

JUDICIAL COUNCIL MEETING

AGENDA

December 19, 2022

**Meeting held through Webex
and In Person**

**Matheson Courthouse
Council Room
450 S. State St.
Salt Lake City, UT. 84111**

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report Chief Justice Matthew B. Durrant
(Information)
3. 9:10 a.m. State Court Administrator's Report.....Ron Gordon
(Information)
4. 9:15 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget and Fiscal Management Committee Judge Kara Pettit
Liaison Committee..... Justice Paige Petersen
Policy, Planning, and Technology Committee Judge Samuel Chiara
Bar Commission.....Margaret Plane, esq.
(Tab 2 - Information)
5. 9:25 a.m. Judicial Conduct Commission Report Alex Peterson
(Tab 3 - Information)
6. 9:40 a.m. Office of Legal Services Innovation UpdateSue Crismon
(Information)
7. 9:50 a.m. Office of Fairness and Accountability Report Jon Puente
(Tab 4 - Information)
8. 9:55 a.m. Rules for Final ApprovalKeisa Williams
(Tab 5 - Action)

- | | | | |
|-----|------------|---|--------------------|
| 9. | 10:05 a.m. | Budget and Grants..... | Karl Sweeney |
| | | (Tab 6 - Action) | Alisha Johnson |
| 10. | 10:20 a.m. | Justice Court Reform | Judge Paul Farr |
| | | (Information) | Jim Peters |
| | | | Ron Gordon |
| 11. | 10:25 a.m. | Dissolution of the Big Water Justice Court | Jim Peters |
| | | (Tab 7 - Action) | |
| | 10:30 a.m. | Break | |
| 12. | 10:40 a.m. | Model Utah Criminal Jury Instructions Committee Report..... | |
| | | (Tab 8 - Information) | Judge James Blanch |
| | | | Michael Drechsel |
| 13. | 10:50 a.m. | Senior Judge Appointments | Neira Siaperas |
| | | (Action) | |
| 14. | 10:55 a.m. | Backlog Measurement and Reporting..... | Paul Barron |
| | | (Tab 9 - Action) | Heather Marshall |
| 15. | 11:15 a.m. | Old Business/New Business | All |
| | | (Discussion) | |
| 16. | 11:25 a.m. | Executive Session - there will be an executive session | |
| 17. | 11:35 a.m. | Adjourn | |

Consent Calendar

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

- | | |
|--------------------------------|---|
| 1. Committee Appointment | Judicial Outreach Committee – Valeria Jimenez |
| (Tab 10) | |
| 2. Probation Policies | Blake Murdoch |
| (Tab 11) | |
| 3. Water Law Judge Appointment | Shane Bahr |
| (Tab 12) | |
| 4. Forms Committee Forms | Kaden Taylor |
| (Tab 13) | |

Tab 1

Agenda

**JUDICIAL COUNCIL MEETING
Minutes**

November 21, 2022

**Meeting held through Webex
and In-person**

**Matheson Courthouse
Council Room
450 S. State St.
Salt Lake City, Utah 84111**

9:05 a.m. – 10:25 a.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. David Mortensen, Vice Chair
Hon. Keith Barnes
Hon. Suchada Bazzelle
Hon. Brian Brower
Hon. Samuel Chiara
Hon. Augustus Chin
Hon. David Connors
Hon. Ryan Evershed
Hon. Paul Farr
Hon. James Gardner
Hon. Elizabeth Lindsley
Hon. Thomas Low
Justice Paige Petersen
Hon. Kara Pettit

Excused:

Margaret Plane, esq.

Guests:

Jonathan Adams, OLRGC

AOC Staff:

Ron Gordon
Neira Siaperas
Michael Drechsel
Brody Arishita
Shane Bahr
Jordan Murray
Bart Olsen
Jim Peters
Nathanael Player
Nick Stiles
Karl Sweeney
Sonia Sweeney
Melissa Taitano
Jace Willard
Keisa Williams
Jeni Wood

Guests:

Hon. James Brady, Fourth District Court
Hon. Lee Edwards, Logan Justice Court
Alyson McAllister, MUJI – Civil Committee
Lauren Shurman, MUJI – Civil Committee

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

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

Motion: Judge Kara Pettit moved to approve the October 24, 2022 Judicial Council meeting minutes, as amended to correct language in section 15, page 20. Judge David Connors seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported that most of the appellate court members attended the Appellate Judges Education Institute (AJEI) Conference in Scottsdale. A notable speech regarding the safety of judges was presented by Judge Esther Salas, New Jersey United States District Court Judge, who lost her husband and son to a disgruntled lawyer. Judge Salas advocates for federal legislation to ensure better protections are in place for judges.

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

Ron Gordon said the Elected Officials and Judicial Compensation Commission (EOCC) recommended to the Legislature a 10% salary increase for state court judges and a 5% increase for all of the other elected officials. The increase is inclusive of a COLA increase. The courts originally requested a 20% increase in addition to a COLA increase.

In response to the Council’s action on the Green Phase Working Group’s report, Mr. Gordon conveyed to the Supreme Court the Council’s recommendation that the Supreme Court create a rule of procedure that would allow a participant to request permission to attend a hearing opposite of the way the judge decided. The Supreme Court is currently working the General Counsel to establish that rule.

Mr. Gordon updated the Council that the AOC’s data team will soon separate from the IT Department. The recruitment for the Director of Data and Research continues.

4. COMMITTEE REPORTS:
Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Judge Kara Pettit noted the courts continue to accrue savings as staff positions are vacated. The judicial assistants turnover rate has declined since May and applicant pools have increased. Last month, the courts reached a near-all-time high for filled judicial assistant positions.

Liaison Committee Report:

Justice Paige Petersen is now the Chair of this committee. Michael Drechsel is tracking about 42 bills for the upcoming session. Some of the bills include a Utah business court; refining criminal restitution processes; proposed expanded criminal discovery; limits on the use of hearsay at preliminary hearings; potential changes to the “guilty with a mental illness” processes; modifications to the juvenile expungement processes; and creating a statewide definition of recidivism. Regarding justice court reform, Mr. Drechsel’s presentation to the Judiciary Interim Committee was well-received. The courts anticipate a justice court reform bill addressing nonstructural changes. Senator Todd Weiler agreed to run bills for a new Fourth District Juvenile

Court judge and authorization to charge an electronic payment fee to cover the credit card transaction fee.

Policy, Planning, and Technology Committee Report:

Judge Samuel Chiara was elected as the new Chair.

Bar Commission Report:

Margaret Plane was unable to attend.

5. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge James Brady and Shane Bahr)

Chief Justice Durrant welcomed Judge James Brady and Shane Bahr. Judge Brady has been elected as the new Chair. Judge Brady thanked Mr. Bahr and his staff for their continued assistance. The Board will focus on cases pending as they recognize that their cases pending numbers have increased significantly. Prior to COVID, around March 2020, the district courts had approximately 12,500 cases pending throughout the state. During the pandemic, that number increased to about 23,000 – 24,000. In May 2022, the cases pending had declined to about 20,000. However, the past couple of months has seen an increase in cases pending.

Each district provides monthly data of trials, including those that were set, settled or held. They have been focusing on criminal cases, therefore, tort cases have been backing up. They found that about 10% of cases actually go to trial. Some judges are stacking multiple trials on the same day.

| Jury Trials June 2021 - October 2022 | | | | |
|---|------------------|-------------|----------------|------------------|
| District | Trials Scheduled | Trials Held | Trials Settled | Trials Continued |
| 1 | 282 | 30 | 111 | 127 |
| 2 | 1077 | 85 | 438 | 513 |
| 3 | 2140 | 184 | 678 | 1165 |
| 4 | 968 | 99 | 380 | 407 |
| 5 | 413 | 27 | 255 | 413 |
| 6 | 17 | 1 | 19 | 4 |
| 7 | 128 | 19 | 114 | 9 |
| 8 | 192 | 20 | 115 | 50 |
| State | 5386 | 482 | 2132 | 2800 |

The Board meetings are now held in person, as are their conferences. The Board also discussed a new law that results in some protective order and stalking injunction cases being addressed in district courts. District court judges address issues in these cases that might be better addressed in juvenile court.

A survey has been sent to judges, which will assist with revising the judicial weighted caseload formula. Mr. Bahr explained that the formula will take into account travel, training, and meetings. Judge Elizabeth Lindsley asked if the formula will include hearings in person, remote, and hybrid. Mr. Bahr confirmed that the formula will include all three hearing options.

Chief Justice Durrant thanked Judge Brady and Mr. Bahr.

6. COMMITTEE ON COURT FORMS REPORT: (Nathanael Player)

Chief Justice Durrant welcomed Nathanael Player. The Committee on Court Forms is charged with reviewing the need for court forms and creating forms written in plain language. Court data shows that the overwhelming number of people facing litigation in district courts represent themselves. Without legally accurate and comprehensible forms, these self-represented litigants are largely unable to access the courts.

The Committee receives numerous requests for forms and prioritizes its work as follows

1. forms that must be amended or created because of changes in the law
2. forms that contain a mistake
3. forms that fall within one of the LPP practice areas
4. forms submitted or requested by one of the boards of judges
5. other forms, decided on a case-by-case basis. Requests are evaluated on criteria including:
 - access to justice principles,
 - the mission of the courts (to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law),
 - the number of people who are or would be impacted by a form, and
 - fixing a flaw in a court process.

The Committee has

- identified the need for a forms attorney to support the time-intensive work of the Committee;
- adjusted committee membership to add a practitioner, the LPP administrator, and a district court judge from beyond the Wasatch Front;
- continued to meet remotely every other month;
- maintained current forms consistent with the state of the law;
- in the past year, the Forms Committee worked on 105 forms, including:
 - revising and improving 17 existing forms;
 - updating 35 existing forms based on legislative updates;
 - drafting 21 new forms based on existing law;
 - drafting 32 new forms based on new legislation or court rules.
- on top of these revisions, the Forms Committee updated over 300 forms.

Judge Lindsley thanked Mr. Player for his work and dedication to the committee. Chief Justice Durrant thanked Mr. Player.

7. MODEL UTAH CIVIL JURY INSTRUCTIONS COMMITTEE REPORT: (Alyson McAllister, Lauren Shurman, and Jace Willard)

Chief Justice Durrant welcomed Alyson McAllister, Lauren Shurman, and Jace Willard. The Model Utah Civil Jury Instructions (MUJI-Civil) Committee is comprised of district judges, civil practitioners who primarily represent plaintiffs, civil practitioners who primarily represent defendants, and a linguist. Several changes were made to the leadership and membership of the Committee, including a new Chair (Ms. McAllister), Vice Chair (Ms. Shurman), a new linguist, and defense counsel member.

Over the last year, the Committee has discussed several sets of jury instructions including:

- *Boundary by Acquiescence*: These instructions include relevant definitions, elements required to prove a boundary by acquiescence, and exceptions.
- *Avoiding Bias*: The Council emphasized a request for civil instructions addressing juror implicit bias or a report on discussions for these instructions. A civil instruction on Avoiding Bias was approved. The Committee has also discussed whether the Court should consider addressing implicit bias through other means, such as videos or reading materials.

Judge Chiara learned that another state has a video on how to advise jurors of implicit bias. He wondered if the Utah Courts could obtain a copy of the video; however, he noted that the cost may not be worth creating a new video because the outcomes of showing the video indicated “no harm” rather than a positive outcome. Ms. McAllister will research the possibility of obtaining the video. Council members agreed that having this instruction was important.

With this being a new instruction, the Council felt the Boards should have an opportunity to weigh in before being presented to the Council. Mr. Bahr will assist with seeking the Boards opinion.

- *Defamation*: A case law update was presented to the Committee on the previously published defamation instructions. Amendments to these instructions were made to reflect updates to the law.
- *Easement by Necessity*: These instructions are being revised.
- The Committee amended the *Spoliation, Defamation (False Statement element), Nuisance, and a new proposed instruction on pretrial delay* instructions based on the public comments they received. Discussions regarding the public comments are ongoing.
- The Committee has worked throughout the year to revitalize the workgroups to address civil instructions on *Insurance, Wills and Probate, Assault and False Arrest, and Directors and Officers Liability*. This included reaching out to legal professionals in the community to form new connections that will work on drafting civil jury instructions on these topics. The Committee expects to see the *Products Liability* instructions completed soon.

Chief Justice Durrant thanked Ms. McAllister, Ms. Shurman, and Mr. Willard.

8. SENIOR JUDGE CERTIFICATION: (Neira Siaperas)

Chief Justice Durrant welcomed Neira Siaperas. Judge Roger Livingston applied to be an Active Senior Judge. Judge Livingston retired from the bench in 2003 and served as an Active Senior Judge from November 2010 to December 2016. He does not have any outstanding complaints after a finding of reasonable cause with the Judicial Conduct Commission or the Utah Supreme Court.

Qualifications for Active Senior Judges are found in UCJA Rule 11-201(1). One of the requirements is “to obtain results on the most recent judicial performance evaluation prior to termination of service.” Judicial performance evaluations are not available for Judge Livingston because the Judicial Performance Evaluation Commission (JPEC) started conducting judicial evaluations in 2012, after he retired from the bench. Performance evaluations and attorney surveys from the National Center for State Courts (NCSC) are also unavailable because Judge Livingston has not served on the bench in the past six years.

A judge must also satisfy education requirements set forth in UCJA Rule 3-403(3)(A)(i). Judge Livingston does not meet the requirement of completing 30 hours of education annually. The Education Department and the Third District Court leadership team have agreed to assist Judge Livingston with completing the required hours through LMS courses and in-person training.

The Council recognized that Judge Livingston does not meet qualifications and wondered if the Council has the authority to defer the recommendation until he obtains the 30 education required hours. Judge Keith Barnes wondered if there was a shortage of senior judges. Ms. Siaperas noted that there is not a shortage of senior judges.

Chief Justice Durrant thanked Ms. Siaperas.

Motion: Judge Chiara moved to report to the Supreme Court that Judge Roger Livingston does not meet the qualification and that the Council does not recommend the active senior judge appointment. Judge Chin seconded the motion, and it passed unanimously.

9. JUSTICE COURT REFORM: (Judge Paul Farr, Jim Peters, and Ron Gordon)

Chief Justice Durrant welcomed Judge Paul Farr, Jim Peters, and Ron Gordon. Judge Farr provided the Justice Court Reform presentation to a legislator in anticipation of them running a bill. Mr. Gordon met with a Senator, who was hoping to move forward with a couple of nonstructural justice court reform changes.

Chief Justice Durrant thanked Judge Farr, Mr. Peters, and Mr. Gordon.

10. RULES FOR FINAL APPROVAL: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Following a 45-day comment period, the Policy, Planning, and Technology Committee recommended that the following rules be approved with an effective date of January 1, 2023.

UCJA 1-204. Executive Committees. Creates court-level core teams and subcommittees of Policy, Planning, and Technology to assist the Committee in accomplishing its new technology responsibilities.

UCJA 4-202.08. Fees for Records, Information, and Services. Allows the court to charge requesters for the first 15 minutes of personnel time. “Impecunious” is changed to “indigent.”

Motion: Judge Connors moved to approve UCJA Rules 1-204 and 4-202.08 with an effective date of January 1, 2023, as presented. Judge Suchada Bazzelle seconded the motion, and it passed unanimously.

Following a 45-day comment period, the Policy, Planning, and Technology Committee recommended that the following rules be approved as final with an effective date of May 1, 2023.

Appendix B. Justice Court Standards for Recertification. The proposed amendments are intended to streamline the appendix, provide clarity, and incorporate recent statutory amendments.

UCJA 1-201. Judicial Council Membership – Election. Clarify that Council members can serve as non-voting members of a trial court board.

UCJA 1-302. Board of Judges – Membership – Officers – Secretariat. Clarifies that Council members may serve as non-voting members of a trial court board and continues to allow an exception for the appellate courts.

UCJA 4-202.04. Request to Access a Record Associated with a Case; Request to Classify a Record Associated with a Case. Clarifies that requesters denied access to non-public court records associated with a case that they are not authorized to access under Rule 4-202.03 must file a motion or petition to access the record.

UCJA 4-202.02. Records Classification. Currently, the rule is unclear as to what happens to a record previously designated as sealed if it is included in the overall record on appeal. The proposed amendment would allow sealed records to remain sealed even if included in the record on appeal. Court order may unseal records.

Judge Mortensen said Rule 4-202.02 was recently addressed and felt this amendment should be made effective immediately. Justice Petersen asked whether in the record and any documents included in an appendix must clearly state that it is sealed. Judge Mortensen explained that under the rules, if there is a sealed record, a separate brief must be filed stating that the brief itself is non-public. Justice Petersen was concerned about information from a sealed record being addressed in open court. Judge Connors didn’t believe Policy, Planning, and Technology Committee would oppose an immediate effective date.

Motion: Judge David Mortensen moved to approve UCJA Rule 4-202.02, with an effective date of November 21, 2022. Judge Pettit seconded the motion, and it passed unanimously.

Motion: Judge Connors moved to approve UCJA Appendix B, UCJA Rules 1-201, 1-302, and 4-202.04 with an effective date of May 1, 2023, as presented. Judge Chin seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Williams.

11. OLD BUSINESS/NEW BUSINESS: (All)

There was no additional business discussed.

12. EXECUTIVE SESSION

An executive session was not held.

13. CONSENT CALENDAR ITEMS

a) Committee Appointments of Brian Williams, Freyja Johnson, and Dustin Parmley, and the reappointment of Judge Brendan McCullagh to the MUJI-Criminal Committee.

Approved without comment.

b) Forms Committee Forms. Petition for Name and Sex Change, Order on Petition for Name and Sex Change, Motion to Consolidate, Order on Motion to Consolidate, Department of Corrections Certification Regarding Sex and Kidnap Offender and Child Abuse Offender Registries, Financial Declaration, Motion for Leave to Amend, and Order on Motion for Leave to Amend. Judge Connors questioned including both case numbers on the Motion to Consolidate form because the motion should be filed in both cases. Mr. Player stated if both numbers were included then judicial assistants may get confused as to which case to file the motion in. The substantive language explains the process. Approved with comment.

c) Rules for Public Comment. UCJA Rules 6-501, 3-406, and 3-104. Chief Justice Durrant wondered if Rule 3-406(2)(B) could be amended to simply state “managing the Judiciary’s budget”. Mr. Gordon explained that the Courts did not need to over-clarify to have a substantive impact. Approved with comment.

14. ADJOURN

The meeting adjourned.

Tab 2

Agenda

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

Minutes

November 8, 2022

**Meeting Held Through Webex
and In Person**

**Matheson Courthouse
Council Room
450 S. State St.
Salt Lake City, Utah 84111**

12:00 p.m. – 12:43 p.m.

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

Chief Justice Matthew B. Durrant, Chair
Hon. David Mortensen, Vice Chair
Hon. Paul Farr
Hon. Elizabeth Lindsley
Hon. Kara Pettit

Excused:

Michael Drechsel
Jim Peters

Guests:

AOC Staff:

Ron Gordon
Neira Siaperas
Brody Arishita
Shane Bahr
Tracy Chorn
Wayne Kidd
Nick Stiles
Sonia Sweeney
Janet Thorpe
Keisa Williams
Jeni Wood

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Chief Justice Durrant welcomed new members Judge Elizabeth Lindsley and Judge Kara Pettit.

Motion: Judge Paul Farr moved to approve the October 11, 2022 Management Committee minutes, as presented. Judge David Mortensen seconded the motion, and it passed unanimously.

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

Ron Gordon shared that the Director of Data and Research position will be housed in a new AOC department.

3. **JUSTICE COURT REFORM: (Judge Paul Farr, Jim Peters, and Ron Gordon)**

Judge Farr said Senator Kirk Cullimore was considering running a bill at the upcoming legislative general session. Michael Drechsel is preparing a summary of the phases for Senator Cullimore. Chief Justice Durrant attended Senator Cullimore's presentation at the Utah State Bar's Fall Forum. Judge Farr thought Senator Cullimore was receptive to the plan that was presented to the Council, including eliminating geographic restrictions and requiring set salaries.

4. **2022 ICSA SUMMARY FOR SELECTED JUSTICE COURTS: (Janet Thorpe and Wayne Kidd)**

Wayne Kidd noted the 2022 internal control self-assessments (ICSA) for selected justice courts were conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Diane Williams and Janet Thorpe, served as lead auditors for the assessments. The purpose of an ICSA is to assess the adequacy of a court's risk management and control processes. A self-assessment provides a court an opportunity to address recommendations to mitigate risks and improve controls. The ICSA engagement process helps a justice court accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

The Board of Justice Court Judges approved two business models.

- Business Model 1 – courts receipt and deposit court funds, and perform case recordkeeping duties. This is the model the majority of justice courts follow.
- Business Model 2 – a local government entity receipts and deposits court-collected funds, and the court performs case record keeping duties.

Janet Thorpe explained that the primary focus of an ICSA engagement was to assess critical control processes and compliance with policies and procedures including: separation of duties, safeguarding of assets and security of court records, payment procedures, change funds, mail payments, daily closeout procedures, and trust accounts. The ICSAs help ensure financial and case information is accurate and reliable, and court assets are safeguarded.

Mr. Gordon provided an explanation of what the Management Committee's role is with audits. Mr. Kidd said the Internal Audit Department will report the progress of how the recommendations are being implemented to the Committee.

5. **SALT LAKE DISTRICT COURT AUDIT REPORT: (Tracy Chorn and Wayne Kidd)**

The Salt Lake District Court audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Tracy Chorn, Internal Auditor, served as the lead auditor for this review. The court staffing includes 92 fulltime judicial support employees. The internal audit process helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes. This report furnishes management with information concerning the audit areas reviewed.

The primary focus of the audit was to review high-risk areas including: Separation of Duties, Safeguarding of Assets, Daily Closeout and Balancing Procedures, Mail Payment

Process, Deposits, Monitoring the Trust funds, Accuracy of the Accounts Receivable, and Witness and Juror Payments. The audit objectives were for the period of January 1, 2021, through December 31, 2021 and were evaluated for compliance with state laws, judicial rules, and accounting policies and procedures applicable to the district courts.

Judge Pettit asked about Rule 4-403 in regards to the signature stamp authorization document. Mr. Kidd met with the General Counsel to review the audit before it was brought before the Committee to discuss this. Shane Bahr said that the Clerks of Court are working to determine if a rule amendment is needed on a statewide level. Keisa Williams received the Clerks proposal that will be addressed with the Policy, Planning, and Technology Committee at their next meeting.

Judge Pettit asked if local collection policies or Accounting Manual policies need to be changed. Mr. Kidd confirmed these are local collection policies, not statewide.

Judge Pettit wanted to ensure the correct metric was being used for the clerks for witnesses.

Motion: Judge Farr moved to approve the Salt Lake District Court audit, as presented. Judge Mortensen seconded the motion, and it passed unanimously.

6. COMMITTEE APPOINTMENT: (Jeni Wood)

The Model Utah Jury Instructions Criminal Committee recommended the appointment of Brian Williams, Freyja Johnson, and Dustin Parmley, and the reappointment of Judge Brendan McCullagh.

Motion: Judge Mortensen moved to approve the appointments of Brian Williams, Freyja Johnson, and Dustin Parmley, and the reappointment of Judge Brendan McCullagh to the MUJI-Criminal Committee, as presented and to add this to the Council consent calendar. Judge Pettit seconded the motion, and it passed unanimously.

7. EMAIL FILING INTERIM POLICY: (Ron Gordon)

Mr. Gordon reminded the Committee that the Council requested the Committee continue working through the process for self-represented parties electronic filing until MyCase is available (12-18 months). Additionally, the Policy, Planning, and Technology Committee will consider a rule amendment. Until the rule is amended, the courts may need to establish an interim policy.

The Committee believed having a consistent policy statewide was important as many lawyers file in various courts recognizing that most services are being handled through electronic means. Mr. Gordon said some districts are happy to accept initial and subsequent filings through email in part because some litigants must travel a great distance to a courthouse. Judge Pettit thought that it was unfair for litigants to go to copy centers for paper and copies in some districts but not in other districts. Mr. Bahr explained that in-person filings allowed the clerk to immediately talk through the filing with a litigant, whereas, incorrect email filings would require

multiple emails that may not end up with the same clerk. Judge Mortensen said if the courts are ultimately aiming for allowing email filings, then starting this now may be beneficial.

Brody Arishita mentioned that MyCase will include a judicial assistant que that will help with guided filings, noting that OCAP creates one large package of documents that clerical must separate, whereas, MyCase will alleviate that inefficiency. Judge Mortensen asked about filings emailed on the day of the deadline that are the rejected. Judge Pettit wondered how those issues are currently being handled. Mr. Arishita believed it is rare that clerical rejects documents. Regardless of when the clerk gets to it, the filing date is when it was sent in. MyCase stores the reason why a document was rejected.

The Committee agreed that Mr. Gordon should prepare an Order outlining the interim policy for the Chief Justice to sign .

Motion: Judge Pettit moved to approve an interim policy where the courts allowed emailed filings, including initial filings until MyCase is available and not at the discretion of a court. Judge Mortensen seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the Judicial Council agenda.

Motion: Judge Mortensen moved to approve the Judicial Council agenda, as presented. Judge Farr seconded the motion, and it passed unanimously.

9. OLD BUSINESS/NEW BUSINESS

Mr. Gordon thanked the Committee and the Council for allowing so many AOC directors and staff to present to them. The presenters felt this was a great experience and appreciated being allowed to come before the Committee and Council.

10. EXECUTIVE SESSION

An executive session was not held.

11. ADJOURN

The meeting adjourned.

Agenda

JUDICIAL COUNCIL'S BUDGET & FISCAL MANAGEMENT COMMITTEE

Minutes
November 7, 2022
Meeting held virtually through WebEx
12:00 p.m. – 12:35 p.m.

Members Present:

Hon. Kara Pettit, (Chair)
Hon. Keith Barnes
Hon. Elizabeth Lindsley
Justice Paige Petersen
Margaret Plane, Esq.

Guests:

Mark Urry, TCE, Fourth District Court
Brett Folkman, TCE, First District Courts

Excused:

Sonia Sweeney
Jim Peters
Chris Talbot
Daniel Meza Rincón
Meredith Mannebach
Nathanael Player
Todd Eaton
Keisa Williams
Jonathan Puente
Bart Olsen

AOC Staff Present:

Ron Gordon
Neira Siaperas
Nick Stiles
Shane Bahr
Brody Arishita
Jordan Murray
Karl Sweeney
Alisha Johnson
Melissa Taitano
Sheri Knighton
Suzette Deans, Recording Secretary

1. WELCOME AND APPROVAL OF MINUTES (Judge Kara Pettit – “Presenter”)

Judge Kara Pettit welcomed everyone to the meeting.

Motion: Judge Keith Barnes moved to approve the October 11, 2022 minutes, as presented.
Justice Paige Petersen seconded the motion, and it passed unanimously.

2. FY 2023 Financials / Turnover Savings / ARPA Update (Alisha Johnson – “Presenter”)

Ongoing Turnover Savings (“OTS”) – Alisha Johnson reviewed the period 4 financials and gave an update on OTS. At the end of FY22 we ended with \$250,392 of OTS that have been carried forward into FY23. Most of these ongoing turnover savings carried forward were from reserves of FY22 OTS set aside in June 2022 by the Judicial Council. So far in FY23 we have earned \$258,479 of ongoing turnover savings (an average of \$65,000 per month YTD). The YTD OTS increased from the last meeting due to new hires choosing their medical coverage. YTD OTS is \$508,871. The forecasted amount for year end is conservatively estimated to be \$908,871 which includes a forecast of \$50,000 per month in OTS for the remaining 8 months of the year.

As of 10/28/2022, the OTS schedule shows \$200,000 of hot spot raises as uses that have been pre-authorized by delegated authority from the Judicial Council to the State Court Administrator and Deputy. The \$450,000 in 2023 performance-based raises were authorized by the Judicial Council in its September 2022 meeting, AOC Finance is forecasting that we will end FY23 with \$258,871 in OTS available for discretionary use.



FY 2023 Ongoing Turnover Savings as of 10/28/2022

| # | | Funding Type | Actual | Forecasted |
|--|--|------------------|------------|-------------|
| | | | Amount YTD | Amount @ YE |
| 1 | Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation) | Internal Savings | 250,392 | 250,392 |
| 2 | Ongoing Turnover Savings FY 2023 | Internal Savings | 258,479 | 658,479 |
| 3 | TOTAL SAVINGS | | 508,871 | 908,871 |
| | 2023 Hot Spot Raises | | (109,520) | (200,000) |
| | 2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY) | | - | (450,000) |
| 4 | TOTAL USES before YE Requests | | (109,520) | (650,000) |
| Actual Turnover Savings for FY 2023 as of 10/28/2022 | | | \$ 399,351 | \$ 258,871 |
| Prior Report Totals | | | \$ 259,244 | \$ 150,511 |

One-Time Turnover Savings - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds. Our forecast for FY 2023 of one-time TOS before any uses are deducted is conservatively estimated to be \$4M.



FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 10/14/2022 (608 out of 2088 hours)

| # | | Funding Type | Actual |
|----------------------------------|---|-------------------------|-----------------|
| | | | Amount |
| 1 | One Time Turnover Savings (from actual payroll data versus budget as of PPE 10/14/2022) | Internal Savings | 1,172,800.86 |
| 2 | YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 10/14/2022) | Reimbursements | 251,789.19 |
| 3 | Est. One Time Savings for 1,480 remaining pay hours (\$1,750 / pay hour) | Internal Savings (Est.) | 2,590,000.00 |
| Total Potential One Time Savings | | | \$ 4,014,590.05 |
| Prior Report Totals | | | \$ 3,925,724.82 |

ARPA Expenditures – The Court has been appropriated \$15.0M in ARPA funds. Life to date through 10/28/2022 we have spent \$4.7M of the \$11M in IT access to justice part 1 expenses and \$983K of the \$1M in case backlog part 1 expenses for a total expenditure of \$5.7M. This leaves us an authorized balance available to be expended before 12/31/2024 of:

1. approximately \$6.3M of the \$12M in FY 2022 authorized ARPA funds;
2. all of the \$3M in FY 2023 authorized ARPA funds (for a total of \$9.3M left to spend)

ARPA Expenses as of 10/28/2022

| | | | | A | B | C | A - B - C | | | |
|---|---|-----------------------|---------------|------------------|-----------------|-----------------|-----------------|-------------------|---------------|--|
| | | | | Judicial Council | Actual FY 2022 | Actual FY 2023 | | | | |
| # | | Funded by Legislature | GOPB Approved | Requested Amount | Approved Amount | Expended Amount | Expended Amount | Balance Available | Activity Code | Description |
| 1 | IT Access to Justice - Response to COVID - Part I | May-21 | Yes | 11,000,000 | 11,000,000 | 3,042,468 | 1,678,600 | 6,278,932 | ITCV | Projects will extend thru 12/31/24 |
| 2 | Courts Case Backlog - Part I* | May-21 | Yes | 1,000,000 | 1,000,000 | 707,963 | 274,802 | 17,235 | BKLG | See detail below. |
| | Subtotal | | | 12,000,000 | 12,000,000 | 3,750,431 | 1,953,402 | 6,296,167 | | |
| Requests to Legislature for FY 2023 - \$3,000,000 approved by the Legislature | | | | Requested | Approved | Actual 2022 | Actual 2023 | Available | | |
| 1 | IT Access to Justice - Response to COVID - Part II | 2022 GS | Yes | 1,373,400 | 1,373,400 | - | - | 1,373,400 | ITC2 | Projects will extend thru 12/31/24 |
| 2 | Courts Case Backlog - Part II | 2022 GS | Yes | 1,000,000 | 1,000,000 | - | - | 1,000,000 | BK12 | Projects case backlog will take thru 6/30/2023 |
| 3 | COVID-19 Supplies | 2022 GS | Yes | 640,000 | 302,100 | - | - | 302,100 | CV19 | |
| 4 | Legal Sandbox Response to COVID | 2022 GS | Yes | 649,000 | 324,500 | - | - | 324,500 | LSCV | |
| 5 | Self-Help Center | 2022 GS | Yes | 64,000 | - | - | - | - | | |
| 6 | Interpreter Equipment | 2022 GS | Yes | 97,000 | - | - | - | - | | |
| 7 | Eviction Court | 2022 GS | Yes | 166,000 | - | - | - | - | | |
| 8 | Public Outreach & Engagement | 2022 GS | Yes | 30,000 | - | - | - | - | | |
| 9 | IT Access to Justice - Response to COVID - Part III | 2022 GS | Yes | 1,881,500 | - | - | - | - | | |
| | Subtotal | | | 5,900,900 | 3,000,000 | - | - | 3,000,000 | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | \$ 17,900,900 | \$ 15,000,000 | \$ 3,750,431 | \$ 1,953,402 | \$ 9,296,167 | | |

* Data pulled using list of employees provided by TCEs
FY 2022 Expenses Include

| | |
|-----------------------------|-------------------|
| Personnel Expenses: | \$ 680,101 |
| Mileage Expenses: | \$ 2,475 |
| Sr. Judge Travel Expenses: | \$ 2,203 |
| | <u>\$ 684,778</u> |
| COVID Testing Kit purchase: | \$ 23,185 |
| | <u>\$ 707,963</u> |

| | |
|---|------------|
| Personnel Expenses (as of PPE 10/14/22): | \$ 251,789 |
| Mileage Expenses (as of PPE 10/14/22): | \$ 354 |
| Sr. Judge Travel Expenses (as of 10/28/2022): | \$ 361 |
| | \$ 252,504 |
| COVID Testing Kit purchase: | \$ 22,297 |
| | \$ 274,802 |

Karl Sweeney gave a review of two new sections being added to the accounting manual.

17-00.01 Employee Relocation Reimbursement. New section that addresses relocation.

01-03.00 Safeguarding of Assets. Deleted paragraph 22 that addressed wellness funds. This is being taken out as the new section 01-08.00 PEHP Wellness Funds is replacing it.

03-05.00 Overages and Shortages. Added a link to 3(b) that takes you to the Risk Management website.

03-08.00 Ordering Banking Supplies. Added information on ordering Loomis log books and Tamper Evident Bags. Wording was added to allow courts to order Tamper Evident Bank Deposit Bags using a purchasing card.

04-00.00 Collections. Added wording to allow notices to be emailed in district court. Juvenile court cases would need to obtain a stipulation from the parties.

05-02.00 Cash Change Fund. Added an email for districts to send Acceptance of Cash Custody Forms once completed.

06-09.00 Juvenile Court Restitution Work Fund. Added wording to include non-judicial cases to the work crew restitution program.

07-00.00 Purchasing Overview and General Information. Added information under General Information. Updated wording to match Utah Code of Judicial Administration (CJA) Rule 3-412. Added links to presentations that explain the small purchases in detail. This section has already been added to the accounting manual as it was effective July 1, 2022.

07-03.00 Group Gatherings. Changed the word bids to quotes.

07-04.00 Purchasing Card. Updated wording about Amazon gift cards

07-07.00 State Owned IT Devices. Changed title from State Owned Tablets to State Owned IT Devices. Updated to state that laptops, tablets, and desktop computers MUST be purchased through the Court's IT department.

08-00.00 Payment Processing. Added links to Court's FINET instructions for the new FINET system which went live October 11, 2022.

Removed wording that you couldn't use FINET in Google Chrome.

Added verification process for received services under Policy number 3.

09-00.00 Court Contract Interpreters. Added a link to the interpreter contract/acknowledgement. Included wording for virtual interpretation. Interpreters now have sixty (60) days to submit their invoices for payment instead of thirty (30).

17-00.00 Employee Reimbursements Excluding Relocation. Deleted wording that referenced relocation.

Motion: Judge Elizabeth Lindsley made a motion to approve accounting manual changes included in the meeting materials subject to the circulation of a revision to policy 07-04.00 Purchasing Card and the committee's approval by email vote of an amended policy. Judge Keith Barnes seconded the motion, and it passed unanimously.

4. Old Business/New Business

Karl Sweeney informed the committee that CJA rule 3-406 has made its way through policy planning and technology committees, so it will be on the Judicial Council agenda for approval this coming month. It is related to budget and finance; the committee has already seen it.

Meeting adjourned 12:35 p.m.

Next meeting via WebEx December 5, 2022.

DRAFT

Agenda

UTAH JUDICIAL COUNCIL POLICY, PLANNING and TECHNOLOGY COMMITTEE MEETING MINUTES

Webex video conferencing
November 4, 2022: 9 am

| MEMBERS: | PRESENT | EXCUSED | GUESTS: |
|-----------------------------------|---------|---------|--------------------------|
| Judge David Connors, <i>Chair</i> | • | | Paul Barron |
| Judge Suchada Bazzelle | • | | Keri Sargent |
| Judge Augustus Chin | • | | Nick Stiles |
| Judge Samuel Chiara | • | | Shonna Thomas |
| Judge James Gardner | • | | Judge Keith Kelly |
| | | | Karl Sweeney |
| | | | Shane Bahr |
| | | | STAFF: |
| | | | Keisa Williams - excused |
| | | | Brody Arishita |
| | | | Minhvan Brimhall |
| | | | Stacy Haacke |

(1) Welcome and approval of minutes:

Judge Connors welcomed committee members and new members, Judge Bazzelle and Judge Gardner, and guests. The committee considered the minutes from the September 2, 2022 meeting. With no changes, Judge Chin moved to approve the minutes as presented. Judge Chiara seconded the motion. Judge Gardner and Judge Bazzelle abstain. The motion passed unanimously.

(2-4) Rules back from public comment:

No action needed:

- CJA 4-208. Automated case processing procedures
- CJA 3-108. Judicial assistance
- CJA 4-403. Electronic signature and signature stamp use
- CJA 3-412. Procurement of goods and service

CJA 4-208, CJA 3-108, CJA 4-403, and CJA 3-412 have returned from the 45-day public comment period, having received no comments. The Judicial Council has already approved the rules. No action is needed by the committee.

Final approval (no amendments):

- Appendix B
- CJA 1-201. Justice Court Standards for Recertification
- CJA 1-302. Board of Judges Membership – Officers – Secretariat

Appendix B, CJA 1-201, and CJA 1-302 are ready for final approval by the Judicial Council with an effective date of May 1, 2023. No further amendments have been made to the rules.

With no further discussion, Judge Chiara moved to forward Appendix B, CJA 1-201, and CJA 1-302 as proposed to the Judicial Council for final approval. Judge Gardner seconded the motion. The motion passed unanimously.

Final approval (with amendments):

- CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case
- CJA 4-202.02. Records classification
- CJA 4-202.08. Fees for records, information, and services
- CJA 1-204. Executive committees

CJA 4-202.04:

Proposed amendments to CJA 4-202.04 clarify that requesters denied access to non-public court records associated with a case they are not authorized to access under rule 4-202.03 must file a motion or petition to access the record. The 45-day comment period for CJA 4-202.04 closed at midnight on November 3, 2022. One comment was received at 8:09 pm that evening by William Hains. Mr. Hains proposes five areas of amendments in the rule.

1. Authorization to Access Records. The clarification in lines 23-24 is helpful and should be added to line 13 to specify that a request to access a non-public record should be directed to the clerk of court only when access is authorized by rule 4-202.03.

The committee agreed with those recommendations and modified the language in line 13 to correspond to those in lines 23-24.

2. Denial of Requests to Access Records. The addition of “public” before “record” on line 20 should be removed. Adding “public” inadvertently precludes relief for those who are entitled to access a non-public record but are mistakenly denied access by the court clerk. Subsection (1) directs those who are entitled to access records (either public or non-public) to request access from the clerk. Subsection (2)(A) currently authorizes all those who are denied access by a court clerk to file a motion for access. The proposed amendment would limit that relief to those who are denied access to public records. Subsection (2)(B) does not solve the problem because filing a motion is limited to those who are not authorized by rule to access the non-public record. Filing a motion would in effect be a concession that the person is not authorized under rule 4-202.03.

The committee agrees with Mr. Hains’ comments and recommended to remove “public” from line 20.

3. Petitions to Access Records. The rule currently specifies in Subsection (3) that for requests to reclassify a record, a motion is the appropriate vehicle when the court has jurisdiction over the case and a petition is the appropriate vehicle when the court no longer has jurisdiction. Logically, that same distinction should apply to requests to access a non-public record addressed under Subsection (2). But Subsection (2) doesn’t make that distinction—it speaks only of motions. The heading added on line 18 acknowledges the distinction, but it should also be specified in the body of Subsection (2).

Mr. Hain recommended that language be added to line 21 to address as follows: “if the court record is associated with a case over which the court has jurisdiction, or a petition to access the record if the court record is associated with a case over which the court no longer has jurisdiction.” The same language should then be added at the end of the sentence on line 24. The committee agrees with Mr. Hains’ recommendations and incorporated the proposed language to create a subparagraph 2(C), “A motion should be filed when the court record is associated with a case over which the court has continuing jurisdiction. A petition should be filed to access the record if the court record is associated with a case over which the court no longer has jurisdiction.”

4. Procedural Rules: Moving what was Subsection (5) into Subsection (3) has the effect of making the procedural rules inapplicable to motions and petitions to access records under Subsection (2). The procedural rules identified in Subsection (5) should apply both to requests to reclassify records, and to request to access records. It makes sense to move Subsection (5) above Subsection (4), but it should still be its own subsection, not nested under Subsection (3).

The committee agreed that language should be removed from subsection (3), but remain in subsection (5) as it is applicable to filing a motion in subsection (2). Language from subsection (5) moved and made as a new subsection (4) was titled as “Rules of Procedure Applicable to Motions and Petitions.” “Classify – Redact” is now subsection (5).

5. Service: The rule should require service to the person whose interests are protected by the non-public classification. For example, a crime victim is not a true “party” to an action but may have a privilege interest in records filed with the court such as medical and mental health records. The rule currently does not require any notice to such persons when someone seeks to access or reclassify such records. Because the person whose interests are protected may not always be known to someone seeking access or reclassification, the rule should require the court to provide notice to that person when the movant or petitioner certifies that the person is unknown. The rule should also clarify who is entitled to notice for petitions. The rule implicitly requires service on any parties when a motion is filed in a case over which the court has jurisdiction. (It does so by incorporating the applicable rules of procedure.) But it is not clear who, if anyone, is entitled to service in a case over which the court no longer has jurisdiction. (Who are the “parties” referred to in the rules of procedure? The parties in the underlying case? Or new parties to the petition?) At the very least, an advisory committee note could clarify that the parties to the original case should receive service when a petition is filed. But rule language would be preferable.

The Office of General Counsel does not recommend amendments adding procedural rules of service to the court’s administrative rules. Issues of service belong in the procedural rules, which are referenced in new subsection (4). Any comments for Mr. Hains’ item #5 could be referred to the Procedural Rules Committees to determine if changes are needed. Most of the procedural rules regarding service are in the civil rules, criminal rules, juvenile rules, and appellate rules of procedure.

The committee agreed with the recommendations from the General Counsel’s office and did not adopt Mr. Hains’ proposed changes regarding service.

With no further discussion or concerns, Judge Chiara moved to forward CJA 4-202.04 as amended to the Judicial Council with a recommendation that it be approved as final. Judge Gardner seconded the motion. The motion passed unanimously.

CJA 4-202.02:

Currently, CJA 4-202.02 is unclear as to what happens to a record previously designated as sealed if it is included in the overall record on appeal. The proposed amendment would allow sealed records to remain sealed even if included in the record on appeal. Records may be unsealed by court order. The rule received two comments during the comment period.

Nick Stiles stated that when a sealed record comes up on appeal, the record was previously not designated as sealed. Once on appeal the record could be designated as other than public and in the recent case before the Court of Appeals it was only accessible by the parties in the case. The rule amendment clarifies that a sealed record remains sealed on appeal. The amendments have been vetted and have the support of the appellate court bench. The rule does not need an expedited approval date.

Following discussion, the committee made no additional amendments. Judge Chiara moved to forward CJA 4-202.02 to the Judicial Council for final approval with a May 1, 2023 effective date. Judge Gardner seconded the motion. The motion passed unanimously.

CJA 4-202.08:

The proposed amendments to CJA 4-202.08 allow the court to charge requesters for the first 15 minutes of personnel time. “Impecunious” is changed to “indigent.” Indigent requesters are limited to one free copy of each record, after which they would be required to pay the standard rates. Exceptions can be made by the State Court Administrator.

Keri Sargent met with the Assistant Juvenile Court Administrator to update the language within the rule to reflect current availabilities of the court. The court may have older records retained on microfiche or VHS, but would likely no longer provide records in this medium when there is a request. Regardless of the medium in which they are stored, any records maintained by the court may be printed or placed onto a digital device and mailed to the requestor. The rule still provides for electronic medium and printed copies, as well as personnel time. Ms. Sargent discussed the changes with the clerks of court who support the proposed amendments. Ms. Sargent asked for an adoption date of January 1, 2023.

With no further discussion, Judge Chiara moved to send CJA 4-202.08 to the Judicial Council for final approval of the new amendments with an effective date of January 1, 2023. Judge Gardner seconded the motion. The motion passed unanimously.

CJA 1-204:

Proposed amendments to CJA 1-204 create court-level core teams and subcommittees of Policy, Planning, and Technology to assist the Committee in accomplishing its new technology responsibilities. One public comment was received. The comment recommended clarifying verbiage in the rule and adding a reference to two of the committee's advisory groups, which include a clerk of court from the District and Juvenile court levels. The subcommittee agreed that the recommendations made sense and incorporated them to the proposed rule change. Brody Arishita requested an expedited approval date of January 1, 2023 to allow time to gather the groups together to begin the work as outlined in the rule.

With no further discussion, Judge Chiara moved to send CJA 1-204 to the Judicial Council for final approval of the new amendments with an expedited effective date of January 1, 2023. Judge Gardner seconded the motion. The motion passed unanimously.

(5) CJA 6-501. Reporting requirements for guardians and conservators

CJA 6-501 was recently approved with amendments that went into effect November 1, 2022. Following the effective date, Ron Gordon received additional comments and recommendations for changes to the rule. The comments were from a person who appears to practice in corporate fiduciary work for guardianship and conservatorship cases. A requirement that all reporters submit court forms and an order on review would create consistency for judges when they are looking at guardianship and conservatorship cases. The subcommittee recommends moving paragraph (5) into paragraph (6) to clarify that everyone who files on the case needs to use the court approved forms, but they may also include their own report. The subcommittee also made a minor language correction in paragraph (2).

With no further discussion or concerns, Judge Chiara moved to forward CJA 6-501 as amended to the Judicial Council for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.

(6) CJA 3-406. Budget and fiscal management

The budget and fiscal management rule has not been updated to include the role of the Budget and Fiscal Management Committee which has a central role in budget review. This revision to CJA Rule 3-406 adds the BFMC role and makes other improvements to clarify the budget process.

The committee discussed the proposed amendments and recommended that capitalization of proper nouns is consistent throughout the rule. The committee also recommended that titles are written out completely prior to use of any acronyms. Karl Sweeney will make the changes and send an updated redline of the rule.

With no further discussion, Judge Chiara moved to forward CJA 3-406 to the Judicial Council for approval for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.

(7) CJA 3-104. Presiding judges

District Court Administrator, Shane Bahr, proposes amendments to rule 3-104 to require presiding judges to notify the appropriate state level administrator if a judge fails to submit a required case under advisement statement. If a judge fails to submit a required statement for two consecutive months, the state level administrator would be required to notify the Council. A report of cases under advisement is generated monthly and sent to the Presiding Judge (PJ) for review. The PJ and Mr. Bahr will contact the judge who has not completed cases that have gone beyond 90 days to determine what assistance can be provided to the judge. If compliance is not met, notification will be sent to the Management Committee and Judicial Council for recommendations of further action or assistance to the judge.

The committee discussed how notification should be handled and recommended changes to the proposed amendments based upon the procedures outlined in the rules and how these issues have been handled in the past with the Management Committee. Paragraph (3)(L)(v) was modified to read as, “. . . the state level administrator shall notify the Management Committee ~~Council~~.”

Following discussion, Judge Bazzelle moved to send CJA 3-104 as discussed and amended to the Judicial Council for approval for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

(8) Request for rule amendments Mr. Eames:

- CJA 1-204. Executive committees
- CJA 4-202.07. Appeals

Mr. Eames sends a voluminous amount of emails to the court and Office of General Counsel requesting records and acknowledgment from the Court that they are subject to the Utah Open and Public Meetings Act (OPMA) found in the Utah Code. He is seeking amendments to rules CJA 1-204 and 4-202.07 “to end all the secrecy behind the judicial administrative actions it has taken and will result in a more open judiciary department.”

The General Counsel’s Office does not recommend any amendments in response to Mr. Eames’ petitions. The Administrative Office of the Courts (AOC) is in compliance with the OPMA and the Code of Judicial Administration already addresses the issues raised.

Following discussion, Judge Chiara moved to reject Mr. Eames’ recommendations and take no action on rules CJA 1-204 and 4-202.07. Judge Chin seconded the motion. The motion passed unanimously.

Technology report/proposals:

Mr. Arishita does not have anything to report at this time. Once CJA 1-204 has been approved by the Judicial Council with an effective date of January 1, 2023, Mr. Arishita will begin the process of putting core teams and subcommittees together to assist in accomplishing the new technology responsibilities. Mr. Arishita will provide an update at a future meeting.

Elect new committee chair:

Judge Connors will be retiring in March and therefore does not wish to put his name forth as committee chair. Judge Gardner and Judge Bazzelle also expressed their desires to pass on the role due to being newly appointed members of the committee. Judge Chin, in declining the role, nominated Judge Chiara as the new chair of the committee. Judge Gardner seconds the motion. The motion passed with a unanimous vote. Judge Chiara thanked the committee for their support.

Old Business/New Business:

- **2023 meeting schedule**

The committee discussed the December 2nd meeting. Judge Connors has a conflict that day and may not be able to attend. Judge Gardner has a trial scheduled that day but would be available for an hour during lunch. The December 2nd meeting will be held as scheduled if there are critical items to be discussed. If not, Judge Chiara and Ms. Williams may decide to cancel.

The committee discussed the meeting schedule for the 2023 year. There were no concerns with maintaining the meeting schedule for the first Friday of each month. Any modifications of the meeting dates may be discussed at later meetings.

With no concerns or further discussion, Judge Gardner moved to continue the 2023 meeting schedule to the first Friday of each month, unless modification is needed. Judge Chiara seconded the motion. The motion passed unanimously.

Adjourn: With no further items for discussion, the meeting adjourned. The next meeting will be held on December 2, 2022 at 12 PM via Webex video conferencing, unless otherwise noted.

Tab 3



Alex G. Peterson
Executive Director

State of Utah

JUDICIAL CONDUCT COMMISSION

1385 S. State St., Suite #143
Salt Lake City, Utah 84115
Telephone: (801) 468-0021

Agenda

- TO** Judicial Council
- FROM** Alex G. Peterson, Executive Director
- DATE** December 9th, 2022
- RE** Biannual JCC Update
- MESSAGE**
1. JCC Membership Update
 - a. New Members: None.
 - b. Missing Members: None.
 - c. Current Members (11): Ms. Cheylynn Hayman, Chair, Ms. Michelle Ballantyne, Judge David Mortensen, Judge Todd Shaughnessy, Rep. Elizabeth Weight, Rep. Steve Waldrip, Senator Mike McKell, Senator Jani Iwamoto, Mr. Stephen Studdert, Mr. Mark Raymond, Ms. Georgia Thompson.
 - d. Three legislative members will be leaving at the end of the year (Sen. Iwamoto, Rep. Weight, and Rep. Waldrip). Next scheduled SCt appointments are in 2024 (for judges and attorney members).
 2. JCC Caseload update and analysis
 - a. Currently, we are at 62 cases in FY23 (85 in FY22, 80 in FY21, 51 in FY 20, 64 in FY19, 58 in FY18).
 - b. To date in FY23, we have had 0 public dispositions (in FY22, we had one Dismissal with Warning). We have 3 cases before Utah Supreme Court.
 3. Misc. Activities of JCC (over the last six months)
 - a. JCC continues to meet in person at anchor location.
 - b. Our electronic complaint form submission was initiated in January, 2022 with 139 submission to date.
 - c. Attached is your FY22 annual report.



UTAH JUDICIAL CONDUCT COMMISSION ANNUAL REPORT FY 2022

1385 S. State St., Suite 143
Salt Lake City, Utah 84115
Telephone: (801) 468-0021
www.jcc.utah.gov

Creation and Authority of the Judicial Conduct Commission

Although it existed previously as a legislatively created body, Utah's Judicial Conduct Commission (JCC) was constitutionally established in 1984. Constitution of Utah, Article VIII, Section 13. The constitution authorizes the Legislature to statutorily establish the composition and procedures of the JCC. Those provisions are found in Utah Code Ann., Title 78A, Chapter 11.

The JCC is empowered to investigate and conduct confidential hearings regarding complaints against state, county and municipal judges throughout the state. The JCC may recommend the reprimand, censure, suspension, removal, or involuntary retirement of a judge for any of the following reasons:

- action which constitutes willful misconduct in office;
- final conviction of a crime punishable as a felony under state or federal law;
- willful and persistent failure to perform judicial duties;
- disability that seriously interferes with the performance of judicial duties; or
- conduct prejudicial to the administration of justice which brings a judicial office into disrepute.

Prior to the implementation of any such JCC recommendation, the Utah Supreme Court reviews the JCC's proceedings as to both law and fact. The Supreme Court then issues an order implementing, rejecting, or modifying the JCC's recommendation.

Number of Complaints Received in FY 2022

Of the 85 complaints received in FY 2022, 60 have been resolved and 25 are pending.

| Complaints Received in FY 2022 | | | |
|--------------------------------|------------------|-------------------------------|---------------------------------------|
| Judge Type | Number of Judges | Number of Complaints Received | Number of Judges Named in Complaints* |
| Appellate Courts | 12 | 2 | 4 |
| District | 72 | 52 | 47 |
| Juvenile | 31 | 5 | 4 |
| Justice Court | 98 | 18 | 17 |
| Pro Tempore | 67 | 3 | 3 |
| Active Senior | 38 | 5 | 5 |
| Total | 318 | 85 | 80 |

(*Starting in FY19 and going forward, the JCC counts each judge once even though they may have been named in multiple complaints)

Confidentiality of JCC Records and Proceedings

Except in certain limited circumstances specified by statute, all complaints, papers and testimony received or maintained by the JCC, and the record of any confidential hearings conducted by the JCC, are confidential, and cannot be disclosed.

Sanctions and Other Resolutions

Sanctions Implemented by the Utah Supreme Court

None.

Dismissals with Warnings Issued by the Judicial Conduct Commission

On September 21, 2021, the Judicial Conduct Commission dismissed two separate complaints with warnings against a District Court judge as to the following Rule violation: Rule 2.5 violation for failing to expeditiously determine matters under submission and failing to resolve issues without unnecessary cost or delay. The matters were under advisement for many months in excess of the periods allowed under the administrative rules. The Judge acknowledged the negative impact of not expeditiously determining these cases and the avoidable delay and unnecessary costs caused by the judge's lack of action. Although the Judicial Council had suspended certain administrative rules during the period of time at issue due to the pandemic, the Judge understands that ethical obligations of diligence under the Code of Judicial Conduct were not suspended. In mitigation, the Commission recognized the impact of the pandemic, the loss of a judicial clerk and staff turnover, the significant personal issues facing the Judge during this time, as well as that the Judge has taken full responsibility for the lack of action, did not intend to violate the Code of Judicial Conduct, was apologetic, and worked with the Commission to resolve these matters. The Commission found that the behavior and misconduct were troubling, but relatively minor for which no public sanction was warranted.

Administrative Affairs

Meetings

The JCC meets as needed on the third Tuesday of each month at the offices of the JCC. The JCC met ten (10) times during FY 2022.

Administrative Rules

The JCC's administrative rules are available on-line at www.rules.utah.gov.

Website

The JCC's website, www.jcc.utah.gov, contains in-depth information, links to related sites, annual reports, copies of public discipline documents, downloadable complaint forms and an online complaint portal.

JCC Statutes

The statutes governing the JCC are located in Utah Code Ann., Title 78A, Chapter 11.

Administrative Affairs (continued)

FY22 JCC Commissioners

Mark Raymond, Public Member
 Georgia Beth Thompson, Public Member
 Stephen Studdert, Public Member
 Cheylynn Hayman, Attorney Member
 Michelle Ballantyne, Attorney Member
 Rep. Elizabeth Weight
 Rep. Craig Hall, Chair (resign)
 Rep. Stephen Waldrup (new)
 Sen. Jani Iwamoto
 Sen. Mike McKell (new)
 Hon. David Mortensen
 Hon. Todd Shaughnessy

Budget

Most of the JCC's budget is appropriated annually by the Legislature. For FY 2022, the legislative appropriation was \$294,300. The JCC had non-lapsing savings from FY 2021 in the amount of \$75,000. The JCC had total available funds of \$369,300. JCC expenses for FY 2022 were \$278,700, leaving a balance of \$75,115.

JCC Staff

Alex G. Peterson, Executive Director
 Aimee Thoman, Investigative Counsel

| UTAH JUDICIAL CONDUCT COMMISSION – COMPLAINT RESOLUTION PROCESS | | | | |
|---|---|---|--|---|
| INITIAL SCREENING | PRELIMINARY INVESTIGATION | FULL INVESTIGATION | FORMAL PROCEEDINGS | SUPREME COURT |
| <p>Executive Director reviews each “complaint” to determine whether it is a complaint within the JCC’s jurisdiction.</p> <p>Staff returns non-JCC complaints (i.e., complaints against bar members or court employees) to complainant with appropriate instructions.</p> <p>For JCC complaints, staff prepares electronic and hard-copy files, sends acknowledgment letter to complainant, and returns hard-copy file to Executive Director.</p> <p>Executive Director assigns investigator.</p> <p><i>Note: Anonymous complaints are submitted directly to JCC members, who review and discuss the complaint and vote to either take no action or to have staff conduct a preliminary investigation.</i></p> | <p>Investigator conducts preliminary investigation, writes preliminary investigation report, and recommends whether to dismiss or to proceed to full investigation as to some or all allegations.</p> <p>Executive Director reviews preliminary investigation report and recommendation, and may revise either.</p> <p>Staff distributes preliminary investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses preliminary investigation report and recommendation, and votes to dismiss, to have staff conduct additional preliminary investigation, or to proceed to full investigation as to some or all allegations.</p> | <p>Staff provides judge with copy of complaint and other pertinent materials and asks judge to respond in writing to identified allegations.</p> <p>Investigator conducts additional investigation, if necessary, as to issues raised in judge’s response. Investigator may write supplemental investigation report and may make recommendation whether to dismiss or to proceed to formal proceedings.</p> <p>Staff distributes judge’s response and any supplemental investigation report and recommendation, along with pertinent materials, to JCC members.</p> <p>JCC meets, reviews and discusses judge’s response and any supplemental investigation report and recommendation, and votes to dismiss, to have staff conduct additional investigation, or to proceed to formal proceedings as to some or all allegations.</p> | <p>Staff prepares formal complaint and serves same upon judge via certified mail.</p> <p>Judge may file written response.</p> <p>Matter may be resolved by dismissal, stipulated resolution or confidential hearing.</p> <p>A stipulated resolution may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p> <p>After a confidential hearing, the JCC may dismiss the matter or may recommend: Reprimand Censure Suspension Removal from Office Involuntary Retirement</p> | <p>Staff files JCC’s findings of fact, recommendation and other statutorily required materials with Supreme Court.</p> <p>JCC’s recommendation becomes public upon filing. All other materials become public only upon Supreme Court order.</p> <p>Supreme Court reviews JCC’s proceedings as to both law and fact, and implements, modifies or rejects JCC’s recommendation.</p> <p><i>Note: JCC dismissals are not reviewed by the Supreme Court.</i></p> |

Tab 4

Agenda



Administrative Office of the Courts

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

November 28, 2022

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Jonathan Puente, Director OFA

RE: Office of Fairness and Accountability Annual Report

Per Rule 3-419(3)(F) the OFA must do an annual report to the Judicial Council. Below is a brief summary of the projects the OFA launched or accomplished in 2022.

- Established the Racial and Ethnic Disparities Data Workgroup (RED Workgroup), this subcommittee of the Committee on Fairness and Accountability is tasked with identifying touchpoints which may trigger racial and ethnic disproportions in criminal proceedings. Once the RED Workgroup has identified these touchpoints and the data has been analyzed, it will give data informed policy recommendations to the Judicial Council to address and remedy disparities it may find.
- The OFA also established Employee Resource Groups. Employee Resource Groups (ERG's) are employee-run affinity groups designed to be a resource to the AOC in fulfilling its mission, provide leadership opportunities and professional development to employees. Currently there are three active ERG's, the Women Employee Resource Circle, LGBTQIA+ Resource and Inclusion Group, and the Court Employees of Color.
- The OFA amplified the Court's public outreach efforts by organizing over 50 school visits by judicial officers, tabling at community outreach events, attending community-based organization meetings, conducting community presentation and workshops, and organizing Constitution Day. These efforts have been crucial in the Court's efforts in building trust and confidence with the public.
- The OFA also launched the Judicial Inclusion Mentorship Program. Judicial Inclusion Mentorship Program matches current law students from historically underrepresented backgrounds with a member of Utah's judiciary. The purpose of this program is to expose these law students to a possible career on the bench. In its inaugural semester the program had 27 students from both Utah law schools participate.

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

- In partnership with the Utah State Bar, both Utah law schools and other stakeholders, the OFA began the Common Thread Program. Common Thread is proto-pipeline to diversify the bar and the bench in Utah. After examining other jurisdictions judicial diversity pipelines, we began work on our own. Common Thread's first meeting was attended by over 80 diverse law students from both schools, and close to 10 judicial officers.
- The OFA along with the Access to Justice Commission started the Court Connect Program. This is an outreach program in which we hold meetings with diverse communities outside of the Wasatch Front. The purpose of this program is to build trust in confidence in the courts, introducing communities to court staff and removing apprehension these communities have in attending court buildings. We held our first Court Connect meetings in Park City. We are identifying other communities to start Court Connect.
- The OFA has also began updating the Language Access Program. Work has begun on expanding the interpreter roster, including recruiting and certifying interpreters, modernizing scheduling methods, and engaging current interpreters.
- The OFA started working on the Court's Strategic Plan. The goal of this plan is to institutionalize inclusion principles in all parts of the Judiciary. As part of this process, the OFA held over 10 focus groups with stakeholders this year. The target date for completion of the plan is late summer/early fall of 2023.
- The OFA launched the Community Court Program. In this program we provide court services in local community centers. This program literally takes court to the people. Types of cases heard at Community Court are divorces, custody, paternity, child support, temporary separation, and enforcement of family law orders.

Tab 5

Agenda



Administrative Office of the Courts

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

December 2, 2022

Ronald Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rules for Expedited Approval

The Policy, Planning, and Technology Committee recommends that the following rules be approved on an expedited basis with a ***December 19, 2022 effective date***, followed by a 45-day public comment period.

The proposed amendments to each rule reflects the Judicial Council's decision to ensure self-represented litigants may continue to file by email.

- **CJA 4-503. Mandatory electronic filing (civil and probate)**
- **CJA 4-603. Mandatory electronic filing (criminal/district court)**
- **CJA 4-801. Filing small claims cases**
- **CJA 4-901. Mandatory electronic filing in juvenile court**
- **CJA 9-302. Mandatory electronic filing (criminal/justice court)**

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

Rule 4-503. Mandatory electronic filing in civil and probate cases.**Intent:**

To require that documents in district court civil cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the district court.

Statement of the Rule:

(1) **Civil and probate cases.** Except as provided in Paragraph (2), pleadings and other papers filed in civil and probate cases in the district court ~~on or after April 1, 2013~~ must be electronically filed using the electronic filer's interface. The electronic filer must be an attorney or licensed paralegal practitioner of record and must use a unique and personal identifier that is provided by the electronic filer's service provider.

(2) Exceptions.

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer or licensed paralegal practitioner may file pleadings and other papers ~~using any means of delivery permitted by the court.~~ using any of the following methods:

(2)(A)(i) email;

(2)(A)(ii) mail;

(2)(A)(iii) the court's MyCase interface, where applicable; or

(2)(A)(iv) in person.

(2)(B) **Hardship exemption.** A lawyer or licensed paralegal practitioner whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any ~~method means of delivery~~ permitted by the ~~Judicial Council~~court. To request an exemption, the lawyer or licensed paralegal practitioner must submit a written request to the District Court Administrator outlining why the exemption is necessary.

~~(2)(C) Pleadings and other papers in probate cases may be filed using any means of delivery permitted by the court until July 1, 2013, at which time they must be electronically filed using the electronic filer's interface.~~

~~(3) The electronic filer must be an attorney or licensed paralegal practitioner of record and must use a unique and personal identifier that is provided by the filer's service provider.~~

Effective: ~~January 1, 2020~~ December 19, 2022

Rule 4-603. Mandatory electronic filing in criminal cases.**Intent:**

To require that documents in district court criminal cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the district court.

Statement of the Rule:

(1) **Criminal cases.** Except as provided in Paragraph (2), pleadings and other papers filed in criminal cases in the district court ~~on or after March 31, 2014~~ shall be electronically filed using the electronic filer's interface. The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the electronic filer's service provider.

(2) Exceptions.

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer may file pleadings and other papers ~~using any means of delivery permitted by the court.~~ using any of the following methods:

(2)(A)(i) email;

(2)(A)(ii) mail;

(2)(A)(iii) the court's MyCase interface, where applicable; or

(2)(A)(iv) in person.

(2)(B) **Hardship exemption.** A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any ~~means of delivery method~~ permitted by the ~~Judicial Council~~court. To request an exemption, the lawyer shall submit a written request outlining why the exemption is necessary to the District Court Administrator.

~~(2)(C) The Information may be filed using any means of delivery permitted by the court until January 1, 2015, at which time it shall be electronically filed using the electronic filer's interface.~~

~~(3) The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the filer's service provider.~~

Effective: November 1, 2015December 19, 2022

Rule 4-801. Filing small claims cases.**Intent:**

To establish a procedure for filing small claims cases in the appropriate justice court.

To require that documents in small claims cases be filed electronically.

To provide for exceptions.

Applicability:

This rule shall apply to the courts of record and not of record.

Statement of the Rule:

(1) Jurisdiction. Small claims actions shall be filed in a justice court with territorial jurisdiction. If there is no justice court with territorial jurisdiction, the case may be filed in the district court, and the plaintiff shall state why no justice court has jurisdiction. If a small claims affidavit, without the required statement, is presented for filing in a district court, the clerk shall reject it with instructions to file in a justice court with jurisdiction. If the clerk fails to reject it initially, the affidavit and filing fee shall be returned to the plaintiff when the deficiency is first noticed.

(2) Mandatory electronic filing. Except as provided in paragraph (3), pleadings and other papers filed in small claims cases shall be electronically filed using the electronic filer's interface. The electronic filer shall be an attorney of record or licensed paralegal practitioner and shall use a unique and personal identifier that is provided by the electronic filer's service provider.

(3) Exceptions.

(3)(A) Self-represented parties. A self-represented party who is not a lawyer may file pleadings and other papers using any of the following methods:

(3)(A)(i) email;

(3)(A)(ii) mail;

(3)(A)(iii) the court's MyCase interface, where applicable; or

(3)(A)(iv) in person.

(3)(B) Hardship exemption. A lawyer or licensed paralegal practitioner whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any method permitted by the Judicial Council. To request an exemption, the lawyer or licensed paralegal practitioner must submit a written request to the District Court Administrator outlining why the exemption is necessary.

Effective: ~~September 1, 2010~~ December 19, 2022

Rule 4-901. Mandatory electronic filing in juvenile court.**Intent:**

To require that documents in juvenile court cases be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the juvenile court.

Statement of the Rule:

(1)(A) **Juvenile cases.** Except as provided in Paragraph (2), pleadings and other papers filed in ~~existing juvenile court cases on or after December 1, 2015~~ shall be electronically filed using the juvenile court's Court and Agency Records Exchange (C.A.R.E.). The electronic filer shall obtain and use a unique C.A.R.E. login for all electronic filings in the juvenile court.

~~(1)(B) Except as provided in Paragraph (2), pleadings and other papers filed to initiate a new juvenile court case on or after August 1, 2016 shall be electronically filed using C.A.R.E.~~

(2) Exceptions.

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer may file pleadings and other papers by email, mail, or in person. ~~using any means of delivery permitted by the court.~~

(2)(B) **Hardship exemption.** A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any ~~means of delivery method~~ permitted by the Judicial Council~~court~~. To request an exemption, the lawyer shall submit a written request outlining why an exemption is necessary to the Juvenile Court Administrator.

~~(3) The electronic filer shall obtain and use a unique C.A.R.E. login for all filings in the juvenile court.~~

Effective: ~~November 1, 2015~~December 19, 2022

Rule 9-302. Mandatory electronic filing in justice court.**Intent:**

To ~~require~~provide that documents filed in criminal cases in justice court be filed electronically.

To provide for exceptions.

Applicability:

This rule applies in the justice court.

Statement of the Rule:

(1) **Justice court cases.** Except as provided in paragraph (2), pleadings and other papers filed in criminal cases in justice court ~~between July 1, 2016 and December 31, 2016 may~~shall be electronically filed using the electronic filer's interface. The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the electronic filer's service provider.

~~(2) Except as provided in paragraph (3), pleadings and other papers filed in criminal cases in justice court on or after January 1, 2017 shall be electronically filed using the electronic filer's interface.~~

(2) Exceptions.

(2)(A) **Self-represented parties.** A self-represented party who is not a lawyer may file pleadings and other papers ~~using any means of delivery permitted by the court.~~ using any of the following methods:

(2)(A)(i) email;

(2)(A)(ii) mail;

(2)(A)(iii) the court's MyCase interface, where applicable; or

(2)(A)(iv) in person.

(2)(B) **Hardship exemption.** A lawyer whose request for a hardship exemption from this rule has been approved by the Judicial Council may file pleadings and other papers using any ~~means of delivery~~method permitted by the ~~Judicial Council~~court. To request an exemption, the lawyer shall submit a written request outlining why the exemption is necessary to the Justice Court Administrator.

~~(3) The electronic filer shall be an attorney of record and shall use a unique and personal identifier that is provided by the filer's service provider.~~

Effective: ~~May 1, 2016~~December 19, 2022

Tab 6

Agenda

Budget and Grants Agenda for the December 19, 2022 Judicial Council Meeting

1. Turnover Savings / ARPA Update Alisha Johnson
(Tab 1 - Discussion)
2. Year End Spending Requests Karl Sweeney
(Tab 2 – Action)

Year End Spend Requests Presented for Judicial Council Approval

6. Online Water Law Curriculum for Judges Ron Gordon
Melynda Thorpe
Don Judges
Judge Kate Appleby
Judge Laura Scott
7. Transcription Training Production Nick Stiles

Tab 1



FY 2023 Ongoing Turnover Savings as of 11/28/2022

| # | | Funding Type | Actual | Forecasted |
|---|--|------------------|-------------------|-------------------|
| | | | Amount YTD | Amount @ YE |
| 1 | Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation) | Internal Savings | 250,392 | 250,392 |
| 2 | Ongoing Turnover Savings FY 2023 | Internal Savings | 284,168 | 634,168 |
| 3 | TOTAL SAVINGS | | 534,559 | 884,559 |
| | 2023 Hot Spot Raises | | (109,683) | (200,000) |
| | 2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY) | | - | (450,000) |
| 4 | TOTAL USES before YE Requests | | (109,683) | (650,000) |
| Actual Turnover Savings for FY 2023 as of 11/28/2022 | | | \$ 424,877 | \$ 234,559 |

Prior Report Totals \$ 399,351 \$ 258,871

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 23 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- * Currently, 62.6 FTE are vacant with 15 in process of being filled. If those fill, with no other changes, that would leave 47.6 FTE vacant.
- 1 Line 1 includes the previously allocated \$150,000 set aside for performance raises and the \$82,000 set aside for hot-spot (listed in the uses section)
- 2 We are currently estimating \$50,000 of ongoing savings a month for the remaining 7 months of the fiscal year.
- 3 When the carried over and appropriated amount (line 1) with the YE forecast (line 2), the grand total for YE 2023 increases to ~\$884,559
- 4 With all hot spot and performance raises money is expended (a total of \$650,000), the YE available ongoing OTS is reduced to ~\$234,559



FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 11/11/2022 (768 out of 2088 hours)

| # | | Funding Type | Actual |
|---|---|-------------------------|------------------|
| | | | Amount |
| 1 | One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/11/2022) | Internal Savings | 1,413,679 |
| 2 | YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 11/11/2022) | Reimbursements | 343,532 |
| 3 | Est. One Time Savings for 1,320 remaining pay hours (\$1,750 / pay hour) | Internal Savings (Est.) | 2,310,000 |
| Total Potential One Time Savings | | | 4,067,211 |

Prior Report Totals \$ 4,014,590.05

- * Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,086.70, \$2,395.23, \$2,437.80, and \$2,071.29. The average per hour turnover savings YTD was \$2,288.04. These numbers do include ARPA reimbursements.

| | | | | A | B | C | A - B - C | | | |
|---|---|-------------|-----------|------------------|----------------|----------------|--------------|--------------|-------------|---|
| | | | | Judicial Council | Actual FY 2022 | Actual FY 2023 | | | | |
| | Funded by | GPB | Requested | Approved | Expended | Expended | Balance | Activity | Description | |
| # | | Legislature | Approved | Amount | Amount | Amount | Amount | Available | Code | |
| 1 | IT Access to Justice - Response to COVID - Part I | May-21 | Yes | 11,000,000 | 11,000,000 | 3,042,468 | 1,963,370 | 5,994,162 | ITCV | Projects will extend thru 12/31/24 |
| 2 | Courts Case Backlog - Part I* | May-21 | Yes | 1,000,000 | 1,000,000 | 707,963 | 292,037 | - | BKLG | See detail below. |
| | Subtotal | | | 12,000,000 | 12,000,000 | 3,750,431 | 2,255,407 | 5,994,162 | | |
| | | | | | | | | | | |
| | Requests to Legislature for FY 2023 - \$3,000,000 approved by the Legislature | | | Requested | Approved | Actual 2022 | Actual 2023 | Available | | |
| 1 | IT Access to Justice - Response to COVID - Part II | 2022 GS | Yes | 1,373,400 | 1,373,400 | - | - | 1,373,400 | ITC2 | Projects will extend thru 12/31/24 |
| 2 | Courts Case Backlog - Part II | 2022 GS | Yes | 1,000,000 | 1,000,000 | - | 75,376 | 924,624 | BKLG | Projects case backlog will take thru 6/30/2023. |
| 3 | COVID-19 Supplies | 2022 GS | Yes | 640,000 | 302,100 | - | - | 302,100 | CV19 | |
| 4 | Legal Sandbox Response to COVID | 2022 GS | Yes | 649,000 | 324,500 | - | - | 324,500 | LSCV | |
| 5 | Self-Help Center | 2022 GS | Yes | 64,000 | - | - | - | - | | |
| 6 | Interpreter Equipment | 2022 GS | Yes | 97,000 | - | - | - | - | | |
| 7 | Eviction Court | 2022 GS | Yes | 166,000 | - | - | - | - | | |
| 8 | Public Outreach & Engagement | 2022 GS | Yes | 30,000 | - | - | - | - | | |
| 9 | IT Access to Justice - Response to COVID - Part III | 2022 GS | Yes | 1,881,500 | - | - | - | - | | |
| | Subtotal | | | 5,900,900 | 3,000,000 | - | 75,376 | 2,924,624 | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | \$ 17,900,900 | \$ 15,000,000 | \$ 3,750,431 | \$ 2,330,783 | \$ 8,918,786 | | |

* **BKLG Details (includes expenses against the combination of the two BKLG approvals)**

\$ 9,296,167 Prior Report Total, dated 10/28/2022

FY 2022 Expenses Include

| | | |
|-----------------------------|----|---------|
| Personnel Expenses: | \$ | 680,101 |
| Mileage Expenses: | \$ | 2,475 |
| Sr. Judge Travel Expenses: | \$ | 2,203 |
| | | <hr/> |
| | \$ | 684,778 |
| COVID Testing Kit purchase: | \$ | 23,185 |
| | \$ | <hr/> |
| | \$ | 707,963 |

| | | |
|---|----|----------------|
| Personnel Expenses (as of PPE 11/11/22): | \$ | 343,532 |
| Mileage Expenses (as of PPE 11/11/22): | \$ | 1,199 |
| Sr. Judge Travel Expenses (as of 11/28/2022): | \$ | 385 |
| | \$ | 345,116 |
| COVID Testing Kit purchase: | \$ | 22,297 |
| | \$ | 367,413 |

Total BKLG expended \$ **1,075,376**

Tab 2



FY 2023 Year End Forecasted Available One-time Funds

| Forecasted Available One-time Funds | | | # | One-time Spending Plan Requests | Current Requests | Judicial Council Approved |
|--|-------------------------------|--------------|---|--|------------------|---------------------------|
| Description | Funding Type | Amount | | | Amount | Amount |
| Sources of YE 2023 Funds | | | | | | |
| * Turnover Savings as of PPE 11/11/2022 (including anticipated ARPA reimbursement) | Turnover Savings | 1,757,211 | 1 | Performance Bonus Payments | | \$ 450,000 |
| ** Turnover savings Estimate for the rest of the year (\$1,750 x 1,320 pay hours) | Turnover Savings | 2,310,000 | 2 | St. George Courtroom Audio | | \$ 141,000 |
| (a) Total Potential One Time Turnover Savings | | 4,067,211 | 3 | Adobe E-Signatures | | \$ 260,000 |
| | | | 4 | IT Equipment for new JA Clerks | | \$ 5,872 |
| (b) Operational Savings From TCE / AOC Budgets | Internal Operating Savings | - | 5 | Build-out of Replacement for Courts' Access Revenue System | | \$ 40,000 |
| (c) Reserve Balance (balance from FY 2022 Carryforward) | Judicial Council Reserve | 500,076 | 6 | Online Water Law Curriculum for Judges | \$ 40,000 | |
| Anticipated Reserve Uses - including previously approved and pending requests | Judicial Council Reserve Uses | (152,000) | 7 | Transcription Training Production | \$ 900 | |
| | | | | | | |
| | | | | | | |
| Uses of YE 2023 Funds | | | | | | |
| Carryforward into FY 2024 (Request has been made for up to \$3,200,000) | Historical Carryforward | (2,500,000) | | | | |
| | | | | | | |
| | | | | | | |
| Total Potential One Time Savings = (a) + (b) + (c) less Carryforward | | \$ 1,915,287 | | | | |
| | | | | | | |
| Less: Judicial Council Requests Previously Approved | | \$ (896,872) | | Current Month One-time Spending Requests | 40,900 | |
| Less: Judicial Council Current Month Spending Requests | | \$ (40,900) | | Previously Approved 1x FY 2022 YE Spending Request | | 896,872 |
| Remaining Forecasted Funds Available for FY 2023 YE Spending Requests | | \$ 977,515 | | | | |

Updated 11/28/2022

* Actual turnover savings as calculated on a pay period basis through 11/11/2022. Data can be found in the Budget Summary Excel workbook on the Personnel tab.

** Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,086.70, \$2,395.23, \$2,437.80, and \$2,071.29. The average per hour turnover savings YTD was \$2,288.04. These numbers do include ARPA reimbursements.

(b) This amount will be updated based on forecasts from budget managers (TCEs, AOC Directors, etc) to be received in January/February, 2023.

6. FY 2023 YE Spending Request – Water Law Curriculum Development – Phase 1

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

Date: 11/21/2022

Department or District: AOC

Requested by: Ron Gordon, Judge Laura Scott, Judge Kate Appleby, Melynda Thorpe (SUU), and Don Judges (University of Arkansas)

Request title: Develop On-Line Water Law Curriculum for Judges – Phase 1

Amount requested: \$40,000 of one-time funds

Purpose of funding request: The need for water law training for judges has never been greater. What is lacking is a developed formal water law curriculum. For the past year, the AOC has been in discussion with Southern Utah University (SUU) and Judge Appleby on ways to bootstrap this idea into reality. We are seeking seed funds to begin water law curriculum development. The co-presenters and representatives from the National Judicial College would form the core group to bring phase 1 of this curriculum to life.

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

As shown in the attachment, Southern Utah University (SUU) and The National Judicial College's [Dividing the Waters program](#) are ready to begin development of an online curriculum that would have several modules that judges can complete at their convenience and would provide a foundation for any judge interested in learning about water law. SUU will be the production partner. The Courts would provide expertise as well as seed funding for phase 1.

The entire curriculum will likely cost several hundred thousand dollars. Phase 1 would involve the following estimated funding amounts:

| | |
|-----|--|
| SUU | \$50,000 of in-kind curriculum development and marketing costs |
| AOC | <u>\$40,000</u> for cash curriculum development costs. |
| | \$90,000 |

We expect that once phase 1 is funded we will have leverage to approach other potential partners to fund the later phases. Phase 1 is expected to launch its first module on April 1, 2023 with other phase 1 modules ready by June 1, 2023; phase 2 estimated launch is September 2023 and Phase 3 estimated launch is February 2024.

Alternative funding sources, if any: None.

6. FY 2023 YE Spending Request – Water Law Curriculum Development – Phase 1

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

This project is already overdue. Waiting will impact our new water law judges' ability to provide the citizens of Utah the best possible water law jurisprudence.

Water Education Program for Judges

Legal, Scientific, and Cultural Issues Arising in Water Conflicts

A Comprehensive, Collaborative Judicial Education Experience

“Judges face crowded dockets and other demands on their time. This approach helps overcome the obstacles of time, distance and cost to judges. It allows for much broader and deeper coverage of topics than does a conference or webinar.” –President Hon. Benes Z. Aldana, The National Judicial College

Water conflicts can involve complex legal, scientific, and cultural issues. Unfortunately, many judges who decide such cases lack sufficient background. This inadequacy in the decision-making infrastructure for one of the nation’s most vital and increasingly scarce resources can have profound consequences. As climate change and hydrology further constrict the supply of water, especially in Utah and across the American West, conflicts and this knowledge gap’s consequences will intensify. Designed primarily for state, tribal, and federal judicial officers who decide water conflicts, this program is informed by Utah and national water experts and is delivered in an online, self-paced format.

| Launch Timeline | Phase One | Phase Two | Expansion Utah Leads |
|--|---|--|---|
| <p>Production and Launch Proposed Dates</p> <hr/> <ol style="list-style-type: none"> 1. Course 1, module 1 and virtual orientation launch April 1, 2023 2. Course 1, remaining modules launch June 1 3. Course 2 launch September 1 4. Course 3 launch February 2024 <p><i>This program provides readily accessible learning to judges who adjudicate water cases.</i></p> | <p>Course 1: Basics of Water Science, Technology, and Law</p> <hr/> <ol style="list-style-type: none"> 1. Water Science Basics 2. Control, Capture, Use 3. Water Law Overview <p>Course 2: Groundwater, Prior Appropriation</p> <hr/> <ol style="list-style-type: none"> 1. Perfection of Rights 2. Priority Enforcement 3. Water Rights Transfer 4. Surface Water and Tributary Groundwater 5. Water Loss Rights | <p>Course 3: Environment, Interstate Waters, Complex Litigation</p> <hr/> <ol style="list-style-type: none"> 1. Environmental Flows: Protection of Watersheds and Their Associated Fish and Wildlife 2. Allocation of Interstate Waters 3. Tribal rights 4. Water Cases as Complex Litigation | <p>An Adaptable Model for U.S. States/Regions</p> <hr/> <p>While initially created for Utah judges, this program is designed to adapt to national audiences as well. In partnership with The National Judicial College, Utah becomes a leader in educating judges on water.</p> |

7. FY 2023 YE Spending Request – Transcription Training Production

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

Date: 11/28/2022

Department or District: Utah Appellate Courts

Requested by: Nick Stiles

Request title: Transcription Training Production

Amount requested: \$900

One-time Turnover Savings funds

Purpose of funding request: This is a \$900 request to fund the development of a court transcriber training module to increase recruitment and retention of court transcribers.

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

The transcription process is housed in the Court of Appeals, and includes one full-time employee that manages statewide requests for transcripts, and assignment of the necessary recordings to the bank of certified transcribers. Due in large part to COVID-19 and the increase in virtual hearings the Office has seen a decrease in transcribers willing to take on assignments. Identifying this as a recruitment and retention issue, the Office would like to develop a training module to help recruit and train new transcribers. This funding request is to compensate the transcriptionist who will be putting together the training.

Alternative funding sources, if any: If one-time funding is not received the Court of Appeals will fund the training.

If this request is not funded at this time, what are the consequences or is there an alternative strategy? The consequences are that the Court of Appeals will need to fund the training out of the CoA's own operations budget.

Tab 7

Agenda



Drawer 410127, 60 N Aaron Burr, Big Water, UT 84741-2127
Office (435) 675-3760 | Fax (435) 675-3736 | Fire Department (435) 675-5837

Jim Peters
Justice Court Coordinator
Administrative Office of the Courts
450 South State
P.O. Box 140241
Salt Lake City, Utah 84114-0241

November 29, 2022

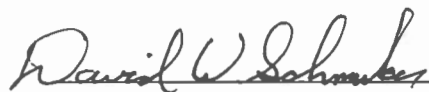
Re: Notice of Intent to Dissolve the Big Water Justice Court

Dear Mr. Peters,

Pursuant to UCA 78A-7-123(2), this letter is to provide notice to the Utah Judicial Council that it is the intent of the Town of Big Water, Utah to dissolve its Justice Court. On November 16, 2022, Big Water Town Council moved on this action by Resolution No. 2022-15, and it was adopted unanimously. UCA 78A-7-123(3) allows for the usual minimum time frame of one year to complete the dissolution to be shortened upon request. Pursuant to UCA 78A-7-123(3), the Town of Big Water, Utah requests the usual one-year time frame for dissolution of its court be shortened and take effect December 31, 2022, or as soon thereafter as the Justice Council allows.

If any further information is needed, please contact our office Monday through Thursday 9:00am-3:00pm @ 435-675-3760.

Sincerely,

 Date 11-29-22
Mayor, David Schmucker

 Date 11/29/22
Town Clerk, Katie Joseph



RESOLUTION NO. 2022-15**A RESOLUTION AUTHORIZING THE DISSOLUTION
OF THE BIG WATER MUNICIPAL
JUSTICE COURT**

WHEREAS, the town of Big Water currently has the Big Water Municipal Justice Court to serve the town's justice court needs; and

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

WHEREAS, the Town Council has determined that it would be in the best interest of the residents of the Town that the Court be dissolved and that the cases be handled by Kane County; and

WHEREAS, the Town now wishes to dissolve the Court,

NOW THEREFORE, be it resolved by the Town Council of Big Water, Utah as follows:

1. The Town shall take those steps required to meet all the statutory conditions outlined in UCA 78A-7-123-(2) & (3) necessary to dissolve the Big Water Municipal Justice Court and the Mayor and Town Clerk are authorized and directed to prepare, sign, and file with the appropriate agencies all documents necessary to dissolve the Town's Justice Court.
2. Upon completion of the requirements, the Big Water Municipal Justice Court shall be dissolved December 31, 2022, or as soon thereafter as the Judicial Council allows the dissolution to take effect.
3. The Resolution shall become effective immediately upon adoption.

APPROVED and SIGNED this 16 day of Nov. 2022.



BIG WATER TOWN

David W. Schmucker
David Schmucker, Mayor

ATTEST:

Katie Joseph
Katie Joseph, Town Clerk

78A-7-123 Dissolution of justice courts.

- (1)
 - (a) The county or municipality shall obtain legislative approval to dissolve a justice court if the caseload from that court would fall to the district court upon dissolution.
 - (b) To obtain approval of the Legislature, the governing authority of the municipality or county shall petition the Legislature to adopt a joint resolution to approve the dissolution.
 - (c) The municipality or county shall provide notice to the Judicial Council.
 - (d) Notice of intent to dissolve a Class I or Class II justice court to the Judicial Council shall be given not later than July 1 two years prior to the general session in which the county or municipality intends to seek legislative approval.
 - (e) Notice of intent to dissolve a Class III or Class IV justice court to the Judicial Council shall be given not later than July 1 immediately prior to the general session in which the county or municipality intends to seek legislative approval.
- (2)
 - (a) A county or municipality shall give notice of intent to dissolve a justice court to the Judicial Council if the caseload of that court would fall to the county justice court. A municipality shall also give notice to the county of its intent to dissolve a justice court.
 - (b) Notice of intent to dissolve a Class I or Class II court shall be given by July 1 at least two years prior to the effective date of the dissolution.
 - (c) Notice of intent to dissolve a Class III or Class IV court shall be given by July 1 at least one year prior to the effective date of the dissolution.
- (3) Upon request from a municipality or county seeking to dissolve a justice court, the Judicial Council may shorten the time required between the city's or county's notice of intent to dissolve a justice court and the effective date of the dissolution.

Renumbered and Amended by Chapter 3, 2008 General Session

Tab 8

Agenda



Administrative Office of the Courts

Chief Justice Matthew B. Durrant

Utah Supreme Court
Chair, Utah Judicial Council

Ronald B. Gordon, Jr.

State Court Administrator

Neira Siaperas

Deputy Court Administrator

MEMORANDUM

To: Judicial Council
From: Michael C. Drechsel, staff to Committee on Model Utah Criminal Jury Instructions
Date: Monday, December 5, 2022
Re: Annual Report to Judicial Council

CURRENT MEMBERSHIP

Hon. James Blanch, *District Court Judge [chair]*
 Jennifer Andrus, *Linguist / Communications*
 Sharla Dunroe, *Defense Attorney*
 Freyja Johnson, *Defense Attorney*
 Sandi Johnson, *Prosecutor*
 Hon. Linda Jones, *District Court Judge [emeritus]*
 Janet Lawrence, *Defense Attorney*
 Jeffrey Mann, *Prosecutor*
 Hon. Brendan McCullagh, *Justice Court Judge*
 Dustin Parmley, *Defense Attorney*
 Richard Pehrson, *Prosecutor*
 Hon. Teresa Welch, *District Court Judge*
 Brian Williams, *Prosecutor*

COMMITTEE REPORT

During 2022, the Committee on Model Utah Criminal Jury Instructions met nine times. The committee wishes to acknowledge the valuable contributions from the following members who finished membership terms during 2022: Debra Nelson (defense attorney) and Steve Nelson (prosecutor). The committee has appreciated their individual and collective commitment to the work.

During 2022, the committee primarily continued its careful work on instructions related to mitigation defenses and jury unanimity issues. In addition, as a result of the legislature clarifying certain statutory provisions related to special mitigation for aggravated murder and murder offenses during the 2022 General Session (see SB0123 at <https://le.utah.gov/~2022/bills/static/SB0123.html>), the committee adjusted existing instructions (CR1402B, CR1403B, and CR1411B) and special verdict forms to conform those MUJI materials to Utah Code.

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

Minutes regarding all of these efforts can be reviewed on the committee's website:

<https://www.utcourts.gov/utc/muji-criminal/>

New Instructions and Special Verdict Forms

In addition to the foregoing, the committee also completed work on the following new instructions and special verdict forms:

- CR430 Jury Unanimity – Single Offense in More Than One Way
- CR431 Jury Unanimity – Multiple Offenses with Identical Elements
- CR432 Jury Unanimity – Evidence of More Occurrences than Charges
- CR440 Entrapment

Revised Instructions and Special Verdict Forms

In addition to those new instructions and special verdict forms, the committee also revised, or added committee notes to assist practitioners in, the following existing instructions and special verdict forms:

- CR216 Jury Unanimity and Deliberations
- CR218 Deadlocked Juries (*amended committee note and references*)
- CR219 Special Verdict Form (*amended committee note and references*)
- CR505A Roadmap for Mitigation Defenses
- CR570 Elements with Mitigation
- CR571 Definitions Applicable to Battered Person Mitigation Defense
- CR572 Battered Person Mitigation – Elements and Burden of Proof
- CR573 Special Verdict Form – Battered Person Mitigation
- SVF570 Special Verdict Form – Battered Person Mitigation Defense
- CR1402B Aggravated Murder Elements – Utah Code § 76-5-202(2)(a) – With Mitigation Defenses
- CR1403B Aggravated Murder Elements – Utah Code § 76-5-202(2)(b) – With Mitigation Defenses
- CR1411B Murder – With Mitigation Defenses

Tab 9

UTAH STATE COURTS



District Court Backlog

Data & Research Team

December 13, 2022

The logo for Utah State Courts is displayed in white text on a dark blue rectangular background. Below the logo, the background of the slide features a photograph of several classical stone columns and steps, receding into the distance.

UTAH STATE COURTS

What is “backlog”

The National Center for State Courts (NCSC) defines backlog as any case that has exceeded the expected time goal and hasn't yet been resolved.

For the Utah District Court, the monthly time goals were set by case type in 2013. The idea is for 95% of cases to meet the time goal.

Some backlog is to be expected, especially to ensure justice on every case.

UTAH STATE COURTS

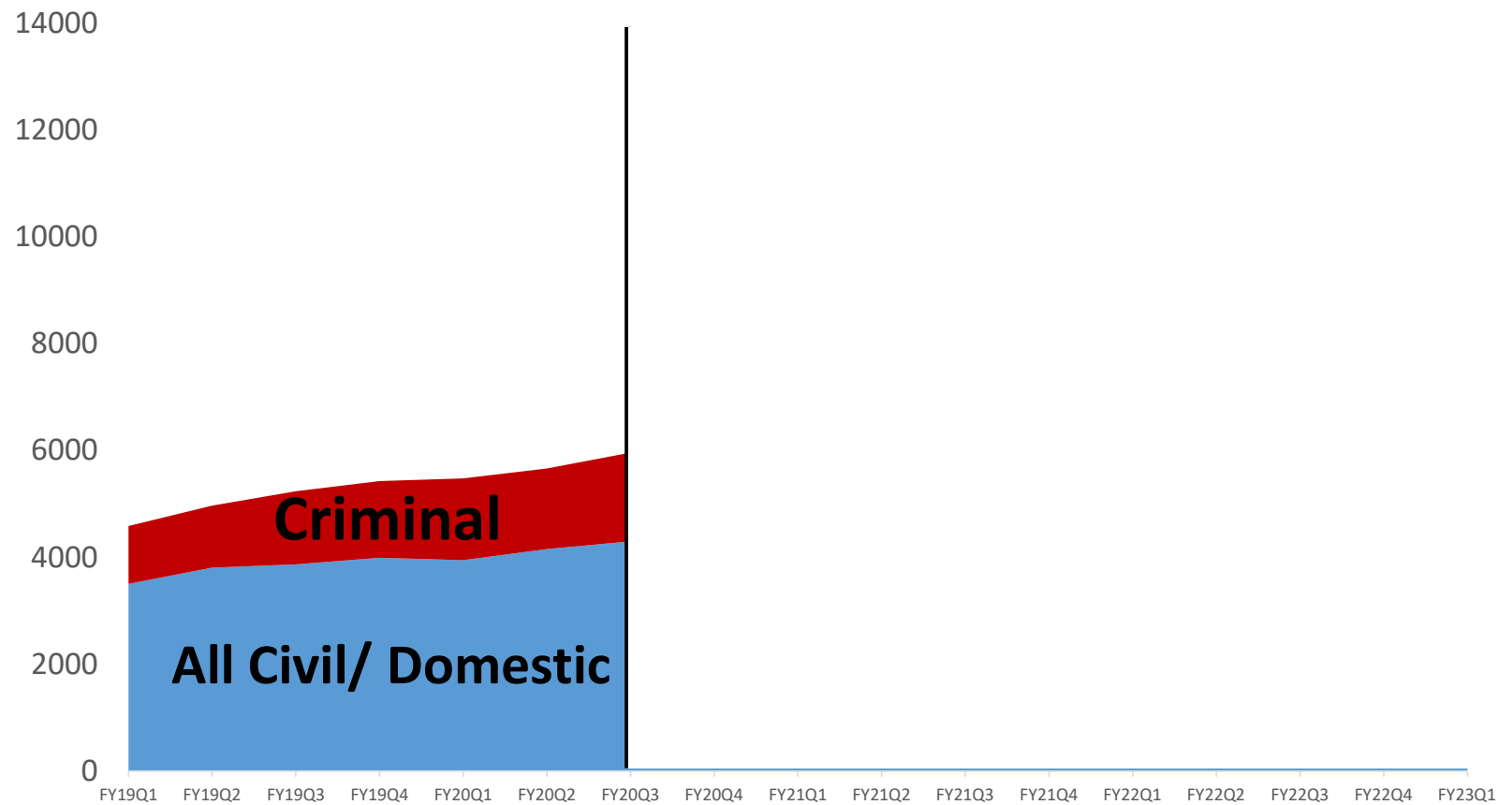
| Case Category | Case Type | Time Goal ¹ |
|-----------------|---|------------------------|
| Criminal | Felonies and Misdemeanors (District Cts) | 12 m |
| Civil | All Civil except Eviction, Small Claims | 24 m ² |
| | - Debt Collection | 12 m |
| | - General Civil | 24 m |
| | - Torts | 24 m |
| | Eviction | 9 m |
| Domestic | Divorce, Paternity, Custody and Support | 18 m |
| | Domestic Modifications | 12 m |
| | Temporary Protective Orders | 10 d |
| Probate | Administration of Estates | 12 m |
| | Guardian/Conservatorship: Incapacitated Persons | 90 d |
| | Involuntary Civil Commitment | 15 d |

¹ In January 2013, the Utah Judicial Council adopted time to disposition guidelines suggesting 95% of case dispositions meet the established time goal.

² The time goal for debt collection cases is 12 months.

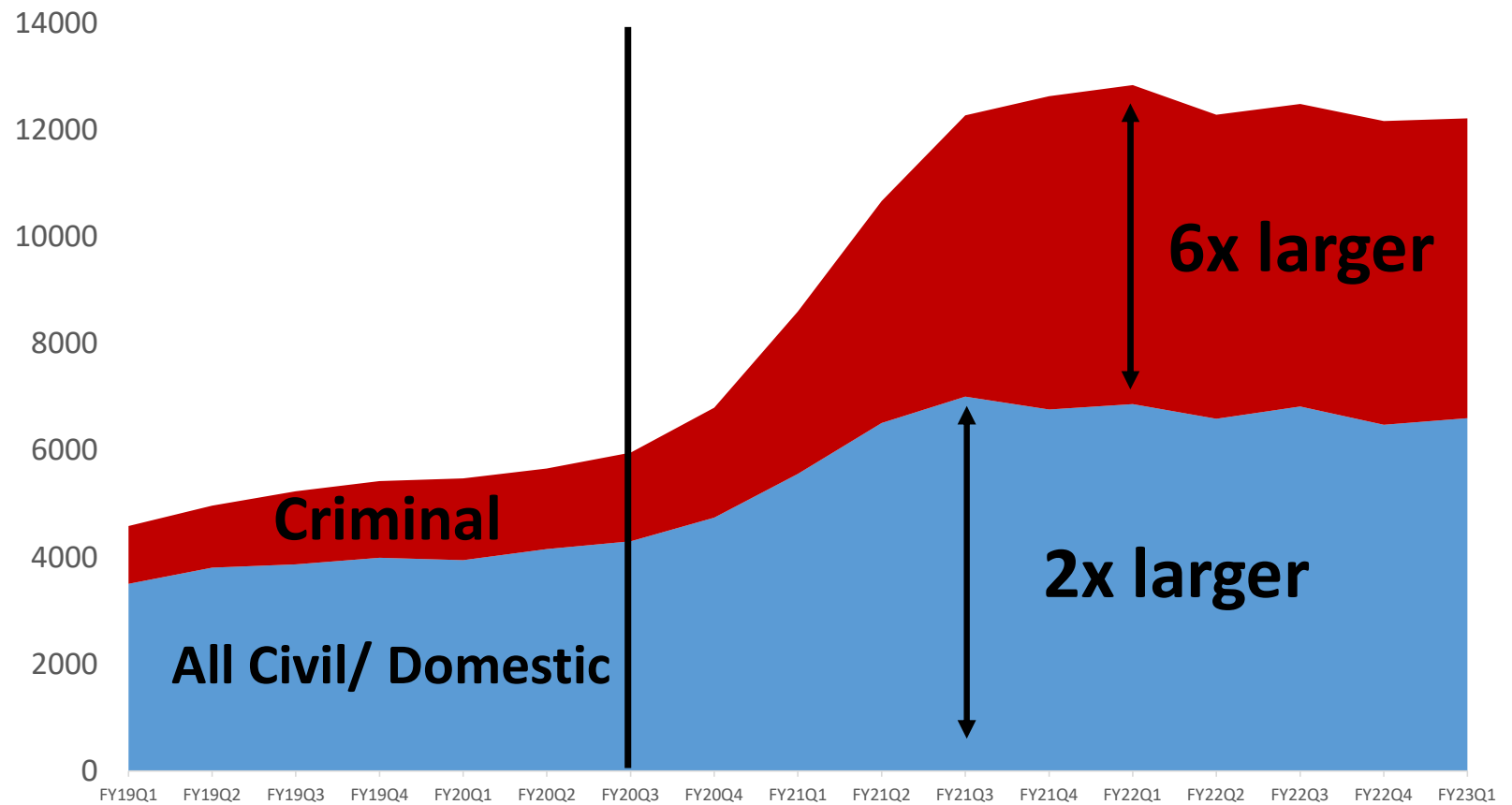
UTAH STATE COURTS

What does the backlog look like?



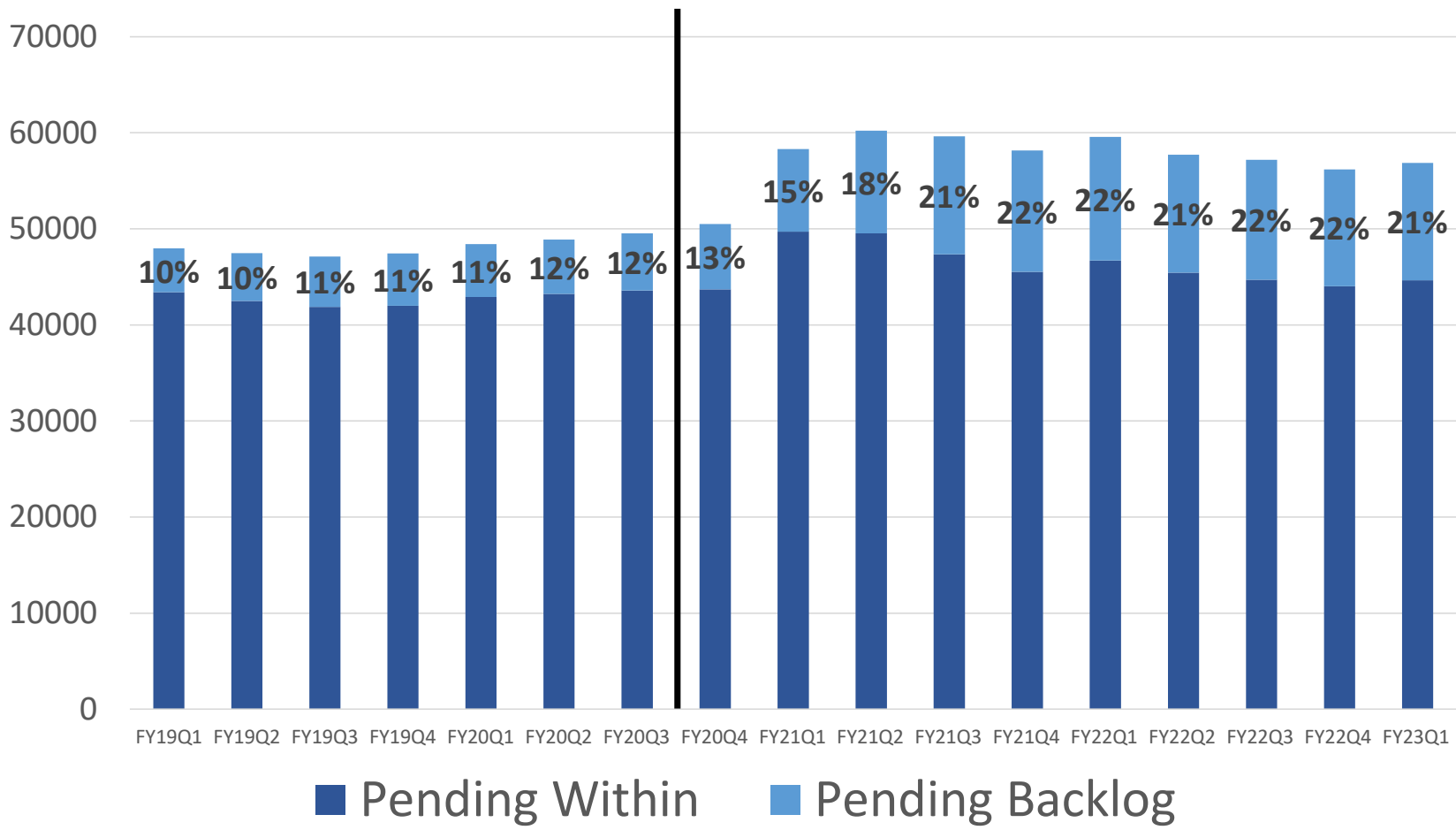
UTAH STATE COURTS

What does the backlog look like?



UTAH
STATE
COURTS

Backlog as a Percentage of All Pending



The logo for Utah State Courts is displayed in white text on a dark blue rectangular background. Below the logo, the lower portion of the slide features a photograph of several white, fluted classical columns standing on a set of stone steps, receding into the distance.

UTAH STATE COURTS

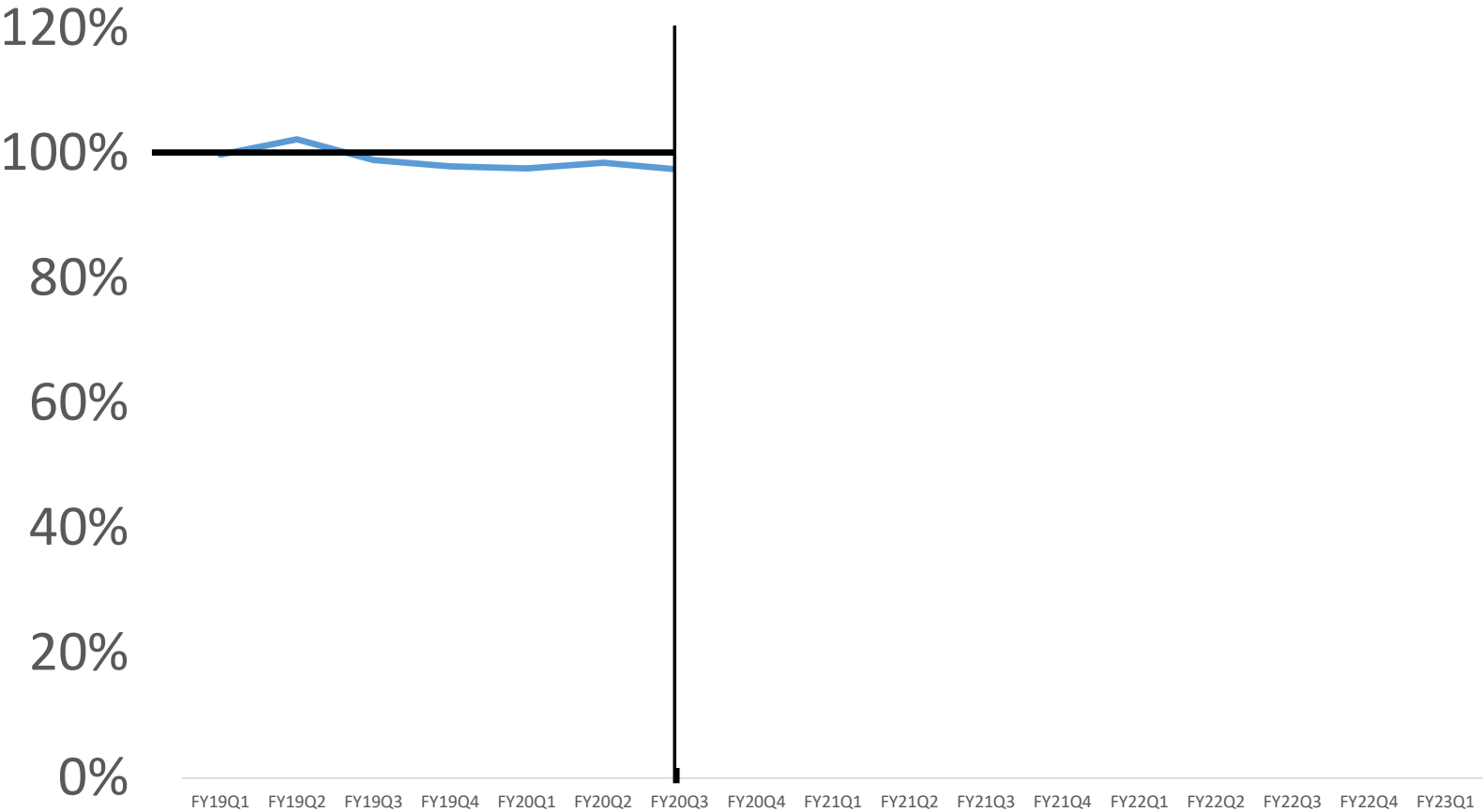
What impacts the backlog?

The NCSC points to the clearance rates as the way to measure progress in reducing backlog. Clearance rates are disposed cases divided by case filings.

- Clearance rates above 100% show more cases are being disposed than coming in = **decreasing pending and backlog**
- Clearance rates below 100% show fewer cases are being disposed than coming in = **increasing pending and backlog**

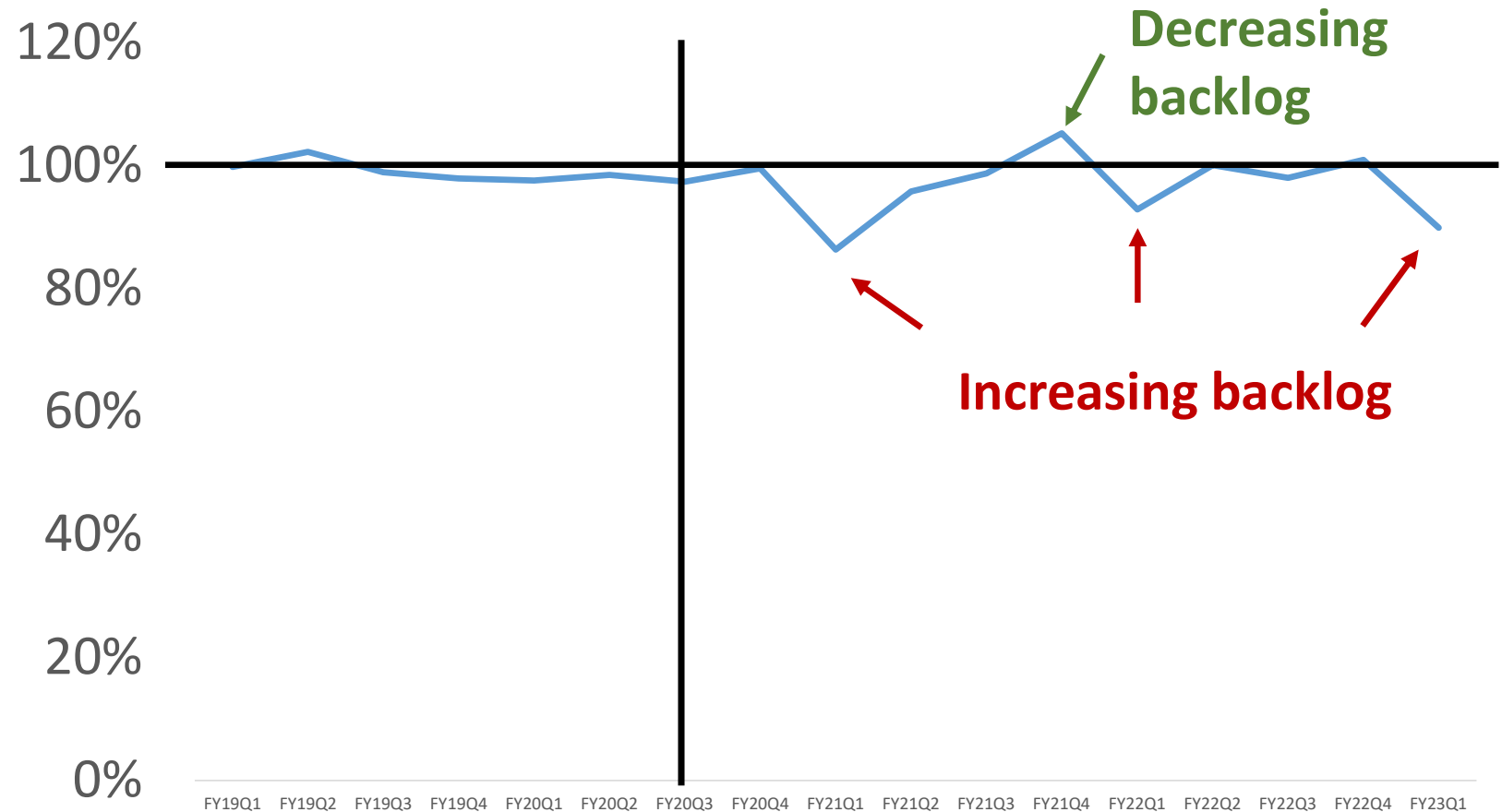
UTAH
STATE
COURTS

What do the Clearance Rates look like?



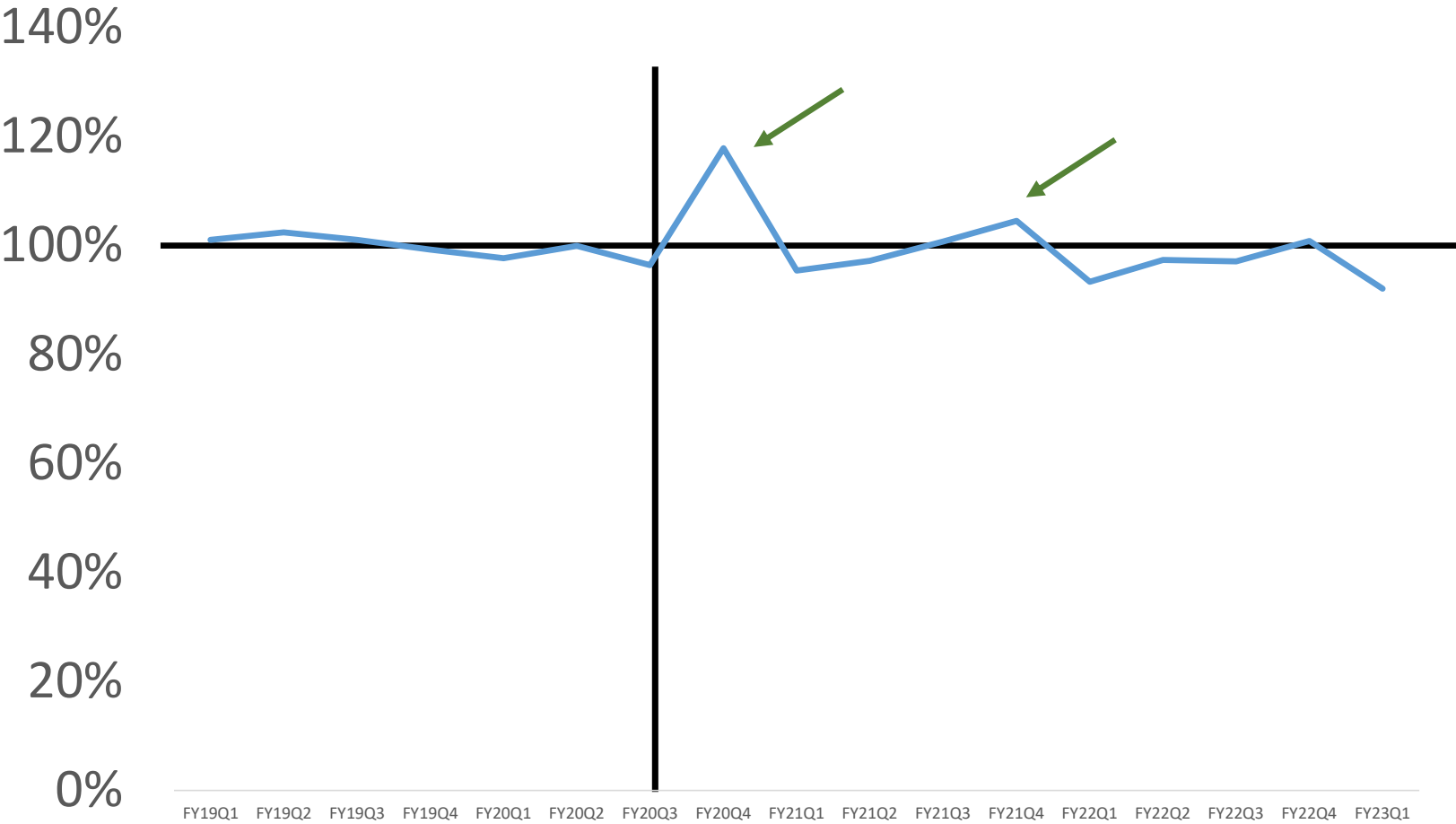
UTAH STATE COURTS

What do the Clearance Rates look like?



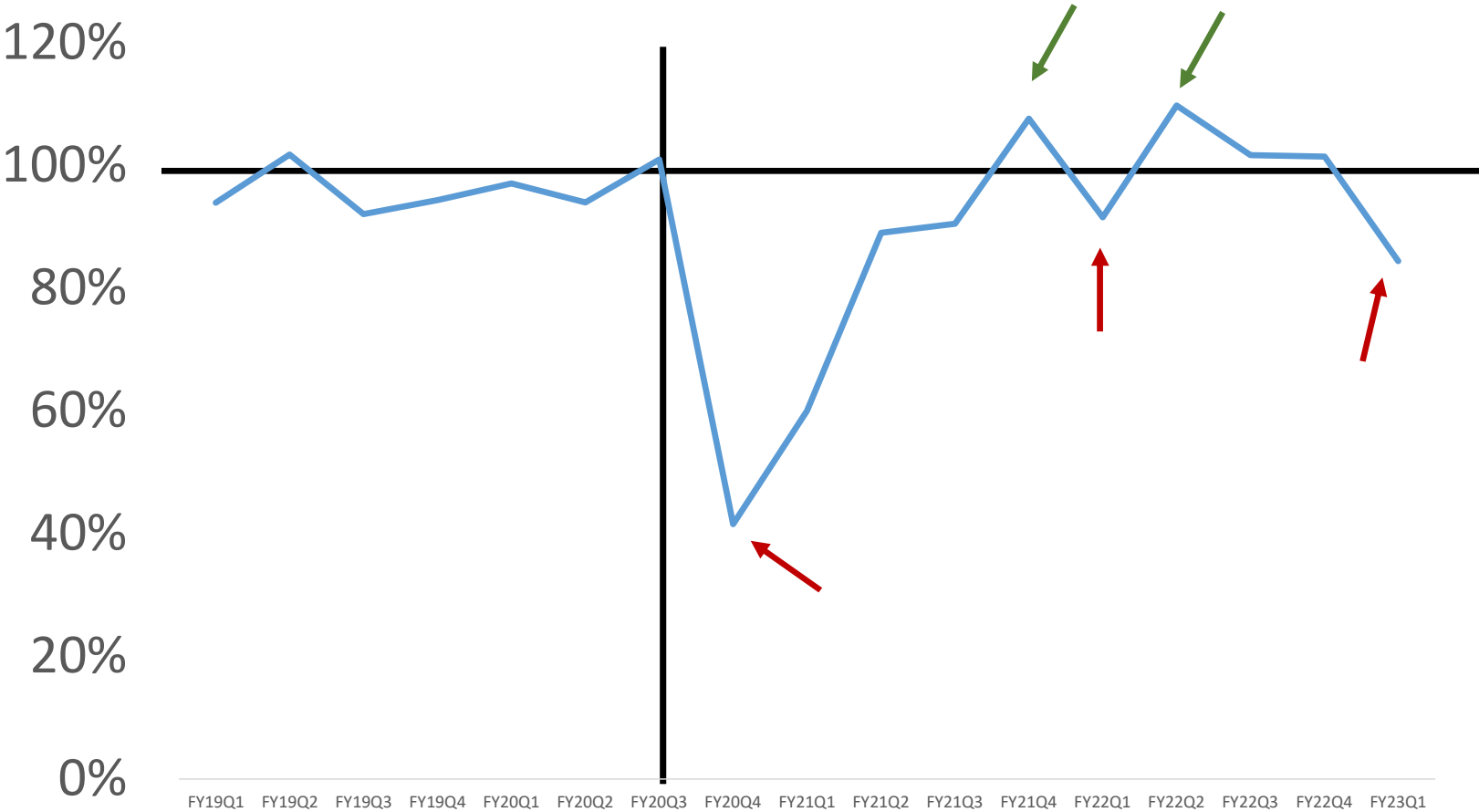
UTAH
STATE
COURTS

Civil/Domestic Clearance Rate



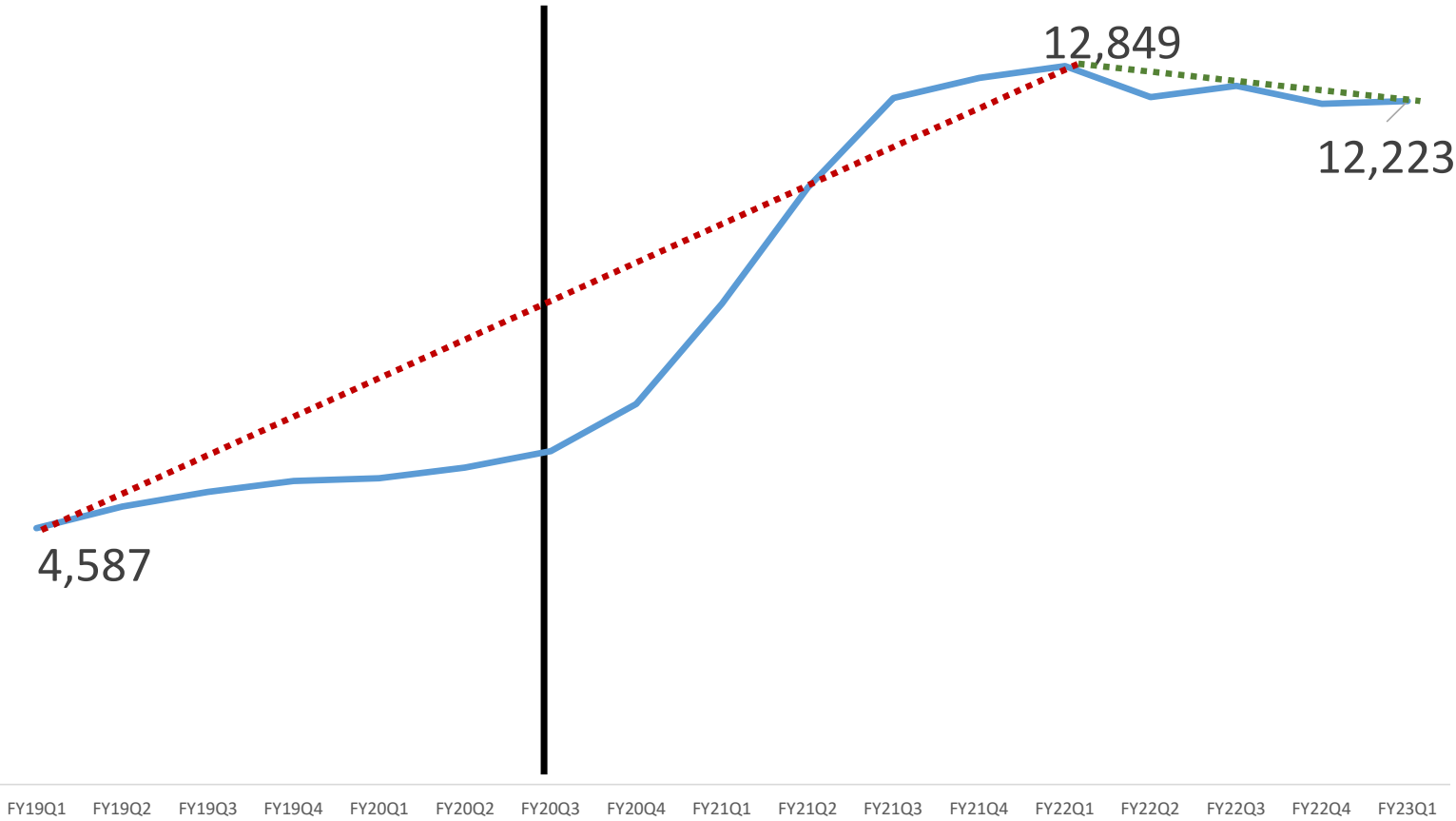
UTAH
STATE
COURTS

Criminal Clearance Rate



UTAH
STATE
COURTS

Backlog Trends – Good News



UTAH STATE COURTS

Action Items

- Approve the backlog metric as a performance measure
- Approve displaying performance measures over time



Tab 10

Agenda



Administrative Office of the Courts

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

November 22, 2022

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Management Committee – Utah Judicial Council

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

RE: Judicial Outreach Committee Appointment of Jace Willard

Currently, there is a vacancy on the Judicial Outreach Committee, which must be filled by a State Level Administrator in accordance with CJA Rule 1-205(1)(B)(ix). Bryson King was serving in that position; however, he will step down from the committee and be replaced by Jace Willard. On behalf of the Standing Committee on Judicial Outreach and the Chair, Judge Elizabeth Hruby-Mills, we respectfully request the approval of Jace Willard.

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

- Judge Elizabeth Hruby-Mills, Chair, Third District Court
- Judge Bryan Memmott, Plain City Municipal Justice Court
- Krista Airam, Second District Juvenile Court TCE
- Melinda Bowen, Civic Community Representative
- Michael Anderson, Communication Representative
- Michelle Oldroyd, Utah State Bar
- Benjamin Carrier, Utah State Board of Education
- Judge Tupakk Renteria, Third District Juvenile Court
- Justice Jill Pohlman, Bench-Media Subcommittee Chair, Utah Court of Appeals
- Judge Laura Scott, Divorce Education for Children Program Subcommittee Chair, Third District Court
- Judge Shauna Graves-Robertson, Community Relations Subcommittee Chair, Salt Lake County Justice Court
- Lauren Andersen, Director of Utah Judicial Institute
- Nathanael Player, Law Library Director
- Jonathan Puente, Ex officio member, Director of Office Fairness and Accountability
- Tania Mashburn, Ex officio member, Communications Director

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

- Anna Anderson, Ex officio member, Deputy District Attorney

The Judicial Outreach Committee is a standing committee that is tasked with fostering a greater role for judges in service to the community, providing leadership and resources for outreach, and improving public trust and confidence in the judiciary. The committee meets on a Friday every 3 months.

Tab 11

Agenda



Administrative Office of the Courts

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

November 25, 2022

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Members of the Judicial Council Management Committee

From: Blake Murdoch
Assistant Juvenile Court Administrator

Date: November 25, 2022

Re: Proposed Probation Policies for Review and Approval

The Board of Juvenile Court Judges has proposed revisions or adoptions of the following policies which are now advanced to the Management Committee for review and consideration. Additionally, I seek placement on the Judicial Council's consent agenda for December 19th, 2022.

Case and Referral Transfers Policy

This policy was last updated on March 12, 2021. The purpose of this policy is to provide direction for the transfer of cases and referrals for minors that reside out of the district where an offense occurs. Changes to this policy include the addition of a section that is specific to out of district detention cases. The manner in which districts are notified is clarified and a link to a google form whereby this occurs is attached to the policy.

Detention Admission and Hearing Policy

This policy was last updated on March 15, 2021. The purpose of the policy is to provide direction to probation staff in regard to minors being placed in a secure youth detention facility or on a home detention program. Changes to this policy include removal of the requirement for a

probation officer to determine whether the youth has, through their attorney, waived their right to an in person hearing. Revisions also clarify the roles of probation officers and clerical teams when a youth is booked into a detention facility outside of the district in which they reside.

Continuing Jurisdiction and Restitution Policy

This is a new policy that has not yet been implemented. The purpose of the policy is to provide direction for the probation department to monitor a minor's payments for restitution after they have been terminated from Intake or Formal Probation. The policy outlines a process to align with statutory changes that establish criteria through which jurisdiction based solely on the ground that a minor has not paid restitution may continue. The policy highlights that a designee will be assigned by probation management to monitor and report on such cases.

I will be available to respond to questions during your meeting on December 13, 2022.

Thank you.

Case and Referral Transfers

Policy:

This policy provides direction for the transfer of cases and referrals for minors that reside out of the district where an offense occurs.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court

Authority:

- [UCA 80-6-302](#)
- [UCA 78A-6-350](#)
- [Utah Rules of Juvenile Procedure, Rule 16, Rule 29B\(a\)](#)

Procedure:

Referral Processing

1. The probation department shall ensure that all referrals are entered into CARE upon receipt by the court.
2. The probation department of the district where the offense occurred shall request that their prosecutor screen referrals on minors that do not reside in their district when it is necessary to determine legal sufficiency to proceed or to petition the referral.
3. The probation department of the district where the offense occurred shall send the referral to the district office email address where the minor resides for further processing of the referral.
 - 3.1. A case note shall be entered into CARE indicating the date the referral was sent, the district it was sent to, and the decision of the prosecutor of the sending district, if necessary.
 - 3.1.1. If no screening decision was made by the prosecutor prior to the sending of the referral, the sending district shall also include the prosecutor's office and attorney information in the case note in CARE, so the receiving district can complete a Request for Action in CARE if needed.
 - 3.2. If completed, the screening sheet or email from the prosecutor shall be eFiled into CARE as Probation Record Shared document type, titled *Prosecutor Screening Form/Email*.
4. The probation officer shall proceed with all referrals and cases received from another district as though the referral or case originated in their district and was screened by their district's prosecutor.

Nonjudicial Adjustments

5. The probation officer shall request that the prosecutor in the county where the episode occurred review the referral when the minor:
 - 5.1. declines the offer of a nonjudicial adjustment;
 - 5.2. cannot be located; or
 - 5.3. failed to appear after receiving notice for a preliminary interview.
6. The probation officer shall submit the case to the prosecutor in the county where the episode occurred for review and direction when the minor fails to substantially comply with the nonjudicial adjustment.

Petitioned Offenses

7. The probation department of the sending district shall collaborate with their clerical department regarding any cases being transferred.
8. The probation officer from the sending district office shall contact the probation department of the receiving district to notify them of the transfer.

Adjudicated Cases

9. The probation officer shall, following an order by the court, notify the probation supervisor or chief probation officer of the pending case transfer. The probation supervisor or chief shall review the electronic file for quality assurance and enter a case note verifying that the case is ready for transfer.
10. The probation department of the sending district shall collaborate with their clerical department regarding any cases being transferred.
11. The probation officer from the sending district office shall contact the probation supervisor of the receiving district office to notify them of:
 - 11.1. the case transfer;
 - 11.2. current court orders;
 - 11.3. status of the minor's assessments/case plan; and
 - 11.4. any other pertinent case information.
12. The probation officer of the sending district shall update the case profile screen in CARE and any other information relating to the case.
13. The probation officer of the sending district shall provide contact information as well as any reporting instructions to the minor and the minor's parent/guardian/custodian.

Out of District Detention Cases

14. The probation officer in the district where the youth was booked into detention shall take lead in covering the initial detention hearing as outlined in the [Detention Admission and Hearings Probation Policy](#).
15. The probation officer in the district where the youth was booked into detention shall notify the Probation Chief(s), Clerk(s) of Court, and clerical teams by submitting the approved [notification form](#) on the same day of the initial detention hearing.
16. Upon receiving notification from the district where the youth was booked into detention, the home district will take lead in all future hearings. This may include collaboration with probation and/or clerical staff from either district in requesting virtual hearings. It may also include collaboration in arranging for an in-person hearing in accordance with local judicial preference where the hearing is set. Clerical emails may be found on the [Email Accounts for Juvenile Court Referrals and Case Transfers](#) document.

Addendum: [Email Accounts for Juvenile Court Referrals and Case Transfers](#)

History:

Approved by JC on March 12, 2021

Updated by Policy Committee June 16, 2022

Email Accounts for Juvenile Court Referrals And Case Transfers

When transferring a case, please send the case to the referral email and CC the Clerk of Court.

| District | Referral Email | Clerk of Court Email |
|---|---|---|
| First District: Logan: loganjuv@utcourts.gov Brigham: brighamjuv@utcourts.gov | | Terie Purser Teriep@utcourts.gov |
| Second District: Weber & Morgan: 2iogreferrals@utcourts.gov Davis County: 2ifrrreferrals@utcourts.gov | | Vanessa Tracy vanessat@utcourts.gov |
| Third District Salt Lake County: 3juvreferrals@utcourts.gov Tooele & Summit: tooelejuvenilecourt@utcourts.gov | | Melissa Kennedy Melissak@utcourts.gov |
| Fourth District | 4djcreferrals@utcourts.gov (all non-detention hearing case transfers) 4thjuvdtldocket@utcourts.gov (detention hearing case transfers only) | Mikelle Ostler Mikelleo@utcourts.gov |
| Fifth District Beaver: 5thjuvreferralbvr@utcourts.gov Cedar City: 5thjuvreferralcdr@utcourts.gov St. George: 5thjuvreferralstg@utcourts.gov | | Cade Stubbs Cades@utcourts.gov |
| Sixth District | 6thjuvreferrals@utcourts.gov | Linda Ekker Lindae@utcourts.gov |
| Seventh District | 7thjuvprobdocs@utcourts.gov | Loni Page Lonip@utcourts.gov |
| Eighth District Vernal: 8verni@utcourts.gov Roosevelt: 8roosj@utcourts.gov | For new referrals: 8thjuvreferrals@utcourts.gov For case transfers: 8verni@utcourts.gov 8roosj@utcourts.gov | Dawn Hautamaki Dawnh@utcourts.gov |

| District | Referral Email | Clerk of Court Email |
|-----------|--|----------------------|
| Duchesne: | 8duchj@utcourts.gov | |

Updated 3/16/2022

DRAFT FOR APPROVAL

Case and Referral Transfers

Policy:

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Scope:

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History:

Approved by JC on March 12, 2021

Updated by Policy Committee June 16, 2022

Proposed Update for Case and Referral Transfers Policy

1. Comment/Theme:

❖ **No Comments Received**

Detention Admission and Hearings

Policy:

This policy provides direction to probation staff in regard to minors being placed in a secure youth detention facility or on a home detention program.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-350](#)
- [UCA 80-6-207](#)
- [UCA 80-6-704](#)
- Utah Rules of Juvenile Procedure
 - [Rule 4](#)
 - [Rule 6](#)
 - [Rule 7](#)
 - [Rule 9](#)
 - [Rule 11](#)
 - [Rule 26](#)
 - [Rule 29B](#)
- [Utah Administrative Code Title R547-13 Human Services, Juvenile Justice and Youth Services, Guidelines for Admissions to Secure Youth Detention Facilities](#)

Procedure:

1. A minor may be admitted to a secure youth detention facility when:
 - 1.1. The minor is alleged to have committed an offense outlined in the Utah Administrative Code [Title R547-13](#)
 - 1.2. The minor is an out of state runaway ([Probation Policy Interstate Compact for Juveniles](#))
 - 1.3. The Court has issued a warrant for detention
2. The probation officer shall attempt to make contact with the minor's parent/guardian/custodian prior to the detention hearing to discuss the minor's detention status.
3. The probation officer shall review the minor's detention status and determine if it is appropriate to release the minor to the minor's parent/guardian/custodian prior to the initial detention hearing.
 - 3.1. The probation officer shall eFile the Early Release from Detention/Promise to Appear form when releasing a minor prior to the initial detention hearing (see Addendum 2.9.1 Early Release from Detention/Promise to Appear Form).

4. When a minor is booked into a detention center outside of their home district, the probation officer where the youth was booked will take lead in covering the initial detention hearing virtually or in person according to local judicial preference, unless prior arrangements were made by the home district.
 - 4.1. The probation officer covering the initial detention hearing shall collaborate with the probation and clerical teams in their district and in the minors home district as outlined in [Probation Policy Case and Referral Transfers](#).
 - 4.2. The probation officer from the home district will take lead after the initial detention hearing and coordinate whether hearings may be held virtually or in person according to judicial preference on all future hearings and as outlined in [Probation Policy Case and Referral Transfers](#).
5. A minor may not be held in a detention facility longer than 48 hours prior to a detention hearing, excluding weekends and holidays, unless the court has entered an order for continued detention.
6. At the time of the detention hearing, the probation officer shall provide information to the Court whether or not:
 - 6.1. Releasing the minor to the minor's parent, guardian, or custodian presents an unreasonable risk to public safety;
 - 6.2. Less restrictive nonresidential alternatives to detention have been considered and, where appropriate, attempted.
7. If a minor remains in a detention facility prior to disposition, a review shall be held at least every seven calendar days.
 - 7.1. At the detention review the probation officer shall provide information to the court whether or not:
 - 7.1.1. A petition has been filed within five working days of the date the minor was admitted to detention;
 - 7.1.2. An arraignment hearing has been scheduled within 10 days of the date the petition was filed.
8. The probation officer shall notify Juvenile Justice and Youth Services (JJYS) when the minor is ordered into a JJYS home detention program and direct the parent, guardian, or custodian to contact the program immediately upon release from detention.
 - 8.1. Following an order to home detention, only the court may release a minor from home detention.
 - 8.2. A review shall be held at least every 15 calendar days while a minor is on home detention.
 - 8.2.1. At the home detention review, the probation officer shall provide information to the court whether or not a petition has been filed within 30 days of the placement of the minor on home detention.

Addendum [2.9.1 Early Release from Detention/Promise to Appear Form](#)

History:

Approved by JC on March 15, 2021

Updated by Policy Committee 6/16/2022

DRAFT FOR APPROVAL



State of Utah, Juvenile Court
Release from Detention Prior to Detention Hearing
And Promise to Appear

IN THE JUVENILE COURT OF _____ COUNTY, UTAH

State of Utah, in the interest of _____, Case Number: _____

Attention _____
(Name of Juvenile Detention Facility)

In compliance with UCA 80-6-207, I, _____, as an authorized officer of the Juvenile Court consider the above named minor eligible for release from detention prior to an initial detention hearing for the following reason(s):

- The minor was not placed in detention for felony offense(s).
- It appears safe for the minor, family, and community to release the minor to the supervision of a parent, guardian, or custodian. The parent, guardian, or custodian agreed to have the minor returned to their custody; **OR** there are other less restrictive nonresidential alternatives available, specifically: _____.

Additionally (Check all that apply):

- ☐ The minor is 12 years of age or younger.
- ☐ The minor was admitted to detention on a failure to appear (FTA) warrant and it appears the minor's absence from court was inadvertent and there is no history of absconding within the last 12 months.
- ☐ The minor will participate in an alternative to detention program:
 - ☐ House arrest
 - ☐ Other: _____

Signature of the Juvenile Court Officer

Date

Promise to Appear (Does not apply if alleged charges are eligible for a nonjudicial adjustment and a hearing is not required)

Next Court Hearing: _____ Before: _____
Date and time Judge or commissioner

Court Location: _____
Address

As the parent, guardian, and/or custodian of the above named minor, I promise to bring said minor to court for the above designated proceeding at the time, place and date stated. I further promise to appear in court for all other proceedings in this case whenever so directed by any notice, order, or process of the court served either by depositing the same in the United States Mail, postage prepaid, addressed to me at the above address (or such other address as I may hereafter provide the Court) or by any other means that reasonably informs me of the time, place, and date my appearance is required. I understand that if I fail to so appear, bail may be forfeited, a bench warrant may be issued for my arrest, and court proceedings may go forward in my absence.

- As my child is being released from detention prior to a detention hearing, I/we stipulate consent to participate in house arrest and follow the rules of house arrest as an alternative to detention.

I hereby acknowledge receipt of this document on: _____
Date

Signature of parent, guardian, or custodian

Signature of Juvenile

Signed in the presence of: _____
Officer Of the Court

Detention Admission and Hearings

Policy:

This policy provides direction to probation staff in regard to minors being placed in a secure youth detention facility or on a home detention program.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-350](#)
- [UCA 80-6-207](#)
- [UCA 80-6-704](#)
- Utah Rules of Juvenile Procedure
 - [Rule 4](#)
 - [Rule 6](#)
 - [Rule 7](#)
 - [Rule 9](#)
 - [Rule 11](#)
 - [Rule 26](#)
 - [Rule 29B](#)
- [Utah Administrative Code Title R547-13 Human Services, Juvenile Justice Services, Guidelines for Admissions to Secure Youth Detention Facilities](#)

Procedure:

1. A minor may be admitted to a secure youth detention facility when:
 - 1.1. The minor is alleged to have committed an offense outlined in the Utah Administrative Code [Title R547-13](#)
 - 1.2. The minor is an out of state runaway ([Probation Policy Interstate Compact for Juveniles](#))
 - 1.3. The Court has issued a warrant for detention
2. The probation officer shall attempt to make contact with the minor's parent/guardian/custodian prior to the detention hearing to discuss the minor's detention status.
3. The probation officer shall review the minor's detention status and determine if it is appropriate to release the minor to the minor's parent/guardian/custodian prior to the initial detention hearing.
 - 3.1. The probation officer shall eFile the Early Release from Detention/Promise to Appear form when releasing a minor prior to the initial detention hearing (see Addendum 2.9.1 Early Release from Detention/Promise to Appear Form).

4. **When a minor is booked into a detention center outside of their home district, the probation officer shall determine whether the youth has, through their attorney, waived their right to an in-person hearing in the home district and requests to appear remotely for any future hearings to be conducted by the district in which they do not reside and be prepared to provide information to the Court regarding future hearings. the probation officer where the youth was booked will take lead in covering the initial detention hearing virtually or in person according to local judicial preference, unless prior arrangements were made by the home district.**
 - 4.1. The probation officer **covering the initial detention hearing** shall **collaborate with the probation and clerical teams in their district and in the minors home district as outlined in** ~~contact the local chief probation officer and the chief probation officer in the minor's home district to request that a probation officer from the minor's home district be assigned to the case. The probation officer shall coordinate with the home district as outlined in~~ [Probation Policy Case and Referral Transfers](#).
 - 4.2. **The probation officer covering the initial hearing will recommend that a youth be held in detention if the youth was booked on a warrant from another district.**
 - 4.3. **The probation officer from the home district will take lead after the initial detention hearing and coordinate whether hearings may be held virtually or in person according to judicial preference on all future hearings and as outlined in** [Probation Policy Case and Referral Transfers](#).
5. A minor may not be held in a detention facility longer than 48 hours prior to a detention hearing, excluding weekends and holidays, unless the court has entered an order for continued detention.
6. At the time of the detention hearing, the probation officer shall provide information to the Court whether or not:
 - 6.1. Releasing the minor to the minor's parent, guardian, or custodian presents an unreasonable risk to public safety;
 - 6.2. Less restrictive nonresidential alternatives to detention have been considered and, where appropriate, attempted; and
 - 6.3. ~~An out of district minor has signed the Detention Placement Waiver form.~~
7. If a minor remains in a detention facility prior to disposition, a review shall be held at least every seven calendar days.
 - 7.1. At the detention review the probation officer shall provide information to the court whether or not:
 - 7.1.1. A petition has been filed within five working days of the date the minor was admitted to detention;
 - 7.1.2. An arraignment hearing has been scheduled within 10 days of the date the petition was filed.

8. The probation officer shall notify Juvenile Justice Services (JJS) when the minor is ordered into a JJS home detention program and direct the parent, guardian, or custodian to contact the program immediately upon release from detention.
 - 8.1. Following an order to home detention, only the court may release a minor from home detention.
 - 8.2. A review shall be held at least every 15 calendar days while a minor is on home detention.
 - 8.2.1. At the home detention review, the probation officer shall provide information to the court whether or not a petition has been filed within 30 days of the placement of the minor on home detention.

Addendum [2.9.1 Early Release from Detention/Promise to Appear Form](#)

History:

Approved by JC on March 15, 2021

Updated by Policy Committee 6/16/2022

Proposed Update for Detention Admission and Hearings Policy

1. Comment/Theme:

- ❖ On 4.2 and 4.3, if there is an assigned probation officer on a case having a detention hearing outside of their home district, I believe that probation officer should attend and give recommendations for the initial and subsequent hearings. I don't believe a new probation officer should be assigned to address the case for the initial hearing on out of district hearings.
 - **Policy Committee Response:** After the first hearing the assigned probation officer in the home district will then take lead. Sometimes a hearing is set at 8:30 am and it is difficult to coordinate with the PO in the home district prior to the hearing.
 - **Policy Committee Decision:** No change was made.

2. Comment/Theme:

- ❖ The link on 1.1 does not take you anywhere and it is hard to find the offenses on that site. Utah Administrative Code Title R547-13
 - **Policy Committee Response:** The link is difficult. It appears to be a site glitch.
 - **Policy Committee Decision:** We have contacted the owner of the site and **will** update the link when it is available.

3. Comment/Theme:

- ❖ 4.2 *"The probation officer covering the initial hearing will recommend that a youth be held in detention if the youth was booked on a warrant from another district"* is not supported by statute. Suggestion is to remove the wording or change the wording to include *.."if it can be determined from the warrant that the youth presents a reasonable risk to themselves or to the community"*.
 - **Policy Committee Response:** Reviewed suggested wording.
 - **Policy Committee Decision:** Removed proposed 4.2 wording from the policy.

Continuing Jurisdiction for Restitution

Policy:

This policy provides direction for the probation department to monitor a minor's accounting payments for restitution after they have been terminated from Intake or Formal Probation.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court

Authority:

UCA 80-6-712

UCA 78A-6-120

Procedure:

1. The probation officer shall recommend Intake Probation or Formal Probation be terminated and the minor may be placed on continuing jurisdiction if the only remaining obligation is unpaid restitution;
 - 1.1. Continuing jurisdiction may be extended up to four times for no more than three months at a time.
2. A designated employee of the Juvenile Court shall be appointed by the probation management within each district to monitor accounting for payments of restitution. The Court shall notify the designee of any order continuing jurisdiction for restitution;
 - 2.1. The designated employee shall submit a Report and Recommendation to the court every three months regarding the minor's efforts to pay restitution. The report shall include:
 - (i) Information on the youth's effort to pay restitution since the last review;
 - (ii) A recommendation to extend jurisdiction for another three months or to terminate jurisdiction and reduce the amount of unpaid restitution to a judgment or to request a hearing be scheduled.
 - (iii) Notification to the parties

History:

Created by the policy committee April 26, 2022

Updated by the policy committee October 20, 2022

Proposed Update for Policy

1. Comment/Theme:

- ❖ **Remove the word "whether" in 2.1.i. Or add "have made any" after the word "youth" so it can flow smoother.**
 - **Policy Committee Response:** Agree with making this change.
 - **Policy Committee Decision:** Updated to: Information on the youth's effort to pay restitution.

2. Comment/Theme:

- ❖ **It seems as though 2(i) needs to be reworded. Should it be either: 1) Information on the youth's effort to pay restitution - deleting "whether" or 2) Information on whether the youth has made efforts to pay restitution....?**
 - **Policy Committee Response:** Agree with making this change.
 - **Policy Committee Decision:** Updated to: Information on the youth's effort to pay restitution.

3. Comment/Theme:

- ❖ **There is a typo on 2.1(i); the word "whether" needs to be removed.**
 - **Policy Committee Response:** Agree with making this change.
 - **Policy Committee Decision:** Updated to: Information on the youth's effort to pay restitution.

4. Comment/Theme:

- ❖ **Clarification regarding probation management determining who the "designated person" is to submit the report. Suggestion to change subsection (2) to the following: *"A designated employee of the Juvenile Court shall be appointed by the probation management within each district to monitor accounting for payments of restitution. The Court shall notify the designee of any order continuing jurisdiction for restitution"*.**
 - **Policy Committee Response:** Agree with making this change.
 - **Policy Committee Decision:** Updated policy to suggested language.

Tab 12

Agenda

MEMORANDUM

TO: Management Committee of the Judicial Council

FROM: Board of District Court Judges

DATE: November 22, 2022

RE: Rule 6-104 -Water Law Judge

Judge Blaine Rawson, a new appointee in Second District with experience in environmental law, including water law, is interested in volunteering as a water law judge. The Board of District Court Judges unanimously recommends Judge Rawson be appointed as a water law judge.

[Rule 6-104. District Court Water Judges](#) went into effect on November 1, 2022. According to this rule, the Judicial Council shall formally designate at least three district court judges who volunteer as water judges. There are currently nine district judges acting in this capacity and the board feels Judge Rawson would be a valuable addition to the group.

The Board of District Court Judges recommends that the Judicial Council designate Judge Blaine Rawson to serve as a water judge.

Tab 13

Agenda



Administrative Office of the Courts

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

December 12, 2022

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Kaden Taylor, on behalf of the Forms Committee

RE: Renaming the Order of Restitution in OCAP documents

The Forms Committee approved that the form called “Order of Restitution” be changed to “Order of Eviction and Notice That You Must Move (Order of Restitution).” Because of this change, other existing forms that reference the “Order of Restitution” will need to be updated to reflect the new name of the court version of the form.

The OCAP program produces a good majority of forms needed in an eviction case. OCAP and the Forms Committees requests that the Judicial Council approve updating references to “Order of Restitution” in OCAP interviews and forms produced by OCAP to reflect the new name change. These forms include Complaint for Unlawful Detention (Eviction) and Ex Parte Motion for Order of Restitution, among others.

Approval of this request will authorize OCAP to change the name of the “Order of Restitution” wherever it is mentioned in the above forms along with any other forms that are discovered during the editing process. For interviews and documents used by the plaintiff/landlord, the form will now be referred to as “Order of Eviction and Notice That You Must Move (Order of Restitution). For interviews and forms used by defendant/tenants, the form will be referred to as “Order of Restitution (Order of Eviction),” to account for the fact that landlords who do not use OCAP or the court forms may instead serve the tenant with their own form that is called “Order of Restitution” and does not use the new court form’s name.

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

 Name

 Address

 City, State, Zip

 Phone

 Email

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

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

 I am ☐ Defendant

☐ Defendant's Attorney (Utah Bar #: _____)

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

 In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff

v.

 Defendant

Defendant's Answer to Unlawful Detainer (Eviction)
☐ and Counterclaim

 Case Number

 Judge

Defendant(s) answer(s) plaintiff's complaint as follows:

1. Defendant agrees completely with everything stated in the following numbered paragraphs of the complaint: _____
2. Defendant disagrees with all or part of the following numbered paragraphs of the complaint: _____
3. Defendant does not have enough information to respond to the following paragraphs of the complaint. _____

4. Defendant denies every allegation not specifically admitted above.

Affirmative Defenses (Choose all that apply and complete the sentences in those sections.)

5. ☐ **Improper eviction notice or service of the notice**

- ☐ a. Plaintiff's eviction notice is defective. It does not comply with Utah law for the following reasons: (Utah Code 78B-6-802) (List specific defects such as Notice to Vacate rather than a Notice to Pay or Vacate in a non-payment case.)

- ☐ b. Plaintiff failed to properly serve the eviction notice. (Utah Code 78B-6-805) (Describe the specific ways in which the eviction notice was not served properly.)

6. ☐ **Fair Housing Act violations**

Plaintiff violated Utah (Utah Code 57-21) or federal fair housing laws (42 US Code 3604), or both, because:

7. ☐ **Grounds for eviction in complaint are different than grounds in the notice**

Plaintiff notified defendant in the eviction notice that tenant was being evicted on the grounds that: (Write reason given in notice.)

However, plaintiff said in the complaint that defendant is in unlawful detainer based on other grounds, namely (Write the allegation in the complaint.)

8. ☐ **Defendant complied with notice**

Defendant complied with all demands in the eviction notice within the time period allowed to maintain the rental relationship. (Describe what defendant has

done, for example paying rent due, getting rid of a cat in violation of a no-pets clause, and how this complies with the demanded action in the notice.)

The defendant has:

9. ☐ **Defendant offered full payment as stated in the notice before expiration of notice but plaintiff rejected**

Defendant offered to pay the full amount of the rent due but the plaintiff refused. Defendant offered \$_____.

10. ☐ **Plaintiff did not limit damages**

Plaintiff did not use commercially reasonable efforts to re-rent the premises after defendant left.

11. ☐ **No landlord-tenant relationship**

No landlord-tenant relationship exists between and plaintiff and defendant.

12. ☐ **Defendant substantially complied with lease**

Defendant has substantially complied with the terms of the lease in the following ways and it would be unfair to forfeit the lease:

13. ☐ **Plaintiff is not legally authorized to bring this action**

Plaintiff is not authorized to bring this action because:

14. ☐ **Defendant is on active duty in the armed forces**

Defendant is on active duty in the armed forces of the United States and asserts the defenses in the Servicemembers Civil Relief Act.

15. ☐ **Premises was turned over to plaintiff**

Tenant turned over the premises to plaintiff on _____ (date)
by (Describe way in which premises was turned over to plaintiff, for example returning all keys.)

Plaintiff accepted the surrender of the premises. Defendant is not liable for rent under the agreement between the parties after

_____ (date premises was turned over to plaintiff).

16. ☐ **Plaintiff failed to provide an itemized calculation in the complaint filed with the court.** (Utah Rules of Civil Procedure 26.3)
17. ☐ **Plaintiff failed to provide an explanation of the factual basis for the eviction in the complaint filed with the court.** (Utah Rules of Civil Procedure 26.3)

Counterclaim

Defendant(s) counterclaim(s) and complain(s) of plaintiff as follows. (Choose all that apply and complete the sentences in those sections):

1. ☐ **Bad conditions/repairs not done**

- ☐ a. Plaintiff has failed to maintain the premises in a fit and habitable condition and has created significant health and safety problems at the premises. Defendant complied with the Utah Fit for Premises Act (Utah Code 57-22-1) and gave written notice to plaintiff on

_____ (date). That notice is attached. Plaintiff failed to remedy these problems within the time frame required by the Fit Premises Act. (Attach copy of notice given to landlord.)

- ☐ b. Defendant elected a rent abatement remedy.

- ☐ c. Defendant should be awarded an additional amount of damages for: (Specify additional damages, such as motel costs, restaurant costs, moving expenses, utility relocation costs, medical expenses.)

2. ☐ **Landlord's conversion (taking or withholding) of tenant's property**

Plaintiff has converted defendant's property to his/her own use by:
(Describe the details as to what property of defendant's was taken, when and how.)

The plaintiff had no lien or other legal authority to take the property.

Defendant is entitled to damages of \$_____, the fair market value of the property at the time of the plaintiff's conversion, based on the following list of items taken: (List items taken and fair market value.)

3. ☐ **Retaliatory eviction**

Plaintiff started this case or refused to renew a lease after defendant made a reasonable and good faith complaint about a violation of the following protective housing statute(s). (Identify the statute, such as the Utah Fit Premises Act, Utah Code 57-22-1 et seq., local health department regulations, local fit premises ordinances.)

On or about _____ (date), (Describe the nature of the complaint(s) made, the date, to whom it was made, and the retaliatory action taken, by whom, when, etc.)

Defendant is not in breach of the rental agreement and is entitled to continued occupancy. Plaintiff's action should be dismissed as retaliatory. In addition, plaintiff should be ordered to repair code violations and should be barred from initiating further evictions against defendant until these repairs are made and defendant has had a reasonable opportunity to vacate. Plaintiff should also reimburse defendant for all expenses incurred as a result of Plaintiff's actions.

4. ☐ **Constructive eviction**

Plaintiff has constructively evicted defendant by: (Describe the activities of plaintiff or activities done with plaintiff's consent which seriously breached defendant's right to peaceful possession and quiet enjoyment, for example, hiring workers to commence noisy remodeling at early morning hours.)

These activities rendered the premises unsuitable for the purpose rented and required defendant to vacate the premises on _____ (date).

Defendant is entitled to an offset of rent owing and additional damages for plaintiff's breach of the lease in the amount of \$_____, including: (List the specific damages, including costs of meals, lodging, higher rent at new location etc.)

5. ☐ **Landlord's abuse of access**

Plaintiff has repeatedly demanded unreasonable entry or/and has entered the premises in violation of the terms of the lease or the Fit Premises Act. (Utah Code 57-22-1) By so doing, plaintiff has abused the right of access.

Request for Relief

Defendant asks the court to:

1. Dismiss the plaintiff's complaint.
2. Award defendant damages for the claims above.
3. Grant other available relief.

The plaintiff must respond to this counterclaim within 21 days to prevent a default judgment from being entered. (Utah Rules of Civil Procedure 12(a))

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Defendant's Answer to Unlawful Detainer and Counterclaim on the following people.

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

Date _____ Signature ► _____
 Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

**Order of Eviction and Notice That
You Must Move
(Order of Restitution)**

Case Number

Judge

To the defendants:

You are ordered to move out of _____ (address)

by ____:____ on _____ (date).

Move out means leave the premises, take all your belongings and leave any keys or access cards. You and any person claiming a right to live there from you must move out and allow the plaintiff to have access to and control of the premises.

If you do not follow this order, you may be forcibly removed from the property by the sheriff or a constable. They will use the least destructive means possible to remove you, your personal property, and any persons who claim to have received a right to live there from you.

To the sheriff or constable:

If the defendants are served with this order and fail to vacate the property as ordered, you are ordered to enter the premises by force using the least destructive means possible to remove the defendants, any personal property of the defendants and any persons claiming a right to occupancy from the defendants.

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

Date

Signature ► _____
Judge _____

Notice to Defendant

Your options

Move out. Take your important documents, medicine, medical supplies, and cherished objects.

Try to work something out with your landlord.

If you want to ask the court to stop the eviction you can file both of these:

- a Motion to Set Aside Judgment. This asks the court to undo the eviction order. The court must wait 14 days before it can rule on the motion unless you ask the court to delay enforcement of the order.
- a Motion to Delay Enforcement of Judgment. This asks the court to delay the eviction order. The eviction could still move forward unless you ask the court to set aside the eviction order. But the court cannot grant the motion to delay unless you post a bond for a large enough amount to pay the landlord's probable costs, attorney fees, and damages (including unpaid rent) if the court decides in favor of the landlord. Any prepaid rent is a portion of the tenant's bond.

You can find forms and guidance at www.utcourts.gov/out [We will also add a QR code]

If you do not know where you will be able to stay, call 211 on your phone for help in your county.

Even though you are being evicted, you still have rights

Even though you must move, you can still do the following things. You can require your landlord to give you the following property back within **5 business days**, without paying anything:

- clothing
- identification
- financial documents, including all those related to your immigration or employment status
- documents about the receipt of public services, and
- medical information, prescription medications, and any medical equipment required for maintenance of medical needs

You can get your other belongings back, but you must make a written request to your landlord within **15 calendar days** after your eviction. Your landlord can charge you a

reasonable storage and moving fee.

If you are not able to get your belongings as explained above, you can ask for a hearing in front of a judge. The hearing would be to talk about problems with getting your belongings. To ask for a hearing, file a form called "Request for Hearing After Eviction Because My Rights are Being Violated." The landlord must have the sheriff or constable serve this form with you along with this order. Your request for a hearing will not stop the eviction.

Update the court and the landlord with your contact information

The landlord could file paperwork in your case asking for a money judgment and could file paperwork asking to increase the judgment amount. Update your contact information so you will receive what is being filed and have the opportunity to respond.

THREE DAY NOTICE TO PAY OR TO VACATE

This Notice is given to:

This Notice is given by:

Tenant/Occupant Name

Landlord/Owner Name

Street Address

Street Address

City, State, Zip

City, State, Zip

You are behind in payments required by your rental agreement. You must either pay everything you owe or move out within **three business days**. Business days do not include weekend days and legal holidays. Start counting the business days beginning with the business day after you receive this notice.

Move out means leave the property, take all your belongings, and leave any keys or access cards.

You owe:

| | |
|---|-----------|
| Rent for these time periods: | \$ |
| Other money owed under the lease: (list each item, the amount owed, and when it was due) | \$ |
| Total Amount Due | \$ |

If you do not pay the total amount due or move out within three business days, the court may decide that:

- you are in “unlawful detainer” of the property, and
- you should be evicted.

If that happens, you would be removed from the property and may be required to pay all amounts due under your rental agreement plus attorney fees, court costs. You could also have to pay three times the amount of rent, late fees, and property damage.

You can find information about the eviction process at:
utcourts.gov/tenant



Scan QR code
to visit page

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



Scan QR code
to visit page

Date

Landlord/Owner Signature ► _____
Printed Name _____

RETURN OF SERVICE

This Notice was served upon _____ (name) on
_____ (date) in the following manner (check the appropriate boxes):

- ☐ A copy was delivered to the tenant/occupant personally.
- ☐ A copy was sent through certified or registered mail to the tenant/occupant's address.
- ☐ A copy was posted in a conspicuous place on the premises, as no one was home.
- ☐ A copy was left with _____ a person of suitable age and discretion at:
☐ tenant/occupant's residence or ☐ tenant/occupant's place of business
 AND
 a second copy was mailed to ☐ tenant/occupant's residence or ☐ place of business.

Print here _____
Name of person serving this notice

Sign here _____
Name of person serving this notice

 Name

 Address

 City, State, Zip

 Phone

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

 Email

 I am ☐ Defendant

☐ Defendant's Attorney (Utah Bar #: _____)

 In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

 Plaintiff

v.

 Defendant

**Request for Hearing After Eviction
Because My Rights Are Being
Violated**

 Case Number

 Judge

1. An Order of Restitution (Order of Eviction) has been issued in this case and served upon me. My rights are being violated and I ask for a hearing to explain what is happening.
2. My rights are being violated because:
(Briefly explain.)

3. I understand:

- **I still have to move out, even if I fill out this form and file it with the court.** I will still have to move now. I will not have more time because I filled out this form. I must fill out more forms if I want to ask for more time to stay in my house or if I want to ask the court to stop the eviction. I will also have to post a bond with the court. (Utah Code 78B-6-812(2)(b) and 78B-6-808(4)(b)).
- If I want to try to slow down or stop the eviction, then I must file other papers. I must file:
 - a Motion to Delay Enforcement of a Judgment, and
 - A Motion to Set Aside
 (Forms and guidance are at www.utcourts.gov/out [WE WILL ALSO ADD A QR CODE])
- The court will schedule the hearing I have requested within 10 calendar days after this request is filed or as soon after as practical.
- The court will send notice of a hearing to everyone involved in the case with details about the date, time, and location of the hearing.
- I must provide the court with an address or an email address where I receive mail. If I do not then I will not know about the date, time and location of the hearing.

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

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

| | | |
|---------------|----------------------------|-----------------------|
| _____ Date | Defendant's Signature ► | _____ Printed Name |
|---------------|----------------------------|-----------------------|

Certificate of Service

I certify that I filed with the court and served a copy of this Request for Hearing After Eviction Because My Rights are Being Violated on the following people.

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

 Date

 Signature ►

 Printed Name

Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

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

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

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

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner _____

v. _____

Defendant/Respondent _____

**Motion for More Time to Answer
Eviction Lawsuit**
(Utah Code 78B-6-807(3))

Case Number _____

Judge _____

1. I am the defendant in this eviction case.
2. I object to the number of days I have to answer the lawsuit.
3. I need more time to answer the lawsuit because: (explain)

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

Defendant/Respondent

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

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

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Notice to responding party

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

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

Aviso para la parte que responde

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

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

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

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

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



Scan QR code to visit page

Finding help

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Scan QR code to visit page

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

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

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para accesar esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span)

tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para accesar esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for More Time to Answer Eviction Lawsuit on the following people.

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

 Date

 Signature ►

 Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

 In the District Court of Utah

 Judicial District _____ County

 Court Address _____

 Plaintiff/Petitioner

 V.

 Defendant/Respondent

**Order on Motion for More Time to
Answer Eviction Lawsuit**

 Case Number

 Judge

The matter before the court is defendant's Motion for More Time to Answer Eviction Lawsuit.

This matter is being resolved by (Choose all that apply.):

☐ The default of ☐ plaintiff ☐ defendant

☐ The stipulation of the parties.

☐ The pleadings and other papers of the parties.

☐ A hearing held on _____ (date).

Plaintiff

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

Defendant

☐ was ☐ was not present.

☐ was represented by _____.

☐ was not represented.

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

The court finds:

1. The facts of the case

☐ should allow for more time for the defendant to answer the lawsuit.

☐ should now allow for more time for the defendant to answer the lawsuit.

The court orders:

2. Defendant's motion is:

☐ denied.

☐ granted.

3. Defendant has until _____ (date) to file an answer and serve Plaintiff.

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

| | | |
|------|-------------|--|
| | Signature ► | |
| Date | Judge | |

Approved as to form.

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

| | | |
|------|--|--|
| | Signature ► | |
| Date | Defendant/Respondent, Attorney or Licensed Paralegal Practitioner | |

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact, Conclusions of Law and Order on Motion for More Time to Answer Eviction Lawsuit on the following people.

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

Date

Printed Name