

JUDICIAL COUNCIL MEETING

AGENDA

Monday, December 20, 2004
Council Room, Matheson Courthouse
450 South State Street
Salt Lake City, Utah

Chief Justice Christine M. Durham, Presiding

- | | | | |
|-----|------------|--|---|
| 1. | 9:30 a.m. | Welcome & Approval of Minutes
(Tab 1 - Action) | Chief Justice Christine
M. Durham |
| 2. | 9:35 a.m. | Chair's Report | Chief Justice Christine
M. Durham |
| 3. | 9:45 a.m. | Administrator's Report | Daniel J. Becker |
| 4. | 9:55 a.m. | Reports: Management Committee
Policy and Planning
Liaison Committee
Bar Commission
(Tab 2 - Information) | Chief Justice Christine M. Durham
Hon. Lee Dever
Hon. Jerald Jensen
David Bird, esq. |
| 5. | 10:10 a.m. | Rule Amendments
(Tab 3 - Action) | Tim Shea |
| 6. | 10:30 a.m. | Interpreter Advisory Committee
(Discussion) | Daniel J. Becker |
| 7. | 10:45 a.m. | <i>Break</i> | |
| 8. | 10:55 a.m. | Presentation on Court's Website | Kim Allard |
| 9. | 11:15 a.m. | Legislature/Governor Transition Update | Daniel J. Becker,
Richard Schwermer |
| 10. | 11:35 a.m. | Executive Session | |
| 11. | 12:00 p.m. | <i>Holiday Lunch</i> | |
| 12. | 12:30 p.m. | Council Workshop Follow-Up
- Goals and Objectives | Richard Schwermer,
Ray Wahl |

Consent Calendar

The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.

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|----|-----------------------------------|----------------|
| 1. | VAWA Grants
(Tab 4) | Mary Boudreau |
| 2. | Cell Phone Policy
(Tab 5) | Myron K. March |
| 3. | Committee Appointments
(Tab 6) | Tim Shea |

TAB 1

JUDICIAL COUNCIL MEETING

MINUTES

Monday, November 22, 2004
Council Room, Matheson Courthouse
450 South State Street
Salt Lake City, Utah

Chief Justice Christine M. Durham, Presiding

MEMBERS PRESENT:

Chief Justice Christine M. Durham
Justice Matthew Durrant
Hon. James Davis
Hon. Kevin Nelson
Hon. Jon Memmott
Hon. J. Mark Andrus
Hon. Jerald Jensen
Hon. Clair Poulson
Hon. Robert Hilder
Hon. Lee Dever
Hon. Gary Stott
Hon. K.L. McIff
Hon. Hans Chamberlain
David Bird, esq.

STAFF PRESENT:

Daniel J. Becker
Myron K. March
Richard Schwermer
Mark Jones
Ray Wahl
Tim Shea
Nancy Volmer
Kim Allard
AnNicole Faeth

GUESTS PRESENT:

Colin Winchester
Hon. Michael Kwan

1. Welcome & Approval of Minutes: (Chief Justice Christine M. Durham)

All in attendance were welcomed to the meeting. The minutes of the Council's October meeting were discussed. The following motion was then made.

Motion: Judge Poulson made a motion to approve the minutes. Judge Davis seconded the motion.

The motion carried unanimously.

2. Chair's Report: (Chief Justice Christine M. Durham)

Chief Justice Durham reported the following:

- Chief Justice Durham assisted in hosting a session at the Capitol on civics and democracy education in public schools.
- In connection with the Pew Commission report, Chief Justice Durham has begun to have conversations with leaders to make changes in the area of child welfare/foster care. Judge Thorne, Judge McCully, Dan Becker, also involved.
- Meetings with the new legislative leadership will be schedule shortly.

3. Administrator's Report: (Daniel J. Becker)

Daniel J. Becker reported the following items:

- The American Institute of Architects has recognized the new courthouse in Logan. It was mentioned that the new West Jordan Courthouse, which is currently under construction, is based on the same prototype model as the Logan courthouse.
- Mr. Becker distributed information related to Governor-Elect Huntsman's transition advisory committee.
- Meetings have been scheduled with legislators throughout the state.
- Rep. Greg Curtis will be the new Speaker of the House, and Sen. John Valentine will be the new Senate President.
- Two legislative audits of the court system are currently underway. One audit is of the Guardian ad Litem Office, the other is of delay in civil cases in the District Court.
- A presiding judges' workshop is being developed. The workshop will take place February 15-16, 2005.

4. Reports:

Management Committee: (Chief Justice Christine M. Durham)

Chief Justice Durham reported that the Management Committee did not meet this month.

Policy and Planning: (Hon. Lee Dever)

Judge Dever reported that Policy and Planning discussed the issue of term limits on the Council. Presently, Council members serve two consecutive terms, but there is nothing included in the rules to that effect. Judge Dever reported that a rule has been amended to limit Council membership to a maximum of two consecutive years, and that this rule has been sent out for comment. Policy and Planning also discussed limiting terms of Council committee chair to two terms (each term being one year).

Liaison Committee: (Hon. Jerald Jensen)

Judge Jensen reported that Liaison Committee had not met since the Council's last meeting.

Bar Commission: (David Bird, esq.)

David Bird reported that the Bar Commission had not met since the Council's last meeting.

5. Report: Judicial Conduct Commission: (Colin Winchester)

Colin Winchester reported that it is proposed that all of the Judicial Conduct Commission's existing rules be repealed and replaced with updated rules. A set of proposed rules was distributed to the Council for its review. In particular, the following rules were discussed R595-4-1 Dismissals with Warning or upon Stated Conditions, and R595-4-2 Sanctions Guidelines. A minor language change was suggested to Mr. Winchester related to R595-4-1, and Mr. Winchester indicated that he was amenable to making that change. The Council then thanked Mr. Winchester for his report and his willingness to meet with them.

6. Committee Appointments: (Tim Shea)

Tim Shea reported that a number of vacancies presently exist on standing committees. After the Council reviewed the recommendations advanced by the Board of District Court Judges to fill the vacancies, the following motions were made.

Motion: Judge Dever made a motion to appoint Judge Randall Skanchy to the Judicial Performance Evaluation Committee. The motion was seconded and carried unanimously.

Motion: Judge Dever made a motion to appoint Judge Rand Beacham as co-chair of the Standing Committee on Children and Family Law. The motion was seconded and carried unanimously.

Motion: Judge Davis made a motion to appoint Judge Sheila McCleve to the Standing Committee on Children and Family Law. The motion was seconded and carried unanimously.

Motion: Judge Davis made a motion to appoint Judge Samuel McVey to the Judicial Outreach Committee. The motion was seconded and carried unanimously.

Motion: A motion was made to approve the appointment of Jessica Van Buren, law librarian, to the Judicial Outreach Committee. The motion was seconded and carried unanimously.

Motion: A motion was made to appoint the Court Technology Committee. The motion seconded and carried unanimously.

Motion: A motion was made to appoint Judge Kathleen Nelson to the Court Facilities Committee. The motion was seconded and carried unanimously.

7. Budget Issues: (Daniel J. Becker)

- Governor's Recommendations for FY 2006

Daniel Becker reported that he and Chief Justice Durham recently met with Governor Walker to discuss the court's budget requests for FY 2006. Since that time, the GOPB recommendations have been issued. In regards to courts, it was reported that most of the court's requests are included in the GOPB recommendations. These include, among other items, law clerks, a judges in the 2nd Juvenile and 4th District Courts.

- Budget Planning Calendar for FY 2007

Mr. Becker distributed and discussed a proposed FY 2007 budget planning calendar. After discussion took place, the following motion was made.

Motion: Judge Hilder made a motion to approve the calendar. Judge Davis seconded the motion. The motion carried unanimously.

8. Report: Board of Justice Court Judges: (Hon. Michael Kwan)

Judge Kwan, chair of the Board of Justice Court Judges, provided an update to the Council regarding the work of the Board. Judge Kwan reported that in 2004 there were 83,609 criminal cases, 436,080 traffic cases, and 21,185 small claims cases handled by Utah's Justice Courts. Presently, 65% of all filings in the state are in justice courts.

Judge Kwan reported that the Justice Court Board developed a DVD that is shown at each justice court in the state. This DVD explains basic court procedures, legal vocabulary and processes, and explains constitutional rights. It was also reported that the Justice Court Board is conducting a sentencing survey this year to determine sentencing practices throughout the state. This survey will assist the Board in planning education courses.

Judge Kwan then shared the Board's long-range goals with the Council. These include the following:

- 1) Enhance judicial independence
- 2) Improve internal communication
- 3) improve external communication
- 4) Develop a consistent message
- 5) Increase participation by judges
- 6) Improve judicial education
- 7) Improve the use of technology

After discussion took place, the Council thanked Judge Kwan and the Justice Court Board for their work.

9. Legislative Update: (Richard Schwermer)

Richard Schwermer provided a brief update to the Council concerning the upcoming legislative

session. It was mentioned that the Council's Liaison Committee would be meeting shortly to further discuss pending legislation.

11. Other Business:

Judge Memmott reported that he recently met with John T. Nielson, and the Executive and Judicial Compensation Commission. Judge Memmott reported that the Commission's report indicates that state judges have fallen to 13% below salaries of upper-level public attorneys, and that judicial salaries are in the lowest quarter of private sector attorneys. Additionally, it was mentioned that the cost of living has increased 8.3% in the last few years, during which time judges have received a 1% increase. Judge Memmott also reported that the pool of applicants for judicial vacancies is shrinking, the average age of applicants is decreasing, and average years of experience is declining.

Judge Memmott then discussed how a request for an increase in judicial salaries would proceed in coming months, and during the legislative session. Judge Memmott indicated that a letter related to this issue will be sent to all judges next week, and judges will be asked to work with their presiding judge to arrange one on one meetings with their local legislators.

Judge Sheila McCleve reported that Judge Hans Chamberlain served as chair of the Facilities Standing Committee for 8 years, during which time a number of significant courthouses were constructed. In recognition of Judge Chamberlain's service, Judge McCleve presented a token of appreciation to Judge Chamberlain.

12. Adjourn:

Motion: A motion was made to adjourn the meeting. The motion was seconded and carried unanimously.

TAB 2

JUDICIAL COUNCIL MANAGEMENT COMMITTEE

MINUTES

**Tuesday, December 14, 2004
Council Room, Matheson Courthouse
450 South State Street
Salt Lake City, Utah**

Chief Justice Christine M. Durham, Presiding

MEMBERS PRESENT:

Chief Justice Christine M. Durham
Hon. James Davis
Hon. Robert Hilder
Hon. Hans Chamberlain
Hon. Clair Poulson

STAFF PRESENT:

Daniel J. Becker
Myron K. March
Richard Schwermer
Mark Jones
Ray Wahl
Tim Shea
AnNicole Faeth
Mary Boudreau
Heather Mackenzie-Campbell
Brent Johnson
Nancy Volmer

1. Welcome: (Chief Justice Christine M. Durham)

All in attendance were welcomed to the meeting.

2. Administrator's Report: (Daniel J. Becker)

Daniel Becker reported the following:

- Governor Walker has released her FY 2005 budget recommendations. Most items requested by the courts were included in the recommendations. The recommendations also include a 7% salary increase for judges, a 3% cost of living increase for employees, and funds for in-range market adjustments.

- Meetings have been taking place in each of the judicial districts with legislators. It was reported that the meetings have gone very well.

Mr. Becker then distributed VAWA grant application forms for the Management Committee's review. One grant would allow for the translation of protective order, and another would continue a VAWA grant through Salt Lake City Justice Court that has funded a domestic

violence coordinator in the Third District. After discussion took place, the following motion was made.

Motion: Judge Hilder made a motion to approve the aforementioned forms, with the understanding that the VAWA grant through Salt Lake City would be approved for the duration of one year and reviewed again at the conclusion of that time. Judge Poulson seconded the motion. The motion carried unanimously.

Mr. Becker then reported that a Self Represented Litigant Committee is being formed, and a number of questions regarding membership have been raised.

3. Audit Report: 2005 Schedule; Status Report; and, 8th District, Vernal Audit Report: (Heather Mackenzie-Campbell)

Heather Mackenzie-Campbell reviewed a 2005 proposed audit schedule with the Management Committee. After discussion took place, the following motion was made.

Motion: Judge Hilder made a motion to approve the audit schedule, with the understanding that short audits in the justice courts be announced. Judge Chamberlain seconded the motion. The motion carried unanimously.

Ms. Mackenzie-Campbell then provided a status report, which outlined audits completed in the past year, as well as audits in process. Additionally, Ms. Mackenzie-Campbell discussed numerous customer service activities that have been performed by the Audit Division. The Management Committee thanked Ms. Mackenzie-Campbell and the Audit Division for their work.

4. Cell Phone Policy and Procedures: (Myron K. March)

Myron March discussed a proposed cell phone policy with the Management Committee. Mr. March reported that the policy would put in writing, regular practices. It was mentioned that, if approved, the policy would be included in the Accounting Manual.

Motion: A motion was made to place the item on the Council's consent calendar. The motion was seconded and carried unanimously.

5. Strategic Communication Plan: (Nancy Volmer)

Nancy Volmer provided an annual report to the Management Committee on the status of the court's Public Information Office. It was mentioned that, in the past year, the Public Information Office has made significant strides in producing brochures and other items that positively portray the court's image, as well as assisting in high profile cases, and initiating an employee newsletter. Ms. Volmer then shared the 2005 strategic communication plan with the Management

Committee. It was reported that, in the coming year, Ms. Volmer will continue to utilize media coverage proactively to create a better understanding of the Utah State Courts and how the system operates, she will continue to relay the court's key messages to constituents, educate constituents on the Utah State Courts through public outreach efforts, and will maintain avenues of internal communication.

The Management Committee thanked Ms. Volmer for her excellent work.

6. Committee Appointments: (Tim Shea)

Tim Shea reported that there is a vacancy on the Technology Committee for a court clerk. After the Management Committee reviewed information concerning nominees to fill the vacancy, the following motion was made.

Motion: Judge Davis made a motion to appoint Carolyn Bulloch to the Technology Committee, and that this item be placed on the Council's consent calendar. Judge Hilder seconded the motion. The motion carried unanimously.

7. Follow-Up to Council Workshops: (Daniel J. Becker)

Daniel Becker suggested that, as a follow-up to the Council's workshop that took place following its November meeting, a discussion take place immediately following its December meeting. It was also suggested that the Council discuss "Core Measures" immediately following its meetings in January through April. The Management Committee expressed support for this plan.

8. Commissioner Use in the First and Second Districts: (Daniel J. Becker)

Daniel Becker reported that this issue has been resolved, and that the Management Committee doesn't need to take action related to this matter.

9. Interpreter Advisory Committee Status: (Daniel J. Becker)

Daniel Becker reported that the Interpreter Advisory Committee has requested that the Council reconsider the committee's request to become a standing committee. In regards to future requests of committees to become standing committees, Mr. Becker proposed that when a committee becomes a new standing committee a sunset date could be established in order to review the committee's effectiveness.

Motion: Judge Hilder made a motion to recommendation that the Interpreter Advisory Committee become a standing committee, but with a sunset date of 10 years. It was determined that this item be placed on the Council's agenda. The motion was seconded and carried unanimously.

10. Justice Court Fees: (Brent Johnson)

Brent Johnson reviewed §78-6-14. Civil Filing Fees, with the Management Committee. It was mentioned that paragraph three of this statute indicates that \$7.50 of each civil filing fee should be withheld and allocated to the Judges' Retirement Trust Fund. Apparently, this issue was discussed several years ago and there is confusion as to whether or not the funds need to be withheld.

After discussion took place, it was determined that the Management Committee would take no formal action, but that Brent Johnson would contact Utah Retirement Systems and suggest that they informally discuss the matter with the Utah Association of Counties and/or the League of Cities and Towns.

11. Court Reporter Transcripts: (Brent Johnson)

Brent Johnson reported that this issue has arisen due to the denial of a transcript to the Attorney General's Office, on the basis that a transcript could not be granted without payment for a copy. After discussion took place concerning this issue, it was determined that this issue would be advanced to Policy and Planning for its review and subsequent recommendation.

12. Courtroom Presentation Equipment: (Richard Schwermer)

Richard Schwermer shared a presentation prepared by Lynn Packer, a court consultant, with the Management Committee. Mr. Schwermer reported that Mr. Packer uses video clips in closing arguments. Since the courts have been converting to digital audio in courtrooms, rather than video systems, it was reported that Mr. Packer has raised a number of complaints with the courts, DFCM, and other state entities. After discussion took place, the Management Committee thanked Mr. Schwermer for this information. It was also determined that this issue would be discussed with the Council in executive session.

13. Outreach Committee Chair: (Daniel J. Becker)

Daniel Becker reported that a chair needs to be selected for the Outreach Committee. After nominees were reviewed, the following motion was made.

Motion: Judge Davis made a motion to appoint Judge Judith Billings as chair of the Outreach Committee. The motion was seconded and carried unanimously.

14. Approval of Judicial Council Agenda: (Daniel J. Becker)

Daniel Becker reviewed a proposed agenda for the Council's December 20th meeting. After discussion took place, the following motion was made.

Motion: Judge Poulson made a motion to approve the agenda. Judge Davis seconded the motion. The motion carried unanimously.

15. Executive Session:

Motion: A motion was made to go into executive session to discuss a personnel matter. The motion was seconded and carried unanimously.

Motion: A motion was made to come out of executive session. The motion was seconded and carried unanimously.

16. Adjourn:

Motion: A motion was made to adjourn the meeting. The motion was seconded and carried unanimously.

MINUTES

POLICY AND PLANNING COMMITTEE

Friday December 3, 2004
Administrative Office of the Courts

PRESENT: Honorable L.A. Dever, Honorable Jon M. Memmott, Honorable Kevin L. Nelson, Honorable Gary D. Stott.

EXCUSED: David Bird

STAFF: Timothy M. Shea, Mary Boudreau, Paula Carr, Carolyn Carpenter

I WELCOME AND REVIEW OF 11/4/04 MEETING MINUTES

Judge Dever welcomed all present and asked for action on the 11/4/04 meeting minutes. A **motion** was made by Judge Stott to approve the minutes as prepared, seconded by Judge Nelson, and passed unanimously.

II RULES PUBLISHED FOR COMMENT; FINAL ACTION

Mr. Shea reported he had received two comments on CJA 09-105 and no comments on any of the other proposed amendments.

CJA 09-105. Justice Court hours.

Comment from Dave Carlson in support of establishing that Justice Courts be open five days a week.

Comment from Jay Carey who works in the Sandy City Justice Court: the Sandy City Justice Court recognizes two Sandy City holidays that are not State holidays. In order to close their court on the two Sandy City holidays, they swap two of the State holidays and conduct non-courtroom business on those days. His suggestion was to change the wording of the proposed rule to read: "Unless specifically waived by the Judicial Council, Justice Courts shall be open and available to transact judicial business Monday through Friday excluding holidays as defined in State Code Section 63-13-2 or as defined in local ordinance in the event of conflict."

After discussion, it was decided that Mr. Shea would respond to Mr. Carey that the Judicial Council would have to approve any alterations to State holidays as they are currently set forth, and that the Sandy City Justice Court should submit a request directly to the Judicial Council for any departure from the State holiday schedule.

Rule CJA 03-115. Committee on self-represented parties

A discussion was held regarding the composition of this proposed committee. It was decided that rather than having an appellate court judge on the committee who rarely sees a pro se party, two clerks of court be asked to serve on the committee. It was further decided to ask two state legislators to sit on the committee. Even though they do not receive pay for this, it was pointed out they do have an interest in the decisions this committee will make.

A **motion** was made by Judge Stott, seconded by Judge Nelson, that rather than an appellate judge on the Self-represented Parties Committee, two clerks of court, one from an urban area and one from a rural area, be asked to serve. In addition, that two state legislators be asked to join the committee. The motion carried.

Judge Dever asked that Mr. Shea add language to the proposed statement of Rule 3-115 on line 11 (2)(B) that the committee shall assess available services to self-represented parties and gaps in the services **and forms**.

Rule 3-111-03. Standards of judicial performance

Mr. Shea noted this was an amendment to separate lawyers who have had trial experience from those who have not. Judge Memmott suggested that a lawyer filing a complaint with the Judicial Conduct Commission should be an automatic grounds for removal from the respondent pool. Mr. Shea indicated the Judicial Council has discussed this in the past and concluded that filing a complaint with the Conduct Commission was a legitimate exercise of rights that should not be discouraged. The Council had also concluded that a complaint by a lawyer did not show bias by the lawyer. If a judge believes a lawyer should be removed from the respondent pool because of a complaint or for any other reason not specified in the rule, the judge can request removal through the Management Committee of the Judicial Council.

After further discussion, Judge Memmott made a **motion** that a section be added similar to line 64, p. 13 stating that a judge may exclude an attorney from the list of respondents if the judge or commissioner "has been the subject of a complaint with the Judicial Conduct Commission filed by the attorney in which the attorney alleges animus of the judge or commissioner toward the attorney." The motion was seconded by Judge Stott and carried unanimously. Mr. Shea will add the language to the draft of the rule.

Rule 3-413. Judicial library resources.

Mr. Shea reported that most of this is an amendment to recognize that the advance reports do not have a lot of purpose anymore because the court website has all of the appellate opinions and judges can receive a notice when an opinion is released. The court is buying the Lexus Research for Justice Court judges. This would eliminate the references to the mandatory subscription to Utah Advance Reports publication.

Judge Memmott reported that when the advance hard copies were discontinued, it turned out to be a problem for many judges and commissioners. There is not a good way to go back and search the opinions unless you print them off and index them yourself, he said. In addition, there has been a substantial reduction in reading opinions by judges and commissioners since they have to read them online. Many prefer hard copies and will not read them online. Judges and commissioners should have a choice of how they receive and read advance reports.

After further discussion, it was decided to change lines 21-24 (1)(A)(ii) to read that if a justice, judge, or commissioner requests an annual subscription to the Utah Advance Reports and Annotations, they can receive it and it will be paid for by the State Law Library.

Rule 9-107. Justice Court Technology, Security, and Training Account.

P. 28. Judge Nelson stated he has a concern with the lack of accountability and oversight of money that is dispensed each year, indicating there should be an assurance that the money is spent on the qualifying project only. It was suggested the Board of Justice Court Judges conduct an annual review of expenditures and generate an annual report. Mr. Shea will add an additional line addressing this in the proposed rule.

Rule 10-1-203. Designation of video arraignment areas as courtroom.

P. 29. It was suggested that lines 9 through 12 be eliminated so the applicability of the rule reads: "This rule shall apply to all courts statewide" and statement of the rule reads: "All areas involved in video arraignments are designated as a courtroom." Mr. Shea will rewrite this.

III EXHIBIT MANAGEMENT

Rule 4-206. Exhibits

Paula Carr, Clerk of Court in Second District, distributed a handout of the rule and a summary of the proposal from the Records Quality Committee, on which she sits. She stated the committee has been tackling areas where they can empirically demonstrate that the quality of records has been improved.

Ms. Carr was asked by the committee to tackle exhibit management. She reported they first started looking to see if districts were complying with the rule but then started looking more closely at the rule itself. It was last substantively amended in 1993. Ms. Carr reviewed the proposal with the group.

P. 34 (9). "Disposal or destruction of exhibits. After three months have expired from final disposition of the case and no appeals have been filed or requests for new trials or rehearing have been made, the clerk shall dispose of the exhibits as follows": (all were reviewed).

Concerns were expressed with the proposal made in (9) that primarily deals with eliminating the practice of sending notice of disposal of exhibits to all parties.

Points made during discussion:

- If disposal of exhibits is published as part of the rule, parties are on notice and the judge should not have to remind them at the conclusion of the trial that evidence will be destroyed after 3 months.
- Criminal cases with the county attorney's office often come back to court later than 3 months and the evidence is needed, but the burden of providing evidence at that point could be shifted to the county attorney.
- It is not certain that parties can be relied on to read and understand the rule, particularly in criminal cases.
- The court is the fiduciary for evidence, holding it for another rather than owning it.
- If the court returns weapons or drugs to the police agency, the only things left with the court are paper exhibits such as photographs and poster boards.
- Contraband is returned to law enforcement agencies that confiscated it.
- If the evidence has been destroyed and a retrial takes place the court should be able to state that a letter was sent to the district attorney informing him that evidence would be destroyed after 3 months.
- In civil cases there will not be an evidence problem.

After discussion it was decided to state in the proposal that in criminal cases involving a felony, notice shall be given to both parties; otherwise, the rule stating evidence will be destroyed after 3 months should be followed.

It was suggested that a one page form be drafted that is given to parties before the trial begins, informing them of how the court disposes of exhibits at the trial's conclusion and that states if exhibits are going to be submitted, these are the general rules that deal with exhibits. Ms. Carr and Mr. Shea will work on language for the form.

Judge Dever suggested that in addition, (9)(A) be restated to say property having value shall be returned to the party offering the exhibit. That way the question of who owns the property is eliminated for the court.

The meeting was adjourned.

Next meeting: January 7, 2005 at noon in the Education Room, third floor, Matheson Courthouse.

TAB 3



Administrative Office of the Courts

Chief Justice Christine M. Durham
Utah Supreme Court
Chair, Utah Judicial Council

MEMORANDUM

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

To: Judicial Council
From: Tim Shea *TS*
Date: December 10, 2004
Re: Rules published for comment; Final action

The following Judicial Council rules were published for comment. The rules are attached, as are the comments. The Policy and Planning Committee's recommendations are summarized for each rule.

CJA 01-205. Standing and ad hoc committees. Amend. Establishes the Committee on Self-represented Parties. The Policy and Planning Committee recommends the committee membership be modified. As published for comment, the rule proposed one appellate judge and one court clerk. The Policy and Planning Committee recommends, rather than an appellate judge, two court clerks – one urban and one rural – and two legislators.

CJA 03-111.03. Standards of judicial performance. Amend. Eliminates possibility of lawyer with trial experience being removed from respondent pool due to too few total appearances. The Policy and Planning Committee recommends adoption of the amendments that were published for comment. The Committee recommends a further amendment to let a judge remove from his or her list of potential respondents a lawyer who has filed with the Judicial Conduct Commission a complaint alleging personal animus against the lawyer.

CJA 03-115. Committee on self-represented parties. New. Identifies the responsibilities of the committee. The Policy and Planning Committee recommends adoption of the amendments that were published for comment with the addition that the committee be responsible for developing forms.

CJA 03-408. Inventory. Amend. Changes minimum value for mandatory inventory control from \$500 to \$1,000. The Policy and Planning Committee recommends adoption of the amendments that were published for comment.

CJA 03-411. Grant management. Amend. Adds approval by the legislature for large federal grants. The Policy and Planning Committee recommends adoption of the amendments that were published for comment.

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.

CJA 03-413. Judicial library resources. Amend. As published for comment, the rule change would have eliminated mandatory subscriptions to Utah Advance Reports, since an equivalent email notification service is offered by the Supreme Court and Court of Appeals. The Policy and Planning Committee recommends amending the rule to require purchase of the Utah Advance Reports upon request rather than automatically.

CJA 09-105. Justice Court hours Amend. Establishes 5-day operation as the standard for justice courts. Permits waiver by the Judicial Council. The Policy and Planning Committee recommends adoption of the amendments that were published for comment.

CJA 09-107. Justice Court Technology, Security, and Training Account. New. Establishes the process for allocation of funds from the Justice Court Technology, Security, and Training restricted account. This rule was approved on an emergency basis. The Policy and Planning Committee recommends a further amendment to require an accounting of expenditures reported to the Board.

CJA 10-1-203. Designation of video arraignment areas as courtroom. Amend. As published for comment, the amendment would have updated references to video arraignment courtrooms in Second District Court. The Policy and Planning Committee recommends repealing this local rule and adopting a new rule (4-105) that would designate any video arraignment site as a courtroom.

Encl. Draft rules
 Comments to draft rules

Web comments

Comments: Code of Judicial Administration

My comments pertain to the proposed changes to [Rule 9-105. Justice Court Hours]. The change provides that "holidays" are as defined in State Code Section 63-13-2. This wording fails to recognize that many cities and counties have by local ordinance, provided for holidays which vary somewhat from the State holiday schedule.

Presently, our court closes on all recognized Sandy City holidays, two of which are not State holidays. Conversely, there are a few State holidays for which the justice court remains open for non-courtroom business because those days are not Sandy City holidays.

Under State Code Section 78-5-106.5(1), Justice Courts are obligated to follow local rules and regulations related to "administrative functions" among other things. This would certainly seem to include a requirement that local ordinances prescribing holidays be followed.

I suggest the wording of the proposed rule be changed to: (2)"Unless specifically waived by the Judicial Council, Justice Courts shall be open and available to transact judicial business Monday through Friday excluding holidays as defined in State Code Section 63-13-2 or as defined in local ordinance in the event of conflict."

Hopefully, this will permit the justice courts to be consistent with their local governments' requirements and avoid the problematic issues arising from the rule change as originally proposed.

Posted by Jay Carey October 26, 2004 11:05 AM

I support establishing that Justice Courts are open five days a week. I am concerned by a move in at least one jurisdiction to change to a four-day work week. I believe that move reflects what happens when government becomes self-serving rather than fulfill its mission to serve the public.

Posted by Dave Carlson September 20, 2004 11:37 AM

From: Peggy Gentles
To: Tim Shea
Date: 5/3/04 4:44PM
Subject: 3-411

If 3-411 has to go out to comment because of legislative changes, can you look at (3) requiring endorsement of grant applications by other agencies? I get requests to support grants such as for Legal Aid and wrote letters about what they do here because I didn't realize that this rule exists (I know, ignorance of the law is no excuse). I wonder if this isn't honored in the breach (sp?) - if it's only me that didn't know, I have no problem complying in the future although it's kind of a cumbersome process that may not work with many agencies' time lines. Also, it may be that no one cares if I write a letter saying that Legal Aid does a good job processing protective orders but if it's has to be a Council issue for the Chief's signature all the sudden it's a big deal.

This reflects the West Valley Justice Court's hours. I believe that if they prove that this change really saves money and works well with the public that all courts should be able to do this. This includes State and City courts. If not all courts are allowed to work 4/10s then I oppose this request. All courts that are opened get the brunt of their calls and the public think other courts can help them. I know 4/10s will work if all courts are to work these hours.

Posted by Leslie Mott July 16, 2004 12:44 PM

Howdy

I WANTED TO COMMENT ON THE
HOURS ON THE WEST VALLEY JUSTICE
COURT. IT WOULD BE MY HOPE
THAT BE OPEN SO THAT I CAN TAKE
CARE OF ANY PROBLEMS THERE AND
NOT LOSE OUT ON WHOLE DAY OF
WORK.

Thanks

David B Smith

DAVID B. Smith
1259 E. SOUTHERN AVE
SALT LAKE CITY UTAH
84102

<knelson@xmission.com> 06/24/04 08:41AM

These would be my comments on rule 9-107.

A finely drafted rule. Consideration may also be given to establishing procedure to ensure that the funds applied for, approved and disbursed are spent appropriately. Judiciously avoiding any kind of misappropriation of these resources.

It may also be helpful to clarify if continuing allocations, do require annual renewal.

Should I just leave these with you or submit it?

Kevin

I think that the time frame for requesting money should be more flexible since technology changes so quickly. Six months lead time may be too restrictive to respond to sales or changed market conditions.

I also think the courts should consider obtaining technology from the University of Utah surplus property system. Computers in good working order are obtainable for less than ten percent of the retail price - and they are still several generations newer than the windows 95 computers used in the court of appeals.

Posted by Barbara Ishimatsu June 23, 2004 05:27 PM

1 Rule 1-205. Standing and ad hoc committees.

2 Intent:

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

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

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

8 Applicability:

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

10 Statement of the Rule:

11 (1) Standing committees.

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

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

15 (1)(A)(ii) Uniform Fine/Bail Schedule Committee;

16 (1)(A)(iii) Performance Evaluation Committee;

17 (1)(A)(iv) Ethics Advisory Committee;

18 (1)(A)(v) Justice Court Standards Committee;

19 (1)(A)(vi) Judicial Branch Education Committee;

20 (1)(A)(vii) Court Facility Planning Committee;

21 (1)(A)(viii) Committee on Children and Family Law; and

22 (1)(A)(ix) Committee on Judicial Outreach; and

23 (1)(A)(x) Committee on Self-represented Parties.

24 (1)(B) Composition.

25 (1)(B)(i) The Technology Committee shall consist of one judge from each court of record,
26 one justice court judge, one lawyer recommended by the Board of Bar Commissioners, two court
27 executives, two court clerks and two staff members from the Administrative Office.

28 (1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of one district court
29 judge who has experience with a felony docket, three district court judges who have experience
30 with a misdemeanor docket, one juvenile court judge and three justice court judges.

31 (1)(B)(iii) The Performance Evaluation Committee shall consist of one judge from each court
32 of record, one justice court judge, one active senior judge, one court commissioner, one Bar
33 Commissioner recommended by the president of the State Bar, two practicing attorneys who are
34 members of the Bar in good standing, and three lay members. The terms of office of the two
35 practicing attorneys shall be staggered. The Judicial Council shall appoint one of the two
36 practicing attorneys to serve as chair.

37 (1)(B)(iv) The Ethics Advisory Committee shall consist of one judge from the Court of
38 Appeals, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from
39 Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge, and an
40 attorney from either the Bar or a college of law.

41 (1)(B)(v) The Justice Court Standards Committee shall consist of one municipal justice court
42 judge from a rural area, one municipal justice court judge from an urban area, one county justice
43 court judge from a rural area, and one county justice court judge from an urban area, all
44 appointed by the Board of Justice Court Judges; one mayor from either Utah, Davis, Weber or
45 Salt Lake Counties, and one mayor from the remaining counties, both appointed by the Utah
46 League of Cities and Towns; one county commissioner from either Utah, Davis, Weber or Salt
47 Lake Counties, and one county commissioner from the remaining counties, both appointed by
48 the Utah Association of Counties; a member of the Bar from Utah, Davis, Weber or Salt Lake
49 Counties, and a member of the Bar from the remaining counties, both appointed by the Bar
50 Commission; and a judge of a court of record appointed by the Presiding Officer of the Council.
51 All Committee members shall be appointed for four year staggered terms.

52 (1)(B)(vi) The Judicial Branch Education Committee shall consist of one judge from an
53 appellate court, one district court judge from Judicial Districts 2, 3, or 4, one district court judge
54 from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, the education liaison of the
55 Board of Justice Court Judges, one state level administrator, the Human Resource Management
56 Director, one court executive, one juvenile court probation representative, two court clerks from
57 different levels of court and different judicial districts, one data processing manager, and one
58 adult educator from higher education. The Human Resource Management Director and the adult
59 educator shall serve as non-voting members. The state level administrator and the Human
60 Resource Management Director shall serve as permanent Committee members.

(1)(B)(vii) The Court Facility Planning Committee shall consist of one judge from each level of trial court, one appellate court judge, the state court administrator, a trial court executive, and two business people with experience in the construction or financing of facilities.

(1)(B)(viii) The Committee on Children and Family Law shall consist of one Senator appointed by the President of the Senate, one Representative appointed by the Speaker of the House, the Director of the Department of Human Services or designee, one attorney of the Executive Committee of the Family Law Section of the Utah State Bar, one attorney with experience in abuse, neglect and dependency cases, one representative of a child advocacy organization, one mediator, one professional in the area of child development, one representative of the community, the Director of the Office of Guardian ad Litem or designee, one court commissioner, two district court judges, and two juvenile court judges. One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(ix) The Committee on Judicial Outreach shall consist of one appellate court judge, one district court judge, one juvenile court judge, one justice court judge, one state level administrator, a state level judicial education representative, one court executive, one Utah State Bar representative, two communication representatives, one law library representative, one civic community representative, and one state education representative.

(1)(B)(x) The Committee on Self-represented Parties shall consist of, two district court judges, one juvenile court judge, one justice court judge, two clerks of court – one from an urban district and one from a rural district – one Senator appointed by the President of the Senate, one Representative appointed by the Speaker of the House, one representative from the Utah State Bar, two representatives from legal service organizations that serve low-income clients, one private attorney experienced in providing services to self-represented parties, two law school representatives, the state law librarian, and two community representatives.

(1)(C) Standing committees shall meet as necessary to accomplish their work but a minimum of once every six months. Standing committees shall report to the Council as necessary but a minimum of once every six months. Council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing

committees may form subcommittees as they deem advisable. The continued existence and composition of standing committees shall be reviewed annually.

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

(3) General provisions.

(3)(A) Appointment process.

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

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

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

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

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

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

122 (3)(B) Terms. Except as otherwise provided in this rule, standing committee members shall
123 serve staggered three year terms. Standing committee members shall not serve more than two
124 consecutive terms on a committee unless the Council determines that exceptional circumstances
125 exist which justify service of more than two consecutive terms.

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

128 (3)(D) The Administrative Office shall serve as secretariat to the Council's committees.
129

1 Rule 3-111.03. Standards of judicial performance.

2 Intent:

3 To specify the standards against which judicial performance will be measured and the
4 methods for fairly, accurately and reliably measuring judicial performance.

5 Applicability:

6 This rule shall apply to the Judicial Council and, except as otherwise provided, to the judges
7 and commissioners of the courts of record and not of record.

8 Subsection (2)(A) shall apply to the judges and commissioners of the courts of record.

9 Subsection (2)(B) shall apply to the judges of the district court who conduct jury trials.

10 For judges standing for retention election in 2004 and beyond and for commissioners subject
11 to reappointment in 2003 and beyond, Subsection (2)(C) shall apply from the effective date of
12 the rule until the evaluation by the Council or for the judge's or commissioner's term of office,
13 whichever is shorter. Judges standing for retention election in 2002 and commissioners subject to
14 reappointment in 2002 shall meet the case under advisement standard as it existed prior to the
15 effective date of this rule. (Former Rule 3-111(3)(C).)

16 Statement of the Rule:

17 (1)(A) A judge standing for retention election or reappointment, or commissioner standing
18 for reappointment, shall be evaluated for compliance with the standards set forth in this rule.

19 (1)(B) No evaluation shall be based upon a criterion or standard in effect for less than two
20 years. However, the methodology for measurement may change periodically. Evaluation shall be
21 based upon performance during the current term of office.

22 (2) Standards of performance.

23 (2)(A) Survey of attorneys.

24 (2)(A)(i) The Council shall measure satisfactory performance by a sample survey of the
25 attorneys appearing before the judge or commissioner during the preceding two years or such
26 shorter period for which the judge or commissioner is being evaluated. The Council shall
27 measure satisfactory performance based on the results of the final survey conducted during a
28 judge's or commissioner's term of office, subject to the discretion of a judge serving an
29 abbreviated initial term not to participate in a second survey under Section (2)(A)(viii) of this
30 rule.

31 (2)(A)(ii) Survey scoring. The survey shall be scored as follows.

(2)(A)(ii)(a) Each question of the attorney survey will have six possible responses: Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No Personal Knowledge. A favorable response is Excellent, More Than Adequate or Adequate.

(2)(A)(ii)(b) Each question shall be scored by dividing the total number of favorable responses by the total number of all responses, excluding the "No Personal Knowledge" responses. A satisfactory score for a question is achieved when the ratio of favorable responses is 70% or greater.

(2)(A)(ii)(c) A judge's or commissioner's performance is satisfactory if:

(2)(A)(ii)(c)(1) at least 75% of the questions have a satisfactory score; and

(2)(A)(ii)(c)(2) the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

(2)(A)(iii) Surveyor. As used in this Code, the term "Surveyor" means the organization or individual awarded a contract through procedures established by the state procurement code to survey respondents regarding the performance of judges.

(2)(A)(iv) Survey respondents. The clerk for the judge or commissioner or the Administrative Office of the Courts shall separately identify as potential respondents all lawyers who have appeared before the judge or commissioner at a hearing or trial during the preceding two year period or such shorter period for which the judge or commissioner is being evaluated. ~~The judge or commissioner shall not review the list of potential respondents.~~

(2)(A)(v) Exclusion from survey respondents.

(2)(A)(v)(a) A lawyer who has been appointed as a judge or commissioner shall not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline shall not be a respondent in the survey.

(2)(A)(v)(b) By certifying that one or more of the following conditions applies, the judge or commissioner may exclude an attorney from the list of respondents: The judge or commissioner

(2)(A)(v)(b)(1) has referred the lawyer to the Utah State Bar for discipline,

(2)(A)(v)(b)(2) has found the lawyer in contempt of court,

(2)(A)(v)(b)(3) has sanctioned the lawyer pursuant to rules of procedure,

(2)(A)(v)(b)(4) has held the lawyer's law firm jointly responsible under Utah Rule of Civil Procedure 11(c)(1)(A),

(2)(A)(v)(b)(5) has presided in a civil or criminal proceeding to which the lawyer is a party,
or

(2)(A)(v)(b)(6) has been the subject of an affidavit of bias or prejudice under Utah Rule of Civil Procedure 63 or Utah Rule of Criminal Procedure 29 filed by the attorney in which the attorney alleges animus of the judge or commissioner toward the attorney.

(2)(A)(v)(b)(7) has been the subject of a complaint filed by the attorney with the Judicial Conduct Commission in which the attorney alleges animus of the judge toward the attorney.

(2)(A)(v)(c) Other exclusions.

(2)(A)(v)(c)(1) A judge may request that the Judicial Council exclude from the survey an attorney who does not qualify for exclusion under (b) if the judge believes the attorney will not respond objectively to the survey. The request must be submitted within 14 days after receiving the form for excluding lawyers under (b).

(2)(A)(v)(c)(2) In the request, the judge shall explain why the attorney will not respond objectively to the survey. The judge shall explain why the attorney's behavior has not subjected the attorney to sanction under the rules of procedure, contempt or referral to the Bar.

(2)(A)(v)(c)(3) If the Management Committee determines that the attorney will not respond objectively to the survey, the Management Committee shall inform the Judicial Council for ratification. If the Judicial Council ratifies the determination, the Administrative Office of the Courts shall notify the Surveyor and the Surveyor shall exclude the attorney from the judge's respondent pool. The determination applies only to the pending attorney survey.

(2)(A)(vi) Number of survey respondents. For each judge or commissioner who is the subject of a survey, the Surveyor shall identify 180 respondents or all attorneys appearing before the judge or commissioner whichever is less.

(2)(A)(vii) Factors in selecting respondents; response rate. In selecting respondents from potential respondents, the Surveyor should favor first select attorneys with a trial appearance and then attorneys with a greater number of appearances, ~~and attorneys with more recent appearances, and the~~ The Surveyor should limit to 12 the number of survey questionnaires to which an attorney is asked to respond. The Surveyor may balance these factors in assigning respondents to particular judges or commissioners. The Surveyor should pursue a response rate of 70% or more for each judge or commissioner. The goals of this paragraph are advisory and failure to meet the goals shall not invalidate the survey.

93 (2)(A)(viii) Administration of the survey. Judges with a six-year term of office shall be the
94 subject of a survey in the fifth year of the term. Justices of the Supreme Court shall be the subject
95 of a survey in the ninth year of the term. Newly appointed judges shall be the subject of a survey
96 during their second year in office and, at their option, prior to their initial retention election.
97 Court Commissioners shall be the subject of a survey approximately one year prior to the
98 expiration of their term of appointment.

99 (2)(B) Survey of jurors. The Council shall measure satisfactory performance by a survey of
100 the jurors appearing before the judge during the preceding two years or such shorter period for
101 which the judge is being evaluated.

102 (2)(B)(i) Survey responses. Each question will have four possible responses: Yes, No, No
103 Opinion, and No Opportunity to Observe. A note card on which the juror can provide
104 anonymous comments to the judge shall be attached to the survey questionnaire.

105 (2)(B)(ii) Survey scoring. The survey shall be scored as follows:

106 (2)(B)(ii)(a) A favorable response is Yes.

107 (2)(B)(ii)(b) Each question shall be scored by dividing the total number of Yes responses by
108 the total number of Yes plus No responses.

109 (2)(B)(ii)(c) A satisfactory score for a question is achieved when the ratio of favorable
110 responses is 70% or greater.

111 (2)(B)(ii)(d) A judge's performance is satisfactory if:

112 (2)(B)(ii)(d)(1) At least 75% of the questions on the survey have a satisfactory score; and

113 (2)(B)(ii)(d)(2) The Yes responses to all questions when divided by the total number of Yes
114 plus No responses to all questions is 70% or greater.

115 (2)(B)(iii) Administration of the survey. All jurors rendering a verdict in a case and all jurors,
116 including alternate jurors, with at least three hours of trial time with the judge shall have the
117 opportunity to respond to the survey questionnaire.

118 (2)(B)(iii)(a) For jurors rendering a verdict. While the jurors are waiting for court to convene
119 after declaring that they have reached a verdict, or as soon as possible after the jury has been
120 discharged, the bailiff or clerk in charge of the jury shall provide the jurors with the evaluation
121 questionnaires and comment note cards and two envelopes. One envelope will be preprinted with
122 the mailing address of the Surveyor; the other will be preprinted with the name of the judge. The
123 forms will instruct the jurors to place the comment note cards in the envelope with the judge's

name, to place the survey questionnaires, completed and uncompleted, in the envelope with the Surveyor's name, and to seal the envelopes. The bailiff or clerk shall deliver the sealed envelopes to the respective addressees.

(2)(B)(iii)(b) For jurors not rendering a verdict. If a juror or alternate juror is discharged prior to rendering a verdict but after at least three hours of trial time with the judge, the bailiff or clerk in charge of the jury shall administer the questionnaire to the discharged juror in the same manner as in paragraph (a) above.

(2)(C) Case under advisement standard. A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge or commissioner for final determination. The Council shall measure satisfactory performance by the self declaration of the judge or commissioner or by reviewing the records of the court.

(2)(C)(i) A justice of the Supreme Court demonstrates satisfactory performance by circulating not more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year.

(2)(C)(ii) A judge of the Court of Appeals demonstrates satisfactory performance by:

(2)(C)(ii)(a) circulating not more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year; and

(2)(C)(ii)(b) achieving a final average time to circulation of a principal opinion of not more than 120 days after submission.

(2)(C)(iii) A trial court judge or commissioner demonstrates satisfactory performance by holding:

(2)(C)(iii)(a) not more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year; and

(2)(C)(iii)(b) no case under advisement more than six months after submission.

(2)(D) Compliance with education standards. Satisfactory performance is established if the judge annually obtains 30 hours of judicial education subject to the availability of in-state education programs. The Council shall measure satisfactory performance by the self declaration of the judge or commissioner or by reviewing the records of the state court administrator.

155 (2)(E) Substantial compliance with Code of Judicial Conduct. Satisfactory performance is
156 established if the response of the judge or commissioner demonstrates substantial compliance
157 with the Code of Judicial Conduct, if the Council finds the responsive information to be
158 complete and correct and if the Council's review of formal and informal sanctions lead the
159 Council to conclude the judge is in substantial compliance with the Code of Judicial Conduct.

160 (2)(F) Physical and mental competence. Satisfactory performance is established if the
161 response of the judge or commissioner demonstrates physical and mental competence to serve in
162 office and if the Council finds the responsive information to be complete and correct. The
163 Council may request a statement by an examining physician.
164

1 Rule 3-115. Committee on self-represented parties.

2 Intent: To establish a committee to study and make policy recommendations to the Judicial
3 Council concerning the needs of self-represented parties.

4 Applicability: This rule shall apply to the judiciary.

5 Statement of the Rule:

6 (1) The committee shall study the needs of self-represented parties within the Utah State
7 Courts, and propose policy recommendations concerning those needs to the Judicial Council.

8 (2) Duties of the committee. The committee shall:

9 (2)(A) provide leadership to identify the needs of self-represented parties and to secure and
10 coordinate resources to meet those needs;

11 (2)(B) assess available services and forms for self-represented parties and gaps in those
12 services and forms;

13 (2)(C) ensure that court programs for self-represented litigants are integrated into statewide
14 and community planning for legal services to low-income and middle-income individuals;

15 (2)(D) recommend measures to the Judicial Council, the State Bar and other appropriate
16 institutions for improving how the legal system serves self-represented parties; and

17 (2)(E) develop an action plan for the management of cases involving self-represented parties.

18

1 Rule 3-408. Inventory.

2 Intent:

3 To comply with Division of Finance regulation of fixed assets.

4 To secure property other than fixed assets.

5 Applicability:

6 This rule shall apply to the administrative office of the courts and all courts of record.

7 Statement of the Rule:

8 (1) Fixed assets.

9 (1)(A) Within their respective courts, court executives shall maintain an inventory of fixed
10 assets with an original purchase price of \$5,000 or more other than computer and recording
11 equipment. The court executive shall annually submit the inventory to the director of
12 Management Services no later than April 30.

13 (1)(B) The director of Management Services shall maintain an inventory of fixed assets of
14 the administrative office and all computer and recording equipment, regardless of location, with
15 an original purchase price of \$5,000 or more.

16 (1)(C) The director of Management Services shall report the inventory of fixed assets of
17 \$5,000 or more to the Division of Finance as required by law.

18 (2) Property security.

19 (2)(A) Within their respective courts, court executives shall maintain an inventory of
20 property with an original purchase price of more than ~~\$500-\$1,000~~ but less than \$5,000 other
21 than computer and recording equipment. The court executive shall annually submit the inventory
22 to the director of Management Services no later than April 30.

23 (2)(B) The director of Management Services shall maintain an inventory of property of the
24 administrative office and all computer and recording equipment, regardless of location, with an
25 original purchase price of more than ~~\$500-\$1,000~~ but less than \$5,000.

26 (3) Inventory procedures. The director of Management Services shall:

27 (3)(A) develop procedures for implementing this rule; and

28 (3)(B) develop a form for recording the following information for each fixed asset or other
29 property:

30 (3)(B)(i) a brief description, including a serial number if any;

31 (3)(B)(ii) actual or estimated date of purchase;

32 (3)(B)(iii) actual or estimated purchase price; and
33 (3)(B)(iv) the disposition of the item.
34

1 Rule 3-411. Grant management.

2 Intent:

3 To establish the policy and procedures for obtaining grant funds.

4 To delineate the responsibility for the administration of grant funds and projects.

5 To facilitate the coordination of grant funded projects in the courts.

6 Applicability:

7 This rule shall apply to the application process for and management of grants for the
8 judiciary.

9 Statement of the Rule:

10 (1) Application process.

11 (1)(A) A person interested in applying for grant funds shall prepare a proposal including

12 (1)(A)(i) the issues to be addressed by the project,

13 (1)(A)(ii) an explanation of how the grant funds will contribute toward resolving the issues
14 identified, and

15 (1)(A)(iii) an identification of possible funding sources for the continuing costs of the project
16 when grant funds are no longer available.

17 (1)(B) If the applicant is seeking new federal funds or to participate in a new federal
18 program, the proposal shall include:

19 (1)(B)(i) the number of additional permanent full-time and part-time employees needed to
20 participate in the federal program; and

21 (1)(B)(ii) a list of any requirements the state must meet as a condition for receiving the
22 federal funds or participating in the federal program.

23 ~~(1)(B)~~ (1)(C) Submission of the proposal.

24 ~~(1)(B)(i)~~ (1)(C)(i) The proposal shall be reviewed by the court executives or their designees
25 and the judges in the districts which will be affected by the project.

26 (1)(B)(ii) (1)(C)(i) If the court executives or their designees and the presiding judges in the
27 districts which will be affected by the project approve the proposal, the proposal shall be
28 forwarded to the grant coordinator at the administrative office.

29 (1)(B)(iii) (1)(C)(i) If the court executives or their designees and the presiding judges in the
30 districts that the project will affect approve the proposal, but sufficient time to comply with
31 paragraph ~~(1)(C)~~ (1)(D) prior to submission of the proposal to the funding source is not

32 available, the proposal may be submitted simultaneously to the funding source and the grant
33 coordinator at the administrative office.

34 ~~(1)(C)-(1)(D)~~ Review of the proposal. The grant coordinator shall review the proposal with
35 the Finance Manager and the court level administrator. This review must be complete prior to
36 submission to the Board(s) of Judges ~~under paragraph (1)(D)~~.

37 ~~(1)(D)-(1)(E)~~ Recommendation by the Board of Judges. The Board of Judges for affected
38 courts must recommend to the Council that the grant proposal be pursued.

39 ~~(1)(E)-(1)(F)~~ Approval by the Council. Any proposal to apply for grant funds must be
40 approved by the Council.

41 (1)(G) Approval by the Legislature. The Judicial Council shall submit proposals to the
42 Legislative Executive Appropriations Committee or to the Legislature as required by Section 63-
43 38e-204.

44 ~~(1)(F)-(1)(H)~~ If the Council approves the proposal, the grant coordinator shall work with the
45 requestor and the affected courts in seeking the grant funds. The administrative office shall
46 constitute the designated agency for approving grant applications if such approval is required by
47 the grant application.

48 ~~(1)(G)-(1)(I)~~ If the Council or a Board of Judges does not approve the proposal, the proposal
49 shall not be submitted to the funding source or, if already submitted to the funding source, the
50 proposal shall be withdrawn.

51 ~~(1)(H)-(1)(J)~~ No funds shall be accepted from a funding source until the proposal is approved
52 ~~under paragraph (1)(E)~~.

53 (2) Administration of grant funds and projects.

54 (2)(A) The administrative office shall receive, administer and be accountable for all grant
55 funds awarded to the courts and provide detailed budget reports to the Council upon request.

56 (2)(B) The administrative office shall name the project director for each grant. The project
57 director may delegate the supervision of non-judicial daily operations and other non-judicial
58 duties required by the grant. The presiding judges of the districts affected by the project shall
59 supervise any judicial or quasi-judicial duties required by the grant.

60 (3) Grant applications by non-judicial branch applicants.

61 (3)(A) Endorsement of a grant application prepared by a non-judicial branch applicant may
62 only be made by the Judicial Council.

(3)(B) Any grant application by a non-judicial branch applicant which contemplates participation of the courts or expenditures of court resources should be referred to the Judicial Council for review and endorsement. Judicial branch employees shall not participate in the preparation of a grant application by a non-judicial branch applicant without Judicial Council approval.

1 Rule 3-413. Judicial library resources.

2 Intent:

3 To establish minimum standards for legal reference materials to be provided to judicial and
4 quasi-judicial officers and court employees.

5 To establish acquisition, distribution and budgetary responsibilities for the legal reference
6 materials identified in this rule for the state law librarian.

7 To realize financial advantages through the use of high volume purchases of regularly used
8 legal reference materials.

9 Applicability:

10 This rule shall apply to the state law library, all judges and commissioners of courts of record
11 and not of record and all court employees.

12 Statement of the Rule:

13 (1) Responsibility for providing judicial library resources.

14 (1)(A) Authorized publications. The following officials are authorized to receive the
15 publications indicated:

16 (1)(A)(i) a current set of the soft cover edition of the Utah Code for each justice, judge, and
17 commissioner of the courts of record for use in the courtroom or hearing room, the
18 administrative office library, the Supreme Court and Court of Appeals chambers libraries, senior
19 judges on active status, staff of the administrative office and other senior managers as
20 determined by the state court administrator, and central staff attorneys;

21 (1)(A)(ii) upon request an annual subscription to Utah Advance Reports and Annotations to
22 justices, judges, and commissioners of the courts of record, ~~senior judges on active status, staff~~
23 ~~of the administrative office and other senior managers as determined by the state court~~
24 ~~administrator, central staff attorneys, the administrative office library, the Supreme Court and~~
25 ~~Court of Appeals chambers libraries, and each primary court location without a resident judge;~~

26 (1)(A)(iii) an annual subscription to Utah Index to all justices, judges and commissioners of
27 courts of record and the administrative office library;

28 (1)(A)(iv) one set of Utah Code Annotated 1953 with annual supplements, indexes, rules, and
29 replacement volumes to justices, judges, and commissioners of the courts of record, staff of the
30 administrative office and other senior managers as determined by the state court administrator,

central staff attorneys, appellate court law clerks at a ratio of one set for two clerks, the administrative office library, and the Supreme Court and Court of Appeals chambers libraries;

(1)(A)(v) one copy of the Utah Court Rules Annotated for senior judges on active status, staff of the administrative office and other senior managers as determined by the state court administrator, the administrative office library, and the Supreme Court and Court of Appeals chambers libraries;

(1)(A)(vi) one set of Utah 2d Reporters to justices, judges, and central staff attorneys of the Supreme Court and Court of Appeals and a sufficient number for the research needs of the trial courts of record;

(1)(A)(vii) at least one copy of the Utah Administrative Code to each courthouse occupied by a trial court of record, the administrative office library, and the Supreme Court and Court of Appeals chambers libraries;

(1)(A)(viii) a subscription to a law encyclopedia for each courthouse occupied by a trial court of record if not otherwise available through the county law library and for the Supreme Court and Court of Appeals chambers libraries; and

(1)(A)(ix) at least one copy of the Utah Legislative Report for each courthouse occupied by a trial court of record, the administrative office library, and the Supreme Court and Court of Appeals chambers libraries.

(1)(B) The office of legislative printing. The current policy of the Office of Legislative Printing is to provide the set of Utah Code Annotated 1953 with annual supplements, indexes, rules, and replacement volumes to all justices and judges of courts of record referred to in paragraph (1)(A)(iv) of this rule. The state law librarian shall coordinate the distribution of these materials with the judges and the Office of Legislative Printing.

(1)(C) Publisher's complimentary copies. The current policy of the publishers of the Pacific 2d-Reporter and the Utah Advance Reports is to provide complimentary volumes to appellate judges as of the date of the judge's appointment to the appellate court. The state law librarian shall coordinate the distribution of these materials with the judges and the publishers.

(1)(D) State law library. Except for copies furnished as indicated in paragraphs (1)(B) and (C) of this rule and the purchasing authority described in paragraphs (1)(E), (F), and (G), the state law librarian shall purchase the publications authorized by this rule and distribute them in accordance with this rule.

(1)(E) Counties. Each county shall provide a current copy of either the Utah Code Annotated with annual updates or the softbound edition of the Utah Code, and, upon request, an annual subscription to Utah Advance Reports and Annotations, to each county justice court judge serving within that county. Each county operating a court of record under contract with the administrative office of the courts shall provide the judge with access to the local law library pursuant to Section 78-3-13.4.

(1)(F) Municipalities. Each municipality shall provide a current copy of either the Utah Code Annotated with annual updates or the softbound edition of the Utah Code, and, upon request, an annual subscription to Utah Advance Reports and Annotations, to each municipal justice court judge serving within that municipality. Each municipality operating a court of record under contract with the administrative office of the courts shall provide the judge with access to the local law library pursuant to Section 78-3-13.4.

(1)(G) Counties and municipalities contracting with justice court judges. Each county and municipality which contracts with a justice court judge pursuant to Utah Code Ann. Section 78-5-134(7) shall provide, at the location used by the judge within the county or municipality, either the Utah Code Annotated with annual updates or the softbound edition of the Utah Code, and, upon request, shall ensure that the judge has an annual subscription to Utah Advance Reports and Annotations.

(1)(H) Administrative office of the courts. The administrative office of the courts shall provide a Justice Court Manual, updated biannually, to each judge of a court not of record.

(2) Law libraries.

(2)(A) The State Law Library shall be supervised and administered by the state law librarian under the general supervision of the Appellate Court Administrator.

(2)(B) The Appellate Courts' Chambers Library shall be administered jointly by the Clerk of the Supreme Court and the Clerk of the Court of Appeals under the general supervision of the Appellate Court Administrator.

(2)(C) The Council may authorize the establishment of chambers law libraries for trial courts of record, provide update services consistent with funding limitations and adopt minimum standards for those libraries.

91 (2)(D) For purposes of this rule, "chambers libraries" means those law libraries which are
92 established and maintained for the exclusive use of judicial officers and employees and are not
93 available for use by members of the public.

94 (3) Procedures.

95 (3)(A) The state law librarian shall separately account for the operating budget for the state
96 law library, trial court operations, appellate court operations, and administrative operations.
97 Funds appropriated or allocated to the appellate court, trial court, or administrative operations
98 shall not be used to supplement the appropriation to the state law library.

99 (3)(B) The purchase of publications to fully implement the provisions of this rule shall be
100 limited by the availability of funds.

101 (3)(C) Any publication purchased with public funds shall be the property of the court and not
102 the property of any official. Publications provided to an official without charge to the state shall
103 be the personal property of the official.

104 (3)(D) Upon request of a justice, judge, commissioner or court employee, the state law
105 librarian shall make available legal reference publications or photocopies or facsimile copies
106 thereof for the use of the requesting party. The state law librarian shall develop procedures for
107 the control of publications removed from the library.

108 (3)(E) The state court administrator shall notify the state law librarian whenever there is a
109 change to the list of senior judges on active status. The court executive shall notify the state law
110 librarian whenever there is a change in the personnel authorized by this rule to receive
111 publications.

112 (4) Electronic data base legal research. The state court administrator shall, as funds permit,
113 develop access to legal reference materials stored on electronic data bases. As such access is
114 developed subscriptions to duplicative hard copy publications shall be discontinued.

115

1 Rule 4-105. Designation of video arraignment area as courtroom.

2 Intent:

3 To designate as a courtroom the areas in which video arraignments are conducted.

4 Applicability:

5 This rule shall apply to all trial courts.

6 Statement of the Rule:

7 An area used for video arraignment is designated as a courtroom. All rules regarding
8 courtroom procedure and decorum are applicable in these areas.

9

Rule 9-105. Justice Court hours.

Intent:

To establish minimum court hours for Justice Courts.

Applicability:

This rule shall apply to all Justice Courts.

Statement of the Rule:

(1) Every Justice Court shall establish a regular schedule of court hours to be posted in a conspicuous location at the court site.

(2) Justice Courts shall be open and available to transact judicial business every business day, Monday through Friday, excluding holidays as defined in Utah Code Section 63-13-2, and unless specifically waived by the Judicial Council. The Justice Court judge shall be available during the scheduled hours of court operation and the Justice Court judge or clerk shall be in attendance at the court during the regularly scheduled hours of operation.

(3) Justice Courts shall provide, at a minimum, the following hours of operation:

Number of Average Monthly Filings	Hours Per Day
0-60	1
61-150	2
151-200	3
201-300	4
301-400	5
401-500	6
501 or more	8

(4) The Justice Court judge may schedule the court hours to meet the needs of the litigants and the availability of bailiff and clerk services.

(5) Court hours shall be set at least quarterly and the Justice Court judge shall annually send notice to the Administrative Office of the Courts of the hours which have been set for court operation.

Effective May 24, 2004. Subject to further change after comment period.

1 Rule 9-107. Justice Court Technology, Security, and Training Account.

2 Intent:

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

5 Applicability:

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

7 Statement of the Rule:

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

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

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

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

18 (5) Funds will be distributed on or about January 1 of each year in which funds are available,
19 and applications for those funds must be made by July 15 of the preceding year on forms
20 available from the Administrative Office of the Courts. All applications for funds shall be first
21 reviewed and prioritized by the Board of Justice Court Judges, and that recommendation, along
22 with all timely applications shall then be forwarded to the Management Committee of the
23 Judicial Council. The Management Committee will then make the final awards.

24 (6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting
25 of the amount of funds received, the date, amount and purpose of expenditures and the fund
26 balance. The accounting shall be filed no later than January 15 for activity during the first six
27 months of the fiscal year and no later than July 15 for activity during the entire fiscal year.

28

1 Rule 10-1-203. Designation of video arraignment areas as courtroom.

2 Intent:

3 To designate as a courtroom the areas in which video arraignments are conducted, so that all
4 rules of the Court regarding courtroom procedure and decorum will be applicable to those areas.

5 Applicability:

6 This rule shall apply to the Ogden Department of the Second District Court and to the Second
7 District Juvenile Court.

8 Statement of the Rule:

9 (1) All areas involved in video arraignments are designated as a courtroom. These areas
10 include the Weber County Jail, the public viewing area in the lobby of the Jail, the video room
11 on the ~~Eighth Floor of the Municipal Building~~ fourth floor of the district court in Ogden, juvenile
12 detention facilities, and video arraignment facilities of the juvenile court.

13 (2) All rules of the Court regarding courtroom procedure and decorum are applicable in these
14 areas.

TAB 4



Judicial Council Grant Application Proposal
Code of Judicial Administration 3-411 (2004)

FEDERAL FUNDS

Contact Person/Phone: MARY BOUDREAU Date: 12-14-04
Judicial District or Location: AOC
Grant title: Protective Order/stalking pleadings: Plain lang. conversion & translation
Grant type (circle one): New Renewal Revision
Issues to be addressed by the project: Converting current forms to "plain language", then translating to Spanish and Vietnamese
Explanation of how the grant funds will contribute toward resolving the issues identified: Reduce reading level of court forms/instructions from 12th grade+, to approx. 7th grade; translate
Fill in the chart for estimated state fiscal year expenditures for up to three years:

	State Match Amount		Dollar Amount Needed From Other Sources (please identify)	Federal Funds Amount	Total
	Hard Cash	In Kind			
FY <u>05</u>		<u>10,142.70</u>	<u>—</u>	<u>27,956.25</u>	<u>38,198.95</u>
FY					
FY					

Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced? Yes No - If yes, explain: _____

Will the funds to continue this program come from within your existing budget? Yes No N/A

How many additional permanent FTEs are required for the grant? 0 Temp FTEs? 0

This proposal has been reviewed and approved by the following:

- ☐ The court executives and judges in the affected district(s).
- ☐ The Grant Coordinator and the Finance Manager at the Administrative Office of the Courts.
- ☐ The affected Board(s) of Judges.

Approved by Judicial Council _____ by _____
Date Court Administrator



Administrative Office of the Courts

Chief Justice Christine M.
Durham
Utah Supreme Court
Chair, Utah Judicial Council

December 14, 2004

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

Christine Watters, Victim Services Coordinator
Office of Crime Victims Reparation
350 East 500 South, Suite 200
Salt Lake City, UT 84111

HAND-DELIVERED

RE: Enclosed VAWA grant application

Dear Christine:

Enclosed please find a grant application for VAWA funding of a project titled "Protective Order and Stalking Injunction pleadings: Conversion to plain language text and translation to Spanish and Vietnamese." I have also enclosed the required six copies of this grant application.

From my conversation with you last week, I understand that funding for this grant, if approved, would be taken from unexpended 2002 and 2003 grant funds.

To provide more supporting detail about the need for this project, I have separately enclosed with this letter a memo sent to Stewart Ralphs, at the time I asked if he would provide a letter of support for this grant application. The memo provides an example of how a sentence from one of Utah's current protective order pleadings could be converted to "plain language," and also attaches examples of two current forms: one from Utah, and one from California that uses "plain language" text and formatting.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Mary E. Boudreau".

Mary E. Boudreau, Program Manager
Public Access to the Courts

cc: Daniel J. Becker

enclosures

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.

VAWA COVER SHEET



STATE OF UTAH
OFFICE OF CRIME VICTIM REPARATIONS
 350 East 500 South, Suite 200
 Salt Lake City, Utah 84111
 (801) 238-2360 (801) 533-4127 FAX
2004 APPLICATION FOR
VIOLENCE AGAINST WOMEN FORMULA GRANT FUNDS

1. Subgrantee Agency Information

Agency Name: **Admin. Office of the Courts**
 Address: **450 S. State, PO Box 140241**
 City/Zip Code: **Salt Lake City, UT 84114-0241**
 Phone Number: **801-578-3800**
 FAX Number: **801-578-3843**
 E-Mail: _____

Section 2 will automatically sum

2. Amount Requested \$ **\$27,956.25**

3. Contact Person

Name: **Mary E. Boudreau**
 Title/Position: **Program Mgr., Public Access**
 Phone Number: **801-238-7863**
 E-Mail: **maryeb@email.utcourts.gov**

4. Program Period

2/1/05 Begin Program Date
31-Dec-05 End Program Date

5. District/Counties Served

All

6. Federal Tax ID #: **87-6000545**

7. For this Victim Service Program indicate:
 a. will automatically calculate in FTE form

a. Number of Paid Staff (FTE) _____

(FTE) = Full Time Equivalent

8. Project Short Title or Name - state below

Protective Order and Stalking Injunction pleadings:
 Conversion to plain language text and translation to
 Spanish and Vietnamese

9. Purpose of Award - check only one

- ☐ Initiate a New Program
☒ Enhance or Expand an Existing Program
 NOT Funded by VAWA in the Previous Year
☐ Continuation of Grant # - specify below _____

10. Funding Category - check only one

- ☐ Law Enforcement
☐ Prosecution
☐ Victim Services
☐ Discretionary
☒ Courts

11. Type of Crime the Project Focuses on: List the number of victims to each type of crime

Domestic Violence **5500** 88%
 Stalking **715** 12%
 Sexual Assault _____
TOTAL 6,215

(Total & Percents will automatically calculate)

12. Type of Implementing Agency - check one

- ☐ Criminal Justice Governmental
☒ Non-Criminal Justice Governmental
☐ Private Non-Profit
☐ Native American Tribe
☐ Other (describe): _____

13. If the Implementing Agency is a Criminal Justice Agency, which type?

- ☐ Law Enforcement
☐ Prosecution
☐ Probation
☐ Corrections
☒ Courts
☐ Other (describe): _____

14. Scope of Project - Please check only one

- ☒ State-wide
☐ Judicial Districts
☐ County/Counties
☐ Local (city or town)
☐ Indian Tribe
☐ Other (describe): _____

15. Subgrant Match Financial support from other Non-Federal Source(s)

a. Source(s) of Cash Match

b. Source(s) of In-kind Match

Value of Cash: **10,242.70**

Value of In-kind: _____

Minimum Match: **9,318.75**

25% of Total Costs. Will automatically sum

TOTAL VALUE

of MATCH: **10,242.70**

Match section will automatically sum

NOTE: Section 16 will automatically calculate and sum following completion of the Budget Detail and Match Worksheets.

16. Project Budget Summary	TOTAL COSTS	VAWA Funds	Cash Match	In-kind Match
a. Personnel:	10,242.70		10,242.70	
b. Contracted Fees:	27,956.25	27,956.25		
c. Equipment:				
d. Travel/Training:				
e. Supplies:				
f. Other:				
TOTAL COSTS:	38,198.95	27,956.25	10,242.70	

17. Official Authorized to Sign

Name: **Daniel J. Becker**
 Position: **St. Ct. Administrator**
 Signature: _____
 Date of Signature: **12/14/04**

18. Program Director or Manager

Name: **Mary E. Boudreau**
 Position: **Program Manager**
 Signature: _____
 Date of Signature: **12-14-04**

For OCVR use only

OCVR Approval

Date

A. STATEMENT OF PROBLEM, NEED AND TARGET POPULATION

The purpose of this section is to develop a clear, concise picture of the problem. (1) Describe the geographical area to be serviced by the program. (2) Discuss the nature and scope of the problem in your program service area. If the problem is the result of many factors, these factors should be analyzed and discussed. Provide statistical information such as violent crime rates, existing victim services, etc. (3) Be sure to clearly address the need for the service in the designated location. (4) List and describe barriers you encounter that prohibit or make it difficult to provide client service and to ensure safety. (5) Indicate the group(s) of victim(s) the program will target for its services (example: non-reporting and reporting rape victims, etc). **SPACE IS LIMITED TO THE AREA PROVIDED.**

IMPORTANT: The Narrative Sections (A through H) Are Limited To The Spaces Provided. Font size is set @ 10 pt.

1. Describe the geographical area to be served by the program in the area below.

The geographical area to be served is the entire state of Utah, because the pleading forms and instructions used to obtain court-ordered civil protection from domestic violence and stalking harassment are forms used throughout the state. In addition, the four criminal forms proposed for inclusion are used throughout the state.

2. Discuss the nature and scope of the problem in your program service area in the area below.

First, Utah's current instructions and form pleadings for obtaining protective orders and injunctions in court protective order proceedings are written in language understandable to law-trained and college-educated individuals. However, that readability level exceeds the comprehension level of the average American adult, which is at about the fifth-grade reading level for native English-speaking individuals.

When Utah's forms were most recently revised,, expertise and national models were not available for providing extraordinary text simplification for legal material, and for enhancing readability through special formatting. In addition, some of Utah's judicial officers were cautious about the degree to which statutory mandates could be simplified in legal forms, and yet provide essential protection. Thus, instructions and pleading forms mandated for statewide use are at a language level and in a format that are formidable for the average adult American, particularly under the stress generally associated with domestic violence. In recent analysis, Utah's *Verified Petition for Protective Order* had "maxed" out the standard readability instrument, meaning that the form is above the 12th grade reading level. By contrast, California's protective order forms, previously at the same reading level but revised to plain language text and formatting, are now at reading levels between 5th and 7th grades, depending on the form. In addition to meeting the needs of English-speaking domestic violence victims, plain language forms would comply with recent recommendations by the Nat'l Consortium for Court Interpreter Certification, that "plain language" is the "first rational step to take in any forms translation process."

Second, Utah's protective order/stalking instructions and forms have never been translated into Spanish or Vietnamese, the two languages for which interpretation is most frequently needed. Utah's minority population burgeoned from 2 percent to 15 percent of its total population between 1970 and 2000; about two-thirds of the minority population are Hispanic. Twenty percent of Utah's population is foreign born, and half of its foreign born population is Hispanic. Hispanics comprise Utah's largest foreign born population, but the state's Vietnamese community is also sizeable, comprising 3.1 percent of its foreign born population. After Spanish, Vietnamese represents the greatest demand in the courts for interpretation assistance. In the first half of 2004, there were 125 assignments of Vietnamese interpreters in the state's largest district (the only district out of eight for which information is available). This demand led the courts to schedule the first national certification testing in Vietnamese for 2005.

The courts cannot accept for filing any forms containing information in any language but English. However, development of bilingual pleading forms, clearly marked to prevent filing, would assist domestic violence victims, as well as the bilingual advocates who work with them throughout the court process, and court interpreters. Translation of pleadings and instructions was identified this year as a priority by Utah's Interpreter Advisory Panel; however, it was deferred because of difficulties that included lack of staff time and expertise to secure adaptation to plain language text and format.

3. Describe victim needs in the given service location in the area below.

A. Adapting court forms and instructions to plain language text and format will improve the court environment for victims of domestic violence in the following ways:

1. Plain language text, in English and in the target languages to which it is translated, allows all victims of domestic violence, even those with low to moderate reading and literacy skills, to themselves understand the pleadings they sign and the orders issued on their behalf. This decreases the trauma of dealing with the justice system, enhances victim understanding of the protective processes they have invoked and rely on for safety, and allows them to more fully participate in court processes and, ultimately, in their own protection.
2. When translations are not available in a particular language, plain language English text provides the best resource for court interpreters and bilingual victim advocates who must orally translate court information and documents into non-English languages. The complex text of Utah's current documents creates language and cultural barriers that make sight translation more difficult, less uniform, and less reliable. As recommended by the Nat'l Consortium for State Court Interpreter Certification, plain language English text also provides the best source for translating court documents into any target language, as it ensures simplicity and clarity.

B. Translating instructions and pleadings into Spanish and Vietnamese will directly assist non-English speaking victims who engage in protective order processes, and will also educate the linguistic minority communities in which they live.

1. Translated instructions and pleadings will allow victims who speak Spanish and Vietnamese the dignity and protection of receiving instructions and pleadings in their native language, that can be readily understood.
2. Translated instructions and pleadings will enhance understanding of protective order laws and processes throughout these linguistic communities. Translations will undoubtedly circulate through these communities both from individuals engaged in protective order processes, and through public distribution of translations through such sources as the courts' website.

4. List the barriers to client service and safety within your agency and community in the area below.

- 1) Formal and complex English language pleadings prevent every domestic violence victim with low and even average literacy levels from easily comprehending and accessing the protective order process.
- 2) Difficulties presented by the formal language in Utah's protective order and civil injunction pleadings can be considered by reviewing the forms and instructions proposed for plain language revision. They can be found at the following websites:
Protective order forms: <http://www.utcourts.gov/resources/forms/protectorder/>
Protective order instructions: <http://www.utcourts.gov/resources/forms/protectorder/instruc.pdf>
Brief protective order instructions and resources: <http://www.utcourts.gov/howto/proorder/>
Affidavit for Foreign Protective Order: <http://www.utcourts.gov/resources/forms/protectorder/foreign.pdf>
Stalking injunction forms: <http://www.utcourts.gov/resources/forms/protectorder/stalking0104.pdf>
- 3) Lack of translated protective order pleadings in Spanish and Vietnamese impedes victim understanding of the laws and court processes providing protection, impairs victim ability to participate in and comprehend the court processes and orders they invoke, and may impair victim safety if neither the victim nor the offender can understand or readily secure translation of English-only instructions and forms.

5. Indicate the group(s) of victim(s) the program will target for its services in the area below.

- 1) All domestic violence and stalking victims who seek court-ordered protection in Utah, through the provision of simplified, plain language forms and instructions for use in court processes. Plain language forms will also specially benefit victims in rural and underserved urban areas, and others who cannot secure legal representation and must represent themselves through protective order processes.
- 2) Domestic violence and stalking victims with limited English proficiency, whose primary language is either Spanish or Vietnamese. Victims who are literate in these languages, but not in English, will be able to themselves read the instructions and forms, while those who may not be literate even in their native language will receive enhanced interpretation assistance from victim advocate interpreters and from members of their families and communities who assist them with language needs. In addition, sight translation of court pleadings by court interpreters during court proceedings will become more uniform, clear, and reliable.

SALT LAKE CITY CORPORATION

SALT LAKE CITY JUSTICE COURT

ROSS C. "ROCKY" ANDERSON
MAYOR

November 3, 2004

Dan Becker
Administrative Office of the Courts
450 South State Street
Salt Lake City, Utah 84114

Subject: VAWA Grant Continuation

In the past 9 months the Salt Lake City Justice Court, with the assistance of the VAWA grant, has been able to create a public web site that returns important statistical and demographic information for a user defined period of time. This information is being drawn via computer query from police, prosecutor, and the courts databases. It seems that there has always been a lack of communication between these key players. The creation of a central database has been beneficial in the tracking of defendants in the court. We feel that we are better able to serve victims by ensuring the compliance of the offender to the Judge's sentencing conditions.

The grant has also allowed us to create collaborations with many domestic violence treatment providers. We have turned what was once a vast marketing attempt in the courtroom into a controlled distribution of cases to qualified providers. We now have harmonious working relationships with these treatment providers, which allow us to easily identify problems with treatment or the defendant's willingness to complete treatment. Through these newly forged relationships we are getting more accurate and timely updates which allow the judge to hold the offender accountable, which better serves the victims.

Individuals that do not take the Judge's sentencing conditions, or court dates, seriously are finding themselves incarcerated quicker. We are working closely with the police department to order high priority warrants. Law enforcement is acting on these warrants and typically offenders are in-custody within 48 hours. The grant has expanded our level of communication making situations that seemed impossible 1 year ago routine.


It is necessary that we continue the funding in this grass roots approach to domestic violence. We feel we can continue to solve problems with these newly created procedures the VAWA grant has allowed us to implement. Victims will be safer and the overall cost of incarceration and adjudication will be lower. By treating the offender now and hopefully dealing with underlying issues we can save the community financially, socially and emotionally rather than the offender committing an act that will deliver them directly to the district court with felony charges that will involve a prison sentence.

The Salt Lake City Justice court is currently the model domestic violence court in the state and we wish to continue setting the standard. It is only with your continued support that we can maintain our high level of service to victims, offenders and the community.

Sincerely,



Mary Johnston
Court Director



Judge L. Zane Gill
Presiding Judge



Judge John L. Baxter
Domestic Violence Judge



Matt Sorensen
Criminal Division Manager

VAWA COVER SHEET



STATE OF UTAH
OFFICE OF CRIME VICTIM REPARATIONS
 350 East 500 South, Suite 200
 Salt Lake City, Utah 84111
 (801) 238-2360 (801) 533-4127 FAX
2004 APPLICATION FOR
VIOLENCE AGAINST WOMEN FORMULA GRA

1. Subgrantee Agency Information

Agency Name: **Salt Lake City Corporation**
 Address: **333 South 200 East**
 City: **Salt Lake City, UT 84111**
 Phone: **(801) 535-6337**
 Fax: **(801) 535-6302**
 E-Mail: **matt.sorensen@slcgov.com**

Section 2 will automatically sum

Requested \$ **\$39,520.72**

Donor

Matt Sorensen

Criminal Court Manager

Phone Number: **(801) 535-6337**

E-Mail: **matt.sorensen@slcgov.com**

4. Program Period

1/1/2005 Begin Program Date

12/31/2005 End Program Date

5. District/Countries Served

UT01, UT02 / Salt Lake County

6. Federal Tax ID #: **87-6000279**

7. For this Victim Service Program indicate:
 a. will automatically calculate in FTE form

a. Number of Paid Staff (FTE) **1.00**

(FTE) = Full Time Equivalent

8. Project Short Title or Name - state below

Salt Lake City Domestic Violence Court Case Management Clerk

9. Purpose of Award - check only one

- ☐ Initiate a New Program
☐ Enhance or Expand an Existing Program
 NOT Funded by VAWA in the Previous Year
☒ Continuation of Grant # - specify below

02-VAWA-45

11. Type of Crime the Project Focuses on: List the number of victims to each type of crime

Domestic Violence **1000** **100%**

Stalking

Sexual Assault

TOTAL 1,000

(Total & Percents will automatically calculate)

13. If the Implementing Agency is a Criminal Justice Agency, which type?

- ☐ Law Enforcement
☐ Prosecution
☐ Probation
☐ Corrections
☒ Courts
☐ Other (describe):

10. Funding Category

- ☐ Law Enforcement
☐ Prosecution
☐ Victim Services
☐ Discretionary
☒ Courts

12. Type of Implementing Agency - check one

- ☒ Criminal Justice Governmental
☐ Non-Criminal Justice Governmental
☐ Private Non-Profit
☐ Native American Tribe
☐ Other (describe):

14. Scope of Project - Please check only one

- ☐ State-wide
☐ Judicial Districts
☐ County/Countries
☒ Local (city or town)
☐ Indian Tribe
☐ Other (describe):

15. Subgrant Match Financial support from other Non-Federal Source(s)

a. Source(s) of Cash Match

b. Source(s) of In-kind Match

Value of Cash: **13,177.55**

Value of In-kind:

1 **personnel**

2

3

1

2

3

Minimum Match: **13,173.57**

25% of Total Costs. Will automatically sum

TOTAL VALUE

of MATCH: **13,177.55**

Match section will automatically sum

NOTE: Section 16 will automatically calculate and sum following completion of the Budget Detail and Match Worksheets.

16. Project Budget Summary

a. Personnel:

b. Contracted Fees:

c. Equipment:

d. Travel/Training:

e. Supplies:

f. Other:

TOTAL COSTS:

TOTAL COSTS

52,698.27

VAWA Funds

39,520.72

Cash Match

13,177.55

In-kind Match

13,177.55

52,698.27

39,520.72

17. Official Authorized to Sign

Name: **Ross C. Anderson**

Position: **Mayor**

Signature: *[Signature]*

Date of Signature: **11/02/04**

18. Program Director or Manager

Name: **Mary Johnston**

Position: **City Courts Director**

Signature: *[Signature]*

Date of Signature: **11/02/04**

For OCVR use only

OCVR Approval

Date

APPROVED AS TO FORM
 Salt Lake City Attorney's Office

Date: **10/27/2004**

A. STATEMENT OF PROBLEM, NEED AND TARGET POPULATION

The purpose of this section is to develop a clear, concise picture of the problem. (1) Describe the geographical area to be serviced by the program. (2) Discuss the nature and scope of the problem in your program service area. If the problem is the result of many factors, these factors should be analyzed and discussed. Provide statistical information such as violent crime rates, existing victim services, etc. (3) Be sure to clearly address the need for the service in the designated location. (4) List and describe barriers you encounter that prohibit or make it difficult to provide client service and to ensure safety. (5) Indicate the group(s) of victim(s) the program will target for its services (example: non-reporting and reporting rape victims, etc). **SPACE IS LIMITED TO THE AREA PROVIDED.**

IMPORTANT: The Narrative Sections (A through H) Are Limited To The Spaces Provided. Font size is set @ 10 pt.

1. Describe the geographical area to be served by the program in the area below.

The Salt Lake City Justice Court provides community justice services for Salt Lake City, Utah. Salt Lake City is the capital city for the State of Utah, as well as the major commercial, industrial, and transportation center in the Salt Lake Valley. The resident population is 181,743 (U.S. Census, 2000). Salt Lake City encompasses 111 square miles. Residential land use occupies approximately thirteen square miles of the city, and the net population density is 13,980 persons per square mile. Females, 21 years and over, constitute 70.9 percent of the city's population (U.S. Census, 2000). The U.S. Census 2000 reports 15.3 percent of the population below the poverty level. The ethnic and racial make-up of Salt Lake City is Caucasian 79.2%, Hispanic 18.8%, Asian 3.6%, Pacific Islander 1.9%, African American 1.9%, Native or Alaskan American 0.3%, mixed-race 3.5%, and other 8.5% (U.S. Census, 2000). In addition, Salt Lake City is home to 86 percent of the immigrant and refugee populations in Utah with significant representation from Bosnia, Somalia, Sudan, and Russia. Institutions of higher education in Salt Lake City include Latter-Day Saints Business College, Salt Lake Community College, University of Utah, and Westminster College.

2. Discuss the nature and scope of the problem in your program service area in the area below.

The crime rate for Salt Lake City was 101.27 per 1,000 in 2002 compared to 92.6 per 1,000 in 2000. Rape and aggravated assault accounted for 4.0 percent of the total crime index of 19,003 for Salt Lake City in 2002. (2002 Crime in Utah Report, Utah Department of Public Safety, Bureau of Crime Identification). The Salt Lake City Police Department responds to an average of 355 misdemeanor domestic violence calls each month. All misdemeanor offenses committed within the city limits are filed with Salt Lake City Justice Court. In July 2002, Salt Lake City Justice Court established a Domestic Violence Court for all related offenses filed in Salt Lake City. A total of 2,520 domestic violence cases have been filed with the Domestic Violence Court since July 2002 with an average of 93 domestic violence cases filed each month. Of the 1,115 cases filed in 2003, 736 (66%) involved abuse to female victims and 353 (31.7%) involved abuse to male victims. The Court sees an average of 11 repeat offenders each month. The number of repeat offenders was 118 in 2004, and the number of repeat offenders was 132 in 2003. In 2004, the Domestic Violence Court dedicated a court clerk to provide intensive case management to ensure offenders' compliance with court ordered treatment and probation in an effort to stop the cycle of abuse of domestic violence. Jailing abusers does not stop the violence or solve the domestic violence problem in the community. Experts note that, without treatment, abusers will continue the cycle of abuse and probably end up in jail. Offender demographics collected by the Salt Lake City Domestic Violence Court in 2004 reveal that 70.4 percent of offenders are male; 36.4 percent are between the ages of 25 and 34; 66.1 percent report an annual household income of less than \$19,999; and 33.5 percent did not complete high school. The limited social and economic capital of offenders compounds the challenges of long-term behavior change. In addition, there is a strong link between violence and problems with drugs and alcohol. Incarceration of offenders affords safety to victims, but jails do not have the resources to provide effective treatment or behavior therapy to offenders. Once released from jail, many offenders return to their partners, the abuse resumes, and victims are re-victimized. Based on the Court's commitment to restorative justice, the Salt Lake City Domestic Violence Court implements creative sentencing alternatives that are sensitive to the safety concerns and needs of the victim. When possible, the Court employs treatment options for the offenders. Offender compliance with the court ordered treatment and/or probation is key to the Court improving the response of the criminal justice system to violence against women and victim safety. It is necessary for the Salt Lake City Domestic Violence Court to continue supporting this grass roots approach to reducing domestic violence in the community. The Domestic Violence Court can continue to solve problems with these newly created procedures that are made possible with funding from the 2002 VAWA grant. Victims will be safer and the overall cost of incarceration and adjudication will be lower. By treating the offender now and hopefully dealing with underlying issues, the Salt Lake City Domestic Violence Court can save the community financially, socially and emotionally rather than the offender committing an act that will deliver them directly to the Third District Court with felony charges that involve a prison sentence.

3. Describe victim needs in the given service location in the area below.

Female victims of domestic violence have the need for a criminal justice system that supports the effective and timely prosecution of batterers and that does not further victimize the victim. A specialized domestic violence court is generally easier for a victim to access and allows for court personnel to develop expertise in the dynamics of family violence. In a specialized domestic violence court, the services and appropriate personnel are connected to one forum to which the victim can be directed during a time of crisis. Specialized judges and court clerks make it easier for victims and victim advocates to get information to the appropriate personnel of support service agencies so that prompt action can be taken to support the victim. A dedicated domestic violence court clerk responsible for monitoring and tracking offender compliance with probation and court ordered treatment is a significant deterrent to repeat offenses. Providing court personnel with expertise in domestic violence, demonstrating consistency in case handling, timely response, and adequate individual case management to assure offender compliance are concrete activities of Salt Lake City Domestic Violence Court to create a judicial system that supports victims' efforts to extricate themselves from the cycle of violence. The Court also helps to protect the victim by factoring the impending lethality of their abusers in sentencing. According to a 1994 pamphlet from Battered Women Fighting Back, Inc. in Boston, women who leave their abusers are at a 75 percent greater risk of being killed by their batterer than those who stay. Obtaining a restraining order is often the first step a women takes in leaving an abuser. However, despite the protective intent of restraining orders, the court documents provide no guarantees of safety. For the majority of cases, restraining orders appear to stop abuse, empower the victim and increase police responsiveness. But if the abuser has a violent history, has a long arrest record, has already served jail time, or is addicted to drugs or alcohol so that normal inhibitors don't kick in, a restraining order may offer little in the way of a deterrent. In these cases, abusers may resort to stalking, threats, coercion, or humiliation as ways to regain control over the victim. These cases are the ones the Court needs to hone in on at the no-contact order stage. The no-contact order is not an impenetrable shield, but the heightened protection afforded to selected dangerous cases at the no-contact order stage can prevent the occurrence of future violence to women.

4. List the barriers to client service and safety within your agency and community in the area below.

Female domestic violence victims often do not leave their abusers due to complex socio-economic issues. Most women have a least one dependent child; many women are not employed outside of the home; and many women have no property that is solely theirs. Some women lack access to cash or bank accounts, and many face a decline in living standards for themselves or their children. If their batterer is incarcerated or ordered to pay a fine and comply with a court ordered to a treatment program and can not work, then the woman and her family lose their primary source of income. The economic impact on the woman of an offender's incarceration can be as disenfranchising as the physical abuse suffered at the hands of her batterer. The Domestic Violence Court implements sentencing that takes the needs of the victim into account and provides intensive case management to ensure offender compliance with pre and post-adjudication orders. The success of the alternative sentencing hinges on the ability of the Court to place each offender in a treatment program best matched to the behavior issues (anger management, parenting, marriage counseling, substance abuse) predicated the abuse and to the financial ability of the offender and the family unit. The sensitivity of the Domestic Violence Court to the economic and social constraints of the family unit works to increase offender compliance, affect behavior change on the part of the offender, break the cycle of abuse, and decrease the injury and harm suffered by women. In 2004, 90 warrants were issued for offenders who failed to comply with court ordered treatment or probation. The goal of the Court is to reduce the number of failure to comply warrants as a measure of the effectiveness of the case management provided by the court clerk. The Justice Court also provides language translators who work with non-English speaking offenders and domestic violence victims throughout court proceedings. Fifty percent of offenders are Caucasian with Hispanic or Latino individuals representing the next largest ethnic group at 28.7 percent. The use of translators enables the Court to gain a better understanding of the family situation of a victim and to identify creative sentencing options that are culturally appropriate for individuals from ethnic or racial minority groups.

5. Indicate the group(s) of victim(s) the program will target for its services in the area below.

The Salt Lake City Domestic Violence Court will adjudicate at least 1,000 domestic violence cases between January 2005 and December 2005 and estimates that 750 of the 1,000 domestic violence cases will involve female victims. The case management for offender compliance, prompt issuance of arrest warrants and no-contact orders to lethal offenders, and improved sensitivity to serving under-served minority groups will improve the responsiveness of the Domestic Violence Court to female victims of domestic violence and improve their safety. These services are contingent on the continuation of the domestic violence court clerk position currently funded through the 2002 VAWA grant.

B. COLLABORATION WITH ALLIED PROFESSIONS

In this section describe your agency's multi-disciplinary efforts to coordinate the response of law enforcement, prosecutors, courts, victim services and other agencies to violence against women. **COLLABORATION WITH ALLIED PROFESSIONS MUST BE ONE OF YOUR OBJECTIVES.**

(1) Describe all of the key agencies in your service area that respond to violent crimes against women and provide services to the target population.

Key agencies in Salt Lake City responding to violent crimes against women include state certified domestic violence treatment providers, LDS Hospital, LDS Welfare Square, Rape Recovery Center, Salt Lake Area Safe at Home Coalition, Salt Lake City Police Department Domestic Violence Unit and Victim Advocate Program, Salt Lake Community Shelter and Resource Center, Salt Lake Regional Hospital & Medical Center, South Valley Sanctuary, Traveler's Aid Society, University of Utah Hospital, Valley Mental Health, and Young Women's Christian Association. Key prosecuting agencies and legal authorities include Salt Lake County District Attorney's Office, Salt Lake County Probation Services, Salt Lake Legal Defender Association, Salt Lake City Prosecutor's Office, Third Judicial District Court of Utah, Utah State Adult Probation & Parole Services, Utah State Adult Protection Services, and Utah State Department of Child & Family Services.

(2) Indicate which of the above listed agencies will be asked to participate in your agency's multi-disciplinary team with the purpose of developing strategies to combat violence against women and ensure victims' safety. Explain why you have selected these agencies to participate on your team.

The Domestic Violence Court is participating with Salt Lake Area Safe at Home Coalition, Salt Lake City Police Department Victim Advocate Program, Salt Lake City Prosecutor's Office, and Salt Lake County Probation Services in a multi-disciplinary team to combat violence against women. The **Salt Lake Area Safe at Home Coalition** is a collaborative group of key frontline workers, agency directors and elected officials who examine innovative ways to reduce domestic violence in Salt Lake City. **Salt Lake City Police Department Victim Advocate Program** responds to the immediate needs of victims of domestic violence. The victim advocates assess the needs of victims and establish a plan for prevention, intervention, and rehabilitation. **Salt Lake City Prosecutor's Office** prosecutes all misdemeanor criminal prosecutions including domestic violence cases filed in Salt Lake City. **Salt Lake County Probation Services** provides probation supervision and pre-sentence investigation reports for adults convicted of misdemeanor offenses. The agency is dedicated to the promotion of public safety, offender accountability, reduced recidivism, and alternatives to incarceration. The Domestic Violence Court is also partnering with Utah Valley State College. **Utah Valley State College** offers the Utah Collaborative Criminal Justice Associate Degree Program, a graduate study program for justice administration.

(3) Indicate specifically how your agency/program will develop and implement a multi-disciplinary partnership with criminal justice representatives, victim advocates and other agencies and how your agency/program will identify gaps and problem areas and develop strategies to stop violence against women and ensure their safety.

The Domestic Violence Court, Salt Lake Area Safe at Home Coalition, Salt Lake City Police Department Victim Advocate Program, Salt Lake City Prosecutor's Office and Salt Lake County Probation Services are involved in a multi-disciplinary collaboration to stop violence against women and ensure their safety. The five agencies are sustaining an ongoing dialogue and information sharing process regarding offender compliance with court ordered treatment and probation. The dialogue eliminates gaps in communications that in the past have allowed offenders to fall through the cracks, return to their victims, and resume abusive behavior. The network of communication established by the collaboration of the agencies allows for the Court to make adjustments in treatment options that will afford a greater likelihood of completion and behavior change by the offender, result in reduced recidivism, and decrease violence against women in the community. Rather than simply using punishment, this approach is far more sensible and cost-effective. The **Salt Lake Area Safe at Home Coalition** is providing a social worker who matches each offender to an appropriate treatment program. The court clerk with the **Domestic Violence Court** provides case management to the offender after the sentencing. The victims advocate coordinator with **Salt Lake City Police Department Victim Advocate Program** assists in identifying lethal offenders that the Court needs to take into account to improve victim safety. The **Prosecutor's Office** has access to the offender's treatment placement. **Salt Lake County Probation Services** notifies the court clerk of probation violations so the Court can immediately address offender non-compliance. Together the five agencies are improving their service to victims by holding offenders accountable for their actions. In addition, **Utah Valley State College** is providing at least one part-time intern from the Utah Collaborative Criminal Justice Associate Degree Program each semester for 10 hours a week to augment the case management services provided by the domestic violence court clerk.

(4) Demonstrate support for your agency/program by attaching a minimum of three (3) letters of COLLABORATION from agencies that are community partners on your multi-disciplinary team.

TAB 5

Final Revision to Cell Phone Policy and Procedures based on 10/01/04 TCE Meeting Discussions:

Utah State Courts Accounting Manual, Purchasing Section, Policy 35:

Use of state owned cellular phones for the purpose of conducting business will be approved for the following as deemed appropriate by the court executive or Deputy Court Administrator:

- Members of the Judiciary: Cell phones for all presiding judges and those judges who travel in the normal course of business to court sites, may be purchased by local courts through AOC Purchasing. Billings will be paid locally and will be charged against the home district org of the respective judge(s). Upon leaving the position of presiding judge, the cellular phone will be reassigned to the successor.
- Non-judicial Employees: All staff who, in the course of their duties, travel between locations for the purpose of conducting job related functions.

Procedures

Judge/Employee Cell Phone Purchase

1. A cell phone plan should be selected that provides adequate minutes required for business purposes. The cell phone service should fit the mobile worker's geographical range, usage and long distance needs. A request to increase cell phone plan minutes must be demonstrated through a review of monthly bills and sign-off by the court executive or designee.
2. A cell phone purchase price should not exceed \$100, unless approved by the court executive. Preference should be given to free or low cost phones often included with the cell phone service (camera phones are prohibited). All rebate offers should be made payable to the State of Utah and coded to the court org as FINET Object Code 6189 Other Small Equipment.
3. The court has adopted a minimum life of 48 months for cell phones. A need to replace a cell phone before the 48 month time period must be demonstrated to the court executive or designee. Early replacement should be limited to cell phone failure only.
4. A cell phone can be returned to the vendor for a price reduction on a replacement phone. A cell phone that is no longer used should be sent to the State of Utah, Division of Surplus Property in accordance with the "Surplusing of State Electronic Media and Telecommunication Equipment" policies and procedures.

Judge/Employee Cell Phone Use

1. Court employees assigned a state-owned cellular phone for business are required to reimburse the state for personal use minutes that exceed the daytime minutes in the plan (excluding unlimited night & weekend minutes). The employee/judge must review the cell phone bill monthly and document any personal calls outside the plan, sign, date, and return to court executive or designee.
2. If the judge/employee uses the state cell phone to make personal telephone calls while out of town overnight on state business, they will not claim the allowable telephone reimbursement (See Travel Section, Miscellaneous Expense Reimbursement).
3. If a cell phone is lost or damaged due to an employee's negligence, the court executive or designee will determine if the employee will be required to pay all or a portion of the replacement cost.

4. Abuse of a business cell phone will result in disciplinary action per HR Personnel Policies and Procedures, Section 610.
5. The court executive must approve an employee's use of a personal cell phone for business purposes and reimbursement. The court executive may establish a reimbursement maximum dollar amount for personal cell business calls per month.
6. An employee, using a personal cell phone, should submit for reimbursement for business calls by:
 - a) Dividing the monthly plan cost (without taxes) by the number of daytime minutes included in the plan to arrive at a "per minute" rate. **For example:** $\$49.99/400 = 12.5$ cents; round up to 13 cents.
 - b) Place a check mark (✓) next to business calls listed on the cell phone bill. Total the number of business minutes. Multiply the "per minute" rate by the number of business minutes for the month to arrive at a total cell phone reimbursement amount. **For example:** 50 minutes X .13 = \$6.50
 - c) If the employee exceeds the daytime minutes due to business calls, multiply the business call minutes at the increased "per minute" rate charged for exceeding day-time minutes for the partial or full reimbursement amount. **For example:** The increased "per minute charge" is .30 cents. The number of business minutes equaled 50 minutes. 20 of the 50 minutes are charged at the increased per minute charge of .30 cents. The calculation for reimbursement would be 30 minutes X .13 = \$3.90 plus 20 minutes X .30 = \$6.00 for a TOTAL OF \$9.90.
 - d) If the employee exceeds the off-peak minutes and incurs off –peak business call charges, multiply the "per minute" rate charged for exceeding off-peak minutes by the number of business minutes for the partial or full reimbursement amount. See example in c above.
 - e) Submit a copy of the cell phone bill with the completed FI048 Employee Reimbursement/Earnings Request Form to the employee responsible for reviewing and approving the reimbursement.

TAB 6



Administrative Office of the Courts

Chief Justice Christine M. Durham
Utah Supreme Court
Chair, Utah Judicial Council

MEMORANDUM

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

To: Judicial Council
From: Tim Shea *TS*
Date: December 14, 2004
Re: Standing committee appointments

Judicial Outreach Committee

The Management Committee recommends the appointment of Judge Judith Billings of the Court of Appeals as chair of the committee.

Technology Committee.

There is a vacancy on the Technology Committee for a court clerk. The Technology Committee develops and recommends to the Judicial Council the information technology policies, plans and priorities governing the courts of record. From among the following nominations made by the clerks of court, the Management Committee recommends Carolyn Bulloch.

Fifth District would like to nominate Carolyn Bulloch, Clerk of the Court for Iron and Beaver Counties, to serve on the Court Technology Committee. Carolyn has expressed an interest in serving on the Committee and I believe that she is an excellent candidate. She is highly knowledgeable in District and Juvenile Court operations, having served as Clerk of the Court for 15 years. She knows a lot about implementation of policies, procedures and court budgets. She is currently serving on only one other committee (CQR) and would have time to dedicate to court technology. Thank you in advance for considering this nomination.

Sixth District would like to nominate Carol Frank to participate on the Technology Committee. Carol has worked for the Sixth District/Richfield office for eight years. Carol is fully trained in both District and Juvenile Court and rotates in as in-court clerk for both courts. Carol also travels to Wayne, Piute Juvenile court and was responsible for the Kane/Garfield Juvenile Court clerical duties for a couple of years. Carol is currently a cashier for both courts and rotates as front counter clerk once a week. Carol serves on the CARE accounting committee and is very knowledgeable regarding accounting procedures in both courts. A person this knowledgeable of both courts would be a great asset to this committee.

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.

Standing committee appointments

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The Seventh District would like to nominate Lorene Brundage to serve on the Technology Committee. Lorene has been employed with the Utah State Courts for 20 plus years. She has worked on several computer systems during her career for the District Court from the old WANG system to CORIS. She has also worked in Juvenile Court on the 3270 system and is learning CARE. She has worked on the microfilming of old court records. She has also worked on all four medias of court reporting from court reporter, to cassette, to video, and now CD. She has a vast knowledge of court procedures and would be a valuable asset to any committee.