

JUDICIAL COUNCIL MEETING

AGENDA

Revised

July 18, 2022

Meeting Held Through Webex

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Office of Innovation Budget Request.... Chief Justice Matthew B. Durrant
(Action)
3. 9:20 a.m. Chair's Report. Chief Justice Matthew B. Durrant
(Information)
4. 9:25 a.m. State Court Administrator's Report.....Ron Gordon
(Information)
5. 9:35 a.m. Selection of Executive Committee - Judge Brian BrowerRon Gordon
(Tab 2 - Action)
6. 9:40 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget and Fiscal Management Committee Judge Kara Pettit
Liaison Committee..... Judge Kara Pettit
Policy, Planning, and Technology Committee Judge Derek Pullan
Bar Commission.....Margaret Plane, esq.
(Information)
7. 9:50 a.m. Problem Solving Court Recertification and Checklist.. Judge Dennis Fuchs
(Tab 3 - Action)
8. 10:00 a.m. Indigent Defense Commission ReportMatthew Barraza
(Tab 4 - Information)
9. 10:15 a.m. Dissolution of the Stockton Justice Court..... Jim Peters
(Tab 5 - Action)
10. 10:20 a.m. JCTST Allocations for FY 2023 Jim Peters
(Tab 6 - Action)
11. 10:35 a.m. Justice Court Reform Jim Peters
(Information) Ron Gordon
- 10:45 a.m. Break

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| 12. | 10:55 a.m. | Judicial Council Approved Funding Summary..... | Ron Gordon
Cathy Dupont |
| | | (Information) | |
| 13. | 11:05 a.m. | Budget and Grants..... | Karl Sweeney |
| | | (Tab 7 - Action) | Jordan Murray
Cheri Fifield
Lauren Andersen
Jessica Leavitt |
| 14. | 11:15 a.m. | Senior Judge Certification..... | Cathy Dupont |
| | | (Tab 10 - Action) | |
| 15. | 11:20 a.m. | Recognition of Outgoing Judicial Council Member - Judge Michelle
Heward..... | Chief Justice Matthew B. Durrant |
| | | (Information) | |
| 16. | 11:25 a.m. | Old Business/New Business | All |
| | | (Discussion) | |
| 17. | 11:35 a.m. | Executive Session - There may be an executive session | |
| 18. | 11:45 a.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.

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| 1. Forms Committee Forms
(Tab 8) | Kaden Taylor |
| 2. CJA Rules 4-208, 4-403, and 9-107 for Public Comment
(Tab 9) | Keisa Williams |

Tab 1

JUDICIAL COUNCIL MEETING
Minutes

June 27, 2022

Meeting conducted through Webex

9:00 a.m. – 2:21 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

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

Excused:

Hon. Elizabeth Lindsley
Cathy Dupont

Guests:

Jonathan Adams, OLRGC
Emily Ashcraft, Deseret News
Sue Crismon, Office of Innovation
Justice Christine Durham, Office of Innovation
Hon. Dennis Fuchs, Senior Judge

AOC Staff:

Ron Gordon
Michael Drechsel
Lauren Andersen
Brody Arishita
Shane Bahr
Todd Eaton
Bryson King
Tania Mashburn
Daniel Meza Rincon
Jon Puente
Jordan Murray
Bart Olsen
Jim Peters
Nathanael Player
Neira Siaperas
Nick Stiles
Karl Sweeney
Melissa Taitano
Keisa Williams
Jeni Wood

Guests Cont.:

John Lund, Office of Innovation
Joyce Pace, TCE Fifth District Court
Alex Peterson, Judicial Conduct Commission
Jonathan Warenne, CEO, Estate Guru

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. Judge Brian Brower has been selected to replace Judge Brook

Sessions on the Council. Chief Justice Durrant administered the Oath to Judge Brower and welcomed him.

Motion: Judge David Connors moved to approve the May 23, 2022 Judicial Council meeting minutes, as amended to correct typographical errors. Judge Samuel Chiara seconded the motion, and it passed unanimously.

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

Chief Justice Durrant has been asked to speak at the Capitol about the new member of the Supreme Court.

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

Ron Gordon and Michael Drechsel will present a judicial compensation brief to the Legislative Commission that oversees judicial compensation in August. The Commission has made this topic a priority.

Mr. Gordon welcomed Neira Siaperas as she transitions to the Deputy State Court Administrator position, effective August 1 when Cathy Dupont retires and Daniel Meza Rincon as the Interim Juvenile Court Administrator. The AOC is working to fill the juvenile court administration leadership team. Chief Justice Durrant said it’s great to see such wonderful people in these positions.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Karl Sweeney mentioned that the work of the committee will be addressed later.

Liaison Committee Report:

Michael Drechsel recommended the Council address how they would like the committee structured with Judge Sessions’ departure. Mr. Drechsel said the committee is working on several issues this summer, including expanding the purpose of preliminary hearings beyond the probable cause determination, to include an assessment of credibility of witnesses and to serve as a discovery tool for defense. Mr. Drechsel met with the Board of District Court Judges to form a specific plan of action.

Policy, Planning, and Technology Committee Report:

Judge Derek Pullan will address some of the work of the committee later in the meeting. The committee continues to transition the former Technology Committee into this committee.

Bar Commission Report:

Margaret Plane said that the Bar Commission is looking for a model for the Office of Innovations. The commission will explore the implications of moving the Office to the Bar. The Bar’s Budget Committee will address the Bar’s current policy regarding financial reserves. The

commission approved funding for a compensation study, including the Office of Professional Conduct.

5. APPROVAL OF 2023 JUDICIAL COUNCIL SCHEDULE: (Ron Gordon)

Chief Justice Durrant welcomed Mr. Gordon, who presented the 2023 Judicial Council schedule.

Chief Justice Durrant thanked Mr. Gordon.

Motion: Judge David Mortensen moved to approve the 2023 Judicial Council schedule, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

6. OPEN AND PUBLIC MEETINGS ACT TRAINING: (Bryson King)

Chief Justice Durrant welcomed Bryson King. Mr. King provided a brief overview of the Open and Public Meetings Act. CJA Rule 2-103(9) states “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.” Mr. King reviewed various statutes and rules relating to the Judicial Council’s processes including open and closed meetings, quorum requirements, and access to meeting records.

Judge Pullan stated that it’s common for the Council to go into a closed session to discuss litigation, but the reason is because litigation might inform policy decisions that need to be made in an open meeting. Mr. King explained that the statute and court rules contemplate discretion for the Council to discuss, in a closed meeting, how policy issues relate to the litigation that is the subject of a closed meeting.

Chief Justice Durrant thanked Mr. King.

7. JUDICIAL CONDUCT COMMISSION (JCC) REPORT: (Alex Peterson)

Chief Justice Durrant welcomed Alex Peterson. The JCC shall investigate and conduct confidential hearings regarding complaints against state, county, and municipal judges throughout the state. Following its investigations and hearings, the JCC may recommend to the Utah Supreme Court the reprimand, censure, suspension, removal, or involuntary retirement of any state, county, or municipal judge. The JCC cannot remove a judge from a particular case, direct a judge to take a particular action, or overturn a judge’s decision. Utah Constitution, Art VIII, Sec. 13 Judicial Conduct Commission and Utah Code § 78A-11-101 through -113, Judicial Conduct Commission.

Mr. Peterson noted that the JCC supported the Justice Court Conference in conjunction with Dr. Jennifer Yim, Judicial Performance Evaluation Commission. The JCC initiated the electronic complaint form submission, of which 52 complaints have been filed thus far. Judge Shaughnessy’s service on the JCC will expire soon. The JCC began publishing all dismissals with warnings online dating back to FY 2004. Judge Pullan hoped that the JCC could have open conversations about the frequency of complaints with the Education Department so they could focus on tailoring the courts’ conferences appropriately. Mr. Peterson noted the JCC hasn’t seen a spike in complaints related to the pandemic.

JCC Caseload update and analysis

a) As of June 27, there have been 79 cases in FY 2022 (80 in FY 2021, 51 in FY 2020, 64 in FY 2019, and 58 in FY 2018).

b) To date in FY 2022, they have had 0 public dispositions, 2 dismissal with warning dispositions, and 7 reconsideration requests. No cases are before the Utah Supreme Court.

Chief Justice Durrant thanked Mr. Peterson.

8. PROBLEM SOLVING COURT CERTIFICATIONS: (Judge Dennis Fuchs)

Chief Justice Durrant welcomed Judge Dennis Fuchs. Judge Fuchs reviewed the problem solving courts that were presented for recertification.

Courts that meet all Required and Presumed Best Practices

Adult Drug Court	Sanpete County, Manti	Judge Brody Keisel
Adult Mental Health Court	Weber County, Ogden	Judge Noel Hyde

Courts that do not meet all Required and Presumed Best Practices

Adult Drug Court	Carbon County, Price	Judge George Harmond
Adult Mental Health Court	Carbon County, Price	Judge George Harmond
Juvenile Drug Court	Weber County, Ogden	Judge Jeffrey Noland
Family Drug Court	Weber County, Ogden	Judge Michelle Heward
Family Drug Court	Carbon County, Price	Judge Craig Bunnell
Family Drug Court	Utah County, Provo	Judge Brent Bartholomew
Adult Drug Court	Weber County, Riverdale	Judge Paul Olds

Judge Fuchs explained that most of the courts not meeting the Council's requirements are due to lack of participants but he believed that the number of participants will increase as the courts transition back to in person. Judge Pullan wondered if the courts should create a way for the problem-solving courts to track new arrests, as this seems to be a problem. Judge Fuchs wasn't sure if juvenile courts or family dependency courts have a means to track new arrests. Judge Fuchs will speak with the Policy, Planning, and Technology Committee about whether this requirement should be eliminated. Judge Michelle Heward explained that tracking does not make sense in juvenile courts. Judge Shaughnessy said it is simple to track recidivism rates in adult drug courts and recommended more training on this. Judge Fuchs said once the statewide problem-solving court coordinator is hired, they will address these issues.

Chief Justice Durrant thanked Judge Fuchs.

Motion: Judge Shaughnessy moved to approve eight of the problem solving courts that do and do not meet Required and Presumed Best Practices as identified above, except for the Adult Drug Court in Carbon County, Price – Judge Harmond and readdress court this next month after follow up with Judge Harmond. Judge Connors seconded the motion, and it passed with Judge Heward abstaining as to her court.

9. JUSTICE COURT REFORM: (Jim Peters and Ron Gordon)

Chief Justice Durrant welcomed Jim Peters and Ron Gordon. The Task Force has been meeting with legislators and has presented to the Judiciary Interim Committee (JIC). The JIC included justice court reform as one of their study items. The Task Force sought feedback from all respective Boards, Judicial Council, TCEs, Clerks of Court, AOC members, and outside entities as this process moves along. Judge Paul Farr and Mr. Peters met with the Utah League of Cities and Towns to address justice court reform. The Task Force prefers having a third party meet with individual stakeholders, but they are working through logistics with the National Center for State Courts (NCSC). A survey will be distributed to entities to gather opinions on the proposals.

The proposed division courts would be focused on misdemeanors and small claims cases, while being housed in the district courts. In addition, Class A misdemeanors and debt collection cases would be transferred from district courts to the new division courts. Justice courts would continue to be operated by local governments to adjudicate infractions. Traffic cases would remain in the justice courts, which may generate more local revenue because they do not take as much time to adjudicate.

To begin analyzing the financial impact of creating division courts, the Task Force selected one urban area, Sandy City, and one rural area, Sanpete County, to model the proposals. As a result, they found that the Sandy City Division Court would have a caseload of about 6,000 cases per year with an anticipated \$438,000 in local revenue and \$572,000 in state revenue. The Sanpete County Division Court would have a caseload of about 1,300 cases per year with an anticipated \$174,000 in local revenue and \$177,000 in state revenue. These estimates do not include administrative costs.

There is a cost for gathering the data, including hiring an economist. The Council approved the Task Force seeking grant funds from the NCSC and PEW Trusts. To determine a fiscal note, staffing and physical locations must first be identified. Chris Talbot continues to work on identifying locations where the courts can lease space from local city and counties. The courts are also working with the Kem C. Gardner Policy Institute at the University of Utah, who develops and shares economic, demographic, and public policy data and research. They are hoping to complete a fiscal note by the fall in anticipation of a proposed bill at the next Legislative General Session. The need for funds is time-sensitive so there may be requests for funding a special budget meeting.

Mr. Gordon explained that the one major question from everyone is “when”. The courts are anticipating a bill as early as the 2023 General Legislative Session. Mr. Gordon clarified that the JIC made it clear that they were opening a bill file to study this item not draft it. Mr. Drechsel will meet with the JIC soon to discuss this issue. The JIC supported or expressed positive understanding about the reform proposal, noting that there are some questions about the fiscal impact.

Mr. Gordon continues to work on getting a fiscal note in place by this fall. Mr. Gordon explained that some components of the fiscal note will be driven by policy decisions that are not the courts to make. Mr. Drechsel noted the Board of District Court Judges has expressed

concerns about the timing based on the desire to seek a judicial compensation increase. Mr. Gordon said if the justice court reform bill passed in FY 2023 with a one-year implementation delay then the fiscal impact would be one year after the judicial compensation increase, if both passed during the 2023 legislative session, the compensation increase would take effect on July 1, 2023 and the justice court reform would take effect on July 1, 2024. Mr. Drechsel recommended the Council prioritize their next fiscal year funding with justice court reform in mind.

Judge Farr said defense attorneys have expressed concerns about eliminating de novo appeals, which is a tool to represent their clients.

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

10. JUSTICE COURT JUDGE CERTIFICATIONS: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Mr. Peters sought the Council's certification of Judge Jojo Liu to the Salt Lake City Justice Court.

Chief Justice Durrant thanked Mr. Peters.

Motion: Judge Augustus Chin moved to certify Judge Jojo Liu to the Salt Lake City Justice Court, as presented. Judge Heward seconded the motion, and it passed unanimously.

11. INTERLOCAL AGREEMENT: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Mr. Peters informed the Council that the proposed interlocal agreement between Stockton Justice Court and Tooele County Justice Court fell through to allow for further analysis. The Council may be presented with a dissolution proposal of the Stockton Justice Court at their next meeting.

Chief Justice Durrant thanked Mr. Peters.

12. PROPOSED ALLOCATIONS FROM JCTST ACCOUNT: (Jim Peters)

This item was postponed.

13. OFFICE OF LEGAL SERVICES INNOVATION REPORT: (John Lund, Sue Crismon, and Justice Christine Durham)

Chief Justice Durrant welcomed John Lund, Sue Crismon, and Justice Christine Durham.

Utah Constitution

Chief Justice Durrant stated that Utah Constitution, Article VIII, Section 4. Rulemaking Power of Supreme Court -- Judges Pro Tempore -- Regulation of Practice of Law states "the Supreme Court by rule shall govern the practice of law." Regulatory decisions that the Supreme Court makes in exercising that authority impacts the Judicial Council funding process. Chief Justice Durrant sought to provide more information on the work of the Office so that the Council will better understand the operations.

Justice Durham explained that the Utah Constitution gave separate and independent powers to the Supreme Court for the promulgation of rules and for the regulation of the practice of law. The Supreme Court created rules committees that are formed with volunteers. The regulatory process evolved as a project funded with Bar dues. Justice Durham said the Supreme Court has never had to address their regulatory function with the Legislature or with the Council. The Supreme Court's decision to move into regulatory reform as an avenue to access to justice has hopefully changed, in significant ways, the pricing and availability of services. Justice Durham said this has been accomplished without traditional access to funding. Justice Durham hoped the Supreme Court would have access to independent funds to handle its regulatory function. Justice Durham thought the courts were at a pivotal point in the history of the regulation of the practice of law on how the Supreme Court will be able to use its constitutional powers to improve the circumstances of citizens and to make access to justice a greater reality in their lives.

Access to Justice

There are access to justice gaps because high-income individuals and large companies can afford attorneys, but medium and low-income individuals and small and moderate size companies have difficulty affording attorneys. The Utah State Bar, the Supreme Court, and the Council have done a lot of things to address this gap, but much work remains to be done. Given the magnitude of the problem, pro bono attorneys cannot be the only source for solving the access to justice gaps. The Supreme Court believes that the access to justice gap is exacerbated by the overly restrictive way in which the provision of legal services is regulated. The Supreme Court thought that relaxing certain regulations in a targeted way will allow the free market to bring benefits to the delivery of legal services to individuals with low and moderate incomes. Chief Justice Durrant was confident that Justice Himonas played a critical role in opening the courts eyes to access to justice and that the Supreme Court was able to do something about it. Chief Justice Durrant wants to ensure the Council and Supreme Court work together on access to justice for everyone.

Acceptance into the Sandbox

The Office accepts applications from individuals and entities who wish to structure themselves in a way not permitted by URPC Rule 5.4 Professional Independence of a Lawyer or who wish to deliver legal services in ways not permitted by this rule. If approved by the Office, applications are then forwarded to the Supreme Court for final approval. Once approved, the entity can operate in the legal sandbox. The Office tries to limit their usage of AOC and IT Department personnel. The Office developed a risk-based regulation model for entities engaged in the sandbox, which does not rely solely on consumer complaints to prevent unnecessary harm. Instead, it relies on frequent and detailed data reporting from entities, a robust system for receiving consumer complaints, and targeted service reviews conducted by auditors.

Work of the Office

A fulltime executive director staffs the Office, and those in part time positions include a director of data, assistant data analyst, and a marketing and program coordinator. The Office now consists of 41 participants and has overseen the provision of approximately 22,000 services through both traditional legal providers using novel approaches, and nontraditional providers. The first two years of operations have focused on developing the necessary framework for

entities to experiment in a closely monitored environment with the end goal of developing alternative legal services and structures as one tool to reduce the distance between the unmet legal needs and the available legal services. The initial successes of the Office are due in large part to the dedicated work of the staff, supplemented and subsidized by national and local experts who have volunteered their time as members of their advisory board. The Office realized there is a gap in assistance to small businesses.

Justice Durham explained that the order in connection with legal advocates requires training but doesn't establish a template for the training. The Office has oversight of the approved entities, ensuring the appropriate training is completed. The Office's audit panel consists of lawyers with pertinent legal expertise.

Work of Other Bar Referrals

The lawyer licensed referral system, the debt collection program, and the pro bono clinic each handles approximately 1,000 referrals per year. There are about 500 modest means referrals each year. There are currently 23 licensed paralegal practitioners. Mr. Lund stated that the sandbox providers have assisted 10 times as many services as those.

Multiple jurisdictions outside of Utah have requested information on the Office, such as Washington and Maryland.

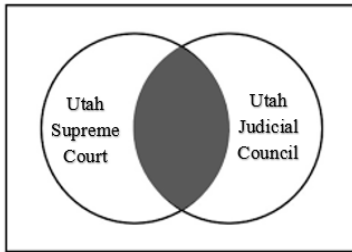
Permanent Placement of the Office

The Supreme Court is unsure as to where the Office will ultimately be housed and is considering several alternatives. As provided by Ms. Plane, the Bar Commission convened a taskforce to study the feasibility of housing the Office at the Bar. Chief Justice Durrant believed the Office should be housed in the Bar due to the nature of its work but thought it was best to allow the Bar Commission time to conduct their study. This situation is complicated with the ongoing mandatory membership lawsuit against the Bar. Chief Justice Durrant said the Office needs funding now to get them through this transitional period. Chief Justice Durrant thought a plausible path might be something equivalent to the Office of Fairness and Accountability, believing this was a legitimate request.

Funding of the Office

Chief Justice Durrant recognized that the costs were underestimated with the new Office, which is working in uncharted territory. As true with the Council, sometimes budgets are under or over estimated. Mr. Lund thought if the Bar or the court funded each of the 41 pilots for \$50,000, that would be about a \$2 million investment in some sort of access to justice. Karl Sweeney confirmed there are about \$550,000 in available carryforward funds.

Diagram by Judge Pullan



Judge Pullan's statement

1. "The History:

- a. The Office of Innovation began as a two year pilot program that would be entirely grant-funded.
- b. The Court made a decision to extend the program an additional five years. That Court made that decision without any apparent plan to fund the shortfall in grant-funding, and without consulting with the Council about how the extension may implicate the need for state funding.
- c. Representations were made to the Council
 - i. July 30, 2021 Judicial Council meeting minutes Re: SJI Grant application for Innovation Office
 1. "Will additional state funding be required to maintain or continue the program or its infrastructure when this grant expires or is reduced? Answer: No. The Utah Supreme Court voted unanimously to extend the term of the Legal Regulatory Sandbox to seven years, concluding at the end of August 2027. Operation of the sandbox will continue to be supported by grant funding and possibly through generation of a future operating budget comprised of fees paid by entities enrolled in the sandbox."
 2. "Will the funds to continue this program come from within the Judiciary's existing budget? Answer: No."
- d. As recently as 2 months ago, a proposed budget request was made for \$800,000. While that request has now been drastically reduced, its presentation makes me wonder if the actual costs of operating the Innovation Office are either unknown or vastly understated.
- e. In light of this history, with respect to the Innovation Office, the Court comes to the Council with a problem of its own making.
 - i. At best, the representations made to the Council were ill-informed.
 - ii. I prefer to believe that Justice Himonas was blinded by his passion for this project.
 - iii. Whatever the explanation, the Council relied on the representations of Justice Himonas in authorizing grant applications to fund the Office of Innovation.

2. Grant Funding Generally:

- a. Justice Himonas came to the Council with an agenda to expand dramatically the Grant Portfolio of the Courts. He believed that grant funds were a viable source of long-term funding, and that grant-funded initiatives would have no budgetary impact on the judicial branch.
- b. This world view has proven to be demonstrably mistaken.

- i. Grant money is seed money only. It is intended to foster innovative initiatives on the front end, demonstrate for a time their value, and then leave ongoing maintenance and operation to institutional stakeholders.
- ii. Grant funded initiatives acquire momentum, and when the grant-money runs out those initiatives will inevitably compete for the limited budget funds allocated to the judicial branch. Examples of this include ODR and now the Office of Innovation.
- iii. Knowing that the costs to maintain the farm will inevitably be shouldered by the Council, we ought not cultivate 1,000 acres just because the seed is free.

3. Rule 3-105 governs this issue:

- a. The Supreme Court has exclusive authority to govern the practice of law in the State. The Judicial Council has exclusive authority for the administration of the Judiciary, including authority to establish and manage the budget.
- b. Picture a Venn diagram with two intersecting circles. One circle represents the Court's exclusive domain, the other represents the Council's exclusive domain. Where the circles intersect is a place of constitutional crisis. It is a dangerous space where our institution can suffer self-inflicted harm. Where these conflicts play out in public, confidence in the judiciary erodes. Avoiding conflicts in this dangerous space requires a commitment of all parties to adhere to institutional norms. This space is not a place for personalities or brinksmanship. [Credit to Rex Lee who articulated these principles in his book *A Lawyer Looks at the Constitution*, p. 45 (1981)].
- c. Now that the Court has made clear that its regulatory responsibility will require an allocation of funds from the budget, the Office of Innovation substantially implicates both the Supreme Court's and the Council's exclusive authority.
- d. Rule 3-105 of the Code of Judicial Administration – (effective May 1, 2021) – governs these circumstances. The rule was designed to establish the very institutional norm necessary to avoid constitutional crisis within the judiciary.
 - i. The rule requires that a designee from the Court meet with the Management Committee to determine whether a particular issue is predominantly within the exclusive authority of the Court or the Council. Where an issue substantially implicates the exclusive authority of both the Court and the Council, then a meeting is required to find a path forward – “to act in a coordinated effort” on the matter.
 - ii. Importantly, if no agreement can be reached for coordinated action – the Supreme Court and the Judicial Council are required to meet in joint session to work it out.
- e. To my knowledge, the meeting required under this rule has not yet occurred and therefore action on the budget request of the Court is premature.

4. Restructuring the Budget Process: My Personal View

- a. Under article VIII, section 4 of the Utah Constitution, the Utah Supreme Court is exclusively tasked with four important responsibilities – rule-making, management of the appellate process, authorizing senior judges/judges pro tem, and governing the practice of law. Performing these duties costs money.
- b. Because these duties are constitutionally-based, when the Court makes a budget request to fund them, that request is of a different quality than when IT, the Legal Department, or the Court Administrator makes a request. This means that the Council has a constitutional

responsibility to provide some level of funding that makes the Court's work reasonably possible.

- c. That having been said, the Court cannot reasonably expect to receive as much money as it wants, when it wants it just because it is the Court asking. Such a view fails to acknowledge two realities:
 - i. First, budgeted funds are limited.
 - ii. Second, the Council's allocation or failure to allocate funds elsewhere has constitutional implications.
 - 1. Not funding sufficient front-counter personnel may offend the open courts provision.
 - 2. Equal justice under law.
 - 3. Educated judiciary.
- d. I remain of the view that each year, the Supreme Court should propose to the Council a line item amount needed to fund its Article VIII, section 4 responsibilities. And that the Council after due consideration of the Court's request and all other obligations, fund a line item to the Court. The Court then has the discretion to allocate those funds in whatever manner it deems most appropriate to perform its Article VIII, section 4 duties. This leaves the Court free to perform its constitutional responsibilities based on its view of the greatest need. In some years, the Court may choose to apply its line-item funds more heavily to regulating the practice of law, as opposed to rule-making or management of the appellate process. In this arena, the Court should be free to fulfill its policy-making role.
- e. This would be a stark change in our budget process, but one that is in my view constitutionally and systemically appropriate."

Judge Shaughnessy's opinion

Judge Shaughnessy echoed Judge Pullan's statement that this discussion is not about the merits of the Office's work, but rather, his concern was about whose responsibility it was to fund the Office. Judge Shaughnessy didn't think there was a constitutional crisis or conflict currently and didn't believe a conflict could occur in connection with the Supreme Courts responsibility to regulate the practice of law. Judge Shaughnessy provided that the Supreme Court has always had a mechanism, through the Bar, to fund its regulation of the practice of law--such as, the Bar covering expenses when Supreme Court made continuing legal education mandatory. He believed the Office should be funded through the Bar, noting that there is no precedent set for the Council to fund something like this. He also felt the Office is basically a modified version of the Office of Professional Conduct (OPC) and was not persuaded that this is a legitimate use of limited judicial resources because the Office is basically regulating for-profit entities in the sandbox. The sandbox is and should be figuring out ways to make money in the marketplace. Judge Shaughnessy thought long term funding belongs with the Bar but supported the efforts initially approved to get the Office started.

Judge Connor's opinion

Judge Connors agreed with the access of justice concept and thought the work of the Office was fabulous for access to justice issues. Judge Connors felt promises were made time and time again that were not kept and felt Judge Pullan's comments regarding Rule 3-105 were well made and well taken. He agreed with Judge Shaughnessy, to the extent that this is a subset

of the regulation of the practice of law, that this should be funded through the Bar. He believed a funding request at this time was inappropriate. Judge Connors wanted to see the funding request go through the proper channels so the Council can prioritize their funding so other budget requests do not get passed over.

Margaret Plane's opinion

Ms. Plane supported the Office goals but felt promises made in the past do not bind the future Council. Things happen where additional funds may be requested. Ms. Plane thought the Supreme Court and Council were in a good position financially. She suggested that the Council could compromise to include conditions on the funding allotment, such as, if grant funding comes through, the approved funding from the Council could be reverted. Ms. Plane concluded that, as a member of the Bar Commission, the members do not take Bar dues increase lightly and the lawsuit is weighing heavy on the Bar.

Judge Chiara's opinion

Judge Chiara expressed concern that there may be no way to identify what the budget needs there will be in the future as the Office grows. Judge Chiara wondered if the Office will be self-supported at some point through dues. Judge Chiara would like to see future financial estimates for the Office, especially the difference between the original request and current request.

Justice Durham

Justice Durham emphasized that the Supreme Court has never ceded regulation to the Bar. All its rules and all its funding come through Supreme Court authority. It is an interesting question as to whether exclusively lawyer funding on regulation of non-lawyer practice of law would ever be accepted by Utah's lawyers. In the context of nationwide challenges to mandatory bars, she thought they would need to contemplate significant obstacles to funding the additional regulation of new entities by lawyer dues. If the mandatory Bar is struck down, this whole issue will be before the courts again in magnified form because all regulations will have to be maintained by a new Office within the Supreme Court.

Judge Shaughnessy thought the mandatory or non-mandatory Bar is a non-issue because this would be part of the mandatory function of the Bar, like OPCs functions. Chief Justice Durrant said lawyers should be educated that the Supreme Court is interested in helping people who are not in a financial position to afford a lawyer, but that there are benefits for lawyers partnering with other professionals.

Judge Mortensen's opinion

Judge Mortensen recognized that Council decisions are always being considered with ongoing information and change in circumstances. He would not consider himself bound to any future funding requests, if he voted in favor of the budget request this year. He pointed out that the Council would be able to reject any future funding requests. Judge Mortensen wondered if this request was a stop-gap. Or if the Council approved this request, would that then put the Council in a future position for the Supreme Court to sense frustration with any future requests because the Council kept approving the funding.

Judge Pullan wondered if the Office anticipated that they could operate for the next seven years on grant funding or if they would be seeking more funds soon. Chief Justice Durrant thought this budget request was a bridge to either move it to the Bar or create a permanent AOC office. Present staff expenses equal about \$20,000 a month not including audit services, however, as more participants join the sandbox, there will be a need for additional audits and licensing costs for databases. The Council understood that there are non-profit and for-profit entities in the sandbox. Mr. Lund said there is an intention to build in a sliding scale fee schedule based on the revenue but that may not cover all expenses. Mr. Lund said they have an expensive contractor and felt a permanent senior data analyst would cost much less.

Chief Justice Durrant thanked Mr. Lund, Ms. Crismon, and Justice Durham for an excellent presentation and felt this was a great vehicle for access to justice to those who need help. Chief Justice Durrant thanked the Council members for their honesty and dedication to the Council and courts.

14. OFFICE OF LEGAL SERVICES INNOVATION GRANT REQUEST: (Jordan Murray and Karl Sweeney)

Chief Justice Durrant welcomed Jordan Murray and Karl Sweeney. The Office of Innovation pilot program was originally presented to the Council with the understanding that it would be fully funded with grant funds. However, the program was extended from two years to seven years, leaving them now in need of additional funds. The Office requested \$324,000 in American Rescue Plan Act (ARPA) funds, which were already approved by the Council. The Office also requested \$200,000 in one-time carry forward funds. The Office is also seeking grant funding, possibly through the Stand Together Foundation for about \$975,000, which if approved, would cover 2 years of work for the Office.

The Budget and Fiscal Management Committee voted to recommend to the Council the ARPA funding and the grant budget items. The request for \$200,000 in one-time carryforward funding was not recommended to be approved by the Council.

Personnel costs

Executive Director	\$176,800
Senior Research Analyst	\$145,600
Program Coordinator	\$52,000
Senior Data and Eval Consultant	\$125,000
Associate Data and Eval Consultant	\$64,000
Total	\$563,400

Office costs

Data equipment and website	\$4,300
Quick base License	\$36,000
Administrative supplies	\$17,500
Regulatory tools – auditors	\$37,500
Total	\$658,700

The Office is currently funded by 3 grants, totaling \$515,020, of which the Office has spent approximately \$220,000 in personnel. The Office forecasted a fourth quarter personnel funds monthly expense between \$20,000 and \$30,000 per month. The increase in monthly expenses is due to the increased entity participation in the sandbox, and the needed salary adjustments for staff to reflect market values.

Initial funding requests for the Office during the first two years of operations (including the ARPA request) were based on individuals volunteering their time and contracted staff being willing to work for significantly less than their market rate in exchange for the opportunity to work on a novel and highly innovative project. And while that assumption has largely held true, it is no longer realistic or fair to rely on these subsidies.

The Office has also enjoyed a high-level of interest and applications for entry into the sandbox. The Office is staffed by independent contractors, who are paid hourly to process these applications. The current estimated annual budget need for the Office is roughly \$658,000. This figure includes approximately \$558,000 for 4 contracted staff members, and \$100,000 for operational expenses including on-going database development.

Judge Pullan asked Mr. Murray to respond to each of the criteria found in CJA Rule 3-411 Grant Management, specifically to section (5)(E)(ii) & (vi). He remembered that the Office represented that they could operate with their current staff at about \$240,000 per year, however, this grant request suggested an amount nearly twice as much. Judge Pullan felt grant money was seed money that would leave the courts to fund the Office once the grant funds run out.

Section (5)(E) states:

“When evaluating Grant Application Proposals, the BFMC and Judicial Council will consider the following: (5)(E)(i) Does the grant contribute to accomplishing the mission of the courts? (5)(E)(ii) Does the grant add value when compared with the burden on existing and future resources, both during the grant project completion phase and thereafter? (5)(E)(iii) Does the grant provide measurable benefits to marginalized, minority, pro se, or similar under-served individuals or communities? (5)(E)(iv) Does the grant assist the courts in solving problems and promoting innovations that cannot be accomplished with existing resources? (5)(E)(v) Does the grant require actions or implementation of policy not in conformity with the mission of the courts or in conformity with policies previously established by the Judicial Council, Supreme Court, or the Utah Constitution? (5)(E)(vi) Does the grant expose the courts to potential long-term, unfunded financial obligations?”

Mr. Sweeney explained that the \$240,000 assumed that all the Office staff continue to work at their current rates. Moving forward, those salaries would increase to market value, therefore, the grant funds would be increased to about \$500,000 - \$650,000.

Mr. Murray explained that the Policy, Planning, and Technology Committee spent a considerable amount of time helping to shape Rule 3-411 and that section (5) was in response to observations about how grants have been martialed through the court system. Mr. Murray said

the Office is in a unique position, where it has already “left the port” so the courts need to make the best of what they can at this point. Judge Pullan responded that the courts embarked on this enterprise under the representation that there would be not funding that would be implicated through the budget but that has changed with this request. Nick Stiles asked if this grant posed any heightened risk for additional funding requests. Mr. Murray was confident that there is no additional staff that would be unfunded liabilities in the future.

Mr. Sweeney said the Office could use their contractors less, which would mean their overall costs would decrease. Justice Paige Petersen noted that the estimate of costs as found in the materials, lists the price at \$659,000. Judge Shaughnessy understood that the staff to the Office would be independent contractors and not employees of the AOC. Mr. Stiles explained that staff can stay on as contractors.

Chief Justice Durrant said that if the grant was funded, the Council would be free to reject any future requests for Office staff to become AOC employees. Judge Shaughnessy wanted to help the Supreme Court but did not support this being funded on a permanent basis through the Council. Mr. Stiles clarified that the approximately \$800,000 request was essentially a discussion item of the Office working through their work.

Judge Connors didn’t have a problem with seeking grant funds if the Council resolves the underlying question of where the Office will be housed. Ms. Plane wasn’t sure how long it would take the Commission to finalize their research with housing the Office but will follow up. Chief Justice Durrant said options could include scaling back the Office, only using grant money or even terminate the program. However, the courts have invested a lot in the Office and it would be generous for the Council to allow these grant funds.

Chief Justice Durrant reviewed previous Council minutes and recognized that the Council would be within their rights to reject any funding requests and wanted any legislative appropriation requests to be allowed for Council consideration. Chief Justice Durrant said the request is for gap-funding until a decision can be made as to where the Office will be housed. He didn’t believe approving this grant in any way, obligates the Council to continue to financially support the Office in the future. Judge Pullan thought the Council is essentially getting to a point where they will have to decide on whether to end funding for this program or continue funding it at the expense of other priorities.

Judge Pullan preferred the Supreme Court not independently seek legislative funding. Judge Shaughnessy mentioned that his beliefs are not based on prior representations and recognized that people may not know what to expect when they start a new office. Rather, the basis of his concern was that the Office is the regulation of lawyers and therefore belongs to the Bar.

Mr. Murray explained that there is no deadline for the grant and that the application has not been received by the courts yet.

Motion: Judge Pullan moved to stay the decision on the request for the \$200,000, stay the decision on whether the grant should be submitted, and comply with Rule 3-105(5)(A), which

states “the Supreme Court or a designated member of the Supreme Court, shall promptly meet and confer with the Management Committee.” This motion was not seconded or voted on.

This could provide an opportunity for the Office to give estimates on what the Office will cost. Chief Justice Durrant clarified section (5)(D) as stating “If after a meeting required under subsections 5(a) and 5(b), no decision can be reached about predominant authority, substantial implication of authority, referral of the matter, or coordination of action, the Supreme Court and the Judicial Council shall meet in a joint session to make the decision.” Chief Justice Durrant didn’t believe the Office could provide any more detail of the cost to run the Office. Mr. Stiles provided that both AOC Human Resources and Finance were involved in creating the amounts identified. Justice Petersen realized that the Office doesn’t have a full plan, because those amounts and staffing could be altered if the Office was housed at the Bar.

Judge Shaughnessy thought this may provide a timeframe to have some of the Council’s questions answered. Judge Pullan said the guardrails require the Council to consider what costs may ultimately be incurred in the future, at time of application. Judge Heward wondered if the Council approved the grant, would that mean that they are bound to accepting the grant. Mr. Murray encouraged the Council to consider the issue of credibility when submitting a proposal and then retracting it, noting that the Stand Together Foundation is an innovative organization.

Chief Justice Durrant provided that though not under the auspices of Rule 3-105, the Office was discussed at the last Management Committee meeting, therefore, he didn’t believe an additional discussion would be productive as to the \$200,000 and grant requests. Judge Pullan illuminated that when he participated in the draft of Rule 3-105, his intent was that the courts could foreclose constitutional crisis within the institution by having open discussions early on. He felt there would be value in the Supreme Court and Council holding a policy discussion on how they might move this forward together.

Judge Chiara thought there was merit with holding the meeting within the next month or so and believed the Office should be housed elsewhere but was open to further discussion. He thought the Office should be housed outside of the courts for a few reasons, including the effect on market forces because the courts use government money and not market forces. Whereas, if housed at the Bar, the Office would have to be sensitive as to the dues charged, the revenues that come in, and they would need to price things correctly. Judge Chiara was agreeable to funding on a temporary basis, if there was a commitment as to where it will be housed so the Council doesn’t have to revisit this conversation again next year. He understood that the Council does not have authority to determine where the Office will be housed.

Justice Petersen thought this may take longer than one meeting. Chief Justice Durrant reminded the Council that the permanent housing of the Office may take some time to be identified.

Mr. Sweeney explained that the remaining grant funds will cover the Office until around October, which may push staff of the Office to resign. Judge Shaughnessy didn’t have a problem with the Office using ARPA funds if those have already been approved. Mr. Sweeney said the ARPA funds have been approved but we did not originally expect to have enough ARPA funds

to cover the Office. Mr. Sweeney asked the Council if they are willing to recognize that anticipated savings in other ARPA projects will allow funds to be allocated to the Office. Judge Shaughnessy was fine with moving ARPA funds to the Office during this temporary period of not knowing where the Office will be housed but wanted to know their permanent placement before the Council addressed the \$200,000.

Chief Justice Durrant recommended staying the \$200,000 request, allow the Office to use ARPA funds in the amount of \$324,000, and proceed with the grant, pending both stages of Rule 3-105 process, and while proceeding with determining where the Office will be housed.

Chief Justice Durrant thanked Mr. Lund, Ms. Crismon, Justice Durham, Mr. Sweeney, and Mr. Murray.

Motion: Judge Chiara moved to have the Council clarify that the ARPA funds of \$324,000 have been approved for the Office and they can proceed to use that funding, as amended. Judge Shaughnessy seconded the motion, and it passed unanimously.

Chief Justice Durrant recommended convening for the first stage of the Rule 3-105 process where the Supreme Court or a designee meets with the Management Committee. Judge Pullan noted that this would comply with the rule but ultimately if the Office withdraws their \$200,000 request and is moved to the Bar, there would be no need. However, if it is determined that the Office will remain in the Judiciary and will have costs associated, the meeting should take place. Judge Pullan agreed with Justice Petersen that this will need more meetings. Chief Justice Durrant reconsidered and believed the Management Committee should hold a discussion about whether this lies with the Supreme Court or the Council.

Motion: Judge Pullan moved to stay any decision on the \$200,000 request in order to allow the process of Rule 3-105 to take effect. Judge Connors seconded the motion, and it passed unanimously.

Motion: Judge Pullan moved to allow the court to move forward with the proposed grant. Judge Connors seconded the motion, and it passed with Judge Shaughnessy voted nay.

Judge Chiara made it clear for the record that he voted for moving the grant request forward because he didn't want to delay the money if the decisions the Council makes in the next few months requires use of those funds. He further explained that he could still vote to not receive the grant money at a future point, depending on how the Council moves forward in the process. Ms. Plane will communicate this discussion with the Bar Commission and let them know that there is some urgency in the court receiving their input. Chief Justice Durrant will also speak with present and future Bar presidents.

15. FY 2023 CARRYFORWARD AND ONGOING TURNOVER SAVINGS REQUESTS: (Judge Kara Pettit, Karl Sweeney, and Alisha Johnson)

Chief Justice Durrant welcomed Judge Pettit, Karl Sweeney, and Alisha Johnson. The Finance Department estimated that the courts will have approximately \$2,377,654 in available one-time funds; turnover savings for FY 2022 totaled \$775,490; and potential one-time savings

of \$4,253,839. Mr. Sweeney believed that should a recession occur and the Legislature request the courts to give up ongoing funds, those funds would come from the next fiscal years budget.

New Judicial Law Clerk Attorney

\$95,850

Ongoing turnover savings

The purpose of this request is to acquire \$95,850 in ongoing funding for one law clerk position for the Fifth District Court. At present, the Fourth District Court and Fifth District Court share a law clerk position. Adding one new law clerk in the Fifth District Court would enable the current shared law clerk FTE to be fully utilized in the Fourth District Court. The Fifth District Court's new law clerk would be funded with ongoing funds, the Fourth District Court's law clerk would be funded with one-time limited funds.

Judge Connors commented that the Council agreed a long time ago to increase the number of law clerks and felt at some point, each judge should have their own assigned law clerk. Mr. Bahr is conducting research with neighboring states and expects to have a proposed legislative budget request next year.

Additional AOC Legal Department Associate General Counsel

\$150,000

Ongoing turnover savings

The 3 Legal Department attorneys (1 general counsel and 2 associate general counsels) support approximately 1,030 court employees and 239 judges, are staff to 9 committees, and are members of an additional 3 committees. On average, the department handles 100 requests per month. That number does not include committee work, confidential HR matters, legal opinions, training hours or litigation. In addition, the attorneys spend approximately 10-15 hours per week in meetings. Mr. Gordon explained that he has been working with Ms. Williams on this advancement and believed the department is significantly understaffed.

Additional Judicial Assistants to Assume Workload Under HB 143

\$320,000

Ongoing turnover funding

After consultation with the Clerks of Court, the request is for four new judicial assistants to be hired to handle the incremental case processing from the passage of HB0143 – DUI Penalty Amendments. The bill requires that certain DUIs be elevated to a Class A misdemeanor from a Class B misdemeanor and thereby transferred from justice courts to district courts to be adjudicated. The fiscal note estimates 1,480 cases annually would be moved to the district court from the justice courts. Mr. Gordon mentioned that without last year's carryforward funds, this request would be much higher.

HR Compensation & Classification Manager

\$120,000

Ongoing turnover savings

The request was for a full-time dedicated employee that would be assigned to ongoing compensation and job classification functions, which would identify essential functions for ADA purposes and how to price a job. Mr. Gordon asked for this item to be added to allow additional work to be done in the department.

Prefund Annual Performance Raises for FY 2023

\$150,000

Ongoing turnover savings

In FY 2021 and prior, the AOC funded annual career ladder payments of \$450,000 which were used to pay new probation officers and judicial assistants for their first 3-6 years of employment. Career ladder was replaced by \$450,000 in performance raises for FY 2022 which provided the opportunity for all court non-judicial officer personnel to be given performance-based raises.

Prefund Portion of Hot Spot Raises for FY 2023

\$82,000

Ongoing turnover savings

In FY 2022, the Council increased the amount of ongoing turnover savings devoted to hot spot raises from \$110,000 to \$200,000 annually. This request will be to fund 40% of the \$200,000 of hot spot raises which the Council has delegated to the State Court and Deputy State Court Administrators.

Partial Restoration of FY 2021 Admin Budget Cuts (Part I)

\$112,500

Ongoing turnover savings

In the FY 2021 budget, the Legislature cut the court's ongoing spending in all admin areas by \$653,000. For FY 2023, the courts sought to restore \$225,000 (50% = \$112,500 through ongoing funds and 50% through one-time carryforward funds) of the cuts which the district TCEs and AOC department heads deemed as essential to their operating budget. This request restores funds for those budget cuts that are essential to court operations. These funds will be distributed to the districts and AOC departments that made the original cuts.

Motion: Judge Connors moved to approve the New Judicial Law Clerk Attorney request for \$95,850 with ongoing turnover savings/one-time limited funds; the Additional AOC Legal Department Associate General Counsel request for \$150,000 with ongoing turnover funding; the Additional Judicial Assistants to Assume Workload Under HB0143 for \$320,000 with ongoing turnover funding; the HR Compensation & Classification Manager request for \$120,000 with ongoing turnover savings; the Prefund Annual Performance Raises request for \$150,000 with ongoing turnover savings; the Prefund Portion of Hot Spot Raises for FY 2023 request for \$82,000 with ongoing turnover savings; and the Partial Restoration of FY 2021 Admin Budget Cuts (Part I) request for \$112,500 with ongoing turnover savings, as amended to change the HR Compensation request from \$120,000 to \$118,000. Judge Shaughnessy seconded the motion, and it passed unanimously.

AALL Conference Attendance Funds

\$845

Carryforward one-time funds

To provide travel and conference funds to the State Law Library to allow the State Law Librarian, to attend and present at the American Association of Law Library's (AALL) Annual Conference in Denver, Colorado July 16-19, 2022.

ODR Program Development

\$46,200

Carryforward one-time funds

To pay for further development of the ODR program and use for volunteer incentives to help with volunteer retention.

Bountiful District Courtroom #2 Audio Upgrade

\$40,000

Carryforward one-time funds

Upgrade the audio system in Bountiful Courtroom #2; it was last updated in 2007 and lacks the current audio technology to best support hybrid/remote hearings.

Law Clerk Commitment Fulfillment

\$11,000

Carryforward one-time funds

To fund the final seven weeks of salary and benefits for a law clerk in the Supreme Court in the event the new Justice immediately hires their own law clerks.

Delayed Delivery of Statewide Routers

\$160,000

Carryforward one-time funds

This request was approved last year but the routers will not be delivered until September 2022.

New Third District Juvenile Court Taylorsville State Office Building Probation Office A/V System – Phase 2

\$61,509

Carryforward one-time funds

The second phase will be upgrading A/V equipment.

Support for In-Person Conferences, Education Team Training and Employee Manager Training

\$168,500

Carryforward one-time funds

This request seeks to fund the shortfall in Education Department's budget for FY 2023 to enable the department to be responsive to the requests of the various Boards of Judges to continue to offer in-person and hybrid (or streaming) conferences, as well as additional professional development needs for court employees.

Applicant Tracking and Onboarding System Request

\$19,029.54

Carryforward one-time funds

Allow one more year of funding for Applicant PRO, a more secure and independent onboarding and recruitment software application and process. This has decreased the time for recruitments. The Department of Human Resource Management (DHRM) received a request for a new HR system so the courts will wait to determine whether they will continue using this product or move to the system DHRM uses.

Employee Incentive Awards

\$280,000

Carryforward one-time funds

The courts have established a program to provide on-the-spot recognition for outstanding service as well as a formal nomination process to reward employees for their service in the following ways: an innovative idea or suggestion, implemented by the courts, which improves operations or results in cost savings; the exercise of leadership beyond that normally expected in the employee's assignment; an action which brings favorable public or professional attention to the courts; successful completion of an approved special individual or team project; and continually outstanding performance of normal responsibilities. The incentive can be issued in cash or a gift card. If deserved, a single employee can receive multiple incentive awards in a given year.

Interstate Compact for Juvenile (ICJ) Operations Funding

\$21,000

Carryforward one-time funds

Funding for mandatory Interstate Compact for Juveniles (ICJ) annual dues and other expenses related to administration of the ICJ office.

Educational Assistance Program Funding for FY 2023

\$85,000

Carryforward one-time funds

This request will subsidize education assistance for court employees for FY 2023. The amount requested is \$10,000 higher than FY 2022. The request was increased from last year due to increases in tuition.

Secondary Language Stipend

\$83,200

Carryforward one-time funds

This request deals with the front-counter interpreting which involves qualified employees receiving \$50 per pay period for being available as needed. This is a very cost-effective use of our current court employees who use their language skills in the service of court patrons in situations for which a certified, registered or approved interpreter is not required.

FY 2023 Public Transit Partial Reimbursement Program

\$50,000

Carryforward one-time funds

To provide Court employees state-wide with an opportunity to receive a 75% reimbursement of the costs paid for utilizing public transit until the funds are depleted.

IT WebEx Virtual Hearing Improvement Project

\$150,000

Carryforward one-time funds

This funding request is to complete some additional functionality within Cisco Webex to improve ease of use and ease of attendance at all virtual hearings hosted by Cisco Webex for the public.

Contractor Support for Senior Project Manager/Developer Training and Critical IT Projects in 2023

\$682,000

Carryforward one-time funds

This request is to retain four experienced contract developers to assist the Sr. Project Managers/Developers on critical projects and development tasks.

IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements

\$250,000

Carryforward one-time funds

The IT Department established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. Due to the large one-time CARES spending the courts made in FY 2021 for laptops, the current year request is lower than expected for future years. Starting in FY 2024 the courts anticipate the renewal spend to increase to approximately \$350,000 as laptops are more expensive to replace than the desktops.

Three IT Projects – Webex, IT Bandwidth and Clean Slate Software

\$118,000

Carryforward one-time funds

These three funding requests are for Webex, bandwidth increase and clean slate. They are all intended to be included as part of the IT Judicial Priority request for ongoing funds for the March 2023 session.

IT Staff Augmentation

\$270,000

Carryforward one-time funds

The purpose of this request is to augment IT staff with vendors on state contract supplemented by independent contractors/temps at \$20 - \$25 per hour to perform less technical hardware installation, assembly, etc. throughout the state for various projects in IT. This will enable the department to continue striving to provide a high level of service to court staff and to complete what is currently a daunting list of low-tech projects.

Seventh District Court Storage and Furniture for Carbon and Grand County Courthouses

\$8,840

Carryforward one-time funds

To purchase storage cabinets for Grand and Carbon Counties.

Partial Restoration of FY 2021 Admin Budget Cuts (Part II)

\$112,500

Carryforward one-time funds

In the FY 2021 budget, the Legislature cut the courts' ongoing spending in all admin areas by \$653,000. For FY 2023, the courts sought to restore \$225,000 (50% = \$112,500 through ongoing funds and 50% through one-time carryforward funds) of the cuts which the district TCEs and AOC department heads deemed as "essential" to their operating budget. This request restores funds for those budget cuts that are essential to court operations. These funds will be distributed to the districts and AOC departments that made the original cuts.

District Court – 2 Time-Limited Law Clerks (Continuation of Funding)

\$191,200

Carryforward one-time funds

The Board of District Court Judges has been charged with the distribution of district court law clerk resources. As of April 1, 2022, there are 31 law clerk positions allocated in district courts across the state. Of the 31 law clerk positions, 29 positions are funded through general funds and the equivalent of 2 full-time positions are funded with one-time funding.

Pilot Program for Crisis Services to Jurors

\$35,000

Carryforward one-time funds

This request is to fund a pilot program whereby the courts would offer limited counseling to jurors who experience trauma during their service as a juror and a video for jurors (and court employees/judges) discussing vicarious trauma and self-care. The type of cases that would be offered counseling services are jury trials related to offenses in Utah Criminal Code Title 76 Chapter 5 – “Offenses against the Individual” – which includes murder, rape, human trafficking and assault.

Partner with Kem C. Gardner Policy Institute on Impacts of Justice Court Reform
Up to \$50,000
Carryforward one-time funds

To fund the assistance of the University of Utah’s Kem C. Gardner Policy Institute, which has broad experience in dealing with these types of policy impact issues.

Motion: Judge Connors moved to approve the AALL Conference Attendance Funds request for \$845 with carryforward one-time funds; the ODR Program Development request for \$46,200 with carryforward one-time funds; the Bountiful District Courtroom #2 Audio Upgrade request for \$40,000 with carryforward one-time funds; the Law Clerk Commitment Fulfillment request for \$11,000 with carryforward one-time funds; the Delayed Delivery of Statewide Routers request for \$160,000 with carryforward one-time funds; the New Third District Juvenile Court Taylorsville State Office Building Probation Office AV System – Phase 2 request for \$61,509 with carryforward one-time funds; the Support for In-Person Conferences, Education Team Training and Employee Manager Training request for \$168,500 with carryforward one-time funds; the Applicant Tracking and Onboarding System request for \$19,029.54 with carryforward one-time funds; the Employee Incentive Awards request for \$280,000 with carryforward one-time funds; the Interstate Compact for Juvenile (ICJ) Operations Funding request for \$21,000 with carryforward one-time funds; the Educational Assistance Program Funding for FY 2023 request for \$85,000 with carryforward one-time funds; the Secondary Language Stipend request for \$83,200 with carryforward one-time funds; the FY 2023 Public Transit Partial Reimbursement Program request for \$50,000 with carryforward one-time funds; the IT WebEx Virtual Hearing Improvement Project request for \$150,000 with carryforward one-time funds; the Contractor Support for Senior Project Manager/Developer Training and Critical IT Projects in 2023 request for \$682,000 with carryforward one-time funds; the IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements request for \$250,000 with carryforward one-time funds; the three IT Projects – Webex, IT Bandwidth and Clean Slate Software request for \$118,000 with carryforward one-time funds; the IT Staff Augmentation request for \$270,000 with carryforward one-time funds; the Seventh District Court Storage and Furniture for Carbon and Grand County Courthouses request for \$8,840 with carryforward one-time funds; the Partial Restoration of FY 2021 Admin Budget Cuts (Part II) request for \$112,500 with carryforward one-time funds; the District Court – 2 Time-Limited Law Clerks (Continuation of Funding) request for \$191,200 with carryforward one-time funds; the Pilot Program for Crisis Services to Jurors request for \$35,000 with carryforward one-time funds; and the Partner with Kem C. Gardner Policy Institute on Impacts of Justice Court Reform request for up to \$50,000 with carryforward one-time funds, as presented. Judge Heward seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Judge Pettit, Mr. Sweeney, and Ms. Johnson.

16. HR POLICIES: (Bart Olsen and Keisa Williams)

Chief Justice Durrant welcomed Bart Olsen and Keisa Williams. Mr. Olsen explained that HB0388 Abusive Conduct Reporting Amendments passed the General Legislative Session in 2019, requiring policies, reporting mechanisms, and training on prevention of abusive conduct to begin in 2020, later adjusted to 2021. The HR policies were approved and published effective July, 2021. The investigative procedures had been designed with non-judicial officer employees in mind. The courts realized that the procedures do not sufficiently address necessary differences in investigative purpose and procedure should allegations arise against a judicial officer. Nor do they adequately articulate procedures and protections for judicial officers who advance allegations of harassment or abusive conduct. The proposed amendments to sections 15 and 16 were approved by the Policy, Planning, and Technology Committee. Judge Pullan thought the revisions to the policies make a vast difference acknowledging respectful institution roles and should bring comfort that when allegations are made, they will be fairly investigated through a transparent process.

Chief Justice Durrant thanked Mr. Olsen and Ms. Williams.

Motion: Judge Connors moved to approve the amendments to HR sections 15 and 16, as presented. Judge Heward seconded the motion, and it passed unanimously.

17. OLD BUSINESS/NEW BUSINESS

No additional business was discussed.

18. EXECUTIVE SESSION

An executive session was not held.

19. CONSENT CALENDAR ITEMS

- a) Committee Appointments. The appointment of Professor Scott Jarvis to the Forms Committee; and the appointment of Bryson King to the Committee on Judicial Outreach. Approved without comment.
- b) Rules for Public Comment. CJA Rule 4-206 Exhibits. Approved without comment.

20. ADJOURN

The meeting adjourned.

Tab 2

Agenda

000030

	Management Committee	Policy & Planning	Liaison Committee	Budget & Fiscal Management Committee (Created July 2019)
June, 2022	Chief Justice Durrant, Chair (Supreme Court)	Judge Pullan, Chair (District)	Judge Pettit, Chair (District)	Judge Pettit (District)
	Judge Shaughnessy (District)	Judge Chiara (District)	Judge Evershed (Juvenile)	Judge Barnes (District)
	Judge Farr (Justice)	Judge Chin (Justice)	Justice Petersen (Supreme Court)	Justice Petersen (Supreme Court)
	Judge Heward (Juvenile)	Judge Connors (District)	Judge Brower (Justice)	Judge Lindsley (Juvenile)
	Judge Mortensen (Court of Appeals)	Judge Heward (Juvenile)		Margaret Plane (Bar)

Tab 3

Agenda

UTAH JUDICIAL COUNCIL
FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: _____

COURT NUMBER: _____

JUDGE NAME: _____

REVIEW DATE: _____

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

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

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

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

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

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

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

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

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

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

Agenda

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

COURT LOCATION: _____

COURT NUMBER: _____

NAME: _____

REVIEW DATE: _____

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	3	The juvenile drug team does not apply subjective criteria or personal impressions to determine participants' suitability for the program.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Juvenile Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	C
<input type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Juvenile Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	C
<input type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	C
<input type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Juvenile Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Juvenile Drug Court.	D
<input type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Juvenile Drug Court.	D
<input type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Juvenile Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	D
<input type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input type="checkbox"/>	<input type="checkbox"/>	11	The Juvenile Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D	II D
<input type="checkbox"/>	<input type="checkbox"/>	12	Each member of the Juvenile Drug Court team attends up-to-date training events on recognizing implicit biases and correcting disparate impacts for members of historically disadvantaged groups. R BPS II F	II F
<input type="checkbox"/>	<input type="checkbox"/>	13	Participants ordinarily appear before the same judge throughout their enrollment in Juvenile Drug Court. R BPS III B	III B
<input type="checkbox"/>	<input type="checkbox"/>	14	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for the performance are discussed by the Juvenile Drug Court team. R BPS III D	III D

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	15	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program.	III E
<input type="checkbox"/>	<input type="checkbox"/>	16	Status hearings are scheduled no less frequently than every four weeks until participants graduates.	III E
<input type="checkbox"/>	<input type="checkbox"/>	17	The judge spends an average of at least three minutes with each participant.	III F
<input type="checkbox"/>	<input type="checkbox"/>	18	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III G
<input type="checkbox"/>	<input type="checkbox"/>	19	If a participant has difficulty expressing him herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV B
<input type="checkbox"/>	<input type="checkbox"/>	20	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III H VIII D
<input type="checkbox"/>	<input type="checkbox"/>	21	The judge makes these decisions after taking into consideration the input of other Juvenile Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III H VIII D
<input type="checkbox"/>	<input type="checkbox"/>	22	The judge relies on the expert input of duly trained treatment professional when imposing treatment-related conditions.	III H
<input type="checkbox"/>	<input type="checkbox"/>	23	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV A
<input type="checkbox"/>	<input type="checkbox"/>	24	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and legal collateral consequences that may ensue from graduation and termination.	IV A
<input type="checkbox"/>	<input type="checkbox"/>	25	The Juvenile Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV A
<input type="checkbox"/>	<input type="checkbox"/>	26	The goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only few infractions.	IV A
<input type="checkbox"/>	<input type="checkbox"/>	27	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV F
<input type="checkbox"/>	<input type="checkbox"/>	28	Drug testing is performed at least twice a week.	VII G
<input type="checkbox"/>	<input type="checkbox"/>	29	Drug testing is random, and is available on weekend and holidays.	VII B
<input type="checkbox"/>	<input type="checkbox"/>	30	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII B
<input type="checkbox"/>	<input type="checkbox"/>	31	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII G

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	32	The Juvenile Drug Court utilizes scientifically and valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII G
<input type="checkbox"/>	<input type="checkbox"/>	33	Metabolite levels falling below industry-or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII I
<input type="checkbox"/>	<input type="checkbox"/>	34	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII I
<input type="checkbox"/>	<input type="checkbox"/>	35	The program requires at least 90 days clean to graduate.	
<input type="checkbox"/>	<input type="checkbox"/>	36	The minimum length of the program is twelve months.	
<input type="checkbox"/>	<input type="checkbox"/>	37	Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV J
<input type="checkbox"/>	<input type="checkbox"/>	38	Detention sanctions are definite in duration and typically last no more than three to five days.	IV J
<input type="checkbox"/>	<input type="checkbox"/>	39	Participants are given access to counsel and a fair hearing if a detention sanction might be imposed.	IV J
<input type="checkbox"/>	<input type="checkbox"/>	40	Participants are not terminated from Juvenile Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV K
<input type="checkbox"/>	<input type="checkbox"/>	41	If a participant is terminated from the Juvenile Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. R BPS* IV K	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	42	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services.	V B
<input type="checkbox"/>	<input type="checkbox"/>	43	Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H	V H
<input type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in DUI Court because they lack a stable place of residence.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	45	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V J
<input type="checkbox"/>	<input type="checkbox"/>	46	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each staffing meeting. R BPS VII A*	VI.I.*
<input type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each Juvenile Drug Court session.	VII A
<input type="checkbox"/>	<input type="checkbox"/>	48	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case.	VIII B
<input type="checkbox"/>	<input type="checkbox"/>	49	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VII C
<input type="checkbox"/>	<input type="checkbox"/>	50	Court fees are reasonable and based on each participant's ability to pay.	

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	51	Treatment fees are based on a sliding fee schedule.	
<input type="checkbox"/>	<input type="checkbox"/>	52	A skilled and independent evaluator examines the drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X D
<input type="checkbox"/>	<input type="checkbox"/>	53	The Juvenile Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X D

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I A
<input type="checkbox"/>	<input type="checkbox"/>	2	The program admits only participants who are high risk need as measure by a validated risk and need assessment tool.	I B
<input type="checkbox"/>	<input type="checkbox"/>	3	The Juvenile Drug Court attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, and evidence-based substance abuse and mental health treatment, behavior modification and community supervision.	III A
<input type="checkbox"/>	<input type="checkbox"/>	4	The judge presides over the Juvenile Drug Court for no less than two consecutive years.	III B
<input type="checkbox"/>	<input type="checkbox"/>	5	The Juvenile Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV F
<input type="checkbox"/>	<input type="checkbox"/>	6	Phase promotion is predicted on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time	IV I
<input type="checkbox"/>	<input type="checkbox"/>	7	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV I
<input type="checkbox"/>	<input type="checkbox"/>	8	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII B
<input type="checkbox"/>	<input type="checkbox"/>	9	Drug Testing results are available within 48 hours.	VII H
<input type="checkbox"/>	<input type="checkbox"/>	10	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII D
<input type="checkbox"/>	<input type="checkbox"/>	11	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS).	VII G
<input type="checkbox"/>	<input type="checkbox"/>	12	Standardized patient placement criteria govern the level of care that is provided.	V A
<input type="checkbox"/>	<input type="checkbox"/>	13	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Juvenile Drug Court's programmatic phase structure.	V A
<input type="checkbox"/>	<input type="checkbox"/>	14	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V D
<input type="checkbox"/>	<input type="checkbox"/>	15	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V E

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	16	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V F
<input type="checkbox"/>	<input type="checkbox"/>	17	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V H
<input type="checkbox"/>	<input type="checkbox"/>	18	Participants suffering from mental illness receive mental health services beginning in the first phase of Juvenile Drug Court and continuing as needed throughout their enrollment in the program.	V I
<input type="checkbox"/>	<input type="checkbox"/>	19	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI L
<input type="checkbox"/>	<input type="checkbox"/>	20	Clients are placed in the program within 50 days of screening for eligibility.	
<input type="checkbox"/>	<input type="checkbox"/>	21	Team members are assigned to Juvenile Drug Court for no less than two years.	
<input type="checkbox"/>	<input type="checkbox"/>	22	All team members use electronic communication to contemporaneously communicate about Juvenile Drug Court issues.	
<input type="checkbox"/>	<input type="checkbox"/>	23	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Juvenile Drug Courts.	VIII F
<input type="checkbox"/>	<input type="checkbox"/>	24	New staff hires receive a formal orientation training on the Juvenile Drug Court model and best practices in DUI Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII F
<input type="checkbox"/>	<input type="checkbox"/>	25	The Juvenile Drug Court has more than 15 but less than 125 active participants.	IX C
<input type="checkbox"/>	<input type="checkbox"/>	26	The Juvenile Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X A
<input type="checkbox"/>	<input type="checkbox"/>	27	New referrals, new arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Juvenile Drug Court.	X C
<input type="checkbox"/>	<input type="checkbox"/>	28	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X G
<input type="checkbox"/>	<input type="checkbox"/>	29	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	The Juvenile Drug Court regularly monitor whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II B XE
<input type="checkbox"/>	<input type="checkbox"/>	2	The Juvenile Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, day treatment, intensive outpatient and outpatient services.	V B

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	3	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V E
<input type="checkbox"/>	<input type="checkbox"/>	4	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V E
<input type="checkbox"/>	<input type="checkbox"/>	5	Treatment providers administer behavioral or cognitive –behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the juvenile justice system.	V F
<input type="checkbox"/>	<input type="checkbox"/>	6	Treatment providers have substantial experience working with juvenile justice populations.	V H
<input type="checkbox"/>	<input type="checkbox"/>	7	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Juvenile Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), other major anxiety disorders.	VI E
<input type="checkbox"/>	<input type="checkbox"/>	8	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI F
<input type="checkbox"/>	<input type="checkbox"/>	9	Female participants receive trauma-related services in gender-specific groups.	VI F
<input type="checkbox"/>	<input type="checkbox"/>	10	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI F
<input type="checkbox"/>	<input type="checkbox"/>	11	Participants prepare a continuing-care plan together with their counselor to endure they continue to engage in pro-social activities and remain connected with a peer support group, as appropriate, after their discharge from the Juvenile Drug Court.	VJ
<input type="checkbox"/>	<input type="checkbox"/>	12	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	VJ
<input type="checkbox"/>	<input type="checkbox"/>	13	Before starting a Juvenile Drug Court, team members attend a formal pre-implantation training to learn from expert faculty about best practices in Juvenile Drug Courts and develop fair and effective policies and procedures for the program.	VII F
<input type="checkbox"/>	<input type="checkbox"/>	14	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicted complementary services.	X
<input type="checkbox"/>	<input type="checkbox"/>	15	Information relating to the services provided and participant' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Juvenile Drug Court's adherence to best practices and in-program outcomes.	X F
<input type="checkbox"/>	<input type="checkbox"/>	16	Outcomes are examined for all eligible participants who entered the Juvenile Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H	X H
<input type="checkbox"/>	<input type="checkbox"/>		<u>New adjudications are monitored for at least three years following each participant's entry into the Juvenile Drug Court.</u>	<u>X C</u>

Tab 4

Agenda



UTAH INDIGENT DEFENSE COMMISSION

2021 Annual Report

COMMISSION MEMBERS 2021-2022

000047

Lorene Miner Kamalu

IDC Chair 2021

Davis County Commissioner, Chair

*Utah Association of Counties representative - large
county*

Sam Alba

IDC Chair 2020

Federal Magistrate Judge (Ret.)

Stakeholder, Snow Christensen & Martineau

Utah Minority Bar Association representative

Michael Zimmerman

IDC Chair 2016 - 2019

Utah Supreme Court Chief Justice (Ret.) Founding

Member, Zimmerman Booher

Judicial Council representative

Wally Bugden

Partner, Bugden & Isaacson

*Utah Association of Criminal Defense Lawyers
representative - private defender*

Mary Corporon

Partner, Christensen & Jensen

*Utah Association of Criminal Defense Lawyers
representative - private defender*

Representative Joel Ferry*

Utah State House District 1

Utah State House representative

Ron Gordon

State Court Administrator

Administrative Office of the Courts representative

Margaret Lindsay

Supervising Attorney

*Utah County Public Defender Association
Child Welfare Parental Defense Program representative*

Ryan Loose

City Attorney, South Jordan

Utah League of Cities and Towns representative

Representative Steven J. Lund*

Utah State House District 58

Utah State House representative

Richard Mauro

Executive Director

Salt Lake Legal Defender Association

*Utah Association of Criminal Defense Lawyers
representative - public defender*

Shawn Milne

Cache Valley Economic Director

*Utah Association of Counties representative - small
county*

Tom Ross

Executive Director

Commission on Criminal and Juvenile Justice

CCJJ Representative

Heather Schriever

City Attorney, Orem

Utah League of Cities and Towns representative

Pamela Vickrey

Executive Director

Utah Juvenile Defender Attorneys

*Utah Association of Criminal Defense Lawyers
representative - juvenile delinquency*

Senator Todd Weiler

Utah State Senate District 23

Attorney, Christensen & Jensen

Utah State Senate representative

*In November 2021, Representative Lund replaced Representative Ferry as a commissioner

A GREETING FROM THE COMMISSION CHAIR

Lorene Miner Kamalu

As 2021 draws to a close and life returns to what **almost** feels like normal, the Indigent Defense Commission (IDC) has made remarkable strides towards improving Utah's indigent defense:

The IDC has expanded its reach to partner with a total of 20 counties and 2 cities throughout the state. The partner counties now all benefit from the managing defender organizational structure. This allows for greater independence from the judiciary and prosecution and increases accountability in these indigent defense systems, which handle 95% of all court-appointed district court cases statewide. It also enhances the IDC's ability to learn what local needs are in a particular region and to address those needs through our targeted grant program.

The IDC's Indigent Appellate Defense Division (IADD) has dramatically increased the number of appeals filed from Utah's rural counties, rising to meet the previously unmet demand for appellate representation. IADD has also consulted with defense attorneys throughout the state as they work on their cases to ensure that their clients receive the constitutional promise of a fair trial and opportunity to appeal.

Through its training program, the IDC has continued to embrace technological advances to provide virtual training sessions to defenders in every corner of the state, and to facilitate discussion and collaboration online.

The IDC is truly grateful for the ongoing support of the Legislative and Executive branches and their commitment to fulfill the constitutional guarantee of effective defense for all. We look forward to the coming year and are confident that with that continued support we will build upon this year's progress and continue to elevate the quality of indigent defense statewide.

A MESSAGE FROM THE EXECUTIVE DIRECTOR

000049

Matthew Barraza

In October 2021, Matthew Barraza was appointed to be Executive Director of the Office of Indigent Defense Services following Joanna Landau's departure. The Indigent Defense Commission is grateful to Executive Director Landau for her years of leadership.

I am honored and humbled to have been selected by the Indigent Defense Commission to be the next Executive Director.

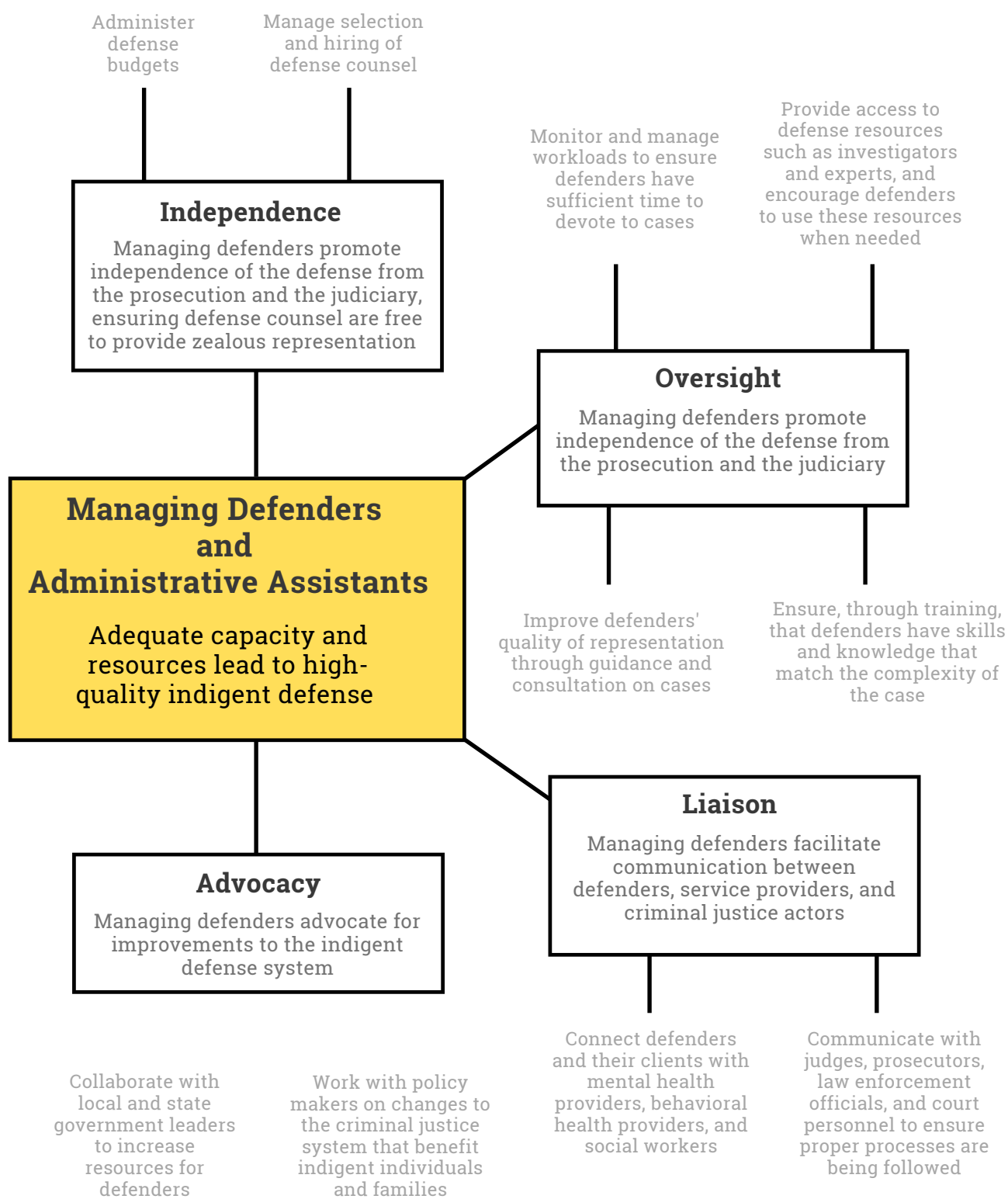
I have dedicated my legal career to fighting for the constitutional rights of individuals who are accused of crimes to have a fair trial and effective and zealous representation regardless of their ability to pay.

For the past 15 years I have worked as a trial attorney for the Salt Lake Legal Defender Association. During that time, I represented clients in a wide variety of cases - from misdemeanors in justice court, to felonies in drug court, all the way up to death penalty cases.

I am excited to use the wealth of experience and knowledge I have gained to help the IDC and its partners support and enhance indigent defense in Utah. The IDC is poised to make some extremely meaningful impacts this year, and I'm proud to be a part of it.



THE IMPORTANCE OF ORGANIZATIONAL CAPACITY



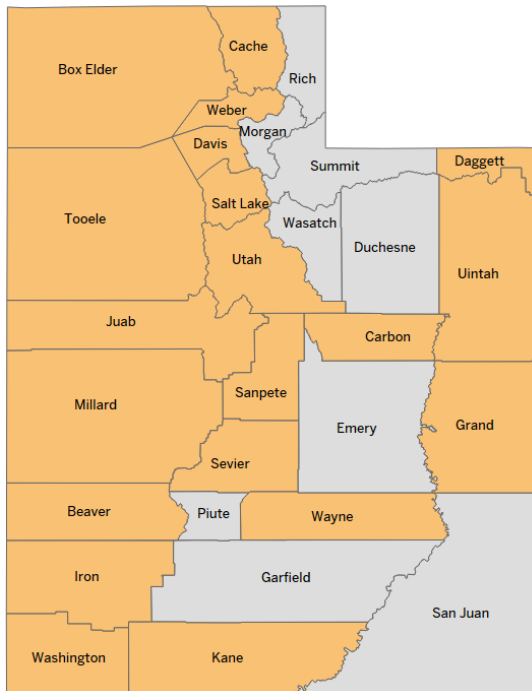
SCOPE OF OUR GRANT PROGRAM

FY 2022 Grant Year

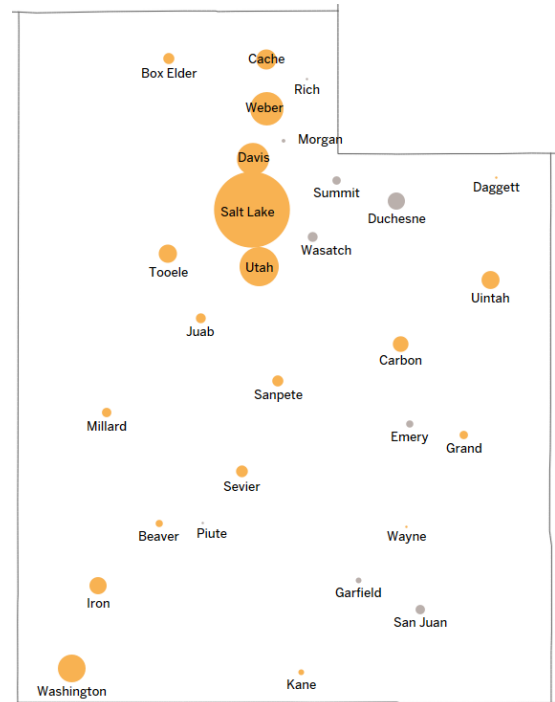
\$5,266,588
in grant funds benefitting
20 Counties
out of 29
2 Cities
out of 247

000051

The IDC Grant Program supports local governments' ability to provide effective indigent defense services that comply with state and federal laws. For the FY 2022 grant year, IDC awarded more than \$5.2 million in state funding to 19 counties and two cities. In addition, indigent defense services in Daggett County are provided for by Uintah County, a current IDC grant recipient.



Counties Benefitting from Grant Funds



**Counties Scaled to Number of
Appointed District Court Cases**

95%

**OF APPOINTED DISTRICT COURT CASES IN UTAH ARE
HANDLED BY COUNTIES THAT RECEIVE IDC GRANTS**

IMPACTS OF THE IDC GRANT PROGRAM

IDC grants have improved local governments' capacity to provide better indigent defense services and have laid the groundwork for more effective oversight and data collection. During the FY 2022 grant cycle, the Indigent Defense Commission focused on Core Principle One: Organizational Capacity of Defense Systems is Sufficient to Ensure Compliance with Core Principles. Grant requests were prioritized based on whether or not a funding item would help improve organizational capacity. Specifically, the highest priorities were 1) establishing managing defender positions within indigent defense systems, and 2) ensuring managing defenders have administrative support and reduced caseloads to allow capacity for managerial duties.

Key improvements in organizational capacity this year:

- **All counties that receive IDC funding** now have a clearly identified **managing defender** involved in their indigent defense systems
- Fourteen managing defenders are overseeing indigent defense services in twenty of the state's twenty-nine counties
- The IDC adopted a "**Managing Defender Manual**" as an informal guide on managing defenders' responsibilities
- **Thirteen IDC grant-funded administrative assistants** support seventeen of the state's twenty-nine counties
- The IDC has **leveraged federal JAG funding to offer case management software** to indigent defense systems
- All indigent defense systems receiving IDC funding are reporting financial and programmatic progress data to the state

The IDC drives for continuous improvement. In January 2021, staff implemented a System Needs Evaluation and an Attorney Caseload Survey, which will both be administered twice a year. Grant recipients report quantitative and qualitative information on their indigent defense services and how they align with the IDC Core System Principles. Indigent defense spending is also being tracked to ensure that state funds are used well and do not supplant local spending. These reports will not only map progress but will also be used in collaborative meetings to help the systems identify areas of needed improvement. State funds can then be better targeted toward meeting those needs.

TRAINING PROGRAM

The IDC's continuing legal education program provides targeted training, resources, and support to build a robust, connected community of specialized indigent defense practitioners who elevate the quality of representation. The Training Program benefited from the Utah State Bar Association's new mandatory continuing legal education (MCLE) category of online e-verified CLE created this year and from the rule change allowing attorneys to complete all MCLE credits via e-verified CLE training.

Attorneys have found the free training provided by IDC to be high quality, relevant to their specialty areas, convenient, and cost-effective. This is particularly true for attorneys from outside of Salt Lake County.

July 1, 2020 – June 30, 2021, by the numbers:

23 Online CLES
19 criminal defense, 4 appellate advocacy

723
HOURS

CLE credit earned in
criminal defense

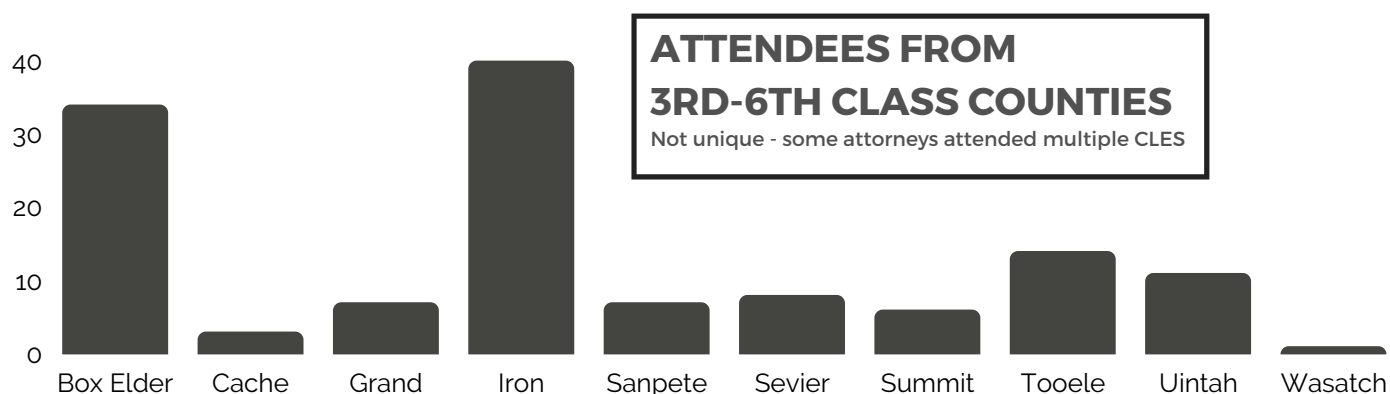
216
HOURS

CLE credit earned in appellate
advocacy and preparing cases for
appeal

935 Attendees
Some attorneys attended multiple events

47% Attorneys from outside of
Salt Lake County

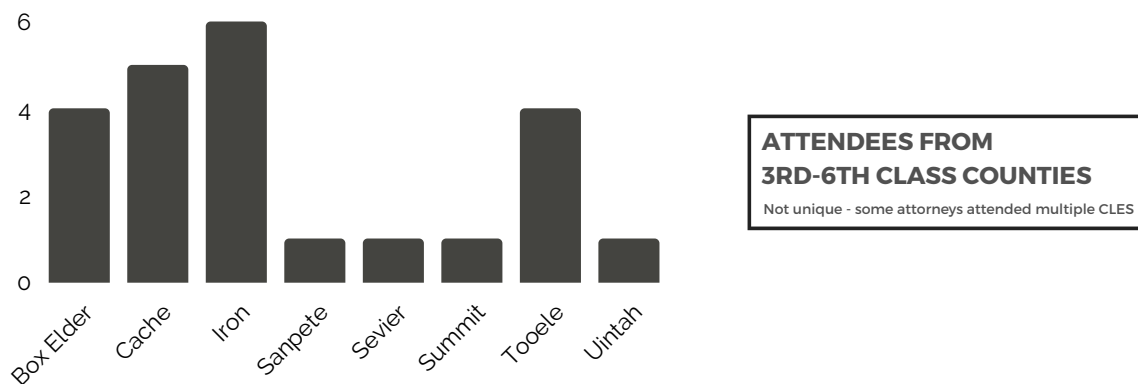
14% Attorneys from
3rd-6th class counties



BUILDING PRACTITIONER EXPERTISE TO IMPROVE REPRESENTATION OF JUVENILES IN DELINQUENCY PROCEEDINGS

Specialized training and practice resources are crucial to effective legal representation. To that end, IDC has collaborated with the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) to present a 3-year statewide delinquency defense training project for appointed juvenile delinquency defenders. The project's accomplishments during the second grant year are:

- 16 training hours (2 all-day seminars and 2 lunch-hour trainings)
- 156 participants (not unique- some attorneys participated in multiple trainings)
- 672 CLE credit hours earned in juvenile delinquency defense
- 43% of attorneys from outside Salt Lake County
- 14% of attorneys from 3rd-6th class counties



The project has also developed practice resources that will support specialized juvenile defense in Utah's juvenile justice system after the OJJDP grant funding expires. This year two toolkits have been made available to practitioners across the state:

- Utah Juvenile Record Expungement Toolkit
- Utah Toolkit for Representing Young People Charged with Sex Offenses

The development of a third toolkit, "A Combined Timelines Toolkit/New Practitioner Toolkit," is underway.

REPRESENTATION FOR PARENTS FIGHTING TERMINATION OF THEIR PARENTAL RIGHTS

000055

Utah law requires that parents facing the possibility of a court terminating their rights to parent their children are entitled to legal representation and to appointed counsel if they are indigent. (Utah Code section 78-22-201). The statute applies whether a case is brought by a state agency or a private party.

While counties are responsible for providing this representation, state law authorizes the IDC to collaborate with counties to help deliver these legal services and to reimburse them for the cost of representation in these cases.

In FY 2021, IDC paid for representation and defense resources for parents in more than 50 cases in five of the eight judicial districts.

The IDC is continually working to strengthen the representation of parents who are at risk of the great loss that comes from the permanent severing of their family connections. The IDC will continue to help to provide this protection to the growing number of parents facing this serious penalty.

PARENTAL DEFENSE ALLIANCE

The Parental Defense Alliance of Utah (PDA) is a 501(c)(3) non-profit organization, which contracts with the Indigent Defense Commission to provide continuing legal education, networking, and other resources to attorneys who represent indigent parents in child welfare cases in Utah's juvenile courts, as well as to other stakeholders. PDA and IDC engage in coordinated efforts to:

- Provide high quality training opportunities to parental representation attorneys across the state. In FY 2021, more than 450 attorneys and other child welfare professionals participated in PDA training programs.
- Elevate appellate practice by ensuring Utah Supreme Court roster-qualified counsel are appointed early on in potential appellate cases, so critical issues are preserved and the right to a meaningful appeal is protected.
- Advance the Defense-Side Social Worker Pilot Program, which has yielded significant results in Salt Lake and Utah counties, with the promise of expanding the program to the entire state.
- Work with the Attorney General's Office, Guardian ad Litem's Office, Court Improvement Program, and other community partners to craft sound public policy protecting Utah's most vulnerable families.

With these ongoing efforts to provide structure and impart institutional knowledge to the parental defense bar, PDA aims to support and honor families while working to provide a safe, just, and timely judicial process.

INDIGENT APPELLATE DEFENSE DIVISION

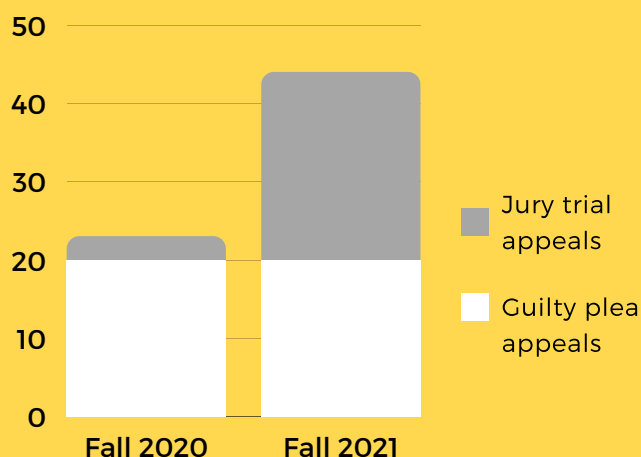
000056

The Indigent Appellate Defense Division (IADD), established in 2020, was given statutory jurisdiction to provide appellate representation for cases arising from the third through sixth class counties.

Despite COVID-related budget cuts, the division has grown and expanded its scope and its services during the past year:

- IADD has already been appointed to represent clients in more than 130 appeals. The division contracts with 16 private practitioners who help IADD staff provide representation in the areas of adult criminal, juvenile delinquency, and child welfare/parental defense appeals
- In addition to the Chief Appellate Officer, IADD now employs a paralegal and two full-time appellate attorneys who consult with criminal defense attorneys across rural Utah to provide case support and issue development, as well as carry caseloads of their own
- IADD created the Juvenile Delinquency Appellate Program in collaboration with the Utah Juvenile Defender Attorneys (UJDA). Specialized juvenile delinquency appellate counsel from UJDA provide training, trial, and appellate consultation as well as other resources and support to Utah's rural attorneys
- IADD also created a program for child welfare/parental defense appellate representation. Qualified, specialized attorneys contract with the division to represent indigent parents and guardians seeking to directly appeal their juvenile court decisions in child welfare and their termination of parental rights cases
- The Indigent Defense Commission adopted "Core System Principles for Appellate Advocacy", which IADD developed to set standards and guidelines for effective appellate practice in Utah

The number of appeals resulting from jury trials and guilty pleas in rural counties has more than doubled this fall (2021) over the same time period last year due to district courts opening again after the COVID shutdown. This sharp increase is stretching the existing IADD staff and resources to the limit, and the demand for indigent appellate services will only continue to grow as the pandemic subsides and the backlog of cases waiting for trial unravels.



The division is seeking additional funding from the 2022 Utah legislature to hire more appellate attorneys and staff to meet the growing demand for legal services and to expand resources, such as training and outreach to rural communities.

CONTACT THE IDC

IDC.UTAH.GOV

Matthew Barraza - Executive Director

mbarraza@utah.gov

801-707-4440

Adam Trupp - Assistant Director

atrupp@utah.gov

385-228-8238

Tab 5



Agenda

TOWN OF STOCKTON

18 North Johnson Street

PO Box 240

Stockton, Utah 84071

Phone: (435)882-3877

June 28, 2022

Jim Peters

Justice Court Coordinator

Administrative off of the Courts

450 South State

PO Box 140241

Salt Lake City, Utah 84114-0241

Re: NOTICE OF INTENT TO DISSOLVE JUSTICE COURT

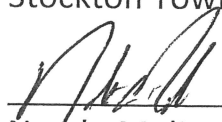
Dear Mr. Peters:

Pursuant to UCA 78A-7-123(2), this letter provides notice to the Utah Judicial Council that Stockton Town intends to dissolve the Stockton Town Justice Court. Enclosed with this letter is Resolution No.2022-24 for Dissolution of Justice Court According to UAC 78A-7-123 Dissolution of Justice Courts – Adopted by the Stockton Town Council on June 28, 2022. UCA 78A-7-123(3) allows for the usual time minimum of one year for court dissolution to be shortened upon request. Pursuant to 78A-7-123(3) of the Utah Code, Stockton Town requests that this time frame be shortened to allow a July 1, 2022 dissolution date, or as soon thereafter as the Judicial Council allows the dissolution to take effect.

If you require any further information regarding this notice, please contact us.

Sincerely,

Stockton Town Mayor



Nando Meli

**STOCKTON TOWN
RESOLUTION 2022-24**

**A RESOLUTION OF THE STOCKTON TOWN COUNCIL
APPROVING DISSOLUTUION OF JUSTICE COURT ACCORDING
TO UAC 78A-7-123 DISSOLUTION OF JUSTICE COURTS**

WHEREAS, Stockton Town ("Town") currently has the Stockton Town Justice Court (the "Court") the serve the town's justice court needs; and

WHEREAS, the Town Council has determined the Court no longer justifies its cost to the Town, and

WHEREAS, the Town Council has determined that it would be in the best interests of the Town that the Court be dissolved and that the cases be handled by the Tooele County Justice Court which serves any areas of Tooele County that do not fall within the jurisdiction of a municipal justice court; and

WHEREAS, the Town wishes to now dissolve the Court.

NOW THEREFORE, be it resolved by the Town Council of Stockton, Utah as Follows:

1. The Town shall take those steps required to meet all the statutory conditions outlined in UCA 78-A-7-123(2) & (3) necessary to dissolve the Stockton Town Justice Court and the Mayor and Town Clerk are authorized and directed to prepare, sign and file with the appropriate agencies all documents necessary to dissolve the Town's Justice Court; and
2. Upon the completion of all the requirements, the Stockton Town Justice Court shall be dissolved on July 1, 2022, or as soon thereafter as the Judicial Council allows the dissolution to take effect.
3. The resolution shall become effective immediately upon adoption.

This Resolution shall take effect immediately upon passage.

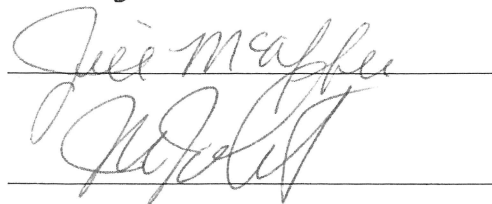
IN WITNESS WHEREOF, this Resolution 2022-24 is passed by the Stockton Town Council this 28th day of June, 2022.

STOCKTON TOWN COUNCIL

(For)

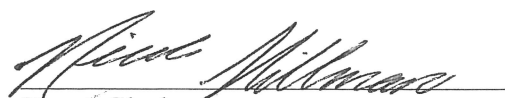
(Against)






ABSTAINING: _____

ATTEST:

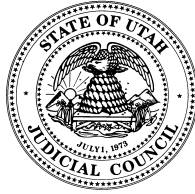

Town Clerk

SEAL

Approved as to Form:


Brett Coombs, Town Attorney

Tab 6



Agenda

Administrative Office of the Courts

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

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

MEMORANDUM

TO: Budget and Fiscal Management Committee

FROM: Jim Peters, Justice Court Administrator

DATE: May 31, 2022

RE: Board Recommendations for FY23 Allocations from the
Justice Court Technology, Security and Training Account

Section 78A-7-301 of the Utah Code and Rule 9-107 of the Code of Judicial Administration (both attached) describe a fund known as the Justice Court Technology, Security and Training Account (Fund). The Fund balance increases with the collection of the security surcharge assessed on moving violations and certain other offenses. The Fund balance decreases as money is allocated to local government and state entities involved in operating or supporting one or more justice courts.

Typically, applications are solicited each year for audit, technology, security, and training needs in justice courts throughout the state. The Board of Justice Court Judges (Board) then reviews the requests and makes recommendations to the Judicial Council. Because the services provided by the Administrative Office of the Courts (AOC) benefit all justice courts (rather than just a single court), the AOC receives the majority of each year's allocation.

The Fund is generally managed so that the allocation for the coming year (e.g. FY23) is capped at the amount of collections expected for the current year (e.g. FY22). That practice presents a challenge for FY23, however, as collections for FY22 are expected to be between \$675,000 and \$725,000. This amount is insufficient to cover the \$824,000 in requests submitted by the Board of Justice Court Judges, Audit, Education and Information Technology for FY23 (and itemized on the attached chart). As such, the Board did not invite the justice courts to submit requests for funding. Even so, there remains a difference between the funding needed to serve the justice courts and the amount that would typically be allocated from the Fund. To make up the difference, the Board recommends either (i) allocating more from the Fund than is expected to be collected in FY22 by spending into the Fund's \$676,000 balance or (ii) authorizing \$118,343 in carry-forward funds from the Court's general fund. I look forward to addressing your questions about the Board's recommendations and options for funding them.

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

Effective 10/1/2022**78A-7-301 Justice Court Technology, Security, and Training Account established -- Funding -- Uses.**

- (1) There is created a restricted account in the General Fund known as the Justice Court Technology, Security, and Training Account.
- (2) The state treasurer shall deposit in the account:
 - (a) money collected from the surcharge established in Subsection 78A-7-122(4)(b)(iii); and
 - (b) the administrative fee from a deferred prosecution under Subsection 77-2-4.2(5).
- (3) Money shall be appropriated from the account to the Administrative Office of the Courts to be used for:
 - (a) audit, technology, security, and training needs in justice courts throughout the state;
 - (b) additional compensation for presiding judges and associate presiding judges for justice courts under Section 78A-7-209.5; and
 - (c) costs to implement, operate, and maintain deferred prosecution pursuant to Subsection 77-2-4.2(5).

Amended by Chapter 136, 2022 General Session

Amended by Chapter 276, 2022 General Session

Utah Courts

UCJA Rule 9-107 (Code of Judicial Administration)

Rule 9-107. Justice court technology, security, and training account.

Rule printed on May 31, 2022 at 9:02 pm. Go to <https://www.utcourts.gov/rules> for current rules.

Effective: 9/6/2005

Intent:

To establish the process for allocation of funds from the Justice Court Technology, Security, and Training restricted account.

Applicability:

This rule shall apply to all applications for and allocations from the account.

Statement of the Rule:

- (1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.
 - (2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.
 - (3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.
 - (4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.
 - (5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges, and that recommendation, along with all timely applications shall then be forwarded to the Management Committee of the Judicial Council. The Management Committee will then make the final awards.
 - (6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.
-

**Justice Court Technology, Security and Training Account
Funding Requests for FY23**

Requests for One-Time Funding

#	Requesting Entity	Description	Original Grant Request	Recommend One-Time Grant Funds	Recommend Ongoing Grant Funds	Notes
1	AOC/Information Technology	Programming and Help Desk Support for Justice Courts	\$208,806	\$208,806		Personnel costs attributable to Justice Courts for IT support
2	AOC/Information Technology	Google Accounts for Justice Court Judges and Clerks	\$51,627	\$26,010		Originally calculated as 578 licenses @ \$96.68 each, but Council covered all but \$26,010
3	AOC/Information Technology	CORIS Infrastructure for Justice Courts	\$155,647	\$155,647		CORIS Infrastructure for Justice Courts
4	AOC/Judicial Institute (Education)	Request for Justice Courts' Share of Education's Overhead Costs	\$45,080	\$45,080		Employee Classes, Annual Judicial Conference, Training Technology, Professional Memberships and Training of Education Personnel
5	AOC/Judicial Institute (Education)	Judicial Decision Making	\$8,000	\$0		Funding for an overnight program for 15 judges
6	AOC/Judicial Institute (Education)	Small Claims Training for Judges Pro Tem	\$1,000	\$1,000		Small claims training provided twice each year for judges pro tem
7	Board of Justice Court Judges	Trust and Confidence Committee	\$0	\$0		Funding for outreach/CLE presentations to build trust and confidence in Justice Courts
8	Board of Justice Court Judges	Computer Equipment for Judges	\$25,000	\$20,000		Funding for the cost of computer equipment for the judges
9	Board of Justice Court Judges	District Trainings	\$10,000	\$8,000		Funding to provide lunch at district level training for judges and clerks @ \$16 each
10	Board of Justice Court Judges	Financial Assistance for Active Senior Judges to Attend the Spring Conference	\$2,500	\$3,000		Five active senior judges @ \$600 each
11	Board of Justice Court Judges	Out-of-State Training Fund	\$20,000	\$20,000		Funding for out-of-state training and other educational opportunities
12	Board of Justice Court Judges	Stipend for Education Liaison	\$1,500	\$1,500		Education Committee members will receive \$1000 but the chair receives nothing
Total One-Time Grant Requests for FY22			\$529,160	\$489,043	\$0	

Ongoing Funding

Requesting Entity	Description	Original Grant Request	Recommend One-Time Grant Funds	Recommend Ongoing Grant Funds	Notes
AOC/Audit	Internal Audit Position Dedicated to the Justice Courts	\$78,700		\$78,700	Cost of one auditor
AOC/Information Technology	Webex Licenses and Support	\$20,000		\$20,000	Covers the partial cost of Webex licenses used by justice courts
AOC/Judicial Institute	Education Coordination Fee	\$50,000		\$50,000	Coordination of all justice court events with personnel from Education
AOC/Judicial Institute	Justice Court Education Coordinator	\$55,000		\$55,000	Funding for half of the Justice Court Education Coordinator
AOC/Judicial Institute	New Judge Orientation	\$3,500		\$3,500	Estimated cost of orientation for new justice court judges up to three times per year
AOC/Judicial Institute	Justice Court Clerks' Conference	\$16,500		\$16,500	Estimated cost of providing an in-person conference to 350 clerks
AOC/Judicial Institute	Justice Court Judges' Conference (Spring)	\$31,300		\$31,300	Estimated cost of providing an in-person conference to 77 judges in spring 2023
AOC/Judicial Institute	Annual Judicial Conference (Fall)	\$15,675		\$25,300	Estimated cost of having 77 judges attend the Annual Judicial Conference (with \$125 registration fee)
Statutory	Compensation for Presiding and Associate Presiding Judges	\$24,000		\$24,000	SB00098 requires that PJs receive \$2000 and APJs receive \$1000

Totals

Total Ongoing Grant Requests	\$294,675	\$0	\$304,300
Total Requests (One-Time + Ongoing)	\$823,835		
Total One-Time Grant Funds Recommended for FY23		\$489,043	
Total Ongoing Grant Funds Recommended for FY23			\$304,300

Recommended Budget for FY23	\$675,000	\$675,000
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Total Grant Awards	\$793,343
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Difference Between Typical Allocation and Recommended Grant Awards	-\$118,343
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<u>Fund Balance</u>	Beginning Balance 7/1/2021	\$703,115
	Forecasted Collections FY22	\$685,000
	Forecasted Max Expenditures	<u>-\$712,000</u>
	Ending Fund Balance	\$676,115

Tab 7

Agenda

Budget and Grants Agenda for the July 18, 2022 Judicial Council Meeting

1. Ongoing and Carryforward Spending Requests Judge Kara Pettit
(Tab 1 - Action) Karl Sweeney

Carryforward Spending Requests Presented for Approval by Judicial Council

24. Education – Addt'l Diversity, Equity and Inclusion Training..... Lauren Andersen
25. Divorce Education for Children – Carryforward Grant Funds..... Cheri Fifield
2. JWI Pay Increases for Staff Interpreters and Contract Court Interpreters..... Jessica Leavitt
(Tab 2 - Action)
3. FY 2022 Judicial Council Allocation Update..... Ron Gordon
(Tab 3 - Information)

Tab 1



FY 2023 Carryforward and Ongoing Requests - Period 12

Funding Sources

	One Time	Ongoing
Total Case Processing Amounts from 2022 General Session Fiscal Notes	\$ 247,900	\$ 818,200
Expected Carryforward Amount from Fiscal Year 2022 (as of 5/26/2022)	\$ 3,200,000	\$ -
Ongoing Turnover Savings (forecasted as of 5/26/2022 - funding for Hot Spot, Targeted, and Performance Raises already included)	\$ -	\$ 375,490
Total Available Funding	\$ 3,447,900	\$ 1,193,690

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
4 Clerk of Court Supplemental to JA Increase	N/A	\$ 59,000	N/A	\$ 59,000
5 Public Outreach Coordinator	N/A	\$ 120,000	N/A	\$ 120,000
6 Partial Restoration of FY 2021 Budget Cuts	N/A	\$ 112,500	N/A	
7 New District Court Law Clerk Attorney	N/A	\$ 95,850	N/A	
8 New Associate General Counsel - Legal Department	N/A	\$ 150,000	N/A	
9 HB 143 DUIs - New Judicial Assistants	N/A	\$ 320,000	N/A	
10 New HR Compensation & Classification Manager	N/A	\$ 120,000	N/A	
11 Pre-fund Portion of Annual Performance Raises	N/A	\$ 150,000	N/A	
12 Pre-fund Portion of Hot Spot Raises	N/A	\$ 82,000	N/A	
Subtotal	\$ -	\$ 1,209,350	\$ -	\$ 179,000

One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 AALL Conference Attendance Funds - Law Library	\$ 845	N/A		
2* ODR Program Development	\$ 46,200	N/A		
3 Bountiful District Courtroom #2 Audio Upgrade	\$ 40,000	N/A		
4 Law Clerk Commitment Fulfillment	\$ 11,000	N/A		
5 IT - Delayed Delivery of Statewide Routers and WiFi Access Points	\$ 160,000	N/A		
6 TSOB Probation Office A/V System - Phase 2	\$ 61,509	N/A		
7* HR - Onboarding and Recruitment Software	\$ 19,030	N/A		
8* Education - In Person Conferences and Education Team Training	\$ 168,500	N/A		
9* Employee Incentive Awards	\$ 280,000	N/A		
10* ICJ Operations Funding	\$ 21,000	N/A		
11* Education Assistance Program Funding	\$ 85,000	N/A		
12* Secondary Language Stipend	\$ 83,200	N/A		
13* Public Transportation Reimbursement Program	\$ 50,000	N/A		
14 Cisco Portal Upgrade - IT	\$ 150,000	N/A		
15* Retain Contract Developers - IT	\$ 682,000	N/A		
16* IT Replacement Inventory	\$ 250,000	N/A		
17 Seventh District Courthouse Improvements	\$ 8,840	N/A		
18 Partial Restoration of FY 2021 Budget Cuts	\$ 112,500	N/A		
19 IT Bandwidth and Webex Renewal	\$ 118,000	N/A		
20* Time-limited Law Clerks	\$ 191,200	N/A		
21 IT Staff Augmentation	\$ 270,000	N/A		
22 Pilot Program - Counseling for Court Employees and Jurors	\$ 35,000	N/A		
23 Justice Court Reform Analysis Partner	\$ 50,000	N/A		
24 Education - Diversity, Equity and Inclusion Training	\$ 25,000	N/A		
25 Divorce Education for Children	\$ 12,000	N/A		
Subtotal	\$ 2,930,824	\$ -	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 3,447,900	\$ 1,014,690
+ Balance Remaining Inclusive of "Presented"	\$ 517,076	\$ (15,660)		

LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

* - items have been presented and approved in prior years.

+ - One-time balance remaining will go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.

If more funds are available than the total of requests received, prioritization is optional.

24. FY 2023 Supplemental Carryforward Spending Request – Education Dept. Diversity Equity and Inclusion Course Funding

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 6/27/2022

Department or District: Education

Requested by: Lauren Andersen

Request title: Supplemental request to fund Diversity, Equity and Inclusion training in FY23

Amount requested: One-time \$25,000

Purpose of funding request: In June 2022, the Standing Education Committee recommended that Education Rule 3-403 (3)(A) be amended to require staff and judges to attend a course on ethics, harassment, diversity and inclusion. To offer in-person, consistent, court-specific trainings on diversity and inclusion, Education is requesting a supplemental \$25,000 for its FY23 budget.

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

Utah Court Rule 3-403(3)(A) outlines the program requirements for judges and court staff. The rule states “[a]ll judges, court commissioners, active senior judges, and active senior judges shall complete 30 hours of pre-approved education annually[.]” Utah Court Rule 3-403(4)(A) states “[a]ll court staff employed by the state shall complete 20 hours of approved coursework annually.” Neither section requires that certain subjects be covered in the program.

In March 2022, Judicial Council discussed changing Rule 3-403 to set a minimum requirement of one hour of ethics, harassment, diversity and elimination of bias training. After Judicial Council’s discussion, the Standing Education Committee (SEC) took the topic to its next meeting. In its June 2022 meeting, the SEC recommended that Utah Court Rule 3-403(3)(A) and Rule 3-403(4)(A) be amended to require a course on ethics, harassment, diversity and inclusion. The SEC discussed that judiciaries across the country were requiring judicial officers and employees to complete diversity and inclusion training, such as Minnesota. It also discussed that more organizations were requiring diversity and inclusion trainings to build a positive workplace culture that reinforces inclusive workplace behavior.

As the SEC moves through the process of changing Utah Court Rule 3-403(3)(A) and 3-403(4)(A), Education plans to increase its diversity and inclusion trainings. Some of the trainings will be offered by existing providers at no additional cost. These will be offered through the Learning Management System (LMS) and will highlight nationally recognized best practices. To supplement online trainings, Education would like to offer a series of in-person trainings in each district. Each district would receive at least two trainings. One for court staff and one for judges. \$25,000 will pay the honorarium for 16 trainings as well as costs associated with mileage, room and board.

24. FY 2023 Supplemental Carryforward Spending Request – Education Dept. Diversity Equity and Inclusion Course Funding

While diversity and inclusion and training can be offered through WebEx with fewer costs, Education recommends that these trainings be offered in person. In-person trainings create a sense of camaraderie that encourages participants to ask questions, share experiences and build positive professional relationships. The same cannot be said of WebEx trainings.

If this request is not funded at this time, what are the consequences or is there an alternative strategy? Education will offer a scaled down version of the training using its existing budget. Four trainings will be offered in FY23 and districts will be combined. Attendees in combined districts will not experience the same camaraderie as they would in district specific trainings. The groups would be larger and people are less likely to ask questions and share experiences.

25. FY 2023 Carryforward Spending Request – Divorce Education Teen Website

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 06/30/2022

Department or District: Divorce Education for Children (2441)

Requested by: Divorce Education for Children Program
Coordinator (Cheri Fifield)

Request title: Carryforward Bar Foundation Grant for Teen Website Development

Amount requested: One-time \$12,000

Purpose of funding request: Carryforward remaining Bar Foundation grant balance of \$12,000 to FY2023

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

The Bar Foundation supplied the Divorce Education for Children Program \$20,000 to develop an educational website for teens experiencing parental separation. Attempts to develop this website are currently in progress. However, there have been service delays and delays due to COVID-19. Currently we have spent \$8,000 to date and plan to spend the remaining \$12,000 in 2023, as the website has an expected completion of September FY 2023.

Alternative funding sources, if any:

The grant provides the funds and this request is merely to carryforward the balance of unspent grant monies into FY 2023. If not used for a purpose authorized by the grant, the grant monies must be returned to the Bar Foundation.

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

See above.

Tab 2



Administrative Office of the Courts

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

June 30, 2022

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

MEMORANDUM

TO: Budget and Fiscal Management Committee

FROM: Jessica Vázquez-Leavitt and Language Access Committee

RE: Request to Give JWI Budget-Neutral Rate Increase for Staff Interpreters and JWI Budget Rate Increase for Contract Court Interpreters

JWI Budget Neutral Rate Increase for Staff Interpreters

The Language Access Program Manager (LAPM) Jessica Leavitt annually reviews the pay of the Third District Court's four FT staff interpreter positions to determine whether their pay is at market. For FY 2023, it was determined that staff interpreter pay was substantially below market – which has resulted in only two of the 4 staff interpreter positions being filled for multiple years.

The market based pay for these positions for FY 2022 was \$30.07 per hour. For FY 2023, the recommended market based pay is \$36.07 per hour. This pay increase is cost-neutral to the Courts as the proposed market pay increase of \$6 per hour will be 100% funded by the elimination of one of the 4 staff interpreter positions. Further, one of the remaining unfilled positions has been converted to the Language Access Coordinator position.

Here is how the Staff Interpreter positions changed since the start of FY 2022:

Staff Interpreter #1 – filled – Seeking pay increase of \$6 per hour effective July 1, 2022
Staff Interpreter #2 – filled – Seeking pay increase of \$6 per hour effective July 1, 2022
Staff Interpreter #3 – filled - converted to Language Access Coordinator position
Staff Interpreter #4 – Eliminated – Provides \$30 per hour of payroll to give \$6 per hour of raises to two remaining staff interpreters = \$12 per hour total utilized.

This staff interpreter pay increase are revenue neutral per the Court's Director of Finance.

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

JWI Budget Rate Increase for Contract Court Interpreters

The LAPM also surveyed several states adjacent to Utah for Contract Court Interpreter pay comparisons. As with the Staff Interpreters, the Contract Court Interpreters are paid from the JWI fund so there is no general fund budget impact for these pay increases.

Since most interpreters serve their courts remotely, the primary reason to conduct an annual survey of nearby Contract Court pay is to prevent Contract Court Interpreters from being lured away by higher offers from nearby states.

The pay ranges noted were from \$25 to \$50 per hour. The LAPM and the Language Access Committee request the following hourly pay adjustments for Contract Court Interpreters to be effective July 1, 2022:

Credential Level	Contract Rate FY 22	Proposed Contract Rate FY 23
Certified	\$47.76	\$50
Approved	\$40.93	\$41
Registered	\$40.93	\$41
Conditionally-Approved	\$22.28	\$23

The JWI fund has approximately \$1.0M in carryforward funds that can be used to cover the +/- \$80,000 of impact this pay hike for Contract Court Interpreters is forecasted to have on the JWI fund.

AOC Finance Recommendations

AOC Finance has reviewed the calculations of the impacts outlined above for Staff Interpreters and Contract Court Interpreters and recommends the granting of the proposed pay increases as essential to the efficient operation of the Courts.

Tab 3

Title	Type of Funding	Allocation		Actually Used		Remaining Amount Contributed to:			Notes
		One Time	Ongoing	One Time	Ongoing	One Time	Ongoing	Potential Lapse	
IT Projects									
IT Contract Developers Support	Carryforward	\$ 682,000.00	\$ -	\$ 682,000.00	\$ -	\$ -	\$ -	\$ -	Adjustment already accounted for in year end spending plan. This Is now a FY 2023 carryforward request. Actual amount was > \$50,000. IT covered the overage.
IT - Computer / Printer Replacement Inventory	Carryforward	\$ 250,000.00	\$ -	\$ 250,000.00	\$ -	\$ -	\$ -	\$ -	
Cisco WebEx Work Fixes - FY 2022 Expense and Payment	Carryforward	\$ 150,000.00	\$ -	\$ -	\$ -	\$ 150,000.00	\$ -	\$ -	
Combo 2022 CF and 2022 YE Judicial Council Room Upgrades	Carryforward/Year End	\$ 50,000.00	\$ -	\$ 50,000.00	\$ -	\$ -	\$ -	\$ -	
Statewide Router Upgrades	Year End	\$ 160,000.00	\$ -	\$ -	\$ -	\$ 160,000.00	\$ -	\$ -	
WiFi Access Points Upgrades	Year End	\$ 120,000.00	\$ -	\$ 98,000.00	\$ -	\$ 22,000.00	\$ -	\$ -	
Software for Clean Slate Legislation	Year End	\$ 19,667.00	\$ -	\$ 19,667.00	\$ -	\$ -	\$ -	\$ -	
My Case Account Creation Enhancements	Year End	\$ 130,000.00	\$ -	\$ 130,000.00	\$ -	\$ -	\$ -	\$ -	
For The Record Upgrade	Year End	\$ 187,000.00	\$ -	\$ 187,000.00	\$ -	\$ -	\$ -	\$ -	
Edge Firewalls w/ increased bandwidth	Year End	\$ 415,000.00	\$ -	\$ 415,000.00	\$ -	\$ -	\$ -	\$ -	
Google Enterprise Plus Renewal	Year End	\$ 148,000.00	\$ -	\$ 148,000.00	\$ -	\$ -	\$ -	\$ -	
AOC Admin Projects									
Public Transportation Partial Reimbursement Test	Carryforward	\$ 25,000.00	\$ -	\$ 12,700.00	\$ -	\$ -	\$ -	\$ 12,300.00	
HR Projects									
HR - Onboarding & Recruitment Software	Carryforward	\$ 20,000.00	\$ -	\$ 19,029.54	\$ -	\$ -	\$ -	\$ 970.46	
Compensation and Incentive Related									
Employee Incentives (gift cards)	Carryforward	\$ 280,000.00	\$ -	\$ 280,000.00	\$ -	\$ -	\$ -	\$ -	Due to employees dropping classes or not requesting reimbursement. Due to less than anticipated participation. Expended in PPE 12/10/2021
Educational Assistance Program	Carryforward	\$ 75,000.00	\$ -	\$ 57,028.49	\$ -	\$ -	\$ -	\$ 17,971.51	
FY 2022 Career Ladder Payments	Year End	\$ 243,000.00	\$ -	\$ 161,114.16	\$ -	\$ -	\$ -	\$ 81,885.84	
FY 2022 Performance Bonus Payments Q1/Q2	Year End	\$ 365,000.00	\$ -	\$ 365,000.00	\$ -	\$ -	\$ -	\$ -	
Performance Raises	Ongoing	\$ -	\$ 450,000.00	\$ -	\$ 450,000.00	\$ -	\$ -	\$ -	
Special Request for Ongoing TOS to Address 11% Salary Cap Iss	Ongoing	\$ -	\$ 7,600.00	\$ -	\$ 7,600.00	\$ -	\$ -	\$ -	
Targeted Market Pay Adjustments	Ongoing	\$ -	\$ 100,000.00	\$ -	\$ 100,000.00	\$ -	\$ -	\$ -	
Clerk of Court Adjustment	Ongoing	\$ -	\$ 59,000.00	\$ -	\$ 59,000.00	\$ -	\$ -	\$ -	
Performance Bonus Payments Q3/Q4	Year End	\$ 365,000.00	\$ -	\$ 365,000.00	\$ -	\$ -	\$ -	\$ -	
District Court Related									
Time-limited Law Clerks (2 FTEs)	Carryforward	\$ 191,200.00	\$ -	\$ 191,200.00	\$ -	\$ -	\$ -	\$ -	
Sexual Violence Program Coordinator - temporary full year	Carryforward	\$ 57,000.00	\$ -	\$ 57,000.00	\$ -	\$ -	\$ -	\$ -	
ODR Facilitator Training	Carryforward	\$ 20,000.00	\$ -	\$ 20,000.00	\$ -	\$ -	\$ -	\$ -	
Juvenile Court Related									
ICJ Operations Funding (Dues/Training and travel/Extradition) (Ne Carryforward		\$ 21,000.00	\$ -	\$ 17,494.00	\$ -	\$ -	\$ -	\$ 3,506.00	
Facilities Related									
Matheson Courthouse carpet repairs (select replacement with carpet)	Carryforward	\$ 100,000.00	\$ -	\$ 100,000.00	\$ -	\$ -	\$ -	\$ -	
7th District - Equipment and Improvements	Carryforward	\$ 15,850.00	\$ -	\$ 15,850.00	\$ -	\$ -	\$ -	\$ -	
Probation Office Cabling for Technology - Taylorsville (Chris Talbot	Carryforward	\$ 25,000.00	\$ -	\$ 25,000.00	\$ -	\$ -	\$ -	\$ -	
Taylorsville State Office Building AV Build-out Part 1	Year End	\$ 47,806.00	\$ -	\$ 47,806.00	\$ -	\$ -	\$ -	\$ -	
Jury Assembly Room - Ogden	Year End	\$ 25,300.00	\$ -	\$ 25,300.00	\$ -	\$ -	\$ -	\$ -	
Matheson Carpeting Project	Year End	\$ 200,000.00	\$ -	\$ 200,000.00	\$ -	\$ -	\$ -	\$ -	
Office of Fairness and Accountability Related									
Secondary Language Stipend	Carryforward	\$ 68,900.00	\$ -	\$ 52,950.00	\$ -	\$ 15,950.00	\$ -	\$ -	Already accounted for in Year End Spending plan.
Divorce Education for Children Website	Carryforward	\$ 18,000.00	\$ -	\$ 6,000.00	\$ -	\$ -	\$ -	\$ 12,000.00	The \$12,000 remaining balance has been requested for FY 2023 carryforward.
Supplemental Secondary Language Stipend	Year End	\$ 5,200.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,200.00	Funding was provided for all SLS positions. Not all postions were filled.
Education Related									
Education - In Person Conferences	Carryforward	\$ 127,500.00	\$ -	\$ 127,500.00	\$ -	\$ -	\$ -	\$ -	
Law Library Related									
Law Library - Delayed Subscription Payments	Year End	\$ 39,150.00	\$ -	\$ 39,150.00	\$ -	\$ -	\$ -	\$ -	
Grant Related									
Utah Criminal Justice Center Funding	Year End	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -	\$ -	\$ -	\$ -	
SJI Grant Match for NCSC Concept Paper on Rule 26	Year End	\$ 23,050.00	\$ -	\$ 23,050.00	\$ -	\$ -	\$ -	\$ -	
						\$ 347,950.00	\$ -	\$ 133,833.81	

Tab 8

Agenda

Name

Address

City, State, Zip

Phone

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p>	<p>Summons (Mobile Home Park Evictions)</p> <p>_____ Case Number</p> <p>_____ Judge</p>
---	--

The State of Utah to

_____ (party's name):

A lawsuit has been filed against you. You must respond in writing by the deadline for the court to consider your side. The written response is called an Answer.

Deadline!

Your Answer must be filed with the court

Se ha presentado una demanda en su contra. Si desea que el juez considere su lado, deberá presentar una respuesta por escrito dentro del periodo de tiempo establecido. La respuesta por escrito es conocida como la Respuesta.

¡Fecha límite para contestar!

Su Respuesta debe ser presentada en el

and served on the other party **within _____ days** of the date you were served with this Summons.

(The summons must be between 5 and 21 days – Utah Code 57-16-6(3)(c). There are four blanks on this page: two in the English section and two in the Spanish section. Complete all four.)

If you do not file and serve your Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party can get what they asked for, and you do not get the chance to tell your side of the story.

Read the complaint/petition

The Complaint or Petition has been filed with the court and explains what the other party is asking for in their lawsuit. Read it carefully.

Answer the complaint/petition

You must file your Answer in writing with the court **within _____ days** of the date you were served with this Summons. You can find an Answer form on the court's website: utcourts.gov/ans



Scan QR code
to visit page

Serve the Answer on the other party

You must email, mail or hand deliver a copy of your Answer to the other party (or their attorney or licensed paralegal practitioner, if they have one) at the address shown at the top left corner of the first page of this Summons.

Finding help

tribunal y también con la debida entrega formal a la otra parte **dentro de _____ días** a partir de la fecha en que usted recibió la entrega formal del Citatorio.

Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.

Lea la demanda o petición

La demanda o petición fue presentada en el tribunal y ésta explica lo que la otra parte pide. Léala cuidadosamente.

Cómo responder a la demanda o petición

Usted debe presentar su Respuesta por escrito en el tribunal **dentro de _____ días** a partir de la fecha en que usted recibió la entrega formal del Citatorio. Puede encontrar el formulario para la presentación de la Respuesta en la página del tribunal: utcourts.gov/ans-span



Para acceder esta página
escanee el código QR

Entrega formal de la respuesta a la otra parte

Usted deberá enviar por correo electrónico, correo o entregar personalmente una copia de su Respuesta a la otra parte (o a su abogado o asistente legal, si tiene) a la dirección localizada en la esquina izquierda superior de la primera hoja del citatorio.

Cómo encontrar ayuda legal

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

Para información sobre maneras de obtener ayuda legal, vea nuestra página de Internet Cómo Encontrar Ayuda Legal.



Para acceder esta página
escanee el código QR

(utcourts.gov/help-span)

Algunas maneras de obtener ayuda legal son por medio de una visita a un taller jurídico gratuito, o mediante el Centro de Ayuda. También hay ayuda legal a precios de descuento y consejo legal breve.



قم بالمسح الضوئي
للرمز لزيارة الصفحة

An Arabic version of this document is available on the court's website:

نسخة عربية من هذه الوثيقة على موقع المحكمة على الإنترنت: توجد

utcourts.gov/arabic-ev

A Simplified Chinese version of this document is available on the court's website:

本文件的简体中文版可在法院网站上找到：

utcourts.gov/chinese-ev



请扫描QR码访问
网页

A Vietnamese version of this document is available on the court's website:

Một bản tiếng Việt của tài liệu này có sẵn trên trang web của tòa:

utcourts.gov/viet-ev



Xin vui lòng quét mã
QR (Trả lời nhanh) để
viếng trang

Plaintiff or Defendant

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

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 ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p>	<p>Petition to Expunge Eviction (Utah Code 78B-6-853)</p> <p>_____ Case Number</p> <p>_____ Judge</p>
---	--

Notice to responding party: Any objection to this petition must be filed within 60 days of when the petition was filed.

1. I ask to expunge all records in this case. The eviction was for: (choose all that apply)
- ☐ remaining after the end of the lease (Utah Code 78B-6-802(1)(a).
☐ nonpayment of rent (Utah Code 78B-6-802(1)(c).

2. A satisfaction of judgment has been filed or there was no judgment to pay money.

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner	Petition to Expunge Civil Protective Order or Civil Stalking Injunction (Utah Code 78B-7-1003)
v.	Case Number _____
Defendant/Respondent	Judge _____
	Commissioner (only for protective orders) _____

Notice to responding party: Any objection to this petition must be filed within 30 days of when the petition was filed.

- I am the respondent in a civil protective order or civil stalking injunction case. I ask the court to expunge the records in this case.
- The last protective order or stalking injunction in this case was: (choose one)
 - ☐ a temporary order issued against me without notice, and:
 - was dismissed, dissolved, or expired after a hearing.
 - the court did not issue a final order.

- at least 30 days have passed from the day on which the ex parte civil protective order or civil stalking injunction was issued.

☐ the petitioner did not attend the hearing.

☐ a final order, and:

- it has been dismissed, dissolved, vacated, or expired.
- three years have passed from the day of the dismissal, dissolution, vacation, or expiration.

3. I have not been arrested, charged, or convicted for violating the civil protective order or civil stalking injunction.

4. There are no criminal proceedings pending against me in Utah.

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

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

Email

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**Objection to Petition to Expunge
Eviction**

(Utah Code 78B-6-853)

Case Number

Judge

1. I am a party to this case.
2. I object to the Petition to Expunge Eviction.

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 Objection 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.)		

Date

Signature ► _____

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 Court of Utah

 _____ Judicial District _____ County

 Court Address _____

 Plaintiff/Petitioner

 v.

 Defendant/Respondent

**Order on Petition to Expunge
Eviction**

 Case Number

 Judge

The matter before the court is a Petition to Expunge Eviction. This matter is being resolved by:

☐ The pleadings and other papers of the parties, or

☐ A hearing held on _____ (date). Notice of this hearing was served on all parties.

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

The Court Finds that:

1. The petition is:

☐ sufficient.

☐ insufficient.

2. The judgment to pay money in this case:
- ☐ was satisfied or there was never a judgment entered.
☐ has not been satisfied.
3. An objection to the petition:
- ☐ was not filed within 60 days.
☐ was filed within 60 days.

The Court Orders:

4. The petition is:
- ☐ granted. All records of this eviction case are expunged.
☐ denied.

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 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 Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff/Petitioner

 v.

 Defendant/Respondent

**Order on Petition to Expunge Civil
Protective Order or Civil Stalking
Injunction**

 Case Number

 Judge

 Commissioner (only for protective orders)

The matter before the court is a Petition to Expunge Civil Protective Order or Civil Stalking Injunction. This matter is being resolved by:

☐ The pleadings and other papers of the parties, or

☐ A hearing held on _____ (date). Notice of this hearing was served on all parties.

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

The Court Finds that:

1. The statutory requirements for expungement of a civil protective order or civil stalking injunction:

- ☐ have been met.
☐ have not been met.

The Court Orders:

2. The petition to expunge civil protective order or civil stalking injunction is:

- ☐ granted. This matter is expunged.
☐ not granted.

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 Petition to Expunge Civil Protective Order or Civil Stalking Injunction 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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff	Acknowledgment of Firearm Restriction (Utah Code 76-10-503.1)
v.	Case Number
Defendant	Judge

1. ☐ **Firearm and ammunition restriction as a result of entering a plea.**

I acknowledge that before entering a guilty plea, guilty and mentally ill plea, no contest plea, or plea in abeyance, my attorney or the prosecuting attorney informed me that:

- my plea will classify me as a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I will have to give up my firearms and ammunition;
- there will be additional criminal charges and penalties if I violate this restriction, which under state law can include (choose one, based on the charges):

(For a Category I restricted person as defined in Utah Code 76-10-503)

☐ charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge; and

(For a Category II restricted person as defined in Utah Code 76-10-503)

☐ charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge; and

- there can be additional penalties under federal law if I violate this restriction.

By pleading guilty, no contest, or entering a plea in abeyance:

- I will be a restricted person;

- upon conviction, I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- I will be in violation of federal and state law if I violate this restriction.

2. ☐ Firearm and ammunition restriction as a result of a conviction from trial.

My conviction is the result of being found guilty at trial. I acknowledge that my attorney, the prosecuting attorney, or the court verbally informed me that:

- I am now a restricted person;
- as a restricted person, I cannot purchase, transfer, possess, or own a firearm (as defined by federal and state law) or ammunition;
- I will have to give up my firearms and ammunition;
- there will be additional criminal charges and penalties if I violate this restriction, which under state law can include (choose one, based on the charges):

(For a Category I restricted person as defined in Utah Code 76-10-503)
☐ charges for a second degree felony: 1-15 years in prison, up to \$10,000 +90% surcharge; and

(For a Category II restricted person as defined in Utah Code 76-10-503)
☐ charges for a third degree felony: 0-5 years in prison, up to \$5,000 +90% surcharge; and

- there can be additional penalties under federal law if I violate this restriction.

Now that I have been convicted, I acknowledge and understand that:

- I am a restricted person;
- I must give up all the firearms and ammunition I possess and I will not be able to possess any firearms or ammunition unless the court restores my right in an order in the future; and
- I will be in violation of federal and state law if I violate this restriction.

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).

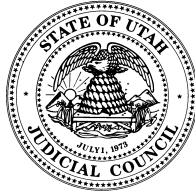
 Date

Signature ► _____

Printed Name _____

Tab 9

Agenda



Administrative Office of the Courts

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

July 8, 2022

Ronald B. 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, Planning, and Technology Committee recommends that the following rules be approved for a 45-day public comment period:

CJA 9-107. Justice court technology, security, and training account. (AMEND)

Following the creation of the Budget and Fiscal Management Committee, the approval process for allocations from the Justice Court Technology, Security and Training Account was modified. The proposed amendments codify a change in practice that was implemented a few years ago.

CJA 4-208. Automatic expungement of cases. (AMEND)

CJA 4-403. Electronic signature and signature stamp use. (AMEND)

New code section [78B-6-852](#), Automatic Expungement of Evictions, went into effect on July 1, 2022 and the code section governing automatic expungements in criminal cases changed during the 2022 session from 77-40-114 to [77-40a-2](#). The proposed rule amendments account for those changes. Several definitions were removed from rule 4-208 because those terms are not used in the rule. That change is not intended to be substantive.

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 9-107. Justice court technology, security, and training account.**Intent:**

To establish the process for allocation of funds from the Justice Court Technology, Security, and Training restricted account.

Applicability:

This rule shall apply to all applications for and allocations from the account.

Statement of the Rule:

(1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.

(2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.

(3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.

(4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.

(5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges. ~~The Board's, and that~~ recommendations, ~~along with all timely applications~~ shall then be forwarded to the Budget and Fiscal Management Committee of the Judicial Council. The ~~Management Committee~~ Judicial Council will then make the final awards.

(6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.

Effective: ~~September 6, 2005~~ November 1, 2022

Rule 4-208. Automatic expungement of cases.**Intent:**

The intent of this rule is to govern the Administrative Office of the Court's development and implementation of an automated expungement process.

This rule applies to cases in district and justice courts.

Statement of the Rule:**(1) Definitions.**

~~(1)(A) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety.~~

~~(1)(B) "Clean slate eligible case" means the same as defined in Utah Code §77-40-102.~~

~~(1)(C) "Conviction" means a judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.~~

~~(1)(D) "Expunge" means to seal or otherwise restrict access to the individual's court record when the record includes a criminal investigation, detention, arrest, or conviction.~~

(2) Automated expungement process

(2)(A) The Administrative Office of the Courts shall develop an automated process for expunging eligible court records.

(2)(B) Automated processes must comply with the requirements outlined in the Utah Rules of ~~Criminal~~ Procedure and the Utah ~~Expungement Act~~Code.

(2)(C) All automated expungement processes developed by the Administrative Office of the Courts shall be approved by the Utah Judicial Council.

(3) Standing orders and orders of expungement

(3)(A) The presiding officer of the Judicial Council may appoint a district court presiding judge as a signing judge for automatic expungements in all district courts within the presiding judge's district in accordance with Rule 3-108.

(3)(B) A justice court presiding judge may act as a signing judge for automatic expungements in all justice courts within the presiding judge's district. The length of the assignment must coincide with the judge's term as a presiding judge.

(3)(C) If the district or justice court presiding judge determines that the requirements under the Utah Rules of ~~Criminal~~ Procedure and this rule have been met, the presiding judge shall issue a standing order authorizing the Administrative Office of the Courts to prepare and automatically affix the presiding judge's judicial signature to orders of expungements issued in relation to cases from that judicial district.

(3)(D) The form and content of automated orders of expungement must be approved by the Utah Judicial Council.

(4) Notice of action taken.

~~(4)(A)~~ The Administrative Office the Courts shall send notice that an order of expungement has been issued in accordance with the Utah Rules of ~~Criminal~~ Procedure.

Effective: ~~5/1/2022~~ November 1, 2022

Rule 4-403. Electronic signature and signature stamp use.**Intent:**

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

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

Statement of the Rule:

(1) A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following:

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);

(1)(E) orders to show cause and orders to appear/attend under URCP 7A(c)(4) and URCP 7B(c)(4);

(1)(F) orders to take into custody;

(1)(G) summons;

(1)(H) supplemental procedure orders;

(1)(I) orders setting dates for hearing and for notice;

(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;

(1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and

(1)(L) orders appointing a court visitor.

(2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

(3) The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council;

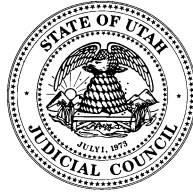
(3)(A) a domestic relations injunction issued under URCP 109;
and

(3)(B) an automatic expungement order issued under Utah Code ~~§ 77-40-114~~.

(4) All other documents requiring the judge's or commissioner's signature shall be personally signed by the judge or commissioner, unless the judge or commissioner, on a document by document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. On such documents, the clerk shall indicate in writing that the electronic signature or signature stamp was used at the direction of the judge or commissioner and shall sign his or her name directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

Effective: ~~5/24/2021~~ November 1, 2022

Tab 10



Agenda

Administrative Office of the Courts

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

July 15, 2022

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

MEMORANDUM

TO: Judicial Council

FROM: Cathy Dupont, Deputy State Court Administrator

RE: Senior Judge Certification

Judge Michelle Heward has applied to be an Active Senior Judge. She does not have any outstanding complaints after a finding of reasonable cause with the Judicial Conduct Commission or the Utah Supreme Court. ([Code of Judicial Administration Rule 11-201\(2\)](#)) Judge Heward has met all other criteria required.

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

District and Juvenile Court ACTIVE Senior Judge Application

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

The declarations on the form reflect the qualifications established by rule 11-201 of the Utah Code of Judicial Administration. Please review them to confirm that they all apply and fill in any information requested. You should fill in your education hours based on your records or best recollection.

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

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

NAME: Please provide your name below.

Michelle E. Heward

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

08 / 01 / 2022

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

2035

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

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



21) There is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.



22) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

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

#11 - not applying for a subsequent senior judge term - this is the initial application

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

N/A

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



A) I have held no more than three cases per calendar year under advisement more than two months after submission.



B) I have held no cases under advisement more than 180 days after submission.



C) I am in substantial compliance with the Code of Judicial Conduct.



D) I am physically and mentally fit for office.

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

N/A

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

30 or more ▼

YEAR 2 EDUCATION: My education hours for the last year were: *

Compliant with Council requirements ▼

YEAR 3 EDUCATION: My education hours 2 years ago were: *

Compliant with Council requirements ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during the current fiscal year or if you were NOT COMPLIANT with any of the Council requirements in the prior 2 years (NOTE: in the past two years, education hours were affected by the change to fiscal year reporting and the pandemic). Please include any planned courses for the current fiscal year if you have not met your hours yet.

N/A

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



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

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

/s/Michelle E. Heward

This form was created inside of Utah State Courts.

Google Forms