

JUDICIAL COUNCIL MEETING

AGENDA

March 11, 2022

Meeting held through Webex

Chief Justice Matthew B. Durrant, Presiding

1. 12:00 p.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 12:05 p.m. Chair's Report. Chief Justice Matthew B. Durrant
(Information)
3. 12:10 p.m. State Court Administrator's Report..... Cathy Dupont
(Information)
4. 12:20 p.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget & Fiscal Management Committee..... Judge Mark May
Liaison Committee..... Judge Kara Pettit
Policy & Planning Committee Judge Derek Pullan
Bar Commission..... Margaret Plane, esq.
(Tab 2 - Information)
5. 12:30 p.m. Utah State Bar Report Heather Thuet
(Information) Katie Woods
Elizabeth Wright
6. 12:50 p.m. TCE Report Russ Pearson
(Information) Travis Erickson
7. 1:05 p.m. Daggett County Staffing Russ Pearson
(Tab 3 - Action)
8. 1:10 p.m. Board of Appellate Court Judges Report
(Information) Judge Michele Christiansen Forster
Nick Stiles
9. 1:20 p.m. Policy Recommendations on Workforce Climate..... Jon Puente
(Tab 4 - Action)

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|-----|-----------|---|---|
| 10. | 1:30 p.m. | Legislative Updates.....
(Information) | Michael Drechsel
Cathy Dupont
Karl Sweeney |
| | 2:15 p.m. | Break | |
| 11. | 2:25 p.m. | Budget and Grants.....
(Tab 5 - Action) | Judge Mark May
Karl Sweeney
Jim Peters
Alisha Johnson
Sue Crismon
Nick Stiles
Chris Talbot
Jordan Murray |
| 12. | 2:40 p.m. | CJA Rules 1-205, 3-421, and 6-104 for Public Comment and CJA Rules 1-205, 2-103, 3-420, 4-302, and 3-407 for Final Approval
(Tab 6 - Action) | Keisa Williams |
| 13. | 2:50 p.m. | Old Business/New Business
(Discussion) | All |
| 14. | 3:00 p.m. | Recognition of Outgoing Judicial Council Member - Judge Mark May
.....
(Information) | Chief Justice Matthew B. Durrant |
| 15. | 3:05 p.m. | Executive Session | |
| 16. | 3:10 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. Forms Committee Forms
(Tab 7)

Kaden Taylor

Tab 1

Agenda

JUDICIAL COUNCIL MEETING
Minutes

February 28, 2022
Meeting conducted through Webex

9:00 a.m. – 2:25 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
 Hon. Todd Shaughnessy, Vice Chair
 Hon. Keith Barnes
 Hon. Samuel Chiara
 Hon. Augustus Chin
 Hon. David Connors
 Hon. Ryan Evershed
 Hon. Paul Farr
 Hon. Mark May
 Hon. David Mortensen
 Justice Paige Petersen
 Hon. Kara Pettit
 Margaret Plane, esq.

Excused:

Hon. Michelle Heward
 Hon. Derek Pullan
 Hon. Brook Sessions

Guests:

Hon. Danalee Welch-O'Donnal, Moab Justice Court
 Hon. Dennis Fuchs, Senior Judge
 Hon. Keith Kelly, Third District Court
 Hon. Adam Mow, Third District Court
 Joyce Pace, TCE Fifth District Court
 Glen Proctor, TCE Second District Court
 Cade Stubbs, Clerk of Court, Fifth District Court

AOC Staff:

Ron Gordon
 Cathy Dupont
 Michael Drechsel
 Brody Arishita
 Shane Bahr
 Todd Eaton
 Alisha Johnson
 Kara Mann
 Meredith Mannebach
 Tania Mashburn
 Jordan Murray
 Bart Olsen
 Jim Peters
 Nathanael Player
 Nini Rich
 Keri Sargent
 Neira Siaperas
 Nick Stiles
 Karl Sweeney
 Melissa Taitano
 Shonna Thomas
 Keisa Williams
 Jeni Wood

Guests Cont.:

Samantha Taylor, Chairwoman, LGBTQ+
 Chamber of Commerce
 Mark Urry, TCE Fourth District Court
 Chris Wharton, Wharton Law, PLLC

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 David Connors moved to approve the February 11, 2022 Judicial Council meeting minutes as presented; the January 31, 2022 Judicial Council meeting minutes as presented; and the January 18, 2022 Judicial Council meeting minutes as amended to change the word “center” to “focus” on page 6. Judge Augustus Chin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant said the University of Utah President spoke about the encouraging efforts of the Office of Innovation. Chief thanked Michael Drechsel, Ron Gordon, Cathy Dupont, Karl Sweeney and all who assisted with this year’s legislative session.

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

Mr. Gordon introduced Glen Proctor as the new Second District Court TCE. Mr. Gordon introduced Brody Arishita as the new Chief Information Officer, who has been with the Utah Judiciary for 22 years. Chief Justice Durrant appreciated Mr. Arishita’s promotion and felt the courts were fortunate to have him in this position. Mr. Gordon announced that Tania Mashburn has been promoted to the Communications Director position.

Mr. Gordon thanked everyone for their participation in the legislative session, and stated that Mr. Drechsel has tremendous respect from Legislators. The data team, court administrators, Neira Siaperas, Shane Bahr, and Finance personnel have all worked tirelessly during the Session. No legislative budget requests have been finalized yet but the courts’ priorities seem to be in a good position.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

The committee will address budget items later in the meeting.

Liaison Committee Report:

Judge Kara Pettit noted the committee met for the last time during this session. Judge Pettit thanked Mr. Gordon and Mr. Drechsel for their support.

Policy and Planning Committee Report:

Judge Derek Pullan was unable to attend.

Bar Commission Report:

Margaret Plane said the Bar tested 80 Bar exam applicants in February and has received 278 applications for July. The Bar’s Spring Convention has moved to a virtual setting and is being offered in a series rather than one or two-day sessions. The July 6-9 Summer Convention will be held in California. Scotti Hill will be the new Ethics Counsel and Director of Practice Management.

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

Chief Justice Durrant welcomed Michael Drechsel. Mr. Drechsel thanked everyone for their effort with this legislative session, noting Judge Pettit, Justice Paige Petersen, Judge Brook Sessions, and Judge Ryan Evershed worked on the Liaison Committee, which met 10 times between January and February. The Liaison Committee will prepare a summary packet of the changes that affect the courts from this year's session for the April 15, 2022 Legislative Update. Mr. Drechsel thought Legislators brought proposals based on well-thought out ideas. There seems to be a lot of mutual respect between Legislators and the courts. Mr. Drechsel reviewed the bills that impact the courts.

Chief Justice Durrant thanked Mr. Drechsel and the Liaison Committee for their outstanding work.

6. **ADR COMMITTEE REPORT: (Judge Adam Mow and Nini Rich)**

Chief Justice Durrant welcomed Judge Adam Mow and Nini Rich. All mediation programs directly administered through the courts 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 due to the COVID pandemic.

ADR Program Structure

- General civil and probate case referrals has a court roster of private mediators and arbitrators who have met specific education, experience and ethical requirements as outlined in CJA Rule 4-510.03 and who requalify annually. Parties select their own mediator in these cases.
- Mandatory divorce mediation has a sub roster of divorce mediators who have received additional specialized training and mentoring.
- Co-parenting mediation referrals, which are required to be mediated within 15 days of filing, includes screening the cases, contacting the parties and assigning mediations to a closed roster of private providers with specialized experience and training.
- Child welfare mediation cases, which are court-ordered and subject to very tight statutory timelines, are conducted by court staff mediators who are hired and trained specifically for these cases.
- Juvenile court victim/offender and truancy cases are conducted by 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.

ADR Program Statistics and Services –FY 2021

- 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 CY 2020. Court Roster members also provided 592 *pro bono* mediations and 2 *pro bono* arbitrations. Roster members reported that they conducted 63% of mediation sessions online in 2020.
- The ADR Committee of the Judicial Council provides ethics outreach and education through the Utah Mediation Best Practice Guide.
- 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 court rules and statutes that govern ethical behavior of mediators who are members of the Utah Court Roster.
- 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 Judicial Council, Utah State Bar, Utah State Legislature, ADR Providers and court clients through reports, seminar and conference presentations and the ADR Program web site.

Judge Mow mentioned they would like to see virtual mediations continue in some aspect because there is flexibility and convenience, especially for domestic mediations. Virtual mediations lose some personal connections but has overall worked well for schedules. Ms. Rich explained that the co-parenting mediations work very well virtually, however, child-welfare mediations are more successful when held in person. The ODR program volunteer facilitators use the chat online feature. Judge Pettit thought the training on judicial settlement conferences would be very helpful.

Chief Justice Durrant thanked Judge Mow and Ms. Rich.

7. WINGS COMMITTEE REPORT: (Judge Keith Kelly and Shonna Thomas)

Chief Justice Durrant welcomed Judge Keith Kelly and Shonna Thomas. 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; improves the handling of guardianship cases; engages in outreach/education; and enhances the quality of care and quality of life of vulnerable adults. WINGS is effective through participation of key stakeholders.

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.
- Annual Report Review Process. In conjunction with Rule 6-501, WINGS created a new form, "Review of Guardianship or Conservatorship Reports".

- Guardianship for School Purposes/Limited Guardianship of a Minor. WINGS was approached to look more closely at guardianships of minors.
- CJA Rule 6-507 Court Visitors. This rule, which went into effect in November 2020, codifies and details the Court Visitor Program.
- Utah Code § 75-5-303 Procedure for Court Appointment of a Guardian of an Incapacitated Person. In October 2021, WINGS began reviewing this statute to clarify the language, intent, and training surrounding the statute.
- CJA Rule 1-205 and WINGS Rule. WINGS took on the project of becoming a formal committee under the supervision of the Judicial Council.

Judge Kelly stated they work to ensure judges are trained and aware of the legal requirements because there is always a concern with guardianship cases. Ms. Thomas said there is an attorney shortage with guardianship cases and with other cases. There have been guardianship cases that have garnered public attention but none that were in Utah. Utah was one of the first states to create a WINGS program.

Chief Justice Durrant thanked Judge Kelly and Ms. Thomas.

8. SENIOR JUDGE CERTIFICATION: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Judge Ronald Powell sought 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. (CJA Rule 11-201(2)) Judge Powell appears to meet the criteria found in CJA Rule 11-203. Senior Justice Court Judges. The National Center for State Courts does not conduct performance evaluations on justice court judges. The Board of Justice Court Judges unanimously supported Judge Powell's application.

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge Chin moved to approve Judge Ronald Powell as an Active Senior Judge. Judge Paul Farr seconded the motion, and it passed unanimously.

9. PROBLEM-SOLVING COURTS CERTIFICATION: (Judge Dennis Fuchs)

Chief Justice Durrant welcomed Judge Dennis Fuchs.

PSC Type	PSC Assigned #	Judge Assigned
Adult Drug Court	ADC1CACHE	Judge Cannell
	ADC1BOXELDER	Judge Maynard
	ADC1UTAH	Judge Howell
	ADC2UTAH	Judge Eldridge
	ADC1SEVIER	Judge Bagley
	ADC1KANE	Judge Lee
	ADC1SANJUAN	Judge Torgerson
	ADC1UINTAH	Judge McClellan
Adult Mental Health	AMHC1SEVIER	Judge Bagley
Juvenile Family Dependency	JFDDC1WASHINGTON	Judge Leavitt

Judge Fuchs mentioned almost all PSCs are having a difficult time meeting the minimum participants requirement during the pandemic but expected those numbers to increase as the pandemic winds down.

Chief Justice Durrant thanked Judge Fuchs.

Motion: Judge Chin moved to approve the recertification of all problem-solving courts listed in the table above. Judge Farr seconded the motion, and it passed unanimously.

10. LANGUAGE ACCESS COMMITTEE REPORT: (Cade Stubbs and Kara Mann)

Chief Justice Durrant welcomed Cade Stubbs and Kara Mann.

Interpreter Usage for FY 2021

District Courts	6,520
Juvenile Courts	3,380
Justice Courts	7,462

District Usage of Interpreters

District	District	Juvenile	Justice
First	420	106	421
Second	785	461	919
Third	2,693	1,114	3,928
Fourth	1,884	1,225	1,644
Fifth	522	90	423
Sixth	91	91	50
Seventh	63	4	61
Eighth	62	14	16

FY 2020 vs FY 2021 Growth

Court	FY 2020	FY 2021	Growth Percentage
District	5,039	6,520	29%
Juvenile	3,711	3,380	-9%
Justice	6,173	7,462	21%

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 backlog impact on court interpreter resources
- Regularly reviewed requests by interpreters for reciprocity or special requests

Ongoing 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

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

Ms. Mann said the growth rate of cases is requiring more court interpreters. There hasn't been an issue lately of losing Utah interpreters to neighboring states. There is a shortage of CARE service providers, which are an ADA accommodation for deaf or hard-of-hearing parties who do not know American Sign Language. Judge Shaughnessy has seen an increased need of simultaneous interpretation with fewer people who are proficient to do them. Ms. Mann said Webex now has an interpreting audio channel but it has not been implemented yet. Ms. Mann explained that the Spanish interpreters are aware of the work-arounds for simultaneous interpreting. There are only three staff interpreters and they are located in the Third District Court. All other interpreters are freelance.

Chief Justice Durrant thanked Mr. Stubbs and Ms. Mann.

11. BUDGET AND GRANTS: (Judge Mark May, Karl Sweeney, Bart Olsen, and Jordan Murray)

Chief Justice Durrant welcomed Karl Sweeney, Bart Olsen, and Jordan Murray.

FY 2022 Ongoing Turnover Savings

#		Funding Type	Actual	Forecasted
			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

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 positions fill, with no other changes, that would leave 42.25 FTE vacant.

more generous with bonuses, why are more incentives not distributed. Mr. Sweeney explained the funding distribution methods.

Motion: Judge May moved to approve the FY 2022 Q3/Q4 Performance Bonus Payments one-time funds request of \$365,000, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

Law Library Delayed Subscription Payments

\$39,150

One-time funds

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.

Motion: Judge Shaughnessy moved to approve the Law Library Delayed Subscription Payments one-time funds request of \$39,150, as presented. Judge Connors seconded the motion, and it passed unanimously.

Ogden Jury Assembly Room, Layton Jury Boxes, and Other Furniture Repairs

\$25,300

One-time funds

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

Motion: Judge Connors moved to approve the Ogden Jury Assembly Room, Layton Jury Boxes, and Other Furniture Repairs one-time funds request of \$25,300, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

Special Request for Ongoing Turnover Savings to Address Certain Court Positions Where Market Has Moved Beyond Current Incumbent Pay Offered

\$100,000

Ongoing funds

Given the \$11.0 million in ARPA projects (almost certain to climb to \$12.3 million after the session with the approval of IT Phase II) the courts risk not being able to fully utilize these funds by the December 31, 2024 expiration date of ARPA legislation unless the courts retain key IT personnel who oversee the 20+ ARPA projects. An investment of up to \$100,000 in forecasted FY 2022 one-time savings yields a stunning 120 times investment payback in fully utilized ARPA funding.

Mr. Gordon said there are a couple of areas where the courts are considerably under market which is different than hot spot increases the Council previously funded. Mr. Gordon mentioned the difficulty the courts have experienced in filling the associate general counsel positions. Judge May mentioned the courts can't seem to compete financially for hiring legal

counsel and felt this is an extraordinary problem. Judge Shaughnessy thought the courts will lose a lot of talent if this isn't addressed.

Motion: Judge Connors moved to approve the \$100,000 for Special Request for Ongoing Turnover Savings to Address Certain Court Positions Where Market Has Moved Beyond Current Incumbent Pay Offered, as presented. Judge May seconded the motion, and it passed unanimously.

Mr. Murray continues his work on grants in the courts.

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

12. SALT LAKE CITY JUSTICE COURT GRANT REQUEST: (Ron Gordon and Jordan Murray)

Chief Justice Durrant welcomed Ron Gordon and Jordan Murray. On behalf of the Salt Lake City Justice Court, the AOC requested the Council's consideration to authorize a Certificate of State Approval sanctioning the justice court's technical assistance grant in the amount of \$50,000 to the State Justice Institute (SJI). The Certificate designates the justice court as the entity to receive, administer, and be accountable for all funds awarded by SJI.

Partnering with the National Center for State Courts (NCSC), the Salt Lake City Justice Court will be assisted in refining and implementing best practices for limited-jurisdiction courts in case flow 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 NCSC 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.

Mr. Gordon noted there is no state court cash match for this grant. Judge Shaughnessy wasn't clear why the Council would be involved with the Salt Lake City Justice Court when SJI requires the governing body to sign these forms, noting that the Council was not the governing body over the justice court. Mr. Gordon explained that SJI specifically requested the Council's review and approval. The justice court has responsibility for receiving and maintaining the funds. The Board of Justice Court Judges has not discussed this grant but Judge Chin didn't believe the Board needed to weigh in on this matter since it's directly related to one justice court.

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

Motion: Judge Chin moved to approve having Chief Justice Durrant sign the \$50,000 SJI justice court grant request. Judge Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant welcomed Todd Eaton and Karl Sweeney. The Windows 7 operating system reached its end of life in October of 2020, meaning the operating system is no longer supported and will no longer receive critical patches from Microsoft. These patches are what allows software to continue functioning effectively and securely. Additionally, 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 about \$1,400,000. There are currently 1,183 staff/judges/GAL using 4,000 devices. The courts are now at a point where there is no choice but to get rid of the Windows 7 computers because of the security risk to our system. The IT Department does not have the \$750,000 in their budget needed to replace the remaining Windows 7 computers and maintain the current device count nor the staff to support the growing number of devices.

IT plans to meet individually with each TCE to review their inventory and outline the plan of action. Judge Samuel Chiara asked how many devices would be given to judges who work in multiple courthouses. Mr. Eaton explained that docking stations will be installed in their chambers and desktops would be installed for the benches. Mr. Eaton provided that desktops will be installed in the courtrooms for judicial assistants who work in multiple locations as well.

Windows 10 licenses have been purchased by IT. Mr. Eaton explained that IT has standard docking stations, however, docking stations that are unique are currently on backorder. Several districts have standard docking stations on hand for use.

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

Motion: Judge May moved to approve the consolidation of devices as defined by the IT Department. Judge Connors seconded the motion, and it passed unanimously.

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

Chief Justice Durrant welcomed Judge Paul Farr, Jim Peters, Karl Sweeney, and Jordan Murray. The Justice Court Reform Workgroup, chaired by Judge Farr, presented the two fundamental efforts that 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 throughout 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**

Judge Connors wondered if the workgroup was seeking funds to begin the process without knowing if there is legislative buy in for the changes in court structure. Judge Farr clarified that in order to conduct an in-depth analysis determining the cost of implementing the creation of a new court system, this upfront work must be done. Justice courts costs and revenue is about \$42 million per year. Justice courts do not have uniform accounting procedures so there is no central or standard database. As the recommendations are implemented, the cost per locality must be determined. Judge Connors thought the reform was a great idea but was concerned about committing money to a project that may not have a chance for success without knowing the thoughts of local entities and the legislature. Judge Farr said the Task Force sought participation from every entity they could think of that might be impacted by the proposal. Unfortunately, without the proposed analysis being done, the fiscal impact of the changes cannot be determined. Judge Farr reminded the Council that the original Task Force included representatives from the League of Cities and Counties, local attorneys, and other entities, who weighed in on the final Task Force report.

Judge Farr was concerned that incremental changes to the structure or operations of the justice courts may not reflect the direction from the Council. A Court led workgroup may provide more specific guidance. Judge Shaughnessy thought the reform recommended moving class A misdemeanor cases from district courts to justice courts; however, there seems to be a push to move criminal cases from the justice courts to the district courts, which seems counter intuitive. Judge Farr understood that the push was to move domestic violence cases out of the justice courts to eliminate de novo appeals.

Ms. Dupont reminded the Council that their legislative funding priorities were created last August, however, the proposal and fiscal analysis of the workgroup for this project were created after those priorities were established. Judge May believed the Budget and Fiscal Management Committee also felt the Court should get buy in from the Legislature or a legislator before spending significant resources on the project. He recognized that this may delay the implementation.

Judge Farr said this effort is similar in scope and magnitude as the 2004 justice court discussions. Judge Chin recommended the workgroup begin conversations with Legislators. Mr. Gordon thought the Legislature would consider this to be a very significant change, similar to when the courts moved away from circuit courts. Mr. Gordon explained that although Legislators don't necessarily know details, many are aware of this effort and that this should be done in concert with Legislators.

While the courts have drafted changes that do not require constitutional amendments, if the Legislature takes over this project, they could choose to look at constitutional changes. Judge Mortensen knew the courts didn't want to amend Article VIII Judicial Department but wondered if the Legislators would seek an amendment in the article.

Judge May suggested the Courts approach the Legislature to fund the study brought before the Council. Judge Shaughnessy didn't want this request competing other financial requests the courts might advance. Mr. Gordon thought this request would not compete with other judicial requests if a legislative task force was created.

Judge Connors recommended the Council create a subcommittee including himself, Judge Farr, Mr. Gordon, Ms. Dupont, Mr. Drechsel, and Mr. Peters to determine the best strategic approach. Judge Pettit relayed that it might be wise to speak with Legislators at this point but not seek grant funding. The Council agreed to have Mr. Gordon, Ms. Dupont, Judge Farr, and Mr. Peters work to create a plan on how to address this with the Legislators. Chief Justice Durrant thought the courts need to make this the sole topic of conversations with legislative leadership, including Chief Justice Durrant, Mr. Gordon, Ms. Dupont, Judge Farr, and Mr. Peters.

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

15. GREEN PHASE WORKGROUP: (Ron Gordon)

Chief Justice Durrant welcomed 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** (to be invited on an as-needed basis) – 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

Mr. Gordon also believed a TCE should be added to the group.

Chief Justice Durrant thanked Mr. Gordon.

Motion: Judge Mortensen moved to approve the workgroup with the addition of a TCE. Judge Shaughnessy seconded the motion, and it passed unanimously.

16. LGBTQ+ CHAMBER OF COMMERCE: (Samantha Taylor and Chris Wharton)

Chief Justice Durrant welcomed Samantha Taylor and Chris Wharton. Ms. Taylor, Chairwoman of the Utah LGBTQ+ Chamber of Commerce, brought before the Council issues transgender people in Utah's legal community are faced with. Ms. Taylor recommended the Supreme Court adopt ABA Model Rule 8.4(g); in the interim, the Office of Professional Conduct and judicial officers apply Rule 3.4 and 4.4; create an advisory committee to address the standards of professionalism and civility – specifically addressing the use of pronouns, preferred names, and honorifics; the Office of Fairness and Accountability, along with members of the LGBTQ+ community, be given sufficient power to effect changes; the courts and Utah State Bar develop trainings on diversity; the AOC provide full support for employee resource groups; and that the courts become hospitable.

Mr. Wharton appreciated the opportunity to address the Council and stated that he heard things that have been said or included in pleadings by colleagues and judges that are concerning. Ms. Taylor noted there were a lot of issues with cultural competency and misunderstanding. Ms. Taylor appeared in court, dressed as a female, but the judge referred to her as Mr. Taylor. Ms. Taylor felt the judge's rulings in that case were fair but found it difficult for people to believe rulings in general are fair when people are not treated fairly in court. Ms. Taylor suggested more

training and having a resource for judges who witnesses these issues. Ms. Taylor offered training support through her work.

Judge Shaughnessy thanked Ms. Taylor and Mr. Wharton for bringing this forward and noted Code of Judicial Conduct Rule 2.3(c) states “A judge shall take reasonable measures to require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.” Mr. Wharton explained the problem is when a judge doesn’t believe someone is expressing bias and accepts the behavior. Ms. Taylor thought implicit bias training would help. Chief Justice Durrant thought those were great suggestions and that these are very important issues. Judge Connors thought the Judicial Conduct Commissions should be enforcing the rules.

Chief Justice Durrant thanked Ms. Taylor and Mr. Wharton.

17. OLD BUSINESS/NEW BUSINESS

No additional business was discussed at this time.

18. EXECUTIVE SESSION

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

19. 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.

20. ADJOURN

The meeting adjourned.

Tab 2

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
February 28, 2022
Meeting held through Webex
2:25 p.m. – 3:25 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
Jim Peters
Neira Siaperas

AOC Staff:

Ron Gordon
Cathy Dupont
Brody Arishita
Shane Bahr
Meredith Mannebach
Nick Stiles
Keisa Williams
Jeni Wood

Guests:

Eric Johnson

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

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

Motion: Judge Paul Farr moved to approve the February 8, 2022 and February 11, 2022 Management Committee minutes, as presented. Judge Mark May seconded the motion, and it passed unanimously.

2. RECORDS ACCESS APPEAL: (Keisa Williams)

Eric Johnson, Utah Family Law TV (UFLTV), appealed the denial of his request for a fee waiver for free access of “up to 10,000 searches per year” on the courts’ public online service (Xchange) in order to conduct research. This is Mr. Johnson’s second request for free access. The first request was made in his individual capacity and was for an identical purpose. In an email to Shane Bahr, Mr. Johnson stated that he was making a “personal request” in his “capacity as an attorney” and “personally seeking permission to access data for . . . research.” Mr. Bahr denied Mr. Johnson’s original request. A little over an hour later on that same day, Mr. Johnson filed a request for an identical research project as a news organization.

CJA Rule 4-202.08(8)(B) defines the qualifications for fees, including a “news organization.” Individuals acting as a private individual, or as an attorney do not qualify for a fee waiver. Keisa Williams believed Mr. Johnson should not be allowed to circumvent court rules by purporting to be a private individual in one request and a “news organization” in another.

Mr. Johnson admitted, he and “others who do or may report for UFLTV” can access an unlimited number of documents in Xchange free of charge at district courthouses throughout the state. Mr. Johnson also has an Xchange subscription that allows him to access the system remotely at any time and to conduct up to 500 searches per month. Mr. Johnson does not argue that the \$40.00/month subscription fee is unreasonable or unaffordable. He argues only that he cannot view the contents of documents free of charge “at their convenience” and “could not afford to conduct the research and prepare the statistics or report if he were required to pay .50 cents per document.”

Ms. Williams felt Mr. Johnson’s request should be denied because he and others with UFLTV can conduct their research free of charge at any district courthouse. Granting a fee waiver in this instance would encourage attempts to circumvent the rule, and would not benefit the public. Judge Todd Shaughnessy said if the committee allows this exception for an attorney who didn’t want to pay for Xchange, then all attorneys could hold the same argument.

Ms. Williams will research what the Council’s intentions were when they used the term “news organization” in Rule 4-202.08.

Eric Johnson was welcomed into the meeting. He said he only made a second request because Shane Bahr informed him that requests were not granted to individuals. Mr. Johnson didn’t believe he was trying to circumvent the rules, rather, he took corrective actions with his second request.

Mr. Johnson stated he is a full-time practicing attorney, not a paid reporter, so using a facility during business hours to conduct research for free would be difficult. He conducts research after hours and on the weekend so he can earn money during the day.

Chief Justice Durrant thanked Mr. Johnson. Mr. Johnson left the meeting. Judge Shaughnessy mentioned he grants requests from UFLTV to record court proceedings, assuming the parties do not disagree. The committee discussed whether this had any bearing on the fee request and decided it did not. He didn’t believe the committee should define whether UFLTV was a news organization or not. Chief Justice Durrant asked if the committee could limit the availability of free access to Xchange to this particular request.

The committee moved into an executive session. The committee returned from the executive session.

Motion: Judge Shaughnessy moved to deny Mr. Johnson’s request, as presented. Judge May seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the Judicial Council agenda.

Motion: Judge May moved to approve the Judicial Council agenda, as amended to add the Daggett County Staffing item. Judge Farr seconded the motion, and it passed unanimously.

4. JUDICIAL COMPENSATION: (Ron Gordon)

The Elected Official and Judicial Compensation Commission (EJCC) sought to recommend a salary increase for judges. The Judicial Council preferred not to support the increase so as not to jeopardize the judicial assistant compensation budget request. Judge Shaughnessy spoke with the Board of District Court Judges who volunteered to assist with this matter. Judge Shaughnessy wondered about a compensation increase for attorneys working for the courts in other capacities. Discussions on a judicial salary increase will begin for a recommendation to the Legislature during the 2023 Legislative Session. The Board and AOC staff were interested in understanding what actions the Board can take to promote the raise for judges between the end of the 2022 Legislative session and the Council's budget meeting in August.

The committee recognized that the low pay seems to have resulted in a decrease in law clerk applications.

Motion: Judge May moved to approve staff holding conversations with the EJCC and to instruct staff to work on a request to increase compensation for law clerks, with discussions from the Board of District Court Judges. Judge Shaughnessy seconded the motion, and it passed unanimously.

5. OLD BUSINESS/NEW BUSINESS

Cathy Dupont explained that the CDC revised their mask mandate standards, which may affect the Pandemic Administrative Order and Risk Phase Response Plan. The CDC recommends wearing a mask in a high transmission index county. Based on the CDC map, that would only include Tooele and Sanpete County. The current Administrative Order requires masks in high and moderate transmission index counties based on the Utah Department of Health transmission index. Ms. Dupont wasn't sure if the state would continue providing weekly transmission index updates. Typically, the committee has followed CDC guidance. Judge May and Judge Farr thought this should be further discussed at an upcoming meeting as these changes may impact the upcoming conferences. The committee agreed to set a meeting for March 3 at noon and requested Ms. Dupont and Ms. Williams draft amendments accordingly.

Chief Justice Durrant thanked Judge May for all of his work on the committee, noting that this is his last Management Committee meeting.

6. EXECUTIVE SESSION

An executive session was held.

7. ADJOURN

The meeting adjourned.

Tab 3



Eighth Judicial District

February 17, 2022

Memorandum

TO: Ron Gordon, State Court Administrator
Cathy Dupont, Deputy State Court Administrator
Shane Bahr, District Court Administrator
Neira Siaperas, Juvenile Court Administrator
Kiesa Williams, General Counsel
FROM: Russell Pearson, Trial Court Executive
RE: Daggett County Proposal

The 8th District is proposing to the Judicial Council to consider revising the contract with Daggett County allowing:

1. Judicial Assistants from Vernal to provide clerical service to Daggett County patrons through technology and being the in-person staff to judges on court days.
2. Continue the contract to allow the Daggett County Treasurer to collect filing fees, fines and other revenues associated with running the Court.
3. Contract with Daggett County asking them to maintain a kiosk and cloud scanner for use by court patrons.

Daggett County is a Contract Court Site. Utah Code 78A-5-111(4)(a) states, "At the request of the Judicial Council, the county or municipality shall provide staff for the district court in county seats or municipalities under contract with the administrative office of the courts." The State Courts currently lease the courtroom space from the County. The State Courts also reimburse the County for office supplies and other materials used in the work of running the Court. The State Courts reimburse the County for clerical services at a rate of .25 FTE of a Judicial Assistant. For many years, this arrangement has worked extremely well. Recently, changes at the County Clerk's Office have resulted in the Court work not being a priority. We would like to propose that the Judicial Council consider making minor changes to the scope of the contract with Daggett County.

We would propose that Judicial Assistants from Vernal be assigned to the casework in Daggett County and accompany the judge to participate in hearings in Daggett County, when held there. We are not proposing any cost changes to the contract. We would continue to ask the County Treasurer to take

payments for case filings, court fees and payments as they currently do. The change would be rather than the person taking the paperwork to the County Clerk's office for filing, we have the person scan the documents to the Judicial Assistants in Vernal.

I requested a kiosk for Daggett County some months ago as we were placing the orders for the kiosks. Our Clerk of Court has requested a cloud scanner from Neira as part of the CIP funding program. We feel that with both of those pieces of equipment, county citizens could communicate with JAs in Vernal and also be able to scan paperwork needed for filing with JAs in Vernal. We believe we could virtually handle the questions and concerns of county citizens.

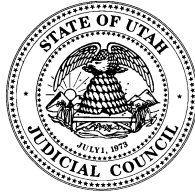
During the Pandemic we have been able to handle the workload at Vernal. Hearings have been via Webex and the Vernal staff have absorbed the workload. As COVID-19 conditions have improved in Daggett (Daggett County has remained the only County to stay in the Low Transmission Level in the State during the latest case surge) the judges have been holding more in-person hearings in Daggett County. But as we move to in-person hearings, the County staff have indicated they lack training to be able to handle the work.

We have had our Training Coordinator, Clerk of Court and our Vernal Case Manager provide training to the County Clerk's office. After each round as we then hand off the responsibility to the County Clerk to handle the hearings, I then receive a phone call from the County Clerk indicating that we have not provided enough training. All three who have provided training have become exasperated trying to help them learn and perform. They have all made the same comments that there is not a priority for the county to do this work. Even the County Clerk states they are busy working with the County Commission and preparing for elections.

In conclusion, we propose that clerical case work for Daggett County be provided by Vernal JAs. That we continue to ask the County Treasurer to accept payments for filings and fees associated case work. That we ask county staff to help maintain a kiosk and cloud scanner on site. And that a kiosk and cloud scanner be prioritized for Daggett County.

We appreciate all your help and assistance.

Tab 4



Administrative Office of the Courts

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

February 16, 2022

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

MEMORANDUM

TO: Judicial Council

FROM: Jon Puente, Director OFA

RE: Policy Recommendations on Workforce Climate

The Office of Fairness and Accountability submits the following policy recommendations to address workplace and judicial climate.

- Work with the Utah Supreme Court to adopt ABA Model Rule 8.4(g) which states: It is professional misconduct for a lawyer 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. 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.
- Work with the Utah Supreme Court and the Utah State Bar for the creation of an MCLE rule dealing with elimination of bias in the legal profession (significant number of states with integrated bars have this requirement)
- Restructure Utah Court Rule 3-403 (3)(A) to require that all active judges and senior judges 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, elimination of bias, and DEI at new judge and new employee orientation
- Harassment and abusive conduct training at new judge orientation

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

- Designate mandatory training for court employees, supervisors, directors, and judicial officers, including bystander, implicit bias, and power differential trainings. Similar to
 - Workplace Harassment Training (Administrative Code R477-15-6, HR 15-6)
 - Defensive Driving Training (Administrative Code R27-3-3)
 - Ethics Training (Utah Code 67-26-3-301)
 - Court Security (Utah Judicial Council Code of Judicial Administration, Rule 3-414)
 - Abusive Conduct Training (HR 16-4, UCA §67-26-301(2))
- 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

Ultimately, adopting these policies will give judicial and court leadership the skills and competency to establish standards, policies, rules, and standards that will not only address workplace climate increasing staff diversity and retention but also help gain the trust and confidence of an increasingly diverse public.

Tab 5

Agenda

**Budget and Grants Agenda
for March 11, 2022 Judicial Council Meeting**

1. YE 2022 Available Funds & Spending Requests Judge Kara Pettit
(Action) Karl Sweeney
Alisha Johnson

YE 2022 Spend Requests Presented for Approval by Judicial Council

15. SJI Grant Match for NCSC Concept Paper on Rule 26..... Ron Gordon
 16. Court Facilities – Matheson Re-carpeting Project..... Chris Talbot
 17. 2nd District Courtroom Doors Glen Proctor / Larry Webster
-
2. Changes to Judicial Operations Policy Alisha Johnson
(Action) Karl Sweeney



FY 2022 Year End Forecasted Available One-time Funds

Forecasted Available One-time Funds		
Description	Funding Type	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
** Turnover savings Estimate for the rest of the year (\$2k x 912 pay hours)	Turnover Savings	1,824,000
(a) Total Potential One Time Turnover Savings		4,448,229
(b) Operational Savings From TCE / AOC Budgets	Internal Operating Savings	646,060
(c) Reserve Balance (from August Judicial Council meeting net of approved reserve uses)	Judicial Council Reserve	414,829
Uses of YE 2022 Funds		
Maximum Carryforward into FY 2023	Desired Carryforward	(3,200,000)
Total Potential One Time Savings = (a) + (b) + (c) less Maximum Carryforward		\$ 2,309,118
Less: Judicial Council Requests Previously Approved		
		\$ (1,751,604)
Less: Judicial Council Current Month Spending Requests		
		\$ (228,193)
Remaining Forecasted Funds Available for FY 2022 YE Spending Requests		
		\$ 329,321

#	One-time Spending Plan Requests	Current Requests Amount	Judicial Council Prev. Amount
1	Judicial Council Room Upgrades		39,481
2	Statewide Router Upgrades		160,000
3	WiFi Access Points Upgrades		120,000
4	FY 2022 Career Ladder Payments		243,000
5	FY 2022 Performance Bonus Payments Q1/Q2		365,000
6	Software for Clean Slate Legislation		19,667
7	My Case Account Creation Enhancements		130,000
8	For The Record Upgrade		187,000
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
12	Performance Bonus Payments Q3/Q4 (pending 2/28 approval)		365,000
13	Law Library - Delayed Subscription Payments (pending 2/28 approval)		39,150
14	Jury Assembly Room - Ogden (pending 2/28 approval)		25,300
15	SJI Grant Match for NCSC Concept Paper on Rule 26	23,050	
16	Matheson Carpeting Project	200,000	
17	2nd District Courthouse Doors	5,143	
Current Month One-time Spending Requests		228,193	
Previously Approved 1x FY 2022 YE Spending Request			1,751,604

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

15. FY 2022 YE Spending Req. – AOC Admin. – SJI Grant Match for NCSC Concept Paper on Utah Rule 26

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: 2/1/2022

Department or District: AOC Admin.

Requested by: Ron Gordon

Request title: SJI Grant Match (with NCSC) for NCSC Concept Paper - 10 Year Retrospective on Utah Rule 26

Amount requested: up to \$23,050 of cash and in-kind services

One-time funds

Purpose of funding request: The State Justice Institute has indicated they would be willing to fund 50% of the cost of a study on a 10 years Retrospective on Utah Rule 26 of the Utah Rules of Civil Procedure which went into effect in 2011. The National Center for State Courts would perform the study at an estimated total cost of \$92,100. SJI requires a 50% cash match and NCSC has agreed to split the 50% cash match 50/50 with the Utah Courts meaning NCSC and the Courts would each put up \$23,050 in cash or in-kind services. Per Paul Barron of Court IT, they have located the queries in the prior study and would need to do some work to ensure running the same query would give the same data as in the historical study. Paul estimates it would take between 150 – 200 hours split within his data team to replicate the study data for this project. Paul also mentioned that in the 2015 project the Courts Legal team answered questions to help the data team interpret the findings correctly and commented on the draft report before it was published and the Education group helped by recruiting judges to participate in focus groups. Those hours were not included in the 150 – 200 hours above. The total value of the services at \$100 per hour would be between \$15,000 - \$20,000 meaning the net cash request would likely be no more than \$8,000 after deducting Court IT, Education and Legal time.

Paul indicated Court IT could handle this project if spread over several months.

Utah Rule 26 was amended November 1, 2011 by the Utah Supreme Court. This amendment implemented a set of revisions to Rule 26 and Rule 26.1 of the Utah Rules of Civil Procedure designed to address concerns regarding the scope and cost of discovery in civil cases. The revisions included seven primary components:

1. Proportionality is the key principle governing the scope of discovery — specifically, the cost of discovery should be proportional to what is at stake in the litigation.
2. The party seeking discovery bears the burden of demonstrating that the discovery request is both relevant and proportional.
3. The court has authority to order the requesting party to pay some or all of the costs of discovery if necessary to achieve proportionality.
4. The parties must automatically disclose the documents and physical evidence which they may offer as evidence as well as the names of witnesses with a

15. FY 2022 YE Spending Req. – AOC Admin. – SJJ Grant Match for NCSC Concept Paper on Utah Rule 26

description of each witness's expected testimony. Failure to make timely disclosure results in the inadmissibility of the undisclosed evidence.

5. Upon filing, cases are assigned to one of three discovery tiers based on the amount in controversy; each discovery tier has defined limits on the amount of discovery and the time frame in which fact and expert discovery must be completed. Cases in which no amount in controversy is pleaded (e.g., domestic cases) are assigned to Tier 2.
6. Parties seeking discovery above that permitted by the assigned tier may do so by motion or stipulation, but in either case must certify to the court that the additional discovery is proportional to the stakes of the case and that clients have reviewed and approved a discovery budget.
7. A party may either accept a report from the opposing party's expert witness or may depose the opposing party's expert witness, but not both. If a party accepts an expert witness report, the expert cannot testify beyond what is fairly disclosed in the report

The National Center for State Courts has a proven track record with quality data-driven deep dives into complicated issues.

The modifications to Rule 26 have been helpful to pro se litigants since its change in 2011. It would be great to understand the extent of the helpfulness, and whether the retrospective can offer insights into other changes that the Committee could recommend to the Court to further assist pro se parties.

The 23k is only 25% of the full cost of the project, which obviously is a great product for a comparatively small investment.

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

The Study is expected to evaluate the expected benefits from Rule 26 which were:

- a. A decrease in the amount of time expended to complete discovery;
- b. A commensurate decrease in the time to disposition due to the shortened discovery period;
- c. A decrease in costs associated with discovery;
- d. An increase in filings in lower value (Tier 1) cases;
- e. A preference by litigants to opt for a written report rather than oral deposition of opposing expert witnesses;
- f. A lower compliance rate with the automatic disclosure requirements by self-represented litigants compared to litigants represented by legal counsel; and
- g. An increase in the trial rate, especially for Tier 1 cases, as pursuing a case past discovery becomes more affordable due to decreases in discovery costs; or, alternatively, a decrease in the trial rate and a corresponding increase in settlements as the automatic disclosure requirements provide sufficient information with which to assess claims and defenses

Amounts not spent by 6/30/2022 would be transferred to carryforward and requested from carryforward funds. NCSC wrote a 5 year evaluation of Rule 26 which is available [here](#). Per Paula

15. FY 2022 YE Spending Req. – AOC Admin. – SJI Grant Match for NCSC Concept Paper on Utah Rule 26

Hannaford of NCSC, the Bureau of Justice Assistance funded the entire 2015 study (there were multiple projects in the \$275,000 grant including similar studies of Oregon and New Hampshire). The Courts contributed in-kind labor for various statistics but no cash in the 2015 study.

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 could defer the study until 2023 carryforward funds were available.

16. FY 2022 YE Spending Request – Facilities - Matheson Carpeting

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: 2/17/2022

Department or District: AOC Facilities

Requested by: Chris Talbot

Request title: Matheson Carpeting

Amount requested: One-time \$ 200,000

Ongoing \$ _____

Purpose of funding request:

The original 22 year old carpet in Matheson is long past the industry standard replacement cycle. Excessive wear and carpet seams coming unglued whenever the carpet is cleaned are creating safety issues. We received and spent \$350,000 from capital improvements in FY21 to replace the most worn and unsafe areas. We received and spent \$100,000 in 2022 carryforward funds. The estimate to replace the remaining old carpeted areas in the building is \$200,000. Due to other budget priorities, it is unlikely that the State will fund further carpet replacement through capital improvement. Facilities requests Judicial Council approval to fund \$200,000 from FY 2022 YE spending to be able to buy the inventory to continue the large replacement the project.

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

This request would continue the replacement process of the existing +125,000 SF of carpet in Matheson and allow us to eventually re-carpet all courtrooms, chambers, offices and conference rooms over the next 2 years. Facilities would evaluate and replace the areas with the most wear and tear safety issues first.

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?

Worn carpet that is bubbling, rolling, and has seams coming apart is unsafe and creates tripping hazards. Just as we did in previous years, we would seek a smaller \$20,000 request to fund emergency repairs.

17. FY 2022 YE Spending Request – Second District – Replace Damaged Ogden Courtroom Doors

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: 2/24/2022

Department or District: Second District

Requested by: Lawrence P. Webster, TCE/Glen Proctor

Request title: Replace Ogden Courtroom Doors

Amount requested: One-time \$5,143

Purpose of funding request: Replace doors on Ogden Courtroom 3B

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

Early in 2021 we purchase new courtroom decorum signs. This was in response to the enactment of Rule 4-411 (in November of 2020), governing courtroom attire. We had just installed new courtroom attire signs in 2016.

We used very strong, two-sided tape to mount the signs. With great difficulty I was able to remove 18 of our twenty signs, but as I attempted to remove the second-to-the-last sign on the door of Ogden courtroom 3B, the wood surface of the door came off with it (delaminated).



I had put the blue tape on the door so I could put the new sign exactly over the old one. The other stripes are the remnants of the two-sided tape used to mount the signs.

17. FY 2022 YE Spending Request – Second District – Replace Damaged Ogden Courtroom Doors

Our plan was to use current expense funds to pay to have the door repaired. Because of the pandemic, we were not in a big hurry because none of our upstairs courtrooms were being used by the public, although we have recently started using that courtroom for jury deliberations. To my surprise, when I asked our DFCM operations and maintenance director to give us a quote on the repair, the DFCM quote indicated that the door could not be repaired, but must be replaced, along with its companion door, so they could get a good match on the stain. The DFCM total replacement cost is \$5,143.

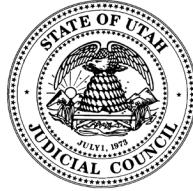
That estimate arrived just after we submitted the \$25,000 in repairs for consideration for FY 2022 YE funds. We ask that this repair also be considered for FY 2022 YE funds.

Alternative funding sources, if any:

We have no alternate source of funding as our FY2022 funds are already used in our \$25,000 in repairs which was recently approved by Judicial Council.

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

We can wait until FY2023 to have the doors replaced.



Administrative Office of the Courts

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

March 2, 2022

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

MEMORANDUM

TO: Budget and Fiscal Management Committee

FROM: Karl Sweeney and Alisha Johnson

RE: Judicial Operations – Requesting Approval for Judicial Operations Budget and Accounting Manual Policy Changes

Trial Court Executives, the Board of District Court Judges, the Board of Juvenile Court Judges, and the Board of Appellate Court Judges have approved the recommendations as written within this document. We seek approval of the Judicial Council for these proposed changes. If approved, the recommendations would be incorporated into the Accounting Manual update scheduled for May 2022.

Request

The Board of District Court Judges (BDCJ) submitted a request to the Budget and Fiscal Management Committee (BFMC) in late 2019 to change the allowable uses for the Judicial Operations budget. The request contemplated expanding the uses as follows:

- 1. In addition to law related books, any work-related technology which would include software programs and any technological devices used for work, such as laptops, ipads and similar tablets, and cellphones not already provided by the Court.*
- 2. In addition to bar meetings and in-state workshops and conferences, costs associated with out of state travel not covered elsewhere.*
- 3. Other obvious costs of operation for a judge not included elsewhere, including for example robes and gavels.*
- 4. Any other item that has been approved by the Trial Court Executive as a legitimate work-related expense.*

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

That request also included a proposal to increase the Judicial Operations budget to \$1,000 per Judge / Sr. Judge / Commissioner (“Judicial Officers”) and have it completely housed in the base budget. This request was paused by the BFMC in Spring 2020 due to the budget impacts of COVID-19. In the fall of 2021, the BFMC asked AOC Finance to take a fresh look at the BDCJ request and propose a way to operationalize it without increasing the use of ongoing funds.

Background

The Judicial Operations budget has been a part of the Accounting Manual for almost 30 years.

Historically, the Judicial Operations budget has been funded through two sources:

- Ongoing base budget (\$500 per Judge / Sr. Judge / Commissioner in District, Juvenile and Appellate Courts)
- Carryforward funding (\$400 per Judicial Officer).

In FY 2021 and FY 2022, the carryforward funding was not granted by the Judicial Council leaving each Judicial Officer with the \$500 base budget allocation.

This allocation has not been fully utilized. In the past five years the greatest use year was FY 18 and, in that year, the amount utilized was 59.31% of just the base portion of the allocation (\$51,598 / \$88,000) (see row E in the table below).

As a portion of total allocation, for the past five years, utilization rates range from a low of 19.79% in FY 2020 to a high of 32.95% in FY 2018 (see row F in the table below).

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
(A)Base Allocation	\$ 86,500	\$ 87,000	\$ 88,000	\$ 88,000	\$ 88,000
(B)Carryforward Allocation	\$ 69,200	\$ 69,600	\$ 70,400	\$ 70,400	\$ -
(C)Total Allocation	\$ 155,700	\$ 156,600	\$ 158,400	\$ 158,400	\$ 88,000
(D)Funding Utilized	\$ 47,789	\$ 51,598	\$ 44,940	\$ 31,350	\$ 25,028
(E) = (D)/(A)Percent of Base Utilized	55.25%	59.31%	51.07%	35.62%	28.44%
(F) = (D)/(C)Percent of Total Utilized	30.69%	32.95%	28.37%	19.79%	28.44%

By design, the Judicial Operations funding has very specific allowable uses as per the Accounting Manual section 13-02.00. These guardrails were meant to address specific needs:

All or part of the individual allotment maybe used to attend the annual and/or mid-year Utah Bar Conferences, or in the alternative, may instead be used;

- a. to purchase law-related books, including a copy of the Utah Code, subscriptions and other professional resource materials (per existing state approved guidelines);*
- b. in support of membership in professional organizations, including optional sections of the Utah Bar, attendance at in-state court-related workshops and conferences, attendance at Utah Bar activities.*
- c. in support of other appropriate law-related interests or activities including online courses and webinars. These funds may not be used for the purchase of electronic devices or offsetting out of state education costs.*

Proposed Changes

AOC Finance reviewed the effectiveness of the current Judicial Operations policy both in meeting the needs of the Judicial Officers it is supposed to serve and in being easily managed within the framework of those who have budget responsibility for Judicial Officers.

As noted above, we found the current Accounting Manual policy 13-02.00 overly restrictive in meeting the needs of the Judicial Officers it was supposed to serve. We also found that we could increase the amount of funding available if we merged the current Judicial Operations budget into the overall budget of the District, Juvenile or Appellate Courts where there are usually other ongoing funds that are not completely utilized each year.

We confirmed these two findings in meetings with the Court Executives (“CEs”) who expressed a willingness to support their Judicial Officers needs within the confines of their overall budgets and overall policy.

Conclusion and Recommendation

We recommend the following changes to the Judicial Operations budget and Accounting Manual policy:

1. Eliminate the limitations on Judicial Officer spending as currently found in Accounting Manual policy 13-02.00
2. Track spending on Judicial Officers by use of the new JDOP activity code for all Judicial Officer purchases. The expenditures can be kept in a separate unit or not at the discretion of the Court Executive
3. Give discretion to the Court Executives to approve spending for Judicial Officers to make purchases in any budget category (e.g., training/education) subject only to (1) budget availability and (2) the requirements of other sections of the Accounting Manual (e.g., purchasing rules) and review/approval rights of groups that could be impacted by the purchase (e.g., IT).
4. Institute an “appeal” process for Judicial Officers if they have requests that are denied by the CEs (See Exhibit A).

Overall, this is a win-win situation. Implementing these changes will allow Judicial Officers to request any necessary purchase that would be allowed within accounting manual policy including everything within the BDCJ request. It will also allow the CE the ability to ensure the request is necessary, within budget, and does not adversely impact the budget or obligations of other Court departments. It also allows everyone involved to evaluate the most efficient way to complete the goal of the request.

Exhibit A

Judicial Ops Request/Appeal Process and Examples¹

PURPOSE:

This “request with appeal process” recognizes that the Judicial Ops budget proposal transferring approval rights to spend Judicial Ops budget to the Court Executives (CE’s) requires good faith on the part of both Judges and CEs. As set forth below, CEs are responsible for their budgets and ensure that purchases do not exceed their respective budgets and are within policy. Judges have a justified expectation that reasonable requests will be granted by their CEs and have the right to appeal denied requests. All employees of the State are responsible for prudent use of taxpayer dollars.

If a request is prudent and beneficial but sufficient funds are not available in the budget, waiting until resources become available within the budget the CE controls or tapping “other sources” are options. Other sources may include the Court Level Administrator budget or one time turnover savings requested through the BFMC and the Judicial Council.

PROCESS:

- 1) The Judicial Officer makes the spending request of the CE
 - a. Include any pertinent information including:
 - i. The business need for the purchase
 - ii. Any information available about purchase price
 - iii. An anticipated timeframe for the purchase.
- 2) The CE evaluates the spending request
 - a. CEs consider the following areas:
 - i. Is the request something that can be handled within the current budget?
 - ii. Is the request something that can be purchased within policy?
 - iii. Is the request the least expensive and/or most prudent option available?
 - b. If the request **DOES NOT** fall within current budget and / or policy or if there is a less expensive or more prudent option available, the CE will have a discussion with the Judicial Officer regarding further options.
 - i. The discussion will include;
 1. The reason for the denial
 2. Any suggestions for alternative options that may fall within budget and policy.
 - ii. If a Judicial Officer receives a denial, they may;
 1. Accept alternative options proposed within the discussion with the CE.
 - a. Alternative options may include:
 - i. Waiting until closer to year end to see if funding is available,
 - ii. Sourcing the item from another Court (District, Juvenile, Appellate),

¹ For the Court of Appeals, substitute Court Level Administrator for CE and Deputy State Court Administrator for Court Level Administrator.

- iii. Utilizing an outside the Courts no-cost source (public library, etc.)
 - iv. Seeking a lower cost alternative (such as attending a conference virtually versus in person),
 - v. Purchasing used versus new, or
 - vi. Seeking 1x turnover savings from the BFMC and Judicial Council.
- 2. Speak with their Court Level Administrator about the request and options
 - a. The Court Level Administrator will evaluate the request and the response and make a final decision on the matter.
 - b. If the denial is budgetary, the Court Level Administrator may assist the Judicial Officer in placing a request for funding through the BFMC.
 - i. The requests presented to BFMC utilize one time turnover savings; these funds are not available to cover ongoing costs.
 - c. If the request **DOES** fall within current budget and policy and meets the business need, the CE will respond with an approval to the Judicial Officer's request with any next steps to complete the purchase.

EXAMPLES

CASE 1 - Within Budget, Within Policy, Approved

Judge A sees an out-of-state training that would positively impact their working abilities and there is time to register with the early-bird rate. They consider the Judicial Education option but, unfortunately, that funding has already been used. They call State Travel to get a quote on airfare and they call the conference hotel to ensure that the conference rate is available. They email their CE with the details of the training and the associated costs. The CE evaluates the requests and reviews the budget. There is room within the CE's budget and the training would be beneficial. The CE approves the request and reminds Judge A to book their travel as per policy and offers assistance filling out the travel request form. The Judge books their travel as per policy and attends the training.

CASE 2 - Within Budget, Within Policy, Denied

Judge B would like a new desk for their office. They do have a desk already but it has a few scratches and doesn't match the rest of the furniture in the office. They research and find an option that they like and fits their personal requirements. They send a request to the CE for consideration. The CE evaluates the request and it would fit within budget but it is not a prudent use of funds since the current desk is workable. The CE denies the request but does mention that there may be some desks available in surplus. The Judge looks at the desks that are in surplus and is not interested in any of them. They take their request and the denial to their Court Administrator. The Court Administrator evaluates the request and agrees with the CE analysis. They discuss other

options with the Judge and ask if the Judge would like to send their request for consideration through the year end spending process. The Judge does want to proceed so the Court Level Administrator directs the CE to submit the request to the BFMC. The CE presents the request to BFMC noting that there is enough budget for the purchase. The Judge is available at the BFMC meeting to speak and answer questions. BFMC reviews the request and they question the prudence of the purchase given the alternative options available. Ultimately, they deny the request.

CASE 3 - Not Within Budget, Within Policy, Negotiated Resolution

Judge C wants a new tablet to have more convenience and mobility. They send the request to their CE. The CE evaluates the request and considers the fact that the Judge has a laptop and a desktop computer already available to them. The budget for the initial purchase is within the CE budget. The CE speaks with IT and they explain that they can't support the additional ongoing replacement and software expenses. IT does mention that, if the Judge is willing to give up their laptop, they can support providing them a tablet. The CE passes the information back to the Judge to decide if they would like to receive the tablet and give up their laptop. The Judge agrees and the CE follows through with the request through the proper IT channels.

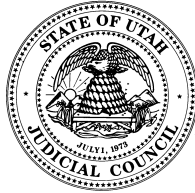
CASE 4 - Not Within Budget, Within Policy, Negotiated Resolution

Judge D finds an online training that would be beneficial to their experience. They consider the Judicial Education option but, unfortunately, that funding has already been used. The Judge sends the request to their CE. The CE reviews the request and agrees that it's a fantastic training but, unfortunately, it won't currently fit within the budget. The CE sends the denial back to the Judge with an explanation that the request can be reevaluated if budget becomes available or that, perhaps, budget may be available at the Court Level Administrator level. The Judge and CE take the request to the Court Level Administrator. The Court Level Administrator agrees that it is an important training. They work with Finance to review the projections for their budget and reprioritize a few things. They are able to contribute to half of the cost if the CE can cover the other half. The CE can cover half of the expenses so the request can be approved.

CASE 5 - Within Budget, Not Within Policy, Denied

Judge E would like to liven up their office with a plant. They research what plant they would like and the cost and submit the request to the CE. The CE sees that the request is in budget but they review policy and find that according to Accounting Manual policy 07-00.05 (3), purchasing plants is prohibited as it should be a personal expense of the court employee. The CE sends a denial back to the Judge explaining that this purchase is not allowed within policy but the Judge is welcome to make the purchase on their own. In that case, the plant is the property and responsibility of the Judge.

Tab 6



Administrative Office of the Courts

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

February 17, 2022

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Karl Sweeney
RE: Rule for Final Approval (*expedited effective date*)

Following a 45-day comment period, Policy and Planning recommends that the following rule be approved as final with an *expedited effective date of March 11, 2022*.

CJA 3-407. Accounting. (AMEND).

The amendments to the rule address the following items:

1. Incorporate the Budget and Fiscal Management Committee (BFMC) into Rule 3-407 as an approval body for accounting manual updates. The original version of Rule 3-407 predated the creation of the BFMC.
2. Elevate and document the role of the clerks of court as reviewers and approvers of new and amended accounting manual policies, post review by the Accounting Manual Review Committee but before the BFMC. The clerks of court are performing this role today, the proposed amendment would simply incorporate current practice into policy. This change has been endorsed by Shane Bahr and Neira Siaperas.
3. Eliminate the court services representative on the Accounting Manual Review Committee as the elevation of the review by all clerks of court will more comprehensively address any role played by the old court services area which has been integrated into IT.

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

Rule 3-407. Accounting.**Intent:**

To establish uniform procedures for the processing, tracking, and reporting of accounts receivable and trust accounts.

Applicability:

This rule applies to the judiciary.

Statement of the Rule:**(1) Manual of procedures.**

(1)(A) **Manual of Procedures.** The administrative office shall develop a manual of procedures ("Accounting Manual") to govern accounts receivable, accounts payable, trust accounts, the audit thereof, and the audit of administrative procedures generally. The procedures shall be in conformity with generally accepted principles of budgeting and accounting and shall, at a minimum, conform to the requirements of this Code and state law. Unless otherwise directed by the Judicial Council, the Accounting Manual of procedures and amendments to it shall be approved by the majority vote of the Budget and Fiscal Management Committee ("BFMC") following the procedures in (1)(D), state court administrator, the court administrators for each court of record, and the finance manager.

(1)(B) **Accounting Manual Review Committee.** There is established an accounting manual review committee responsible for making and reviewing proposals for repealing accounting policies and procedures and proposals for promulgating new and amended accounting policies and procedures. The committee shall consist of the following minimum membership:

(1)(B)(i) the director of the AOC finance department, who shall serve as chair and shall vote only in the event of a tie;

(1)(B)(ii) four support services coordinators who will serve a three year term, and may repeat;

(1)(B)(iii) two accountants or clerks with accounting responsibilities from each of the trial courts of record who will serve a three year term, and may repeat;

(1)(B)(iv) a trial court executive who will serve a three year term;

(1)(B)(v) a clerk of court who will serve a three year term;

(1)(B)(vi) a clerk with accounting responsibilities from an appellate court who will serve a three year term, and may repeat;

(1)(B)(vii) one court services field specialist, who has an indefinite term;

(1)(B)(viii) the audit director or designee, who shall not vote; and

(1)(B)(viii) the director of the state division of finance or designee, who shall not vote.

(1)(C) **Member Appointments.** Unless designated by office, members of the committee shall be appointed by the state court administrator, or designee. The AOC department of finance shall provide necessary support to the committee.

(1)(D) **Trial Court Executives and Clerks of Court Review.** New and amended policies and procedures recommended by the majority vote of the accounting manual review committee shall be reviewed and approved by the trial court executives and clerks of court of all courts of record. The trial court executives and clerks of court may endorse or amend the draft policies and procedures or return the draft policies and procedures to the committee for further consideration.

Once approved by the trial court executives and court clerks, prior to being the new and amended policies and procedures will be submitted to the Budget and Fiscal Management Committee ("BFMC") for approval as noted in (1)(A). Judicial Council or to the vote of the administrators and the finance manager. The Court Executives may endorse or amend the draft policies and procedures or return the draft policies and procedures to the committee for further consideration.

(2) Revenue accounts.

(2)(A) **Deposits; transfers; withdrawals.** All courts shall deposit with a depository determined qualified by the administrative office or make deposits directly with the Utah State Treasurer or the treasurer of the appropriate local government entity. The Supreme Court, Court of Appeals, State Law Library, administrative office, district court primary locations and juvenile courts shall deposit daily, whenever practicable, but not less than once every three days. The deposit shall consist of all court collections of state money. District court contract sites and justice courts having funds due to the state or any political subdivision of the state shall, on or before the 10th day of each month, deposit all funds receipted by them in the preceding month in a qualified depository with the appropriate public treasurer. The courts shall make no withdrawals from depository accounts.

(2)(B) **Periodic revenue report.** Under the supervision of the court executive, the clerk of the court shall prepare and submit a revenue report that identifies the amount and source of the funds received during the reporting period and the state or local government entity entitled to the funds. Juvenile courts and primary locations of the district courts shall submit the report weekly to the administrative office. District court contract sites shall submit the report at least monthly, together with a check for the state portion of revenue, to the administrative office. Justice courts shall submit the report

monthly, together with a check for the state revenue collected, to the Utah State Treasurer.

(2)(C) **Monthly reconciliation of bank statement.** The administrative office shall reconcile the revenue account upon receipt of the weekly revenue report from the courts and the monthly bank statements.

(3) Trust accounts.

(3)(A) **Definition.** Trust accounts are accounts established by the courts for the benefit of third parties. Examples of funds which are held in trust accounts include restitution, attorney fees, and monetary bail amounts.

(3)(B) **Accounts required; duties of a fiduciary.** District court primary locations and juvenile courts shall maintain a trust account in which to deposit monies held in trust for the benefit of the trustor or some other beneficiary. Under supervision of the court executive, the clerk of the court shall be the custodian of the account and shall have the duties of a trustee as established by law. All other courts of record and not of record may maintain a trust account in accordance with the provisions of this rule.

(3)(C) **Monthly reconciliation of bank statement.** Each court shall reconcile its ledgers upon receipt of the monthly bank statement and submit the reconciliation to the administrative office.

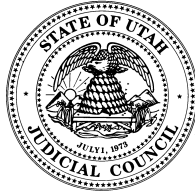
(3)(D) **Accounting to trustor.** The courts shall establish a method of accounting that will trace the debits and credits attributable to each trustor.

(3)(E) **Monetary Bail forfeitures; other withdrawals.** Transfers from trust accounts to a revenue account may be made upon an order of forfeiture of monetary bail or other order of the court. Other withdrawals from trust accounts shall be made upon the order of the court after a finding of entitlement.

(3)(F) **Interest bearing.** All trust accounts shall be interest bearing. The disposition of interest shall be governed by Rule 4-301.

(4) Compliance. The administrative office and the courts shall comply with state law and the Accounting Manual of procedures in (1)(A), adopted by the administrative office.

Effective May November 1, 20220



Administrative Office of the Courts

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

February 17, 2022

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rules for Final Approval (*May 1, 2022 effective date*)

Following a 45-day comment period, Policy and Planning recommends that the following rules be approved as final with an *effective date of May 1, 2022*.

CJA 1-205. Standing and Ad Hoc Committees. (AMEND)

Proposed amendments:

- Creates a Standing Committee on Fairness and Accountability (line 28)
- Replaces the Self-Help Center representative on the Committee on Resources for Self-represented Parties with a representative from a social services organization, now that the Director of the Self-Help Center is staffing the committee (lines 124-126)
- Removes the professor of criminal law position on the Committee on Model Utah Criminal Jury Instructions. That position has historically been very difficult to fill and the chair believes the position is unnecessary given the knowledge and experience of the other members (line 167)
- For the Committee on Court Forms: adds a second district court judge (one from a rural area), replaces the Court Services Director with a district court administrator or designee, and adds the LLP administrator (lines 190-208)
- Establishes the membership of the new Standing Committee on Fairness and Accountability (lines 211-218). Allows Judicial Council members to serve, participate, and vote on the Committee on Judicial Fairness and Accountability (lines 209-216).

CJA 2-103. Open and closed meetings. (AMEND)

Removes the requirement that the AOC notify a newspaper of general circulation that the Judicial Council meeting agendas have been posted on the Utah Public Notice Website (line 29) because the public posting is sufficient. Clarifies that a Judicial Council meeting may be closed for discussions regarding legal advice of counsel (line 56). Streamlines the procedural language in paragraph (5)(B) without making substantive changes (lines 89-94).

CJA 3-420. Committee on Fairness and Accountability. (NEW)

Outlines the roles and responsibilities of the new Committee on Fairness and Accountability as a Standing Committee of the Judicial Council.

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

CJA 4-302. Recommended Uniform Fine Schedule. (AMEND)

In May 2020, the Management Committee approved changing the name of the committee from “Recommended Uniform Fine Schedule Committee” to “Recommended Uniform Fine Committee,” but the name wasn’t amended in the rule. The proposed amendment simply reflects the approved name change.

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

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:**(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

- (1)(A)(i) Technology Committee;
- (1)(A)(ii) Uniform Fine Schedule Committee;
- (1)(A)(iii) Ethics Advisory Committee;
- (1)(A)(iv) Judicial Branch Education Committee;
- (1)(A)(v) Court Facility Planning Committee;
- (1)(A)(vi) Committee on Children and Family Law;
- (1)(A)(vii) Committee on Judicial Outreach;
- (1)(A)(viii) Committee on Resources for Self-represented Parties;
- (1)(A)(ix) Language Access Committee;
- (1)(A)(x) Guardian ad Litem Oversight Committee;
- (1)(A)(xi) Committee on Model Utah Civil Jury Instructions;
- (1)(A)(xii) Committee on Model Utah Criminal Jury Instructions;
- (1)(A)(xiii) Committee on Pretrial Release and Supervision; and
- (1)(A)(xiv) Committee on Court Forms; and
- (1)(A)(xv) Committee on Judicial Fairness and Accountability.

(1)(B) Composition.

(1)(B)(i) The **Technology Committee** shall consist of:

- (1)(B)(i)(a) one judge from each court of record;

- (1)(B)(i)(b) one justice court judge;
- (1)(B)(i)(c) one lawyer recommended by the Board of Bar Commissioners;
- (1)(B)(i)(d) two court executives;
- (1)(B)(i)(e) two court clerks; and
- (1)(B)(i)(f) two staff members from the Administrative Office.

(1)(B)(ii) The **Uniform Fine Schedule Committee** performs the duties described in rule 4-302 and shall consist of:

- (1)(B)(ii)(a) one district court judge who has experience with a felony docket;
- (1)(B)(ii)(b) three district court judges who have experience with a misdemeanor docket; and
- (1)(B)(ii)(c) four justice court judges.

(1)(B)(iii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and shall consist of:

- (1)(B)(iii)(a) one judge from the Court of Appeals;
- (1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;
- (1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- (1)(B)(iii)(d) one juvenile court judge;
- (1)(B)(iii)(e) one justice court judge; and
- (1)(B)(iii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iv) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 shall consist of:

- (1)(B)(iv)(a) one judge from an appellate court;
- (1)(B)(iv)(b) one district court judge from Judicial Districts 2, 3, or 4;
- (1)(B)(iv)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- (1)(B)(iv)(d) one juvenile court judge;
- (1)(B)(iv)(e) the education liaison of the Board of Justice Court Judges;
- (1)(B)(iv)(f) one state level administrator;
- (1)(B)(iv)(g) the Human Resource Management Director;
- (1)(B)(iv)(h) one court executive;
- (1)(B)(iv)(i) one juvenile court probation representative;
- (1)(B)(iv)(j) two court clerks from different levels of court and different judicial districts;
- (1)(B)(iv)(k) one data processing manager; and
- (1)(B)(iv)(l) one adult educator from higher education.

(1)(B)(iv)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(v) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and shall consist of:

- (1)(B)(v)(a) one judge from each level of trial court;
- (1)(B)(v)(b) one appellate court judge;
- (1)(B)(v)(c) the state court administrator;
- (1)(B)(v)(d) a trial court executive;
- (1)(B)(v)(e) two business people with experience in the construction or financing of facilities; and
- (1)(B)(v)(f) the court security director.

(1)(B)(vi) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and shall consist of:

- (1)(B)(vi)(a) one Senator appointed by the President of the Senate;
- (1)(B)(vi)(b) the Director of the Department of Human Services or designee;
- (1)(B)(vi)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;
- (1)(B)(vi)(d) one attorney with experience in abuse, neglect and dependency cases;
- (1)(B)(vi)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;
- (1)(B)(vi)(f) one representative of a child advocacy organization;
- (1)(B)(vi)(g) the ADR Program Director or designee;
- (1)(B)(vi)(h) one professional in the area of child development;
- (1)(B)(vi)(i) one mental health professional;
- (1)(B)(vi)(j) one representative of the community;
- (1)(B)(vi)(k) the Director of the Office of Guardian ad Litem or designee;
- (1)(B)(vi)(l) one court commissioner;
- (1)(B)(vi)(m) two district court judges; and
- (1)(B)(vi)(n) two juvenile court judges.
- (1)(B)(vi)(o) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion

the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vii) The **Committee on Judicial Outreach** performs the duties described in rule 3-114 and shall consist of:

- (1)(B)(vii)(a) one appellate court judge;
 - (1)(B)(vii)(b) one district court judge;
 - (1)(B)(vii)(c) one juvenile court judge;
 - (1)(B)(vii)(d) one justice court judge; one state level administrator;
 - (1)(B)(vii)(e) a state level judicial education representative;
 - (1)(B)(vii)(f) one court executive;
 - (1)(B)(vii)(g) one Utah State Bar representative;
 - (1)(B)(vii)(h) one communication representative;
 - (1)(B)(vii)(i) one law library representative;
 - (1)(B)(vii)(j) one civic community representative; and
 - (1)(B)(vii)(k) one state education representative.
- (1)(B)(vii)(l) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(viii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and shall consist of:

- (1)(B)(viii)(a) two district court judges;
- (1)(B)(viii)(b) one juvenile court judge;
- (1)(B)(viii)(c) two justice court judges;
- (1)(B)(viii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;
- (1)(B)(viii)(e) one representative from ~~the Self-Help Center~~ a social services organization providing direct services to underserved communities;
- (1)(B)(viii)(f) one representative from the Utah State Bar;
- (1)(B)(viii)(g) two representatives from legal service organizations that serve low-income clients;
- (1)(B)(viii)(h) one private attorney experienced in providing services to self-represented parties;
- (1)(B)(viii)(i) two law school representatives;
- (1)(B)(viii)(j) the state law librarian; and

(1)(B)(viii)(k) two community representatives.

(1)(B)(ix) The **Language Access Committee** performs the duties described in rule 3-306.02 and shall consist of:

(1)(B)(ix)(a) one district court judge;

(1)(B)(ix)(b) one juvenile court judge;

(1)(B)(ix)(c) one justice court judge;

(1)(B)(ix)(d) one trial court executive;

(1)(B)(ix)(e) one court clerk;

(1)(B)(ix)(f) one interpreter coordinator;

(1)(B)(ix)(g) one probation officer;

(1)(B)(ix)(h) one prosecuting attorney;

(1)(B)(ix)(i) one defense attorney;

(1)(B)(ix)(j) two certified interpreters;

(1)(B)(ix)(k) one approved interpreter;

(1)(B)(ix)(l) one expert in the field of linguistics; and

(1)(B)(ix)(m) one American Sign Language representative.

(1)(B)(x) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and shall consist of:

(1)(B)(x)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(xi) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

(1)(B)(xi)(a) two district court judges;

(1)(B)(xi)(b) four lawyers who primarily represent plaintiffs;

(1)(B)(xi)(c) four lawyers who primarily represent defendants; and

(1)(B)(xi)(d) one person skilled in linguistics or communication.

(1)(B)(xii) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

(1)(B)(xii)(a) two district court judges;

(1)(B)(xii)(b) one justice court judge;

(1)(B)(xii)(c) four prosecutors;

(1)(B)(xii)(d) four defense counsel; and

~~(1)(B)(xii)(e) one professor of criminal law; and~~

~~(1)(B)(xii)(f)~~ (1)(B)(xii)(e) one person skilled in linguistics or
communication.

(1)(B)(xiii) The **Committee on Pretrial Release and Supervision** performs the
duties described in rule 3-116 and shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) two justice court judges;
- (1)(B)(xiii)(c) one prosecutor;
- (1)(B)(xiii)(d) one defense attorney;
- (1)(B)(xiii)(e) one county sheriff;
- (1)(B)(xiii)(f) one representative of counties;
- (1)(B)(xiii)(g) one representative of a county pretrial services agency;
- (1)(B)(xiii)(h) one representative of the Utah Commission on Criminal and
Juvenile Justice;
- (1)(B)(xiii)(i) one commercial surety agent;
- (1)(B)(xiii)(j) one state senator;
- (1)(B)(xiii)(k) one state representative;
- (1)(B)(xiii)(l) the Director of the Indigent Defense Commission or designee;
- (1)(B)(xiii)(m) one representative of the Utah Victims' Council;
- (1)(B)(xiii)(n) one representative of a community organization actively
engaged in pretrial justice issues;
- (1)(B)(xiii)(o) one chief of police; and
- (1)(B)(xiii)(p) the court's general counsel or designee.

(1)(B)(xiv) The **Committee on Court Forms** performs the duties described in rule
3-117 and -shall consist of:

- (1)(B)(xiv)(a) ~~one~~ two district court judges;
- (1)(B)(xiv)(b) one court commissioner;
- (1)(B)(xiv)(c) one juvenile court judge;
- (1)(B)(xiv)(d) one justice court judge;
- (1)(B)(xiv)(e) one court clerk;
- (1)(B)(xiv)(f) one appellate court staff attorney;
- (1)(B)(xiv)(g) one representative from the Self-Help Center;
- (1)(B)(xiv)(h) the State Law Librarian;
- (1)(B)(xiv)(i) the ~~Court Services Director~~ district court administrator or
designee;

(1)(B)(xiv)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiv)(k) one paralegal;

(1)(B)(xiv)(l) one educator from a paralegal program or law school;

(1)(B)(xiv)(m) one person skilled in linguistics or communication; ~~and~~

(1)(B)(xiv)(n) one representative from the Utah State Bar; and

(1)(B)(xiv)(o) the LPP administrator.-

(1)(B)(xv) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee shall include members who demonstrate an interest in, or who have experience with, issues of diversity, equity, and inclusion and shall consist of:

(1)(B)(xv)(a) one sitting judge;

(1)(B)(xv)(b) three current or former judicial officers;

(1)(B)(xv)(c) the General Counsel or designee; and

(1)(B)(xv)(d) the Director of the Office of Fairness and Accountability.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, c~~C~~ouncil members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or

resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council

270 determines that exceptional circumstances exist which justify service of more than
271 two consecutive terms.

272 (3)(C) **Expenses.** Members of standing and ad hoc committees may receive
273 reimbursement for actual and necessary expenses incurred in the execution of their
274 duties as committee members.

275 (3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's
276 committees.

277 | Effective ~~May~~November 1, 20~~22~~21

Rule 2-103. Open and closed meetings.**Intent:**

To establish the Council's responsibility for providing public notice of its meetings and to ensure the opportunity for public attendance at Council meetings.

To establish procedures consistent with the philosophy of the Utah Open and Public Meetings Act.

To provide the Council with sufficient flexibility to close meetings when discussing matters of a sensitive nature.

Applicability:

This rule shall apply to all meetings of the Council.

Statement of the Rule:

(1) **Definitions.** As used in this rule, "meeting" means the gathering of a quorum of the Council, whether in person or by means of electronic communication, for the purpose of discussing or acting upon any matter over which the Council has jurisdiction, but does not include a chance or social meeting of Council members.

(2) Public notice of meetings.

(2)(A) After the Council has set its annual meeting schedule, the administrative office of the courts shall publish on the court's website and on the Utah Public Notice Website the date, time and place of the meetings. At least 24 hours before each meeting, the administrative office of the courts shall post on the websites the meeting agenda, ~~and notify at least one newspaper of general circulation within the state of the postings.~~ The administrative office of the courts shall notify a media agency of the postings by email upon request for routine notice. The Council may address a matter not on the meeting agenda but will take no final action on the matter.

(2)(B) When, due to unforeseen circumstances, it is necessary for the Council to consider matters of an urgent nature, the requirement of public notice may be suspended and the best notice practicable given. No such meeting of the Council shall be held unless:

(2)(B)(i) an attempt has been made to notify all members;

(2)(B)(ii) at least a quorum is present; and

(2)(B)(iii) a majority of those present vote to hold the meeting.

(3) **Open meetings.** Meetings of the Council are open to the public unless closed as provided in this rule.

(4) **Reasons for closed meetings.** A closed meeting of the Council may be held for discussions regarding any of the following:

(4)(A) the character, professional competence, or physical or mental health of an individual;

(4)(B) collective bargaining or litigation;

(4)(C) legal advice of counsel;

(4)(~~DC~~) the purchase, exchange or lease of real property if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the Council from completing the transaction on the best possible terms;

(4)(~~DE~~) the sale of real property if:

(4)(~~ED~~)(i) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the Council from completing the transaction on the best possible terms;

(4)(~~ED~~)(ii) the Council has previously given public notice that the property would be offered for sale; and

(4)(~~ED~~)(iii) the terms of the sale are publicly disclosed before the Council approves the sale;

(4)(~~EE~~) deployment of security personnel or devices;

(4)(~~GF~~) allegations of ~~criminal~~ misconduct; or

(4)(~~HG~~) consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record as defined in Rule 4-202.02.

(5) Procedure for closing a meeting.

(5)(A) A closed meeting may be held only upon the affirmative vote of two-thirds of the members present at an open meeting for which public notice is given, provided a quorum is present.

(5)(B) The recording and minutes otherwise required by Rule 2-104 shall not be made if a meeting is closed ~~to discuss the character, competence, or physical or mental health of an individual or to discuss the deployment of security personnel or devices.~~ The presiding officer shall sign a sworn statement, which is a public record, affirming that the sole purpose for closing the meeting is to discuss the character, competence, or physical or mental health of an individual or the deployment of security personnel, devices, or systems one of the issues outlined in paragraph (4).

(6) Limit on actions at a closed meeting. No contract, appointment, rule, or resolution may be approved at a closed meeting. A contract, appointment, rule, or resolution approved at an open meeting may be based upon discussions had at a closed meeting.

(7) **Limit on discussions outside of closed meeting.** No one who attends a closed meeting may disclose information discussed or materials distributed outside of the closed meeting except with:

(7)(A) others who participated in the closed meeting, and

(7)(B) a member of the Judicial Council.

(8) **Right of removal.** All or any part of an open meeting may be recorded by any person in attendance, provided the recording does not interfere with the conduct of the meeting. The Council may order the removal of any person who disrupts a meeting.

(9) **Training.** The administrative office of the courts shall annually train the members of the Council on the requirements of this rule and of Rule 2-104.

Effective ~~November~~ May 1, 2022~~1~~

Rule 3-420. Committee on Fairness and Accountability

Intent

This rule establishes the Committee on Fairness and Accountability to serve as a core leadership team for the Office of Fairness and Accountability. One purpose of the committee is to provide support and guidance to the Office of Fairness and Accountability, and to provide expertise and guidance to the Judicial Council regarding how to best support the work of the Office of Fairness and Accountability.

Applicability

This rule applies to the judiciary.

Statement of the Rule

The Committee on Fairness and Accountability shall:

(1) Advise the Director of the Office of Fairness and Accountability (Director) regarding the development of baseline metrics of demographic data for individuals who interact with the judiciary.

(2) Develop a strategic plan with the Director for the Office of Fairness and Accountability and submit the strategic plan to the Judicial Council for approval. The committee may form subcommittees to develop the strategic plan. The strategic plan shall include the Judiciary's goals and policy directives for meeting the court's mission for the open, fair and efficient administration of justice under the law while also being responsive to the state's cultural, ethnic, socioeconomic, linguistic, physical, gender, and age diversities. Branch efforts in this regard will strive to eliminate bias and the appearance of bias, meet the needs of increasing numbers of self-represented litigants, remain receptive to the needs of all branch constituents, ensure that court procedures are fair and understandable, and provide culturally responsive programs and services.

(3) Once the initial strategic plan is approved by the Judicial Council, assist the Director with:

(3)(A) Determining which stakeholder groups should be involved in determining how to implement the strategic plan;

(3)(B) Appointing a functional team or teams; and

(3)(C) Facilitating the work of the functional team(s) to develop implementation plans and provide feedback about the strategic plan to the Committee on Fairness and Accountability;

(4) Receive input from the functional team(s) and determine if changes to the strategic plan should be recommended to the Judicial Council.

47

48 (5) Assist the Director with communicating the strategic plan to the judiciary.

49

50 (6) Assist the Director with monitoring Court progress in implementing the strategic plan and
51 developing metrics.

52

53 (7) Provide expertise and support to the Director when the Director interacts with the Judicial
54 Council, the benches, and the districts.

55

56 (8) Assist the Director in cooperating with the executive and legislative branches to implement
57 the strategic plan.

58

59 Effective May/November 1, 20

Rule 4-302. Recommended Uniform Fine Schedule.**Intent:**

To provide a guideline for courts in setting fines in felony and misdemeanor cases in order to promote uniformity and consistency in setting fines for similar offenses in all courts.

To assist the sentencing judge in determining the appropriate fine to be imposed as a condition of the sentence in a particular case, and to minimize disparity in sentencing for similar offenses and offenders.

Applicability:

This rule shall apply to all trial courts of record and not of record.

Statement of the Rule:

(1) The Uniform Fine ~~Schedule~~ Committee shall establish a uniform fine schedule setting forth recommended fine amounts for all criminal and traffic offenses, pursuant to the Utah Code. The fine schedule shall be reviewed and approved by the Council. For automated courts, the committee shall oversee and monitor input to the computerized fine schedule to ensure that the fine amounts are consistent with the uniform fine schedule approved by the Council.

(2) The recommended fine for each offense shall be proportional to the seriousness of the offense and the offender's criminal history, and shall be consistent with the Utah Sentencing Guidelines developed by the Utah Commission on Criminal and Juvenile Justice.

(3) The uniform recommended fine schedule shall consist of a felony schedule and a misdemeanor schedule.

(4) The uniform recommended fine schedule shall include criteria for aggravating and mitigating circumstances, and shall not limit the authority of the court to impose a sentence deemed just in the discretion of the judge.

(5) Presentence investigation reports shall include a recommended disposition for each case based upon the individual's circumstances. The reports shall include a recommended fine based upon the schedule or a recommendation that no fine be imposed, and a recommendation of incarceration, probation or other alternative. In Class B misdemeanor cases, the presentence investigation report shall include such a recommended disposition for each case if specifically requested by the referring judge.

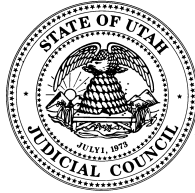
(6) The approved uniform fine schedule shall be published as an appendix to this Code and distributed to appropriate state and local law enforcement agencies.

(7) The committee shall meet at least once annually to review the uniform fine schedule and recommend adjustments in the schedule as necessary.

(8) Notice of the committee's meetings shall be provided to interested agencies, as designated by the committee, to provide such agencies an opportunity to appear before the committee and present proposals for changes to the uniform fine schedule.

(9) When imposing fines, courts should conform to the uniform fine schedule except in cases where aggravating or mitigating circumstances warrant a deviation from the schedule.

Effective May 18, 2020



Administrative Office of the Courts

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

February 17, 2022

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rules for Public Comment

The Policy and Planning Committee recommends that the following rules be approved for a 45-day public comment period:

CJA 1-205. Standing and Ad Hoc Committees. (AMEND)

Creates a Standing Committee on Working Interdisciplinary Network of Guardianship Stakeholders (WINGS). (lines 29-30, 215-249)

CJA 3-421. WINGS Committee. (NEW)

Outlines the roles and responsibilities of the new Standing Committee on Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).

CJA 6-104. Water law judges. (NEW)

New rule creating designated water judges in district court to handle cases involving water law and the adjudication of water rights.

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

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:**(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Technology Committee;

(1)(A)(ii) Uniform Fine Schedule Committee;

(1)(A)(iii) Ethics Advisory Committee;

(1)(A)(iv) Judicial Branch Education Committee;

(1)(A)(v) Court Facility Planning Committee;

(1)(A)(vi) Committee on Children and Family Law;

(1)(A)(vii) Committee on Judicial Outreach;

(1)(A)(viii) Committee on Resources for Self-represented Parties;

(1)(A)(ix) Language Access Committee;

(1)(A)(x) Guardian ad Litem Oversight Committee;

(1)(A)(xi) Committee on Model Utah Civil Jury Instructions;

(1)(A)(xii) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xiii) Committee on Pretrial Release and Supervision; and

(1)(A)(xiv) Committee on Court Forms; ~~and~~

(1)(A)(xv) Committee on Judicial Fairness and Accountability; and

~~(1)(A)(xv)(1)(A)(xvi)~~ Working Interdisciplinary Network of Guardianship

Stakeholders (WINGS).

(1)(B) **Composition.**

(1)(B)(i) The **Technology Committee** shall consist of:

(1)(B)(i)(a) one judge from each court of record;

(1)(B)(i)(b) one justice court judge;

(1)(B)(i)(c) one lawyer recommended by the Board of Bar Commissioners;

(1)(B)(i)(d) two court executives;

(1)(B)(i)(e) two court clerks; and

(1)(B)(i)(f) two staff members from the Administrative Office.

(1)(B)(ii) The **Uniform Fine Schedule Committee** performs the duties described in rule 4-302 and shall consist of:

(1)(B)(ii)(a) one district court judge who has experience with a felony docket;

(1)(B)(ii)(b) three district court judges who have experience with a misdemeanor docket; and

(1)(B)(ii)(c) four justice court judges.

(1)(B)(iii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and shall consist of:

(1)(B)(iii)(a) one judge from the Court of Appeals;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) one justice court judge; and

(1)(B)(iii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iv) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 shall consist of:

(1)(B)(iv)(a) one judge from an appellate court;

(1)(B)(iv)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iv)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iv)(d) one juvenile court judge;

(1)(B)(iv)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iv)(f) one state level administrator;

(1)(B)(iv)(g) the Human Resource Management Director;

(1)(B)(iv)(h) one court executive;

(1)(B)(iv)(i) one juvenile court probation representative;

(1)(B)(iv)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iv)(k) one data processing manager; and

(1)(B)(iv)(l) one adult educator from higher education.

(1)(B)(iv)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(v) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and shall consist of:

(1)(B)(v)(a) one judge from each level of trial court;

(1)(B)(v)(b) one appellate court judge;

(1)(B)(v)(c) the state court administrator;

(1)(B)(v)(d) a trial court executive;

(1)(B)(v)(e) two business people with experience in the construction or financing of facilities; and

(1)(B)(v)(f) the court security director.

(1)(B)(vi) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and shall consist of:

(1)(B)(vi)(a) one Senator appointed by the President of the Senate;

(1)(B)(vi)(b) the Director of the Department of Human Services or designee;

(1)(B)(vi)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;

(1)(B)(vi)(d) one attorney with experience in abuse, neglect and dependency cases;

(1)(B)(vi)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;

(1)(B)(vi)(f) one representative of a child advocacy organization;

(1)(B)(vi)(g) the ADR Program Director or designee;

(1)(B)(vi)(h) one professional in the area of child development;

(1)(B)(vi)(i) one mental health professional;

(1)(B)(vi)(j) one representative of the community;

(1)(B)(vi)(k) the Director of the Office of Guardian ad Litem or designee;

(1)(B)(vi)(l) one court commissioner;

(1)(B)(vi)(m) two district court judges; and

(1)(B)(vi)(n) two juvenile court judges.

100 (1)(B)(vi)(o) One of the district court judges and one of the juvenile court
101 judges shall serve as co-chairs to the committee. In its discretion
102 the committee may appoint non-members to serve on its
103 subcommittees.

104 (1)(B)(vii) The **Committee on Judicial Outreach** performs the duties described in
105 rule 3-114 and shall consist of:

106 (1)(B)(vii)(a) one appellate court judge;
107 (1)(B)(vii)(b) one district court judge;
108 (1)(B)(vii)(c) one juvenile court judge;
109 (1)(B)(vii)(d) one justice court judge; one state level administrator;
110 (1)(B)(vii)(e) a state level judicial education representative;
111 (1)(B)(vii)(f) one court executive;
112 (1)(B)(vii)(g) one Utah State Bar representative;
113 (1)(B)(vii)(h) one communication representative;
114 (1)(B)(vii)(i) one law library representative;
115 (1)(B)(vii)(j) one civic community representative; and
116 (1)(B)(vii)(k) one state education representative.
117 (1)(B)(vii)(l) Chairs of the Judicial Outreach Committee's subcommittees
118 shall also serve as members of the committee.

119 (1)(B)(viii) The **Committee on Resources for Self-represented Parties** performs
120 the duties described in rule 3-115 and shall consist of:

121 (1)(B)(viii)(a) two district court judges;
122 (1)(B)(viii)(b) one juvenile court judge;
123 (1)(B)(viii)(c) two justice court judges;
124 (1)(B)(viii)(d) three clerks of court – one from an appellate court, one from an
125 urban district and one from a rural district;
126 (1)(B)(viii)(e) one representative from a social services organization providing
127 direct services to underserved communities;
128 (1)(B)(viii)(f) one representative from the Utah State Bar;
129 (1)(B)(viii)(g) two representatives from legal service organizations that serve
130 low-income clients;
131 (1)(B)(viii)(h) one private attorney experienced in providing services to self-
132 represented parties;
133 (1)(B)(viii)(i) two law school representatives;

(1)(B)(viii)(j) the state law librarian; and
(1)(B)(viii)(k) two community representatives.
(1)(B)(ix) The **Language Access Committee** performs the duties described in rule 3-306.02 and shall consist of:

- (1)(B)(ix)(a) one district court judge;
- (1)(B)(ix)(b) one juvenile court judge;
- (1)(B)(ix)(c) one justice court judge;
- (1)(B)(ix)(d) one trial court executive;
- (1)(B)(ix)(e) one court clerk;
- (1)(B)(ix)(f) one interpreter coordinator;
- (1)(B)(ix)(g) one probation officer;
- (1)(B)(ix)(h) one prosecuting attorney;
- (1)(B)(ix)(i) one defense attorney;
- (1)(B)(ix)(j) two certified interpreters;
- (1)(B)(ix)(k) one approved interpreter;
- (1)(B)(ix)(l) one expert in the field of linguistics; and
- (1)(B)(ix)(m) one American Sign Language representative.

(1)(B)(x) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and shall consist of:

- (1)(B)(x)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(xi) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(xi)(a) two district court judges;
- (1)(B)(xi)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(xi)(c) four lawyers who primarily represent defendants; and
- (1)(B)(xi)(d) one person skilled in linguistics or communication.

(1)(B)(xii) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) one justice court judge;
- (1)(B)(xii)(c) four prosecutors;
- (1)(B)(xii)(d) four defense counsel; and

(1)(B)(xii)(e) one person skilled in linguistics or communication.

(1)(B)(xiii) The **Committee on Pretrial Release and Supervision** performs the duties described in rule 3-116 and shall consist of:

(1)(B)(xiii)(a) two district court judges;

(1)(B)(xiii)(b) two justice court judges;

(1)(B)(xiii)(c) one prosecutor;

(1)(B)(xiii)(d) one defense attorney;

(1)(B)(xiii)(e) one county sheriff;

(1)(B)(xiii)(f) one representative of counties;

(1)(B)(xiii)(g) one representative of a county pretrial services agency;

(1)(B)(xiii)(h) one representative of the Utah Commission on Criminal and Juvenile Justice;

(1)(B)(xiii)(i) one commercial surety agent;

(1)(B)(xiii)(j) one state senator;

(1)(B)(xiii)(k) one state representative;

(1)(B)(xiii)(l) the Director of the Indigent Defense Commission or designee;

(1)(B)(xiii)(m) one representative of the Utah Victims' Council;

(1)(B)(xiii)(n) one representative of a community organization actively engaged in pretrial justice issues;

(1)(B)(xiii)(o) one chief of police; and

(1)(B)(xiii)(p) the court's general counsel or designee.

(1)(B)(xiv) The **Committee on Court Forms** performs the duties described in rule 3-117 and shall consist of:

(1)(B)(xiv)(a) two district court judges;

(1)(B)(xiv)(b) one court commissioner;

(1)(B)(xiv)(c) one juvenile court judge;

(1)(B)(xiv)(d) one justice court judge;

(1)(B)(xiv)(e) one court clerk;

(1)(B)(xiv)(f) one appellate court staff attorney;

(1)(B)(xiv)(g) one representative from the Self-Help Center;

(1)(B)(xiv)(h) the State Law Librarian;

(1)(B)(xiv)(i) the district court administrator or designee;

(1)(B)(xiv)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiv)(k) one paralegal;

(1)(B)(xiv)(l) one educator from a paralegal program or law school;

(1)(B)(xiv)(m) one person skilled in linguistics or communication;

(1)(B)(xiv)(n) one representative from the Utah State Bar; and

(1)(B)(xiv)(o) the LPP administrator.

(1)(B)(xv) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee shall include members who demonstrate an interest in, or who have experience with, issues of diversity, equity, and inclusion and shall consist of:

(1)(B)(xv)(a) one sitting judge;

(1)(B)(xv)(b) three current or former judicial officers;

(1)(B)(xv)(c) the General Counsel or designee; and

(1)(B)(xv)(d) the Director of the Office of Fairness and Accountability.

(1)(B)(xvi) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and shall consist of:

(1)(B)(xvi)(a) **Judiciary** representatives:

(i) two or more district court judges;

(ii) two or more district court judicial support staff with experience in guardianship matters;

(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP)

(iv) one representative from the Court Visitor Program; and

(v) the General Counsel or designee.

(1)(B)(xvi)(b) **Community stakeholder** representatives:

(i) one representative from Adult Protective Services;

(ii) one representative from Disability Law Center;

(iii) one representative from Adult and Aging Services;

(iv) one representative from Office of Public Guardian;

(v) one representative from the Utah State Bar;

(vi) one representative from Office of the Attorney General;

(vii) one representative from the Utah legislature;

(viii) one representative from the Utah Commission on Aging;

(ix) one representative from Utah Legal Services; and

(x) the Long-Term Care Ombudsman or designee.

~~(1)(B)(xv)(e)~~ (1)(B)(xvi)(c) Individual community representatives:

three or more community stakeholders representing:

(i) mental health community;

(ii) medical community;

(iii) private legal community that specializes in guardianship matters;

(iv) aging-adult services community;

(v) educator from a legal program or law school;

(vi) organization serving low-income, minorities, or marginalized communities;

(vii) citizens under or involved in guardianship; and

(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the

termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council

303 determines that exceptional circumstances exist which justify service of more than
304 two consecutive terms.

305 (3)(C) **Expenses.** Members of standing and ad hoc committees may receive
306 reimbursement for actual and necessary expenses incurred in the execution of their
307 duties as committee members.

308 (3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's
309 committees.

310 | Effective May/November 1, 20__~~21~~

Rule 3-421. Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).

Intent:

To establish a committee of stakeholders from various disciplines to improve the state's guardianship and conservatorship services and processes.

Applicability:

This rule shall apply to all members of the WINGS committee.

Statement of the Rule:

(1) The WINGS committee shall provide leadership to identify the needs in guardianship and conservatorship matters and to secure and coordinate resources to meet those needs.

(2) The WINGS committee shall:

(2)(A) assess available services, forms, and rules for guardianship and conservatorship and gaps in those services, forms, and rules;

(2)(B) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving guardianship and conservatorship processes;

(2)(C) support policy initiatives for the enhancement of guardianship, conservatorship, and related infrastructure;

(2)(D) identify and develop education and outreach opportunities regarding guardianships, conservatorships, and their alternatives;

(2)(E) provide training and support to those engaging the guardianship/conservatorship system;

(2)(F) promote high standards for guardians and conservators;

(2)(G) promote collaboration between WINGS members and other stakeholders;

(2)(H) regularly evaluate the needs and priorities of WINGS's efforts; and

(2)(I) strive to maintain interdisciplinary representation of members drawn from the organizations, entities, and individuals related to guardianship and conservatorship matters.

(3) **Chair.** The Chair of WINGS shall be a Utah District Court judge.

(4) **Executive Committee.** The WINGS Executive Committee shall consist of the Utah WINGS chair, the GRAMP Coordinator, the Court Visitor Program Coordinator, a staff attorney from the

Administrative Office of the Courts, and up to three members of Utah WINGS, as determined by the chair.

(5) **Community stakeholders.** One of the purposes of WINGS is to receive input from community stakeholder organizations. Community stakeholder organizational representatives (Rule 1-205(1)(B)(xv)(b)) will be designated by their organizations and not subject to the term limitations of Rule 1-205(3)(B).

Effective May/November 1, 2022

Rule 6-104. District court water judges**Intent:**

To designate certain district court judges as water judges.

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

To designate a supervising water judge.

Applicability:

This rule shall apply to district court judges.

Statement of the Rule:

(1) Council Designation. The Judicial Council shall formally designate at least three district court judges who volunteer as water judges. In making the designation, the Judicial Council shall consider the knowledge and experience of the judge in relation to cases involving the adjudication of water rights, or the willingness of that judge to become familiar with this area of the law.

(2) Request for Assignment. If a party to a case involving water law an action filed under Utah Code Title 73, Chapter 3 or Chapter 4 makes a request, as part of the complaint or first responsive pleading, to have the case assigned to a water judge, the case will be assigned to a water judge. Thereafter, a request to have the case assigned to a water judge may be granted in the discretion of the judge assigned to the case. Additionally, a party may request that a non-Chapter 3 or Chapter 4 case be assigned to a water judge. Non-Chapter 3 or 4 cases will be reviewed and assigned by the supervising water judge if the case is of sufficient legal complexity as related to water law to warrant assignment to a water judge.

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

(4) Supervising Water Judge. The water judges shall elect one of the water judges to be the supervising water judge. The term of office of the supervising water judge is two years beginning July 1. The supervising water judge shall be primarily responsible for:

(4)(A) the assignment of water law cases to water judges;

(4)(B) the coordination of schedules of water judges and the assignment of courtrooms and facilities in conjunction with the state court administrator and the presiding judge of each district court;

(4)(C) addressing concerns of water judges, other district court judges, or the Judicial Council regarding the management of district court water law cases;

(4)(D) overseeing the water law education of the water judges, in conjunction with the Standing Committee on Judicial Branch Education and the ~~Education Division of Utah~~ Judicial Institute ~~the Administrative Office of the Courts~~;

(4)(E) presiding over meetings of the water judges; ~~and~~

(4)(F) the use of law clerk resources to develop water expertise, to assist the water judges, and to facilitate consistency in the development of case precedents in the water law area and otherwise assist in the transition as new water judges are designated; ~~and~~;

(4)(G) coordinating with the water judge's presiding judge regarding any appropriate adjustments to the water judge's caseload.

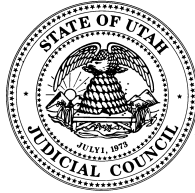
(5) **Publishing Opinions.** If a water judge decides a water law case of first impression, or one which creates new law or gives new guidance, the water judge shall cause an opinion of the case to be published. An opinion need not be published where the case deals with settled rules of law.

(6) **Term.** Water judges shall serve only so long as they are district court judges. Water judges may, however, resign as water judges, at their own request or the request of the Judicial Council, while still serving as district court judges.

(7) **Caseload.** If a water judge does not have a full workload of water law cases, the judge shall hear non-water law district court cases to maintain a full workload of cases.

Effective May/November 1, 20

Tab 7



Administrative Office of the Courts

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

February 28, 2022

Ron Gordon
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Kaden Taylor

RE: Form updates resulting from URCP 10 changes

Due to changes to Utah Rules of Civil Procedure Rule 10 that will go into effect on May 1, 2022, all forms to be filed in a divorce, annulment, temporary separation, separate maintenance, parentage, custody, parent-time, and child support case along with forms asking for modifications of these cases will need to be revised.

The rule change requires us to create new headers to use in the affected family law cases. Attached is a sample motion form with the new header language highlighted. This new formatting will appear on all family law forms.

In addition to the new header for family law forms, we have also prepared a header for use on forms such as the generic motion that may be used in probate cases. This header follows a similar format to that of the family law header and is also 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.

Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

This motion requires you to respond. Please see the Notice to Responding Party.

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of (select one)

- ☐ the Marriage of (for a divorce with or without children, annulment, separate maintenance, or temporary separation case)
☐ the Children of (to establish custody, parent-time or child support)
☐ the Parentage of the Children of (for a paternity case)

 (name of Petitioner)

and

 (name of Respondent)

 Other parties (if any)

Motion to

 (name of motion)

☐ **Hearing Requested**

 Case Number

 Judge

 Commissioner (domestic cases)

1. I ask the court to enter an order as follows:
 (Write **what** you want the court to order.)

Name

Address

City, State, Zip

Phone

Email

This motion requires you to respond. Please see the Notice to Responding Party.

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

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of

- ☐ the Estate of (for a probate case)
☐ Protection for (for a guardianship or conservatorship case)
☐ the Name Change of (for a name change case)
☐ the Sex Change of (for a sex change case)

(Name of deceased or protected person or petitioner)

Motion to

(name of motion)

☐ **Hearing Requested**

Case Number

Judge

 Name

 Address

 City, State, Zip

 Phone

 Email

I/We are ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner (Utah Bar #: _____)
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In re marriage of

and

Order on Petition to Recognize a Relationship as a Marriage

 Case Number

 Judge

 Commissioner

The matter before the court is a Petition to Recognize a Relationship as a Marriage.
 This matter is being resolved by:

☐ The default of ☐ Petitioner ☐ Respondent.

☐ The stipulation of the parties.

☐ The pleadings and other papers of the parties.

☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Other Interested Party _____ (name).

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments,
and now being fully informed,

The court orders:

1. The Petition is ☐ granted ☐ denied.
2. ☐ The partners shall be considered married as of _____ (date).

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

	Signature ►	
Date	Commissioner	
	Signature ►	
Date	Judge	

Approved as to form.

_____	Signature ►	_____
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	_____

_____	Signature ►	_____
Date	Respondent, Attorney or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition to Recognize a Relationship as a Marriage on the following people.

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

Signature ►

Date

Printed Name

Forms Affected by URCP 10 Rule Change

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|--|---|
| 1. Acceptance Of Service | 29. Clerk's Declaration Of Service By Commercial Courier To A Foreign Country |
| 2. Acceptance Of Service, Appearance, Consent, And Waiver | 30. Co-Parenting Mediation Program Income Survey |
| 3. Acceptance Of Service, Appearance, Consent, And Waiver (Children) | 31. Co-Parenting Mediation Program Income Survey (Spanish) |
| 4. Acceptance Of Service, Appearance, Consent, And Waiver (No Children) | 32. Co-Parenting Mediation Program Referral Form |
| 5. Affidavit In Support Of Motion For Temporary Orders | 33. Co-Parenting Mediation Program Referral Form (Spanish) |
| 6. Affidavit Of Arrears (Uifsa) | 34. Co-Parenting Mediation Program Screening Intake Form |
| 7. Affidavit Of Jurisdiction And Grounds For Divorce | 35. Co-Parenting Mediation Program Screening Intake Form (Spanish) |
| 8. Affidavit Of Other Parent Earnings | 36. Consent To Informal Trial And Waiver Of Rules Of Evidence |
| 9. Affidavit Supporting Motion To Waive Fees | 37. Counter Motion |
| 10. Affidavit With Exhibits | 38. Counterpetition - Divorce |
| 11. Amended Parenting Plan | 39. Counterpetition - Parentage |
| 12. Amended Verified Petition For Divorce | 40. Court Interpreter Program - Formal Complaint Form |
| 13. Answer | 41. Custody Evaluation Settlement Conference Report |
| 14. Answer - Divorce | 42. Declaration In Support Of Motion For Alternative Service |
| 15. Answer - Parentage | 43. Declaration In Support Of Motion For Leave To Amend |
| 16. Application For Subpoena Under The Utah Uniform Interstate Depositions And Discovery Act | 44. Declaration In Support Of Motion For Leave To Withdraw Consent/Stipulation |
| 17. Certificate Of Readiness For Trial | 45. Declaration In Support Of Motion For Service By Commercial Courier To A Foreign Country |
| 18. Certificate Of Service | 46. Declaration In Support Of Motion For Summary Judgment |
| 19. Certificate Of Service Of Financial Declaration | 47. Declaration In Support Of Motion To Dismiss Divorce |
| 20. Certificate Of Service Of Financial Declaration | 48. Declaration In Support Of Motion To Waive Divorce Education Requirements |
| 21. Certificate Of Service Of Initial Disclosures | 49. Declaration In Support Of Motion To Waive Thirty-Day Waiting Period |
| 22. Certification Of Readiness For Trial | 50. Declaration Of Compliance With Subpoena |
| 23. Child Support Obligation Worksheet (Joint Physical Custody) | |
| 24. Child Support Obligation Worksheet (Other Children Present In The Parent's Home) | |
| 25. Child Support Obligation Worksheet (Sole Custody And Paternity) | |
| 26. Child Support Obligation Worksheet (Split Custody) | |
| 27. Clerk's Affidavit Of Mailing | |
| 28. Clerk's Declaratio Of Mailing | |

Forms Affected by URCP 10 Rule Change

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| 51. Declaration Of Jurisdiction And Grounds For Divorce | 76. Findings Of Fact, Conclusions Of Law And Order On Motion To Vacate Stay |
| 52. Declaration Of Other Parent's Earnings | 77. Findings Of Fact, Conclusions Of Law, And Order (Uccjea) |
| 53. Declaration Of Other Parent's Earnings | 78. Findings Of Fact, Conclusions Of Law, And Order (Uifsa) |
| 54. Declaration Of Unmarried Father | 79. Findings Of Fact, Conclusions Of Law, And Order On Motion For Alternative Service |
| 55. Decree Of Divorce And Judgment | 80. Findings Of Fact, Conclusions Of Law, And Order On Motion For Stay |
| 56. Default Certificate | 81. Garnishee's Answers To Interrogatories For Earnings |
| 57. Divorce Decree And Judgment | 82. Income Verification And Compliance With Child Support Guidelines |
| 58. Divorce Findings And Conclusions | 83. Income Verification And Compliance With The Uniform Child Support Guidelines |
| 59. Divorce Stipulation | 84. Income Verification And Statement Of Compliance With Child Support Guidelines |
| 60. Domestic Relations Injunction | 85. Initial Disclosures |
| 61. Ex Parte Motion For Alternative Service | 86. Letter Supporting Stay Of Civil Case |
| 62. Ex Parte Verified Motion To Enforce Domestic Order And For Sanctions | 87. Memorandum Demonstrating Inability To Pay Fees |
| 63. Ex Parte Verified Motion To Enforce Domestic Order And For Sanctions - Commissioner | 88. Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment |
| 64. Ex Parte Verified Motion To Enforce Order And For Sanctions | 89. Memorandum Opposing Motion |
| 65. Exhibit Summary | 90. Memorandum Opposing Motion For Stay |
| 66. Financial Declaration | 91. Memorandum Opposing Motion To Appoint Parent Coordinator |
| 67. Findings Of Fact And Conclusions Of Law | 92. Memorandum Opposing Motion To Vacate Stay |
| 68. Findings Of Fact And Conclusions Of Law - Divorce | 93. Military Parenting Plan (Or Amended Military Parenting Plan) |
| 69. Findings Of Fact And Conclusions Of Law - Parentage | 94. Military Service Declaration |
| 70. Findings Of Fact And Conclusions Of Law On Petition To Modify Child Custody, Parent-Time And Child Support | 95. Military Service Order |
| 71. Findings Of Fact And Conclusions Of Law On Petition To Modify Child Support | 96. Motion |
| 72. Findings Of Fact And Conclusions Of Law On Petition To Modify Divorce Decree | 97. Motion - Juvenile Court |
| 73. Findings Of Fact And Conclusions Of Law On Petition To Modify Parent-Time | 98. Motion For Alternative Service |
| 74. Findings Of Fact And Conclusions Of Law On Petition To Recognize A Relationship As A Marriage | 99. Motion For Default Judgment |
| 75. Findings Of Fact Conclusions Of Law And Order On Motion | |

Forms Affected by URCP 10 Rule Change

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| 100. Motion For Entry Of Default Certificate | 125. Motion To Excuse Mediation |
| 101. Motion For Genetic Testing | 126. Motion To Grant Divorce And Decide Other Issues Later (Bifurcate Divorce) |
| 102. Motion For Leave To Amend | 127. Motion To Grant Divorce And Decide Other Issues Later (Bifurcate Divorce) - Commissioner |
| 103. Motion For Leave To Amend | 128. Motion To Set Aside Default Or Judgment |
| 104. Motion For Leave To Withdraw Consent/Stipulation And File An Answer/Counterclaim | 129. Motion To Vacate Dismissal And Reinstate Civil Case |
| 105. Motion For Order To Show Cause Re: Contempt (Parent-Time) | 130. Motion To Vacate Stay |
| 106. Motion For Service By Commercial Courier To A Foreign Country | 131. Motion To Voluntarily Dismiss Case, Counterclaim, Crossclaim Or Third-Party Claim |
| 107. Motion For Stay Under The Servicemembers Civil Relief Act | 132. Motion To Waive 30-Day Divorce Waiting Period |
| 108. Motion For Summary Judgment | 133. Motion To Waive Divorce Education Requirements |
| 109. Motion For Summary Judgment To Declare Non-Parentage After Genetic Testing | 134. Motion To Waive Education Requirements |
| 110. Motion For Temporary Order | 135. Motion To Waive Fees |
| 111. Motion For Temporary Order - No Children | 136. Motion To Waive Fees And Statement Supporting Motion |
| 112. Motion For Temporary Order - With Children | 137. Motion To Waive Fees And Statement Supporting Motion (Justice And District Court) |
| 113. Motion For Temporary Order Due To Deployment | 138. Motion To Waive Thirty-Day Waiting Period |
| 114. Motion Or Stipulated Motion To Adjust Child Support | 139. Non-Public Information - Minors |
| 115. Motion Or Stipulated Motion To Adjust Child Support - Commissioner | 140. Non-Public Information – Parent Identification And Location |
| 116. Motion To Appear Remotely - District And Justice | 141. Non-Public Information – Personal |
| 117. Motion To Appoint Parent Coordinator | 142. Non-Public Information – Safeguarded Address |
| 118. Motion To Bifurcate | 143. Non-Public Information – Safeguarded Contact Information |
| 119. Motion To Change Venue | 144. Nonpublic Information - Minor |
| 120. Motion To Continue Hearing Or Trial | 145. Nonpublic Information - Parent Identification And Location |
| 121. Motion To Correct Clerical Mistake | 146. Nonpublic Information - Safeguarded Contact Information |
| 122. Motion To Dismiss | |
| 123. Motion To Dismiss Divorce | |
| 124. Motion To Excuse Mandatory Divorce Mediation | |

Forms Affected by URCP 10 Rule Change

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| 147. Nonpublic Information – Minors | 170. Notice Of Hearing On Motion To Waive Divorce Education Requirements |
| 148. Nonpublic Information Parent Identification And Location | 171. Notice Of Hearing On Motion To Waive Thirty-Day Waiting Period |
| 149. Notice Of Change Of Address And/Or Contact Information | 172. Notice Of Judgment |
| 150. Notice Of Change Of Name | 173. Notice Of Judgment (Recognize Relationship As A Marriage) |
| 151. Notice Of Confirmation Of Foreign Child Custody Or Parent-Time Order, Or Support Or Income Withholding Order | 174. Notice Of Modification |
| 152. Notice Of Confirmation Of Foreign Order (Uccjea) | 175. Notice Of Personal Appearance Or Of Counsel's Or Licensed Paralegal Practitioner's Appearance |
| 153. Notice Of Confirmation Of Foreign Order (Uifsa) | 176. Notice Of Registration Of Foreign Child Custody Or Parent-Time Order (Uccjea) |
| 154. Notice Of Deposition And Request For Subpoena In Case Pending Out Of State | 177. Notice Of Registration Of Foreign Child Custody Or Parent-Time Order, Or Support Or Income Withholding Order |
| 155. Notice Of Disclosure Requirements In Domestic Relations Cases | 178. Notice Of Registration Of Foreign Support Or Income-Withholding Order (Uifsa) |
| 156. Notice Of Dismissal Of Divorce | 179. Notice Of UrCP 26.1 Disclosure And Discovery Requirements In Domestic Relations Actions |
| 157. Notice Of Divorce Education Requirements | 180. Notice Of Voluntary Dismissal |
| 158. Notice Of Education Requirements | 181. Notice Of Withdrawal Of Counsel |
| 159. Notice Of Entry Of Divorce Decree | 182. Notice Of Withdrawal Of Counsel Or Licensed Paralegal Practitioner |
| 160. Notice Of Entry Of Parentage Decree | 183. Notice To Appear Or To Appoint Counsel |
| 161. Notice Of Hearing | 184. Notice To Defendant Of Disclosure Requirements In Unlawful Detainer Actions |
| 162. Notice Of Hearing - Simplified Chinese | 185. Notice To Department Of Human Services (Complies With Guidelines) |
| 163. Notice Of Hearing - Vietnamese | 186. Notice To Persons Served With A Subpoena |
| 164. Notice Of Hearing (Uccjea) | 187. Objection To Commissioner Recommendation |
| 165. Notice Of Hearing (Uifsa) | |
| 166. Notice Of Hearing On Motion For Genetic Testing | |
| 167. Notice Of Hearing On Motion For Leave To Amend | |
| 168. Notice Of Hearing On Motion For Summary Judgment | |
| 169. Notice Of Hearing On Motion For Temporary Orders | |

Forms Affected by URCP 10 Rule Change

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| <p>188. Objection To Form Of Order Or Judgment</p> <p>189. Objection To Subpoena</p> <p>190. Objections To Commissioner's Recommendation And Memorandum In Support</p> <p>191. Order Confirming Registration Of Office Of Recovery Services (Ors) Support Order</p> <p>192. Order Dividing Military Retired Pay</p> <p>193. Order Dividing Military Retired Pay</p> <p>194. Order Granting Motion For Summary Judgment On Non-Parentage</p> <p>195. Order On Ex Parte Motion For Alternative Service</p> <p>196. Order On Hearing For Confirmation Of Foreign Child Custody Or Parent-Time Order, Or Support Or Income Withholding Order</p> <p>197. Order On Motion To Waive Fees</p> <p>198. Order On Motion For Alternative Service</p> <p>199. Order On Motion For Genetic Testing</p> <p>200. Order On Motion For Genetic Testing</p> <p>201. Order On Motion For Leave To Amend</p> <p>202. Order On Motion For Leave To Withdraw Consent/Stipulation</p> <p>203. Order On Motion For Service By Commercial Courier To A Foreign Country</p> <p>204. Order On Motion For Summary Judgment</p> <p>205. Order On Motion For Temporary Order - No Children</p> <p>206. Order On Motion For Temporary Order – With Children</p> <p>207. Order On Motion For Temporary Order Due To Deployment</p> | <p>208. Order On Motion To Adjust Child Support</p> <p>209. Order On Motion To Appear Remotely - District And Justice</p> <p>210. Order On Motion To Appoint Parent Coordinator</p> <p>211. Order On Motion To Bifurcate</p> <p>212. Order On Motion To Change Venue</p> <p>213. Order On Motion To Continue Hearing Or Trial</p> <p>214. Order On Motion To Correct Clerical Mistake</p> <p>215. Order On Motion To Enforce Domestic Order</p> <p>216. Order On Motion To Enforce Order</p> <p>217. Order On Motion To Excuse Mandatory Divorce Mediation</p> <p>218. Order On Motion To Excuse Mediation</p> <p>219. Order On Motion To Grant Divorce And Decide Other Issues Later (Bifurcate Divorce)</p> <p>220. Order On Motion To Set Aside Default Or Judgment</p> <p>221. Order On Motion To Vacate Dismissal And Reinstate Civil Case</p> <p>222. Order On Motion To Voluntarily Dismiss Case, Counterclaim, Crossclaim Or Third-Party Claim</p> <p>223. Order On Motion To Waive 30-Day Divorce Waiting Period</p> <p>224. Order On Motion To Waive Divorce Education Requirements</p> <p>225. Order On Motion To Waive Education Requirements</p> <p>226. Order On Motion To Waive Fees</p> <p>227. Order On Motion To Waive Fees - Inmates</p> <p>228. Order On Motion To Waive Thirty-Day Waiting Period</p> |
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Forms Affected by URCP 10 Rule Change

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| <p>229. Order On Petition To Be Removed From The Custody Of The Division Of Child And Family Services</p> <p>230. Order On Petition To Modify Child Custody, Parent-Time And Child Support</p> <p>231. Order On Petition To Modify Child Parent-Time</p> <p>232. Order On Petition To Modify Child Support</p> <p>233. Order On Petition To Modify Divorce Decree</p> <p>234. Order On Petition To Re-Enter The Custody Of The Division Of Child And Family Services</p> <p>235. Order On Petition To Recognize A Relationship As A Marriage</p> <p>236. Order On Verified Petition For Immediate Writ Of Assistance To Remove Children (Uccjea)</p> <p>237. Order To Attend Hearing</p> <p>238. Order To Dismiss Divorce</p> <p>239. Parent Coordinator Qualification Statement</p> <p>240. Parent Coordinator Quarterly Report</p> <p>241. Parentage Decree And Judgment</p> <p>242. Parenting Plan (Or Amended Parenting Plan)</p> <p>243. Petition And Stipulation To Modify Child Custody, Parent-Time And Child Support</p> <p>244. Petition And Stipulation To Modify Child Support</p> <p>245. Petition And Stipulation To Modify Parent-Time</p> <p>246. Petition For Temporary Separation</p> <p>247. Petition To Be Removed From The Custody Of The Division Of Child And Family Services</p> <p>248. Petition To Modify Divorce Decree</p> | <p>249. Petition To Re-Enter The Custody Of The Division Of Child And Family Services</p> <p>250. Petition To Recognize A Relationship As A Marriage</p> <p>251. Petition To Register Office Of Recovery Services (Ors) Support Order</p> <p>252. Programa De Intérpretes Judiciales - Formulario Oficial De Quejas</p> <p>253. Proof Of Alternative Service</p> <p>254. Proof Of Completed Service</p> <p>255. Proof Of Service In A Foreign Country By Commercial Courier</p> <p>256. Record Of Support Payments (Uifsa)</p> <p>257. Reequst To Register A Foreign Child Custody Or Parent-Time Order (Uccjea)</p> <p>258. Reply Memorandum Supporting Motion</p> <p>259. Reply Memorandum Supporting Motion For Genetic Testing</p> <p>260. Reply Memorandum Supporting Motion For Leave To Amend</p> <p>261. Reply Memorandum Supporting Motion For Stay</p> <p>262. Reply Memorandum Supporting Motion For Summary Judgment</p> <p>263. Reply Memorandum Supporting Motion For Temporary Order</p> <p>264. Reply Memorandum Supporting Motion To Vacate Stay</p> <p>265. Reply Memorandum Supporting Motion To Waive 30-Day Waiting Period</p> <p>266. Reply Memorandum Supporting Motion To Waive Divorce Education Requirements</p> <p>267. Reply To Counterpetition</p> <p>268. Request A Court Interpreter - General Request</p> <p>269. Request A Court Interpreter - Spanish</p> <p>270. Request A Court Interpreter - Vietnamese</p> |
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Forms Affected by URCP 10 Rule Change

271.	Request For Contempt Hearing	294.	Stipulated Motion For Informal Trial
272.	Request For Hearing – Request To Register Foreign Child Custody Or Parent-Time Order, Or Support Or Income Withholding Order	295.	Stipulation
273.	Request For Hearing (Uccjea)	296.	Stipulation (Parentage)
274.	Request For Hearing (Uifsa)	297.	Stipulation Of Voluntary Dismissal
275.	Request To Join The Office Of Recovery Services (Ors)	298.	Stipulation To Appoint Parent Coordinator
276.	Request To Register A Foreign Support Or Income Withholding Order (Uifsa)	299.	Stipulation To Dismiss Divorce
277.	Request To Register Foreign Child Custody Or Parent-Time Order, Or Support Or Income Withholding Order	300.	Stipulation To Enter Judgment
278.	Request To Submit - Juvenile Court	301.	Stipulation To Motion
279.	Request To Submit For Decision	302.	Stipulation To Motion For Genetic Testing
280.	Request To Submit For Decision (Recognize Relationship As Marriage)	303.	Stipulation To Motion For Genetic Testing
281.	Request To Submit Motion For Genetic Testing	304.	Stipulation To Motion For Leave To Amend
282.	Request To Submit Motion For Leave To Amend	305.	Stipulation To Motion For Leave To Amend
283.	Request To Submit Motion For Summary Judgment	306.	Stipulation To Motion For Leave To Withdraw Consent/Stipulation
284.	Request To Submit Motion For Temporary Orders	307.	Stipulation To Motion For Summary Judgment
285.	Request To Submit Motion To Waive Divorce Education Requirements	308.	Stipulation To Motion For Summary Judgment
286.	Request To Submit Motion To Waive Thirty-Day Waiting Period	309.	Stipulation To Motion To Waive Divorce Education Requirements
287.	Respondent's Declaration Of Military Service (Not In Military)	310.	Stipulation To Motion To Waive Thirty-Day Waiting Period
288.	Respondent's Declaration Of Military Service	311.	Stipulation To Temporary Orders
289.	Return Of Service	312.	Stipulation To Temporary Orders
290.	Spanish Translation Of Summons (For Publication Only)	313.	Subpoena
291.	State Of Utah - Department Of Health Certificate Of Divorce, Dissolution Of Marriage, Or Annulment	314.	Substitution Of Counsel
292.	Statement Supporting Motion	315.	Summons
293.	Stipulated Motion	316.	Summons (For Publication Only)
		317.	Summons (For Publication)
		318.	Summons (In State - Arabic)
		319.	Summons (In State - Simplified Chinese)
		320.	Summons (In State - Vietnamese)
		321.	Summons (In State)

Forms Affected by URCP 10 Rule Change

- 322. Summons (Out Of State - Arabic)
- 323. Summons (Out Of State - Simplified Chinese)
- 324. Summons (Out Of State - Vietnamese)
- 325. Summons (Out Of State)
- 326. Summons (Outside Of Utah)
- 327. Summons (Spanish Translation)
- 328. Summons (Utah)
- 329. Summons For Publication
- 330. Table Of Contents Child Custody Evaluation
- 331. Temporary Orders
- 332. Trial Issues - Civil Cases
- 333. Trial Issues – Domestic Cases
- 334. Utah District Court Cover Sheet For All Civil Actions Except Probate Cases
- 335. Verified Parentage Petition (Or Amended Verified Parentage Petition)
- 336. Verified Petition For Divorce
- 337. Verified Petition For Immediate Writ Of Assistance To Remove Children (Uccjea)
- 338. Waiver Of Rights Under The Servicemembers Civil Relief Act
- 339. Writ Of Assistance To Remove Children (Uccjea)

 Name

 Address

 City, State, Zip

 Phone

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

 Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff/Petitioner v. <hr/> Defendant/Respondent	<p>Acceptance of Service (Utah Rule of Civil Procedure 4(d)(3))</p> <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
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1. I received and accept service of the following documents in this case (Choose all that apply.):

- ☐ Summons
☐ Complaint or Petition
☐ Amended Complaint or Petition

☐ Parenting Plan
☐ Notice of Divorce Education Requirements

☐ Notice of URCP 26.1 Disclosure and Discovery Requirements in Domestic Relations Actions

☐ Notice of URCP 26.3 Disclosure Requirements in Unlawful Detainer Actions

☐ Other: _____ (describe)

2. I understand that service is effective on the date I sign this document.
3. I know I can still respond to the complaint or petition in this case.
4. If other documents in this case need to be served on me they can be sent to:
(select one)
 - ☐ this email address _____
 - ☐ this mailing address _____
5. I understand I must update the court if my contact information changes. If I don't, my rights in this case could be affected without me knowing.

Plaintiff/Petitioner or Defendant/Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Acceptance of Service on the following people.

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

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

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

 Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff/Petitioner

v.

 Defendant/Respondent

Motion to Delay (Stay) Enforcement of Judgment

(Utah Rule of Civil Procedure 62)

☐ **Expedited Hearing Requested**

 Case Number

 Judge

 Commissioner

I ask the court to delay (stay) enforcement of the judgment in this case entered on _____ (date).

1. I am ☐ plaintiff/petitioner ☐ defendant/respondent.
2. I ask to delay enforcement because I have filed or am filing (Choose all that apply.):
☐ a motion to set aside judgment.

- ☐ an appeal.
- ☐ a motion to alter or amend the judgment.
- ☐ a motion to amend findings.
- ☐ a motion for a new trial.
- ☐ a motion for directed verdict.
- ☐ I have not filed anything. I need to delay enforcement because:

3. I ask the delay be in effect until (Choose one.):

- ☐ the court rules on my motion **or appeal**.
- ☐ this date: _____.

4. I ask the court to accept a deposit of \$_____ to grant the delay. This amount: (Choose one.)

- ☐ is enough to cover the other party's total judgment amount and possible attorney fees, plus three years of interest.
- ☐ is less than the total judgment amount, possible attorney fees, and three years of interest. It still protects the other party from loss due to a delay because: (explain why the amount you are offering to pay will be enough.)

I understand that I will have to deposit this amount if the court grants the delay.

- 5. ☐ I request a hearing.
- ☐ I do not request a hearing.
- 6. ☐ I have attached the following documents in support of this motion:

Plaintiff/Petitioner or Defendant/Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios: utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Stay Execution of Judgment on the following people.

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

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

This motion will be decided by the court commissioner at an upcoming hearing. If you do not appear at the hearing, the Court might make a decision against you without your input. In addition, you may file a written response at least 14 days before the hearing.

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

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Motion to Delay (Stay) Enforcement of Judgment

(Utah Rule of Civil Procedure 62)

☐ Expedited Hearing Requested

Case Number

Judge

Commissioner

I ask the court to delay (stay) enforcement of the judgment in this case entered on _____ (date).

1. I am ☐ plaintiff/petitioner ☐ defendant/respondent.
2. I ask to delay enforcement because I have filed or am filing (Choose all that apply.):
☐ a motion to set aside judgment.

- ☐ an appeal.
- ☐ a motion to alter or amend the judgment.
- ☐ a motion to amend findings.
- ☐ a motion for a new trial.
- ☐ a motion for directed verdict.
- ☐ I have not filed anything. I need to delay enforcement because:

3. I ask the delay be in effect until (Choose one.):

- ☐ the court rules on my motion **or appeal**.
- ☐ this date: _____ .

4. I ask the court to accept a deposit of \$_____ to grant the delay. This amount: (Choose one.)

- ☐ is enough to cover the other party's total judgment amount and possible attorney fees, plus three years of interest.
- ☐ is less than the total judgment amount, possible attorney fees, and three years of interest. It still protects the other party from loss due to a delay because: (explain why the amount you are offering to pay will be enough.)

I understand that I will have to deposit this amount if the court grants the delay.

- 5. ☐ I request a hearing.
- ☐ I do not request a hearing.
- 6. ☐ I have attached the following documents in support of this motion:

Plaintiff/Petitioner or Defendant/Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

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Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

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Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Stay Execution of Judgment on the following people.

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

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

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

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff/Petitioner

v.

 Defendant/Respondent

**Order on Motion to Delay (Stay)
Enforcement of Judgment**

 Case Number

 Judge

 Commissioner

The matter before the court is a Motion to Delay (Stay) Enforcement of Judgment. This matter is being resolved by: (Choose all that apply.)

☐ The default of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent.

☐ The stipulation of the parties.

☐ The pleadings and other papers of the parties.

☐ A hearing held on _____ (date), notice of which was served on all parties.

Plaintiff/Petitioner

☐ was present.

☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Defendant/Respondent

☐ was present.

☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds:

1. The moving party:

☐ needs to delay enforcement of the judgment in this case entered on _____ (date).

☐ does not need to delay enforcement of the judgment

2. ☐ The moving party needs to delay enforcement because:

☐ they have filed:

☐ a motion to set aside judgment.

☐ an appeal.

☐ a motion to alter or amend the judgment.

☐ a motion to amend findings.

☐ a motion for a new trial.

☐ a motion for directed verdict.

☐ for this other reason:

3. Security in the amount of \$ _____ :

☐ will be enough to protect the interests of the party that has the judgment.

☐ will not be enough to protect the interests of the party that has the judgment.

The court orders:

4. The motion is ☐ granted ☐ denied.

5. ☐ The delay of enforcement (stay) remains in effect until:

☐ the court rules on the finding in paragraph 2.

☐ this date: _____ .

6. Security is required in the amount of \$ _____. The delay of enforcement (stay) will not be in effect until security is deposited with the court. The moving party has until _____ (date) to deposit the funds with the court.

7. ☐ The court also orders the following to protect the party that has the judgment:

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

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Plaintiff/Petitioner, Attorney or Licensed Paralegal Practitioner	_____
_____	Signature ►	_____

Date

Defendant/Respondent, Attorney or Licensed
Paralegal Practitioner _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion to Delay Enforcement of Judgment on the following people.

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

Signature ►

Date

Printed Name

This is a Tier 2 case.

Name

Address

City, State, Zip

Phone

Email

If you do not respond to this document within applicable time limits, judgment could be entered against you as requested.

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In re marriage of

and

Petition to Recognize a Relationship as a Marriage
 (Utah Code 30-1-4.5)

[] and Stipulation

Case Number

Judge

Commissioner

1. The district court has jurisdiction. (Utah Code 30-1-4.5. and 78A-5-102).
2. This court has venue because (Choose all that apply.):
 - ☐ at least one of the partners resides in this county.
 - ☐ at least one of the elements giving rise to the cause of action occurred in this county.

3. My interest in this relationship is as:

☐ a partner.

☐ another interested person. (Describe your interest in the relationship sought to be recognized as a marriage.)

4. The parties to the relationship are:

(If a party is deceased, attach a copy of the death certificate and serve the estate of the deceased person.)

Name	Date of Birth	Deceased?

5. The partners agreed to live together as married people. At the time of the agreement, the partners were:

- at least 18 years old
- capable of giving consent because (explain why the court should conclude the partners had the ability to give consent)

and

- legally capable of getting married in Utah.

6. As a result of an agreement to live together as married people, the partners (complete all sections below):

- cohabitated as shown by (Describe.):

- mutually assumed marital rights, duties, and obligations as shown by (Describe.):

- presented themselves as married people as shown by (Describe.):

- had a general and uniform reputation as being married as shown by (Describe.):

7. Period of cohabitation (Choose one.)

☐ The partners are living together, and have been living together since _____ (date).

☐ The relationship has ended, but the partners lived together between _____ (date) and _____ (date).

8. This petition was filed: (Choose one.)

☐ during the relationship.

☐ within one year following the end of the relationship.

9. I ask the court for an order establishing the date of the partners' marriage as _____ (date).

Petitioner

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

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

Date

Signature ► _____

Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____

Printed Name _____

Stipulation (optional)

I am the respondent and the party responding to this Petition to Recognize a Relationship as a Marriage.

1. I have received and read the petition and its supporting documents.
2. I understand what the petition requests.
3. I understand I have the right to contest the petition by filing an answer, and have the court decide the issues.
4. I waive service of the Summons.
5. I agree this court has the authority to decide this matter and I enter my appearance for that purpose.
6. I agree to the requests in the petition.
7. I agree the court may enter an order of modification consistent with the petition at any time and without further notice.

Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

 Name

 Address

 City, State, Zip

 Phone

 Email

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In re marriage of

and

Findings of Fact and Conclusions of Law on Petition to Recognize a Relationship as a Marriage

Case Number _____

Judge _____

Commissioner _____

The matter before the court is a Petition to Recognize a Relationship as a Marriage.
 This matter is being resolved by:

- ☐ The default of ☐ Petitioner ☐ Respondent.
☐ The stipulation of the parties.
☐ The pleadings and other papers of the parties.
☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Other Interested Party _____ (name).

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds:

1. Venue is proper because (Choose all that apply.):

☐ at least one of the partners resides in this county.

☐ at least one of the elements giving rise to the cause of action occurred in this county.

2. The partners ☐ did ☐ did not agree to live together as married people as demonstrated by the following facts:

3. At the time of the agreement, the partners:

☐ were ☐ were not at least 18 years old

☐ were ☐ were not capable of giving consent because:

☐ were ☐ were not legally capable of getting married in Utah because:

4. The partners:

☐ did ☐ did not cohabitate as demonstrated by the following facts:

☐ did ☐ did not mutually assume marital rights, duties, and obligations as demonstrated by the following facts:

☐ did ☐ did not presented themselves as married people as demonstrated by the following facts:

☐ did ☐ did not had a general and uniform reputation as married people as demonstrated by the following facts:

5. Period of cohabitation (Choose one.)

☐ The partners are living together, and have been living together since

_____ (date).

[] The relationship has ended, but the partners lived together between _____ (date) and _____ (date).

6. The petition [] was [] was not filed during the relationship or within one year following the end of the relationship.

The court concludes:

7. [] The petitioner has not sufficiently proved the facts necessary for the relationship to be recognized as a marriage, and the petition should be denied.
- [] The petitioner has sufficiently proved the facts necessary for the relationship to be recognized as a marriage, and the petition should be granted. The partners should be considered married as of _____ (date).

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

Date

Signature ►

Commissioner

Date _____ Signature ► _____
Judge _____

Approved as to form

Date Signature ►
Petitioner, Attorney or Licensed Paralegal
Practitioner

Date Respondent, Attorney or Licensed Paralegal
 Practitioner

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact and Conclusions of Law on Petition to Recognize a Relationship as a Marriage on the following people.

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

Signature ►

Date

Printed Name

Name (currently used)

Address

City, State, Zip

Phone

Email

If you do not respond to this document within applicable time limits, judgment could be entered against you as requested.

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

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)

☐ Petitioner's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Name Change of:

Petitioner (current legal name)

Petition for Name Change
(Utah Code 42-1-1)

Case Number

Judge

1. I live in _____ County, Utah and have lived here since _____ (date), which is at least one year.
2. I was born on: _____ (date).
3. The name on my birth certificate is:

First name	
Middle name(s) (if any)	
Last Name	

4. I ask the court to order that my legal name be (proposed new name):

First name	
Middle name(s) (if any)	
Last Name	

5. I want to change my name because:

6. I do not know any reason why I should not be allowed to change my name.

7. Except for this petition, I am not involved in any court actions or proceedings.

8. I am not on probation or parole.

9. I am not on the Child Abuse Offender Registry. (Utah Code 77-43-105(7))

10. I am (Choose one.):

☐ not on the Sex and Kidnap Offender Registry.

☐ on the Sex and Kidnap Offender Registry. Changing my name is not against the public interest because (Explain.):

11. I am filing a Certification Regarding Offender Registry completed by the Utah Department of Corrections.

12. I am not changing my name to avoid creditors or anyone else with a claim against me, or for any other wrongful purpose.

13. My name change will not affect any right, title, or interest of anyone else, and I do not know of anyone else who should be notified of this petition.

14. I request a hearing.

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

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

_____	Signature ►	_____
Date	Printed Name	_____

Name (currently used)

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Name Change of:

Petitioner (current legal name)

**Department of Corrections
Certification Regarding Sex and
Kidnap Offender and Child Abuse
Offender Registries – Adult**

Case Number

Judge

Petitioner's full name (first, middle and last)	Date of Birth (MM/DD/YYYY)	Driver license / state ID number and state of issuance

----- *This section to be completed by Offender Registration Program staff* -----

I certify that I searched Utah's Sex and Kidnap Offender Registry and Child Abuse Offender Registry for

_____ (name)
and the search results were:

Child Abuse Offender Registry

- ☐ Positive – the above-named person is on the Child Abuse Offender Registry.
☐ Negative – the above-named person is not on the Child Abuse Offender Registry.
☐ Other: _____

Sex and Kidnap Offender Registry

- ☐ Positive – the above-named person is on the Sex and Kidnap Offender Registry.
☐ Negative – the above-named person is not on the Sex and Kidnap Offender Registry.
☐ Other: _____

Date

Signature ► _____

Printed Name of Offender
Registration Program staff _____

Instructions

1. Complete the form. Leave the section that says "This section to be completed by Offender Registration Program staff" blank.
2. Address an envelope to yourself with your name and mailing address and put a stamp on it so that the completed form can be mailed back to you.
3. Mail the form and your self-addressed stamped envelope to:
Offender Registration Program
14717 Minuteman Drive
Draper, UT 84020
4. You must **mail** this form to the Offender Registration Program. They do not have an office open to the public.
5. The Offender Registration Program staff will fill out their section and will return the completed form to you using the envelope you provided.
6. Once the form is mailed back to you, file it with the court along with the rest of your paperwork.

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Name Change of:

Petitioner

Order on Petition for Name Change

Case Number

Judge

1. Petitioner appeared in court on _____ (date).
2. Petitioner was born on: _____ (date).
3. The name on petitioner's birth certificate is:

First name	
Middle name(s) (if any)	
Last name	

The court finds:

4. ☐ All the notices required by law have been given.
5. Objections (Choose one.):
☐ No objections to the proposed name change were made.

☐ Objections to the proposed name change were made by:

6. ☐ The statements in the petition are accepted as true.
7. ☐ The requests in the petition are not for a wrongful or fraudulent purpose.
8. ☐ Other findings (if any):

The court concludes:

9. The requirements of Utah Code 42-1-1 through 42-1-3 (Choose one.):
☐ have been met.
☐ have not been met.
10. Petitioner (Choose one.):
☐ is not on the Child Abuse Offender Registry
☐ is on the Child Abuse Offender Registry.
11. Petitioner (Choose one.):
☐ is not on the Sex and Kidnap Offender Registry.
☐ is on the Sex and Kidnap Offender Registry, but granting the petition is not against the public interest (Utah Code 77-41-105(8)(a)).
12. The statements in the petition (Choose one.):
☐ are sufficient and the petition should be granted.
☐ are not sufficient and the petition should not be granted.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court orders:

13. The Petition is
☐ granted ☐ denied

14. ☐ Petitioner's legal name is changed to:

First name	
Middle name(s) (if any)	
Last name	

Petitioner may use this new legal name from this date forward.

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

Date

Signature ►

Judge

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition for Name Change on the following people.

(Only required if there were other interested parties in this case).

Person's Name	Service Method	Service Address	Service Date
(Interested party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Interested party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ►

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

 I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)

☐ Petitioner's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Name Change of:

**Notice of Hearing on Petition for
Name Change**

 Case Number

 Petitioner

 Judge

1. I am the Petitioner in this case. I have asked the court to change my name from:

First name	
Middle name (if any)	
Last name	

to:

First name	
Middle name (if any)	

Last name	
-----------	--

A copy of my Petition for Name Change is attached.

2. The court has scheduled a hearing on this petition at the following date and time.

Date _____ Time _____ : _____ [] a.m. [] p.m.

Room _____ Judge _____

3. If you have any objections to this petition, file them in writing with the clerk of this court and mail a copy to me at the address at the top of this document.

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Hearing on Petition for Name Change on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

Name (currently used)

Address

City, State, Zip

Phone

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

Email

I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)

☐ Petitioner's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Sex Change of:

Petitioner (current legal name)

Petition for Sex Change
(Utah Code 26-2-11)

Case Number

Judge

1. I live in _____ County, Utah and have lived here since _____ (date), which is at least one year before filing this petition.
2. I was born on: _____ (date).
3. My birth certificate says that my sex is ☐ male ☐ female.
4. I ask the court to order that my legal sex is ☐ male ☐ female.
5. I have attached evidence of appropriate clinical care or treatment for gender transitioning or change by a licensed medical professional.

6. I do not know any reason why this petition should not be granted.
7. Except for this petition, I am not involved in any court actions or proceedings.
8. I am not on probation or parole.
9. I am not on the Child Abuse Offender Registry. (Utah Code 77-43-105(7))
10. I am (Choose one.):
- ☐ not on the Sex and Kidnap Offender Registry.
- ☐ on the Sex and Kidnap Offender Registry. Granting this petition is not against the public interest because (Explain.):
- _____
- _____
11. I am filing a Certification Regarding Offender Registry completed by the Utah Department of Corrections.
12. I am not changing my name to avoid creditors or anyone else with a claim against me, or for any other wrongful purpose.
13. Granting this petition will not affect any right, title, or interest of anyone else, and I do not know of anyone else who should be notified of this petition.

Name Change (Only complete this section if you are asking for a name change.)

14. ☐ I also request a name change.

My current legal name is:

First name	
Middle name(s) (if any)	
Last Name	

My name appears this way on my (name of legal document)

_____.

I ask the court to order that my legal name be (proposed new name):

First name	
Middle name(s) (if any)	
Last Name	

I want to change my name because:

15. I request a hearing

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

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

Date

Signature ► _____

Printed Name _____

Name (currently used)

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Sex Change of:

Petitioner (current legal name)

**Department of Corrections
Certification Regarding Sex and
Kidnap Offender and Child Abuse
Offender Registries**

Case Number

Judge

Petitioner's full name (first, middle and last)	Date of Birth (MM/DD/YYYY)	Driver license / state ID number and state of issuance

----- *This section to be completed by Offender Registration Program staff* -----

I certify that I searched Utah's Sex and Kidnap Offender Registry and Child Abuse Offender Registry for

_____ (name)
and the search results were:

Child Abuse Offender Registry

- ☐ Positive – the above-named person is on the Child Abuse Offender Registry.
☐ Negative – the above-named person is not on the Child Abuse Offender Registry.
☐ Other: _____

Sex and Kidnap Offender Registry

- ☐ Positive – the above-named person is on the Sex and Kidnap Offender Registry.
☐ Negative – the above-named person is not on the Sex and Kidnap Offender Registry.
☐ Other: _____

Date

Signature ► _____

Printed Name of Offender
Registration Program staff

Instructions

1. Complete the form. Leave the section that says "This section to be completed by Offender Registration Program staff" blank.
2. Address an envelope to yourself with your name and mailing address and put a stamp on it so that the completed form can be mailed back to you.
3. Mail the form and your self-addressed stamped envelope to:
Offender Registration Program
14717 Minuteman Drive
Draper, UT 84020
4. You must **mail** this form to the Offender Registration Program. They do not have an office open to the public.
5. The Offender Registration Program staff will fill out their section and will return the completed form to you using the envelope you provided.
6. Once the form is mailed back to you, file it with the court along with the rest of your paperwork.

 Name

 Address

 City, State, Zip

 Phone

 Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Sex Change of:

 Petitioner

Order on Petition for Sex Change

 Case Number

 Judge

The court finds:

1. Petitioner appeared in court on _____ (date).
2. Petitioner was born on: _____ (date).
3. Petitioner's legal sex is ☐ male ☐ female.
4. ☐ The name on petitioner's birth certificate is:

First name	
Middle name(s) (if any)	
Last name	

5. ☐ All the notices required by law have been given.

6. Objections (Choose one.):

☐ No objections to the petition were made.

☐ Objections to the petition were made by:

7. ☐ The statements in the petition are accepted as true.

8. ☐ The requests in the petition are not for a wrongful or fraudulent purpose.

9. ☐ The petition is supported by objective evidence of appropriate clinical care or treatment for gender transitioning or change, provided by a licensed medical professional.

10. ☐ Other findings (if any):

The court concludes:

11. The requirements for a legal sex change:

☐ have been met.

☐ have not been met.

12. ☐ The requirements for a name change:

☐ have been met.

☐ have not been met.

13. Petitioner:

☐ is not on the Child Abuse Offender Registry

☐ is on the Child Abuse Offender Registry.

14. Petitioner:

☐ is not on the Sex and Kidnap Offender Registry.

☐ is on the Sex and Kidnap Offender Registry, but granting the petition is not against the public interest (Utah Code 77-41-105(8)(a)).

15. The statements in the petition:

☐ are sufficient and the petition should be granted.

☐ are not sufficient and the petition should not be granted.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court orders:

16. The Petition is

☐ granted ☐ denied

17. ☐ Petitioner's legal sex is changed to: ☐ male ☐ female.

Petitioner may use this new legal sex from this date forward.

18. ☐ Petitioner's legal name is changed to:

First name	
Middle name(s) (if any)	
Last name	

Petitioner may use this new legal name from this date forward.

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

	Signature ►	
Date	Judge	

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition for Sex Change on the following people.

(Only required if there were other interested parties in this case).

Person's Name	Service Method	Service Address	Service Date
(Interested party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Interested party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ►

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

 I am ☐ Petitioner ☐ Petitioner's Attorney (Utah Bar #: _____)

☐ Petitioner's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of the Sex Change of:

Notice of Hearing on Petition for Sex Change

Case Number _____

Petitioner _____

Judge _____

1. I am the Petitioner in this case.
2. I have asked the court to change my legal sex from:

☐ male ☐ female

 to: ☐ male ☐ female.
3. ☐ I have asked the court to change my name from:

First name	
Middle name (if any)	

Last name	
-----------	--

to:

First name	
Middle name (if any)	
Last name	

4. A copy of my Petition for Sex Change is attached.
5. The court has scheduled a hearing on this petition at the following date and time.

Date _____ Time _____ : _____ [] a.m. [] p.m.

Room _____ Judge _____

6. If you have any objections to this petition, file them in writing with the clerk of this court and mail a copy to me at the address at the top of this document.

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Hearing on Petition for Sex Change on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name