

**JUDICIAL COUNCIL
AGENDA**

**Wednesday
July 1, 1998**

**Sun Valley, Idaho
Sawtooth Room**

Chief Justice Richard C. Howe, Presiding

<u>Item:</u>	<u>Time:</u>	<u>Subject:</u>	<u>Presenter:</u>
1.	9:00 a.m.	Continental Breakfast	
2.	9:05 a.m.	Welcome - Approval of Minutes . . . (Tab 1 - May 28-29, 1998)	Chief Justice Richard C. Howe
3.	9:15 a.m.	Report from Chairman	Chief Justice Richard C. Howe
4.	9:25 a.m.	State Court Adm. Report	Daniel J. Becker (Tab 2 - Speciality Courts -Information)
5.	9:40 a.m.	Judicial Council Sub-Committee (Tab 3)	Hon. Pamela T. Greenwood Management Committee Report Hon. Michael K. Burton Policy and Planning Committee, Report Hon. Anthony W. Schofield Liaison Committee Report
6.	9:50 a.m.	Budget Process	Daniel J. Becker
7.	10:10 a.m.	Break	
8.	10:25 a.m.	Public Confidence Goal: Progress and	Daniel J. Becker National Agenda (Tab 4 - AOC Survey - Information)
9.	10:45 a.m.	Update on Juvenile State Supervision	Raymond H. Wahl and the Juvenile Justice Task Force Agenda
10.	11:30 a.m.	Recording Criminal Fine as Civil Judgment	Tim Shea (Tab 5 - Action)
11.	12:00p.m.	Lunch	

12. 1:00 p.m. Justice Court Board - Update Hon. Jerald Jensen
(Information)
13. 1:20 p.m. Juvenile Court Board - Update Hon. Hans Q. Chamberlain
(Information)
14. 1:40 p.m. Juvenile Drug Court Grant Daniel J. Becker
(Tab 6)(action)
15. 2:00 p.m. Update - Court of Appeals Hon. James Davis
Court of Appeals Settlement Program Hon. Michael Wilkins
Karin Hobbs
16. 2:20 p.m. Judicial Conduct Commission - Informal Steven Stewart
Resolution of Complaint, Executive Director
Rule Amendment
(Tab 7)
17. 2:40 p.m. Executive Session Chief Justice Richard C. Howe
18. **News Articles (Information)**
(Tab 8)
19. **Consent Calendar**
(Tab 9 - action)

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

1. Amendment to Rule 3-111 Tim Shea
2. Personnel Policy and Procedure Barbara Hanson
3. Application for Active Senior Judge Status Holly M. Bullen
Hon. Alfred Van Wagenen
Hon. Burton Harris
4. Continuation of Grant Request for Capital Peggy Gentles
Law Clerk

Next Meeting:

August 26-28, 1998

(Planning Meeting)

Arrangements have been made at:

The Lodge at the Resort Center

1415 Lowell Avenue

Park City

**JUDICIAL COUNCIL
AGENDA**

**Friday
July 3, 1998
7:30 a.m.**

**Sun Valley, Idaho
Sage Room

<u>Item:</u>	<u>Time:</u>	<u>Subject:</u>	<u>Presenter:</u>
1.	7:30 a.m.	Welcome/Breakfast Remarks from Bar Officials	Chief Justice Richard C. Howe John Baldwin Executive Director Charlotte Miller President, Utah State Bar James C. Jenkins President Elect, Utah State Bar
2.	8:00 a.m.	Family Court Study Process (Discussion)	Chief Justice Howe Daniel J. Becker
3.	10:30 a.m.	Adjourn	

Recommendations of the Family Court Task Force Process for Consideration and Debate

A. TASK FORCE BACKGROUND.

- (1) Established by the Judicial Council.
 - (a) Recommended by the Commission on Justice in the Twenty-first Century.
 - (b) Requested by the Board of Juvenile Court Judges.
- (2) Charge: Make recommendations regarding what, if anything, to do with the organization, jurisdiction and procedures of the juvenile court after completion of consolidation of the district and circuit courts. The charge did not limit the task force to a family court, but expressly included a family court.
- (3) Originally a fast-track process. Task force requested and obtained additional members and additional time.
- (4) Latest in a series of reports dating back to 1966 recommending a family court. None of the earlier studies as comprehensive as this one.

B. TASK FORCE FINDINGS (NEED FOR A FAMILY COURT).

- (1) Family law cases are different.
 - (a) Highly emotional.
 - (b) Need for constructive future relationships among the parents and their children.
 - (c) Involvement of non-parties: children; extended family.
 - (d) Traditional adversarial litigation does not readily build constructive relationships.
- (2) Multiplicity of cases involving one family.
 - (a) Cases cross jurisdiction boundaries of courts.
 - (b) Separation of jurisdiction is largely an historical accident.
 - (c) From a family's perspective, jurisdictional separation is artificial and an impediment to solving legal problems.
- (3) Multiplicity of services required for one family.

(ii) Those services administered by executive branch (state or local) presumed to remain there.

(iii) Private services presumed to remain so.

(iv) A future family court would participate in the debate regarding what services to develop and where and how to administer those services, but the task force concluded there was no ideal system.

(c) Task force surveyed many of the then existing services and categorized them by nature of administration.

(d) The variety of administrative options reinforced the need to coordinate the delivery of services in specific cases.

(4) Family Department.

(a) Form a family department within the district court.

(b) Other options considered:

(i) Juvenile department of the district court.

(ii) Juvenile cases in the district court without specialization.

(iii) Separate family court.

(c) Task force recognized the structural reorganization of the court as neither necessary nor sufficient.

(i) Reorganization of the courts alone is not sufficient. Also necessary are: case management; coordination of cases and of services; non-adversarial procedures; enforcing the rights and responsibilities of parties, children and agencies; protecting children when individuals and private and public institutions are unable to do so or fail to do so; and protecting public safety.

(ii) If these objectives are achieved within the existing bifurcated jurisdiction, the structural change is not necessary.

(iii) The structural change may help achieve these objectives, because some of these outcomes are contrary to traditional district court principles.

(5) Jurisdiction.

- (ii) Seats should be designated as family department or general department.
 - (iii) No recommendation regarding number of representatives.
 - (iv) Specialized subcommittees on issues specific to one department or the other.
- (c) Presiding Judge.
- (i) One presiding judge for the district.
 - (ii) District may elect other leadership positions as necessary.
- (d) Trial Court Administrator.
- (i) Single administrator for all state trial courts.
 - (ii) Appoint other statewide administrative positions as necessary and as budgets permit.
- (e) Trial Court Executive.
- (i) Single executive for the district.
 - (ii) Appoint other district administrative positions as necessary and as budgets permit.
- (f) Clerk of Court.
- (i) Single clerk of court for the district.
 - (ii) Appoint assistance and deputy clerks as necessary and as budgets permit.
- (8) Court Operations.
- (a) Case management objectives.
 - (i) Provide more and better information to judges.
 - (ii) Assume the administrative burden currently falling to judges.
 - (iii) Improve ability of families to negotiate the legal system and social service system.
 - (iv) Ensure that families get the services they need as ordered by the court.

(j) Facilities.

(k) Rules of procedure.

D. TASK FORCE MEMBERS

James B. Lee

Parsons, Behle & Latimer
Task Force Chair

Hon. Judith M. Billings

Utah Court of Appeals
Task Force Vice-Chair

Hon. J. Mark Andrus

Second District Juvenile Court

Hon. L. Kent Bachman

Second District Juvenile Court

Frederick N. Green

Green & Berry

Hon. Leslie A. Lewis

Third District Court

David E. Littlefield

Littlefield & Peterson

Hon. Gordon J. Low

First District Court

Hon. Sharon P. McCully

Third District Juvenile Court

Rosalind J. McGee

Citizen Representative

Russell Y. Minas

Mooney & Associates

Mary T. Noonan

Director, Division of Family Services

Hon. Frederic M. Oddone

Third District Juvenile Court

Hon. Boyd L. Park

Fourth District Court

Grethe B. Peterson

Citizen Representative

Hon. Sandra N. Peuler

Third District Court

Kim Rilling

Rilling & Associates

Hon. Joanne L. Rigby

Salt Lake County Justice Court

Craig M. Snyder

Utah Bar Commission

Hon. Louis G. Tervort

Sixth District Juvenile Court

Billy L. Walker

Office of the Attorney General

Roy W. Whitehouse

TCE, Third District Juvenile Court

Kellie F. Williams

Corporon & Williams

**JUDICIAL COUNCIL
MINUTES**

Thursday
May 28, 1998

Wasatch County
1361 South, Highway 40
Heber City, Utah 84032

Chief Justice Richard C. Howe, Presiding

Members Present:

Chief Justice Richard C. Howe
Hon. Pamela T. Greenwood
Hon. Kent Nielsen
Hon. John Sandberg
Hon. Stan Truman
James Jenkins, Esq.
Hon. Anne M. Stirba
Hon. Anthony W. Schofield
Hon. Kay A. Lindsay
Hon. Robert Braithwaite
Hon. Leonard H. Russon
Hon. Michael Burton
Hon. Stephen Van Dyke
Hon. Michael Glasmann

Staff Present:

Myron K. March
Richard H. Schwermer
Raymond H. Wahl
Timothy Shea
Jan Thompson

Guests:

Hon. Darwin Hansen
John Ashton, Esq.
John Day
Dennis Roberts
Hon. Guy Burningham

Excused:

Dan Becker

Welcome/Approval of Minutes:

Chief Justice Howe welcomed guests, members and staff to the meeting. The Chief Justice extended a special welcome to Hon. Darwin Hansen. Judge Hansen was recently appointed to the bench in the Second Judicial District.

Motion:

A motion was made by Judge Schofield to approve the minutes of April 27, 1998. The motion was seconded by Judge Stirba and carried unanimously.

Report from Chairman:

Chief Justice Howe indicated that he recently attended the Appellate Courts' Conference which was a fine educational program. In addition, the Chief Justice has attended the District Court Conference held in Moab and a Family Court Conference held in Philadelphia, Pennsylvania. Chief Justice Howe stated that the Judicial Council will begin talking about the merits of a family court this October.

Steven Stewart, Executive Director of the Judicial Conduct Commission, has requested that the Judicial Council recommend three names to the Conduct Commission, one of which will be selected to fill an alternate judge position on the Commission. Recommendations were considered and the names of the following individuals were selected to be forwarded to the Judicial Conduct Commission for consideration: Judge Rodney Page, Judge Brent West and Judge Lynn Davis.

Motion:

A motion was made by Judge Stirba that the names of Judges Page, West, and Davis be forwarded to the Judicial Conduct Commission for consideration of appointment to that Commission. The motion was seconded by Judge Sandberg and carried unanimously.

Currently, a vacancy exists on the Utah Sentencing Commission which is the result of Judge Leslie A. Lewis resigning. Members of the Judicial Council considered several individuals for the vacancy on the Commission.

Motion:

A motion was made by Judge Schofield that Judge David Mower be appointed to serve on the Utah Sentencing Commission. The motion was seconded by Judge Burton and carried unanimously.

State Court Administrator's Report:

On behalf of Dan Becker, Myron March presented the State Court Administrator's Report.

Judge Burton Harris has announced his retirement effective September 30, 1998. There will be a delay in appointing a new judge to this position because of the Governor's request to wait until the appointment of new nominating commission members statewide.

The Juvenile Justice Task Force has reconvened for another year. During the last meeting Ray Wahl, Juvenile Court Administrator, made an excellent presentation on state supervision.

The Task Force has four agenda items which include: a) preventive efforts, b) aftercare, c) getting juveniles into court quickly, and d) the serious juvenile offender.

The next Judicial Council meeting will be held in Sun Valley, Idaho on July 1, 1998 in conjunction with the Annual Bar Conference. There is also a meeting scheduled for the morning of July 3, 1998. The Executive Director of the Utah State Bar, the President of the Bar and the President Elect will be invited to attend the meeting on July 3. In addition to engaging in conversation with bar officials, the Council will also discuss how to address the issue of the Family Court proposal, i.e., time frames, formats, etc.

In the Third Judicial District, Judge Frank Noel replaces Judge Lewis A. Lewis as presiding judge. Judge Noel's term will begin in August.

June 10-12, 1998 administrators from Utah will meet with their peers from Idaho in Park City, to discuss trial court performance standards among other issues which are of interest to each group.

The 1998 Legislature appropriated money for merit increases. Employees will receive a 2.75% increase which will be effective July 1, 1998. Employees who have not been with the judiciary for six months or employees in longevity will not receive an increase. The Legislature also appropriated enough money to allow an additional one step increase to 15% of the court's outstanding employees. Two years ago there was a market survey which indicated that clerks' and probation officers' salaries were not as competitive as they could be. This resulted in a market adjustment. Currently, salaries of entry level clerks are being reviewed.

Management Committee Report:

Judge Greenwood indicated that most of the issues discussed during the Management Committee meeting will be on the Council agenda during today's meeting.

Policy and Planning Committee Report:

Judge Burton indicated that the minutes are reflective of the committee's last meeting.

Liaison Committee Report:

Richard Schwermer informed the Council that Judicial Nominating Commission statutory provisions are up for sunset review. This is generally a perfunctory review but this year it did not appear to be so in that two separate committees chose to review the statute. However, both committees proposed that the current language remain in effect for a period of one year at which time the issue will then be more fully examined.

Next, Mr. Schwermer reported on an issue which was raised by Judge Rigtrup at a

meeting of the Judiciary Interim Committee. The issue is that of private interviews between the court and children because some individuals consider this to be ex parte communication. Judges concur that interviews are common practice but not without notice to, and/or permission of the parties and counsel. An argument was raised that ex parte communication cannot be waived.

Motion:

A motion was made by James Jenkins to refer the issue of court/child interviews to both the Liaison Committee and the Policy and Planning Committee. The motion was seconded by Judge Greenwood. The motion carried unanimously.

Report of the Judicial Performance Committee:

John Ashton, Chair of the Judicial Performance Committee, thanked members of the Council for appointing him to the committee. Mr. Ashton reported that the committee has a total of eleven members, five of whom are new members. New members include Mr. Ashton, Justice Daniel Stewart, Judge Robert Hilder, Commissioner Scott Hadley, and Ms. Kay Cash.

The committee is considering several issues, one of which is the survey of jurors. The survey to evaluate district court judges is going well. Judges and clerks have not reported any difficulties in administering the survey. The survey scores generally are very high, and the actual score results will be used for the first time in the November 1998 elections.

The pilot program of survey data for justice court judges is progressing under an SJI grant. The pilot program consists of a lawyer survey for judges of the Class I and II justice courts and a survey of litigants in all justice courts. The clerks and survey consultant have completed the data gathering, and the consultant is preparing its report to the committee.

The committee worked last year to simplify the lawyer survey and to improve the survey response rate. To this end, the committee's recommendations include that the number of survey cycles be reduced and that the questionnaire be streamlined. The committee recommends that a judge be the subject of a lawyer survey during the year prior to retention election, for certification, and two years prior to that, for self improvement. The committee recommends that the lawyer survey for Supreme Court justices be administered also during the third year of the ten-year term. The committee recommends the commissioners' surveys be administered with the judges' surveys whenever possible, but that, if a commissioner's term of office expires more than a year after that typical survey is administered, then the commissioner's survey should be postponed to a time closer to the expiration of the term of office.

The committee substantially redrafted the survey form to reduce its length from six pages to two. To accomplish this the committee has recommended that: a) the respondent demographic questions be eliminated; b) the instructions from the survey consultant be incorporated with the cover letter of the Chief Justice; c) most of the self improvement questions be eliminated and the

rest integrated with the certification questions; and d) the personal comments to the judge be integrated with the questionnaire rather than mailed on a separate note card.

Mr. Ashton stated that if the Judicial Council approved the two recommendations, the committee will prepare the necessary amendments to Rule 3-111.

Motion:

A motion was made by Judge Braithwaite to approve the recommendation both to reduce the number of survey cycles and to shorten the survey questionnaire. The motion was seconded by Judge Lindsay. The motion carried unanimously.

Justice Court Study Committee:

The Justice Court Study Committee issued an interim report in which there are basic proposals and primary recommendations that maintain the status quo of district and justice court jurisdiction. Additionally, one recommendation proposes that an exclusive body of cases belong to the justice court; the district court and that there be no overlap. During a recent meeting of the Committee, members voted to stop discussing jurisdiction which will essentially bring the Committee's work to an end. Basically, the mixed system previously discussed was abandoned.

New Justice Court Certification - Taylorsville/Murray:

Richard Schwermer presented two applications for permission from the Judicial Council to create two new justice courts. However, the applications are in different procedural forms. The first of the applications is from Taylorsville. Procedurally, Taylorsville is in the posture of having appeared before the Council before and are waiting for approval to create a court which was actually given before. The second step for certification that the city must meet and abide by are operational standards. The operational standards are met by essentially submitting an application, a resolution, an affirmation, and an attorney opinion letter. The application is before the Council for final approval and certification. A question was raised about the level of Taylorsville justice court being a level I or II. Mr. Schwermer will clarify the issue of the justice court level.

Motion:

A motion was made by Judge Schofield that the Taylorsville justice court be certified as a level I justice court. The motion was seconded by Judge Braithwaite. The motion carried.

Next, Mr. Schwermer stated that the Judicial Council talked about Murray City's request for a justice court in March. The Council agreed that since legislation passed, the city would be allowed to create a justice court. However, now the request is more appropriately before the Council because of the effective legislation date. The Council now has the authority to allow the

city to create a court.

Motion:

A motion was made by Judge Burton to allow Murray City to create a justice court. The motion was seconded by Judge Braithwaite. The motion carried.

Update on Drug Court and New Grant Application to OJJDP:

Ray Wahl, Juvenile Court Administrator, reported that Hon. Kimberly Hornak had a scheduling conflict and could not attend this meeting. However, Judge Hornak is 100 percent supportive of this grant request.

Next, Mr. Wahl introduced, Jim Grundhauser, a supervisor with the Assessment and Diversion Unit in Murray, and Krista Murray, substance abuse specialist with the Drug Court. Mr. Grundhauser indicated that Russell Hagood was not able to be present because he is out of town making a presentation on drug courts.

Mr. Grundhauser requested an extension of a Bryne grant that the Juvenile Court is currently operating under. The extension would last through 1999. The other grant that the court is hoping to implement is an enhancement grant through OJJDP. The OJJDP grant would be used to expand services the court is currently providing. These requests were presented to the Management Committee at their last meeting and were approved.

Ms. Murray indicated that the drug court is currently operating under Bryne grant funds which were first awarded on July 1, 1997. The Bryne grant funds are available until June 30, 2000 but the grant has to be renewed every year. Funds are in the amount of \$100,000 with a 25% case match from the Juvenile Court supported from non judicial fees. Non judicial fees are fees received from non judicial adjustments. This is not general fund money and is not appropriated by the Legislature. However, the Legislature does have to authorize the court's use of the money. The Legislature has appropriated up to \$600,000 for the juvenile court's use this year. The grant pays for staff which includes two full time probation officers and one half time deputy probation officer.

Mr. Grundhauser requested approval of an enhancement grant through OJJDP in the amount of \$166,000. This is an enhancement of the Bryne grant. This funding is also available for an additional two years. The grant requires a 25% match that may or may not be a cash match. The 25% match will come from in-kind funding, i.e., building space, chief probation officer's salary, telephones, clerical staff, judges' time and supplies. This match does not increase in 1999. In anticipation of the continuation of the program, the juvenile court has a commitment to request a building block to continue the program in the year 2000. The enhancement will assist the juvenile court in improving services in a number of different areas. It would allow participation by all of the juvenile court judges in the Third District Juvenile

Court. Currently, only Judge Hornak is participating in the drug court program. The grant will also assist in increasing staff in the juvenile court by adding two full time deputy probation officers and one additional probation officer.

Mr. Grundhauser and Ms. Murray were thanked for their presentations after which the Council discussed the merits of the requests. A proposal was made that perhaps other entities seek out grants such as this and provide specialized services.

Motion:

A motion was made by Judge Greenwood to approve the Bryne grant application for 1999. The motion was seconded by Judge Lindsay. The motion carried with one opposing vote and one vote abstaining.

Motion:

A motion was made by Judge Greenwood to approve the application for the enhancement grant. The motion was seconded by Judge Lindsay.

Judge Sandberg suggested that a statement be added to the motion that prior to approval of the application there should be a commitment that alternative funding measures be investigated in the year 2000 when the grant expires. James Jenkins indicated that he had mixed feelings about approving the enhancement grant until there are more definitive answers about the use of the grant

Amended Motion:

Judge Greenwood amended her motion by clarifying that approval of the application in no ways commits the judiciary to permanently fund the program.

Judge Van Dyke indicated that if the Council approves the grant request and allows the Juvenile Court to build the programs, he does not think it is realistic to say that in the year 2000 the judiciary would not be under a tremendous pressure to include the programs into the court's budget. Mr. Jenkins has mixed feelings about approving the first grant. He stated that the juvenile court could continue on with the Bryne grant but he is troubled with the enhancement grant and expansion of the program until an evaluation has been completed. Judge Lindsay said that representatives of the Juvenile Court came before the Judicial Council a year ago and discussed building block funds. At that time the representatives were told to apply for a grant before they requested any additional building block funds.

Substitute Motion:

A motion was made by Judge Stirba that the Council defer action on the enhancement

grant at this time and request that Ray Wahl, Juvenile Court Administrator, work with court representatives and others to see if there could be other funding approaches in addition to what has been presented. The motion failed for lack of a second.

Original Motion:

Currently, Judge Greenwood's motion to approve the enhancement grant with the caveat that it is not permanent and that other alternatives should be pursued is before the Council.

A comment was made that the Council should exercise caution and not lose site of the fact that the judiciary is independent and not a service agency. In addition, a question was raised about whether the grant requests had been presented to the Board of Juvenile Court Judges. The request did not go before the Board because of the status of it being a grant continuation.

Original Motion - Vote:

Judge Greenwood's motion to approve the enhancement grant with the caveats that approval does not commit the Council to fund the program in the future and that alternative measures investigated was before the Council. The motion was seconded by Judge Lindsay. The motion failed.

Judge Burton expressed concern that the juvenile court is acting like a social service provider. The judge indicated that he is not arguing with the fact that these programs are not valuable but it seems to him that they are not core functions of the judiciary. Judge Russon said he agreed with Judge Burton that the judiciary should not lose its independence. Myron March indicated that the Legislature has appropriated \$6 million that affects the state supervision category. This decision sends the message that the juvenile courts will be in the business of providing services, contracting for services and will be the provider for serious juvenile offenders. Mr. March then discussed state services, prioritization and the \$6 million. Next, he suggested that the grant be received if approved and in two years, if the program is successful, then the juvenile court would have to prioritize its requests.

Motion:

A motion was made by Judge Lindsay that members of the Council reconsider the request for the grants based upon Mr. March's statement.

Motion to Reconsider:

A motion was made by Judge Glasmann that Judge Greenwood's motion be reconsidered based upon Mr. March's comments. The motion was seconded by Judge Van Dyke. The motion to reconsider carried with seven in favor and six opposed.

Members of the Judicial Council continued to discuss the merits of the enhancement grant request and long term budgetary impacts.

Motion:

A motion was made by Judge Van Dyke that the grant request be approved with the understanding that the Judicial Council will not entertain a building block request unless the Board of Juvenile Court Judges makes it a priority request for the particular budget year. The motion was seconded by Judge Lindsay.

Motion Withdrawn:

Judge Van Dyke withdrew his previous motion.

Motion:

A motion was made by Judge Lindsay that the request for enhancement grant be approved with the understanding that the Judicial Council will not entertain a building block request unless the Board of Juvenile Court Judges set it as a priority. The motion was seconded by Judge Greenwood. The motion failed.

Move to Scott M. Matheson Courthouse:

Myron March reported on the move to the Scott M. Matheson Courthouse. This is the first time this many court levels and offices have been in the same building. This is a building not just for the Third Judicial District, but a state building for everyone. The Judicial Council was instrumental in the development of this building that reaches back approximately 8-10 years. The public portions of the building are impressive and staff facilities are functional. The telephone system has presented some problems that will hopefully be worked out soon. There are more than 450 employees within the courthouse. The first employees moved on or about March 6, and the move will be completed with the State Law Library moving between June 2-8, 1998.

Amendments to the Judicial Nominating Commission Manual:

Tim Shea addressed Sections 20A-12-104 and 20A-12-105 which amend the Judicial Nominating Commission Manual. The changes go into effect July 1, 1998. The changes address the maximum number of nominees to be sent to the Governor, voting procedures, and multiple vacancies.

Motion:

A motion was made by Judge Schofield to approve amendments to the Judicial

Nominating Commission in accordance with Rule 2-205, effective for the upcoming Nominating Commission. The motion was seconded by Judge Van Dyke. The motion carried unanimously.

Summit County Facilities Update:

Gordon Bissegger stated that approximately a year ago there was a meeting between staff at the Administrative Office and officials from Summit County to discuss Summit County's project to build a new justice center. Essentially, Summit County representatives requested that the courts move from Coalville to a new justice center where there is already a jail constructed and a justice court. Summit County officials will make their presentation to the Standing Committee of Facilities Planning in June/July of this year. Thereafter, there will be a presentation to the Judicial Council regarding study, cost and impact.

Fourth District Juvenile Court Update:

John Day, Court Executive from the Fourth District Juvenile Court, provided an update of juvenile court issues to the Council. The juvenile court received funding for 60 new probation officers and the Fourth District received 11.5 of these officers. The additional probation officers will enable the court to make a bigger impact on juveniles throughout the state by reducing recidivism and the number of referrals to Youth Corrections. A new program has been implemented in the Fourth District Juvenile Court wherein juveniles and their parents meet with a probation officer and are instructed on the law, consequences, and responsibilities. The program is receiving positive feedback from juveniles and their parents.

Another successful program within the Fourth District is the work restitution program supervised by Wanda Santiago. The "Graffiti Tag Program" is a nationally recognized program aimed at cleaning up graffiti in 22 cities within a 24-hour time period. The city reimburses the court the cost of employees, equipment and materials.

Dennis Roberts, Chief Probation Office in Wasatch County, is attempting through early intervention and increased supervision, to send fewer referrals to Youth Corrections. In Wasatch County juveniles are involved in vocational training through a classroom setting. In addition, there is an apartment equipped to provide training in independent living.

Fourth District Court - Consolidation Update:

The Fourth District Court covers four counties; Wasatch, Utah, Millard and Juab. Consolidation in the Fourth District has resulted in a total of twelve judges within the district. The court has been divided into three separate divisions; criminal, civil and municipal with judges rotating through each division on a staggered basis. Wasatch County cases are handled by judges from the municipal division, Juab County cases by judges from the criminal division and Millard County by judges from the civil division. There are five judges in the civil division,

three in the criminal division and four in the municipal division. In Utah County there are nine court rooms and ten judges. The tenth judge is a roving judge who also handles the mental health hearings in the county and also handles matters in Millard County.

Judge Burningham stressed that the consolidation took a lot of effort and cooperation on part of all of the judges and staff. The district has been consolidated for approximately two years. If the judge stays in the standard location, his/her clerk remains with that judge. However, if the judge rotates out of the standard location, his/her clerk is considered to be in the clerk rotation and then when the judge returns, that clerk will again work with the judge.

Next, Judge Burningham praised staff within the district for their hard and never tiring work for the courts. He stated that clerks are overworked and underpaid.

Ethics Advisory Opinion:

Brent Johnson presented Informal Opinions 98-4 and 98-6 to members of the Council. The Ethics Advisory Committee having referred these opinions to the Judicial Council pursuant to Rule 3-109(6), Utah Code of Judicial Administration. The Committee is concerned that judges are increasingly being asked to serve on governmental committees. The Committee feels that some of these committees are, in fact, advocacy groups on certain issues. Because the Council is perceived as encouraging service by judges, the Committee felt that referring these opinions to the Council might assist judges in determining whether service is appropriate. The Council has the option of discussing the opinions and issuing them as formal opinions, or referring them back to the Ethics Advisory Committee for issuance as informal opinions.

Motion:

A motion was made by Judge Greenwood that the Judicial Council send the opinions back to the Ethics Advisory Committee and have the Committee issue an opinion in whatever form they deem appropriate. The motion was seconded by Mr. Jenkins and carried unanimously.

Executive Session:

A motion was made to move into executive session after which a record was made on the following:

Motion:

A motion was made by Judge Burton to resist the motion in the San Juan County jury pool litigation. The motion was seconded by Judge Van dyke and carried unanimously.

Justice Russon indicated that the record should reflect legal counsel has advised the Council what has been done, that everything has been done as per agreement in an effort to meet

the stated goals, that the other side is in disagreement and this is the basis for the Council's decision on the motion.

Adjourn:

There being no further business, Chief Justice Howe adjourned the meeting.

**JUDICIAL COUNCIL
MINUTES**

Friday
May 29, 1998

Site Visit
Fourth District Court
Wasatch County Courthouse
1361 South, Highway 40
Heber City, Utah

Members Present:

Chief Justice Richard C. Howe
Hon. Stephen A. Van Dyke
Hon. Kent Nielsen
Hon. John Sandberg
Hon. A. Schofield
Hon. Kay A. Lindsay
Hon. R. Braithwaite
Hon. Michael K. Burton
Hon. Pamela T. Greenwood
Hon. Leonard H. Russon
Hon. Michael Glasmann

Staff Present:

Myron K. March
Richard Schwermer
Cindy Williamson

Members Excused:

Hon. Anne M. Stirba
Hon. Stan Truman
James Jenkins, Esq.

Staff Excused:

Daniel J. Becker

Guests Present:

Paul Sheffield, Fourth District Court Executive
Carma Smith, Fourth District Court Clerk
Diane Burgener, Fourth District Assistant Clerk
Mike Spanos, Wasatch County Sheriff
Derrick Pullen, Victim Advocate

Fourth District Court, General Overview:

Paul Sheffield, Fourth District Court Executive, welcomed members of the Council and

staff to the Fourth District. The functions of the clerk's office in the Fourth District are divided into three separate divisions: a) criminal; b) civil and the c) municipal division. The philosophy of management staff in the Fourth District has been to promote a lot of cross-training, which staff has been more than willing to do. Mr. Sheffield reported that the Fourth District has taken approximately two years to complete implementation of consolidation.

The CORIS installation went well and Mr. Sheffield feels that the system is manageable. Staff in the Fourth District went into CORIS training with a very positive attitude. However, the system is slow and clerks are now required to enter additional information on the computer with CORIS. Mr. Sheffield indicated that the district is in need of additional clerks and that right now the clerks are over worked. Carma B. Smith, Clerk of Court, indicated that she is concerned about the lack of experienced clerks in the district. The experienced clerks are leaving their positions with the courts for other jobs with higher salaries. Mr. Sheffield highlighted some accomplishments in the Fourth District, i.e., the installation of a video bail hearing system and court reporter pooling.

Judge Guy R. Burningham, Presiding Judge in the Fourth District, explained court consolidation in the district. Each judge within the district is assigned to a specific division and rotates on a regular basis every six months, with a three-month rotation in Wasatch from municipal division judges. Next, Judge Burningham sited case statistics in Juab County.

Wasatch County Update:

Diane Burgener, Assistant Clerk of Court in Wasatch County, stated that Wasatch County became a primary site in July of 1994. Prior to July of 1994, Wasatch County was a contract site and would reimburse the state for leased building space and employees. In the past, the clerk position was that of a clerk-auditor and the duties were more varied. Ms. Burgener said the transfer of the clerk's office from county jurisdiction to the state was a good decision. Ms. Burgener and Sheriff Spanos both expressed their pleasure with the new courts building and compared contrasts between it and the old courthouse.

Sheriff Spanos indicated that Wasatch County encompasses 1400 square miles and has 12,000 residents with approximately 3 million visitors to the County a year. The Sheriff's Office employs nine full time deputies. Sheriff Spanos indicated that he is concerned about courtroom security and takes additional time to train his deputies in bailiff services. Following the presentation by Ms. Burgener and Sheriff Spanos, Sheriff Spanos lead a guided tour through the new Wasatch County facility.

Derrick Pullman, Wasatch County Deputy Attorney, indicated that prosecuting in a small community has its challenges. Residents of the community all know one another and it is difficult to call jurors and witnesses in certain cases. Mr. Pullman stated that the judiciary in Utah has reinforced his belief in the justice system. The County Attorney's Office in Wasatch County employees three individuals and in 1996 the office obtained federal funding to hire a

Victim Advocate, Lynn Robertson. Ms. Robertson carries a pager and is on call 24 hours a day. As a Victim Advocate, Ms. Robertson is the liaison between the police, prosecuting attorney, courts and the victim.

Site Visit-Summit County:

Gordon Bisseger and representatives from Summit County led Council members on a site visit of the new Summit County Facility.

Adjourned:

There being no further business, Chief Justice Howe adjourned the meeting.


Administrative Office of the Court

Chief Justice Richard C Howe
Chair Utah Judicial Council

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator
450 So. State St.
P.O.Box 140241
Salt Lake City, Utah 84114-0241
Phone: (801) 578-3800
Fax: (801) 578-3843

MEMORANDUM

To: Presiding Judges with "Specialty Courts"

From: Dan Becker 

Date: June 19, 1998

Subject: Specialty Courts

Over the last several years, a number of courts, both District and Juvenile, have begun to experiment with so-called specialty courts. These include "drug courts," which are operational in some courts and in the planning stage in others, a "domestic violence court," and a planned "tobacco court." The use of the term "court" in each case is actually somewhat of a misnomer, in that the manner in which they have been deployed in this state is as special court calendars, rather than separate courts. In each case the Judicial Council has been briefed on these efforts and been supportive of their operation as pilot efforts which should be evaluated for their benefit to the courts and the public. I am writing on behalf of the Council, in anticipation of the time in which our court system, through the Judicial Council, will have to evaluate the effectiveness of these programs, and determine whether they should be continued, and, if so, their application in other districts and future cost implications.

To this end, the Council has asked me to contact the presiding judges in districts with these programs, and by copy of this correspondence the judges most closely associated with these courts and the district's court executive, to make sure our efforts are coordinated and that the lessons learned from these pilots can be shared.

There are also costs associated with these programs, some financial, some in the dedication of existing resources, and some systemic. The act of segregating specific case types for separate treatment can itself result in certain inefficiencies, and the assumption is that these costs are outweighed or justified by the success that would not be obtained through traditional calendaring. That assumption needs to be tested. The Judicial Council, and ultimately the Legislature, will need to be confident that the resource choices we are making are sound. It is extremely important to the future of these initiatives that we be able to demonstrate costs and benefits.

In a number of programs extensive evaluation procedures were incorporated into the project planning at the outset. In others it is less clear to what extent evaluation is integral to the project. The Council has asked the Administrative Office to work with each court with an existing or planned specialty court in anticipation of the need to evaluate the pilots, assess their impact for the public and on the court system, and consider funding requirements. The Council has set its budget planning session in August of 1999, as the time in which it intends to review the results of these pilot efforts. This time table will have us prepared to advance requests to the Legislature in the year 2000, if necessary. The time between now and August 1999, should be used to assess the existing evaluation efforts, supplement them where necessary, and gather appropriate cost and benefit data. I have asked Rick Schwermer of our staff to take the lead in this effort. Rick will be contacting the presiding judge in each District with an existing or planned specialty court within the next several weeks to initiate this effort. He will be available to you, your court executive, and those judges most closely associated with the specialty courts, to help review evaluation efforts and prepare for the collection of the cost and benefit data the Council will need to consider in August of 1999.

Your District should be commended for the initiative shown in experimenting with specialty courts. As a court system, we want to be positioned to sustain and advance to the rest of the system, as appropriate, pilot efforts that prove successful. We very much appreciate your assistance in helping make this review possible.

pc: Chief Justice Richard C. Howe
Specialty Court Judges
Presiding Judges
Board Chairs
Court Executives
Richard H. Schwermer
D. Mark Jones
Raymond H. Wahl

**MANAGEMENT COMMITTEE
MEETING
MINUTES**

Thursday
June 11, 1998

Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State
Salt Lake City, Utah

Members Present:

Chief Justice Richard C. Howe
Hon. Pamela T. Greenwood
Hon. Michael Glasmann
Hon. Anne Stirba

Staff Present:

Daniel J. Becker
Myron K. March
Holly M. Bullen
Richard H. Schwermer
Peggy Gentles
Heather Mackenzie-Campbell
Cindy Williamson

Members Excused:

Hon. John Sandberg

Welcome:

Judge Greenwood welcomed members and staff to the meeting.

Judicial Council Agenda:

The Council agenda for July 1, 1998 was discussed, changes suggested and implemented. A review of the budget process will be added to the agenda with Dan Becker presenting.

Supplemental Meeting:

A breakfast meeting of the Council will be held on July 3, 1998. The Executive Director, President and President Elect of the Utah State Bar will be invited to attend. In addition, this time will be used to discuss the process for the Judicial Council's review and consideration of the Family Court proposal. The following questions will be posed during the discussion: Who

should be heard from? How should hearings be scheduled? Who should attend the hearings? Tim Shea will prepare an outline of the proposed process.

State Court Administrator's Report:

Dan Becker reported that the Administrative Office had recently received the Governor's budget guidelines. The guidelines set budget limits at 2% with an addendum that among other items, the court's lease, operations, and maintenance budget is exempt from the 2%.

Hon. Michael Hutchings has announced his retirement effective sometime between August 10, 1998, and December 7, 1998.

Judge Gordon J. Low from the First Judicial District has been appointed to serve on the Judicial Conduct Commission.

Dan Becker distributed a draft letter that addresses the issue of speciality courts. A process will be put in place prior to the August 1999 planning session and will focus on the evaluation of costs associated with speciality courts and whether the courts should be expanded to additional sites. The letter will serve as notice that the issue is being considered and it will be sent to all presiding judges, board chairs and court executives. Richard Schwermer will coordinate with various individuals to evaluate speciality courts.

A request has been made for the National Center for State Courts, technical assistance project which will aid the Third Judicial District and Juvenile Court with a management review of clerical operations within both courts. This assistance will be provided without cost and will be enhanced with help from an in state peer review group. It is anticipated that over time a management review of clerical operations will be performed in all districts.

Next, Mr. Becker reported on a national effort that is underway in the area of enhancing and building public trust and confidence in the justice system. Recently, Mr. Becker received a letter from the chairman of the Conference of Chief Justices calling on each state to form a body to focus on enhancing public confidence in the system. This is an issue that is on the Council agenda for July 1998. Chief Justice Howe and Dan Becker have discussed this issue and decided that for the time being the Judicial Council should act in this capacity. Both the Chief Justice and Mr. Becker are scheduled to attend the National Conference Chief Justices and State Court Administrators; following the conference they will discuss with the Council whether they would recommend the formation of a separate group to address this issue.

Mr. Becker will include a discussion of the Administrative Office survey in his report at Sun Valley. A summary of the results was provided to members of the Management Committee. Mr. Becker stated that the survey process is a very healthy, worthwhile process and he has encouraged court executives to utilize this effort within the various districts.

Continuation - Grant Request for Capital Law Clerk:

Peggy Gentles reported that a grant had previously been received from the State Justice Institute. The grant provides for the services of a capital law clerk through September 15, 1998. The Board of District Court Judges approved the initial request. However, this request is before the Management Committee for approval of a continuation of that grant.

Motion:

A motion was made by Judge Stirba that this matter be placed upon the consent calendar of the Judicial Council subject to District Court Board approval. The motion was seconded by Judge Glasmann and carried unanimously.

Application for Active Senior Judge Status:

Hon. Alfred Van Wagenen & Hon. Burton Harris:

Holly M. Bullen requested that members of the Management Committee approve appointments of Hon. Alfred Van Wagenen to senior judge status effective July 1, 1998, and Hon. Burton Harris to senior judge status effective October 1, 1998.

Motion:

A motion was made by Judge Stirba that the appointments of Judge Van Wagenen and Judge Harris be put on the consent calendar of the Judicial Council. The motion was seconded by Judge Glasmann and carried unanimously.

Creation of a New Standing Committee:

Previously, a consultant from North Carolina, Mike Unruh, spent several days in Utah to conduct a records survey. As a result of the survey Mr. Unruh prepared a report which dealt primarily with records, not issues of retention, microfilming, and storage, but which also contained recommendations regarding standardized forms. Holly Bullen requested that the Management Committee approve the creation of a new standing committee on records management to address the issue of forms and record retention. Ms. Bullen proposed that the committee consist of approximately thirteen members which would include; judges, court executives, clerks of court, counsel, bar representatives and others.

After discussion among members of the Management Committee regarding the type of forms that would be involved, a suggestion was made that additional background work be done by the staff regarding what relationship this work would have with forms presently being addressed by the Supreme Court Rules Committees, and clarification of what types of forms

would be under the Committee's purview, and the nature of the problems created by local forms. The observation was also made that retention and destruction schedules might be best left with the Policy and Planning Committee. Staff will bring this issue back to the Management Committee for further consideration.

Full Audit Report - Fifth Judicial District:

Heather Mackenzie-Campbell distributed a recent audit report to members of the Management Committee. The report contained an executive summary, the objectives and scope of the audit, underlying risks within the district and basic financial operations. In Ms. Mackenzie-Campbell's opinion financial tasks within districts have improved because of a strong focus in this area and continued training programs.

Juvenile Court Drug Court Grant:

Dan Becker requested that the issue of an alternate recipient for a juvenile drug court grant be presented to the Judicial Council. After review, it was determined that the Division of Substance Abuse can be substituted as the grant recipient. The courts would then enter into an inter-agency agreement regarding the administration of the grant funds. Mr. Becker stated that the Division of Substance Abuse is willing to receive the grant, and the Federal Funding Authority (United State Justice Dept.) will permit the application to be modified accordingly.

Motion:

A motion was made by Chief Justice Howe that this matter be placed on the Judicial Council agenda for discussion subject to approval by the Board of Juvenile Court Judges. The motion was seconded by Judge Stirba and carried unanimously.

Adjourn:

There being no further business, Judge Greenwood adjourned the meeting.

Policy and Planning Committee
Summary Minutes
May 28, 1998

Members Present

Hon. Robert Braithwaite
Hon. Michael Burton, Presiding
Mr. James Jenkins
Hon. Kent Nielsen
Hon. Stephen Van Dyke

Staff Present

Barbara Hanson
Tim Shea
Paul Sheffield

The Committee recommends approval of the amendments to the Personnel Policies and Procedures. The proposed changes will be placed on the Council's consent calendar.

Last September, the Judicial Council approved a change to Rule 3-111, effective prior to the comment period, which allowed a judge to strike from the performance evaluation survey any lawyer who had filed a complaint against the judge with the Judicial Conduct Commission. After considering the comments to the change, the Performance Evaluation Committee recommends the change not be made. The Policy and Planning Committee agrees and recommends the Judicial Council rescind its prior action and make no change in this regard. The matter will be placed on the Council's consent calendar.

Administrative Office of the Court

Chief Justice Richard C Howe
Chair Utah Judicial Council

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator
450 So. State St.
P.O.Box 140241
Salt Lake City, Utah 84114-0241
Phone: (801) 578-3800
Fax: (801) 578-3843

MEMORANDUM

To: Judicial Council Members
From: Dan Becker
Date: June 24, 1998
Subject: Survey on Administrative Office

You may recall that last year at our July meeting we focused on the goal of improving public confidence in the judiciary. As a group we identified a number of objectives that have either now been implemented, such as the court information line, or are in the process of being addressed, such as reducing delay and providing for more timely resolution of disputes. At the Council meeting I will be providing a brief overview of the progress made in addressing the objectives we established.

One item which I would like to bring to your attention in advance of the meeting is the results of the survey on the services being performed by the Administrative Office. The amount of material is more than we will be able to cover at the Council meeting, so I wanted to share it in advance so you could review it at your leisure. Asking what kind of job we are doing, while a little bit uncomfortable, has been a very good exercise for the office. I will look forward to sharing more information on this at the Council meeting.


Administrative Office of the Courts

Chief Justice Michael D. Zimmerman
Chair Utah Judicial Council

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

MEMORANDUM

To: Presiding Judges
Court Executives
Clerks of Court
Chief Probation Officers
AOC Managers

From: Dan Becker 

Subject: Attached Survey

Date: February 3, 1998

The Administrative Office is interested in learning how you feel about the services we are providing. There are many challenges and demands facing the courts today. In order for us to best support the courts with the resources available to us, it is important that we step back from time to time and gauge our performance from the perspective of those we serve.

The Administrative Office looks to Rule 3-301(3)(B) for its duties. In addition, the mission statement of the judiciary directs our purpose:

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.

This past year, the staff of the Administrative Office has also prepared the following statement, which we have adopted as our vision of how we want to be recognized:

We are a community of professionals who strengthen the judiciary through knowledge, innovation and service; we are committed to excellence and unity as we work to serve the public.

How we translate these duties and statements into programs and activities, and how we

organize ourselves to conduct business is something we should be assessing on an on-going basis. Are we doing the things we are required to do? What are we not doing now that we should start doing? Are there things we should stop doing? We would appreciate your perspective on these types of questions.

The attached survey is the first of two surveys we intend to conduct. This survey is directed at those who are in management and administrative positions and, by virtue of their work, have the occasion to work closely with individual offices of the Administrative Office. The second survey will be conducted later this year and will be directed to all judges and staff, and, therefore, the questions will be less office specific.

For your convenience, we have included a self-addressed envelope for you to return the completed survey. I have asked that the surveys be returned by February 18, 1998.

The question of whether this survey ought to be anonymous is one we debated back and forth. In the end, we elected to ask that you identify not who you are, but rather the type of position you hold, what court you work in, and in what region of the state you are located. The information that is received will be tallied in the aggregate and reported in a summary fashion. No manager of the Administrative Office will be permitted to review any individual survey. We hope you agree that being able to capture some limited demographic information will help us put the feedback we receive to better use.

I hope you will take the time to provide the feedback we are seeking through this survey. Knowing how you feel is important to us and knowing how we can better serve you, is even more important to our court system. Thank you for taking the time to assist.

The Administrative Office of the Courts ("AOC") is conducting this survey to determine how well it is assisting presiding judges and court employees in managerial positions. Please understand that your answers are confidential -- no individual responses will be identified. When you have completed the questionnaire, place it in the enclosed envelope and send it to Kirsten Roberts. Thank you for your cooperation in this important effort. **Please return the completed survey by February 18, 1998.**

1. I am a:

- Presiding Judge Chief Probation Officer AOC Manager
 Court Executive Clerk of Court

2. I work in (check all that apply):

- Appellate Courts District Courts
 Judicial Districts 1,5,6,7,8 Juvenile Courts
 Judicial Districts 2,3,4

3. Circle the estimated number of contacts between you and the AOC in any given month.

0 1 2 3 4 5 6 7 8 9 10+

4. ¹Of your estimated monthly contacts with the AOC, indicate below the offices you would most likely contact or that would contact you, and the number of such contacts per month:

- | | |
|--|---------------------|
| <input type="checkbox"/> State Court Administration
(State Court Administrator; Deputy Court Administrator) | # of contacts _____ |
| <input type="checkbox"/> District Court Administration | # of contacts _____ |
| <input type="checkbox"/> Juvenile Court Administration | # of contacts _____ |
| <input type="checkbox"/> Appellate Court Administration | # of contacts _____ |
| <input type="checkbox"/> Court Services / Programs
(clerk operations support; judicial assistance, interpreters; divorce ed., etc.) | # of contacts _____ |
| <input type="checkbox"/> Auditing Services | # of contacts _____ |
| <input type="checkbox"/> General Counsel | # of contacts _____ |
| <input type="checkbox"/> Public Information/Media Relations | # of contacts _____ |
| <input type="checkbox"/> Education | # of contacts _____ |
| <input type="checkbox"/> Human Resources | # of contacts _____ |
| <input type="checkbox"/> Legislative Liaison | # of contacts _____ |
| <input type="checkbox"/> Alternative Dispute Resolution (ADR) | # of contacts _____ |
| <input type="checkbox"/> Facilities Management | # of contacts _____ |
| <input type="checkbox"/> Finance | # of contacts _____ |
| <input type="checkbox"/> Information Services
(data quality; information analysis; protective orders) | # of contacts _____ |

Information Technology # of contacts _____
(computer operations; systems development; technology help desk)

Purchasing # of contacts _____

5. When there have been changes in the law, how would you rate the notice the AOC provided to you?

0	1	2	3	4	5
No Opinion	Very Poor	Poor	Average	Good	Very Good

6. When there have been changes in judicial procedures or rules, how would you rate the notice the AOC provided to you?

0	1	2	3	4	5
No Opinion	Very Poor	Poor	Average	Good	Very Good

7. Where the AOC has taken actions that are likely to impact you or your district, how would you rate its efforts to first obtain your input as to the proposed changes?

0	1	2	3	4	5
No Opinion	Very Poor	Poor	Average	Good	Very Good

8. The courts' budget process is open, understandable and fair.

0	1	2	3	4	5
No Opinion	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree

Comments or suggestions for improvement: _____

9. The AOC's attention is primarily devoted to

0	1	2	3	4	5
No Opinion	Staff Issues	Mostly Staff Issues	A Balance Between Staff Issues and Judge Issues	Mostly Judge Issues	Judge Issues

10. The AOC's attention should be primarily devoted to

0	1	2	3	4	5
No Opinion	Staff Issues	Mostly Staff Issues	A Balance Between Staff Issues and Judge Issues	Mostly Judge Issues	Judge Issues

11. The AOC is primarily responsive to the needs of

0	1	2	3	4	5
No Opinion	Urban Districts	Mostly Urban Districts	Both Urban and Rural Districts	Mostly Rural Districts	Rural Districts

12. The AOC should be primarily responsive to the needs of

0	1	2	3	4	5
No Opinion	Urban Districts	Mostly Urban Districts	Both Urban and Rural Districts	Mostly Rural Districts	Rural Districts

13. The level of cooperation between the AOC and my district is

0	1	2	3	4	5
No Opinion	Very Poor	Poor	Average	Good	Very Good

14. The AOC has meetings that needlessly take court employees away from their jobs.

0	1	2	3	4	5
No Opinion	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree

15. The AOC's offices provide information that is consistent with one another.

0	1	2	3	4	5
No Opinion	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree

16. The quality of the services provided by the AOC is improving.

0	1	2	3	4	5
No Opinion	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree

17. List three things you think the AOC could do better.

1. _____

2. _____

3. _____

18. List three things you think the AOC does well.

1. _____

2. _____

3. _____

Based on your experience with each of the offices below, indicate your level of agreement with the following statements:

19. The office is accessible and responsive to my questions.

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
State Court Administration	0	1	2	3	4	5
District Court Administration	0	1	2	3	4	5
Juvenile Court Administration	0	1	2	3	4	5
Appellate Court Administration	0	1	2	3	4	5
Court Services / Programs (clerk operations support, judicial assistance, interpreters, divorce ed., etc.)	0	1	2	3	4	5
Auditing Services	0	1	2	3	4	5
General Counsel	0	1	2	3	4	5
Public Information / Media Relations	0	1	2	3	4	5
Education	0	1	2	3	4	5
Human Resources	0	1	2	3	4	5
Legislative Liaison	0	1	2	3	4	5
Alternative Dispute Resolution (ADR)	0	1	2	3	4	5
Facilities Management	0	1	2	3	4	5
Finance	0	1	2	3	4	5

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
Information Services (data quality; information analysis; protective orders)	0	1	2	3	4	5
Information Technology (computer operations; systems development; technology help desk)	0	1	2	3	4	5
Purchasing	0	1	2	3	4	5

20. The office has the expertise necessary to do its job.

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
State Court Administration	0	1	2	3	4	5
District Court Administration	0	1	2	3	4	5
Juvenile Court Administration	0	1	2	3	4	5
Appellate Court Administration	0	1	2	3	4	5
Court Services / Programs (clerk operations support, judicial assistance, interpreters, divorce ed., etc.)	0	1	2	3	4	5
Auditing Services	0	1	2	3	4	5
General Counsel	0	1	2	3	4	5
Public Information / Media Relations	0	1	2	3	4	5
Education	0	1	2	3	4	5
Human Resources	0	1	2	3	4	5
Legislative Liaison	0	1	2	3	4	5
Alternative Dispute Resolution (ADR)	0	1	2	3	4	5
Facilities Management	0	1	2	3	4	5
Finance	0	1	2	3	4	5
Information Services (data quality; information analysis; protective orders)	0	1	2	3	4	5

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
Information Technology (computer operations; systems development; technology help desk)	0	1	2	3	4	5
Purchasing	0	1	2	3	4	5

21. The office provides information that is relevant to me in performing my responsibilities.

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
State Court Administration	0	1	2	3	4	5
District Court Administration	0	1	2	3	4	5
Juvenile Court Administration	0	1	2	3	4	5
Appellate Court Administration	0	1	2	3	4	5
Court Services / Programs (clerk operations support, judicial assistance, interpreters, divorce ed., etc.)	0	1	2	3	4	5
Auditing Services	0	1	2	3	4	5
General Counsel	0	1	2	3	4	5
Public Information / Media Relations	0	1	2	3	4	5
Education	0	1	2	3	4	5
Human Resources	0	1	2	3	4	5
Legislative Liaison	0	1	2	3	4	5
Alternative Dispute Resolution (ADR)	0	1	2	3	4	5
Facilities Management	0	1	2	3	4	5
Finance	0	1	2	3	4	5
Information Services (data quality; information analysis; protective orders)	0	1	2	3	4	5
Information Technology (computer operations; systems development; technology help desk)	0	1	2	3	4	5
Purchasing	0	1	2	3	4	5

22. The resources allocated to this office are adequate.

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
State Court Administration	0	1	2	3	4	5
District Court Administration	0	1	2	3	4	5
Juvenile Court Administration	0	1	2	3	4	5
Appellate Court Administration	0	1	2	3	4	5
Court Services / Programs (clerk operations support, judicial assistance, interpreters, divorce ed., etc.)	0	1	2	3	4	5
Auditing Services	0	1	2	3	4	5
General Counsel	0	1	2	3	4	5
Public Information / Media Relations	0	1	2	3	4	5
Education	0	1	2	3	4	5
Human Resources	0	1	2	3	4	5
Legislative Liaison	0	1	2	3	4	5
Alternative Dispute Resolution (ADR)	0	1	2	3	4	5
Facilities Management	0	1	2	3	4	5
Finance	0	1	2	3	4	5
Information Services (data quality; information analysis; protective orders)	0	1	2	3	4	5
Information Technology (computer operations; systems development; technology help desk)	0	1	2	3	4	5
Purchasing	0	1	2	3	4	5

23. The office understands my responsibilities and the issues I deal with every day.

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
State Court Administration	0	1	2	3	4	5
District Court Administration	0	1	2	3	4	5
Juvenile Court Administration	0	1	2	3	4	5

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
Appellate Court Administration	0	1	2	3	4	5
Court Services / Programs (clerk operations support, judicial assistance, interpreters, divorce ed., etc.)	0	1	2	3	4	5
Auditing Services	0	1	2	3	4	5
General Counsel	0	1	2	3	4	5
Public Information / Media Relations	0	1	2	3	4	5
Education	0	1	2	3	4	5
Human Resources	0	1	2	3	4	5
Legislative Liaison	0	1	2	3	4	5
Alternative Dispute Resolution (ADR)	0	1	2	3	4	5
Facilities Management	0	1	2	3	4	5
Finance	0	1	2	3	4	5
Information Services (data quality; information analysis; protective orders)	0	1	2	3	4	5
Information Technology (computer operations; systems development; technology help desk)	0	1	2	3	4	5
Purchasing	0	1	2	3	4	5

24. The office is innovative.

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
State Court Administration	0	1	2	3	4	5
District Court Administration	0	1	2	3	4	5
Juvenile Court Administration	0	1	2	3	4	5
Appellate Court Administration	0	1	2	3	4	5
Court Services / Programs (clerk operations support, judicial assistance, interpreters, divorce ed., etc.)	0	1	2	3	4	5

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
Auditing Services	0	1	2	3	4	5
General Counsel	0	1	2	3	4	5
Public Information / Media Relations	0	1	2	3	4	5
Education	0	1	2	3	4	5
Human Resources	0	1	2	3	4	5
Legislative Liaison	0	1	2	3	4	5
Alternative Dispute Resolution	0	1	2	3	4	5
Facilities Management	0	1	2	3	4	5
Finance	0	1	2	3	4	5
Information Services (data quality; information analysis; protective orders)	0	1	2	3	4	5
Information Technology (computer operations; systems development; technology help desk)	0	1	2	3	4	5
Purchasing	0	1	2	3	4	5

25. The office provides information in a timely manner

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
State Court Administration	0	1	2	3	4	5
District Court Administration	0	1	2	3	4	5
Juvenile Court Administration	0	1	2	3	4	5
Appellate Court Administration	0	1	2	3	4	5
Court Services / Programs (clerk operations support, judicial assistance, interpreters, divorce ed., etc.)	0	1	2	3	4	5
Auditing Services	0	1	2	3	4	5
General Counsel	0	1	2	3	4	5
Public Information / Media Relations	0	1	2	3	4	5

	0 No Opinion	1 Strongly Disagree	2 Disagree	3 Neither Agree or Disagree	4 Agree	5 Strongly Agree
Education	0	1	2	3	4	5
Human Resources	0	1	2	3	4	5
Legislative Liaison	0	1	2	3	4	5
Alternative Dispute Resolution	0	1	2	3	4	5
Facilities Management	0	1	2	3	4	5
Finance	0	1	2	3	4	5
Information Services (data quality; information analysis; protective orders)	0	1	2	3	4	5
Information Technology (computer operations; systems development; technology help desk)	0	1	2	3	4	5
Purchasing	0	1	2	3	4	5

26. Please provide any comments or suggestions for improvement as to the services provided by the AOC generally or by any of its specific offices.

Survey should be completed and returned by February 18, 1998 to:

Kirsten Roberts
Information Services
230 South 500 East, Suite 360
Salt Lake City, Utah 84102

Responses to Questions 5-16

	Question 5	Question 6	Question 7	Question 8	Question 9	Question 10	Question 11	Question 12	Question 13	Question 14	Question 15	Question 16
TOTAL RESPONSE	3.8	3.8	3.3	3.0	3.5	3.0	2.5	3.0	3.9	2.6	3.0	3.7

Questions 5-7 & 13
Answer Key
 0= No Opinion
 1= Very Poor
 2= Poor
 3= Average
 4= Good
 5= Very Good

Question 8 & 14-16
Answer Key
 0= No Opinion
 1=Strongly Disagree
 2= Disagree
 3=Neither Agree nor Disagree
 4=Agree
 5= Strongly Agree

Questions 9-10
Answer Key
 0= No Opinion
 1= Staff Issues
 2= Mostly Staff Issues
 3= A Balance between Staff and Judge Issues
 4= Mostly Judge Issues
 5= Judge Issues

Questions 11-12
Answer Key
 0= No Opinion
 1= Urban Districts
 2= Mostly Urban Districts
 3= Both Urban and Rural Districts
 4= Mostly Rural Districts
 5= Rural Districts

- Question 5 When there have been changes in the law, how would you rate the notice the AOC provided to you?
- Question 6 When there have been changes in judicial procedures or rules, how would you rate the notice the AOC provided to you?
- Question 7 Where the AOC has taken actions that are likely to impact you or your district, how would you rate its efforts to first obtain your input as to the proposed changes?
- Question 8 The courts' budget process is open, understandable and fair.
- Question 9 The AOC's attention is primarily devoted to
- Question 10 The AOC's attention should be primarily devoted to
- Question 11 The AOC is primarily responsive to the needs of
- Question 12 The AOC should be primarily responsive to the needs of
- Question 13 The level of cooperation between the AOC and my district is
- Question 14 The AOC has meetings that needlessly take court employees away from their jobs.
- Question 15 The AOC's offices provide information that is consistent with one another.
- Question 16 The quality of the services provided by the AOC is improving.

Survey Questions 19-25 Response choices were:

0=No Opinion 1= Strongly Disagree 2=Disagree 3=Neither Agree or Disagree 4=Agree 5=Strongly Agree

Question #19: The office is accessible and responsive to my questions.

	Avg. Response
State Court Administration	4.1
District Court Administration	3.9
Juvenile Court Administration	4.0
Appellate Court Administration	4.0
Court Services/Programs	4.0
Auditing Services	4.3
General Counsel	4.4
Public Info/Media Relations	3.9
Education	4.0
Human Resources	3.9
Legislative Liaison	3.7
Alternative Dispute Resolution	4.2
Facilities Management	3.8
Finance	3.5
Information Services	3.4
Information Technology	3.5
Purchasing.	4.0

Question #20: The office has the expertise necessary to do the job.

	Avg. Response
State Court Administration	4.4
District Court Administration	4.2
Juvenile Court Administration	4.0
Appellate Court Administration	4.3
Court Services/Programs	4.0
Auditing Services	4.0
General Counsel	4.5
Public Info/Media Relations	4.1
Education	4.1
Human Resources	3.8
Legislative Liaison	4.1
Alternative Dispute Resolution	4.4
Facilities Management	4.1
Finance	3.9
Information Services	3.9
Information Technology	3.6
Purchasing.	3.2

Question #21: The office provides information that is relevant to me in performing my responsibilities.

	Avg. Response
State Court Administration	4.1
District Court Administration	3.8
Juvenile Court Administration	4.1
Appellate Court Administration	4.1
Court Services/Programs	3.8
Auditing Services	4.3
General Counsel	4.4
Public Info/Media Relations	3.8
Education	4.1
Human Resources	3.8
Legislative Liaison	3.8
Alternative Dispute Resolution	4.1
Facilities Management	3.8
Finance	3.4
Information Services	3.6
Information Technology	3.5
Purchasing.	4.0

Question #22: The resources allocated to this office are adequate.

	Avg. Response
State Court Administration	4.0
District Court Administration	3.9
Juvenile Court Administration	3.5
Appellate Court Administration	4.0
Court Services/Programs	3.3
Auditing Services	3.6
General Counsel	3.7
Public Info/Media Relations	4.0
Education	3.3
Human Resources	3.5
Legislative Liaison	4.0
Alternative Dispute Resolution	3.7
Facilities Management	3.8
Finance	3.7
Information Services	3.2
Information Technology	2.6
Purchasing.	3.6

Survey Questions 19-25 Response choices were:

0=No Opinion 1= Strongly Disagree 2=Disagree 3=Neither Agree or Disagree 4=Agree 5=Strongly Agree

Question #23: The office understands my responsibilities and the issues I deal with everyday.

	Avg. Response
State Court Administration	3.5
District Court Administration	3.5
Juvenile Court Administration	3.7
Appellate Court Administration	3.6
Court Services/Programs	3.5
Auditing Services	3.6
General Counsel	4.0
Public Info/Media Relations	3.4
Education	3.5
Human Resources	3.2
Legislative Liaison	3.4
Alternative Dispute Resolution	3.7
Facilities Management	3.4
Finance	3.1
Information Services	3.3
Information Technology	3.2
Purchasing.	3.8

Question #24: The office is innovative.

	Avg. Response
State Court Administration	4.0
District Court Administration	3.5
Juvenile Court Administration	3.7
Appellate Court Administration	3.7
Court Services/Programs	3.6
Auditing Services	3.7
General Counsel	3.7
Public Info/Media Relations	3.5
Education	3.7
Human Resources	3.0
Legislative Liaison	3.6
Alternative Dispute Resolution	3.9
Facilities Management	3.5
Finance	3.2
Information Services	3.7
Information Technology	3.6
Purchasing.	3.5

Question #25: The office provides information in a timely manner.

	Avg. Response
State Court Administration	3.9
District Court Administration	3.6
Juvenile Court Administration	3.6
Appellate Court Administration	4.0
Court Services/Programs	3.7
Auditing Services	4.0
General Counsel	4.1
Public Info/Media Relations	3.8
Education	3.8
Human Resources	3.6
Legislative Liaison	3.6
Alternative Dispute Resolution	3.9
Facilities Management	3.2
Finance	3.2
Information Services	3.2
Information Technology	3.2
Purchasing.	3.8

Responses to Questions 5-16

JOB TYPE	Question 5	Question 6	Question 7	Question 8	Question 9	Question 10	Question 11	Question 12	Question 13	Question 14	Question 15	Question 16
Presiding Judges	4.4	3.9	3.4	3.3	2.9	3.0	2.8	2.9	4.3	2.8	3.1	3.5
Court Executive	4.2	4.1	3.3	2.9	4.4	3.0	2.4	3.0	3.9	2.6	3.6	3.9
Chief Probation Officer	2.8	2.8	3.0	2.0	3.8	3.0	2.4	3.0	3.5	2.7	2.5	3.2
Clerk of Court	3.8	3.5	2.9	3.3	4.1	3.0	2.3	3.0	3.9	2.4	3.1	3.9
AOC Manager	4.1	4.4	4.3	3.5	3.3	2.9	2.6	3.0	3.8	2.5	3.3	3.9
Unknown Job Type	4.0	3.0	2.5	3.0	4.0	2.5	2.5	3.0	3.0	4.0	2.0	3.5
TOTAL RESPONSE	3.8	3.8	3.3	3.0	3.5	3.0	2.5	3.0	3.9	2.6	3.0	3.7

Questions 5-7 & 13

Answer Key

- 0= No Opinion
- 1= Very Poor
- 2= Poor
- 3= Average
- 4= Good
- 5= Very Good

Question 8 & 14-16

Answer Key

- 0= No Opinion
- 1=Strongly Disagree
- 2= Disagree
- 3=Neither Agree nor Disagree
- 4=Agree
- 5= Strongly Agree

Questions 9-10

Answer Key

- 0= No Opinion
- 1= Staff Issues
- 2= Mostly Staff Issues
- 3= A Balance between Staff and Judge Issues
- 4= Mostly Judge Issues
- 5= Judge Issues

Questions 11-12

Answer Key

- 0= No Opinion
- 1= Urban Districts
- 2= Mostly Urban Districts
- 3= Both Urban and Rural Districts
- 4= Mostly Rural Districts
- 5= Rural Districts

Question 5

When there have been changes in the law, how would you rate the notice the AOC provided to you?

Question 6

When there have been changes in judicial procedures or rules, how would you rate the notice the AOC provided to you?

Question 7

Where the AOC has taken actions that are likely to impace you or your district, how would you rate its efforts to first obtain your input as to the proposed changes?

Question 8

The courts' budget process is open, understandable and fair.

Question 9

The AOC's attention is primarily devoted to

Question 10

The AOC's attention should be primarily devoted to

Question 11

The AOC is primarily responsive to the needs of

Question 12

The AOC should be primarily responsive to the needs of

Question 13

The level of cooperation between the AOC and my district is

Question 14

The AOC has meeting that needlessly take court employees away from their jobs.

Question 15

The AOC's offices provide information that is consistent with one another.

Question 16

The quality of the services provided by the AOC is improving.

Responses to Questions 5-16

LOCATION

	Question 5	Question 6	Question 7	Question 8	Question 9	Question 10	Question 11	Question 12	Question 13	Question 14	Question 15	Question 16
Appellate Courts	2.0	3.5	3.5	2.0	3.0	3.0	3.0	3.0	5.0	3.0	3.5	3.5
Districts 1,5,6,7,8	3.8	3.3	2.9	2.5	3.5	3.0	2.4	3.0	3.9	2.7	2.8	3.8
Districts 2,3,4	3.6	3.9	3.2	2.5	4.3	3.0	1.9	3.0	3.6	2.5	2.7	3.1
Unknown	3.9	3.5	2.8	2.4	3.5	2.9	2.1	2.9	3.5	2.6	2.4	3.9

Questions 5-7 & 13

Answer Key

- 0= No Opinion
- 1= Very Poor
- 2= Poor
- 3= Average
- 4= Good
- 5= Very Good

Question 8 & 14-16

Answer Key

- 0= No Opinion
- 1=Strongly Disagree
- 2= Disagree
- 3=Neither Agree nor Disagree
- 4=Agree
- 5= Strongly Agree

Questions 9-10

Answer Key

- 0= No Opinion
- 1= Staff Issues
- 2= Mostly Staff Issues
- 3= A Balance between Staff and Judge Issues
- 4= Mostly Judge Issues
- 5= Judge Issues

Questions 11-12

Answer Key

- 0= No Opinion
- 1= Urban Districts
- 2= Mostly Urban Districts
- 3= Both Urban and Rural Districts
- 4= Mostly Rural Districts
- 5= Rural Districts

Question 5	When there have been changes in the law, how would you rate the notice the AOC provided to you?
Question 6	When there have been changes in judicial procedures or rules, how would you rate the notice the AOC provided to you?
Question 7	Where the AOC has taken actions that are likely to impact you or your district, how would you rate its efforts to first obtain your input as to the proposed changes?
Question 8	The courts' budget process is open, understandable and fair.
Question 9	The AOC's attention is primarily devoted to
Question 10	The AOC's attention should be primarily devoted to
Question 11	The AOC is primarily responsive to the needs of
Question 12	The AOC should be primarily responsive to the needs of
Question 13	The level of cooperation between the AOC and my district is
Question 14	The AOC has meeting that needlessly take court employees away from their jobs.
Question 15	The AOC's offices provide information that is consistent with one another.
Question 16	The quality of the services provided by the AOC is improving.

Responses to Questions 5-16

COURT TYPE

	Question 5	Question 6	Question 7	Question 8	Question 9	Question 10	Question 11	Question 12	Question 13	Question 14	Question 15	Question 16
District Courts	4.1	3.8	2.9	3.1	3.7	3.1	2.2	3.0	3.9	2.5	3.2	3.9
Juvenile Courts	3.7	3.3	3.0	2.2	3.4	3.0	2.0	3.0	3.7	2.6	2.7	3.5

Questions 5-7 & 13

Answer Key

- 0= No Opinion
- 1= Very Poor
- 2= Poor
- 3= Average
- 4= Good
- 5= Very Good

Question 8 & 14-16

Answer Key

- 0= No Opinion
- 1=Strongly Disagree
- 2= Disagree
- 3=Neither Agree nor Disagree
- 4=Agree
- 5= Strongly Agree

Questions 9-10

Answer Key

- 0= No Opinion
- 1= Staff Issues
- 2= Mostly Staff Issues
- 3= A Balance between Staff and Judge Issues
- 4= Mostly Judge Issues
- 5= Judge Issues

Questions 11-12

Answer Key

- 0= No Opinion
- 1= Urban Districts
- 2= Mostly Urban Districts
- 3= Both Urban and Rural Districts
- 4= Mostly Rural Districts
- 5= Rural Districts

Question 5	When there have been changes in the law, how would you rate the notice the AOC provided to you?
Question 6	When there have been changes in judicial procedures or rules, how would you rate the notice the AOC provided to you?
Question 7	Where the AOC has taken actions that are likely to impact you or your district, how would you rate its efforts to first obtain your input as to the proposed changes?
Question 8	The courts' budget process is open, understandable and fair.
Question 9	The AOC's attention is primarily devoted to
Question 10	The AOC's attention should be primarily devoted to
Question 11	The AOC is primarily responsive to the needs of
Question 12	The AOC should be primarily responsive to the needs of
Question 13	The level of cooperation between the AOC and my district is
Question 14	The AOC has meetings that needlessly take court employees away from their jobs.
Question 15	The AOC's offices provide information that is consistent with one another.
Question 16	The quality of the services provided by the AOC is improving.

JUDICIAL DEBT COLLECTION AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

AN ACT RELATING TO JUDICIAL DEBT COLLECTION; CLARIFYING INTEREST ON JUDGMENTS; TRANSFERRING RESPONSIBILITY FOR COLLECTION OF MOST JUDICIAL DEBTS TO THE OFFICE OF DEBT COLLECTION; CLARIFYING PROCEDURES FOR COLLECTION WHEN A DEFENDANT FAILS TO PAY A JUDICIAL DEBT; CLARIFYING THE PROCESS FOR REGISTERING JUDICIAL DEBTS; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

- 15-1-4, as last amended by Chapter 198, Laws of Utah 1993
- 17-18-1.5, as last amended by Chapter 296, Laws of Utah 1997
- 63A-8-201, as enacted by Chapter 354, Laws of Utah 1995
- 63A-8-301, as enacted by Chapter 354, Laws of Utah 1995
- 63A-8-302, as enacted by Chapter 354, Laws of Utah 1995
- 64-13-6, as last amended by Chapter 224, Laws of Utah 1996
- 76-3-201.1, as last amended by Chapter 107, Laws of Utah 1987

ENACTS:

- 78-7-33, Utah Code Annotated 1953

REPEALS AND REENACTS:

- 77-18-6, as last amended by Chapter 262, Laws of Utah 1983

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 15-1-4 is amended to read:

15-1-4. Interest on judgments.

(1) As used in this section, "federal post-judgment interest rate" means the interest rate established for the federal court system under 28 U.S.C. Sec. 1961, as amended.

~~[(1)]~~ (2) Any judgment rendered on a lawful contract shall conform to the contract and shall bear the interest agreed upon by the parties, which shall be specified in the judgment.

~~[(2)]~~ (3) (a) Other judgments, civil and criminal, shall bear interest at the federal postjudgment interest rate as of January 1 of each year, plus 2%.

1 **(b) The post-judgment interest rate in effect at the time of the judgment shall remain the**
2 **interest rate for the duration of the judgment.**

3 **(c) The interest on criminal judgments shall be calculated on the total amount of the**
4 **judgment.**

5 ~~[(3) "Federal postjudgment interest rate" means the interest rate established for the federal~~
6 ~~court system under 28 U.S.C. Sec. 1961, as amended.]~~

7 Section 2. Section 17-18-1.5 is amended to read:

8 **17-18-1.5. Powers -- Duties of county attorney within a prosecution district --**
9 **Prohibitions.**

10 (1) In each county which is within a state prosecution district, the county attorney is a
11 public prosecutor only for the purpose of prosecuting violations of county ordinances or as
12 otherwise provided by law and shall:

13 (a) conduct on behalf of the county all prosecutions for violations of county ordinances
14 committed within the county;

15 (b) have authority to grant transactional immunity for violations of county ordinances
16 committed within the county;

17 (c) institute proceedings before the proper magistrate for the arrest of persons charged with
18 or reasonably suspected of violations of county ordinances when in possession of information that
19 the violation has been committed, and for that purpose shall attend court in person or by deputy in
20 cases of arrests when required; and

21 (d) when it does not conflict with other official duties, attend to all legal business required
22 in the county by the attorney general without charge when the interests of the state are involved.

23 (2) The county attorney:

24 (a) may appear and prosecute in all civil cases in which the state may be interested; and

25 (b) shall render assistance as required by the attorney general in all civil cases that may be
26 appealed to the Supreme Court and prosecute the appeal from any violation of a county ordinance.

27 (3) The county attorney shall:

28 (a) draw all informations for violations of a county ordinance;

29 (b) cause all persons informed against to be speedily arraigned;

30 (c) cause all witnesses for the county to be subpoenaed to appear before the court;

31 (d) upon the order of the court, institute proceedings in the name of the county for

1 recovery upon the forfeiture of any appearance or other bonds running to the county and enforce
2 the collection of them; and

3 (e) perform other duties as required by law.

4 ~~[(4) The county attorney shall:]~~

5 ~~[(a) receive from the clerk of the district court a record of past-due fines, penalties, costs,~~
6 ~~and forfeitures and take action to collect the past due amounts;]~~

7 ~~[(b) at the close of every term of the district court prepare a statement of all fines, penalties,~~
8 ~~and forfeitures accruing to the state that have been collected or received by any officer required to~~
9 ~~collect or receive them, stating each case and the amount, and shall transmit the list to the state~~
10 ~~auditor; and]~~

11 ~~[(c) proceed against any officer and sureties under this subsection for any neglect of duty.]~~

12 ~~[(5)]~~ (4) The county attorney shall:

13 (a) ascertain by all practicable means what estate or property within the county has
14 escheated or reverted to the state;

15 (b) require the assessor of taxes of the county to furnish annually a list of all real or
16 personal property that may have so escheated or reverted; and

17 (c) file a copy of the list in the office of the state auditor and of the attorney general.

18 ~~[(6)]~~ (5) The county attorney shall:

19 (a) defend all actions brought against the county;

20 (b) prosecute all actions for the recovery of debts, fines, penalties, and forfeitures accruing
21 to the county;

22 (c) give, when required and without fee, an opinion in writing to county, district, precinct,
23 and prosecution district officers on matters relating to the duties of their respective offices;

24 (d) deliver receipts for money or property received in an official capacity and file duplicates
25 with the county treasurer; and

26 (e) on the first Monday of each month file with the auditor an account verified by oath of
27 all money received in an official capacity during the preceding month, and at the same time pay it
28 over to the county treasurer.

29 ~~[(7)]~~ (6) A county attorney may not:

30 (a) in any manner consult, advise, counsel, or defend within this state any person charged
31 with any crime, misdemeanor, or breach of any penal statute or ordinance;

1 (b) be qualified to prosecute or dismiss in the name of the county any case in which the
2 county attorney has previously acted as counsel for the accused on the pending charge; or

3 (c) in any case compromise any cause or enter a nolle prosequi after the filing of an
4 information without the consent of the court.

5 ~~[(8)]~~ (7) The county attorney or his deputy may be sworn as a deputy district attorney for
6 the purpose of public convenience for a period of time and subject to limitations specified by the
7 district attorney.

8 Section 3. Section 63A-8-201 is amended to read:

9 **63A-8-201. Office of State Debt Collection created -- Duties.**

10 (1) The state and each state agency shall comply with the requirements of this chapter and
11 any rules established by the Office of State Debt Collection.

12 (2) There is created the Office of State Debt Collection in the Department of
13 Administrative Services.

14 (3) The office shall:

15 (a) have overall responsibility for collecting and managing state receivables;

16 (b) develop consistent policies governing the collection and management of state
17 receivables;

18 (c) oversee and monitor state receivables to ensure that state agencies are:

19 (i) implementing all appropriate collection methods;

20 (ii) following established receivables guidelines; and

21 (iii) accounting for and reporting receivables in the appropriate manner;

22 (d) develop policies, procedures, and guidelines for accounting, reporting, and collecting
23 monies owed to the state;

24 (e) provide information, training, and technical assistance to all state agencies on various
25 collection-related topics;

26 (f) write an inclusive receivables management and collection manual for use by all state
27 agencies;

28 (g) prepare quarterly and annual reports of the state's receivables;

29 (h) create or coordinate a state accounts receivable database;

30 (i) develop reasonable criteria to gauge state agencies' efforts in maintaining an effective
31 accounts receivable program;

1 (j) identify those state agencies that are not making satisfactory progress toward
2 implementing collection techniques and improving accounts receivable collections;

3 (k) coordinate information, systems, and procedures between state agencies to maximize
4 the collection of past-due accounts receivable;

5 (l) establish an automated cash receipt process between state agencies;

6 (m) establish procedures for writing-off accounts receivable for accounting and collection
7 purposes; [and]

8 (n) establish standard time limits after which an agency will delegate responsibility to collect
9 state receivables to the office or its designee[-];

10 (o) be the judgment creditor for money owed to the state of Utah and its agencies;

11 (p) ensure that judgments for which the office is the judgment creditor are renewed, as
12 necessary; and

13 (q) allocate monies collected for judgments registered under Section 77-18-6 in accordance
14 with Section 63-63a-2, Section 63A-8-302, and Section 78-3-14.5.

15 (4) The office may:

16 (a) recommend to the Legislature new laws to enhance collection of past-due accounts by
17 state agencies;

18 (b) collect accounts receivables for higher education entities, if the higher education entity
19 agrees;

20 (c) prepare a request for proposal for consulting services to:

21 (i) analyze the state's receivable management and collection efforts; and

22 (ii) identify improvements needed to further enhance the state's effectiveness in collecting
23 its receivables;

24 (d) contract with private agencies to collect past-due accounts;

25 (e) perform other appropriate and cost-effective coordinating work directly related to
26 collection of state receivables;

27 (f) obtain access to records of any state agency that are necessary to the duties of the office
28 by following the procedures and requirements of Section 63-2-206;

29 (g) by following the procedures and requirements of Section 63-38-3.2 establish:

30 (i) a fee to cover the administrative costs of collection;

31 (ii) a late penalty fee that may not be more than 10% of the account receivable;

1 (iii) an interest charge that is:

2 (A) the post-judgment interest rate established by Section 15-1-4 in judgments established
3 by the courts; or

4 (B) not more than 2% above the prime rate for accounts receivable for which no court
5 judgment has been entered;

6 (iv) fees to collect accounts receivable for higher education; and

7 (h) make rules that allow accounts receivable to be collected over a reasonable period of
8 time and under certain conditions with credit cards.

9 (5) (a) ~~The office [may institute collection efforts on criminal fines, restitution, and other~~
10 ~~court-ordered debts.] shall collect accounts receivable ordered by the district court as a result of~~
11 ~~prosecution for a criminal offense that have been transferred to the office under Subsection~~
12 ~~76-3-201.1(4) or Subsection 76-3-201.1(7).~~

13 (b) The office may not assess the interest charge established by the office under Subsection
14 (4) on an account receivable subject to the post-judgment interest rate established by Section
15 15-1-4.

16 (6) The office shall require state agencies to:

17 (a) transfer collection responsibilities to the office or its designee according to time limits
18 established by the office;

19 (b) make annual progress towards implementing collection techniques and improved
20 accounts receivable collections;

21 (c) use the state's accounts receivable system or, with the consent of the board, develop
22 systems that are adequate to properly account for and report their receivables;

23 (d) develop and implement internal policies and procedures that comply with the collections
24 policies and guidelines established by the office;

25 (e) provide internal accounts receivable training to staff involved in their management and
26 collection of receivables as a supplement to statewide training;

27 (f) bill for and make initial collection efforts of its receivables up to the time the accounts
28 must be transferred; and

29 (g) submit quarterly receivable reports to the office that identify the age, collection status,
30 and funding source of each receivable.

31 (i) The office shall use the information provided by the agencies and any additional

1 information from the office's records to compile a one-page summary report of each agency.

2 (ii) The summary shall include:

3 (A) the type of revenue that is owed to the agency;

4 (B) any attempted collection activity; and

5 (C) any costs incurred in the collection process.

6 (iii) The office shall annually provide copies of each agency's summary to the governor and
7 to the Legislature.

8 Section 4. Section **63A-8-301** is amended to read:

9 **63A-8-301. State Debt Collection Fund.**

10 (1) There is created an internal service fund entitled the "State Debt Collection Fund."

11 (2) The fund shall be governed by the provisions for internal service funds in Section
12 63-38-3.5.

13 (3) The fund consists of:

14 (a) all amounts appropriated to the fund under this chapter; [and]

15 (b) fees [~~collected~~] and interest established by the office under [~~authority of this chapter~~]
16 Section 63A-8-201; and

17 (c) all post-judgment interest collected by the office or the state except post-judgment
18 interest on restitution.

19 (4) Monies in this fund shall be used to:

20 (a) [~~provide grants~~] make allocations to other state agencies for specific collection
21 enhancement projects; and

22 (b) offset systems, administrative, legal, and other collection costs of the office or the state
23 agency.

24 (5) (a) The fund may collect interest.

25 (b) All interest earned from the fund shall be deposited in the General Fund.

26 (6) The office shall ensure that monies remaining in the fund at the end of the fiscal year
27 that are not committed to allocations and offsets are deposited into the General Fund.

28 Section 5. Section **63A-8-302** is amended to read:

29 **63A-8-302. Allocation of funds.**

30 (1) Except as provided in Subsection (2), the [~~balance of~~] monies collected by the office
31 less the office's fees shall be allocated on a prorated basis to the various revenue types that

1 generated the accounts receivable.

2 (2) Notwithstanding the requirements of Subsection (1)[;]:

3 (a) federal cost allocation requirements for specific accounts receivable related to programs
4 that are supported by federal funds take precedence over other cost allocation methods provided
5 in this section; and

6 (b) the office shall use interest and fees collected on past due accounts receivable as
7 provided in Section 63A-8-301.

8 Section 6. Section 64-13-6 is amended to read:

9 **64-13-6. Department duties.**

10 (1) The department shall:

11 (a) protect the public through institutional care and confinement, and supervision in the
12 community of offenders where appropriate;

13 (b) implement court-ordered punishment of offenders;

14 (c) provide program opportunities for offenders;

15 (d) provide treatment for sex offenders who are found to be treatable based upon criteria
16 developed by the department;

17 (e) provide the results of ongoing assessment of sex offenders and objective diagnostic
18 testing to sentencing and release authorities;

19 (f) manage programs that take into account the needs and interests of victims, where
20 reasonable;

21 (g) supervise probationers and parolees as directed by statute and implemented by the
22 courts and the Board of Pardons and Parole;

23 (h) subject to Subsection (2), investigate criminal conduct involving offenders incarcerated
24 in a state correctional facility; and

25 (i) cooperate and exchange information with other state, local, and federal law enforcement
26 agencies to achieve greater success in prevention and detection of crime and apprehension of
27 criminals.

28 (2) (a) By following the procedures in Subsection (2)(b), the department may investigate
29 the following occurrences at state correctional facilities:

30 (i) criminal conduct of departmental employees;

31 (ii) felony crimes resulting in serious bodily injury;

1 (iii) death of any person; or

2 (iv) aggravated kidnaping.

3 (b) Prior to investigating any occurrence specified in Subsection (2)(a), the department
4 shall:

5 (i) notify the sheriff or other appropriate law enforcement agency promptly after
6 ascertaining facts sufficient to believe an occurrence specified in Subsection (2)(a) has occurred;
7 and

8 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to conduct
9 an investigation involving an occurrence specified in Subsection (2)(a).

10 (3) Upon request, the department shall provide copies of investigative reports of criminal
11 conduct to the sheriff or other appropriate law enforcement agencies.

12 (4) In accordance with Section 63-55-264, the department shall provide data to the
13 Commission on Criminal and Juvenile Justice to show the criteria for determining sex offender
14 treatability, the implementation and effectiveness of sex offender treatment, and the results of
15 ongoing assessment and objective diagnostic testing. The Commission on Criminal and Juvenile
16 Justice will then report these data to the Judiciary Interim Committee and to the appropriate
17 appropriations subcommittee annually.

18 (5) The Department of Corrections shall collect accounts receivable ordered by the district
19 court as a result of prosecution for a criminal offense according to the requirements and during the
20 time periods established in Subsection 77-18-1(9).

21 Section 7. Section 76-3-201.1 is amended to read:

22 **76-3-201.1. Nonpayment of fine or restitution as contempt -- Imprisonment -- Relief**
23 **where default not contempt -- Collection of default.**

24 (1) As used in this section:

25 (a) "Accounts receivable" means any amount due the state from an entity for which
26 payment has not been received by the state agency that is servicing the debt.

27 (b) "Accounts receivable" includes unpaid fees, licenses, taxes, loans, overpayments, fines,
28 forfeitures, surcharges, costs, contracts, interest, penalties, restitution to victims, third party claims,
29 sale of goods, sale of services, claims, and damages.

30 (2) (a) An account receivable ordered by the court as a result of prosecution for a criminal
31 offense may be collected by any means authorized by law for the collection of a civil judgment.

1 (b) (i) The court may permit a defendant to pay an account receivable in installments.

2 (ii) In the district court, if the account receivable is paid in installments, the total amount
3 due shall include all fines, surcharges, postjudgment interest, and fees.

4 (c) Upon default in the payment of an account receivable or upon default in the payment
5 of any installment of an account receivable, the account receivable may be collected as provided
6 in this section, Subsection 77-18-1(9), Subsection 77-18-1(12), and by any means authorized by
7 law for the collection of a civil judgment.

8 ~~[(1)]~~ (3) When a defendant [sentenced to pay a fine or to make restitution] defaults in the
9 payment of an account receivable or any installment of an account receivable, the court, on motion
10 of the prosecution, victim, or upon its own motion may ~~require him to~~:

11 (a) order the defendant to appear and show cause why [his] the default should not be
12 treated as contempt of court[, and may]; or

13 (b) issue a [show cause citation or a] warrant of arrest [for his appearance].

14 ~~[(2)]~~ (4) (a) Unless the defendant shows that [his] the default was not attributable to an
15 intentional refusal to obey the order of the court or to a failure ~~[on his part]~~ to make a good faith
16 effort to make the payment, the court may find that [his] the default constitutes contempt ~~[and]~~.

17 (b) Upon a finding of contempt, the court may order [him] the defendant committed until
18 the [fine or the restitution] account receivable, or a specified part of it, is paid.

19 (5) If it appears to the satisfaction of the court that the default is not contempt, the court
20 may enter an order for any of the following or any combination of the following:

21 (a) require the defendant to pay the account receivable or a specified part of it by a date
22 certain;

23 (b) restructure the payment schedule;

24 (c) restructure the installment amount;

25 (d) except as provided in Section 77-18-8, execute the original sentence of imprisonment;

26 (e) except as limited by Subsection (6), convert the account receivable or any part of it to
27 community service;

28 (f) except as limited by Subsection (6), reduce or revoke the unpaid amount of the account
29 receivable; or

30 (g) in the district court, record the unpaid balance of the account receivable as a civil
31 judgment and transfer the responsibility for collecting the judgment to the Office of State Debt

1 Collection.

2 (6) In issuing an order under this section, the court may not modify the amount of the
3 judgment of complete restitution.

4 (7) Whether or not a default constitutes contempt, the court may add to the amount owed
5 the fees established under Subsection 63A-8-201(4) and postjudgment interest.

6 (8) (a) If an account receivable is past due, the district court may, without a motion or
7 hearing, record the unpaid balance of the account receivable as a civil judgment and transfer the
8 responsibility for collecting the account receivable to the Office of State Debt Collection.

9 (b) If an account receivable is more than 90 days past due, the district court shall, without
10 a motion or hearing, record the unpaid balance of the account receivable as a civil judgment and
11 transfer the responsibility for collecting the account receivable to the Office of State Debt
12 Collection.

13 ~~[(3)]~~ (9) (a) When a fine, a forfeiture, a surcharge, costs permitted by statute, fees, or an
14 order of restitution is imposed on a corporation or unincorporated association, the person
15 authorized to make disbursement from the assets of the corporation or association shall pay the
16 ~~[fine or make the restitution]~~ obligation from those assets. ~~[His failure]~~

17 (b) Failure to [do so] pay the obligation may be held to be contempt ~~[unless he makes the~~
18 ~~showing required in]~~ under Subsection (2).

19 ~~[(4) The term of imprisonment for contempt for nonpayment of fines or failure to make~~
20 ~~restitution shall be set forth in the commitment order.]~~

21 ~~[(5) If it appears to the satisfaction of the court that the default in the payment of a fine or~~
22 ~~restitution is not contempt, the court may enter an order allowing the defendant additional time for~~
23 ~~payment, reducing the amount of the payment or of each installment, or revoking the fine or order~~
24 ~~of restitution or the unpaid portion in whole or in part.]~~

25 ~~[(6) (a) A default in the payment of a fine or costs or failure to make restitution or any~~
26 ~~installment may be collected by any means authorized by law for the enforcement of a judgment.]~~

27 ~~[(b)]~~ (10) The prosecuting attorney may collect restitution in behalf of a victim.

28 ~~[(c) The levy of execution for the collection of a fine or restitution does not discharge a~~
29 ~~defendant committed to imprisonment for contempt until the amount of the fine or restitution has~~
30 ~~actually been collected.]~~

31 Section 8. Section 77-18-6 is repealed and reenacted to read:

1 **77-18-6. Judgment to pay fine or restitution constitutes a lien.**

2 (1) (a) The clerk of court shall:

3 (i) transfer the responsibility to collect past due accounts receivable to the Office of State
4 Debt Collection when the accounts receivable are 90 days or more past due; and

5 (ii) before transferring the responsibility to collect the past due account receivable to the
6 Office of State Debt Collection, record each judgment of conviction of a crime that orders the
7 payment of a fine, forfeiture, surcharge, cost permitted by statute, or fee in the registry of civil
8 judgments, listing the Office of State Debt Collection as the judgment creditor.

9 (b) (i) The clerk of court shall record each judgment of conviction that orders the payment
10 of restitution to a victim under Section 76-3-201 in the registry of civil judgments, listing the victim,
11 or the estate of the victim, as the judgment creditor.

12 (ii) The Department of Corrections shall collect the judgment on behalf of the victim as
13 provided in Subsection 77-18-1(9).

14 (iii) The court shall collect the judgment on behalf of the victim as provided in Subsection
15 78-7-33(2).

16 (iv) The victim may collect the judgment.

17 (v) The victim is responsible for timely renewal of the judgment under Section 78-22-1.

18 (2) When a fine, forfeiture, surcharge, cost, fee, or restitution is recorded in the registry
19 of civil judgments, the judgment:

20 (a) constitutes a lien;

21 (b) has the same effect and is subject to the same rules as a judgment for money in a civil
22 action; and

23 (c) may be collected by any means authorized by law for the collection of a civil judgment.

24 Section 9. Section **78-7-33** is enacted to read:

25 **78-7-33. Collection of Accounts Receivable.**

26 (1) As used in this section:

27 (a) "Accounts receivable" means any amount due the state from an entity for which
28 payment has not been received by the state agency that is servicing the debt.

29 (b) "Accounts receivable" includes unpaid fees, licenses, taxes, loans, overpayments, fines,
30 forfeitures, surcharges, costs, contracts, interest, penalties, restitution to victims, third party claims,
31 sale of goods, sale of services, claims, and damages.

1 (2) If the Department of Corrections does not have responsibility under Section 77-18-1
2 for collecting an account receivable or if the period during which the Department of Corrections
3 is responsible for collection has expired, the district court shall collect the account receivable.

4 (3) (a) In the juvenile court, monies collected by the court from past due accounts
5 receivable may be used to offset system, administrative, legal, and other costs of collection.

6 (b) The juvenile court shall allocate monies collected above the cost of collection on a pro
7 rata basis to the various revenue types that generated the accounts receivable.

8 (4) The interest charge established by the Office of State Debt Collection under Subsection
9 63A-8-201(4) may not be assessed on an account receivable subject to the post-judgment interest
10 rate established by Section 15-1-4.


Administrative Office of the Court

Chief Justice Richard C Howe
Chair Utah Judicial Council

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator
450 So. State St.
P.O.Box 140241
Salt Lake City, Utah 84114-0241
Phone: (801) 578-3800
Fax: (801) 578-3843

MEMORANDUM

To: Judicial Council Members

From: Dan Becker 

Date: June 24, 1998

Subject: Request to Reconsider Juvenile Drug Court Application

At the June meeting of the Judicial Council, the Council considered a request to submit an additional grant which would be used to enhance the existing Drug Court Program in the Third District Juvenile Court. The Council elected not to approve the submission of the enhancement grant.

Among the suggestions made during the course of the Council's discussion, was the notion that some entity other than the courts be substituted as the grant recipient. That prospect has been explored and it has been determined that the Division of Substance Abuse of the Department of Human Services would agree to be substituted as the grant recipient. I have talked to the Director of the Drug Court Program of the United States Department of Justice and she has agreed to permit a change in the recipient, should the funding be approved. If awarded to the Division of Substance Abuse, an inter-agency agreement would be entered into allowing funding to be provided to the Juvenile Court on a contractual basis.

This approach has been discussed with the Juvenile Board which was unanimous in its endorsement, and the Council's Management Committee which, after discussion, requested that this matter be placed back on the agenda for reconsideration by the Council.



JUDICIAL CONDUCT COMMISSION

Steven H. Stewart
Executive Director

645 South 200 East #104
Salt Lake City, Utah 84111
801\533-3200
Fax 801\533-3208

June 16, 1998

Utah Judicial Council
c/o Myron K. March
Deputy Court Administrator
Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State
Salt Lake City, UT 84111-3101

HAND-DELIVERED

RE: Amendment to Rule 9 of the Judicial Conduct Commission's Rules of Procedure

Dear Myron:

On June 9, 1998, the Judicial Conduct Commission (Commission) amended Rule 9 of its Rules of Procedure. A copy of the amendment is enclosed. A significant element of the amendment is that an accused judge must "accept" informal discipline. If a judge refuses to accept informal discipline, the Commission can commence a "formal" proceeding to resolve allegations of judicial misconduct.¹

As the "comments" indicate, the amendment provides for a number of "informal" rather than "private" complaint-resolution procedures and should enable the Commission to deal more effectively with judicial-disciplinary problems in an informal way. The Commission would appreciate receiving written comments from those, including the Judicial Council, who may be directly affected by the amendment.

¹Before commencing a "formal" proceeding against a judge, the Commission must find "reasonable cause" to do so. "Reasonable cause" is defined as "a reasonable ground for belief in the existence of facts that support a finding of judicial misconduct." See Rules 1 and 6 of the Commission's Rules of Procedure.



Please call me if you have any questions.

Sincerely,

JUDICIAL CONDUCT COMMISSION

A handwritten signature in black ink, appearing to read 'S.H. Stewart', with a long horizontal flourish extending to the right.

Steven H. Stewart
Executive Director

cc: Kenneth L. Warnick, Chair, via fax: 801/731-4881
Francis M. Wikstrom, Chair Elect, via fax, 536-6111

AMENDMENT TO RULE 9

Adopted by the Judicial Conduct Commission June 9, 1998

R595. Judicial Conduct Commission.

R595-1. Rules of Procedure.

R595-1-9. [~~Issuance of Private Reprimand and Dismissal of Complaint With Admonition.~~] Informal Resolution of Complaints.

~~[(a) Private Reprimand. At any time prior to a formal hearing being conducted, the Commission, with the written consent of the judge against whom a complaint is pending, may issue a private reprimand to the judge in lieu of proceeding with the formal hearing. The consent of the judge complained against shall include a statement that information concerning the private reprimand may be disclosed to the Judicial Council. The judge shall also consent that the complainant will be informed that a private reprimand was issued. However, neither the details of the investigation leading to the private reprimand nor the exact nature of the reprimand will be disclosed to the complainant.]~~

~~[(b) Dismissal With Admonition. The Commission may dismiss a complaint with an admonition to the judge. The complainant will be informed that a dismissal with admonition was issued. However, neither the details of the investigation leading to the dismissal with admonition nor the exact nature of the admonition will be disclosed to the complainant. A dismissal with an admonition is not an "order" within the purview of Article VIII, Section 13 of the Utah Constitution or Section 78-7-30(4) of the Utah Code.]~~

At any time after the institution of a preliminary investigation, the Commission may informally:

(1) Reprimand a judge for conduct that is unacceptable under one of the grounds for judicial discipline that does not merit formal proceedings;

(2) Admonish a judge that the judge's conduct appears improper even though it meets minimum standards of judicial conduct and warn the judge of ethical responsibilities imposed by statute and the Code of Judicial Conduct and the need to avoid such conduct or inappropriate practices in the future;

(3) Direct professional counseling and assistance for a judge, including a medical examination, and monitor the judge's subsequent behavior;

(4) Impose conditions on a judge's conduct or instruct a judge to make specific changes in particular matters of conduct;

(5) Resolve a complaint by any other appropriate means consistent with these rules.

If a judge accepts informal discipline, the Commission shall notify the complainant(s) of that fact, unless the Commission finds that notification is not in the interest of justice, and may, in its sole discretion, notify the complainants concerning the nature of the discipline.

KEY: judges, judicial ethics, proceedings, sanctions
1997

78-7-27
78-7-30

Comments: The current language of Rule 9 restricts the Commission's authority to impose informal discipline to dismissing a complaint with an admonition or issuing a private reprimand. Rule 9 presently provides that the complainant will be notified if a private reprimand is issued or if a complaint is dismissed with an admonition. However, neither the nature of the private reprimand or admonition nor details of the investigation leading to them are disclosed to the complainant. Use of the word "private" in Rule 9 is problematic because it suggests that no one but the judge and the Commission will know that a reprimand was issued.

In the past, judges have criticized the Commission for not maintaining strict confidentiality in connection with private reprimands and dismissals with admonition. The proposed amendment to Rule 9 provides for a number of "informal" rather than "private" disciplinary procedures and should enable the Commission to deal more effectively with judicial-disciplinary problems in an informal way.

A significant element of the amendment is that an accused judge must "accept" informal discipline. If a judge refuses to accept informal discipline, the Commission can commence a "formal" proceeding to resolve allegations of judicial misconduct.¹

¹Before commencing a "formal" proceeding against a judge, the Commission must find "reasonable cause" to do so. "Reasonable cause" is defined as "a reasonable ground for belief in the existence of facts that support a finding of judicial misconduct." See Rules 1 and 6 of the Commission's Rules of Procedure.



Administrative Office of the Courts

Chief Justice Richard C. Howe
Chairman, Utah Judicial Council

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

MEMORANDUM

To: Judicial Council
From: Timothy M. Shea *Shea*
Date: June 1, 1998
Re: Amendment to Rule 3-111

Last September, the Judicial Council approved a change to Rule 3-111, effective prior to the comment period, which allowed a judge to strike from the performance evaluation survey any lawyer who had filed a complaint against the judge with the Judicial Conduct Commission. After considering the comments to the change, the Performance Evaluation Committee recommended the change not be made. The Policy and Planning Committee agreed and recommended the Judicial Council rescind its prior action and make no change in this regard. The attached excerpt of Rule 3-111 shows the language approved by the Council in September as stricken.

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.

1 **Excerpt Rule 3-111**

2 (vi) Exclusion from survey respondents. By certifying that one or more of the following
3 conditions applies, the judge or commissioner may exclude an attorney from the list of
4 respondents: The judge or commissioner

5 (a) has referred the lawyer to the Utah State Bar for discipline,

6 (b) has found the lawyer in contempt of court,

7 (c) has sanctioned the lawyer pursuant to rules of procedure,

8 (d) has presided in a civil or criminal proceeding to which the lawyer is a party, or

9 (e) has been the subject of an affidavit of bias or prejudice under Utah Rule of Civil
10 Procedure 63 or Utah Rule of Criminal Procedure 29 filed by the attorney [, ~~or~~

11 ~~(f) has been the subject of a complaint by the attorney filed with the Judicial Conduct~~
12 ~~Commission or referred to the Commissioner Conduct Committee].~~

13

EMPLOYMENT CATEGORIES

PURPOSE

The purpose of this policy is to define the categories of employment in the courts.

SCOPE

This policy outlines the mechanisms for appointing individuals to positions such as career service, time-limited, career exchange, reassignments, transfers, internships and volunteers. It also specifies the conditions associated with these appointments.

This policy applies to all employees and applicants for employment.

CROSS REFERENCES

Recruitment and Selection, Policy 210

Leave, Policy 400

Relocation, Policy 250

Code of Personal Conduct, Policy 500

POLICY AND PROCEDURE

1. Career Service.

1.1 A career service employee is one whose selection, advancement, and discipline is conducted consistent with the courts' philosophy of human resources management. However, management shall not discriminate against career service exempt employees in personnel actions as prescribed by section 5, code of personal conduct.

1.1.1 An exempt employee may obtain career service status by successfully competing for placement on a competitive register or occupying a position which is moved from exempt to career service status by decision of the director.

2. Career Service Exempt.

2.1 A career service exempt employee is one who serves at the will and pleasure of management. However, management shall not discriminate against career service exempt employees in personnel actions as prescribed by Section 5, Code of Personal Conduct.

3. Career Service Employee in Exempt Position.

3.1 Management may use the competitive selection process to appoint a career service employee to an exempt position. Such an employee relinquishes career service status while in the exempt position.

3.2 A career service employee serving in an exempt position, who is not retained in the exempt position, shall be placed on a statewide reappointment register for a 12 month period from the date of separation. The register shall be maintained by the director.

3.2.1 Management shall reappoint the employee to any career service position for which the employee qualifies in a pay grade comparable to the employee's last career service position. Alternatively, management may appoint the employee to a lesser career service position for which the employee is qualified, pending the opening of a position at the original level.

3.3 Management shall not reappoint the employee to a career service position if the discharge from the exempt position was for cause.

4. Trainee Appointment.

4.1 A trainee appointment may be approved, provided that the possibility of such an appointment has been announced. The appointment shall be subject to the following criteria:

the trainee shall meet the minimum qualifications for the position within a period of 18 months. Any exceptions shall be approved by the director prior to the appointment; and

the trainee shall be selected through a competitive application process, subject to the approval of the court level administrator, in consultation with the director.

4.2 Trainee pay shall be two grades lower than the pay for the target class. The salary amount paid shall be approved by the court level administrator, in consultation with the director.

4.3 Trainee service shall not be applied toward satisfying the probationary requirement. Upon successfully completing the objectives of the trainee appointment, management shall give the employee probationary status and an appointment to the target class with salary established at the entry level of the appropriate pay grade.

- 4.4 If a career service employee is unable to complete the objectives of the trainee appointment, management shall return the trainee to a position similar in grade and position from which the employee was appointed.
5. Probation.
 - 5.1 The probationary period is part of the selection process. Management evaluates an employee's suitability for career service employment during this period based upon demonstrated competence and conduct.
 - 5.1.1 Management shall give an employee a reasonable opportunity to demonstrate competence and satisfactory conduct. Management shall provide a reasonable amount of guidance regarding expectations. Management may dismiss an employee at any point during the probationary period for failure to demonstrate progress in correcting deficiencies in performance or behavior.
 - 5.1.2 The standard period for successful advancement from probation to career service status is one year. Deviation from the standard period shall be approved by the court executive, in consultation with the court level administrator and the director, prior to the expiration of the probation period. The period may not be shortened or extended by more than six months.
 - 5.2 If a probationary employee is promoted to a different class series, the probationary period shall run anew.
 - 5.3 Management may not discharge a probationary employee without first preparing and providing to the employee a written statement outlining the reasons for discharge.
6. Trial Period.
 - 6.1 Upon promotion to a position of significantly different duties and responsibilities, a career service employee shall serve a trial period of one year. If the employee fails to pass the trial period, the employee may be reassigned to a similar position at the same grade and step as was formerly held. The employee is not eligible for a pay increase at the end of the trial period.
 - 6.2 An employee currently serving a trial period may not make a lateral transfer to another district without the approval of both court executives.
7. Contingent.

- 7.1 The court executive, in consultation with the court level administrator and the director, may create a non-permanent position funded by contingent funding such as grants, self-funding, or similar sources. If the contingent position is created in the administrative office, the director, in consultation with the state court administrator, shall authorize the position.
 - 7.2 Appointment to a contingent position must be made with a competitive selection process and may include benefits.
 - 7.3 The director shall develop a memorandum of understanding outlining the conditions of employment and expected duration of the contingent position. Management and the employee shall sign the memorandum of understanding when the employee is hired.
8. Temporary.
- 8.1 The court executive, in consultation with the court level administrator, may create a temporary position when temporary, emergency or other special needs justify such action. If the temporary position is created in the administrative office, the director, in consultation with the state court administrator, shall authorize the position. A temporary employee serves at the will of management.
 - 8.2 Appointment to a non-career service position for a period of nine months or less in a 12 month period shall be made on a temporary basis. Management may appoint an individual to a temporary position without a competitive examination; however, appointment from temporary to career service or contingent status shall not be made unless the individual successfully completes a competitive selection process for the original temporary position.
 - 8.3 Appointment to fill a vacancy created by an employee on approved leave without pay shall be made on a temporary basis.
 - 8.4 A temporary employee shall be compensated on an hourly basis, without benefits.
9. Part-Time Employment.
- 9.1 The court executive, in consultation with the court level administrator, may establish or dissolve part-time positions within the approved FTE allocation.
 - 9.2 Management and the employee shall sign a memorandum of understanding outlining the terms of the part-time employment including salary, benefits and job description.

10. Career Mobility Assignment.

- 10.1 The court executive, in consultation with the court level administrator and director, may authorize a temporary promotion or assignment when emergency or other special needs justify such action. If the temporary promotion or assignment involves an employee of the administrative office, the director, in consultation with the state court administrator, shall authorize the promotion or assignment.
- 10.2 Appointment to the temporary position may be based on the competitive selection process.
- 10.3 Management shall not permanently appoint the employee to the position without first opening the position to the competitive selection process.
- 10.4 The director shall develop a memorandum of understanding outlining the conditions of employment, including the duration, salary of the position, and whether the exchange may become permanent. Management and the employee shall sign the memorandum of understanding when the employee is placed in the temporary position.
- 10.5 If the employee returns to the employee's previous position or to another like position, the employee shall receive the same salary, plus any salary advancements that the employee would have attained for satisfactory performance in the previous position had the employee not participated in the career mobility.
- 10.6 If the career mobility assignment does not become permanent, management shall return the employee to the employee's previous position or another like position.

11. Career Exchange Program.

- 11.1 Exempt and career service employees may participate in career exchange programs designed to develop resources and enhance the career growth of employees. An employee may request to participate in a career exchange.
 - 11.1.1 A participating employee shall retain all rights of the employee's previous position.
 - 11.1.2 A participating employee shall be treated as other reduction-in-force employees if the position the employee left is affected by a reduction in force.
- 11.2 A career exchange participant who may be from outside state government, must meet

the minimum qualifications of the career exchange position.

- 11.3 Subject to 11.1.2 above, if the employee returns to the employee's previous position or to another like position, the employee shall receive the same salary prior to the career exchange, plus any salary advancements that the employee would have attained for satisfactory performance in the previous position had the employee not participated in the career exchange.
- 11.4 Management and the employee shall sign a memorandum of understanding defining the nature and terms of the career exchange, including whether the exchange may become permanent.

12. Transfer.

12.1 All interdistrict openings shall be posted.

12.1.1 Voluntary Transfer.

12.1.1.1 Management shall conduct an internal recruitment prior to initiating an interdistrict transfer.

12.1.1.2 Before initiating a transfer, management shall verify with the director the employee's eligibility for transfer, including minimum qualifications, salary eligibility, benefit status and career status.

12.1.1.3 Management may initiate a transfer only at the beginning of a pay period, as defined by the state payroll system.

12.1.1.4 In accepting a transferred executive branch employee, the courts shall accept all accrued benefits supported by official records except accumulated comp time which must be used or paid out by the agency from which the employee is transferring prior to the transfer date.

12.2.1 Involuntary Transfer.

12.2.1.1 Management may involuntarily transfer an employee if the transfer is required to meet the needs of the organization.

12.2.1.2 Management may offset an employee's moving expenses if the employee is required to relocate to an office outside the employee's

judicial district. Moving expenses may also be offset in other appropriate circumstances, as determined jointly by the state court administrator and the director.

13. Reassignment.

13.1 Management may reassign employees from one position to another based on need.

13.2 A reassignment may be initiated by management for administrative reasons or may be requested by an employee, provided the position remains within the class specification.

14. Rehire.

14.1 Management may rehire a former career service employee, without going through a competitive selection process, if the employee is rehired within 12 months of the employee's termination date.

14.1.1 A former employee who has been terminated for cause is not eligible for rehire under this section.

14.1.1.1 Before an offer of employment may be made to a former court or state employee, management shall consult with the director to determine eligibility.

14.1.2 An employee who is rehired under this section may be required to serve a trial period.

14.2 An employee is eligible to be rehired without going through a competitive selection process only in a former or substantially equivalent position and comparable or lower salary to that formerly held.

15. Volunteer.

15.1 Management may establish a program for the use of volunteers.

15.2 The director shall develop guidelines for the use of volunteers.

15.3 Volunteer service credit will be recognized for determining minimum qualifications for a career service position.

15.4 Prior to accepting volunteer services, the court executive and the volunteer shall sign a memorandum of understanding defining the nature and terms of the volunteer

services.

15.5 A volunteer is considered an employee of the courts for the purposes of:

15.5.1 Worker's compensation benefits for any injuries sustained by the volunteer while performing assigned service; or

15.5.2 Operating state vehicles or equipment when the volunteer is properly licensed for that operation; or

15.5.3 Indemnification offered salaried employees.

16. Internship/Student Practicum.

16.1 Management may authorize a student internship/practicum program. Management may pay the intern a stipend.

17. Telecommuting.

17.1 Telecommuting is an alternative working arrangement that may be considered by management for expanding work site possibilities and allowing work to be accomplished in a more productive or efficient manner.

17.2 The director, in consultation with the State Court Administrator, shall identify criteria which would make a position potentially suitable for telecommuting.

17.2.1 Management may request in writing that the director evaluate a specific position for telecommuting suitability. Such a request shall include justification for making the change.

17.3 Management may enter into a telecommuting agreement with an employee only with prior approval of the court level administrator, in consultation with the director.

17.4 Management and the employee shall sign a memorandum of understanding specifying the terms of the telecommuting agreement. Such a memorandum shall include, but not be limited to, duties, working hours and conditions, use and care of state-owned equipment and supplies, confidentiality of information, and means of assessing employee performance.

17.5 An employee who is on corrective or disciplinary action may not telecommute.


17.6 A telecommuting agreement maybe terminated at will by management.

Administrative Office of the Court

Chief Justice Richard C Howe
Chair Utah Judicial Council

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator
450 So. State St.
P.O.Box 140241
Salt Lake City, Utah 84114-0241
Phone: (801) 578-3800
Fax: (801) 578-3843

MEMORANDUM

To: Judicial Council
From: Peggy Gentles, Staff Attorney 
Subject: Continuation Grant for Capital Litigation Law Clerk
Date: June 23, 1998

On June 19, 1998, the Board of District Court Judges, pursuant to Rule 3-411(1)(D), recommended to the Judicial Council pursuit of continuation grant funding from the State Justice Institute for the capital litigation law clerk. Management Committee recommended that, upon positive Board action, the Council approve the seeking of additional funds on its consent calendar. The Council previously received a grant for one year which expires September 15, 1998. This request would seek for a one year extension at the present level of funding while creation of a permanent position is considered.

Benefits of Appellate Mediation

For Public and Judiciary Generally

- ◆ Provides a public service to the judicial system -- explains decisional process in trial courts and educates regarding the appellate court's role.
- ◆ Provides opportunity for mutually satisfactory outcomes
- ◆ Improves the public image of the judicial system
- ◆ Faster, cheaper -- more creative
- ◆ Results in comprehensive/customized agreements
- ◆ Preserves relationships/allows healing
- ◆ Creates workable resolutions
- ◆ Produces agreements with a high rate of compliance
- ◆ Provides neutral forum to work through differences
- ◆ May repair relationships between attorneys

For Appellate Courts

- ◆ Reduces caseload -- alleviates need for more expensive judicial resources
- ◆ Fine-tunes issues in cases that are not settled

For Trial Courts

- ◆ Reduces reversals/remands
- ◆ May resolve an appeal and a related but separate case pending in the trial court

1998 Justice Court Board Judicial Council Update

Concurrent Jurisdiction

- Justice Court Study Committee
- H.B. 460
- Elimination Of Concurrent Jurisdiction? Obstacles?

Education And Training

- Legal Institute
- Basic Orientation For New Judges
- AOC's Role
- Future - Continue To Raise Standards

Court Proliferation

- Increased numbers of cities opting for justice courts
- New Courts of Record

Areas Of Concern

- Traffic Schools
- Court Referees
- Teen Courts

Justice Court Demographics A Brief Overview

-51% of Justice Courts handle less than 100 cases per month.

-9% of Justice Courts handle more than 500 cases per month.

-47% of Justice Court Judges have been on the bench less than 5 years.

-67% of Justice Court Judges spend 20 hours or less per week on work load.

-33% of Justice Courts do not have a bailiff in the court at all times.

-67% of Justice Court Judges have a annual salary of \$15,000 or less.

-42% of Justice Court Judges have a annual salary of \$7,000 or less.

Juvenile Sentencing Guideline Tracking

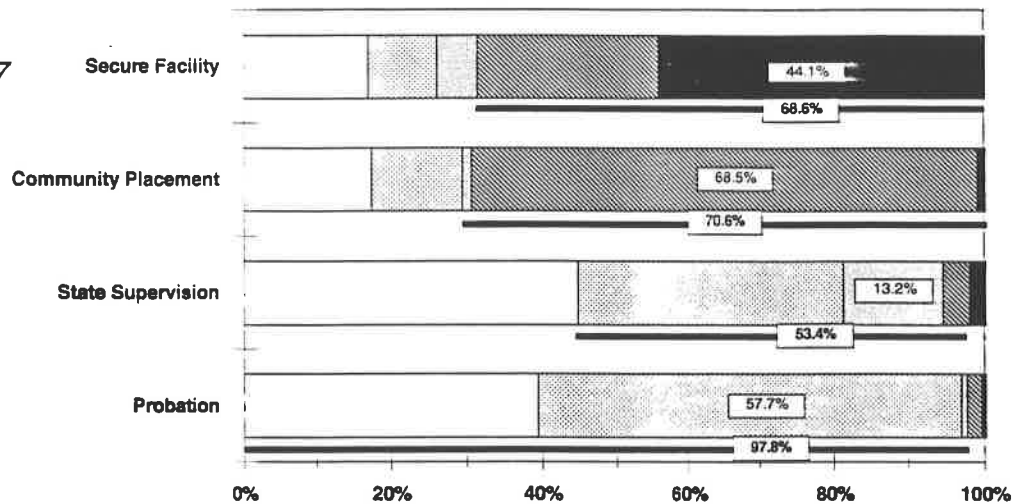
July 1, 1997 to March 31, 1998

First Quarter Tracking

July 1, 1997 - September 30, 1997

Matches between recommendation and sanction imposed hovered around 50% during the 1st quarter, with exception of state supervision (13.2%).

The percentages increased greatly when we included cases that matched, as well as cases where the sanction imposed was either one sanction type higher or lower than the recommended sanction.

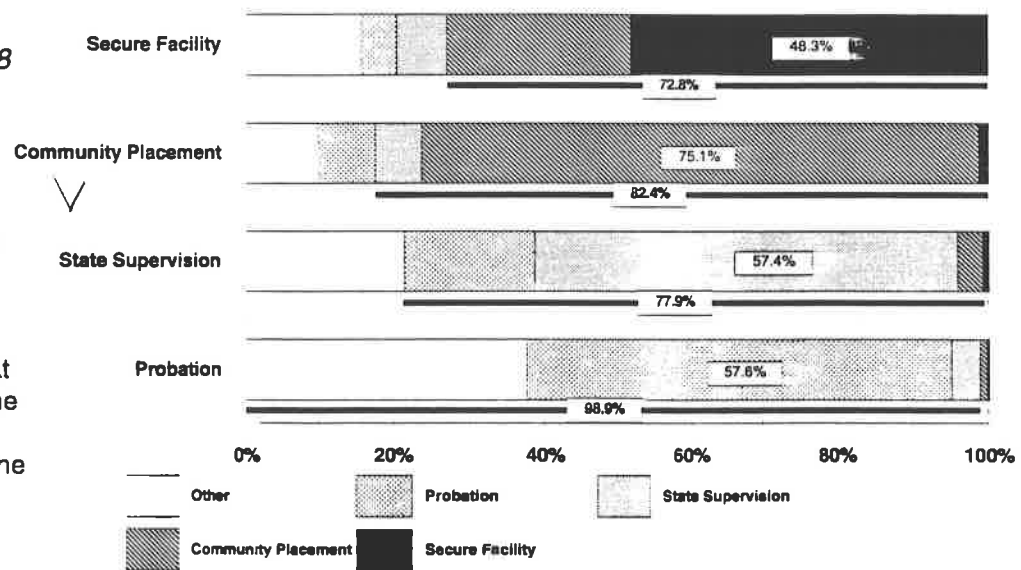


Third Quarter Tracking

January 1, 1998 - March 31, 1998

Matches between recommendation and sanction imposed improved during the third quarter after implementation. With the exception of probation, matches in all categories improved.

Again, the percentages increased greatly when we included cases that matched, as well as cases where the sanction imposed was either one sanction type higher or lower than the recommended sanction.

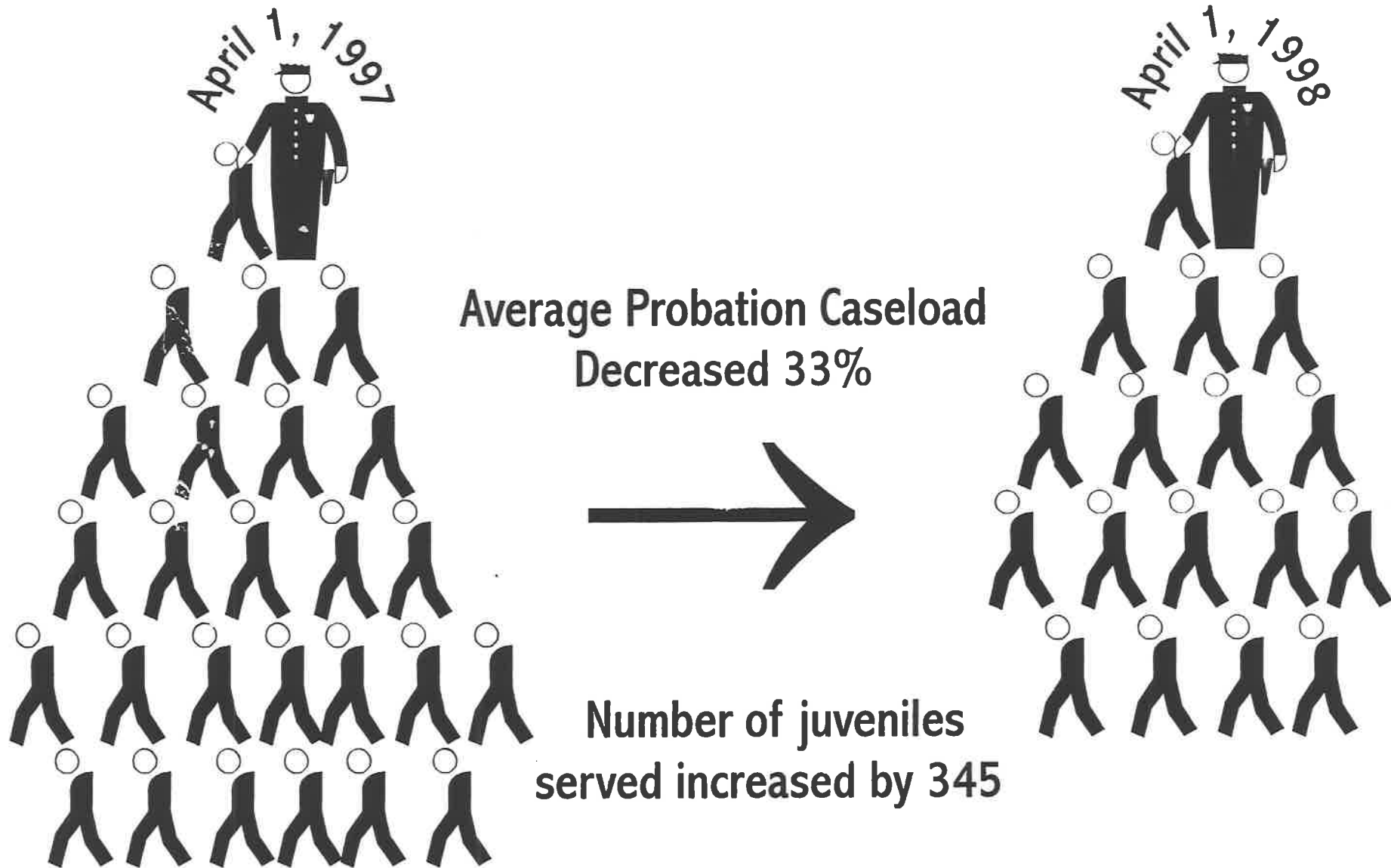


Conclusions

- ~ State Supervision was not fully implemented during the first quarter of implementation. However, by the third quarter after implementation, there was a significant increase in the matches between recommended sanction and imposed sanction with regard to State Supervision.
- ~ We are in the process of developing a more detailed information gathering system. This, in part, will enable us to see where aggravating and mitigating circumstances were evident to explain an upward or downward departure from the sentencing guideline. It is for this reason we have depicted statistics regarding one sanction above and below the recommended sanction.
- ~ Other changes in the Juvenile Information System will allow for tracking of the initial recommendation based upon the juvenile's offense history and presenting offense. Included with the initial recommendation, we will also collect the intake officer's recommendation to compare with the initial recommendation. With the addition of aggravating and mitigating circumstances, we will track deviation from the guideline and the reasons for deviation.

Average Probation Caseload

April 1, 1997 and April 1, 1998



UTAH JUVENILE COURT - STATE SUPERVISION PROGRAM as of FEBRUARY 1998

District	Probation Officers	Deputy P. O's.	Expanded, Specialized Mental Health Contracts	Work Crews	Private Provider Contracts	Other Related Programs	Electronic Monitoring	Individual Services*	Total Funding
ONE BoxElder Cache Rich	0	3	Substance Abuse Treatment	Yes	Boys & Girls Clubs (Cache & BoxElder)	USU Student Tutoring Program LIC Screens All SS Youth Parenting Program (no cost)	Yes	Yes	\$211,321
TWO Davis Morgan Weber	2	1.5	Substance Abuse Treatment After School Intervention In-home parenting (13 areas)	Yes	Intensive In-home Family Intervention	Law Enforcement Collaboration	Yes	Yes	\$603,774
THREE Salt Lake Summitt Tooele	5	7		Yes	Life Skills Training (Boys & Girls Club) Intensive In-home Service (Utah Youth Village) LIC In-school Program	Probation Officers in the Schools	Yes	Yes	\$1,207,547
FOUR Juab/Millard Utah Wasatch	0	3.5	County Drug & Alcohol (Parents co-pay)	Yes	Substance Abuse Treatment Tutoring & Alternative Time Use	Positive Solutions Parents Informed Teaching Alternate Activities Tracking, Mediation, Resiliency	Yes	Yes	\$483,019
FIVE Beaver Iron Washington	0.5	1.75	Substance Abuse Treatment Behavior Counseling Psychological Evals	Yes	Parent Mentoring (ISAT)	Job Preparation Program Ropes Program Drug Testing	Yes	Yes	\$211,321
SIX SanPete Sevier Hiway 89	0	2.75	Substance Abuse Treatment Teen Drug & Alcohol School Extended Counseling (T.A.G.) Public Health Level 1 Tobacco Class	Yes	Intensive Parenting (ISAT) Group & Individual Families Step-Up specific	LIC Screens SS Youth Positive Solutions	Yes	Yes	\$105,660
SEVEN Carbon/Emery Grand/SanJuan		2	Extend Existing Contract	Yes	Tutoring/Study Skills Mentoring	LIC Screens All SS Youth As Needed	Yes	Yes	\$98,113
EIGHT Dagget Duchesne Uintah	0.5	1	Family Counseling Substance Abuse Counseling Expanded Individual Counseling	Yes	Reading Program Inc.	Job Service (Locate & Keep Jobs) Tracking House Arrest	Yes	Yes	\$79,245
AOC State	 8	 22.5			Positive Solutions (Used Statewide)		\$99,000		\$295,000 \$3,295,000

* Allows Districts to contract for specific services with a maximum expenditure of \$10,000/per youth.

FORM 1 JUVENILE SENTENCING GUIDELINES

These are guidelines only. They do not create any right or expectation on behalf of the juvenile.

Criminal Episode History Assessment

I	0 to 3 Misdemeanor Episodes <i>or</i> 0 Felony Episodes
II	4 to 5 Misdemeanor Episodes <i>or</i> 1 Felony Episode
III	6 to 7 Misdemeanor Episodes <i>or</i> 2 to 3 Felony Episodes
IV	8 or More Misdemeanor Episodes <i>or</i> 4 Felony Episodes <i>or</i> 1 Person Felony Episode <i>or</i> 1 Firearm Felony Episode
V	5 or More Felony Episodes <i>or</i> 2 or More Person Felony Episodes <i>or</i> 2 or More Firearm Felony Episodes <i>or</i> Any Felony After Community Placement (Including Presenting Offense)

Disposition Assessment

Presenting Episode Severity

		A	B	C	D	E	F	G	H	I	J	
		1st Degree Person Felony	2nd Degree Person Felony	3rd Degree Person Felony	1st Degree Property Felony	1st Degree Public Order Felony	2nd Degree Property & Public Order Felony	3rd Degree Property & Public Order Felony	Class A Misdemeanor	Class B Misdemeanor	Class C Misdemeanor	
Criminal Episode History	V	SECURE FACILITY								Drug Related / Not Drug Related		
	IV											
	III	COMMUNITY PLACEMENT										
	II	STATE SUPERVISION										
	I	PROBATION						Drug Related / Not Drug Related		OTHER SANCTION		

Sentence Suggested By Matrix: _____

Aggravating Circumstances (list number if applicable): _____

Mitigating Circumstances (list number if applicable): _____

Sentence Recommended: _____

Actual Sentence Imposed: _____

JUN 4 1998

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Salt Lake City, Utah 84114-0241
Phone: (801) 578-3800
Fax: (801) 578-3843

MEMORANDUM

TO: Survey Recipients and Administrative Office Staff
FROM: (Dan Becker, State Court Administrator)
DATE: June 2, 1998
RE: CUSTOMER SURVEY

In 1997, the Judicial Council undertook a goals setting process that included the development of a mission statement for the Utah Judiciary. As part of the implementation of those goals and the institutionalization of the mission, the individual courts and the AOC were asked to develop their own vision statements consistent with the mission statement of the judiciary.

This process provided a good opportunity for those of us in the Administrative Office of the Courts to evaluate and affirm our role in the court system. Our vision statement refers to our knowledge, innovation, and service, but before we could determine how to improve those areas, we needed to find out what our customers think of the job we are doing.

This led to the development and administration of a survey about the AOC by its customers - clerks of court, chief probation officers, court executives, AOC managers and presiding judges. This group of respondents was chosen because of their relatively frequent contact with various offices within the Administrative Office of the Courts. Eighty surveys were sent, and 60 were returned and tabulated. Some demographic information was requested, but anonymity of all respondents was preserved.

Survey Recipients and AOC Staff
June 2, 1998
Page 2

The survey questions related to the values listed in the vision statement - knowledge, innovation and service. A number of the questions also centered around our ability to communicate with and listen to the respondents of the survey.

A copy of the survey questions and a compilation of the total scores is enclosed for you to review.

The management staff of the AOC recently held a day-long meeting to review the responses in detail, and to agree on what adjustments we need to make to the way we are doing business. We have prioritized those issues, and now we are working on exactly what changes need to be made.

Also as part of our next steps, we want to be sure to communicate the results of the survey directly to the respondents and to all AOC staff. If you have comments about this process or the results of the survey, I hope you will take the time to contact me and share your thoughts. While we in the AOC were the "guinea pigs," I anticipate that other surveys will follow, both in the form of another general survey about the AOC administered to a broader range of respondents, and in the form of other surveys about other parts of the court system. I hope we all agree that asking tough questions about ourselves is a necessary step to providing the best possible service to our ultimate customer, the public.

si

Enclosures