

**JUDICIAL COUNCIL
AGENDA**

Friday
December 18, 1998

Judicial Council Room
Scott M. Matheson Courthouse

Chief Justice Richard C. Howe, Presiding

<u>Item:</u>	<u>Time:</u>	<u>Subject:</u>	<u>Presenter:</u>
1.	8:30 a.m.	Continental Breakfast	
2.	9:00 a.m.	Welcome/Approval of Minutes (Tab 1 - Action)	Chief Justice Howe
3.	9:10 a.m.	Report from Chairman	Chief Justice Howe
4.	9:20 a.m.	State Court Administrator's Report	Daniel J. Becker
5.	9:35 a.m.	Judicial Council Sub-Committee Reports (Tab 2- Information)	Hon. Anthony Schofield Management Committee Report Hon. Robert Braithwaite Policy and Planning Report Hon. Leonard H. Russon Liaison Committee Report
6.	9:50 a.m.	Approval of Interlocal Agreement between Laverkin and Hurricane Justice Court, and Newton, Amalga Justice Court (Tab 3 - Action)	Richard H. Schwermer
7.	10:00 a.m.	Judicial Conduct Commission Report (Tab 4)	Steven Stewart Executive Director
8.	10:15 a.m.	Board of District Court Judges - Update ..	Hon. Guy Burningham
9.	10:35 a.m.	Break	
10.	10:50 a.m.	Board of Juvenile Court Judges - Update	Hon. Jeril Wilson

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| 11. | 11:10 a.m. | Uniform Fine and Bail Schedule | D. Mark Jones
(Tab 5) |
| 12. | 11:30 a.m. | Quick Court | Commissioner David Dillion |
| 13. | 11:45 a.m. | Drug Court Update | Hon. Dennis Fuchs |
| 14. | 12:00 p.m. | Lunch | Chief Justice Howe
(Presentation to James C. Jenkins, Esq.) |
| 15. | 1:00 p.m. | Automated Information Line | Kim Allard
(Information) |
| 16. | 1:20 p.m. | Briefing on In re: Young and Related . . . | Hon. Anthony Schofield
Matters (Tab 6) Daniel J. Becker |
| 17. | 1:40 p.m. | Court Forms | Holly M. Bullen
(Tab 7) |
| 18. | 2:00 p.m. | Executive Session | |
| 19. | | Adjourn | |
| 20. | | News Articles
(Tab 8) | |
| 21. | | Consent Calendar
(Tab 9) | |

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

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| 1. | Senior Justice Court Judge Appointment | Richard Schwermer
(Judge Phyllis Scott) |
| 2. | Appointment to Judicial Performance | Timothy Shea
Evaluation Committee
(Julie V. Lund) |
| 3. | Appointment to Ethics Advisory Committee | Holly M. Bullen
(George C. Harris) |

**JUDICIAL COUNCIL
MINUTES**

**Monday
November 23, 1998**

**San Juan County Public Safety Bldg.
297 South Main
P.O. Box 68
Monticello, Utah

Members Present:

Chief Justice Richard C. Howe
Hon. Anthony W. Schofield
Hon. Scott Johansen
Hon. Russell Bench
Hon. Robert Braithwaite
Hon. Michael K. Burton
Hon. Kay A. Lindsay
Hon. Michael Glasmann
Hon. Ronald Hare
Hon. Stanley Truman
Hon. John Sandberg
Steven Kaufman, Esq.

Members Excused:

Hon. Anne M. Stirba
Hon. Leonard H. Russon

Staff Present:

Daniel J. Becker
Myron K. March
Raymond H. Wahl
Holly M. Bullen
D. Mark Jones
Timothy Shea
Marilyn Branch
Cindy Williamson

Guests:

Chief Justice Robert Yazzie
Navajo Nation
James Zion
Navajo Nation
Hon. Lyle Anderson
Seventh District Judge
Hon. Lyon Hazelton
Justice Court Judge
Tim Simmons
Seventh District Court Executive
Jerry Howe
Legislative Counsel

Welcome - Approval of Minutes:

Chief Justice Howe welcomed guests, members and staff to the meeting.

Motion:

A motion was made by Judge Lindsay to approve the minutes of October 27, 1998. The motion was seconded by Steven Kaufman and carried unanimously.

Report from Chairman:

Chief Justice Howe introduced Chief Justice Robert Yazzie from the Navajo Nation. The solicitor for the Navajo Nation, James Zion, accompanied Chief Justice Yazzie. Chief Justice Yazzie sits in Window Rock, Arizona.

Chief Justice Yazzie said that he has been the Chief Justice for the Navajo Nation since 1992. The Chief Justice's work includes supervising the work of judges and justices within the Navajo Nation that has a population of 250,000. Judges are required to have mastered both English and Navajo and know the tradition and culture of the people. In addition, the Chief also administers the court which is a two tiered system. In 1992, 92,000 cases were filed in the court.

Next, Chief Justice Yazzie presented his personal philosophy on justice and continued by suggesting that difference courts share their knowledge with one another to create a better court system overall. The Navajo Nation supports the "Peacemaker Philosophy." This philosophy brings together the perpetrator, the victim and family members to develop a resolution to the problem.

Chief Justice Yazzie expressed his appreciation the Judicial Council for inviting him to the meeting.

James Zion, Solicitor, said he has been employed since 1981 with the Navajo Nation. Mr. Zion indicated that he was asked to reintegrate original Navajo law into practice. In 1982 the Navajo Nation revived "Peacemaking" and Mr. Zion wrote the procedural rules to reestablish the practice.

State Court Administrator's Report:

Chief Justice Howe, Dan Becker, Myron March, Richard Schwermer and Mark Jones met with Governor Leavitt several weeks ago. The meeting was very worthwhile and the Governor was attentive to the needs of the courts. However, this year Governor Leavitt seems only to be advancing mandates for all state agencies. The budget will be limited this year because there is a total of \$200,000,000 in new money and \$700,000,000 in new requests.

Earlier this year Dan Becker met with the Executive Appropriations Committee. Members of the committee expressed concern about three things, i.e., the court's failure to file an accounts receivable report as provided by law, the amount of debt carried by the courts and the

progress of the transfer of debts to the Office of State Debt Collection. Another meeting was scheduled for November and Mr. Becker reported that the court's have made the transfer of debt to the Office of State Debt Collection a priority. The courts, thus far, have transferred more than \$10 million in accounts. In addition, there is an additional \$25 million to be examined. The court's will maintain approximately \$10 million in collectable debts.

Management Committee Report:

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

Policy and Planning Committee Report:

Judge Braithwaite indicated that minutes of the Policy and Planning Committee meeting accurately reflect what happened during the meeting.

Liaison Committee Report:

There was no report from the Liaison Committee.

Rule Change - Rule 3-111:

Last Spring, the Judicial Council agreed in concept with a recommendation of the Judicial Performance Evaluation Committee to make several changes to the process of surveying attorneys. The objective of the changes is to simplify the survey document to increase attorney participation. The Committee recommended elimination of duplicate questions, reduction in the frequency of the surveys administered and elimination of the demographic section. Mr. Shea requested that the proposed rule changes be approved as emergency changes under Rule 2-205 so the new survey may be administered in September of 1999.

Motion:

A motion was made by Judge Glasmann to approve the rule changes as requested. The motion was seconded by Judge Schofield and carried unanimously.

Recertification of Senior Judge Ruggeri:

During the last Management Committee meeting Holly Bullen presented an application for recertification of Senior Judge Ruggeri. There was a question raised about whether or not Judge Ruggeri has completed his education requirements during his current term in office. Holly Bullen has since investigated whether Senior Judge Ruggeri completed the requirements and has found that because of his wife's health problems he has not completed the necessary requirements. The Management Committee recommended that Judge Ruggeri not be recertified.

Motion:

A motion was made by Judge Lindsay that the Judicial Council approve the recommendation of the Management Committee and that Judge Rugerri not be recertified but that he be encouraged to recertify by completing the necessary educational requirements. The motion was seconded by Judge Sandberg and carried unanimously.

Report on Racial and Ethnic Fairness Public Hearings:

The Racial and Ethnic Fairness Task Force has a total of approximately 140 members participating on various committees. Each subcommittee is reviewing hard data. Dan Becker reported that he has attended several Racial and Ethnic Fairness Public Hearings and there are consistent themes emerging from the hearings. Recently, in Ogden there was a complaint about clerks' offices regarding advancement and hiring policies and about a judge. One of the most basic complaints was that of the courts' insensitivity to minorities. There is a hearing scheduled for this evening in Blanding from 6:00 p.m. - 8:00 p.m. and Mr. Becker encouraged Judicial Council and management staff attendance at this meeting.

In response to the discussion on the Racial and Ethnic Fairness Public Hearings, Chief Justice Yazzie suggested development of a glossary of legal terms in the most commonly used languages. The Chief Justice believes that language barriers present extraordinary problems for court users. Next, Chief Justice Yazzie suggested thorough training of interpreters. Currently, the Navajo Nation is setting up a comprehensive training which will begin in March of 1999. Holly Bullen stated that an interpreter from Utah is registered for training in March.

Analysis of Voting Trends in Judicial Elections:

Tim Shea reported on the voting trends in judicial elections in Utah. In the last ten years there have only been two instances in which judges received less than 70% of the vote. The voter information pamphlet contained information about judges for the first time in 1994. The actual judicial survey results were first published in 1998 and the judiciary statewide averaged an 80% approval rate. The court level did not seem to affect the score. However, scores differ from region to region.

Reappointment to the Justice Court Standards Standing Committee:

Holly Bullen indicated that there is a vacancy on the Justice Court Standards Standing Committee. Craig R. Madsen, Utah County Deputy Attorney, has just completed his second term. However, under the exceptional circumstance rule Mr. Madsen may serve again. Mr. Madsen is the current chair of the committee and can provide the committee with continuity.

Motion:

A motion was made by Judge Truman that Craig R. Madsen be appointed to a third term under the exceptional circumstance rule. The motion was seconded by Judge Schofield and carried unanimously.

Seventh Judicial District Update - Judge Anderson:

Judge Lyle Anderson was present and spoke about the history of San Juan County. Judge Anderson stated that one thousand years ago there were probably more people in the county than there are right now. After the Native Americans' departure, John Taylor, then President of the LDS Church, sent settlers to San Juan County. However, there are still members of the Ute and Piute tribes present in the area. The reservations comprise one fourth of the total county.

The uranium boom affected San Juan and Grand Counties and the Federal Government has committed to spending a total of \$350,000 to clean up the uranium tailings. There are issues in San Juan and Grand Counties that are not present in other areas of the state, i.e., conflict of jurisdiction with tribal courts. In large part, individuals in the area make their living by farming/ranching, working at the college in Blanding, and from the tourism industry.

General Overview - Seventh Judicial District - Tim Simmons:

Tim Simmons, Court Executive, provided an overview of the Seventh District. The Seventh District encompasses Carbon, Emery, Grand & San Juan Counties. The offices in the Seventh District are combined, i.e., juvenile and district court. Combining the offices and cross training has proven to enhance customer service. The training process was difficult and Mr. Simmons expressed his appreciation to staff for their hard work and diligence. There are no contract sites in the district.

Mr. Simmons introduced John Hacker, Kevin Dunn and Corey Johnson, probation officers in San Juan and Grand Counties. John Hacker, San Juan County Probation Officer, has worked in Blanding for five years. Mr. Hacker said five years ago they sent more than nine juvenile offenders per year to Youth Corrections. However, with the state supervised probation program there has only been one youth sent to Youth Correction the past year. State supervised probation allows a probation officer a minimum of 21 contacts a week with a juvenile offender. Corey Johnson indicated he has only been in probation a short time but stressed that frequent visits with offenders and various programs are working well within the area. Kevin Dunn stated that probation officers work closely with one another, and also with juvenile offenders. Mr. Dunn said that there is a high percentage of Navajo juvenile offenders.

Seventh District Juvenile Court Update - Hon. Scott Johansen:

Judge Johansen informed members of the Council that San Juan County is the largest

county in the state and the third largest in the nation. The Seventh Judicial District is larger than Massachusetts, Rhode Island, Connecticut and Vermont together. The Federal Government owns a large portion of the district. Sixteen percent of the state's total population live in the county. In the past year, the Juvenile Court has collected a total of \$1.9 million in fines. The Seventh District collected \$47,000 of the total. Collection efforts in the Juvenile Court result in receiving 85% of all fines that Juvenile Court judges order. Statewide there are approximately 43,000 juveniles that pass through the system.

Justice Court Presentation:

Judge Lyon Hazleton, II, has been a Justice Court judge for five years. Judge Hazelton reported that the San Juan County Justice Court previously held a class I certification. However, due to a decrease in traffic offenders the court was certified at a class II level. Judge Hazelton indicated that generally all trials in the area are held in Monticello.

Before the following discussion, Chief Justice Howe excused himself from the room.

Motion:

A motion was made to move into executive session. The motion was seconded and carried unanimously.

Motion:

A motion was made by Judge Glasmann to moved out of executive session. The motion was seconded by Steven Kaufman. The motion carried unanimously.

At the conclusion of the executive session, a staff member announced to the public that the session had concluded. However, all interested parties had since left.

Motion:

A motion was made by Judge Lindsay that the Judicial Council join the motion for enlargement of time and urge a rehearing in In re: Young, involving more guidance on the issue of boards and commission and membership on those boards and commissions. Furthermore, that the Council request permission to participate as an amicus if the Council so chooses and that the proceedings be expedited to facilitate issues with the Legislature. The motion was seconded by Judge Braithwaite and carried unanimously.

Motion:

A motion was made by Judge Lindsay that the Judicial Council support the concept of legislators and judges on the Judicial Conduct Commission and that the Council attempt to

explore with leadership ways to accomplish that goal. In addition, that Judge Anthony W. Schofield, as Vice-Chair to the Judicial Council, send a letter to legislative leadership conveying the Council's position. The motion was seconded by Judge Glasmann. The motion carried unanimously.

Motion:

A motion was made by Judge Lindsay that the Judicial Council authorize the Liaison Committee to act on behalf of the Judicial Council when it is not possible for the Council to meet as interim decisions arise. In addition, that Judge Schofield, as Vice-Chair of the Council be authorized to act on behalf of Justice Russon when Justice Russon may have to recuse himself as Chair of the Liaison Committee. The motion was seconded by Judge Sandberg. The motion carried unanimously.

Adjourn:

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

**MANAGEMENT COMMITTEE
MINUTES**

**Thursday
December 10, 1998**

Scott M. Matheson Courthouse
450 South State
Salt Lake City, Utah
Supreme Court Conference Room

Hon. Anthony W. Schofield, Presiding

Members Present:

Chief Justice Richard C. Howe
Hon. Anthony W. Schofield (via telephone)
Hon. Anne M. Stirba
Hon. Russell Bench
Hon. John Sandberg

Staff Present:

Daniel J. Becker
Myron K. March
D. Mark Jones
Richard H. Schwermer
Holly M. Bullen
Timothy Shea
Heather Mackenzie-Campbell
Cindy Williamson

Welcome:

Judge Schofield welcomed members and staff to the meeting.

Judicial Council Agenda:

The Council agenda for December 18, 1998, was reviewed, changes suggested and implemented.

Motion:

A motion was made by Judge Stirba to approve the Council agenda as proposed. The motion was seconded by Judge Bench. The motion carried unanimously.

State Court Administrator's Report:

Governor Leavitt will release his crime budget today. The budget will contain the court's budget and is expected to include: a) \$1 million in leases and OM's; b) \$200,000 for clerks; c) \$100,000 for juror/witness fees and d) \$378,000 in supplementals. At this point the Governor is advancing a restricted budget of mandates for all state agencies.

There is an expectation that part of the \$2.7 million in the Matheson reserve account may be used to defray funding for the Vernal Courthouse. However, Dan Becker has suggested that if utilized, the Governor leave a cushion in the account. The following individuals are on the Appropriations Sub-Committee: Michael Waddoups, Blake Chard, Parley Hellewell, Pete Suazo, Gary Cox, John Swallow, Katherine Bryson, Ron Bigelow, Davis Zolman and Perry Buckner.

There was an informational meeting regarding In re: Young held on November 30, 1998. There were approximately 45 judges and staff present at the meeting with representation from every judicial district. Judges and staff were informed that the Judicial Council requested to file an amicus brief. Judges expressed the opinion that they favor the position taken by the Judicial Council. Recently, a letter was delivered to leadership in the Legislature. The letter suggested that the Judiciary and leadership discuss with one another ways to resolve this issue. The Administrative Office will continue to keep judges informed of the progress in In re: Young. The Supreme Court has set this matter for oral argument on December 21, 1998.

Approval of 1999 Audit Schedule:

Heather Mackenzie-Campbell reviewed the 1998 scheduled audits and unscheduled audits, plus the 1999 proposed audit plan. Ms. Mackenzie-Campbell requested that members of the Management Committee approve the 1999 plan.

Motion:

A motion was made by Judge Stirba to approve the 1999 Audit Plan as presented by Ms. Mackenzie-Campbell. The motion was seconded by Judge Sandberg and carried unanimously.

Appointment to Judicial Performance Evaluation Committee:

Tim Shea stated that Charlotte Miller, past Utah State Bar President, resigned her position on the Judicial Performance Evaluation Committee. The position is selected from the bar at large. The position was announced in the *Utah Bar Journal*. Mr. Shea said he received three applications.

Motion:

A motion was made by Judge Stirba that Julie V. Lund be appointed to the Judicial Performance Evaluation Committee and that this matter be placed upon the consent calendar of the Council. The motion was seconded by Chief Justice Howe. The motion carried unanimously.

Appointment to Ethics Advisory Committee:

Holly Bullen represented that on January 1, 1999, two vacancies will occur on the Ethics

Advisory Standing Committee. These vacancies will occur because two members will have completed their second three-year terms. Judge Gregory K. Orme is the representative from the Court of Appeals and is the chairperson of the committee. Judge Orme does not intend to request an additional term but if the Council thinks there is a need for continuity, Judge Orme would accept reappointment. Holly Bullen represented that there were no applications received from the Court of Appeals.

Motion:

A motion was made by Chief Justice Howe that Judge Bench approach members of the Court of Appeals and determine whether there is an interest from anyone in serving on the committee and that Judge Bench report to the Management Committee during the January meeting. The motion was seconded by Judge Stirba. The motion carried unanimously.

Motion:

A motion was made by Judge Sandberg that George C. Harris be appointed to the Ethics Advisory Committee and that this matter be placed upon the consent calendar of the Council. The motion was seconded by Judge Stirba. The motion carried unanimously.

Motion:

A motion was made by Chief Justice Howe that Judge Orme be asked to serve as Chair of the Ethics Advisory Committee until January 31, 1999. The motion was seconded by Judge Stirba and carried unanimously.

Court Forms:

Previously, Holly Bullen met with members of the Management Committee and discussed the possibility of development and adoption of court forms and the formation of a committee to more fully address this matter. During that meeting there were several questions raised by members of the Management Committee. Holly Bullen has since addressed the questions raised. Ms. Bullen reported on what forms the courts are currently using and to what degree the forms are in right now. Twenty-three district locations and seven juvenile locations responded to Ms. Bullen questionnaire and provided actual copies of the forms they use in their courts. In the district court, most forms are not uniform in content or format.

Ms. Bullen requested that the Management Committee refer this matter to the Policy and Planning Committee for further review with a report back to the Judicial Council. A concern was raised about the creation of a new committee to address the issue of forms. A suggestion was made that maybe the respective Boards could be the body to monitor and review forms for their court level.

Motion:

A motion was made by Judge Stirba to place this matter on the Council agenda for December 18, 1998, for a brief discussion and to set the matter in context and then refer the matter to the Policy and Planning Committee for further review. The motion was seconded by Judge Sandberg. The motion carried unanimously.

Motion:

A motion was made for members of the Management Committee to move into executive session. The motion was seconded and carried unanimously.

Motion:

A motion was made to move out of executive session. The motion was seconded and carried unanimously.

Following the executive session there was concern raised about the authority of traffic referees and the matter was more fully discussed among members of the Management Committee.

Adjourned:

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

Minutes Policy and Planning Committee

Administrative Office of the Courts
December 3, 1998

Members Present

Hon. Robert Braithwaite, Chair
Hon. Ronald Hare
Hon. Scott Johansen
Mr. Steven Kaufman

Staff Present

George Berkley
Holly Bullen
Barbara Hanson
Tim Shea

1. The committee reviewed proposed changes to the human resource policies. The proposed changes were approved for consideration by the Council with the following exceptions:

- ◇ Policy 300.03, Subparts 5.2 and 5.3. The HR Policy Advisory Committee will review further to determine whether these provisions are duplicative.
- ◇ Policy 430.01, Subpart 2.2.1 The HR Policy Advisory Committee will review further to determine what coverage may be purchased.
- ◇ Policy 410.01. The HR Policy Advisory Committee will review the purpose statement further to determine compliance with the Americans With Disabilities Act.

2. The committee reviewed proposed changes to the record retention schedule. After a presentation by staff and considerable questioning and debate, the committee directed staff to review the proposal with the objectives of simplifying the organization and addressing the concerns raised by the committee. Because of the pressing need for new record retention policies, this item will be reviewed at the January meeting.

3. The committee agreed to the following meeting schedule. All meetings are from 12:00 to 2:00 at the AOC unless otherwise indicated.

January 8, Sandy Courthouse
February 12, Farmington Juvenile Court
April 9
May 14
June 11
August 13, Provo Juvenile Court
September 10
October 25, in conjunction with the Council meeting in Kanab
November 12
December 10

Newton's copy

INTERLOCAL AGREEMENT FOR JUSTICE COURT SERVICES

THIS AGREEMENT is made and entered into by and between NEWTON TOWN, a Utah municipal corporation, hereinafter referred to as "Newton", and AMALGA TOWN, a Utah municipal corporation, hereinafter referred to as "Amalga".

WITNESSETH:

WHEREAS, Newton has authorized and operated a municipal justice court for many years; and

WHEREAS, state law requires that in order for a justice court to continue in existence, the sponsoring municipality has to take steps for the Court to be certified by the Justice Court Standards Committee of the Utah Administrative Office of the Courts as meeting the operational standards/requirements of the Utah Judicial Council; and

WHEREAS, the Newton Town Council has determined to and does meet the referenced operational standard/requirements and now has a certified justice court and Amalga does not have a justice court, with citations for offenses occurring within its boundaries and other appropriate matters having been referred to the Smithfield City Justice Court; and

WHEREAS, Amalga would prefer that citations and other appropriate matters which have previously been referred to the Smithfield City Justice Court be referred to the Newton Town Justice Court under the Interlocal Co-Operation Act, an Amalga Department in said justice court to be established by contract with Newton; and

WHEREAS, Newton is willing to enter into such a contract with Amalga, with both parties desiring to formalize the agreement between them by this document.

NOW, THEREFORE, in consideration of the mutual terms and conditions contained herein, the parties hereto do hereby agree as follows:

1. This Agreement is made and entered into pursuant to the authority granted to the parties by the Utah Interlocal Cooperation Act as set forth in Chapter 13, Title 11, Utah Code Annotated, 1953 as amended, and Section 10-1-202, Utah Code Annotated, 1953 as amended.

2. This Agreement has been determined to be in the best interests of Amalga and to promote its general welfare, and Newton

has agreed to provide Justice Court Services as herein outlined, so as to lend assistance to Amalga, for the stated reasons.

3. There is hereby established an Amalga Town Department in the Newton Town Justice Court ("Court") which shall have full authority and shall be subject to all requirements of law, as set forth in Section 78-5-101 et. seq., Utah Code Annotated, of 1953 as amended, as well as all other applicable provisions of state law.

4. This Court is established pursuant to the authority granted in Section 78-5-102(5), Utah Code Annotated, 1953 as amended.

5. The territorial jurisdiction of the Amalga Town Department created by this Agreement shall extend to the corporate limits of Amalga Town, Cache County, Utah. Appropriate law enforcement agencies shall be notified regarding the terms and provisions of this Agreement, once it is approved by the Town Councils of both parties and any other applicable agencies.

6. From the date of the final approval necessary, said law enforcement agencies shall be notified to refer all Amalga Town matters, as required by law, to the Newton Town Justice Court.

7. It is agreed between the parties that Newton shall provide the Justice Court Judge and the Justice Court facilities and personnel necessary in order to meet the operational standards/requirements for the Newton Town Justice Court and that the referenced Justice Court Judge shall hold court in Newton. Newton agrees to maintain the Justice Court in compliance with present and future operational standards/requirements as adopted and imposed by the Utah Judicial Council and/or other appropriate agencies.

8. Newton agrees that said court shall provide all services ordinarily provided by a municipal justice court, for both parties to this Agreement and shall provide, or cause to be provided, the necessary administrative services required for the reasonable and appropriate operation of said court, including records for auditing services.

9. As needs may require, or as standards or requirements may be imposed, Newton may, after reasonable notice to Amalga, and after discussion with the Town Council of Amalga, approve capital improvements which need to be made to provide Justice Court Services, and the parties shall mutually establish the contribution which shall be required of Amalga. Amalga agrees that it shall pay for its share of such costs within thirty (30) days after a statement for the same has been sent from Newton to Amalga. In this regard, Amalga agrees to pay all costs for docket and receipt books related to citations for Amalga.

10. The Newton Town Justice Court shall in all matters operate in accordance with and subject to the provisions of all applicable statutes, including those relating to jurisdiction for both civil and criminal matters, relating to the jurisdictional limits of the court, and all similar matters.

11. It is agreed that the Newton Justice Court Judge and the Clerk and other personnel of the Court shall keep separate records relating to the activities of the Court for Newton and to activities of the Court for Amalga. This shall include, but not necessarily be limited to, a separate docket book and a separate accounting for the fines and other monies received relating to and for the separate cities, in order that a distribution of the monies collected can be appropriately made and in order that accurate reports can be made to the respective Town Councils regarding the Justice Court work for each municipality.

12. The disposition of fines, surcharges and other forfeitures and monies collected by the Justice Court for Amalga Town cases shall be accounted for and remitted as required by Section 78-5-116, Utah Code Annotated, 1953 as amended, or as may be otherwise required by applicable law. In this regard, the percentage of all fines, surcharges, forfeitures and other revenues to be remitted to the State of Utah, Cache County, or an agency of either, shall be remitted as required by law. After all such fines, surcharges, forfeitures and other revenues have been remitted as required, then the balance shall be remitted fifty percent (50%) to Newton and fifty percent (50%) to Amalga.

13. The costs incurred for the day-to-day operation of the court, except as provided herein, shall be paid by Newton, with any reimbursement for the same to be considered as having been made to Newton through the percentage of the fines, forfeitures and other revenues which are to be allocated to Newton as noted above. Provided, however, that each Town shall be responsible for and pay all costs and expenses for fees payable to their respective Town Attorneys, jury fees, witness fees, indigent counsel fees (court appointed attorneys for Defendants) and all other costs and expenses directly associated with the handling of an offense charged under the ordinances of such Town, whether the charges are disposed of by a plea bargain, trial or otherwise.

14. It is understood, however, that inasmuch as this is the first such Agreement for either party, should the percentage of the fines, forfeitures and other revenues collected by the Justice Court for Amalga Town cases, and paid to Newton Town fail to cover Amalga's prorated portion of the operational costs plus any other amounts due, based on the ratio of cases referred to the Court from each municipality, then the parties to this Agreement agree that they will enter into good-faith negotiations in order that Newton be reasonably reimbursed in a mutually acceptable manner for Amalga's prorated portion of said costs, plus any other amounts

due, which would include the required education training, for which Amalga would be responsible for fifty percent (50%) of such costs.

15. This Agreement shall be for a term of one (1) year from July 1, 1998 to June 30, 1999. The Agreement may be extended by mutual agreement of both parties, subject to such modified terms as are agreed to. Either party may terminate its participation in this Agreement at any time upon the giving of not less than two (2) months' written notice which shall specify the date on which the termination or withdrawal shall be effective which date must be the last day of the month in which such withdrawal or termination is to be effective.

16. The parties agree to adopt such resolutions and take any required action as may be necessary and appropriate to carry into effect the terms of this Agreement.

17. Newton agrees to submit an annual, written report of the Justice Court's activities, including, but not necessarily limited to, the number and nature of the cases handled by the Court, the fines, forfeitures and other revenues received and the disbursements made, together with other information reasonably needed in order to advise both parties and allow them to meet their obligations under this Agreement. In addition, Newton agrees to provide to Amalga quarterly reports of its activities relating to Amalga Town matters and of the fines, forfeitures and other revenues received by the Court. The amount due to Amalga, based on said quarterly reports, and this Agreement, shall be forwarded to Amalga with the reports. Said annual report shall be prepared based on the term of this Agreement and shall be due by August 1, 1999; and the quarterly reports shall be due within thirty (30) days after the end of each quarter, the quarters ending September 30, 1998, December 31, 1998, March 31, 1999 and June 30, 1999.

18. This Agreement may not be amended except by subsequent written agreement of the parties.

19. This Agreement shall become effective as of July 1, 1998, after it has been approved by the Town Councils of both parties and any other applicable agency.

20. The undersigned representatives of the parties confirm their authority to execute this Agreement on behalf of their respective municipalities by reason of the approval of this Agreement by resolution of their respective City Councils.

21. Amalga shall pay all of the legal costs incurred for the preparation of this Agreement and related documents.

5

IN WITNESS WHEREOF, the parties have executed this Agreement, in duplicate, each of which shall be deemed an original, with the effective date being as noted herein.

NEWTON TOWN, a Utah Municipal Corporation

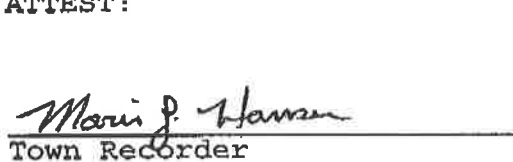
ATTEST:


Town Recorder

By 
Mayor
NEWTON

AMALGA TOWN, a Utah Municipal Corporation

ATTEST:


Town Recorder

By 
Mayor
AMALGA

OLSON & HOGGAN, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

L. BRENT HOGGAN
MILES P. JENSEN
BRUCE L. JORGENSEN
JAMES C. JENKINS
THOMAS L. WILLMORE
MARLIN J. GRANT
ROBERT B. FUNK
SHAUN L. PECK
—
OF COUNSEL:
BRAD H. BEARNSON, P.C.
—
CHARLES P. OLSON (1916-1975)

88 WEST CENTER
P.O. BOX 525
LOGAN, UTAH 84323-0525
TELEPHONE (435) 752-1551
TELEFAX (435) 752-2295

—
TREMONTON OFFICE:
123 EAST MAIN
P.O. BOX 115
TREMONTON, UTAH 84337-0115
TELEPHONE (435) 257-3885
TELEFAX (435) 257-0365

October 26, 1998

Mayor David P. Wood
AMALGA TOWN COUNCIL
8490 North 2400 West
Amalga, Utah 84335

Re: *Opinion Letter Regarding Certification
of Newton Municipal Justice Court for Amalga cases
Our File No. N-6919.01A*

Dear Mayor Wood and Town Council:

I have reviewed the requirements for the recertification of the Newton Town Municipal Justice Court, and my opinion letter to Mayor Jay Rigby dated September 25, 1995, which was prepared at the time the Newton Town Municipal Justice Court was last recertified. This opinion letter is being prepared in conjunction with obtaining approval for the Interlocal Agreement for Justice Court Services that has been executed by Amalga Town and Newton Town, whereby Justice Court Services will be provided for Amalga Town through the Newton Town Municipal Justice Court. This opinion letter has been required by the Administrative Office of the Courts, in order to obtain approval for the referenced Interlocal Agreement for Justice Court Services and the provision of Justice Court Services it contemplates.

I have spoken with Margot Summers, the Newton Town Justice Court Clerk, and based upon the anticipated average monthly filings of citations with the Newton Town Justice Court, for Amalga Town, when added to those filed with the Court for Newton, the Newton Justice Court will remain classified as a Class IV Justice Court. The Utah Judicial Council, pursuant to state statute, has set forth the operational standards and the minimum requirements for a justice court to adequately function as a Class IV Court. I have attached to this letter copies of the most recent statutory operational standards, minimum courtroom/office standards, and the Judicial Council's minimum operational standards/requirements for a Class IV Justice Court, I have received.

In reviewing the operational standards and requirements, it is my opinion that the Newton Town Justice Court meets all requirements concerning the judge, clerks and facilities. Also,

Mayor David P. Wood
AMALGA TOWN COUNCIL
October 26, 1998
Page 2

Amalga and Newton Towns meet, or will meet as required, all requirements concerning prosecution, indigent defense, legal resources, law enforcement, bailiff, jury/witness fees, education and reporting.

Based upon my review of the operational standards and minimum requirements, upon my discussions with the Court Clerk and Judge Barker and other appropriate Town officials, and upon my personal knowledge of the operation of the Newton Town Justice Court, together with the fact that the Court has been operating for many years now, it is my opinion that it is entirely feasible for Newton Town to maintain its Justice Court, and provide Justice Court services for Amalga Town pursuant to the referenced Justice Court Services Agreement. I anticipate that the services rendered will continue to be professional and that the Justice Court will be able to provide desired and satisfactory services to both Newton and Amalga Towns.

If I can be of further assistance concerning this approval process, do not hesitate to contact me.

Very truly yours,

OLSON & HOGGAN, P.C.


Bruce L. Jorgensen

BLJ/ms

cc: Margot Summers, Newton Justice Court Clerk
amalga/dwood.1

APPLICATION FOR NEW JUSTICE COURT

Name of Entity: Amalgam Town Corporation

Proposed Court Location: Newton Justice Court (already established)

Anticipated Level of the Court (Circle one):

I

II

III

IV

Anticipated average case filings per month: 10-15

Please attach a map which shows the boundaries of the proposed Court's jurisdiction. (The map should also show all Courts which are located within 25 miles of the location of the Court).

State the population within the jurisdiction of the proposed court according to the most recent figures. 435

List all law enforcement agencies which will be regularly involved in law enforcement within the jurisdiction of the proposed court.

Cache County Sheriff's Dept
Utah Highway Patrol

If the applicant has a law enforcement department, state the number of sworn law enforcement officers within the department.

- 0 -

If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services to the proposed Court.

Cache County Sheriff

List all existing Justice Court locations within 25 miles of the proposed Court:

<u>Name of Existing Court</u>	<u>Address</u>	<u>Miles from Location of Proposed Court</u>
<u>Newton Justice Court</u>	<u>Box 146, Newton, UT.</u>	<u>5-6</u>
<u>Smithfield J.C.</u>		<u>4-5</u>
<u>Riverton J.C.</u>		<u>8-9</u>
<u>Kearston J.C.</u>		<u>12</u>
<u>Clarkston J.C.</u>		<u>10</u>
<u>Logan J.C.</u>	<u>16</u>	<u>10</u>
<u>Hyrum J.C.</u>		<u>15-17</u>

Residing at: Victor Mink

Commission Expires:

May 7 2002

NOTE: Please find attached the Application for Certification. After a Court is approved and before the Court begins to operate, it will be necessary for the governing body of the entity which has requested certification to fill out the application and forward it to the Justice Court Standards Committee.

COURT CERTIFICATION AFFIDAVIT

Proposed Court Location: Newton Justice Court

Applicant: Amalgam Town

Address: 5974 N. 2400 W. Amalgam, Utah 84335

Telephone: Court- 425 563 9283

Level of Court (Circle one): I II III IV

Case Filings Per Month: 10-15 (New Pm) 10-15 (Amalgam)

Daily Court Hours: M-F 10-11 am 10-6-7 pm Thurs - 4-5 pm

Number of Full-time Clerks: # Hours Worked Per Week:

Number of Part-time Clerks: 1 # Hours Worked Per Week: 5 (Court)

This form is divided into two parts. Section I contains those requirements that are statutory and are not waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

Comes now David P. Wood
for Amalgam Town

_____, and,
except as specifically noted below, certifies as follows:

For each Court listed above, list the average number of cases filed each month during the most recent calendar year which would have been filed in the proposed Court, had the proposed Court been in operation.

10-15

If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the time requested. For each requested waiver, please indicate whether or not this application is conditioned upon receiving a waiver. Remember, those items which are statutory are not waivable (Numbers 1-16).

I am familiar with the minimum operational standards for a Justice Court. Enclosed please find a written opinion from our attorney Bruce Torjensen, advising the undersigned entity of all requirements for the creation and operation of a Justice Court, and the feasibility of this entity maintaining a Justice Court. Also, please find enclosed a resolution requesting certification for a new Court which resolution affirms that the undersigned entity is willing to meet all requirements for certification (except when the application is conditioned upon receiving a waiver) during the initial term of the proposed Court.

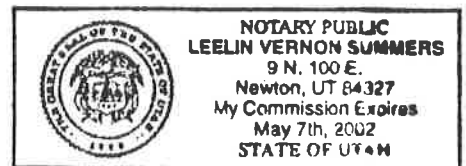
DATED this 28 day of Oct, 1996.

Amalga Toron
David P. Word
Title mayor

of October SUBSCRIBED AND SWORN to before me this 28th day

_____, 1998.

Leelin Vernon Summers
NOTARY PUBLIC



SECTION I

THE FOLLOWING TWELVE ITEMS ARE STATUTORY AND CANNOT BE WAIVED.
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.

Please indicate YES OR NO to each of the following:

1. Arrangements have been made so that all official court business will be conducted in a public facility. yes
2. Court will be open daily. yes
3. The hours of court operation will be posted conspicuously. yes
4. The judge and the clerk will be required to attend court at regularly scheduled times based on the level of the court. yes
5. The judge will be compensated at a fixed rate. yes
6. The responsible governmental entity will provide and compensate sufficient clerical personnel necessary to conduct the business of the court. yes
7. This entity will assume the expenses of the travel of the judge for purposes of required judicial education. yes
8. This entity will assume the expenses of the travel of the clerk for the purposes of attending training sessions conducted by the Judicial Council. yes
9. The responsible governmental entity will provide the Court with:
 - a. Sufficient prosecutorial support yes
 - b. Funding for attorneys for indigent defendants, as appropriate yes
 - c. Sufficient local law enforcement officers to attend court as provided by statute yes
 - d. Security for the court as provided by statute yes
 - e. Witness and juror fees yes

- f. A current copy of the motor vehicle laws of the state of Utah, appropriate copies of the Utah Code, the Justice Court manual, state laws affecting local governments, local ordinances and other necessary legal reference materials yes
10. Procedures have been adopted to insure that fines, surcharges and assessments which are payable to the state will be forwarded as required by law. yes
11. Court will be held within the jurisdiction of the court, except as provided by law (78-5-107). yes

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.

Please indicate YES OR NO to each of the following:

1. Arrangements have been made so that court will be open for at least one hour each day, or more as appropriate for the classification of the court. yes
2. Arrangements have been made so that the judge will be available to attend court and to conduct court business as needed. yes
3. Minimum furnishings in the courtroom have been provided, including:
 - a. Desk and chair for the judge yes
 - b. A six inch riser yes
 - c. Desk and chair for the Court Clerk yes
 - d. Chairs for witnesses yes
 - e. Separate tables and appropriate chairs for plaintiffs and defendants yes
 - f. A Utah State flag yes
 - g. A United States flag yes
 - h. A separate area and chairs for at least four jurors yes
 - i. A separate area with appropriate seating for the public yes
 - j. An appropriate room for jury deliberations yes
 - k. An appropriate area or room for victims and witnesses which is separate from the public yes
 - l. A judicial robe yes
 - m. A gavel yes
 - n. Current bail schedules yes

- o. A copy of the Code of Judicial Administration yes
- p. Necessary forms and supplies yes
- q. Office space for the judge yes
- r. Office space for the court clerk yes
- s. Secure filing cabinets yes
- t. Appropriate office supplies yes
- u. A cash register or secured cash box yes
- v. A typewriter or word processor yes
- w. Access to a copy machine yes
4. The appropriate number of clerks will be provided as determined by the approved classification of the court, and a clerk will be provided as needed during the time court is open each day during court sessions. yes
5. I am familiar with the minimum operational standards for this court, and except as noted below, those standards are currently in place and available to the court. yes

Any exceptions to the above are specifically set forth as follows:

DATED this 28 day of Oct, 1998.

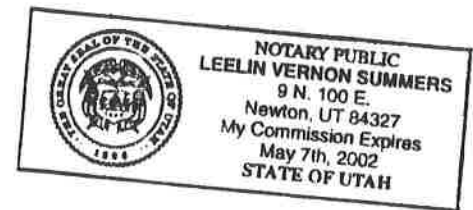
Donald P Wood
Title Mayor

SUBSCRIBED AND SWORN to before me this 28th day of
October, 1998.

Leelin Vernon Summers

NOTARY PUBLIC

Residing at: Newton Utah



Commission Expires:

May 7th 2002

RESOLUTION 98-

A RESOLUTION REQUESTING THE CERTIFICATION OF THE NEWTON JUSTICE
COURT FOR THE TOWN OF AMALGA

WHEREAS, the provisions of the U.C.A. 78-5-101 require that a proposed Justice Court must follow certain procedures in order to become a certified Justice Court; and

WHEREAS, the Newton Justice Court is an established court; and

WHEREAS, the members of the Amalga Town Council have received an opinion letter from Bruce Jorgensen, Town Attorney, which sets forth the requirements of a Justice Court and testifies that the Newton Justice Court is a certified court and meets these requirements; and

WHEREAS, the members of the Amalga Town Council have determined that it is in the best interests of Amalga Town to contract with the Newton Justice Court as the Municipality Justice Court for Amalga Town by the Justice Courts Standards Committee and Utah Judicial Council;

BE IT RESOLVED, the Amalga Town Council requests the certification of the Newton Justice Court as the legal Justice Court for Amalga Town by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED, that the Amalga Town Council of Amalga, Utah affirm their willingness to work with the Newton Town Council to meet all the requirements set forth by the Judicial Council for operation of the Newton Municipal Justice Court for the four year term of the court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this 28 day of Oct, 1998

Amalga Town
(Municipality)

by Mark P. Smith 7274
(Title)

ATTEST:

Deborah L. Smith

LAVERKIN CITY
111 SOUTH MAIN
LAVERKIN UT 84745
Voice 435-635-2581
Fax 435-635-2104

fax

to: Rick Schermer

fax #: 801-578-3843

from: Ethelyn Humphries

date: December 14, 1998

subject: Interlocal Agreement

pages: 6, including cover

notes: Judge Carr asked me to fax a copy of this agreement to you. Both Hurricane and LaVerkin's City Councils have approved the agreement. Please let me know if you need additional information.

**INTERLOCAL AGREEMENT PROVIDING FOR
HURRICANE/LAVERKIN JUSTICE COURT**

THIS AGREEMENT made this _____ day of _____, 19____, by and between the CITY OF LAVERKIN ("LaVerkin") and the CITY OF HURRICANE ("Hurricane"). The parties, each in consideration of the mutual promises and obligations assumed by the other, and for other good and valuable consideration, agree as follows:

Section 1. Interlocal Agreement for Establishment of Hurricane/LaVerkin Justice Court.

This agreement for establishment of the Hurricane/LaVerkin Justice Court is executed pursuant to resolution of each municipality and pursuant to Utah Code Ann. §§ 78-5-101 et seq. and 11-13-1 et seq.

Section 2. Purpose of Agreement.

This agreement is entered into in order to provide a Class II Justice Court for the municipalities to this agreement. Hurricane has a class II Justice Court which is certified to handle 201-500 filings per month. There are approximately 300 filings per month in the Hurricane Justice Court and LaVerkin expects that it will have 0-60

filings per month. That being the case, the municipalities desire to establish and certify a Class II Hurricane/LaVerkin Justice Court which will have jurisdiction over cases from the respective municipalities in accordance with Utah Code Ann. § 78-5-101 et seq.

The establishment of a Class II Hurricane/LaVerkin Justice Court will provide the efficient administration of justice of LaVerkin and Hurricane. It is understood that when filings in the Hurricane/LaVerkin Justice Court exceed 500 filings per month, the municipalities would be required to certify the Court as a Class I Justice Court pursuant to Utah Code Ann. § 78-5-101 et seq.

Section 3. Authorization.

Utah Code Ann. § 78-5-101 et seq. (specifically § 102 (4)) anticipates establishment of a justice court by interlocal agreement pursuant to the Interlocal Cooperation Act, Utah Code Ann. § 11-13-1 et seq.

Section 4. Courtroom facilities.

(a) Courtroom Location: The Hurricane/LaVerkin Courtroom shall be located in Hurricane Office Building which has adequate public access and is an appropriate setting for the Court.

(b) Courtroom Furnishings: The minimum furnishings for the Hurricane/LaVerkin Courtroom shall include: A desk and chair for the Judge (on a 6-inch riser), a desk and chair for the Court Clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah state flag a United States flag, a separate area and chairs for a least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate room or area for victims and witnesses which is separate from the public.

(c) Judicial Furnishings: The Judge shall have a judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

(d) Office Space: Office space for the Judge and Clerk, under certain circumstances that this space may be shared, but if shared, the Judge and Clerk must have priority to use the space whenever needed; the office space shall include a desk for the Judge and a desk for the Clerk, secure filing cabinets for the Judge and the Clerk, a telephone for the Judge and a telephone for the Clerk, appropriate office supplies to conduct Court business, a cash register or a secured cash box, a typewriter or word processor, and access to a copy machine.

(e) Legal Resources: The Hurricane/LaVerkin Justice Court shall contain current volumes of the Utah Code, LaVerkin and Hurricane Ordinances, Justice Court manual, Code of Judicial Administration, uniform bail schedule, and other legal resources under Utah Code Ann. § 78-5-109.

(f) Maintenance: Any of the items identified in Section 4(a)-(e), including utility and maintenance costs of the courtroom located in the Hurricane Office Building, not already present in the Hurricane Justice court will be furnished by Hurricane City.

Section 5. Appointment of Judge and Filling of Vacancies.

(a) Appointment: The Hurricane/LaVerkin Justice Court Judge shall be appointed by the Hurricane mayor and be confirmed by the Hurricane City Council. The applications for judge shall be reviewed by the Mayor of Hurricane and he/she shall appoint the best qualified candidate to office based solely upon fitness for office. If the appointing body, as defined in Section 5, Subsection (a), sentence 1, does not confirm the appointment within 30 days of submission, the Mayor of Hurricane may either appoint another of the applicants or re-open the vacancy by advertisement and solicitation of applications. The Hurricane/LaVerkin Justice Court Judge shall be considered for re-appointment after the appointing authority has considered whether the judge has been certified as meeting the evaluation criteria for judicial performance established by the Judicial council and any other factors deemed relevant by the appointing authority and pursuant to Utah Code Ann. § 78-3-21(4) and 78-5-134(6). The municipalities agree that the Hurricane Court Judge, Judge Richard D. Carr, is certified as a Class II Justice Court Judge and that he will be the judge for the Hurricane/LaVerkin Justice Court, subject to the requirements for reappointment. Utah Code Ann. § 78-5-134(5).

(b) Vacancy: When a vacancy occurs in the office of Justice Court Judge, the governing bodies of the municipalities shall advertise the vacancy and solicit applications for the vacancy and appointments shall be made in accordance with Section 5, Subsection (a).

(c) Eligibility: All justice court judges shall meet the eligibility requirements of Utah Code Ann. § 78-5-137 and Chapter 3, Title 53, regarding employment of relatives. Further, the justice court judge must be a resident of either LaVerkin or Hurricane.

(d) Temporary Judge: If the Hurricane/LaVerkin Justice Court Judge is absent or disqualified, the appointing authority may appoint another Justice Court Judge currently holding office within the County to serve as a temporary Justice Court Judge. A retired Justice Court Judge may also be appointed as a temporary Justice Court Judge under rule of the Supreme Court.

(e) Reporting: The names of all judges appointed, including those filling vacancies, must be reported to the Judicial Council pursuant to Utah Code Ann. § 78-5-134(4).

Section 6. Courtroom Officer.

A peace officer must be present at the Hurricane/LaVerkin Courtroom when required for security purposes. Hurricane shall be responsible all costs of providing said officer.

Section 7. Prosecution.

(a) Attorneys: Appropriate screening and prosecution shall be performed by the City Prosecutors for each municipality and, where necessary, by the County Attorney's Office as provided in Utah Code Ann. § 78-5-111.

(b) Juror and Witness Fees: Each municipality shall pay for the statutory juror and witness fees arising from actions prosecuted by that municipality.

(c) Indigent Defendant: Each municipality shall maintain a system of providing for and funding of indigent defense counsel where requested and warranted.

Section 8. Compensation and Training Costs

(a) Compensation: The Hurricane/LaVerkin Justice Court Judge shall be compensated as set forth by contract signed by the Mayor of Hurricane and attested to by the City Recorder. Hurricane shall be responsible all compensation costs.

(b) Training: Each year, the Justice Court judge must attend continuing education classes conducted by the Judicial Council and the costs of his attendance, including expenses of travel, meals, and lodging will be Hurricane City's responsibility.

(c) Clerical Training: Clerical Personnel of the Hurricane/LaVerkin Justice Court are required to attend training sessions conducted by the Judicial Council and costs of travel and training expenses shall be Hurricane City's responsibility.

Section 9. Annual Reports.

Utah Code Ann. § 78-5-101 et seq. Requires the filing of reports and audits in a timely manner. The municipalities agree to cooperate in making said reports and audits.

Section 10. Term.

The Judicial Council certifies justice courts for a term of four years and thereafter, justice courts must be re-certified for an additional four-year term. Therefore, the term of this agreement shall be for the remainder of the current four-year certification period and thereafter shall be renewed automatically for four-year terms commencing with the expiration of the original term of certification, with the same terms and conditions as set forth in this agreement or any amendment to this agreement, unless either municipality, at least 60 days before March 1 of each year, gives written notices to the other of intention to terminate this agreement.

Section 11. Section Headings.

The section headings appearing in this agreement are for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit, or extend the scope or intent of the clause to which they appertain.

Section 12. Severance Clause.

If any one or more sections, sentences, clauses or parts of this agreement shall, for any reason, be questioned or held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this agreement, but shall be confined in its operation to the specific section, sentences, clauses or parts of this agreement so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause or part of this agreement in any one or more sentences shall not affect or prejudice in any way the applicability and validity of this agreement in any other instances.

Section 13. Payment

LaVerkin agrees to pay Hurricane City \$250.00 per month due upon the 10th day of each month. Hurricane City shall be responsible for all costs, including judge's and clerk's salary, related to the operation of the Hurricane/LaVerkin Justice Court as identified in this agreement.

Section 14. Disposition of Fines.

(a) LaVerkin Prosecutions Generally: In actions prosecuted by the City of LaVerkin for matters arising within its jurisdiction, one-fourth ($\frac{1}{4}$) the fines and forfeitures collected shall be remitted to the treasurer of Hurricane as the local government responsible for the Court and three-fourths ($\frac{3}{4}$) to the Treasurer of LaVerkin which is the local government prosecuting the violation.

(b) Special Proceedings: In the following proceedings prosecuted by the City of LaVerkin for matters which arise within its jurisdiction, the fines and forfeitures collected shall be remitted as follows:

(1) Title 23: For a violation of Title 23, the Court shall allocate 85% to the Division of Wildlife Resources and 12.75% to Hurricane and 2.25% to LaVerkin.

(2) Surcharge: The surcharge established by Utah Code Ann. § 63-63a-1 shall be paid to the State treasurer.

(3) Title 27: Fines, fees, court costs and forfeitures collected by the Hurricane/LaVerkin Justice Court for violation of Utah Code Ann. §§ 27-12-151 or 27-12-154 regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the State Treasurer and distributed under the Class B and C Road Account.

(a) Revenue deposited in the Class B and C Road Account pursuant to this Section is supplemental to the money appropriated under Utah Code Ann. § 27-12-127 which shall be expended in the same manner as other Class B and C Road funds.

Section 15. Revision; Adjustment; Modification.

Each March 1, caseload and expenses of the Hurricane/LaVerkin Justice Court shall be reviewed and this agreement modified, if necessary, to reflect the proportionate share of cost to be borne by each party in relation to the costs of operation of this court.

This agreement can only be revised, amended, or modified by written agreement of the parties.

Section 16. Total Agreement; Binding Effect; Applicable Law.

This agreement constitutes the entire agreement between the parties relating to the subject of this agreement. The covenants and agreements contained in this agreement shall be binding on their respective successors and assigns. In the event of any judicial proceeding in connection with this agreement, the prevailing party shall be entitled to recover expenses, costs, and reasonable attorney's fees from the non-prevailing party. This agreement shall be interpreted in accordance with Utah law, specifically, Utah Code Ann. § 78-5-101 et seq. And any amendments thereto.

CITY OF LAVERKIN

Douglas B. Wilson, Mayor

ATTEST:

Ethelyn Humphries, City Recorder

APPROVED:

V. Lowery Snow
LaVerkin City Attorney

CITY OF HURRICANE

Douglas R. Garner, Mayor

ATTEST:

Hurricane City Recorder

APPROVED:

Fay E. Reber
Hurricane City Attorney

APPLICATION FOR NEW JUSTICE COURT

Name of Entity: LAVERKIN CITY

Proposed Court Location: HURRICANE JUSTICE COURT

147 N 870 W HURRICANE UT 84737
Anticipated Level of the Court (Circle one):

I

II

III

IV

Anticipated average case filings per month: 0-60

Please attach a map which shows the boundaries of the proposed Court's jurisdiction. (The map should also show all Courts which are located within 25 miles of the location of the Court).

State the population within the jurisdiction of the proposed court according to the most recent figures. 3,000

List all law enforcement agencies which will be regularly involved in law enforcement within the jurisdiction of the proposed court.

CITY DEPUTY

WASHINGTON COUNTY SHERIFF'S DEPARTMENT

UTAH HIGHWAY PATROL

If the applicant has a law enforcement department, state the number of sworn law enforcement officers within the department.

N/A

If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services to the proposed Court.

WASHINGTON COUNTY SHERIFF'S DEPARTMENT

List all existing Justice Court locations within 25 miles of the proposed Court:

<u>Name of</u> <u>Existing Court</u>	<u>Address</u>	<u>Miles from Location</u> <u>of Proposed Court</u>
<u>HURRICANE JUSTICE COURT</u>	<u>HURRICANE CITY</u>	<u>-0-</u>

For each Court listed above, list the average number of cases filed each month during the most recent calendar year which would have been filed in the proposed Court, had the proposed Court been in operation.

TEN (10)

If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the time requested. For each requested waiver, please indicate whether or not this application is conditioned upon receiving a waiver. Remember, those items which are statutory are not waivable (Numbers 1-16).

I am familiar with the minimum operational standards for a Justice Court. Enclosed please find a written opinion from our attorney V. LOWRY SNOW, advising the undersigned entity of all requirements for the creation and operation of a Justice Court, and the feasibility of this entity maintaining a Justice Court. Also, please find enclosed a resolution requesting certification for a new Court which resolution affirms that the undersigned entity is willing to meet all requirements for certification (except when the application is conditioned upon receiving a waiver) during the initial term of the proposed Court.

DATED this 18TH day of NOVEMBER,
~~XXXXXX~~ 1998.

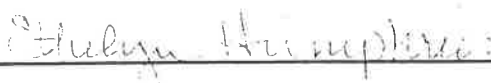


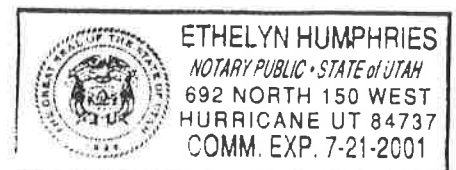
DOUGLAS B. WILSON

Title LAVERKIN CITY MAYOR

SUBSCRIBED AND SWORN to before me this 18TH day
of

NOVEMBER, 1998.


NOTARY PUBLIC



Residing at: HURRICANE UTAH

Commission Expires:

7/21/2001

NOTE: Please find attached the Application for Certification. After a Court is approved and before the Court begins to operate, it will be necessary for the governing body of the entity which has requested certification to fill out the application and forward it to the Justice Court Standards Committee.

COURT CERTIFICATION AFFIDAVIT

Proposed Court Location: 147 N 870 W HURRICANE UT 84737

Applicant: LAVERKIN CITY

Address: 111 SOUTH MAIN
LAVERKIN UT 84745

Telephone: 435-635-2581

Level of Court (Circle one): I II III IV

Case Filings Per Month: 0-60

Daily Court Hours: 8 HOURS

Number of Full-time Clerks: 1 # Hours Worked Per Week: 40

Number of Part-time Clerks: 1 # Hours Worked Per Week: 20

This form is divided into two parts. Section I contains those requirements that are statutory and are not waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

Comes now JUDGE RICHARD D CARR,

for HURRICANE CITY JUSTICE COURT

_____ and,

except as specifically noted below, certifies as follows:

SECTION I

THE FOLLOWING TWELVE ITEMS ARE STATUTORY AND CANNOT BE WAIVED.
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.

Please indicate YES OR NO to each of the following:

1. Arrangements have been made so that all official court business will be conducted in a public facility. YES
2. Court will be open daily. YES
3. The hours of court operation will be posted conspicuously. YES
4. The judge and the clerk will be required to attend court at regularly scheduled times based on the level of the court. YES
5. The judge will be compensated at a fixed rate. YES
6. The responsible governmental entity will provide and compensate sufficient clerical personnel necessary to conduct the business of the court. YES
7. This entity will assume the expenses of the travel of the judge for purposes of required judicial education. YES
8. This entity will assume the expenses of the travel of the clerk for the purposes of attending training sessions conducted by the Judicial Council. YES
9. The responsible governmental entity will provide the Court with:
 - a. Sufficient prosecutorial support YES
 - b. Funding for attorneys for indigent defendants, as appropriate YES
 - c. Sufficient local law enforcement officers to attend court as provided by statute YES
 - d. Security for the court as provided by statute YES
 - e. Witness and juror fees YES

- f. A current copy of the motor vehicle laws of the state of Utah, appropriate copies of the Utah Code, the Justice Court manual, state laws affecting local governments, local ordinances and other necessary legal reference materials YES
10. Procedures have been adopted to insure that fines, surcharges and assessments which are payable to the state will be forwarded as required by law. YES
11. Court will be held within the jurisdiction of the court, except as provided by law (78-5-107). YES

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.

Please indicate YES OR NO to each of the following:

1. Arrangements have been made so that court will be open for at least one hour each day, or more as appropriate for the classification of the court. YES
2. Arrangements have been made so that the judge will be available to attend court and to conduct court business as needed. YES
3. Minimum furnishings in the courtroom have been provided, including:
 - a. Desk and chair for the judge YES
 - b. A six inch riser YES
 - c. Desk and chair for the Court Clerk YES
 - d. Chairs for witnesses YES
 - e. Separate tables and appropriate chairs for plaintiffs and defendants YES
 - f. A Utah State flag YES
 - g. A United States flag YES
 - h. A separate area and chairs for at least four jurors YES
 - i. A separate area with appropriate seating for the public YES
 - j. An appropriate room for jury deliberations YES
 - k. An appropriate area or room for victims and witnesses which is separate from the public YES
 - l. A judicial robe YES
 - m. A gavel YES
 - n. Current bail schedules YES

- o. A copy of the Code of Judicial Administration YES
- p. Necessary forms and supplies YES
- q. Office space for the judge YES
- r. Office space for the court clerk YES
- s. Secure filing cabinets YES
- t. Appropriate office supplies YES
- u. A cash register or secured cash box YES
- v. A typewriter or word processor YES
- w. Access to a copy machine YES
4. The appropriate number of clerks will be provided as determined by the approved classification of the court, and a clerk will be provided as needed during the time court is open each day during court sessions. YES
5. I am familiar with the minimum operational standards for this court, and except as noted below, those standards are currently in place and available to the court. YES

Any exceptions to the above are specifically set forth as follows:

**NOTE: LAVERKIN CITY WILL ENTER INTO A CONTRACTUAL AGREEMENT WITH
HURRICANE CITY FOR USE OF THEIR COURT FACILITIES AND JUDGE.**

DATED this 18TH day of NOVEMBER, 1998.



RICHARD D. CARR

Title JUSTICE COURT JUDGE

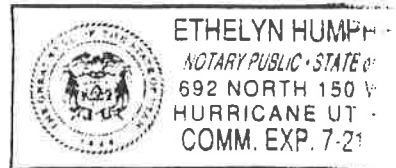
SUBSCRIBED AND SWORN to before me this 18TH day of
NOVEMBER, 1998.

Ethelyn Humphries
NOTARY PUBLIC

Residing at: HURRICANE UTAH

Commission Expires:

7/21/2001



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SNOW & JENSEN**
A PROFESSIONAL CORPORATION

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November 19, 1998

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Mayor and City Council
LaVerkin City
111 South Main
LaVerkin, Utah 84745

Opinion Letter

Dear Mayor and City Council Members:

This Opinion Letter is being rendered in accordance with your request and as required for certification of the LaVerkin Justice Court (the "Court").

LaVerkin City wishes to join with the justice court already operating in the City of Hurricane in accordance with the Interlocal Cooperation Act found in Utah Code Ann. § 11-13-1 et seq. The City of Hurricane Justice Court currently has approximately 250 to 300 filings per month, making it a Class II justice court according to Utah Code Ann. § 78-5-101.5. LaVerkin City projects that they will have approximately 0 to 60 filings per month, making their application one for a Class IV justice court.

According to the justice court requirements and standards set forth in Title 78, Chapter 5, of the Utah Code Annotated (1953, as amended) and requirements promulgated by the Judicial Council, in order for the justice court proposed for LaVerkin City to be certified as a Class IV Court it must meet or exceed the following applicable requirements:

1. The Court must have 0 to 60 filings per month. (opinion: As previously stated, the Hurricane Justice Court averages approximately 250 to 300 filings per month, and LaVerkin City projects that it will file from 0-60 filings per month).
2. The courtroom must be accessible to the public and the setting be conducive to the administration of justice, and court must be held in the appropriate jurisdiction. (opinion: The Court meets in the Hurricane City Building which has adequate public access and is an appropriate jurisdictional setting for the Court given its proximity to LaVerkin City).
3. Given the number of cases currently handled by the Hurricane Justice Court (250 to 300) and the number of projected case filings from LaVerkin (0 to 60) the Court must be open for at least five hours per day, the judge must be available when necessary and must attend court at regularly scheduled times, and the Court must have a weekly trial calendar. (opinion: The Court is open during Hurricane City Office hours each business day; Judge Richard D. Carr has scheduled court attendance every Wednesday and has always made himself available as needed and has agreed to make himself available to handle the additional cases brought by LaVerkin City; the Court conducts weekly

sessions and sets its trial calendar as the necessity for trial settings dictates).

4. The Court must have at least one clerk available during its open hours and at court sessions, who shall also attend the court at regularly scheduled times. (opinion: The Hurricane City Court Clerk is available during City Office hours and is always present during scheduled court sessions).
5. Given the number of filings per month, the Court shall be open at least five hours per day and the hours shall be posted conspicuously at the Court and in local public buildings of each municipality. (opinion: The Court is open eight hours a day; the creation of the Court requires posting of the Court's hours by each municipality; the City of Hurricane already posts such notices; LaVerkin has indicated that it will do so as well).
6. Any fine, surcharge, or assessment which is payable to the State or any entitled party shall be forwarded to the State or the appropriate party within the time limits set and as otherwise described in Utah Code Ann. §§ 78-5-135 and 78-5-126. (opinion: Methods of money disbursement already in place in the Hurricane Justice Court satisfy the statutory requirements; additionally, LaVerkin City has indicated its willingness to cooperate with the City of Hurricane for the appropriate disbursement of funds, as further evidenced by the 'Disposition of Fines' section of the Interlocal Agreement).
7. The municipalities must provide for sufficient public prosecutors including, where necessary, prosecution provided by the County Attorney's Office as described in Utah Code Ann. §78-5-111. (opinion: The procedure for prosecution in the Hurricane Justice Court is already well established, and should continue to be followed).
8. Each municipality must have a system of providing and funding indigent defense counsel where requested and warranted. (opinion: The City of Hurricane has a system for providing for and funding of indigent defense counsel where a defendant qualifies for indigent counsel and LaVerkin City has accepted the responsibility to do the same).
9. The Court must contain current volumes of the Utah Code, local ordinances, Justice Court manual, Code of Judicial Administration, uniform bail schedule, and other legal resources under Utah Code Ann. §78-5-109. (opinion: The Court has these required legal resources available and current with the possible exception of LaVerkin City Ordinances, which LaVerkin should supply to the Court).
10. Each municipality must employ or contract with at least one peace officer for law enforcement purposes. (opinion: The City of Hurricane clearly exceeds this requirement and LaVerkin City has contracted with the Washington County Sheriff's Office for one officer to provide law enforcement to the city).
11. A peace officer must be provided to the courtroom when required for security purposes. (opinion: The Court currently has at least one peace officer attending each court session and LaVerkin City has indicated its willingness to work with the City of Hurricane to see that the Court continues to have at least one peace officer to attend

each court session).

12. Each municipality must pay for statutory juror and witness fees. (opinion: It has been routine for the City of Hurricane to pay for statutory jury and witness fees and LaVerkin City has accepted the responsibility to comply with this requirement).
13. Costs for attendance at judicial council training must be furnished by the municipalities creating the justice court. (opinion: It appears that Hurricane City has routinely furnished the cost for attendance at judicial council trainings; LaVerkin and Hurricane City in their Interlocal Agreement have arranged for continuing payment of these expenses).
14. Each entity creating a justice court shall assume the cost of travel and training expense of clerical personnel at training sessions conducted by the Judicial Council. (opinion: The City of Hurricane and LaVerkin City have by interlocal agreement jointly arranged for the costs of travel and training expenses of the Court's clerical personnel).
15. Every entity creating a court shall compensate the clerical personnel and judge for conducting the business of the court. (opinion: The City of Hurricane and LaVerkin City have entered into a cost-sharing arrangement to pay for the clerical personnel and judge's compensation).
16. The minimum furnishings for a courtroom should include: a desk and chair for the judge (on a 6-inch riser), a desk and a chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah state flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public. (opinion: The Court currently has these minimum required furnishings and LaVerkin City has indicated its willingness to cooperate in seeing that the Court will at all times maintain these minimum furnishings).
17. The judge must have a judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration and necessary forms and supplies. (opinion: The Hurricane City Justice court has these referenced materials and LaVerkin City has indicated its willingness to cooperate in seeing that the Court will continue to have these materials supplied).
18. Given the number of filings per month and the fact that the Hurricane Justice Court is a class II justice court, the office configuration must be fixed with judge's chambers, clerk's office and courtroom all in one building. Office space for the judge and clerk must include separate chambers for the judge, not shared with the clerks. There must be at least 1.5 full time clerical employees. The office space shall include a desk for the judge and desks for the clerks, secure filing cabinets for the judge and the clerks, a telephone for the judge and a telephone for the clerks, appropriate office supplies to conduct court business, a cash register or a secured cash box, a typewriter or word processor, and access to a copy machine. (opinion: The Hurricane Justice Court is in a fixed location with the courtroom, judge's chambers, and clerical office all in one building. The judge has separate chambers, and there is one full-time and one part-time clerk. It is our opinion that the Court has maintained the necessary

office space and supplies and LaVerkin City has indicated its willingness to cooperate in seeing that such office space and supplies are maintained for the Court).

19. All reports and audits must be made and filed in a timely manner as required by Utah Code Ann. §78-5-130 (opinion: It is our opinion that this has been routinely done in the Court and LaVerkin City has indicated its willingness to cooperate in compiling all necessary reports and audits for the Court).
20. A Court security plan must be submitted consistent with C.J.A. Rule 3-414. (opinion: The Hurricane Justice Court has implemented and submitted a plan pursuant to the Rule).

In light of LaVerkin City and the City of Hurricane's populations, potential and actual case filings, public convenience in the use of the currently operating Hurricane Justice Court, availability of law enforcement agencies and court support services pertaining to the justice court, and the proximity of the Hurricane Justice Court to LaVerkin City, it is our opinion that it is appropriate that a Hurricane/LaVerkin City Justice Court should be established.

Furthermore, it is our opinion that the Interlocal Agreement between Hurricane and LaVerkin regarding the Justice Court adequately provides for the necessary requirements for creation of a justice court according to Utah law.

Please feel free to contact our office if you have any questions regarding this Opinion Letter or if any of its contents need to be clarified or explained.

Very truly yours,

SNOW & JENSEN, P.C.



V. Lowry Snow
R. Daren Barney

VLS-RDB/dlo
pc: Fay E. Reber, Hurricane City Attorney

RESOLUTION NO. 98-18

RESOLUTION PROVIDING FOR INTERLOCAL
AGREEMENT BETWEEN LAVERKIN
CITY AND THE CITY OF HURRICANE
FOR ESTABLISHMENT OF A JUSTICE COURT
TO SERVE BOTH MUNICIPALITIES

WHEREAS, the LaVerkin City desires to establish a justice court pursuant to Utah Code Ann. § 78-5-101 et seq.; and

WHEREAS, the City of Hurricane has an established and certified Justice Court; and

WHEREAS, Utah Code Ann. § 78-5-101 et seq. anticipates municipalities establishing justice courts pursuant to Chapter 13, Title 11, Interlocal Co-operation Act; and

WHEREAS, the City of Hurricane and the LaVerkin City desire to enter into an interlocal agreement for establishment of a Justice Court to serve both municipalities.


NOW, THEREFORE, IT IS HEREBY RESOLVED,

That LaVerkin City shall enter into a contract with the City of Hurricane for the establishment and certification of a Justice Court to serve LaVerkin City and the City of Hurricane.

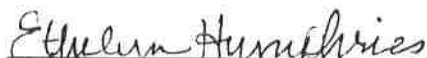
PASSED AND ADOPTED, by majority vote of the Governing Body, this 18TH day of NOVEMBER, 1998.

CITY OF LAVERKIN

By:


Douglas B. Wilson, Mayor

ATTEST:


Ethelyn Humphries, City Recorder

JUDICIAL CONDUCT COMMISSION

SUMMARY OF CASES DISMISSED AFTER A "PRELIMINARY REVIEW"

December 14, 1998

During the past several weeks, the Judicial Conduct Commission dismissed the following complaints after a "preliminary review:"¹

1. A criminal defendant accused a judge of prejudice for incarcerating her when she failed to appear for a scheduled hearing. This complaint was dismissed because it involved legal questions outside the Commission's jurisdiction² and also because there was credible evidence that the complainant received adequate notice to appear at the hearing.

2. A litigant in a custody proceeding accused a judge of prejudice for refusing to allow the proceedings to be transferred to California. The complainant also claimed the judge was "abrupt" and "rude." This complaint was dismissed because it involved legal questions outside the Commission's jurisdiction and also because the hearing transcript failed to substantiate the allegation that the judge was impatient or discourteous.

3. A criminal defendant complained that a judge was prejudiced against him and should have entered a disqualification because of the judge's alleged close relationship with one of the lawyers in the case. This complaint was dismissed because the Commission determined that the personal relationship between the judge and the lawyer was not one which required

¹In a "preliminary review," the Commission's investigators interview complainants, review dockets and other documents, and may interview persons who have knowledge of the facts underlying the complaint. If the Commission dismisses a complaint after a preliminary review, the judge does not receive a copy of the complaint.

²"The offenses that subject a judge to discipline should be defined in such a way as to minimize the potential for overlap between the judicial conduct machinery and the appeal process. For it is worth emphasis that a judge has not behaved improperly simply because he has committed an error. As we noted earlier, the entire appellate process is in place because it is expected that judges will err occasionally, at least in the eyes of the appellate courts. This does not mean that they are not functioning properly as judges, only that they are human beings functioning within a human institution where different people can see things differently. The Judicial Conduct Commission process cannot legitimately have as a purpose the punishment of those who commit legal error; rather, it must concern itself only with those who behave outside the ethical norms set for judges, and the constitution and implementing statutes and rules must be so construed." *In re Worthen*, 926 P.2d 853, 868 (Utah 1996).

disqualification under Canon 3E of the Code of Judicial Conduct.³

4. A litigant in a divorce case accused a judge of (1) having an *ex parte* communication with opposing counsel; (2) failing to provide adequate notice of a hearing on an order to show cause; and (3) failing to accord her full opportunity to be heard. This complaint was dismissed because (1) the allegation that the judge had an *ex parte* conversation with opposing counsel could not be substantiated; (2) there was credible evidence that the complainant received adequate notice of the order-to-show-cause hearing; and (3) there was credible evidence that the complainant was accorded full opportunity to be heard--she voluntarily appeared *pro se* and did not request a continuance to obtain counsel.

³Canon 3E of the Code of Judicial Conduct requires a judge to enter a disqualification "in a proceeding in which the judge's impartiality might reasonably be questioned, including . . . instances where . . . the judge has a personal bias or prejudice concerning a party or a party's lawyer" Ethics Advisory Opinions 96-2 and 98-14 require a judge to enter a disqualification "in proceedings involving an employee of the judge's district." Opinion 96-2, issued June 26, 1996, at 2.


Administrative Office of the Court

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Chair Utah Judicial Council

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MEMORANDUM

TO: JUDICIAL COUNCIL

FROM: D. MARK JONES 

REF: ACCIDENT FEE, UNIFORM FINE & BAIL SCHEDULE

DATE: DECEMBER 15, 1998

Some of you may recall that during the Judicial Council's September meeting the Uniform Fine and Bail Schedule Accident Fee of \$30.00 was deleted. Judge Kent Nielsen made the proposal on the fact that it wasn't required by statute and that the fee is an additional burden on a person involved in an automobile accident.

After discussing the ramifications with Debbie Thurman and Judge West, Chair of the Uniform Fine and Bail Schedule Committee, I am recommending that the accident fee be reinstated in the schedule since deleting the \$30.00 Accident Fee is very complex and involves major changes in the CORIS information system. Furthermore, not having an accident fee could possibly affect general fund revenues to the tune of almost \$400,000. I would further recommend that the Uniform Fine and Bail Schedule Committee study this issue at its next meeting after the 1999 legislative session.

Administrative Office of the Court

Chief Justice Richard C Howe
Chair Utah Judicial Council

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December 4, 1998

Honorable R. Lane Beattie
President, Utah Senate

Honorable Melvin R. Brown
Speaker, Utah House of Representatives

Honorable Martin R. Stephens
Speaker-elect, Utah House of Representatives

Dear President Beattie, Speaker Brown and Speaker-elect Stephens:

The Judicial Council met last week and considered further the issues raised in your earlier letter. (As before, neither Chief Justice Howe nor Justice Russon participated in that discussion.) While the Supreme Court is the final voice in cases and controversies presented for judicial determination in the state, it is the Judicial Council which is the administrative and policy making body for the Utah judiciary. We each have separate roles and we each adhere carefully to those roles.

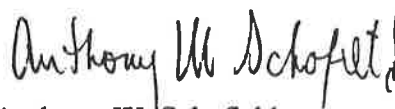
As the policy making body, the Judicial Council has given careful consideration to the relationship between the branches of government, particularly in light of the recent decision of *In Re Young*. Like you, we are concerned about the impact of that decision on mixed boards and committees and we are concerned about the discontinuation of legislative participation on the Judicial Conduct Commission. We addressed and took action on both of these issues in our recent meeting. I would like briefly to report on that action and to solicit a discussion with you concerning these issues.

As I expressed earlier, while we disagree with the broad reading of the *Young* decision on mixed board membership set forth in your letter, we agree that as branches of government we need clarification and more direction from the Court as to what mixed membership is permissible. Because the pattern of interbranch service on boards and committees has served the citizens of Utah so very well in a wide variety of circumstances, we would argue that as much mixed participation as possible should be permitted. To that end the Council has filed an application to participate as amicus in the Court's rehearing of the *Young* case.

The Council also considered legislative participation on the Judicial Conduct Commission. As a matter of policy, the Council unanimously agreed that direct participation of legislators on the Commission serves the public interest and that we should work cooperatively with the legislature to find a mechanism by which this can be reinstated.

Given these actions by the Council, we believe it productive to talk about how legislative participation on the Commission can best be accomplished. I suggest that representatives of the Judicial Council meet with you and any other legislative representatives you think helpful to discuss these issues. With the legislative session fast approaching and the judicial process also moving quickly, I hope that we can meet as soon as our schedules will allow.

Sincerely,

A handwritten signature in black ink, reading "Anthony W. Schofield". The signature is written in a cursive, slightly slanted style.

Anthony W. Schofield,
District Judge and
Vice Chair, Judicial Council

cc: Honorable Michael O. Leavitt
Governor
Fran Wikstrom, Chair, Judicial Conduct Commission
Utah Judicial Council

IN THE SUPREME COURT OF THE STATE OF UTAH

In re:

Inquiry Concerning a Judge,
the Honorable David S.
Young District Judge

No. 970032

**AMICUS BRIEF OF THE UTAH JUDICIAL COUNCIL
AND THE ADMINISTRATIVE OFFICE OF THE COURTS**

**REVIEW OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER OF THE JUDICIAL CONDUCT COMMISSION**

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INTRODUCTION

These proceedings involve the review of findings of fact and conclusions of law of the Judicial Conduct Commission. Pursuant to Rule of Appellate Procedure 25 and the Supreme Court's December 3 order, Utah Judicial Council and Administrative Office of the Courts were permitted to participate as amicus curiae. This brief is submitted solely to address the mixed boards question. Amicus seek a standard by which they can determine whether judges may serve on boards formed by the other branches and whether positions on their committees may be occupied by members of the other two branches. Under Rule of Appellate Procedure 24(a)(11), no addendum is necessary.

ARGUMENT

I. This Court should provide guidance on whether the branches of government may form mixed boards.

Although the original facts of this case do not involve bodies other than the Judicial Conduct Commission, it is within this Court's authority to provide guidance to the three branches of government on how this decision may affect other commissions and governmental bodies. Precedent for such guidance is found in Keller v. Southwood North Medical Pavilion, Inc., 959 P.2d 102 (Utah 1998). In Keller the Court was required to determine whether a leasehold interest

existed for purposes of applying the forcible entry statute. The Court determined that a leasehold did not exist. The Court went on to state that “[f]or the benefit of the bench and bar, we think it useful to address whether the forcible entry statute would apply if . . . a valid leasehold interest [had existed].” *Id.* at 108. The Court then provided an opinion on that issue, even though the opinion did not affect the parties to the case. The Court should similarly be able to address an issue that will be of benefit to the three branches of government.

It is also important that the Court address this issue in the context of the pending case. As evidenced in the amicus curiae brief of the legislative members of the Judicial Conduct Commission, the July 10 opinion is being interpreted as calling into question the constitutionality of all mixed boards. The Legislature has begun the process of refining the appointment and membership of mixed boards and commissions to coincide with their core functions and it has asked the officers of the executive and legislative branches to do the same. *See* Appendix S, Amicus Curiae Brief of Legislative Members of Judicial Conduct Commission. Although the Judicial Council and the Administrative Office of the Courts do not agree with the strict interpretation of the July 10 opinion, they share the concern that actions taken in response to the opinion will adversely affect the relations between the branches of government. A clarifying opinion from this Court may

help the branches resolve these issues in a positive manner.

II. Separation of powers doctrine recognizes functions that do not belong solely to one branch.

A. The Utah Constitution recognizes the existence of shared functions.

“The doctrine of separation of powers is the control gate harnessing the reservoir of powers of a government which functions at the will of the people.”

Timpanogos Planning and Water Management Agency v. Central Utah Water Conservancy Dist., 690 P.2d 562, 565 (Utah 1984). Separation of powers is not designed to “promote efficiency” of government operations. Id. Its purpose is “to preclude the exercise of arbitrary power.” Id.

Article V, section I recognizes powers “properly belonging” to each branch of government as well as “functions appertaining” to each branch.¹ The framers of the Utah Constitution assigned powers to each of the three branches and wisely determined that members of one branch could not exercise any function that belonged to another branch. In Taylor v. Lee, 226 P.2d 531 (Utah

¹ The full text of Article V, Section 1 is as follows:

The powers of the government of the State of Utah shall be divided into three distinct departments, the Legislative, the Executive, and the Judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

1951) the Court stated a belief “that what the members of the Constitutional Convention intended when they spoke of the powers properly belonging to each department were those powers which were so inherently legislative, executive or judicial in character that they must be exercised exclusively by their respective departments.” Id. at 537. In addition to those powers properly belonging to one branch, the Court stated that “the members of the Constitutional Convention must have considered that there were powers which were not so inherently a part of one department that other departments would be forever precluded from exercising those which were necessary to a proper functioning of that particular department.” Id. at 536. Thus was the genesis of a doctrine that recognizes constitutional functions that do not belong to any one branch of government, but are shared by two or more branches.

B. Shared functions are those which are not “primary” to one branch of government.

The concept of shared functions results from an evolving perception of state government. The Timpanogos court stated that the

classical concept of the [separation of powers] doctrine, in its ascent during the second half of the nineteenth century, considered the **functions** appropriate to each of the three branches of government vested in a separate body of public servants. Perfection of the system under that view required the dividing lines to be broadly and clearly defined.

Timpanogos at 567 (emphasis in original). The court recognized that the “language of Utah Constitution article V, section 1 reflects the classical view of its time: one governmental branch is precluded from exercising **functions** properly belonging to another.” Id. (emphasis in original).

The Timpanogos court recognized that the separation of powers doctrine has evolved over time. The court stated that “as our state government has evolved, so has the concept of how broadly the lines of separation remained. We believe the policy sound that focuses on separate **primary functions**.” Id. (emphasis in original). The Court thus recognized that each branch has certain primary functions which remain separate and distinct, while there are other functions that are not distinct, but are shared by each branch.

C. Shared functions do not “appertain to” one branch of government.

In Matheson v. Ferry, 641 P.2d 674 (Utah 1982) (Matheson I) the court held that the legislature could constitutionally share in the judicial appointment process by selecting members of the judicial nominating commissions. This holding was discussed in Matheson v. Ferry, 657 P.2d 240 (Utah 1982) (Matheson II). In his concurring opinion, Justice Stewart stated the Matheson I opinion “relying on a concept of ‘shared power,’ held that ‘a statute providing for

two legislative appointees on a seven-member judicial nominating commission is constitutionally accommodated and does not necessarily violate Art. V, § 1.”” Matheson II at 242 (Stewart, J. concurring). Chief Justice Hall, in his concurring and dissenting opinion stated that “Matheson I stands for the proposition that the Legislature may **share** in the judicial appointment process, but that it may not **control** the process.” Id. at 250 (Hall, C.J., concurring and dissenting) (emphasis in original). The Court’s line of cases indicates that the functions which appertain to a particular branch are those that are considered primary. The functions which are not primary, are not strictly covered by article V, section 1.

III. Case law suggests one possible framework for analyzing the constitutionality of mixed boards.

Boards and commissions perform a variety of functions. Boards and commissions that perform primary functions may not have members who exercise powers belonging to another branch. Boards and commissions that do not perform primary functions are not strictly covered by article V, section 1.

Determining whether a board performs a primary function or a shared function will depend on the authority that the board exercises. If the members of the board have been delegated core powers of the branch that has formed the board, or if the members usurp core powers, then the board may not have

members from other branches. If the members have not been delegated core functions, or usurped core functions, then the board may have mixed membership under the circumstances addressed below.

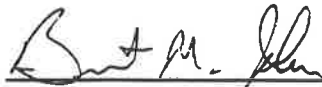
It is not possible or feasible to address the function of every board through this opinion. But the foregoing restatement of some of the themes from earlier cases lends itself to an articulation of criteria for examining the constitutionality of mixed boards. One way to frame the issues would be to ask two questions. The first question in analyzing such a board would be: does this board exercise a primary function of the originating branch, or is it an incidental or shared power? If the board exercises a primary function, then no person who performs the core function of another branch may belong.

If the answer is that the board does not exercise a primary function but rather a shared power or some function incidental to the primary function, then a second question needs to be asked: does the exercise of this shared power or some accumulation of shared powers serve to usurp from the original branch its ability to autonomously exercise its primary constitutional function? This second prong of the analysis recognizes that a combination of incidental powers still may frustrate the original branch from carrying out its constitutional role.

CONCLUSION

Whether by the proposed framework or some other, a process should be set forth by this Court whereby the branches may evaluate the constitutionality of the dozens of existing mixed boards. The Judicial Council and the Administrative Office of the Courts respectfully request that this Court give all three branches of government guidance in this area of significant constitutional import.

DATED this 15th day of December, 1998.

A handwritten signature in dark ink, appearing to read "Brent M. Johnson", is written over a horizontal line.

Brent M. Johnson
Attorney for the Judicial Council and
the Administrative Office of the Courts

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Amicus Brief of the Utah Judicial Council and the Administrative Office of the Courts was mailed first class postage prepaid or hand delivered and addressed as follows:

STEVEN H. STEWART
Executive Director
Judicial Conduct Commission
645 South 200 East, Suite 104
Salt Lake City, UT 84111
Attorney for Judicial Conduct
Commission

DANIEL L. BERMAN
PEGGY A. TOMSIC
BERMAN, GAUFIN, TOMSIC, &
SAVAGE
50 South Main, Suite 1250
Salt Lake City, UT 84144
Attorneys for Judge Young

ANNINA MITCHELL
Assistant Attorney General
P.O. Box 140854
Salt Lake City, UT 84114-0167
Attorney for Governor Michael O.
Leavitt and Attorney General Jan
Graham

M. GAY TAYLOR
ROBERT H. REES
Office of Legislative Research
and General Counsel
436 State Capitol
Salt Lake City, UT 84114
Attorneys for Senators Suazo and
Tanner and Representative Cox and Ure


A handwritten signature in cursive script, appearing to read "Margaret Gurb", is written over a horizontal line.

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 Management Committee
FROM: Holly M. Bullen
Assistant State Court Administrator
DATE: December 9, 1998
RE: Court Forms

Several months ago AOC staff had a discussion with Management Committee about the development and adoption of uniform court forms and the possibility of establishing a committee to oversee that process. Before making any decisions or referring the matter to the Council, Management Committee asked that several questions and issues be addressed. This memo is submitted in response to Management Committee's request.

CURRENT SITUATION

- **What forms are the courts using now?** A statewide survey was done of all district and juvenile courts to determine what forms are currently being used. Twenty-three district locations and seven juvenile locations responded, providing actual copies of the forms used in their courts. The titles of the forms submitted are listed on Attachment A.
- **To what degree are forms uniform now?** In district court, most forms are not uniform in content or format, even when they are labeled with the same name. The survey showed that many forms are not uniform *even within the same district*. Many court locations create their own forms, as needed, without regard for what is being used in other locations. Juvenile court has a greater degree of uniformity in forms than district court because more of the juvenile court forms are computer-generated.

ISSUES

- **Role of the Supreme Court.** The Supreme Court has the authority to promulgate forms. To date, the Court has approved a number of forms for use in appellate procedure and civil procedure, which are published in the Supreme Court Rules, and are listed in Attachment B. Some forms are mandatory; others are guidelines only.
- **Role of the Judicial Council.** 78-3-21(3), U.C.A. provides: "The council is responsible for the development of uniform administrative policy for the courts throughout the state." It goes on to say: "The council has authority and responsibility to: (a) establish and assure compliance with policies for the operation of the courts, including uniform rules and forms . . ." To date, the Council has promulgated forms regarding sentence and release guidelines, child support worksheets, cohabitant abuse, and expungements.

(There are also uniform forms for divorce and unlawful detainer on the Quick Court kiosks, which have been approved by the Quick Court Policy Committee, a statutory entity.)

- **Does a lack of uniformity create problems? If so, what are they?**
The significant variation in court forms around the state does create problems for court users and employees. This situation will only become worse as electronic advancements bring all the courts and court users closer together in terms of communication and interaction. Here are some of the major concerns:
 - ◆ **Customer service.** Court users who interact with more than one judicial district or court location should not have to obtain and use a different form for the same purpose in each court. They should be able to rely on one form being used and accepted at all court locations. This principle applies to attorneys, governmental agencies, and, perhaps most importantly, to pro se litigants.
 - ◆ **Access.** In addition to being available in hard copy form at the front counter in each court, forms can be placed on the Internet where they can be viewed and/or downloaded from an individual's office or home. This process is much simpler and easier to use if uniform forms are approved and in use.
 - ◆ **Updating.** As laws, rules, practices and procedures change, court

forms need to be kept up to date. This is almost impossible when many different versions of the forms are in use. If uniform forms are used statewide, the review and update process is greatly simplified.

- ◆ **Data entry.** When employees enter data from forms which vary in format, the data entry procedure is often slow and cumbersome. With a uniform form, employees can anticipate where each data element will be, enter the data much more quickly and easily, and be assured that terms are defined the same way. As the courts move toward more imaging technology, the uniform placement of data on forms scanned into the system will be even more important.
- ◆ **Training.** Employees receive some on-the-job training at their individual court sites, but much of their training--particularly for career track advancement--is received centrally, in participation with employees from other court locations. Forms used in training need to be uniform so that all employees can receive the training in the same manner and not encounter unfamiliar forms in the course of their training and later in their work.
- ◆ **Minimum standards.** Some forms are clearer, more complete and easier to use than others. The courts' goal should be to develop and use the best, most efficient form for each purpose.

ACTION REQUESTED FROM JUDICIAL COUNCIL

Staff requests that the Judicial Council develop more thoroughly its responsibility for uniform forms as envisioned by 78-3-21(3), U.C.A. To that end, we recommend that staff work with the Policy and Planning Committee to develop the elements of a forms program which may include a Council standing committee on forms management. Such committee would have the responsibility for establishing format conventions, reviewing legal sufficiency, maintaining existing forms, and selectively advancing forms to the Judicial Council which warrant mandatory application.

Thank you for your consideration of these issues.

Attachments

ATTACHMENT A

Civil Forms

Abstract of Judgment
Application for Continuing Garnishment
Civil Complaint and Summons
Civil Cover Sheet
Guardianship Packet
Instructions to Fill Out Answer
Judgment (Summary)
Motion/Order in Supplemental Proceedings
Name Change Packet
Notice to Submit for Decision
Notice to Continue
Order of Sale
Order to Release
Order to Show Cause
Owner's Possession Bond
Praeceptum
Promise to Pay
Satisfaction of Judgment
Small Claims Motion to Dismiss
Small Claims Interpleader
Small Claims Abstract of Judgment
Small Claims Notice of Appeal
Small Claims Affidavit
Small Claims Counter Affidavit
Subpoena Duces Tecum
Subpoena
Summons Civil
Supplemental Proceedings Instructions
Writ of Garnishment
Writ of Garnishment Packet
Writ of Execution

Criminal Forms

Agency Referral Form
Appointment Public Defender
Bail/Bond Refund Request
Bench Warrant
Certificate of Readiness for Trial
Commitment After Judgment
Community Service Referral
Competency Evaluation
Expungement Packet

Insanity Medical Evaluation
Judgment Sentence and Commitment
Motion and Order (All others)
Motion for Extension Fine/Ser.
Notice of Disposal of Exhibits
Notice of Appeal - Parking
Order Bail Forfeiture
Order Uncollect. CV Judgment
Order Bail/Commit. Release
Order of Forfeiture
Promise to Appear
Release of Exhibits
Request for Copies of Criminal Case
Waiver of Preliminary Hearing

Domestic Forms

Affidavit of Impecuniosity (Indigency)
Application and Order of Commitment
Appointment of Legal Counsel
Certificate of Dissolution Marriage/Annulment
Child Support Worksheet
Cohabitant Abuse Instructions
Default Divorce Check List
Instruction to Provide Insurance
Motion to Set Aside Default
Notice of Protective Order Hearing
Packet Respondent
Packet Petitioner
Petition to Modify Protective Order
Petition for Protective Order on Behalf of Child
Petition for Protective Order
Protective Order Dismissal
Request Open Adoption

Juvenile

Affidavit/Order to Show Cause
Bind-over Order
Check List
Chronological Account
Consent Non-Judicial Adjustment
Extension of Restitution Payment
Financial Affidavit to Appoint Counsel
Findings of Fact/Decree
Fine Payment Delinquent Notice
Hearing Checklist

Hearing on Mental Condition
Hearing Minutes/Order
Letter Appear. At Ct.
Memorandum of Personal Service
Minute Sheet
Motion to Modify/Amend Order
Motion/Order for Psychological Evaluation
Notice to Reschedule Hearing
Notice of Service P.S.
Notice of Abst. Filing
Notice of Expungement Hearing
Notice of Hearing
Order of Expungement
Order Appointing Guardian Ad Litem
Order to Show Cause
Order of Confinement
Order to Transport
Order Appointing Counsel
Order of Commitment to Youth Corrections
Order Fixing Day of Hearing
Shelter Hearing
State Hospital Minutes
Statement of Rights
Summons
Waiver of Arraignment/Set Hearing

Generic Forms

Affidavit of Impecuniosity (Indigency)
Basket Route
Calendar Log Sheet
Clerk of Court Record Certification
Copies Invoice Agency
Copy Request Payment
Defendant Rights - English
Defendant Rights - Spanish
Evidence Fines Paid
Evidence Acceptance Form
Exhibit Log
File Request
Financial Declaration
Findings of Fact/Conclusions of Law
Generic Delete Request
Guardian Information
Incapacitated Person Hearing Notice
Juror Summons or List

Motion to Continue
Notice "Did" Appear
Order to Destroy
Proceedings Sheet
Process Server List
Request Hearing (Multi)
Request for Payment of Interpreter
Request for Transcript
Return Document Notice
Roll Call Minute Sheet
Tape Duplication Request
Transfer Check Out Receipt

ATTACHMENT B

Forms promulgated by Supreme Court:

In Rules of Appellate Procedure

1. Notice of Appeal
2. Petition for Interlocutory Appeal
3. Affidavit of Impecuniosity
4. Request for Transcript
5. Acknowledgment of Receipt of request for transcript, motion for enlargement of time
6. Certificate that no transcript is required
7. Docketing Statement
8. Checklist for Briefs - rules 24,26, and 27
9. Checklist for Petitions for Certiorari - Rules 45 through 51
10. Certificate of Service (9)
11. Petitioner for writ of review

In Rules of Civil Procedure

1. Caption and Signature Block
2. 20 Day Summons
3. 20 Day Summons
4. Complaint - Promissory Note
5. Complaint - Multiple Claims
6. Complaint - Mortgage Foreclosure
7. Complaint - Interpleader
8. Complaint - Declaratory Judgment
9. Complaint - Injunctive Relief
10. Motion to Dismiss - Failure to State a Claim
11. Answer with Counterclaim and Cross-claim
12. Third Party Complaint
13. Motion to Intervene of Right Under Rule 24(a)
14. Motion for Permissive Intervention Under Rule 24(b)
15. Application for Temporary Restraining Order
16. Application for Preliminary Injunction
17. Attorney Certification of Notice Pursuant to Rule 65a(b)(1)
18. Interrogatories
19. Request for Production of Documents
20. Requests for Admission
21. Motion for Summary Judgment
22. Judgment
23. Verified Memorandum of Costs

24. Writ of Garnishment
25. Interrogatories to Garnishee
26. Writ of Garnishment
27. Interrogatories to Garnishee
28. Garnishee Order
29. Notice of Garnishment and Exemptions
30. Request for Hearing
31. Affidavit of Garnishee as to Continuing Garnishment
32. Writ of Continuing Garnishment
33. Interrogatories to Garnishee
34. Affidavit of Garnishee
35. Instructions to Garnishee
36. Notice of Garnishment and Exemptions
37. Request for Hearing
38. Writ of Habeas Corpus
39. Judgment
40. Subpoena
41. Notice of Execution, Exemptions and Right to a Hearing
42. Small Claims Affidavit and Order
43. Small Claims Counter Affidavit
44. Small Claims Interpleader Affidavit and Order
45. Small Claims Judgment
46. Satisfaction of Judgment
47. Petition for Post-conviction Relief



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 *TS*
Date: December 10, 1998
Re: Appointment to Judicial Performance Evaluation Committee

Charlotte Miller has resigned her position on the Judicial Performance Evaluation Committee. This position is selected from the bar at large. As required by Judicial Council rule, the position was announced in the *Utah Bar Journal* and the following lawyers submitted applications. A resume and brief letter of interest from each are attached. The Management Committee recommends the appointment of Julie V. Lund.

M. Joy Jelte
Julie V. Lund
Eric A. Overby

encl.

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.

Corporon & Williams

A Professional Corporation

Attorneys at Law

808 East South Temple

Salt Lake City, Utah 84102

Kellie F. Williams
Mary C. Corporon
M. Joy Jelte
Rex W. Olsen
Brian J. Gardner

Telephone (801) 328-1162
Facsimile (801) 363-8243

November 3, 1998

TIMOTHY M. SHEA
Administrative Office of the Court
P.O. Box 140241
Salt Lake City, Utah 84114-0241

RE: Judicial Performance Evaluation Committee

Dear Mr. Shea:

It is my understanding from our telephone conversation this morning that Ms. Charlotte Miller has suggested my name to you as a candidate for appointment to the Judicial Performance Evaluation Committee. I would be pleased to be of service on this committee. As you requested, I am enclosing a copy of my resume. If there is additional information that you require please advise.

In the event that I am appointed to serve on the committee, I would appreciate receipt of copies of the litigation surveys, material concerning the mentoring program and the results and information from the American Judicature Society as soon as possible so that I may be brought up to speed with the other members of the committee. In advance, I thank you.

Sincerely,



M. JOY JELTE
Attorney at Law

MJJ:ta
Enclosure

M. JOY JELTE
9878 South 2270 East
Sandy, Utah 84092
(801) 944-5378 (Home)
(801) 328-1162 (Office)

WORK EXPERIENCE

Corporon & Williams

Attorney. February, 1991 to present. Practice concentrating in Domestic Relations. Established client base throughout Utah. Referral base from former clients, attorneys, judges and opposing parties. Experienced trial attorney and appellate practice. Professional, cordial relationship with most opposing counsel and with my staff.

Cohne, Rappaport & Segal

Attorney. February, 1989 to February, 1991. Practice concentrating in Domestic Relations Law. Appearances before domestic commissioners and district court judges throughout Salt Lake, Davis, Utah, Summit and Washington Counties. Appearances also before Third District Juvenile Court, Utah Court of Appeals and United States District Court. Experience in trial practice, depositions, settlement negotiations and appellate practice. Some work in patenting mining claims, probate and estate, civil rights, wiretapping, torts, contract law and criminal law.

Snow, Christensen & Martineau

Apprentice. August, 1988 - November, 1988. Drafted pleadings, criminal complaints, contracts, motions and supporting memoranda, findings of fact, conclusions of law and decree of divorce, jury instructions, settlement agreements, documents necessary to incorporate businesses, discovery, briefs, petition to reopen estate and supporting documents. Observed numerous civil and criminal proceedings.

Honorable Norman H. Jackson, Utah Court of Appeals

Extern. December, 1987 - May, 1988. Legal research, drafted bench memoranda and draft opinions. Areas of concentration: Insurance, contracts, torts, commercial law and family law.

Parsons, Behle & Latimer

Law Clerk. July, 1987 - September, 1987. Legal research, drafted legal memoranda, correspondence, motions and briefs. Some contact with clients. Areas of concentration: military pensions, cohabitation, equitable division of marital property, child support and prenuptial agreements.

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



JAN GRAHAM
ATTORNEY GENERAL

CAROL CLAWSON
Solicitor General

REED RICHARDS
Chief Deputy Attorney General

PALMER DEPAULIS
Director of Public Policy & Communications

November 10, 1998

Tim Shea
Administrative Office of the Courts
P.O. Box 140241
Salt Lake City, Utah 84114-0241

Dear Mr. Shea:

I would like to express my interest in serving on the Judicial Performance and Evaluation Committee. My work on the Admissions Committee is nearly done and I believe that I would be able to serve on this committee while we complete our assessment of the admissions process.

I am enclosing my resume for your review. Thank you for the opportunity to apply for this committee position.

Sincerely,

Julie V. Lund
Julie Lund

Julie V. Lund
62 Virginia Street
Salt Lake City, Utah 84103
801-521-6201

EMPLOYMENT

Assistant Attorney General
Child Protection Division

July 1995 - present

Green & Berry

April 1986 - January 1995

EDUCATION

University of Utah College of Law
Salt Lake City, Utah
Juris Doctor May 1986

Teaching Assistant - Professional Responsibility	Spring 1986
Teaching Assistant - Legal Writing	1985-1986
Judicial Extern - Utah Supreme Court	Fall 1985
Justice I. Daniel Stewart	
Board Member - Roger J. Traynor Moot Court	1985-1986
Best Brief Award - Roger J. Traynor Moot Court	1984-1985
Co-Editor - Western Energy Bulletin	1985-1986

University of Colorado
Boulder, Colorado
Bachelor of Arts May 1981

ASSOCIATIONS AND ACTIVITIES

Wasatch Elementary School PTA President 1998 - 1999
Wasatch Elementary School Community Council 1995 - 1997
Trustee, The Childrens Center - Development Committee 1997 - present
Financial Vice President, Junior League of Salt Lake City 1996 - 1997
Advisor - Bryant Intermediate School Mock Trial Team 1993 - 1997
Religious Education Volunteer, St. Ambrose Catholic Church 1995 - 1998
Member - Utah State Bar Litigation Section Executive Committee 1994 - present
Member - Utah State Bar Admissions Committee 1997 - present
Member - Young Lawyers Section Pro Bono Committee 1990 - 1994
Coordinator/Participant- Tuesday Night Bar Program 1990 - 1992

Utah Attorney General's Office, Governmental Affairs-Civil Division

Law Clerk. December, 1986 - July, 1987. Legal research, drafted legal memoranda, correspondence, attorney general opinions, proposed regulations and briefs. Areas of concentration: statutory construction, civil rights, gray marketing, adoption and liquor law.

Honorable Raymond S. Uno, Third Judicial District Court.

Intern. Summer, 1986. Legal research, drafted legal memoranda. Areas of concentration: contract law, redevelopment, civil procedure, search and seizure.

Parsons, Behle & Latimer.

Legal Assistant. 1987 - 1986. Natural Resources and Family law. Gathered factual data and records; organized and prepared trial exhibits and material; drafted correspondence, discovery responses, subpoenas, motions and affidavits; edited briefs and legal opinions; interviewed witnesses; abstracted deposition transcripts; assisted at depositions and trials.

EDUCATION

Washington School of Law, currently enrolled in graduate tax program, one evening per week.

**University of Utah College of Law, Juris Doctor degree, May 1988.
Reva Beck Bosone Honorary Scholarship recipient 1986.**

**Journal of Contemporary Law of Energy and Policy, Staff
Member, 1986 - 1988.**

University of Utah College of Fine Arts, Graduate Student, 1981 - 1982.

University of Southern Mississippi, Bachelor of Fine Arts, 1973 - 1977. Named "Outstanding Senior Theater Arts."

ADDITIONAL INFORMATION

Instructor, Salt Lake Community College
Volunteer Pro Bono Attorney
Barrister, American Inns of Court
Chairperson, Utah State Bar Diversity in Law Committee
Volunteer Guardian Ad Litem, Littlefield & Peterson
Member, Unauthorized Practice of Law Committee
Utah State Bar examiner, Family Law
Speaker, Utah Annual State Bar Convention, 1992
Speaker at various seminars

Eric A. Overby, Esq.
2470 South Orchard Place
Bountiful, UT 84010
Business Phone: (801) 325-3233 Home Phone: (801) 299-9975
E-mail: eric.overby@usdoj.gov

November 12, 1998

Mr. Tim Shea, Administrative Office of the Courts
P.O. Box 140241
Salt Lake City, UT 84114-0241

Dear Mr. Shea:

The judiciary exists to serve the needs of the citizens of Utah; the litigants and their counsel do not exist to serve the needs of the judiciary. It is with this perspective that I apply for the **Judicial Performance Evaluation Committee**.

My perspective has developed over 16 years of litigation practice, from small firm associate, to national firm partner; from in-house counsel at a Fortune 500 company, to government service in the largest "law firm" in the nation -- the U.S. Department of Justice. With this varied experience in state and federal tribunals literally from coast to coast, I recognize the unique qualities required for a judiciary that will well serve the public.

I formed and currently manage the Affirmative Civil Enforcement program in the U.S. Attorney's Office for the District of Utah. My responsibilities include the civil prosecution of all fraud committed against the United States government. Previously, I was Managing Attorney - Litigation for Trans World Airlines, a Fortune 500 company with over \$3 billion in revenues.

Prior to my in-house practice, I was a partner at a national law firm with over 300 attorneys in offices from Los Angeles to Washington, D.C. For that firm, I opened and managed a new state-wide office. My experience also includes being an associate in an 8-person firm.

Bar association activities have also played a prominent role in developing my perspective: including, resolving disputes on a Fee Grievance and Ethics Committee; receiving an Outstanding Service Award for my *pro bono* work; and being involved in community service and law day activities.

Finally, I have written and taught various legal subjects, including teaching in three different local colleges in the Salt Lake City area.

I would be honored to serve the citizens of Utah by applying my experience and service prospective to assisting in the evaluation of judges for the greatest service an attorney can provide: to professionally, but humbly judge the peoples' cases.

Very truly yours,

Eric A. Overby

Eric A. Overby
2470 South Orchard Place
Bountiful, Utah 84101
Office Phone: (801) 325-3233 Home Phone: (801) 299-9975

Summary of Qualifications

Assistant United States Attorney in charge of Affirmative Civil Enforcement
Managing Attorney - Litigation for a Fortune 500 company
Equity litigation partner at a top - 100 national law firm; opened and managed new state-wide office
16 years of broad litigation experience in federal courts, administrative courts, and arbitration tribunals

Experience

UNITED STATES DEPARTMENT OF JUSTICE Assistant U.S. Attorney. 1997-present

The nation's largest "law firm"

- * Created and manage the Affirmative Civil Enforcement program in the District of Utah. I prosecute all civil fraud committed against the United States.

TRANS WORLD AIRLINES, INC. Managing Attorney - Litigation. 1993-1996

A Fortune 500 company headquartered in St. Louis - 7th largest airline in the United States - \$3.3 billion annual revenue.

- * Managed and tried or resolved all litigation claims in only 2 years in TWA's Delaware bankruptcy - approximately 40,000 claims asserted for over \$3 billion - at approximately 20 hearings/trials at which I was sole or lead counsel
- * Managed and resolved all litigation claims in only 6 months in TWA's second bankruptcy - 150 claims for \$1 billion
- * Legal advisor on all anti-terrorist airline security issues
- * Supervised, tried, or resolved various litigation cases throughout the United States
- * Managed hundreds of administrative civil penalty and certificate revocation suspension actions against TWA and employees
- * Legal representative on TWA's Americans with Disabilities Act Committee
- * Legal advisor on all customer relations issues
- * Appellate work: 3rd Circuit; and National Transportation Safety Board

ARTER & HADDEN Dallas office Equity Partner; Oklahoma state office manager. 1988-1993

A 150-year old national law firm of 350 attorneys (60th largest in the United States) with offices from California to Washington DC.

- * Opened and managed the firm's Oklahoma state office from 1988-1991
- * Managed 12 major professional liability cases resulting in the recovery of millions of dollars on behalf of the FDIC
- * General business litigation, including labor/employment law, and oil and gas litigation
- * Appellate: Texas Court of Civil Appeals; oral arguments before the Tenth Circuit Court of Appeals (reported decisions)
- * Arbitration: American Arbitration Association
- * Formed the firm's national Aviation Practice Group

DAY HEWETT & TIMMONS Associate attorney. 1986-1988

A boutique (8 attorney) Oklahoma City firm that emphasized business and securities law.

- * General business litigation, including security fraud litigation
- * Bankruptcy litigation, including fraud and non-dischargability
- * Oil and gas litigation, including a multi-million dollar recovery in a "take-or-pay" contract case
- * Professional liability (accountant)
- * Appellate: Tenth Circuit Court of Appeals; and Oklahoma Supreme Court
- * Arbitration: Arbitration Panel of the Western District of Oklahoma; and American Arbitration Association

KORNFELD FRANKLIN & PHILLIPS Associate attorney. 1982-1986

This firm grew to be the 4th largest in Oklahoma City, approximately 40 attorneys.

- * General business litigation and commercial transactions -- buy/sell agreements
- * Labor/employment law, including race, age, and sex discrimination
- * Bankruptcy litigation, including trustee appointment litigation

- Professional liability litigation (accountant), including landmark case on the statute of limitations
- Oil and gas litigation
- Appellate: Oklahoma Supreme Court; Oklahoma Court of Appeals (reported decision in both Oklahoma appellate courts); Tenth Circuit Court of Appeals

Publications and Editorial Positions

- *Restraining Passengers on International Flights*, Spring 1995 editions of: AMERICAN BAR ASSOCIATION'S TORTS AND INSURANCE PRACTICE AVIATION NEWSLETTER; LAWYER-PILOTS BAR ASSOCIATION JOURNAL; and AMERICAN BAR ASSOCIATION'S AVIATION LITIGATION NEWSLETTER
- *Is a New Cessna in Your Future?* (an analysis of the Aviation Revitalization Act of 1994), AMERICAN BAR ASSOCIATION'S TORTS AND INSURANCE PRACTICE AVIATION NEWSLETTER, Winter 1995
- *Aviation Liability Reform--Where are We?* AMERICAN BAR ASSOCIATION'S TORTS AND INSURANCE PRACTICE AVIATION NEWSLETTER, Spring 1993; and INTERNATIONAL ASSOCIATION OF DEFENSE COUNSEL, AIR AND SPACE COMMITTEE NEWSLETTER, November 1992
- *Legislative Reform Regarding Aviation Liability and its Impact on Current Law--A 50-State Survey*, presented at the 1992 Lawyer-Pilots Bar Association meeting
- *Down for the Count*, AOPA PILOT, the magazine of the Aircraft Owner's and Pilot's Association, June 1989
- *Response to "Taps for G-102,"* AIR AND SPACE SMITHSONIAN, November/December 1992
- Former Contributing Editor AMERICAN BAR ASSOCIATION'S TORTS AND INSURANCE PRACTICE AVIATION NEWSLETTER
- Former Contributing Editor AMERICAN BAR ASSOCIATION'S AVIATION LITIGATION NEWSLETTER (Chairman of Airline Subcommittee)
- Former Contributing Editor LAWYER-PILOTS BAR ASSOCIATION JOURNAL

Professional Admissions, Activities, Certificates, and Affiliations

Bar Admissions: Oklahoma, Texas, Missouri, and Utah; Third, Eighth, and Tenth Circuit Courts of Appeals; All United States District Courts in Oklahoma, Missouri; and Utah; Northern District of Texas; District of Delaware

Professional certificates, activities, and affiliations:

- Commercial Pilot's Certificate, single and multi engine land and single-engine sea; World aviation speed record holder
- American Corporate Counsel Association, Litigation Committee, 1994-1996; Co-Chairman, Communications Subcommittee
- Dallas Bar Association, Legal Ethics and Community Involvement Committees, 1992
- Legal Aid of Western Oklahoma *Pro Bono* Panel 1982-1991, recipient of Outstanding Service Award for 1982
- Oklahoma County Bar Association, Fee Grievance and Ethics Committee, 1988-91
- National Institute of Trial Advocacy ("NITA") graduate, 1984
- Association of Trial Lawyers of America ("ATLA") College of Advocacy graduate, 1986
- Federal Aviation Administration Certified Flight Instructor, Instrument and Multi-engine airplane, 1992-present
- Federal Aviation Administration approved Advanced and Instrument Ground Instructor, 1992-present
- Federal Aviation Administration approved Ground Security Coordinator, 1993-1996

Teaching :

- Adjunct Instructor (Environmental Law), Westminster College, 1998
- Adjunct Instructor (Aviation Law), Salt Lake Community College, 1998
- Adjunct Instructor (Torts), Mountain West College, Paralegal Program, 1997
- Adjunct Instructor (Trial Practice), Belleville Area College, an ABA approved Paralegal Program, 1997
- Adjunct Instructor (Trial Practice), St. Louis Community College, the oldest Paralegal Program in the United States, 1996
- Instructor and judge, Arter & Hadden's Summer Associate Moot Court program, 1991-92
- Adjunct Instructor/judge, Oklahoma City University School of Law's Moot Court, 1983-85, 1987-89
- Guest Lecturer, Legal Assistant Program (Trial Practice), Francis Tuttle Institute, 1983-85
- Designed and implemented a training program for the "real world" education of new attorneys and paralegals, 1983-1986
- Lecturer at TWA's Federal Aviation Administration approved Ground Security Coordinator's Certification class, 1993-96

Education

University of Oklahoma College of Law: 1982 Juris Doctor, with Distinction (top 20%)
Dean's Honor Roll

University of Central Oklahoma: 1979 Bachelor of Business Administration, *cum laude* (top 10%)
President's Honor Roll; Dean's List


Alpha Chi - top 10% of junior and senior classes; Phi Eta Sigma - freshman scholastic honor society

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 Management Committee
FROM: Holly M. Bullen
Assistant State Court Administrator
DATE: December 7, 1998
RE: VACANCIES ON ETHICS ADVISORY STANDING COMMITTEE

On January 1, 1999, two vacancies will occur on the Ethics Advisory Standing Committee, as two committee members complete their second three-year terms. According to Rule 1-205, C.J.A., members on standing committees are eligible to serve two consecutive terms if they so desire and are reappointed by the Council, and may serve more than two terms if the Council determines that exceptional circumstances exist which justify that extended service.

The composition of the committee membership is as follows: one judge from the Court of Appeals, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge, and an attorney from either the bar or a college of law.

Following is a summary of the circumstances of each upcoming vacancy:

Judge Gregory K. Orme is the representative from the Court of Appeals, and is the chairperson of the committee. On October 23, 1998, the upcoming vacancy was announced to the judges who were eligible to fill the vacancy, pursuant to the requirements of Rule 1-205. No applications were received. On October 26, Judge Orme sent me a note indicating as follows: "I would not intend to request an additional term given the 'exceptional' standard. If, however, the Council thought either that the need for continuity or my acquired expertise qualified as exceptional, I would accept reappointment if the Council were so inclined."

Judicial Council Management Committee
December 7, 1998
Page Two

David B. Watkiss is the attorney representative on the committee. On October 15, 1998, an announcement of the vacancy was sent to the law schools in Utah, and was placed in the November issue of the *Utah Bar Journal*. Attached for your review is a memo from Brent Johnson along with resumes that were received pursuant to the announcements.

Thank you for your consideration of these appointments.

Attachments

c: Brent Johnson, Staff, Ethics Advisory Committee
Marilyn Branch, Appellate Court Administrator

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: Holly Bullen, Assistant Court Administrator

From: *B* Brent Johnson, General Counsel

Re: Ethics Advisory Committee Vacancy

Date: December 2, 1998

Attached you will find resumes that we received from attorneys for the vacancy on the Ethics Advisory Committee. Two of the applications presume that the vacancy is a full-time position. These applications are not worth considering. Of the other two, from George C. Harris and Michael D. Bouwhuis, it appears as if Mr. Harris has the best qualifications. I would therefore recommend Mr. Harris. However, the Management Committee would certainly be free to solicit applications from other attorneys if they felt that the applicant pool was not large enough. Please let me know if you have any questions.

GEORGE C. HARRIS
Associate Professor



Voice: (801) 585-9694
Fax: (801) 581-6897
Email: george.harris@law.utah.edu

October 29, 1998

Mr. Brent Johnson
Administrative Office of the Courts
P.O. Box 140241
Salt Lake City, UT 84114-0241

Dear Mr. Johnson:

I am writing to apply for the announced vacancy on the Ethics Advisory Standing Committee of the Utah Judicial Council. My resume is enclosed.

I am an associate professor at the University of Utah College of Law. I teach the College's legal ethics course and am engaged in scholarship in that area. I am also a member of the Advisory Council to the ABA Special Committee on Evaluation of Rules of Professional Conduct ("Ethics 2000 Committee"), which is charged with proposing revisions to the ABA Model Rules of Professional Conduct.

Prior to joining the University of Utah College of Law in July of 1996, I practiced civil and criminal litigation for 13 years in San Francisco. Professional responsibility was one of my areas of specialization. From approximately 1992 through 1996, while a partner at Morrison & Foerster, a firm of approximately 600 lawyers, I served as the firm's counsel for matters of professional responsibility and legal ethics.

Thank you for your consideration.

Very truly yours,

George C. Harris

Enclosure

GEORGE C. HARRIS

776 N. East Capitol Boulevard

Salt Lake City, UT 84103

O. (801) 585-9694

H. (801) 524-9991

EDUCATION:

Legal	Yale Law School J.D. 1982 Note Editor, Yale Law Journal Michael Egger Prize for best student note or comment on current social problem Board Member, Yale Environmental Law Assoc.
Graduate	Brown University (English) M.A.T. 1977
Undergraduate	Yale College (English literature) B.A. 1974 Magna Cum Laude National Merit Scholarship National Honor Society Scholarship Omaha World Herald Scholarship

LEGAL EMPLOYMENT:

7/96 to present	University of Utah College of Law, Salt Lake City, Utah Associate Professor
1987-1996	Morrison & Foerster, San Francisco, Calif. 1990-1996: Litigation Partner 1987-1989: Litigation Associate
10/92-1/93	Office of Independent Counsel, Lawrence A. Walsh, Washington, D.C. Associate Counsel, specially appointed as trial counsel for prosecution of former Secretary of Defense Caspar Weinberger
1983-1987	Altshuler & Berzon, San Francisco, Calif. Litigation Associate
1982-1983	Chief Judge Frank M. Coffin, U. S. Court of Appeals, First Circuit Law Clerk

PRIOR TEACHING EXPERIENCE:

- 1990-1991 Boalt Hall, University of California, Berkeley
Instructor, First Year Moot Court Course
- 1977-1979 Lincoln School, Providence, R.I.
English Teacher

LEGAL WRITING:

Community Justice, Equal Justice and Jury Nullification (in progress) (forthcoming as chapter in *A Communitarian Legal Reader*)

The Dangerous Patient Exception to the Psychotherapist-Patient Privilege: the Tarasoff Duty and the Jaffee Footnote (forthcoming in the WASHINGTON LAW REVIEW, January 1999 issue)

Taking the Entity Theory Seriously: Lawyer Liability for Failure to Prevent Harm to Organizational Clients through Disclosure of Constituent Wrongdoing (forthcoming in the GEORGETOWN JOURNAL OF LEGAL ETHICS, Spring 1998 issue)

The Communitarian Function of the Criminal Jury Trial and the Rights of the Accused, 74 NEBRASKA LAW REVIEW 804 (1995)

Editor, *Federal Criminal Litigation: A Practical and Strategic Guide to Key Issues* (ABA 1994)

Note, *Occupational Health Risks and the Worker's Right to Know*, 90 YALE LAW JOURNAL 1792 (1981)

SUBJECTS TAUGHT CURRENTLY:

Legal Ethics, Trial Advocacy, Appellate Advocacy, Criminal Process, Introduction to Law

CURRENT RESEARCH/WRITING INTERESTS:

Legal Ethics and Professional Responsibility, Evidence, Criminal Jury Process, Jury Reform, Alternative Dispute Resolution

PROFESSIONAL ASSOCIATIONS

Member of Advisory Council to ABA Special Committee on Evaluation of Rules of Professional Conduct ("Ethics 2000 Committee"), California Bar Association, Utah Bar Association, American Bar Association



Michael D. Bouwhuis
ATTORNEY AT LAW

Legal Arts Building
2568 Washington Blvd., Suite 102 • Ogden, Utah 84401 • (801) 393-6452

November 19, 1998

Mr. Brent Johnson
General Counsel
Administrative Office of the Court
230 South 500 East, Suite 300
SLC UT 84102-2000

Re: Utah Judicial Council Ethics Advisory Committee

Dear Mr. Johnson:

I would greatly appreciate my enclosed resume being used in considering me to fill a position on the above-referenced committee. I have had a great desire, for some time now, to help in any way that I can to work toward the improvement of the bar, particularly from an ethical standpoint. Several years ago I submitted my name to be considered to fill a State Bar committee on Ethics and Discipline, but was appointed instead to the Fee Arbitration and Advertising Committees. I enjoy my service on these two committees, and have an even greater interest in serving on a committee dealing with ethics. If you have any questions please don't hesitate to call. Thank you.

Sincerely,

MICHAEL D. BOUWHUIS
Attorney at Law

MDB/kv
enclosure

EDUCATION

JURIS DOCTOR

J. Reuben Clark Law School, BYU, April 1993. Academic Scholarship Recipient. Local ATLA Trial Competition 3rd Place; Regional Competition, Portland, OR 1991; Trial Advocacy Board Member, 1991-92; 1st Place, trial competition, BYU; National Trial Advocacy Team, Portland, OR 1992; National Trial Advocacy Team, 1993; Graduation Committee.

BACHELOR OF ARTS

Cum Laude, June 1990, Weber State College
Academic Scholarship
Major: Psychology Minor: Asian Studies
National Honors Society for Psychology Students
Honors Program and Weber State Scholastic Society

FOREIGN STUDY

University of Tsukuba, Japan, 1986-87
Study: Japanese Language, Literature, Culture
Association to Promote International Communication
Jazz Society

EXPERIENCE

PRIVATE PRACTICE

Private practice since 1993.

PUBLIC DEFENDER

Public defender for Box Elder County, Jan. 1994 to Jan. 1997.

FEE ARBITRATION COMMITTEE

Member of State Bar Fee Arbitration Committee since 1997.
Appointment through year 2000.

ADVERTISING COMMITTEE

Member of State Bar Advertising Committee since 1997.

INTERN

Second Judicial District Court, Ogden. Judge Stanton M. Taylor.
Researched cases, wrote memos, etc. Summer 1991.

COMMITTEE MEMBER

Project Supernova, Ministry of International Trade and Industry.
Explored Japan's future role as a world power. 1987.

SKILLS AND INTERESTS

Reading, music, traveling, camping. Speak, read and write Japanese.

REFERENCES

Judge Stanton M. Taylor
Second District Court
2525 Grant Ave.
Ogden, Utah
395-1121

Randall W. Richards
Attorney
2568 Washington
Ogden, Utah
399-4191

Jon Bunderson
Box Elder County Attorney
45 N. 100 E.
Brigham City, Utah
734-9464

Bradley C. Harr

2580 Fox Hunt Drive, Sandy Utah 84092 (801) 942-6916 or (801) 943-4431

November 2, 1998

Brent Johnson
Administrative Office of the Court
P.O. Box 140241
S.L.C. 84114-0241

Dear Mr. Johnson:

RE: Application for Employment

I appreciate the time you are taking to review my resume, transcripts and writing sample. From the attached transcript you will see that I completed most of my legal education at the University of Memphis. Currently, I am attending BYU as a visiting student. I will graduate in December and will take the Utah Bar Examination in February 1999. I am excited to obtain my goal of becoming a lawyer. My journey through law school is unlike many traditional students. I was a paralegal for roughly seven years, working in the litigation section of a Salt Lake firm for five of those years. Working in a busy law firm gave me the opportunity to experience how the system works. I was able to help prepare for and attend many trials. As a result I am already familiar with many of the issues facing attorney's in today's legal market. I look forward to meeting you in person. If given the opportunity, I will be a great asset to your team.

Sincerely,

Bradley C. Harr

Bradley C. Harr

Bradley C. Harr

2580 Fox Hunt Drive, Sandy Utah 84092 (801) 942-6416 or (801) 943-4431

RESUME

Job Objective:

I am looking for an attorney position.

Education:

August 1998: Brigham Young University
I am a visiting student at B.Y.U. and plan on
graduating in December 1998.
I will be taking the February 1999 Bar
Examination.

1996 - June 1998: University of Memphis Law School
GPA 3.114
Currently ranked in the top 17%
Moot Court competitor 1997
Law School Ambassador 1997-98

1990 - 1993: University of Utah
B.S. in Communication

1988 - 1990: Salt Lake Community College
Certificate in Paralegal Studies

Employment:

September 1998 - Present

I am working as a law clerk for Smith & Glauser. They are primarily an insurance defense firm. I have only worked for them a short while and have enjoyed learning about litigation from a different perspective.

Summer 1998:

I worked as a law clerk for several different Salt Lake attorney's. My responsibilities mainly included answering interrogatories and performing legal research.

Resume of Bradley C. Harr
page 2

December 1997 - June 1998:

In addition to carrying a full load (17 hours) I was a law clerk for Allan Thorp in Memphis Tennessee. I was able to research and write memoranda on topics ranging from Venue to the Carmack Amendment (over the road transportation).

January 1990 - August 1996:

I worked as a paralegal for Robert J. Debry & Associates. The first 4 ½ years I worked in the litigation department. My supervising attorney gave me a wide range of responsibilities from keeping his litigation calendar to cite checking appellate briefs. The most rewarding part of my job was preparing for and attending trial. I put trial notebooks together, prepared exhibits, scheduled witnesses, and in some cases was responsible for finding expert witnesses.

The last two years I worked for the managing attorney, Steve Sullivan. I handled approximately 120 files at any given time. My duties included calling each client monthly, obtaining and summarizing medical records, updating insurance adjusters on the status of claims, and preparing settlement demands. In addition to my regular client duties I was responsible for the firm's library.

Personal:

Thank-you for the opportunity to introduce myself to you. I started my legal education in Memphis, Tennessee at the Cecil C. Humphries Law School. I am in the process of completing my education at the J. Reuben Clark School of Law. My family, wife and three children, enjoy working and playing together. We enjoy outdoor activities including hiking, biking, camping, snowmobiling, and the outdoors. I am grateful for the opportunity to attend law school, and look forward to a future in the legal profession.

Prior to attending law school, I worked as a paralegal for a Salt Lake law firm. The experience I gained as a paralegal provided me with practical experience which will help me be a better attorney on your team.

References: Available upon request.



The University of Memphis

Office of the Registrar
Memphis, TN 38152 (901) 678-2671

Name: Bradley Craig Harr
Student Number: 528-39-4378

07-08

/Date of Birth

Course Number	Course Title	Grade	Sem Hrs	Quality Points	Course Number	Course Title	Grade	Sem Hrs	Quality Points
Official Law Academic Record					-----Spring 1998-----				
Current Academic Program:					LAW -0221	EVIDENCE	C+	4.00	9.32
The Cecil C. Humphreys School of Law					LAW -0222	SECURED TRANSACTIONS	B+	3.00	9.99
Juris Doctor					LAW -0311	ADMINISTRATIVE LAW	B-	3.00	8.01
Major: Law					LAW -0320	BUSINESS PLANNING	B-	3.00	8.01
-----Fall 1996-----					LAW -0357	PRODUCTS LIABILITY	A-	2.00	7.34
Admitted Program:					LAW -0434	HEALTH INSURANCE & REG. SEMINAR	B+	2.00	6.66
The Cecil C. Humphreys School of Law					-----Summer 1998-----				
Juris Doctor					LAW -0511	LEGAL CLINIC - GENERAL	A	4.00	16.00
Major: Law					LAW -0516	TRIAL ADVOCACY	A	3.00	12.00
LAW -0111	CONTRACTS I	B-	3.00	8.01					
LAW -0112	TORTS I	B+	3.00	9.99					
LAW -0113	LEGAL METHOD I	C	2.00	4.00					
LAW -0114	CIVIL PROCEDURE I	C	3.00	6.00					
LAW -0115	PROPERTY I	B+	3.00	9.99					
-----Spring 1997-----									
LAW -0121	CONTRACTS II	B+	3.00	9.99					
LAW -0122	TORTS II	B-	3.00	8.01					
LAW -0123	LEGAL METHOD II	B	1.00	3.00					
LAW -0124	CIVIL PROCEDURE II	A-	3.00	11.01					
LAW -0125	PROPERTY II	B+	3.00	9.99					
LAW -0126	CRIMINAL LAW	C+	3.00	6.99					
-----Summer 1997-----									
LAW -0213	DECEDENTS' ESTATES	B+	3.00	9.99					
LAW -0223	CRIMINAL PROCEDURE I	B	3.00	9.00					
LAW -0345	LAW & ACCOUNTING	C+	2.00	4.66					
-----Fall 1997-----									
LAW -0211	BUSN ORGANIZATIONS I	C+	3.00	6.99					
LAW -0212	CONSTITUTIONAL LAW	A	4.00	16.00					
LAW -0214	INCOME TAXATION I	A	4.00	16.00					
LAW -0224	PROF RESPONSIBILITY	B	2.00	6.00					
LAW -0368	REMEDIES	B+	3.00	9.99					
-----NO FURTHER ENTRIES THIS COLUMN-----									

FEDERAL LAW PROHIBITS ACCESS TO THIS RECORD BY ANY PARTY WITHOUT WRITTEN CONSENT OF THE STUDENT.

Official transcripts bear an authorized signature.

An engraved seal is not required.

Official transcripts are printed on security paper.

Mark A. Schwartz
Registrar 09-15-98

BRADLEY C HARR
2580 FOX HUNT DRIVE
SANDY

ISSUED TO STUDENT

PAGE 1 OF 1

UT 84092-3346

K.C. JENSEN
2038 East Corrie Ann Circle
Sandy, Utah 84093
(801) 943-5053 (work/messages)
(801) 943-5989 (home)

November 30, 1998

HAND DELIVERED

Brent Johnson
General Counsel for
Administrative Office of the Court
450 South State. #N31
Salt Lake City, Utah 84114-0241

**Re: Attorney position on the Ethics Advisory Standing
Committee of the Utah Judicial Council**

Dear Mr. Johnson:

I would very much like to be considered for the attorney position on the Ethics Advisory Standing Committee of the Utah Judicial Council recently advertised on J. Reuben Clark Law School's internet page. I believe I have the skills identified in the job announcement and implied from Rule 3-109 of the Code of Judicial Administration ("Code") to qualify for the position.

The job announcement and Rule 3-109(1) state that the Committee is responsible for providing opinions on the interpretation and application of the Code to specific factual situations. As an associate in a large law firm, a majority of my time was spent researching complex areas of law, applying the law to factual situations that were often complex as well and timely preparing persuasive arguments or explanatory analysis in the form of briefs or memoranda. I believe that the research and writing skills I developed as an associate with Parsons Behle & Latimer will enable me to be successful in the position in question and a valuable resource for the Committee. Also, I would be very interested in being involved in the educational programs referred to in Rule 3-109(3)(C) of the Code to assist judicial officers and employees in their understanding of the Code.

The enclosed resume describes some of my relevant accomplishments. I would welcome the opportunity to meet with you and discuss in more detail my qualifications for the position.

I appreciate your consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "K.C. Jensen". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

K.C. Jensen

Enclosure/Resume

K.C. JENSEN

2038 E. Corrie Ann Circle
Salt Lake City, Utah 84093
(801) 943-5053 (wk/mssg)
(801) 943-5989 (hm)

PROFESSIONAL EXPERIENCE

May 1990
to
January 1998

Parsons Behle & Latimer, Salt Lake City, Utah.

Initially, enjoyed exposure in each of the three major departments: natural resources, business transactions and litigation. Eventually, practice focused on state and local tax issues, public utility law and general commercial litigation. Significant projects included:

- challenging the imposition by an Indian tribe of an ad valorem tax on a \$5 million rocket motor testing facility;
- challenging the property tax assessment of a \$45 million office building;
- asserting a breach of contract claim against the reneging purchaser of a \$47 million gold mine;
- participating in separate proceedings before the Utah and Nevada Public Service Commissions on electric utility structuring;
- preparing numerous briefs to the Utah Supreme Court and Utah Court of Appeals.

July 1984
to
August 1987

Internal Revenue Service, Baltimore, Maryland/Salt Lake City, Utah.
Field Agent responsible for auditing individual, partnership, corporation, and S corporation tax returns.

PROFESSIONAL LICENSES

October 1990

Admitted to practice law in the State of Utah.

November 1989

Completed national / state examinations for **Certified Public Accountants**.

August 1989

Completed national / state examinations for **Real Estate Agents**.

EDUCATION

April 1990

J. Reuben Clark School of Law, Brigham Young University, Juris Doctor, cum laude. Member: B.Y.U. Journal of Public Law.

December 1982

Brigham Young University, Provo, Utah. Bachelor of Arts - English.

May 1980

Catonsville Community College, Baltimore, Md. Associate of Arts - Business Administration.

PUBLICATIONS AND PRESENTATIONS

- Fall 1990 **Publication** — "Tax Deductions for Payments to Mormon Missionaries."
4 BYU Journal of Public Law. 115 (1990).
- 1993-1994 **Publication** — Coauthored summary of Utah income tax law for a state tax
law treatise published by McMillan & Co.
- March 1995 **Presentation** — Summary of recent Utah state and local tax cases presented at
the Utah State Bar Mid-Year Meeting.
- 1996-1997 **Publication** — Coauthored summary of Utah property tax law in ABA
Property Tax Deskbook compiled by the State and Local Tax Section of the
American Bar Association.

REFERENCES

Francis M. Wikstrom
Litigation Department - Department Head
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 532-1234

Robert A. Johnson
Senior Vice President over Law and Administration
Bonneville International Corporation
55 North 300 West
Salt Lake City, Utah 84110
Telephone: (801) 575-7520

Maxwell A. Miller
Parsons Behle & Latimer
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 532-1234

STATE SUPERVISION JUDICIAL COUNCIL

I appreciate the opportunity to discuss State Supervision, the new category on the Juvenile Sentencing Guidelines. Before I begin to discuss state supervision, I would like to back up and review the Guidelines for a moment. As you know, the Sentencing Commission was asked to consider guidelines for the sentencing of juveniles about three years ago. After much work and debate, and the support of the Juvenile Justice Task Force, chaired by Senator Lyle Hillyard and legislatively authorized, they were adopted and funded by the Legislature last year. About 20 million dollars was devoted to their implementation. Almost 6.5 million dollars was provided to the Juvenile Court to hire additional probation officers and implement state supervision programs. The rest went to Youth Corrections to develop additional out of home placements, observation and assessment and secure beds.

The purpose of the guidelines were to do three things. First, they were to embrace the concept of proportionality. What this meant to the task force is based upon the seriousness of the delinquent act and previous involvement in delinquent acts, the sentence should be proportional. Second, the task force felt that earlier intervention was the key to behavior change of juveniles. The Legislature appropriated about 3 million dollars to hire 60 additional probation staff. Included in your hand outs is a comparison of caseloads on 4/1/97 and 4/1/98. As you can see, even though Juvenile Court has taken on 350 additional probation cases, the average caseload has dropped from 26 to 17. Additional staff allows the Juvenile Court to intervene at an earlier stage in delinquency and with less serious delinquents, with the hope that these children will not continue committing delinquent acts and receive more serious sanctions. Lastly, for those children who commit more serious acts, the task force

felt as though there needed to be more intensive supervision and services, prior to a child moving into the Youth Corrections system where they would be taken out of the home and either placed in a program or a secure facility.

I have included in your handouts an analysis of the implementation of the sentencing guidelines in the first quarter and third quarter of this year. Please be aware that many of the state supervision programs that have been developed were not available in the first quarter of this year. We are speculating that when the court considers the aggravating and mitigating circumstances of a case, it is reasonable to assume that the Court would diverge from the guidelines one step up and down from the appropriate cell. We also speculate that the probation officer's recommendation has a lot to do with the sentence imposed. I say speculation about these two issues because our information system does not collect information of either. On July 13th, we will be implementing changes in the information system that collect this information.

I am now to the point where I think I have provided enough background for us to discuss state supervision. Keep in mind that the concept of state supervision is intensive supervision and services, with the idea that it would slow down the rate of delinquents moving into the Youth Corrections system. For me, it is easiest to discuss state supervision by using a district as an example of how state supervision was implemented. For purposes of this discussion, I will use Fifth District.

In January and February of 1997, Fifth District began asking staff to identify the gaps in services with juveniles which affect the overall success we have with delinquents. The first issue identified was the need to have more contact with the delinquent. In all Districts, deputy probation officers were hired to increase the level of supervision in this category. These PO's track the child both during the day and at night and are making an average of three contacts per

week with the child.

Staff felt as though there was a need for good information about the child. In the past, when mental health evaluations were requested, the child was placed on a waiting list and often it was 2-3 months before they were seen. So Fifth District contracted with a provider to do evaluations. Now a probation officer and judge can get an evaluation and recommendation on a child within 1-2 weeks.

Obviously, substance abuse is a big problem with delinquents. Fifth District negotiated with the local mental health program to deliver treatment targeted at this population at no additional cost to the Court. In addition, Fifth District stepped up is urinalysis on this group. They will do well over 600 drug tests on kids under supervision in this District.

Staff saw a need to work with the families of kids on state supervision. Often, there were serious communication problems in the family and discipline was non-existent. Fifth District contracted with a provider to do parent mentoring. One day per week the provider meets in a group setting with the child and parents to discuss these issues. As families progress in group, the provider makes contact three days per week with each family to assist them in using techniques learned in the group setting.

Last but certainly not least, the staff saw a need to provide a job preparation program. They went to Job Service and worked out a contract where they would place a child in a job. During the first 150 hours on the job, the contract would pay the wages for the child. During the second 150 hours, the employer and contract would split the wages.

Please understand that these state supervision provided were folded into the already existing programs in Fifth District, where they use the concept of Step Up Probation. I'm sure that you have heard of that concept of probation supervision where a child attends a

probation class with their parents on a weekly basis and moves through levels where more freedom and responsibility is given. A workbook is used to guide the process. In addition, the child attends an educational enhancement class once per week. This class was developed with the cooperation of the school district where a child gets remedial help in school so that they can not only catch up in school but improve their performance. This program has been operational for about 8 years. So the idea was to fold existing programs into the state supervision program to create a continuum of care, if you will, to wrap services around a delinquent and hopefully prevent them from penetrating the system further.

HURRICANE MIDDLE SCHOOL

By now, you are probably asking yourself, well this is nice but does it work? Actually, the entire country is asking that same question of their correctional programs. The answer is this. Overall, we know quite a bit about what works with juvenile delinquents. We know that in order to be successful we need to reduce the risk factors of these kids and build in resiliency to handle issues that come up in their life.

But specifically, we do not collect information on how new programs are working. With the redesign of the juvenile justice information system, it gives us an opportunity to design a system that collects that information. And I am not just talking about recidivism data. There are other factors that we should be evaluated on such as performance in school, attendance, grades, compliance with probation orders, drug use, earning power in a job, and many other factors.

In addition, we also need to develop a system to monitor contracts. I suppose I don't need to mention to the Council that this is the first time that Juvenile Court has contracted with programs to deliver services to children under Juvenile Court's jurisdiction. Both Youth and Adult Corrections has had quite a bit of experience in this area and will be helping us to

develop a system of monitoring.

In summary, I am convinced that because of the thoughtful process that was used to implement the guidelines and state supervision, we will achieve our objectives and the objectives of the Sentencing Commission and the Juvenile Justice Task Force. We have been working closely with each group and they feel we are on the right track. I think we can look towards those two groups providing a model of how to evaluate the programs both Juvenile Court and Youth Corrections contracts with. I would be happy to answer any questions that you may have.

DRAFT

REPORT TO THE JUDICIAL COUNCIL

Once again, the Juvenile Court appreciates the opportunity to update the Judicial Council on our activities. I think it is important to step back and look at what is going on nationally with juvenile crime and child welfare, and then allow us to speculate about how Utah compares to national trends. Nationally, juvenile crime is down by as much as 20% in some categories. Most states have devised system to allow juveniles to be certified for serious crimes. While the attempt of Congress to requires states to have these provisions and develop national reporting systems for juvenile crime that feeds into a national database failed this last year, it will be a major priority of the Congress in 1999 and will be one of the first bills to be introduced. Many states have passed Child Welfare laws that provided for time frames associated with hearings and improved communication amongst those agencies involved in child welfare matters. However, these laws have changed the role of juvenile court judges in these cases from a traditional decision-maker to expediter of a child's case to the ultimate goal of permanency.

As this body knows, referrals to Juvenile Court are down in Utah. Using this traditional workload measure, one would think that overall workload would be down. However, the only cases that have increased in our court level are dependency abuse and neglect cases. While these cases only represent 10% of the court's workload, they take 40 % of the Judge's time. The Judicial Workload formula has not been reviewed since 1995, prior to several additional mandates in the child welfare laws. As the result,

Page Two

Judge Brown of 4th District has taken on the task of reevaluating the formula. He and his committee have sought input from clerks as well as judges on the length of time certain cases require. We hope to have a finished product by the Judicial Conference in Sun Valley, and at that time we can share the results in more detail. An attendant result of this workload was the Board of Juvenile Court Judges establishing a priority to request that the Legislature fund two new judges; one in Seventh District and one in First District. Senator Hillyard will be sponsoring a bill, which includes both Judges. While not a part of the Governor's budget, the board and bench still remains optimistic about its chances for success.

The Juvenile Court has been very fortunate to be able to access the federal money called the Juvenile Accountability Incentive Block grant. The money will go to two very important projects; the reengineering of the juvenile justice information and the funding of two pro tem judges for one year. Over \$1.8 million will be used during a two-year period to allow us to move the information system off the main frame on to local servers. While we anticipate that the project will take four years to complete, the money will allow of us purchase programming time and hardware upgrades that will be necessary to implement the changes. It will also gives us an opportunity to identify data elements in the dependency abuse and neglect area that will assist in evaluating progress in the child welfare area. More than \$250,000 will be allocated to hire two pro tem judges in Juvenile Court. The focus of their work will be in 7th and 1st Districts but they will also be assisting in all Districts in the state. The positions have been advertised and we have a hiring plan in place that will allow these individuals to be available around the 1st of February.

As you know, the Legislature again authorized the Juvenile Justice Task Force to look at issues in this area. They also commissioned an audit be done of the juvenile justice system. Sadly, this audit was not completed during the tenure of the task force because of staff shortages in the Legislative Auditors office. It appears that the task force will consider the audit the second week in January prior to the Legislature. I would love to share with you what that audit is going to recommend, but our information consists of rumor rather than fact. For instance, we understand that the audit will recommend the creation of a Youth Authority that will include both Youth Corrections and Probation. But without having the actual report, we would be responding to speculation. Let me just say that staff and judges spent countless hours attending these task force meetings and providing information to them, and we are concerned that the audit will get a cursory review and perhaps support of concepts that are not well thought out in terms of their implications.

The Juvenile Court feels like it has made tremendous progress with Child Welfare cases. Part of the impetus for this progress has been the Court Improvement Project. As a federally funded initiative, they have done a great job of getting a broad base of representation on their committee. They have suggested changes to improve the child welfare cases and on two separate occasions have recommended changes to the statute. Judge McCully, in our training in April, reported that the time it takes to get a child to permanency has gone from 18 months to 11.5 months. Representatives from the National Council of Family and Juvenile Court Judges that were at the training have suggested that Utah is a leader in this area. I would be remiss if I did not acknowledge the fine leadership that Judge Hornak provided to this project. Judge Greenwood, from the Court of Appeals, has kindly consented to

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taking over the chair of this committee. By the way, I might mention to this Council that the National Council will be having their annual meeting in Salt Lake City in the year 2000. Obviously, we want to plan an outstanding conference and hope that this Council will play a big part in its planning.

This is the one-hundredth anniversary of the Juvenile Court in the United States. The first juvenile court began in Cook County Illinois, the site of the National Council this year. Like the first court, there is still an emphasis in these courts on what is in the best interest of the child. I feel very lucky to represent a group of dedicated and outstanding judges. To celebrate the anniversary, Juvenile Court would like to work with the AO's communication director to develop a video that would be entitled "Parent to Parent". The emphasis of the video would be on how parents can develop resiliency factors in their child to stay out of juvenile court. If a child is referred to juvenile court, we want to provide suggestions on how parents can support the goals of the court. We hope that we can partner with the PTA after the video is made to use this on a statewide basis in school assemblies to increase the understanding of what the Juvenile Court is trying to accomplish. We are in the process of seeking federal prevention funds to underwrite the cost of the video. I appreciate your attentiveness and would be very happy to respond to any questions that you may have.

OFFICE OF THE LEGISLATIVE FISCAL ANALYST
MAJOR POLICIES AND FUNDING ISSUES
1999 GENERAL SESSION
December 16, 1998

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Agency Request

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**MAJOR POLICIES AND FUNDING ISSUES
1999 GENERAL SESSION**

INFORMATION TECHNOLOGY

- | | |
|--|--|
| The Millennium Bug | <p>What level of resources are required to assure that mission critical operations will continue through the Year 2000 (Y2K) date change?</p> <p>State entities face the possibility that information systems containing two-digit date fields will not properly process date dependent functions which include the year 2000. Many entities will be forced to repair or replace these systems in the next twelve months, as well as prepare business contingency plans. Executive agencies have requested \$5 million for these purposes, while higher education requested \$20 million, and public education seeks an FY 1999 supplemental of \$12 million. The Courts and the Legislature are either currently compliant, or will address Year 2000 needs with base resources.</p> |
| Scheduled Equipment Replacement | <p>Should state agencies treat standard computing equipment (clients, mail/file servers, routers/switches, peripherals) as one-time capital costs or as ongoing expenses?</p> <p>On average, executive agencies replaced only 15 percent of their PC inventories in FY 1998, compared with industry standards of between 25 and 33 percent. In FY 2000, Utah executive agencies have requested \$11 million for hardware and software under \$5,000 per unit. However, agencies typically spend much more on data processing current expenses than originally budgeted at the beginning of the year. For instance, in FY 1998, the agencies were authorized to spend about \$10 million for hardware and software under \$5,000 per unit. They spent almost twice that much, \$18 million. Forty-two percent of all expenditures in that category took place in the last two months of the fiscal year, presumably as excess funding in other areas became available. Assuming that the cost of replacing 15 percent of the inventory is \$18 million, and that agencies typically spend twice as much as authorized on these activities, the incremental cost of accelerating the cycle to replace 30 percent of executive agency PCs could cost as much as an additional \$16 million in FY 2000. As for other state entities, Courts recently replaced much of its IT infrastructure through the CORIS program. Public and higher education cannot accurately account for IT costs, but more than 50 percent of their installed base consists of computers two years old or older, and one-time treatment of IT costs has been blamed for the education communities Year 2000 situation.</p> |
| UCAN 800 MHz Radio Upgrade | <p>Given implementation delays, should further resources be provided for 800 MHz conversion in FY 2000?</p> <p>In 1997, House Bill 187 created the Utah Communications Agency Network (UCAN) to coordinate state and local government construction of a new law</p> |

EXECUTIVE OFFICES, CRIMINAL JUSTICE AND LEGISLATURE

Creation of a Western Primary Election

Should Utah create a Western Primary Election?

There is a request for \$500,000 from the General Fund to create a Western States primary. This request involves taking the elections functions out of the Governor's Office and making a separate department. This would require a statutory change. There is also some concern as to how this would affect the role and functions of the Lieutenant Governor. Currently the elections responsibilities are under the supervision of the Lieutenant Governor.

Children's Issues in the Attorney General's Office

Does the Legislature want to keep up with growth in Child Welfare caseload?

Children's issues continue to be a priority throughout the state. The Attorney General's Office has requested two additional attorneys to keep up with caseload growth. This ties in with growth in Human Services. The cost would be \$203,400.

State Growth Affecting the Attorney General's Office

Should the Legislature fund growth affecting the Attorney General's Office?

Growth in other areas has led to increased caseload pressure on the Attorney General. As a result they are requesting \$298,500 for additional staff attorneys in Tax, Appeals and Occupational Licensing.

Funds Consolidation

Should there be a funds consolidation study conducted by the Legislature during the 1999 interim for the 2000 General Session?

Current estimates are that the Courts will collect over \$27 millions in fees, fines and surcharges in FY 2000. Court revenues have traditionally been deposited in the General Funds of the state. Over the last several years a number of diversions have been created, by legislation, which established restricted funds for special programs. By creation of the restricted funds, the Legislature artificially limits their own ability to shift priorities and funds.

Judges

Is there a point at which we cannot afford more judges to be added each year?

The Executive and Judicial Compensation Commission is recommending a 3.5 percent salary increase for judges. This will cost approximately \$450,000 in additional General Funds for the 103 judges and the Court Administrator currently in the system. The courts are also asking for two new juvenile judges

(and support staff) at a cost of \$447,800 in General Funds (we now have 22 juvenile judges).

A salary increase of one percent for correctional officers only would cost \$226,836. A nine percent increase for all department positions, including correctional officer, would be \$5,800,000.

Highway Patrol

Is there a standard the Legislature wishes to use to determine how many troopers are needed?

The Department of Public Safety is asking for 15 additional troopers (and associated equipment) for the Utah Highway Patrol. Total cost for the request would be \$1,263,800.

In-Car Technology

How do the efficiencies gained through in-car laptop technology (in the urban counties) relate to the need for new troopers?

To continue the upgrade of the UHP to the new in-car computer system (CDPD) the Department is requesting \$ 508,900 in General Funds (adds Juab & Utah Counties and provides maintenance for Davis County).

Forensic Labs

Since delays in evidence processing can hamper investigations and impact convictions, should the state labs be upgraded (in staffing) to increase the response times on evidence analysis?

With the increasing complexity of technical means of processing evidence and it's use in gaining convictions for crimes, the Department is asking for an additional 2.5 criminologists (\$140,000) for the state forensics labs. These labs serve both state and local law enforcement and prosecution efforts.

Cost of Protective Services

Should Public Safety, DFCM, Risk Management and the resident agencies be required to match the security contract (level of service), program payments, and the risks involved?

Protective services provides security for state buildings in the Salt Lake Metro area. The level of services, and security provided, is not related to the risk involved or the cost of providing such services. Should DPS-protective services be required to establish a cost matrix specifying the charges for each level of security service for any state building to be covered?

New Parolee Program

Shall the Legislature allow the funds previously appropriated for a privatized prison to be used for a new Parolee program?

Because of the delays in getting the RFP (and resulting prison construction) on line in FY 1999 there is a projected shortfall of 385 inmate beds at the prisons by the end for FY 1999. The Department is proposing building specialized, lower security facilities (using inmate labor and new construction technology) to bring 300 new beds on-line in FY 1999. These beds would serve a parolee population on community work program projects. Costs for the construction (approximately \$4.1 million) would come from in-budget savings and Federal Victims of Crime/Truth in Sentencing (VOCTIS) Funds. Operating costs (approximately \$4.5 million in FY 2000) would be covered by funds earmarked for the privatized facilities or generated by the Department.

exceptions for certain types of vehicles, including Public Safety and vehicles used by those who work in the field. Purchasing an AFV adds an additional cost of \$3000 to \$5000 per vehicle. The Legislature needs to adopt an AFV policy that meets Federal guidelines and equitably distributes costs across state agencies.

Fuel Mitigation

How should the State address remediation of leaking underground storage tanks?

The Fuel Mitigation program identifies sites that have been damaged by leaks in state-owned underground fuel storage tanks. The fund provides for the restoration of these sites in compliance with federal law. FY 1999 is the last year that the federal government will require clean-up projects, but there are still many sites in Utah that have not been properly evaluated or restored. The Department of Administrative Services wishes to continue the clean-up program until all currently identified sites have been restored. They are asking for a one-time supplemental appropriation to complete this project.

Capital Improvement Spending

What is the statutory increase for Capital Improvements in FY 2000?

Statute provides money for Capital Improvements to be funded on an annual basis before new buildings can be funded. Capital Improvements are projects that cost less than \$1,000,000 and do not add additional square footage. The amount appropriated for improvements is 0.9 percent of the value of state buildings, which is \$3,728,666,700 for FY 2000. Capital Improvement money for FY 2000 has been set at \$33,558,000, an increase of \$1,664,500 over FY 1999.

General Obligation Debt Service

What will the G.O. Debt Service total in FY 2000?

The state's level of Debt is primarily made up of General Obligation and Revenue bonds. General Obligation bonds are secured by the full faith and credit of the State. The current level of General Obligation bonding is approximately \$1,111,355,000. Revenue bonds are bonds authorized and paid for with an income stream that is available to the agency. Though more expensive than G.O. bonds, current market conditions have allowed the state to take advantage of low interest rates to purchase buildings using revenue streams dedicated to long term lease payments. The Revenue Bonding level is approximately \$304,868,000. General Obligation Bond debt service for FY 2000 is estimated to be \$129,978,000, an increase of approximately \$2,981,500.

COMMERCE AND REVENUE

Funding of Market Comparability Adjustments

How will the Legislature fund the FY 2000 market comparability adjustments?

The Legislature has funded market comparability adjustments from "turnover and other savings" for the last several years. These are ongoing budget

Industrial Assistance Fund

Will the Legislature fund mandated replenishment of the Industrial Assistance Fund?

At the end of the fiscal year, after transferring the General Fund surplus to the Budget Reserve Account as provided in Section 63-38-2.5, any additional unrestricted, undesignated General fund balance, beyond the first \$10,000,000 shall be earmarked to the Industrial Assistance Fund in an amount equal to the credits accrued. This requires a supplemental appropriation of \$5,162,500. In the past the Legislature has only partially funded this requirement. DCED expects significant demand in the coming year.

Hill Air Force Easements

Will the Legislature fund mandated Hill Air base land easements?

Section 63-49a-1 directs: "The Department of Community and Economic Development shall acquire, by purchase of condemnation, easements for the establishment, maintenance, and operation of a restrictive use area for the operation of aircraft to and from Hill Air force Base." The amount needed to finish this multi-year project is \$450,000 in one-time General Fund. This project can be delayed or partially funded.

Utah Technology Finance Corporation

What does the Legislature want to do with Utah Technology Finance Corporation?

Last session the Legislature eliminated the final \$1,000,000 in ongoing General Fund appropriation for Utah Technology Finance Corporation. Does the Legislature wish to restore funding to this agency, leave it as it is, or eliminate the program?

Olympic Related Business and Travel Promotion

Does the Legislature want to increase the economic development impacts of the Olympics?

The Department is eager to follow Atlanta's example in linking economic and travel development efforts to Olympic promotions. The original request is for \$900,000. This opportunity can be ignored or postponed or partially funded.

State Fair

Does the Legislature want to help renovate the State Fairgrounds and develop an aquarium and science center?

The State Fair is about to start a major renovation that would provide a home for a science center and an aquarium. During the transition period they are requesting a return to their previous level of on-going funding, \$600,000. That is an increase of \$330,000 from their current level of \$270,000. A similar project in Baltimore led to area revitalization. This project may be ignored, postponed or partially funded.

recipients. For service and eligibility determination costs, the amount is approximately \$1,929,000.

Eliminate Waiting List for 32 Medicaid Children - There are currently 32 children who are on a waiting list for services under the Travis C. waiver, which covers technology-dependent children (children who need trach tubes, or other specialized equipment). The General Fund amount to cover these children is \$163,700.

**Utah Medical
Assistance Program**

Should the State provide additional funding for Medical Services for poorer individuals who do not qualify for Medicaid?

Some individuals who do not qualify for Medicaid may receive health care services through the Utah Medical Assistance Program (UMAP). This is primarily a state-funded program. The program has not received a General Fund increase since FY 1987. Over time, the purchasing power has decreased, and health care costs have escalated. The requested amount is \$450,000.

FY 1999 Supplementals

**Tobacco Media
Campaign**

House Bill 404, Use of Cigarette Tax, diverts \$250,000 from the General Fund to a restricted account for an anti-tobacco media campaign directed towards youth. Because the bill passed after the funding deadline, the funding for the campaign was not included in the appropriation bills. (Note: the funding comes from the Cigarette Tax Restricted Account.)

**Alcohol and Drug
Testing**

House Bill 71, Alcohol and Drug Testing Fee, provided a funding source through a restricted account, for laboratory tests for state and local law enforcement agencies. This bill also passed after the funding deadline, so the funding for the testing was not included in the appropriation bills. (Note: the funding comes from the State Laboratory Drug Testing Account.) The requested amount is \$150,000.

**Impact of Aging
Population**

Will long-term health care costs increase significantly over the next few decades?

A long-term issue which the entire country is facing should at least be discussed and considered. With the population of the country aging, and with more people living longer, medical and long-term care costs for the disabled and aged populations will see significant increases over the next two to three decades (38.6 million in 1997, 72.2 million in 2027). In Utah, approximately 85 percent of all nursing home residents are Medicaid recipients. The Medicaid aged and disabled populations account for 20 to 25 percent of total Medicaid eligibles, but utilize 40 to 60 percent of the total funds. As the population ages, more people will likely utilize long-term care, a very

Aging and Adult Service is requesting about \$500,000 in state funds to provide for another 525 individuals.

**Funding for
Complex, Multi-
Need Troubled
Youth**

Should the State provide a new separate funding pool for multi-need, troubled youth?

In a typical year, the Department of Human Services receives about 20 "high cost" youth who require intensive intervention from various agencies, such as Youth Corrections, Mental Health, Substance Abuse, and possibly residential services from Child and Family Services. These youth come to the department from various sources, including the courts. Their cost is such that a particular division is reluctant to take on the full responsibility. The Department is requesting \$500,000 in state funds to provide services for these youths.

**Private Provider
Cost of Living
Adjustments**

Should the State provide additional funding to increase contracts with private human service providers and local authorities for staff cost-of-living adjustments?

Private contracted service providers, local mental health, substance abuse, and aging authorities have been given employee cost-of-living increases comparable to that given state employees. The Budgetary Procedures Act instructs the Governor to consider budgeting such a cost-of-living increase for these agencies. Last year, the Legislature appropriated \$1.4 million in state funds to the Department of Human Services for a three percent COLA. A similar amount, about \$1.5 million is anticipated for FY 2000.

In addition, the Division of Youth Services (DYC), while not mentioned in statute, will be requesting a similar increase. DYC is requesting a COLA increase of \$451,000 in state funds for its service providers.

UTAH SYSTEM OF HIGHER EDUCATION

**Compensation
Package**

Should the plan of financing the compensation increase for higher education include only State Tax Funds?

If this proposal is adopted, the Legislative Executive Appropriation Committee would need to exempt the Utah System of Higher Education from their policy on funding compensation increases.

Each year, the Fiscal Analyst, under direction from Legislative Executive Appropriation Committee, sets aside funds for compensation increases for all sectors of State Government as part of the annual budget recommendation.

The guidelines used by the Fiscal Analyst in developing the funding sources for the compensation reserve were adopted by the Executive Appropriations Committee on December 13, 1994. The guidelines state that:

USHE is proposing that this budgetary need be financed through a funding mechanism that is based on a state appropriation of \$30 for each FTE student enrolled at each institution. Systemwide this would amount to approximately \$2.5 million. **As part of the Regents' proposal this money would be appropriated to the Commissioner's Office and distributed to the nine institutions at the discretion of the Board of Regents. The intent is for the Regents to manage the allocation of these funds (in lieu of a direct legislative appropriation to each institution) with the objective of improving the quality of the student's educational experience at each USHE campus.** No accountability or performance objectives have been attached to the request.

**Adult Education at
Applied Technology
Centers and Applied
Technology Service
Regions-ATE
Budget**

Should the responsibility for the funding of adult education at ATC's be the responsibility of higher education, and should the appropriation go directly to USHE for allocation to the appropriate ATC's for adult instruction?

Applied Technology Education (ATE) in Utah is delivered by both public education and the State's System of Higher Education (USHE).

In higher education, all institutions of higher learning except the University of Utah, offer ATE programs. The ATE courses offered are both credit and non-credit programs. In higher education, most budget related ATE instruction is funded through the education and general ATE budgets for each institution.

In public education, the Applied Technology Centers (ATC's) are primarily responsible for non-credit training of secondary students, however, adults can receive instruction at the ATC's. Regions where ATC's are not available, the Applied Technology Center Service Regions (ATCSR's) coordinate the ATE programs between public education and higher education. Public education funding for ATE programs at the ATC's and ATCSR's are provided as individual line item budgets for each agency (ATC's and ATCSR's) which covers the cost of instruction for both secondary and adult students.

**Use of SLCC Funds
for Secondary
Students**

The issue for legislative consideration is whether the process of transferring monies to the Wasatch Front South ATCSR from SLCC to cover the cost of secondary education should continue, or should the ATC receive additional funding to cover the loss of the SLCC's funding? Since Fiscal Year 1993, Salt Lake Community College (SLCC) has transferred money to the Wasatch Front South ATCSR from their appropriated base budget to supplement the costs of instructing secondary students. SLCC has informed Wasatch Front South that beginning in Fiscal Year 2000, they will no longer be transferring monies to the ATCSR for secondary students.

**Natural
Resources/Parks and
Recreation**

Should Parks and Recreation receive an appropriation for boat dock enhancements at Bear Lake?

Parks has requested an FY 1999 one-time supplemental appropriation for improvements at the new Bear Lake marina. The marina has a backlog of boaters who desire to rent docks for the season. The marina has additional capacity that could fill the need, but funds were not previously available. Parks proposes to use \$475,000 of Restricted Boating funds to provide additional docks this fiscal year. In addition, federal dollars are available on a 25% state / 75% federal match. Parks proposes to include another \$125,000 of Restricted Boating funds to match \$375,000 in available federal funds. Total request is \$975,000.

**Natural
Resources/Parks and
Recreation**

Should funding for programs keep pace with inflation?

Years of level funding have been straining programs. In this instance, Parks and Recreation has requested an on-going appropriation increase of \$250,000 for park operations. Funding sources would be: \$125,000 General Fund; \$25,000 Dedicated Credits; and \$100,000 Restricted Boating. Over the past six years the costs of garbage collection, propane, data processing, telephone, electricity, and vehicle use have increased.

**Natural
Resources/Parks and
Recreation**

Should the Legislature purchase land and water rights at Palisade State Park?

The state park and golf course at Palisade needs additional water rights in order to maintain operations. In addition, it has been determined that some of the state facilities were constructed on land belonging to the local water users. The water users have agreed to sell the subject property and water rights. Approximately 150 shares of water would be purchased for \$90,000 minus \$30,000 which was appropriated two years ago, for a total of \$60,000. Approximately 88 acres of land would be purchased for \$322,000. The water issue is the most critical, but Parks would like to clear up the land issues at the same time. Funding would come as a one-time FY 1999 General Fund supplemental, as Parks has not prioritized other sources at this time.

PUBLIC EDUCATION

Public Education- Minimum School Program

WPU cost is \$15 million per each 1 percent.

Compensation increase - what are the costs?

For each 1 percent increase in the Weighted Pupil Unit there will be a cost in excess of \$15,000,000.

Class Size Costs

What commitments to class size reduction are important?

The State board of Education is requesting \$18 million for middle school class size reduction; and \$ 16.3 million in elementary school. California appears to

training of secondary students. (In FY 1999, WFSATCSR received \$249,200 from Salt Lake Community College.) Accordingly, WFSATCSR, has used this funding to develop programs for secondary students, and has now become very dependent on receiving this annual contribution. Salt Lake Community College has served notice that as of FY 2000, it will no longer provide this funding to WFSATCSR. If WFSATCSR does not receive the \$249,200, it will be forced to make major program cuts.

**Southwest ATCSR
Space Needs**

Should space needs of the Southwest ATCSR be funded?

The Southwest ATCSR (SWATCSR) has experienced significant enrollment growth in recent years. The Utah State Office of Education reported on September 10, 1998 that the SWATCSR provided 59,709 class and lab hours in FY 1995. In FY 1998, it provided 232,195 class and lab hours. The SWATCSR has exhausted the space available and has requested \$326,000 to expand its facilities and programs. \$200,000 of this ongoing funding is designated for the building of a 20,000 square foot facility to be built across the street from the current office space utilized by the SWATCSR in Cedar City. The Iron School District will provide for the financing, and the SWATCSR will purchase the building on a "Lease-Buyback" arrangement.

The remaining \$126,000 is designated to pay for space at Dixie College in St. George, Utah.

**Programing
Funding Wasatch
Front South**

Should \$60,000 programming funding be provided to determine the type of Applied Technology Center configuration for Salt Lake County with a satellite facility in Tooele County?

The Utah State Board of Education and the Wasatch Front South Applied Technology Center Service Region (WFSATCSR) are proposing to establish an Applied Technology Center consisting of two facilities in Salt Lake County and one satellite facility in Tooele County. One facility is proposed to be built at the south end of the Salt Lake Valley, another at the north end, and a third in Tooele County. This geographic dispersion is intended to serve five (5) school districts. They are: the Salt Lake City, Murray, Granite, Jordan, and Tooele School Districts.

For more than ten years, public education officials have endeavored to provide the same or similar applied technology education opportunities to secondary students (i.e. junior high and high school students) living in the Salt Lake and Tooele counties that have been available to secondary students living in other, far less populated areas of the state. While applied technology education funding for school districts and a consortium have been provided, the creation and funding for an Applied Technology Center similar to those located in Cache, Weber, and Davis Counties has been withheld.

TRANSPORTATION & ENVIRONMENTAL QUALITY

FY 1999 Petroleum Storage Tank Fund Issue

Should the Legislature reconsider the use of the Petroleum Storage Tank Expendable Trust Fund as an FY 1999 appropriation?

During the 1998 General Session of the Legislature an appropriation of \$5,000,000 from the Petroleum Storage Tank Expendable Trust Fund was made to the Centennial Highway Fund. Legal action was initiated by a contributor to the expendable trust fund challenging the appropriation. An informal agreement was reached by the Legislative Management Committee, legislative counsel, and the party initiating the suit to postpone litigation until after the 1999 general session. This would give the Legislature an opportunity to reconsider the appropriation or to appropriate from another fund.

Centennial Highway General Fund Commitment

What is the status of the funding availability for the FY 1999 and FY 2000 Centennial Highway Program?

The legislative plan adopted during the 1998 session to continue funding the ten year Centennial Highway Program includes an increase of \$5,000,000 from the General Fund be appropriated for FY 2000. If this appropriation is approved the General Fund amount to the Centennial Highway Fund would be \$125,000,000 for FY 2000.

The legislative plan approved during the 1998 General Session of the Legislature for the ten year Centennial Highway Program included new Federal Funds for the FY 1999 (\$50,000,000) and FY 2000 (\$100,000,000) fiscal years totaling \$150,000,000. Federal Funds appropriated with implementation of the new Transportation Efficiency Act 2100 (TEA 21) and discretionary funding authorized for Olympic related highway projects identified in the Centennial Highway Program total \$104,500,000 to be applied against the \$150 million projection. If additional federal funds are not made available the Legislature is faced with replacing \$45,500,000 with another source of funding to keep the Centennial Highway Program moving forward as planned.

OTHER STATEWIDE ISSUES

Compensation Package

What is the cost of compensation related increases for FY 2000?

A one percent statewide compensation increase equates to approximately \$26 million in General Fund/Uniform School Fund. Also, there is an extra day in FY 2000, increases in the Health and Dental programs, the Public Safety Retirement System, and market comparability adjustments resulting in an additional funding requirement of \$8.5 million from the General Fund/Uniform School Fund.

DRUG COURT 1999 REVENUE

DESCRIPTION	1999
FEEs	8,000
SALT LAKE COUNTY SHERIFF (LAW ENFORCEMENT BLOCK GRANT)	50,000
DISTRICT ATTORNEY (DRUG FORFEITURE FUNDS)	15,000
FEDERAL DRUG COURT GRANT	110,000
SALT LAKE CITY POLICE DEPARTMENT (LAW ENFORCEMENT BLOCK GRANT)	50,000
COUNTY GENERAL FUND	316,052
<hr/>	
TOTAL	549,052

**NOTE: FEDERAL DRUG COURT CONTINUATION GRANT AND UTAH STATE
HUMAN SERVICES TREATMENT FUNDS ARE BEING APPLIED FOR
AND POTENTIALLY AVAILABLE JULY 1999.**

Automated Information Line -- 238-7830

Call Summary for Matheson Courthouse

December 18, 1998

Date(s)	Number of Calls	Total Time Usage
Weekly Summaries		
Nov. 23 - Nov. 29, 1998	1,473	46 hours and 27 minutes
Nov. 30 - Dec. 6, 1998	2,297	183 hours and 35 minutes
Dec. 7- Dec. 13, 1998	1,932	38 hours and 41 minutes (average call length = 72 sec.)

Weekly Detail

Saturday, Dec. 12, 1998	34
Sunday, Dec. 13, 1998	11
Monday, Dec. 14, 1998	486
Tuesday, Dec. 15, 1998	422
Wednesday, Dec. 16, 1998	378
Thursday, Dec. 17, 1998	341
Friday, Dec. 18, 1998 (at 10:15 am)	68



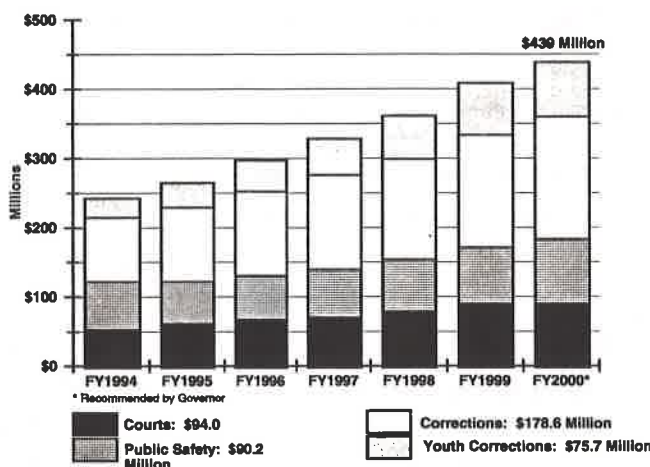
*Don't
Governor's hand mt
at press
conference*

Quality of Life - Keeping Our Communities Safe

\$59.0 Million In New Funding
\$30.8 Million In Operational Funding
\$28.2 Million In Facilities
 (All Sources of Funding)

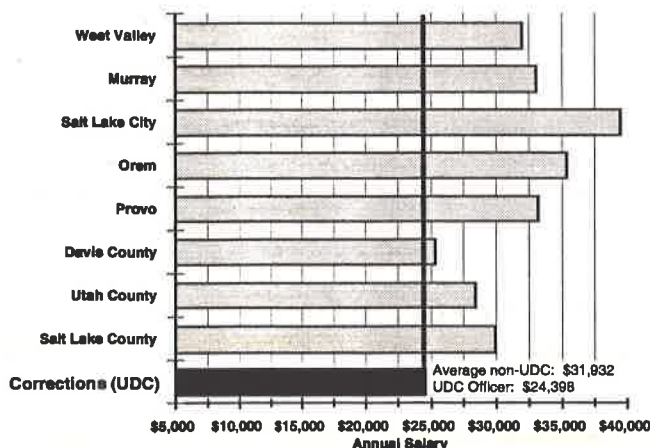
Operations Budget

Adult and Youth Corrections, Public Safety, Courts



Corrections Officer Salaries

Department of Corrections Officer Salary Comparison



- ◆ Department of Corrections officer salaries are 30.9% lower than similar officers in Utah.
- ◆ 23% of officers at the Draper prison left the Department of Corrections during FY1998.
- ◆ Based on a July 1998 employee survey, several corrections officers designated that they were not going to make a career with Corrections, 96% of those indicated inadequate pay as one of the reasons.

Recommended New Operational Funding

Prevention & Intervention

Literacy Packets	500,000
Youth In Custody	\$1,000,000
Tuancy Prevention and Intervention	250,000
Alternative Placement for Troubled Youth	2,000,000
Intensive Intervention for Multi-need Youth	500,000
Corrections Education	400,000
Prison Forensic Unit	1,135,200
Methamphetamine Treatment	100,000
Drug Court	200,000
Domestic Violence Services	500,000
Utah's Promise	300,000

Crime Fighting Tools

Corrections Officer Salary Increase	5,000,000
Adult Corrections Technology	550,000
800 Megahertz	890,900
Six Highway Patrol Troopers and Vehicles	540,000
Highway Patrol Laptops	280,700
State Crime Lab	135,000
Public Safety Technology Enhancements	850,000
Background Checks for Purchase of Firearms	325,000
Intoxilyzers	109,000
Peace Officer Standards and Training	198,700
Fire Marshall	300,000
Controlled Substances Database	55,000
Juvenile Justice Information System	1,802,000
Court Clerks	158,100
Juror and Witness Fees	480,800

Expand Capacity

CUCF II - Gunnison	2,100,000
Jail Contracting	2,867,000
Private Prison Contract	500,000
Probation Community Correctional Center	850,000
Adult Day Reporting Center	950,000
Presentence Investigation Contracts	288,000
Board of Pardons and Parole	66,500
Ogden Juvenile Secure Facility	725,000
Cache County & Uintah Basin Juvenile Facilities	3,000,000
Juvenile Out-of-State Placements	150,000
Juvenile Electronic Monitoring/Home Detention	400,000
Two Pro tempore Juvenile Court Judges	288,000

TOTAL OPERATIONAL RECOMMENDATIONS \$30,856,700

TOTAL NEW FACILITY RECOMMENDATIONS \$28,188,100

TOTAL FY2000 CRIME PACKAGE \$59,044,800