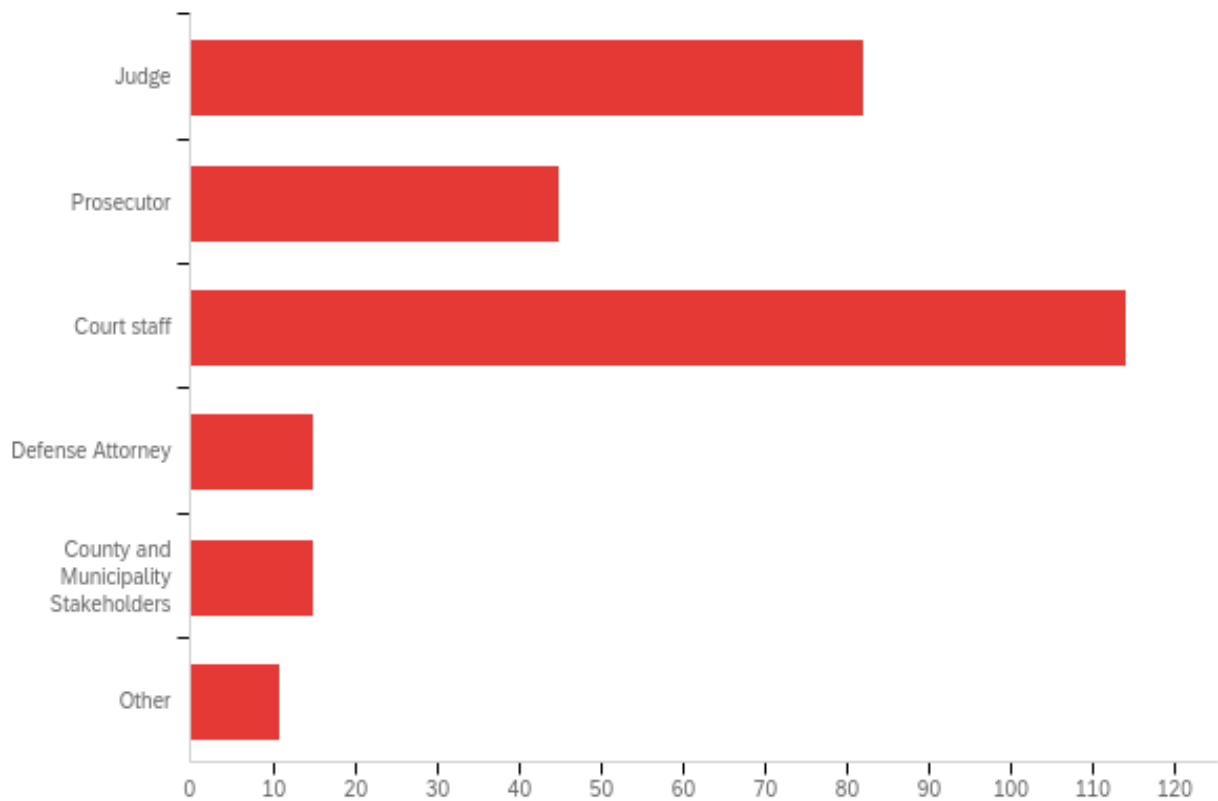


Q1 - What is your job title?

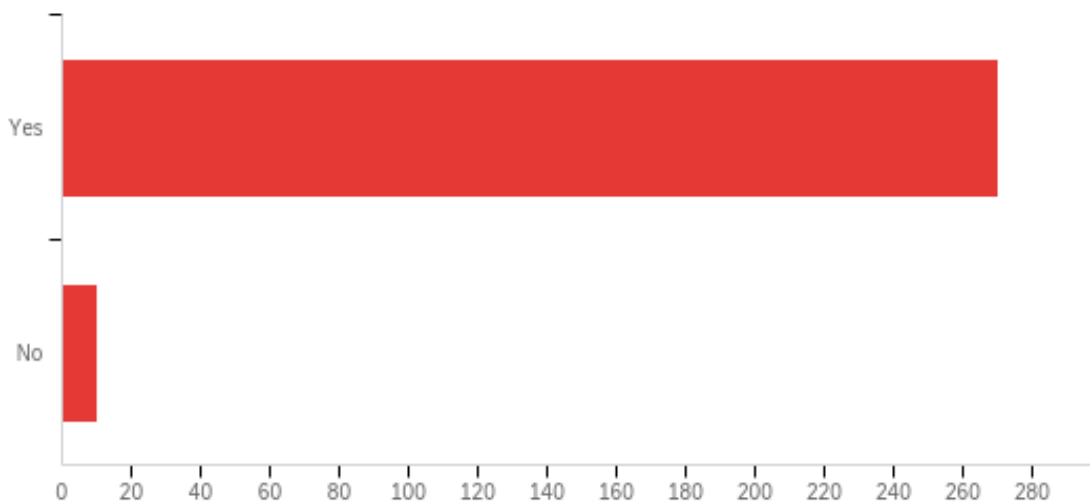


#	Answer	%	Count
1	Judge	29.08%	82
2	Prosecutor	15.96%	45
3	Court staff	40.43%	114
4	Defense Attorney	5.32%	15
5	County and Municipality Stakeholders	5.32%	15
6	Other	3.90%	11
	Total	100%	282

Q1\_Other

AOC Staff
Director, Self-Help Center and Law Library
Court Management
Assistant City Manager
City Attorney
TCE
Retired JC Judge
Trial Court Executive
AOC Admin Assistant

Q2 - Are you aware of the Justice Court Reform Task Force Recommendation? You can find the report here.



#	Answer	%	Count
1	Yes	96.43%	270
2	No	3.57%	10
	Total	100%	280

**Q3 - The Justice Court Reform Task Force focused on a number of goals when making their recommendations: increasing public confidence and transparency, improved representation for indigent court users, access to substance abuse and mental health services, standardizing court practices in misdemeanor and small claims cases, and ensuring quality judicial performance. Do you have suggestions about other goals to improve misdemeanor and small claims cases or the functioning of justice courts?**

Quality of judicial performance and the lack of justice for victims on the de novo appeal are the two biggest shortcomings of justice courts in Utah.

---

I have concern that these changes will no longer have a "local court" feel that the current system has. To require residents to now travel farther than their local city, to attend a busy courthouse just to resolve a traffic ticket is a disservice to the residents.

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I just believe there still confidence in Justice court. and we can ensure quality judicial performance.

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Just make the justice courts courts of record. And give them an appeal right EITHER to the District Court OR the appellate courts.

---

As a court clerk for out city for the last 17 years I believe that keeping all misdemeanors and small claims in the court where the violations took place. I have found that defendant's get confused when directed to other places to take care of their violations.

---

Paralegal Practitioners may be useful to the courts if they were available (sort of as a PDA) but to give basic insight into cases, advice, assist with filing, etc. Create more access to self-serve systems such as MyCase through a kiosk/atm type of system that may be easier for defendants who are homeless or unable to access the internet.

---

Perhaps financial viability should have been a goal. Over the past several years, our justice court has become less and less financially viable. Sadly, the State has handcuffed municipalities with justice courts to the point that there is practically nothing we can do to remedy the situation. The State takes more and more of our fines and forfeitures, we can't have a productivity standard for our law enforcement officers, and we can't reduce the cost of operating the court (which is largely the PT judge's salary).

---

I believe the misdemeanor and small claims are working really well. As they are smaller they are better able to handle the patrons that come into the court rooms.

---

I like the identified goals, just not confident in the proposed changes accomplishing them.

---

Ensuring the unrepresented litigant has the opportunity/right to represent themselves. Removing the trial de novo process takes away this opportunity/right. Many people want to represent themselves and believe they should be able to do so. The removal of the trial de novo system and the increased jurisdictional limits on small claims will require litigants to obtain counsel at the outset. Non-professional litigants will not stand a chance. Similarly, non-indigent criminal defendants who did not hire private counsel will suffer with on-the-record appeals. Consider the drastic limitations of being able to file an appeal when a plea was taken. Further, the cost of indigent defense will increase substantially because all cases will have to be handled so that they could be properly appealed on-the-record in the event the defendant changes their mind or decides to appeal. The pace that criminal misdemeanor cases are handled will slow dramatically. This proposal destroys more access to justice than it creates. The financial cost to non-represented litigants will be astronomical. Debt collectors and attorneys will be the ones who benefit most from this proposal.

---

The name "division court" will create confusion with "district court." Perhaps a name like "superior court" would be better.

---

It might help to compare how the the budget allocation in Utah compares with neighboring states in terms of percentage of total budget that goes to judicial administration and the advantages, if any, in states that give higher proportion of the budget to judicial administration than is given in Utah. Reform is important but is tough to accomplish without adequate budget commitment.

---

Consolidating and simplifying training for court staff.

---

Simplify processes for better access to justice

---

Small claims have mostly gone away because of ODR. Seems to make sense to move all classes of misdemeanors to the just courts and make them courts of record.

---

There is really not a problem to be fixed. I don't believe that this will solve any problems but create aggravation within the community.

---

Something to address language barrier.

---

If de novo appeals are to be eliminated, Utah needs a criminal court of appeals and a relaxed standard for IAC and plea withdrawals. There are some really important differences between misdemeanor and felony cases. While felony cases carry more serious penalties, the collateral consequences of a felony conviction are typically not surprising. The conviction may be life altering but in ways that can often be expected. Misdemeanor convictions (mainly pleas) can have surprising life altering consequences, such as the loss of professional licenses, custody arrangements, financial aid, legal status, loan opportunities, job opportunities, travel, and may result in the dispossession of firearms, loved pets, housing, shelter, and other resources. A misdemeanor conviction can be the tipping point to homelessness, disassociation of families, and loss of reputation. These consequences are often unforeseeable until after the conviction occurs. Sometimes people see these consequences quickly enough to get an appeal. The de novo appeal doesn't require a basis for that appeal; it allows a person to stop, or maybe even unwind, extralegal consequences that would not allow a reversal if brought before an appellate court. Most de novo appeals that I've seen as a public defender are really just intended to renegotiate a plea offer around an unanticipated consequence. And most prosecutors are happy to do it. They didn't mean to cause the person disproportionate suffering when they made their initial plea offer so they're willing to be flexible on the second run. Anecdotally, the vast majority of de novo appeals occur to deal with this kind of situation. This sort of thing is really important for misdemeanors because the collateral consequences of a person's punishment should never be disproportionately greater than the punishment intended. And class B misdemeanors are ground zero for that kind of problem. So, a much more generous plea withdrawal statute and IAC standards for misdemeanors would help to defray the increase in injustice that will naturally otherwise occur from eliminating the de novo appeal.

---

Division courts should be allowed to do preliminary hearings for the district courts; the state should be paying for indigent defense costs instead of the local jurisdictions if they truly want consistency.

---

Make Justice Courts a court of record then problem is solved. If the court is unable to meet the necessary guidelines to be court of court (full time) then it would need to merge with other courts.

---

We already make sure that our court is transparent with our defendants. We make sure that we offer assistance to those that are indigent, need substance and mental health services. We ensure that those that do have questions are able to speak with the judge/prosecutor.

---

I have prosecuted in numerous justice courts over my 24 years of practice and I have seldom seen the issues raised in the report. I think we are trying to make adjustments swinging a sledge hammer that require only a tap here and there. here

---

The Justice Courts throughout the state are the most hardworking and efficient. We are the first and many times only court most people see. our contact leaves an impression of all courts to this defendant. The division court will cost millions of dollars to the state and the state is the one agency that would profit from it as they control and receive monies from the division court. a court within the community is an asset. Justice courts throughout the state are vigilant in the defendants rights, sentencing, probation(drug/alcohol) abuse - mental health. in our court we have had a mental evaluation performed on a defendant. sentencing are by the guidelines of the state. every court i speak with the same is true . so the reasoning for this change is not justice courts it is the state . The state wants to develop a Division Court. Reason? they claim efficiency etc. it is the state attempting to get monetary increases. It is in effect reestablishing Circuit Court which was proven ineffective and it is simply titled Division Court for today. they have been making changes through CORIS etc to replicate District Court

appearance. I feel the Justice Courts should get Class As Bs Cs and infraction. we are fully equipped and trained to do so and the Judges can receive full training on class A's,

Improved training for court clerks to assist judges, attorneys and parties involved in small claims cases, infractions, etc.

It seems a good idea to keep justice courts as presently constituted in place, and to change the jurisdiction of justice courts so that they can handle all misdemeanors, including class A misdemeanors.

Give justice court judges as presently constituted more authority to deal with mental health and substance abuse options. This keeps cases at the local level and address the needs in the community and not merely sent to a new judge where a defendant gets lost at the county level.

Better management practices. If local governments are going to retain responsibility for courts, they need the ability to actually manage them.

Court can run in a smoother manner if court professionals are not overworked. Justice Court recertification needs to reflect a "weighted" caseload. Increased time requirements on court professionals include more audits and more training. These items have a direct impact on how much court professional can accomplish in any given amount of time. Is there time to plan for court and serve the public AND meet all state requirements? It doesn't seem to be so in many Class II, III, and IV courts. This subject DOES affect how well the public is served.

Return to making individuals responsible for their actions. I am certainly not advocating for jail time for infractions. There should be a structured penalty for those individuals who repeat the same offenses.

Reflecting the priorities and concerns of local citizens, rather than utilizing a one-size-fits-all approach that implements the opinions and philosophies of communities vastly different (i.e. urban values vs. rural values)

Concerns about recommendations made already.

invest in the current structure, seems we are throwing the baby out with the bathwater. Creating a 3rd adult trial court system in Utah is wasteful and does not improve transparency,, but rather confuses the public.

I don't know why we can't just get rid of de-novo appeals from justice court.

I am not sure which Justice Courts the Task Force is referring. I my court all indigent defendants who qualify receive counsel. When I speak to other judges I am under the impression that all courts have indigent counsel? The Justice Court has a fine schedule that I believe most judges follow. I am not sure equality is an issue. As for small claims, my understanding is that some courts use pro temp judge to hear case. We should require judges to hear small claims cases. I believe one of the issues it that Small Claims does not have jury trials. It may be possible to allow jury trials in small claims, therefore fixing the issue with little change and expense to tax payers.

Keep courts close to - and spread throughout - the community.

I believe Justice Courts are functioning very well. The support, training, and resources that have been provided to them over the recent years have proven beneficial, and will only continue to improve if given the chance.

I think it is important that a judge at any level have a law degree

Community safety should be on the list. More local control. Less involvement of Governor's office.

I think it was mentioned, but creating better case law as it regards misdemeanor offenses

mental health would assist with numerous issues especially with the un-sheltered population. Courts working closely with social workers is a great solution to recidivism

Improved and expanded victim services.

There needs to be better transparency on how the fines are distributed. Part of the focus was to eliminate the perception that the local jurisdiction has an incentive to collect as much in fines as possible. In reality, the majority of the fines do not go to the local jurisdiction. Every fine assessed should be required to have a breakdown - in dollars - of where (what fund) the fine money is going.

Remove de novo appeals, make infractions an administration process.

---

Yes. Victims of any type of violent crimes should not have to participate in the two tiered model of Utah Justice courts. The trial de novo model revictimizes these victims. Justice court should be limited to traffic and infractions and non-violent misdemeanors.

---

I disagree with the Reform Task Force conclusion that Justice Court's should not become Court's of record.

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Clearer and more uniform rules for discovery and the production of evidence, including video evidence, that may be used by either party in both civil and criminal cases.

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Please do not make it complicated. Nor should it require people to travel far to go to Justice Court.

---

No. I think the task force focused on appropriate goals.

---

Traffic offenses should be DECRIMINALIZED and should be handled in a separate division of municipal courts. The biggest reason to keep traffic offenses in the criminal arena is that the fines imposed by justice court judges, at the prosecution of these offenses as criminal infractions and misdemeanors, keeps the city/municipal coffers filled. There would be no reason to decriminalize as this would remove a significant source of revenue from these cities.

---

The Justice Courts should be the responsibility of the State as opposed to a political subdivision. Justice is a statewide obligation.

---

Small Claims: I think they should remain in the Justice Court system. Most are pro se and have no idea what is needed in court. The current appeals process is helpful to them to start over with the trial. If it goes to the Division Courts I think there should be more assistance for both sides with preparing for court. I also feel that the Justice Courts could simply add other enhanceable charges to the list that get transferred if going to trial like the change with DV cases this past year.

---

Remove minor moving violations and minor motor vehicle violations from the criminal justice system.

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Improve the justice courts WITHOUT creating "divisions" of the district court!

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#1 (unanimously #1 in all my discussions with other prosecutors): Require that all justice court judges be lawyers.

---

Access to victim's services in justice courts is limited. Currently, nearly all victim services are put exclusively to District court cases.

---

Ensuring Justice

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I agree that a more uniform system is needed.

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Follow the US Supreme Court precedent holding that there is no right to a jury trial.

---

Limit the "de novo" appeal Domestic Violence cases. It is very difficult on victims to testify twice, and it also almost always extends the time period until there is a final resolution. Even if there aren't a lot of "de novo" appeals in Domestic Violence cases, the fact that it is an automatic option, in such cases, influences the plea offer process extensively.

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Create a department within the Justice courts to handle infractions from which de novo appeals can be made and have all misdemeanor trials on the record from which appeals would be taken. Bring the judges under State as employees.

---

There were similar issues and problems associated with the Circuit Courts. How will recreating the same level of court that didn't work before, work now?

---

Some of the judges don't understand certain aspects of the law (like standing) or how the restitution statutes work. More legal training would be helpful for judges who are not attorneys. Also, it would be nice if justice courts were courts of record.

---

Give justice court judges pay increases across the board as state court judges get

---

Reduce jurisdiction to infractions only.

no, except that the idea makes little sense and seems a step backward

---

Reducing the (perceived) conflict of interest in the close associations between justice courts and the private probation and treatment providers that appear to have a monopoly.

---

Kiosks and/or mediation. In non-person offenses, the matters should be mediated and joint resolutions MUST be adopted by the courts. The public trust is enhanced (or created) when there are predictable results. Judges and prosecutors are too easily swayed by the emotions and or particular circumstances of any given victim. While sympathetic, these situations too often embolden harsher treatment of individuals who are otherwise similarly situated. Person who are particularly vulnerable (children, handicapped, or the elderly) are already special groups protected by the law. More formulaic sentencing/sanctions, wherein the penalty is expected. That is true justice. However, courts may depart downward in addressing the specifics of any defendant, because those are the parties before the court. Permitting the possibility of some mercy is also justice.

---

Create more oversight of county run justice courts

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More oversight for Judge's and better remedies for clients subjected to justice court judge's improper/illegal rulings or actions.

---

eliminate non-law trained judges & part-time judges

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Clear schedule

---

a lot of expense for fix something not broken

---

I like the idea of decriminalizing more offenses that would classify them as infractions.

---

increased access for all people

---

Leave it the way it is, no change is needed.

---

standardized training; Judges adhere to standards and statutes in their court - not so arbitrary in their fines, requirements of defendants

---

I think the justice courts have staff that are well trained and also have the ability to implement any changes necessary to improve the court processes.

---

Leave things as they are and do away with this reform

---

The recommendations make sense. Judicial and staff must be independent from the cities and counties. It is absolutely absurd that they have to negotiate for pay increases based upon their revenue. The other suggestions for legally trained justice court judges makes sense too - and I'm not a justice court judge.

---

Require a law degree for Justice Court Judges

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More emphasis and uniformity on the "time standards" for misdemeanor cases that are expected.

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Communication with Judges/staff

---

Maintain independence of the judiciary.

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No. I think this is great and will really improve the Justice System

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Instead of reforming the courts. Address each court to making it better.

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MD A's should stay with district courts to take advantage of specialty courts. Also, the new district court judges should be appointed by the normal appointment process. I believe this is constitutionally mandated.

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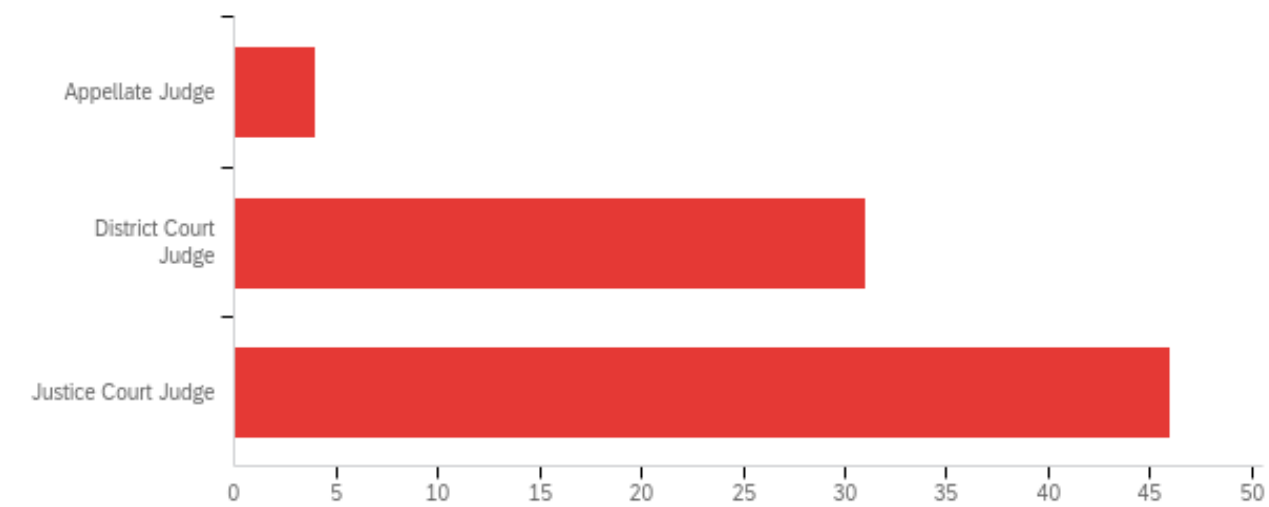
consistent minimum mandatory sentencing terms for all defendants so everyone is treated equally

---

Improving the experience of and ensuring due process for self represented parties.

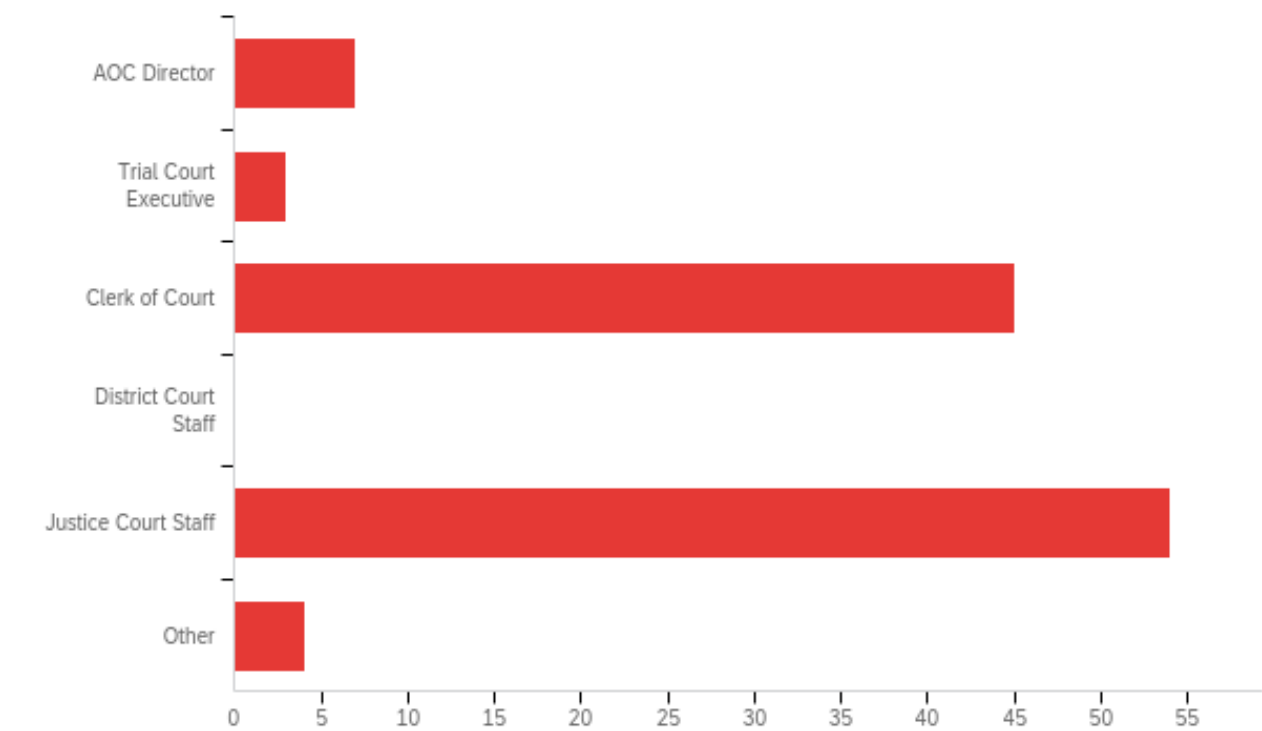


Q50 - Select your role (check one):



#	Answer	%	Count
1	Appellate Judge	4.94%	4
2	District Court Judge	38.27%	31
3	Justice Court Judge	56.79%	46
	Total	100%	81

Q51 - Select your role (check one):



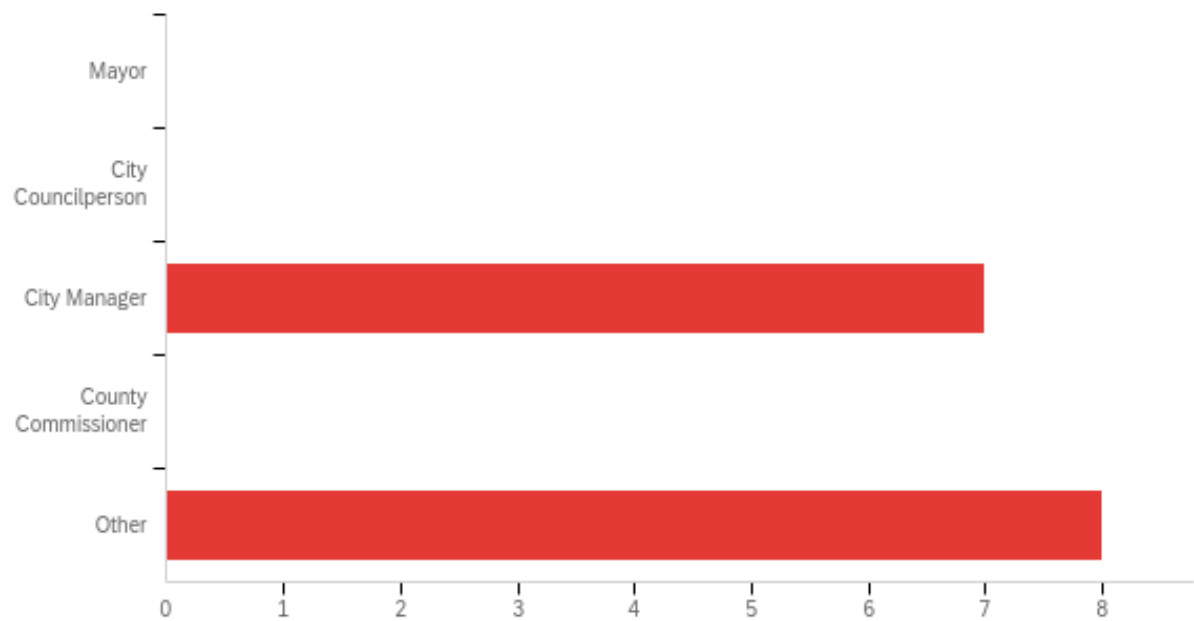
#	Answer	%	Count
1	AOC Director	6.19%	7
2	Trial Court Executive	2.65%	3
3	Clerk of Court	39.82%	45
4	District Court Staff	0.00%	0
5	Justice Court Staff	47.79%	54
6	Other	3.54%	4
	Total	100%	113

Other

Justice Court Administrator
Administrator/Justice Court Staff
Court Administrator

Supervisor

Q52 - Select your role (check one):



#	Answer	%	Count
1	Mayor	0.00%	0
2	City Councilperson	0.00%	0
3	City Manager	46.67%	7
4	County Commissioner	0.00%	0
5	Other	53.33%	8
	Total	100%	15

Other - Text

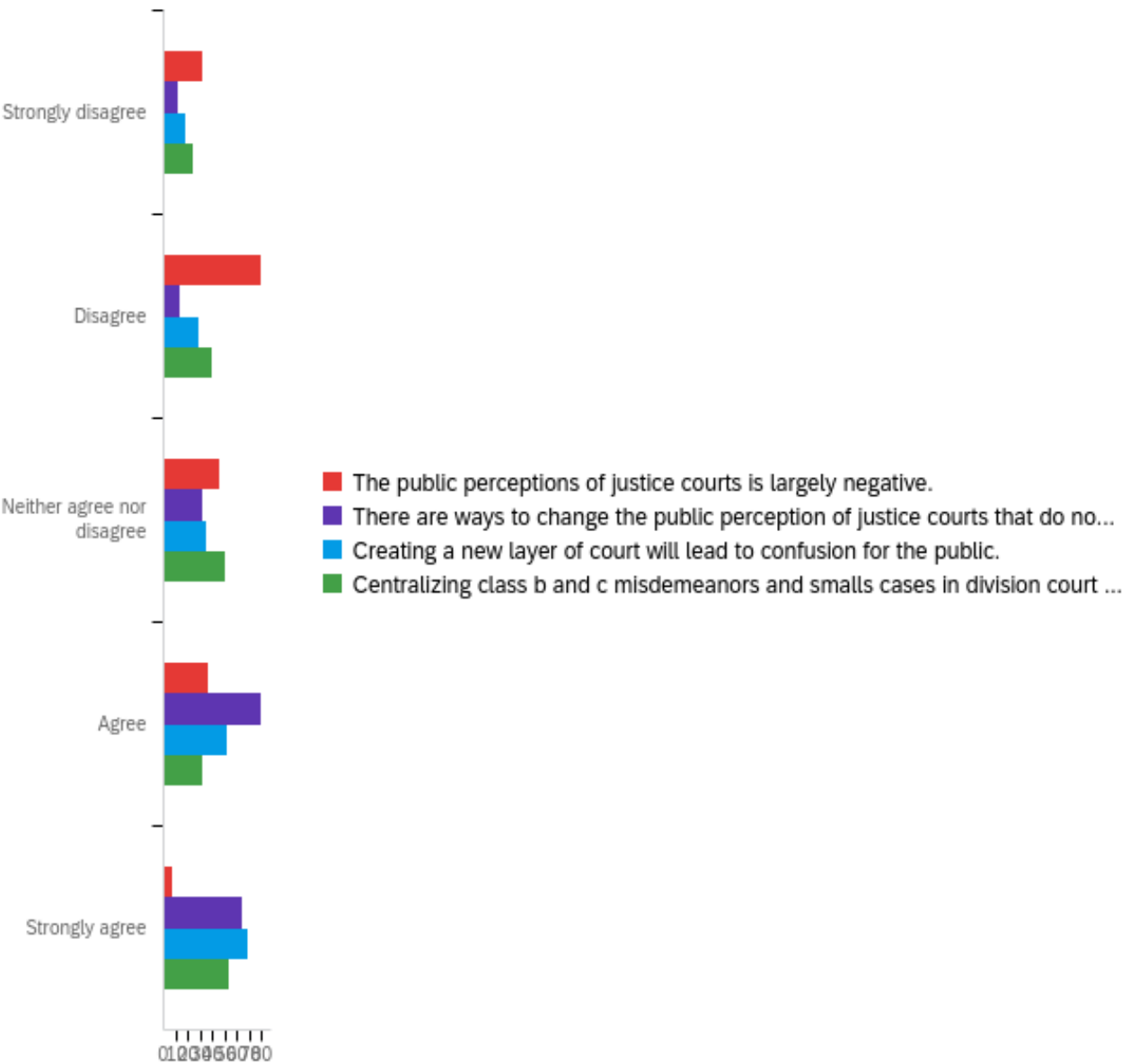
City Attorney

Director of Admin Services

County employee

City Attorney

Q5 - Public Confidence and Access Goals Please rank the following between strongly agree and strongly disagree.



#	Question	Strongly disagree		Disagree		Neither agree nor disagree		Agree		Strongly agree		Total
1	The public perceptions of justice courts is largely negative.	15.50%	31	40.00%	80	22.50%	45	18.50%	37	3.50%	7	200
2	There are ways to change the public perception of justice courts that do not require removing Class B and C misdemeanors and small claims cases from justice courts.	5.53%	11	6.53%	13	15.58%	31	40.20%	80	32.16%	64	199
3	Creating a new layer of court will lead to confusion for the public.	8.50%	17	14.00%	28	17.00%	34	26.00%	52	34.50%	69	200
4	Centralizing class b and c misdemeanors and smalls cases in division court will make it harder for court users in my community to access the court.	12.00%	24	20.00%	40	25.50%	51	16.00%	32	26.50%	53	200

## Q31 - What suggestion do you have to improve public confidence in justice courts?

What suggestion do you have to improve public confidence in justice courts?

I question the premise of this question which suggests the public lacks confidence in justice courts. I believe this "perception" is coming from attorneys NOT the public.

Training and better defendant customer service

As the court clerk I think we are on the front line of improving confidence in the justice courts. If we go out of way to help court patrons in a friendly, considerate manner that will help improve public confidence.

Having great customer service and paying attention to detail.

I do not believe there is a public confidence issue.

Justice Courts are for petty crimes that should remain on the city level. Prosecutors are fair and try to give defendants an opportunity to stay out of Division Courts. However, I do think stronger enforcement, ie enhancement, less opportunity for pleas held in abeyance should be considered for those repeat offenders or those who violate terms of Plea in Abeyance conditions. I believe there are benefits for Justice Courts, but prosecutors and judges should be less prone to giving multiple "changes" with regard to continuances and multiple Orders to Show Cause before cases are settled. Public confidence is reflected in the job the Courts are doing regardless of Division or Justice. Cases need to be settled timely with the hope that treatment has been completed in an effort to keep our defendants from going to Division Courts. Having worked in the Circuit Court 30 years ago I see the benefits of Justice Courts intact.

The Justice Courts are dedicated, efficient, diligent, and passionate about their jobs. The desire for the defendant to fully comprehend and understand all processes of the court. The ability to provide the defendant with transparency in all areas. To provide and ensure his rights are given and understood. As it is a Justice Court, and not a circuit or division court we able to provide information with transparency and professionalism. Use the system that is already in place to make court available in the local jurisdiction. Some courts admittedly have problems so deal with them directly... not punish courts that are well managed courts. Adding additional courts will add to the number of poorly managed systems. It seems that the new branding is simply another term for Circuit Court.

Have more separation between the police departments and the courts - don't allow them to be in the same building.

Uniform practices for all Justice Courts throughout the State.

we are here to uphold the judgement of the court system not to make the public happy

Based on my first response, I am unconvinced it requires improvement, at least not in my community. To the degree that it does need improvement, perhaps the AOC could devise training to assist those courts that are having such issues so that they can avoid the behaviors that harm public confidence.

Do more outreach and engagement with community partners beyond the legal field. Social service agencies at the local level work with people interacting with the justice courts and they probably have helpful perspectives and insight to share - they are also key in shaping public perception of justice courts.

Public outreach, media coverage, paid advertising

Better customer service, and information

keeping it simple and making resolution easy would increase confidence. Making the Justice Court a court of record would also give the Judge the opportunity for feedback, positive or negative, and a public record for review

Continue with education in justice courts that allows for consistency and confidence in justice courts. Consolidate some of the smaller courts where appropriate. Continue flexibility in online and in person processes to help public have access. Promote positive media stories about justice courts.

---

Allow judge's to order jail time

---

Part of the "problem" is people who end up in court are either lacking in education about the function of the court or angry about getting a ticket. It's hard to explain much - but it is easy to treat them with kindness and respect. When I experience this in my life, this changes my perceptions about anyone/thing.

---

It's not really the justice court that has the bad wrap, it is the "system" and legislature that sets up the costs and reform such as therapy left to the therapists to say how much someone needs and set the cost. Everyone knows if you don't initiate the therapy it is not going to help you. You have to want to change in order for change to happen.

---

This will regrettably probably sound offensive but it's the best way I can think to say it. Many justice court judges carry themselves as petty tyrants. They wield enormous power over people's lives over minor acts of wrongdoing. Getting drawn into the web of a justice court's control can be a nightmare. Justice court judges seem particularly susceptible to forgetting basic principles of law such as statutory construction, limitations on judicial power, evidence-based practices, and court procedure. Because justice court judges tend to experience a never-ending repetition of certain kinds of cases, they develop habits that sooner or later start to run afoul of the issues I mentioned a moment ago, and it can be particularly difficult to persuade them out of bad habits. Statutes, rules, limitations on power, evidence-based practices are often written in the spirit of promoting fairness. And people can typically tell when they are being treated fairly. Making a proper application of rules and statutes an important part of justice court practice will help to promote fairness and improve public confidence. incidentally, I don't think these issues would go away with division courts. A division court is basically a justice court with more drug cases. And, to be clear, the problems I describe here are problems with law trained justice court judges, so that's not even the primary issue.

---

I struggle with this since I am not aware of a largely negative perception of justice courts. I feel like the minority can certainly be the loudest. This typically includes people who are currently going through the court system or know someone who is. The vast majority, VAST majority, of one-off people in our level of court have never expressed anything negative and on the contrary usually thank us for taking the time to assist them.

---

Confidence or perception? You'll always fight perception for those that never go to court. Those that appear in justice courts must have a good experience, and that will build the confidence. It is the training of the judges, thus improving their performance, which will instill the confidence. These judges should be reviewed to ensure they implement the trainings, just as district judges are reviewed / evaluated.

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public information through media

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I feel that the training expectations set forth now are a start. The very small courts with one staff member needs to be moved to a fulltime court.

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Streamline Court Processes

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The public in our community have confidence in our court. They know that when they come here they will be able to ask questions and we will answer them all to the best of our ability and if we do not know the answer we direct them where they can go to find those answers. We almost never have an appeal in our court due to the confidence the public has in our court.

---

Education is the key. We need to promote the good the courts do and the convenience they provide.

---

i believe we already have the public confidence. I tire of the state attempting to put hardworking employees down as if they are not doing their job functions within the realm of the set guidelines. its very simple. treat each defendant as an individual, with respect and give them proper information so they understand things.

---

Easy to understand instructions for filing claims; addition of LIVE online help for plaintiffs/defendants on utcourts.gov; ODR access for ALL justice courts; positive advertising through social media, television spots, billboards, etc.



Establish a rule that requires judges of Justice Courts be bar certified.

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Provide more resources at the local level to address mental health and substance abuse. I believe it would be an injustice to the local community and the defendant to not have the input or connection with the criminal system. If

---

Let local governments actually supervise the administrative roles of judges.

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Where I work I see a lot of confidence due to having the same judge for many years. This judge has dispensed justice in a very consistent manner with no capricious behavior, without it being "arbitrary." Perhaps more training for other judges is necessary.

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Be more efficient, friendly and understandable.

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Being consistant

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Make available computers and hearing dates to homeless or indigent customers

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This is the lowest level of court more rapport with the public and communication

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None

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I don't agree that there is a lack of public confidence.

---

Just make justice courts courts of record and require the judges to be law trained.

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outreach events and transparency with sentencing

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More communication regarding the justice courts role. Also, easier access to information regarding justice court procedures, such as instructions for handling a traffic citation, what to expect at an Arraignment, etc. I think this could help improve confidence because the public would be able to see that the justice court follows uniform policies and procedures and doesn't favor one side over another. I think a lot of defendants are hesitant to schedule trials for traffic citation because they think the court will always side with the officer, which is not true.

---

Improve the quality of the judges.

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Get rid of trial de novo. Appeal is one thing...but it should be done in a way that a judge gets to review and see if it has grounds for appeal.

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Simplify resolution of traffic cases by removing traffic school requirement.

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Give them resources to help. We have acknowledged that treatment is necessary for prevention. Many, if not most, criminal justice partners would agree that those cases should be a social work issue and not a criminal issue, we see when there are not enough resources to address the social issues, we criminalize them. This has not led to further access to treatment because even less resources are devoted to treatment of defendants. We will continue to run in circles with this issue until we have those resources.

---

Under Transparency & Accountability, you state that JPEC is unable to provide training and evaluation of rural courts. Our state is not that big, and JPEC can and should be doing the training and evaluation. Why change the whole system to resolve a small problem that should be falling back on JPEC and not the whole Justice Court system?

---

Make all judges members of the bar.

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Get rid of de novo appeals.

---

Require law-trained judges, remove financial incentives for city officials to interfere with court administration.

---

I think many of the reforms that have taken place in the last decade have done this. More Law trained judges, retention elections & more efforts to expand public defender access have accomplished this.

---

Remove minor moving violations and minor motor vehicle violations from the criminal justice system.

Improve the quality of judges and staff; increase funding; consolidate small courts.

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Great customer service, and swift moving cases.

---

Make them courts of record, remove them from the authority of municipalities, and require that judges be law-trained

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#1: Require that all judges be lawyers. #2: Require that all judges be lawyers. #3: Require that all judges be lawyers.

---

As I indicated above I'm not sure this is a major problem, but I'm sure it depends on jurisdiction. Getting law-trained judges may help, along with being more transparent about fines and penalties (maybe publish the Uniform Fine Schedule more broadly).

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Creating accountability in justice court judges

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I like the informal process before the prosecutor becomes involved.

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Abolish de novo appeals if there is a law trained judge and make it an appeal of the record.

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Have the District Court Judges be less condescending towards the Justice Courts. Less elitism.

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If the sentences were more streamlined, I think it would make a huge difference.

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educating the public -- "introduction" videos of court processes

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community education

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More unified training. As much training is provided, there is still a huge disconnect between justice court and their processes. Monthly Audits would be beneficial.

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Law trained judges and have them appointed by someone other than the cities they serve.

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Make them courts of record. Greater oversight specific to those courts.

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Our Justice Court is across the parking lot from the District Court-We constantly have people calling our court because they can never reach the District Court. We also get a lot of complaints here about the District Court. So, in my opinion people have more confidence in the Justice Court than the District Court.

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Law-trained judges - no exception.

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educate people on the court system

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Court staff not displaying negative perceptions of defendants and offer more genuine "customer" service.

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Create policies and procedures statewide so there is little variance from one court to the next.

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We are talking about a court. We are not going to get 100% of people's confidence, they don't have any less confidence in us as they do in any other court.

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Let people see the Judges in person, that is the main request we have, they want to feel like they are being treated as a person and that they are being heard

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Better trained prosecutors; public defenders who work with and for their clients

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Have all courts adhere to the same rules of procedure. Have all Judges be law trained even in outside counties.

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Having good judges that do a good job explaining.

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Don't treat court staff like building monitors. Pay them their worth in being the major communicators with the public to help them understand process. Empower the clerks to understand how important their understanding of the process is to be able to communicate options to the defendants, thus giving them more confidence in the justice system.

I think the changes that are being made with online access and a non appearance at court are already improving interaction with the public. Officers are giving less citations which has a big impact to on public opinon.

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none

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take some state funds and help the Justice Courts to fund additional staff if needed

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Ensure justice, equality, fairness and accessibility are central to the mission, process and procedures of each court.

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Public Confidence would be improved in Justice Court if we could actually uphold justice against those who would blatantly break the law and violet their rights.

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Standardized practices giving consistency statewide in all justice courts. This would increase trust and confidence in justice courts statewide.

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move small claims back to district court so they are handled regularly by staff that is well informed and educated

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Require a law degree for Justice Court Judges

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The AOC should help create an environment where judges schedules are more determined by what the public needs rather than the the judges own desires. Judicial schedules should be uniform and consistent.

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Improve the knowledge of court clerks and streamline the way the courts do things

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Give the justice court options. We need help for our defendants. access to low cost treatment and supervision

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The UTCourts website could be done much easier and more user friendly. Even with my knowledge of how the system and flow of things go, I have a difficult time finding paperwork or answers on that sight. So I usually spend more time on the phone explaining to people how the process goes, when it would be nice to be able to send them to a page that would answer their questions, and be easy to navigate for them.

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Education

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public annoucments

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Communication

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Make justice courts courts of record and require/mandate that all justice court judges have JD degrees.

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require all serving judges to be law trained

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Go through the legislative steps to amend making them courts of record instead of spending all of this money creating a new division.

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In all honesty, I dont think the public has any loss of confidence in justice courts. Quite the opposite in fact, the higher, state amd federal clurts are where the public loses trust.

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n/a

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All judges should have a law degree

## Q32 - Why do you strongly agree/agree that centralizing class b and c misdemeanors and smalls cases in division court will make it harder for court users in my community to access the court?

The benefit of the Justice Court is that it is a local court. Centralizing inevitably will result in less convenience/access for residents who will have to spend more of their time traveling and waiting in a busy court.

Will not be conveniently located in the area they are located. More travel. will not be as convenient as it is currently

I do not agree that centralizing class b and c misdemeanors in a division court is putting the court users in my community first. It would make it harder to for court access and help when dealing with misdemeanors in our town boundaries. I feel strongly that court patrons want to take care and have their questions answered where the violations take place.

People in our community are already very confused about what court they need to contact.

Right now the court is in our City boundaries. A centralized court would be further away thus making access more difficult.

Having worked in the old Circuit Court arena, prior to the formation of Justice Courts, I remember how difficult it was for users 30 years ago. Crime has increased dramatically since then. I don't believe it has value now.

The state seems to be trying to convince cities to rid of the Justice Courts. Revenue isn't the only issue. The state claims the purpose would be for better transparency. However, Justice courts have recorded sessions of court. The court follows all state guidelines. There isn't an issue with transparency. It would seem to a local issue with how the defendant is communicated to. But, for the majority of the Justice Courts through out the state are extremely transparent and communicate diligently with the defendant, (his rights, right to defense attorney, right to trial, etc etc). most defendants are confused at the process which, once explained they better understand the proceedings and are allowed to ask any questions they may wish to ask to better understand. Bottom line is the state wants to resurrect the Circuit court which failed. The Division Court is simply another name for Circuit Court.

The City I am employed by is not interested in allowing the State to use their building as a Division court. Because of this, the members of my community would have to travel outside City limits to access the court.

Likely distance traveled will increase and the perception that you need to have an attorney represent you will increase you will

Those cases are already centralized in justice court. Creating a division court actually decentralizes cases by removing some cases from justice courts, but leaving others there.

Distance to the court

Because the staff in our District Court isn't customer service focused, and not willing to learn new things. The public will suffer as new changes are rolled out, and they'll be even more frustrated than they already are!!

They can't keep track of which court their case is in now. Adding a class b/c court (or third courthouse/jurisdiction) is only going to add to the confusion and slow resolutions. Why go to the expense of making a new court.

Another layer of court, and going to the court system that isn't as focused due to volume on helping the citizens in their community. Cities created and supported justice courts to bring ease of access to their citizens, pulling it to the one main hub in each county will put these cases back into the low priority of state court processes.

There is already a back log of class a misdemeanors, this would just add to it.

Defendant's already have a hard time knowing what Court to go to now. Adding another Court will make it more difficult.

I have not heard anyone complain about justice court and if I strike up a conversation about the change people get upset about the waste of money it's going to cost to basically bring back circuit court where justice court is fine. Why fix what isn't broken mentality.

Infrastructure. Think about the 3rd District in Salt Lake County (Matheson and West Jordan). Where are the division court judges going to hold court? If it's at Mattheson and West Jordan, then that would push all class b and c misdemeanor defendants in the entire valley into those two courthouses. That would be a nightmare of packed court hallways. Think about the parking around Matheson for that huge influx of people. The alternative would be to have division court judges sit in existing municipal justice court buildings, which would mean moving class A misdemeanor defendants there. The congestion would be even worse. None of these justice courts were built with that number of defendants in mind. You're going to have to build new infrastructure to make this plan work.

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I work in a rural part of the state. By taking away the ability for justice courts to handle infractions, misdemeanors under A, and certain small claims cases; the parties to the case will be going much further to go to a court who can assist them. If we take the South Central part of the state for example, it is a multitude of small towns with small justice courts throughout them. How does the state plan on justifying putting a division court in all of those locations and not making these people travel quite some distances to access it? We already receive backlash from people who have to travel 45 minutes, this will just exacerbate that issue.

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Currently, citizens can access a local court. Witnesses also typically live in the City's boundaries. The Court calendars are managed to proceed promptly.

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There are already so many boundaries and city courts. If they lose their citation it is a nightmare for defendants to find the right court.

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It's hard enough to deal with a court in general, they are nervous and unhappy, but to ask them to go find another court, will be harder.

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Many defendants can not drive and we do not have a bus system/public transportation to allow them to go to Brigham City for court purposes.

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It will be more confusing and depending on the individual they will have to walk/drive long distances to go to court where it would be a quick walk/drive.

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you are going to take the cases from multiple justice courts, that already take several hours to get through, and combine them into one court so time to get through court will be a big factor. It is not the traffic cases that slow a court calendar down. Also, you are going to require citizens to travel to areas outside of their local communities to attend court adding to time and costs.

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we have two class courts in our community. district and justice. adding on another court will just add stress to the defendant as lack of knowledge where they are to go. you say you want to protect the defendants and have them heard. keep it simple.

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If a division court is created at the county level, the judge would have little if any input from a particular town and community. The defendant would be shuffled off to a division court and lost in the system.

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The state court system doesn't have a great track record of accessibility.

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It is confusing for court users to go to so many different courts for so many things. Consider civil issues and where those are handled and then of course, district issues. I foresee general confusion.

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Citizens will have to travel to possibly another city to attend court.

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The formality of the Division Court (which mimics the District Court) makes the court process excruciatingly slow, which Justice Courts seem to be streamlined better. District Court judges are also incredibly paranoid about getting overturned on appeal, so they tend to favor defendants far too often and unnecessarily at the expense of victim rights and community interests. Justice Court judges are not nearly as paranoid about that, which allows more victim participation and reflection of community values.

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People are already confused as to what court to go to for their specific needs, adding another judicial court will make them more confused

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They are already confused on what court they need to go too. Why add another court to confuse them with.

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They are already confused about the different levels of court, where to go and which court handles what type of cases or why there are even different courts

That will have to go to courts that are farther away from where they committed the offense and have to attend court during regular business hours which will require them to take time off of work to address the charges.

larger confusing entity to deal with. justice courts enable the community better access

What is the difference in centralizing and keeping justice court? It's confusing for me...so I assume it would be confusing to defendants. How does the logistics work out? All WebEx? One location within a county?

People are more intimidated going to a higher level court. Also potential confusion between division and district court (there is already some confusion between Justice and District, and another court just adds another layer of bureaucracy and confusion).

Defendants and the general public have a hard enough time knowing where to file a small claims case or what court they need to appear in. If you add another layer to the court system, it will be more confusing and more frustrating to them. The general public does not know or understand all the different layers and most of the time they don't want to be bothered with it. They want a simple system, not a complex intricate system as you have proposed.

Because there are few if any facilities that could be used for this outside of the main metropolitan area in the counties I work in.

Many criminal offenders have cases in multiple courts so adding more locations will just make it even more confusing for them. It will most likely create a longer distance to defendants need to travel to take care of their cases.

Remove minor moving violations and minor motor vehicle violations from the criminal justice system. Most people see the system as heavy handed when it comes to their day in court. These cases should be handled like DLD administrative hearings. You're not solving anything. You're just creating another level of bureaucracy.

My community is about 60 miles from the district court

A division court will operate much like a district court: multiple judges, multiple court rooms, multiple dockets, multiple schedules, combining cases from multiple cities. Justice courts have one judge, one courtroom, one calendar, and cases usually from only one city.

Because the public does not readily make the distinction between infractions and misdemeanors. A judge is a judge and a court is a court. Dividing locations for infractions and misdemeanors will be confusing.

Wherever the division court will be held is a good distance from the South west corner of the county.

I feel like taking a court out of the community that the citations are given in would cause a burden on those who rely on others and buses for transportation to get to court. Having the court in the community is very beneficial.

There are too many criminal cases in district courts as it is. Unless the state is planning to dedicate more resources to the district courts, I do not think they can handle the workload. .

In my community, there is not public transportation. Many of our defendant are without licenses and would have difficulty getting to another city. This is especially for DUI's.

Because of the constant complaints we receive at our court about the District Court. I don't see how making a division there will help with the frustration people receive at the District Court.

Based on confusion of previous justice court procedures and that divisional courts are too much like circuit courts which were found to be ineffectual.

I believe it will be harder to retain a judge so this city will likely dissolve the court leaving cases to transfer to another location,.

Very much so, they can't even find what court their ticket is in. A good portion of my job is helping people find what court they are to be at.

Access to the judge, not a computer screen

language barriers, time it will take to get through the court process, location, less likely to get personalized customer service to help them understand the system

You have essentially an infraction court, a class B & C/Small Claims Court, District Court Supreme Court scattered all over the valley.

District Courts can't keep their clerks; I don't think the AOC realizes how many clerks it will take to deal with these cases in the District Court.

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We receive phone calls quite often for district courts saying they are impossible to get through to ask questions. I think we are wanting to give more work to fewer people which will make communication with the public less of a priority when trying to balance existing workload.

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I feel that it is already complicated enough for defendants to figure out where they need to go and who to contact. Adding a separate court will just add more confusion. We have calls every day about where a case is and where someone needs to go to take care of their cases.

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leave things as they are, this is a unnecessary process

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Many in my community are still no computer savy and rely upon being able to easily come into my court location and centralizing these cases would mean closing my local court and moving it to another city within the county which would mean more travel and inconvenience for them. More confusion.

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Adding yet another layer of court for people to try and navigate through the system will add confusion and frustration to users.

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I feel that with a small court like mine it would be detrimental to our city

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This will create more cases for a few courts, the hold times will be more and court appearances will be scheduled out longer.

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People already have a hard time defining the difference between justice and district court, throw in a new level for them and they will feel like the government is trying to trick them. District court already moves cases through very slowly, while justice courts are able to get cases in quickly. It would make more sense to bring cases down to Justice court level so they can be dealt with in a quicker manner. By setting up minimum mandatories like we already do, it would keep a uniform standard for the higher cases. Also making sure judges hold court in their courts at a set standard would help cases move more quickly also.

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I think if you were in Riverton for instance and you have to go to West Jordan instead of your local court would be an inconvenience

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With dealing with people with Mental Illness or other ailments, we should keep it more simple.

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Simply from an overall confusion standpoint

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Based off of my jurisdiction, we have hundreds of cases that are filed daily. If you centralize it to the District court, that just means more time to disposition and setting trials.

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The general public are already intimidated by the court system, adding another division to the courts will only make the perception of seem more intimidating and formidable.

## Q6 - What other suggestions do you have for ensuring public confidence in cases currently handled by justice courts?

Call it a justice court, call it a division court or circuit court and the public confidence will be the same. To the public all courts are government controlled and operated and those that lack confidence in Justice Courts will also lack confidence in state courts. This is a solution looking for a problem.

Education and experience. Indigent defense service for all courts.

Could this questions be proposed to court patrons in questionnaire emailed to them when they receive their information forwarded to them from their arraignment? Just to get some feed back on how the justice courts could improve.

By being kind an listening to their concerns, paitence and trying to help them understand the system .

Cases handled timely, resolutions if possible outside of Trial, less continuances, stricter conditions on Plea and Abeyance violations.

We are not seeing the lack of trust as described. The entire system is burdened with a lack of trust simply because many people visiting the court are having a bad day. Continue replacing judges who do not have a law degree with those whop do (if the judge is not competent)Recruit and retain educated judges and make it possible to replace the judge when they are acting out. The jurisdiction and State should be able to remove a judge when they are incompetent.

More monitoring and accountability of Judges and rulings in courts with large caseloads or with repeat offenders/multiple cases that pile up due to homelessness and mental health issues.

We can just revamp the justice court system instead of adding a whole layer of courts

Training for justice court judges.

public outreach and informing the public with paid advertising

Communication is HUGE!!

Keep it simple everything but felony and domestic violence/child abuse, endangerment, neglect/family matters/divorce goes to district. all other misdemeanors, infractions and small claims (under a \$amount) go to justice court. Thing get resolved faster the simpler it is. The less courts they have to contact to find their case the better.

Promote mycase more so the public has access to their cases which provides more transparency. Find the money for all justice courts to participate in ODR for small claims.

Require that all Justice Court judges be bar certified and layout more standards and guidelines on how they should handle those cases.

These questions were phrased negatively which may elicit biased responses. If the Division courts are located in the same facilities where the justice courts were, I don't see why there would be confusion. In terms of public perception, most of the people that appear in court have been charged with crimes, so they are less likely to have a positive perception. Instead, the question should have focused on fairness or access to justice, etc.

Aline more of our processes with each Court the same.

More consistency among courts

A more efficient flow of cases in and out of the court. Case-by-case consideration of charges.

I have not heard of lack of confidence in justice courts. Our court had night court before Covid, which defendants really liked. I think the confidence in the court stems from how they are treated and if they are treated like defendants and rudely which leads to a bad experience and lack of confidence. And, the costs associated with



certain cases. I think most people don't realize it's not only the fine, but also the assessments, etc. which add up. As far as small claims, maybe having all courts be uniform in the way they take "real" minutes might help. Not just "Defendant spoke," "Plaintiff spoke." I realize they send the recording to the DC but plaintiff/defendant don't get that. They are left with that judgment or piece of paper that doesn't always reflect what happened in court.

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The single most important thing a judge can do to a defendant is treat that person with dignity. Getting charged with a crime is deeply humiliating. It can raise so many different emotions. Justice court prosecution tends to be low quality. Absurd cases abound in justice courts. Victims get charged as if they were the criminals. People get criminally charged with issues that should be settled in civil cases or outside the court altogether. People do a shocking amount of jail based for minor issues. And on top of all of this many judges are rude people. They're rude to defendants. They're rude to defense attorneys. They're often not rude to prosecutors because they have to see the prosecutor far too often to be rude to them. And people see all of this. They experience it first hand or watch their loved ones experience it. I can't tell you how many parents of my clients have come up to me shocked at how poorly the justice system treats people who haven't even been convicted of a crime. But by the same token, there are a small number of judges I've appeared before who go out of their way to treat each individual who comes before their court with dignity. And it's genuine. There is such a huge difference between someone who pleads guilty and feels like they were screwed over by the system and someone who pleads guilty feeling like they are treated fairly. And while prosecutors could often do more to help people feel like they are treated fairly, the demeanor of a judge has an outsized impact on the perception of fairness. Every justice court judge should go through training on decorum. Every defendant deserves to be treated with fairness, respect, and dignity, especially when the worst thing they are charged with doing to society is a class b misdemeanor.

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Our court administrator is a big advocate of being attentive to defendants' needs and assisting them when at all possible. I cannot tell you the amount of people we handle who were needlessly sent over from the district court because they refused to take the time to review these people's questions and properly assist them. Yet somehow, throughout all of this, we continually hear how the justice courts are the ones whom the public distrusts and is viewed so negatively. I bet to differ. I'm sure there are the occasional bad apple justice courts, but I feel that we have earned a good reputation for taking care of people and making sure they understand what's happening.

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none

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Other than a public education campaign, it comes through experiences with the courts.

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More trainings videos for the clerks.

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Streamline court processes across the board, and re-evaluate the classification of charges.

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The issues are truly some clerks in some courts are rude and refuse to assist defendants because they view them as "criminals" instead of people who have made a mistake. Any defendant that goes to court and are treated badly will always blame justice courts as a whole and not the person that they spoke too.

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we live in a world where people will find fault at anything. the justice court (over 400 clerks) are doing classes, being certified etc. we are a group of people that want to make sure the defendant feels at ease, allowed to ask questions and informed with knowledge and integrity. which every clerk ive spoken to as integrity and basic want to do the best yet keep in the middle for the defendant.

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I believe the attitude of court clerks and judges play a big role in public perception of courts. Negative and/or demeaning clerks and judges do far more damage to public confidence than any other factor.

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Give justice court's more resources and authority to deal with those defendants dealing with substance abuse and mental illness.

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Public confidence is improved by positive interactions with court personnel as well as ease in finding information online. Politeness and professionalism go a long way on a personal level. Policies come and go and laws change constantly, but clear and concise information and assistance to the public make the biggest difference to court confidence on a personal basis. More training and higher expectations are necessary. In some ways the court is no different than how people feel when they are in a retail situation or at the grocery store; they need information and assistance to meet their needs and navigate their processes. Politeness and professionalism as staff helps makes a lasting impact and restores confidence in any "process."

Do not let the neighsayers go without a quick response. There is nothing inappropriate with enforcing traffic laws. Lowering the severity of punishment for crimes with a victim is appalling.

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Keep Justice Courts as they are but make them a court of record. Create new local District Court judges that operate exclusively as an appellate judge for all misdemeanor appeals. This would eliminate the dysfunctional de novo appeal process, eliminate the burden of justice court appeals on the district courts, avoid overwhelming the Court of Appeals, and still ensure rights are being preserved.

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None

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Justice Court Training has vastly improved under Jim Peters. It appears the two biggest issues named are law trained Judge requirements and Court of Record. I realize it is not desired to tamper with existing statutes regarding Court of Record, but it is possibly and in my opinion, at far less strain and expense. Seems a long route to resolve two concerns is being taken and is not necessary.

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None

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I don't agree that there is a lack of public confidence.

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Make them courts of record.

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Better training and oversight of justice court judges. Many people feel they are just another employee of the city with the goal of revenue generation. Adding a layer of independence would help.

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Eliminate Justice Courts altogether and fold them into the new Division/District Courts

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Trial de novo appeal seems to be biggest laughing point by defendants and defense attorney. I've heard, "Oh it doesn't matter. We'll just get a new trial in district court anyway if we lose"

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More access to information online about the court process.

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Run some PSA's on the changes. Make infractions an administration process.

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I would distinguish from violent and non violent crimes. violent crimes in Dist. Ct. non violent, traffic and infractions IN JC.

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Provide more resources for prosecutors and public defenders. These Courts have the highest volume of cases per judge/attorney/public defender. The mountain of work is difficult to stay on top of, and not having adequate time to pay attention to all cases will always erode public trust in the institution.

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Reduce the ability of justice court judges to shirk their responsibility for deciding cases by delegating to non-law-trained mediators and student observers.

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Once again, decriminalizing traffic offenses and handling them with a referee much like out of state jurisdictions. These offenses would not be listed as crimes on a BCI record, which could lessen the workload of BCI record-keepers

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I believe there already is! I think the lack of confidence is in the justice system not the justice courts.. The public doesn't understand the overall concept and necessity of plea deals which leads to distrust in the justice system not the justice courts. I believe we follow the justice court motto to improve the quality of life in our community.

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Appoint judges who will follow the law, not shoot from the hip. Also, remove minor moving violations and minor motor vehicle violations from the criminal justice system.

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Justice courts need attorney's on both sides to be knowledgeable in what they are doing instead of a "training ground" for the attorney's. Especially in such a busy location as ours.

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Its pretty hard to appear unbiased when your office is in the same hallway as the prosecutor and city manager.

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#1: Require that all judges be lawyers. #2: Require that all judges be lawyers. #3: Require that all judges be lawyers.

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Same as above. Allowing for public observation via WebEx and in-person is also helpful.

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Ensure that Justice Court Judges are attorneys who know the rule of law and evidence.

I don't see how the proposal will introduce any confusion that isn't already there. Average citizens don't know the difference between justice and district courts anyway. The clerks will have to direct traffic for sure, but they're doing that already anyway.

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record testimony

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physically separating the court from police departments, the public feels police and court are "one";  
recertification requirements need strengthening

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Better training for police officers. Many defendant's get the runaround from officers giving misinformation which results in their frustration being directed the court. If police departments are training on court processes, then they will be able to provide a better explanation of the process to defendants when citations are issued. Also, ensuring that they are held accountable to providing information to defendants. I've heard plenty of times where officers joke about saying "i just give them the citation and tell them to call the court".

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Meaningful and robust appellate review.

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My experience is that the public does have confidence in the Justice Courts and are often very upset with the District Court.

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Uniform standards for process in justice courts.

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Universal standards in the treatment of defendants. Determinate sentences/sanctions.

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More oversight for Justice Court Judges.

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the public has lost faith and respect in the judicial system, we need to put harder fines and sentences on those who commit crimes, we have lost the trust in the system

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Continue more options for defendants to handle cases remotely and online to help their financial expenses.

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There is not any less confidence in us as there is in any other court, this is a court, not Walmart. They are not coming here for fun.

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You make it seem the justice courts are doing a bad job? You want them all to become a state court so the state can control everything?

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More accountability for Justice Court Judges/more review on Justice Court Judges

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With any court, people want knowledgeable judges and staff.

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Ensure the ability of prosecutors to give time to this aspect of their job. Sometimes it seems court is just a sidebar to the other responsibilities they have in the legal department for the city they are employed through. So many defendants never have the chance to review discovery because there are issues with access or they aren't spoken to directly about the case and why the prosecutor is offering the settlement offer they have.

---

I feel the majority of citizens here do have trust and confidence in the judicial system. We have a staff that are sympathetic and kind to the defendants that we come in contact with. The justice courts are requiring more training etc that also is working well.

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Justice Courts have been handling things adequately

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Localized justice have a better ability to connect with the community they serve wherein relationships of trust are established. Court employees are seen in public and it creates an opportunity for the court to be seen as human and provides situations wherein court staff can have positive professional interactions with the community and build rapport.

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The confidence we are talking about ensuring is in those individuals who come in to the court following a violation of the law. They do not want to be responsible for their violations and must be held accountable regardless of their confidence in us

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Holding judges accountable for not following the rules. Especially those judges that feel they can impose contempt fees without holding contempt hearings and notifying the defendants of their rights at such a hearing. Putting on the record the finding of willfulness as stated in statute. A statewide audit of justice courts that impose

these fees without a hearing and holding the judge accountable to the public for these unlawful acts. Also do not allow justice court judges to impose unfounded court fees. The public feels some justice court judges do what they want when they want with no regard for the rules..

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There should be three Division Court for SLCO and limit Justice Court to City infractions for traffic and parking over seen by a commissioner.

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Timeliness is the biggest.

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Streamline the court processes and make mandates, require the courts do things the same

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Lets create a handbook. This is how to run the justice court. We need to hold the courts that are mishandling cases responsible. The issue needs to be addressed and fix, with communication so other courts know not to do it that way.

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Not sure at this point

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Clarity and maybe legal aid help

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Instead of focusing on the negative, embrace the positive.

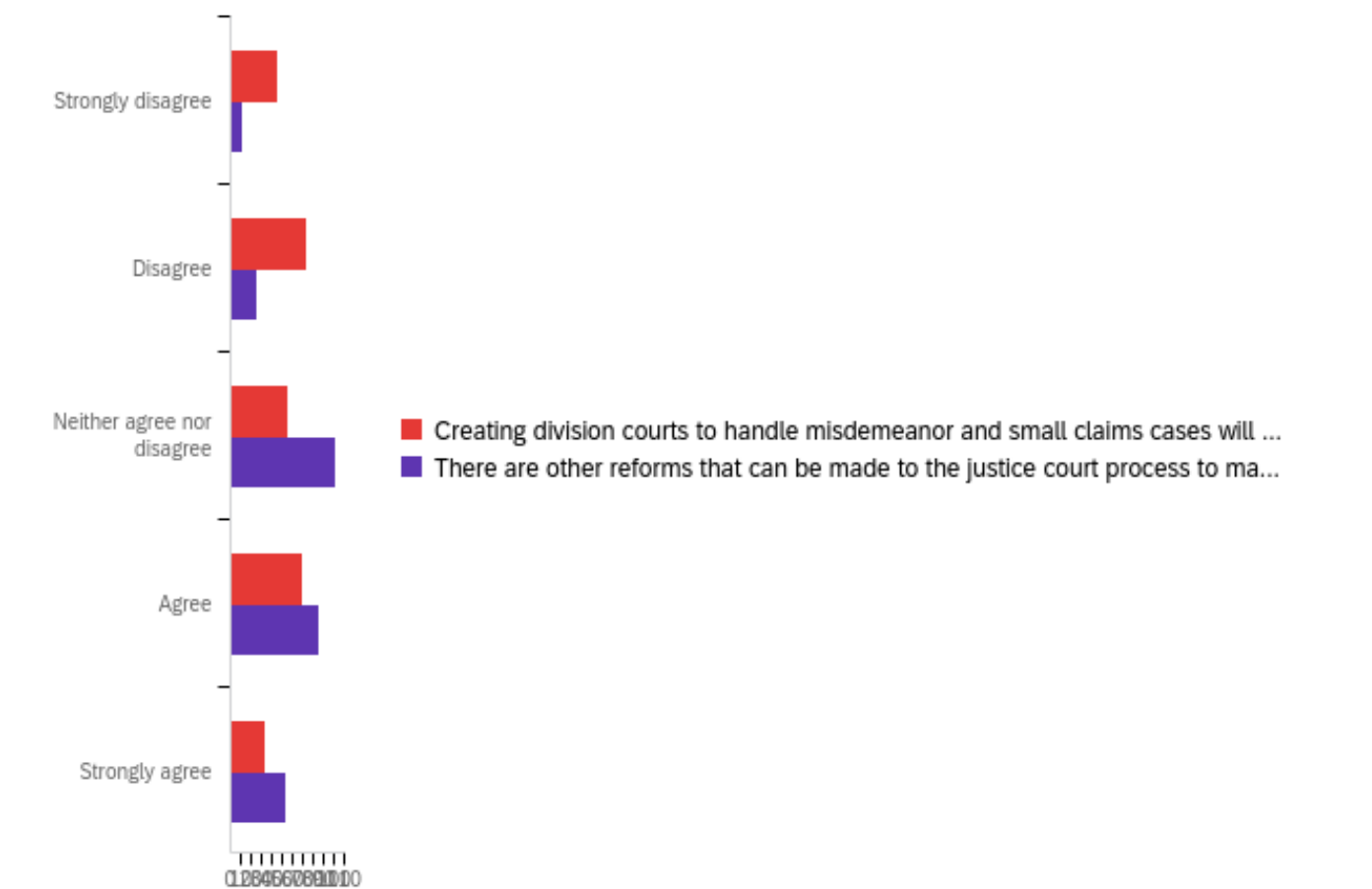
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The public needs less layers of courts, not more.

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There is no way to please everyone, it is a court. There is generally a winner and a loser so obviously some people wont feel like iustice was served.

**Q11 - Standardization Goal** Please rank the following between strongly agree and strongly disagree.



#	Question	Strongly disagree		Disagree		Neither agree nor disagree		Agree		Strongly agree		Total
1	Creating division courts to handle misdemeanor and small claims cases will ensure that these cases are handled in the same way throughout the state	16.49%	46	26.52%	74	19.71%	55	25.45%	71	11.83%	33	279
2	There are other reforms that can be made to the justice court process to make sure that misdemeanors and small claims cases are handled in the same way throughout the state	3.94%	11	8.96%	25	36.56%	102	31.18%	87	19.35%	54	279

small claims are  
handled in the same  
way in courts across  
the state.

**Q38 - If you agree or strongly agreed that there are other reforms that can be made to the justice court process to make sure that misdemeanors and small claims are handled in the same way in courts across the state - what are these reforms?**

Courts are independent and should remain independent. The state could help do more to train justice court judges to be sure they all follow standardized processes in exercising their judicial independence when ruling on misdemeanors and small claims cases.

Establish and require each county to use a county wide justice court instead of smaller justice courts. Eliminate the justice courts from being funded by fines/fees to defendants. Use the existing justice courts as satellite courts if the county justice court courthouse is more than 20 minutes from the existing court. Have justice court judges rotate -- small claims, misdemeanors, traffic, evictions.

Have a set procedure for all misdemeanors, training for all court clerks.

Having a set protocol for all justice courts would be very helpful. I have noticed at clerk conferences that every justice court has its own take on how cases should be handled.

Training for Justice Court Judges. Adopted standards of practice

Additional training for judges and moving away from non-lawyer judges.

There should be one criminal court across the state. I worry that the division courts will have the exact same problems as the justice courts in getting people into the alternative programs. If all of the criminal courts were under one umbrella then they could all move to the various other courts. I worry that there will be the same problem with division courts as with justice courts as they will be viewed as a lesser court. There is a huge inconsistency in the sentencing with district court and justice court especially in regards to fine and jail time. There needs to just be a criminal court that all of the cases flow into and then they can be redirected to specialty courts or stay in the main court. I also worry that if the pay is not the same for the judges that they will use this as a stepping stone to district courts with a better retirement, which means, turnover and lack of consistency.

Rules help ensure processes are the same across the state.

One of the biggest things I see happening creating radically different outcomes in MB cases is judges not applying the law, including sentencing statutes as written. Anecdotally this appears to be perhaps even more prevalent at the District Court as the Justice Court. You have radical differences in one district court to another. I'm not sure why a Division Court would be any different from that. Cases are unique and even within a single court not every case of charge X or Y should be treated the same. Roughly similarly situated people should be treated similarly. Efforts to ensure judges actually follow applicable sentencing statutes would be a good start.

DeNovo review should be done away with and some type of record review is important and adds an option for feedback.

It seems possible to provide significantly more staffing to justice court administration, to further develop standards for compliance, and to enforce those standards.

Training, this has already begun.

Standardized training/procedures for existing Justice Courts should solve the inconsistency problems.

Standardized policies and procedures and systems

training and policy to make sure everyone has the same picture and is on the same page doing it the same

Training for judges and court staff. ODR made a permanent part instead of pilot program.

more training and maintenance to make sure requirements are being done correctly

Make justice courts courts of record and require law degrees for justice court judges.

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create standard guidelines and procedures for judges to follow.

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More hands on Coris Training

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Judges overseeing judges

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This is a bad question. Ever Judge has discretion and there is no good way to remove that discretion without harming someone because of strict standardizing requirements. The discretion used in District Courts is just as valuable at the discretion used in Justice Courts.

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It seems you want a process where everything is handled in the same way across the state, but I don't think that is realistic because there are so many variables and a lot of that stems from the Judge's discretion. But, maybe instead of wasting millions of dollars for something the every day citizen doesn't want, invest in hiring good clerks and consistent training. CORIS has so many problems and is so frustrating to clerks that I am sure that it does not help with morale or interaction with the public. Clerks really don't have the time for training (at least in the court I'm at) because we have to constantly answer the phone or help someone at the window so we're always interrupted, which I imagine is even worse for large courts. So some way to incorporate training during a workday might be helpful.

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I think I've probably written enough in answers above.

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Judges are already required to act within certain parameters of the law. If you have judges that are not handling cases the way they are supposed to be handled, deal with those judges specifically and directly. I feel that it's a rather bold statement to declare/insinuate that all justice court judges are handling cases however they want with no attention to the law/the laws guidelines and parameters.

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Make justice courts full time and if they cant operate fulltime then they merge with another court that can. Less courts, less judges and more training.

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Better training with clerks AND Judges across the state - make sure everyone is on the same page with processes.

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Training and Rules for Judge's and Courts to follow

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Requirements to follow standardize fines, bail schedules and penalties can better take care of uniformity. Also, the De Novo Appeal process already ensure a defendant has the recourse to the benefits of having a District Court Judge review the matter.

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Better training for court clerks; standardize operating procedures for all justice courts; ensure all courts have access to the same forms/procedures.

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Change the jurisdiction of the justice courts so that they can handle all misdemeanors, including class A misdemeanors. Increase training for justice court judges to handle all misdemeanor cases.

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Provide more standards to Justice Court judges in handling small claims and sentencing, fines and sanctions for misdemeanors.

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Please refer to my responses above.

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See my previous comments.

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Having a different division won't change the fact that different people do the same job differently. We already all have the same rules but they don't necessarily get applied the same way by each court.

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Verify that Judges enforce sentencing uniformly. More training for all.

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The AOC can set policy that dictates how things are run

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Have a clear outline as to what is to be expected and the full process, then train all personnel

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Training and rules



ODR has pretty much standardized and forced litigants to be better prepared in the event their cases do not settle on their own and are set for trial. Once at trial, a judge is a judge, There is no guarantee the outcomes can be the same, not all judges, at all court levels, handle or decide cases the same. As long as judges have discretion, which they should and do, there will always be differences or inconsistencies. Not all judges rule the same. If you want things handled the same way, you must only be talking about processes. Creating a new court level does not guarantee things will be handled the same way. Processes can be made consistent by creating procedural policies and can be implemented at any court level.

This makes little sense. In the Justice court we go overboard to ensure that all rights are not denied. Not only are they explained in court, but they are given written right forms to review. We follow a fine and bail schedule. no idea how they reach there fine schedule. From what I have seen Justice Courts follow the guidelines given by the courts and legislation.

Better training, setting more rigid standards to follow.

continuity in practices, the same rules, policies and procedures for each court site

I feel like procedures are already in place to make sure they are handled the same across the state.

Mandatory standards, statewide rules of procedure, and court policies (for judges and court clerks). More frequent and in-depth training (judges and clerks).

Better and training and oversight of justice court judges. Make justice court judges employees of the state, but they oversee a justice court.

We should ensure that indigent defendants in B & C misdemeanor cases are represented by appointed counsel.

to make sentencing the same throughout the state and a published easy to read understanding of those charges

I have noticed that even district courts do things differently throughout the state. When you have different judges things will be done in different ways. As long as the judge is within their legal scope I think they are good to go. For example today I was discussing the Bullcoming case in regards to substitute toxicologists and he mention there are a lot of different ways this has been handled thru district courts across the state. As long as the judge is within the law and the rules I think they are good.

PD always being available to answer questions. Or EVERYONE gets to talk to the prosecutor. I've seen defendants totally own up to their mistakes and plead to all charges at an arraignment. And the judge sentenced him accordingly. Another person asks for a chance to speak with the prosecutor then gets half of his charges dropped. Not fair at all. I much prefer to speak with defendants who are willing to own up to their mistakes than the ones who just want a deal.

Access to information online about Justice Court process for all stakeholders.

The only way is to make sure each jurisdiction has the same resources, in the courts, in the prosecution, in the defense and in treatment options per capita.

Train the courts to use the same system and have that information available online. Have a resource that we can access online that has step by step instructions and the forms necessary. Have more training more than once a year for court staff. For the smaller courts, if they hire a new clerk than have someone from the State train them. I met a clerk from a small court that had had no training and at the yearly clerk's conference discovered that their court had not been doing a number of things correctly. She did not know who to call with questions or help with her training. Pleasant Grove's court staff all quit one day. They had no one to help them. There should be resources available and training available to both judges and court staff.

Standing orders for Plea and Abeyance, Diversion, or Dismissal of cases that meet certain criteria.

Allowing less input or influence by local jurisdictions in the decisions and policies of justice court judges to avoid improper influence just to increase revenue.

Better training. Possibilty, a matrix similar to one used in District Court. More mandatory sentencings on particular charges.

Create statutory requirements like the DUI matrix for them.

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That really is a stupid question. Appoint Judges who follow the law and do not shoot from the hip.

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see above

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Meaningful guidelines for the courts to follow. Equal training for staff

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Feedback needs to come from the Justice court staff, not District Court. As well as questioning the larger courts who process more work, not the smaller courts.

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Eliminate (by retirement, attrition, or reassignment) the mind-numbingly stupid practice of asking for equal justice in courts that don't have law-trained judges. Get rid of the non-lawyer judges and your problem will resolve itself in a very short time..

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First of all, there's no way to make sure that all cases are handled in the exact same way, unless we want to remove all judicial discretion. Not all district court judges handle things the same way either. But there are ways to increase uniformity, mostly legislative: mandatory fines, sentencing requirements, etc.

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training and oversight of judges

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uniform rules and procedures, including mandatory mediation for those that do not participate in ODR

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On your substance abuse question, yes appropriate oversight, education and care and follow up will help everyone with substance abuse issues who wants to be helped. It is not only possible through the district court. It will always take training, education and experience for judges, and even then the circumstances of the case may lead to differences in out comes. Which does not say the decision is bad.

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Uniform training using videos for specific topics.

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provide proper pay for lawyers to preside as judge pro tem in small claims where needed

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Conferences to ensure all courts are on the same page. One department (probably employed by the AOC) training all the courts so we can ensure the processed is trained in the same way. Also quarterly audits to ensure processes are being followed.

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One word: ACCOUNTABILITY.

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State-wide, uniform training for justice court judges and personnel.

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More specific sentencing guidelines for substance abuse or mental health involved cases. More access to substance abuse or DV treatment by state funding, rather than offender pay

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In my experience the outcome of a case has more to do with the Judge handling the case than the location of the court.

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Misdemeanor sentencing scheme. Not recommendations, but determinate sentences which the court must follow, but may depart but only downward.

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Better utilize presiding judges and administrators. Ensure that Administrators aren't also judges.

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A set of standards

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More training for judges on a standard procedure and sentencing, and doesn't ODR take care of blanket consistency throughout the state?

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Third party review of random cases to assure consistency.

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Absolutely. I don't feel like there needs to be any reforms, but that would be a better way to handle it. This did not start because of mistrust of Justice Courts or cases not being handled the same way and you all have admitted that.

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Coris, Training, same as if you were to create a new court!

Judge and clerk training; procedures from AOC

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To ensure that these cases are handled in the same way throughout the state you need more accountability for Judges, court personnel need to be trained properly and checked to make sure the training is being applied.

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Better training for judges and clerks

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Have expectation of Judges being attorneys. Continue the standardized training in the early stages of implementation by the AOC. This is a great start to seeing greater continuity in the courts!

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Training of the Judges. The Judges have guidelines that they follow and they also, could be required to have more training.

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continuing education always helps

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Continued standardized training of laws, policies and procedures to the extent possible but allowing for individuality of each court. A one size fits all approach to courts does not work on the district level across the 8 districts and even more so among the multiple courts within each district(I've seen this first hand) and it will not work, in practice, in justice courts or division courts. There needs to be a standardization of some policies and practices that is flexible enough to accommodate local court needs and circumstances.al

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Standardized practices statewide. Standardized forms statewide. Uniform procedures for appointing PDA. to treatment providers

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better education for the clerks and judges, maybe site visits by the aoc or data analysis to see where the gaps are

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Law-trained judges, appellate judges to handle justice court appeals.

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Limit the number of City Justice Court to County Courts. This would limit the Large County to three county courts and the small counties to one. Then the county courts would spread the cost to the Cities to share the expenses. Also given them some of the revenue share back to the cities. The State would be paid a franchise fee to manage the standardization of those courts. The State would have full control of the personal of Judges and court standards, this way Judges are not making financial decision or being pressured to generate revenue. The Counties would have the control over the court staff and that would mean there would be like in Salt Lake County a County Administrator of the courts and would report to the county's governing body. This would be the same for smaller counties as well. This would put a lot less pressure on the state to have this large fiscal note. This way you should push Class A, B, and C misdemeanors, all traffic, and small claims to the County court.

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That all Justice Court Judges be required to be members of the Bar.

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Requiring stsndard forms on collection cases.

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Uniform rules across the state would ensure cases are handled the same regardless of the jurisdiction

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As mentioned above; judicial schedules and how many cases are heard per calendar or per day should be uniform. And should be overseen to avoid judges who prefer to work half a day, five days a week.

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mandate the processes to ensure they are all handled the same. Defendants aren't getting the same process throughout the state

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Teach the judges. Offer support and training on treatment near them. Allow AP&P for certain misdemeanors.

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In misdemeanors, statutory reform that addresses the use of fines, issuance of warrants, etc. for minor traffic offenses like speeding.

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Minimum mandatory sentencing help a lot with this. When it comes down to it, it is the judges doing the sentencing, so perhaps making sure they are the ones who are trained and followed on to make sure cases are handled the same way.

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For Judges to be on the same page. sentencing guidelines should be adhered too.

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Have a procedure that all justice court judges and staff follow to make it uniform.

Make justice courts courts of record, require all justice court judges to have JA degrees and mandate justice court compliance with approved Utah rules of court/statutory requirements for the processing of misdemeanors and small claims.

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Again, minimum mandatory requirements for sentencing that all judges must abide by.

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Pass and enforce rules of procedure to be applied uniformly in all courts.

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Creating a new division will not create parity among the courts statewide. Why would we go through all of this to end up in the same situation? It's like asking five judges to rule the exact same way. It's not going to happen.

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Educate Judges & Clerks as to what the standard procedures need to be.

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There must be a standard sentence for everything. Judges would lose discretion.

## Q15 - What other suggestions do you have to make sure that cases are handled in the same way in all courts across the state?

District court cases are not handled the same way across the state, what makes anyone think that going back to the Circuit Court system (that is what this is doing) would make justice court cases consistent across the state?

Provide more training to justice courts. Don't change the entire system.

Education. How is it that the division courts can insure this?

And send evictions to the justice courts. If they are courts of record.

Compile ideas from various courts on how cases are handled and take that information and provide training so that can all use the same procedures.

To make it very clear in the learning modules, and any conferences that it is clear there is one way to take care of cases from start to finish.

Every judge has his or her personality and way of handling things. And every community has a personality. While I think things should be handled similarly, I don't think "the same" makes sense for every community as every community is different.

As stated above, I believe if the State issues guidelines with regard to the time cases MUST be handled, the conditions in which pleas may be held in abeyance and terms in which continuances and violations of abeyance conditions are handled I believe it would be better than letting every city having their own guidelines and still allowing cases to be handled on the Justice Court level.

Hold Justice Courts accountable. If there is a court that is a bad actor take appropriate action. The cities and state would be better benefited if the Class A's came to Justice Courts. All Clerks statewide are certified, the Judges are law trained (except for a few in rural areas) but, are trained. This would help to alleviate some caseload from District Court, Would not cost the state millions of dollars. Justice courts through out the state are vigilant in defendants' rights, sentencing, probations (drug/alcohol) abuse, mental health, etc. in court our own court we have a defendant have a mental evaluation performed.

This doesn't happen in District Court now. Some courts/locations are more favored and are treated differently than others.

Judge accountability

Training. Use Court clerk trainings to go over how cases are, and should be, handled. Training on uniform practices with Justice Court staff will ensure that cases are handled the same way throughout the state.

I believe the training should be data driven and will be most effective when held in person, and collaboratively so the judges are aware what other judges are doing that is effective.

The biggest point is to stream line all of the cases to just a criminal court. At the end of the day, the different districts handle the cases differently. A DV case in the 3rd district is handled entirely different than one in the 2nd district. The public defenders are appointed differently. The issue then becomes do you make everything a statewide system instead of by county.

It depends on what you mean by handled the same way. Is this supposed to mean be sentenced the same way, that the same procedures be applied. Handled the same way could mean a lot of things

As long as local jurisdictions control them, they will always be run differently.

We know from court to court at any level cases are handled with slight variations. Even with the same procedures, I would be difficult to make sure all are handled the same.

What do you mean by "handled in the same way?" If you're talking about procedures and processes, that can be handled by legislation. If you're talking about outcomes, the only way to make those uniform is to get rid of human judges and substitute robot ones.

District Court Judges do not handle cases the same way in courts across the state. In fact, District Court Judges do not handle cases the same way as the other judges in their own courthouses. Make more rules for justice courts. If they don't follow them, shut down the court or remove the judge.

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#### Court standards

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Look at the district court outcomes dates that Drove JRI to see that there is a wide variance in outcomes and little uniformity in how cases are handled at the State Court level. Why would there be any more uniformity in the sentencing of more minor matters. As long as judges sentence using outdated ideas of what they "believe" will work, as opposed to evidence based strategies that have been proven to work, uniformity is a goal to be avoided, as those anecdotal driven theories might become the norm to be modeled, and I want no part of that.

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By having all the courts on the same system, it forces unified processes and procedures

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keep it simple.

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Combining some smaller courts. It is difficult for some very rural areas to remember processes when they rarely do them. Combining very small courts to mid-size courts that are still close to the community would allow for more consistency, but still easy access and attention given. There were reasons courts got away from the old circuit court.

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Implement more training and continuous education for justice court judges.

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#### Court tool and benchmarks

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Cases will never be handled the same way across the state because all judges have their own style and interpretation of the law. I think that if you have problems with certain judges then you should handle those specific issues. This reform will create more issues and it will be cumbersome and costly to implement.

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There could still be variability between judges even in the division courts. The way to ensure that cases are handled the same way is to enact sentencing guidelines like we have for DUIs. That may be unpopular and require a lot of work with the legislature.

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I think they are handled the same way. Judges and courts can be monitored.

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#### More transparency

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By having a best practices guidebook for sentencing that is given to all Judge regardless of whether they are felonies or misdemeanors.

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There could be classes to address specific components of these cases, but you will never do away with discretion.

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For the AOC to determine what is the best process and push it out with training and hard copies of steps to take to accomplish the process. A lot of people cut corners and if they don't see the value in doing a step they will try to find a way to skip it if possible. Maybe have group training on the procedures and when a new clerk is hired have them go through a training on how things should really be done.

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I do agree that division courts would lead to greater uniformity in handling cases; however, judicial philosophy varies so greatly from one judge to another (even in district court) that it can be easy to overstate the benefit of uniformity by moving to division courts.

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Judges for all levels of court are required to attend conferences and trainings. We still see a wide range of decisions and rulings from those judges on ALL levels of court, but fit within the parameters. Again, if you have judges that are operating outside those guidelines, those specifically should be dealt with.

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none

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It's not going to happen. You have humans involved. And no two cases are the same. Maintaining the indeterminate sentencing is important for this goal, with additional criteria. The problem there is the current makeup of the sentencing commission is problematic. Another problem is resources for the courts. A judge along the Wasatch front has many more sentencing options and treatment options than the rural courts. Again, an area the state should address, and not an imposition on the local jurisdictions.

Training clerks. The yearly training we go to doesn't help with using CORIS and entering into cases and procedures.

Training, training, training....and clarification of Justice Court needs getting back to the AOC and Judicial Counsel

They should already be being handled the same way across the state and if not, it is a training issue with the judge's and not the court as a whole.

A specific office in the AOC to help monitor and assist justice court judges in applying the uniform bail schedule

i feel strongly we already do process in uniform manner. a few cases do not represent the whole. and most cases sighted are many years ago.

See above.

See my previous comments. Better training for all levels of court professionals, including judges. I have been fortunate to have a great judge and prosecutor. Over 90 percent of the time, I see court users leave the courtroom with more understanding of the process than when they arrived, and even when they aren't happy with the result, they appreciate the politeness and professionalism. This cannot be underestimated.

Discretion of judges and prosecutors will always play a significant role in cases being handled differently throughout the state. Matters handled in the central Utah district courts are drastically different than those in Salt Lake County. Bail schedules and sentencing parameters are the best way to ensure similar outcomes. With regarding to the procedural process, more detailed policies for which courts must operate is the best solution.

If there is a standard bail schedule that is used/applied then the result should be the same regardless of where it is handled.

A basic matrix should be applied, and exceptions should be reviewed.

Even District Courts within the same judicial district don't necessarily operate the same way. Different judges handle cases differently and have different expectations and requirements. There is no way to ensure perfect uniformity without eliminating judicial discretion, which I do not support.

I believe there should be more cross over meetings/work, and dialogue between District Court Judges/Staff and Justice Court. I truly believe that Justice Court handle cases fairly and yet empathetic ally and the perception between the two Courts is not accurate because there is no cross training/work.

If this is an issue this falls on the training provided by the state.

If there are ways or other ways to ensure uniformity, how would those be accomplished? What would those be? Don't we all already operate under the same Rules and Laws? All District and Juvenile Courts run a little differently, as do Justice Courts, but not to the extent implied herein.

Providing the same training to everyone.

Even in the district courts there are wide variations to how cases are handled throughout the state. Trying to ensure that they are handled the same statewide is an impossible task.

a state-wide, state funded defense firm that can provide staff the rural counties and cities.

We have specialty courts now and they do not operate the same from county to county. We don't need the state to control everything.

Require a law degree in every court

Easier to follow sentencing guidelines. We do not have resources to go through a sentencing matrix, nor do the judges I practice in front of want to take the time to do so. District courts have the benefit of AP&P providing presentence reports, but that responsibility falls to the understaffed prosecutors.

set an exact bail but allow for community service or treatment in lieu of fines/fees

That is not going to happen when you have individuals handling cases and not robots. Each judge will handle the case as they deem appropriate and that also means it will be different between the judges.

Train the judge better. Give them specific guidelines on how to handle different defendants. I don't think getting training for a week is enough. Also as a part of their training, they should be taught victim behavior, offender behavior. effects of drugs on the brain & behavior, etc. There are too many variances between what each judge will do. One judge gives credit for everything spent on treatment. Another judge gives no treatment credit. One judge will knock down fines in half where another judge says no way. Judges have a lot of power and they seem to get the least guidance.

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Consistent application of rules and laws.

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Make infractions an administration process with no rules of evidence and no prosecution.

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Division courts will have no better track record for being consistent. These cases have to be prioritized by severity and resources by both prosecutors and defense. Smaller jurisdictions with lower case loads will continue to treat cases differently than those jurisdictions with higher case loads.

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I don't think you can. Judges rely on their discretion to handle cases. That gives them the ability to handle cases differently.

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None.

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Better judge and court clerk training and periodic observations of courts throughout the state with follow-up training and feedback. Only allowing law-trained justice court judges.

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In my mind, until robots are judges this is not always going to happen. You have judges on all ends of the criminal justice spectrum and the consequences are already so minimal at the justice court level, I do not think that the differences are of great significance.

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Pass the proposed reforms.

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Standard treatment is something that cannot be forced, as evidenced by the fact that all justice court judges, whether law-trained or not, receive the same training statewide and even with the same training, the jurisdictions absolutely differ (the farther away from the central court administration the more differences one sees in the administration of justice). Maybe court observers (must be anonymous like a pop quiz) who can make independent reports of observations of actual justice court proceedings should be instituted.

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Courts will always process the cases differently because all Judges sentence different with different requirements.

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That really is a stupid question. Appoint Judges who follow the law and do not shoot from the hip.

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see above

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A training and standards organization (like the UPC or the AOC) to ensure a single set of justice standards and widespread training on those standards. The Utah Prosecution Council is an incredibly effective organization at ensuring uniform quality among prosecutors statewide. Learn from their example how to train judges and all will be well. Oh, and get rid of the non-lawyer judges who judge by arbitrary standards like what their gut tells them.

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I think a big issue in consistency is among the judges. Just like different prosecutors handle cases differently, judges have their own styles and personalities and despite having a fairly uniform sentencing matrix, different judges will still sentence people very differently. Get all the judges on the same page and you'll have more consistent outcomes across the state.

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None

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Why is "the same way" so important. Perhaps we should develop an app to make sure they're all the same. Ja

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I don't think they should be handled the same way. THAT reduces public confidence in courts. A judge should be allowed flexibility to work within the parameters already set.

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N/A

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Training of judges in how to do their jobs in a similar way but on the other hand district courts are dissimilar also. That may be a strength



Progress in small claims can be made without Division courts, but Division courts would be the best step. It would eliminate the inefficiencies of trial de novos (and delay tactics used against inexperienced participants). Progress could be made with additional training of justice court judges to establish consistencies statewide. A presiding judge in a division court would have much more influence over other division judges, unlike the presiding judge in justice courts.

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Hire robots.

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Making all charges more streamlined. If it is a DUI you are required to do jail time and classes. It seems that our judge is harder on people using a cell phone than DUI's.

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There is ongoing training in both the district court and justice courts. No matter what happens, there will always be differences in court operations. I litigated in the Circuit Courts and there were differences between courts back then.

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training of judicial staff; have all judges issue same orders as much as possible in similar cases

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Training. Whenever I attend training I am amazed how differently the justice courts handle certain situations. There are no right or wrong methods or procedures, just different opinions of how things should be done. For example, informing a defendant of his rights to a trial given before acceptance of a plea: some court address every single right, others (Myself included) goes through the rights in a very simple generic manner. My feelings are that it doesn't matter how detailed I describe the rights, a defendant can withdraw his plea without reason.

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Make sure all individuals that preside over small claims trials are members of the Utah State Bar

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Implement the division courts. Justice Courts, as they stand, are mere highway banditry.

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State provided pre-trial release supervision

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Due to jails being so full in Salt Lake County it is rare for someone to be held on Justice Court charges. I believe in the smaller counties they are more likely to serve jail time when they don't comply.

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It's a legislative fix. Misdemeanors could be determinate sentencing. Or at least develop a scheme for misdemeanor sentencing as exists for the felony cases as created by the Sentencing Commission. There are class A and felony cases for low-level offenders that do zero to little actual jail time while it is not unheard of to have justice court justices (looking at you Patten, Utah County) hammer class B offenders with 180 days jail because of how a particular judge "prefers" to handle cases.

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Uniform appeal process directly to the Court of Appeals. This would encourage more consistent outcomes in similar cases across the state.

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Cases are not handled the same way in the same courthouse, let alone across the state. Division courts won't change that.

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Since the AOC has implemented the new clerk certification process, this will help greatly improve the justice courts to be on the same page.

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"secret shopper" approach so a neutral person audits the courts to make sure they are in compliance

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The idea that cases are handled the same way is far too broad to be accurate. Let's focus on the process. Apply the same processes in each court by requiring it as part of the court's certification.

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Training on how "you" want it handled.

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See above

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Have a step-by-step process in LMS that covers everything.

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Supervisor meetings to train on all processes and demonstrate proper training of employees and how to fully utilize Coris efficiently and correctly. Some courts have a clerk in the courtroom but they aren't doing minutes as the session is being held. They re-listen to the hearing after and only then do minutes - very inefficient use of time.

That is also a tricky question, because all cases are not the same. Each case has a different person and circumstances that may require a little different handling and help.

Same training for all clerks, new hires to be trained by AOC and pass

none

Assure that all judges are aware of how they are to be handled, no exceptions

Hold courts accountable. Audit them regularly. Do not re-certify if they are not in compliance with business hours, public access to real humans, customer service, training requirements etc.

better education for the clerks and judges, maybe site visits by the aoc or data analysis to see where the gaps are

Nothing additional

See the above

Standardized process taught systematically to all Justice Court judges and their teams

Provide better judicial oversight.

Provide ongoing training.

I can't think of it other than enforcing/requiring the courts to do it the same

It is silly to think things in district court are handled the same way across the state. The AOC needs to have a handbook, these are our expectations and this is how you deal with them.

In small claims cases, better training of justice court judges on civil legal issues.

It comes down to the clerks doing and tracking cases based on the judges sentence. So it would be making sure the minimum mandatory sentencing requirements are in place, so the judges across the state follow the same guidelines.

I thought cases were handled the same way?

More training for Judges

How can you say that one division court judge will handle things in the same way as another? Not all district courts handle cases the same way from district to district.

Unless you have a single judge handling every case, there is no way to ensure that cases are handled the same. Also, every case is different, they should not be handled all the exact same way.

Provide more training to the clerks & Judges in regards to what is expected.

They should not be handled differently if the same rules apply to small claims and misdemeanors; as far as I can tell, they do. This sounds like a training problem.

lawyer trained judges with strict guidelines

**Q13 - Judicial Performance Goals** Please rank the following between strongly agree and strongly disagree.



#	Question	Strongly disagree		Disagree		Neither agree nor disagree		Agree		Strongly agree		Total
1	Requiring that judges be attorneys will lead to better decisions in misdemeanor and small claims cases.	6.43%	18	8.57%	24	8.21%	23	35.00%	98	41.79%	117	280
2	Creating a record of misdemeanor and small claims cases will lead to better decisions in these case types.	4.69%	13	12.27%	34	22.74%	63	31.41%	87	28.88%	80	277

### Q39 - If you disagreed or strongly disagreed that requiring that judges be attorneys will lead to better decisions in misdemeanor and small claims cases - why?

If you disagreed or strongly disagreed that requiring that judges be attorneys will lead to better decisions in misdemeanor and small claims cases - why?

It doesn't take an attorney to understand and administer just rulings in misdemeanor and small claims cases. It may with court processes and proceedings, motions, etc. but not necessarily in the final decision.

They have a better understanding of law, penalties and Constitutional rights.

Lawyers are education to argue on behalf of clients not to make decisions on cases

I know plenty of crappy judges who are attorneys. If my memory serves, Attorney judges disciplined lead non-attorney judges disciplined. Being an attorney (and one who actually practiced in court) means you have a head start and advantages in understanding the incredibly complex system we work in. But it doesn't guarantee you will be good at it.

Actual hands-on knowledge, should be just as important

I have a non law degree judge that protoms for our court. I feel he is well versed in all aspects of his job and in most cases, more consistent.

Law school doesn't necessarily make good judgment

I disagree with this. A brand-new attorney just entering the system would be qualified to apply for these positions. Currently there are many Justice Court Judges that have "real life experience" that cannot be qualified. Many have law enforcement backgrounds that are rich in the application of Criminal Law. Criminal Law is taught in the first year of law school. This one year is not comparable to years of application.

Juvenile and district court judges are already required to be law trained and we already see a wide range of rulings and decisions that come from them. If they are within the parameters of the law, what is the State of Utah trying to prevent from happening? If there were more issues than what was contained within the Reform Proposal, then that would explain some things, but if not, I'm still confused why people view this as the best option.

I think having a more neutral mindset is better. Too many Judges "lawyer" from the bench. Trials should be weighed on evidence presented for the case, not a Judge's career experiences.

It is all based on training. As long as the judge is trained, as all new judges should be trained, and the training is the same across the board there would be no issues with how cases would be handled because all justice court judges would handle them the same

i have seen non-lawyer judges have more expertise that a lawyer taught attorney.

I worked for a non law trained judge for over 20 years. He listened carefully to cases and made decisions that seemed fair and reasonable.

It is dependent on the individual currently serving and their dedication to the study of Utah laws/statutes and attendance at training. I believe that moving forward, law trained judges should be appointed/required for election. I believe it could be required that law courses deemed necessary be provided/taken/reimbursed for non law trained judges "grandfathered" in at this time.

Attorneys that are law trained do not have claim on a guarantee of good judgment, court room demeanor, or establishing good and fair processes. Judicial administrators get as many or more complaints regarding attorneys on the bench as their non-attorney counterparts. Excellent communication, Fairness and demeanor are the qualities people demand from the bench. None of these are taught at law school. Any competent judge or administrator knows to improve a judges legal ability scores in to train the judge to better communicate their understanding of the issue before them, better communicate their fairness and neutrality and better communicate their decision is the answer to most judicial frustrations, not sending a non atty to law school or a

JD judge back to law school for a refresher when they struggle in low legal ability skills as determined by the Performance Commission.

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Good decision making is not simply being an attorney. I am a firm believer in education, but this is not what makes a judge great. The law can be learned and Non attorney judges can learn the law and read case law. Many non attorneys come with a vast knowledge and education. For example school teachers are allowed to teach if they have a degree. They are not required to have a teaching certificate. They can get that while teaching. In 2016 state legislation made the change to require certain courts to have attorneys as judges, however current judges were grandfathered in and maintained their current positions. To some degree this has already been put in place. Non attorney judges should be treated as equals as they have been grandfathered in. If the Divisional Courts are put in place non attorney judges should be allowed to have those positions as well attorneys. . I have heard the argument that state law required they have a bar number. During covid law students were given a bar number and admitted into the bar without taking the test. This was done based on extenuating circumstances. I think this should be the same. Non attorney judges have been grandfathered in as of 2016 and should receive the same as all other judges and treated as equals.

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I don't believe just because a judge has a JD he is going to make better decisions. I have had attorneys come before me and I have had to correct them on the law a time or two. I think that the judge who takes the time to learn and study the law will make better decisions regardless if they are an attorney or not.

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I don't necessarily think being an attorney makes your decisions better. If that were the case there would be no need for the court of appeals. I think it is more the person making the decisions and their ability to see both sides of the case.

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Experience is important. A judge who is not lawyer, but has spent an entire career in law enforcement is going to be more effective than an attorney that has not done any criminal work.

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Bring law trained is good. Many non attorney judges have experience, common sense, legal understanding and do a great job!

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Non-attorney justice court judges receive quality training and will generally be more educated in small claims issues than a brand new attorney fresh out of law school. It is the education and experience that matters, and the letters after the name may or may not be an indicator of intelligence.

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Having been a clerk for a non-attorney judge and an attorney judge, it is evident that the attorney judge sways more in the direction of his previous clientele, such as a defense attorney sways defendants to plead not guilty where a non attorney judge after explaining their rights allows them to make their own decision.

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I don't think the Judges, attorneys or not are making bad decisions. I have been a clerk for 21 years and I have not had one small claims case appealed and less than 5 misdemeanor cases appealed. This is with numerous Judges, there is not a problem

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it comes down to experience. The Judges that have been on the bench for years with no law degree by far have more knowledge than an attorney straight out of law school

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BAR admitted judges make mistakes too and can even get caught up in red herring arguments or too narrowly focused on technicalities within legal arguments because they find it intellectually intriguing and lose sight of the big picture of the case in front of them and totality of the arguments, facts and circumstances presented.

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I believe attorneys have this idea that they know the letter of the law better than anyone else. I believe that someone who isn't an attorney can uphold the law with just as much fervor and also with humility and more understanding than an attorney

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thus far that hasn't been shown to be the case - clearly if there are still concerns in this area, that change hasn't fixed the issue as hoped

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Having a law degree does not provide any guarantees that the decisions will be better or more fair.

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They should always remain neutral.

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Because attorneys generally have a hard time relating to common people and common problems. Being able to truly empathize with people and understand their position gives a judge a much better base for decision making than simply having a degree.

Are non-attorney judges really the problem? All judges make good and bad decisions regardless.

## Q40 - If you disagreed or strongly disagreed that creating a record of misdemeanor and small claims cases will lead to better decisions in these case types.

I don't see how a decision by a justice court judge is influenced by whether or not the court is a court of record or not.

Courts of Record are always a good idea in my opinion.

Whether the court is a court of record or not, the staff and judges should still be giving the same attention and care as they would in any other case.

I have worked with Justice Court Judges that are attorneys, and some that are not. I recognize that the judges that are attorneys are more equipped to handle decisions in cases. Because of this, I believe that requiring judges to be attorneys will ensure that correct decisions are being made regardless of if they are or are not a court of record.

Making sure your judges are educated on outcomes maybe have judge trainings

It seems the recording is after the fact. Better decisions are a result of better, before the decision, inputs. A recording would not likely affect that except that it may encourage better preparation.

The presence of a record doesn't make better decisions most of the time.

You didn't ask a question here. But my thinking is that the record exists for what happens after the decision, so it won't affect the actual decision itself.

Ensuring the unrepresented litigant has the opportunity/right to represent themselves. Removing the trial de novo process takes away this opportunity/right. Many people want to represent themselves and believe they should be able to do so. The removal of the trial de novo system and the increased jurisdictional limits on small claims will require litigants to obtain counsel at the outset. Non-professional litigants will not stand a chance. Similarly, non-indigent criminal defendants who did not hire private counsel will suffer with on-the-record appeals. Consider the drastic limitations of being able to file an appeal when a plea was taken. Further, the cost of indigent defense will increase substantially because all cases will have to be handled so that they could be properly appealed on-the-record in the event the defendant changes their mind or decides to appeal. The pace that criminal misdemeanor cases are handled will slow dramatically. This proposal destroys more access to justice than it creates. The financial cost to non-represented litigants will be astronomical. Debt collectors and attorneys will be the ones who benefit most from this proposal.

I don't think the record makes much of a difference to people, more important is procedural justice in these case types

The record would have no effect. Judges shouldn't consider what another court may say

If appeals were just for bad decisions, then this would be a more accurate statement that I would agree with in the survey. However, appeals from the Justice Court are taken for more reasons than bad decisions. Sometimes, the decisions are appealed to see if they can do better with another prosecutor, sometimes they are appealed because the person realizes there are collateral consequences that had nothing to do with the Judge's decision and sometimes they are done for a second bite at the apple because they disagree with the Judge's decision even though it is not a bad decision, and sometimes they do it to buy themselves some more time on the punishment. The DeNovo appeal doesn't produce bad decisions.

Each and every case is different and must be handled with the facts presented in each case individually. There is no more or less use of this power in District Courts than Justice Courts.

First of all, there are plenty of district court judges who really aren't that motivated to make sound legal decisions despite the existence of a record. Our judges are overwhelmed with work and some of them are also just lazy. I imagine that some folks on the Court of Appeals could likely speak at some length about the inadequacy of findings and conclusions that are presented to them by some judges on a repeat basis. So, the record itself isn't a great motivating tool. What makes the record useful is the possibility of direct appeal. However, it should be said that making an appeal happen is enormously difficult. Appeals take a ton of work, which make them cost-

prohibitive to many private defendants. Appeals are largely a rich man's game (or are paid for by the state for indigent defendants). Beyond the financing and the sheer amount of work it takes to draft a good appellate document are all of the hazards that get in the way of making an appeal successful. Utah's requirements on preservation are really difficult to comply with. When I talk to friends in other states I learn that it isn't as hard to get passed preservation issues elsewhere. Here, a trial attorney has to be fluent in an appellate attorney's procedural game just to create the possibility of an appeal. It's a broken system which is evidenced by the proportion of IAC/plain error appeals compared to preserved criminal appeals. Also, much of the problems with justice courts are their pretrial discretionary acts or obnoxious sentences, which aren't the sort of things that a person can practically appeal or hope to succeed against. Having a record doesn't fix that. Finally, most of my clients who have a good appeal choose not to because of apathy. One could say that a defendant's decision not to appeal is distinct from whether the appellate system is broken. But the reality is that when a client loses on an issue that they really should have won, it can be a soul crushing experience. Having the conversation of "well, we might be able to get a different result in a year or two from now" leaves them defeated and apathetic. They can't take the emotional strain of ongoing uncertainty. So bad judicial orders remain unfixed because the mechanism of review really doesn't work for most bad decisions. Creating judicial review for class b misdemeanors isn't actually much of a fix until our standards for preservation change and the procedure by which appeals are handled is simplified..

I'm unsure of how being a court of record would produce better decisions in the moment of court for case types. I could certainly see how if something was appealed and the original judge overturned how they might adjust the way they view/operate on things. With that being said, our justice court judges already recognize that on the occasional case that is appealed and then their decision is overturned.

That's what the appeal process is for. I don't see how creating a record will change how a decision is made.

They will still be treated the same, weather on record or not. Which should be how it is being done now.

The de novo appeal is the best approach to correct problems.

i have seen non-lawyer judges have more knowledge and expertise that attorneys. however that has been your direction for years so why is this even a question.

It depends on the quality of the judge.

Are there so many complaints now? I haven't seen data on this.

A record is unlikely to change the dynamic of the court. Most justice courts, although not "courts of record", are currently recorded and all parties have access to those recordings.

Cases are handled fairly and properly now. Creating a record is just going to take longer.

Statement is not a question

The feedback would be nice, HOWEVER, I as a judge have a good working relationship w the District Court Judge who oversees appeals that come from my court and I do get that feedback. Also I keep an eye on those cases through out the process to learn from them.

The decision process and decision should be the same regardless of it being a "record"

Whether the decision is recorded or not does not change the nature/quality of the decision.

Creating an audio record a few years ago has not had any impact on how cases are handled

See prior comment.

Already record every hearing.

Creating a record and appeals from courts of record create case law, they do not lead to better decisions at the trial level necessarily. A record may provide a sense of oversight perhaps, but it may be little more than illusory.



If making us a court of record makes you feel better, go ahead and do it. I don't care and neither do the Judges.

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The decisions should be made on evidence not if it is recorded or not

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The existence of a record does not guarantee good judicial temperament, professionalism or better outcomes.

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Creating a record doesn't change the way Justice is "dished out". The reform should come by way of the Judges instead of the whole system if you think this will lead to better decisions. The Judges make those decisions, not the court as a whole.

## Q14 - What other suggestions do you have to ensure that good decisions are made consistently in misdemeanor and small claims cases?

Better training and especially better oversight. There is no accountability for judges that simply do not follow the law. In fact, there is little to know accountability when judges are actually breaking the law. The AOC and Judicial Conduct Commission needs to become MUCH more active in supervising and also penalizing judges that don't perform well, particularly those that do not follow the law.

How can the system ever "ensure that good decisions are made consistently" in any court? This is not a matter of being a court of record or not. Train the judges, continue to certify the courts, and let the courts hear cases and rule independently as they deal out justice.

I believe (MOST) Judges at this point were attorneys. I do not believe there are that many left that are not. So how are you to say that the Judges we have currently are not making great decisions already?

Courts of record. Defendants have a de novo right to appeal to the district court OR to the appellate courts -- they can choose. Consolidation to a district or county wide justice court would also allow for more organized indigent defense on the same level.

I would think that would be the Judge's job to try to do research into the matters and by doing so the Judge would be able to make the proper decisions for the misdemeanor and small claims cases.

Continuing education for judges.

State guidelines performed on the Justice Court level similar to the new Deferred Prosecution guidelines, for example. That is the State sets for the guidelines, but the Justice Court is responsible for managing the cases per the guidelines set forth. That eliminates the overloading Division Courts while keeping Justice Courts consistent.

The challenge with decisions are and will not be limited to JC environments. Bad decisions are not limited to local government but can be found in all levels of the judicial system. Solid training and holding judges accountable is a reasonable way to fix the problem at hand. Spending millions of dollars to add another layer of red tape (Division or Circuit Court) to the court system seems cumbersome. Again, train and hold accountable.

More training for judges and staff.

Communication, required education AND basic computer/technology requirements for all Judges and Administration. Our Judges still rely on paper calendars and are not regularly reviewing case files in court. Relying on multiple clerks to prepare and notate calendars is sure to produce inconsistencies and errors on cases.

Training and trust.

you are questioning the validity of the judges decision making not the validity of the courts so maybe change things with the judges and not introduce a whole new court

Clear guidelines and principles for judges and litigants to follow. Something of a blackletter law summary in common dispute areas available on the court website for general reference and guidance for everyone.

I do believe that all currently sitting judges should be grandfathered into their positions. They know the law better than someone who might have a law degree but has never practiced criminal law. I don't understand all of the discussions about "creating a record" We already do keep a record whether or not we have the additional legal fiction of being constitutionally designated as creating a record will not change the quality of courts. All of the justice court judges are doing their best and being designated as a court of records is purely perfunctory, with the exception of how the appeals are handled. However so few cases are actually appealed it is a very small percentage so that should not give significant outcome to this discussion. As noted please disregard typos or run on sentences. This format is difficult to type. It looks like the stock market ticker tape.

None

Justice Courts deal with many of the same types of issues and decisions again and again. Training on those recurring issues would probably be most beneficial.

Parties understanding that there is not a trial denovo but a standard appeal may lead to parties trying harder, but I get almost no appeals on my small claims decisions.

Having a JD degree does not necessarily make for better judges but it is important for citizens who believe judges have a jd degree. Existing judges should be grandfathered into the bar based on AOC training and certification.

Training

Provide additional training, seminars, indigent defense funding, and resources.

good judges that understand procedural justice

I think they are.

Training, training, training.... Peer observations by well seasoned justice court judges that can mentor up newer judges and create a higher level of competency and consistency.

communication and training. specialty judges like pro tem small claim judges who are familiar with rules of small claims do better then judges who don't do small claims as often and are less familiar. Having reference material may be helpful

Making small claims cases part of a court of record and requiring they do a formal appeal instead of a de novo might be very difficult and costly for pro se parties. Small claims is supposed to be easy access for pro se parties. I have worked with both JD Judges and non-JD Judges. Most parties don't know the difference since the non-JD do a great job.

A none self proclaimed prejudicial judge?

Allow appeals to the Utah Court of Appeals and Utah Supreme Court from all justice court decisions with perhaps the exception of traffic decisions..

Follow up on complaints and have annual reviews/check ins on Justice Court judges.

Training judges, having decisions mire public

Have District Court Judges give feedback on Justice Court matters that are appealed to the District Court. Or remand the cases back to Justice Courts to impose the decision after hearing the appeal.

There could be more training in Small Claims cases for those that are not attorney judges. Again, experience is more valuable here.

Since every case is different it's hard to maintain consistency, but doesn't the consistency come from the judge and prosecutors? Staff just do what they're told. I think minutes for small claims should be a little more in-depth than they are. Some courts don't write anything about what went on in the hearing so you look at a piece of paper that says judgment for whoever but you wouldn't even know what the case is about. If I was a participant that would irritate me. Also, as an example my daughter has a friend that got into a whole bunch of trouble and had multiple cases with drug possession, theft, felony theft (multiple charges, multiple cases) and most of them were dismissed "in the interest of justice," whatever that means nowadays, to one case that wasn't even a felony and she got a PIA. ??? I mean, seriously? I like her but she did the crimes, why was she not held accountable? Most cases, and let's face it, guys, don't get that kind of deal. They have to go to counseling, C/S, be on probation, serve time, etc. I think a lot of the inconsistency comes from the prosecutors so I don't know how you fix that. When I worked at the DA's office they didn't even look at the cases until they got to court so really how effective are they being? I don't know the answer but I know it is anything but consistent.

Glad you asked! There absolutely should be greater oversight over justice court judges. My solution would be to create an appellate panel similar to an administrative board with informal procedures to review and correct justice court decisions. It could handle a mixture of appeals and complaints. It would selectively publish opinions (non-precedential but persuasive) and create a system of procedural rules specific to justice courts. The de novo appeal would still exist, but I doubt abuse of it would actually occur since defendants and defense attorneys aren't interested in the appeal for its own sake, they are interested in a solution that actually meaningfully corrects problems. Abandon the division court idea. Create a review and oversight board instead.

Trainings, as mentioned previously.

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none

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Under the federal law and some state laws (Nevada), a defendant is not entitled to a jury trial unless the potential jail sentence exceeds six months. Now that you will have law trained judges for B and C misdemeanors, this may be something to explore to alleviate the backlog and the demands imposed by having jury trials for these lower misdemeanors.

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Training

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Again, better collective training and streamline processes.

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Direct appeal to court of appeals

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Train judges the same across the board, it shouldn't matter if they are an attorney or not! Newly appointed judges and all presiding judges should have training yearly to ensure that all cases are treated the same.

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More support from the AOC and produce better results without the time/expense/confusion of a new court system.

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all judges go to training. if you feel the need have a more precise training.

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More resources and better clarification of forms along with LIVE online help through [utcourts.gov](https://utcourts.gov) would be beneficial to all involved.

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Continue, and perhaps increase, the amount of training required of justice court judges, particularly in criminal cases.

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Follow up on situations where complaints are made on Justice Court Judges and take action when there is substance to the complaint.

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Training.

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Having law trained judges will help to eliminate some of the outlier courts. However, generally the justice courts are consistent throughout the state.

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Hold each accountable and treat everyone the same

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As stated, course requirements and AOC training. Crossover training between District and Justice Courts judges and staff required to breed consistency between these two levels of courts. It feels as if District Court staff and judges do not respect fully the decisions and efforts of the Justice courts judges and staff. I think this is based on lack of knowledge and experience of the workings of each and culture changes could be positively impacted with the proper training and programs put in place.

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Use pro temp judges more frequently. This may provide a consistency to a busy criminal calendar court and may provide needed consistency in a smaller justice court.

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None

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None

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Continued training. Even being an attorney does not prepare you for being a judge. It certainly can help, but there are still many things to learn.

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Grandfather non-lawyer judges who are already judges. They are highly trained, and would do a good job (better than some law-trained judges).

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perhaps Justice Courts/Judges could also be assigned a District Court Judge as a mentor to help guide them through the process(es), check in on them, reviews, etc. I, essentially, do this w my District Court Judge, in addition to watching District Court cases to make sure the processes are similar. It has proven very helpful, to both of us, and builds unity w in the courts.

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None

This can be accomplished by just making justice courts courts of record, which can be done at a fraction of the cost of creating this new level of courts.

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Don't let the governor appoint judges.

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I have always practiced in front of judges who are attorneys, but they have ruled wrongly or improperly on cases and there is little the prosecution can do to correct the issue. Justice court judges are kind of invincible since there is no one with more authority their decision was incorrect which just enables further bad decision making.

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attorneys as judges will help with the court or record and revamp the appeal process

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I think it's important each defendant is advised of all their rights at their initial appearance, and reminded of these rights at any subsequent hearings. Also, I think it's important the small claims trial process is thoroughly explained to both parties before starting the trial. I think it's important Judge's are aware of any rhetoric they use while advising defendants of their rights, such as immediately asking if they don't want a lawyer versus asking if they do want a lawyer. This phrasing can influence a defendant's decision to plead to a charge without counsel or to ask for an attorney. I think this will help ensure everyone is equally aware of their rights and don't plead to something they don't understand.

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n/a

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Adjust the fine schedule to be more representative of the seriousness of the charge.

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The ability to have appellate review is critical in the uniformity of law. This oversight is not available in JC currently unless it is a Constitutional question. Case law cant be made on DUI's DV etc.

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Training, appointing good, good thinking, unbiased individuals as judges.

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None, other than standardizing certain orders for plea offers on cases with non-mandatory appearances (most traffic, other low level infractions).

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Better judicial and court clerk training and periodic observation and feedback or training.

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Justice Courts could easily be made courts of record with a few tweaks to the law.

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Pass the proposed reforms.

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All of the new Justice Court judges are required to be attorneys so those judges who aren't attorneys are becoming fewer all the time.

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I have practiced before many non-law trained justice court judges who have been properly trained in their job duties and have no issues in the proper administration of consistent justice. They have access to law-trained law clerks (through the district courts) who can research and provide the law for difficult issues so the judge is able to make a proper ruling. Allowing justice court judges the discretion to do whatever they want results in the standardized operations of justice courts being not standardized.

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Appoint Judges who follow the law and do not shoot from the hip. Oh and get the traffic cases out of the criminal justice system.

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Hire QUALIFIED judges - a law degree does not automatically improve quality

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Justices should be members of the community they serve

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That's it. That's the key here. Don't overthink this. Require that all justice court judges be lawyers, or at least law-trained, will eliminate 99% of the problems associated with justice courts at present.

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A thorough understanding of the law and sentencing guidelines.

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Out of approx 2,000 to 2500 cases per year I don't see a single de novo appeal most years.

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Judges who are well educated and experienced in the law. They ALL need to be law trained.

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N/A

None

The vast majority of judges want to do what is right and what is fair. Becoming courts of records will facilitate this process. With a trial "de novo" for any reason and no reason, justice court judges don't receive feedback on concerns and mistakes. How do we learn? I don't want to be called out as a judge, but even more so, I don't want to continue to make the same mistake over and over. I hearings are already "recorded", so making division courts of records would not change how I interact with parties and witnesses. It would increase efficiencies.

Training, experience, continuing education, support.

Better vetting of candidates, and not having the interested parties such as city administrators pick their ringer. Have the selection made by a party that won't see any fine revenue hit their books.

Continue with quality training of the justice court judges. Frankly, the myth of numerous small claims de novo appeals should be quashed. I have been on the district court bench eight years and I get maybe two or three per year. Very few ever make it to trial and they don't take up much time at all. It feels like a scare tactic myth.

Law Trained attorneys give the justice court a positive image. Whenever a decision is made that is not legal or reasonable in the eyes of the law, its usually a decision made by an non-legal trained judge. The unfortunate decision then hits the media and all justice court judges are stigmatized as fools. The fact that being a justice court judge requires only a high school diploma harms the reputation of justice court judges.

Outside auditing of the individual courts.

Not only requiring the judges to be law trained, but requiring the justice court judges to be appointed at the state level, as opposed to only through a city.

These are no brainers. If a defendant could possibly spend up to 6 months (!!!) in jail, to be judged by anyone other than a properly law-trained person with a degree is despicable. Sure, there are terrible law-trained persons out there, but imagine if they were not trained. It's just keeping the bare minimum in tact. Wouldn't you be blown away to hear a judge rule against you on a legal matter (simple or complex) only to learn they're qualified because, in effect, they stayed at a Holiday Inn? You get it.

Have a better selection process for justice court judges in the smaller cities.

Judges that have knowledge in construction appear to be beneficial in those type of small claims cases we have seen.

Small claims cases are on a case by case basis, how are you going to make them consistent when they are so different? With the consistency for misdemeanors that would be training for the judges.

I don't need to make suggestions. The number of appealed cases will make my case for me. There is NOT A PROBLEM.

Goes back to Training, Even the Attorney's will need trained to be a judge. Being an Attorney does not guarantee you will make a good and fair Judge.

I think most defendants appeal to the district court because district court judges don't want to deal with these cases, and they get offered a plea in abeyance or a better deal if appealed to a higher court.

Judge training and an expectation of adhering to the training. Sometimes I feel like the legislature makes changes and the clerks are trained on how to implement the changes but then it is up to the Judges discretion and their reading of the language whether or not they will implement the changes.

Training is the best thing I would think.

none

Training, training, training.

Assure that judges have compassion and understanding for circumstances of individuals. Some of these cases are negligence, however some of them are simply due to oversight

EDUCATION!

Direct appeal to the court of appeals. No more trial de novo appeals.

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Uniformity of training and education of justice court judges

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Improved judicial oversight And have the actual judiciary hear the small claims cases, not pro-tempore judges.

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Training and education are the best tools available to try to ensure consistency.

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Hold the judges accountable. If they mess up, they need to know so they have an opportunity to change or be removed from the bench.

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I think when Judges are new there has not been enough training for them at all.

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More Judicial training and sentencing guidelines

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This is where the reform is a good idea. Removing the city influence from cases is important.

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I believe there are good decisions being made daily

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Trust your judges, with current technology, it is easier than ever to do performance reviews. Blowing up a courts system because attorneys think they are better than everyone else will only serve to decrease the public perception of courts, not lead to respect and consistency.

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Law trained justice judges. (Not a whole new court level.)

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Have a standard sentence. You could not deviate.

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attorney judges with more training

## Q27 - What ideas do you have that would improve our courts?

More accountability for judges that go rogue. This is a topic nobody wants to address, but this has been a huge problem across the state, particularly the last few years. We have justice court judges that simply won't follow the law because there is no recourse for their actions.

State should invest more in supporting and training personnel in the justice court system.

Training- Everyone being on the same page for policies

Make the courts more accessible to court patrons.

I have listed them.

Training on universal practices.

See responses.

This is a time when we need to restructure all of the courts. My biggest problem with all of these discussions is I feel like the majority of the time they are missing the issue and trying to kill an ant with a hammer. The issue presented is the "problem" of a double trial. That happens so infrequently yet we are spending thousands of dollars to fix the problem. There is a huge problem with our state wide courts and it is that we are not specialized. The exact same issue of two trials is similar to work occurs in family court. There is a commissioner who was not appointed by the government. I can tell you there are a lot more appeals that come from Commissioner's recommendations then from justice court. There needs to be a family law court, a criminal court and then a general civil court. The Judges need to be paid the same amount on all tiers and the judges need to stay in their line of expertise, for instance they cannot apply to be a family law judge just to move over to the civil area. It is so difficult when you get judges who have no experience where they are judging. You have a political appointment that has never been into court a day of their life then making decisions about whether someone should lose custody over their children or lose all of their freedoms and go to jail. Some appointments do amazing and are like a duck to water, some appointments just want it for the prestige and make the attorneys and the patrons lives horrible. This is the perfect time to look at the entire court system. The concerns about justice court judges are the same as commissioners. Our family law cases are taking forever to get to trial, because they are always bumped due to jury trials. It is interesting that one of the issue is there will be more work for the Appellate judges. We need to hirer more district court judges. As justice court judges we have dockets, but I feel like we spend significantly more time with the defendants then do the district court judges.

None.

Our appellate courts could generally do more to help educate judges in the lower courts on how those judges should approach decisions in particular areas (as opposed to only telling us what we do wrong publicly, they could do more at our conferences to actually help improve the decisions at the lower courts.

More public defense resources -- ours stretched too thin.

Coming up with evidence-based practices for all types of problem-solving courts, not just drug courts.

It would be an improvement if divisional courts can be looked at treatment courts. District Courts will have more time to handle serious criminal cases and large civil cases that really need more time.

We love our justice court. It seems to me that justice courts are fully capable of doing all that this proposal advocates for. If some are not, that may be simply the result of human failing or lack of training (something that division courts would not inherently be immune from). Thus, training and recruitment could solve those problems.

Division Court judges should receive the same salary, benefits, and retirement as District Court Judges.



Need to be improving outreach and informing the public on what we actually do

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Training, training, training.... It is happening on a lot of levels, but if there are stakeholders that are concerned with consistency and outcomes, start there. Don't blow up the whole system by creating another layer of the judiciary that will obviously need training, training, training!

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how can we simplify if for the defendants? You're already doing a great job!!

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Simplify the website to educate which courts handle what things. Don't treat justice court like a lesser court. they have more interaction with the public. and should be treated equal.

---

By and large, I am supportive of the proposed reforms. I think on a big picture scale, it would make the court system easier to understand and more navigable for the general public. As a newer clerk in the court system, my only other idea right now to help improve the courts would be in-person learning and training opportunities.

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Utilize more technology to create consistency. Things like ODR, mycase, JAQ are great for transparency and consistency.

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repercussions for judge's

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Psyc peofiles. Keep politics and religion out of judicial decisions

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Ensuring that we do not lose our experienced Justice Court judges when trying to implement these reforms

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Slow down all the changes: Statute creation, Statute amendments, rule creation, rule amendments, etc..

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I think supporting the Justice Courts and bolstering their reputation should be a priority of the AOC.

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Specialized certification of Justice Court Judges by the Bar. This has just occurred with Paralegals.

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Implement the CORIS changes better, having a computer available at the courts for parties who don't have internet or access.

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Our judges generally aren't well trained. For example, some judges are very good about making clear factual findings and conclusions of law after an evidentiary hearing. Others (I'm talking about district court here) seem to have some difficulty distinguishing facts findings from arguments and legal conclusions. It's a skill, and it needs training. Some come to the bench with it. Others don't and never learn it. There's a whole list of things like that that the Utah Courts should focus on if the goal is to improve the judiciary. Tinkering with appeals isn't the right way to go.

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require at minimum a bachelor's degree from all court staff

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The appointment process for judges needs to be less of a "paper" pageant. The last several appointments have been from high profile firms and attorneys that practice in specialized areas. This becomes problematic when they are now faced with the broad areas of the law applicable to the cases, particularly in the criminal aspect. Your earlier questions about consistency across the state is a great objective, but when we do not experience consistency by a single judge, the objective is unattainable. So many victims are victimized again by a judge who doesn't have any experience in criminal law, and the default seems to be (especially with the atmosphere created by JRI) that any close call goes to the defendant. If the governors want to continue with the current approach, then you should consider specialty courts. But good luck with that one when it comes to judges ego and the balancing of the case loads among the judges. But if you want true consistency, then specialty courts should be considered, along with appointing judges who actually practiced in the areas of their greatest case loads and with the greatest impact on our communities.

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Streamline processes and make them more universal within the Justice Courts across the state.

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Justice courts could actually alleviate some pressure off of district courts by taking on all misdemeanor cases. Misdemeanor A cases aren't prosecuted like they should be due to the case loads and district courts rather focus on felony cases.

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We don't need a radical change or a sledge hammer approach. A little more involvement and supervision from the AOC on problem judges is the "tap", we need.

i think the Justice Courts through out the state of Utah do an amazing job currently.

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Better and more frequent trainings with mock cases to improve understanding. Offering more help to the public by expanding justice court services rather than eliminating them.

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With the recent legislative changes to domestic violence and dui statutes, I do not see that the system is broken. Also, with the almost all justice court judges now being lawyers. What is really the problem. Keep it at the local level.

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I have stated ideas in previous comments.

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Figure out processes that are user friendly and efficient. Stop making everything so difficult.

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Make people responsible for their actions.

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Voucher system for hiring any attorney as public defender; Create a district court appellate judge to eliminate de novo appeals but still ensure oversight and preservation of rights

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I don't believe our Justice Courts are handling cases poorly, therefore we don't need another court

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Training, guidelines of how cases should be handled

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Are the Courts the issue? Or is the lack of knowledge and understanding by the public in general the issue? Until I came to work in this field I was ignorant of its complexities. So better education in our school systems, social media, and college education systems is required. Legislation is passed every year by those pushing agendas that negatively and position impacts our judicial system and most individuals do not make it their business. This is a challenge that could be addressed.

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More education, more marketing for the success that are in the justice courts. More support for justice courts from all areas of the courts. District Court judges, AOC members, Judicial Council members. Justice courts need to be supported, not abandoned.

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None

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Focus on the existing structure rather than changing it

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Rather than the ideas that have been presented, simply have Justice Courts be courts of records for Class B and C Misdemeanors, and courts not-of-record for Infractions.

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Continued continuity of training. Continued support of JC's.

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Providing more judicial resources (judges, judicial assistance, equipment and technology) to handle more cases, as well as longer hours of operation to access the courts

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Eliminate justice/municipal courts entirely. Local governments do not have a judicial branch.

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I don't see a problem with the Justice Courts. Our court staff is very helpful to court patrons. I know they do a better job than any time I have had to work with the District Court.

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Make justice courts courts of record, require the judges to be law trained, then do away with de novo appeals and allow only for cause appeals to the district court from these courts. From there, allow further appeals into the appellate courts. This will be much cheaper than what is currently proposed and it will accomplish all of the same goals.

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Keep Justice courts. Make them courts of record. Eliminate de novo appeal so judges can impose a real sentence.

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A stronger vetting process for the selection of judges. Just because they are an attorney does not mean they will be a great judge. I have practiced before a judge who practiced civil law and is largely naïve in regards to the criminal behavior to point the judge even buys into and enables guilty defendant's to continue their dishonesty and lack of accountability (even over our objections and trying to educate the judge). If the choice of judges cannot be controlled, then a more thorough training process would be needed, instead of a couple of weeks of just observing more seasoned judges.

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We need more district court judges.

revamp the existing structure

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Appointment of Judges on all levels at least in third district is too political and not based on actual ability or experience.

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There needs to be a clean and simple ability to dissolve a Justice Court for those city's that no longer wish to operate a Justice Court. The law as currently written makes the dissolving of a justice court a difficult process that is cumbersome, politically involved, and ultimately relies on outside entities for approval. Additionally, the protection of a justice court judges salary for an entire term, regardless of if a court is dissolved, can result in a short term negative financial impact (paying out terms of judges) that is too large for a city to absorb. A city council today should not be handcuffed to a system they no longer wish to participate in based on the will of a prior council that adopted a justice court system that has since significantly changed over the years in its operation, function, and fiscal sustainability. As currently drafted, the law encourages a city not to dissolve their justice court because it is easier to continue to operate without a full commitment and investment in the system. While the judge will continue to be paid as required and monitored by the AOC, the remaining investment in the court is piecemealed to maintain the status quo. The consequence of forcing a city to continue to operate a justice court that a city is not properly invested in running is not in the best interest of reaching the task force goals.

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Already stated in other pages

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Access to information for all stakeholders.

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Pay indigent defense counsel and prosecutors more.

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Go back to the Circuit court model and reduce all traffic violations to civil fines, de criminalize non violent property crimes to infractions.

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Make Justice Courts courts of record, get rid of de novo appeals, allocate more resources to prosecutors and public defenders in justice court, hire more justice court judges, allow misdemeanor defendants to access programs like drug court, mental health court, and veterans court.

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Only allow criminal defendants to have one jury trial. If they choose a jury in the justice court, then they would only have a right to a bench trial in the district court appeal.

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Keep more things local.

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I think enacting the proposed recommendations would improve the structure and independence of our court system in Utah

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Require all justice court judges to be lawyers and incorporate their function fully into the existing judicial system.

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Get minor traffic cases out of the criminal justice system.

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see above

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Require that all justice court judges be lawyers. Non-lawyer judges making ridiculous rulings is the root cause of all this hubbub and fortunately, is also the easiest thing to fix.s the root cause

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Stay from wholesale move to traveling courts and allow communities get som say for their dollars.

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I think having division courts is appropriate and fair and ensuring that judges are educated and have law degrees is also important

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Leave Justice courts untouched except to have them courts of record. Have law trained Justice court judges (eliminate through attrition non law trained positions.)

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N/A

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None. It depends on the judges selected

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I think the recommendations take great steps toward addressing areas that are ripe for improvement.

Are we just talking Justice Courts? If so, continue in the process of refinement and hiring the best qualified individuals, we have come a good distance and will continue to work on future improvements.

Rather than take Class A misdemeanors, the Division Court should become a Family Court and take divorces and adoptions. That would relieve the case load strain on the district courts.

Fetter prosecutorial discretion.

Transfer all DV cases to District Courts if trial is set. Make it permanent. Those are the victims that should not be required to testify twice.

Less Mormon male republican prosecutors on the bench.

Stronger judicial involvement in attorney ethics actions. Stronger Judicial Conduct oversight.

There is minimal pretrial release decisions and supervision at the justice court level

quit spending time on this exercise

More auditing of the individual courts.

I've said my piece.

Better funding for Public Defenders throughout the state so there can be specific PD offices in even rural counties. It is ridiculous that the PD is not funded the same as the Prosecution and it allows for many indigent defendants to be underrepresented.

Clearer schedules. No more paper prelims

As per sentencing, training the judges to be more consistent in their sentencing.

I think our courts do a great job. Maybe public relations campaign would improve outlook.

We will always need training, but I believe we are getting it. I don't think things need to change.

Training

Better data program. CORIS is really slow and glitchy. New citations for police officers.

I've already said in previous comments. Honestly I think all misdemeanors should be in Justice Court that includes class A

Pay clerks what they are worth and ensure that HR takes the clerk's complaints seriously. Also, with all the changes in IT and Coris Web, it is hard to continue to complete good work when things keep changing or not working.

Training, better pay for court clerks and staff. It has been so much lower than other positions within cities and counties. It is a job with a lot of training and knowledge and accuracy needed.

none

the system is not broken but doing this reform will cause alot of confusion and staffing issues yet alone where you are going to find places to facilitate these

Focusing on ethics, application of law, thorough and timely training on legal/legislative updates.

Consistency, standardized practices, audits and more accountability

Move small claims cases to District Court

Standardization across the state

Where appropriate, have the presiding judge(s) move on a regular and consistent 2, 3 or 4 year period.

Provide adequate resources to allow the court to function efficeintly and effectively

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communication

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Set sentencing requirements, easier to navigate UTcourts website.

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Not sure

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Transparency

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Why fix it if it is not broke?

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Give justice courts the legal, statutory muscle needed by making them a court of record and requiring justice court judges to have JD degrees.

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Get the beaurocrats out of courts, stop trying to change things in such drastic ways.

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Consistent training and verification of knowledge regarding processes for court clerks.

## Q28 - What concerns do you have about this proposal?

My single biggest concern is the perception that justice court judges are in the driver's seat for these division court positions. Justice Court judges across the state are not upholding the law, and this gives them even more opportunity to go rogue. A VERY close look at each of these judges should be taken before they are appointed to any higher level of court.

It hard for me to understand how the costs associated with creating a new court system (division) are worth the few benefits (reduced de novo cases). It really feels like a solution looking for a problem.

Where will staff be transfered? or at all?

Our city would no longer have a justice court, which means I could lose my job.

By creating an additional court system, but still having Justice Courts open, you are creating a whole additional layer that will have to be funded. So the overall cost for the Justice system will just increase.

I love my job! I worked 4 years in the Circuit Court previously and have worked 5 years in the Justice Court. I am EXTREMELY fearful of losing my job!!

Seems like a replay of the Circuit court only under different branding.

Compensation equality - most cities pay better than the state. Where will these additional people be housed? Who will manage them? Additional training would be needed for management and all staff.

Financial, staffing, implementation.

It seems to be an extremely costly solution to problem that can be addressed other way.

My biggest concern is whether I will I have the flexibility to operate the new and improved justice court at a level that is financially sustainable.

This proposal is not fixing the problem. Setting up a division court has been done before. If we are getting rid of justice courts then all criminal courts needs to be kept in one location. Plus there is not a clear direction on where the lose ends of cases will go the little infractions.

Cost relative to benefit may be very high.

It will eliminate the ability of cities, their prosecutors, and their courts to address issues that are unique to them. The quality of prosecution of these types of offenses if taken over by the county is almost certainly going to decline.

We did this with the circuit court system years ago. It didn't work. I'm not sure why we're trying it again when it appears there is a financial incentive to consolidate that legislators will likely find attractive enough to do right away, but could actually hurt the actual administration of Justice for those who interact with Justice courts.

Major institutional changes are always difficult. Uncertainty can adversely impact employee morale. Lawyers used to doing things one way may be challenged in learning new procedures, etc.

I wonder where we will house the division courts physically.

Promises and designs and then not adequate funding to implement. When we are talking about improved specialty courts and healthcare resources, easy to be underfunded. Seeing this with JRI. I think there is a lot of conjecture as to what will work and what my not. I see the possibility, like now, when local concerns of municipalities are transferred to District Court, there is little interest in the outcomes that take into consideration local conditions or concerns.

How weighted caseloads will be determined for division courts.

There are a lot of justice court judge's who think they will lose their positions. It is important to keep these concerns in mind during this time of change.

Increased costs and staffing needs. An additional layer of courts requires not only more staffing for the court, but also increased staffing in prosecutors offices to handle cases in another court and additional police officer time responding to cases in another court, plus scheduling conflicts between the different courts.

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I have expressed my concerns in the other paragraphs of this proposal.

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It seems like a lot of work and change for things that are not necessarily problems but public perceptions.

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District and administrative office staffing levels are already extremely lean (and have been for far too long). Organizations really need to have some "buffer room" to effectively transition on major changes like these. If the transition itself ends up looking like a train wreck, it is likely for stakeholders, the media and the public to inaccurately interpret that result to reform itself, rather than insufficient staffing to weather the transition.

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If we were writing our MPA thesis on how to design the best misdemeanor justice system from scratch, great. We have so much history, tradition, concrete, invested in the current system in a State that has rarely committed to fully finding ambitious reform projects (see JRI) what could go wrong.

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Over-broad and seems like we are using a nuclear bomb to resolve issues that could be handled more simply and for a lot less money.

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My concern is that it is becoming more complicated. The state tried circuit courts which became justice courts to correct issue/better serve etc and that didn't work out like planned. Just fix the part that is broken not the whole thing. if it is just trials that are the problem fix that. keep it simple

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While or municipality doesn't rely heavily on revenue from our court, the removal of misdemeanor cases would have a noticeable fiscal impact.

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Proposal is a mean jab at justice courts. Initial thoughts were to give Class A's to justice courts so there was an easier division of where cases are (all felony with district, all misd/infracton with justice court). Initial ideas went 180 and are very negatively driven at justice courts. I don't see very many appeals. Complaints are low. Seems perception is the issue that can be improved.

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I think someone was looking for a solution and instead they're creating a bigger problem.

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Staffing is the biggest concern, whether we will even have enough or find enough, space is another-where they will be located, and training is a big undertaking.

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It seems like the system is running smoothly. I don't understand why we would want to change it. And it would cost a fortune.

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Loss of common sense judges

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Losing judges in the process of moving the existing justice courts to division courts

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It will be just like Circuit Courts. In 10-15 years, when someone else gets tired of this, a new proposal will come about. We just keep chasing our tails with new people who think they are smarter than the previous people.

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My biggest concern is that it is being done to address a perception that doesn't actual exist. De novo appeals are not that big of a problem. The vast majority of Justice Court Judges are respected and doing a good job.

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The current expected cost estimated to be 50 million dollars. This is a solution looking for a problem.

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I think it's a waste of money and we already had circuit court. I don't see why they are going back to a system we had before which I think people had to vote on to dissolve.

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Too much Justice courts, staffing and judges.

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Relayed in detail above.

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If funded, appropriate admin.

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It feels like an attempt to get rid of judges who don't have a law degree. The entire undertone of the proposal stinks of getting them out of the way, and I'm not even a judge whose job is potentially at risk. I felt like the proposal tried to focus on other reasons and threw out words like "transparency," and "public confidence," but the whole thing just made me think it was an indirect way to get everything that "matters" under the control of

the state instead of counties. I also know that when push comes to shove, the state does not care about what jobs are going to be removed and they merely hope that the jobs lost and new ones created matches up. They don't make a promise for jobs (thankfully), but we also know that they don't care. They're looking out for the better good, so they can't focus on those jobs too hard. Well, as someone that has options and isn't too worried about myself, I'm worried about coworkers that have put in enough time here but are still too young to retire.

none

The circuit court system should never have been abandoned.

this proposal is similar to one which established Circuit Courts which were then abolished and justice courts were used more frequently

It is a waste of money and time. Improve what we have in place.

Staffing and location

That I won't have a job because I am in a rural court.

EVERYTHING!! The state needs to stay out of justice courts and allow us to do our jobs because justice courts do an amazing job!

Case loads and making residents leave their communities to handle misdemeanor cases.

everything about this is concerning.

This would directly affect me and my job. I am a one-person court and the current proposal would effectively eliminate my career. This would also negatively impact the city, which serves to offer a conveniently located court to have their cases/concerns heard without having to travel farther distances. This proposal does not take into consideration the affect it will have on convenience and service ability for the residents of cities/towns.

Concerns include the great potential that there is for shutting down justice courts and the job security of existing justice court judges and court staff.

Significant cost to solve isolated problem, I feel many of the Justice Courts are doing an excellent job.

It takes away the input from the local community needs and places the indigent defendant in a whirlpool at the county level.

Many. It seems to be a huge overhaul, with a high fiscal note, and without support of court professionals as a whole, not to mention municipalities.

The prosecution of misdemeanors has become an increasing concern. In recent years various counties have opted to focus on "more serious" offenses. Many justice courts are currently prosecuting matters that contain felony offenses that were declined and municipalities are left prosecuting only the lesser offenses. Will those offenses even be prosecuted if they are not prosecuted by City prosecutors?

System is already slow and tedious. Will it just get worse?

The individuals who already "play" the court will continue to do so, and the individuals who actually need help don't get it.

I don't think the Justice court should be removed from Cities.

I do not like it. It adds one more judicial level which makes the system even more frustrating for the public. I also think it takes too much control away from local government. Rural counties are tired of ideologues from urban areas controlling policies and judicial values. This plan just perpetuates that problem and further creates a rift between rural and urban areas.

How it will affect our current positions, salaries and whether we will have a job at all.

Confusion, a mess to begin with, losing staff, location, if I will have a job, will I like the people I am working with,



I am concerned for the hardworking staff members and judges. I am concerned for Defendants that are already confused by a complex system that would become even more complicated if this passes. Justice Courts are the introduction to the judicial process for most offenders. Staff members at the Justice Court level are patiently and empathetic to a large degree and handle the individual offenders needs in a kind and professional manner most of the time.

There are other ways to deal with a denovo appeal, which was the original stated purpose of creating the committee to study the reform. The proposal has grown into a function from improving justice courts to banning justice courts. Throwing the baby out with the bathwater is never a good idea. Justice courts have grown and been included so much in recent years, to abandon these improvements is not needed. The local public will feel like they have less access to justice given the local feel and approach the justice courts have established. Creating a 3rd adult trial court system in Utah and to have the obligation to administer another court is wasteful, confusing and bureaucratic. Justice courts, in many areas, can be looked to by other courts in how to better deliver justice. Our clerk certification system exceeds that of "state" court as one example. There are many others.

Many

Whether attorney Justice Court Judges will be retained as Division Judge's

Cost, inefficiency, and unknown unintended consequences

It will take access to justice away from local communities.

Every concern. A lot of changes with only a few instigations. The logistics. The COST. And the PRACTICALITY of it.

I don't understand how it makes anything better for the public, or the courts. I didn't realize there was any sort of issue with the Justice Court system.

None

I am mostly concerned about my job. I'm near retirement age and it would not be good for me personally or for my retirement to have to make a change now.

It is far too expensive for cities to participate in. It would dramatically increase costs to tax payers (more courthouses, fulltime prosecutors, and judges) with only marginal benefits.

I believe the justice courts have been in a unique position to actively work on the access to justice issues in the community. I think the justice courts have often done a better job at providing access to justice than I have seen in the district courts. I think it is a disservice to the community to get rid of justice courts. I think moving everything to division court will only increase the time to disposition and the access to the courts that the communities currently enjoy.

Top down. Let communities retain control. Expensive to provide and pay for these judges, including benefit packages.

Cost. Workload on judges and staff. We are already incredibly lean.

As a city prosecutor my concern is will I have a job if and when the division court is created. Will I lose my job and have to apply with a county attorney office to handle the same case load. The uncertainty is not a welcome addition to my plate, especially when city councils view justice courts as only revenue generators. Even though the court I practice doesn't even break even on funds collected, the city will see no reason to have a prosecutor if the city does not obtain any benefit financially.

I am very concerned about adding to district court dockets without adding new district court judge positions.

I have real concerns about moving Class A misdemeanors to the Division Courts. First, I think this will result in significant sentencing disparities between those defendants with a top charge of a Class A and those with felony cases. Second, I think it will make an already confusing process more confusing for Defendants when they have cases with both District Court and Division Court judges. Many, if not most, Defendants have felony and misdemeanor cases.

As a court clerk, I'm concerned what my role is in all of this and if I'll have a choice if I move to division court that handles misdemeanors and small claims or stay with court that only handles infractions. I'd also like to know if there will be opportunity for job growth and advancement.

I am concerned that creating a new class of courts will create an immediate burden on cities to hire more prosecutors to handle the caseload in three levels of courts. The fines already do not come close to reimbursing the cities for the cost of prosecution.

That it will shut down a lot of courts. All the none JD judges will be booted out the door. The justice court staff will be left without jobs.

The potential negative fiscal impact on municipalities that are required to run an infraction court, while at the same time the legislature appears to be seeking to remove these cases through diversion options.

Logistics

Creates another layer of confusion.

ALL OF IT!

Cost

By allowing for de novo appeals, we have very limited case law and direction from the bench regarding legal and procedural issues that arise at the misdemeanor level.

The state system is currently a mess. The court clerk shortage at the state level is critical. Adding more of burden to that, while taking away jobs from local clerks is not the answer.

I am concerned about where infractions will be heard in the county that does not have a County Justice Court

The cost of a move cannot be borne by a political subdivision.

Most of my concerns are about the clerks jobs: I would like the clerks to be able to remain employed by their current cities. I would hope the the clerks salaries/benefits could be included in the agreements if the city/county has a division court.

That it does not really change anything. It just creates another level of bureaucracy.

see above

The entire division court proposal reads like a 180 degree reverse image of the proposal 15+ years ago to create justice courts in the first place. This is a solution without a problem, especially if you simply require justice court judges to be trained lawyers..

These reforms should be made without putting more financial burden on the taxpayers.

It may put strains on some cities' resources, particularly the appellate issues and the need for more prosecutors/public defenders to cover more courtrooms.

Circuit Courts have shown to be less effective, let's learn from experience.

I don't necessarily agree that the problems that this proposal is trying to address exist (or at least if they do exist, their importance doesn't rise to the level of much more important issues).

None.

splitting a case between courts for the same incident.

The elimination of Justice courts.

Judges and staff will be displaced.

I think money will be the death of this proposal

The transition could be a little problematic. I like the proposal of a roll out in a district or two first. There wouldn't be any going back, but it would allow the pain and confusion from a potentially steep learning curve to be limited.

Creating a new court level is not the best idea, when considering cost, service, infrastructure for the citizens

I don't have a clear picture of what the nomination process for division judges would be. It should probably be much more like the current district court nomination procedure than justice court nomination procedure.

Losing the justice court staff. Overwhelming the clerks at the district level.

It's been tried before and the judicial council thought it expedient to consolidate the courts.

It could work. Or it could be a clusterhug, depending on how it's implemented.

The statewide costs

time frame

How will Division Court judges be selected? Will the selection process be like the District Court Judges, people who know someone in important places and mostly people for the larger cities. People are most comfortable with the Justice Court Judges because they are locals. People are more comfortable with people who reside and/or were raised in their own jurisdiction. District Court judges come to our town a few days a month, they rotate every year or two, they have no connection to the community and appear unconcerned or caring about the locals. Keep the appointment of justice court judges as it is. I don't understand why changing the name of Justice Court to Division Courts change things that much? Division courts will be just as effective as the justice courts but not any more effective.

Many justice courts will disappear. If not totally cut to the bone. Cost for new court houses will be huge! Many places will not lease existing courtrooms to the state

As a small court, I'm assuming that our court will dissolve. However, we do not have any public transportation and the nearest court is 20-25 minutes away. Most defendant that we see do not have driver's licenses. Many of them will have difficulties getting to another court in another city. Most court cases have several hearings which means they will need to find transportation that isn't available continuously.

That it won't be done.

That it will not survive the political onslaught of Cities and Counties; which will inevitably corrode it.

The cost of it, the space for it.

None

seems like it doesn't advance speedy justice

I think the public is better served as local as possible.

I'm concerned that it may not incentivize the legislature to reduce enough misdemeanors to infractions. In my mind that is a critical component, but many politicians will think it is too soft on crime.

Potentially good, but we'll see.

Confusion for court patrons regarding the different courts, especially in already combined jurisdictions/rural sites

I attended a focus group and I have concerns that there were many procedural questions that there were no answers for. I think the general idea is good but clearly there needs to be more in-depth discussions about what the actual logistics would look like.

That it will cause unnecessary strain on the courts and the process

If JC's became court of record, would this require personnel to have stenographers?

That they will shut down the justice courts and we will all lose our jobs.

Judges are not going to want to work part-time when there is an opportunity to go full time with benefits. I don't see it working unless cities bind together to create a package deal equivalent.

Influences from outside the state with their own agenda.

It seems that the questions in this survey are framed in a manner that suggests that all of this is a good idea.

Every word in the proposal is a concern and it is a concern to me that we are fixing a "problem" where there is not a problem. What a waste of resources and a waste of a lot of taxpayer money.

Yes

It seems to have great momentum, but I am concerned that cities don't know about it or don't understand the consequences.

That people are going to lose their jobs, all because of the appeal status. That is what this is all about. People can appeal the decision of a District Court, why not a Justice Court, make Justice Court's a court of record.

Not realizing how many clerks currently work in the justice court and where will all of these clerks work if moved?

The creation of division courts of record CANNOT go forward without a simultaneous increase of the number of Court of Appeals judges by at least two, and preferably four.

Cities and Counties losing revenue to run the justice courts. Justice court staff losing their jobs after years of training and work.

none

If I could vote if would be against the reform

That it reduces local access to the courts by shifting court locations. Eliminating jobs. Taking revenue away from local communities and transferring it back to the state as a monopoly.

It would appear the goal is to do away with clerks in general

Fix the issues in justice courts don't just make a new court division which will just cause other issues and not deal with the current issues.

I don't understand why these changes are necessary and why it was a complete 180 from the original proposal to move all misdemeanors to justice courts. I feel like the lack of transparency is between the AOC, Judicial Council and Justice Court Staff, not between courts and the public.

Loss of local input in their community court. Judges that lose their connection with the community members that they serve.

(1) the overall cost of the proposal and (2) the constitutionality of the transfer of justice court judges to the new division court.

On the justice court reform proposal, It is not very creative. It is pretty much going back to the way it was with the old circuit courts. Just a circuitous, same as it ever was, change process.

Impact on access to justice as a result of individuals having to travel greater distances and also greater delay in the processing of cases.

Most employees would rather be County employees than State employees. The benefits offered by Counties can't seem to be matched at the State level.

I think we already had this with circuit courts. It didn't work then.

That it is being motivated by politics, particularly by Sen. Cullimore, who wants to create a separate debt collection and eviction court to benefit his law firm. That it is moving too fast without enough study and input from the stakeholders. That precious resources are being diverted to this project that could be used for the self-

help center, etc. That they want to start in 3rd district, which is the largest and most complicated district. Try it out in a small district to see how it works and resolve any kinks.

Those who are happy where they are working now feel unsure, and are looking to new jobs. There is others ways to make uniform decisions in the Justice and Districts courts, but it all is dependent upon the Judges and their sentencing. The Judges aren't to worried about losing their jobs, however all clerks are.

I feel we are going back to a court system from the 70's that failed.

Funds and losing valuable employees with this change

Seems we are just going full circle. Circuit Court used to exist and was done away with. What was the reasoning that they were closed? Are we just going back to how things were done then? Seems extremely costly for whatever benefit is seen.

I look forward to seeing if this proposal passes. I feel this proposal will help all the courts and the case loads and also help the cities residents feel like justice is being served and will help the justice system. I fully support this proposal

Keeping my job

The exorbitant cost of \$50-55M. Also, the Legislature will not approve a total fiscal note to cover the entire JCR to be rolled out to other districts over the ensuing years. They'll approve the funding to kick JCR off in a particular district. Once JCR is rolled out in a particular district, subsequent fiscal notes/funding will need to be approved by the Legislature. And such continuing funding is far from an assured guarantee.

job security, impact on local counties and cities (employees, revenue, etc.)

I am concerned that there is insufficient political will and/ or funds to implement.

I don't agree that there is a problem with the current system that needs to be remedied with a complete overhaul. I think the current system functions well.

Our Mayor didn't know about this until a couple weeks ago. The municipalities are also a shareholder. I sure hope they are a part of this survey.

Circuit clurts failed before, just changing the wig ona pig wont change the outcome this time.

It has not been demonstrated that the proposal actually fills a need.

The burden it will place on the Court of Appeals

The cost of the reform.

## Q29 - What concerns do you have about limiting justice court jurisdiction to infractions?

None.

The courts could not afford to function only on infraction revenues.

I just do not think most cities will continue justice court for the small case load?

seems like a waste of time. the justice courts will be jacking up fines where they can to make up for lost revenue. Just make an "infraction" court in the same way the misdemeanor courts will exist.

That would take a lot of our work load away and by doing so would make it necessary to reassess if we can afford to even have a justice court.

They will become largely meaningless and won't be worth it for most communities to still have.

Job loss!!

There is no need for the limitation. The rules are set by the State and we follow them.

None, besides why don't we just have all misdemeanors and infractions go to division court - why continue to separate them?

Cities choosing to shut down justice courts which creates an additional burden to the public as they may have to travel further to access courts.

Most justice courts that serve a valuable role in rural communities will shut down.

Financial sustainability

This will narrow the scope and I worry that they will completely fall to the wayside and not be handled in the manner that they should.

Increase in cost.

Who and what is even left in these shells of justice courts.

In large rural counties, the court able to adjudicate Bs and Cs may be much further away, compromising access to justice.

Elimination of courts that are working well, including mine.

Some courts may choose to close. However, whenever there is change for the better some old ways of doing things must change.

Seems to me this essentially kills justice courts and if it doesn't creates prosecutor and police staffing and scheduling problems.

AT A MINIMUM SMALL CLAIMS SHOULD BE LEFT IN JUSTICE COURTS. The removal of the trial de novo system and the increased jurisdictional limits on small claims will require litigants to obtain counsel at the outset. Non-professional litigants will not stand a chance. Similarly, non-indigent criminal defendants who did not hire private counsel will suffer with on-the-record appeals. Consider the drastic limitations of being able to file an appeal when a plea was taken. Further, the cost of indigent defense will increase substantially because all cases will have to be handled so that they could be properly appealed on-the-record in the event the defendant changes their mind or decides to appeal. The pace that criminal misdemeanor cases are handled will slow dramatically.

None I am sure the city's and Counties would be ok other than my court provides better benefits and salary.

Most judges that are there can handle a lot more than just infractions. It is a waste of talent.

The confusion it causes them when they have other violations

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It is making resolution harder because its just one more court the defendant has to call to find out who has it and how to resolve it.

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Cities won't think it is worth it to operate a local court. Cities will try to combine positions (courts & other city positions) to cover the duties, which will lose the separation of judicial from executive.

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Uninterested staff

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I believe most municipalities will eliminate their justice courts.

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Will that even be enough work to justify keeping them open? And if the city chooses to close that justice court, where do those cases go?

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Will a County or City keep a Justice court if the case load decreases? If not, where will those cases go?

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None, except still local entity control issues

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See above

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What is the use? It would just mean more centralized locations for court, more remote work and less courts at that point. And maybe that is what is needed? But seems like it would be less consistent and less accessible to all.

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Problems with "Division" court and more work piling on.

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If the reforms pass, there is no issue.

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This proposal would make Justice Courts Traffic Courts. Most city ordinance have be made B and C misdemeanors.

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I haven't really thought about that but I would imagine the court would lose a lot of cases so there'd be more down time so they'd probably get rid of the part-time clerks.

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See comments above.

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It would create a courtroom with an absence of defense attorneys, and defense attorneys are one of the most important watchdogs over judges that our system has devised.

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I think it will severely curtail the amount of care and help that people got for their misdemeanor cases originally. The district court is REGULARLY less helpful and willing to assist people. I blame a lot of that on the impersonal attitude of working for the state instead of being a county employee.

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good idea w no concerns

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None

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wasteful to all involved

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I cannot see how the revenue generated by infractions only will justify the cost of a building, judge, and clerks.

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You will be limiting the justice courts to work at full strength!! Which is just stupid, we are all very dedicated and passionate about what we do and assisting defendants.

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The economy of scale is a real issue. you take the cases away from the justice courts but require them to maintain the same facilities and staff it becomes financially very difficult. Also, some may say well you don't need to keep the same level of staffing, but that mean firing people and disrupting lives and the should be considered too.

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once again, the state control as you are well aware many cities will give up their courts. once again we should have a community based court for the defendant and the representation of their first and perhaps only experience with a court.

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By limiting the justice court-the ability to offer a wider range of court services to the community is greatly diminished, thus resulting in more public frustration and negative impressions regarding courts.

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Concerns that many justice courts will shut down instead of becoming such limited jurisdiction courts.

eliminates the need for a Justice Court, our residents provide positive feedback in surveys about their experience at the Justice Court.

It would be a waste of time and money to have justice courts dealing with just infractions.

Confusion for the public and for LEA's.

Justice courts will likely be eliminated altogether and the division courts will have an increased demand.

I was here when you pushed everything down from D.C. and now you are wanting to take it back. Make up your mind. Why not use money to improve the system you have in place. It's not broken.

There are not enough resources to properly supervise (MB) offenses. Again, charges that are not "victimless" must be supervised more closely. Staffing issues, with larger case loads of felony offenders.

It will become meaningless. I believe in the Broken Windows Theory of crime and I think that it does not make breaking the law (even at a low level) salient enough. This, in turn, will eventually lead to lack of respect for the law in general (which we're already seeing with some of the other criminal justice reforms that our state has tried and failed).

There would be not alot of work so would need less staff and less jobs

I think my main concern is that a lot of de novo appeals are on infractions. I've had 4 de novo appeals this year, and 2 were infraction cases. It's a waste of resources to have a de novo appeal on a speeding ticket.

I think the Justice court only handling infractions sends a message to the public and all others that it os a waste of time. It is insulting to those currently employed. And it feels like a step to eliminate them completely. Mainly it feels like an agenda by some to make a few changes in a long round about way.

Justice courts will be come near meaningless and will degrade their ability to peform effectively. Back to "JP" courts, "Kangaroo Courts" will be echoed again. Some Cities will simply get out of the judicial business, leaving he burden of infraction and City and County Ordinance work back to the state judiciary. This is not good, as it will loose a local feel and control. city Ordinance work will necessarily take a back seat to "more serious" priorities.

None

Same concerns

That cities and counties will not longer want to hear just these cases. They will also want to lower pay for existing Justice Court judge. That today we are good enough to handle misdemeanors, but tomorrow we are not.

It will end all justice courts. It won't be financial viable for a city/county to keep a justice court around...and all those cases will just end up at the District Court.

That will be a huge hit to the counties, especially financially, and the operating costs of justice courts would likely rise as well.

it seems like a waste of resources to have one court to handle only infractions

None

I don't think it would be worth it for justice courts to handle infractions only.

Most cities would shut these courts down because they would not be financially viable.

Loss of local control. Too much co trip at state level. Would Utah want the federal government taking over their areas of responsibility? Most cities have part time prosecutors and public defenders who provide cheap service

I agree the defendant have a de novo appeal to the division court, but what recourse does the government have if the justice court judge gets it wrong. The only two outcomes is guilty or not guilty, and if a justice court judge finds a defendant not guilty based on a non legal or factual reason, can the government de novo appeal. The same issues of no oversight over justice court judges through judicial review will continue with infractions.

I am concerned that adding to district court dockets will compound the problem of already full district court caseloads.



the limited jurisdiction wouldn't necessarily require a judge and have very limited charges to oversee

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No concerns except for the increased scheduling conflicts when covering three different courts.

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The loss of courts, judges and staff.

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If the justice court is not fiscally solvent to a city, it will not be a valued program and ultimately tarnish the reputation of the judiciary.

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Prosecutor assignments

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Will the local governments be able to find qualified employees?

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Collapse of justice courts.

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No concerns. This is a wonderful idea.

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It's likely not worthwhile to keep them open only for infractions.

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It is a waste of the court's time and staff. We can do more and we are qualified to do. I think this proposal is very insulting to the Justice Courts.

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none

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Rural justice courts will be eliminated. Not necessarily a bad thing.

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Access. As mentioned, Justice Courts have dramatically higher case volumes than District Court per Judge. Many of these cases are Misdemeanors. Limiting Justice Court jurisdiction to infractions would flood District Courts with a level of cases they are not equipped to handle any better than Justice Courts are equipped.

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I don't believe cities will find it feasible to maintain the court to hear only infractions unless fees and penalties increase.

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Loss of local control.

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I am concerned that the revenue generated from traffic infractions may need to be shifted to offset the costs of division courts.

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Modify the code to allow infractions to be heard by a law trained hearing officer who is not a judge.

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Added confusion to the public. Also there would not be enough work for the clerks that are currently staffed so part-time and newer clerks will most likely be let go.

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No concerns if they are taken out of the criminal justice system and a prosecutor is not required to show up with a sledge hammer.

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it eliminates the workload of justice courts and over time, will result in elimination of justice courts completely

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They won't be self-supporting. Not enough revenue is generated to keep the lights on. Not enough direct community involvement with the justice system. Not enough reason for city councils to continue funding to keep them in operation. If the division courts are created, we won't have both justice courts and division courts. The justice courts will simply go away and then we'll be back here taking surveys to decide how to process traffic infractions, whether at the division court level or by traffic referees or not at all..

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Inconsistent results when people fight their traffic tickets.

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Many cities would likely determine that there wouldn't be enough reason for justice courts to exist and would close them, eliminating lots of jobs and increasing the strain on division courts.

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If "unwashed Justice Court Judges aren't qualified to dispense justice. Then they're not qualified.

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Seems to me this is a costly and extensive 'fix' to problems that don't particularly warrant the efforts and cost.

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None.

the courts will not be able to function financially.

That Justice courts will become meaningless and fold.

N/A

The infraction judges essentially become bail commissioners

I don't like the idea of making infractions more like an mediation process (I'm not sure what to call the recommendation that the judge meets with the officer and the defendant in an informal hearing). I get that there is no risk of jail for the underlying charge, but there should still be some procedural safeguards. It is a big departure from the appearance of a judge as being neutral. I'd like to see more from Hawaii's program before commenting too much. It seems that there could be some significant differences in the administration of justice if a judge is given so much power, especially where one side (the pro se defendant) is the least informed party at the hearing.

Just make them civil charges and forget about them. No one with any intellectual interest by will be wanting to be a hearing officer for infractions.

None at all. This is a great idea.

There will not be enough work to justify keeping the courts open.

None.

Raising revenue is not compatible with providing justice.

That would be a joke and a slap in the face to all Justice Court Judges. it suggests that justice court judges have not been able to handle difficult situations. If it is decided to take this route, please find another title for the judges.

Many people will lose their jobs due to lack of revenue to fund a court.

None.

none

None.

I don't know that it would be worth their while financially.

None

By and large, it seems like a waste of time and resources to have an entire court dedicated to infractions.

I don't think the misdemeanor cases will be handled as seriously if moved from local control.

None, I think it's a great idea.

None.

I think the same problems that happen with current justice courts will continue. People will not be advised of their rights and will be convinced to admit guilt and pay fines on infractions they otherwise would have opposed.

It is not a good idea

0

Considerable if more misdemeanors became infractions.

That there will not be a need for the current staff and people will lose their jobs of many, many years.

The quantity of cases will decrease significantly and the higher fine amounts generally accompany the misdemeanor charges. It may no longer be viable to have a court in each city.

You won't have any Justice courts left because jurisdictions won't need or want them for the small number of cases.

I don't have a concern about that just creating more courts is a ridiculous idea. They can't for the life of them figure out what court to go to, so let's add more. Who thinks that way?

Getting a competent judge who will be happy with this limited calendar. What will the pay be for judges at this level? If the same as before, how will cities be able to pay that for smaller work load?

All Justice Courts hear is that the District Court Judges hate class A, B & C misdemeanors, there are a lot of things people hate about their jobs but still do them.

That is a lot of money to pay a justice court judges and clerks just to deal with traffic.

Cities will disband the courts in their cities and rely on a multi-city court like Davis County Justice Court - where patrons have to travel farther and have difficulties getting through to speak with a live person because larger caseload will be put on same number of clerks.

Same answer as the last question

that I may loose my job

The justice courts are all handled and trained to to do them and introducing new inexperienced clerks to the new division will promote more errors

Loss of revenue for that jurisdiction which will lead to loss of courts and loss of employment for a lot of undeserving employees.

I don't agree, however I am not fully educated on the subject

Why keep justice court at all if all they will handle is infractions.

Revenue and staff needs - cutting the case load could affect how many staff members are necessary and then what do cities do with those employees when they don't have the case load or revenue to cover them any more.

Don't care

Expense of maintaining a justice court

Is it even economically viable to have a justice court if all they have are infractions?

I think this is what is needed to have better uniformity statewide. The cities have been running their justice courts thus far and have done a fabulous job. If this proposal is going to change that to only infractions, that may be best.

Impact of caseload reduction and possible closure of court.

The District Court already seems to have a large case load so adding additional cases will over power the court calendars

The cities will shut the justice courts down, a lot of job loss.

Cities that currently have a justice court might not see the value anymore and terminate the justice court in their city and move the cases to the county. So those clerks are out of a job. Plain and simple. It is a big concern.

out of city limits for defendants

Not sure Justice Courts would remain open to just handle infractions. j

Keeping my job

It will confuse people. They are already confused about what courts they are calling so it will only make it more confusing.

Not sure if you are talking about sending all misdemeanors to District court. What is a Division court?

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If that is the case, why even havw justice courts?

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That my city will no longer see the need to have to a justice court, therefore leaving me without a job.

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What would be the point of a justice court? Infractions could be handled by a referee.

---

Why... just why have a court just for infractions. That's a waste of money.

---

I'm not sure how many municipalities will want to keep a justice court with only infractions. There needs to be a clear plan in place to address how these cases will be handled if this occurs.

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Job security for Justice Court staffs.

### Q30 - What concerns do you have about creating division courts to handle misdemeanor and small claims cases?

I worry about the fiscal impact as a tax payer, but I think it's a better system.

More layers of courts, government, etc. Less accessible/convenient court to resolve misdemeanors and small claims.

I do not see the huge significance? t

The personalization to help community members who live in our jurisdiction would be disbanded.

The public already doesn't understand the court system. This would create one more layer of confusion.

Job loss!!

My concern is that there is no need to eliminate an entire system because of a few bad actors. Fix the problem areas. The problem areas will exist in JC as well as the proposed Division Court or as I stated previously, the Circuit Court. It will be much the same if one looks at the basic structure.

Same as stated above. If managed by the same team - having another location and different duties is hard on a county/district. This makes coverage so much harder.

Justice courts are fully capable of handling misdemeanor and small claims cases. Creating unnecessary division courts to handle these cases when they are already be handled appropriately at a local level creates an additional burden to the public, and is also insulting to the justice courts.

See above

Having the staff/coverage needed to handle all court levels.

The cases will still viewed as separate. The small claims cases need to go to an entirely different area. They should just be handled in a civil manner. The small claims cases need judges with civil experience not with criminal. These types of cases should not be handled together.

Eviction cases are not the same as small claims cases and should not be lumped in with debt collection case types. Procedures and rights are different in eviction cases. Not sure it makes sense for class A misdemeanors to go to new division court—they require prelims and B/C do not, seems inefficient to have As not be with felonies, as process and rights are more similar.

Cost and confusion with the public.

It appears to be a rather expensive solution that shifts decision making and responsibility further from the people it most affects. It puts at risk the employment of people who have dedicated careers to their current employment. It appears to be more of a power grab for county level prosecution and indigent defense providers, and other special interest, than a concrete plan at improving either of those or small claims cases. On a balance the downsides, unknowns and cost seem to substantial out way even the claimed benefits (and it is questionable that those would actually even come to fruition.) The juice doesn't justify the squeeze in terms of cost and the massive logistic issues.

In large rural counties, the court able to adjudicate Bs and Cs may be much further away, compromising access to justice.

This seems like a pendulum swing back to a Circuit Court system. What I would like to know is why was the Circuit Court eliminated the last time.

I have no serious concerns about creating this new level of court (other than a general financial concern about the cost of it) but I would want any Justice court reform to address and eliminate the current exceptions—e.g. the few municipalities that now insist on being served by district court judges rather than Justice court judges, such arms Layton, Bountiful, American Fork).

It is important for divisional courts to take on Class A's and Divisional Judges could really help out the District Court Judge's case load by taking on Preliminary Hearings.

Unnecessary. A solution in search of a problem. We already have a court that handles them and handles them well.

AT A MINIMUM SMALL CLAIMS SHOULD BE LEFT IN JUSTICE COURTS. The removal of the trial de novo system and the increased jurisdictional limits on small claims will require litigants to obtain counsel at the outset. Non-professional litigants will not stand a chance. Similarly, non-indigent criminal defendants who did not hire private counsel will suffer with on-the-record appeals. Consider the drastic limitations of being able to file an appeal when a plea was taken. Further, the cost of indigent defense will increase substantially because all cases will have to be handled so that they could be properly appealed on-the-record in the event the defendant changes their mind or decides to appeal. The pace that criminal misdemeanor cases are handled will slow dramatically.

I think small claims needs more interaction and clerks that deal with infractions are better trained to handle the procedural justice issues with pro se litigants

It would be a whole lot simpler to create a new judgeship "Magistrate Judge" of the District Court, subject to nomination and gubernatorial appointment and let them have authority over all the matters we are planning for the "Division Court." Then we don't have to create a whole new layer of court administration. Just bump crimes up to District and let the magistrate judges handle them plus first appearances, prelims and warrants. Some districts would create very distinct worlds and some would just add another judge who might hold court in the very outlying areas now served by the justice courts.

Already have judges that can handle it.

The confusion it causes them when they have other violations, and who staffs/trains those courts

I don't think division court needs to be created. More is not always best.

Another layer of court. Citizens will be even more confused.

Same as above; staffing, training, location, etc.

Public confusion

See above

Problems with "Division" court and more work piling on.

None.

There are very few appeals from the Justice Courts. I have spoken to many District Court Judges that don't see this as a real problem to be fixed. Some of the Court use Pro-Tem attorney Judges for Small Claims cases now and that hasn't changed the amount of appeals.

The amount of money that this is going to cost has exponentially grown to be way beyond what was first said. My concern is that you're going to have the same problems that you have now.

None

Relayed in detail above.

Same concern as above, but also how the inter-local agreements would work between a division court and our local entities.

none

Again, it is closer to the circuit system we had before, which was so much better than what we have today.

wasteful and expensive

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There is no need to hire additional personnel (clerks, judge, etc) to handle what is already being handled in Justice Courts. The cost is too great.

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You are trying to implement circuit courts again, they didn't work and that is why we do not have them in the state anymore. All this looks like to me is the state is money hungry and it has nothing to do with what is best for the communities which justice courts serve.

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You are creating a whole new level of bureaucracy and moving decisions that impact daily lives of citizens farther up the chain by creating new division courts. The more local the government the better and justice court judges can do this better and on a more personal level than a new division judge would

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division court is a a farce. state control. concerns. once state takes over, quality seems to disappear.

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They are unnecessary! The justice court is already set up to do both and it would be a huge waste of tax payer dollars. The addition of yet ANOTHER court just creates more headache, frustration and inconvenience to defendants and the public. This is not a well-thought out idea!

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The concern already expressed, that many justice courts will shut down, leaving judges and court employees scrambling to find other jobs.

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Cost and lack of the local presence.

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Please see my responses above.

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It seems to be going back to circuit court days. Why would we want to go back to something that didn't work. I didn't work then, but I have heard. It doesn't seem to make sense.

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Looking only at the creation of the court itself, it seems to be an excellent idea. The prosecution and defense within those courts is concerning.

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Why not work with what you already have in place. You have good people. Train them to do what you want. You don't need to reinvent the wheel.

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The impact on the Utah State Courts. With increase in judges and support staff there would be a need for more court management and additional administrative office staff. The added cost of personnel would likely create of significant fiscal note, which might make this transition less appealing to Utah State legislators.

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Too cumbersome; Creates unnecessary problems (which I've already addressed); and I'm not convinced it will be as effective as the committee believes at solving the identified problems

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Job availability

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Causing confusion

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The main concern I have is who will be responsible for prosecuting and defending what types of cases. Right now each city handles the justice court cases in their city.

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Confusion! Again, the judicial system is already hard to understand by those that do not work with in it or have repeat offenses and become familiar with it as an offender. It's another layer to the onion that is not necessary. Circuit courts were attempted once before. And true to cyclical nature, here we are again.

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See previously stated concerns.

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None

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Same concerns

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This is not needed and is too costly to tax payers. This has been done with the Circuit court and was not affective and the courts went to a two court system. Making access to justice much easier. I can not understand why we would move to program that has previously failed.

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None. Although I think there is a simpler way (stated above).

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I see it as confusing to the public that are already confused about which court they need to go to. It essentially takes a large chunk of Justice Court's caseload then leaves a whole extra court to be supported with a very specific caseload that isn't that large and may not even be justified.

it seems like we already have that with the Justice Court

None

More confusion for the public to know which court there case is being processed in.

It is far too expensive for cities to participate in. It would dramatically increase costs to tax payers (more courthouses, fulltime prosecutors, and judges) with only marginal benefits.

I am not sure that creating the new court is the answer. I think the well run justice courts with judges who have law degrees overall do an excellent job in servicing their communities. I think judges should be required (even in rural areas) to have a law degree.

Expensive judges, prosecutors and defense counsel They will be full time with benefits. Currently it is handled for less.

Similar to circuit courts. What was the reason for disbanding those courts and will we run into the same issues.

If the city prosecutors handle all misdemeanors in the division court this will place a increased burden on an already understaffed and overworked prosecutor's office. We barely even have enough prosecutors to handle our current case load and swapping infractions for class As isn't an equal swap due to the addition of preliminary hearings. This burden is even increased by having to handle the appeals in the appeals court, assuming these appeals will not be handled by the attorney generals office. The city I work for is not willing to provide us any more prosecutors now, and it is doubtful they will want to if and when these changes take effect.

The state needs to provide the resources to ensure that they are successful.

See above re concerns about misdemeanors.

the public confusion and officer misdirect with additional traffic chages

No concerns except for the increased scheduling conflicts when covering three different courts.

That it is going to be just like the Circuit Court was several years ago. Some one's dream that was not practical and a big mistake.

I am concerned that the fiscal impact on the state will likely be significantly greater than anticipated.

Prosecutor assignments & workload

More confusion, more intimidating for the public, less access to courts.

Only that the suggestion of putting Class B and C misdemeanor defendants in the District court programs gives them more access to higher level offenders. Studies have shown that to be harmful.

we need to reevaluate the criminalization of the conduct in the first place.

Cost

I worry that judges, prosecutors, and defense dealing with serious felony offenses would not pay the same attention to misdemeanors, despite the fact they often impact victims and communities in much the same way.

It will add another level of bureaucracy and more confusing procedural rules.

A waste of resources and added confusion. Some of our best justice occurs in the justice courts. Giving the state more authority is not the answer.

I am not concerned about creating division courts and I think that the proposed changes would improve our court system.

None.

I feel like this is to make all cases the same, but I don't think that will change by changing the location. The judges make the decision on the cases and you will never have all judges do things exactly the same. There is a DUI



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matrix with the min. mandatory items on it yet even 2 DUI's in the same court with the same judge are sentenced differently.

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Creates another level of bureaucracy.

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Justice court matters do not warrant district court processes

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too many judges in too many courtrooms hearing too many cases. If cities (where we typically have 2, maybe 3 prosecutors) suddenly have to appear in front of eight different judges to hear all our cases, many cities will simply get out of prosecution altogether and put that back on the counties.

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If the division court is housed in the existing district court building, people will need to travel greater distances for relatively minor crimes. Having a more centralized location for all the misdemeanors is good, but it will be a greater burden for people in the far corners of the county to have to travel up to 50 miles to handle something like an intoxication ticket.

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Staffing is an issue. And appeals directly to appellate courts on low-level misdemeanors seem problematic and not proportional to the seriousness of the case.

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Why, we are doing a good job now. Pretty expensive experiment for my tax money.

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too complicated and costly

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None.

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splitting cases for the same incident

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The cases will not be given the attention needed. Police officers will be inconvenienced with more travel time and will be disinclined to write misdemeanor citations)and overtime for police officers will increase.

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N/A

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Creating two systems to replace one that works except for the trial de novo appeals process that is abused by defendants and condoned by the district court judges.

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None. I think it is a very good idea, as discussed in the recommendations. If I were to become a Division judge, I would want some additional training to deal with landlord/tenant issues that I have considered since law school. I feel comfortable researching on my own, but I formal instruction for all would be good.

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Government closer to the people is usually the best.

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None. It's an excellent idea.

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It is just another court that repeat offenders will have to go to. Why add another level of court?

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See prior comments. Will the benefit to the average Utahan outweigh the costs?

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I don't understand why it is necessary. Sure some improvements can be made, but the changes can be implemented by the current situation.

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What would happen if they are charged with a misdemeanor and an infraction? Most of our citations are both. Ex. No proof of insurance and speeding. This would drastically reduce the number of citations for an infraction only court.

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none

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None.

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Cost, space, staffing.

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None

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I don't think the misdemeanor cases will be handled as seriously if moved from local control.

My only concern is that in many instances, de novo appeal is more efficient than a direct appeal to the court of appeals. The appellate courts already treat low level appeals in a perfunctory way, this may exacerbate the problem.

As long as they're law trained, as proposed, with sentencing regulations, it could be good.

It's an additional court of record, similar to circuit court, which inherently creates confusion for records retention and records requests

Mostly logistics. I think it will be better for all if misdemeanors are handled in a court of record.

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Since most staff at justice courts are knowledgeable and already handle most of those cases, just call them division but keep them at their current locations.

It reminds me too much of circuit courts that turned out to be ineffective, and that is why justice courts were created.

It seems like a duplicate to the previous circuit court which didn't work. Justice and district courts could be reworked without creating a whole new layer of bureaucracy

It is just a return to circuit courts which didn't work out before.

I cannot fathom all of the potential problems and difficulties that may arise. This is an area that is of critical importance and it needs to be done correctly and with proper consideration and study. It all feels horribly rushed frankly

People will not know where to go. Where are you going to have court. Where are you going to find money to build new courts? Have you looked at the economy right now?

Cost and are you really solving anything

I fear it will be more bureaucratic and not address the human conditions which are different in each case.

It's already been done in Utah in the 90's and that worked out so well that they dissolved those courts.

They are already being handled. If the state doesn't like what Judges are doing then increase the expectations for the Judges. If the state is concerned about continuity, then create best practices training that doesn't include a caveat of "refer to your court's procedure" in the process. Attorneys/Judges will always find a new way of reading the language - is there not a way to infer "not subject to interpretation" when training on legislative updates?

Buildings and office space. Cost of building courts when they are already there for the justice courts

that I may lose my job

answer covered in last question

It is completely unnecessary and unnecessarily confusing to the public to have one more tier to the legal system to navigate.

IF you take current Justice court judges and staff and do not address the issues in justice courts it does not fix any of the issues currently in justice courts.

The confusion of randomly adding these courts and how and where they will be operated. It makes me question the motives of the state on wanting to basically snatch and grab the revenue and staff of the city courts.

Again, it creates strong Standardization

Division courts would be directly under the state. The court culture is not as good as it is in the municipal courts. Staff do not want to work under state control because of the pay and the negative, unfeeling or callous culture within the state court system.

IT is basically a return to the Circuit Court System and does not guarantee better access to justice.

It would be confusing to defendants as to which court handles what cases

there are so many cases in Utah County alone. You will file all of those cases into 3 or 4 division courts, then as cities close the justice court the infractions will be moved to those 3 or 4 courts. The case load is going to be too much.

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Seems like a waste of money, when that money could be put towards enhancing what we already have. Better training, unified training, programs to help facilitate etc.

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I feel we are going back to a court system from the 70's that failed.

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lost is the maze of a big court

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The overall cost-- facility space alone to accommodate the number of division court judges needed.

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See previous

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I have concerns for our defendant's who will need to figure out a whole new court system.

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Apart from the astronomical cost, there exists no valid reason for a division court.

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Justice courts are already doing this. No need to create a new division.

### Q31 - Are there any specific recommendations that are particularly important to you?

It would be easier and less expensive to make justice courts, courts of record than to create an entire new court system.

Training, everyone doing the same things.

The goal of more unified indigent defense, making all of the matters be in courts of record, giving all defendants meaningful rights of appeal.

I just want to be able to keep my job, help the members of my community by having a court available.

I truly believe the Justice Courts should remain and there are other ways to resolve matters that can be achieved without dissolving the Justice Courts. I have made my recommendations above.

I feel that it is in the best interest of the state and defendants to make sure that courts are accountable and well trained.

Simplified processes and self-serve resources for the public in resolving infractions. Public trust and accountability.

Creating and maintaining public trust is important to the justice system. However, creating division courts to essentially do the same the thing that justice courts are doing seems redundant, unnecessary, and a poor use of public funds.

Improved dispute resolution resources for community members is important. I don't think division courts are the answer.

If we are going to all of this effort then lets fix the entire system. The fact that small claims are being moved to division courts seems illogical. If infractions are kept back then they should be kept back except that there are more appeals of the small claims then of the misdemeanors so having one trial is more logical in that area.

No.

I don't know how we will get enough judges constitutionally qualified in such a short time period. I fear we will lose district court judges or district court judges will end up absorbing the workload. District court judges don't want these cases, but they are cases deserving of adequate time and attention. I worry this will essentially function to decriminalize much behavior.

The informal handling of infractions has possibilities.

It is important to that all judges in the state either have a JD or be admitted to the bar. This is important for the public's perception.

Small Claims should remain in Justice Courts.

They are all good and necessary not sure we need to make a drastic change right now to address them. The work to improve the justice courts has already made a lot of progress under Jim Peters and the new staff that work at the AOC like Kim Zimmerman and others.

Cleaning up the de novo trial process makes some sense.

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Should not eliminate non lawyer judges and mandating bar membership. There's already utah judicial conduct commission to monitor conduct of judges

Makes sure the judges and staff can move easily to the new division courts

The proposal is important because it affects my employment. There are pros and cons to the current structure and pros and cons to the proposal but it is the impact it will have on my employees and me are the most important. I decided to become a Judge to serve the public and this proposal has the possibility of impacting their lives and mine.

I believe that there is no benefit to the public in this proposal, only higher costs.

I'm not that dialed in -- didn't realize this survey was so involved and long. My recommendation is to leave things as they are instead of going backwards.

None

Again, don't go through an aggressive overhaul of the justice courts, create an informal review board that can handle complaints and direct individual courts in a non-precedential way while keeping the de novo appeal for when it really matters.

no

It is crucial that the trial de novo for misdemeanors is eliminated. The impact it has had on victims is immeasurable. It demonstrates an absolute failure to recognize or understand the dynamics imposed upon victims, especially in domestic violence cases. We know that 85% of these victims are likely not to cooperate in the prosecution, and then when they do, you wanted them to appear and testify twice? And yet we've done it for nearly three decades and wonder why the problem is worse now. Generational? Learned behavior? Well done Utah.

You should be focusing on district courts and not justice courts. Justice courts are the backbone of the court system here in Utah. By taking away the backbone and dividing it into a smaller areas you are jeopardizing the structure of the court system that works for the gains of not the people or communities but for the state.

Don't Make these changes. Make adjustments to the AOC's supervision of judges that cause problems. It feels like we are throwing away a lot of good courts, to try and fix a few bad ones.

all recommendations are important. Once again, you have a current system that works. it works with state guidelines, dedication, proper sentencing, etc. proper training for the Judge and clerk of court and attorneys

The recommendations on this proposal are a waste of time and money. Give more support and training to the justice courts, provide better access for patrons of the courts with online help and get rid of this silly proposal!

This ship may have sailed, but the recommendation that seems best is to increase current justice court jurisdiction to handle all misdemeanors.

With the recent statutory changes to domestic violence and second offense dui, is the system really that broken?

Creating courts of record to eliminate the de novo appeal would eliminate the wasting of resources.

See previous answers.

Keep it the way it is and improve the Justice court

I think the recommendation about division judges required to be lawyers is important, especially if they're handling class a misdemeanors. Some non-lawyer judges are very good legal scholars but there are many who are not.

Again, I have expressed my opinion throughout.

None

Allow all currently sitting Justice Court Judges to move into the Division Court positions.

No

Not allowing non attorney judges to move to divisional court positions.

Let the judges and court staff keep their jobs.

It would be nice if non lawyer judges are retained, somehow, I am a non lawyer judge, but as this continues I think even if I were to be retained it would likely just be as aJC judge still and my jurisdiction would likely be closing the JC in the near future. So I loose my position and benefits and 17 years working for the county regardless. Additionally, I do think the recent suggestion to stagger the reform, leaving rural areas to the last or even letting

their county/jurisdiction adopt it when they see fit rather than forcing it may be beneficial. Perhaps some jurisdictions they don't have a need for the change?

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I'm sure I don't understand what you are trying to accomplish well enough to make recommendations.

---

misdemeanor courts should be courts of record and the de novo appeal should be done away with.

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I know it was ruled out, but make justice courts a court of record. In the five years I have prosecuted the majority of the reasons defendant's tell me they de novo appealed their case was because they did not like that the justice court judge put them on supervised probation, they just paid the ticket and then decided they wanted to get a deal, or they wanted to get out of jail by pleading guilty and then turn around and appeal it. The government has prevailed on ever suppression issue de novo appealed and I can only think of two cases where the de novo appeal actually corrected an error in the justice court. Most of the appeals are made simply to get a better deal or see if the government will just give up due to being short staffed.

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We need to provide for new district court judge positions to handle any additional caseloads assigned to district court judges.

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Getting rid of de novo appeals and making sure all misdemeanor cases are handled in courts of record.

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Allocation of fines should reflect the actual cost to each layer of government (state vs. county or city)

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I fully support the creation of Division Courts to remove cases from a justice court setting.

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No

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Division Judges being required to be members of the bar; On-the-record appeals

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take away the financial incentive currently in the JC especially as it comes to fines and traffic revenue.

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Finding a way to pay for the recommendations.

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I was a prosecutor in a justice court with the highest case volume in the State. Prosecutors and Defense Counsel absolutely drown in the work. It's incredibly difficult to feel such responsibility for your cases and grapple with the fact you'll never have the time or resources to invest in your cases the way you would like you. It leads to very high burnout rates.

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Reducing the opportunity for influence on court decisions based on local jurisdiction financial considerations.

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I think that the elimination of de novo appeals is something that has been needed for a long time. You can't simply look at the number of de novo appeals in the state to understand the problems that the potential for a de novo appeal creates for the rule of law and an independent and fair judicial system.

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EVERYTHING to do with clerks retaining their jobs, benefits and pay.

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For you to understand that all of my responses are biased by the fact that I have prosecuted in justice court and district court for almost 17 years. The biggest problem for the system is Judges who don't understand their role and prosecutors who are apathetic about theirs.

---

the elimination of part-time justice court judge positions is based on the fallacy that qualified law degree holding candidates will not apply - I, for one, am about to retire with 40+ years of legal experience and 2 years of judicial experience. I would love to serve as a part-time justice court judge to keep me partly occupied in retirement. I am sure there are dozens of similarly situated attorneys.

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#1: Require that all justice court judges be lawyers. #2: Require that all justice court judges be lawyers. #3: Require that all justice court judges be lawyers.

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Eliminating de novo appeals would be the most significant reform that I'd like to see happen.

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Eliminating the de novo appeal, if done properly, could be very helpful.

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Grant to communities what you want. No unfounded mandates particularly those that are experimental.

Judges in all court be attorneys.

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Law trained judges that understand the legal issues are crucial

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How will staffing decisions be made

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see prior comments about becoming full time

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No

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Limiting "de novo" appeals is such a good idea. We need the ability to have appellate review, but the current system is inefficient and is manipulated frequently. Even yesterday, I had a represented party enter a plea offer to an Impaired Driving case (a lesser charge than a DUI). The sentencing was almost exclusively in line with statutory minimums. Later that day, there was already a filing for a de novo appeal. The Defendant and his attorney had delayed and delayed and a trial was set, which was cancelled the day of trial. Now they get to start all over again, hoping to wear down a prosecutor or to get a favorable juror. As stated earlier, each prosecutor and each defense attorney knows the power of a trial de novo. (Many defendants and victims also understand the process). The trial de novo is the unspoken participant in each and every negotiation. (It is also often a spoken of participant. in the negotiation.) Even if there aren't a lot of "de novo" appeals. It is a huge part of the balancing of leverage in these cases. The treat of de novo appeals takes power from victims. The uncertainty and possible delays associated with 2 trials is not in the interest of justice. Our attorneys and judges are sufficiently competent that we do not need the overreaching backdrop of an appeal for any reason. Allow appeals only when there is a reason. Limit trial de novos to infraction cases.

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Improving the process efficiently and providing a greater degree of justice is very important to me. Not sure this is the way

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Where will staff go? How do I ensure my job is kept?

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See prior comments.

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law trained judges

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Addressing the de novo situation/procedure. All judges should have a law degree. More Public Defenders.

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no. essentially we are just going back to circuit courts which should have never been dissolved in the first place.

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Uniformity of due process.

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Standard pay scale for all division judges

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While we're testing stuff out, why not offer mediation to expedite resolutions.

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How will we house the division court in an already co-located court? How will this impact cross-trained staff and supervisors? How will wage discrepancies be managed?

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Equal funding of PD offices and better oversight for justice court judges. The lack of oversight has caused the continual violation of constitutional rights.

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The potential to have local and state employed combinations.

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Leave it alone. If you want to make us a court of record, go ahead, that would be a lot cheaper. I recommend we use our heads on this one.

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Yes I feel the age of Judges need to be lowered from 75 to 70, I feel they need to be better trained with what is going on in society at any given time. Justice Courts need to held more accountable in all aspects of the law, but you can only do that with more training and more accountability.

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no

no

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staffing and consistency

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Making justice courts better should be the goal!

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fair and impartial adjudication of court cases consistent across the state

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please be careful in how you put this information out to court staff.

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N/A

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Retention of existing judges. Access to specialty court resources. Amendment to the denovo process avoiding the automatic two bites at the apple.

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Take into consideration the employees as well in the decision

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The more you pile on these justice court judges the less personal it becomes. They have less time to spend with each defendant, to hear their story, they become a number on a docket.

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Achieving the outcomes outlined in the justice reform report is important to me-- esp. as it relates to eliminating de novo appeals and requiring that judges be law trained.

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The idea of transferring justice court judges to a district level court without following the constitutionally mandated judicial selection process.

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Ensuring that current justice court judges are able to transfer to the division court.



## Q32 - Are there any specific recommendations that are particularly problematic for you?

Reducing justice courts to handling infractions only would close most justice courts. This may be the desired consequence of those pushing for creating a whole new system.

Taking away the small claims and misdemeanors.

The only thing that concerns me at this point is losing my job. I have almost ten years of experience and training, but no college degree and that worries me more than any recommendations. I am capable, have an IMPECCABLE work ethic and integrity (I don't clock in when I'm not actually working, I get my work done, and I am very personable and KIND to the defendants) but I am terrified of this proposal comes to fruition I will lose my job and someone who is rude and lazy will be kept BECAUSE they have a degree. If I'm being honest, THAT is my main concern.

Minimize change just for the sake of change and train our people well. Please stop moving the target.

Personally, I am concerned about what the recommendation for division courts will do to justice court staff. Working at the justice court for over 16 years, and in the legal field for nearly 20, I have worked hard and earned many benefit that I will lose, not to mention the job insecurity that the recommendations create.

Creation of a division court appears to be extremely high cost low return proposition.

That no one knows how this will work if it is going to work, or why it is even happening. It seems like there are some lobbying groups in regards to the small claims that are directly this animal. I hate that there is going to be an entirely different court created that has a different pay schedule then the district court judges. All of these judges need to be kept together with pay and retirement.

No.

Feels like it is being rushed through without thought for staffing and other resource questions. I think it needs more time and a plan for incremental implementation if we're actually going forward with it.

Increasing the number of judges on the COA.

Like anything that gets centralized, so much of the caring for local concerns diminishes.

It would be a shame to have some of our best judges not be transitioned to divisional courts because they don't have a JD. I hope a workaround can be found.

Making any of the recommendations mandatory on a jurisdiction. If division courts are approved, each jurisdiction should have the ability to opt out and stay with its justice court as is.

Small Claims should remain in Justice Courts.

Low level misdemeanors in Drug Court cuts against our training. Contact Judge Fuchs on that. I understand the hope that defendants would embrace recovery. The incentives are all skewed at this point.

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It is already confusing for court patrons of where to file, or where to appear for court. This could create even more confusion, especially if they have court in more than one court within a county. Will there be an ability to transfer a case say from the 'division' court to the district court based on defendant having a felony case in addition to their misdemeanor? Doesn't seem economical to have them appearing before separate judges. I wasn't around when the original circuit courts were dissolved so I would be curious to see why they were, and if this is going back to what the circuit courts were doing. From a clerical perspective, that is very confusing as far as finding court records.

Going back to circuit court system. Just put more rules/stTutes in place to eliminate lical government influence and control. Ensure 3rd branch separation

If this is going to happen, it must be done very slowly and purposefully.

I don't have any problems with the proposals other than I think this is a very expensive way to solve a perceived problem that doesn't seem to have been addressed which is really how many cases are being appealed de novo. Again, this is a solution looking for a problem with a \$50 million price tag.

Closing courtrooms.

None

Relayed in detail above.

no

No.

For Justice Courts that are too busy or have large case loads, there needs to be a budget reform to the City's to allow for more Judges to split the case load (i.e. Orem, Provo, etc...)

My recommendation is to stop making problems were there are none. Its easy to point fingers were you think you can change things with the least resistance. All this proposal does for me is scream that the states wants more money for its self and does not care about the communities that justice courts serve.

it is all problematic .

The implementation of this proposal would eliminate my job altogether. This proposal does not take into consideration those courts and clerks who service small cities and the negative impact it will have on both. When there are so few appeals from justice court for a trial de novo, the recommendations for a state level division court seems to be unnecessary. The creation of division courts may be a solution looking for a problem.

Hate to lose our Justice Court, it would be a loss for our residents.

See above responses.

I think I have listed many concerns. Also, the assumption that municipalities will want to turn over their courtrooms and buildings to the state for lease is not a good assumption. How can we know the fiscal note is even nearly correct with these type of assumptions. It is irresponsible.

There is no recommendation at this time related to prosecution. That would be important to know.

See previous answers.

Losing my job as it is right now

Yes, court of record, movement of misdemeanors, and not moving towards law trained judges as vacancies in judicial positions are created. A timely for judges to get the necessary course requirements could be implanted and if not met, they would be vacated. As a suggestion....

Yes

The entire approach is problematic.

Same as above. Just in general the practicality of the reform as a whole.

I don't understand what you are trying to accomplish well enough to made recommendations.

The division court system will be extremely expensive compared to the marginal benefits that it would accomplish.

Less access to court system. More intimidating for public.

I am concerned about adding to already full district court dockets, unless additional district court judge positions are added.

Taking Class A misdemeanors from District Courts.

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I do not believe it is appropriate to automatically move all current justice court judges to division judges if the division court caseload does not require it. I cannot think of any other setting wherein a management decision would be to purposefully over employ individuals to perform the required work. This is especially confounding given the fact we are talking about taxpayer money. This recommendation does not reflect well on the judiciary, as it appears to be self-serving. Assuming an interpretation of the code is the basis for this request, then the law should be proposed to be changed as this proposal proceeds based on the illogical and fiscally irresponsible outcome. Not to mention, no current justice court judge was elected or appointed to fulfill this new division court judgeship. As such, I assume that this code will already be up for interpretation or clarification. Further, just as the combining of resources will result in the potential loss of employment for court, so too should the result match for judges.

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No

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see above

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Making another layer of the judicial system. Having the commercial claims for small claims and requiring attorneys or paralegals for commercial claims. Under Simplified Process for Infraction, having an informal hearing with the citing officer to appear. Do you know how hard it would be to coordinate the court's schedule, the citing officer's schedule, and the defendant's schedule?! It would also be using up a lot of the police resources.

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Just the cost.

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Access to resources for Defendants and Victims is undeniably restricted in Justice Courts. Defendants don't have access to therapeutic models of prosecution available in District Court (drug court, mental health court, veterans court). The vast majority are pro se - either due to the level of the offense or because they make too much to qualify for public defenders. In District Court, it's simple to pass offers onto defense counsel for the purpose of plea negotiations. In Justice Court, prosecutors are responsible for contacting and making plea offers to pro se Defendants themselves. This creates an odd dynamic where you must explain your role, the fact you can't give legal advice, and that you are representing the State in an adversarial criminal proceeding while simultaneously negotiating a resolution. I wish all misdemeanor defendants had counsel. Victims don't have access to the same services offered by DA's offices at the District Court level.

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Making plaintiffs pay for indigent defense of debtors. If they incur the debt, they should bear the cost of their own representation or the risks of proceeding pro se.

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All of the recommendation by the task force are problematic. They went into this with the idea that justice courts need reformation and never looked back, instead of actually looking at the situation. Like most task forces and commissions associated with criminal justice, the individuals put on those entities have strong defense backgrounds and positions. Very little opportunities for law enforcement and prosecutors to have an equal say on this matter and other matters have been given.

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I think that the section of the proposal on page 12 regarding financial concerns is accurate on a macro level. I think that eliminating duplication created by de novo appeals should save financial resources long term. Based on the information contained in the report, the fiscal note for the reforms should be relatively small. I have heard recently that the discussion of costs of enacting the proposal are quite large and I believe they are inflated. I don't think that an objective analysis has been done. I think that you will be able to tell which courts operate as an independent and fair judicial branch of government because they will be the ones that favor the reforms. The reforms create a better system that promotes independence and removes potential adverse interests of local governments. If a court's interest is generating revenue for the local government or in local control of a system that should be more uniform statewide, they will oppose the reforms.

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Way to many to count! Mostly I feel small claims should be able to have a de novo trial.

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Bureaucracy and criminalized minor traffic.

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see above

My office with a small handful of prosecutors physically cannot appear in front of multiple judges at the same time in different court rooms. If this division court idea goes through, we are likely to stop prosecuting altogether and give that responsibility back to the County to do for us.

See above

No

Most of these recommendations seem problematic.

All Justice court judges that want to work should be retained.

No

I'm a bit concerned with the Governor's position on this process. I don't know if he has expressed one. Transitioning justice court judges to division judges makes sense to me. The Governor obviously would play an important role if/how this would work. If the Legislature takes on the recommendation, it would have significant influence on pushing this through, but the Governor's role would need to be respected, understood, and accounted for in the process.

It appears to be a move to make certain judges more important and well paid

See prior comments.

People like locals in their community to address the lessor offenses like class c and b misdemeanors; they would not like the state and persons with not connection to their community judging other local persons. The same argument can be made with specialty courts, the public would want a local person, familiar with local practices and social economics and other local situations, and people to make the already difficult decisions that need to be made. It seems to me, establishing 'division courts" will only further complicate things especially considering that justice courts will remain to address infractions.

Elimination of trial de novo for victims of domestic assault and child abuse, not putting the victim through that twice can be handled by the transfer of those trials to district court. There is NO REAL PROBLEM with trial de novo otherwise. It minimal

There will need to be more district judges - a lot more

Humans are in charge. They're suspect when it comes to being fair.

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Having to change locations.

That we are all going to lose our jobs.

Adding more courts to a system that is already confusing with courts every couple miles.

The whole thing is problematic, the state says we are going to do this but doesn't have a plan for buildings, how much it will cost how long it will take etc.

yes, it has left the court clerks feeling that their work has been for nothing. We have put in sometimes years of training to be left handling infractions only.

creating new courts, which will cost to build and maintain. Where is this money coming from?

no

Making division courts.

removing the justice court case load thereby reducing our revenues and need for court staff

The transfer of current justice court judges to the division court appears unconstitutional (SLC v. Ohms).

N/A

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The idea of expansion of the appellate bench does likely increase in appellate caseload.

---

I am concerned about losing the benefits I have being a county employee

---

I feel like we are trying to recreate the wheel. We already have a wheel that works, let's just make it more efficient. Build up the team you have and help them do it correctly

---

Overall cost and the speed that some in the legislature is pushing for JCR.

---

Just that my livelihood. It would be affected if these changes are made. We make a lot better salary than the state employees. If the Justice Court is impacted in our city, I highly doubt the State is going to pay what we get paid and then if the JC is infractions only, I doubt they are going to want to pay us the salary that we are making with a reduced caseload.

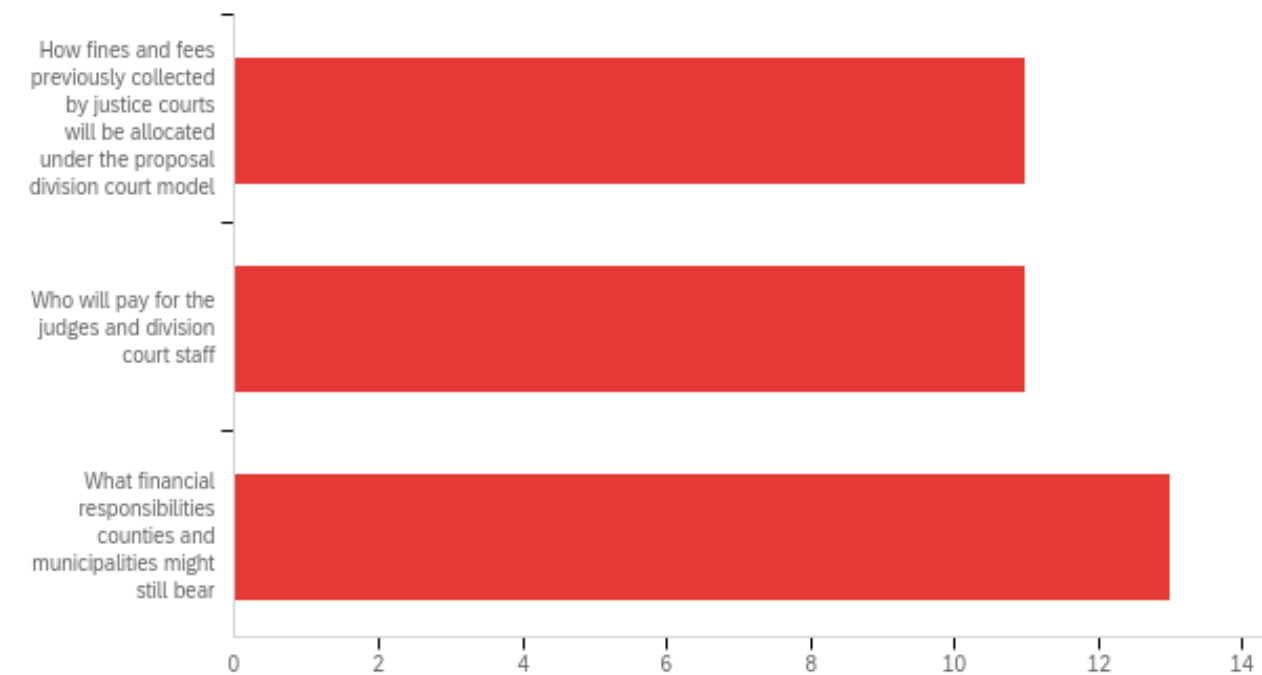
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All if it seems problematic. From an everyday perspective, this just looks like the big guys trying to take over because they want the control and money

---

Not much about it is acceptable to me.

Q25 - Funding Questions What areas related to funding for this proposal do you have questions or concerns about? (check all that apply)



#	Answer	%	Count
1	How fines and fees previously collected by justice courts will be allocated under the proposal division court model	31.43%	11
2	Who will pay for the judges and division court staff	31.43%	11
3	What financial responsibilities counties and municipalities might still bear	37.14%	13
	Total	100%	35

**Q26 - Do you believe it will be sustainable to continue operation of your community's justice court(s) under this proposal?**

Most likely not unless our location is selected to house a consolidated Division Court.

No.

Its more than money...it is customer service and local representation. How would a flat surcharge work out? Don't know..most of the fines and forfeitures already go to the state so there is really not a lot to discuss here.

Great question! What restrictions will I be burdened with? Will I be able to scale my justice court according to the caseload and revenue that it generates? I would be VERY interested in changes that would make it easier to scale back or even exit the justice court "business," so to speak. Right now, my hands are tied. The financial hole gets deeper and deeper and the taxpayers (unknowingly) subsidize the operation of the court.

Probably not

We don't have one.

possibly

Yes

no

Unsure

Not sure

A county should not be responsible for operating a justice court.

Yes

No. Limiting Justice court to infractions with money from infractions going to support division courts will not be sustainable.

**Q8 - Indigent Defense Goals** Please rank the following between strongly agree and strongly disagree.



#	Question	Strongly disagree		Disagree		Neither agree nor disagree		Agree		Strongly agree		Total
1	Moving Class B and C misdemeanor cases to division courts will create better indigent defense.	17.61%	25	21.13%	30	28.17%	40	19.01%	27	14.08%	20	142
2	There are other reforms that can be made to justice courts to ensure fairness and standardization in provisions of indigent defense.	3.52%	5	4.23%	6	35.92%	51	40.14%	57	16.20%	23	142



### Q33 - Why do you strongly disagree or disagree that moving Class B and C misdemeanor cases to division courts will create better indigent defense?

I have worked with public defenders in all levels of courts and all across the Wasatch Front. Public defense is not better in district courts than in many justice courts. Public defense is NOT one of the issues with the justice court system in Utah. If you want more consistent public defense, the state needs to take over and run a state-wide program for public defense.

The appointment of counsel is the courts' responsibility, and the courts can make many no-cost internal improvements with or without structural reforms. In this regard, if structural reforms are not implemented, the Task Force recommends that the AOC work with Utah's justice court judges on training and internal reforms to increase the consistency and constitutionality of the courts' procedures around the appointment of counsel to indigent individuals ...

All of the justice courts already have public defenders in our court rooms. My concern is the only to get better indigent defense is so them streamline and have all public defenders under one title. I then worry that they will be spread thin, because with a contract to be economical the number of cases they will need to handle will go through the roof. The public defenders in both of my courts do trials all of the time, if the Defendant is adamant they are guilty and or the city does not have valid influence. I feel like there is a general perception that public defenders are lazy, but all of the ones that have these contracts have done a good job. I am sorry if there are typos it is hard to go back and read these sentences.

I worked for years as a trial attorney and dealt with many thousands of cases that had appointed counsel. To be blunt brand new LDA attorneys (or the equivalent at an entry level job) are not as good as say the Larsens. Shoe horning all indigent defense to one place certainly is not a guarantee it will be better. Cities that case are more able to immediately address any particular concerns that arise in the quality of representation than will every be possible under the proposal of the division court. It likely will push all indigent defense to LDA (at least for SLCo) and I think it is far from a given that would necessarily be an improvement in many places.

Using similar techniques proposed for the division courts (remote appearance, for example would likely work just as well

I have read many reports regarding the current limitations of the state's system with regard to indigent defense. Further, different state judicial districts have different defenders (some are much better than others). A statewide indigent defense program could be implemented without the implementation of the Division Court. Salt Lake City Justice Court uses the same Salt Lake Legal Defender Association that Third District uses. Further, the same attorneys and firms that are currently handling defense contracts for justice courts are going to be handling the indigent defense contracts for the Division Court due to the fact that there is not a statewide public defender contract, thus there is no organization that employs enough attorneys. Representation is going to be subcontracted out in the same way until there is the adoption of a statewide public defender's office- and even then it will be probably done in the same manner.

Justice courts do a good job of providing indigent defense.

I practiced in the old circuit courts and there were plenty of pro se litigants in that court as well. Every model I have seen will still have city based prosecutors in the Circuit Court. So the funding mechanism for those indigent resources will still come from cities as opposed to the relatively deeper pockets of the counties. Improving the nature of the colloquy about self representation, while focusing on cases where jail, suspended or otherwise is actually imposed will help focus the task to cases where the Constitutional right to counsel is at play. But until the State recognizes its obligation to properly fund misdemeanor indigent defense, new judge in fancier buildings won't improve the product.

As it is, I have great public defenders and offer their services to all defendants on all class C and B misdemeanors.

It all depends on who is the indigent defense. I would say that my public defenders are exceeding expectations of indigent defense counsel goals. Indigent defense can always be improved but changing the location of the court

does not mean that they get better counsel. In fact, Salt Lake Legal Defender's puts their newest attorneys in the misdemeanor arena to be trained. In the two courts I am in right now I actually have attorneys who have a felony caseload and years of experience.

---

We spent a lot of money getting a report on the 6th amendment. Issues of concern were addressed, and some changes made with the Justice Courts. These minor changes have answered many of the concerns.

---

First of all, many public defense attorneys (and even private criminal defense attorneys) start their practices on justice court level cases. For example, Salt Lake Legal Defenders start out all new hires in the justice court, but low-paying indigent defense contracts in other parts of the state are also occasionally taken by young attorneys. Justice court is an important training ground for young attorneys. And I bring up private attorneys because young private attorneys often build their practice by taking low-bono indigent defendants who can scrape up money from a few sources for misdemeanor defense. So there is some analogousness there. The point being, new attorneys tend to make \*a ton\* of mistakes, and new attorneys tend to be found in justice courts. The de novo appeal can be an enormously good systemic solution to young attorneys doing dumb things. Those things can get fixed in a de novo proceeding. At the risk of insulting many of my friends, the kinds of attorneys who go into indigent defense weren't the "A students" in law school. They need a lengthy period of time to figure out how to practice correctly, and replacing de novo appeals with direct appeals would decrease the ability of fixing young attorney mistakes. Many clients will take advantage of a de novo appeal. Tell that same client, "you can appeal, but just the briefing alone may take longer than your probation" is going to disempower defendants from exercising their constitutional right to appeal. And while the task force proposal does include a process to make sure misdemeanor direct appeals are meaningful, it's not a very convincing proposal unless there's a presumption to stay a defendant's sentence pending appeal, and that seems like an extremely unlikely compromise. But, a relaxed IAC standard, allowing more reversals, would help (again, that also seems like an extremely unlikely compromise, which is why I selected "strongly disagree" on this).

---

Combining cases from multiple courts is going to concentrate cases and significantly increase case loads for the public defenders handling the division courts. This is naturally going to cause public defenders to spend less time on individual cases.

---

If there is a large public defense office to cover all of the county, it will not give the defendant the individual attention that a defendant needs.

---

The current public defender associations are already overwhelmed. Even if they choose to hire additional attorneys to take on the misdemeanor case load it is inevitable that those attorneys will be utilized on felony matters, as those matter often have a greater impact on one's liberties. Allowing private public defenders to provide services on misdemeanor matters provides specialized indigent defense that won't be hijacked by "more serious" matters.

---

The problem with indigent defense is not the particular court where cases are heard. The problem is that contracted public defenders never take those cases as seriously as private clients. This issue can be solved by solutions outside the scope of justice court reform (i.e. creating legal defenders that are fulltime public employees and don't carry a private caseload).

---

All large sized justice courts already have in place complete indigent defense programs. Improvement could be made to improve monies for smaller justice courts, but creating an entirely new court level for this reason is wasteful to the tax payer and creates confusion to the public to have to deal with three adult trial courts in Utah

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Provision of indigent defense is not dependent on the court to which the case is assigned

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It makes little sense to change the system in this drastic fashion. This system has already been in place with the circuit courts. The circuit courts were deemed to not be the most effective and we went to a two court system. This system has worked well. To try an already failed program and think the second round is going to be better makes little sense. As for indigent defendants, if this is an issue, the state should put its money into providing attorneys to all courts. I am not aware of any Justice Courts that do not provide indigent counsel to those that qualify. This solution would be less expensive and we do not have to resort to an already failed and unnecessary change.

---

In my county (Utah), I believe indigent defense is working quite well in Justice Court.

Many Class B and C Misdemeanors, where there is a possibility of enhancement of future offense are already being represented, primarily by indigent defense. More access to indigent defense should be considered rather than reforming our whole judicial process.

---

It will be the safe defense attorney's contracting to handle the cases, just in a new court setting.

---

Our court currently contracts with the Public Defender's Office. The office provides excellent representation to indigent clients and they are passionate about the work they do. I don't believe moving misdemeanors to the division court level would change that in any way.

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I think most courts I have seen freely assign public defense as it is

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I do not see how creating a new layer of court has any impact on the provision of indigent defense.

---

Ultimately, charging higher filing fees to plaintiffs in order to fund free defense to debtors will only result in prolonging and increasing the cost of collecting legitimate debts, with the costs of court being incorporated into the judgments entered against the debtors. The providing of free legal services will only create an illusion of fairness, and will ultimately cause debtors more in the long run.

---

Typically, the defense firms that hold contracts to handle District Court cases are the same firms that contract with cities for justice court. These firms provide the same level of assistance between both courts.

---

If centralized you then typically would be dealing with a fulltime defender. We have a shortage of good defenders as it is. The best public defenders are part-time, who have a contract or two with a smaller jurisdiction. Those people would not be representing indigent clients under these proposals.

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The state has excellent indigent defense. The court's administration is not the issue.

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Throwing criminal cases from 8, 10, 12 different cities into the same court, and randomly assigning cases among 8, 10, or 12 different judges is going to add unnecessary layers of complexity and logistical difficulty to whatever organization takes on the role of providing public defender services. They will require a massive outlay of funds from the legislature to hire enough PDs to cover each calendar in each court on each day. It's doable, but only with a huge chunk of money.

---

Currently in this jurisdiction, the public defenders that contract with the justice court are also the public defenders in the district court.

---

We have excellent indigent defense. I would be pleased to have our public defender represent me. Equal to any other practicing in our court, with the exception of 1 or 2.

---

The indigent defense in Justice Courts seems equal to that in the District Court level.

---

I have worked with public defenders in justice courts and they do a fantastic job. I don't believe that will change just because those charges are at a different level.

---

Our current process works well. Thank you.

---

It's likely going to be the same attorneys who get the contracts. And in the area I work, the indigent defense providers are pretty good.

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Because the demographic for most justice courts outside of Salt Lake County is not indigent.

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The defense attorneys I know who practice in justice courts are very capable. If the misdemeanor cases get moved to the district courts, the same attorneys move with them.

---

there is great indigent defense in larger areas, it is only minor small populated areas of the state with issues

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the idea of division courts is what i disagree with

---

LDA represents defendant's in justice court as well. Outlying counties that do not have public defender offices often do not have quality defense counsel representing them on felony matters- so it would likely be the same issue

---

The way the system is set up allows for these cases to be handled most effectively and by attorneys committed to dealing with those sorts of cases.

I'm not convinced we have a problem. Indigent defense is already a mandated part of our justice court system.

---

The 6th Amendment's Report is from 2015. Much of the information in it is out of date and yet it is relied on as a significant example of why change is needed. No one has ever followed up to see what changes courts made as a result of the report. Many of us were practicing lawyers at the time the report came out and when we became judges we made changes to address the problems highlighted in the report.

---

Quality indigent defense is not dependent upon which court a case is handled in. It is dependent upon proper funding and then the recruitment, training and retention of quality and dedicated attorneys. The presence of a record has done very little to ensure proper indigent defense throughout the state. Some of the worst attorneys I have seen regularly represent indigent defendants in district court on the record. Conversely, I have seen appointed counsel provide amazing service to their clients in our justice courts. What mattered was the attorney, not the court. as the standard for ineffective assistance - example

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The defense providers in my jurisdiction already provide strong indigent defense in the justice courts.

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Not persuaded that the state will have adequate resources to meet the need.

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I preside over a city district court, which has public defenders assigned to it. I don't see what a division court will do different to help indigent defense.

---

Our justice court uses the same public defenders as the district court.

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It is unclear how simply creating a new court will improve indigent defense. The problem should be addressed at the justice court level.

---

What difference would it make in a new court? Justice courts are already doing this function.

### Q34 - If you agreed that there are other reforms that can be made to justice courts to ensure fairness and standardization in provisions of indigent defense - what are these reforms?

If you agreed that there are other reforms that can be made to justice courts to ensure fairness and standardization in provisions of indigent defense - what are these reforms?

Better training for judges. It is absolutely wild how inconsistent justice court judges are when appointing counsel. I have long pushed to have the AOC create consistent forms that are actually constitutionally valid for waiver of counsel, but each judge just does their own, if they do one at all.

Make the justice courts courts of record. Give defendants the right to de novo appeal to the District Court OR to the appellate courts. Let them choose.

see above

I think the poverty guidelines are incredibly low. Most judges use them, but there should be clear guidelines on additional reasons for appointment, like mental health concerns, or crimes that there is significant amount of penalties. People do not understand how stiff the penalties are for DUI and DV.

State fund indigent defense, and not counties/municipalities

I believe that appointed counsel for indigent defendants should be subject to the same type of review as judges are for JPEC evaluations. Survey judges, clients, jurors, etc. I actually think the same thing for all attorneys would dramatically improve representation for everyone.

The standardization of indigent defense is not intrinsically linked to justice court reform. Centralization of indigent defense is possible without it.

A central way or at least accountability for the contracts awarded for indigent defense. Contracts need to be hourly not flat fee.

Implementation of appropriate funding for indigent defense for justice courts and all courts. A statewide public defender's office could be implemented without the implementation of the Division Court. Or make some better rules regarding indigent defense funding in justice courts.

Flip the question from "do you want me to appoint you a lawyer" to "can you afford one" Using a real test for indigence. Then if you can't afford one, you get a lawyer unless you tell me you don't want the free help. We do not assume the waiver of any other right, why assume this right is waived, unless they ask for one?

Mandatory pro-bono hours by new counsel as part of their licensing and mentoring requirements

Expand the state funded indigent defense counsel to include all justice courts.

Monitor the judges and make sure they are offering public defender services as required under the law.

Simply have public defender's assigned to the justices courts. Most of the larger courts already do this.

Changes in policy to standardize procedure, possibility of making Justice Courts, courts of record. Since the AOC required all hearing to be recorded, the infrastructure already exists. Changes in the Bar to allow Justice Court Judges to be certified members of the Bar, and to only function at that level. All of these are far less expensive than what is proposed.

I think these reforms are broadly captured in my earlier comments. I will say that I've seen some judges (district court ones as well) clearly uninterested in training or changing their practice. You can't fix attitudes of people who don't want a fix. That, by the way, is another reason why creating division courts would likely not cure these issues.

Making sure Public Defenders are paid fairly and not on a basis that reward moving cases through the system quickly.

Standardize procedures and processes in all justice courts to ensure the appointment of indigent defense is consistent in the justice courts.

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Provide more resources to justice court judges.

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My observations are that indigent defense is not inadequate at this time. However, if there is any concern requirements as to qualifications, minimum finding based upon caseload, etc. could be implemented by the state to govern the municipalities hiring of attorneys to provide indigent defense.

---

I like the idea of streamlining infractions by loosening the rules of evidence. However, I think that prosecutors should still be allowed to participate, if desired. For other offenses, my suggestion is the same as above. There needs to be a different approach to indigent defense by creating a legal defenders office that are fulltime public employees.

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Audit agency whom the Council has already given approval to run a court to ensure they provide adequate funding or threaten to remove their certification/approval to run a court.

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Make class b and class c non-de novo

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Give higher priority and more funding to indigent defense

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statewide public defense funding

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The simple change would be to provide cities and counties that are struggling to provide indigent council extra funding to hire on staff defense counsel. It would be less expensive and would assure all courts have indigent counsel.

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Provide funding. Whether the funding is provided to a division court or to a justice court, it doesn't matter.

---

Just put together a best practices provisions for indigent defense.

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To make sure that the contract for each individual court is reviewed regularly and the work by the defense team that provides the indigent contract needs to be adequately staffed and funded.

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Require county-wide (or region-wide in rural areas) indigent defense contracts.

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I think having a PD always present for limited scope appearance will close the gap. Even if they don't actually represent the person, they can at least give simple advice abt a case.

---

Relax the income requirements for a public defender. Make more public defenders available for arraignments.

---

moving away from contracted indigent defense that incentivizes a conveyor belt approach to defending clients.

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Providing better education to unrepresented parties about the court process, the availability of self-help resources at [utcourt.gov](http://utcourt.gov), and the risks of proceeding without representation.

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The criteria for determine indigency can be modified allowing more people to qualify for indigent defense

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I think better training with judges, municipalities and court staff, which is and has been occurring.

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Application of the IDC to justice courts will help.

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A full time public defender (from the public defense organization or as an independent contractor that is paid a reasonable hourly/contract fee) should be present at initial appearances and pretrial conferences so that every defendant can discuss WITH A DEFENSE ATTORNEY what could happen to him/her. Because the judge is not allowed to practice law during court proceedings, and the prosecutor is usually interested in quickly resolving matters on his/her docket, a defendant's best interests are not generally treated as important. Having the opportunity to speak with a defense attorney early in the lawsuit could help properly clear cases and lower collateral consequences of persons issued citations or arrested for "minor" offenses, including traffic offenses.

---

Day 1: AOC makes a rule that says justice courts cannot hear a criminal case unless they have X level of public defender services available. Day 2: justice courts stop hearing those cases until they have services available. Day 3. City councils allocate funds to to provide these services. This is not rocket science.

Make more \$\$\$ available to pay indigent defense attorneys

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Reform the Indigent defense system on all levels

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Getting rid of de novo appeals, this only revictimizes a victim on victim cases and wastes court resources.

---

More clarity on qualifying has been helpful, standard pay for appointed attorneys would be good too

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Create a state-wide public defender's office.

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All criminal cases should be on the record.

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Someone other than prosecuting entity hire the public defense attorneys.

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Small areas of the state should get grants for defense if the population cant pay the costs

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IDC oversight, not just review and persuasion, over contracted public defenders.

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Uniform state-wide training of justice court judges and court personnel. Ensure that each county has sufficient indigent defense resources and personnel.

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better legal defenders rather than just trainees,

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Better limitations on when the court can address indigency. Once a client has been found indigent they should be allowed appointed representation unless there is a material change in circumstances. Current Justice court judges will readdress indigency at any time and removed counsel right before a trial would begin. This is a waste of time and money for the public defenders and prejudices indigent people from their right to a trial and representation. create a state wide public defender office as other states have-it is the only way to ensure a competent defense for the indigent

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Set schedules. It seems very difficult that Justice Courts have no clear schedule

---

Have JPEC evaluate the processes implement in each court to see if constitutional concerns raised i are still a problem. If they are refer those judges to the JCC.

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Proper and uniform funding throughout the entire state. The amount of funding should be consistent in ordet to attract, train, and retain quality attorneys in all counties and courts. Training and attorney evaluation should be standardized so that competent counsel can receive support and incompetent counsel can be removed.

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Increased county-level funding of indigent defense; increased funding for statewide oversight by Indigent Defense Commission; and requirement that all justice court judges be licensed attorneys.

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Standardize the process for appointing counsel and train judges better to implement those standards.

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Implement the reforms that have already been started.

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Properly fund indigent defense at county level and allow funding access to localities.

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Ensure appointment of qualified public defenders in justice courts.

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Follow the same rules as district court in the appointment of public defenders. It is not necessary to create a whole new court level for this problem.

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Moving small claims

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The state should control and fund indigent defense for all misdemeanor cases. Having localities be responsible for providing these services leads to a huge disparity in the quality of indigent defense throughout the state. There also needs to be uniformity in indigent defense compensation.

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Bring indigent defense under statewide control, not county control, so as to make provision of indigent defense services uniform. This is of course more easily done if Bs and Cs are moved to division courts, but that doesn't mean it couldn't be done under the current justice court model.

## Q9 - What other suggestions do you have for making sure that indigent defense is provided equally across the state in cases currently handled by justice courts?

What other suggestions do you have for making sure that indigent defense is provided equally across the state in cases currently handled by justice courts?

Have the state run the system. That is the best practice, but will cost a lot of money to do so.

State wide office of PDA with divisions in the different counties. The county division chiefs would be able to rely on the state wide office for standards and practices. Complete autonomy from the AG/DA/CA's. They need statewide standards for qualifications, case loads, investigators and social workers. Every county participate in the Capitol Defense Fund and all capitol qualified defenders are assigned throughout the state.

Additional training for judges and moving away from non-lawyer judges.

All criminal cases should be handled in the same manner across the state. There should not be a division between justice courts and district courts. There should be one body that appoints all defense counsel, to ensure that the contracts are paid the same and the judges need to receive training and there needs to be more funding.

It is probably impossible for it to be provided equally. Even within any one organization not all of the attorneys are equally capable.

More centralized (statewide) funding for public defenders

The pace that criminal misdemeanor cases are handled will slow dramatically.

Continue to address at conferences.

Have the State step up to fund the defense of folks accused who are facing the possibility of incarceration, regardless of the prosecuting entity.

Same answer

Moving misdemeanors to Division courts is one thing. Indigent defense reform is different, although they can be combined. Placing indigent defense under one statewide organization would be best (arguably) but it could happen without moving misdemeanors to division courts.

See above

I believe the current standards are sufficient.

Policy modifications to standardize the required awarding of Public Defenders. Public Defender fund could be provided by the State which would make it more uniform in application. Clear rules to decide when to require defendants to repay the court for the use of the Public Defender at a standardized rate.

Cities shouldn't be in charge of justice court contracts. It's a conflict of interest. There's no actual oversight of municipal public defense attorneys. Unfortunately, because the problems of municipal public defense contracts are not well understood by folks at the top, the injustices that some public defenders engage in on a regular basis are difficult to expose. A statewide office for municipal PDs would be a major step in the right direction.

Increase state recourses for paying public defenders on an hourly bases and allowing justice courts to hire more public defenders if needed.

Ensure that courts use standard affidavits of indigency in determining who qualifies for the public defender and who does not.

Creating parameters for which municipalities must follow in retaining indigent services, including pay, number of attorneys per caseload, etc.

Alternatively, the State could offer vouchers for public defenders. Whatever cost a municipality, county, or the State would provide to compensate a public defender can be used to hire any attorney of that defendant's choice.



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If the voucher did not cover the full cost of the attorney, then the defendant can either find a different attorney or make up the difference themselves. This would provide better access to attorneys at all levels of court.

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I think indigent defense is equal when those attorneys are also not accepting private clients. Perhaps if the State were to pay a percentage or set amount of salaries that would relieve some costs to smaller counties. Also, I think that indigent defense works best if the attorney is local in the area. That way those without the resources can meet their attorney in person.

---

Same as above, audit courts who show deficiencies in this area and require to fund indigent counsel matters or get out of the business, or in other words, do not allow their certification. Also, more monies from the state to pay a portion of indigent expenses can be awarded to cities and counties operating a justice court.

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None

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None

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I am not convinced this is a state wide problem. I think with a little adjustment we could easily fix this without this extensive change.

---

Many people just want to plead to their cases and accept responsibility in justice court cases, this is being held against the justice courts as a whole. Indigent defense is something that all justice courts inform their patrons of, in writing, at the hearing, and then again ask them at the hearing if they would like an attorney and if they can't afford one, one will be appointed. They generally still opt to represent themselves, unless it is a case where a judge has a concern (or is enhancable) the judge usually appoints one anyhow or completes a declaration on their behalf to see if they qualify.

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All Justice courts I have worked in have a public defender and they are easily accessed. I work in many courts.

---

Practicing in a metropolitan area, we have the same level of representation for the indigent in the justice court as in the district court.

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Increasing statewide funding for indigent defense

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Have a uniform rule that is consistently applied for when one qualifies for a PD.

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Increase indigent defense counsel and prosecution salaries.

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Increase public defenders pay. The private sector is very competitive and we lose or never get good candidates for those positions.

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independent associations or statewide indigent defense funded by the State.

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Allocate more resources to public defenders.

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Public defender coordination should be done at the County or State level.

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Make sure that the individuals who request a public defender actually qualify. I think many people are given a public defender and don't financially qualify. It is simply easier to ask 4 questions and appoint.

---

Apply MONEY generously to the lawsuits early in the proceedings by making sure a defense attorney is present to discuss the offenders' cases/options for resolution/collateral consequences.

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Prosecutors and Judges need to do their jobs and make sure counsel is appointed on the cases that qualify. Cities, counties and the state need to fund those positions.

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None.

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Tell justice court judges to stop appointing the PD on minor traffic infractions and to make applicants for PD services swear in open court that they qualify. Then hold them accountable when they lie. In some court, fully a third of all PD clients do not really qualify because judges are purposely over-appointing to make case flow more smooth.

---

I don't think "equally" is the right term. Indigent defense needs to be provided "fairly" across the state. Lower stakes cases (class B and class C) likely don't need "equal" representation from indigent defense attorneys. It just needs to be fair, in light of the type of charges.

More funding for city public defenders would be helpful.

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Upgrading indigent defense will take time, training, for both attorneys and judges.

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N/A

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Competent, indigent defense counsel is not cheap. Some entities simply don't understand the need or aren't committed to providing them. There are some great indigent defense attorneys in justice court. I believe a state level system (administered through Division courts) would be much more effective and consistent across the state.

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Keep remote appearance as an option. The State hire the attorneys and the local folks pay the uniform fee.

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Make sure contracts pay enough to attract top notch defenders. There are some that currently pay so little that lots of private attorneys wouldn't bother.

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See prior comment.

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Better judicial training.

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Retain additional public defenders, they are overburdened.

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Make sure all entities that pay prosecutors pay same level of pay to indigent defense lawyers

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More money from the Government that is bringing the charges.

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If the division courts are subject to AOC administrative management, then impose Judiciary-wide standards for indigent defense.

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Panel of public defenders across various courts, not by contract bidding by city or county

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state funded legal defense

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Depends. The State needs to monitor any indigent defense contracts for resources and caseloads. Typically, these lawyers are not monitored for overload and are certainly not monetarily incentivized to complain caseloads for fear of losing contract (income).

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Funding for a PD office so cases can be handled by attorneys specifically handling indigency cases. Private attorneys with PD contracts will likely always prioritize paying clients over PD cases.

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Require public defense to be paid per case or at a minimum per case of both sides agree to a flat rate for representation in a jurisdiction.

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Again, selecting and supporting quality attorneys. Having a mechanism to evaluate and review appointed counsel (not dependent upon the prosecuting or funding agency) so that counsel can be removed in they fall below standards of practice.

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Require justice court judges to appoint counsel consistently and monitor that.

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Uniform funding

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Make review of indigent defense part of the regular review of justice courts as well as recertification. .

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I think the city's need to contract with more public defenders so they can be available at every court hearing.

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Wide availability of online hearings where confrontation clause issues are not present. Regionalization of public defense service provision.

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How about a statewide rule? That is how it is done in other courts.

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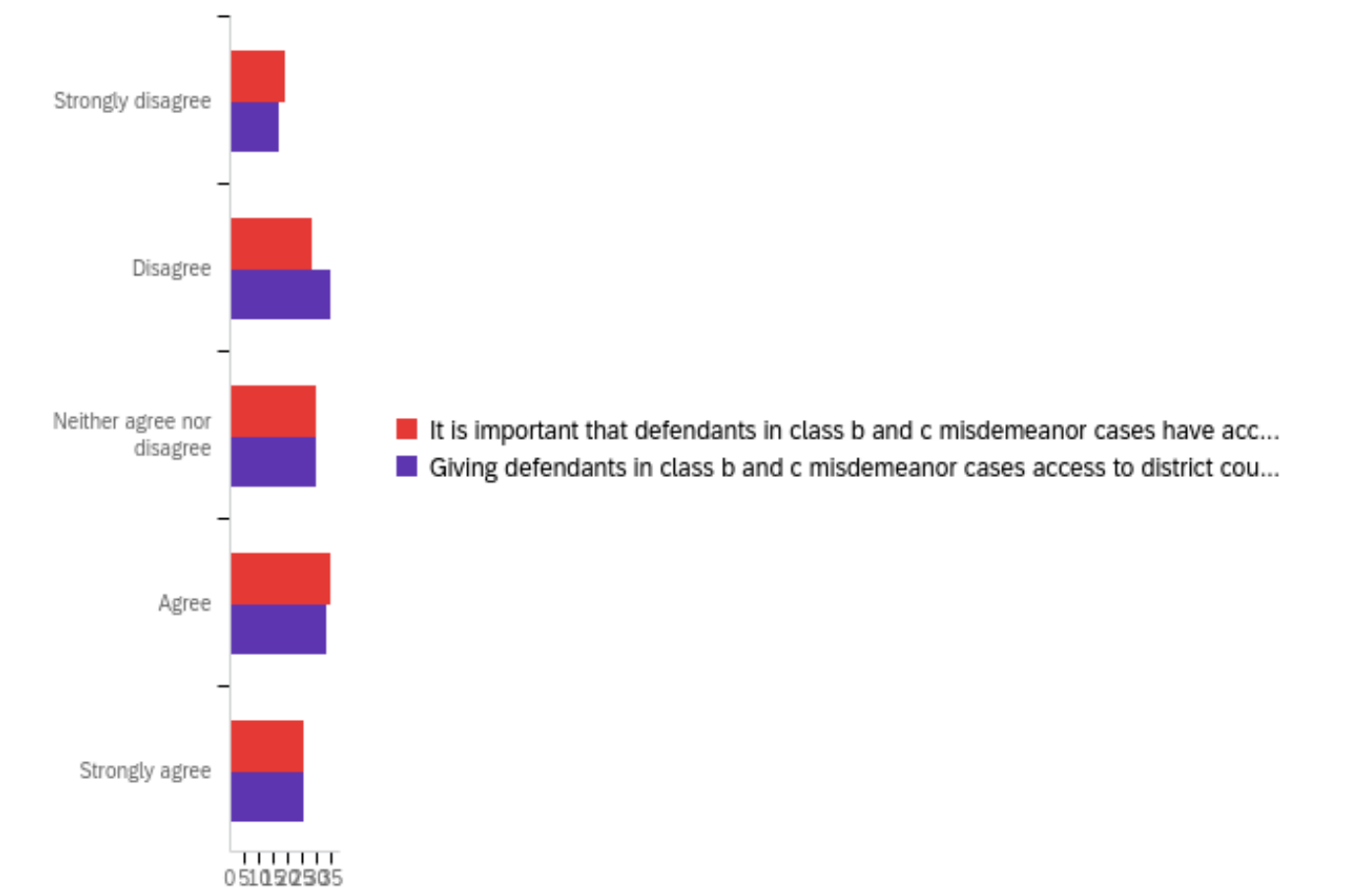
I do not have a problem with this in my court. We use a public defenders office and have found more success in that than using one attorney that is contracted with the court.

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the biggest problem in my jurisdiction to address the issue would be getting the city council to approve the costs. (They already want to close the court.)



**Q10 - Substance Abuse/Mental Health Service Access** Please rank the following between strongly agree and strongly disagree.



#	Question	Strongly disagree		Disagree		Neither agree nor disagree		Agree		Strongly agree		Total
1	It is important that defendants in class b and c misdemeanor cases have access to specialty courts run by the district courts.	13.67%	19	20.86%	29	21.58%	30	25.18%	35	18.71%	26	139
2	Giving defendants in class b and c misdemeanor cases access to district court specialty courts will lead to better outcomes for these individuals.	11.97%	17	24.65%	35	21.13%	30	23.94%	34	18.31%	26	142

**Q35 - If you disagree or strongly disagreed to the importance that defendants in class b and c misdemeanor cases have access to specialty courts run by the district courts - why?**

I don't strongly agree or disagree because I think several justice courts have specialty courts. It would make sense that each county establish specialty courts that each justice court could utilize. The justice court judges would be assigned to specialty courts just like we do at the district court level.

The research is clear that generally speaking specialty courts are a high supervision and treatment model. Over supervising and treating low risk and Low needs offenders (assuming that is the majority of justice court patrons) will only make them worse not better.

Justice Courts can operate specialty courts. Riverdale City Justice Court operates a substance abuse court.

Specialty courts can occur at Justice court level, again it is a funding issue, state funds could be available for jurisdictions that are too small to be able to fund

The penalties are not great enough to motivate defendants to engage in the specialty courts. We can't get many class a defendants to do it now. There is no real incentive in comparison to the penalty.

While specialty courts are important, I believe mixing misdemeanor offenders with felons is a mistake. Many studies show that mixing the populations turns the misdemeanor offenders into felons. Nothing like providing a better dope hookup opportunity and access to more serious offender friends. Access to specialty courts can be provided in justice courts- perhaps on a district basis in courts that don't offer specialty courts.

Specialty courts exist all around the Country in misdemeanor settings. It's our Balkanized jurisdictional barriers that prevent setting up effective problem solving courts for misdemeanants, not the magical elixir of district court wisdom.

Currently it is difficult to incentivize defendants to participate with felony charges in Drug Court because they know the recommendations for jail are so short they can be done in a couple of months versus 18 mos for DC graduation. Also, from our training we do more harm than good if someone is low risk in DC. Most B/C misdemeanor candidates will likely be low risk.

Specialty court requirements for treatment will typically be of much greater duration than probation on a class b or c misdemeanor. There is much less incentive for defendants to complete these more stringent requirements in specialty courts.

The same things can be accomplished in the justice courts

I don't disagree with the principal that defendants have access to specialty courts. All defendants should, but the statement itself fails to recognize that specialty courts are for high risk, high needs individuals and misdemeanor charges are not necessarily indicative of this demographic. Also, it fails to recognize that defendants who meet the high risk high needs of a specialty court and have misdemeanors already have access to said specialty courts because of other pending charges that already put them in the District Court.

There was a time when Specialty Courts were run out of Justice Courts. Some Specialty Courts are currently still provided by Justice Courts. This process to allow Specialty could easily allow more Courts to provide this service.

People who go into mental health and drug court often do a significant amount of jail. Even drug court judges tell applying defendants (on felony drug cases!) that they could do more jail by joining drug court and struggling with compliance than they would do if they opt for straight probation. And that's not hyperbole. It's a fact. And it's true of mental health court as well. These specialty courts are appropriate only for a minority of defendants where the potential benefit exceeds that risk. And frankly, there's just not enough jail time available in a class b misdemeanor to seriously engage someone in drug court. Just look at how many class a misdemeanor defendants are in drug court as evidence of that. The exception to what I'm saying is veterans court. Vet court defendants get enough individualized attention through the VA that the court is a good idea for a larger population than those who benefit from the other courts.

The Justice Court Judges are properly trained and supervised by the AOC to handle these cases. I am afraid the concerns of inadequate judges or lack of due process are based on anecdotal evidence and not appropriate surveys and studies.

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Specialty courts can be run as effectively and efficiently by justice courts, so defendants do not need to be involved with them at the district court level.

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I believe that local input and attention would better serve the indigent defendant, especially if the justice court judge has the resources to address substance and mental health matters.

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Nothing magical about moving a case to a different court makes a difference. Judges/magistrates at all court levels make the same legal findings following the same legal standards. Reasonable suspicion, probable cause, proof beyond a reasonable doubt, etc. the same process whether on a simple possession charge or a serious felony charge. Justice Courts have created, where needed, specialty courts too and follow the same certification required by the Council/AOC.

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If we are looking at evidence based practice this is concerning. When you access the District Court programs we run the risk of mixing offenders. We do not want High Risk offenders with low risk offenders. This will not help Low Risk offenders. Mixing offenders will turn low risk to high risk. Divisional courts will do just this. If this court system is made, the populations will be mixed. The outcomes will never be better in District Court or the combined Divisional Court. The populations will be mixed. The best solution is to provide funding to Justice Court for additional service to provide for lower risk offenders. The answer is not to push offenders further into the system.

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These important cases will now be treated as the least important cases.

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Presumably, these are low risk offenders in justice court. Sustained exposure to high risk offenders could just increase the risk score of the low risk offenders. However, having specialty courts in justice courts would be preferable.

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With our current probation period time limits, they would not be on probation long enough to do these programs. Additionally, specialty courts like drug courts should only be accepting high risk/high needs individuals. Studies show that taking people outside of that category makes those people worse not better, and most of your class B and C misdemeanants are not high risk/high needs.

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Currently there is not enough space in the specialty courts for the felony offenders. While the defendants in justice court need access to mental health and drug treatment, the specialty courts are understaffed, underfunded, and the programs take longer than any justice court defendant would engage in.

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Because I have seen justice courts run their own specialty courts and they have been successful and were curtailed by lack of funding. See Salt Lake City Justice Court DUI court.

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District courts tend to be more formal and rule-oriented than justice courts, and don't have time to hear litigants like the justice courts usually do, so I don't believe having specialty courts in the district courts will increase effective access to the courts.

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Justice Courts can run specialty courts very well. Particularly if there are State mandates to do so. I currently work in a Specialty Drug Court in Riverdale and it has worked well. Justice Courts throughout the state could be a part of something like that with more state funding, support and a multijurisdictional framework.

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These are low level offenses. With the exception of mental health court, which could be remedied by giving justice court judges the ability to order defendants to be screened for mental health court and if they qualify the case is transferred to the district court mental health court.

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The problem is not which building you hold court in or what particular name you attach to the building. The problem is non-law trained judges making judgments in criminal cases by their "gut feelings." (See Orem for a prime example.)

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District court will continue to focus, as they should, on the more serious crime. Smaller communities should remain with local control and appoint judges with strong interest in their communities

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I mainly feel that this task force is trying to fix problems that don't really exist...

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Those are different level of offenders, I love specialty courts but those should be run in the justice court systems.

Many Justice Court currently do a very good job at handling these matters.

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I think it is imperative to have early intervention on the Class B and C misdemeanor level. I'm confused as to why county justice courts could not provide a specialty court. The need is there. I would need more information why these cases would need to be referred to a district court drug court with much more serious offenders.

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It's somewhat like putting juveniles in prison with adults. Bad habits and associations will stick. I think the justice courts should establish their own specialty courts.

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District Court are already burdened enough and are "above" dealing with misdemeanor cases. Justice courts have the time to routinely review cases to see that assessments and recommended treatment are being addressed.

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I don't think the studies on this issue would support the conclusion that these misdemeanants should be treated with felons, which is likely what would happen if this were implemented.

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the defendants are motivated by pleas in abeyance and getting out of jail. The JRI has eliminated any incentive for misdemeanants to want the services of speciality courts even though they are open to them

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class b and c misdemeanor offenders are not those who usually need the specialty courts. There is only so much funding and it should be focused on more serious offenders

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I do not necessarily disagree that these defednats shoul dhave some access to specialyt courts just that this is already available via appealing the justrcie court caser. This is the method trhat was used in mental health court for many years. When someone was identiifed as a candidate, their case was effectively transferred to the district court via Rule 38 appeal - if ultimately the case needed to be sent back to justice court, it was just transferred back - very simple. Also, specialty courts should be servicing high risk/high needs defendants. Almost definitionally someone with class B and class C misdemeanors are unlikely to be high risk/high need and would likely not benefit from being in the same treatment court as people who have much more extensive criminal records or who have committed much more serious offenses.

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The demands of specialty courts are usually not worth it for defendants facing the (relatively) minor consequences of Class B and C conduct.

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The standards for specialty courts (with some exceptions) require a higher level of risk than most in the justice court system.

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We don't have the room or staffing to handle them.

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People who have B and C misdemeanors are probably low risk. Putting them in district court specialty courts would be mixing high and low risk populations, which is not best practice.

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Because typically b and c misdemeanor offenders are low risk individuals and must be separated from the high risk individuals in district specialty courts. District specialty courts cannot accept b and c misdemeanor offenders.

**Q36 - If you disagree or strongly disagreed that giving defendants in class b and c misdemeanor cases access to district court specialty courts will lead to better outcomes for these individuals - why?**

I believe the justice court patrons that could benefit from most specialty courts will be a small percentage.

I am a huge proponent of the specialty courts. But it asks a lot of the participant and neither the defendant nor the attorneys are likely to encourage an 18-24 month intensive program instead of 6 months or less.

While specialty courts are important, I believe mixing misdemeanor offenders with felons is a mistake. Many studies show that mixing the populations turns the misdemeanor offenders into felons. Nothing like providing a better dope hookup opportunity and access to more serious offender friends. Access to specialty courts can be provided in justice courts- perhaps on a district basis in courts that don't offer specialty courts.

Same as above. A quality specialty court run in a misdemeanor court setting should have the same quality of outcomes as a quality district court run specialty court.

Same answer

Specialty court requirements for treatment will typically be of much greater duration than probation on a class b or c misdemeanor. There is much less incentive for defendants to complete these more stringent requirements in specialty courts.

I don't disagree with the principal that giving defendants access to specialty courts will lead to better outcomes. Specialty courts lead to better outcomes. However as I said above, the statement itself fails to recognize that specialty courts are for high risk, high needs individuals and misdemeanor charges are not necessarily indicative of this demographic. Also, it fails to recognize that defendants who meet the high risk high needs of a specialty court and have misdemeanors already have access to said specialty courts because of other pending charges that already put them in the District Court.

Again, this process of providing Specialty Courts would require more money to be given to the District Courts. It would be more cost effective to provide services at the Justice Court Level. Many of those that would be serviced by these Courts would be required to travel greater distances to attend. This is a deterrent to those that would need the services.

To develop the point above, a standard drug court sanction is two to five days in jail. The drug court process takes months-to-years with intermittent sanctions. Those sanctions add up. I don't think you'd see much interest or buy-in from justice court defendants agreeing to subject themselves to that possibility. And let's be clear, drug court success rates aren't really \*that\* much greater than standard probationary courts. The research shows they outperform over regular courts for reducing recidivism, but not by so much that there's a real problem of justice court defendants missing out on some great opportunity. And mental health courts are far more problematic in more complicated ways. Also, what kind of class b misdemeanors are we talking about? Most class b possession cases are weed. Despite public perception to the contrary, most DUI defendants are low risk/low need offenders. The people who tend to rack up a large number of low-level misdemeanors are homeless people committing non-violent street crime. These folks have lives so unstable that they can barely comply with regular probation, and instead we're going to put them in a specialty court where missing a random weekly urine test results in a 2 day jail stay? That path leads to increasing incarceration of homeless people, not helping them. Specialty courts are not the solution to low-level offenses.

e Justice Court Judges are properly trained and supervised by the AOC to handle these cases. I am afraid the concerns of inadequate judges or lack of due process are based on anecdotal evidence and not appropriate surveys and studies.

See the answer above.

For the reasons stated above, I would not be in favor of a specialty court. Keep it local.



There are avenues by which justice courts can allow for individuals to get the treatment necessary without impacting their criminal record. It is extremely common to see evaluations and treatment ordered as part of plea in abeyance matters.

In many jurisdictions higher level district courts are often overwhelmed with large case loads and many defendants with low level offenses would be treated as less important and would be unlikely to have as much attention as they do in the Justice Courts.

See answer above,

None

As I explained evidence based practices are clear. Most of your resources are better served in the lower courts before offenders have a lengthy criminal record. If we provided funding for Justice Courts outcomes would be much better. Once an offender becomes entrenched in the system, it is very hard to make changes. Outcomes are better when they are lower risk. There is no reason to flip the current system when simply providing funding in Justice Court could easily provide better outcomes.

If these cases are now treated as the least important cases, the outcomes will not be as productive. They'll essentially be treated as nuisance filings.

Justice courts don't get to have speciality courts but it doesn't mean that they don't have regular reviews or other tools in place to assist in offering better outcomes. Usually if someone is needing access to one of the speciality courts they generally have a case in a district court that will get them into it, or will soon.

With our current probation period time limits, they would not be on probation long enough to do these programs. Additionally, specialty courts like drug courts should only be accepting high risk/high needs individuals. Studies show that taking people outside of that category makes those people worse not better, and most of your class B and C misdemeanants are not high risk/high needs.

See comments above

Putting low level offenders in with higher level offender runs the risk of creating higher level offenders.

It will increase the complexity of the process without necessarily producing a different result and will be much more costly.

I haven't seen the evidence that there are bad outcomes in the Justice Court that need to be corrected in the district court. Also, if appeals go to the Court of Appeals, what a nightmare for pro se individuals and the Court of Apprals.

see above

The only difference between the amount or quality of "justice" dispensed in district courts from justice courts is in the judges themselves. Every other player is the same. Prosecutors, clerks, bailiffs, etc. are the same in both courts. It's the non-law trained judges (e.g. Orem) who screw up the justice system for everyone and make people think justice courts don't dispense justice.

District can't spend enough time with "little" misdemeanors, particularly traveling or video courts.

I don't think defendants need better outcomes than they are currently getting

I don't believe the outcomes is driven by the charges, rather the individual and their willingness to change.

See above statement

See prior comment.

Same as above.

District Court are already burdened enough and are "above" dealing with misdemeanor cases. Justice courts have the time to routinely review cases to see that assessments and recommended treatment are being addressed.

See above.

see above

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Specialty courts are usually an intense form of probation for those in them. They require weekly court hearings and an intense amount of supervision and reporting. This usually exceeds what most Class B and C misdemeanors would require. Many cases in Justice Court have court probation or just require treatment and evaluations on defendants own time. This is much better for them. The less serious the charges the less supervision is needed. Studies have shown that more supervision actually hinders the success of less serious offenders. These specialty courts are serious supervision that would more likely hurt than help defendants in justice court cases.

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see above

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Right now we can't even get our class A cases into District Drug/Mental Health Courts.

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As with the quality of appointed counsel, there is no magic to a district court versus a justice court. A justice court can have a specialty court and many have flourished over the years in justice courts as long as they are following evidenced based practices. The courts that do not follow best practices fail - whether they be district or justice courts. Again, if you end up with low risk people mixing with high risk people that has been shown to be a problem and lead to increased recidivism amongst the low risk group.

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Unless they are also interacting in the district court system, some specialty courts will create over-supervision which increases their risk of negative outcomes.

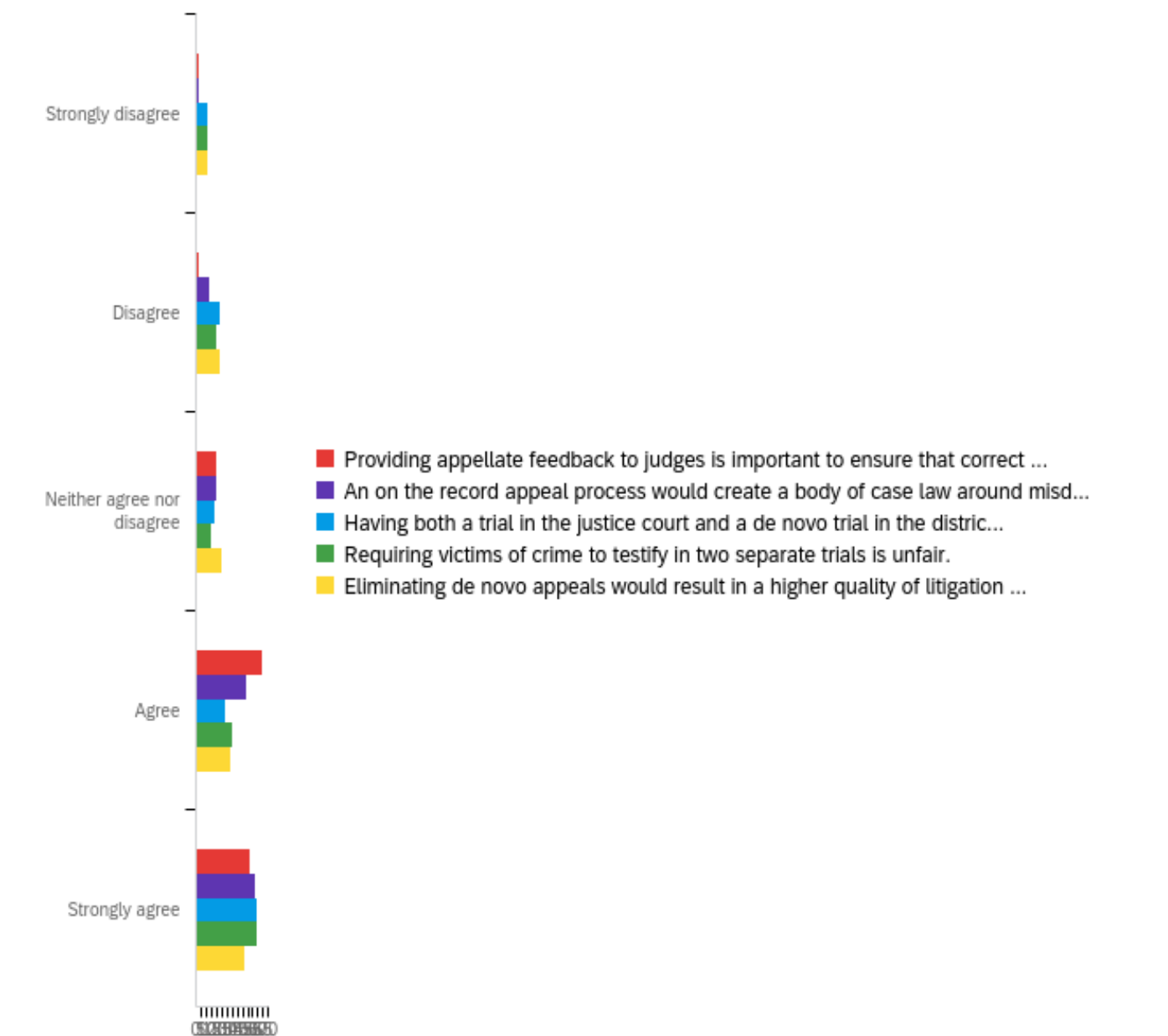
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See above

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See above. Low risk individuals become high risk when exposed to high risk individuals. This proposal ignores fundamental treatment rules and evidence based practices.

Q15 - Court of Record Questions Please rank the following between strongly agree and strongly disagree.



#	Question	Strongly disagree		Disagree		Neither agree nor disagree		Agree		Strongly agree		Total
1	Providing appellate feedback to judges is important to ensure that correct legal decisions are made.	1.41%	2	2.11%	3	14.08%	20	45.07%	64	37.32%	53	142
2	An on the record appeal process would create a body of case law around misdemeanor and small claims cases which would be beneficial for practitioners and parties.	2.11%	3	9.15%	13	13.38%	19	34.51%	49	40.85%	58	142
3	Having both a trial in the justice court and a de novo trial in the district court wastes judicial resources.	8.45%	12	16.90%	24	12.68%	18	20.42%	29	41.55%	59	142
4	Requiring victims of crime to testify in two separate trials is unfair.	7.80%	11	14.18%	20	9.93%	14	25.53%	36	42.55%	60	141
5	Eliminating de novo appeals would result in a higher quality of litigation and party engagement.	8.51%	12	16.31%	23	17.73%	25	24.11%	34	33.33%	47	141

**Q41 - If you disagreed or strongly disagreed that providing appellate feedback to judges is important to ensure that correct legal decisions are made - why?**

All judges have access to Appellate Decisions. We read those decisions and learn from them. We recognize mistakes we have made when reading those decisions and we change our practices. The argument that the only way to learn is from being directly appealed and reversed is nonsense. The cost of losing the right to a trial de novo to our prose litigants and/or underrepresented litigants (and their access to justice) far exceeds the benefit of telling an individual judge that they made a mistake on an appeal. With regard to the body of law question multiple choice question which had no follow-up question: On-the-record appeals resulting from B and C misdemeanors are going to be extremely sparse given the cost-benefit analysis of an on-the-record appeal. And, while a bigger body of case law would be wonderful, the cost to our present system would outweigh any such benefit a bigger body of case law would bring.

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This assumes that appellate feedback is always the best feedback and I don't believe that to be the case.

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The de novo process ensures that if the first result is incorrect the defendant gets another "bite of the apple." Because district courts are so much more consistent across the state, if the justice court proceedings result in "the wrong result" defendants have recourse.

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It does not matter that still means every justice court jurisdiction in the state could create different case law, which is bad.

**Q42 - If you disagreed or strongly disagreed that an on the record appeal process would create a body of case law around misdemeanor and small claims cases which would be beneficial for practitioners and parties - why?**

It would create a body of case law - true. That case law would not necessarily be beneficial to the vast majority patrons who are pro se litigants because they would never read the case law. Likely neither would the licensed practitioners because unless they specialized in a certain area of law, the stakes are not high enough to justify fees that would support that type of research, particularly in rural areas.

We already have places those cases are done in the district court and the types of cases that we see case law being an issue with any degree of regularity are already enhanceable and thus we get district court cases touching on the same issues. With the recent change of second DUIs being MAs that is going to increase as well. .

In some sense the questions is a little meaningless. Who really could say that more guidance on misdemeanor cases is a bad idea? This is not actually a useful question. But setting aside my agreement that case law would be a good idea in the abstract, the real issues with justice courts are the courts, not the statutes. And that isn't really an issue of needing guidance on misdemeanors themselves but an issue of ensuring some real oversight of those courts. Out of the dozens and dozens of retail thefts I handled as a public defender I can't think of a single instance in which I thought that appellate eyes would be useful to clarify that statute. Same for paraphernalia charges. Same for DUIs. There are a handful of crimes in which it would be useful to get some more guidance, like public intoxication, interference with arrest, threat of violence, and a handful of others. We do need more 4th Amendment case law since traffic stops and street encounters with police tend to result in unreviewable misdemeanors. That said, the indigent appellate defense division did a CLE last year showing that our appellate courts in the last 10 years have skewed towards affirming decisions against defense, which confirmed the impressions of many of my defense colleagues that appeals are not a great avenue to correct injustice at the trial court level. And, again to stress an earlier point, most non-indigent defendants can't actually afford to do appeals. Appeals take a ton of work for the defense attorney which drives up the cost, and the risk-to-reward ratio is usually very poor. They're easy to lose on procedural grounds and it can take months just to get transcripts, making them a poor mechanism for misdemeanor defendants. Just for a reference point, bear in mind that appeals are already available for class A misdemeanors. How many class A misdemeanor cases are appealed each year? Three? Four? Appellate relief is not a realistic mechanism for correcting injustice on misdemeanors.

The basic issues of Due Process and constitutional protections apply equally to misdemeanors and felony and our current system provides very good body of case law.

If there is an issue that needs create a body o case law, an appeal from the Justice Court to District Court to the Court of Appeals is still possible. Creating case law on misdemeanor cases is rare and is already available.

There is already an "on the record" appeal process as all proceedings are recorded (video or audio) allowing for a record to refer to on appeal

It does not matter that still means every justice court jurisdiction in the state could create different case law.

While it would create a body of case law, I disagree that it would be beneficial for practitioners, at least if appeals are handled the way they currently are in appellate courts. They require enormous amounts of time and resources to satisfy the nitpicky appellate rules. Now if there were a much more efficient procedure, such as limited appeals that could be argued summarily without 40-50 page briefs, that might be beneficial.

too many questions

We already have that body of law as a result of the existing process.

What boso of case law would be different for class B and C misdemeanors? Statutory interpretation of the actual offenses is all I can think of. Otherwise, case law would be the same for all levels of offenses.

In small claims cases, the parties would (in all likelihood) still be self-represented. And it is very difficult for self-represented parties to navigate the appeals process, which will likely result in many appeals being decided on technical grounds (e.g., inadequate briefing) rather than the merits.

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The same law and rules apply to misdemeanors and small claims cases. There exists a body of case law that addresses both. There are many appeals of misdemeanor cases to the appellate courts. Most small claims cases involve contract law, of which there is a huge body of case law.

### **Q43 - If you disagreed or strongly disagreed that having both a trial in the justice court and a de novo trial in the district court wastes judicial resources - why?**

I marked disagree just so that I could comment. I actually agree this can be a waste of resources, I don't have the data but It is my feeling that in many areas of the state it is not abused.

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Having a trial in both cases is a waste of time, however, it is a much bigger waste of time to change the entire system to just avoid the less than 1% of the cases where this actually happens. The easier method is to just change the appeal process. The statement below states that having victims testify in two criminal cases is unfair. That is so true, but what is also unfair is having them sit through years of appeals. My guess is if they could get the case done quicker they would rather testify twice then be caught up for 3-5 years as the cases winds it way through the system.

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Having done both appellate cases based on on the record appeals and de novo appeals it is my experience that de novo appeals actually took substantially fewer resources. Having been a trial attorney for many years it was my experience across numerous courts that they main reason de novo appeals were even filed was not to challenge the correctness of decision but to judge shop for a forum that might imposes a lesser sanction. Addressing the disparate sentencing would eliminate the vast majority of de novo appeals. On the record appeals for MB and MC cases is likely to be much bigger strain on judcial resources the resources of indigent defense and the resources of prosecutors than de novo appeals are.

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The number of cases that are appealed via trial de novo is incredibly small and not a drain on the present system. Under the new proposed system, litigants would still be able to file on-the-record appeals. Wouldn't the argument against trial de novo appeals being a waste of judicial resources apply to on-the-record appeals similarly being a waste of judicial resources? Why is giving people the right to an affordable appeal seen as a waste? The reform proposal will make it so prohibitively costly to have a fair original trial that litigants on these more minor cases will just have to make do without an appeal. Legal representation for on the-record appeals are much more costly than trial de novos. Once again, only collectors and attorneys benefit from this proposal. This proposal is the reverse of access to justice.

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Having jury trials in both should be eliminated.

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For the relatively minor matters a second trial takes significantly less total system resources than appellate litigation. Having said that, there are specific appellate practices that could be utilized and still be efficient. A modified de novo system like Arizona's would fit the bill. A party would have to identify an error, and then depending on the nature of the error, the result may be a new trial, a modified sentence, a different ruling on a motion to suppress.

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The majority of de novo trials do not overturn lower court decision.

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I'm a little concerned at the concept of anyone describing the exercise of an appellate right a "waste of judicial resources." The de novo appeal predates the Utah Constitution, harkening back to an era in which the territorial-instituted probate courts handled civil and criminal cases at the same time that the federally-instituted district courts did as well. This is a very old appellate mechanism. It's legitimate to question whether de novo appeals are the *\*most\** efficient use of judicial resources, but "waste" suggests some misunderstanding of the entire point of judicial resources. The entire framework of procedural due process in criminal cases is designed to hamper the state's ability to exact swift punishment against the accused. Any exercise of a right against that machine slows it down and creates inefficiencies (to the extent that we want to buy into the idea that an efficient judicial system is one that processes a high volume of defendants through with speed). Some might characterize those inefficiencies as "waste." That's a problematic paradigm. The paradigm should be rejected, which would render this question meaningless. In any event, to say that something (anything) is a "waste" requires contextualizing that thing against equivalent alternatives. For the reasons I explained above, direct appeal is technically an alternative to de novo appeal, but it is not an *\*equivalent\** alternative in the context of misdemeanors. It's not even closely equivalent in terms of correcting errors in a timely fashion. And because appellate work is simply



more expensive than ongoing litigation through a de novo process, the switch to an appellate system would convert judicial resources into a different kind of cost that litigants would then bear. The proposal doesn't alleviate "waste" it merely passes the cost of waste-alleviation onto others, namely defendants. To the extent that we are considering costs, we should be calculating the opportunity costs that are associated with replacing de novo appeals with direct appeals. From a defendant perspective, direct appeals are slow, they are filled with uncertainty (who knows how the appeal will turn out?), and a misdemeanor defendant bears the brunt of receiving most/all of their punishment before the error is corrected (recall again that even getting transcripts ordered for appeals takes months). A de novo appeal is far quicker, there is no uncertainty to it—the conviction is stayed immediately without needing to convince any judges (except in rare situations), and it is a reliable mechanism to alleviate the error because the error is immediately corrected by having a de novo proceeding (of course the error may be reinstated or a new unappealable error may arise, but those risks are merely possibilities, and some risks inhere to any option). Point is, switching to direct appeal doesn't eliminate costs, it passes them on without an equivalent real-world benefit. Talking about waste without contextualizing it is just poor critical analysis.

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I agree that two trials is not efficient, but the De Novo trials happen so rarely that keeping trials in the justice courts frees up resources and time for the more serious felony matters. If the de novo trial were happening with regularity I would change my opinion, but I don't believe that is happening

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The number of de novo trials in district court is miniscule, and does not warrant the model proposed by justice court reform proposals.

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With the recent changes in the law that allows for domestic violence cases to go straight to district court on the request of either party, then you do not have a de novo hearing and the victim is only testifying once. As for DUIs, and the change with second offenses being charged as a class A misdemeanor, you have eliminated the de novo hearing.

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Summary proceedings are more efficient and are adequate in a majority of cases.

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For as many cases that come through the Justice Court, it is a small number that get de novo appealed.

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I don't ever see doing my job as a waste of time, I wonder if the appeal court judges feel that oral arguments are a waste of their time—I doubt it. Appeals are for various different reasons, most of which rarely involve a victim having to testify a second time, usually it is dissatisfaction with a sentence, or for a hearing de novo.

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It happens on rare occasions and does not waste resources

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My experience is that the de novo is fairly rare. Some of the changes made on allowing DV cases to only be heard one time, could also be implemented in more types of cases like DUIs, etc.

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Although cases get appealed to District Court, I think these cases are often settled when they get to the District Court and so I don't think there are actually two trials that actually occur. I could be wrong.

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Wasting judicial resources is a misnomer. Judges are paid to come to court and preside over legal matters. How is it a waste of time to allow a person to have his/her day in court when that is the foundation of the United States legal arena.

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The number is very low. Trying to save resources may move the costs to other areas, but not provide better justice.

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Are you asking for a Constitutional amendment to eliminate de novo appeals? If so, great. Change the law. Many more cases enjoy the expedited case resolution of justice courts and do not get appealed. Your plan will expand government and the expenses of maintaining this greater burden.

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De novo is quite a bit faster than a traditional appeal.

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There would be a waste of judicial resources if de novo trials occurred often, but that has not been my experience. De novo appeals very rarely ever go to trial.

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A just result is no waste of resources.

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It is very rare.

The overwhelming majority of cases appealed to district court deserve to be tried in a court of record with a law-trained judge presiding.

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There are benefits to de novo appeals in many cases, and the full appellate process in some low level cases might be more wasteful.

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I think that often things come to light in the Justice Court trial that wouldn't otherwise come to light. Given that these cases are not permitted a preliminary hearing I think being afforded the opportunity of a de novo appeal is essential.

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It is a constitutional right that people are trying to eliminate without giving citizens the chance to decide. Before eliminating a constitutional right, maybe explain who thinks it's a waste of resources and ask them to show how much time it really takes. I'm betting the amount of resources that go into providing this right is less than 1%.

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Very very few cases actually have 2 trials.

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A new trial is no more costly than an appeal to the court of appeals. In fact, it may be less costly.

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Most cases from the justice court are not appealed to the district court. The statistics do not support the need for a new court level for these cases. If this is such a problem, make justice court records and directly appeal them to the Court of Appeals.

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I think it is a fair system. It's not a waste. It's our duty.

---

errors happen. Having an additional opportunity to resolve matter correctly does not necessarily waste time.

## Q44 - If you disagreed or strongly disagreed that requiring victims of crime to testify in two separate trials is unfair - why?

The number of cases in which victims are being asked to testify twice is minuscule. In addition, there is a new Domestic Violence removal process currently available. This process could largely result in the end of this issue. Moreover, I do not believe anyone has requested a removal at the Salt Lake City Justice Court which is the largest justice court in the state. And, while it would be wonderful if victims never had to testify a second time, the benefits of the trial de novo system outweigh this particular disadvantage. Also, as noted above, there are less draconian approaches to resolving this issue.

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If a district court conviction is Everest on appeal, the victim will have to testify again as well. That is likely to be years down the road. Moreover, this is a theoretical issue more than a practical one. There are very few actual appeals. Admittedly a number are DV cases. Prosecutors claim they lose the appeal b/c they lose the victim, but that is a canard b/c they have the prior recorded testimony of the victim below, subject to cross examination and could use it if the victim fails to appear. Also the current mechanism for transferring DV cases to the District Court for trial quite elegantly eliminates this as an issue to consider in justice court reform

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Because a victim testifying more than once happens throughout the judicial process. In District Courts there are preliminary hearings and then a trial where a victim has to testify twice at least if not more times if there are motions to suppress. Also, the vast majority of testifying two times at separate trials is no longer applicable given the new law that allows either party to take Domestic Violence cases to the District Court so this doesn't happen.

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It should be said, that in civil cases our discovery and trial procedures anticipate that a victim would have to testify twice as a matter of course: deposition and then trial. So two instances of testimony are fully anticipated and incorporated into civil procedure. Of course, criminal cases have important differences, but even to that point, two instances of victim testimony are anticipated in cases where a defendant appeals an erroneous conviction, that conviction is reversed, and the case is remanded for a new trial. It's also worth bearing in mind the caliber of cases that permeate our justice courts. For example, the last dv case I handled involved a man going to his ex's house to confront her about failing to follow child custody plan. Her 18 year old son (not his son), got in his face and started a shouting match with him. The defendant, in a heat of anger, pushed the 18 year old son, causing the son to stumble back a couple of feet. No injuries. The police were called to the scene resulting in a charge of domestic violence assault. That scenario is a quintessential justice court case. Send out a survey to defense attorneys to ask them how typical this fact pattern is among justice court cases. It's a very normal case. Having that kid testify twice is not an enormous burden on him. Of course, victims come in all shapes and sizes. For some, the possibility of testifying twice could result in a great deal of emotional distress. But that's only one subset of victims, and it wouldn't be appropriate to overhaul the justice court system based on empathy for one subset of victims or by overgeneralizing the representativeness of that subset to the entire class of individuals. And as a final point, every single post-trial de novo appeal I have ever filed was because of some kind of injustice that occurred during the trial by either the prosecutor or the judge. I've never had a client appeal in order to harass or harm the victim or to make the victim too weary to testify again. When people sense that their trials were fair and their attorney did a good job, they tend to be very willing to accept a negative verdict. It's when they sense that the judge or prosecutor did or allowed some kind of injustice that gets them riled up and motivated to go a second round on the case. I sincerely believe that if the quality of justice court judges increased (such as through my suggestion above about an administrative panel) then the number of de novo appeals would decrease to the extent that they are even all that common.

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See the answer above.

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I do not discount the seriousness of misdemeanor domestic violence offenses for the victim and the defendant. But the long term serious consequences that a domestic violence tag has on a defendant can be life altering in a negative way, such as loss of employment, denial of housing and other government benefits, that needs to be weighed. Also, are there really that many de novo hearings that take place?

It is not common, and is appropriate when greater scrutiny is required

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We still have appeals courts and cases can be heard again.

---

Victims in felony level cases are regularly required to testify twice, in a preliminary hearing as well as at trial. Often an alleged victim will be required to testify in motion hearings as well. Having a de novo appeal doesn't make it any more burdensome to the alleged victim than a preliminary hearing.

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The requirement that "victims" of crime testifying at trial is one of the most important constitutional rights for both defendants and purported victims of crimes. The government preferring charges against a person resulting in the criminal lawsuit going to trial means that it isn't the person on trial but the government that is responsible for a "victim's" having to testify in two trials if a de novo occurs.

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Justice requires small inconveniences. That is the public's part of our justice system.

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I think having justice courts on the record for misdemeanor trials is great. Keep de novo for infractions only. But there a witness may have to testify twice, if you keep de novo in the constitution.

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I suppose I'm just a believer in the right of confrontation.

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Witnesses may have to testify in court in multiple hearings--that's due process.

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If they are truly victims, then they need to confront the accused - that Constitution thing - remember?

---

Victims' rights have gone completely out of control. Requiring a victim (aka witness) to testify is simply a necessary part of our justice system and ensuring a defendant's constitutional rights are not ignored. Victims should not have greater rights than defendants.

---

The justice system demands a significant investment from all parties. Fairness accepts that. Innocent people are held on bail because the probable cause standard is low. Is that fair? Yes, but we do what we can to mitigate it. Complaining witnesses participation, including the requirement that they tell the truth on more than one occasion, is not unfair, it is necessary.

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That would be purely an issue created by the system itself, not a defendant. If the courts want to give misdemeanor defendants the same procedural/substantive rights, protections and opportunities, this shouldn't be an issue. But, short cuts seems to be the road most taken.

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A victim's testimony is essential for a fair trial - both from the state and defense perspective. While it is a stressful experience to testify as a witness - trial is stressful for everyone involved and an alleged victim's testimony is essential for a fair trial. Thus it is part of the state's burden to ensure that that alleged victim is there to testify.

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We are so worried about victim rights when justice is what should be the focus.

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The defendant has a right to confront their accuser. Realistically the alleged victim wouldn't have to testify twice if prosecutors made more realistic offers.

---

I personally never had a mistrial as an attorney but they happen all the time and often a victim has to testify again. Also, the appellate process results in retrying a case and in that situation a victim has to testify. If you want to get around this issue, create a rule that allows former testimony to be used in a subsequent trial...

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It may be a burden, but it isn't an issue of fairness.

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As above, have justice courts of record and a direct appeal to the court of appeals.

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I think it depends... were they a victim of theft or a victim of abuse? Very different types of victimhood. One may be more traumatizing than the other.

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same as above. errors happen. second opportunity to correct errors seems appropriate in the interest of justice.

## Q45 - If you disagreed or strongly disagreed that eliminating de novo appeals would result in a higher quality of litigation and party engagement - why?

I have tried 2 de novo cases in the last 5 years. There are a significant number that have a de novo appeal because of other reasons besides having two trials. I think being courts of record will be what results in higher quality of litigation not eliminating de novo appeals.

I do not think it would affect quality or engagement. The quality may actually be better because of it, because the parties are able to test their strategies and witnesses similar to what is commonly done in higher stakes litigation through mocks or moots. I do believe it would reduce confusion and frustration of victims and witnesses.

Parties are engaged at Justice court level and do not file very many de novo appeals, hard to understand why there'd be more engagement if regular appeal process instead of de novo appeals.

Ensuring the unrepresented litigant has the opportunity/right to represent themselves. Removing the trial de novo process takes away this opportunity/right. Many people want to represent themselves and believe they should be able to do so. The removal of the trial de novo system and the increased jurisdictional limits on small claims will require litigants to obtain counsel at the outset. Non-professional litigants will not stand a chance. Similarly, non-indigent criminal defendants who did not hire private counsel will suffer with on-the-record appeals. Consider the drastic limitations of being able to file an appeal when a plea was taken. Further, the cost of indigent defense will increase substantially because all cases will have to be handled so that they could be properly appealed on-the-record in the event the defendant changes their mind or decides to appeal. The pace that criminal misdemeanor cases are handled will slow dramatically. This proposal destroys more access to justice than it creates. The financial cost to non-represented litigants will be astronomical. Debt collectors and attorneys will be the ones who benefit most from this proposal.

Because I have faith that the vast majority of our prosecutors and defense attorneys are doing their best the first time it goes to trial. I think that it is a red herring that attorneys aren't engaged as much because they think they can get a do over if the first trial is lost.

Attorney represented defendants are much more prevalent than 10 years ago. Attorneys should be presenting their best cases the first time instead of using them as practice runs.

I've already discussed above (and others have discussed elsewhere) the incredibly difficult procedural hurdles in preserving issues. I've also talked about how many of the problems in justice court relate to pretrial and sentencing issues that are unlikely to be successfully appealed. Eliminating de novo appeals would not alleviate these issues. If preservation requirements were not so difficult then that would shift the analysis. It's not enough to eliminate de novo appeals because the replacement doesn't actually raise litigation quality in-and-of-itself. I don't know any attorney who cares about their practice who actually tunes out because of the possibility of a de novo appeal. This sounds like a myth that's getting spread. By the same token, I don't know any lazy attorney who cares more about a district court case simply because there's a record to appeal from. The motivating influence of a record are, I think, based on assumptions about the judicial system, not reality. Also, I'm not aware of any lack of party engagement with justice courts because of the de novo appeal. Justice court judges have plenty of power to punish people. I do know private attorneys who phone in their justice court cases, but I am confident it's because justice court clients paid them less money than district court clients did, and not because of the appellate process. To the extent that public defense attorneys struggle to produce high quality litigation or engagement in justice court it's typically because they are (1) new at their jobs and still figuring it out, (2) overwhelmed by their misdemeanor caseloads, or (3) have been doing their job for a long time and get the same paycheck regardless of how their cases go. Again, the manner of appeal has nothing to do with any of that.

Those times I have done de novo trials, I find the second trial is much more focused and efficient. Also, focusing the cases from multiple justice courts into one division is going to cause higher case loads which lowers quality of litigation

The appeal does not determine the quality of the initial litigation

Not that I am against this, but dismantling the Justice Court is not the answer. Very low amount of cases are appealed.

The Justice Court's are just recently being supported by the AOC, this has led to higher confidence in Justice Courts, therefore we are starting to see more party engagement as an institution, as the institution has itself just recently recognized the Justice Courts into it. This will only improve in the future and promote further confidence as the institution of the courts itself becomes more confident w the Justice Courts.

I don't see how the two are connected. How does eliminating an appeal create higher quality of litigation, or party engagement for that reason. I don't see people putting in a lesser quality of work in trial in the justice court merely because they have an appeal option. I don't see how eliminating the option for an appeal would change the quality of work in any way.

I think the trial de novo process works sufficiently, and eliminating it would not be worth the cost as it may not significantly improve fairness or access. I also believe a party should only be allowed on jury trial. They can elect a jury trial at the justice court level or save it for any appeal in district court, but should not get two bites at the "jury trial apple."

It just doesn't occur that often.

Because so often the government amends criminal charges to infractions to remove a defendant's right to a jury trial, even if the justice court judge is as wise as Solomon, taking the jury trial option away means that a prosecutor needs to convince only one fact finders versus every member of a jury of the defendant's guilt beyond a reasonable doubt to secure a conviction. That is a lower burden that sometimes results in miscarriage of justice

Again, such a few cases, have never had more than 2 or 3 in any year.

Some of the worst judges I have dealt with were on the District Court bench. I do not see why these changes avoid that

Constitutional amendments can be tricky to ensure that only the scope of your question gets addressed, kind of like the start of this project, expanding to far greater scope.

If you know you're going to de novo a case in any event, you can treat the justice court proceedings as de facto discovery, which can really help set up how you want to make your record on de novo.

I would ask why we eliminated Circuit Courts if the benefits were so great and engagement was better?

The more careful sets of eyes on a case, the more likely a result apt to what actually happened.

It is critical to have an appellate process to keep lower courts in check.

In my experience, parties are equally prepared to try a case at the justice court level as they are at the district court level. I don't think the de novo appeal right dictates the quality of the litigation for represented parties.

Most litigants with only a misdemeanor cannot afford \$50,000-\$100,000 to appeal a case. It is likely that most of those cases won't be appealed given the cost and time involved in an appeal. It will simply result in more injustice as there will not be a quick and inexpensive way to get a second set of eyes on the issue. Unless the appellate rules are amended to be simplified and not require extensive briefing and time, few will ever appeal.

Again I think that we should keep them as I believe that it provides aspects of litigation that are revealed that wouldn't be otherwise. Things come out at the justice court trial that wouldn't otherwise be known - similar to a preliminary hearing.

This idea suggests that people don't give their best effort in a Justice court trial. I reject this notion after having participated as a judge and lawyer in probably 50 or more Justice court trials.

Why would anyone expect a higher quality of litigation from elimination de novo appeals? I do not understand the connection.

There are occasions wDe novo appeals in some cases are able to address abuse of discretion by judges in their decision making process.

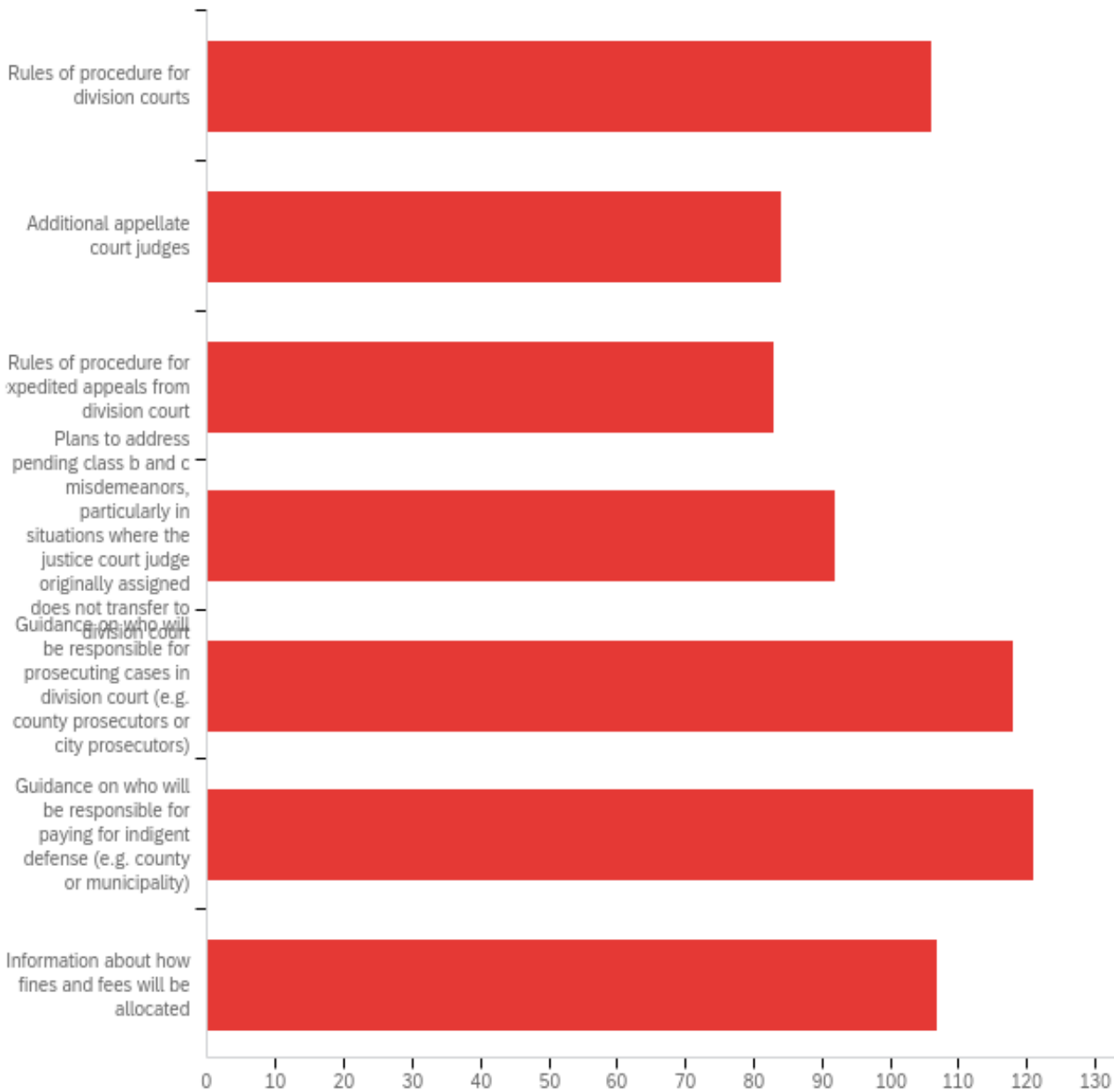
In small claims cases, the parties would (in all likelihood) still be self-represented. And it is very difficult for self-represented parties to navigate the appeals process, which will likely result in many appeals being decided on technical grounds (e.g., inadequate briefing) rather than the merits.

I can think of no reason why it would create a higher quality of litigation and party involvement.

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It would result in a more expensive procedure for small claims cases, exactly what the process is designed to avoid. Small claims cases are of small amounts, to be resolved quickly and inexpensively. Do we really want a \$3,000.00 case before the court of appeals?

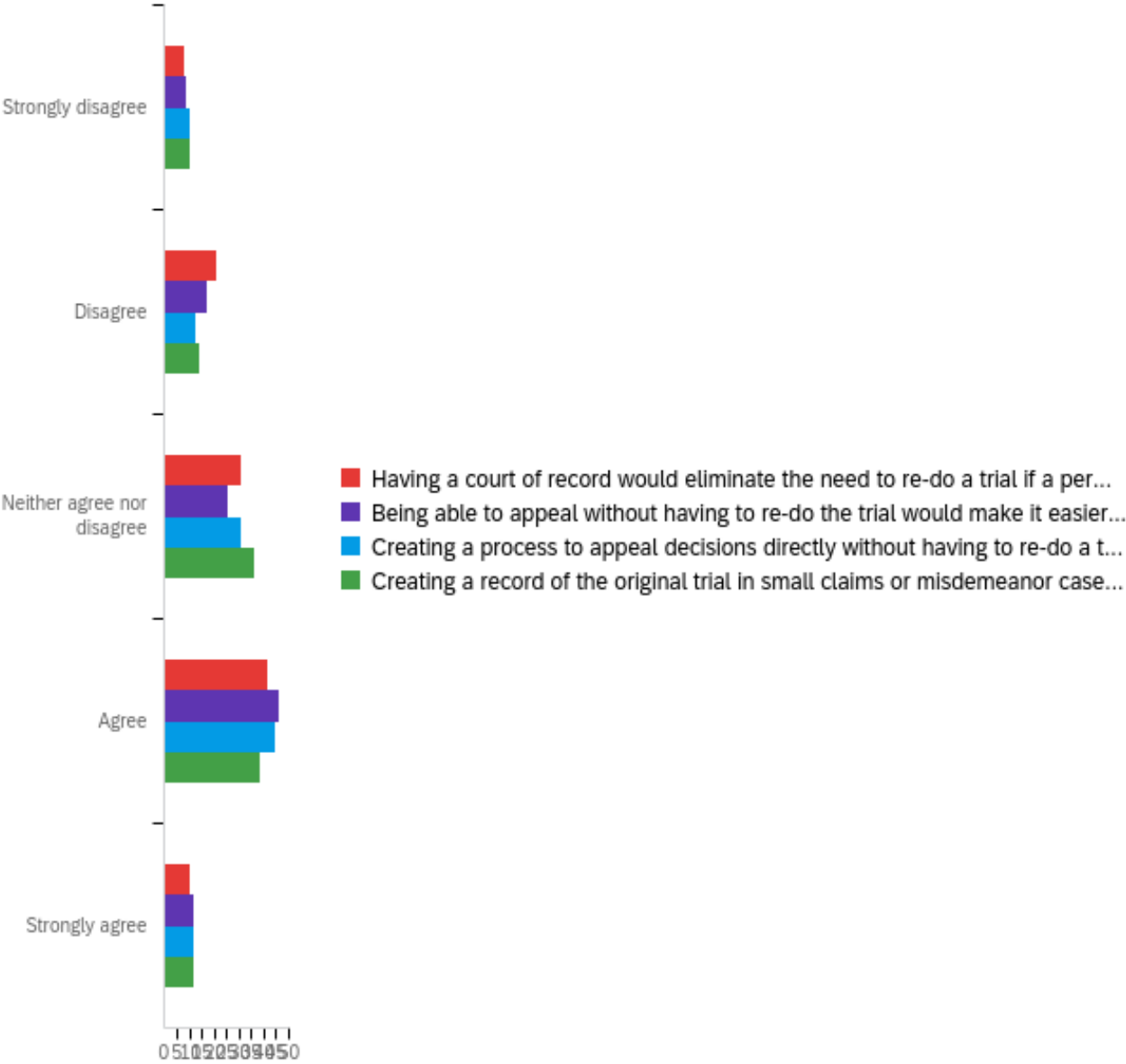
**Q24 - Court Procedure Questions** What other considerations need to be in place to allow this proposal to move forward successfully? (check all that apply)





#	Answer	%	Count
1	Rules of procedure for division courts	14.91%	106
2	Additional appellate court judges	11.81%	84
3	Rules of procedure for expedited appeals from division court	11.67%	83
4	Plans to address pending class b and c misdemeanors, particularly in situations where the justice court judge originally assigned does not transfer to division court	12.94%	92
5	Guidance on who will be responsible for prosecuting cases in division court (e.g. county prosecutors or city prosecutors)	16.60%	118
6	Guidance on who will be responsible for paying for indigent defense (e.g. county or municipality)	17.02%	121
7	Information about how fines and fees will be allocated	15.05%	107
	Total	100%	711

Q17 - Non-Legal Court of Record Questions Please rank the following between strongly agree and strongly disagree.



#	Question	Strongly disagree		Disagree		Neither agree nor disagree		Agree		Strongly agree		Total
1	Having a court of record would eliminate the need to re-do a trial if a person wants to appeal a misdemeanor or small claim case. Having only one trial would be a better use of court resources.	7.14%	8	18.75%	21	27.68%	31	37.50%	42	8.93%	10	112
2	Being able to appeal without having to re-do the trial would make it easier for parties to appeal a case.	8.18%	9	15.45%	17	23.64%	26	41.82%	46	10.91%	12	110
3	Creating a process to appeal decisions directly without having to re-do a trial will create better transparency because there will be a record of what happen in the original trial.	9.01%	10	11.71%	13	27.93%	31	40.54%	45	10.81%	12	111
4	Creating a record of the original trial in small claims or misdemeanor cases will lead to better decisions in these cases.	9.01%	10	12.61%	14	32.43%	36	35.14%	39	10.81%	12	111

**Q46 - If you disagreed or strongly disagreed that having a court of record would eliminate the need to re-do a trial if a person wants to appeal a misdemeanor or small claim case. Having only one trial would be a better use of court resources - Why?**

The amount of cases that are appealed from our court is a very small percentage. Yes, it may eliminate a re-do of a trial, but the number is so small that I believe that court resources would be hire trying to create Division Courts. isnt the point of a appeal to be able to re do a trial when something was done wrong? and i think that the court minutes are enough for the judge to make an educated decision on if a trial is needed

Court resources are shifted. An additional de novo hearing vs processing a formal appeal. They both take court time.

Taking away trial de novo and having all appeals go straight to court of appeals would be more cumbersome and costly for all those involved; prosecutors, courts, defendants and plaintiffs.

People will still think they didn't get heard fairly and would want a hearing de novo.

I never said that it would be a better use of court resources!! If someone is wanting to appeal their case, they have the absolute right to do so. Having it on record or not will not change the fact that they feel wronged in some way.

the on the record has nothing to do with the appeal. it is the defendant feeling they were wronged.

People who are unhappy with court decisions will still ask for a retrial. It really won't solve anything.

Individuals have the right to appeal.

I selected disagree for opportunity to comment. Again, I believe the necessary effort to change constitutionally law could be made.

The number of cases that are appealed is minimal.

I feel like we are turning the whole system upside down for a small amount of appeals. Why not have 1 or 2 justice courts in each district/county hold all the trials. Make it so that those cases are "on the record".

It's so rare that a case does get appealed, I feel like it's a benefit for the public to be able to appeal to the District Court.

Every person has the right to appeal their case and have a new trial.

You can't keep everyone happy, people will be people no matter what the court system does.

We rarely have an appeal at our court. If we do occasionally, it doesn't seem to be a head process to have a new hearing at district court. We have had no complaints.

The ability of the appellee (and appellant) gives them the ability to more fully flesh out the arguments made at the initial trial, to reconsider what was said and what was presented that in many cases will make for a better proceeding before the judge to reconsider. Fairness and justice can include some "Monday-morning quarterbacking" at the expense of the court's time. I think the decision to not provide a second trial on appeal is only in the judge's interest of time, I don't feel it is in the appellee's favor at all.

I think it is the right of the Defendant to have a new trial

It feels like a cop-out on the court's part for appeal rights for defendants

Because every individual has the right to an appeal no matter if it is a court of record or not.

If someone is appealing their case, itay not be solely on the decision remdered. There sre procedural reaspsn for an appeal.

## Q47 - If you disagreed or strongly disagreed that being able to appeal without having to re-do the trial would make it easier for parties to appeal a case - why?

The issue with needing an attorney doesn't make it easier.

A pro se defendant will have difficulty in the formal appeal process. It also is costly to pay for transcripts and prepare documents. Parties find it much easier to explain their side of the story to the judge and ask questions of witnesses. I would favor a more formal appeal for misdemeanor cases, but feel infractions and small claims should remain with de novo or some version of a simpler appeal process.

Part of the appeal process is the ability to start over - which I would think most people would want to do.

I think the whole purpose of the appeal is that people want to re-do the trial. At the Justice Court they don't know the process and they don't know what to expect. On the appeal they have a better sense of what to expect.

They are appealing the case because they want to be heard, they want to put all the facts in front of the new judge in hopes that he will make a different outcome once all the

The defendant should have a right to have a new trial if he feels he lost in vain. you ask about court confidence. knowing you have more options gives the defendant confidence he may move forward and to another direction.

Most people don't understand the appeal process and don't want to take the time to go through it. They will choose the path of least resistance every time. The appeals process is both lengthy and intimidating.

Different aspects of a case may be revealed in a de Novo case.

People appeal a case based on the original decision, does not matter whether it was recorded or not

A lot of pro se individuals (especially small claims) have never been to court. They either need to be able to get free help so that they are fully prepared or be able to have a "do over".

It's so rare that a case does get appealed, I feel like it's a benefit for the public to be able to appeal to the District Court.

Most appeals want their day in court, however they will likely not be talked out of it.

I feel we have gone from one extreme to the next.

I just don't think the process is terrible. The parties seem to like a fresh start with a new trial.

It would make it easier but I feel like it will increase the appeal workload

It isn't hard to appeal a case now, the problem. Isn't ease of the process, it is simply not knowing how to do it where to find out how to.

**Q48 - If you disagreed or strongly disagreed that creating a process to appeal decisions directly without having to re-do a trial will create better transparency because there will be a record of what happen in the original trial - why?**

There is already transparency because Justice Courts are recorded by audio.

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There is a record. Justice courts record the hearings and create minutes.

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How would this actually change - because if they are appealing, who would/how could someone (new or the same) rule on the ruling?

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I believe when people appeal they expect and want to re-do the trial. If they feel in the first trial that they didn't get their story out or wasn't able to answer a question, I think they expect when they appeal that they will be able to have a second chance at getting that information out.

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I think if people are going to have a complaint about the way things were handled in the previous court after appeal, they will find a complaint no matter what. We should never underestimate the angry person's ability to find a problem. There is the trial minutes, the sentencing document, and if they want to review the recording they certainly can. Things can be made more transparent if people so chose.

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The judge over the appeal should have no knowledge of what happened in the previous case so they can base their decision based off the information presented to them without any prior influence of decision. I would never want the appeal judge to know the decision from the previous judge and why because I am there to plead my case in hopes of a different outcome, if he has record of what happened he could make his decision based on the previous judge and not the evidence before him.

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transparency has nothing to do with this. again this is the state attempting to reclaim control.

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Court proceedings are recorded at every level. Judgments are entered on the court docket. How will this actually create better transparency?

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There could be evidence that comes up after a trial that may result in a party being biased. A Judge may have some time of ill will towards a party (not disclosed) and the defendant should have an opportunity to appeal.

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It is the making of the record that creates transparency not the process of appealing without retrying the matter.

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Justice courts always send a copy of the original record to district court when the case is appealed.

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Maybe a new trial and a new Judge would come to a completely different decision, hearing the case with no previous knowledge of it.

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why would someone think if they didn't get a fair trial in the first place, that having an appeal decision made based on the same trial wouldn't make the defendant feel any better or fairly served in the process

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Because there is already a record even if the courts arent pfficially cputrs of record. Chs ging the terminology wont change the basic fact that all these trials are recorded now anyway.

## Q49 - If you disagreed or strongly disagreed that creating a record of the original trial in small claims or misdemeanor cases will lead to better decisions in these cases - why?

If attorneys are appointed as judges, and there is audio recordings, I believe that good decisions are already being made at the Justice Court.

Same answer as the last question phrased like this: I'm unsure of how being a court of record would produce better decisions in the moment of court for case types. I could certainly see how if something was appealed and the original judge overturned how they might adjust the way they view/operate on things. With that being said, our justice court judges already recognize that on the occasional case that is appealed and then their decision is overturned.

We are a court of record. All cases should be treated the same whether on record or not. If there is an issue it is with that individual court and not ALL justice courts and should be treated as so!

Justice Courts already record on proceedings. a proper decision will be done with or without a court of record. you are making the assumption that the prevailing Judges are inadequate and misinformed and therefore the state should take over. shame on you if you feel the judges aren't properly trained, then train them more and better. not impose a state court, costing the state and sentencing treatment of defendants will not be at a higher level as Judges currently serving already do so diligently and precisely and according to set guidelines

Judges have been appointed with the expectation that they will meet their due diligence and treat every case with the respect and fairness it deserves. Their decisions on every case should already be considered fair and concise.

same as above

The decision (the standards) should be the same regardless of record or not

We already create an audio/video (Webex) record.

I think regardless of creating a record of the original trial, the Judge hearing the trial should be making the best decision based on the evidence. If the public perceives that judges don't make the best decision based on the evidence because it's not a court of record, then this will lead to further distrust of the justice courts. It's important the public have confidence in the judges and the system.

The decision is made by the judge either way. I don't understand why being on the record would change how the Judge renders a verdict in them.

Sorry but recorded or not it is the evidence that the judge should follow not if it was recorded

a fresh look at and a 2nd chance to say anything that might have been missed at the 1st trial.

It may be beneficial and possibly prejudicial for an appellate judge to hear the initial trial in certain matters.

appeals should be started without any bias to what happened in the original case. Information should be new.

I already answered this same question on the previous page.

See above

## Q18 - What other suggestions to you have to create a better appeal process for cases currently heard by justice courts?

Why can we not do this now with the Justice courts? Put something similar in place?

We rarely have appeals in our Court so I have no comment on this.

More clarity of how the process works and educational resources for clerks/public.

N/A

Misdemeanors would work, small claims should stay in the justice court and have a trial de novo for access reasons.

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Use processes like the new DV Case Transfer option for types of charges to allow more options for prosecutors/attorneys.

Appealing is a right afforded to patrons motivated enough to file quickly-- they should have that right. It does cost more \$\$ - but not seeing a different way currently to work through that.

For small claims cases the parties don't know the process and really don't want to read about it. Perhaps having a video of the steps and process of a small claims would be helpful to the public.

I feel like the process is already quite streamlined, unsure how it could be smoother.

none

none

It is as simple as it gets, you have 28 days to given written notice of appeal. You can't get any easier than that.

it is currently extremely easy. Defendant notices court of appeal and the court has 28 days to send information down. pretty easy

The small claims process is already a convoluted mess. Parties on both sides have very limited understanding the of the rules and procedures involved in these cases. The entire process should be reviewed and simplified.

Appeals would be less likely if the process were better explained.

Appealing a traffic case should carry as much weight as any other appeal case. When charges are dismissed just because they are "not as important" does not send a consistent message to the public.

None

Perception appears to be the issue once again. And though not always truth based, perception is reality. So, amend the constitution.

None. I don't see a problem with the way they are being handled now.

potentially a board to decide if an appeal is needed based upon the correct procedure being done the first time

I think that the appeal process that is in place works just fine.

More clear or comprehensive appeal instructions for self-represented defendants, consider reduced appeal fees and/or bonds for appeals in small claims cases

Justice courts do not hear appealed cases.

If district courts are overworked by appeals, why not have appeals in another jurisdiction?



Sounds like the district courts don't want to do there job maybe that is were the reform should be.

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We can't keep everyone happy, if someone wants to appeal it should be their right to appeal to District Court

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no other suggestions

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none

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appeals should be based off first trial unless the appeal to district court judge feels like the trial had errors

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The current process is sufficient.

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The appeal should only be allowed if the party filing the appeal can prove there was an error or new evidence.

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don't think there really is, having the right to a de novo trial is part of the judicial process

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N/A

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In our court the Judge is very clear how to appeal and the clerks are willing to help

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Most appeals are because they dont like the punishment the judge ordered. So they appeal and get a pro tunc conviction from district court. Stop allowing them to get a better deal in district court.

---

Perhaps something like the ODR system, where an appeal is filed, and then evidence is filed by prosecutor and defense. Then the appeal Judge would review it their, and decide to either hear it in court, or proceed with appeal through site.

---

I feel they should do it like they did when traffic cases were civil. A recorded record was sent to the district judge to make sure everything was done right.

---

We have less than 1% of cases appealed - there is nothing wrong with the appeal process

---

Make the Justice Courts a court of record. I know it's a big thing to change, but this would be better than what is transpiring.

## Q19 - What other suggestions do you have to ensure that good decisions are made in misdemeanor and small claims cases?

Training for the Judges, maybe a conference where the Judges can ask questions and knowledge of other Judges to see how cases are handled.

Judges who have Law Degrees

If attorneys are appointed as judges, and there is audio recordings, I believe that good decisions are already being made at the Justice Court.

being able to electronically send the file in Coris

.

Good judges make good and fair decisions. The issue is not whether they're being made in a court of record or not. Certain judges have higher appeal rates. These judges should be reviewed closer by the judicial conduct committee.

DON'T use a formula. Each case is so individual it should be considered that way.

I do not know.

Same question, same answer.

none

no more suggestions

All judges should be trained so all decisions in cases are across the board.

the state already mandates the guidelines i fail to see your argument when you are stating 2 cases. it would be nice if the state actually recognized the competent judges and clerks of the Justice Courts.

Appoint judges with a track record of fair rulings, clear understanding of the claims procedures and their ability to be impartial.

Handling the de novo situations does not necessitate a complete overhaul of the justice process.

I have come red to this at several points and refer back to prior commentary.

Well trained judges who can remain impartial and are willing to listen to all the facts.

These "decisions" are made by the Judges, so these questions seem as if the lack of confidence is in the Judges not the process.

Sentencing charts and follow up to ensure judges are sentencing the minimum requirements.

Make sure Judge's are trained on sentencing recommendations.

Judicial training

Better training for the judges.

You could like at what the voters are saying about the judge's

I think I covered it above

Maybe have observers on more often to hear the Judges randomly. If they are observed more, they may try harder to be consistent.

none

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Knowledge and understanding of the law and their application to the set of facts before the court.

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Training for judges.

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no surprises, EDUCATION!

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See above.

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trust the judges know what is best in this situation. In most case by the time someone actually serves jail time it have been at least 1 year of not complying. Why order treatment if you are not going to care if it gets done.

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Our Pro-Tem Judges need to be trained and educated better.

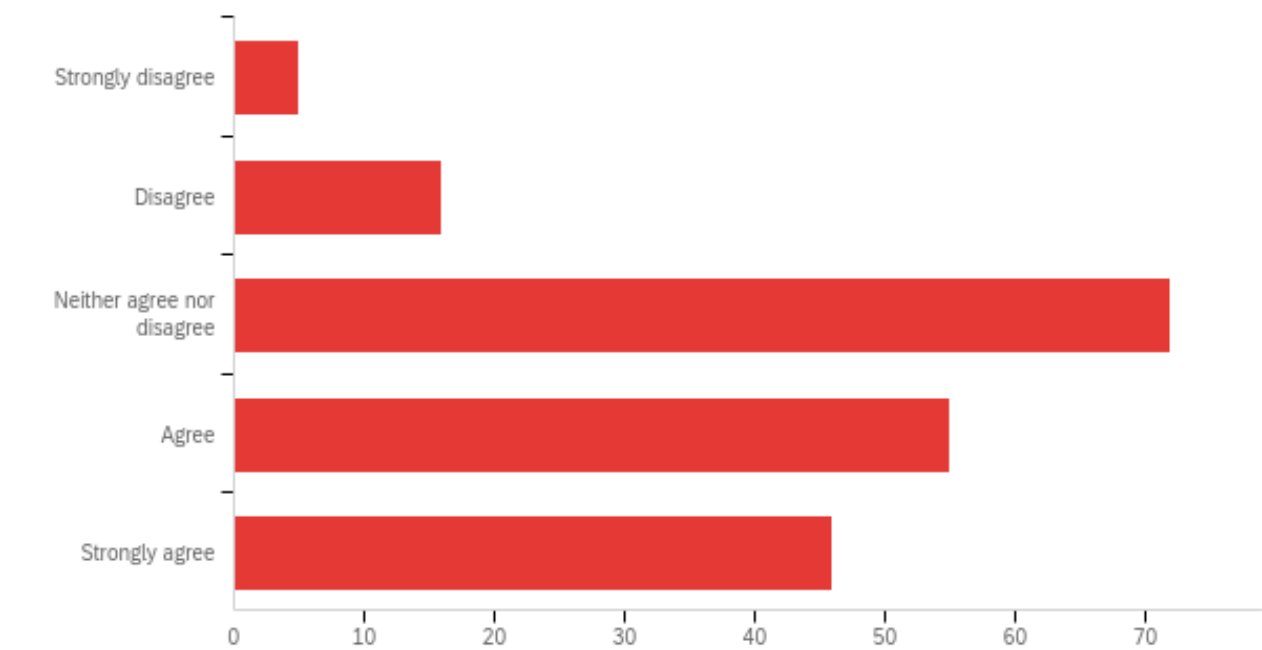
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More training

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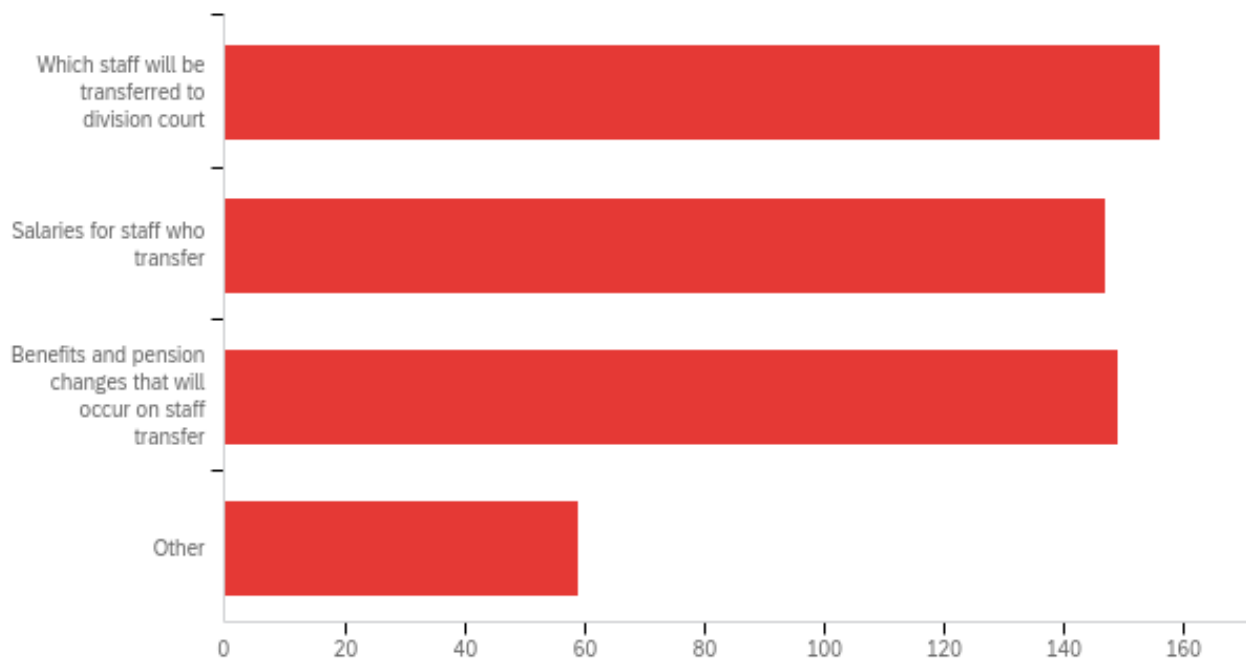
Judicial Education

**Q20 - Staffing and Personnel Questions Please rank the following between strongly agree and strongly disagree.**



#	Answer	%	Count
1	Strongly disagree	2.58%	5
2	Disagree	8.25%	16
3	Neither agree nor disagree	37.11%	72
4	Agree	28.35%	55
5	Strongly agree	23.71%	46
	Total	100%	194

**Q21 - What areas related to staffing and personnel for division court do you have concerns about? (check all that apply):**



#	Answer	%	Count
1	Which staff will be transferred to division court	30.53%	156
2	Salaries for staff who transfer	28.77%	147
3	Benefits and pension changes that will occur on staff transfer	29.16%	149
4	Other	11.55%	59
	Total	100%	511

**Q21\_4\_TEXT - Other**

Not all staff in the justice courts will benefit from moving over to the ORS system. They would need to be able to stay in their own retirement system if they are already vested there.

One person court clerk who also helps with city jobs, how do I do both if I am not here?

where will they be housed? Who will manage these additional positions? it is already difficult to manage different locations, district court, juvenile court and some city/traffic matters now.

Multiple concerns. There is no guarantee of being transferred to a division court for justice court staff. I have worked for the justice court in my city since 2006. I receive benefits that I have earned throughout my years of employment that I am concerned won't be matched even if I am transferred to the division court level. With my

city not wanting to house a division court in the current building, I have concerns about a commute, if I am even transferred to a division court.

working under the state instead of working for the county

Cost to the public

The almost near certainty that economies of scale means there will be people currently employed who will no longer be needed.

Justice court staff's are really afraid of losing their jobs.

Salary and retirement of Judges. Housing for the Division Courts. The only justice courts in Third District that might be appropriate are WVC, Sandy, and West Jordan. Leasing other courthouses from the cities and county is a terrible idea.

Locations

cultural adaptation, "us vs. them" mentality, resentment of personnel that do not believe there is a need for division courts

Don't know enough about this issue

Remote work options. Building needs.

Finding a space they can work.

If this is approved there will be several years of implementation. Current staffing will be even harder than it is now.

Ensuring that there are enough administrative staff to assist with the required judges and JA's. For example: Clerks of Court and TCE's.

retaining seniority

Will I lose my job which I love!!

everything about this division court is represented i feel unfairly and unjust. you have a current Justice Court that works again this is simply the state attempt to control and replace Circuit court that was inefficient and the state conceded it didn't work.

The negative effect this will have on court staff and their careers.

Specific roles for staff that transfer. Loss of vacation and sick leave and having to "start over" or be given very little vacation and sick leave after transferring.

Location- I want to stay where I am at, staff work well together,

As Justice Court reform picks up momentum, hiring and retention in the interim will only weaken. Rhetorical, but would you accept a position in a field that's future was uncertain? This is being mismanaged by the lobbyists of this refrozen.

Eliminating non attorney judge or pushing them to traffic only. May effect pay, retirement, and satisfaction of job. Simply being told today you are qualified for the job, but tomorrow you are not.

Years of service, also the same for Judges. More division, loss of moral, loss of moral and confidence in justice courts, by all, staff, judges of all benches, the system, attorneys, its will again become the black sheep of the courts which it is just coming out from under.

the "riff" that happened the last time we changed courts with the circuit personnel

The competency level of staff

Banked sick/vacation vs. starting over

Why change something that works and has been working for years.

---

Can't tell

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To reiterate, any unknown is disconcerting. The more information provided to clerks on the transfer of staff would be good. I can see that salary dynamics could result in some nice raises, and a few reductions. It would be unfortunate, but shouldn't derail important changes.

---

The fiscal note is of great concern.

---

Many counties and cities may choose to abandon their justice courts altogether. Left with only infractions the revenue will not come close to covering costs of operation and staff

---

I don't know that you would get the staff you need to fill these positions, given the pay the State can offer, and the staffing problems we already have in the State courts. I can think of one clerk who left us to go work for a city justice court, because they could pay her more.

---

the unnecessaryness of it all

---

Will all justice court staff be transferred?

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keeping judges

---

EVERYTHING IS A CONCERN

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How will cities be able to fund a court that is just traffic? You say that's where the money is, but not for all courts and certainly not enough to maintain space, judge and staff.

---

clerks are sitting back to see what will happen, you can't make decisions until the state decides what to do, some things we just don't have control over.

---

I worked for the District Court for 12 years and left because of management and don't really want to go back.

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Perception of justice court transfers in the district court clerks' eyes. Might create a hierarchy where the Justice clerks are perceived as "less than."

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Will state be able to match pay with yearly step pay increase?

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Facilities

---

Funding for services that come out of the AOC

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Physical location for the division courts

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Employees at all levels are concerned about who will be able to move to the new district court if that in fact comes to fruition. Who gets to make that decision? The local court leaders should be able to move into leadership positions with the State courts and move their staff over as they see fit.

---

Level of acceptance by other colleagues

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staff quitting so they will have a job

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Alot of clerk live in the city they work for

---

Jobs being eliminated

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The selection of judges and overall cost of the system.

---

We do not have the room for any more staff.

---

Changes in the court location and how that could impact commute times for staff that might transfer.

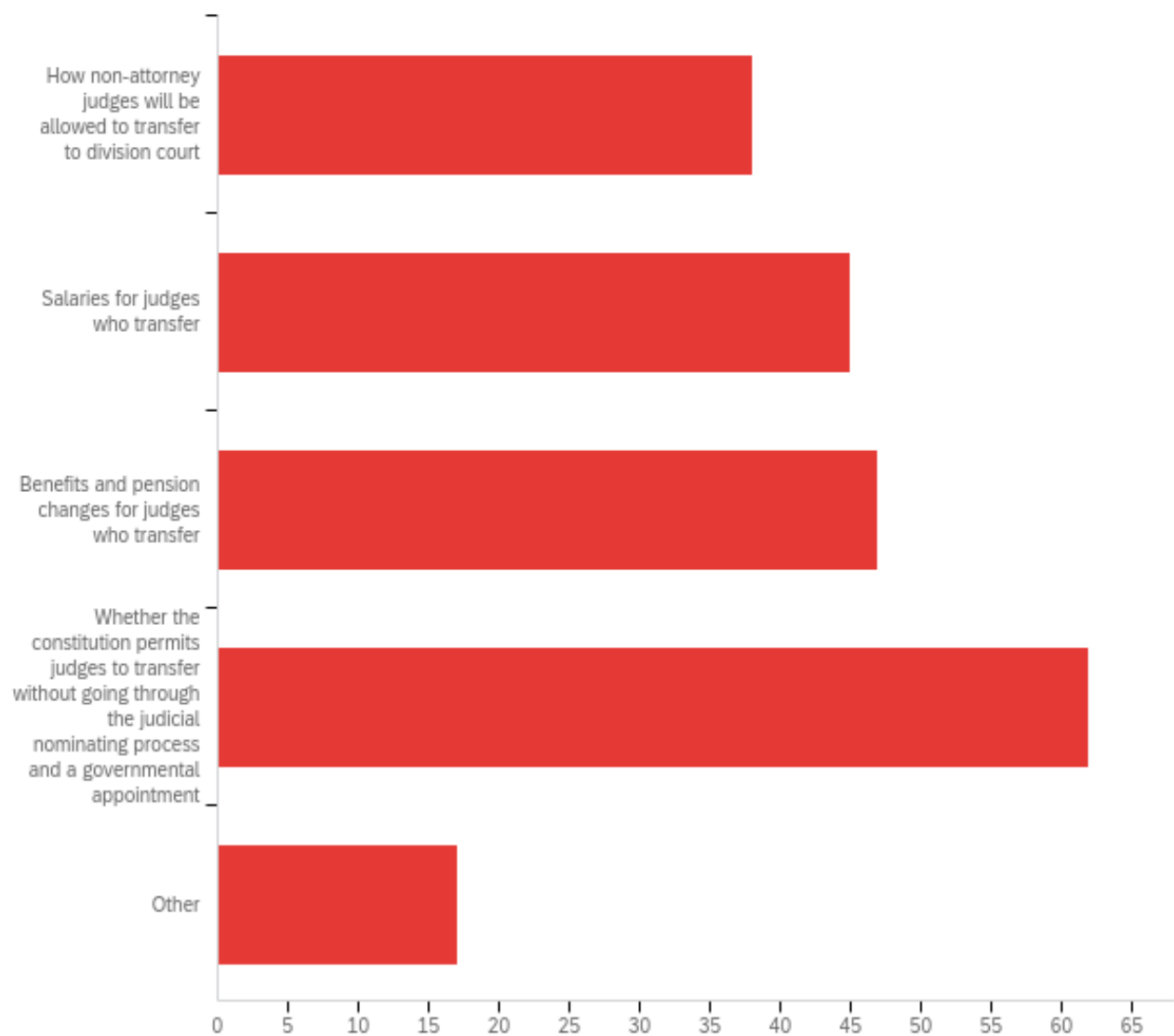
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Will some staff even have jobs?





Q22 - What areas related to justice court judge transfer to division court do you have concerns about? (check all that apply)



#	Answer	%	Count
1	How non-attorney judges will be allowed to transfer to division court	18.18%	38
2	Salaries for judges who transfer	21.53%	45
3	Benefits and pension changes for judges who transfer	22.49%	47
4	Whether the constitution permits judges to transfer without going through the judicial nominating process and a governmental appointment	29.67%	62
5	Other	8.13%	17
	Total	100%	209

## Q22\_5\_TEXT - Other

Cost to the public

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Not assessing qualifications of Justice court judges who would just be made division court judges

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The proposals put forth puts every judge at risk of no longer being employed. If judges are to be appointed by the governor it stands to reason they may simply not want to appoint all of the same people. Despite the assurances being offered to the judiciary there appears to be nothing that actually could be relied on.

---

The fiscal note on reforms. Push back from District Judges who are concerned about losing their pension benefits.

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Whether I will have a Job at all

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Not excited to have legislature reexamine judicial compensation

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We're putting our jobs in the hands of politicians.

---

All of these 100 times over. years of service for judges, especially if justice court judges that have been full time then are bumped down to part time, lose their benefits, 401k, pension etc. I for one would not be able to continue with those losses and would likely sustain a move to part time.

---

Whether or not the non attorney judge will be left with a job or just shoved out the door even though they have dedicated years to the bench and the community

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I am in favor of the recommendations. I am personally a bit concerned that the Governor may not want to bring in justice court judges. I may be out of a job that was fairly secured prior to the recommendations.

---

The fiscal note is a great concern.

---

The equity in justice court judges having to deal only with very simple cases, yet earning almost the same as district judges. Also, while there are some amazing justice court judges, there are some horrible ones as well. Simply transferring them into the district court seems unusual.

---

The constitutional problem is certainly an issue, but another question (irrespective of whether it can happen constitutionally) is whether we really want folks who have not gone through that process to be making these decisions. DO we really want all of the justice court judges to be hearing more serious cases? Obviously, many are well-qualified and do a great job, but not all....

---

Physical space. Where are all of these division judges and staff going to be housed?

## Q23 - What concerns do you have about how this proposal will impact caseloads for your court?

What concerns do you have about how this proposal will impact caseloads for your court?

The total number of cases will skyrocket. How that is divided between the current district court judges and justice court judges remains to be seen.

It is difficult to tell what the impact will be based on the limited information I have received.

I worry that the caseload will be diminished to such an impact as to force closures.

Losing a district court judge may be an unintended consequence. Also, no district court judge wants to be re-assigned to these cases.

The COA's caseload will go up, but it is very hard to gauge by how much. Increasing the number of COA judges may adversely impact collegiality among the judges.

None

I can't see how the municipalities I service would want to retain my court.

Treatment of Class A misdemeanors (whether assigned to the district court or the division court) is one issue that would affect workloads

I think the efficiency of divisional courts will benefit litigants. It will especially help rural litigants if technology is used correctly.

Combining misdemeanors A, B, and Cs in the Division Courts (and SHARING search warrant and PC duty with the District Court) makes sense. Small claims should be left at the justice court.

It is not a question whether the Constitution allows for "transfer." It flat out would not. Every judgeship on the new Circuit Court would be subject to nomination and gubernatorial (not governmental) appointment. I have no concerns about my court's caseload b/c this court would no longer exist.

May be initially helpful, but the cost is so significant I am afraid salaries for existing judges won't keep up with the market and the whole judiciary will suffer some level of "brain drain".... IE...recent loss of Supreme Court Justices

The Legislature has no appreciation for the time that is spent for in-court hearings and out-of-court case work - not to mention the hours of preparation for both.. They continue to pile on and pile on - they require expedited timelines for various hearings without any consideration for caseload and constitutional requirements. I have little faith that any of this will go well.

There will be a substantial fiscal impact to all Justice Courts. It will be more money transferred to the State and less to the local jurisdictions. Cities would still have to prosecute B and C cases with no revenue to support the expense. It will be another unfunded mandate from the State.

I'm looking forward to caseload changes

Not so much caseloads for our court, but in a larger sense, whether smaller justice courts, if division courts are implemented, will still continue in operation.

Uncertainty

I think a lot of judges will lose their jobs, and I think a lot of cities/counties will not want to sponsor a justice court once a division court is created.

I believe this will greatly impact caseloads of my court. My court handles a great deal of Misdemeanor cases, be it including Infractions too, a lot of which are traffic or administrative violations (suspended dl, no dl, etc). Our court is already considered part time but would definitely have a substantial drop—I, though "part time" do receive all county benefits but likely wouldn't be able to keep that if the caseload dropped as it most certainly would with these proposed changes.

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I am very concerned. District court dockets are already too busy. New district court judge positions will be needed if new categories of cases are added to district court dockets.

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I have concerns that taking Class A misdemeanors from District Court judges and giving them to Division Court judges will significantly reduce District Court caseload.

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Great concerns that it will take away a lot of cases and reduce the court case load to a minimal load

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I think enacting the proposed reforms will allow caseloads to be more easily balanced.

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Who foots the bill

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N/A

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As a judge with 2 part time courts, I want/need to become a full time judge rather than stay a part time position. I would like to understand how/if part time judges could become full time.

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I would hope that, if the Legislature follows through with these recommendations, that it would stand behind them. In other words, if it is shown that the caseloads are too big, that additional judges would be added. I think I'll probably work longer hours (acknowledging that I'm making this decision without all of the relevant facts (e.g., how many Class A's, etc.)). Notwithstanding, I think the recommendations make some great changes in a system that will better insure representations, remove some clear inefficiencies, and better serve defendants, victims, and the public.

---

This plan will cost the people a lot more money and is a big benefit to the judges who make it into the new, circuit court, level. A few years and they will want to be district court judges, and we will drop the division courts. Leaving us with less government at the local level and much greater expenses to be paid

---

None. It will have some affect to reduce the caseload in my court. With pretrial release, we are frequently getting repeat offenders with multiple cases at one time. What happens when there are two or three felony cases and two or three Class A misdemeanors cases for one defendant? The resolution will become much more complex and difficult to manage.

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Caseload for our county justice court will be cut at least 80 percent, likely 90 percent as it is extremely rare a case goes into court with only infractions

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I'm guessing it would help this issue, I'm not concerned about it.

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Given the way the weighted caseloads work, it seems that district courts will be stuck with all of the complex and difficult cases. If we lose may judges due to the division court taking cases, the judges who remain will be left with calendars that are not manageable.

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None

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In theory, this should reduce the case load of district courts. I worry about staff at the district courts and what happens to their jobs. And is the plan to adjust down the number of district judges through attrition/retirements? How does that work in our smaller districts with only a couple of judges? You can't have only one judge in a district, so the order in which people retire may create a significant imbalance.

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A reduced caselaod will result in a status change from full-time to part-time leading to other issues such as reenegament in practice of law.

---

Because I preside over a city district court, I think the proposal will lighten my caseload and I am overall in favor of some version of it. I don't think the justice court judges that did not go through the nomination process can just become division court judges (See Ohms case).

---

My concern is that I don't have any idea how it will effect caseloads.

---

It may reduce caseloads in the district court, but the cost far outweighs any benefits.

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Small town courts will shutter and close.

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I think there needs to be additional reform to address weighted caseloads to ensure that the caseload in the division court is manageable.

My staff would be concerned that they would lose their positions with a reduction in filings

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If this reform is passed as envisioned, my court (the Utah Court of Appeals) will receive a vastly increased caseload, and will need new judges and staff to accommodate it.