

JUSTICE COURT REFORM STAKEHOLDER FEEDBACK

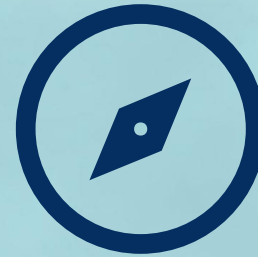
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Focus Groups



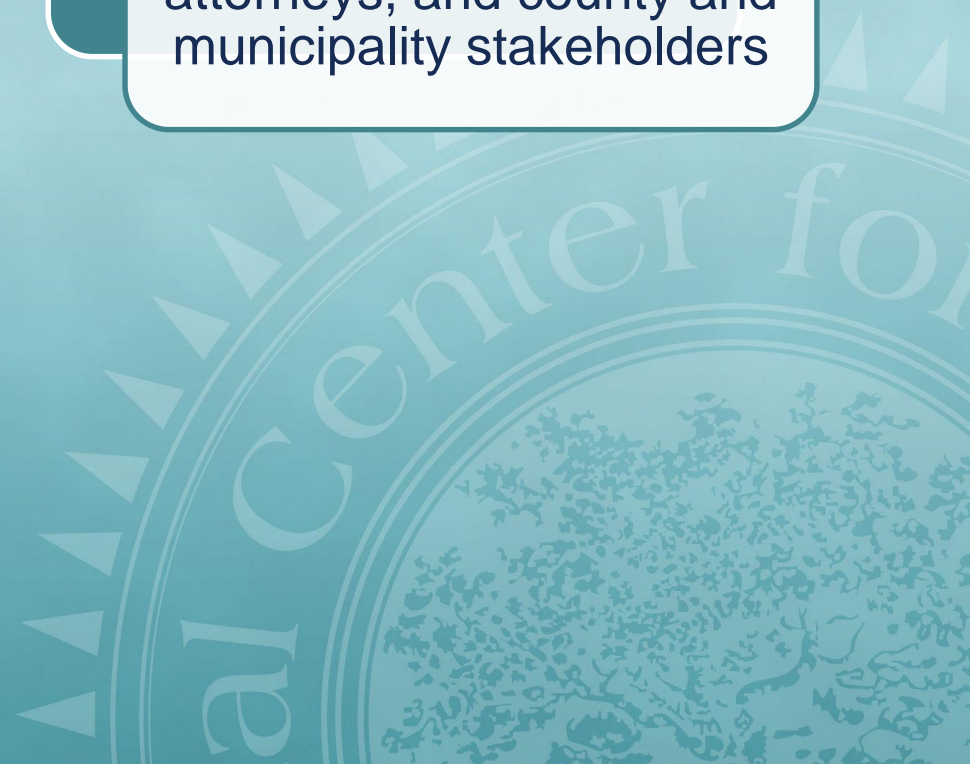
Survey

NCSC Feedback Strategies

Six held over August and
September 2022

Justice Court judges,
Justice Court staff, District
Court judges, prosecuting
attorneys, defense
attorneys, and county and
municipality stakeholders

Focus Groups



Justice Court
Judges: 6
participants

Justice Court
Clerks: 9
participants

District Court
Judges: 12
participants

Prosecutors: 19
participants

Defense Attorneys:
5 in-person
participants, 3
commented via
email

County and
Municipality
Stakeholders: 13
participants

Focus Groups



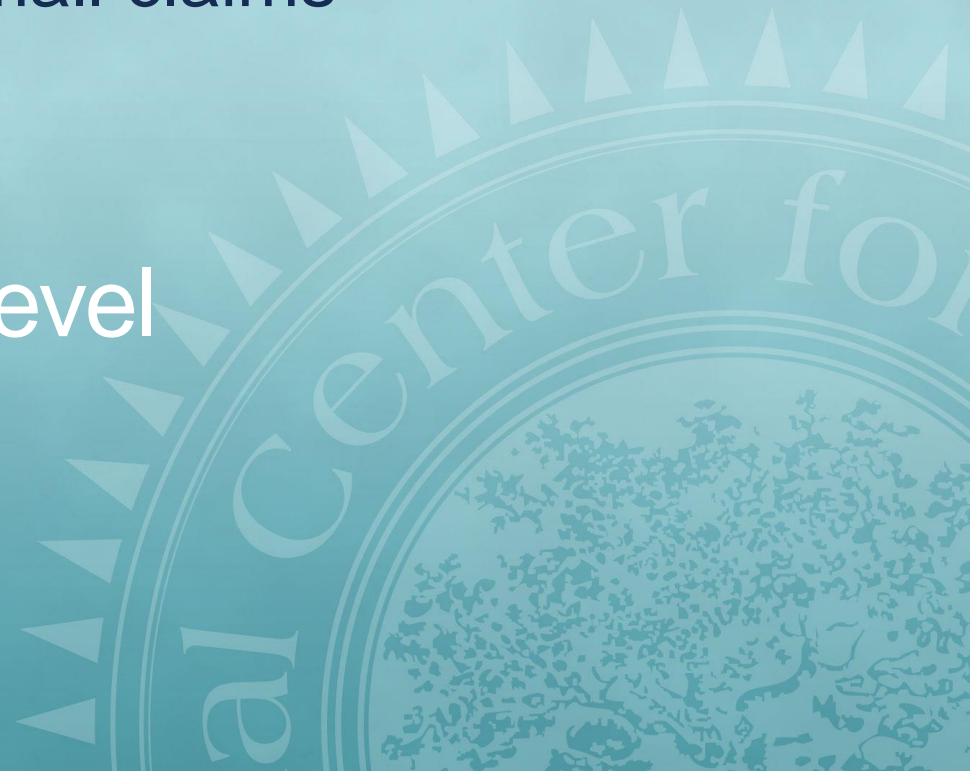
- Need for clarification about:
 - Staff retention and benefits
 - Process and rules of procedure (district court and court of appeals)
 - Funding
 - Access and public information

Focus Group High Level Takeaways



- Areas of support:
 - Eliminating de novo appeals
 - Building a body of caselaw around misdemeanors and small claims

Focus Group High Level Takeaways



Staffing Clarifications: Clerks

Will justice court clerks automatically be able to transfer?

How will benefits transfer (e.g. health insurance, retirement and retirement vesting)?

Will salaries be comparable?

Staffing Clarifications: Justice Court Judges

Will all judges be given the option to transfer?

Will there be a process for vetting judges before transfer?

Under Utah caselaw, can judges be transferred without going through the judicial appointment process?

Funding Clarifications

How will fines and fees be reallocated?

Will division court be funded entirely by the state?

Will counties and municipalities need to shoulder costs?

Process and Rules of Procedure

This is a complicated proposal that will require rule changes on many court levels (justice, district, and appellate).

Moving slowly and incrementally is important.

Access Concerns

Justice Courts are seen in some communities as more user-friendly.

District Court can be hard for SRLs to navigate procedurally.

Want to make sure that Division Court location does not create barriers.

SURVEY RESULTS



Stakeholder Survey

- Developed in conjunction with the Working Group on Justice Court Reform
- Questions framed around the proposal goals
- Open-ended questions similar to focus group questions



Survey Participants

- Survey allowed individuals to self-select into six categories:
 - Judge
 - Court staff
 - Prosecuting attorney
 - Defense attorney
 - County or municipality stakeholder
 - Other



Survey Participants

	Job Title	%	Count
	Judge	29.08%	82
	Prosecutor	15.96%	45
	Court staff	40.43%	114
	Defense Attorney	5.32%	15
	County and Municipality Stakeholders	5.32%	15
	Other	3.90%	11
	Total	100%	282

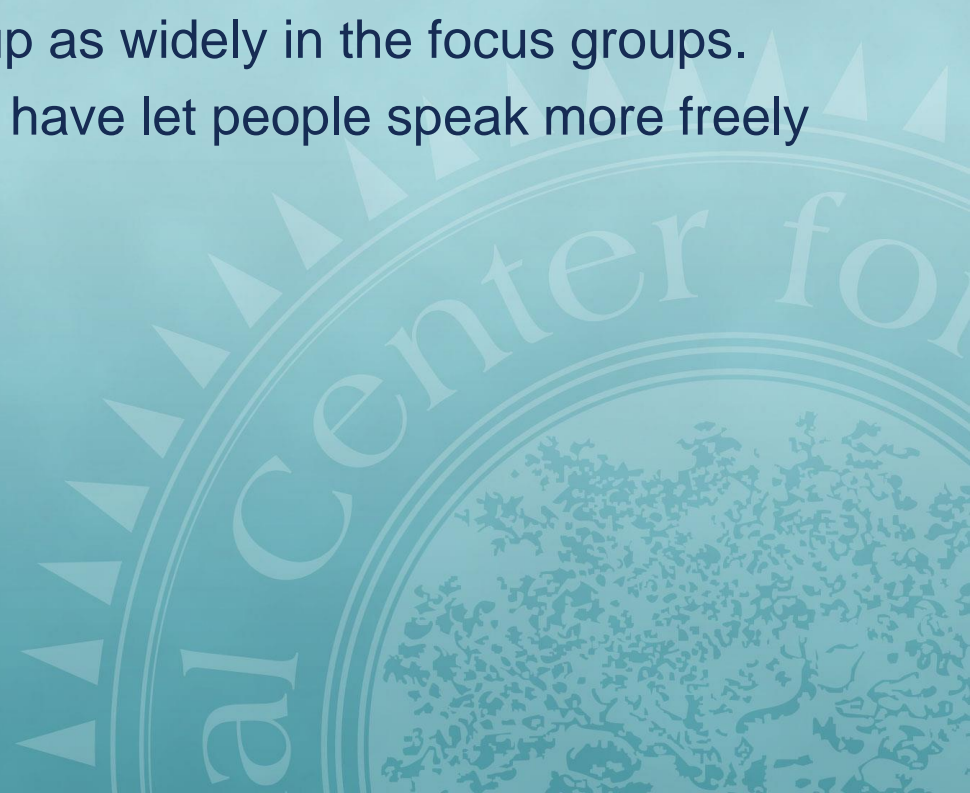
Survey High-Level Observations

- The scaled questions did not produce a lot of consensus.
- The two areas of consensus were around creating courts of record and requiring attorney judges
- We received a LOT of narrative feedback.



Narrative Feedback Proposal Support

- Concerns about non-attorney judges and justice court judges.
 - Several participants felt these judges either did not follow the law or did not treat litigants with respect.
 - This concern was not brought up as widely in the focus groups.
 - Anonymous survey format may have let people speak more freely about this.



Narrative Feedback Concerns

Job loss or
reduction in
salary and loss
of benefits

Closure of
justice courts

Funding (who
pays and fine
and fee
reallocation

Lack of access
(both
geographic and
procedural)

Public confusion

Public Confidence Questions

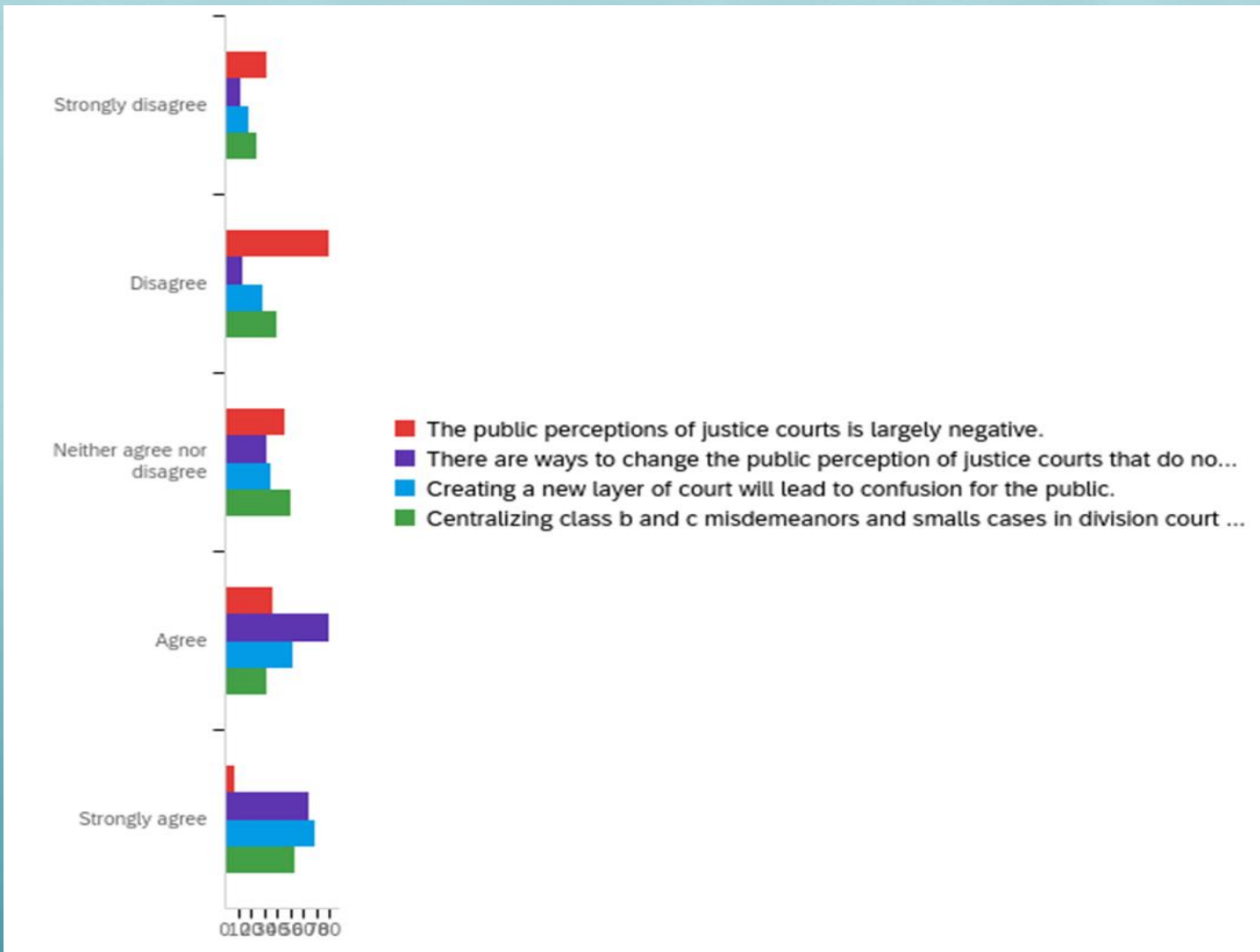
The public perceptions of justice courts is largely negative.

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.

Creating a new layer of court will lead to confusion for the public.

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.

Public Confidence Questions

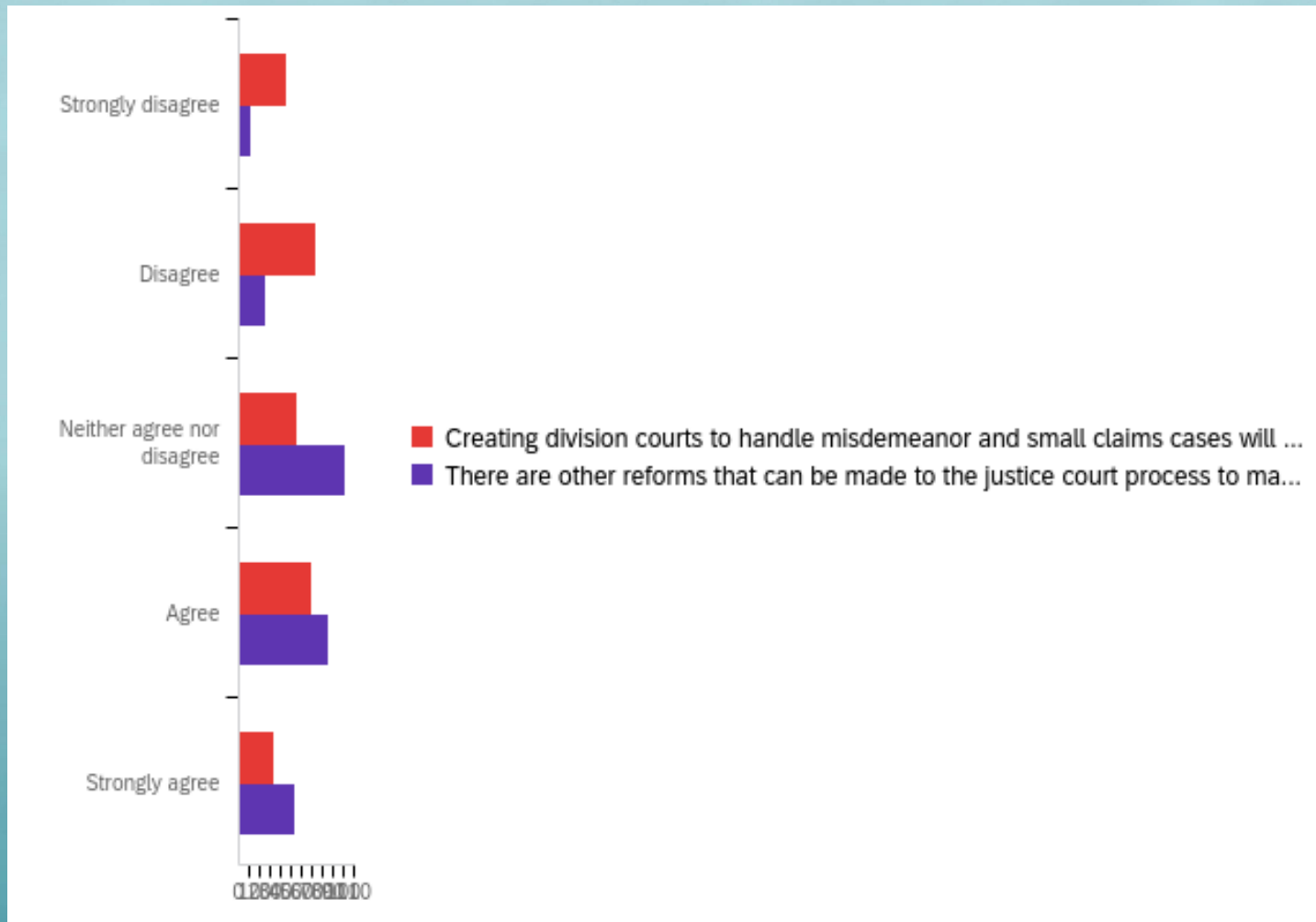


Standardization Questions

Creating division courts to handle misdemeanor and small claims cases will ensure that these cases are handled in the same way throughout the state

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.

Standardization Questions

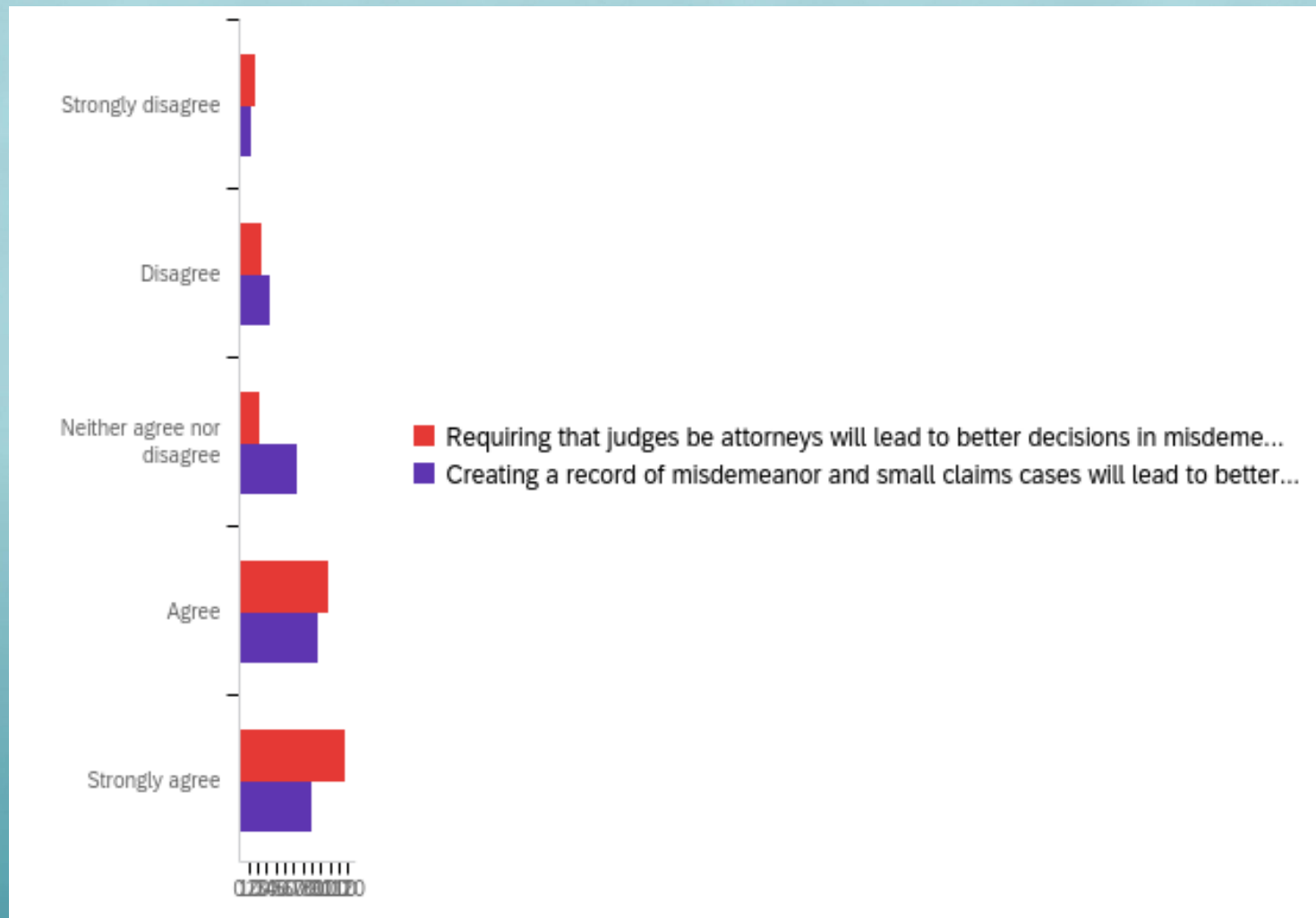


Law-Trained Judge and Court of Record Questions

Requiring that judges be attorneys will lead to better decisions in misdemeanor and small claims cases.

Creating a record of misdemeanor and small claims cases will lead to better decisions in these case types.

Law-Trained Judge and Court of Record Questions

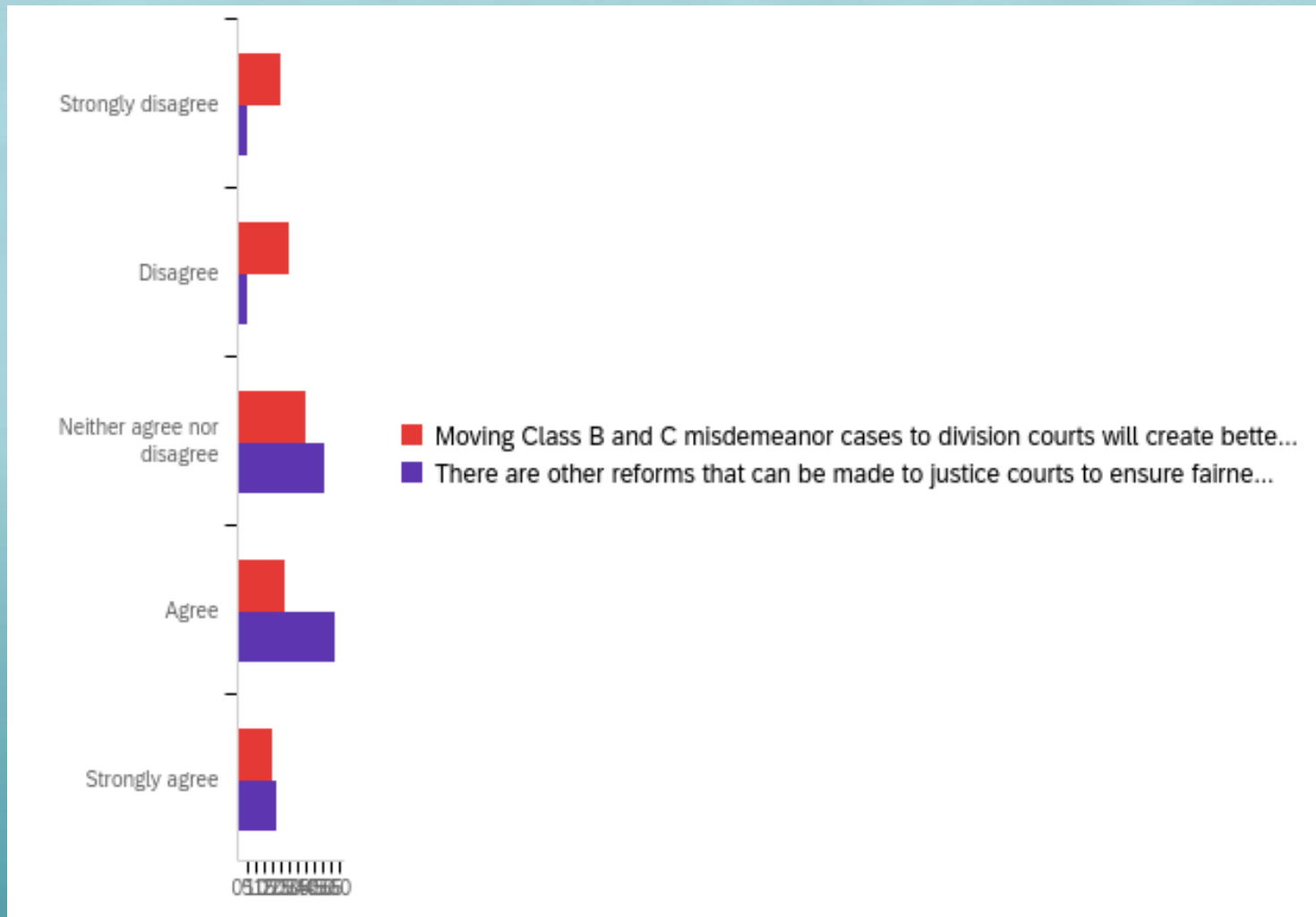


Indigent Defense Goals

Moving Class B and C misdemeanor cases to division courts will create better indigent defense.

There are other reforms that can be made to justice courts to ensure fairness and standardization in provisions of indigent defense.

Indigent Defense Goals



Indigent Defense Goals: Narrative

Funding

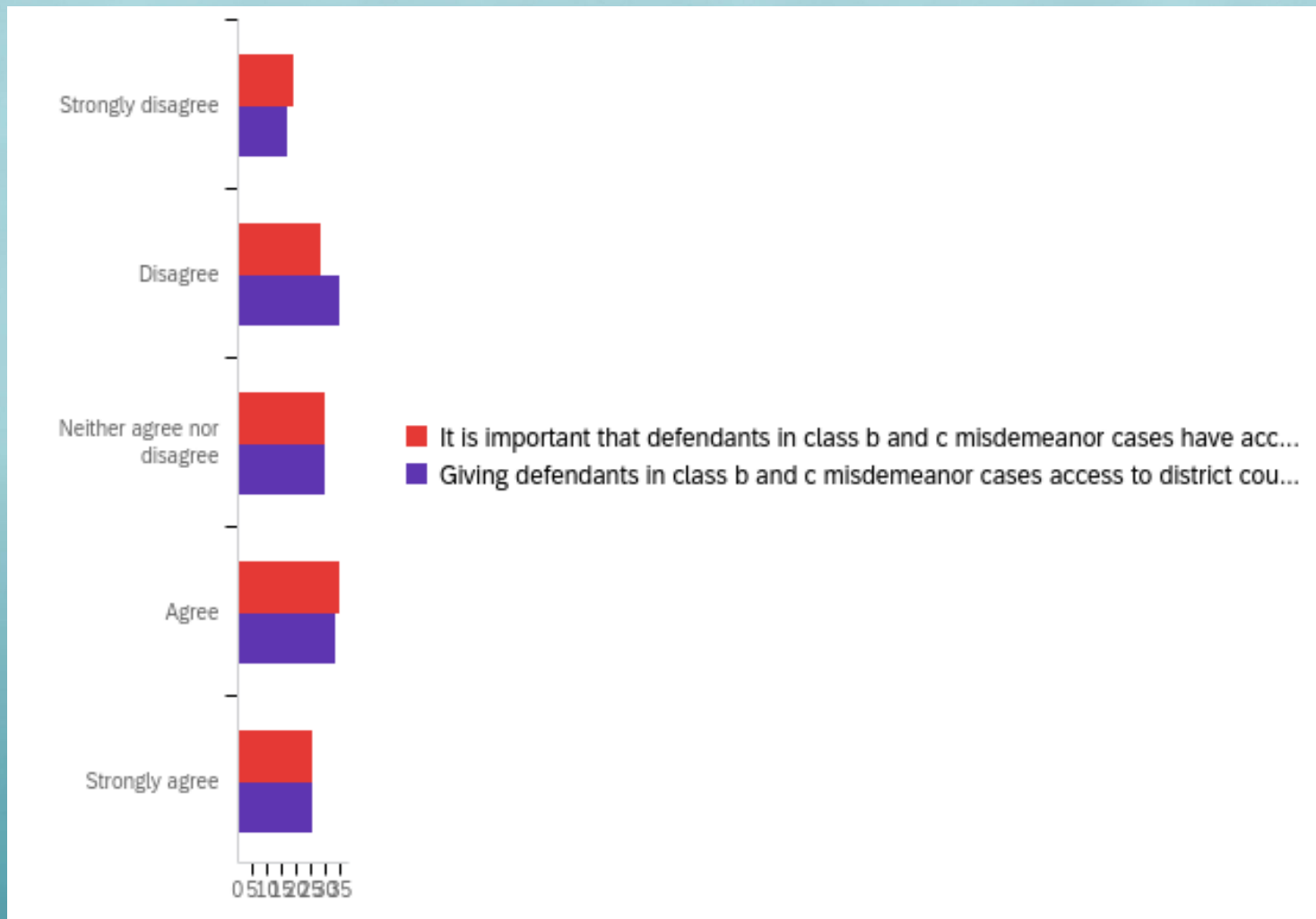
Centralization of
Indigent
Defense
Services

Mental Health and Substance Abuse Treatment

It is important that defendants in class b and c misdemeanor cases have access to specialty courts run by the district courts.

Giving defendants in class b and c misdemeanor cases access to district court specialty courts will lead to better outcomes for these individuals.

Mental Health and Substance Abuse Treatment



Mental Health and Substance Abuse Treatment: Narrative

Some justice courts
have specialty
courts

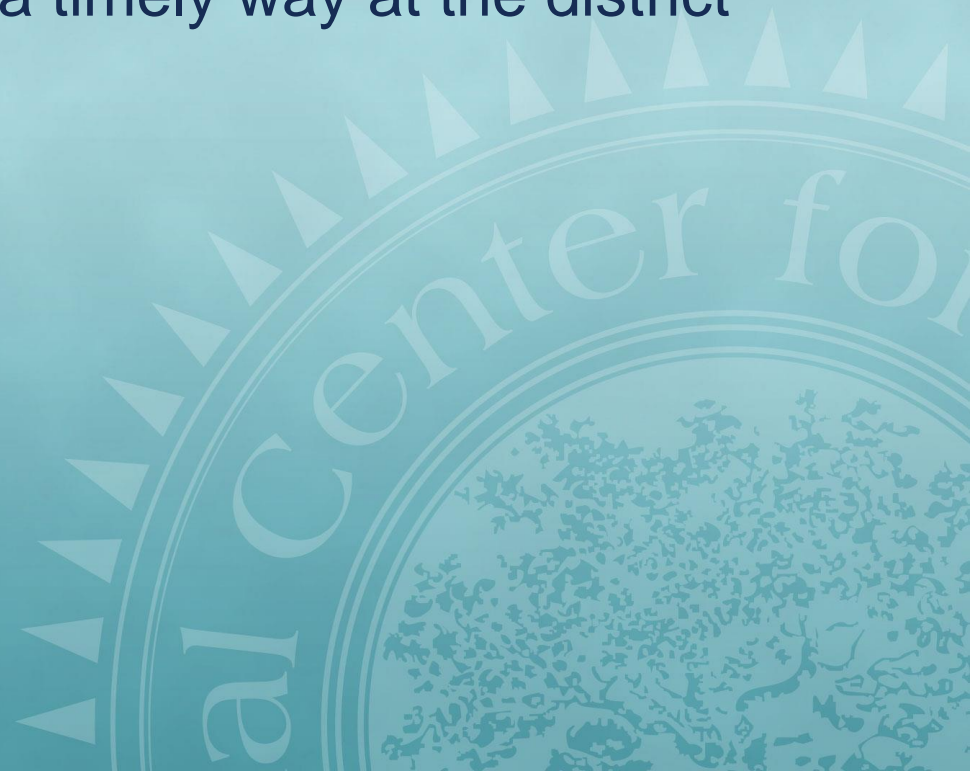
Class B and C
misdemeanors are
not as serious as
felonies and Class A
misdemeanors

Create specialty
courts in justice
courts that do not
have them

Fund mental health
and substance
abuse services
especially in rural
areas

Narrative Concerns

- Job loss
- Public confusion
- Loss of access
- Cases not being handled in a timely way at the district court level



Final Observations

- Clarification about job transfer
- Process and procedural clarification
- Funding clarification

