge Maynard	ADC1BOXELDER
District 4	Utah County	Provo	Judge Howell	ADC23UTAH
District 4	Utah County	Provo	Judge Eldridge	ADC24UTAH
District 6	Sevier County	Richfield	Judge Bagley	ADC19SEVIER
District 6	Kane County	Kanab	Judge Lee	ADC10KANE
District 7	San Juan County	Monticello	Judge Torgenson	ADC17SANJUAN
District 8	Uinta County	Vernal	Judge McClellan	ADC22UINTA

Mental Health:

District 6	Sevier County	Richfield	Judge Bagley	AMHC9SEVIER
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Family Dependency:

District 5	Washington County	St George	Judge Leavitt	JFDDC15WASHINGTON
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UTAH JUDICIAL COUNCIL
ADULT DRUG COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: LOGAN,CACHE COUNTY

COURT NUMBER: ADC2CACHE

JUDGE NAME: CANNELL

REVIEW DATE: 2022

*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 standards.*

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, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	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.

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 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.

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 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.*

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 Drug 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 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	IV.I.

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			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.
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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.

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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.
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,	V.J.

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			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 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: BRIGHAM CITY, BOX ELDER COUNTY

COURT NUMBER: ADC1BOXELDER

JUDGE NAME: MAYNARD

REVIEW DATE: 2022

*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 standards.*

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, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	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.

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 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.

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 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.*

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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 Drug Court session.	VIII.A.*
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<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 Drug Court. ONLY IF BACK BEFORE THE COURT	X.C.
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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,	V.J.

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			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 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: UTAH COUNTY, PROVO

COURT NUMBER: ADC23UTAH

JUDGE NAME: HOWELL

REVIEW DATE: 2022

*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 standards.*

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, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	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.

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 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.

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 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.*

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 Drug 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 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	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 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.

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 Drug 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 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.	

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

COURT LOCATION: UTAH COUNTY, PROVO

COURT NUMBER: ADC24UTAH

JUDGE NAME: ELDRIDGE

REVIEW DATE: 2022

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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.

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 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.*

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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 Drug 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 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	IV.I.

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		#	<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 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.

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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.
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,	V.J.

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			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 Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

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

COURT LOCATION: RICHFIELD, SEVIER COUNTY

COURT NUMBER: ADC19SEVIER

JUDGE NAME: BAGLEY

REVIEW DATE: 2022

*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 standards.*

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, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	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.

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 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.
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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.

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 Drug 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 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
<input type="checkbox"/>	X	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,	V.J.

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			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 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: KANAB, KANE COUNTY

COURT NUMBER: ADC10KANE

JUDGE NAME: LEE

REVIEW DATE: 2022

*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 standards.*

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, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	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.

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 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.

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 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.*

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 Drug 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 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	IV.I.

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			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 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.
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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.
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X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
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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.
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<input type="checkbox"/>	X	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.
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			e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
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UTAH JUDICIAL COUNCIL
ADULT DRUG COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: MONTICELLO, SAN JUAN COUNTY

COURT NUMBER: ADC17SANJUAN

JUDGE NAME: TORGENSON

REVIEW DATE: 2022

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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, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	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.

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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.

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 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.	
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X	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
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X	<input type="checkbox"/>	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.	
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X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
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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.*

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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 Drug 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 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	IV.I.

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			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 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.

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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.
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.
<input type="checkbox"/>	X	35	The Drug Court has more than 15 but less than 125 active participants. COVID	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
<input type="checkbox"/>	X	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,	V.J.

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			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 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.
<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 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: VERNAL, UINTA COUNTY

COURT NUMBER: ADC22UINTA

JUDGE NAME: MCCLELLAN

REVIEW DATE: 2022

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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 Drug 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 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	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 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.

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 Drug 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 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.
<input type="checkbox"/>	X	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,	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
			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 Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input type="checkbox"/>	X	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.
<input type="checkbox"/>	X	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

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

COURT LOCATION: RICHFIELD, SEVIER COUNTY

COURT NUMBER: AMHC9SEVIER

NAME: BAGLEY

REVIEW DATE: 2022

*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, however, if a program is unable to target high risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	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	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			Court team.	
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.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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.
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.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
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 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.	
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X	<input type="checkbox"/>	54	The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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X	<input type="checkbox"/>	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
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X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of eligibility screening.	
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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
<input type="checkbox"/>	X	1	The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4	For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input checked="" type="checkbox"/>	<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.
<input checked="" type="checkbox"/>	<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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input checked="" type="checkbox"/>	<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.
<input checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input checked="" type="checkbox"/>	<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.
<input checked="" type="checkbox"/>	<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 checked="" type="checkbox"/>	<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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	<input checked="" 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
FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: ST.GEORGE, WASHINGTON COUNTY

COURT NUMBER: JFDDC15WASHINGTON

JUDGE NAME: LEAVITT

REVIEW DATE: 2022

*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, however, if a program is unable to target high-risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Family dependency court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Family dependency court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Family dependency court team.	III.D.

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

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

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

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

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

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

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

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

Tab 7

Language Access Committee Report to the Judicial Council

February 28, 2022

I. Interpreter Usage in Fiscal Year 2021

Court	Number of Proceedings
District Court	6,520
Juvenile Court	3,380
Justice Court	7,462
Total	17,362

District Usage of Interpreters	District Court	Juvenile Court	Justice Court
1 st	420	106	421
2 nd	785	461	919
3 rd	2,693	1,114	3,928
4 th	1,884	1,225	1,644
5 th	522	90	423
6 th	91	91	50
7 th	63	4	61
8 th	62	14	16
Youth Parole Authority		275	

II. Providing Interpreters: FY20 vs FY21

Court	FY 2020	FY2021	Growth Percentage
District Court	5,039	6,520	29%
Juvenile Court	3,711	3,380	-9%
Justice Court	6,173	7,462	21%
Total	14,923	17,362	16%

III. Most Requested Languages in Fiscal Year 2021

Top Requested Languages	
Spanish	14,195
Arabic	473
American Sign Language	322
Somali	230
Marshallese	202
Portuguese	169

IV. Committee Members

- Cade Stubbs, Clerk of Court, Fifth District Courts – Chair
 - Yadira Call, Certified Court Interpreter
 - Evangelina Burrows, Third District Interpreter Coordinator
 - Rory Jones, Chief Probation Officer, Seventh District
 - Judge Michael Leavitt, Fifth District Juvenile Court
 - Ingrid Oseguera, Certified Court Interpreter
 - Russell Pearson, Trial Court Executive, Eighth District
 - Chip Royce, Court Approved American Sign Language Interpreter
 - Judge Kelly Schaeffer-Bullock, Highland Justice Court
 - Judge Michael Westfall, Fifth District Court
- Staffed By: Kara Mann, Language Access Program Coordinator, AOC

The Committee meets every other month on the third Friday for two hours.

V. Completed Projects

- Reviewed and recommended a contract rate increase for freelance court interpreters
- Reviewed and revised the continuing education policy for certified court interpreters
- Drafted a proposed rule on reciprocity
- Revised the Conditionally Approved Interpreter Appointment Form
- Reviewed the Oral Interview Score Requirement
- Drafted proposed protocols for courts to consider regarding the COVID-19 backlog impact on court interpreter resources
- Regularly reviewed requests by interpreters for reciprocity or special requests

VI. On-Going Projects

- Creating a mentoring program for approved interpreters
- Drafting a policy on translations
- Drafting a new court rule to address interpreting recorded evidence
- Revising the court interpreter invoice

VII. Future Projects

- Creating a training module for court interpreters on using Cisco's WebEx SI feature
- Updating the Language Access Plan
- Improving language access services outside of courtrooms

VIII. Looking Forward- Challenges

- The growth rate of cases requiring court interpreters
- The low number of approved Spanish interpreters who are passing NCSC's Oral Proficiency Exam to become certified court interpreters
- The shortage of CART service providers within Utah. CART services are an ADA accommodation for deaf or hard-of-hearing parties who do not know American Sign Language.

Tab 8

**Budget and Grants Agenda
for February 28, 2022 Judicial Council Meeting**

1. YE 2022 Available Funds & Spending RequestsJudge Mark May
(Action) Karl Sweeney

YE 2022 Spend Requests Presented for Approval by Judicial Council

12. Performance Bonus Payments (Q3/Q4)Bart Olsen
Karl Sweeney
13. Law Library – Delayed Subscription Payments Nathanael Player
14. Jury Assembly Room - Ogden.....Larry Webster
2. Grant Coordinator Report and Requests..... Jordan Murray
(Information / Action)

Q4 2021 Grant Coordinator Report (Information)
SJI Grant for the Salt Lake City Justice Court (Action)
3. Webex, Windows 7, and Device Consolidation Memo..... Todd Eaton
(Action)
4. Targeted Market Pay Increases..... Cathy Dupont
(Action)



FY 2022 Ongoing Turnover Savings - Update as of 02/07/2022

			Actual	Forecasted
#		Funding Type	Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2021, includes unallocated ongoing appropriation)	Internal Savings	200,154	200,154
2	Ongoing Turnover Savings FY 2022 (forecast includes \$50k x 5 remaining months)	Internal Savings	525,683	775,683
3	TOTAL SAVINGS		725,837	975,837
	2021 Hot Spot used (balance available at beginning of FY was \$99,950)	Savings Usage	(99,950)	(99,950)
	2022 Hot Spot used (\$110k initially available raised to \$200k in October Judicial Council)	Savings Usage	(149,507)	(200,000)
	2022 Authorized Ongoing for Performance Based Raises	Savings Usage	-	(450,000)
4	TOTAL USES		(249,457)	(749,950)
5	Actual Turnover Savings for FY 2022 as of 02/01/2022 and Forecast at YE 6/30/2022		\$ 476,380	\$ 225,887
Prior Report Totals			\$ 400,183	\$ 163,633

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 23 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- * Currently, 61.25 FTE are vacant with 19 in process of being filled. If those fill, with no other changes, that would leave 42.25 FTE vacant.
- 1 Line 1 has been reduced by \$44,300 from \$244,454 to \$200,154 due to potential legislative action regarding the follow up of spending for HB 196 - Domestic Relations Debt.
- 2 We expect the YTD OTS to increase by approx. \$50K per month for the remaining 5 periods of FY 2022 = \$250k. When added to \$525k in YTD savings (line 2), this will put the Courts at ~ \$776k in ongoing turnover savings for the year.
- 3 When the carried over and appropriated amount (line 1) with the YE forecast (line 2), the grand total for YE 2022 increases to ~ \$976k.
- 4 If all hot spot and authorized money is expended (a total of \$749,950), the YE forecast of available ongoing OTS is reduced to ~ \$226k.
- 5 Last report's (dated 12/14/21) Forecast YE Turnover Savings number was \$163,633.



FY 2022 One Time Turnover Savings

Updated as of Pay Period Ending 01/21/2022 (1176 out of 2088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 01/21/2022)	Internal Savings	2,287,202
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 01/21/2022)	Reimbursements	337,027
3	Est. One Time Savings for 912 remaining pay hours (\$2k / pay hour)	Internal Savings (Est.)	1,824,000
	TOTAL POTENTIAL SAVINGS		4,448,229
Total Potential One Time Savings			\$ 4,448,229

- * Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,629.95, \$1,556.47, \$2,348.43, and \$2,138.50. The average per hour turnover savings YTD is \$2,231.49. We are estimating an amount of \$2,000 per hour. As we get additional data, we will refine our estimates. These numbers do include expected ARPA reimbursements.



FY 2022 Year End Forecasted Available One-time Funds

One-time Spending Plan						
Forecasted Available One-time Funds				#	One-time Spending Plan Requests	Current Requests Amount
Description	Funding Type	Amount				Judicial Council Prev. Approved Amount
Sources of YE 2022 Funds						
* Turnover Savings as of pay period ending 01/21/22 (including anticipated ARPA reimbursement)	Turnover Savings	2,624,229		1	Judicial Council Room Upgrades	39,481
** Turnover savings Estimate for the rest of the year (\$2k x 912 pay hours)	Turnover Savings	1,824,000		2	Statewide Router Upgrades	160,000
Total Potential One Time Turnover Savings		4,448,229		3	WiFi Access Points Upgrades	120,000
				4	FY 2022 Career Ladder Payments	243,000
*** Operational Savings From TCE / AOC Budgets	Internal Operating Savings	649,360		5	FY 2022 Performance Bonus Payments Q1/Q2	365,000
Reserve Balance (from August Judicial Council meeting net of approved reserve uses)	Judicial Council Reserve	414,829		6	Software for Clean Slate Legislation	19,667
				7	My Case Account Creation Enhancements	130,000
Uses of YE 2022 Funds				8	For The Record Upgrade	187,000
Maximum Carryforward into FY 2023	Desired Carryforward	(3,200,000)		9	Supplemental Secondary Language Stipend	5,200
				10	Taylorsville State Office Building AV Build-out Part 1	47,806
				11	Utah Criminal Justice Center Funding	5,000
Total Potential One Time Savings + Reserve Balance (a) + (b) + (c) for use in FY 2022 YE Spending		\$ 2,312,418		12	Performance Bonus Payments Q3/Q4	365,000
				13	Law Library - Delayed Subscription Payments	39,150
				14	Jury Assembly Room - Ogden	25,300
Less: Judicial Council Requests Previously Approved		\$ (1,322,154)		Current Month One-time Spending Requests		
Less: Judicial Council Current Month Spending Requests		\$ (429,450)		429,450		
Remaining Forecasted Funds Available for FY 2022 YE Spending Requests		\$ 560,814		Previously Approved 1x FY 2022 YE Spending Request		
				1,322,154		

Updated 02/07/2022

* Actual turnover savings as calculated on a pay period basis through 01/21/2022. Data can be found in the Budget Summary Excel workbook on the Personnel tab.

** Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,629.95, \$1,556.47, \$2,348.43, and \$2,138.50. The average per hour turnover savings YTD is \$2,231.49. We are estimating an amount of \$2,000 per hour. As we get additional data, we will refine our estimates. These numbers do include expected ARPA reimbursements.

*** This amount has been updated based on forecasts from budget managers (TCEs, AOC Directors, etc) which were received in January/February 2022.

12. FY 2022 YE Spending Request – Q3/Q4 Performance Bonus Payments

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: 2/9/2021

Department or District: AOC Administrators

Requested by: Bart Olsen and Karl Sweeney

Request title: FY 2022 Q3/Q4 Performance Bonus Payments

Amount requested: \$365,000 (\$275,000 in cash payments + \$90,000 in retirement and employer taxes)

One-time funds

Purpose of funding request: The conversion of the Court's 1x bonus plans from a few JAs and POs in career ladder to a court-wide performance bonus plan includes a Judicial Council-approved twice a year opportunity for management to recognize performance against goals with 1x bonus payments.

Under this plan all non-judicial Court employees who are not in Career Ladder for FY 2022 have the opportunity to receive Performance Bonuses using one-time Turnover Savings (1x TOS) similar to the one-time Incentive Bonus payments that were made in Spring FY 2021 and December 2021. The FY 2022 Q1/Q2 total payment was \$365,000. The FY Q3/Q4 proposed payment is exactly the same amount as was approved in FY Q1/Q2. If this request is approved, the actual performance bonus payments for FY 2022 will be \$730,000. The Q3/Q4 performance bonuses will likely be paid out in May/June.

As shown in the chart below, inclusive of the last Career Ladder payments which will be ending June 30, 2022, the FY 2022 performance and career ladder combined amount (see bold column below) is on par with the amount paid out in FY 2021. Starting in FY 2023, we expect performance bonuses to total approximately \$950,000 per year. Here is the comparison:

	<u>FY 2021</u>	<u>FY 2022</u>	FY 2023 (f'cast)
Payment in spring 2021	\$990,300		
Perf. Bonus Payment Plan		\$730,000	\$950,000
Final Career Ladder Payments		\$243,000	-
Total	\$990,300	\$973,000	\$950,000

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

Performance Bonus Payments are meant to be given as employees complete their individual performance goals as set with their manager. Not all goals will be accomplished in Q1 or Q2, but with the continued high turnover of Court personnel, we are encouraging managers to begin paying performance bonus payments as eligible employees complete portions of their annual goals. The amount of the performance bonus plan varies with some employees receiving Performance Raises (ongoing funds) and others Performance Bonus payments (1x funds). Of course, those who do not complete their performance goals may not receive either of these type of payments.

12. FY 2022 YE Spending Request – Q3/Q4 Performance Bonus Payments

This second set of payments reinforces the payments made in Q1/Q2 of FY 2022 and encourages the accomplishment of an employee's goals. It also serves to assure employees that the Performance Bonus plan is real and can be relied upon as part of the total compensation plan for the Courts.

Appendix A shows the state agencies that paid performance bonuses in the 3 year period 2019 – 2021 ranked highest payment per awardee to lowest payment per awardee in FY 2021.

The Courts normally generate in excess of \$5.0M in combined 1x TOS and non-personnel savings annually. These savings fund Performance Bonus payments. AOC Finance feels confident that there will be sufficient 1x TOS/non-personnel savings in FY 2022 to fund this final Performance Bonus Payment request and have at least \$2.5M in carryforward funds to be used for FY 2023.

Alternative funding sources, if any:

None.

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

We would be outside the terms approved by the Judicial Council and communicated to JAs and POs in spring 2021. It would potentially accelerate turnover in these critical areas.

Appendix A : Incentive Award Payments (object code 5150) by Department

Department	2019			2020			2021		
	Incentive Dollars	Incentives Awarded	Average / Instance	Incentive Dollars	Incentives Awarded	Average / Instance	Incentive Dollars	Incentives Awarded	Average / Instance
540 School & Institutional Trust Fund Office	\$ 8,000.00	2	\$ 4,000.00	\$ 2,500.00	2	\$ 1,250.00	\$ 18,500.00	5	\$ 3,700.00
190 Utah National Guard	\$ 196,335.99	92	\$ 2,134.09	\$ 73,150.00	36	\$ 2,031.94	\$ 66,900.00	27	\$ 2,477.78
060 Governor's Office	\$ 106,809.56	60	\$ 1,780.16	\$ 104,331.76	102	\$ 1,022.86	\$ 188,850.00	86	\$ 2,195.93
012 House of Representatives	\$ 25,064.23	21	\$ 1,193.53	\$ 26,806.24	15	\$ 1,787.08	\$ 26,864.77	13	\$ 2,066.52
014 Legislative Research & General Counsel	\$ 3,800.00	25	\$ 152.00	\$ 85,056.40	33	\$ 2,577.47	\$ 109,000.00	64	\$ 1,703.13
690 Dept of Insurance	\$ 102,950.00	69	\$ 1,492.03	\$ 79,350.00	67	\$ 1,184.33	\$ 128,750.00	80	\$ 1,609.38
016 Legislative Auditor General	\$ 2,700.00	6	\$ 450.00	\$ 20,950.00	10	\$ 2,095.00	\$ 22,250.00	14	\$ 1,589.29
017 Legislative Services	\$ 4,100.00	20	\$ 205.00	\$ 3,550.00	8	\$ 443.75	\$ 10,100.00	7	\$ 1,442.86
550 School & Institutional Trust Lands Admin	\$ 63,200.00	103	\$ 613.59	\$ 30,841.00	30	\$ 1,028.03	\$ 68,000.00	50	\$ 1,360.00
590 Dept of Natural Resources - Public Lands Policy Coordination	\$ 26,200.00	11	\$ 2,381.82	\$ 17,500.00	10	\$ 1,750.00	\$ 36,200.00	27	\$ 1,340.74
063 Governor's Office of Economic Opportunity	\$ 35,250.00	37	\$ 952.70	\$ 67,200.00	57	\$ 1,178.95	\$ 114,950.00	96	\$ 1,197.40
050 State Treasurer	\$ 23,850.00	17	\$ 1,402.94	\$ 300.00	2	\$ 150.00	\$ 4,350.00	4	\$ 1,087.50
015 Legislative Fiscal Analyst	\$ 5,850.00	11	\$ 531.82	\$ 16,599.41	15	\$ 1,106.63	\$ 10,600.00	10	\$ 1,060.00
080 Attorney General	\$ 629,529.46	859	\$ 732.86	\$ 1,118,311.58	1039	\$ 1,076.33	\$ 1,008,480.00	978	\$ 1,031.17
270 Dept of Health	\$ 148,450.00	294	\$ 504.93	\$ 216,947.52	321	\$ 675.85	\$ 392,170.68	410	\$ 956.51
710 Dept of Cultural and Community Engagement	\$ 102,720.00	150	\$ 684.80	\$ 44,450.00	73	\$ 608.90	\$ 151,850.00	159	\$ 955.03
061 Office of Energy Development	\$ 15,100.00	28	\$ 539.29	\$ 4,100.00	4	\$ 1,025.00	\$ 38,700.00	42	\$ 921.43
020 Judicial Branch	\$ 172,122.41	1156	\$ 148.89	\$ 158,848.66	1020	\$ 155.73	\$ 1,179,223.19	1282	\$ 919.83
100 Dept of Government Operations - Admin Services	\$ 187,775.00	317	\$ 592.35	\$ 162,192.23	283	\$ 573.12	\$ 225,900.00	281	\$ 803.91
065 Utah Science Technology & Research Initiative	\$ 43,240.00	16	\$ 2,702.50	\$ 4,000.00	1	\$ 4,000.00	\$ 2,400.00	3	\$ 800.00
700 Public Service Commission	\$ 8,550.00	18	\$ 475.00	\$ 7,350.00	12	\$ 612.50	\$ 3,150.00	4	\$ 787.50
090 Utah State Auditor	\$ 64,496.30	81	\$ 796.25	\$ 16,100.00	18	\$ 894.44	\$ 32,450.00	56	\$ 579.46
011 Senate	\$ 33,152.98	22	\$ 1,506.95	\$ 6,550.00	14	\$ 467.86	\$ 5,550.00	12	\$ 462.50
410 Dept of Corrections	\$ 179,287.14	1463	\$ 122.55	\$ 313,905.82	1776	\$ 176.75	\$ 707,161.24	1813	\$ 390.05
400 Utah State Board of Education	\$ 170,231.15	258	\$ 659.81	\$ 108,921.20	202	\$ 539.21	\$ 73,548.91	191	\$ 385.07
120 Tax Commission	\$ 74,728.56	161	\$ 464.15	\$ 17,260.00	57	\$ 302.81	\$ 171,900.00	490	\$ 350.82
110 Dept of Government Operations - Technology Services	\$ 115,100.00	365	\$ 315.34	\$ 142,425.00	512	\$ 278.17	\$ 127,868.71	389	\$ 328.71
670 Dept of Commerce	\$ 47,500.00	121	\$ 392.56	\$ 24,850.00	83	\$ 299.40	\$ 37,950.00	116	\$ 327.16
200 Dept of Human Services	\$ 1,678,238.33	4428	\$ 379.01	\$ 1,068,839.30	2936	\$ 364.05	\$ 413,985.00	1672	\$ 247.60
810 Dept of Transportation	\$ 1,039,372.44	4385	\$ 237.03	\$ 972,847.64	7032	\$ 138.35	\$ 1,016,512.60	4117	\$ 246.91
660 Labor Commission	\$ 17,650.00	77	\$ 229.22	\$ 8,650.00	33	\$ 262.12	\$ 8,300.00	35	\$ 237.14
600 Dept of Workforce Services	\$ 739,892.04	3160	\$ 234.14	\$ 672,676.04	2254	\$ 298.44	\$ 197,181.82	844	\$ 233.63
570 Dept of Agriculture & Food	\$ 92,760.00	241	\$ 384.90	\$ 128,210.00	306	\$ 418.99	\$ 41,750.00	187	\$ 223.26
140 Dept of Government Operations - Human Resource Management	\$ 86,865.27	180	\$ 482.58	\$ 16,200.00	87	\$ 186.21	\$ 17,475.00	88	\$ 198.58
650 Dept of Alcoholic Beverage Control	\$ 135,023.11	807	\$ 167.31	\$ 217,983.52	1178	\$ 185.05	\$ 151,437.99	791	\$ 191.45
560 Dept of Natural Resources	\$ 364,920.36	1878	\$ 194.31	\$ 332,901.52	1802	\$ 184.74	\$ 372,107.52	1990	\$ 186.99
680 Dept of Financial Institutions	\$ 4,050.00	54	\$ 75.00	\$ 1,700.00	15	\$ 113.33	\$ 2,300.00	18	\$ 127.78
480 Dept of Environmental Quality	\$ 117,775.00	511	\$ 230.48	\$ 117,905.00	431	\$ 273.56	\$ 118,889.00	1022	\$ 116.33
180 Dept of Public Safety	\$ 323,800.58	2228	\$ 145.33	\$ 192,364.00	1641	\$ 117.22	\$ 171,750.00	1567	\$ 109.60
013 Legislative Printing	\$ 1,200.00	3	\$ 400.00	\$ -		\$ -	\$ -		\$ -
030 Capitol Preservation Board	\$ 2,500.00	1	\$ 2,500.00	\$ -		\$ -	\$ -		\$ -
430 Board of Pardons & Parole	\$ 1,200.00	7	\$ 171.43	\$ 1,300.00	6	\$ 216.67	\$ -		\$ -
450 Dept of Veterans & Military Affairs	\$ 2,600.00	8	\$ 325.00	\$ 4,200.00	24	\$ 175.00	\$ -		\$ -
Grand Total	\$ 7,203,939.91	23751	\$ 303.31	\$ 6,610,123.84	23547	\$ 280.72	\$ 7,475,306.43	19040	\$ 392.61

13. FY 2022 YE Spending Request – Law Library – Delayed Subscription Payments

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: 1/31/2022

Department or District: Utah State Law Library

Requested by: Nathanael Player

Request title: Law Library Delayed Subscription Payments

Amount requested: \$39,150

One-time funds

Purpose of funding request: To cover a funding shortfall in the Law Library's budget. Funds to cover library expenses were mistakenly unspent last fiscal year, and \$39,150 was added to the FY 2022 carryforward spending balance in error. However, our vendor, Thomson Reuters, has now been paid, but out of the budget for the current fiscal year. With this expenditure, the Law Library will not have sufficient funds to pay for all of our FY 2022 expenses and requests a restoration of the funds added to the FY 2022 carryforward balance in error.

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

The Law Library asks the Council to return \$39,150 in funds that were added to the FY 2022 carryforward by the Law Library last year instead of paying 8 months of a Thomson Reuters subscription.

Jessica Van Buren was the state law librarian until October, 2020. Jessica used to log into the library's Thomson Reuters account and download a monthly invoice in the amount of \$4,893 from Thomson Reuters. Unlike all of our other invoices, this one did not come in a paper format. I covered Jessica's responsibilities in her absence. I did not know about this expense, and did not know that I needed to download the invoice from our online account. The bill went unpaid from November, 2020, to June, 2021. This resulted in 8 months x \$4,893 = \$39,150 of the Law Library's budget being unspent, and forfeited to the FY 2022 carryforward and has been used for other spending priorities.

We did not know about this arrearage until after the start of FY 2022, when Thomson Reuters contacted us concerning the unpaid invoices. Our account representative told us that their system showed that the invoices should have been sent via US mail, but they were not for reasons she could not readily explain. Once we fully understood the nature of the problem, we paid the past-due balance of \$39,150 this fiscal year. Because this should have been paid in FY 2021, and the funds to pay for it were placed in FY 2022 carryforward funds, unless those funds are restored from FY 2022 YE surplus funds, this expense will leave the Law Library without sufficient funds to pay for its FY 2022 expenses.

The monthly charges are to keep the Law Library's entire collection of publications from Thomson Reuters up-to-date and to reflect the current state of the law. With how rapidly laws can change, we

13. FY 2022 YE Spending Request – Law Library – Delayed Subscription Payments

need to provide resources that include relevant information for researchers and ensure that our patrons are not using out-of-date resources that may provide incorrect legal information.

Alternative funding sources, if any: None.

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

If the Law Library does not receive this funding it will not be able to pay for FY 2022 expenses.

14. FY 2022 YE Spending Request – 2nd District – Ogden Jury Assembly Room & Layton Courtrooms

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: 01/31/2022

Department or District: Second District

Requested by: Lawrence Webster

Request title: Ogden Jury Assembly Room, Layton Jury Boxes, and Other Furniture Repairs

Amount requested: \$ 25,300

One-time funds

Purpose of funding request: Provide basic equipment for new jury assembly room in Ogden. Provide chairs for jurors in Layton courtrooms after theater seating is removed.

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

- 1) The Ogden District Court has never had adequate space for jury assembly. A fourth floor conference room has been used, but we routinely exceed the maximum occupancy of the area if we do two juries at a time or have a high-profile case. We have been working for more than five years to get funding for a jury assembly room on the first floor, next to the building entrance. Money was eventually provided, the project is in progress, and we expect the room to be ready for occupancy in March 2022. At the time budget resources were allocated, we did not expect the facility to be ready until July and planned on funding equipment and furnishings from next year's budget.

The Ogden jury room request is \$24,800 for:

- flip-top tables that can be used in flexible configurations,
- a monitor to mount on the wall and speakers for the ceiling to show jury videos, and
- a desk for the jury clerk to use when checking in jurors

We will move existing juror chairs down from the fourth floor.

- 2) The Ogden jury assembly room construction also impacted the 4 security offices for the courthouse. We obtained project funding to pay for paint and carpet for 1 of the affected areas. This request includes \$2,000 for additional paint and carpet for the remaining three security offices in the security area which still have the original, 20-year-old paint and carpet that are in horrible shape.
- 3) One of the last steps in completing renovations in the Layton courtrooms is to replace the theater seating in both courtrooms with pews. Chris Talbot generously offered to cover the cost of the pews and their installation except for the jury boxes where pews are not appropriate. Rather than install expensive, fixed jury seats that cost nearly \$1,000 each, we decided to use

14. FY 2022 YE Spending Request – 2nd District – Ogden Jury Assembly Room & Layton Courtrooms

free-standing chairs. We were able to identify very nice chairs for about \$350 each. We need the chairs to be available immediately after the theater seating is removed. The request is for 16 chairs (8 for each courtroom) @ \$350 each = \$5600.

- 4) We have recarpeted the entire Layton court facility over the last several years, except for courtroom one. When we purchased carpet, we obtained enough for the last courtroom, and we have it in storage. We request additional funds (\$3,000) for installing this carpet we already have on hand. The cost includes the removal and disposal of the existing theater seating in both courtrooms.
- 5) Finally, due to some organizational changes, we have a desk that must be replaced in the chambers area of the Farmington court commissioner. Parts of the original desk were removed to squeeze two people into a very small space. Now that we are going back to a single desk in the area, we must provide a desk configuration that works for the judicial assistant. Cost of the desk is \$2,400.

Recap:

Cost of items listed above -	\$37,800
Less 2 nd District funds	<u>(\$12,500)</u>
Net request	\$25,300

Alternative funding sources, if any:

The alternative funding source is next year's budget.

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

The consequence of not providing funding is that we will not be able to use the jury assembly room for five months or more because of lack of adequate furnishings. Painting and recarpeting the security area will take more time and cost more if it is addressed as a separate project next year.

In Layton, we will be forced to find chairs to seat jurors from existing furniture, probably by requiring jurors to move their own chairs back and forth between the courtroom and jury deliberation room.

Not replacing the Farmington desk would be inconvenient for staff, but not a critical problem.



Administrative
Office of the
Courts

Grants Report

2021-Q4

Prepared for the
Judicial Council

February 2022



GRANTS REPORT

This grant report has been prepared for the Utah Judicial Council. The report aims to provide a high-level review of grant related activities occurring during the calendar quarter. For information about specific grant activities see *Court Staff Project Updates*. Financial data may be viewed in the *Financial Dashboard*.

Contents

Grant Portfolio	1
Project Updates	3
Financial Dashboard	5

GRANT PORTFOLIO



Active Grants



Closed Grants

- **State Court Improvement Program (HHS CIP) Juvenile Courts**
Grant **2918** | **2919** | **2957**
- **State Access & Visitation (HHS)**
AOC Alt Dispute Resolution
Grant **2962**
- **Domestic Violence Prevention (VAWA) (UDVC) AOC Domestic Violence Program**
Grant **2936** | **2999**
- **Guardian ad Litem (VOCA) & CASA Mentoring (CASA)AOC**
Guardian ad Litem
Grant **2967** | **2968**
- **Innovation Office & Regulatory Sandbox (SJI) (Hewlett)**
Utah Supreme Court
Grant **2933** | **2938** | **2940**
- **Online Dispute Resolution (SJI) (Pew Charitable Trusts)**
AOC Information Technology
Grant **2935** | **2943**
- **Bail Reform & Pre-Trial Release H.B.206 (JAG)**
AOC General Counsel
Grant **2939**

COURT STAFF PROJECT UPDATES



Court Improvement Program Bridget Koza | AOC

For our Multidisciplinary Parent Representation Project, we have finalized our evaluation plan and will begin collecting data to determine if multidisciplinary parent representation improves rates of reunification and time to permanency. For our Hearing Quality project, we completed phase 1 of the evaluation of two pilot courtrooms that implemented the benchcard in September 2021 to improve the discussions at hearings so appropriate and timely permanency is achieved for all children and families.

State Access & Visitation Kathleen Bowman | AOC

Co-Parenting Mediation received 52 referrals in the second quarter of SFY2022.

Domestic Violence Program Amy Hernandez | AOC

With grant funding, the DV Program has been able to: train court staff, judicial officers, and community stakeholders about domestic violence, dating violence, protective orders, stalking, human trafficking, and sexual violence; provide training resources for judges and court staff; develop criminal protective order forms in accordance to state and federal statutes, take over and manage the Protective Order Network; audit protective orders with BCI and work with court staff to correct rejected protective orders (i.e. rejected by NCIC and BCI due to lack of information); write and edit a Sexual Violence

Bench Book (pending review from the Sexual Violence Bench Book Committee and the General Counsel Department); work with the Native American Nations, community service providers, and the Office of Fairness and Accountability to begin assessing access to justice for Native American litigants involved in domestic violence, sexual violence, and similar case types.

Court Appointed Special Advocates / GaL Melanie Speechly | AOC

Child victims were given information about their rights, the court process explained, referred to resources or other agencies 650 times this quarter. 17 foster care guides Advocate for Myself (developed by CASA) were given to teenagers who recently entered the foster care system to help them navigate their journey. Prior to court, the CASA visits with the child victim, communicates with a child's caregiver, parents, foster parents, relative, and therapists. They write a report to update the Guardian ad Litem (attorney), bringing attention to their recommendations, this happened 1681 times this quarter. CASAs do a fantastic job communicating with the children, the Guardian ad Litem and the caretakers. CASAs interventions with schools and teachers - 100 times this quarter. Hired a new Volunteer Coordinator to work with CASAs in 4th District.

Innovation Office & Regulatory Sandbox Q4 Reporting

Three additional entity applications have been filed between October-December 2021, bringing the total applications to fifty-four that have been processed by the Office since October 2020. Thirty-three nontraditional legal service providers have now been authorized to provide legal services in Utah under the oversight of the Office of Legal Services Innovation. Of those authorized providers, eighteen are offering services. Following the last reporting period, an additional 7,628 legal services have been sought (increase of 150% from the previous report) bringing the total number of services sought to 12,721 among approximately 10,000 unduplicated clients.

To date, entities have reported seven complaints to the Office, approximately 1 complaint per ~1817 services delivered. The first complaint was reported in the April 2021 report and was linked to the harm of an inappropriate or inaccurate legal result. The second complaint was reported in the May 2021 report but was not linked to any of the “three harms.” The third, fourth, and

fifth complaints were linked to exercising legal rights and were reported during June, September, October 2021 respectively. Two complaints were reported during December 2021 but neither was harm-related. The ratio of harm-related complaints to services was approximately 1 complaint per ~3180 services. The Office clarified complaints with entities and entity responses to consumer complaints were adequate relative to the type and severity of complaint.

The Innovation Office has secured thirty user licenses from QuickBase to initiate the development of a low-code secure relational database enabling accurate and feasible collection of ex-post (backend) regulatory data.

Online Dispute Resolution Q4 Reporting

Project-funded activities this quarter have focused on finalizing updates to the ODR/MyCase platform as identified in the accessibility assessment and the University of Arizona's Innovation for Justice Program evaluation. Select updates to ODR/MyCase this quarter include: (1) adding a defendant response option in initial questionnaire (2) creation of a user self-reported demographic information pop-up upon initial MyCase login (3) multiple ChatBot features implemented to provide real-time automated services assisting users with various aspects of their case.

The ODR team met with NCSC staff to discuss the drafting of an "expression of interest" document for other state court jurisdictions. This document is available on the NCSC website ([link](#)) and offers information on the ODR platform developed by Utah, the evaluations provided by the University of Arizona and NCSC, and contact information for interested jurisdictions

FINANCIAL DASHBOARD

000143

Grants Financial Dashboard Calendar Q4 2021							
Unit #	Sponsoring Unit (beneficiary if different)	Funded Grant Title	Grant Award	Expenditures Life-to-Date	Expenditures Calendar Q4	Funds Balance	Source of Grant Funds
Federal Funds							
2918	Juvenile Courts	Court Improvement Program (CIP) - Data	\$ 146,189	\$ 37,089	\$ 37,089	\$ 109,100	DHHS Children's Bureau
2919	Juvenile Courts	Court Improvement Program (CIP) - Training	\$ 146,189	\$ 19,308	\$ 19,308	\$ 126,881	DHHS Children's Bureau
2957	Juvenile Courts	Court Improvement Program (CIP) - Basic	\$ 158,976	\$ 9,116	\$ 9,116	\$ 149,860	DHHS Children's Bureau
		Court Improvement Program (CIP) - Combined Oct'21-Sep'23	\$ 450,172	\$ -	\$ -	\$ 450,172	DHHS Children's Bureau
TBD	Juvenile Courts	Pandemic-related supplement to CIP grants	\$ 147,058	\$ -	\$ -	\$ 147,058	DHHS Children's Bureau
2962	Alt Dispute Resolution	State Access & Visitation Program	\$ 100,000	\$ 53,342	\$ 31,477	\$ 46,658	DHHS Children's Bureau
2936	Justice Courts	Violence Against Women Act (VAWA) Grant	\$ 85,000	\$ 78,545	\$ 24,306	\$ 6,455	UOVC-DOJ Office on Violence Against Women
2967	GAL-CASA	Victims of Crime Act (VOCA) State Assistance Fund	\$ 289,902	\$ 220,000	\$ 69,000	\$ 69,902	UOVC-DOJ Office of Victims of Crime
2968	GAL-CASA	Court Appointed Special Advocates (CASA) Mentoring	\$ 26,662	\$ 7,024	\$ 5,836	\$ 19,638	DOJ-National CASA Association
2933	Appellate (Innovation Office)	Utah Innovation Office & Regulatory Sandbox	\$ 200,000	\$ 139,075	\$ 24,111	\$ 60,925	State Justice Institute
2935	Appellate (IT)	Online Dispute Resolution (ODR) Assessment	\$ 185,000	\$ 75,000	\$ 75,000	\$ 110,000	State Justice Institute
2940	Appellate (Innovation Office)	Sandbox Tools: Scaling & Sustaining Innovation	\$ 65,020	\$ 19,996	\$ 19,996	\$ 45,024	State Justice Institute
2999	5th/6th/7th/8th Judicial Districts	Salary/benefits for Protective Order Prgm Coordinator (36 mo.)	\$ 233,350	\$ -	\$ -	\$ -	UT Domestic Violence Coalition (UDVC)
		<i>Subtotals for Federal</i>	\$ 2,233,518	\$ 658,495	\$ 315,239	\$ 1,575,023	
Non-Federal Funds							
2938	Appellate (Innovation Office)	Utah Innovation Office Regulatory Sandbox	\$ 250,000	\$ 18,020	\$ 18,020	\$ 231,980	The Hewlett Foundation
2943	Appellate (IT)	Online Dispute Resolution (ODR) Assessment	\$ 110,000	\$ 110,000	\$ 89,750	\$ -	Pew Charitable Trusts
		<i>Subototals for Non-Federal</i>	\$ 360,000	\$ 128,020	\$ 107,770	\$ 231,980	
		TOTAL (Active Grants)	\$ 2,593,518	\$ 786,515	\$ 423,009	\$ 1,807,003	
Special Funds							
N/A	Multiple	Legislature approved: Multiple IT projects (\$11M) and jury trial backlog (\$1M)	\$ 12,000,000	\$ -	\$ -	\$ -	American Rescue Plan Act (ARPA) - \$12M to be used by 12.31.2024
<div> <div> Portfolio Allocation </div> <div> <p>Figure A. Total Grant Funds (%) by Funding Source</p> </div> <div> <p>Figure B. Award Amount (%) of Total by Sponsoring Unit</p> </div> </div>							
LEGEND <div></div> Federal (ARPA) pandemic funding							

Tab 9



Administrative Office of the Courts

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

February 28, 2022

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

Agenda

MEMORANDUM

TO: Judicial Council;
Budget & Fiscal Management Committee

FROM: Ron Gordon & Jordan Murray | Administrative Office of the Courts;
Hon. Clemens Landau, Presiding Judge | Salt Lake City Justice Court

RE: Request for Certificate of State Court Approval: SJI Grant for the Salt Lake City Justice Court

*On behalf of the Salt Lake City Justice Court of Utah ("Justice Court"), the Administrative Office of the Courts respectfully requests the Judicial Council's consideration to authorize a Certificate of State Approval ("Certificate") sanctioning the Justice Court's submission to the State Justice Institute (SJI) pursuant to a technical assistance grant in the amount of \$50,000. The Certificate designates the Justice Court as the entity to receive, administer, and be accountable for all funds awarded by SJI (**Exhibit A**). The Justice Court's SJI application materials are appended (**Exhibit B**).*

Brief: Partnering with the National Center for State Courts ("Center"), the Salt Lake City Justice Court will be assisted in refining and implementing best practices for limited-jurisdiction courts in caseload and calendar management, organizational structure, coordinating standardized processes, and effective delivery of justice services to a diverse population. This grant request follows a governance and judicial leadership analysis by the Center affecting the roles, responsibilities, and decision-making requisites of the judges en banc and the Court's presiding judge. As a result, the Justice Court is well positioned to ensure its management, leadership, and policymaking structure provides a strong underlying framework to support the infusion of effective and innovative practices in streamlining and restructuring its services to the public.

This request has been assessed for risk by the AOC Grant Coordinator who concludes that no financial obligation nor risk are imposed upon the State Courts serving in its capacity as a non-financial collaborator.¹ Accordingly, the Judicial Council Grant Application Proposal ("GAP") and AOC resource impact analysis does not accompany this request.

Applicant: Salt Lake City Justice Court
Grantor: State Justice Institute
Project term: 4/1/22 – 12/31/22

Grant Funds Requested.....	\$50,000
Cash-Match (SLC Government).....	\$5,000
Total Project Cost.....	\$55,000

In-kind contributions committed by the Salt Lake City Government: \$20,000

1. CJA Rule 3-411 (12)(A)(B)

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

STATE JUSTICE INSTITUTE

Certificate of State Approval

The Utah Judicial Council
Name of State Supreme Court or Designated Agency or Council

has reviewed the application entitled Innovating for Effective Service Delivery

prepared by Salt Lake City Justice Court
Name of Applicant

approves its submission to the State Justice Institute, and

☐ agrees to receive and administer and be accountable for all funds awarded by SJI pursuant to the application;

☐ hereby requests consideration of a reduction in cash match as requested by the applicant (**NOTE: only applicable to Project Grant applications**);

☒ designates Salt Lake City Justice Court
Name of Trial or Appellate Court or Agency

as the entity to receive, administer, and be accountable for all funds awarded by SJI pursuant to the application.

Signature

Date

Matthew B. Durrant

Name

Chief Justice

Title

ERIN MENDENHALL
MAYOR



SALT LAKE CITY JUSTICE COURT

CLEMENS LANDAU
PRESIDING JUDGE

CURTIS PREECE
COURT ADMINISTRATOR

January 31, 2022

Mr. Jonathan Mattiello
Executive Director
State Justice Institute
12700 Fair Lakes Circle, Suite 340
Fairfax, Virginia 22033

RE: Innovating for Effective Service Delivery in the Salt Lake City Justice Court (Utah)

Dear Mr. Mattiello:

The Salt Lake City Justice Court of Utah ("Court"), a multi-judge, high-volume, urban limited jurisdiction court, respectfully requests a \$55,000 technical assistance grant to engage the National Center for State Courts ("NCSC;" "National Center;" "Center") to assist the Court in refining and implementing best practices for limited-jurisdiction courts in caseload and calendar management, organizational structure, coordinating standardized processes and effective delivery of justice services to a diverse population. This grant request follows a governance and judicial leadership analysis by the National Center affecting the roles, responsibilities, and decision-making requisites of the judges en banc and the Court's presiding judge. As a result, the Court is well positioned to ensure its management, leadership, and policy-making structure provides a strong underlying framework to support the infusion of effective and innovative practices in streamlining and restructuring its services to the public.

Nearly fifty years of caseload research has shown that when court-wide procedures in multi-judge courts are substantially different and uncoordinated among judicial officers it results in considerable confusion, uncertainty, and ambiguity for court users. This, in turn, leads to systemwide inefficiencies and ultimately degrades the image of the court. Understandable, reasonable calendaring and docketing processes promote clarity and simplicity for the users of the Court. In addition, the single most successful principle in reducing unnecessary trial court delay is for judges and court leaders to actively manage the adjudication process and oversee the progress of cases as they move toward resolution and to innovate for improved accessibility and outreach. These efforts are essential not only to elimination of unnecessary delay but also to the improving

public confidence and building a culture that focuses on delivering fair and impartial justice solutions. Maximizing the impact of innovative approaches requires a consistent and coordinated approach across the bench and executive leadership, in conjunction with justice system stakeholders, eliminating divergent approaches within the Court. With the Court's revamped governance and leadership structure, we are better positioned to promote organization-wide, innovative case processing improvements.

Our Court needs advice and guidance to help infuse long-term, evidence-based practices consistent with our new governance and leadership structure. We are willing to experiment with new, simplified scheduling methods in both traditional and specialty (problem-solving) calendars in more advantageous ways for our Court users. Of particular importance as the pandemic continues is the analytical help of the Center in focusing on re-tooling pretrial processes, advancing interactive video conferencing, and prompting early case resolutions.

This technical assistance grant will enable the NCSC in reviewing current practices vis-à-vis best practices and innovations developed by other courts of similar size and jurisdiction and making recommendations on how the Court should restructure its practices to improve efficiencies and better serve the community, while preserving constitutional due process guarantees. It is often difficult for any group of court policymakers (i.e., bench en banc, individual judges, or court administrators) to detach themselves from day-to-day urgencies and stresses of the justice system, step back, and reflect on overall issues, problems, and future directions. The engagement of the Center, on the other hand, offers an impartial perspective from seasoned consultants in judicial, caseload and court administration to help clearly isolate problems and options for improvements.

Technical assistance by the NCSC will enable it to:

- Examine the Court's specialty court calendars and explore expanding the use of specialty courts, and the prospects of developing pre-plea diversion program with treatment programs pursuant to Utah law.
- Analyze the Court's scheduling and case assignment system to ensure an equitable distribution of work among judicial officers.
- Evaluate and recommend innovations designed to improve the public's access to dispute resolution services, including but not limited to more effective use of Online Dispute Resolution (ODR) in small claims cases.
- Review how the Court can best monitor, change and adapt to changing caseloads; and
- Propose potential Court staffing modifications to improve internal productivity as well as service to stakeholders and the public.

BACKGROUND

Justice courts in Utah are established by either counties or municipalities and have the authority to adjudicate lower-level misdemeanors (Class B & C),¹ violations of ordinances, small claims and infractions. Justice court jurisdictions are determined by the boundaries of local government entities, such as cities and counties, which hire the judges. A nonpartisan Justice Court Nominating Commission submits at least three names to city or county appointing authorities who then select the successful candidates.

The Utah Judicial Council, the governing and policy body for the state's Judicial Branch, determines the number of judges required in a jurisdiction and ensures they are properly chosen and trained. Once appointed, justice court judges serve a term of six years and then stand for a "yes/no" retention election every six-years. Prior to each election, judges are subject to an independent evaluation by the state's nonpartisan Judicial Performance Evaluation Commission which then reports its results to the electorate.

Justice court judges in populous counties such as Salt Lake County must be lawyers in good standing. In rural counties, they do not need a law degree. Upon reaching the age of 75, justice court judges must retire.

The Salt Lake Municipal Justice Court is the largest and highest volume limited jurisdiction court in Utah. In serving the state's capitol and most populous municipality (201,660 pop.), it is at the core of the Salt Lake City metropolitan area which has a population of 1.2 million people. The Court is staffed by 5 full-time judges and 40 nonjudicial employees. The Salt Lake City Government funds and houses the Court as overseen and regulated by the Utah Supreme Court, Administrative Office of the Courts (AOC) and various Utah statutes.

Court filings in the last few fiscal years (i.e., FY 2018-2021) have been somewhat erratic due primarily to the pandemic, as been the situation with most trial courts nationwide.

NEED FOR FUNDING

¹ *Class B misdemeanors* are crimes punishable with a jail term of up to six months and a possible fine of up to \$1,000. Such case types include: simple assault (without serious injury), domestic violence assault, driving without insurance, driving under impairment, possession of marijuana, and reckless driving. *Class C misdemeanors* are crimes punishable with a possible jail term of up to 90 days and a possible fine of up to \$750. Examples include driving on a suspended license, drinking in public, and careless driving

The State of Utah (Judicial Branch) and Salt Lake City Government have extremely limited funds for judicial system reforms. This has limited the ability of the Court to develop and analyze data, review its business processes and conduct caseload analytical and restructuring efforts, or to plan future innovative approaches. Neither the Judicial Council, AOC nor the Court have funds needed to engage the NCSC to help the Court create a more efficient and productive caseload and calendaring process. The necessary financial resources to support this project are not available to the Court.

The Court – via its host government, the City of Salt Lake - can and will, however, contribute a \$5,000 cash match and provide an in-kind contributions (soft match) of \$20,000.

PROJECT DESCRIPTION AND WORK PLAN

I. Overview

Once grant funds become available, the NCSC will work with a project Advisory Committee comprising the Court's Presiding Judge, Court Administrator, and two to three other members selected by the Presiding Judge to develop a final schedule of tasks that align with this grant application and specific goals to address during the project.

To gain a full understanding of the Court, the NCSC will arrange, coordinate and initiate an internet survey to solicit information from judges and Court stakeholders and then gather additional key analytical information not readily available to the Court through standard reports and performance documents. After reviewing survey results, the new analytical information and additional background material provided by the Court, and after reviewing relevant Utah and national best practices and innovations, an NCSC project consultant team will work with the Advisory Committee to develop and make recommendations to put in place redesigned approaches to improve the delivery of justice service, establish clear and consistent practices Court-wide, and increase public confidence in the justice system.

Given the ongoing pandemic and restrictions regarding in-person gatherings, the project team is prepared to conduct a series of interactive video conferenced interviews with all judges, the Court Administrator, a select group of trial court staff, key lawyers, both public and private, and various justice system stakeholders.² The purpose will be to identify problems in the current calendaring and docketing system and ascertain suggestions about how to overcome those problems and implement improvements. All interviews will be confidential, and no attribution will be given to persons interviewed in any final, written report. At the end of the interview process,

² Should the pandemic abate to the point where travel and in-person meetings to the Court be feasible and safe, the NCSC project team will travel to Salt Lake City to review the operations of the Court and meet with judges and staff on-site.

the team will meet with the Advisory Committee to discuss what they perceive to be key issues, as well as potential solutions.

The NCSC project team will then develop a confidential draft report, discuss the draft report with the Advisory Committee and make modifications the project team deems appropriate. The project team will then prepare and distribute a final report to the Advisory Committee. The NCSC project team's final task will be to conduct a one-day retreat, either virtually or in-person on-site at an agreeable location with the Advisory Committee, judges and key management of the court (including as desired by the Presiding Judge and Court Administrator any justice system stakeholders). The retreat will focus on developing the necessary operational details and an action plan to implement recommendations. The project team will subsequently amend the final report, incorporating implementation decisions and agreements reached at the retreat.

II. Work Plan

Task 1: Project Initiation - Kickoff Teleconference

Upon execution of the contract, the NCSC project team will set up a videoconference with the Presiding Judge and Court Administrator to develop a schedule of tasks that align with this grant application. At that time, the parties will discuss specific goals to address in instituting the task schedule and confirm the creation of a Project Advisory Committee comprising the Court's Presiding Judge, Court Administrator, and others as desired by the Court.

The NCSC project team will coordinate a videoconference with a principal project liaison for the Court, the Advisory Committee, and other persons designated by the Presiding Judge to address all logistical and scheduling details, data gathering, roles/responsibilities and milestone activities.

The teleconferences will be used by the participants to:

- Review and confirm the scope of work and the project's objectives, tasks, and timelines and consider any needed revisions to this work plan.
- Review and confirm the nature, form and scope of the products that the NCSC will deliver, as well as the intended recipients of those products.
- Identify communication channels, reporting relationships, and confirm the identity of a person who will be responsible for scheduling, obtaining required information, and performing other administrative tasks necessary to facilitate the project.
- Identify the timing and individuals to be interviewed by the NCSC during the site visits.
- Identify data and background information that the project liaison can provide to the NCSC project team for review prior to the initial site visit.

Task 2: Internet Survey - Arrange, Coordinate, and Initiate an Internet Survey to Solicit Information from Judges, Court staff, Lawyers, City Officials and other Justice System Stakeholders regarding the Delivery of Court Services and Possible Improvements.

The NCSC project team will develop and arrange for an anonymous internet survey to be electronically distributed by and returned to the NCSC Consulting Services Office in Denver. The survey will be emailed to all Salt Lake City Justice Court judicial officers, selected Court staff, public and private lawyers, and justice system stakeholders as desired by the Steering Committee.

Task 3: Gather Additional Data that may not be Readily Available through Standard Reports and Performance Documents

NCSC consultants often find that management data in electronic reports is insufficient in providing key analytical information about the court's processes. As an example, automated case management systems seldom capture and record continuance data about where, why and who requests postponements and how long they may routinely be granted. This information can be quite informative in assessing reasons for case processing and to consider innovations to address the problems. To gather missing data, NCSC consultants may need to analyze a random sample of individual cases, or other sources.

Task 4: Review Background Material

The NCSC project team will review the internet survey results, any additional data, and background material provided by the project liaison in Task 1.

Task 5. Initial Interviews of Judges, Selected Court Staff and Key Stakeholders

The NCSC project team will conduct a series of confidential, interactive remote interviews with Committee members, all judges, a select group of trial court staff, key lawyers, both public and private, and various justice system stakeholders. The purpose will be to identify opportunities for improvements in the Court's operations and ascertain suggestions about innovative practices that would be beneficial. At the end of the interview process, the team will meet with the Advisory Committee to discuss what they perceive to be key issues, as well as possible potential solutions.

Task 6: Develop Draft Report

The NCSC project team will assemble findings, ideas, conclusions and strategies from performance data, surveys and interviews regarding the Court in a confidential draft report to be reviewed by the Advisory Committee. The NCSC project team will arrange a videoconference between the consultants and the Advisory Committee and make modifications to the initial draft document as deemed appropriate by the project team.

Task 7: Develop Final Report

Based upon the discussion in Task 6, the NCSC project team will create and send a final report, including strategies and proposed organizational and operational changes to the Advisory Committee for distribution.

Task 8: Conduct a One-Day Retreat for Judges and Key Management Staff.

The NCSC project team will conduct a one-day retreat – either virtually or in-person at a site selected by the Presiding Judge and Court Administrator should the pandemic permit such a meeting - with the judges and key management staff. Justice system stakeholders outside the Court itself may be included at the discretion of the Advisory Committee. The retreat will help in developing operational details and an action plan to implement desired recommendations. If an in-person meeting is desired and feasible, the Court will arrange a site away from the courthouse and any necessary accouterments (e.g., morning and afternoon refreshments, lunch, flip charts, markers, LED PowerPoint projector, tables/chairs, etc.) to facilitate the retreat. When similar retreats have been arranged in other NCSC engagements, county or city park facilities, schools, or other low-cost government meeting locations have been utilized.

The purpose of a retreat is to discuss the final report, prioritize changes, and develop initial strategies to incorporate the innovations and other changes recommended. Such initiatives may include pilot projects, more uniform case management practices, target dates and assigned responsibilities for enhanced procedures, or more effective staff support for judicial officers. The NCSC has found that visible, tangible, coordinated commitments by judges and staff regarding caseflow process improvements shortly after a NCSC assessment and report is developed results in more productive and lasting change that is more effectively anchored in a court's "local legal and judicial culture."

Task 9 : Add Retreat Action Plan to Final Report

Strategic decisions and agreements developed at the retreat will be documented by the NCSC Project Team and inserted to an amended Final Report to aid the Court in its future planning and work toward improved processes.

III. Consultant Qualifications

NCSC Qualifications

The NCSC is a non-profit corporation headquartered in Williamsburg, Virginia, which has been providing research, education, information, technology, and direct consulting services to state and local court systems for more than 40 years. The NCSC brings a broad range of resources to

judicial system projects, including an expert staff, a history of work with diverse jurisdictions nationally and internationally, and institutional links to other national court-related organizations.

The NCSC's familiarity with the unique nature of courts and court-related offices enhances its ability to work effectively and efficiently with judicial officers, court staff, representatives of court-related agencies and organizations, and service providers. The NCSC is the secretariat to more than a dozen national court organizations, including the Conference of Chief Justices, the Conference of State Court Administrators, the American Judges Association, the National College of Probate Judges, and the National Association for Presiding Judges and Court Executive Officers.

The NCSC Project Team

The NCSC has assigned John Doerner and Gordon Griller to this project. Their resumes appear below.

John Doerner is a Principal Court Management Consultant with the National Center's Court Consulting Services. He will function as the Project Director for this engagement. Mr. Doerner's resume is included as an attachment to this grant application.

Gordon Griller is Special Consultant to the National Center for State Courts, having retired in January 2020 as a Principal Court Management Consultant after 14 years with the Center. Prior to his work with the Center, Mr. Griller held numerous private and public positions dedicated to trial court improvement and reform, including Vice President of Justice Practices for the State and Local Solutions Group at Affiliated Computer Systems (ACS), a division of the Xerox Corporation; the first Administrator of Trial Courts for the Judicial Branch of Arizona in Maricopa County (Greater Phoenix); Court Administrator for the Superior Court in Maricopa County; the first Judicial District Administrator of the Second Judicial District of Minnesota in Ramsey County (Greater St. Paul); and Court Administrator of the Municipal Court of Hennepin County, Minnesota (Greater Minneapolis) prior to the unification of Minnesota's state and local trial courts.

Additionally, Mr. Griller has served as President of the National Association of Trial Court Administrators where he co-chaired the Special Commission that created the National Association for Court Management (NACM), the largest professional association in the world dedicated to the improvement of trial court administration. He has consulted, taught and written for numerous audiences on caseload management (trial court delay), leadership, self-represented litigants, jury reform, visioning, strategic planning, budgeting, court space planning, and systems and procedures. He is a recipient of the National Center's *Warren E. Burger Award* for outstanding contributions to court administration, the National Conference of Metropolitan Courts' *Tom C.*

Clark Award, NACM's Award of Merit, the Institute for Court Management's *Star Award*, and the Justice System Management Institute's *Ernest C. Friesen Award of Excellence* for vision, leadership and sustained commitment to the achievement of excellence in the administration of justice.

Griller has a BA in Political Science and MA in Public Administration from the University of Minnesota in Minneapolis. He is a Graduate Fellow of the Institute for Court Management, a founding member of the Urban Court Managers' Network, a previous Chair of the Scottsdale AZ Judicial Appointments Advisory Board, the former Vice Chair of the Bloomington MN Public School Board, and has served on the governing Boards of the National Center for State Courts, the National Conference of Metropolitan Courts, the American Judicature Society, and the National Association for Presiding Judges and Court Executive Officers.

IV. Project Timeline

Tasks	Months from Project Start						
	1	2	3	4	5	6	7
1. Project Initiation – Kickoff	X						
2. Internet Survey		X					
3. Gather Statistical Data on Operations			X				
4. Review Background Material			X				
5. Videoconference Interviews				X			
6. Develop Draft Report					X	X	
7. Develop Final Report						X	
8. Conduct One-Day Retreat							X
9. Add Retreat Action Plan to Final Report							X

V. Budget

The total cost of the project will be a firm fixed price of \$55,000. Salt Lake City Justice Court of Utah (Court) is requesting 50,000 in SJI funds. The Court will provide a cash match of \$5,000 and an in-kind contribution of \$20,000. A line-item budget (Form C) and budget narrative are attached, as well as a letter from the NCSC affirming its participation.

LIKELIHOOD OF IMPLEMENTATION

The Utah Judicial Branch, Administrative Office of the Courts, Salt Lake City Justice Court, and the Salt Lake City Government are committed to providing all citizens with meaningful access to the judicial process by ensuring. All entities recognize that with the guidance of the NCSC, the Court will likely improve access to justice by increasing court efficiency, reducing the over-use of limited staff resources, and curb any frustration and dissatisfaction by Court users with

the judicial process. The Court is committed to utilizing the information and services provided by the NCSC to make positive changes in the adjudication process.

STATE COURT ADMINISTRATOR SUPPORT

Utah Chief Justice Matthew B. Durrant and State Court Administrator Ron Gordon support this effort and this grant application to the State Justice Institute.

If you have any questions about our proposal, please contact me. Thank you for the opportunity to request this grant.

Sincerely,



Hon. Clemens Landau, Presiding Judge
Salt Lake City Justice Court
333 South 200 East
Salt Lake City, Utah 84111
T: 801.535.6421
C: 801.560.8581
E: clemens.landau@slcgov.com

Tab 10



Administrative Office of the Courts

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

February 28, 2022

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

Agenda

MEMORANDUM

TO: AOC, TCE's, and COC's

FROM: Judicial Council

RE: Windows 7, Webex and Device Consolidation

As you know, the Windows 7 operating system reached its End of Life in October of 2020. End of Life refers to the operating system being unsupported and no longer receiving critical patches from Microsoft. These patches are what allows our software to continue functioning effectively and securely. Additionally, we found out recently that Webex will no longer function on Windows 7 machines as of April 2022.

Due to COVID, laptops were purchased from legislative, Covid relief, Judicial Council and grant funding to enable staff to work remotely and to allow the courts to hold remote hearings. **Since January 2020, the courts have purchased over 1,300 laptops and PCs at a cost of ~\$1,400,000. There are currently 1,183 staff/judges/GAL and we have 4,000 devices in use.**

We are now at a point where we have no choice but to get rid of the Windows 7 computers because of the security risk to our system. Further, we do not have the \$750,000 in our annual budget that would be needed to replace the remaining Windows 7 computers and maintain our current device count (see Exhibit A) or the staff to support the growing number of devices (and supply chain issues make acquiring new devices difficult, even if we had the budget). These purchases over the last two years were enough to provide each staff member, judge and GAL with a portable Windows 10 device and break free of the need to be at a desk or workstation using a non-portable device to perform our jobs, but it is not enough to provide multiple new devices to all judges and staff members. Our new work paradigm gives us the freedom to work in multiple locations while using the same portable device and doing so allows the Courts to

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efficient, and independent system for the advancement of justice under the law.**

sustain the higher costs of replacing portable devices. Court personnel will need to work with their TCEs or supervisors to consolidate multiple devices, ideally into a single portable device. We can no longer afford one device for home and one device for the Courthouse, or multiple devices for different locations within the courthouse(s).

The IT team is ready to assist you with this critical transition. We will assign COVID laptops to the districts by renaming them and moving any licensed software in an effort to consolidate machines. We will provide a docking station to replace the PC. As soon as the rename and transfer of licensed software is complete, the computer will be removed from the network and marked for return to IT. To maintain licensing compliance, the decommissioned PC will no longer function. As desktop/laptops are incredibly difficult to acquire right now we will be utilizing any usable desktops returned to update areas of critical court functions.

IT plans to meet individually with each TCE to review the inventory we have gathered for their locations and outline the plan of action. We know that the need to consolidate devices is not welcome news for some, but our budget, staffing and current supply chain issues give us no other choice. We sincerely appreciate your help.

Financial Impacts of Status Quo vs. Device Consolidation

- 4,000 devices (not phones) presently active including 450 used in courtrooms
- 1,183 staff/judges/GAL
- Average cost for a new laptop \$1,400 (excludes docking stations/ext. monitors)
- Average life for laptop is 5 years
- Total replacement cost for 3,550 devices @ \$1,400 per device = \$5,000,000
- **Annual spend to replace 1/5th of the devices will be \$1,000,000**
- Current funding for replacement devices is \$250,000
- If we reduce 3550 devices to 1,300 laptops, annual replacement costs will be \$364,000 (1,300 @ \$1,400 = \$1,820,000/5 years)
- **If we do not reduce the number of devices, INCREASE per year will be \$750,000 (\$1,000,000 - \$250,000)**

Tab 11

Agenda

To: The Judicial Council
From: Jim Peters, Jordan Murray and Karl Sweeney
Re: Justice Court Reform Initiative (the “Initiative”) – Project Implementation with Internal vs External Resources

Project 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.

In August 2021, the Task Force presented a comprehensive report and recommendations to the Utah Judicial Council. The Council approved the recommendations of the Task Force--recognizing that the proposals made could evolve over time with further information from stakeholders. To gather that information, the Council formed a workgroup, chaired by Judge Farr, to take next steps toward exploring the implementation of the Task Force’s recommendations. This document describes the resources deemed necessary to implement the Council’s directive.

As further described under “Proposed Scope of Work” (below), resources will be used for pre-implementation data collection and analysis as well as coalition building efforts critical to the success of the proposed reforms. Two fundamental efforts must commence to mobilize and advance the initiative forward. These foundational tasks include: 1) data collection and analysis and 2) coalition building. It is anticipated that the project period would commence April 1, 2022 and objectives achieved by March 31, 2024 (24 months). The following work products are expected to result from this project:

1. Reports detailing caseload and financial analysis;
2. Final reform recommendations based on analysis and feedback;
3. Utah Bar Journal Article with report and recommendations;
4. Law Review Article on municipal court reform; and
5. Draft rules and legislation to implement recommendations.

This document compares the costs (in incremental dollars and “opportunity costs” in not being able to maintain existing projects and service levels) from completing the Initiative primarily with existing Court personnel (Option A) with the costs of primarily hiring external resources to work on the Initiative (Option B).

We request Judicial Council guidance on which Option they prefer and then delegation to the Budget and Fiscal Management Committee to (1) review funding options presented by AOC Finance (see Exhibit B) and (2) rank the funding options for the Judicial Council’s final approval.

We further request Judicial Council approval for the Grants Coordinator to approach potential grant funding sources about this Initiative.

Proposed Scope of Work

1. Data Collection & Analysis
 - a) Gather and analyze caseload and judicial need for current structure and in accordance

- with proposed models;
 - b) Determine facility needs and availability for Division Courts;
 - c) Determine IT needs for Division Courts and proposals for online dispute resolution concerning infractions;
 - d) Document impacts to state and local governments with a financial analysis that includes preliminary discussions with local entities on the viability of continuing the existing level of local court operations, and
2. Identify all applicable statutes and rules for potential amendment. Coalition Building
- a) Publish a Utah Bar Journal Article with a report on recommendations;
 - b) Publish and disseminate an in-depth law review article detailing the history, legal concepts, and need for reform;
 - c) Convene with groups that presented to the Task Force to provide final recommendations and obtain feedback, answer questions, and build support. Groups to include:
 - JPEC
 - AOC Education
 - AOC Audit
 - AOC General Counsel
 - Indigent Defense Commission
 - CCJJ
 - Substance Abuse and Mental Health group
 - Michael Zimmerman, et al.
 - Online Dispute Resolution team
 - d) Convene with stakeholders to provide final recommendations and obtain feedback, answer questions, and build support. Groups to include:
 - Legislative Leadership
 - Utah League of Cities and Towns
 - Utah Association of Counties
 - Prosecution
 - Defense
 - Boards of Judges

PROJECT RESOURCES – OPTION A (PRIMARILY INTERNAL RESOURCES)

See Exhibit A for potential risks and mitigation steps to existing projects

	Title	FTE	Term	Comments
1.	Project Manager	0.50 FTE \$150,000	24 months (estimated)	It is recommended that this position be staffed by someone familiar with justice court reform efforts including the work of the judiciary more broadly, and who holds the knowledge, skills, and abilities needed to effectively build a coalition.
2.	Admin Support	1.0 FTE \$ -	24 months (estimated)	Needed to assist with document preparation, appointment scheduling, and other administrative tasks.
3.	Finance & Accounting	1.5 FTE \$230,000		<p>Melissa Taitano (AOC Finance Lead); Suzette Deans (AOC Finance Staff) Effort: 1.5 FTE / \$196,000</p> <p>Suzette and Melissa have vital roles in working with IT on the ACH/Transaction Fees on Credit Cards project (the "Project"). If this Project is not completed by 12/31/2023, the Courts forecast we will have used up our trust earned surplus and will incur a \$60,000 per month shortfall from the excess of credit card charges over interest income from invested trust funds. To ensure the Project is completed on time, Finance will hire a time-limited, FINET-experienced backfill for the 24-month term of the Initiative.</p> <p>Julie Farnes (Accounting Services Contractor). Effort: As needed / Cost estimated at \$34,000 over 24 months.</p> <p>Julie retired 8.1.2021 after 30+ years with the Utah Courts. She is the expert on revenue sources and splits for District and Juvenile Courts. We will call on her as questions arise. She is limited to \$17,000 in compensation during her first year after retirement (\$34,000 estimated over 24 months).</p> <p>Renata Laskowski (AOC Finance Justice Courts Advisor); Karl Sweeney and Alisha Johnson (AOC Finance Work Product Reviewers) Effort: As needed</p>
	Audit Services	0.8 FTE \$ -		<p>Wayne Kidd (AOC Audit Director) Effort 0.30 FTE</p> <p>Diane Williams (Justice Court Lead Auditor) Effort: 0.50 FTE</p>
	<i>Finance & Audit Total</i>	2.3 FTE \$230,000	24 months (estimated)	<i>See Exhibit A for potential risks and mitigation steps to existing projects</i>
4.	Court Data Services	1.0 FTE \$80,000	24 months (estimated)	Heather Marshall; Paul Barron (IT/Data Services) Effort: 1.0 FTE / \$80,000 . IT management and the Data Services team propose using existing staff for performing the

				majority of analysis work on the project, and requests to backfill the team with a new full-time hire for the team to perform work that would otherwise be done by existing staff.
				<i>See Exhibit A for potential risks and mitigation steps to existing projects</i>
5.	Court Facilities Support	0.66 FTE *\$ -	8 months (estimated)	<p>Chris Talbot (AOC Facilities Director); Holly Albrecht (AOC Facilities Staff) Effort: 0.66 FTE</p> <p>*Facilities Services Admin. Contingency cost for contract time-limited administrative support. Effort: As needed / \$5,000 per month up to 8 months =\$40,000 contingency</p> <p><i>See Exhibit A for potential risks and mitigation steps to existing projects</i></p>
6.	Intern Assistance	\$25,000	As needed	<p>Interns sourced from local universities:</p> <ul style="list-style-type: none"> • Law school (legal support); • MPA programs (management support); • Finance programs (accounting support)
7.	Travel Allowance	\$25,000	As needed	Mileage, hotel stays, and food for personnel to travel through the state to meet with stakeholders and interested groups.
Total (Option A)				
Incremental Costs: \$510,000				
Contingent Costs: \$40,000				
Opportunity Costs: See “Exhibit A” for potential risks and mitigation steps for existing projects.				

PROJECT RESOURCES – OPTION B (PRIMARILY EXTERNAL)

	Title	FTE	Term	Comments
1.	Project Manager	0.50 FTE \$150,000	24 months (estimated)	It is recommended that this position be staffed by someone familiar with justice court reform efforts including the work of the judiciary more broadly, and who holds the knowledge, skills, and abilities needed to effectively build a coalition.
2.	Admin Support (internal resource)	1.0 FTE \$ -	24 months (estimated)	Needed to assist with document preparation, appointment scheduling, and other administrative tasks.
3.	Finance, Accounting & Audit Services	2.0 FTE \$350,000	24 months (estimated)	Assistance and/or direction from AOC personnel will be necessary. Private grant funding would permit hiring of consultants specializing in justice courts (manager/staff) to perform work and/or backfilling of duties for reassigned court employees.
4.	Court Data Services	1.0 FTE \$80,000	8 months (estimated)	Assistance and/or direction from AOC IT personnel will be necessary. Private grant funding would permit hiring of consultants to perform work and/or backfilling of duties for reassigned court employees.
5.	Court Facilities Support (internal resource)	0.66 FTE \$ -	8 months (estimated)	Assistance and/or direction from AOC Facilities personnel will be necessary.
6.	Intern Assistance ¹ and Initiative Contingency Reserve (Court Facilities contingency included here) ²	\$145,000 (\$50,000) ¹ (\$95,000) ²	As needed	Interns sourced from local universities: <ul style="list-style-type: none"> • Law school (legal support); • MPA programs (management support); • Finance programs (accounting support)
7.	Travel Allowance	\$25,000	As needed	Mileage, hotel stays, and food for personnel to travel through the state to meet with stakeholders and interested groups.
Total (Option B)				
Incremental Costs:		\$750,000		

EXHIBIT A

Potential Risks and Mitigation Steps to the Initiative and Existing Projects

A. Overall Risks

- a) **Overall Risk: Turnover in team assigned to Initiative (Applies to all Courts' employees on the Initiative).**
Risk Mitigation Steps: Court employees who are part of the Initiative gain valuable knowledge while working on the Initiative and providing incentives to Court employees to stay through Initiative completion is vital. Mitigation steps should include (1) making regular performance bonus payments, (2) a stay-to-the-end bonus payment to staff who are assigned to the Initiative, and (3) sufficient Initiative staffing to maintain work/life balance to provide for vacations while working on the Initiative.
- b) **Overall Risk: The Initiative has an inherent iteration risk.** Due to the interplay between Division and Justice Courts on how much of the current revenue streams will be left in the Justice Courts, there is substantial risk the local governments will evaluate their willingness to continue having a Justice Court over a period of months before they ultimately decide whether to dissolve or continue their Justice Court. Decisions to dissolve will extend the work involved as "tweaks" to the model will be required to respond to those decisions.
- c) **Overall Risk: - The Initiative has a fairly tight window for completion or risks missing the 2024 legislative session.** Overall Risk (b) will tend to delay Initiative completion. Overall Risk (c) will not permit delay due to the fixed dates of the legislative session. Both of these two risks compound the importance of hitting the completion window.

Risk Mitigation Steps: Overall Risks (b) and (c) can be mitigated with a well-documented action plan on the front end and provisioning staff up front to gather the data which will go into the analysis. The Initiative must have very skilled Project Managers who can respond to information gathering roadblocks and ensure Initiative staff efficiently use their time.

B. AOC Finance (Option A Primarily Internal Resources)

- a) **Operational Risk: Delay in Completing ACH/Transaction Fees on Credit Cards project (the "Project").** If this Project is not completed by 12/31/2023, the Courts forecast we will have used up our trust earned surplus and will incur a \$60,000 per month shortfall from the excess of credit card charges over interest income from invested trust funds.
Risk Mitigation Steps: Suzette Deans and Melissa Taitano have important roles in completing the Project by 12/31/2023. To mitigate the risk that this Project will be delayed past 12/31/2023, AOC Finance will hire a time-limited, FINET-experienced accountant to backfill for Suzette and Melissa. The incremental cost of the backfilled position is relatively small compared to the \$60,000 per month potential impact for each month of late delivery of the Project. This hire will backfill Suzette and Melissa's regular roles making them available to work on (1) the Initiative and (2) the Project on a full-time basis. Backfill costs are estimated at \$30 per hour x 1.35 for benefits + health insurance = \$98,000 per year x 2 years.

C. AOC Internal Audit (Option A Primarily Internal Resources)

The potential risks in Internal Audit are primarily "Opportunity Costs/Operational Risks" as there is no backfill headcount proposed. The opportunity cost will be reflected in reduced scope of internal audit work during the Initiative period. There are some operational risks as well which are shown below:

- a) **Opportunity Costs:** Diane Williams normally conducts a full justice court audit each year. We would defer two justice court audits on hold—one for 2022, and one for 2023. Note: AOC Audit will continue with the Internal Control Self-Assessments (ICSAs) of the justice courts to evaluate justice court operations. In addition, another auditor will conduct a full audit of a justice court with significant risks each year.
- b) **Operational Risk:** Audit standards require review of documentation and reports. The Audit Director will have less time for the review process while working on the Initiative.
Risk Mitigation Steps: To mitigate this operational risk, Internal Audit may include another auditor/employee independent of the auditor conducting the audits to assist with the reference review process. There will be opportunity cost as well with slower completion of audit projects.
- c) **Operational Risk:** The department will be hiring a new auditor. Depending on experience, the new auditor will need to be trained. Training may slow the audit timeline.
Risk Mitigation Steps: Risk mitigation will occur by emphasis on prior auditing and/or court experience in the hiring process. The training process will require less time if the new hire has related experience.

D. Court Data Services/IT (Option A Primarily Internal Resources)

- a) **Operational Risks:** IT anticipates a 25% reduction in "business as usual" capacity. Activities and projects that could be subject to impact include:
 - i. Judicial Weighted Caseload District/Juvenile courts delayed;
 - ii. Clerical Weighted Caseload(s) District/Juvenile Courts delayed;
 - iii. Justice Court Judicial Weighted Caseload delayed;
 - iv. Updated Methodology for Clerical Weighted Caseload delayed;
 - v. New study for Justice Court Clerical Weighted Caseload suspended;
 - vi. Exploration of new reporting tools (Power BI) suspended;
 - vii. Upgrades to COGNOS and other analysis software delayed;
 - viii. Timeliness of response to Management/Public/Media requests de-prioritized;
 - ix. Overtime for existing hourly staff may be required to meet deadlines;
 - x. Analysis and Research on Monthly, Quarterly, periodic reporting delayed;
 - xi. Participation in external University & Non-Profit data studies suspended; and
 - xii. New Data Quality Initiatives and Research suspended.
- b) **Risk Mitigation Steps:** IT management and the Data Services team propose using existing staff for performing the majority of analysis work on the Initiative, and requests to backfill the team with a new full-time hire for the team to perform work that would otherwise be done by existing staff.

E. AOC Facilities (Applies to either Option A or Option B)

The potential risks in Facilities are all "Opportunity Costs/Operational Risks" as there is no backfill headcount proposed except as a contingency.

- a) **Opportunity Cost:** The risk is that there will be reduced scope of Facilities work completed during the Initiative period. The contingency costs shown reflect the possibility of unforeseen Facilities needs that commonly arise over any 24-month period.
- b) **Operational Risks:** When unscheduled projects occur they will be assessed for priority. Critical needs will be addressed first and "High Priority" special projects with a large scope would require the utilization of up to \$40,000 in contingent spending.
- c) **Risk Mitigation Steps:** The risks identified in (a) and (b) can be mitigated through the use of contingency funding. If necessary, the contingency funding would be used to hire a temporary or time-limited part-time position to help process site visit reports and lease documents. All other projects with a lower priority will be subject to possible delays based on the Initiative workload for facilities. Annual capital improvement projects will remain a high priority.

Tab 12

Agenda



Administrative Office of the Courts

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

February 9, 2022

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

MEMORANDUM

TO: Judicial Council

FROM: Ron Gordon

RE: Green Phase Working Group

During its December meeting, the Judicial Council asked Cathy Dupont and myself to make recommendations for a Green Phase Working Group that would conduct an in-depth study of the use of virtual technology on a permanent basis. Cathy and I met with Judge Torgerson, who chaired an earlier Green Phase committee, Meredith Mannebach, who provided staff support to the earlier committee, and several AOC directors to discuss Green Phase Working Group issues. Below are recommendations which have the support of the Management Committee.

Membership

- Internal stakeholders
 - Judges from all court levels
 - One or more judicial assistants
 - One or more clerks of Court
 - Self-Help Center
 - Representative from the Standing Committee on Resources for Self-represented Parties
 - IT
- External stakeholders (to be invited to attend certain meetings of the working group)
 - Department of Corrections
 - Sheriff's Association
 - Utah State Bar Litigation Section
 - Utah Statewide Association of Prosecutors
 - Utah Association of Criminal Defense Lawyers
 - Juvenile Court professionals

Staff

- Meredith Mannebach

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

- Ron Gordon
- Cathy Dupont
- Neira Siaperas
- Shane Bahr
- Jim Peters

Discussion Issues

- Published or pending reports
 - Harvard Access to Justice - child welfare proceedings in Juvenile Court
 - Other Side Working Group Report to the Minnesota Judicial Council
 - Utah Remote Hearings Study
 - How Courts Embraced Technology, Met the Pandemic Challenge, and Revolutionized Their Operations (Pew CharitableTrusts)
 - Access to Justice survey (Utah State Bar)
- Data
 - Number of hearings it takes to resolve a case
 - Length of hearings
 - Number of days between calendar settings
 - Failure to appear
 - Days cases pending
 - Number of cases pending
- Urban vs. rural issues
- Internet connectivity
- Equipment costs (for the courts and external stakeholders)
- Problem-solving courts
- First appearance calendars

Tab 13

Agenda



January 21, 2022

Utah Judicial Council
450 South State Street
Salt Lake City, UT 84111

VIA ELECTRONIC MAIL

Re: *In re Discipline of Morgan*

Dear Esteemed Colleagues:

I write to you today not only as the Chairwoman of the Utah LGBTQ+ Chamber of Commerce, but also as a member of Utah's legal community and as a transgender woman. I was deeply disturbed to learn of former Commissioner Morgan's conduct leading to his discipline and resignation. I was not however, shocked. Similar conduct is all too common among both the Bar and the Bench. I have experienced it personally. So have others at my firm, my friends, and far too many of our clients and our Chamber members. The chilling effect of former Commissioner Morgan and others' behavior on access to the courts cannot be overstated. Absent meaningful change, this behavior threatens to undermine all current and future access-to-justice initiatives.

Former Commissioner Morgan's behavior was atrocious. Every gay, lesbian, transgender, or queer litigant, attorney, and witness who has ever crossed the threshold of his courtroom will now wonder what really motivated his rulings. Vulnerable women who relied on his judgment and protection will question whether their photographs were "worth looking at." That he felt safe to conduct himself in such a manner speaks to a larger problem within the judiciary. My peers' faith in his office and in the judiciary as a whole is forever marred by his conduct.

Businesses thrive when their regulatory environment is stable and predictable. While this foremost requires just laws, it also requires just and impartial interpretation and application of those laws. Responsible businesses also seek an environment where their diverse workforces can be safe, happy, and free from prejudices. Our Board of Directors often learns of lost opportunities because of concerns that Utah is not safe for the people who ultimately make up the organizations that would do business in our state.

I initially joined the leadership of this organization in the hopes that I could not only be a role model for other transgender people to follow, but also so that I could build bridges and pave the way for those who will follow.

Forty percent of transgender individuals will attempt suicide at some point in our lives. While some — like former Commissioner Morgan — believe this is evidence that we are “mentally ill,” I would counter that it is more likely due to the hardships we face from those who hold antiquated and harmful views towards our community. We are twice as likely as the general population to live in poverty. We have three times the rate of unemployment. We experience extreme rates of discrimination in housing and the workforce. Education and healthcare are not much better. We regularly face harassment and physical and sexual violence. I recently learned of a former client who was driven to suicide by a member of the Bar’s persistent, repulsive harassment. Again, a judicial officer could have restrained this behavior — much of which occurred in their presence — but did not.

My peers already hesitated to seek redress from the courts because the overwhelming sentiment is that they will at best not be taken seriously and at worst be openly ridiculed. That sentiment is consistent with my own experiences, and those of many of my colleagues.

Since coming out as transgender, I have sat in nearly every seat in the courtroom save for the bench. I have even had the privilege to stand at the (Webex) podium on occasion. I have quietly stood — in a skirt suit and heels — while a judicial officer addressed me as Mr. Taylor in a demeaning and dehumanizing manner. Far more often, I have endured argument from my colleagues directly attacking my character, qualifications, and the quality of my arguments all based on my gender identity — despite pleas to the court to curb such behavior. As bizarre as it sounds, I have had to raise the defense of *res judicata* regarding my gender on multiple occasions.

I cannot adequately describe the abject terror and despair LGBTQ+ litigants face knowing such individuals sit on our Bench holding the power to ruin them financially, professionally, or even sever their relationships with their children — because they disapprove of their identities. Many of my colleagues fear that in certain courtrooms, their identities are a liability to their clients. This is unacceptable.

Much of my work as a paralegal involves reassuring clients that they will be treated fairly by the court system. At what point does doing so violate my ethical duty of candor? When people in positions of power espouse such views, they teach others that their poor behavior is okay. These attitudes cost lives and hurt our children. The damage is real, and it is measurable.

On behalf of the Chamber, its members, and the communities I represent, I ask that you use this as an opportunity to send a firm message that this conduct is unacceptable, will not be tolerated, and, if discovered, will be met with swift corrective and remedial actions. Your symbolic vote to terminate former Commissioner Morgan despite his resignation was a good start. I also ask you to take affirmative measures to prevent such behavior in the future and to ensure every participant in our judicial system be afforded

the courtesy, dignity, and respect they deserve. Nothing else will be sufficient to begin the healing required to restore faith in the judiciary.

To that end, I propose the following measures:

- (1) That the Utah Supreme Court immediately and without delay adopt ABA Model Rule 8.4(g) which states:

It is professional misconduct for a lawyer to: (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.¹

- (2) That in the interim, the Office of Professional Conduct and judicial officers — where appropriate — apply Rule 3.4, Fairness to Opposing Party and Counsel, (“A lawyer shall not: (e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant.”) and Rule 4.4, Respect for Rights of Third Persons, (“In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay or burden a third person.”), and the Standards of Professionalism and Civility to restrain improper conduct based on participants’ sexual orientation or gender identity.
- (3) That an advisory committee be formed to consider and adopt changes to the Standards of Professionalism and Civility to specifically address the use of pronouns, preferred names, and honorifics.
- (4) That the newly formed Office of Fairness and Accountability be given sufficient power to effect meaningful change, and LGBTQ+ individuals have a seat at its table.
- (5) That the Judicial Institute, Administrative Office of the Courts, and the Utah State Bar develop regular trainings on diversity, equity, inclusion, and belonging. My organization and my firm would gladly assist in developing curriculum and providing speakers.

¹ I am familiar with the various objections to this model rule. They are not well-taken. There is a colossal difference between, for example, refusing to address a participant in a court proceeding by their name, pronouns, and preferred honorific or suggesting that being transgender is a form of sexual deviancy vs that a minor child’s struggle to adjust to a parent’s transition factor into a best interests consideration. It is well-established that restraining the former does not encroach on constitutionally protected speech any more than insisting that counsel properly address each other and the court and refrain from utilizing racial slurs. Such speech is intended solely to demean, degrade, and dehumanize and it has no place in our profession.

- (6) That the Administrative Office of the Courts provide full support for Employee Resource Groups and work to create a safe environment for employees to report similar concerns in the future. The Chamber has extensive experience establishing and supporting similar ERGs in private businesses throughout the state. We welcome any opportunity to assist on this front as well.
- (7) That you make your organizations, courtrooms, and surroundings inhospitable to the type of animosity, bias, and conduct that former Commissioner Morgan exhibited.

Women, LGBTQ+ individuals, and our friends within the Utah legal community are grieving today as old wounds have been reopened and new ones inflicted by those who would defend former Commissioner Morgan's conduct. Please stand with us as we heal and seek to restore dignity and honor to our profession.

Very truly yours,



Samantha Taylor, ALP

Chairwoman – UTAH LGBTQ+ CHAMBER OF COMMERCE

Director of Operations – WHARTON LAW, PLLC

801-649-3529

samantha.taylor@utahlgbtqchamber.org

CC: Valeria Jimenez, Public Outreach Coordinator, UTAH COURTS OFFICE OF FAIRNESS AND ACCOUNTABILITY

Lauren Anderson, Director, UTAH JUDICIAL INSTITUTE

J. Simon Cantarero, Chair, UTAH SUPREME COURT'S ADVISORY COMMITTEE ON THE RULES OF PROFESSIONAL CONDUCT

Billy L. Walker, Chief Disciplinary Counsel, OFFICE OF PROFESSIONAL CONDUCT

Tania Mashburn, Communications Director, UTAH STATE COURTS

Martha Knudsen, Executive Director, Well-Being Committee for the Legal Profession, UTAH STATE BAR

Michelle Oldroyd, Chief Diversity, Equity, and Inclusion Officer, UTAH STATE BAR

Matthew Page, Communications Director, UTAH STATE BAR

Kaitlyn Piper, Executive Director, UTAH CENTER FOR LEGAL INCLUSION

Elizabeth Kronk Warner, Dean, UNIVERSITY OF UTAH SJ QUINNEY COLLEGE OF LAW

D. Gordon Smith, Dean, BRIGHAM YOUNG UNIVERSITY J. REUBEN CLARK LAW SCHOOL

Nubia Peña, Senior Advisor on Equity and Opportunity, OFFICE OF THE GOVERNOR OF THE STATE OF UTAH

Daniel Hemmert, Executive Director, GOVERNOR'S OFFICE OF ECONOMIC OPPORTUNITY

Theresa Foxley, President & CEO, ECONOMIC DEVELOPMENT CORPORATION OF UTAH

Tiffany Yen-Louie, CMO, WORLD TRADE CENTER UTAH

Troy Williams, Executive Director, EQUALITY UTAH

Candace Metzler, PhD, Executive Director, TEA OF UTAH

Chris Jensen, Chair, UTAH PRIDE CENTER

Enclosures: (1) Findings of Fact, Conclusions of Law, and Recommendations, *In re Discipline of Morgan*

Tab 14

Agenda



Administrative Office of the Courts

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

January 3, 2022

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

MEMORANDUM

TO: Management Committee of the Judicial Council

FROM: Standing Committee on Model Utah Civil Jury Instructions

RE: Nominee for Chair, and Re-Appointments

Nominees for Chair:

Ms. Ruth Shapiro has been serving as the chair of the Model Utah Civil Jury Instructions Standing Committee since _____. Due to time constraints Ms. Shapiro has indicated she will need to step down as chair of this Committee. As her replacement, it has been discussed there be a chair and vice-chair appointed to oversee this Committee to assist in duties and either's absence. Alyson McAllister and Lauren Shurman have expressed interest in the Chair and Vice-Chair positions.

Alyson McAllister has been on this Committee since November 2018. Lauren Shurman has been on this Committee since November 2017. Both have been consistent in their attendance at meetings and are well-respected in all discussions. It is recommended that Ms. McAllister and Ms. Shurman assume the role as Chair and Vice-chair of this Committee. Based upon the staggered term limits it may be wise to have Ms. Shurman serve as the Chair, followed by Ms. McAllister.

Re-Appointments:

Mr. Douglas Mortensen and Ms. Alyson McAllister have both reached their first term limits. Mr. Mortensen's appointment began in April 2018 and he has provided excellent input from the plaintiff's perspective. Ms. McAllister's appointment began in November 2018 and, as noted above, she has expressed serving as this Committee's chair going forward. Both have been consistent in their attendance at meetings and have expressed interest in re-appointment for a second term. It is recommended that Mr. Mortensen and Ms. McAllister be appointed for a second term on this Committee.

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

Utah Office of Guardian ad Litem & CASA

ADMINISTRATIVE OFFICE

Stacey M. Snyder
Director

Martha Pierce
Appellate Attorney

Melanie Speechly
CASA Administrator

PROGRAM COORDINATORS

Kristin Fadel
Permanency & Training

Dixie A. Jackson
Private Guardian ad Litem
Conflict Guardian ad Litem

M E M O R A N D U M

TO: Judicial Council

FROM: Stacey M. Snyder, Guardian ad Litem, Director on behalf of GAL oversight Committee

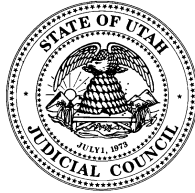
DATE: January 3, 2022

RE: Guardian ad Litem Oversight Committee Member Recommendation

Currently, there is one vacancy on the Guardian ad Litem Oversight Committee that was created when Ron Gordon left the Executive Branch and joined the Judicial Branch. The Guardian ad Litem Oversight Committee recommends that Kathleen Bounous, General Counsel to Governor Spencer Cox be appointed to fill this vacancy.

The current Guardian ad Litem Oversight Committee members include:

Robert Yeates, Chair
Kenyon Dove
Mollie McDonald
Jason Richards
Jeannine Timothy
Brittany Randall



Administrative Office of the Courts

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

January 11, 2022

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

MEMORANDUM

TO: Judicial Council and Management Committee

FROM: Chris Talbot, Standing Committee for Facilities Planning

RE: New committee member appointment requested for Brian Bales

The Committee has a vacancy for a retired industry professional that will need to be replaced prior to our April committee meeting. The committee recommends appointing Brian Bales, a retired DFCM Project Manager, who has past experience building multiple courthouses for the Courts.

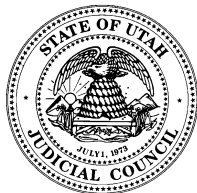
The Committee has agreed to forward this potential change for approval and we ask the Judicial Council and Management Committee to confirm it.

Current members:

Judge James Brady, Chair (4th District Court Provo)
Judge Michele Christiansen Forster (Court of Appeals)
Judge Jeff Noland (2nd District Juvenile Court Ogden)
Judge Jon Carpenter (Carbon County Justice Court)
Ron Gordon (State Court Administrator)
Archie Phillips (Architect)
Vacant (Architect)
Christopher Morgan (6th District Court TCE)
Chris Palmer (AOC Security Director)

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.



Administrative Office of the Courts

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

January 11, 2022

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

MEMORANDUM

TO: Judicial Council and Management Committee

FROM: Chris Talbot, Standing Committee for Facilities Planning

RE: New committee member appointment requested for Judge Lee Edwards

Judge Jon Carpenter, our Justice Court committee member, has served the maximum allowed terms for the Facilities Planning Committee and will need to be replaced prior to our April committee meeting. The Committee would like to replace Judge Carpenter with Judge Lee Edwards from the Cache City Justice Court based on a recommendation from James Peters.

The Committee has agreed to forward this potential change for approval and we ask the Judicial Council and Management Committee to confirm it.

Current members:

Judge James Brady, Chair (4th District Court Provo)
Judge Michele Christiansen Forster (Court of Appeals)
Judge Jeff Noland (2nd District Juvenile Court Ogden)
Judge Jon Carpenter (Carbon County Justice Court)
Ron Gordon (State Court Administrator)
Archie Phillips (Architect)
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Christopher Morgan (6th District Court TCE)
Chris Palmer (AOC Security Director)

Thank you

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Administrative Office of the Courts

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

January 31, 2022

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

MEMORANDUM

TO: Management Committee – Utah Judicial Council

FROM: Valeria Jimenez, Standing Committee on Judicial Outreach Staff Liaison

RE: Judicial Outreach Committee Appointment

Currently, there is a vacancy on the Judicial Outreach Committee, which must be filled by a state education representative in accordance with CJA Rule 1-205(1)(B)(vii). Nicholas Schellabarger was serving on the committee as a state education representative; however, he recently completed his term on the committee.

At this time the Judicial Outreach Committee is comprised of the following members:

- Judge Elizabeth Hruby-Mills, Chair, District Court Judge
- Judge Bryan Memmott, Plain City Municipal Justice Court
- Krista Airam, TCE - 2nd Juvenile Court
- Melinda Bowen, Civic Community Representative
- Michael Anderson, Communication Representative
- Michelle Oldroyd, Utah State Bar
- Vacant, Utah State Board of Education
- Judge Tupakk Renteria, 3rd Juvenile Court
- Nathanael Player, Law Library Director
- Judge Laura Scott, Divorce Education for Children Program Subcommittee Chair, District Court Judge
- Judge Shauna Graves-Robertson, Community Relations Subcommittee Chair, Salt Lake City Justice Court Judge
- Lauren Andersen, Director of Utah Judicial Institute
- Jonathan Puente, Ex officio member, Director of Office Fairness and Accountability
- Tania Mashburn, Ex officio member, Public Information Officer
- Anna Anderson, Deputy District Attorney

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efficient, and independent system for the advancement of justice under the law.

An email was sent to Mr. Robert Austin (Responsible Officer, Exchange Visitor Program K-12 Social Studies, International Initiatives, Utah Teacher of the Year Program Specialist at the Utah State Board of Education) and Mr. Mark Peterson (Public Relations Director at the Utah State Board of Education). Mr. Austin and Mr. Peterson circulated the opportunity. Through this recruitment process, the Judicial Outreach Committee received 1 application. The Judicial Outreach Committee has the following candidate to submit for consideration.

- Benjamin Carrier, Youth In Custody (YIC) Coordinator at the Utah State Board of Education

The candidate's statement of interest and resume are enclosed for your consideration. Additionally, Mr. Carrier is not currently serving and has never served on another committee.

Encl. Benjamin Carrier statement of interest and resume

Benji Carrier

(801) 436-4600

Benjamin.carrier@schools.utah.gov

January 18, 2022

Utah Courts Judicial Outreach Committee

Dear Valeria Jimenez,

My name is Benji Carrier and I am the Youth in Custody Coordinator for the Utah State Board of Education (USBE). I am interested in being on this committee because I have seen firsthand the positive impact that a strong relationship between the courts and community can have. With close to a decade of experience being a principal and working alongside Juvenile Judges and youth, I've been able to see course changes happen in the lives of my students.

Often families would at first be very on edge and defensive when working with a Judge. It was beautiful to see when a firm, but caring Judge would start to break down those barriers and work together with families and other community entities to remove obstacles and create conditions of success for a child. These relationships stayed strong even after students completed all court appointed assignments and I would often see these Judges at our graduation ceremonies to congratulate personally the success of the students they worked with.

Thank you for your time and consideration for me to be part of this committee. I am passionate about restorative justice and the role the courts can bring to our communities in that way. I believe my time as a principal will bring a unique perspective and insight to this group.

Sincerely,

Benji Carrier

YIC Coordinator USBE

BENJAMIN CARRIER, M.ED.

1609 E 1250 S

Ogden, UT 84404

(801)436-4600 (M)

(801) 538-7884 (O)

benjamin.carrier@schools.utah.gov

EDUCATION

2012	M.Ed.	Southern Utah University, Administration
2008	B.S.	Brigham Young university, Health Education

PROFESSIONAL EXPERIENCE

2022-Present Youth In Custody, SLC, UT, Coordinator USBE
Supervisor of Youth in care and custody, budgets and grants, professional development, collaborate with community partners, and provide technical support to all state YIC facilities

2015-2021 George Washington High School, Ogden, UT, Principal
Supervisor of school instruction, behavior and safety, professional development, academic progress, oversee six different budgets and grants, collaborate with community partners and universities, and direct supervisor of YIC for two years.

2014-2015 Youth In Custody, Ogden, UT, Principal
Supervisor of school instruction, behavior and safety, professional development, oversee YIC grants, academic progress, summer programs, collaborate with community partners, JJS, universities, and many other various duties at secure care and semi-secure care facilities.

2013-2013 Mound Fort Junior High School, Ogden, UT, Assistant Principal
Supervisor of school instruction, behavior and safety, professional development, academic progress, and other duties under the direction of the principal.

2011-2013 Ogden School District, Ogden, UT, Supervisor of Athletics and Other Services
Supervisor of all junior high athletic coaches and sports, driver's education, pools, health and PE curriculum, and other various duties.

2007-2011 Wasatch County School District, Heber City, UT, Classroom Teacher
Health, Student Government, and Student Leadership instructor

COMMITTEES

2017-Present Utah Alternative Education Association
Served as President Elect, President, Past-President. Provide support and advocacy to alternative schools throughout the state, provide an annual alternative conference by planning, organizing, budgeting, and partnering with various groups.

2020-Present National Alternative Education Association
Region 9 representative for Utah, Idaho, Washington, Oregon, and Alaska. Provide support and advocacy to alternative schools throughout the nation and provide an annual alternative conference by planning, organizing, budgeting, and partnering with various groups nationwide.



Administrative Office of the Courts

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

January 27, 2022

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Judge Laura Scott
RE: Ethics Advisory Committee (new member appointment)

Name of Committee: Ethics Advisory Committee

Reason for Vacancies:

- Judge Lee's term expired on December 17, 2021

Eligibility requirement: The vacant member positions are required pursuant to [CJA 1-205\(1\)\(B\)\(iii\)\(f\)](#).

Current committee member list:

LAST NAME	FIRST NAME	ROLE
Scott	Laura	Third District Court, Chair
Dame	Paul	Fifth District Juvenile Court
Harris	Ryan	Utah Court of Appeals
Lee	Wallace	District Court Judge: 1 st , 5 th , 6 th , 7 th , or 8 th district
Nelson	Trent	Roy Justice Court
Swenson	Lara	Attorney from the Bar or a college of law
Williams	Keisa	General Counsel, AOC

Description of recruitment process: The Board of District Court Judges met on December 17, 2021 and recommended the appointment of Judge Gregory Lamb from Eighth District to fill the district judge vacancy.

Names for consideration:

- District Court Judge from districts 5, 6, 7, or 8
 - Judge Gregory Lamb

Biography 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.

JUDGE GREG LAMB

Judge Greg Lamb was appointed to the Eighth District Court by Governor Gary R. Herbert in December 2020. He serves Daggett, Duchesne and Uintah counties. Judge Lamb is a lifetime resident of the Uinta Basin and graduated from Altamont High School in Duchesne County. He holds an M.A. in Public Policy as well as B.A. and B.S. degrees from Brigham Young University. Judge Lamb received his Juris Doctor from the University of Utah College of Law in 2001. From 2001 to 2002 Judge Lamb served in the Office for Civil Rights with the U.S. Department of Health & Human Services. He then served as Guardian ad Litem Attorney from 2002 to 2005. Judge Lamb joined the Uintah County Attorney's Office in 2005 where he served as Deputy County Attorney and Chief Deputy Prosecuting Attorney before forming the law firm Stringham & Lamb with his good friend in 2012. Judge Lamb was in private practice until 2018 when he was elected as Uintah County Attorney. He served in that capacity until his appointment to the bench. 3/21