

**JUDICIAL COUNCIL MEETING**

**AGENDA**

**March 13, 2025**

**Meeting held through Webex  
and in person**

**Dixie Convention Center – “Entrada A”  
1835 S Convention Center Dr.  
St. George, UT 84790**

*Chief Justice Matthew B. Durrant, Presiding*

- 11:30 a.m. Lunch**
1. 12:00 p.m. Welcome & Approval of Minutes.....Chief Justice Matthew B. Durrant  
(TAB 1 - Action)
  2. 12:05 p.m. Chair’s Report.....Chief Justice Matthew B. Durrant  
(Information)
  3. 12:10 p.m. State Court Administrator’s Report.....Ron Gordon  
(Information)
  4. 12:25 p.m. Reports: Management Committee.....Chief Justice Matthew B. Durrant  
Budget and Fiscal Management Committee.....Judge Rita Cornish  
Liaison Committee.....Judge Thomas Low  
Policy, Planning, and Technology Committee.....Judge James Gardner  
Bar Commission.....Katie Woods, esq.  
(TAB 2 - Information)
  5. 12:35 p.m. Budget and Grants.....Karl Sweeney  
(TAB 3 – Information) Alisha Johnson
  6. 12:55 p.m. Fifth District Report.....Judge John Walton  
(Information) Cade Stubbs
  7. 1:05 p.m. Rules for Final Approval.....Keisa Williams  
(TAB 4 – Action)

- |     |             |  |   |
|-----|-------------|--|---|
| 8.  | 1:15 p.m.   | Legislative Update.....<br>(Information)   | Michael Drechsel                                |
|     | <b>1:35</b> | <b>Break</b>   |   |
| 9.  | 1:45 p.m.   | TCE Report.....<br>(Information)   | Russell Pearson<br>Travis Erickson              |
| 10. | 1:55 p.m.   | Utah State Bar Report.....<br>(Information)                                      | Cara Tangaro<br>Kim Cordova<br>Elizabeth Wright |
| 11. | 2:10 p.m.   | Interlocal Agreement Between Iron County & Parowan.....<br>(TAB 5 - Action) City | Jim Peters                                      |
| 12. | 2:25 p.m.   | Certification of New Justice Court Judge.....<br>(Action)                        | Jim Peters                                      |
| 13. | 2:30 p.m.   | WINGS Committee Report.....<br>(TAB 6 – Information)                             | Judge Keith Kelly<br>Shonna Thomas              |
| 14. | 2:40 p.m.   | Old Business / New Business.....<br>(Discussion)                                 | All   |
| 15. | 2:50 p.m.   | Executive Session.....   | Chief Justice Mathew B. Durrant                 |
| 16. | 3:05 p.m.   | Adjourn.....   | Chief Justice Matthew B. Durrant                |

**Consent Calendar**

1. Rules for Public Comment  
(TAB 7)
2. Forms Updates  
(TAB 8)

Tab 1

**JUDICIAL COUNCIL MEETING  
Minutes**

**February 24, 2025**

**Meeting held through Webex  
and in person**

**Matheson Courthouse**

**9:00 a.m. – 12:05 p.m.**

***Chief Justice Matthew B. Durrant, Chair, Presiding***

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair  
Hon. Suchada Bazzelle  
Hon. Brian Brower  
Hon. Jon Carpenter  
Hon. Samuel Chiara  
Hon. Rita Cornish  
Hon. Michael DiReda  
Hon. Susan Eisenman  
Hon. Angela Fonnesebeck  
Hon. James Gardner  
Hon. Michael Leavitt  
Hon. Thomas Low  
Hon. Brendan McCullagh  
Hon. Amber Mettler  
Justice Paige Petersen  
Kristin K. Woods

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Brody Arishita  
Shane Bahr  
Michael Drechsel  
Jim Peters  
Nick Stiles  
Karl Sweeney  
Sonia Sweeney  
Hilary Wood  
Keisa Williams

**Excused:**

**Presenters:**

Katy Collins  
Todd Eaton  
Amy Hernandez  
Alisha Johnson  
Janine Liebert  
Jordan Murray

**Presenters (cont.)**

Bart Olsen  
Jon Puente  
Cris Seabury  
Karl Sweeney  
Kaden Taylor  
Cathy Zacharias

**1. WELCOME AND APPROVAL OF MINUTES: (Judge David Mortensen)**

Judge David Mortensen welcomed everyone to the meeting and asked if there were any questions or comments on the previous month's minutes. There were none.

**Motion:** Judge Brian Brower made a motion to approve the January 21, 2025 Judicial Council meeting minutes. Judge Amber Mettler seconded the motion, which passed unanimously.

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

Ron Gordon shared that he presented the Judiciary's budget requests to the Criminal Justice Appropriation Subcommittee, and they have subsequently delivered a report with their recommendations to the Executive Appropriation Committee. He explained that the Criminal Justice Appropriation Subcommittee ranked a total of 45 items, 28 of which were requests from government entities. The remainder of the requests were for appropriations from individual legislators. Mr. Gordon shared the following rankings from the Judicial Council's priority list:

- The top budget request, the core workforce employee compensation, was ranked third overall by the criminal justice appropriations subcommittee.
- The second request, a new Court of Appeals judge, was ranked number 12 on the list of 45.
- The third request for nine additional trial court judicial officers was ranked low (39th), likely because the legislature prefers to allocate funding based on a bill's fiscal note.

Mr. Gordon added that the legislature is considering reallocating \$450,000 in one-time funds for live streaming district court proceedings, which was not a judiciary request but is likely to be funded.

## **4. COMMITTEE REPORTS:**

### **Management Committee Report:**

Nothing to report.

### **Budget & Fiscal Management Committee Report:**

The work of the committee will be discussed later in the meeting.

### **Liaison Committee Report:**

The work of the committee will be discussed later in the meeting.

### **Policy, Planning, and Technology Committee Report:**

The work of the committee will be discussed later in the meeting.

### **Bar Commission Report:**

The Bar Spring Convention is scheduled for March 13th-14th in St. George, and there have been approximately 175 attorneys signed up to attend so far. The Bar is also looking forward to hosting the Judicial Council meeting in St. George at the Dixie Convention Center on March 13th.

## **5. BUDGET & GRANTS: (Karl Sweeney, Alisha Johnson)**

Karl Sweeney and Alisha Johnson presented the financial reports.

## FY 2025 Ongoing Turnover Savings

#	Funding Type	Actual	Forecasted
		Amount YTD	Amount @ YE
	Internal Savings	140,594	140,594
	Internal Savings	556,147	556,147
1	Internal Savings	-	250,000
	Internal Savings	-	-
<b>TOTAL SAVINGS</b>		<b>696,741</b>	<b>946,741</b>
2		(140,264)	(200,000)
<b>TOTAL USES</b>		<b>(140,264)</b>	<b>(200,000)</b>
<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025</b>		<b>556,477</b>	<b>746,741</b>

Prior Report Totals as of 01/04/2025      426,077.72      641,267.01

## FY 2025 One Time Turnover Savings

#	Funding Type	Actual Amount
1	Internal Savings	1,883,297
2	Internal Savings (Est.)	1,113,600
<b>Total Potential One Time Savings</b>		<b>2,996,897</b>

Prior Report Totals (as of 12/20/2024)      3,040,311

## FY 2025 Year End Requests and Forecasted Available One-time Funds

Forecasted Available One-time Funds		
Description	Funding Type	Amount
<b>Sources of YE 2025 Funds</b>		
* Turnover Savings as of PPE 01/17/2025	Turnover Savings	1,883,297
Turnover savings Estimate for the rest of the year (\$1,200 x 928 pay hours)	Turnover Savings	1,113,600
<b>Total Potential One Time Turnover Savings</b>		<b>2,996,897</b>
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
<b>( a ) Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>2,746,897</b>
<i>Operational Savings From TCE / AOC Budgets - mid-year forecast</i>	<i>Internal Operating Savings</i>	<b>589,875</b>
<i>Operational Savings from IT Budget - unused Carryforward Request</i>	<i>Internal Operating Savings</i>	<b>150,000</b>
<i>Reserve Balance (balance from FY 2024 Carryforward)</i>	<i>Judicial Council Reserve</i>	<b>847</b>
<i>Estimated unclaimed property claims (received and pending)</i>	<i>Additional Revenue Received</i>	<b>730,000</b>
<i>Prior year adjustments - impact on current year operations (Hyrum and OFA)</i>	<i>Adjustments to CY Operations</i>	<b>(90,000)</b>
<b>( b ) Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>		<b>1,380,722</b>
<b>( c ) Total of Turnover Savings &amp; Operational Savings = ( a ) + ( b )</b>		<b>4,127,619</b>
<b>Uses of YE 2025 Funds</b>		
<b>( d ) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)</b>	<i>FY 2026 Carryforward</i>	<b>(3,200,000)</b>
<b>Total Potential One Time Savings = ( c ) less Carryforward ( d )</b>		<b>927,619</b>
<b>Less: Judicial Council Requests Previously Approved</b>		<b>(467,427)</b>
<b>Less: Judicial Council Current Month Spending Requests</b>		<b>(330,000)</b>
<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests</b>		<b>130,192</b>

Updated 02/13/2025

## Facilities Spending Plan for Large Projects FY25

Credits in FY25 Only						Details
Richfield Bond	\$ 219,000					To be reallocated to Heber rent in FY26
Farmington Bond	\$ 399,000					To be reallocated to Heber rent in FY26
Heber Additional Rent	\$ 163,000					To be reallocated to Heber rent in FY26
50% Annual Carry Over	\$ -					
Court Complex Surplus*	\$ 800,000					Approved one-time for AF hearing room
<b>Sub Total</b>	<b>\$ 1,581,000</b>					
	(a)	(b)	(c)	(a) - ((b)+(c))		
Projects	Adjusted Budget	Original Budget	Actual To Date/Projected	Contingency = 10% of original budget	(Under)/Over Budget	Contingency Available for Use
Provo FF&E	\$ 60,000	\$ 72,404		\$ 12,404		Completed
Heber FF&E **	\$ -	\$ -		\$ -		N/A
Mahti Security Systems ***	\$ -	\$ -		\$ -		N/A
Mahti FF&E Overage	\$ 72,000	\$ -		\$ -	\$(72,000)	Completed
Roosevelt Design and TI	\$ 269,274	\$ -				Deferred until FY 2026
Provo AV Equipment	\$ 285,000	\$ 104,348		\$ (180,654)		Completed; \$224K actual - \$119K paid in FY24 = \$104K actual
Provo Security Equipment	\$ 42,000	\$ 61,963		\$ 39,963		Completed
Provo / AF Furniture Move	\$ 16,499	\$ 16,499		\$ 16,499		Completed
AOC 3rd Floor Furniture	\$ 167,000	\$ 174,993		\$ 7,993		Completed
AF Hearing Room Const	\$ 500,000	\$ 704,678	\$ 50,000	\$ 254,678		Will be adjusted as construction is completed
AF Chambers, Office & Support Space Const	\$ 275,000	\$ 330,000	\$ 27,500	\$ 82,500		Will be adjusted as construction is completed
AF FF&E	\$ 65,000	\$ 60,321		\$ (4,679)		Completed
AF AV, access, cameras and Cabling	\$ -	\$ 175,390		\$ 175,390		Harris (\$9,684), Cabling \$13,792, and AV (\$124,981) only; will be adjusted as construction is completed
WI Juv Shell Buildout	\$ 1,655,000	\$ 1,067,200	\$ 165,500	\$ (422,300)		will be adjusted as construction is completed
WI FF&E		\$ 41,241		\$ 41,241		tecon \$2,982 + new \$38,259; will be adjusted as construction is completed
WI AV, Sec and Cabling		\$ 121,271		\$ 121,271		Harris \$15,678, Yamas \$14,465, AV \$77,958 and cabling \$13,170; will be adjusted as construction is completed
Math 1st Floor Courtroom Const	\$ 720,000	\$ 739,680	\$ 72,000	\$ 91,680		inc 9K change order; will be adjusted as construction is completed
Math 1st Floor Chambers & Support Spaces Const	\$ 309,000			\$ (309,000)		Included in the \$739K bid/actual
Math AV, Sec and Cabling		\$ 146,708		\$ 146,708		AV \$116,177 + Harris \$16,695 + cabling \$13,836; will be adjusted as construction is completed
Math 1st floor courtroom FF&E	\$ 95,000	\$ 65,553		\$ (29,447)		Completed
<b>Sub Total</b>		<b>\$ 4,514,274</b>	<b>\$ 3,902,247</b>	<b>\$ 315,000</b>	<b>\$ (27,753)</b>	
Total Columns (b) + (c)				<b>\$ 4,217,247</b>		Total Spend with Contingency
Adjust for Roosevelt Deferred to FY 2026	\$ (269,274)					
Adjusted Sub Total of Expenditures	<b>\$ 4,245,000</b>	<b>\$ 4,514,274</b>			\$ 315,000	Contingency Allocated to WIP
<b>Total Net Spend (Credits less Expenditures)</b>	<b>\$ (2,664,000)</b>	<b>\$ (2,933,274)</b>			\$ (27,753)	Net Base Budget Over/(Under) = adjustment to contingency
10% Contingency on Expenditures	\$ (424,500)	\$ (451,427)			\$ (451,427)	Contingency Available
<b>Total Net Spend with 10% Contingency</b>	<b>\$ (3,088,500)</b>	<b>\$ (3,384,701)</b>			<b>\$ (164,180)</b>	Subtotal of above
					<b>\$ (150,000)</b>	Contingency Released

\* Spend down the CCF surplus to \$500K

\*\* \$400K to be paid to Wasatch Co. towards furniture package before 6/30

\*\*\* Funding provided by security funds

## Year End Budget Requests:

On behalf of the Self-Help Center and Law Library, Kaden Taylor requested funding in the amount of \$30,000 to help cover the extended cost of providing Utah Code and Court Rules volumes to the districts and appellate courts, per CJA 3-413. Mr. Taylor explained that in the past, Legislative Services has assisted the courts in placing these orders, but notified the courts that starting in 2023 they were no longer going to place an order for the entire state and requested that each agency place orders separately. He added that prices for the materials have increased by two and a half times, but they were able to reduce the additional cost down to \$30,000.

**Motion:** Judge Susan Eisenman made a motion to approve the request for \$30,000 and to direct Policy, Planning and Technology to review CJA Rule 3-413 to see whether it needs adjustment based on the discussed price increases. Judge James Gardner seconded the motion, which passed unanimously.

On behalf of the IT Department, Todd Eaton presented a request for funding in the amount of \$300,000 to accelerate planned purchases of laptops ahead of an announced tariff-induced 10% pricing increase. He explained that IT is willing to defer \$150,000 of previously approved carryforward spending scheduled to take place in FY 25 and reschedule it for FY 26 as a carryforward item.

**Motion:** Justice Paige Petersen made a motion to approve the requested \$300,000 for the planned purchase of PC laptops. Judge Brower seconded the motion, which passed unanimously.

## **Grant Requests:**

Jordan Murray, Katy Collins and Shane Bahr presented a request to accept grant funds from the Commission on Criminal and Juvenile Justice in the amount of \$25,000 to support the reimbursement of travel costs associated with the 2025 “All Rise” Conference. There was a discussion regarding any federal grants the Judiciary is involved in, and whether or not it is anticipated the funding from those grants will be frozen. Mr. Murray confirmed that this grant would not be affected if such a freeze did happen.

**Motion:** Judge Gardner made a motion to approve the request to accept the grant funds. Judge Rita Cornish seconded the motion, which passed unanimously.

On behalf of the Domestic Violence Program, Mr. Murray and Amy Hernandez requested approval to accept the revised Cook County Model pilot program application proposal, which included an additional \$70,000 of funding compared to the original \$180,000 offered, and an 18-month timeline rather than a three-year timeline. Ms. Hernandez noted that a portion of the funding will be used for a grant-contingent full-time position to run the pilot program. Other uses of the grant will include travel, supervised visitation costs for low income court patrons that are in the program, and NCJFCJ memberships for the judges and commissioners that are part of the program. She explained that the plan is to request state funding from the Council in August of 2025 to support the full-time position so that there is a carryover once the grant funding ends.

**Motion:** Judge Cornish made a motion to untable this item from last month’s meeting so the Council could take a vote. Judge Michael DiReda seconded the motion, which passed unanimously.

**Motion:** Judge Thomas Low made a motion to approve the request to accept the revised grant proposal, as presented. Judge Angela Fannesbeck seconded the motion, which passed unanimously.

On behalf of the Domestic Violence Program, Ms. Hernandez presented a renewal grant application proposal for the STOP Violence Against Women Act (VAWA). She explained that the current VAWA funding expires on June 30, 2025, and the renewed grant will provide approximately \$200,000 over a two-year period starting July 1, 2025 to support a dedicated domestic violence probation officer position from the Utah Department of Corrections and treatment evaluations for the domestic violence dockets.

**Motion:** Justice Petersen made a motion to approve the grant renewal application proposal, as presented. Judge Cornish seconded the motion, which passed unanimously.

On behalf of the Juror Equity Workgroup, Jon Puente shared that one of the potential barriers to more representative juries is compensation. He explained that the Utah Bar Foundation (UBF) has expressed interest in funding the Jury Compensation Pilot Program developed by the Workgroup to gather this proof-of-concept data to address this barrier.

Justice Petersen had a concern over the workgroup’s interpretation of statute that sets juror compensation as a floor rather than the exact amount they are to be paid. Judge DiReda provided some insight from the perspective of the Budget and Fiscal Management Committee (BFMC), which asked for more data before approving the funding of the pilot. He explained that at that



point, UBF offered to provide the funding and the BFMC recommended that the Workgroup present it to the Council for final approval. Mr. Puente added that the pilot program would be for one district for one month to establish a control group and an intervention group to see if higher compensation would decrease the amount of potential jurors asking to be excused due to financial hardship.

Justice Petersen recommended getting an opinion from the Courts' legal counsel before moving forward with this program.

Judge Brendan McCullagh made a recommendation to defer consideration of this item to next month's agenda after the Workgroup can get a written opinion from legal counsel.

### **Quarterly Grant Report (Q2 FY 2025)**

Jordan Murray presented a summary of the Judiciary's grant portfolio as of the second quarter of FY 2025.

#### **6. TREATMENT COURT RECERTIFICATION: (Cris Seabury)**

Cris Seabury presented the recertification report for the Second District - Weber County Treatment Court, and added her recommendation for its recertification.

**Motion:** Judge McCullagh made a motion to approve the recertification of the Second District Adult Mental Health Court. Judge Gardner seconded the motion, which passed unanimously.

#### **7. RULES FOR FINAL APPROVAL: (Keisa Williams)**

Keisa Williams stated that CJA rules 4-202.02, 4-202.04, and 4-202.07 came back from a 45-day public comment period, during which no public comments were received on rules 4-202.02 or 4-202.07. She added that one public comment was received on rule 4-202.04, and discussed the minor amendments that the Policy, Planning and Technology Committee (PP&T) made based on that comment. Ms. Williams added that PP&T recommended that the rules above be adopted as final with a May 1, 2025 effective date.

Judge Eisenman had a question about one of the amendments to rule 4-202.07(1), and the recommendation was to refer it back to PP&T for further consideration.

**Motion:** Judge Cornish made a motion to approve CJA rules 4-202.02 and 4-202.04 with a May 1, 2025 effective date, and to refer rule 4-202.07 back to PP&T for consideration. Judge Jon Carpenter seconded the motion, which passed unanimously.

With regard CJA rule 4-111, Ms. Williams explained that this rule requires the courts to expedite the procedures, hearings, and disposition of post conviction petitions and capital cases above all other cases, except the trial and appeal of capital felonies, and requires the Administrative Office of the Courts to prepare and send a monthly report on pending post-conviction petitions and capital cases. She shared that the Board of District Court Judges has recommended that the requirement to report be eliminated, explaining that the report has to be manually created and is not very helpful. Ms. Williams did not ask for final approval on this rule, just a discussion. Judge Gardner recommended that this rule be repealed as judges are already doing their part to track these cases and to expedite those procedures.

**Motion:** Judge McCullagh made a motion to refer to PP&T to consider the continued utility of CJA rule 4-111. Judge Eisenman seconded the motion, which passed unanimously.

#### **8. LEGISLATIVE UPDATE: (Michael Drechsel)**

Michael Drechsel presented an update of the bills initiated by the Judiciary this legislative session. The medical cannabis policy change initiated by the Board of District Court Judges did not gain traction with the legislators, and Mr. Drechsel added that there will not be a resolution on that issue this session. He also reported that HB 49 regarding juror eligibility for those convicted of a felony received resistance, but a change will be made to make those whose felonies have been expunged or reduced to a misdemeanor eligible. Mr. Drechsel also shared that SB 109 requesting new judicial officers is on the legislative agenda for tomorrow afternoon, as well as SB 148, which seeks to raise the online court assistance fee from \$20 to \$60.

Mr. Drechsel then gave an update on a number of bills and proposals that have caught the collective attention of the Judiciary, including SB 296 regarding the appointment and reappointment of the Chief Justice and the Presiding Judge in the Court of Appeals. Justice Petersen voiced opposition to this bill, with which several other Council members agreed, in that it appears to threaten the independence of the Judicial Branch. There was a discussion about the best path to take in expressing these concerns, noted further in the meeting.

#### **9. CERTIFICATION OF NEW JUSTICE COURT JUDGES: (Jim Peters)**

Jim Peters requested the certification of two new Justice Court judges, Mark Flores in the South Salt Lake Justice Court and Ryan Holtan in the West Jordan Justice Court.

**Motion:** Judge McCullagh made a motion to approve the certification of the two new Justice Court judges as presented. Judge DiReda seconded the motion, which passed unanimously.

#### **10. SYSTEM REVIEW REPORT: (Cathy Zacharias, Ron Gordon)**

Ron Gordon introduced Cathy Zacharias from the National Center for State Courts, who summarized the findings from Phase II of the System Review. Mr. Gordon explained that Neira Siaperas created a tracking system for each of the findings. He added that they plan to present an overview of the System Review report via a webinar next month.

#### **11. LEGISLATION: (Judge Thomas Low)**

Judge Low shared five recommendations from the Liaison Committee as possible methods of responding to HB 512 and the other unfavorable bills related to the judiciary.

- 1) To issue a letter to the legislature about the Judiciary's opposition and the reasons therefore;
- 2) To authorize individual outreach from judges to their legislators;
- 3) To make an outreach to the Governor;
- 4) To share the Judiciary's concerns with the Utah State Bar; and
- 5) To make necessary changes to JPEC's process.

**Motion #1:** Judge Eisenman made a motion that the Council direct a letter to be sent to the legislature explaining its opposition to HB 512, and to express that the collective suite of bills aimed at the Judiciary are seen as an attempt to erode the independence of the Judicial Branch. Judge DiReda seconded the motion, and the motion failed, two in favor and six against.

Judge Brower recommended the Judiciary issue a press release rather than a letter directly to the legislature, concerned that a letter might be seen as drawing a line in the sand. Judge Low explained that a letter can address a lot more in writing than can be expressed in the few minutes the Judiciary has to oppose the bills in person. Mr. Gordon shared that Chief Justice Matthew B. Durrant has some time with the Speaker of the House and the Senate President this Thursday, which could provide a unique opportunity to share the concerns of the Council. Judge Michael Leavitt added his recommendation that directing a letter to the House and Senate leadership would be most effective in addition to the Chief's opportunity to meet with them. Chief Justice Durrant expressed his willingness to present a letter from the Council to the legislature's leadership to discuss in person, which could then be disseminated more widely. Justice Petersen asked for clarification on whether the Council would oppose just HB 512 in the letter, or all of the concerning bills. The Council discussed opposing HB 512, and to oppose any other further efforts to diminish the efforts of the Judiciary.

**Motion #2:** Justice Petersen made a motion to move forward with whatever form is most strategically wise to oppose HB 512, with reference to other proposed bills that would have the effect of undermining Judicial independence. Judge Low seconded the motion, which passed unanimously.

Judge Low discussed the second recommendation from the Liaison Committee, to reach out to the Governor's Office to discuss the Judiciary's opposition to HB 512.

**Motion #3:** Judge Chiara made a motion to communicate to the Governor's Office the Judiciary's opposition to HB 512, with reference to other proposed bills that would have the effect of undermining Judicial independence, either by memo, letter or other contact being most appropriate. Judge Cornish seconded the motion, which passed unanimously.

Judge Low discussed the third recommendation from the Liaison Committee, individual outreach from judges. Mr. Gordon shared the Liaison Committee recommended that if there is a judge who might have an existing relationship with a legislator who would potentially be open to a discussion, the Council should authorize that communication.

**Motion:** Judge Cornish made a motion to authorize the Liaison Committee, in their discretion, to identify legislators who might be open to communication from the courts and to match them with the appropriate judicial officers to make contact for a discussion. Judge DiReda moved to amend the motion to have the state court administrator and his staff be included in any of those discussions. Justice Petersen seconded the motion, which passed unanimously.

Judge Mortensen discussed the fourth recommended option from the Liaison Committee, to share the Judiciary's opposition to HB 512, and the other concerning bills, with the Utah State Bar.

**Motion:** Judge Carpenter made a motion to share the Judiciary's opposition to HB 512, and the other applicable bills, with the Utah State Bar. Judge Brower seconded the motion, which passed unanimously.

Judge Mortensen discussed the last recommendation from the Liaison Committee, to identify appropriate changes to the Judicial Performance Evaluation process, rather than the legislature creating their own judicial performance process. Justice Petersen voiced a concern with making any concessions to the legislature that would politicize the Judicial Performance Evaluation Commission.

Chief Justice Durrant expressed his appreciation for the work of Mr. Gordon and his team as well as for the efforts and thoughtfulness of the Judicial Council members.

**12. CONSENT CALENDAR: (Chief Justice Matthew B. Durrant)**

**Motion:** Judge Brower made a motion to approve the items on the consent calendar. Judge McCullagh seconded the motion, which passed unanimously.

**13. OLD BUSINESS/NEW BUSINESS: (All)**

There was none.

**14. ACTIVE SENIOR JUDGE APPLICATION: (Neira Siaperas)**

**Motion:** Judge McCullagh made a motion to move into an executive session for the purpose of discussing the character, professional competence, or physical or mental health of an individual and for the advice of legal counsel. Judge Gardner seconded the motion, which passed unanimously.

**15. EXECUTIVE SESSION: (Chief Justice Matthew B. Durrant)**

**Motion:** Judge Cornish made a motion to defer the active senior judge application for the Judicial Council to take action at a further date. Judge Low seconded the motion, which passed unanimously.

**16. ADJOURN: (Chief Justice Matthew B. Durrant)**

The meeting was adjourned.

**CONSENT CALENDAR ITEMS**

1. Rules for Public Comment
2. MUJI Civil Committee Membership
3. Standing Education Committee Membership
4. GAL Oversight Committee Membership
5. Standing Committee on Children and Family Law Membership
6. Forms Committee Membership
7. MUJI Crim Committee Membership

DRAFT

Tab 2

**JUDICIAL COUNCIL'S  
BUDGET & FISCAL MANAGEMENT COMMITTEE**

**Minutes  
February 10, 2025  
Meeting held virtually through WebEx  
12:00 p.m. – 1:00 p.m.**

**Members Present:**

Judge Rita Cornish (Chair)  
Judge Michael DiReda  
Judge Susan Eisenman  
Kristin Woods

**Guests:**

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

**Excused:**

**AOC Staff Present:**

Ron Gordon  
Neira Siaperas  
James Peters  
Sonia Sweeney  
Brody Arishita  
Todd Eaton  
Nick Stiles  
Erin Rhead  
Tina Sweet  
Amy Hernandez  
Katy Collins  
Kaden Taylor  
Jon Puente  
Karl Sweeney  
Alisha Johnson  
Kelly Moreira  
Jordan Murray  
Suzette Deans, Recording Secretary

**1. WELCOME AND APPROVAL OF MINUTES (Karl Sweeney – “Presenter”)**

Judge Rita Cornish welcomed everyone to the meeting and asked for a motion to approve the minutes from the last meeting.

**Motion:** Judge Michael DiReda moved to approve January 13, 2025, minutes, as presented. Judge Susan Eisenman seconded the motion, and it passed unanimously.

**2. FY 2025 Financials (Kelly Moreira – “Presenter”)**

FY 2025 Ongoing Turnover Savings (“OTS”) – Kelly Moreira indicated we carried over \$140,594 in ongoing savings from FY 2024 and combined with YTD savings of \$556,146 we have generated total OTS savings of \$696,741 for FY 2025 YTD. We forecast future OTS amount of \$250,000 (5 months @ \$50K per month) for a total forecast of OTS of \$946,741 that

is reduced by \$200,000 for Judicial Council authorized hot spot raise funds leaving a net total of \$746,741 for future discretionary use.



### FY 2025 Ongoing Turnover Savings as of 01/30/2025

#	Funding Type	Actual Amount YTD	Forecasted Amount @ YE
	Internal Savings	140,594	140,594
	Internal Savings	556,147	556,147
1	Internal Savings	-	250,000
	Internal Savings	-	-
<b>TOTAL SAVINGS</b>		<b>696,741</b>	<b>946,741</b>
		(140,264)	(200,000)
<b>TOTAL USES</b>		<b>(140,264)</b>	<b>(200,000)</b>
<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025</b>		<b>556,477</b>	<b>746,741</b>

Prior Report Totals as of 01/04/2025 426,077.72 641,267.01

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate (Salary Differential) and / or with lower benefits (Benefit Differential).
- \* We defer recognizing the Benefit Differential until Q4 of the fiscal year due to potential volatility in benefit selection in the short term. This allows time for the benefit selections for the year to normalize. YTD benefit differential continues to shrink - down to (\$52,928) from (\$70,655) last month. FY 2024 full year benefit differential was +\$331,176
- \* Currently, 22.5 FTE are vacant.
- 1 Currently estimating \$50,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$556,147/7 months = \$79,500/month
- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.

**Definitions:**

**Salary Differential** - the annualized difference in salary and salary related benefits between a prior employee and a replacement employee. Recognized when a new employee is hired.

**Benefit Differential** - the annualized difference in medical and dental benefit cost between a prior employee and a replacement employee. Recognized in Q4 of the fiscal year and only after benefits are selected.

FY 2025 One-Time Turnover Savings – Ms. Moreira reported that our actual YTD 1x TOS is running about \$1,620 per work hour versus \$1,200 per work hour actual for full FY 2024. Our FY 2025 forecast uses a combination of the actual YTD 1x TOS per hour of \$1,623 x YTD hours (1,160) with a future forecast for the balance of the year of \$1,200 per hour for 928 hours which yields a conservative \$2,996,897 total.



### FY 2025 One Time Turnover Savings

Updated as of Pay Period Ending 01/17/2025 (1,160 out of 2,088 hours)

#	Funding Type	Actual Amount
1	Internal Savings	1,883,297
2	Internal Savings (Est.)	1,113,600
<b>Total Potential One Time Savings</b>		<b>2,996,897</b>

Prior Report Totals (as of 12/20/2024) 3,040,311

- 1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,973.12, \$896.68, \$1,575.90, and \$624.05. The average per hour turnover savings FY 2025 YTD is \$1,623.53.
- 2 \$1,200 / pay hour represents the actual FY 2024 average; going with this conservative amount for the balance of the year.

Ms. Moreira next reviewed the FY 2025 Year End Spending Requests and Forecasted Available One-Time Funds. As of period 7, as recapped on the schedule, the 1x TOS savings are forecasted to be \$2,996,897. After deducting \$250,000 of hot spot incentive pay, our total 1x TOS is \$2.75M. Operational savings are estimated to be \$589,875. We have also included \$730K of unclaimed property funds and (\$90,000) of prior period adjustments to reach a net total forecasted 1x funds of \$3.97M. We are showing \$3.2M of carryforward usage with upside to



increase the carryforward to a requested legislatively-authorized amount of \$3.7M. This gives the Courts the forecasted potential of one-time savings available for use in FY 2025 of \$777,619 of which \$600K+ has already been approved for use. It is important to note that \$451,427 of the forecasted expenditures are construction contingencies which may or may not be necessary.



### FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 7

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Adjusted Requests	Judicial Council Approved
Description	Funding Type	Amount			Amount	Amount
<b>Sources of YE 2025 Funds</b>			1	Various Construction Projects (FY 2025) Contingency (10%)	\$ -	451,427
* Turnover Savings as of PPE 01/17/2025	Turnover Savings	1,883,297	2	All Rise Utah Welcome Dinner	\$ -	10,000
Turnover savings Estimate for the rest of the year (\$1,200 x 928 pay hours)	Turnover Savings	1,113,600	3	Q1 / Q2 Performance Bonus	\$ -	156,000
<b>Total Potential One Time Turnover Savings</b>		<b>2,996,897</b>	4	Replacement of EMV Credit Card Devices	\$ -	36,500
Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)	5	Reimbursement from Trust Account Interest Earnings	\$ -	(36,500)
<b>(a) Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>2,746,897</b>		<b>Purchasing Utah Code and Court Rules per CIA 3-413</b>	<b>\$ 30,000</b>	
Operational Savings From TCE / AOC Budgets - mid-year forecast	Internal Operating Savings	589,875				
Reserve Balance (balance from FY 2024 Carryforward)	Judicial Council Reserve	847				
Estimated unclaimed property claims (received and pending)	Additional Revenue Received	730,000				
Prior year adjustments - impact on current year operations (Hyrum and OFA)	Adjustments to CY Operations	(90,000)				
<b>(b) Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>		<b>1,230,722</b>				
<b>(c) Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>3,977,619</b>				
<b>Uses of YE 2025 Funds</b>						
(e) Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	FY 2026 Carryforward	(3,200,000)				
<b>Total Potential One Time Savings = (c) + (d) less Carryforward (e)</b>		<b>777,619</b>				
<b>Less: Judicial Council Requests Previously Approved</b>		<b>(617,427)</b>				
<b>Less: Judicial Council Current Month Spending Requests</b>		<b>(30,000)</b>				
<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests</b>		<b>130,192</b>				

- \* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,973.12, \$896.68, \$1,575.90, and \$624.05. The average per hour turnover savings FY 2025 YTD is \$1,623.53.
- (b) Operational Savings from TCE / AOC Budgets has been updated. We expect further updates to occur through the rest of the fiscal year. FY 2024 operational savings were \$1.3M.
- (c) Last month's amount was \$4,309,302. The decrease was primarily caused by mid-year forecast of operational savings coming in \$210,000 below our estimate of \$800,000 and prior year adjustments of (\$90,000). The end of year actual results historically are \$300,000 - \$500,000 above the mid-year forecast.

ARPA Expenditures – We have expended \$13.9M of ARPA funds as of period 7. This leaves an available balance of \$1.13M of the \$15 million that was awarded to the courts 100% of which has been obligated with a signed contract. We anticipate this remaining balance of \$1.13M will have checks cut against it before the extended cutoff date of December 31, 2026.



### ARPA Expenses as of 02/05/2025 (period 7 closed)

	A	B	C	D	E	F	G	
	Judicial Council Approved	Actual FY 2022 Expended	Actual FY 2023 Expended	Actual 2024 Expended	FY Actual 2025 Expended	Total Expended Amount	Balance Available	% Obligated
IT Access to Justice - Part I + II	12,373,400	3,042,468	4,613,255	3,075,857	509,665	11,241,245	1,132,155	100.00%
Courts Case Backlog - Part I + II	2,302,100	707,963	1,007,135	587,002	-	2,302,100	Completed in FY 2024	
Legal Sandbox Response to COVID	324,500	-	171,636	152,864	-	324,500	Completed in FY 2024	
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>5,792,026.58</b>	<b>3,815,722.46</b>	<b>509,665.29</b>	<b>13,867,845.11</b>	<b>1,132,154.89</b>	

Expenditures added since last report: \$ 228,821.39

ARPA funds expended cut off date is 12/31/2026; ARPA funds obligated cut off date was 12/31/2024. The definition of obligation is not only budgeting money but also taking steps to create a contract, sub-award, or similar transaction that requires payment. Consider the time it takes to negotiate and execute a contract when planning to meet the obligation deadline.

#### Historical Trends

IT Access to Justice Use - Last 3 Periods		
Period 5	Period 6	Period 7
\$ 39,833.90	\$ 85.00	\$ 228,821.39
Period 6 Expenses		\$ 228,821.39
INCREASE FROM PRIOR TOTAL EXPENDED AMOUNT:		\$ 228,821.39

Karl Sweeney reviewed the Facilities Spending Plan and the amount of \$451K of construction contingency that was already approved by the Judicial Council. Construction is proceeding and we will have the potential to release excess contingency in a month or so.

**Facilities Spending Plan for Large Projects FY25 - 2/6/25 update**

Credits in FY25 Only							Details
Richfield Bond	\$	219,000					To be reallocated to Heber rentt in FY26
Farmington Bond	\$	398,000					To be reallocated to Heber rentt in FY26
Heber Additional Rent	\$	163,000					To be reallocated to Heber rentt in FY26
50% Annual Carry Over	\$	-					
Court Complex Surplus*	\$	800,000					Approved one-time for AF hearing room
<b>Sub Total</b>	<b>\$</b>	<b>1,581,000</b>					
		(a)	(b)	(c)	(d) - ((b)+(c))		
Projects	Adjusted Budget	Original Budget	Actual To Date/Projected	Contingency + 10% of original budget	(Under)/Over Budget	Contingency Available for Use	
Provo FF&E		\$ 60,000	\$ 72,404		\$ 12,404		Completed
Heber FF&E **		\$ -	\$ -		\$ -		N/A
Manti Security Systems ***		\$ -	\$ -		\$ -		N/A
Manti FF&E Overage		\$ 72,000		\$ -	\$ (72,000)		Completed
Roosevelt Design and TI		\$ 269,274	\$ -				Deferred until FY 2026
Provo AV Equipment		\$ 285,000	\$ 104,346		\$ (180,654)		Completed; \$224K actual - \$119K paid in FY24 = \$104K actual
Provo Security Equipment		\$ 42,000	\$ 81,963		\$ 39,963		Completed
Provo / AF Furniture Move			\$ 16,499		\$ 16,499		Completed
AOC 3rd Floor Furniture		\$ 167,000	\$ 174,993		\$ 7,993		Completed
AF Hearing Room Const		\$ 500,000	\$ 704,678	\$ 50,000	\$ 254,678		Will be adjusted as construction is completed
AF Chambers, Office & Support Space Const		\$ 275,000	\$ 330,000	\$ 27,500	\$ 82,500		Will be adjusted as construction is completed
AF FF&E		\$ 65,000	\$ 60,321		\$ (4,679)		Completed
AF AV, access, cameras and Cabling		\$ -	\$ 175,390		\$ 175,390		Harris (\$9,684), Cabling \$13,792, and AV (\$124,981) only; will be adjusted as construction is completed
WJ Juv Shell Buildout		\$ 1,655,000	\$ 1,067,200	\$ 165,500	\$ (422,300)		will be adjusted as construction is completed
WJ FF&E			\$ 41,241		\$ 41,241		recon \$2,982 + new \$38,259; will be adjusted as construction is completed
WJ AV, Sec and Cabling			\$ 121,271		\$ 121,271		Harris \$15,678, Yamas \$14,465, AV \$77,958 and cabling \$13,170; will be adjusted as construction is completed
Math 1st Floor Courtroom Const		\$ 720,000	\$ 739,680	\$ 72,000	\$ 91,680		inc 9K change order; will be adjusted as construction is completed
Math 1st Floor Chambers & Support Spaces Const		\$ 309,000			\$ (309,000)		Included in the \$739K bid/actual
Math AV, Sec and Cabling			\$ 146,708		\$ 146,708		AV \$116,177 + Harris \$16,695 + cabling \$13,836; will be adjusted as construction is completed
Math 1st floor courtroom FF&E		\$ 95,000	\$ 65,553		\$ (29,447)		Completed
<b>Sub Total</b>		<b>\$ 4,514,274</b>	<b>\$ 3,902,247</b>	<b>\$ 315,000</b>	<b>\$ (27,753)</b>		
Total Columns (b) + (c)				<b>\$ 4,217,247</b>			Total Spend with Contingency
Adjust for Roosevelt Deferred to FY 2026	\$	(269,274)					
Adjusted Sub Total of Expenditures	\$	<b>4,245,000</b>	\$ 4,514,274			\$ 315,000	Contingency Allocated to WIP
<b>Total Net Spend (Credits less Expenditures)</b>	<b>\$</b>	<b>(2,664,000)</b>	<b>\$ (2,933,274)</b>			<b>\$ (27,753)</b>	Net Base Budget Over/(Under) = adjustment to contingency
10% Contingency on Expenditures	\$	(424,500)	\$ (451,427)			\$ (451,427)	Contingency Available
<b>Total Net Spend with 10% Contingency</b>	<b>\$</b>	<b>(3,088,500)</b>	<b>(3,384,701)</b>			<b>\$ (164,180)</b>	Contingency and Base Budget Available (show zero if allocated to WIP + O/U - available)

\* Spend down the CCF surplus to \$500K

\*\* \$400K to be paid to Wasatch Co. towards furniture package before 6/30

\*\*\* Funding provided by security funds

### 3. YE Budget Requests (Kaden Taylor – “Presenter”)

#### 5. FY 2025 YE Spending Request – purchasing Utah Code and Court Rules per CJA 3-413

Kaden Taylor is requesting \$30,000 in YE 1x funds to cover the cost of providing Utah Code and Court Rules volumes to the districts and appellate courts. CJA 3-413 outlines that, upon request, the court administrator will provide copies of the code and court rules to each courtroom in the state and each appellate judge. In the past, Legislative Services has assisted the courts in placing these orders. Starting in 2025, each agency needs to place orders separately.

The Committee discussed how some court judges may rely solely on hard copy versions of the books. Judge Eisenman suggested taking it to the Judicial Council’s policy and planning

committee to see if a code change could be recommended so that hard copies of the books could be replaced with virtual copies and this expense avoided.

**Motion:** Judge Michael DiReda made a motion to recommend the request be forwarded to the Judicial Council with a recommendation for approval. Kristin Woods seconded the motion, and it passed unanimously.

#### **4. Grants (Jordan Murray, Katie Burke-Collins, Amy Hernandez and Jon Puente – “Presenters”)**

##### **1. Request to Accept Treatment Court Award**

The Commission on Criminal and Juvenile Justice has issued the grant award for \$25,000. Jordan Murray is seeking recommendation to accept the grant funds and advance our request to the Judicial Council for final review and approval.

**Motion:** Judge Michael DiReda made a motion to recommend the request be forwarded to the Judicial Council with a recommendation to accept the funds. Judge Susan Eisenman seconded the motion, and it passed unanimously.

##### **2. Request to Accept CPO Pilot Program Award**

The Domestic Violence Program requests approval from the BFMC to accept the increased award amount of \$250,000 (from an original request for \$180,000 submitted but not voted on at the 13 January 2025 BFMC meeting) for the grant titled “The Cook County Model: A Pilot Project to Increase Safe Child-Related Relief in Civil Protection Orders.” This pilot program is offered by the National Council of Juvenile and Family Court Judges (NCJFCJ) in partnership with the Office of Violence Against Women (OVW). The award amount was originally anticipated to be \$180,000 over a three-year period. If approved by the BFMC and Judicial Council, the increased funding of \$250,000 would be used over a twenty-month period instead. The NCJFCJ did not provide an explanation for the shortened timeline. However, the Domestic Violence Program suspects that the new timeline may be in greater compliance with OVW funding requirements. This grant award would provide funding and technical assistance oversight from NCJFCJ to replicate the protective order model used by the Domestic Violence Division of the Cook County (Chicago), IL Circuit Court over a twenty-month period. OVW and NCJFCJ have certified this protective order model as the gold standard in protective order practices as it has significantly increased reported safety outcomes for court patrons and their children.

**Motion:** Judge Michael DiReda made a motion to recommend the request be forwarded to the Judicial Council with a recommendation to accept the funds. Kristin Woods seconded the motion, and it passed unanimously.

##### **3. GAP Renewal (VAWA)**

The Domestic Violence Program (DVP) requests approval from the BFMC to renew the grant application for the STOP Abuse Formula Program Grant funding (AKA VAWA

funding). The current VAWA funding expires on June 30th, 2025, and has/will provide approximately \$150,000 over a two-year period. This renewal grant funding will provide \$200,000 to be utilized over a two-year period starting July 1st, 2025. This renewal funding will be used similarly to the current VAWA funding. If the BFMC and the Judicial Council approve this request to renew the courts' application, the DVPM will apply for funding to support the Domestic Violence Criminal Compliance Dockets Program (AKA the DV dockets program) and the work required by House Bill 272. This funding continues to assist low-income defendants involved in the DV dockets receive free probation services or a free domestic violence treatment evaluation. It also pays for speaker fees and other training costs associated with the work required by HB 272 (detailed in the grant application proposal). As a result, this grant funding improves the courts' response to domestic violence in criminal and civil matters.

**Motion:** Judge Susan Eisenman made a motion to recommend the request be forwarded to the Judicial Council with a recommendation for renewal. Kristin Woods seconded the motion, and it passed unanimously.

#### **4. GAP Jury Compensation Pilot**

The Jury Equity Workgroup ("Workgroup") has been tasked with helping the Judiciary have more representative juries. One of the items they have identified as a potential barrier to representative juries is compensation. The Workgroup designed a proof-of-concept pilot program to gather data to begin addressing this issue. The Utah Bar Foundation (UBF) has shown interest in funding this pilot program. We respectfully ask for the BFMC's recommendation to present this request to the Judicial Council for approval and submission to UBF for funding.

**Motion:** Judge Michael DiReda made a motion to recommend the request be forwarded to the Judicial Council for consideration and approval. Kristin Woods seconded the motion, and it passed unanimously.

#### **5. FY25 Q2 Grants Report**

The purpose of this report is to provide information on all the active grants that are in the court's portfolio, as well as any of the grants that are in the approval process. The table below is a brief summary of the FY 2025 Federal Awards and Non-Federal Awards.

## Grant Awards Financial Summary

### State Fiscal Year 2025 | Quarter 2

Unit	Grant Administering Unit	Grant Title	Actual		Budget	Balance
			Expenditures (Fiscal Quarter)	Expenditures (YTD)	Award(s) Total	
<b>Federal Awards</b>						
2936	Domestic Violence Program	Stop Violence Against Women Act	\$ 16,749	\$ 39,470	\$ 150,000	\$ 110,530
2957	Juvenile Courts Administration	Court Improvement Program (CIP)	\$ 66,318	\$ 148,354	\$ 907,983	\$ 651,557
		CIP Data & Collaboration (min. 30%)	\$ 48,228	\$ 108,072		
2962	Alternative Dispute Resolution	State Access & Visitation Program	\$ 31,797	\$ 59,969	\$ 100,000	\$ 40,031
<i>Subtotals Federal</i>			\$ 163,092	\$ 355,865	\$ 1,157,983	\$ 802,118
<b>Non-Federal Awards</b>						
2980	Law Library & Self-Help Center	Eviction Diversion Initiative	\$ 11,087	\$ 26,221	\$ 105,191	\$ 78,970
2981	Appellate Courts Administration	Pilot Pro Bono Program	\$ -	\$ 1,045	\$ 10,000	\$ 8,955
<i>Subtotals Non-Federal</i>			\$ 11,087	\$ 27,266	\$ 115,191	\$ 87,925
<b>TOTAL</b>			<b>\$ 174,179</b>	<b>\$ 383,131</b>	<b>\$ 1,273,174</b>	<b>\$ 890,043</b>

### 5. Other Business

None

Next meeting March 3, 2025

Meeting adjourned at 12:57 p.m.

**UTAH JUDICIAL COUNCIL  
POLICY, PLANNING and TECHNOLOGY COMMITTEE  
MEETING MINUTES**

Webex video conferencing  
February 7, 2025 – 12 p.m.

**MEMBERS:**

PRESENT

EXCUSED

	PRESENT	EXCUSED
Judge James Gardner, <i>Chair</i>	✓	
Justice Paige Petersen		✓
Judge Angela Fonnesbeck	✓	
Judge Jon Carpenter	✓	

**GUESTS:**

Lisa Ashman  
Anna Rossi  
Jon Puente  
Daniel Meza-Rincon  
Keri Sargent  
Jessica Vázquez-Leavitt  
Abram Sherrod  
Jace Willard

**STAFF:**

Keisa Williams  
Todd Eaton  
Cindy Schut

**(1) Welcome and approval of minutes:**

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T) meeting. PP&T considered the minutes from the January 10, 2025 meeting. With no changes, Judge Gardner moved to approve the minutes as presented. Judge Carpenter seconded the motion. The motion passed unanimously.

**(2) Rule back from public comment:**

- **CJA 4-202.08. Fees for records, information, and services.**

The public comment period on the above rule has closed. The proposed amendments: 1) set the fee waiver limit for government entities at \$10.00 per transaction to ensure consistent application across the state; 2) set the fee for access to audio records of court proceedings via the FTR Coud at \$10.00 per transaction; 3) allow the State Court Administrator and Clerks of Court to waive the one free copy limit; and 4) identify individuals and entities that qualify for bulk data fee waivers. Two comments were received. The first commenter requested clarification on the definition of “transaction.” The second commenter suggested that all fees for copies of court records and FTR recordings be waived for governmental entities.

Lisa Ashman and Anna Rossi Anderson, representing the Salt Lake District Attorney’s Office (SLDA), attended the meeting to explain their concerns and answer questions. Primarily, SLDA is concerned with the budgetary impact on SLDA if copy and recording fees aren’t waived. Certified copies are presented as evidence in the prosecution of a majority of cases and is oftentimes the primary piece of evidence. SLDA

estimates a cost of \$75,000.00 -100,000.00 per year for certified copies. The SLDA budget cycle just ended and SLDA doesn't have enough funds to cover the anticipated certified copy fees for 2025.

PP&T discussed Utah Code section 78A-2-301(1)(ff) and determined that it only applies to filing fees. Under a plain reading of applicable statutes and court rules, while the judiciary is sensitive to budgetary impacts, it appears that the Council is only authorized to waive fees for expenses associated with *producing* copies of records and may not waive fees for the copies themselves, if those fees are set in statute (i.e. certified copies).

One option to significantly reduce copy fees for certified records is for the 3<sup>rd</sup> district court to require all judges to take judicial notice of certified court records, as allowed under the 2019 amendments to URE 902(13) and (14). That rule has not been consistently implemented by 3<sup>rd</sup> district judges. SLDA attorneys are often required to ask clerks to print and certify court records that are already in CORIS. Judge Gardner will speak to the 3<sup>rd</sup> district presiding judge and administrative group about implementing a district-wide policy.

After further discussion, PP&T determined that a legislative amendment to Utah Code section 78A-2-301 is required before the court may waive certified copy fees for governmental agencies. Ms. Ashman and Ms. Rossi Anderson will ask SLDA's legislative policy advisor to address the issue with members of the legislature this session. After further discussion, SLDA will confer with their policy advisor and provide an update to PP&T.

***Judge Gardner moved to take no action on CJA 4-202.08 until the next PP&T meeting. Judge Fannesbeck seconded the motion. The motion passed unanimously.***

**(3) Rules back from public comment:**

- **CJA 4-202.02. Records classification.**
- **CJA 4-202.07. Appeals.**
- **CJA 4-403. Electronic signature and signature stamp use.**
- **CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case.**

The public comment period on the above rules has closed. No public comments were received on rules 4-202.02 or 4.202.07. One public comment was received on rule 4-403 and one comment was received on rule 4-202.04. No amendments were made in response to the comment on rule 4-403. In response to the comment on rule 4-202.04, paragraph (1) was amended to clarify that clerks may waive the written requirement if the requester is seeking a public record or a non-public record to which they are authorized access under rule 4-202.03. However, clerks may not waive the written requirement if the requester is seeking a non-public record to which the requester is not authorized access under rule 4-202.03. All remaining amendments were non-substantive and intended to provide clarity.

***Judge Fannesbeck moved to recommend to the Judicial Council that rules 4-202.02, 4-202.07, 4-403, and 4-202.04 be approved as final with a May 1, 2025 effective date. Judge Gardner seconded the motion. The motion passed unanimously.***

#### **(4) 3-306.04. Interpreter appointment, payment, and fines.**

Jon Puente and Jessica Vázquez-Leavitt presented proposed amendments to rule 3-306.04. The Language Access Program has received numerous complaints regarding attorneys asking court interpreters to provide on-the-spot interpretations of recorded evidence, both audio and video, and on-the-spot translations of written documents. These on-the-spot interpretations and translations are contrary to best practices and may cause interpreters to violate the Code of Professional Responsibility for Court Interpreters. The proposed amendments provide clear guidance regarding on-the-spot interpretations and translations of recorded evidence.

Under Canon (1) of Appendix F (Code of Professional Responsibility for Court Interpreters) in the Code of Judicial Administration, “[i]nterpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.” When parties bring in recorded or written evidence and ask interpreters to conduct on-the-spot interpretations or translations, the likelihood of additions, omissions, explanations, or paraphrasing is high. The interpreter’s role is to provide services in the courtroom. Evidence should be translated prior to trial by the party intending to submit it. Parties can prepare before trial by retaining a certified interpreter from the court roster. The court may permit on-the-spot interpretations with the consent of the court interpreter for evidence that is brief or not complex. The court could also permit on-the-spot interpretations or translations in emergency circumstances.

Following discussion, PP&T changed lines 14 and 77 to replace “non-English speaking” to “individuals with a primary language other than English and limited English proficiency (LEP).”

***With that change included, Judge Carpenter moved to send rule 3-306.04 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Fonnesebeck seconded the motion. The motion passed unanimously.***

#### **(5) CJA 1-205. Standing and ad hoc committees.**

Janine Liebert presented proposed amendments to rule 1-205, adding community representatives to the following standing committees of the Judicial Council:

- Court Facility Planning Committee
- Committee on Children and Family Law
- Committee on Resources for Self-represented Parties
- Language Access Committee
- Committee on Court Forms
- Committee on Fairness and Accountability

The proposed amendments also require the chair of each standing committee to conduct a committee performance assessment every three years and report the results to the Management Committee. Community representatives will provide an outsider perspective on the processes and procedures of the court. PP&T previously recommended that input be gathered from each of the standing committees to assess whether adding a community member made sense. Over the last year, all Judicial Council standing committees were asked for their feedback on this initiative. The proposed amendments include committees that indicated it would be helpful to add members of the community.



PP&T clarified with Ms. Liebert that community representatives would be individuals who already work with members of the public in some capacity and the courts' public outreach coordinator would assist in the search and vetting of those members. To make the language consistent, "at least one of whom are" was replaced with "who are knowledgeable about the needs of self-represented litigants" in Line 303. PP&T rejected and removed proposed amendments to lines 288-290.

***Following further discussion, Judge Fannesbeck moved to recommend to the Judicial Council that CJA rule 1-205 be approved for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.***

**Technology report/proposals:**

The Technology Advisory Subcommittee (TAC) met and discussed essential court functions that could be affected in the event of an emergency. TAC directed IT to present their recommendations to the clerks of court for review and subsequently present them to each court. The Artic Wolf cybersecurity training is ready to be launched at the beginning of March and will include mini trainings that will be documented in LMS.

**Old Business/New Business:**

Judge Gardner noted that during the Judicial Council's discussion of proposed amendments to the Interim Rules on the Use of Generative AI, the Council created a workgroup to study the issue and report back. Judge Gardner suggested including a member of PP&T on the workgroup to relay information from the workgroup to PP&T. Judge Gardner asked Ms. Williams to reach out to Justice Petersen about her interest and availability to serve on the workgroup.

**Adjourn:** With no further items for discussion, the meeting adjourned at 1:26 p.m. The next meeting will be held on March 7, 2025, at noon via Webex video conferencing.

Tab 3

**Budget and Grants Agenda  
For March 13, 2025  
Judicial Council Meeting**

1. Monthly YTD Financials ..... Alisha Johnson  
(Item 1 – Information)
  
2. Year End Budget Requests ..... Alisha Johnson  
(Item 2 – Action)
  - Bridge Replacement LMS System Go-Live ..... Lauren Andersen
  - Increase in Secondary Language Stipend ..... Jessica Leavitt

Item 1



## FY 2025 Ongoing Turnover Savings as of 02/26/2025

		Actual	Forecasted	
#		Funding Type	Amount YTD	Amount @ YE
	Net Carried over Ongoing Savings (finalized from FY 2024)	Internal Savings	140,594	140,594
	Ongoing Turnover Savings FY 2025 (actual year-to-date, Salary Differential only)	Internal Savings	720,212	720,212
1	Ongoing Turnover Savings FY 2025 (forecast \$50,000 / month x 4 months, Salary Differential only)	Internal Savings	-	200,000
	Benefit Differential Savings FY 2025 (will be recognized in this row starting in Q4)	Internal Savings	-	-
	<b>TOTAL SAVINGS</b>		<b>860,807</b>	<b>1,060,807</b>
2	2025 Annual Authorized Hot Spot Raises		(150,091)	(200,000)
	<b>TOTAL USES</b>		<b>(150,091)</b>	<b>(200,000)</b>
<b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2025</b>			<b>710,715</b>	<b>860,807</b>

*Prior Report Totals as of 01/30/2025*

556,476.66

746,740.94

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate (Salary Differential) and / or with lower benefits (Benefit Differential).
- \* We defer recognizing the Benefit Differential until Q4 of the fiscal year due to potential volatility in benefit selection in the short term. This allows time for the benefit selections for the year to normalize.  
YTD benefit differential increased compared from the last report - to (\$58,540) from (\$52,928) last month. FY 2024 full year benefit differential was +\$331,176
- \* Currently, 31 FTE are vacant.
- 1 Currently estimating \$50,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$720,212/8 months = \$90,026.50/month
- 2 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.

**Definitions:**

**Salary Differential** - the annualized difference in salary and salary related benefits between a prior employee and a replacement employee.  
Recognized when a new employee is hired.

**Benefit Differential** - the annualized difference in medical and dental benefit cost between a prior employee and a replacement employee.  
Recognized in Q4 of the fiscal year and only after benefits are selected.



## FY 2025 One Time Turnover Savings

Updated as of Pay Period Ending 02/14/2025 (1,320 out of 2,088 hours)

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 02/14/2025)	Internal Savings	2,103,301
2	Est. One Time Savings for remaining pay hours (768 @ \$1,200 / pay hour)	Internal Savings (Est.)	921,600
<b>Total Potential One Time Savings</b>			<b>3,024,901</b>

*Prior Report Totals (as of 01/17/2025)*

2,996,897

- 1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,567.22, \$454.00, \$1,183.18, and \$1,825.06. The average per hour turnover savings FY 2025 YTD is \$1,593.41
- 2 \$1,200 / pay hour represents the actual FY 2024 average; going with this conservative amount for the balance of the year.



## FY 2025 Year End Requests and Forecasted Available One-time Funds - Period 8

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
	<b>Sources of YE 2025 Funds</b>		
*	Turnover Savings as of PPE 02/14/2025	Turnover Savings	2,103,301
	Turnover savings Estimate for the rest of the year (\$1,200 x 768 pay hours)	Turnover Savings	921,600
	<b>Total Potential One Time Turnover Savings</b>		<b>3,024,901</b>
	Less: Judicial Council Delegated to State Court Administrator for Discretionary Use		(250,000)
(a)	<b>Total Potential One Time Turnover Savings Less Discretionary Use</b>		<b>2,774,901</b>
	<i>Operational Savings From TCE / AOC Budgets - mid-year forecast</i>	<i>Internal Operating Savings</i>	629,905
	<i>Operational Savings from IT Budget - unused Carryforward Request</i>	<i>Internal Operating Savings</i>	150,000
	<i>Reserve Balance (balance from FY 2024 Carryforward)</i>	<i>Judicial Council Reserve</i>	847
	<i>Estimated unclaimed property claims (received and pending)</i>	<i>Additional Revenue Received</i>	730,000
	<i>Prior year adjustments - impact on current year operations (Hyrum and OFA)</i>	<i>Adjustments to CY Operations</i>	(90,000)
(b)	<b>Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b>		<b>1,420,752</b>
(c)	<b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>4,195,653</b>
	<b>Uses of YE 2025 Funds</b>		
(d)	Carryforward into FY 2026 (Anticipate request to Legislature for \$3,700,000)	<i>FY 2026 Carryforward</i>	<b>(3,200,000)</b>
	<b>Total Potential One Time Savings = (c) less Carryforward (d)</b>		<b>995,653</b>
	<b>Less: Judicial Council Requests Previously Approved</b>		<b>(797,427)</b>
	<b>Less: Judicial Council Current Month Spending Requests</b>		<b>(36,800)</b>
	<b>Remaining Forecasted Funds Available for FY 2025 YE Spending Requests</b>		<b>161,426</b>

# One-time Spending Plan Requests		Adjusted Requests	Judicial Council Approved
		Amount	Amount
1	Various Construction Projects (FY 2025) Contingency (10%)	\$ -	301,427
2	All Rise Utah Welcome Dinner	\$ -	10,000
3	Q1 / Q2 Performance Bonus	\$ -	\$ 156,000
4	Replacement of EMV Credit Card Devices	\$ -	\$ 36,500
5	Reimbursement from Trust Account Interest Earnings	\$ -	\$ (36,500)
5	Purchasing Utah Code and Court Rules per CJA 3-413		\$ 30,000
6	Mitigate Laptop Price Increases		\$ 300,000
7	Bridge Replacement LMS System Go-Live	\$ 27,700	
8	Increase in Secondary Language Stipend	\$ 9,100	
		<b>36,800</b>	
<b>Current Month One-time Spending Requests</b>			
<b>Previously Approved 1x FY 2024 YE Spending Request</b>			<b>797,427</b>

Updated 02/26/2025

- \* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,567.22, \$454.00, \$1,183.18, and \$1,825.06. The average per hour turnover savings FY 2025 YTD is \$1,593.41
- (b) Operational Savings from TCE / AOC Budgets has been updated. We expect further updates to occur through the rest of the fiscal year. FY 2024 operational savings were \$1.3M.



## ARPA Expenses as of 02/26/2025 (period 8 not closed yet)

	A	B	C	D	E	F	G	%
	Judicial Council Approved	Actual FY 2022 Expended	Actual FY 2023 Expended	Actual FY 2024 Expended	Actual FY 2025 Expended	Total Expended Amount	Balance Available	Obligated
IT Access to Justice - Part I + II	12,373,400	3,042,468	4,613,255	3,075,857	515,145	11,246,725	1,126,675	100.00%
Courts Case Backlog - Part I + II	2,302,100	707,963	1,007,135	587,002	-	2,302,100	Completed in FY 2024	
Legal Sandbox Response to COVID	324,500	-	171,636	152,864	-	324,500	Completed in FY 2024	
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>5,792,026.58</b>	<b>3,815,722.46</b>	<b>515,145.29</b>	<b>13,873,325.11</b>	<b>1,126,674.89</b>	

*Expenditures added since last report: \$ 5,480.00*

ARPA funds expended cut off date is 12/31/2026; ARPA funds obligated cut off date was 12/31/2024.

The definition of obligation is not only budgeting money but also taking steps to create a contract, sub-award, or similar transaction that requires payment. Consider the time it takes to negotiate and execute a contract when planning to meet the obligation deadline.



## Facilities Spending Plan for Large Projects FY25 - 2/13/25 update - NO CHANGE FROM LAST REPORT

Credits in FY25 Only							Details
Richfield Bond	\$ 219,000						To be reallocated to Heber rent in FY26
Farmington Bond	\$ 399,000						To be reallocated to Heber rent in FY26
Heber Additional Rent	\$ 163,000						To be reallocated to Heber rent in FY26
50% Annual Carry Over	\$ -						
Court Complex Surplus*	\$ 800,000						Approved one-time for AF hearing room
<b>Sub Total</b>	<b>\$ 1,581,000</b>						
		(a)	(b)	(c)	(a) - ((b)+(c))		
<b>Projects</b>	<b>Adjusted Budget</b>	<b>Original Budget</b>	<b>Actual To Date/Projected</b>	<b>Contingency = 10% of original budget</b>	<b>(Under)/Over Budget</b>	<b>Contingency Available for Use</b>	
Provo FF&E		\$ 60,000	\$ 72,404		\$ 12,404		Completed
Heber FF&E **		\$ -	\$ -		\$ -		N/A
Manti Security Systems ***		\$ -	\$ -		\$ -		N/A
Manti FF&E Overage		\$ 72,000		\$ -	\$ (72,000)		Completed
Roosevelt Design and TI		\$ 269,274	\$ -				Deferred until FY 2026
Provo AV Equipment		\$ 285,000	\$ 104,346		\$ (180,654)		Completed; \$224K actual - \$119K paid in FY24 = \$104K actual
Provo Security Equipment		\$ 42,000	\$ 81,963		\$ 39,963		Completed
Provo / AF Furniture Move			\$ 16,499		\$ 16,499		Completed
AOC 3rd Floor Furniture		\$ 167,000	\$ 174,993		\$ 7,993		Completed
AF Hearing Room Const		\$ 500,000	\$ 704,678	\$ 50,000	\$ 254,678		Will be adjusted as construction is completed
AF Chambers, Office & Support Space Const		\$ 275,000	\$ 330,000	\$ 27,500	\$ 82,500		Will be adjusted as construction is completed
AF FF&E		\$ 65,000	\$ 60,321		\$ (4,679)		Completed
<b>AF AV, access, cameras and Cabling</b>		\$ -	\$ 175,390		\$ 175,390		Harris (\$9,684), Cabling \$13,792, and AV (\$124,981) only; will be adjusted as construction is completed
WJ Juv Shell Buildout		\$ 1,655,000	\$ 1,067,200	\$ 165,500	\$ (422,300)		will be adjusted as construction is completed
<b>WJ FF&amp;E</b>			\$ 41,241		\$ 41,241		recon \$2,982 + new \$38,259; will be adjusted as construction is completed
<b>WJ AV, Sec and Cabling</b>			\$ 121,271		\$ 121,271		Harris \$15,678, Yamas \$14,465, AV \$77,958 and cabling \$13,170; will be adjusted as construction is completed
Math 1st Floor Courtroom Const		\$ 720,000	\$ 739,680	\$ 72,000	\$ 91,680		inc 9K change order; will be adjusted as construction is completed
Math 1st Floor Chambers & Support Spaces Const		\$ 309,000			\$ (309,000)		Included in the \$739K bid/actual
<b>Math AV, Sec and Cabling</b>			\$ 146,708		\$ 146,708		AV \$116,177 + Harris \$16,695 + cabling \$13,836; will be adjusted as construction is completed
Math 1st floor courtroom FF&E		\$ 95,000	\$ 65,553		\$ (29,447)		Completed
<b>Sub Total</b>		<b>\$ 4,514,274</b>	<b>\$ 3,902,247</b>	<b>\$ 315,000</b>	<b>\$ (27,753)</b>		
Total Columns (b) + (c)				<b>\$ 4,217,247</b>			Total Spend with Contingency
Adjust for Roosevelt Deferred to FY 2026	\$ (269,274)						
Adjusted Sub Total of Expenditures	<b>\$ 4,245,000</b>	\$ 4,514,274				\$ 315,000	Contingency Allocated to WIP
<b>Total Net Spend (Credits less Expenditures)</b>	<b>\$ (2,664,000)</b>	<b>\$ (2,933,274)</b>				\$ (27,753)	Net Base Budget Over/(Under) = adjustment to contingency
10% Contingency on Expenditures	\$ (424,500)	\$ (451,427)				\$ (451,427)	Contingency Available
<b>Total Net Spend with 10% Contingency</b>	<b>\$ (3,088,500)</b>	<b>\$ (3,384,701)</b>				<b>\$ (164,180)</b>	Subtotal of above
						<b>\$ (150,000)</b>	<b>Contingency Released</b>

\* Spend down the CCF surplus to \$500K

\*\* \$400K to be paid to Wasatch Co. towards furniture package before 6/30

\*\*\* Funding provided by security funds

## Item 2

## 7. FY 2025 YE Spending Request – Bridge Replacement LMS System Go-Live

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2025 are to be spent between July 1, 2024, and June 30, 2025; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2025, even after reserving \$3.2M for carryforward use. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated surplus 1x funds for **one-time projects that could be delivered prior to June 30, 2025.**

**Date:** 2/25/2025

**Department or District:** Education Department

**Requested by:** Lauren Andersen

**Request title:** Retire Current LMS System with 1-year Bridge to New LMS System

**Amount requested:** \$27,700 **One-time Turnover Savings funds**

**Purpose of funding request:**

The Education Department would like to sunset our current LMS and debut a new LMS in FY26. The current LMS provider has consistently increased its price and failed to deliver on promises that were made when the service was acquired. For example, we were told that a “user friendly” reporting tool would be delivered within a year of signing in 2019. That service has yet to be delivered. Other functions, such as easy SCORM course uploads, have yet to materialize after five years with the tool.

To eliminate any gaps in LMS coverage, the Education Department recommends purchasing the new LMS in FY25 so that we may build out and pilot a new LMS in the first eight months of FY26.

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

Based on the reasons enumerated in the previous section, our current timeline for transitioning to a new LMS could look like this:

- May/June 2025 – Sign contract with new LMS provider and make payment with contract providing immediate access
- July – December 2025 – Education Department begins building out new LMS. Current LMS (Infor) stays in place through June 2026.
- January 2026 – Introduce new LMS to Court Leadership and pilot groups.
- April, May and June 2026 – Introduce new LMS to Court employees through trainings (in-person and via Webex).
- June 30, 2026 – Sunset current Infor LMS and fully transition to new LMS.

Education is working with two providers to determine the best pricing for their products. It appears that our most competitive pricing will be \$77,700 in the first year, and \$67,800 for five additional years.

The first-year transition cost will be reduced by the following 2 funding sources:

- Education has \$25,000 in current year savings to put towards a new LMS.

## 7. FY 2025 YE Spending Request – Bridge Replacement LMS System Go-Live

- The Justice Court Board has tentatively committed an additional \$25,000 of JCTST funds toward purchasing a new LMS in FY25.

Education is requesting the difference between the year 1 cost of \$77,700 and \$50,000 in 1x savings/funds = \$27,700 in FY 2025 YE 1x funds from the BFMC/Judicial Council so that Education may purchase a new LMS and have time to bring on the new system with adequate training on how to use the new LMS. After year 1 of the new LMS is paid, the relatively low ongoing costs of the new LSM will enable Education to maintain the new LMS with currently available funding for the next 5 years.

### **Alternative funding sources, if any:**

None. The new LMS could be brought on board “cold” with no transition period between LMS systems. We do not recommend a “cold” transition because of the following factors:

1. Managers and employees rely on the LMS for onboarding. A break in service could negatively affect onboarding.
2. The Education team has one LMS Administrator. A cold transition would require the LMS Administrator to transfer all new data and learn a new product at rapid speed. A rushed delivery may lead to frustrations from users.
3. A “cold” transition will hamper Education’s ability to engage with stakeholders in building out the new tool through pilot groups and beta-testing. Education would like to engage all users in building out the LMS to maximize the functionality of the tool.

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

See the answer to the prior question. Delaying the purchase and installation of the new LMS will begin impacting the Courts in FY 2026.

We seek a more optimal solution which enables all Court personnel to have uninterrupted access to a legacy LMS system that they are familiar with while simultaneously being trained on the new LMS system for approximately 6 months prior to implementation.

## 8. FY 2025 YE Spending Request – Increase in Secondary Language Stipend

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2025 are to be spent between July 1, 2024 and June 30, 2025; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2025 even after reserving \$3.2M for carryforward use. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated surplus 1x funds for **one-time projects that could be delivered prior to June 30, 2025.**

**Date:** 2/25/2025

**Department or District:** Office of Fairness and Accountability  
**Requested by:** Jon Puente and Jessica Leavitt

**Request title:** Increase in Secondary Language Stipend

**Amount requested:** \$9,100 **One-time Turnover Savings funds:**

**Purpose of funding request:**

There is a great diversity in languages spoken by court patrons. In order to facilitate court proceedings for non-English speaking patrons, the Utah State Courts (1) employs staff and contract court interpreters for in-court interpreting and (2) utilizes the foreign language talents of current court employees for all other areas where court patrons need interpreting.

This request deals with the second of the groups in the above paragraph. This is a very cost-effective use of our current court employees who use their language skills in the service of court patrons in situations for which a certified, registered, or approved interpreter is not required. The current annual stipend pay for court patron interpreters is \$100 x 26 pay periods = \$2,600 per year. There are 64 slots available to receive this stipend. The annualized cost is 64 x \$2,600 = \$166,400 for FY 2025 which was funded by a carryforward request in June 2024 (see Exhibit A). There are 64 slots currently available to receive this stipend that are all filled. Due to increasing demand from the District and Juvenile Courts, we are requesting 7 additional positions to be funded, 5 identified on our wait list and 2 for additional future fills. The request will fund for the months of March, April, May, and June 2025 (13 weeks @ \$100 per week x 7 persons = \$9,100 of FY 2025 YE funding. Our FY 2026 carryforward funding request will be increased from \$166,400 to \$175,500.

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

Any court employee may apply for a Secondary Language Stipend by demonstrating a required level of proficiency for a non-English language. To qualify for this benefit, employees must complete the following process:

- Complete the Secondary Language Stipend application and Agreement with the appropriate information and approving signatures and submit to the Court Interpreter Program Coordinator; and
- Complete and pass the Oral Proficiency Exam.

Employees are required to recertify their skills no less than once every three years. A language stipend recipient is subject to the following guidelines:

## 8. FY 2025 YE Spending Request – Increase in Secondary Language Stipend

- The employee must be reasonably available and use their second language skills on a regular basis.
- The employee shall provide interpreting in a Court proceeding only as outlined in Rule 3-306.04(2).

**Alternative funding sources, if any:**

None

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

This funding is not included in our base budget and the courts have traditionally used carryforward funds to provide this stipend. If this request is not funded, each court site would be responsible for finding operating funds to fund this essential service and interpretation services to court patrons would suffer.

## Exhibit A

### 13. FY 2024 Carryforward Spending Request – Secondary Language Stipend

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2024 are normally to be spent between July 1, 2023 and June 30, 2024; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2024 funds into FY 2025 (we will submit the lesser of \$3.2M or the actual amount of carryforward funds available).** This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2024 carryforward funds for one-time projects that will be delivered in FY 2025.

**Date:** 10 May 2024

**Department or District:** Office of Fairness and Accountability

**Requested by:** Jon Puente and Jessica Leavitt

**Request title:** Secondary Language Stipend

**Amount requested:** One-time \$ 166,400

**Purpose of funding request:**

In the March 2023 Judicial Council meeting, we received approval to increase the pay of those employees who offer interpreting services to court patrons in situations for which a certified, registered or approved interpreter is not required from \$50 per pay period to \$100 per pay period.

There is a great diversity in languages spoken by court patrons. In order to facilitate court proceedings for non-English speaking patrons, the Utah Courts (1) employs contract court interpreters for in-court interpreting or (2) utilizes the foreign language talents of current court employees for court patron interpreting.

This request deals with the second of the groups in the above paragraph. This is a very cost-effective use of our current court employees who use their language skills in the service of court patrons in situations for which a certified, registered or approved interpreter is not required. The current annual bonus pay for court patron interpreters is \$100 x 26 pay periods = \$2,600 per year. There are 64 slots available to receive this bonus. The annualized cost is 64 x \$2,600 = \$166,400 for FY 2025. Currently we have 56 slots filled and 2 additional fills pending.

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

Any court employee may apply for a Secondary Language Stipend by demonstrating a required level of proficiency for a non-English language. To qualify for this benefit, employees must complete the following process:

- Complete the Secondary Language Stipend application and Agreement with the appropriate information and approving signatures and submit to the Court Interpreter Program Coordinator; and
- Complete and pass the Oral Proficiency Exam.

Employees are required to recertify their skills no less than once every three years. A bonus recipient is subject to the following guidelines:

### 13. FY 2024 Carryforward Spending Request – Secondary Language Stipend

- The employee must be reasonably available and use their second language skills on a regular basis.
- The employee shall provide interpreting in a Court proceeding only as outlined in Rule 3-306.04 (2).

**Alternative funding sources, if any:**

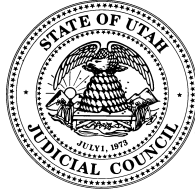
None

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

This funding is not included in our base budget and the courts have traditionally used carryforward funds to provide this bonus. If this request is not funded, each court site would be responsible for finding operating funds to fund this essential service and interpretation services to court patrons would suffer.



Tab 4



# Administrative Office of the Courts

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

March 7, 2025

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

## MEMORANDUM

**TO: Management Committee / Judicial Council**  
**FROM: Keisa Williams**  
**RE: Rules for Final Approval – CJA Rule 4-202.07**

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Proposed amendments to CJA rule 4-202.07 were reviewed at the February 24, 2025 Judicial Council meeting and sent back to the Policy, Planning, and Technology Committee (PP&T) for additional consideration. The Council posed the following question: **How would a person whose interests are protected by closure get notice of the appeal contemplated in paragraph (1)?**

With the clarification below, PP&T made no substantive changes to the proposed amendments and recommends that rule 4-202.07 be adopted as final with a *May 1, 2025 effective date*.

Records associated with a case are governed by rule [4-202.04](#). Those requests are made to the court in the form of a motion or petition. Rule 4-202.07 does not apply to records associated with a case. Rule 4-202.07 governs appeals related to requests for administrative court records, aggregate court records, and court records for the purpose of research. Those requests are governed by rules [4-202.05](#) and [4-202.06](#) and are made to the custodian of the record, which will always be someone in the judiciary. For 4-202.07 to make sense, it must be read in conjunction with 4-202.05.

For example, a member of the public submits a request to access a court employee's personnel file. Personnel files are private court records and the person making the request is not authorized to access private records under rule 4-202.03. Under 4-202.05(2)(A), the requester must submit the request to the custodian of the record, the state court administrator.

Let's assume Ron authorizes the release of the employee's personnel file. Under 4-202.05(2)(B), before allowing access, Ron must send notice of the request to "any person whose interests are protected by closure" and give them an opportunity to respond. Because the employee has an interest in protecting their personnel file, the employee must receive notice and an opportunity to argue in favor of closure. If Ron persists, the employee could appeal Ron's decision to the Management Committee under 4-202.07(4)(B).

In short, the onus is on the AOC to determine whose interests are protected by closure and give them notice. Such notice is contemplated in paragraph (5) with the reference to Rule 4-202.05(2)(B).

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

1 **Rule 4-202.07. Appeals**

2 **Intent:**

3 To establish the rights and procedures in an appeal of a record request.

4 **Applicability:**

5 This rule applies to requests to access or ~~to~~ classify a court record, other than a motion or  
6 petition under Rule 4-202.04.

7 **Statement of the Rule:**

8 (1) **Access – Extraordinary circumstances.** A person requesting access to a court record may  
9 appeal a denial of the request, a claim of extraordinary circumstances, or the time claimed  
10 necessary to address the extraordinary circumstances. A person whose interests are protected  
11 by closure may appeal a decision to permit access to a court record.

12 **(2) Classification.** A person requesting that a court record be classified as private or protected  
13 may appeal a denial of the request. ~~A person whose interests are protected by closure may~~  
14 ~~appeal a decision to permit access to a court record.~~

15 **(3) Time for filing appeal.** An appeal ~~must~~shall be made in writing within 30 days after the  
16 decision giving rise to the appeal, or within 30 days after a request is deemed denied under  
17 Rule 4-202.06(6). ~~A person described in this subsection may petition for judicial review as~~  
18 ~~provided by statute.~~

19 **(4) Notice of appeal.**

20 ~~(43)~~**(A)** The notice of appeal ~~must~~shall contain the appellant's name, email address,  
21 mailing address, daytime telephone number, the relief sought, and a statement of facts,  
22 authority and argument in support of the appeal.

23 ~~(42)~~**(B)** If the original request was to the custodian of the record, the appeal is to the  
24 state court administrator. If the original request was to the state court administrator, the  
25 appeal is to the Management Committee ~~of the Judicial Council.~~ The appeal of a  
26 decision by the state court administrator is to the Management Committee.

27 ~~(4)~~**(C)** The notice of appeal must be delivered to the state court administrator, including  
28 appeals to the Management Committee.

29 ~~(54)~~ **State court administrator.** ~~An appeal to T~~the state court administrator may mail a decision  
30 within 5 business days after receiving the appeal, or within 15 business days after mailing a  
31 notice under Rule 4-202.05(2)(B). ~~If the state court administrator does not mail a decision is~~  
32 ~~deemed denied unless a decision on the appeal is mailed within 5 business days after receiving~~  
33 ~~the appeal or within 15 business days after mailing notice under Rule 4-202.05(2)(B), the appeal~~  
34 ~~is deemed denied.~~

35 **(6) Management Committee.**

36 ~~(6)~~**(A) Initial review.** The Management Committee will review an appeal at its first  
37 meeting held no fewer than 15 business days, but not more than 45 business days, after  
38 receiving the appeal. After reviewing the appeal, the Management Committee will

39 determine whether to issue a decision denying the appeal, schedule a hearing on the  
 40 appeal, or take no action on the appeal, in which case the appeal is deemed denied. An  
 41 appeal to the Management Committee is deemed denied unless a decision on the  
 42 appeal is mailed within 5 business days after ~~the first meeting of the~~ Management  
 43 Committee's initial review ~~held more than 15 business days after receiving the appeal.~~

44 (6)(B) Notice of hearing. If the Management Committee determines to hold a hearing  
 45 on the appeal, the state court administrator will:

46 (6)(B)(i) notify the Office of General Counsel no fewer than 15 business days  
 47 before the hearing to submit a written statement of facts, authority and argument  
 48 in opposition to the appeal and to appear before the Management Committee to  
 49 present its argument. The Office of General Counsel shall submit its written  
 50 statement of facts, authority and argument to the state court administrator and  
 51 the Petitionerappellant at least 7 business days before the meeting; and

52 (6)(B)(ii) notify the Petitionerappellant no fewer than 5 business days after the  
 53 initial review that a hearing will be held. ~~15 business days before the hearing to~~  
 54 ~~appear before the Management Committee to present their argument.~~

55 ~~(6)(C)(5) Hearing.~~ The state court administrator shall mail notice of the Management  
 56 ~~Committee meeting to all participants at least 10 business days before the meeting. At~~  
 57 ~~least 7 business days before the meeting, all participants shall mail to the state court~~  
 58 ~~administrator and to the other participants a written statement of facts, authority and~~  
 59 ~~argument in support of or opposition to the appeal.~~

60 (6)(C)(i) The Management Committee may permit any other person whose  
 61 interests are substantially affected by a decision to participate. The order of  
 62 presentation will be decided by the Management Committee.

63 (6)(C)(ii) Discovery is prohibited, but the Management Committee may compel  
 64 the production of evidence. The Management Committee may review a record in  
 65 a closed meeting.

66 (6)(C)(iii) The deliberations of the Management Committee are closed, but the  
 67 ~~balance of the~~ hearing on the appeal is an open and public meeting of which  
 68 notice will be given in accordance with Rule 2-103.

69  
 70 ~~(6) The Management Committee shall allow the participants a reasonable opportunity to present~~  
 71 ~~facts, authority and argument in support of or opposition to the appeal. The order of~~  
 72 ~~presentation shall be decided by the Management Committee. The Management Committee~~  
 73 ~~may review the record in a closed meeting. Discovery is prohibited, but the Management~~  
 74 ~~Committee may compel the production of evidence.~~

75 (6)(D)(7) Decision. Following the hearing or the initial review of the appeal, the  
 76 Management Committee may issue a written decision on the appeal. The state court  
 77 administrator ~~will~~ shall mail ~~the decision~~ written decisions on an appeal to all participants.  
 78 ~~The decision shall:~~

- 79 ~~(7)(A) describe the record or portions of the record to which access is granted or denied~~  
80 ~~in a manner that does not disclose information other than public information;~~
- 81 ~~(7)(B) refer to the authority under which access to the record or portions of the record~~  
82 ~~the request is being denied;~~
- 83 ~~(7)(C) make findings and conclusions about specific records;~~
- 84 ~~(7)(D) identify and balance the interests favoring opening and closing the record; and, if~~  
85 ~~the record is closed, determine there are no reasonable alternatives to closure sufficient~~  
86 ~~to protect the interests favoring closure;~~
- 87 ~~(7)(E) state that the requester may appeal or seek judicial review; and~~
- 88 ~~(7)(F) state the time limits for filing an appeal or petition for judicial review, and the name~~  
89 ~~and address of the person to whom the appeal or petition must be directed.~~

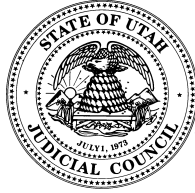
90 ~~(87)~~ **Time.** The time periods in this rule may be extended by mutual agreement. A document  
91 required to be sent by mail may be sent by email, fax or hand-delivery. The duties of the state  
92 court administrator may be delegated.

93

94 ~~**(8) Judicial review.** Nothing in this rule prevents an individual from filing a petition for judicial~~  
95 ~~review as provided by statute.~~

96

97 ~~*Effective: November 1, 2018*~~ May 1, 2025



# Administrative Office of the Courts

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

March 7, 2025

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

## MEMORANDUM

**TO: Management Committee / Judicial Council**  
**FROM: Keisa Williams**  
**RE: Rule for Expedited Approval and Public Comment**

---

The Policy, Planning, and Technology Committee (PP&T) recommends that Rule 4-206 of the Utah Code of Judicial Administration (CJA) be approved on an expedited basis with a **March 14, 2025 effective date**, followed by a 45-day public comment period.

CJA Rule 4-206 was [amended in September 2024](#) to reflect statutory changes concerning the receipt, retention, and exposal of court exhibits. Primarily, the 2024 amendments direct parties to Utah Code Title 77, Chapter 11c for their retention obligations in criminal cases and require the court to transfer all exhibits in the court's custody in criminal cases to prosecuting agencies post-disposition.

Court staff received feedback from a prosecuting agency expressing concern about giving defense exhibits and bulky or sensitive exhibits that require law enforcement chain of custody (i.e., weapons) to prosecuting agencies. The proposed amendments in paragraphs (2)(A), (3), and (5) were made in response to that feedback. The prosecuting agency noted that the changes would adequately address its concerns.

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

1 **Rule 4-206. Exhibits.**

2 **Intent:**

3 To establish a uniform procedure for the receipt, maintenance, and release of exhibits.

4 **Applicability:**

5 This rule ~~shall apply~~ applies to all trial courts of record and not of record, except small claims  
6 court. In the discretion of the court, this rule may apply to any proceeding in which exhibits are  
7 introduced.

8 **Statement of the Rule:**

9 **(1) Marking exhibits.**

10 (1)(A) **Marking Exhibits.** Prior to trial, or at a time specified by the judge, each party  
11 must mark all exhibits it intends to introduce ~~by utilizing with-~~ exhibit labels in the format  
12 prescribed by the clerk of court. Labels or tags must include, at a minimum, a case  
13 number, exhibit number/letter, and an appropriate party designation. With approval of  
14 the court, a photograph may be offered by the submitting party as a representation of the  
15 original exhibit.

16 (1)(B) **Digital Exhibits.** Digital exhibits must be marked as provided in paragraph (1)(A)  
17 and submitted to the court as prescribed by the clerk of court. Exhibits should not be  
18 eFiled.

19 (1)(C) **Courts not of record.** Courts not of record may exempt parties from the  
20 requirements outlined in paragraphs (1)(A) and (1)(B) and prescribe an alternative  
21 process for marking exhibits.

22 **(2) Exhibit custody during trial.**

23 (2)(A) **Custody of the Parties.** During the trial, bulky and sensitive exhibits, and exhibits  
24 that require law enforcement chain of custody, will remain in the custody of the party  
25 offering the exhibit or in the custody of the appropriate law enforcement agency. Such  
26 exhibits include, but are not limited to: biological evidence, biohazards, controlled  
27 substances, paraphernalia, firearms, ammunition, explosive devices, pornographic  
28 materials, jewelry, poisonous or dangerous chemicals, intoxicating liquors, money or  
29 articles of high monetary value, counterfeit money, original digital storage media such as  
30 a hard drive or computer, and documents or physical exhibits of unusual bulk or weight.  
31 The clerk of court or designee must list these exhibits in the exhibit list and note that the  
32 original exhibit is in the custody of the party or agency.

33 (2)(B) **Custody of the Court.** Physical exhibits offered, other than those in paragraph  
34 (2)(A), must be placed in the custody of the clerk of court or designee. Digital exhibits  
35 offered ~~shall will~~ be stored electronically or on digital media such as a thumb drive and  
36 stored in accordance with paragraph (2)(C). The clerk of court or designee must list all  
37 exhibits in the exhibit list, and the list ~~shall will~~ be made a part of the court record. An

38 exhibit list may be the court's designated case management system or a form approved  
39 by the Judicial Council.

40 **(2)(C) Secured Storage.**

41 (2)(C)(i) Upon daily adjournment, the clerk of court or designee must compare  
42 the exhibit list with the exhibits offered that day. Digital exhibits in the custody of  
43 the court ~~shall~~will be stored electronically in a manner meeting the requirements  
44 outlined in paragraph (3)(A)(ii). Physical exhibits in the custody of the court must  
45 be stored in an envelope or container, marked with the case number, and stored  
46 in a secured storage location that meets the requirements outlined in paragraph  
47 (3)(A)(ii).

48 (2)(C)(ii) Exhibits may be stored in a temporary secured location for no more than  
49 72 hours, provided the temporary location is sufficient to prevent access by  
50 unauthorized persons, and the location is secured with a key lock, combination  
51 lock, or electronic lock. Access to the temporary storage location ~~shall~~will be  
52 limited to the clerk of court, judge, or a designee.

53 **(3) Exhibit custody prior to disposition.**

54 (3)(A) **Pending Disposition.** Exhibits in the court's custody pursuant to paragraph (2)(B)  
55 may not be taken from the custody of the clerk of court or designee until final disposition  
56 of the case, except upon order of the court and execution of a receipt that identifies the  
57 material, the party or law enforcement agency to whom the exhibit is released, and the  
58 date and time of the release. The receipt ~~shall~~will be made a part of the court record.

59 (3)(A)(i) **Exhibit Manager.** The clerk of court ~~shall~~will appoint an exhibit  
60 manager with responsibility for the security, maintenance, documentation of the  
61 chain of custody, and disposition of exhibits. The clerk of court may also appoint  
62 a person to act as exhibit manager during periods when the primary exhibit  
63 manager is absent. Unaccompanied or unauthorized access to secured storage  
64 locations by anyone other than the exhibit manager, acting exhibit manager, or  
65 the clerk of court is prohibited without a court order.

66 (3)(A)(ii) **Secured Storage Location.** Each court must provide physical and  
67 electronic secured storage locations within their facility for storing exhibits  
68 retained by the court under subsection (2)(B), and ~~shall~~will maintain a current  
69 inventory list of all exhibits in the court's custody. The physical secured storage  
70 location must be sufficient to prevent access from unauthorized persons, secured  
71 with a key lock, combination lock, or electronic lock, and protected from theft or  
72 damage. The electronic secured storage location should be sufficient to prevent  
73 access from unauthorized persons. Prior to use, physical and electronic secured  
74 storage locations must be certified by the Court Security Director. Requests for  
75 certification must be made in writing and ~~shall~~will fully describe the secured  
76 storage location, local access procedures, and security controls. Any changes to



77 the location, access procedures, or security controls require recertification by the  
78 Court Security Director.

79 **(3)(B) Exhibit custody post disposition.**

80 (3)(B)(i) **Courts of record.** In courts of record, upon final disposition of the case,  
81 exhibits in the court's custody ~~shall~~will be disposed of or returned to the offering  
82 parties or appropriate law enforcement agency pursuant to paragraph (5). The  
83 clerk of court, exhibit manager, or designee ~~shall~~will execute a receipt identifying  
84 the material taken, the party to whom the exhibit is released, and the date and  
85 time of the release. The receipt ~~shall~~will be made a part of the court record.

86 (3)(B)(ii) **Courts not of record.** In civil cases in courts not of record, upon final  
87 disposition of the case, all exhibits in the court's custody ~~shall~~will be returned to  
88 the parties. In criminal cases in courts not of record, upon final disposition of the  
89 case, all exhibits in the court's custody ~~shall~~will be given to the offering party or  
90 appropriate law enforcement agency~~prosecuting agency~~, which must comply with  
91 Utah Code ~~T~~title 77, c~~C~~hapter 11c, Retention of Evidence. The clerk of court,  
92 exhibit manager, or designee ~~shall~~will execute a receipt identifying the material  
93 taken, the party or law enforcement officer to whom the exhibit is released, and  
94 the date and time of the release. The receipt ~~shall~~will be made a part of the court  
95 record.

96 (3)(C) **Exhibits in the custody of the parties.** Unless otherwise ordered by the court,  
97 exhibits identified in paragraph (2)(A) ~~shall~~will remain in the custody of the parties or law  
98 enforcement agency until they are eligible for disposal pursuant to paragraph (5)(A)(i) or  
99 (5)(B)(i). Parties are responsible for preserving exhibits in the same condition as when  
100 they were first admitted into evidence.

101 (3)(D) **Access to exhibits by parties.** Parties may file a motion requesting access to an  
102 exhibit in the custody of the court or another party. Upon order of the court, the clerk of  
103 court, exhibit manager or designee, or party or law enforcement agency with custody of  
104 the exhibits ~~shall~~will promptly make available for examination exhibits, or original or true  
105 copies of the exhibits.

106 (4) **Appeals.** Exhibits and exhibit lists ~~shall~~will be provided upon appeal in accordance with the  
107 Utah Rules of Appellate Procedure.

108 (5) **Disposal of exhibits.** Exhibits ~~shall~~will be disposed of as follows:

109 (5)(A) **Criminal.** In criminal and juvenile delinquency cases:

110 (5)(A)(i) **Party custody.** Parties and law enforcement agencies with custody of  
111 evidence must comply with Utah Code ~~T~~title 77, c~~C~~hapter 11c, Retention of  
112 Evidence.

113 (5)(A)(ii) **Court custody.** Exhibits in the court's custody ~~shall~~will be transferred  
114 to the offering party or appropriate law enforcement agency ~~prosecuting agency~~  
115 no earlier than 365 days after the time for appeal has expired, provided no

116 appeal has been filed and there are no pending post-conviction relief actions or  
117 pending appeals of post-conviction relief actions.

118 (5)(B) **Civil.** In cases that are not criminal in nature:

119 (5)(B)(i) **Disposal time.** Provided no appeal has been filed, parties may dispose  
120 of, and exhibit managers, clerks of court, or designees ~~shall~~will dispose of any  
121 exhibits in their custody no earlier than 90 days after the time for appeal has  
122 expired.

123 (5)(B)(ii) **Court custody.** Exhibits in the court's custody ~~shall~~will be disposed of  
124 as follows:

125 (5)(B)(ii)(a) **No monetary value.** Property having no monetary value ~~shall~~  
126 will be destroyed by the exhibit manager, clerk of court, or designee. The  
127 exhibit manager ~~shall~~will create a certificate of destruction including a  
128 description of the exhibit, the case and exhibit numbers, and the date and  
129 time of the destruction. The certificate of destruction ~~shall~~will be made a  
130 part of the court record.

131 (5)(B)(ii)(b) **Monetary value.** Property having monetary value ~~shall~~will be  
132 returned to its owner or, if unclaimed, ~~shall~~will be given to the ~~offering~~  
133 ~~party~~prosecuting agency, sheriff of the county, or other law enforcement  
134 agency to be sold in accordance with Utah Code. The receiving agency  
135 ~~shall~~will furnish the court with a receipt identifying the receiving agency,  
136 the exhibit received, and the date and time the exhibit was received. The  
137 receipt ~~shall~~will be made a part of the court record.

138 (5)(C) **Time Period.** Upon receipt of remittitur from an appellate court, the time period for  
139 all cases is reset.

140 *Effective: ~~9/1/2024~~ March 14, 2025*

Tab 5



# IRON COUNTY ATTORNEY'S OFFICE

**CHAD E. DOTSON**  
IRON COUNTY ATTORNEY

SHANE A. KLENK  
SAM E. WOODALL  
TRAJAN W. EVANS  
DAVID M. HILL  
DALLIN L. BROOKS

February 25, 2025

Utah Judicial Council  
C/O James Peters  
Administrative Office of the Courts  
[jamesp@utcourts.gov](mailto:jamesp@utcourts.gov)

RE: Parowan Justice Court Interlocal Agreement with Iron County

Council Members:

For your consideration, Iron County and Parowan City (the “parties”) have submitted a proposed interlocal agreement that would allow the Iron County Justice Court to prosecute Parowan City cases. As part of that review and deliberation, we would like to address two points.

First, Section 2 of the agreement, “Duration,” indicates that the agreement will be effective upon execution. However, it is the position of the parties that the agreement would only be effective with the approval of the Judicial Council. No action to notice or transfer cases will take place unless and until the Council makes such an approval.

Second, the parties are prepared to begin operations as soon as July 1, 2025. It would be logistically beneficial to the parties to begin at that time. In light of the notice contemplated by UCA 78A-7-102(4)(c)(ii), we would ask the Council to waive the full 180 day requirement and permit the changes as proposed by the parties. We stand ready to give the Council any information or documentation necessary to aid in your decision.

Sincerely yours,

Sam E. Woodall  
Iron County Chief Deputy Attorney

## **INTERLOCAL AGREEMENT GOVERNING THE USE OF THE IRON COUNTY JUSTICE COURT BY PAROWAN CITY**

THIS AGREEMENT is made and entered into between IRON COUNTY (hereinafter “County”), a political subdivision of the State of Utah, and PAROWAN CITY CORPORATION (hereinafter “City”), a Utah municipal corporation, (together referred to as the “Parties”).

WHEREAS, Title 11 Chapter 13, Utah Code Annotated, 1953, as amended, provides for interlocal cooperation between local governmental units; and

WHEREAS, Utah Code Annotated 78A-7-102(4) provides for contracts between municipalities and counties regarding the use of justice courts; and

WHEREAS, County and City desire to make the most efficient use of the currently established Iron County Justice Court by cooperating on a basis of mutual advantage in the use of such court; and

WHEREAS, City wishes to contract with County for County to provide justice court services for City; and

WHEREAS, County has determined that it is in the best interest of County to enter into this Agreement, is empowered by Utah Code Annotated, 11-13-101 *et seq.* (1953, as amended) to enter into this Agreement, and has approved, by the Iron County Board of Commissioners, to enter this Agreement; and

WHEREAS, City has determined that it is in the best interest of City to enter into this Agreement, are empowered by Utah Code Annotated 11-13-101 *et seq.* (1953, as amended) to enter into this Agreement, and has approved, by its City Council to enter this Agreement.

NOW THEREFORE, in consideration of the mutual covenants and promises herein, the parties agree as follows:

1. **Jurisdiction.** City is hereby authorized and required by law to file with the Iron County Justice Court any and all criminal actions which may be prosecuted by City for violation of City ordinances, State misdemeanors, or other violations that are within the territorial and subject matter jurisdiction of the Iron County Justice Court.
2. **Duration.** This Agreement shall be for a term of one (1) year from the date of execution of this Agreement. Each year thereafter, the Agreement shall automatically extend for a term of one year unless 90 days’ prior written notice is given by either Party to terminate this Agreement. All renewals shall be under the same terms and conditions of this Agreement, provided, however that the parties may agree to amend the amounts paid to County for services rendered.
3. **Fines.** All fines and forfeitures collected by the Iron County Justice Court in relation to

matters filed by City in such court shall be remitted as follows: (1) 25% to the City Treasurer and (2) 75% to the County Treasurer. All sums due to City shall be remitted to the City Treasurer on a quarterly basis by the County Treasurer. The security surcharge established by Utah Code Annotated § 78A-7-122 shall not be pooled with the fines and forfeitures and shall be distributed according to state law and utilized for court security purposes.

4. Costs. City recognizes that the cost of the Iron County Justice Court administration, including salaries of the Judges, Clerks and other staff, and the physical facilities for the Iron County Justice Court is paid by the County. County shall continue to pay said expenses with no cost to City. City shall pay all witness and court interpreter fees associated with the cases cited by City into the Iron County Justice Court
5. Prosecution. County agrees to prosecute the cases filed by City without further remuneration under the terms and conditions contained herein. City agrees and authorizes County to prosecute any and all cases filed in the Iron County Justice court by City. County is authorized to prosecute and handle City cases in a manner consistent with how County handles and prosecutes County cases. Further, City understands and agrees that prosecutorial decisions are left to the discretion of County and authorizes County to make any and all prosecutorial decisions.
6. Indigent Defendant. County shall maintain a system of providing for and funding of indigent defense counsel where requested and warranted.
7. Record Review. City shall have the right to review the records of the Iron County Justice Court at any reasonable time and interval and shall have the right to audit such records, as it deems appropriate. County agrees to cooperate with City in the reporting of the amounts collected by the Iron County Justice Court and with respect to the disclosure of information in the Iron County Justice Court records for review or auditing purposes.
8. Administration. In satisfaction of the requirements of the Utah Interlocal Act and in connection with this Agreement, the Parties agree that:
  - This Agreement shall be authorized by the legislative body of each Party by resolution;
  - This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party;
  - An original counterpart or copy of this executed Agreement shall be filed with the keeper of records of each Party;
  - Except as otherwise specifically provided herein, each Party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs;
  - No separate legal entity is created by the terms of this Agreement.

To the extent that this Agreement requires administration other than as set forth herein, it shall be administered on a case-by-case basis as indicated by the Parties. No real or personal

property shall be acquired jointly by the Parties as a result of this Agreement.

To the extent that a Party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party or available under Utah law.

9. Applicable Law. County and City agree that this Agreement shall be governed by the laws of the State of Utah.

DATED THIS 10<sup>th</sup> day of February, 2025.

**COUNTY:**



Paul Cozzens, Chair  
Iron County Commission

DATED THIS 13<sup>th</sup> day of February, 2025.

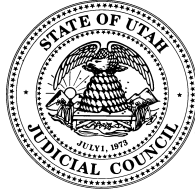
**CITY:**



Mollie Halterman, Mayor  
Parowan City

Tab 6





# Administrative Office of the Courts

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

February 28, 2025

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

## MEMORANDUM

**TO:** Judicial Council  
**FROM:** Judge Keith Kelly, WINGS Chair  
Shonna Thomas, Court Program Administrator - GRAMP  
**RE:** WINGS Annual Report

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The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) committee is a problem-solving body that relies on court-community partnerships to:

- Oversee guardianship practice in the Courts;
- Improve the handling of guardianship cases;
- Engage in outreach/education; and
- Enhance the quality of care and quality of life of vulnerable adults.

WINGS is effective through participation of key stakeholders who understand and are positioned to improve the Courts' guardianship processes.

### **WINGS 2024 Ongoing and Completed Projects:**

- Addressed the shortage of volunteer attorneys needed to represent vulnerable adults in guardianship cases, as required by Utah Code § 75-5-303. WINGS provided input for a funding request to support two attorneys to give statutory legal representation to respondents in guardianship cases. The funding request was included on the list of priorities to the Legislature in the 2025 session.
- Recommended changes to Utah Code § 75-5-303 that were approved by the Court's Legislative Liaison Committee. Suggestions included updating the statutory criteria to conform with current medical standards and clarifying language on the requirements for attorneys and court visitors in guardianship proceedings. The recommended changes were introduced in the 2025 Legislative Session, as part of HB0334.
- Provided input on proposed amendments to Utah R. Civ. P. 87, related to manner of appearance in guardianship cases, to the Civil Procedure Advisory Committee.

Representatives of WINGS later participated in a meeting with the Utah Supreme Court Justices to further explain the concerns relayed in the WINGS comment.

- Provided suggestions on proposed amendments to proposed Utah R. Civ. P. 26.4, concerning disclosures in guardianship cases, that were adopted by the Civil Procedure Advisory Committee.
- Explored a proposal for requiring criminal background checks or disclosures as part of the initial petition for guardianship, to reduce the potential for abuse of vulnerable adults. The WINGS subcommittee will continue to pursue this project in 2025.
- Worked on revisions to the Basic Guidelines Manual and required test for proposed guardians, including changes based on updates to CJA Rule 6-501 and the adoption of Utah Code § 75-5-301.5. The subcommittee is pursuing plain language, accessibility, and improvements to the qualifying exam and other resources for guardians.
- Updated and revised the court forms related to guardianship and conservatorship cases, in partnership with the Forms Committee. The WINGS forms workgroup has completed work on one category (Adult Guardianship, pre-appointment) and anticipates the drafts going under review in spring 2025. The workgroup is addressing forms related to emergency and temporary guardianships, which do not currently exist.
- Made proposed revisions to the Order on Review of Guardianship and Conservatorship Reports form after stakeholders noted some confusion and inconsistency in use. The recommended changes were presented to the Forms Committee for approval. Representatives of WINGS also met with the Board of District Court Judges to discuss concerns with mixed messages on how the form was to be filed and completed across the court districts.
- Worked on developing further training for District Court Judges on guardianship issues. The training seeks to highlight the rights retained by a protected person, abuse of guardian powers, limited versus full guardianship and why it matters in adult guardianship petitions, and the option and value of temporary and emergency guardianship orders. The committee will continue to work on this in 2025.
- Additional items of note –
  - The WINGS committee bylaws denote a succession plan for the committee Chair, but do not offer much guidance on ensuring a smooth transition. In 2024, WINGS nominated and appointed a District Court Judge to serve as Vice Chair to the committee, who can potentially be appointed by the Judicial Council to succeed the current Chair.
  - WINGS received input from Community Voices, which is focused on increasing engagement in judicial administration committees from non-attorneys in the community who can provide insight to improve court access and education for self-represented parties. WINGS is an example of a court committee already engaging with the community through stakeholders.

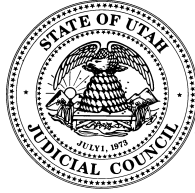
**WINGS Executive Committee:**

Keith Kelly	Judge, WINGS Chair	3 <sup>rd</sup> District
Coral Sanchez	Judge, Vice Chair	3 <sup>rd</sup> District
Brant Christiansen	Attorney/Partner	Lewis Hansen Law Firm
Nels Holmgren	Director	Division of Adult and Aging Services
Nan Mendenhall	Director	Adult Protective Services
Andrew Riggle	Public Policy Analyst	Disability Law Center
Keri Sargent	Asst. District Court Administrator	Administrative Office of the Courts
Shonna Thomas	Program Administrator - GRAMP	Administrative Office of the Courts
Michelle Wilkes	Court Visitor Program	Administrative Office of the Courts

**WINGS Steering Committee:**

James Brady	Senior Judge	4 <sup>th</sup> District
Brian Cannell	Judge	1 <sup>st</sup> District
Shane Bahr	District Court Administrator	Administrative Office of the Courts
Sarah Box	Attorney	Utah Courts - Self Help Center
Deborah Brown	Retired Professional Guardian	Guardianship & Conservator Services
Natasha Burningham	Education Project Coordinator	Utah Parent Center
Megan Connelly	Access to Justice Director	Utah State Bar
Katie Cox	Attorney	Disability Law Center
Rob Denton	Attorney	Attorney at Law
Rob Ence	Director	Utah Commission on Aging
Wendy Fayles	Criminal Justice / Mentor	National Alliance on Mental Illness
Leslie Francis	Attorney	University of Utah Law School
Ann Humpherys	Lead LTC Ombudsman	Dept. of Health and Human Services
Rachelle Johnson	Probate Clerk	4 <sup>th</sup> District
Eve Larsen	Case Manager Senior Services	Davis County Health Department
Wendy Naylor	Director	Office of Public Guardian
Alan Ormsby	State Director	AARP
Katie Thomson	Judicial Case Manager	3 <sup>rd</sup> District
Holly Thorson	Court Visitor Program	Administrative Office of the Courts
James Toledo	Program Manager	Utah Division of Indian Affairs
Todd Weiler	Senator	8 <sup>th</sup> District
Kaye Lynn Wootton	Assistant Attorney General	Medicaid Fraud Control Unit

Tab 7



# Administrative Office of the Courts

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

March 7, 2025

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

## MEMORANDUM

**TO: Management Committee / Judicial Council**  
**FROM: Keisa Williams**  
**RE: Rules for Public Comment**

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The Policy, Planning, and Technology Committee (PP&T) recommends that CJA rules 4-111 and 4-403 be approved for a 45-day public comment period. CJA rule 4-403 previously went out for a 45-day public comment period, but was subsequently pulled by the Judicial Council for review by PP&T. PP&T made substantive changes incorporating input received from Judge McCullagh.

### **CJA 4-111. Priority of post-conviction petitions in capital cases (AMEND)**

Proposed amendments remove the requirement that the Administrative Office of the Courts prepare a monthly report on pending post-conviction petitions in capital cases. Those reports are no longer needed.

### **CJA 4-403. Electronic signature and signature stamp use (AMEND)**

The proposed amendments grant district, juvenile, and justice courts the discretion to authorize court clerks to use a judge's or commissioner's electronic signature or signature stamp on additional document types without judicial review by issuing a standing order signed by a presiding judge.

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

1 **Rule 4-111. Priority of post-conviction petitions in capital cases.**

2

3 **Intent:**

4 To provide for the just and speedy resolution of post-conviction petitions in capital cases.

5

6 **Applicability:**

7 This rule ~~shall apply~~applies to the Supreme Court, District Court, and Administrative Office ~~of~~  
8 ~~the Courts.~~

9

10 **Statement of the rule:**

11 (1) ~~The c~~Courts ~~shall~~must expedite the procedures, hearings, and disposition of post-conviction  
12 petitions in capital cases above all other cases, except the trial and appeal of capital felonies.

13

14 ~~(2) The Administrative Office of the Courts shall prepare a monthly report that~~  
15 ~~identifies:~~

16

17 ~~(A) all pending post-conviction petitions in capital cases;~~

18

19 ~~(B) the name of the judge or judges assigned to each case;~~

20

21 ~~(C) the names of counsel for the parties;~~

22

23 ~~(D) the prior and next calendared event of each case;~~

24

25 ~~(E) the age of each case from filing of the petition; and~~

26

27 ~~(F) the age of each case from filing of the notice of appeal.~~

28

29 ~~(3) The Administrative Office of the Courts shall provide the report to any judge assigned to a~~  
30 ~~pending post-conviction petition in a capital case, to the presiding judge of that court, and to the~~  
31 ~~presiding officer of the Judicial Council.~~

32

33 *Effective: ~~November 1, 1996~~May 1, 2025*

1 **Rule 4-403. Electronic signature and signature stamp use.**

2

3 **Intent:**

4 To establish a uniform procedure for the use of judges' and commissioners' electronic  
5 signatures and signature stamps.

6 **Applicability:**

7 This rule ~~shall apply~~applies to all trial courts of record and not of record.

8 **Statement of the Rule:**

9 (1) **Approved document types.** A clerk may, with the prior approval of the judge or  
10 commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or  
11 commissioner's signature on the following document types:

12 (1)(A) bail bonds from approved bondsmen;

13 (1)(B) bench warrants;

14 (1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or  
15 when stipulated by both parties in contested cases;

16 (1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4~~(b)~~;

17 (1)(E) orders to show cause and orders to appear/attend under URCP 7A~~(e)(4)~~ and  
18 URCP 7B~~(e)(4)~~;

19 (1)(F) orders to take into custody;

20 (1)(G) summons;

21 (1)(H) supplemental procedure orders;

22 (1)(I) orders setting dates for hearing and for notice;

23 (1)(J) orders on motions requesting the Department of Workforce Services (DWS) to  
24 release information concerning a debtor, where neither DWS nor the debtor opposes the  
25 motion;

26 (1)(K) orders for transportation of a person in custody to a court hearing, including writs  
27 of habeas corpus ad prosequendum and testificandum; and

28 (1)(L) orders appointing a court visitor.

29 ~~(2) When a clerk is authorized to use a judge's or commissioner's electronic signature or~~  
30 ~~signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the~~  
31 ~~document directly beneath the electronic signature or stamped imprint of the judge's or~~  
32 ~~commissioner's signature.~~

33 **(2) Approval of additional document types.**

34 (2)(A) Standing Orders. A juvenile or district court presiding judge, or a justice court  
35 presiding judge of a judicial district may issue a standing order authorizing judges and  
36 commissioners to allow clerks to use an electronic signature or signature stamp in lieu of  
37 a judge's or commissioner's signature on specific document types other than those listed  
38 in paragraph (1). Before issuing such an order, the presiding judge must determine that

39 there is a benefit in administrative convenience, and be satisfied that there are minimal  
40 concerns about record accuracy or integrity in allowing a clerk to use a judge's or  
41 commissioner's electronic signature or signature stamp.

42 (2)(B) Judge Authorization. When a presiding judge has issued a standing order  
43 pursuant to paragraph (2)(A), a judge or commissioner within that district may authorize  
44 a clerk to use an electronic signature or signature stamp, in lieu of obtaining the judge's  
45 or commissioner's signature.

46 (2)(C) Retention of Standing Orders. Standing orders issued under this Rule must be  
47 maintained in accordance with the Utah State Courts Records Retention Schedule.

48 (3) **Automatic.** The electronic signature of a judge may be automatically affixed to the following  
49 documents without the need for specific direction from the assigned judge when issued using a  
50 form approved by the Judicial Council;

51 (3)(A) a domestic relations injunction issued under URCP 109;

52 (3)(B) an automatic expungement order issued under Utah Code; and

53 (3)(C) automated orders related to deferred traffic prosecution cases under Utah Code  
54 Section§ 77-2-4.2.

55 (4) **Approval on a document-by-document basis.** ~~All other~~ documents not covered under  
56 paragraphs (1), (2), or (3) that requireing atthe judge's or commissioner's signature ~~shall~~ must be  
57 personally signed by the judge or commissioner, unless the judge or commissioner, on a  
58 document-by-document basis, authorizes the clerk to use the judge's or commissioner's  
59 electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The  
60 judge or commissioner must review the document prior to granting such authorization.

61 (5) Documentation in the case. Authorization granted under paragraph (4) must be  
62 documented in writing in the case. Authorization granted under paragraphs (1), (2), or (3) does  
63 not need to be documented in the case.

64 (6) Clerk signature. When a clerk is authorized to use a judge's or commissioner's electronic  
65 signature or signature stamp under this rule, ~~On such documents,~~ the clerk shall must indicate  
66 in writing that the electronic signature or signature stamp was used at the direction of the judge  
67 or commissioner and shall sign his or her name directly beneath the electronic signature or  
68 stamped imprint of the judge's or commissioner's signature.

69 *Effective: ~~October~~ May 1, 2025*



Tab 8

**Law Enforcement: Do not provide this document to respondent, it contains confidential information.**

**Instructions to the court: eFile as Protective Order Documents (Safeguarded) > Service Assistance Form**

### Service Assistance Form

Case Number		Document to be Served	Verified Petition for ExParte Child Protective Order
Court Address			

Information About You		Information About the Party to be Served	
<input type="checkbox"/> Petitioner		<input type="checkbox"/> Respondent <input type="checkbox"/> Parent/Guardian (if different than Respondent)	
Name		Name	
Alias/Nickname		Alias/Nickname	
Home address		Home address	
Home phone		Home phone	
Best times to reach		Best times to reach	
Work name & address		Work name & address	
Work phone		Work phone	
Email Address:		Email Address:	
Best times to reach		Best times to reach	
Cell phone		Cell phone	
DOB		SSN	DOB
		Race	Sex
		Weight	Height
		Hair Color	Eye Color
		Special characteristics (tattoos, scars, etc.)	
		Driver's license number	
		Vehicle license number	
		Make	Model
		Year	Color
		If this person is on probation or parole, list the name of the agency, officer, and telephone number.	
		Has this person used weapons in a threatening manner or been violent in the past? <input type="checkbox"/> Yes <input type="checkbox"/> No	

**INSTRUCTIONS:**

1. Complete as many of the questions as possible. If you do not know the answer, you may leave the question blank.
2. If the Parent or Guardian of the child(ren) is different than the Respondent, complete one copy of this form with information about the Respondent and a second copy with information about the Parent or Guardian.

## NOTICE OF DEFICIENT CONDITIONS

Utah Code 57-22-1 to 7

This Notice is given to:

This Notice is given by:

\_\_\_\_\_  
Owner/Agent Name (Landlord)

\_\_\_\_\_  
Tenant/Occupant Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

There are deficient conditions (problems) with my rental property. I ask you as the Owner (landlord) to fix the problems listed in this notice by the end of the corrective periods (deadlines). I give you permission to enter the rental to fix the problems.

The Utah Fit Premises Act (Utah Code 57-22-1 to 7) requires you to take significant steps to fix the problems listed in this notice by the deadlines. If you do not, I can follow the options I have marked in the boxes below.

For each type of problem, I have marked one of these two options:

1. **Rent Abatement** (No rent due and move out option) under Utah Code 57-22-6(4)(a)(i):
  - I will not owe any rent starting from the day this notice is given to you.
  - The rental agreement will be ended
  - You must right away return the full security deposit and any prepaid rent to me, including rent paid from the date this notice was given.
  - I will move out of the rental within 10 days after the corrective period ends.
2. **Repair and Deduct** (Stay and fix problem option) under Utah Code 57-22-6(4)(a)(ii):
  - I can have the problem fixed myself.
  - I can take the cost of repairs out of future rent, up to the amount of two months' rent.
  - I must give you a copy of all receipts for repairs within 5 days after the next rent period starts.

Under Utah Code 57-22-6(5) I can take you to court to make sure this notice is followed.

<b>Problems</b> Standard of habitability or requirement of rental agreement that is not being followed (Put a mark in the box [ ] for each one that applies and add your reasons.)	<b>Time for you to fix it</b>	<b>Option I can do if you do not take significant steps to fix the problem</b> (Put a mark in the box you pick)
<input type="checkbox"/> Utah Code 57-22-3(1) and 57-22-4(1)(a) Rented premises are <b>unsafe or unsanitary</b> for the following reasons:	3 (three) calendar days	<input type="checkbox"/> Rent abatement or <input type="checkbox"/> Repair and deduct
<input type="checkbox"/> Utah Code 57-22-3(1) and 57-22-4(1)(b)(ii) <b>Electrical system</b> is deficient because	3 (three) calendar days	<input type="checkbox"/> Rent abatement or <input type="checkbox"/> Repair and deduct
<input type="checkbox"/> Utah Code 57-22-3(1) and 57-22-4(1)(b)(ii) <b>Heating</b> is deficient because	3 (three) calendar days	<input type="checkbox"/> Rent abatement or <input type="checkbox"/> Repair and deduct
<input type="checkbox"/> Utah Code 57-22-3(1) and 57-22-4(1)(b)(ii) <b>Plumbing</b> is deficient because	3 (three) calendar days	<input type="checkbox"/> Rent abatement or <input type="checkbox"/> Repair and deduct
<input type="checkbox"/> Utah Code 57-22-3(1) and 57-22-4(1)(b)(ii) <b>Hot or cold water</b> is deficient because	3 (three) calendar	<input type="checkbox"/> Rent abatement

	days	or [ ] Repair and deduct
[ ] Utah Code 57-22-3(1) and 57-22-4(1)(b)(ii) <b>Air conditioning system</b> is deficient because	3 (three) calendar days	[ ] Rent abatement or [ ] Repair and deduct
[ ] Utah Code 57-22-4(1)(b)(i) <b>Common areas</b> of the rental unit are unsafe and/or unsanitary for the following reasons:	3 (three) calendar days	[ ] Rent abatement or [ ] Repair and deduct
[ ] Utah Code 57-22-4(1)(b)(iv) The following <b>appliances and facilities specifically contracted in the rental agreement</b> are deficient for the following reasons:	10 (ten) calendar days	[ ] Rent abatement or [ ] Repair and deduct

\_\_\_\_\_ Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

### RETURN OF SERVICE

This Notice was served, as required by the rental agreement or law, upon \_\_\_\_\_ (name) on \_\_\_\_\_ (date) in the following manner (check the appropriate boxes):

- A copy was delivered to the Owner or the Owner's agent/manager personally.
- A copy was sent through certified or registered mail to the Owner's home or usual place of business or to the Owner's agent/manager.
- A copy was posted in a clearly visible place on the Owner's home or business or agent/manager's office because no one was available.
- A copy was left with \_\_\_\_\_ a person of suitable age and discretion at:

Owner's home or business or agent/manager's office  
AND  
a second copy was sent by regular mail.

#### Person Completing Service

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

In the  District  Justice Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

**Request for Copy of Audio  
Recording**

(Utah Code of Judicial Administration 4-202.08)

\_\_\_\_\_  
Plaintiff/Petitioner

v.

\_\_\_\_\_  
Defendant/Respondent

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner (domestic cases)

Requestor Name: \_\_\_\_\_ Agency (if applicable): \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Court House: \_\_\_\_\_ Court Room: \_\_\_\_\_

Dates of Hearings: \_\_\_\_\_ Times of Hearings: \_\_\_\_\_

I am an attorney or licensed paralegal practitioner and will efile this document.

Requested Format:

- Email me a link where I can listen to the audio using *For the Record*. This is the quickest way to get the audio. Audio cannot be downloaded or shared. \$15.00 /each half day.

Email a link to the following email addresses: (add as many emails as necessary)

- Email me an MP3 file attachment. \$15.00 /each half day. In addition to paying the cost of the records, you might also have to pay for court staff time to prepare your records.
- Create an MP3 file and send it on an electronic storage device. \$15.00 /each half day. In addition to paying the cost of the records, you might also have to pay for court staff time to prepare your records. You might also have to pay for the electronic storage device.
- Mail (additional fee) to: \_\_\_\_\_ (mailing address), or
- Pickup (Any physical records that are not picked up within 30 days will be destroyed.)

You must pay the court or office that provides the record. Prior to processing your request, the court will notify you if an additional fee will be required. The request will be processed within 10 business days, after receipt of payment. No refund will be issued or credit applied toward another request.

For information on requesting audio of a court hearing, go to: [utcourts.gov/audio](http://utcourts.gov/audio).



**Instructions to law enforcement:** Do not serve this form with the other papers. You may keep this form for your records or destroy it.

**Instructions to the court:** Provide to law enforcement. If placed in court file, classify document as safeguarded.

### Service Assistance Form

This is a Private Record (CJA 4-202.02)

Case Number		Document to be Served	
Court Name & Address			
Name of Person Requesting Service			

<b>Information About the Person to be Served</b> (Print clearly.)			
Name			
Alias/Nickname			
Full Social Security #		Date of Birth *	
Race *		Sex *	
Weight		Height	
Hair color		Eye color	
* <b>Required.</b> If you do not know, write unknown.			
Special characteristics (tattoos, scars, etc.)			
Home: street address, city, state, zip			
Cell phone			
Home phone			
Best times to reach			
Work: name, street address, city, state, zip			
Work phone			
Best times to reach			
Driver's license number			
Car license number			
Car Make		Model	
Year		Color	
Is this person on probation or parole? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If known, print the name of the supervising agency and officer and the officer's telephone number.			
Has this person used weapons or been violent in the past? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know			

**TENANT'S NOTICE TO RETURN DEPOSIT**  
(Notice to Provide Deposit Disposition)  
Utah Code 57-17-3

TO:

---

Owner or owner's agent's name (landlord)

RE:

---

Address of rental property

NOTICE IS HEREBY GIVEN THAT WITHIN FIVE (5) CALENDAR DAYS pursuant to Utah Code Sections 57-17-3 to 5 the owner or the owner's agent must provide the tenant, at the address below, a refund of the balance of any security deposit, the balance of any prepaid rent, and a notice of any deductions from the security deposit or prepaid rent as allowed by law.

NOTICE IS FURTHER GIVEN that the tenant vacated the property on \_\_\_\_\_ (date).

NOTICE IS FURTHER GIVEN that failure to comply with this notice will require the owner to refund the entire security deposit, the full amount of any prepaid rent, and a penalty of \$100. If the entire security deposit, the full amount of any prepaid rent, and the penalty of \$100 is not tendered to the tenant, and the tenant is required to initiate litigation to enforce the provisions of the statute, the owner may be liable for the tenant's court costs and attorney fees.

Tenant's Name(s):

---

---

Mailing Address

---

City, State, Zip

This is a legal document. Please read and comply with the document's terms.

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

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date  
Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Attorney or Licensed Paralegal Practitioner of record** (if applicable)

\_\_\_\_\_  
Date  
Signature ► \_\_\_\_\_  
Printed Name \_\_\_\_\_

**Return of Service**

On \_\_\_\_\_ (date) I swear and attest that I served this notice in compliance with Utah Code 57-17-3 by: (check all that apply)

- \_\_\_\_\_ Delivering a copy to the owner or the owner's agent personally at the address provided in the lease agreement;
- \_\_\_\_\_ Leaving a copy with a person of suitable age and discretion at the address provided in the lease agreement because the owner or the owner's agent was absent from the address provided in the lease agreement;
- \_\_\_\_\_ Affixing a copy in a conspicuous (clearly visible) place at the address provided in the lease agreement because a person of suitable age or discretion could not be found at the address provided in the lease agreement; or
- \_\_\_\_\_ Sending a copy through registered or certified mail to the owner or the owner's agent at the address provided in the lease agreement.

The owner's address to which the service was effected is:

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

**Person Completing Service**

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

Signed at \_\_\_\_\_ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____