

**JUDICIAL COUNCIL  
MEETING AGENDA**

**June 22, 2026**

Hybrid Meeting (in person and Webex)

**Matheson Courthouse – Council Room**  
450 S State Street, Salt Lake City, UT 84111

*Associate Chief Justice Jill Pohlman, Presiding*

1. 9:00 a.m. Welcome & Approval of Minutes.....Associate Chief Justice Jill Pohlman  
(TAB 1 - Action)
2. 9:05 a.m. Chair’s Report.....Associate Chief Justice Jill Pohlman  
(Information)
3. 9:10 a.m. State Court Administrator’s Report.....Ron Gordon  
(Information)
4. 9:20 a.m. Reports: Management Committee.....Associate Chief Justice Jill Pohlman  
Budget and Fiscal Management Committee.....Judge Rita Cornish  
Liaison Committee.....Judge Brendan McCullagh  
Policy, Planning, and Technology Committee.....Judge James Gardner  
Bar Commission.....Katie Woods, esq.  
(TAB 2 - Information)
5. 9:30 a.m. Budget and Grants.....Karl Sweeney  
(TAB 3 - Action) Alisha Johnson
6. 10:00 a.m. Judicial Conduct Commission.....Alex Peterson  
(TAB 4 - Information)
7. 10:15 a.m. Board of Justice Court Judges Report.....Judge Clay Stucki  
(Information) Jim Peters
- 10:30 a.m. Break**
8. 10:40 a.m. Request to Expand Territorial Jurisdiction.....Jim Peters  
(TAB 5 - Action)
9. 10:50 a.m. Justice Court Closures.....Michael Drechsel  
(TAB 6 - Action) Jim Peters  
Shane Bahr

10. 11:50 a.m. Approval of 2027 Judicial Council Schedule.....Ron Gordon  
(TAB 7 - Action)
11. 11:55 a.m. Rules for Final Approval.....Keisa Williams  
(TAB 8 - Action)
12. 12:05 p.m. Old Business / New Business.....All  
(Discussion)
13. 12:15 p.m. Consent Calendar.....Associate Chief Justice Jill Pohlman  
(Action)
14. 12:20 p.m. Executive Session.....All  
(Discussion)
15. 12:35 p.m. Adjourn.....Associate Chief Justice Jill Pohlman

### **Consent Calendar**

1. Rules for Public Comment  
(TAB 9)
2. Forms  
(TAB 10)
3. Appointments to Standing Education Committee  
(TAB 11)
4. URS Committee Appointment  
(TAB 12)
5. Juvenile Probation Policies  
(TAB 13)

**Tab 1**

**JUDICIAL COUNCIL MEETING  
Minutes**

**May 18, 2026**

Hybrid Meeting (in person and Webex)

**Matheson Courthouse – Council Room  
450 S State Street, Salt Lake City, UT 841110**

*Honorable David Mortensen Presiding*

**Members:**

Hon. David Mortensen,  
Vice Chair  
Hon. Suchada Bazzelle  
Hon. Rita Cornish  
Hon. Susan Eisenman  
Hon. Michael Leavitt  
Hon. James Gardner  
Hon. Amber Mettler  
Justice Jill Pohlman for  
Justice Paige Petersen  
Hon. Chris Bown  
Hon. Brendan McCullagh  
Hon. Jon Carpenter  
Hon. Samuel Chiara  
Hon. Michael DiReda  
Hon. Angela Fannesbeck  
Kristin K. Woods  
Hon. Christine Johnson

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Michael Drechsel  
Keisa Williams  
Nick Stiles  
James Peters  
Brody Arishita  
Daniel Meza Rincon  
Shane Bahr

**Excused:**

Chief Justice Matthew  
B. Durrant, Chair  
Hon. Angela Fannesbeck  
Justice Paige Petersen

**Presenters:**

Karl Sweeney  
Alisha Johnson  
Hon. Don Torgerson  
Keri Sargent  
Hon. Adam Mow  
Nini Rich  
Cris Seabury  
Katy Erickson  
Mary-Margaret Pingree  
Bart Olsen  
Jeremy Marsh  
Chris Russell  
Bridget Romano

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

Judge David Mortensen welcomed everyone to the meeting and asked whether there were any questions or corrections to the April 27, 2026, meeting minutes. None were raised.

**Motion:** Judge Rita Cornish moved to approve the April 27, 2026, minutes. Judge Christine Johnson seconded the motion, and it passed unanimously.

**2. CHAIR’S REPORT (Judge David Mortensen):**

Justice Jill Pohlman reported that, following Justice Hagen's resignation, the Supreme Court will seek assistance from appellate and district court judges to complete cases currently under consideration.

The Court will use its existing random-selection process when requesting judicial participation. Participating judges will receive the parties' briefing materials, access to the recorded oral arguments, and the draft opinion. After reviewing the materials, participating judges may request a conference with the Supreme Court Justices or request additional oral arguments, if necessary, to make an informed decision. A letter outlining the process will be distributed to district court judges statewide.

### 3. STATE COURT ADMINISTRATOR REPORT (Ron Gordon):

Ron Gordon reported that all spring court-level judicial conferences have been successfully completed and were well received by the judges. Mr. Gordon then led a discussion regarding ways to strengthen relationships between the Judiciary and other branches of government, with emphasis on improving communication and collaboration before and during legislative sessions. Mr. Gordon noted that he has gathered feedback from judges at recent conferences on this matter.

Mr. Gordon discussed several ideas, including:

- Designating an active senior judge to be present at the Capitol each day during the legislative session. The judge would participate in meetings and discussions involving legislation affecting the Judiciary.
- Forming a small group of retired judges who are not active senior judges to speak with the media when the Judiciary is unable to comment. Their role would be to provide a general expert perspective on court processes, judicial responsibilities, and the limits on what judges may say publicly. They would not speak on behalf of the Judiciary, comment on pending cases, or respond personally to criticism of individual judges.
- Strengthening existing judicial relationships with policy makers and stakeholders through outreach efforts, meetings, and relationship-building activities. To ensure consistency in communicating the Judiciary's position, talking points could be provided to judges for use during meetings with legislators.

Council members were supportive of these strategies and noted the importance of including a juvenile court judge, encouraging local meetings between judges and legislators, and sharing data in addition to discussing judges' experiences with legislators. Mr. Gordon encouraged Judicial Council members to share any additional ideas on this matter.

### 4. COMMITTEE REPORTS:

**Management Committee:** Nothing to report.

**Budget & Fiscal Management Committee:** Nothing to report.

**Liaison Committee:** Justice Jill Pohlman reported that the committee will hold an upcoming meeting to work on pending matters.

**Policy, Planning, and Technology Committee:** Judge James Gardner reported the work of the committee will be discussed later in the meeting.

**Bar Commission:** Katie Woods reported that members of the Bar Commission expressed appreciation for Justice Hagen's service and shared remarks recognizing her contributions to the Judiciary and legal profession. She reported that the Bar Commission is preparing to vote regarding

raising bar dues, which have not increased since 2010. Ms. Woods also reviewed the upcoming 95th Anniversary of the Utah State Bar, which will be held in conjunction with the 250th anniversary of the Constitution at the Grand America Hotel. She invited and encouraged all judicial officers to attend.

## 5. BUDGET AND GRANTS (Karl Sweeney and Alisha Johnson)

Alisha Johnson presented the financial reports.

### FY 2026 One Time Turnover Savings- Period 10

| #                                       | Description   | Funding Type            | Actual Amount      |
|---|---|-------------------------|--------------------|
| 1                                       | One Time Turnover Savings (from actual payroll data versus budget as of PPE 04/10/2026) | Internal Savings        | 1,216,721          |
| 2                                       | Est. One Time Savings for remaining pay hours (456 @ \$600 / pay hour)                  | Internal Savings (Est.) | 273,600            |
| <b>Total Potential One Time Savings</b> |   |                         | <b>3 1,490,321</b> |

### FY 2026 Year End Requests and Forecasted Available One-time Funds - Period 10

| Forecasted Available One-time Funds  |                              |                  | # | One-time Spending Plan Requests | Adjusted Requests Amount | Judicial Council Approved Amount |
|--|------------------------------|------------------|---|---------------------------------|--------------------------|----------------------------------|
| Description  | Funding Type                 | Amount           |   |                                 |                          |                                  |
| <b>Sources of YE 2026 Funds</b>  |                              |                  |   |                                 |                          |                                  |
| * Turnover Savings as of PPE 04/10/2026  | Turnover Savings             | 1,216,721        |   |                                 |                          |                                  |
| Turnover savings Estimate for the rest of the year (\$600 x 456 pay hours)                   | Turnover Savings             | 273,600          |   |                                 |                          |                                  |
| <b>Total Potential One Time Turnover Savings</b>   |                              | <b>1,490,321</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>1,240,321</b> |   |                                 |                          |                                  |
| <b>Operational Savings</b>   |                              |                  |   |                                 |                          |                                  |
| Operational Savings From TCE / AOC Budgets - mid-year forecast                               | Internal Operating Savings   | 649,910          |   |                                 |                          |                                  |
| Expected additional operational savings for balance of fiscal year                           | Internal Operating Savings   | 200,000          |   |                                 |                          |                                  |
| Operational Savings from IT Budget - Timing of Contract Renewal Deferred to FY 27            | Internal Operating Savings   | 400,000          |   |                                 |                          |                                  |
| Reserve Balance (balance from FY 2025 Carryforward)  | Judicial Council Reserve     | 700              |   |                                 |                          |                                  |
| Use IT Budget Savings and Operational Savings to Increase Retro YOS Eligibility              | Adjustments to CY Operations | (462,000)        |   |                                 |                          |                                  |
| <b>(b) Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b> |                              | <b>788,610</b>   |   |                                 |                          |                                  |
| <b>(c) Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>                   |                              | <b>2,028,931</b> |   |                                 |                          |                                  |
| <b>Uses of YE 2026 Funds</b>   |                              |                  |   |                                 |                          |                                  |
| (d) Carryforward into FY 2027 (Anticipate request to Legislature for \$3,200,000)            | FY 2027 Carryforward         | (2,028,931)      |   |                                 |                          |                                  |
| <b>Total Potential One Time Savings = (c) Less Carryforward (d)</b>                          |                              | <b>-</b>         |   |                                 |                          |                                  |
| Less: Judicial Council Requests Previously Approved  |                              | -                |   |                                 |                          |                                  |
| Less: Judicial Council Current Month Spending Requests                                       |                              | -                |   |                                 |                          |                                  |
| <b>Remaining Forecasted Funds Available for FY 2026 YE Spending Requests, CCCF, etc.</b>     |                              | <b>-</b>         |   |                                 |                          |                                  |

### FY 2026 Ongoing Turnover Savings as of 05/05/2026- Period 10

| # | Description   | Prior Month Forecast | Actual           | Forecasted       | Change in Forecast |
|---|---|----------------------|------------------|------------------|--------------------|
|   |   | Amount @ YE          | Amount YTD       | Amount @ YE      | Amount @ YE        |
|   | Net Carried over Ongoing Savings (finalized from FY 2025)   | 138,582              | 138,582          | 138,582          | -                  |
|   | Ongoing Turnover Savings FY 2026 (actual year-to-date, Salary Differential only)                  | 927,391              | 987,404          | 987,404          | 60,013             |
| 1 | Ongoing Turnover Savings FY 2026 (forecast \$65,000 / month x 2 months, Salary Differential only) | 195,000              | -                | 130,000          | (65,000)           |
|   | <b>TOTAL SALARY RELATED ONGOING SAVINGS</b>   | <b>1,260,974</b>     | <b>1,125,987</b> | <b>1,255,987</b> | <b>(4,987)</b>     |
|   | Benefit Differential Savings FY 2026 (will be recognized in this row starting in Q4)              | (31,028)             | (36,150)         | (36,150)         | (5,121)            |
|   | <b>TOTAL SAVINGS</b>  | <b>1,229,946</b>     | <b>1,089,837</b> | <b>1,219,837</b> | <b>(10,108)</b>    |
| 2 | 2026 Annual Authorized Hot Spot Raises  | (200,000)            | (199,333)        | (200,000)        | -                  |
|   | <b>TOTAL USES</b>   | <b>(200,000)</b>     | <b>(199,333)</b> | <b>(200,000)</b> | <b>-</b>           |
|   | <b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026</b>                          | <b>1,029,946</b>     | <b>890,504</b>   | <b>1,019,837</b> | <b>(10,108)</b>    |

### FY 2027 Carryforward and Ongoing Requests - Period 10, FY 2026

|   | One Time | Ongoing          |
|---|----------|------------------|
| Ongoing Turnover Savings carried over from FY 2025                                  | \$       | 138,582          |
| Forecasted YE Ongoing Turnover Savings from FY 2026                                 | \$       | 1,081,254        |
| <b>Subtotal</b>   | \$       | <b>1,219,836</b> |
| Unobligated Fiscal Note Funds - District Court (net)                                | \$       | 94,100           |
| Unobligated Fiscal Note Funds - Juvenile Court                                      | \$       | (3,600)          |
| Unobligated Fiscal Note Funds - Admin   | \$       | 10,900           |
| Legislative ongoing cut - reduce ongoing turnover savings                           | \$       | (185,000)        |
| Wellness Council Portion of Carryforward  | \$       | -                |
| Expected Carryforward Amount from Fiscal Year 2026                                  | \$       | 2,028,931        |
| <b>Total Available Funding</b>  | \$       | <b>2,119,431</b> |
| Less: Judicial Council Delegated to State Court Administrator for Discretionary Use | \$       | (200,000)        |
| <b>Net Ongoing TOS Available for Use</b>  | \$       | <b>1,289,236</b> |

### Ongoing / One Time Requests - Directly from Unobligated Fiscal Note Funds

|  | Presented |                | Judicial Council Approved |         |
|--|-----------|----------------|---------------------------|---------|
|  | One Time  | Ongoing        | One Time                  | Ongoing |
| 1 Two Additional Juvenile Law Clerk Attorneys - Judge Westmoreland, Daniel Meza Rincón | \$        | 278,700        |                           |         |
| 2 8th District Additional Judicial Assistant FTE - Russell Pearson                     | \$        | 90,600         |                           |         |
| 3 Sixth District Clerical Team Manager - Linda Ekker                                   | \$        | 112,300        |                           |         |
| <b>Subtotal</b>  | \$        | <b>481,600</b> | \$                        | \$      |

**Ongoing Requests**

|  | Presented |             | Judicial Council Approved |            |
|--|-----------|-------------|---------------------------|------------|
|  | One Time  | Ongoing     | One Time                  | Ongoing    |
| <b>Prior Approved Ongoing Commitments</b>  |           |             |                           |            |
| Investing in Our People - <i>Ron Gordon and Neira Siaperas</i>                             |           | \$ 370,000  |                           | \$ 370,000 |
| 8th District Probation Training Coordinator - <i>Russ Pearson</i>                          |           | \$ 52,500   |                           | \$ 52,500  |
| Juvenile Court ICJ Funding Increase - <i>Daniel Meza Rincon</i>                            |           | \$ 7,000    |                           | \$ 7,000   |
| <b>Ongoing Requests - For Consideration</b>  |           |             |                           |            |
| 1 Education Judicial Assistant Training Support - <i>Lauren Andersen</i>                   |           | \$ 34,000   |                           |            |
| 2 Court Visitor Specialist and Pilot Program Attorney - <i>Shonna Thomas, Keri Sargent</i> |           | \$ 238,250  |                           |            |
| 3 Sixth District Clerical Training Coordinator - <i>Linda Ekker</i>                        |           | \$ 102,000  |                           |            |
| 4 All Rise Utah Welcome Dinner - <i>Jan Puente</i>   |           | \$ 20,000   |                           |            |
| <b>Subtotal to Approve and Fund Immediately</b>  | \$ -      | \$ 823,750  | \$ -                      | \$ 429,500 |
| <b>Balance Remaining After Judicial Council Approvals</b>                                  |           |             |                           | \$ 859,736 |
| <b>Balance Remaining Inclusive of "Presented"</b>  |           | \$ (16,114) |                           |            |

**Carryforward One Time Requests**

|   | Presented    |             | Judicial Council Approved |            |
|---|--------------|-------------|---------------------------|------------|
|   | One Time     | Ongoing     | One Time                  | Ongoing    |
| * 1 Public Transit Reimbursement Program - <i>Suzette Deans, Karl Sweeney</i> | \$ 61,200    |             |                           |            |
| * 2 Education Assistance Program - <i>Alisha Johnson</i>                      | \$ 85,000    |             |                           |            |
| * 3 HR Applicant Tracking System - <i>Bart Olsen, Jeremy Marsh</i>            | \$ 23,700    |             |                           |            |
| <b>Subtotal</b>   | \$ 169,900   | \$ -        | \$ -                      | \$ -       |
| <b>Balance Remaining After Judicial Council Approvals</b>                     |              |             | \$ 2,119,431              | \$ 859,736 |
| <b>Balance Remaining Inclusive of "Presented"</b>                             | \$ 1,949,531 | \$ (16,114) |                           |            |

**6. BOARD OF DISTRICT COURT JUDGES REPORT (Judge Don Torgerson and Shane Bahr)**

Judge Don Torgerson reported that the Board continues its regular work, including reviewing reports, monitoring goals, and addressing issues affecting the district court bench. He noted that the district court conference was held in March and was well received. The conference provided educational presentations and opportunities for judicial officers to connect with colleagues across the state.

Judge Torgerson outlined the Board’s current goals, which include supporting judicial officers who may be experiencing professional or personal challenges. Judge Torgerson also reported that the Board recently approved of the 2026 Weighted Caseload Study. The study indicates a continuing statewide need for additional district court judges. While recent legislative funding for new judgeships helped address the growing demand, the statewide need remains at approximately 11.5 judges. He noted that closures of justice courts, including recent closures in Cache County and anticipated closures in other jurisdictions, continue to shift workload to district courts and contribute to increasing caseload pressures.

Judge Torgerson reported that the Board expressed appreciation for Chris Palmer and court security staff for their support of district courts, particularly in managing security needs associated with several high-profile cases during the past year.

Judge Torgerson also reviewed several current Board initiatives, including updating and expanding judicial bench cards for use by the district court bench, examining warrant prioritization processes to assist judges in determining the urgency of warrant requests received during court proceedings, addressing concerns regarding forged signatures in pro se domestic cases and exploring potential remedies, and continuing discussions regarding marijuana use in specialty treatment courts.

**7. WINGS COMMITTEE PERFORMANCE ASSESSMENT (Keri Sargent)**

On behalf of the WINGS Committee chair, Judge Coral Sanchez, Keri Sargent presented the WINGS Committee performance assessment. She highlighted the committee’s efficient work in recent years, including the development of guardianship forms for self-represented litigants, the creation of updated guardianship training materials for judges and attorneys, efforts to improve attorney

participation in guardianship representation, and outreach initiatives to involve additional community stakeholders.

Judge Sanchez recommended that the Judicial Council find that the WINGS Committee continues to serve its purpose and requests it continue to serve as a standing committee of the Council.

**Motion:** Judge Rita Cornish moved to accept the WINGS Committee report and approve the WINGS Committee continuing as a standing committee of the Judicial Council. Judge Susan Eisenman seconded the motion, and it passed unanimously.

#### 8. ADR COMMITTEE ANNUAL REPORT (Judge Adam Mow and Nini Rich)

Judge Adam Mow and Nini Rich presented the annual ADR Committee report. Judge Mow reviewed the structure and performance of the ADR Committee and highlighted the administration of multiple programs through a combination of court staff mediators, private provider rosters, and partnerships with community organizations and educational institutions.

Judge Mow also reviewed ADR Committee initiatives, including Judicial Settlement Conference training for judges, ongoing updates to the Utah Mediation Best Practice Guide, and implementation of new family law arbitration training requirements. He also discussed collaboration with the Utah Council on Conflict Resolution (UCCR) to support mediator development, continued public outreach through reports, presentations, and the ADR website, and the committee's use of artificial intelligence within set guidelines.

Judicial Council members expressed their appreciation of Nini Rich's work for the past 25 years, noting she helped with making the ADR program an exemplary program nationwide. Judge Mow introduced Evie Brinkerhoff as the new ADR Director.

#### 9. CERTIFICATION OF TREATMENT COURTS (Cris Seabury and Katy Erickson)

Cris Seabury and Katy Erickson presented certification recommendations for treatment courts, as required by CJA Rule 4-409. They reported that site visits, interviews, and document reviews were conducted as part of the evaluation process.

The following treatment courts were recommended for re-certification:

- Sixth District Juvenile Family Recovery Court (Judge Brody Keisel)
- Second District Juvenile, Weber County Family Treatment Court (Judge Rick Westmoreland)
- Fourth District Juvenile, Utah County Family Recovery Court (Judge Brent Bartholomew)
- Fourth District, Utah County Adult Probation Drug Court (Judge Jared Eldridge)
- Fourth District, Utah County Adult Recovery Court (Anthony Howell)

Ms. Erickson led a discussion regarding a statewide gap in drug-testing resources affecting family treatment courts. She reported that discussions are underway between the treatment courts and the Division of Child and Family Services to address the issue.

**Motion:** Judge Brendan McCullagh moved to approve the conditional certification of the family recovery treatment courts in the Second, Fourth, and Sixth Juvenile Courts for one year, subject to correction of the identified drug-testing deficiencies within 12 months. The treatment courts must

provide periodic progress reports regarding implementation efforts and compliance at least every 120 days. Judge Cornish seconded the motion, and it passed unanimously.

**Motion:** Judge McCullagh moved to approve the certification of the Fourth District Adult Probation Drug Court and the Fourth District Utah County Adult Recovery Court as recommended. Judge Cornish seconded the motion, and it passed unanimously.

#### 10. **JPEC REPORT** (Mary-Margaret Pingree)

Mary-Margaret Pingree introduced Dr. Chris Russell and Bridget Romano, Chair of the Judicial Performance Evaluation Commission (JPEC). Ms. Pingree provided an overview of the evaluation report and evaluation process. She reported that, between December and April, JPEC evaluated 53 judges eligible for retention. In addition, 72 midterm judicial officer reports were provided. Ms. Pingree emphasized JPEC's mission to provide voters with credible, objective information regarding judicial performance while also offering judges meaningful feedback to support professional growth. She encouraged judges to review their reports and use the newly implemented online portal. She also requested feedback regarding the report's content and the new portal's functionality.

Ms. Romano and Dr. Russell discussed observations from the most recent evaluation cycle. Ms. Romano noted that the Commission included a significant number of new commissioners, resulting in deeper review and discussion of evaluation data and reinforcing the importance of providing reliable, objective information to both the public and the Judiciary. Dr. Russell presented an analysis of recurring themes across judicial evaluations, identifying legal knowledge, courtroom management, preparedness, efficiency, and judicial demeanor as key factors distinguishing higher-performing judges from lower-performing judges. Council members expressed appreciation for the evaluation process and suggested sharing broader performance trends and best practices with judges.

#### 11. **ANNUAL REPORTS FROM BOARDS OF JUDGES** (Ron Gordon)

Ron Gordon reported that Boards of Judges requested guidance from the Judicial Council regarding expectations for their required reports to the Council. Council members suggested that the reports include information about issues, challenges, and initiatives being addressed at the bench level. It was noted that these updates often bring awareness to matters that may not otherwise come before the Council.

Council members also noted that, historically, boards were often expected to identify and pursue study items or long-term initiatives and periodically report both on their progress and on prospective topics for future consideration. Mr. Gordon stated he would relay this information to the Boards of Judges.

#### 12. **EXPEDITED HR POLICY AMENDMENTS** (Bart Olsen and Jeremy Marsh)

Bart Olsen reviewed proposed amendments to several personnel policies, including Holiday Leave, Administrative Leave, Leave Bank, and Adoption, Foster, Parental and Postpartum Recovery Leave. He noted that the Leave Bank policy is scheduled to take effect on May 6, 2026, and the Adoption, Foster, Parental and Postpartum Recovery Leave policy is scheduled to take effect on July 1, 2026. He also reviewed the need for employee and manager training before the effective dates.

The Council discussed the timeframe for holiday leave provided for Good Friday. Due to pending questions regarding the Holiday Leave policy, the policy was deferred for additional review and input.

**Motion:** Judge McCullagh moved to approve the proposed amendments to Administrative Leave, Leave Bank, and Adoption, Foster, Parental and Postpartum Recovery Leave as presented, to take effect on May 6, 2026, and July 1, 2026, respectively. Judge Cornish seconded the motion, and the motion passed unanimously.

### 13. RULES FOR FINAL APPROVAL (Keisa Williams)

Keisa Williams presented CJA Rule 4-510.04, ADR Training, for final approval. No public comments were received. Ms. Williams recommended that the rule be adopted as final with a May 18, 2026, effective date.

#### **CJA 4-510.04. ADR Training**

The amendments clarify the role of court-qualified Primary Trainers in 40-hour basic mediation training, require court-qualified mediation training providers to provide or facilitate opportunities for trainees to complete the observation and experience requirements necessary for admission to the ADR Roster, and make non-substantive formatting changes.

Ms. Williams then presented CJA Rules 1-205, 4-906, 4-906.01, 4-906.02, 4-906.03, 4-202.02, 4-202.12, 3-110, 3-412, and 4-102 for approval on an expedited basis with a May 18, 2026, effective date, followed by a 45-day public comment period.

#### **CJA 1-205. Standing and Ad Hoc Committees**

The Council has already dissolved the Court Facilities Planning Committee and approved membership changes to the Uniform Fine Committee. The proposed amendments add the Director of the Self-Help Center and Law Library as a member of the Committee on Children and Family Law and modify the membership and certain provisions regarding the Guardian ad Litem Oversight Committee.

#### **CJA 3-110. Judicial officer financial disclosures**

Under H.B. 540, effective May 6, 2026, the Judicial Council is required to adopt a rule requiring judges and commissioners to submit annual financial disclosures comparable to the conflict-of-interest disclosures required under Utah Code 20A-11-1604. The Council is also required to post the disclosures on the courts' website and submit a written report to the Judiciary Interim Committee before November 1, 2026, describing the actions taken to comply with H.B. 540.

The Council discussed definitions and components of the financial disclosure form. The Council agreed to adopt the rule and to consider and adopt the form separately at a future meeting after seeking feedback from the boards of judges. The Council also discussed the reporting timeline for 2026, noting that the rule establishes the regular annual reporting and publication schedule but provides that, for calendar year 2026, financial disclosure forms will be completed and posted as soon as practicable on a date to be set by the Council. Additional discussion included redaction of personal information, including information automatically redacted due to a judicial officer's designation as an at-risk government employee. The Council

agreed that the Management Committee should review and decide requests from judicial officers seeking additional redactions before publication.

### **CJA 3-412. Procurement of goods and services**

The amendments align the rule with the Utah Procurement Code.

### **CJA 4-102. Case, calendar, and panel assignments**

In response to S.B. 257, effective May 6, 2026, the amendments require district courts to assign cases or proceedings involving the same child or family to a single judge to the extent possible. The amendments provide districts flexibility to create policies that account for local practices. The amendment to paragraph (1)(A) also gives the Council additional flexibility to approve exemptions to automatic case assignment processes.

### **CJA 4-202.02. Records classification**

The amendments classify court records identifying a victim by name rather than initials as private when a valid and timely request is made under CJA Rule 4-202.12. The amendments also classify unredacted judicial officer financial disclosure forms as protected records.

### **CJA 4-202.12. Request by victim to use initials rather than name**

Under H.B. 102, effective May 6, 2026, crime victims may choose to use their initials rather than their names in charging documents and other public-facing filings and documents. The new rule establishes the process and time limits for making such a request, requires the prosecutor to file a corrected charging document when a request is made after the charging document has been filed, and classifies charging documents that list the victim's name as private records pending receipt of an amended charging document.

### **CJA 4-906. Guardian ad litem program**

H.B. 372, effective May 6, 2026, made changes to the Guardian ad Litem Oversight Committee and the responsibilities of the Director of the Office of Guardian ad Litem. The amendments repeal and replace the current rule and divide the provisions into four separate rules. Rule 4-906 addresses the responsibilities of the Oversight Committee and the Director.

#### **CJA Rule 4-906.01. GALs, Staff, and Volunteers**

This new rule addresses the selection, employment, management, qualifications, responsibilities, conflicts, and training of GALs, staff, volunteers, and conflict GALs.

#### **CJA Rule 4-906.02. Private GALs**

This new rule addresses the selection, appointment, payment, education, and removal of private guardians ad litem, including requirements for maintaining a list of qualified private GALs.

#### **CJA Rule 4-906.03. Complaints**

This new rule establishes the complaint process for complaints involving the Director, administrative policies or procedures, GALs, private GALs, and volunteers. The rule provides procedures for submitting, investigating, and resolving complaints and creates an appeal process when a complainant is dissatisfied with the Director's resolution.

The Council discussed the complaint and appeal process in CJA Rule 4-906.03. The Council directed Ms. Williams to modify the rule language before publication for public comment to require a three-member panel of the GAL Oversight Committee to hear appeals rather than review by the full committee. The Council also directed that language be added requiring the panel to comply with applicable confidentiality requirements and closed-session procedures for confidential case information.

**Motion:** Judge James Gardner moved to approve the amendments to CJA Rule 4-510.04 as final, with an effective date of May 18, 2026, as recommended.

Judge Gardner also moved to approve CJA Rules 1-205, 3-110, 3-412, 4-102, 4-202.02, 4-202.12, 4-906, 4-906.01, and 4-906.02 on an expedited basis, with a May 18, 2026, effective date followed by a 45-day public comment period.

Judge Gardner further moved to approve CJA Rule 4-906.03 on an expedited basis, with a May 18, 2026, effective date followed by a 45-day public comment period, with additional language requiring a three-member panel of the GAL Oversight Committee to hear appeals and requiring panel members to comply with confidentiality requirements and closed-session procedures applicable to confidential case information.

Judge Christine Johnson seconded the motion, and it passed unanimously.

#### 14. SENIOR JUDGE APPOINTMENT (Neira Siaperas)

**Motion:** Judge McCullagh moved that Judge Vernon F. Romney meets the qualifications for appointment as an active justice court senior judge. Judge Gardner seconded the motion, and it passed unanimously.

#### 15. CONSENT CALENDAR (Judge David Mortensen)

**Motion:** Judge Cornish moved to approve the items on the consent calendar. Judge Gardner seconded the motion, and it passed unanimously.

#### 16. EXECUTIVE SESSION

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

An executive session was held.

#### 17. ADJOURN (Judge David Mortensen)

The meeting was adjourned.

**JUDICIAL COUNCIL MEETING  
Minutes**

**June 5, 2026**  
Webex Meeting

*Honorable Suchada Bazzelle, Presiding*

**Members:**

Hon. Suchada Bazzelle  
Hon. Rita Cornish  
Hon. Susan Eisenman  
Hon. Michael Leavitt  
Hon. James Gardner  
Hon. Amber Mettler  
Hon. Chris Bown  
Hon. Brendan McCullagh  
Hon. Samuel Chiara  
Hon. Angela Fannesbeck  
Kristin K. Woods

**Excused:**

Associate Chief Justice Jill Pohlman,  
Chair  
Hon. David Mortensen, Vice Chair  
Justice Paige Petersen  
Hon. Jon Carpenter  
Hon. Michael DiReda

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Keisa Williams  
Stacy Haacke

**1. WELCOME:** (Judge Suchada Bazzelle):

Judge Suchada Bazzelle welcomed everyone to the meeting.

**2. EXECUTIVE SESSION** (Judge Suchada Bazzelle)

**Motion:** Judge Rita Cornish made a motion to move into executive session for the purpose of discussing litigation and legal advice of counsel. Judge Brendan McCullagh seconded the motion, and it passed unanimously.

**3. ADJOURN**

Following the executive session, the meeting adjourned.

Tab 2

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

**Minutes**

**May 11, 2026**

**Meeting held virtually through WebEx**

**12:00 p.m. – 12:35 p.m.**

**Members Present:**

Judge Rita Cornish (Chair)

Judge Michael DiReda

Kristin Woods

**Guests:**

Mark Urry

Brett Folkman

Russ Pearson

Judge Rick Westmoreland

Linda Ekker

Chris Morgan

Melissa Kennedy

Shonna Thomas

**Excused:**

Judge Susan Eisenman

Ron Gordon

**AOC Staff Present:**

Neira Siaperas

Nick Stiles

Brody Arishita

Todd Eaton

Shane Bahr

James Peters

Bart Olsen

Erin Rhead

Jeremy Marsh

Daniel Meza-Ricon

Lauren Andersen

Keri Sargent

Jon Puente

Karl Sweeney

Jordan Murray

Alisha Johnson

Suzette Deans, Recording Secretary

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## Call to Order and Approval of Prior Minutes

The meeting was called to order by Judge Rita M. Cornish, who confirmed that a quorum was present. She welcomed attendees and noted the length of the agenda.

**Motion:** Judge Rita Cornish made a motion to approve April meeting minutes. Kristin Woods seconded the motion. With no discussion or opposition, the motion passed unanimously.

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## Financial Reports – Year-to-Date Financials

Alisha Johnson presented the year-to-date financials.

### One-time Turnover Savings

Ms. Johnson stated that as of the pay period ending April 10, 2026, the judiciary had accumulated approximately \$1,216,721 in one-time turnover savings. An additional \$273,600 in

savings is projected through the remainder of the fiscal year, bringing the anticipated total to approximately \$1.49 million. Ms. Johnson noted that the projected amount was slightly lower than prior estimates but explained that payroll corrections related to the recent payroll system transition may result in additional savings in future reporting periods.



**FY 2026 One Time Turnover Savings - Period 10**

Updated as of Pay Period Ending 04/10/2026 (1,632 out of 2,088 hours)

| #                                       | Funding Type  | Actual Amount    |
|---|---|------------------|
| 1                                       | One Time Turnover Savings (from actual payroll data versus budget as of PPE 04/10/2026) | 1,216,721        |
| 2                                       | Est. One Time Savings for remaining pay hours (456 @ \$600 / pay hour)                  | 273,600          |
| <b>Total Potential One Time Savings</b> |   | <b>1,490,321</b> |

Prior Report Totals (as of PPE 03/27/2026) 1,494,234  
 FY 2025 Final 3,072,760

**Year End Requests Available One-Time Funds**

Ms. Johnson next reviewed anticipated year-end carryforward funds. Current projections estimate approximately \$2,029,000 available to carry forward into fiscal year 2027 if the funds are not otherwise allocated before the end of the fiscal year. She stated that projected operational savings had increased by an additional \$100,000 based on current spending trends and expenditure patterns to total \$200,000 forecasted operating savings..



**FY 2026 Year End Requests and Forecasted Available One-time Funds - Period 10**

| Forecasted Available One-time Funds |  |                              |                  | # | One-time Spending Plan Requests                    | Adjusted Requests Amount | Judicial Council Approved Amount |
|-------------------------------------|--|------------------------------|------------------|---|--|--------------------------|----------------------------------|
| Sources of YE 2026 Funds            |  |                              |                  |   |  |                          |                                  |
| *                                   | Turnover Savings as of PPE 04/10/2026  | Turnover Savings             | 1,216,721        |   |  |                          |                                  |
|                                     | Turnover savings Estimate for the rest of the year (\$600 x 456 pay hours)               | Turnover Savings             | 273,600          |   |  |                          |                                  |
|                                     | <b>Total Potential One Time Turnover Savings</b>   |                              | <b>1,490,321</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>1,240,321</b> |   |  |                          |                                  |
|                                     | Operational Savings From TCE / AOC Budgets - mid-year forecast                           | Internal Operating Savings   | 649,910          |   |  |                          |                                  |
|                                     | Expected additional operational savings for balance of fiscal year                       | Internal Operating Savings   | 200,000          |   |  |                          |                                  |
|                                     | Operational Savings from IT Budget - Timing of Contract Renewal Deferred to FY 27        | Internal Operating Savings   | 400,000          |   |  |                          |                                  |
|                                     | Reserve Balance (balance from FY 2025 Carryforward)                                      | Judicial Council Reserve     | 700              |   |  |                          |                                  |
|                                     | Use IT Budget Savings and Operational Savings to Increase Retro YOS Eligibility          | Adjustments to CY Operations | (462,000)        |   |  |                          |                                  |
| (b)                                 | <b>Total Operational Savings, Reserve, Unclaimed Property and Prior Year Adjustments</b> |                              | <b>788,610</b>   |   |  |                          |                                  |
| (c)                                 | <b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>                   |                              | <b>2,028,931</b> |   |  |                          |                                  |
| Uses of YE 2026 Funds               |  |                              |                  |   |  |                          |                                  |
| (d)                                 | Carryforward into FY 2027 (Anticipate request to Legislature for \$3,200,000)            | FY 2027 Carryforward         | (2,028,931)      |   |  |                          |                                  |
|                                     | <b>Total Potential One Time Savings = (c) less Carryforward (d)</b>                      |                              | <b>-</b>         |   |  |                          |                                  |
|                                     | Less: Judicial Council Requests Previously Approved                                      |                              | -                |   |  |                          |                                  |
|                                     | Less: Judicial Council Current Month Spending Requests                                   |                              | -                |   |  |                          |                                  |
|                                     | <b>Remaining Forecasted Funds Available for FY 2026 YE Spending Requests, CCCC, etc.</b> |                              | <b>-</b>         |   |  |                          |                                  |
| Updated 05/05/2026                  |  |                              |                  |   |  |                          |                                  |
|                                     |  |                              |                  |   | Current Month One-time Spending Requests           | -                        |                                  |
|                                     |  |                              |                  |   | Previously Approved 1x FY 2025 YE Spending Request | -                        |                                  |

Last reported expected carryforward: \$1,932,844

Ms. Johnson reported that ongoing savings totaled approximately \$1.25 million before adjustments. After accounting for benefit differential impacts and the annual authorized hotspot allocation, projected ongoing savings are estimated at approximately \$1,020,000 She explained that the total was slightly below prior projections because the judiciary had not fully achieved the anticipated monthly turnover savings and because recent hiring activity reduced some projected benefit savings. However, she noted that recent onboarding activity and staffing changes could continue to favorably impact future reports.



### FY 2026 Ongoing Turnover Savings as of 05/05/2026 - Period 10

| #  | Prior Month | Forecast         | Actual         | Forecasted       | Change in Forecast |
|--|-------------|------------------|----------------|------------------|--------------------|
|  | Amount @ YE | Amount @ YE      | Amount YTD     | Amount @ YE      | Amount @ YE        |
|  | 138,582     | 138,582          | 138,582        | 138,582          | -                  |
|  | 927,391     | 927,391          | 987,404        | 987,404          | 60,013             |
| 1  | 195,000     | 195,000          | -              | 130,000          | (65,000)           |
|  | 1,260,974   | 1,260,974        | 1,125,987      | 1,255,987        | (4,987)            |
|  | (31,028)    | (31,028)         | (36,150)       | (36,150)         | (5,121)            |
|  | 1,229,945   | 1,229,945        | 1,089,837      | 1,219,837        | (10,108)           |
| 2  | (200,000)   | (200,000)        | (199,333)      | (200,000)        | -                  |
|  | (200,000)   | (200,000)        | (199,333)      | (200,000)        | -                  |
| <b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026</b> |             | <b>1,029,945</b> | <b>890,504</b> | <b>1,019,837</b> | <b>(10,108)</b>    |

### Carryforward and Ongoing Funding Requests

Ms. Johnson explained that projected available funding currently includes approximately \$2.1 million in one-time funds and approximately \$1.29 million in ongoing funds. She noted that those figures already reflected legislative fiscal note adjustments, including an ongoing legislative reduction of approximately \$185,000 and delegated discretionary funding authority for the State Court Administrator. She further advised the committee that ongoing funding requests currently exceed projected available ongoing funding, meaning prioritization decisions will likely be necessary during future meetings.



### FY 2027 Carryforward and Ongoing Requests - Period 10, FY 2026

5/5/2026

#### Funding Sources

|   | One Time            | Ongoing             |
|---|---------------------|---------------------|
| Ongoing Turnover Savings carried over from FY 2025                                  |                     | \$ 138,582          |
| Forecasted YE Ongoing Turnover Savings from FY 2026                                 |                     | \$ 1,081,254        |
| Subtotal  |                     | \$ 1,219,836        |
| Unobligated Fiscal Note Funds - District Court (net)                                | \$ 94,100           | \$ 439,900          |
| Unobligated Fiscal Note Funds - Juvenile Court                                      | \$ (3,600)          | \$ 3,600            |
| Unobligated Fiscal Note Funds - Admin   | \$ -                | \$ 10,900           |
| Legislative ongoing cut - reduce ongoing turnover savings                           |                     | \$ (185,000)        |
| Wellness Council Portion of Carryforward  |                     | \$ -                |
| Expected Carryforward Amount from Fiscal Year 2026                                  | \$ 2,028,931        | \$ -                |
| <b>Total Available Funding</b>  | <b>\$ 2,119,431</b> | <b>\$ 1,489,236</b> |
| Less: Judicial Council Delegated to State Court Administrator for Discretionary Use |                     | \$ (200,000)        |
| <b>Net Ongoing TOS Available for Use</b>  | <b>\$ 2,119,431</b> | <b>\$ 1,289,236</b> |

#### Ongoing / One Time Requests - Directly from Unobligated Fiscal Note Funds

|  | Presented |            | Judicial Council Approved |         |
|--|-----------|------------|---------------------------|---------|
|  | One Time  | Ongoing    | One Time                  | Ongoing |
| 1 Two Additional Juvenile Law Clerk Attorneys - Judge Westmoreland, Daniel Meza Rincón |           | \$ 278,700 |                           |         |
| 2 8th District Additional Judicial Assistant FTE - Russell Pearson                     |           | \$ 90,600  |                           |         |
| * 3 Sixth District Clerical Team Manager - Linda Ekker                                 |           | \$ 112,300 |                           |         |
| Subtotal   | \$ -      | \$ 481,600 | \$ -                      | \$ -    |

#### Ongoing Requests

|   | Presented |             | Judicial Council Approved |            |
|---|-----------|-------------|---------------------------|------------|
|   | One Time  | Ongoing     | One Time                  | Ongoing    |
| <b>Prior Approved Ongoing Commitments</b>   |           |             |                           |            |
| Investing in Our People - Ron Gordon and Neira Siaperas                               |           | \$ 370,000  |                           | \$ 370,000 |
| 8th District Probation Training Coordinator - Russ Pearson                            |           | \$ 52,500   |                           | \$ 52,500  |
| Juvenile Court ICI Funding Increase - Daniel Meza Rincon                              |           | \$ 7,000    |                           | \$ 7,000   |
| <b>Ongoing Requests - For Consideration</b>   |           |             |                           |            |
| 1 Education Judicial Assistant Training Support - Lauren Andersen                     |           | \$ 34,000   |                           |            |
| * 2 Court Visitor Specialist and Pilot Program Attorney - Shonna Thomas, Keri Sargent |           | \$ 238,250  |                           |            |
| * 3 Sixth District Clerical Training Coordinator - Linda Ekker                        |           | \$ 102,000  |                           |            |
| * 4 All Rise Utah Welcome Dinner - Jon Puente   |           | \$ 20,000   |                           |            |
| Subtotal to Approve and Fund Immediately  | \$ -      | \$ 823,750  | \$ -                      | \$ 429,500 |
| Balance Remaining After Judicial Council Approvals                                    |           |             |                           | \$ 859,736 |
| Balance Remaining Inclusive of "Presented"  |           | \$ (16,114) |                           |            |

### Carryforward One Time Requests

|  | Presented           |                    | Judicial Council Approved |                   |
|--|---------------------|--------------------|---------------------------|-------------------|
|  | One Time            | Ongoing            | One Time                  | Ongoing           |
| * 1 Public Transit Reimbursement Program - Suzette Deans, Kari Sweeney | \$ 61,200           |                    |                           |                   |
| * 2 Education Assistance Program - Alisha Johnson                      | \$ 85,000           |                    |                           |                   |
| * 3 HR Applicant Tracking System - Bart Olsen, Jeremy Marsh            | \$ 23,700           |                    |                           |                   |
| <b>Subtotal</b>  | <b>\$ 169,900</b>   | <b>\$ -</b>        | <b>\$ -</b>               | <b>\$ -</b>       |
| <b>Balance Remaining After Judicial Council Approvals</b>              |                     |                    | <b>\$ 2,119,431</b>       | <b>\$ 859,736</b> |
| + <b>Balance Remaining Inclusive of "Presented"</b>                    | <b>\$ 1,949,531</b> | <b>\$ (16,114)</b> |                           |                   |

**LEGEND**

Highlighted items are currently being or have been presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

Highlighted items that are Fiscal Note Funds

\* - items have been presented and approved in prior years.

+ - One-time balance remaining is available to go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

- - Request to Legislature was Not Funded

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.

If more funds are available than the total of requests received, prioritization is optional.

## Ongoing Unobligated Fiscal Note (Case Processing) Funding Requests

### 1. Two Additional Juvenile Court Law Clerks

Judge Rick Westmoreland requested funding for two additional juvenile court law clerks. He explained that juvenile court trials and termination proceedings have become increasingly complex and time intensive, placing substantial demands on existing law clerk resources.

### 2. 8th District Additional Judicial Assistant Position

Russ Pearson requested continuation of a judicial assistant position originally funded through ARPA funds during COVID-19. He explained that the position is critical to maintaining operations and reducing clerical overload within the district.

### 3. 6th District Clerical Team Leader

Linda Ekker presented requests for a clerical team manager and clerical training coordinator. She described the operational challenges of managing a geographically large district with limited staffing resources. Chris Morgan emphasized the administrative strain currently placed on district leadership.

## Ongoing Funds Requests

### 1. Judicial Assistant Training Support

Lauren Andersen requested ongoing funding to support a redesigned judicial assistant onboarding and training program. The proposal included in-person orientation, travel support, and annual training conferences intended to improve retention and reduce onboarding timelines.

### 2. Court Visitor Specialist Pilot Program Attorney.

Shonna Thomas and Keri Sargent presented requests related to the Court Visitor Program and guardianship representation shortages. The request included funding for a full-time program specialist and a pilot attorney program intended to address ongoing statutory compliance issues caused by a lack of available guardianship attorneys.

Attorney Kristin Woods expressed support for the request and noted the significant delays affecting vulnerable individuals involved in guardianship proceedings.

### 3. Clerical Training Coordinator

Linda Ekker presented request for a clerical training coordinator. She described the operational challenges of managing a geographically large district with limited staffing resources. Chris Morgan emphasized the administrative strain currently placed on district leadership.

### 4. All Rise Dinner and Meet N Greet

Jon Puente requested continued funding support for the annual All Rise Dinner. He explained that the event has become an important outreach opportunity connecting law students with Utah's legal community and encouraging public service careers.

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## Carryforward Fund Requests

### 1. Court's Eco Pass Program

Suzette presented a request to continue funding the employee Eco Pass public transit program, noting increased employee participation.

### 2. Education Assistance Program Funding

Ms. Johnson presented a request for continued funding of the judiciary education assistance program, describing it as an important recruitment and retention benefit for employees pursuing higher education and professional development.

### 3. HR Applicant Tracking

Jeremy Marsh requested continued funding for the judiciary's applicant tracking and onboarding system, including I-9 compliance functionality necessary to avoid federal compliance penalties.

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## Old Business/New Business

There was no old business presented.

Meeting adjourned at 12:45 p.m.

Next Meeting June 8, 2026

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

Webex video conferencing  
May 1, 2026 – 12 p.m.

**MEMBERS:**

PRESENT

EXCUSED

|                                      | PRESENT | EXCUSED |
|--------------------------------------|---------|---------|
| Judge James Gardner,<br><i>Chair</i> | ✓       |         |
| Judge Jon Carpenter                  | ✓       |         |
| Judge Angela<br>Fonnesbeck           | ✓       |         |
| Judge Christine Johnson              | ✓       |         |

**GUESTS:**

Melissa Kennedy  
Keri Sargent  
Shane Bahr  
Jon Puente  
Jessica Vázquez-Leavitt  
Ramon Rudecindo  
Michael Samantha Starks  
Jace Willard

**STAFF:**

Brody Arishita  
Keisa Williams  
Cindy Schut

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

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T). PP&T considered the minutes from the March 6, 2026 meeting. With no changes, Judge Johnson moved to approve the minutes as presented. Judge Fonnesbeck seconded the motion. The motion passed unanimously.

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

**CJA 4-510.04 ADR Training**

The public comment period on the above rule has closed. No comments were received.

***Judge Fonnesbeck moved to send rule 4-510.04 to the Judicial Council with a recommendation that it be approved as final with a May 18, 2026 effective date. Judge Johnson seconded the motion. The motion passed unanimously.***

**(3) CJA 3-306.04. Interpreter appointment, payment, and fees:**

Jon Puente and Jessica Vázquez-Leavitt presented amendments to rule 3-306.04 regarding interpreter scheduling. To address several issues, including the increasing number of cases requiring interpreter services, contract interpreter double booking, and payment efficiency, the Language Access Program (LAP) recently purchased interpreter scheduling software. During the last four months, the LAP has been piloting the software to make sure that it meets the needs of the Judiciary. LAP sought feedback from all

stakeholders and received concerns from the justice court administration team that some justice courts may be scheduling interpreters outside of the software, which may cause disruptions. The amendments to the rule require interpreters to utilize a scheduling platform approved by the Council.

The committee requested clarification on the language concerning Limited English Proficiency (LEP). LEP is the industry term for people whose native language is not English. Following discussion, the committee removed “a primary language other than English and” on lines 11 and 67 and changed “has a primary language other than English” and LEP to “has LEP” on line 19.

***With no further discussion, Judge Gardner 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 Carpenter seconded the motion. The motion passed unanimously.***

**(4) S.B. 257. Domestic relations amendments:**

- **CJA 4-102. Case, calendar, and panel assignments**

Keri Sargent introduced discussions surrounding S.B. 257, which mandates that, to the extent possible, cases involving the same family should be assigned to a single judge. The committee discussed allowing each district to manage this via local supplemental rules rather than a sweeping statewide rule, to accommodate logistical differences. The committee also discussed the risks of delegating this task to each district. After further discussion, the committee added the following to line 29, “To the extent possible, district courts should assign any civil case or proceeding involving the same child or family to a single judge.”

***Judge Gardner moved to recommend to the Judicial Council that rule 4-102 be approved on an expedited basis with a May 18, 2026 effective date, followed by a 45-day public comment period. Judge Fannesbeck seconded the motion. The motion passed unanimously.***

**(5) H.B. 102. Victim Privacy Amendments:**

- **CJA 4-202.02. Records classification**
- **CJA 4-202.12. Request by victim to use initials rather than name**

Keri Sargent and Jace Willard presented amendments to rule 4-202.02 and new rule 4-202.12 in response to the passage of H.B. 102. The bill gives crime victims the choice to have their initials, instead of their names, in public-facing documents. Victims must submit requests to law enforcement, prosecutors, or the court to make this switch. The working group focused on best practices for both training and technological modifications and determined that time limits must be established for when a victim is permitted to make a request and that prosecutors should be responsible for filing corrected charging documents if a request is made after the initial document was filed. Amendments to rule 4-202.02 allow charging documents listing the victim’s name to be classified as “private” pending the receipt of an amended charging document.

The committee discussed adopting a blanket policy utilizing initials for all victims versus requiring a formal request but determined that a blanket policy would be a significant restriction on public access to court records. Melissa Kennedy noted that CARE does not currently have a programmatic mechanism for reclassifying records similar to the programming in CORIS, but juvenile court teams are working to ensure those records are classified as “private.”

Following discussion, the committee defined “Court Record” in line 11 to include “publicly accessible court filings or documents,” to clarify that the rule does not apply to audio or video recordings. That term was capitalized throughout the rule.

***Following further discussion, Judge Carpenter moved to recommend to the Judicial Council that all amendments to rule 4-202.02 and new rule 4-202.12 be approved on an expedited basis with a May 18, 2026 effective date, followed by a 45-day public comment period. Judge Johnson seconded the motion. The motion passed unanimously.***

**(6) S.B. 283. Court fees and administration amendments:**

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

In lines 480-481 of S.B. 283, all fees (copy and filing) are waived for Utah government entities and political subdivisions. Keri Sargent advocated for a narrow interpretation of the waiver, noting that a broad interpretation would overwhelm Judicial Assistants with audio requests from outside agencies. This issue will be resolved when H.B. 540 takes effect in January 2027. The bill restructures audio request processes and allocates funds for the fulfillment of audio requests.

***Following discussion, the committee took no action on rule 4-202.08 at this time.***

**(7) H.B. 540 Judicial transparency and information access amendments**

- **CJA 3-110. Judicial Officer Financial Disclosure**

Under H.B. 540, the Council must “by rule” require judges and commissioners in courts of record and not of record to submit annual financial disclosures that are “comparable to” the conflict-of-interest disclosures in Utah Code section 20A-11-1604. The disclosures must be posted on the court’s website. Before November 1, 2026, the Council must submit a written report to the Judiciary Interim Committee “describing the actions the Judicial Council has taken” to comply with H.B. 540. The relevant portion of H.B. 540 will be effective on 5/6/2026.

The committee raised concerns about including too much detail in a court rule. Ms. Williams will draft a simplified rule and create a more detailed disclosure form using language from the statute and this initial rule draft. Some committee members expressed safety concerns regarding the disclosure of confidential information about family members, particularly young adults still living in a judge’s home. The committee also discussed the definition of “income” and Judge Carpenter noted that justice court judges are not paid by the state.

***Following further discussion, Judge Carpenter moved to recommend to the Judicial Council that rule 3-110 be approved on an expedited basis with a May 18, 2026 effective date, followed by a 45-day public comment period, and that the financial disclosure form be placed on the Council’s main agenda for discussion. Judge Johnson seconded the motion. The motion passed unanimously.***

**(8) H.B. 372. Child welfare changes (GAL Oversight)**

- **CJA 1-205. Standing and ad hoc committees**
- **CJA 4-906. Guardian ad litem program**

The proposed amendments to rules 1-205 and 4-906 are in response to H.B. 372. In rule 1-205, the committee removed “Judicial” in line 240, removed the statutory reference in line 238, and changed

“not terminate” to “be dissolved” in line 504. Many of the Guardian ad Litem (GAL) Oversight Committee’s and GAL Director’s duties currently in rule 4-906 are now set forth in H.B. 372. To avoid overlap, the committee determined that the rule should refer primarily to duties outlined in statute.

The committee discussed the importance of protecting nonpublic court records, particularly juvenile court records, and records in pending cases. Proposed language stipulates that court record reviews may only include cases that have reached final disposition and are no longer pending or impending before any court. The committee discussed CJA rule 4-202.03 governing access to juvenile court records and asked Ms. Williams to include language from Rule 2.10 of the Utah Code of Judicial Conduct guarding against interference with a fair trial or hearing, including words or actions which may affect the outcome or impair the fairness of a pending or impending matter.

The committee also made the following changes:

- in line 42 removed, “In addition to responsibilities under the Utah Code,” and replaced it with “perform the duties established in Utah Code;”;
- under qualifications and responsibilities, “admitted to the practice of law” was replaced with “be a member in good standing with the Utah State Bar”; and
- removed “with or without a complaint” in line 185.

The committee discussed language to clarify that the Council is the ultimate arbiter in the event of a conflict between the State Court Administrator and the Oversight Committee regarding the GAL Director. The committee also discussed including an appellate review process for complaints against GALs. Ms. Williams will revise the draft of rule 4-906 in accordance with the committee’s feedback and put it on the Council’s main agenda for discussion.

***Judge Gardner moved to recommend to the Judicial Council that rules 1-205 and 4-906 (as amended) be approved on an expedited basis with a May 18, 2026 effective date, followed by a 45-day public comment period. Judge Johnson seconded the motion. The motion passed unanimously.***

#### **(9) CJA 3-412. Procurement of goods and services**

Ms. Williams presented updates to the procurement rule to mirror similar provisions in the Utah Code. The committee asked whether a “written” determination in line 93 was required. Ms. Williams noted that the requirement is set forth in the Utah Code.

***Judge Johnson moved to recommend to the Judicial Council that rule 3-412 be approved on an expedited basis with a May 18, 2026 effective date, followed by a 45-day public comment period. Judge Fannesbeck seconded the motion. The motion passed unanimously.***

#### **Technology report/proposals:**

None.

#### **Old Business/New Business:**

None.

**Adjourn:** With no further items for discussion, the meeting adjourned at 2:24 p.m. The next meeting will be held on June 1, 2026, at 12:00 p.m. via Webex video conferencing.

**Tab 3**

**Budget and Grants Agenda  
For June 22, 2026  
Judicial Council Meeting**

1. Monthly YTD Financials .....Alisha Johnson  
(Item 1 - Information)
  - FY 2026 Ongoing Turnover Savings – Per 11
  - FY 2026 One Time Turnover Savings – Per 11
  - FY 2026 JC Year End Spending Plan – Per 11
  - Carryforward and Ongong TOS Requests – Per 11
  
2. Requests for Unobligated Fiscal Note, Ongoing TOS and 1x Carryforward funds ..... Karl Sweeney  
(Item 2 – Action)

*These represent requests to use ongoing, 1x Carryforward and ongoing and 1x Unobligated Fiscal Note funds.*

*Because total available funds from all ongoing and 1x fund sources are more than the total requests, there is no need to prioritize any of the requests below.*

**2A - Ongoing and 1x Unobligated Fiscal Note (Case Processing) Funding Requests  
which benefit District Court**

1. Education Judicial Assistant Training Support .....Lauren Andersen
2. Court Visitor Specialist and Pilot Program Attorney ..... Shonna Thomas and Keri Sargent
3. 6<sup>th</sup> District Clerical Training Coordinator..... Linda Ekker
4. 8<sup>th</sup> District Additional Judicial Assistant FTE .....Russell Pearson
5. 6<sup>th</sup> District Clerical Team Manager ..... Linda Ekker

**2B - Ongoing Funding Requests**

1. Two Additional Juvenile Law Clerk Attorneys .....Judge Westmoreland and Daniel Meza Rincón
2. 5<sup>th</sup> District Court Case Manager..... Cade Stubbs
3. Appellate Court Conference Funds ..... Lauren Andersen and Nick Stiles
4. Director of Administrative Services ..... Ron Gordon and Neira Siaperas
5. Employee and Judicial Officer Wellness Resources ..... Neira Siaperas and Karl Sweeney

**2C - Carryforward into FY 2027 1x Funding Requests**

1. Courts Eco Pass Public Transit Program ..... Suzette Deans and Karl Sweeney
2. Education Assistance Program Funding .....Alisha Johnson
3. HR Applicant Tracking..... Jeremy Marsh
4. IT Contract Developers..... Brody Arishita

- 5. IT Network/Systems Maintenance Staff..... Todd Eaton and Chris Talbot
- 6. IT Replacement Inventory ..... Todd Eaton
- 7. IT Tech Subject Matter Expert Stipend ..... Todd Eaton/Taz Hatch
- 8. Incentive Awards.....Bart Olsen, Erin Rhead, Alisha Johnson
- 9. Contingent Bridge Funding for Protective Order Facilitator ..... Amy Hernandez
- 10. All Rise Dinner and Meet N Greet..... Jon Puente
- 11. Tooele Courtroom Funding (**Defer past FY 2027 Carryforward**)..... Mark Paradise

3. Final JCTST Funding Request for FY 2027 ..... James Peters  
(Item 3 – Action)

4. Justice for Families Grant GAP .....Amy Hernandez and Jordan Murray  
(Item 4 – Action)

# Item 1



## FY 2026 Ongoing Turnover Savings as of 06/03/2026 - Period 11

| #  |   | Prior Month      | Forecast | Actual           | Forecasted       | Change in Forecast |
|--|---|------------------|----------|------------------|------------------|--------------------|
|  |   | Amount @ YE      |          | Amount YTD       | Amount @ YE      | Amount @ YE        |
|  | Net Carried over Ongoing Savings (finalized from FY 2025)   | 138,582          |          | 138,582          | <b>138,582</b>   | -                  |
|  | Ongoing Turnover Savings FY 2026 (actual year-to-date, Salary Differential only)                  | 987,404          |          | 1,106,549        | <b>1,106,549</b> | 119,145            |
| 1  | Ongoing Turnover Savings FY 2026 (forecast \$65,000 / month x 1 months, Salary Differential only) | 130,000          |          | -                | <b>65,000</b>    | (65,000)           |
|  | <b>TOTAL SALARY RELATED ONGOING SAVINGS</b>   | 1,255,987        |          | 1,245,131        | <b>1,310,131</b> | 54,145             |
|  | Benefit Differential Savings FY 2026 (will be recognized in this row starting in Q4)              | (36,150)         |          | 6,137            | <b>6,137</b>     | 42,287             |
|  | <b>TOTAL SAVINGS</b>  | 1,219,837        |          | 1,251,269        | <b>1,316,269</b> | 96,432             |
| 2  | 2026 Annual Authorized Hot Spot Raises  | (200,000)        |          | (199,333)        | <b>(200,000)</b> | -                  |
|  | <b>TOTAL USES</b>   | (200,000)        |          | (199,333)        | <b>(200,000)</b> | -                  |
| <b>Total Actual/Forecasted Unencumbered Turnover Savings for FY 2026</b> |   | <b>1,019,837</b> |          | <b>1,051,935</b> | <b>1,116,269</b> | <b>96,432</b>      |

- \* 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. Current benefit differential is \$6,137. Prior report benefit differential was (\$36,149.62). FY 2025 full year benefit differential was +\$201,339.
- \* Currently, 18.5 FTE are vacant. This is down from the last report where 22 FTE were vacant.
- 1 Currently forecasting \$65,000 of ongoing Salary Differential savings a month for the remainder of the FY; actual run rate is \$1,106,549 / 10 months = \$100,595 /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.

**PLEASE NOTE:** With the change in payroll systems, we do not yet have a full dataset for the most recent pay period so adjustments may occur.

**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 2026 One Time Turnover Savings - Period 10

**Updated as of Pay Period Ending 05/22/2026 (1,872 out of 2,088 hours)**

| #                                       |   | Funding Type            | Actual Amount    |
|---|---|-------------------------|------------------|
| 1                                       | One Time Turnover Savings (from actual payroll data versus budget as of PPE 04/10/2026) | Internal Savings        | 1,342,609        |
| 2                                       | Est. One Time Savings for remaining pay hours (216 @ \$600 / pay hour)                  | Internal Savings (Est.) | 129,600          |
| <b>Total Potential One Time Savings</b> |   | <b>3</b>                | <b>1,472,209</b> |

|   |           |
|---|-----------|
| <i>Prior Report Totals (as of PPE 04/10/2026)</i> | 1,490,321 |
| <i>FY 2025 Final</i>                              | 3,072,760 |

- 1 Actual per hour turnover savings for the last 4 pay periods (oldest to newest): \$532.84, \$517.00., \$1,480.85, and -\$52.01. The average per hour turnover savings for FY 2026 YTD: \$717.21. Last report's average was \$745.54.
  
- 2 We have modified our estimated one time turnover savings for remaining pay hours from \$900 to \$600 as of PPE 03/13/2026. This is due to a low number of current vacancies (< 25) & the reduced savings from the expiration of the Social Security cap as of the start of the new calendar year.
  
- 3 **The decline from FY 25 to FY 26 is primarily due to the decrease in vacant positions which have declined from an average of 25-30 vacant positions between January 2025 & mid-September 2025 to +/- 15 vacant positions since mid-September. Overall, it appears that positions are filling faster when vacant. This decrease from 30 to 15 vacant positions at a loaded rate of ~ \$37.99 / hr equates to ~ \$569.85 per pay hour decrease or an estimated \$1,189,900 annual decrease.**





# FY 2027 Carryforward and Ongoing Requests - Period 11, FY 2026

6/4/2026

## Funding Sources

|  | One Time            | Ongoing             |
|--|---------------------|---------------------|
| Ongoing Turnover Savings carried over from FY 2025   |                     | \$ 138,582          |
| Forecasted YE Ongoing Turnover Savings from FY 2026  |                     | \$ 1,177,686        |
| Forecasted Unused Ongoing Investing in Our People Comp Track Increase, FY 2026 (estimated) |                     | \$ 122,800          |
| <b>Subtotal</b>  |                     | <b>\$ 1,439,068</b> |
| Unobligated Fiscal Note Funds - District Court (net)                                       | \$ 94,100           | \$ 439,900          |
| Unobligated Fiscal Note Funds - Juvenile Court   | \$ (3,600)          | \$ 3,600            |
| Unobligated Fiscal Note Funds - Admin  | \$ -                | \$ 10,900           |
| Legislative ongoing cut - reduce ongoing turnover savings                                  |                     | \$ (185,000)        |
| Wellness Council Portion of Carryforward   |                     |                     |
| <b>Expected Carryforward Amount from Fiscal Year 2026</b>                                  | <b>\$ 2,010,819</b> | <b>\$ -</b>         |
| <b>Total Available Funding</b>   | <b>\$ 2,101,319</b> | <b>\$ 1,708,468</b> |
| Less: Judicial Council Delegated to State Court Administrator for Discretionary Use        |                     | \$ (200,000)        |
| <b>Net Available for Use</b>   | <b>\$ 2,101,319</b> | <b>\$ 1,508,468</b> |

## Ongoing / One Time Requests - Directly from Unobligated Fiscal Note Funds

|  | Presented         |                   | Judicial Council Approved |             |
|--|-------------------|-------------------|---------------------------|-------------|
|  | One Time          | Ongoing           | One Time                  | Ongoing     |
| 1 Education Judicial Assistant Training Support - Lauren Andersen                      |                   | \$ 34,000         |                           |             |
| *^ 2 Court Visitor Specialist and Pilot Program Attorney - Shonna Thomas, Keri Sargent | \$ 130,000        | \$ 108,250        |                           |             |
| * 3 Sixth District Clerical Training Coordinator - Linda Ekker                         |                   | \$ 102,000        |                           |             |
| 4 8th District Additional Judicial Assistant FTE - Russell Pearson                     |                   | \$ 90,600         |                           |             |
| *^ 5 Sixth District Clerical Team Manager - Linda Ekker                                |                   | \$ 112,300        |                           |             |
| <b>Subtotal</b>  | <b>\$ 130,000</b> | <b>\$ 447,150</b> | <b>\$ -</b>               | <b>\$ -</b> |

## Ongoing Requests

|   | Presented       |                     | Judicial Council Approved |                     |
|---|-----------------|---------------------|---------------------------|---------------------|
|   | One Time        | Ongoing             | One Time                  | Ongoing             |
| <b>Prior Approved Ongoing Commitments</b>   |                 |                     |                           |                     |
| Investing in Our People - Ron Gordon and Neira Siaperas                                       |                 | \$ 370,000          |                           | \$ 370,000          |
| 8th District Probation Training Coordinator - Russell Pearson                                 |                 | \$ 52,500           |                           | \$ 52,500           |
| Juvenile Court ICJ Funding Increase - Daniel Meza Rincón                                      |                 | \$ 7,000            |                           | \$ 7,000            |
| <b>Ongoing Requests - For Consideration</b>   |                 |                     |                           |                     |
| 1 Two Additional Juvenile Law Clerk Attorneys - Judge Westmoreland, Daniel Meza Rincón        |                 | \$ 278,700          |                           |                     |
| 2 5th District Court Case Manager - Cade Stubbs   |                 | \$ 14,800           |                           |                     |
| 3 Appellate Court Conference Funds - Lauren Andersen, Nick Stiles                             |                 | \$ 35,000           |                           |                     |
| 4 Director of Administrative Services- Ron Gordon, Neira Siaperas                             | \$ 5,000        | \$ 190,000          |                           |                     |
| * 5 Employee and Judicial Officer Wellness Resources - Tava - Neira Siaperas and Karl Sweeney |                 | \$ 94,600           |                           |                     |
| <b>Subtotal to Approve and Fund Immediately</b>   | <b>\$ 5,000</b> | <b>\$ 1,042,600</b> | <b>\$ -</b>               | <b>\$ 429,500</b>   |
| <b>Balance Remaining After Judicial Council Approvals</b>                                     |                 |                     |                           | <b>\$ 1,078,968</b> |
| <b>Balance Remaining Inclusive of "Presented"</b>   |                 | <b>\$ 18,718</b>    |                           |                     |

## Carryforward One Time Requests

|  | Presented           |                  | Judicial Council Approved |                     |
|--|---------------------|------------------|---------------------------|---------------------|
|  | One Time            | Ongoing          | One Time                  | Ongoing             |
| * 1 Public Transit Reimbursement Program - Suzette Deans, Karl Sweeney               | \$ 61,200           |                  |                           |                     |
| * 2 Education Assistance Program - Alisha Johnson                                    | \$ 85,000           |                  |                           |                     |
| * 3 HR Applicant Tracking System - Bart Olsen, Jeremy Marsh                          | \$ 23,700           |                  |                           |                     |
| * 4 IT Contract Developers - Brody Arishita  | \$ 682,000          |                  |                           |                     |
| * 5 IT Network/Systems Maintenance Staff - Todd Eaton/Chris Talbot                   | \$ 50,000           |                  |                           |                     |
| * 6 IT Replacement Inventory - Todd Eaton  | \$ 364,000          |                  |                           |                     |
| * 7 IT Tech Subject Matter Expert Stipend - Todd Eaton/Taz Hatch                     | \$ 65,000           |                  |                           |                     |
| * 8 Incentive Awards - Bart Olsen, Erin Rhead and Alisha Johnson                     | \$ 560,000          |                  |                           |                     |
| 9 Contingent Bridge Funding for Protective Order Program Facilitator - Amy Hernandez | \$ 32,500           |                  |                           |                     |
| * 10 All Rise Utah Welcome Dinner - Jon Puente                                       | \$ 20,000           |                  |                           |                     |
| *^ 11 Tooele Courtroom Funding - Mark Paradise 3rd District TCE                      | \$ 1,285,000        |                  |                           |                     |
| Defer #11 past FY 2027 carryforward  | \$ (1,285,000)      |                  |                           |                     |
| <b>Subtotal</b>  | <b>\$ 1,943,400</b> | <b>\$ -</b>      | <b>\$ -</b>               | <b>\$ -</b>         |
| <b>Balance Remaining After Judicial Council Approvals</b>                            |                     |                  | <b>\$ 2,101,319</b>       | <b>\$ 1,078,968</b> |
| <b>Balance Remaining Inclusive of "Presented"</b>                                    | <b>\$ 22,919</b>    | <b>\$ 18,718</b> |                           |                     |

### LEGEND

Highlighted items are currently being or have been presented to the BFMC

Highlighted items have been previously presented to the BFMC

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

Highlighted items that are Fiscal Note Funds

\* - items have been presented and approved in prior years.

+ - One-time balance remaining is available to go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

^ - Request to Legislature was Not Funded

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.

If more funds are available than the total of requests received, prioritization is optional.

# **Item 2A**

**Ongoing Unobligated Fiscal Note (Case Processing) Funding Requests**

# 1. FY 2027 Ongoing Case Processing Funds Spending Request – Education

The Judicial Council approves uses of Ongoing Case Processing funds. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the Legislature-provided FY 2027 Case Processing Ongoing Funds for ongoing personnel and operational needs that will be funded in FY 2027.

Date: 3.19.26

Department or District: Education

Requested by: Lauren Andersen

Request title: Judicial Assistant On-boarding and Ongoing Training Support

Amount requested: One-time \$ \_\_\_\_\_

Ongoing \$ 34,000

**Purpose of funding request:**

An additional \$34,000 annually to support ongoing training for Judicial Assistants through an improved onboarding and ongoing training program.

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

In early 2025, the National Center for State Courts (NCSC) provided its System Review to the Utah Judiciary. The NCSC recommended that the Education Department create a dedicated position to develop a comprehensive onboarding program for Judicial Assistants (JAs), update training materials and coach District Training Coordinators. The Education Department looked into how to facilitate the recommendation with the help of a workgroup comprised of Trial Court Executives, Clerks of Court, Deputy State Court Administrators, Case Managers, Training Coordinators, and the HR Department. At the conclusion of the review, the committee determined that a new position was not necessary at this time, but a structured JA training program was essential.

The recommended structure program has been approved by Clerks of Court, Training Coordinators and the State Court and Deputy State Court Administrators. The program is scheduled to begin in September 2026 and, as designed, will walk new JAs through training as follows:

| Timeline            | Phase        | Focus  | Key Training/Activity   |
|---------------------|--------------|--|---|
| Month 1(after hire) | The Bootcamp | Pulse (local protocols) & Skeleton (a structure to support all future JA training) | In-person Orientation to establish the Role of a JA in the Utah Judiciary + local onboarding and access to building and tools of job. Skeleton training includes Legal Information v. Legal Advice, De-escalation and Customer Service, Grammar & Minutes, Safety in the Judiciary. Pulse training focuses on local protocols like time entry, vacation requests, and the specific role the JA was hired for. |

## 1. FY 2027 Ongoing Case Processing Funds Spending Request – Education

|            |                                    |   |   |
|------------|------------------------------------|---|---|
| Months 2-6 | The Track                          | Primary Muscle (training in the core areas each JA needs. JAs will continue this training beyond 6 months to strengthen over time.) | Keeper of the Record/Court Navigation, Abusive Conduct & Harassment, Introduction to DCJust/JVJust, Use of AI, Changes in the Judiciary   |
| Month 6    | The Check-in                       | Competency  | Validation of primary muscle skills. How does an employee feel? How is the manager feeling? How is the Training Coordinator feeling?<br><br>The timing of the conversation would align with the 6-month retention bonus. Managers would follow local protocols for this conversation. |
| Month 7-18 | Cross-training and Advanced Skills | Secondary Muscle development, and exercising the Primary muscle   | Learn the other roles of the JA. Advanced case types. More online courses on working with self-represented litigants.   |
| Ongoing    | Staying Strong                     | Learning more about Utah Judiciary resources, processes, and professional development   | Employee Conference offered annually, Rule 3-403 courses, Concur training, Employee Book Club, Leadership Academy, Employee Mentoring Program, ERGs, District Trainings, preparation for Leadership trainings.  |

Education is seeking \$34,000 in ongoing funds to support the in-person portions of this JA plan. The new plan imagines a full day of Onboarding for JAs at the Matheson Courthouse every month. We believe that orientation is necessary every month given the turnover in JA positions. For example, in 2025, 84 new JAs were hired in the Utah Judiciary. A breakdown by month of the number of JAs hired in 2025 is below.

| Month        | New JAs |
|--------------|---------|
| January 2025 | 5       |
| February     | 7       |
| March        | 10      |
| April        | 8       |
| May          | 9       |
| June         | 3       |
| July         | 6       |
| August       | 10      |
| September    | 15      |
| October      | 4       |
| November     | 4       |
| December     | 4       |

## 1. FY 2027 Ongoing Case Processing Funds Spending Request – Education

The Education Department would also like to provide breakfast and lunch at the full-day orientation and cover one overnight stay for JAs traveling to Salt Lake City. We expect 80-105 new JA hires per year, leading to an estimated cost of catered meals of \$6,000 annually, and lodging will cost \$15,000, given current per diem rates.

In addition, the new program increases the frequency of the Employee Conference to every year. In our current structure, employee conferences are offered every other year. The workgroup (including all the members of the Clerks of Court), strongly believe that an annual Employee Conference will help JAs strengthen their competency as outlined in the plan. This will be achieved by offering educational tracks specifically for JAs and managers. An annual Employee Conference will also update JAs on legislative changes and foster stronger relationships with peers across the state. An added benefit is that an Annual Conference will cement the importance of JA's role in the Utah Judiciary. The Education Department requests an additional \$13,000 to increase the capacity of the Employee Conference. We can host 175 employees currently; we would like to increase that number to 225.

In summary, the Education Department seeks \$32,000 ongoing funding. The funding would go to:

| <b>Activity</b>   | <b>Funding</b>  | <b>Description</b>   |
|---|-----------------|--|
| • Breakfast, lunch and snacks at monthly in-person orientations | \$6,000         | Request based on GSA \$52 breakfast, lunch and snacks per diem Salt Lake City rate |
| • Lodging for in-person JA orientation                          | \$15,000        | Request based on GSA \$142/night per diem Salt Lake City rate                      |
| • Annual Employee Conference                                    | \$13,000        |  |
|   | <hr/>           |  |
|   | <b>\$34,000</b> |  |



# GOVERNOR'S OFFICE OF PLANNING & BUDGET

## FY26 and FY27 State Agency Budget Request Form

|                 |  |                  |   |
|-----------------|--|------------------|---|
| REQUEST TITLE   | Guardianship Signature Program Funding   |                  |   |
| State Agency    | Judicial Branch                          | Request Priority | N/A Statutorily Required  |
| Division        | Judicial Branch                          | Program          | GRAMP   |
| Primary Contact | Ron Gordon, Neira Siaperas, Karl Sweeney | Email & Phone    | <a href="mailto:ronbg@utcourts.gov">ronbg@utcourts.gov</a> 801 578 3816<br><a href="mailto:neiras@utcourts.gov">neiras@utcourts.gov</a> 801 578 3850<br><a href="mailto:karls@utcourts.gov">karls@utcourts.gov</a> 801 578 3889 |

**Amounts Requested:** Combine Other sources, besides General Fund (GF), Income Tax Fund (ITF), or Uniform School Fund (USF).

| SOURCE       | FY26 ONE-TIME | FY27 ONGOING     | FY27 ONE-TIME   | TOTAL REQUEST    |
|--------------|---------------|------------------|-----------------|------------------|
| GF, ITF, USF | \$0           | \$667,600        | \$0             | \$667,600        |
| OTHER        | \$0           | \$0              | \$0             | \$0              |
| <b>TOTAL</b> | <b>\$0</b>    | <b>\$667,600</b> | <b>\$0</b>      | <b>\$667,600</b> |
|              |               |                  | <b>New FTEs</b> | <b>1</b>         |

Note: Ensure all responses are concise and directly address each question to facilitate the evaluation process.

### SUMMARY

- In three to five sentences, clearly state the **issue** that requires action and funding; summarize the proposed **solution**; and, highlight anticipated **outcomes**. (This should be a meaningful paragraph that GOPB can share with the governor, lieutenant governor, legislators, and the public.)*

Utah Code 75-5-303(2) mandates that respondents in guardianship cases must have legal representation, appointed by the court, unless specific conditions are met. Utah Code 75-5-303(6)(e) mandates appointment of a court visitor in lieu of an attorney if specific conditions are met. Based on these mandates, the Administrative Office of the Court requests \$667,550 to fund the equivalent of two contract attorney positions and one court visitor program coordinator position to carry out compliance with the law.

The Guardianship Signature Program (GSP) was established by the Utah State Bar to provide a way for attorneys to volunteer to fill this mandate, but demand significantly exceeds supply. The Court Visitor Program (CVP) was established as a means of providing trained volunteers to serve as special appointees of the court in guardianship cases. Per statute, the CVP serves as the backup in cases where an attorney cannot be found via the GSP. With the GSP struggling to keep up with demand, the CVP has experienced continuous increases in attorney waiver case requests, resulting in a significant backlog and delay in resolving cases for vulnerable individuals.

Approximately 62% of GSP requests are resolved without counsel and are sent to the CVP for attorney waiver investigations. In FY 2027, the GSP is projected to receive 1065 unfilled attorney requests (see Section 2 for more details). This level is unsustainable with the current resources. To enable statutory compliance, reduce case delays, and allow for efficient resource allocation, funding is necessary to support three paid positions. Instead of seeking funding for three paid attorneys, if funded, resources can be allocated between the equivalent of two paid contract attorneys and one court FTE program coordinator. This adjustment saves approximately \$100,000, while still meeting statutory obligations.

Hiring two contract attorneys (who will work for a related agency) for guardianship cases ensures prompt respondent representation, fulfilling statutory mandates. Volunteer opportunities will still be offered. A court visitor program coordinator will support the CVP, managing statutory obligations when visitors are allowed instead of attorneys, easing GSP burden and clearing backlogs. Funding these roles will significantly reduce unrepresented respondents – hopefully to zero – as we comply with statute.

## COST

2. **Itemized Budget:** Provide an itemized budget of how the new funding will be used, including revenue and expenditure sources, and the details of any new FTEs.

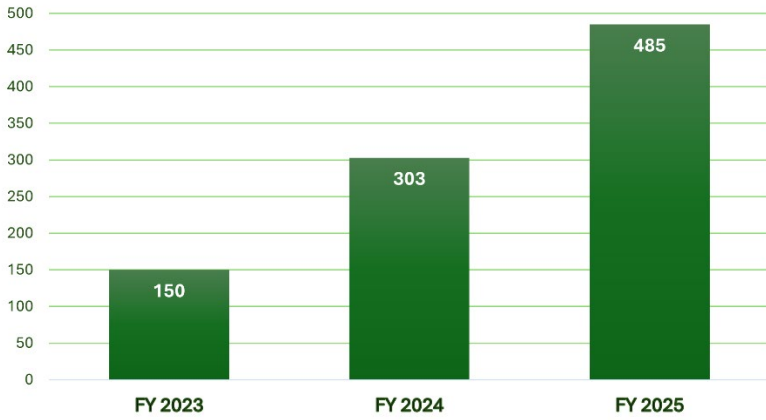
|  |                |
|--|----------------|
| Third-party Contract Attorneys @ \$100 per hour x 5540 hours | \$554,000      |
| Court Program Coordinator @ \$30.75 per hour + benefits      | \$108,600      |
| IT and operating costs, training and travel                  | <u>\$5,000</u> |
| Total  | \$667,600      |

From FY 23 through FY 25:

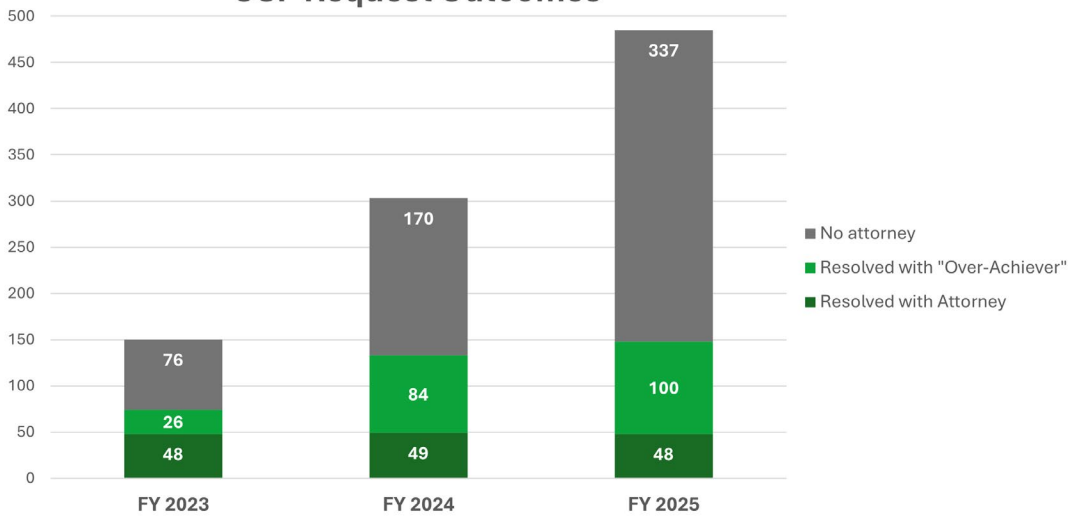
- 938 total requests were sent to the GSP. (150 requests in FY 23; 303 requests in FY 24; 485 requests in FY 25.)
- The number of requests received by the GSP has increased by 223%.
- **62%** (583) of the 938 requests received were never filled.
- There is one attorney with the GSP that consistently volunteers. This “over-achiever” accounted for approximately 59% (210) of the filled cases for FY 23 – 25. The remaining 41% of cases (145) were filled by other attorneys.
- The number of attorney waiver GSP requests sent to the CVP has increased dramatically, from 12 requests referred in FY23 to 272 referrals by the end of FY25, an increase of 2167%
- This substantial upsurge has created a backlog of cases awaiting appointment of a court visitor and strained the existing resources of the CVP, leading to delays in case assignment and completion.
- In FY23 the average wait time to assign an attorney waiver case to a court visitor volunteer was 45 days. In FY25, that number increased to an average of 139 days, and continues to rise.
- At the end of FY 25, the CVP had 97 pending cases, with the oldest request from December 2024.

In summary, only 38% of requests received by the GSP are filled by attorneys, leaving 62% to be covered by the CVP or resolved without any representation, in opposition to statute. These time-sensitive referrals handled by the CVP are significantly delayed, due to lack of resources.

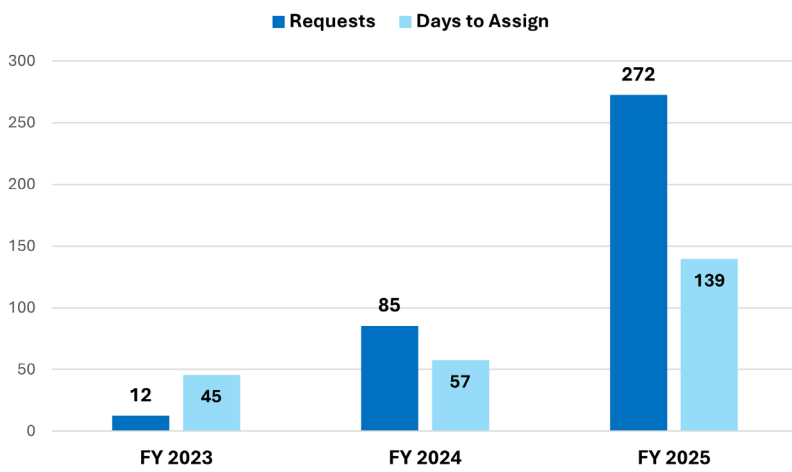
### GSP Attorney Requests



### GSP Request Outcomes



### CVP - Attorney Waiver Cases



**Budget considerations:**

This request seeks funding to cover the **62%** of requests that are anticipated to go unresolved by the GSP in any given year.

- Accounting for an average rate increase of 50% each year, we can expect roughly **1,407** total cases projected by FY27. This includes the natural growth of filed cases, and as best practices and consistency of when a request for an attorney should go to the GSP are shared with judges and judicial support staff, requests will increase.
- Because of the delays and lack of resources, sometimes requests for GSP attorneys were not made. For example, in FY25, approximately **100** eligible requests were not sent to the GSP. This is part of the projected number of requests in FY27.
- The “over-achiever” attorney that accepts the majority of GSP cases has plans to retire soon, leaving additional cases unresolved. Between FY23-FY25, her work accounted for **210** cases. This amount is included in the projected number of requests in FY27.

With these considerations, this brings the total to 1,717 unfilled requests projected for FY 27. Using the 62% average of cases that go unfilled, this funding request is based on a projected 1065 requests that will need an attorney or court visitor.

**Recapping Expected Requests:**

|   |                      |
|---|----------------------|
| Baseline for FY 2027 with growth:   | <b>1,407</b>         |
| Extra requests never sent to GSP:   | <b>100</b>           |
| <u>Retirement of GSP over achiever attorney:</u>  | <u><b>210</b></u>    |
| Total FY 2027 expected requests   | <b>1,717</b>         |
| Baseline never filled by GSP  | x <b>62%</b>         |
| FY 2027 forecasted unfilled GSP requests  | <b>1,065 (a)</b>     |
| Percentage of unfilled GSP requests statute<br>Allows a CVP to serve in place of attorney | <u><b>x 48%</b></u>  |
| Total   | <b>511 (b)</b>       |
| Remaining cases that need an attorney appointed   | <b>554 (a) - (b)</b> |

Approximately 48% of CVP referrals received in FY25 were supported by statute (130/272) - meaning statute allows a CVP to serve in place of an attorney. This averages out to 511 statute-supported cases estimated to be referred to the CVP in FY27.

The remaining 554 cases will be handled by funding the equivalent of two contract attorneys. Depending on the case specifics, an attorney appointed to represent a respondent in a guardianship case could take 5 to 15 hours of work until the case is resolved. This averages out to 10 hours per case. Based on conversations with attorneys who work for private as well as non-profit entities, we believe that \$100 per hour represents a reasonable per hour rate under a state contract for these services.

- 554 requests x 10 hours per case = 5,540 hours

- 5,540 hours x \$100 hourly = \$554,000
- 1 FTE program coordinator (AOC position) = \$108,550
- Administrative costs for AOC position: \$5,000
- Total = \$667,550

3. **Scalability:** Describe the potential impact if a portion of the request is recommended or scaled over more than one year. What would be the impact of multiple variations of reduced funding (e.g., 10%, 50%) and explain why this request should be funded this budget cycle.

Because this request is driven by a statutory mandate, this request should be fully funded. If a scalable portion of the funding is granted, some respondents in guardianship cases would not benefit from legal representation, contrary to the statutory requirement.

4. **Future Obligations:** What future funding or policy obligations does this request create? (e.g., operations and maintenance, multi-year scale up.)

If the statute remains in place, it is expected that future funding increases will be required to assist with the growing caseload.

5. **Current Resources:** Summarize what the agency has already contributed toward addressing this and related issues. Describe any efforts to create savings to address this issue.

The Utah State Bar's Paladin Program, with their consent, is used to widely promote GSP opportunities, which offer attorneys pro bono work. Additionally, emails about local opportunities are sent to attorneys on district-specific lists, a practice that will continue. Clerical teams also engage attorneys informally to join these local lists.

GSP attorneys may seek reimbursement from the respondent, based on the Modest Means scale and facilitated by the Utah State Bar, in their specific cases. Apart from this possible reimbursement, the GSP lacks funds to incentivize legal representation in mandatory guardianship cases.

Court visitors have the legal authority to investigate and report on a respondent's lack of legal representation. However, due to its reliance on volunteers and limited travel expense reimbursement, this program is underutilized, leaving many respondents without advocates (contrary to statute) and delaying case resolutions.

Funding will be allocated to support the equivalent of two attorneys who will reliably represent respondents and a program coordinator for the CVP to manage the current case backlog and provide ongoing case management responsibilities, allowing both programs to more adequately respond to and complete the requests received, thus fulfilling the statutory requirements.

## STRATEGIC ALIGNMENT

6. Explain how this request aligns with the agency's strategic plan or the governor's priorities. Be specific.

Promoting access to justice is the core mission of the Utah State Courts, prioritizing transparency, fairness, and efficiency in all actions. Offering vulnerable individuals legal representation during guardianship proceedings exemplifies this commitment.

Guardianship appointments, even those that are limited and temporary, significantly restrict a respondent's freedom, impacting their financial management and daily decision-making abilities. Legal counsel and court visitors ensure that guardianship is genuinely needed and that respondents maintain maximum control and choice throughout the process.

The AOC's Guardianship Reporting and Monitoring Program (GRAMP) will effectively measure the impact of funding on guardianship cases. GRAMP will utilize various methods to track the average time respondents wait for attorney appointment, the total number of respondents receiving legal counsel, the nature and extent of guardianship (full, limited, etc.), and the duration of guardianship resolutions. Data collected will be compared with prior years to assess the benefits of the funding.

GRAMP's data collection tools will include the case management system (CORIS), used by judges and court staff, and office management resources like Excel. These tools will also be used to track the time these funded attorneys will spend representing respondents.

## EVIDENCE & ANALYSIS

- 7. **Issue:** Substantiate the **issue** and justify the proposed **solution** using supporting evidence (e.g., cost-benefit analysis for a procurement, program evaluation for an intervention, or published study for an evidence-based program).*

The data above was tracked and compiled by the GRAMP team, who focuses on monitoring guardianship cases statewide. That team will continue to add to the data already presented in this request.

Judges and administrative personnel rely on case pending data to assess adherence to disposition guidelines, ensuring timely resolution of case issues. GRAMP has observed that guardianship cases often exceed recommended guidelines due to insufficient resources for meeting statutory representation requirements, resulting in prolonged case durations. Existing GRAMP data illustrates how resource limitations have affected judicial officers handling guardianship cases. Consequently, a new stay type has been implemented to decrease the pending duration of guardianship cases.

- 8. **Performance measures:** How will the agency measure the **value** created for Utah after one year and, if applicable, in future years.*

Complying with the law and statute is well within the courts' established mission. This law commits the courts and the state to give mandated access to attorneys and court visitors for respondents in guardianship cases and should be funded on that mandate alone.

Along with compliance with state law, this initiative will also give judges and court staff a streamlined, efficient way to uphold the law. It will also positively impact case pendency guidelines by promptly appointing legal counsel or court visitors to respondents in guardianship cases. This reduction will give the state judiciary a pathway to meet established guardianship cases disposition benchmarks.

Individuals named as respondents in guardianship proceedings face similar losses of autonomy and rights as criminal defendants. This vulnerability is compounded by their often-present mental, physical, or emotional disabilities, which exacerbate the stress of legal proceedings. By ensuring access to chosen legal representation who advocate specifically for their interests, this initiative will offer Utahns needing protection during their most vulnerable times a vital resource.

## COLLABORATION

9. *Please list other stakeholders or state agencies involved in developing this request.*

The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) is a standing committee of the Judicial Council and is composed of a diverse number of stakeholders and agencies interested in guardianship issues. An example of agency representation on this committee includes Adult Protective Services, Disability Law Center, and the Office of Public Guardian. WINGS has been heavily involved in developing this request.

## LEGAL AUTHORITY

10. *Provide the statutory and administrative rule references that authorize or require this budget request. If this request requires statute or rule changes, describe them and indicate if the agency has notified the governor's general counsel and senior advisor for legislative affairs and policy.*

The guardianship statutes govern the provision that every respondent named in a guardianship petition be represented by "an attorney of their choice" as stated in Utah Code 75-5-303(2)(b). Also, in 75-5-303 it states the requirements that must be met when the appointment of an attorney is not required, applicable only when the parent is the petitioner and their adult child is the respondent. And, even if the court determines that an attorney is not required, the appointment of a court visitor must still occur. In all other cases, the presence of an attorney cannot be waived.

Other statutory requirements for the appointment of counsel:

- Utah Code 75-5-301.5 lists the rights of a person alleged to be incapacitated and the rights of an incapacitated person. The right to be represented by counsel before guardianship is imposed is first on the list.
- Utah Code 75-5-407(2) states that the court may appoint an attorney in conservatorship proceedings.
- Utah Code 75-5-207(4) states that the court may appoint an attorney in minor guardianship proceedings if the court determines that the interests of the minor are or may be inadequately represented.
- Utah Code 75-5-306(6) states that when a petition is filed to terminate a guardianship, the court shall follow the same procedures to safeguard the rights of the incapacitated person for a petition for appointment of a guardian under Section 75-5-303.

## INTENT LANGUAGE

11. *If applicable, enter any necessary intent language. Please note that if this request is for a **grant (i.e., pass-through funding)** it requires intent language in accordance with the provisions of [Utah Code 63G-6b State Grants](#).*

No intent language is necessary. This is not a request to fund with grant funds. However, if the funding is provided, the court would have to pass through the "two contract-attorneys" portion of the funding to an agency that will enter into a state contract for representing eligible patrons appearing before the court.

## 2. FY 2027 Ongoing Case Processing Funds Spending Request – GRAMP Court Visitor Program

The Judicial Council approves uses of Ongoing Case Processing funds. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the Legislature-provided FY 2027 Case Processing Ongoing Funds for ongoing personnel and operational needs that will be funded in FY 2027.

**Date:** 04/06/2026

**Department or District:** AOC / GRAMP

**Requested by:** Shonna Thomas / Keri Sargent

**Request title:** Court Visitor Specialist and Pilot Program Attorney Appointment Funding

**Amount requested:**     **One-time \$130,000** (pilot program phase; will ask for ongoing funds if pilot is successful)

**Ongoing \$108,250** (necessary to manage the Court Visitor Program with a fully qualified FTE)

**Purpose of funding request:**

This ongoing case processing funding request will provide the necessary resources to address the workload experienced by the Court Visitor Program because of an enduring shortage of attorneys to fulfill statutory requirements in guardianship cases.

- New Court Visitor Specialist position (**Ongoing**)
- Pass-through Funding for Billable Hours for Court-Appointed Attorney (**One-Time**)

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

Utah Code 75-5-303(2) mandates that respondents in guardianship cases must have legal representation, appointed by the court, unless specific conditions are met. Utah Code 75-5-303(6)(e) mandates appointment of a court visitor in lieu of an attorney if specific conditions are met.

The Guardianship Signature Program (GSP) was established by the Utah State Bar to provide a mechanism for attorneys to volunteer to fill this mandate. The Court Visitor Program (CVP) was established as a means of utilizing trained volunteers to serve as special appointees of the court in guardianship cases, including those where an attorney has been waived per statute.

GSP attorneys may seek reimbursement from the respondent, based on the Modest Means fee scale and facilitated by the Utah State Bar, in their specific cases. Apart from this possible reimbursement, the GSP lacks funds to incentivize legal representation in mandatory guardianship cases and relies solely on volunteerism to fulfill the statutory mandate. However, only 38% of requests received by the GSP are filled by attorneys, leaving 62% that must be covered by the CVP or resolved without any representation, in opposition to statute.

With support from the Judicial Council, requests to appropriate funding for GSP contract attorneys were presented to the Utah legislature in 2025 and 2026 without success. (**Attached as Exhibit A**). In FY 2027, GSP requests are projected to increase, producing an estimated 1065 unfilled attorney requests. As a result the CVP will bear the increased burden to cover cases where GSP attorneys are not involved. **This increase in workload will not be sustainable without additional resources.**

## 2. FY 2027 Ongoing Case Processing Funds Spending Request – GRAMP Court Visitor Program

Since 2012, the CVP has been a steady resource for the Judiciary, using minimal court resources and the services of volunteers to consistently provide reliable and important information to judges, enabling them to make informed decisions that serve the respondent's best interest. Delays in fulfilling these time-sensitive referrals have significantly increased due to lack of resources, resulting in a chain reaction for judges managing their caseloads and for vulnerable individuals seeking resolution to their cases.

To promote statutory compliance, reduce case delays, and allow for efficient resource allocation, the GRAMP Program requests **\$108,250** in **ongoing case processing funds** for one Court Visitor Program Specialist position to support judges in guardianship cases.

- \$103,250 (Ongoing - Salary and Benefits)
- \$5,000 (One Time - IT Equipment and Office Budget)

Once funded the Court Visitor Program Specialist will help manage current and future requests, address the backlog of cases, provide ongoing case management responsibilities to Court Visitors, assist in recruiting additional volunteers to take on this important work, and conduct ongoing training of volunteers, in accordance with UCJA Rule 6-507((1)(B) and (1)(C).

The GRAMP Program is also asking for **\$130,000** in **one-time funds**. This would fund billable hours for a pilot program in which contracted attorneys are incentivized when appointed by the court to represent respondents in guardianship cases. Setting aside the high volume of eligible attorney waiver cases sent to the CVP, the GSP receives approximately 130 requests each year that are not eligible for an attorney waiver, as per statute. These are cases where judges would either ask for a court visitor, even though statute requires the appointment of an attorney; or the judge would simply grant guardianship without a court visitor or attorney. Neither path aligns with statute, though the appointment of a court visitor is preferable.

These 130 requests would be the base number expected of a pilot program if funding were received, with each case averaging 5 – 15 hours needed from the attorney to complete the case. These cases would include more complex issues where an advocate is clearly needed, or when the parties have been ordered to complete mediation. The average pay that an attorney working for the State of Utah receives is \$100 hourly. With 130 cases needing an average of 10 hours per case, that equals 1300 hours that could be billed by the attorney under a pilot program.

At the conclusion of the program, the resulting data could be shared to determine a more robust solution to the chronic problem of the unfunded mandate found in the guardianship statute. Given the severe limitations placed on a respondent when guardianship is granted, and the vulnerable position that respondents are in, resources are needed to ensure they are supported and given due process.

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

Other than submitting funding requests to the Legislature, other funding options have not been identified.

## **2. FY 2027 Ongoing Case Processing Funds Spending Request – GRAMP Court Visitor Program**

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

While a Court Visitor Program Specialist can alleviate some of the statutory requirements, the need to reliably appoint attorneys to represent respondents still exists. Requests for funding to the Legislature for these resources will continue until the necessary resources are realized. Until then, the Judiciary will remain out of compliance with the statute.

### 3. FY 2027 Ongoing Case Processing Funds Spending Request –6<sup>th</sup> District Clerical Training

The Judicial Council approves uses of Ongoing Case Processing funds. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the Legislature-provided FY 2027 Case Processing Ongoing Funds for ongoing personnel and operational needs that will be funded in FY 2027.

**Date:**04/28/2026

**Department or District:** 6<sup>th</sup> District

**Requested by:** Linda Ekker – Clerk of Court

**Request title:** Sixth District Clerical Training Coordinator

**Amount requested:** \$ 102,000 Ongoing Case Processing

**Purpose of funding request:** We are requesting ongoing case processing funding for a dedicated training coordinator position in the Sixth District. **This request was submitted to the Judicial Council for the August 2025 Annual Budget meeting and then included in the requests sent to the Legislature for consideration in their 2026 General Session but not funded.**

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

The 6th District covers a large geographic area, creating unique challenges in providing consistent training and support to clerical teams across six locations. Teams in the district are expected to maintain knowledge and proficiency in a wide range of systems, procedures, legislative changes and responsibilities for both district and juvenile courts. This requires continuous training and ongoing support to ensure accuracy, efficiency, and consistency.

For district court operations, teams are expected to understand front counter filings, payments, credits, district accounting procedures and systems such as CORIS, e-filing, XChange, MyPaperwork, JAQ, and in-court processes and minute entry and orders. Teams are also expected to have knowledge of juvenile court systems and processes, including front counter filings, payments, credits, juvenile accounting procedures and systems such as CARE and e-filing within that system, MyPaperwork, juvenile in-court processes, minutes and orders.

Despite these extensive responsibilities, the 6th District is currently the only judicial district in Utah without a dedicated Training Coordinator position supporting the clerical team. At present, there is no centralized resource whose primary responsibility is to support clerical team training, answer process-related questions, and coordinate consistent implementation of procedural changes. This challenge is compounded by ongoing legislative updates and by the most recent clerical weighted caseload study, which shows the 6th District operating at 127% of standard staffing levels, ranking as the second most understaffed district by percentage among Utah’s judicial districts.

|                                     | Number of Staff | Training Coordinators |
|-------------------------------------|-----------------|-----------------------|
| 1 <sup>st</sup> District & Juvenile | 26              | 2                     |
| 2 <sup>nd</sup> District            | 72              | 1                     |
| 2 <sup>nd</sup> Juvenile            | 21              | 3                     |
| 3 <sup>rd</sup> District            | 154             | 2                     |
| 3 <sup>rd</sup> Juvenile            | 38              | 3                     |
| 4 <sup>th</sup> District            | 69              | 1                     |
| 4 <sup>th</sup> Juvenile            | 30              | 2                     |
| 5 <sup>th</sup> District & Juvenile | 42              | 2                     |
| 6 <sup>th</sup> District & Juvenile | 15              | 1*                    |
| 7 <sup>th</sup> District & Juvenile | 18              | 2                     |
| 8 <sup>th</sup> District & Juvenile | 19              | 2                     |

\*Juvenile Probation Officer/Training Coordinator

### 3. FY 2027 Ongoing Case Processing Funds Spending Request –6<sup>th</sup> District Clerical Training

Although the 6<sup>th</sup> District has a Training Coordinator listed, this individual is a probation officer trained in probation processes with very limited knowledge and understanding of clerical processes. This is not a resource available to our clerical teams.

#### 2025 Weighted Caseload Results

(Filings 04/1/22 thru 03/31/25 3YA)

#### Clerical Weighted Caseload Summary Results

| Judicial District   | Updated<br>5/12/25<br>Existing FTE | FTE Need | Min. Staff<br>Adj.<br>rounded<br>nearest .5 | Total FTE Need | FTE<br>Difference | Difference<br>Between<br>Need &<br>Existing* | Caseload<br>as a % of<br>Standard |
|---------------------|------------------------------------|----------|---|----------------|-------------------|--|-----------------------------------|
| District 1          | 19.00                              | 22.01    | 0.00  | 22.01          | -3.01             | -3.01  | 115.9%                            |
| District 2          | 56.50                              | 60.36    | 1.50  | 61.86          | -5.36             | -5.36  | 109.5%                            |
| District 2 Juvenile | 15.00                              | 13.08    | 0.00  | 13.08          | 1.92              | 0.61   | 87.2%                             |
| District 3          | 128.15                             | 133.92   | 0.00  | 133.92         | -5.77             | -5.77  | 104.5%                            |
| District 3 Juvenile | 29.00                              | 24.62    | 1.50  | 26.12          | 2.88              | 0.27   | 90.1%                             |
| District 4          | 46.00                              | 58.22    | 0.50  | 58.72          | -12.72            | -12.72                                       | 127.7%                            |
| District 4 Juvenile | 21.25                              | 17.88    | 4.00  | 21.88          | -0.63             | -0.63  | 103.0%                            |
| District 5          | 28.75                              | 33.18    | 1.00  | 34.18          | -5.43             | -5.43  | 118.9%                            |
| District 6          | 8.00                               | 9.67     | 0.50  | 10.17          | -2.17             | -2.17  | 127.1%                            |
| District 7          | 12.25                              | 9.94     | 1.00  | 10.94          | 1.31              | 0.22   | 89.3%                             |
| District 8          | 12.25                              | 12.98    | 0.50  | 13.48          | -1.23             | -1.23  | 110.0%                            |
|                     | 376.15                             | 395.87   | 10.50                                       | 406.37         | -30.22            | -35.23                                       | 108.0%                            |

A dedicated Training Coordinator would provide a consistent and accessible resource for employees across all six locations when questions arise regarding court processes, systems, or procedures. This individual’s primary focus would be to support teams through continuous training, staff development, and timely guidance so employees can perform their work accurately and efficiently. The position would also strengthen statewide consistency by participating in statewide training coordinator meetings with other training coordinators and ensuring local practices remain aligned with statewide policies and procedures. In addition, this role would have the capacity to perform quality assurance reviews, help teams prepare for audits, and provide targeted refresher training after audits or when trends indicate additional support is needed.

Having a dedicated Training Coordinator would also relieve operational leaders of training duties that currently compete with day-to-day workload demands, allowing managers and supervisors to focus on core court operations while ensuring staff continue to receive the support they need.

#### Relation to Performance Measures and Court Mission

This request directly supports the Utah Judiciary mission “to provide the people of Utah with an open, fair, efficient, and independent system for the advancement of justice under the law.” Well-trained staff are essential to accurate filings, proper financial handling, timely case processing, and consistent customer service for the public.

This request also aligns with the Judiciary Strategic Plan by promoting public trust and confidence, increasing access to justice, and ensuring constitutional openness. Investing in a Training Coordinator

### 3. FY 2027 Ongoing Case Processing Funds Spending Request –6<sup>th</sup> District Clerical Training

would improve consistency, accountability, and efficiency across the 6th District while strengthening service to the communities it serves.

**Alternative funding sources, if any:**

A legislative request could be made again, to help fund this position. Based on recent past Legislative approvals, we give this option a low success chance.

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

We continue to do our best, but it is extremely taxing to the case managers and judicial assistants who are already working significantly over the standard to find time to assist with training others, or even finding time for their own elective and mandatory training. This can lead to burnout, turnover, and cripple long-term staffing and training goals. If we do not have the training support needed, it makes it incredibly difficult to meet the basic standards of operation, even without taking on new information.

## 4. FY 2027 Ongoing Case Processing Funds Spending Request – 8<sup>th</sup> District Judicial Assistant

The Judicial Council approves uses of Ongoing Case Processing funds. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the Legislature-provided FY 2027 Case Processing Ongoing Funds for ongoing personnel and operational needs that will be funded in FY 2027.

**Date:** 21 April 2026

**Department or District:** 8<sup>th</sup> District  
**Requested by:** Russell Pearson

**Request title:** 8<sup>th</sup> District Additional Judicial Assistant FTE Request

**Amount requested:** \$90,600

Ongoing Case Processing Funds

**Purpose of funding request:** The Eighth District currently uses 1.0 FTE Judicial Assistant position that has been funded by the Judicial Council for many years by ARPA/One-time Turnover Savings. We are requesting ongoing case processing funding to make this position permanent.

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

The Eighth District Clerical Department consists of a Clerk of Court, Team Manager, two (2) Case Managers, Training Coordinator, and 12 Judicial Assistants. Since the COVID epidemic, the district has utilized a temporary JA FTE to assist with the backlog of cases and with the workload. The last 1x funding for this position is set to expire on June 30, 2026.

As we have used this position over the last several years, we feel the following reasons provide justification for permanent funding for this position:

1. The Clerical Weighted Caseload study shows a need for an additional 1.68 FTEs in 2024. We believe this position is critical for the 8<sup>th</sup> District.
2. The Eighth District is a combined district. Judicial Assistants are required to be proficient in their assigned court level plus be able to answer questions, take payments and accept filings for all court levels. Research shows that workers engaged in rapid task switching have a heavy productivity tax. This tax can reduce overall productivity by 40%.
3. Current overtime accrual is minimal because staff can flex off most potential overtime hours during the week. They can take the time off during the week and still be able to complete their tasks and duties. Losing this position would change staff's ability to flex time off during the week and result in more overtime.
4. Staff feel their jobs are more doable with this new position. I have talked with several staff members over the years, and they feel that the job tasks become more realistic and achievable with this additional position. Having this temporary position has resulted in an increase in morale in the district. They feel this temporary position enhances their ability to take time off and not come back to a caseload that is unmanageable. We have also seen an increase in staff willing to participate in committees. There is still the difficulty in rural districts of needing to be able to master both District and Juvenile court and all case types. Losing this position would require more staff time to complete the work, decrease morale and create the frustration of not being able to complete job tasks.

#### 4. FY 2027 Ongoing Case Processing Funds Spending Request – 8<sup>th</sup> District Judicial Assistant

5. Losing this position would be equal to a 10% increase in work for each Judicial Assistant. Currently, our JAs are working at 110% of the normal workload. By losing this position the percentage increases to 120%.

**Alternative funding sources, if any:**

If ongoing case processing funds are not available, we seek ongoing TOS funds or 1x funds (but need approval before June 30, 2026), so that this position has funding for the new fiscal year. If we only receive 1x funds, this position will be a time-limited position.

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

If this request is not funded it will result in delayed justice, decreased court access, additional mistakes, increased overtime, decreased morale, and potentially increased turnover.

## 5. FY 2027 Ongoing Case Processing Funds Spending Request – 6<sup>th</sup> District Team Manager

The Judicial Council approves uses of Ongoing Case Processing funds. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the Legislature-provided FY 2027 Case Processing Ongoing Funds for ongoing personnel and operational needs that will be funded in FY 2027.

**Date:** 04/28/2026

**Department or District:** 6<sup>th</sup> District

**Requested by:** Linda Ekker – Clerk of Court

**Request title:** 6<sup>th</sup> District Clerical Team Manager

**Amount requested:** \$112,300 Ongoing Case Processing Funds

**Purpose of funding request:**

We are requesting ongoing case processing funding for a Team Manager position in the Sixth District. **This request was submitted to the Judicial Council for the August 2025 Annual Budget meeting but not forwarded to the Legislature to reduce the total number of requests.**

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

The 6th District covers a large geographic area with six district court locations and six juvenile court locations across six counties, creating unique challenges in maintaining consistent operations, training, and oversight. Our teams are expected to maintain broad and complex knowledge of both district and juvenile court systems and processes. In district court, staff must understand front counter filings, payments, credits, CORIS, e-filing, XChange, MyPaperwork, JAQ, in-court processes and minute taking, as well as district accounting functions. In addition, staff are also expected to maintain working knowledge of juvenile court operations, including front counter filings, payments, credits, CARE and e-filing within that system, MyPaperwork, juvenile in-court processes and minutes, and juvenile accounting functions. This dual-court responsibility requires ongoing training, oversight, and support to ensure consistency and accuracy across all locations.

**Currently, the 6th District is the only judicial district in the state without a dedicated Team Manager position or both district and juvenile Clerk of Court support.** As a result, many management responsibilities fall to the Clerk of Court, and case managers who are already carrying full workloads. The most recent clerical weighted caseload study shows the district is operating at 127% of standard, ranking as the #2 most understaffed district by percentage statewide. While staff continue to assist across multiple sites to maintain service levels, this model is not sustainable and limits the district's ability to proactively train staff, monitor performance, and ensure quality control.

|                                     | Number of Staff | Team Manager |
|-------------------------------------|-----------------|--------------|
| 1 <sup>st</sup> District & Juvenile | 26              | 0*           |
| 2 <sup>nd</sup> District            | 72              | 2            |
| 2 <sup>nd</sup> Juvenile            | 21              | 2            |
| 3 <sup>rd</sup> District            | 154             | 3            |
| 3 <sup>rd</sup> Juvenile            | 38              | 2            |
| 4 <sup>th</sup> District            | 69              | 3            |
| 4 <sup>th</sup> Juvenile            | 30              | 1            |
| 5 <sup>th</sup> District & Juvenile | 42              | 1            |
| 6 <sup>th</sup> District & Juvenile | 15              | 0            |
| 7 <sup>th</sup> District & Juvenile | 18              | 1            |
| 8 <sup>th</sup> District & Juvenile | 19              | 1            |

\*Although 1<sup>st</sup> District lacks a team manager, they have two clerks of court. One handles juvenile court; one handles district court.

## 5. FY 2027 Ongoing Case Processing Funds Spending Request – 6<sup>th</sup> District Team Manager

### 2025 Weighted Caseload Results

(Filings 04/1/22 thru 03/31/25 3YA)

#### Clerical Weighted Caseload Summary Results

| Judicial District   | Updated<br>5/12/25<br>Existing FTE | FTE Need | Min. Staff<br>Adj.<br>rounded<br>nearest .5 | Total FTE Need | FTE<br>Difference | Difference<br>Between<br>Need &<br>Existing* | Caseload<br>as a % of<br>Standard |
|---------------------|------------------------------------|----------|---|----------------|-------------------|--|-----------------------------------|
| District 1          | 19.00                              | 22.01    | 0.00  | 22.01          | -3.01             | -3.01  | 115.9%                            |
| District 2          | 56.50                              | 60.36    | 1.50  | 61.86          | -5.36             | -5.36  | 109.5%                            |
| District 2 Juvenile | 15.00                              | 13.08    | 0.00  | 13.08          | 1.92              | 0.61   | 87.2%                             |
| District 3          | 128.15                             | 133.92   | 0.00  | 133.92         | -5.77             | -5.77  | 104.5%                            |
| District 3 Juvenile | 29.00                              | 24.62    | 1.50  | 26.12          | 2.88              | 0.27   | 90.1%                             |
| District 4          | 46.00                              | 58.22    | 0.50  | 58.72          | -12.72            | -12.72                                       | 127.7%                            |
| District 4 Juvenile | 21.25                              | 17.88    | 4.00  | 21.88          | -0.63             | -0.63  | 103.0%                            |
| District 5          | 28.75                              | 33.18    | 1.00  | 34.18          | -5.43             | -5.43  | 118.9%                            |
| District 6          | 8.00                               | 9.67     | 0.50  | 10.17          | -2.17             | -2.17  | 127.1%                            |
| District 7          | 12.25                              | 9.94     | 1.00  | 10.94          | 1.31              | 0.22   | 89.3%                             |
| District 8          | 12.25                              | 12.98    | 0.50  | 13.48          | -1.23             | -1.23  | 110.0%                            |
|                     | 376.15                             | 395.87   | 10.50                                       | 406.37         | -30.22            | -35.23                                       | 108.0%                            |

Establishing a full-time Team Manager would create the capacity needed to provide consistent leadership, coaching, and professional support to our entire clerical team. This role would assist the Clerk of Court in managing operations by directly supervising case managers, helping determine workload distribution, delegating assignments, monitoring and evaluating performance, supporting hiring efforts, and initiating corrective or disciplinary actions when needed. The position would also provide day-to-day operational support by assisting clerical staff with routine functions, including in-court rotations, and serving as an additional leadership resource for staff across the district.

This role would significantly strengthen quality assurance and accountability efforts by performing regular quality control reviews, help monitoring case assignments, helping monitor pending case status, and other managerial assistance. The Team Manager would have bandwidth to work with teams ahead of audits and provide follow-up training and refresher instruction after audits at all six locations. The position would also support management meetings, committee work, HR-related functions, reconciliation of accounts, deposits, purchasing activities, and other leadership responsibilities. This position would also help with burnout and turnover. The Team Manager could step in to cover responsibilities of the Clerk of Court or case managers when they take time off for vacation or medical that they may not otherwise feel that they could take.

Funding this position directly supports performance measures tied to efficiency, timeliness, consistency, and accuracy of court operations. It also aligns with the Utah Judiciary mission to provide the people of Utah with an open, fair, efficient, and independent system for the advancement of justice under the law. By strengthening leadership capacity, improving staff knowledge, and creating greater operational consistency across six counties and the rest of the state. This request would enhance public trust and confidence while improving access to justice.

## 5. FY 2027 Ongoing Case Processing Funds Spending Request – 6<sup>th</sup> District Team Manager

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

A legislative request could be made again, to help fund this position. Based on recent past Legislative approvals, we give this option a low success chance. Ongoing funds could also be used to make this request.

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

If this request is not funded at this time, the Team Manager responsibilities will continue to be absorbed by the Clerk of Court and case managers who are already carrying full workloads assisting their teams.

This will continue to limit our ability to provide consistent training, proactive supervision, quality assurance reviews, and regular monitoring of pending cases, aging caseloads, etc. While we can continue redistributing duties among current teams and asking employees to cover multiple sites and responsibilities, that approach is only a temporary workaround that stretches resources further, increases the risk of inconsistent practices and preventable errors, and diverts leadership attention away from critical operational priorities. A full-time Team Manager remains the most effective and sustainable solution to improve efficiency, strengthen accountability, support staff, and ensure the 6th District can continue meeting the needs of the public and the Judiciary's mission.

# **Item 2B**

## **Ongoing Funds Requests**

## 1. FY 2026 Ongoing Funds Spending Request – Juvenile Court Law Clerks

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the FY 2026 Ongoing Turnover Savings for ongoing personnel and operational needs that will be funded in FY 2026 (or FY 2027 if sufficient funds are not available in FY 2026).

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**Date:** May 6, 2026

**Department or District:** AOC - Juvenile Court Administration  
**Requested by:** Board of Juvenile Court Judges, Judge Westmoreland (Board Chair), Daniel Meza Rincón, Juvenile Court Administrator.

**Request title:** Two Additional Law Clerk Attorney Positions

**Amount requested:** One-time \$ N/A

Ongoing \$ 278,700 [2 FTEs] OR

Ongoing \$ 139,350 [1 FTE]

**Purpose of funding request:**

The Board of Juvenile Court Judges requests funding for **two additional Law Clerk Attorney positions** to be assigned to the Juvenile Court. The Utah Juvenile Court currently has three dedicated law clerks serving 33 judges across the state. The current clerk-to-judge ratio in the juvenile court is 1:11. With this request we seek to increase the resources and assistance available to Utah's juvenile court bench. Funding these positions will improve the clerk-to-judge ratio to **1:6.6** and bring it closer to that of the district court [1:2], appellate courts [2:1] and business and chancery court [1:1].

Assistance requested from the juvenile law clerk attorney team has increased drastically in recent years, and this shift is evidenced by the team's workload distribution: judicial assignments have surged from **48.5%** of the team's capacity in FY 2024 to **86.3%** in the first half of FY 2026. These percentages do not account for time spent updating judicial resources and completing additional administrative assignments. Given the entirety of their positions, the team's capacity has reached a breaking point. In the current fiscal year, the team has already been forced to reject five judicial assignments and delay the maintenance of vital judicial resources, such as the Benchbook and Case Law Index.

It should be noted that even with the increased requests from judicial officers, not every judge is currently requesting assistance from the team. Based on feedback from juvenile judges, several of them refrain from requesting assistance because they are aware the existing clerks are already too busy, with some specifically noting that there are currently only three clerks available to serve 33 juvenile court judges. This understaffing leads to longer turnaround times and prevents judges from delegating critical, time-intensive matters, as they do not want to overwhelm the limited staff or wait on delayed input when facing strict deadlines.

Law clerk attorneys have begun to assist several juvenile court judges with hearing attendance and order drafting for two of the most complex case types in the juvenile court: termination of parental right (TPR) proceedings and delinquency transfer cases. The complexity of both case types, and more specifically TPR orders, has increased given a series of landmark Utah appellate decisions (including *In re*

## 1. FY 2026 Ongoing Funds Spending Request – Juvenile Court Law Clerks

*B.T.B.* and *In re A.H.*) and legislative amendments that have fundamentally increased the evidentiary and analytical requirements for these orders.

These complex orders take juvenile law clerk attorneys on average about 64 hours per draft. — Survey data indicates that law clerk assistance with these orders saves judges an average of **54 hours per order** that they would have otherwise spent preparing initial research and drafting.

Adding two additional law clerk attorneys would expand the infrastructure and drastically increase the assistance available to the juvenile court bench. The consensus among the bench is that a single full-time law clerk attorney can realistically and effectively serve only three to four judges; this funding request, if approved, would help us get closer to this goal. The new clerk-to-judge ratio would be: **1:6.6**.

Should the request for two additional juvenile court attorney law clerks remain unfunded, we propose, budget permitting, the authorization of at least one additional position as a critical interim measure.

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

### **Progression of the Juvenile Law Clerk Attorney Role** **Increased Number of Requests for Hearing Attendance and Order Drafting**

From 2017 through early 2024, the Juvenile Court Law Clerk Attorney team was limited to two positions. Recognizing the shifting demands of the juvenile court, the Judicial Council approved a third law clerk attorney on May 20, 2024. Historically, this team has functioned in a dual capacity: providing legal research for the juvenile bench while simultaneously serving as a legal resource for the Juvenile Court administrative team and statewide juvenile leadership groups. The law clerk attorney team generally attends and provides assistance to the Board of Juvenile Court Judges, the Juvenile Probation Policy Committee, the Utah Rules of Juvenile Procedure Advisory Committee, the JVJUST Committee, the Artificial Intelligence Working Group, and others.

Over the past two years, the nature of judicial requests has evolved from "discreet legal questions" to comprehensive involvement in order drafting in both child welfare and juvenile delinquency proceedings. This shift is driven by two primary factors:

- **Heightened Case Complexity:** There has been a marked increase in the complexity of juvenile matters, particularly in **Termination of Parental Rights** cases. These proceedings require exhaustive legal analysis and lengthy, detailed orders. (This is further discussed in the next section)
- **Availability of Resources:** Law clerk attorney assistance for hearing attendance and order drafting was not previously available or advertised to the juvenile bench. The Law clerk attorney team and juvenile court administration have increased their messaging to juvenile court judges in the last two years about this type of assistance being available to them.

Law clerks are now frequently asked to attend hearings and trials in person—often at locations beyond the Matheson Courthouse—to assist judges with real-time research and the drafting of critical decisions

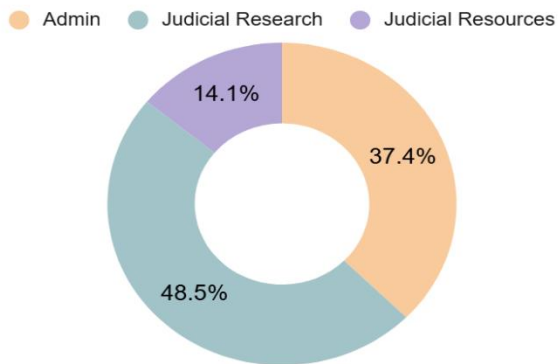
## 1. FY 2026 Ongoing Funds Spending Request – Juvenile Court Law Clerks

in both child welfare and delinquency proceedings. The transition toward in-depth research and drafting assistance is a proactive response to the bench's needs.

To meet the rising demand for direct judicial support, the team has intentionally reduced its administrative footprint. This strategic pivot ensures that law clerk resources are prioritized where they have the highest impact. The Juvenile Court Administrative team is currently engaging in conversations that will further shift any remaining administrative tasks and responsibilities from the juvenile law clerk attorney team.

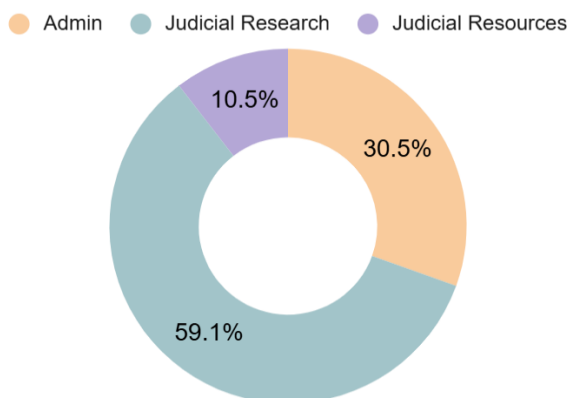
In fiscal year 2024, juvenile court law clerk attorneys divided their full-time attention with 48.5% spent on judicial assignments, 37.4% on administrative assignments, and 14.1% on maintaining judicial resources.

### Fiscal Year 2024



In fiscal year 2025, as juvenile court law clerk attorneys received increasingly complex judicial requests, their attention to judicial assignments necessarily increased. During fiscal year 2025, law clerk attorneys' full-time attention was divided with 59.1% spent on judicial assignments, 30.5% on administrative assignments, and only 10.5% on maintaining judicial resources.

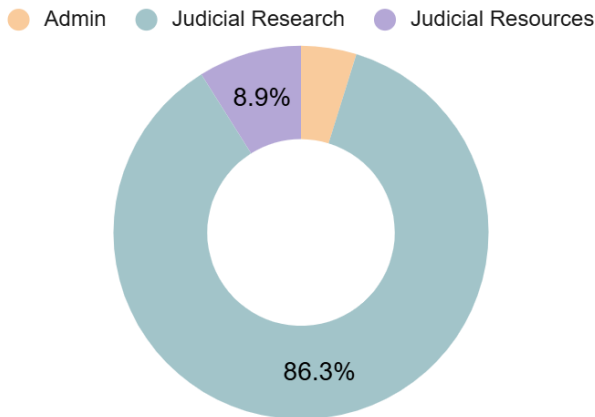
### Fiscal Year 2025



## 1. FY 2026 Ongoing Funds Spending Request – Juvenile Court Law Clerks

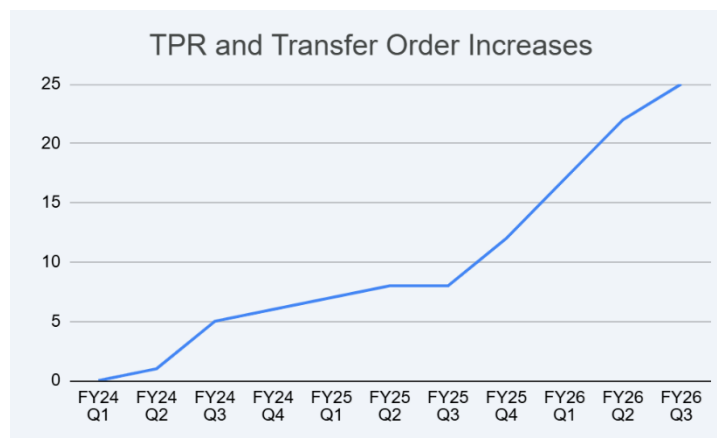
This trend has also continued through the first half of fiscal year 2026, as the law clerk attorneys divided their full-time attention with 86.3% spent on judicial assignments, and only 4.8% and 8.9% spent on administrative assignments and maintaining judicial resources, respectively.

### Fiscal Year 2026



### Complexity of Judicial Requests

The two most complex orders drafted by juvenile court judges are orders terminating parental rights (TPR orders) and orders transferring juveniles to the district court for adult criminal proceedings (Transfer orders). In the last three years an average of 378 TPR petitions and 51 informations have been filed in the juvenile court. Juvenile Court Judges now know they can reach out to the juvenile court law clerk attorney team for assistance with these case types, and in early 2025, a portion of the juvenile court bench sharply increased its reliance on law clerk attorneys for these specific assignments. Not all juvenile court judges currently access the law clerk attorney team for assistance.



The labor requirements for TPR and Transfer orders are substantially higher than for other types of orders:

## 1. FY 2026 Ongoing Funds Spending Request – Juvenile Court Law Clerks

TPR and Transfer Orders: Average 64 hours per draft. *[It should be noted that Judges currently receive 374.7 minutes [6.2 hours] for TPR filings and 197.1 [3.285] hours for Transfer cases in the juvenile judicial workload study. This discrepancy in time allotted and time required for these case types has been flagged and it will be addressed with the committee this year. Case weights have not been revised since 2022.]*

Other Case Type Orders: Average 30 hours per draft.

This difference in time-per-assignment reflects the intensive research, hearing attendance, and evidentiary synthesis required to produce legally sound drafts in high-stakes proceedings. It further reflects the increase in complexity of these types of cases. Since 2020, a series of landmark Utah appellate decisions and legislative amendments have fundamentally transformed the requirements of TPR orders. The court must now navigate a rigorous, multi-layered analysis that was not previously required:

### Recent Case law

- a. [In re B.T.B., 2020 UT 60](#)
  - i. This case required the court to analyze whether termination is strictly necessary in the best interests of the child, which requires the court to compare termination to alternatives, and if the alternative is as good as termination, then termination is not strictly necessary
  - ii. The 2020 general session also included H.B. 158, which added the "strictly necessary" requirement to the Utah Code under § 80-4-104 and explained what "strictly necessary" means in § 80-4-301(2)
- b. [In re B.W., 2022 UT App 131](#)
  - i. This case established that the court must make explicit findings for *at least one ground* justifying termination and make a separate finding that termination is in the child's best interest
  - ii. It also reiterated and clarified *In re B.T.B.*'s requirement that the court explain why feasible alternatives were not as much in the child's best interest as termination
- c. [In re G.H., 2023 UT App 132](#)
  - i. This holding affects the complexity of orders for permanent custody and guardianship in termination proceedings
  - ii. Where the court orders complete discretion regarding parental visitation to the permanent custodian/guardian, they must make case-specific findings as to why on the record
- d. [In re H.H., 2024 UT App 25](#)
  - i. The court must put on the record
    1. *That* termination is strictly necessary
    2. The reasoning showing why termination is strictly necessary in comparison to the feasible alternative
    3. The court must show the reasoning linking the evidence and the court's conclusions
- e. [In re A.H., 2024 UT 26](#)
  - i. This case required the juvenile court to place some additional findings on the record in cases where termination is ordered
    1. The court could not rely on "categorical considerations" alone in determining that termination is more in the child's best interest than permanent custody and guardianship, such as the greater permanency of termination

## 1. FY 2026 Ongoing Funds Spending Request – Juvenile Court Law Clerks

- a. Instead, if the court depends in some way on such categorical considerations, it has to also use the specific facts of that case to show that, in that case, the greater permanency (or other categorical consideration) makes termination more in that child's best interest
- ii. It also clarified certain already existing requirements
  1. The best interest analysis must be a present tense analysis - the past could be considered, but the child's best interests must be their best interests now
- iii. This case also explained and clarified (expanded) the required degree of exploration and explanation of feasible alternatives
- f. [\*In re D.S., 2025 UT 11\*](#)
  - i. Like *In re A.H.*, this case reiterates and clarifies the degree of detail that is required to show that the statutory criteria have been satisfied regarding grounds for termination, the best interest analysis, and whether termination was strictly necessary in the child's best interest

The juvenile court law clerk attorney team requested feedback from judges they assisted in the drafting of TPR and transfer orders. Judges indicated that the law clerk attorneys' work saved those judges 54 hours, on average, that they would have otherwise spent preparing initial drafts of those same orders. Some judges reported law clerks saving them 80 or more hours on Transfer and TPR orders. This level of assistance allows judges to focus more of their time on managing their entire docket efficiently while still meeting all judicial timelines. One judge remarked that, without recent law clerk assistance on research and drafting two orders, due to his workload, “[m]ost of [his] work on both of those motions would have to be done on weekends, holidays, and after regular business hours.”

The Law Clerk Attorney team continues to prioritize these complex judicial assignments to ensure the court meets its statutory timeframes. However, the team's capacity has reached a breaking point:

- **Denied Requests:** In Fiscal Year 2026 to date, the team has already been forced to **reject five judicial assignments** due to workload saturation.
- **Truncated Services:** To avoid outright rejections, the team has frequently had to truncate the scope of other assignments, potentially diminishing the depth of support available to the bench.
- **Delay in Updating Judicial Resources:** The Law Clerk attorney team is responsible for updating the Juvenile Court Benchbook, Case Law Index and Judicial Memo bank. These resources have not been kept up to date as often as the team has wanted due to the prioritization of judicial requests.

### **Juvenile Court Judge Survey Results**

The juvenile court administration team surveyed the juvenile bench statewide to seek feedback on their current use and need for law clerk attorneys. A total of 25 juvenile court judges responded to the survey, 18 of them noted that they currently seek assistance from law clerk attorneys for the following reasons:

- to relieve an excessive workload,
- to research and analyze complex legal issues,
- to review and edit major written orders and decisions,
- to assist with trials and evidentiary hearings, and
- to draft findings and orders.

## 1. FY 2026 Ongoing Funds Spending Request – Juvenile Court Law Clerks

While a majority of the surveyed judges currently utilize law clerks to help manage their excessive workloads and research complicated legal questions, their ability to effectively use this resource is severely bottlenecked by current staffing constraints. Many judges refrain from requesting assistance because they believe the existing clerks are already too busy, with some specifically noting that there are currently only three clerks available to serve 33 juvenile court judges. This understaffing leads to longer turnaround times and prevents judges from delegating critical, time-intensive matters, as they do not want to overwhelm the limited staff or wait on delayed input when facing strict deadlines.

**Adding two additional law clerk attorneys would drastically improve judicial efficiency and case management.** An overwhelming majority of the surveyed judges—21 in total—indicated they would utilize law clerk services much more frequently if the judge-to-clerk ratio was reduced so they only shared a clerk with one or two other judges. The consensus among the bench is that a single full-time clerk can realistically and effectively serve only three to four judges. By securing funding for two additional law clerks, the court could increase the dedicated support necessary for law clerks to be involved in complex cases from beginning to end, listen to trials, and provide tailored, rapid work products. This increased capacity, particularly if new law clerks can be co-located with the judges they serve, would allow the bench to confidently delegate heavy drafting and research tasks, significantly optimizing the workflow of the juvenile court.

Adding two additional law clerk attorneys would get us closer to the desired ratio of juvenile court law clerks to judges expressed in the survey. The current 1:11 ratio would become 1:6.6.

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

Although ongoing turnover savings are also available as a source to fund this request, case processing ongoing funds are particularly a good source of funds since this request is directly related to the statutory changes cited above for which case processing funds are designed to be used. While the Utah Judiciary's efforts to develop AI resources to assist in reducing the amount of time it takes for juvenile court judges and law clerk attorneys to conduct legal research and writing, the use of AI tools still critically requires human oversight and involvement.

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

Without this critical funding, the law clerk attorney team will continue to prioritize judicial assignments to ensure the court meets its statutory timeframes. However, given that the team's capacity has reached a breaking point, we anticipate additional requests from judges will be denied due to capacity and that there will be a continued delay in updating judicial resources - Juvenile Court benchbook, case law index and judicial memo bank. If these resources or tools cannot be kept up to date, they will have limited or no value to the juvenile court bench.

The juvenile court administration team will continue to engage in conversations to reduce and or eliminate any additional administrative duties assigned to the team. Even when this is a clear path moving forward this may not have the impact we desire, the team has only spent 4.8% of their time on these types of assignments in FY26.

## 1. FY 2026 Ongoing Funds Spending Request – Juvenile Court Law Clerks

Judge feedback is that law clerk attorney assistance with TPR and Transfer case order drafting has helped save them 54 hours, on average, that they would have otherwise spent preparing initial drafts of those same orders. One judge remarked that, without recent law clerk assistance on research and drafting two orders, due to his workload, “[m]ost of [his] work on both of those motions would have to be done on weekends, holidays, and after regular business hours.” No additional law clerks could inevitably contribute to prolonged judicial burnout. Judges will continue working through evenings, weekends, and holidays to manage workload tension that law clerk attorneys are intended to alleviate.

Should the request for two additional juvenile court attorney law clerks remain unfunded from case processing funds, we propose, budget permitting, the authorization of at least one additional position as a critical interim measure either from case processing or ongoing turnover savings funds. In the event that no new staffing can be supported at this time, we plan to present this as a legislative request for the FY 2027 budget cycle, to be reviewed at the August 2026 Annual Judicial Council budget meeting. We remain committed to pursuing these essential resources for our juvenile court bench.

## 2. FY 2026 Ongoing Funds Spending Request – Fund 5th District Court Case Manager

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the FY 2026 Ongoing Turnover Savings for ongoing personnel and operational needs that will be funded in FY 2026 (or FY 2027 if sufficient funds are not available in FY 2026).

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**Date:** May 15, 2026

**Department or District:** Fifth District

**Requested by:** Cade Stubbs

**Request title:** Fifth District Court Case Manager

**Amount requested:** \$14,800

**Purpose of funding request:**

The Fifth District Court was fortunate to receive an additional judicial vacancy in the most recent legislative session, adding a much needed sixth judge to sit on the District Court bench in St. George. Bringing on an additional judge and two additional judicial assistants illuminates our need for an additional case manager to help support both our growing staff and our growing bench.

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

The St. George District Court in-court team has operated with two case managers for nearly two decades. Originally, one case manager supported two judges and three judicial assistants while the other case manager supported one and a half judges (one shared time between Cedar City and St. George) and two judicial assistants. In the fall of 2026, we will see those two case manager positions supporting three judges and seven judicial assistants each which is well beyond the District Court standard of 1 case manager for every 5 judicial assistants. A third case manager will allow each in-court case manager to support two judges and between 4 and 5 judicial assistants.

To minimize the necessary funds to do this, our new judge position will come with two judicial assistants, and we propose taking one of those positions and converting it into a case manager position. Per AOC Finance's FY 27 salary and benefits table, a judicial assistant in FY27 will cost \$90,600. A case manager position in FY27 will cost \$105,400. The difference, and the amount we are requesting in ongoing funding, is \$14,800.

**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?**

Although we can proceed with two case managers supporting three judges and seven judicial assistants each, if sufficient ongoing funds are not available to fund this amount in June 2026, we ask that the request be approved and placed in a "Deferred Ongoing Request" category and be funded if adequate uncommitted ongoing funds become available in FY 2027.

### 3. FY 2026 Ongoing Funds Spending Request – Incremental Funding of Appellate Conferences

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the FY 2026 Ongoing Turnover Savings for ongoing personnel and operational needs that will be funded in FY 2026 (or FY 2027 if sufficient funds are not available in FY 2026).

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**Date:** 13 May 2026

**Department or District:** Education and Appellate Courts

**Requested by:** Lauren Andersen and Nick Stiles

**Request title:** Incremental Funding for Appellate Court Conferences

**Amount requested:** One-time \$ \_\_\_\_\_

Ongoing **\$35,000** \_\_\_\_\_

**Purpose of funding request:**

An additional \$35,000 annually to support the Appellate Courts' conferences as the Appellate Court and the Supreme Court grow.

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

The growth of the Appellate Courts has created a need for additional out-of-state travel expenses in the Education Department. We are requesting \$35,000 in ongoing funds.

**Background**

Before 2021, the Appellate Courts' conferences were held outside of Salt Lake City. Like other spring conferences, meeting rooms were booked, hotel rooms were used, travel expenses incurred, and speakers were flown into Utah to present to our Appellate Court benches. When the Education budget was reduced in 2020, the Appellate Courts' Spring Conference was moved to Matheson Courthouse for a one-day more cost-effective training. In addition to the one-day local conference, the Appellate Courts requested and received \$22,200 to attend the Appellate Judges' Education Institute (AJEI) Summit. The Appellate Courts' judicial officers have attended the Summit since 2021. The AJEI Summit serves appellate judicial officers from across the country. It brings in speakers that the Education Department cannot afford. Speakers like Hon. Jeremy Fogel and Professor Neil Siegel, who have asked \$3,000 for each conference speaking engagement. AJEI also has breakouts for both judges from intermediate courts of appeal and courts of last resort, which is challenging to accomplish with a small local conference.

Each year, the cost of the AJEI Summit has increased. As costs for the AJEI Summit have increased, the Education Department and the Appellate Courts' Administrator have shared the expenses for the Summit and the travel. In practice, the Education Department has provided \$22,200 in base funding, and the Appellate Courts have covered any additional expenses arising from the Summit.

**Request**

The Education Department utilized its Out-of-State Travel scholarship fund to support attendance at the AJEI. This meant that 12 scholarships were used each year to support attendance at the AJEI. These were 12 scholarships that were not available to judicial officers serving on other benches. In a recent

**3. FY 2026 Ongoing Funds Spending Request – Incremental Funding of Appellate Conferences**

Standing Education Committee meeting the Chair, appellate Judge Ryan Tenney, asked the Education Department to seek a way to provide more scholarships to judges serving on the trial benches.

To increase funds to the out-of-state travel scholarship fund and serve the needs of the Appellate Courts, the Education Department seeks an additional \$35,000 to cover the costs associated with the AJEI Summit each year.

The breakdown of the request is summarized here:

| Judicial Officer Bench    | Event       | Funding Request |
|---------------------------|-------------|-----------------|
| Chief Justice             | AJEI Summit | \$2,187.50      |
| Justice                   | AJEI Summit | \$2,187.50      |
| Justice                   | AJEI Summit | \$2,187.50      |
| Justice                   | AJEI Summit | \$2,187.50      |
| Justice                   | AJEI Summit | \$2,187.50      |
| New Justice               | AJEI Summit | \$2,187.50      |
| New Justice               | AJEI Summit | \$2,187.50      |
| Appellate Court Judge     | AJEI Summit | \$2,187.50      |
| Appellate Court Judge     | AJEI Summit | \$2,187.50      |
| Appellate Court Judge     | AJEI Summit | \$2,187.50      |
| Appellate Court Judge     | AJEI Summit | \$2,187.50      |
| Appellate Court Judge     | AJEI Summit | \$2,187.50      |
| Appellate Court Judge     | AJEI Summit | \$2,187.50      |
| Appellate Court Judge     | AJEI Summit | \$2,187.50      |
| New Appellate Court Judge | AJEI Summit | \$2,187.50      |
| New Appellate Court Judge | AJEI Summit | \$2,187.50      |
| <b>Total</b>              |             | <b>\$35,000</b> |

**Alternative funding sources, if any:**

Funds from the Education Department’s out-of-state Scholarship program and Appellate Courts may be used for the AJEI Summit. This will reduce the number of scholarships available to award trial court judicial officers.

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

See above.



#### 4. FY 2026 Ongoing Funds Spending Request – AOC Dept of Administrative Services Director

**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?**

Without this position, the AOC will continue relying on a structure that has allowed these responsibilities to be covered in the short term, but is no longer adequate for the number, complexity, and importance of the functions now assigned to it. Existing department directors would continue to divide their attention between core responsibilities and additional statewide functions that require more focused management. As a result, the AOC would have less ability to provide consistent oversight and clear accountability for these services.

## 5. FY 2026 Ongoing Funds Spending Request – Employee and Judicial Officer Wellness

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of the FY 2026 Ongoing Turnover Savings for ongoing personnel and operational needs that will be funded in FY 2026 (or FY 2027 if sufficient funds are not available in FY 2026).

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**Date:** 05/19/2026

**Department or District:** State Court Administrator

**Requested by:** Neira Siaperas and Karl Sweeney

**Request title:** Employee and Judicial Officer Wellness Resources

**Amount requested:** One-time \$94,600 (prior year request was \$103,100)

**Purpose of funding request:**

This request proposes to continue providing court employees (including judicial officers) and their dependents with continued access to essential employee wellness resources through continuing to fund our Tava contract. Judicial officers joined the Court’s contract for Tava in April 2026 as the Utah Bar discontinued their coverage. For FY 2027, we are seeking 1x funds to cover the FY 2026 trended coverage of sessions increased for the judicial officers.

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

In 2023, the AOC established a Statewide Wellness Steering Committee (the “Committee”) to make recommendations regarding employee wellness. The Committee recommended Tava (based on favorable reports from other law-related users of Tava). The contract was a sole-source contract that included six online therapy sessions per year (prepaid by this contract) per eligible person (with some in-person session availability) and an app that provides access to daily wellness tracking and evaluation, recommendations, and wellness education.

Mental health resources are difficult to find and wait times for an appointment with a therapist are often long. These two obstacles mean that many people do not access mental health resources when they need them most. The need for mental health resources is important for everyone and is especially acute for people whose jobs expose them to traumatic events. All court employees may be exposed to traumatic events, some firsthand and some secondhand through the cases we handle.

Tava offers easy-to-use, confidential, online, and in-person therapy. Tava matches clients with a therapist based on the client need and helps the client see the therapist within a few days, and oftentimes within 24 hours. The contracts provide every state court employee and their dependents with six no-customer charge counseling sessions per year. After the six no-customer charge sessions, employees can use PEHP benefits to help pay for the cost of additional sessions (\$127.34/session is the cost for the contract year beginning October 2026).

The online platform allows our employees to access the services without the additional time and expense of traveling to a therapist’s office. Tava therapists also offer appointments during non-traditional hours making it easier for employees to find time to access the benefit. The quick turnaround for appointments reduces the risk of employees deciding against mental health care because of the long

## 5. FY 2026 Ongoing Funds Spending Request – Employee and Judicial Officer Wellness

waiting times. The ease of access results in more employees using the benefit which will subsequently result in a happier, healthier, more productive workforce.

The cost for Tava for FY 2026 based on the run-rate through the first 6 months of the current contract year is as follows:

|   |                 |
|---|-----------------|
| Total sessions through March 2026 =254/6 months = 42 x 12 months =          | 504             |
| Forecasted Increase in annual sessions for judges and dependents (per Tava) | <u>96</u>       |
| Forecasted Total sessions in FY 2027  | 600             |
| Cost per session in FY 2027   | <u>\$126.50</u> |
| Total session cost in FY 2027   | \$75,900        |
| Total per employee costs (\$1.33 x 1170 total employees)                    | <u>\$18,700</u> |
| Grand total   | \$94,600        |

This proposal recognizes that the demanding nature of the work of the courts can create or add to mental health difficulties for our employees. It also recognizes that our work exposes employees to potentially traumatic situations. Providing these resources is a way for the state courts to be proactive in helping our employees manage their wellbeing,

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

Employees have access to mental health services through their health insurance, including two designated providers, Blomquist Hale and Brightside Health. However, out-of-pocket costs with these two providers can vary based on the employee's selected insurance plan, which may create financial barriers to care. Additionally, navigating these providers can be complex and discouraging, leading many employees to forgo the services altogether. Users have reported difficulties with Blomquist Hale, including extended wait times for appointments and concerns about the overall quality of care.

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

The mental health needs of many employees would continue to go unmet. The state courts would miss the opportunity to improve the wellbeing and productivity of our workforce.

# **Item 2C**

**Carryforward into FY 2027**

**1x Funding Requests**

## 1. FY 2027 Carryforward Spending Request – Public Transit Reimbursement Program

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025, and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carry forward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.

**Date:** 05/01/2026

**Department or District:** AOC - Finance

**Requested by:** Suzette Deans and Karl Sweeney

**Request title:** FY 2027 Public Transit Partial Reimbursement Program

**Amount requested:** One-time \$ 61,200 (prior year request was \$60,000)

**Purpose of funding request:**

To provide up to +/-96 Court employees state-wide with an opportunity to receive 90% reimbursement of the costs paid for utilizing public transit until the carryforward funds are depleted. We currently average 96 participants per month. **This is a non-taxable fringe benefit that Congress has chosen to offer as a tax incentive to encourage employers to offer it.**

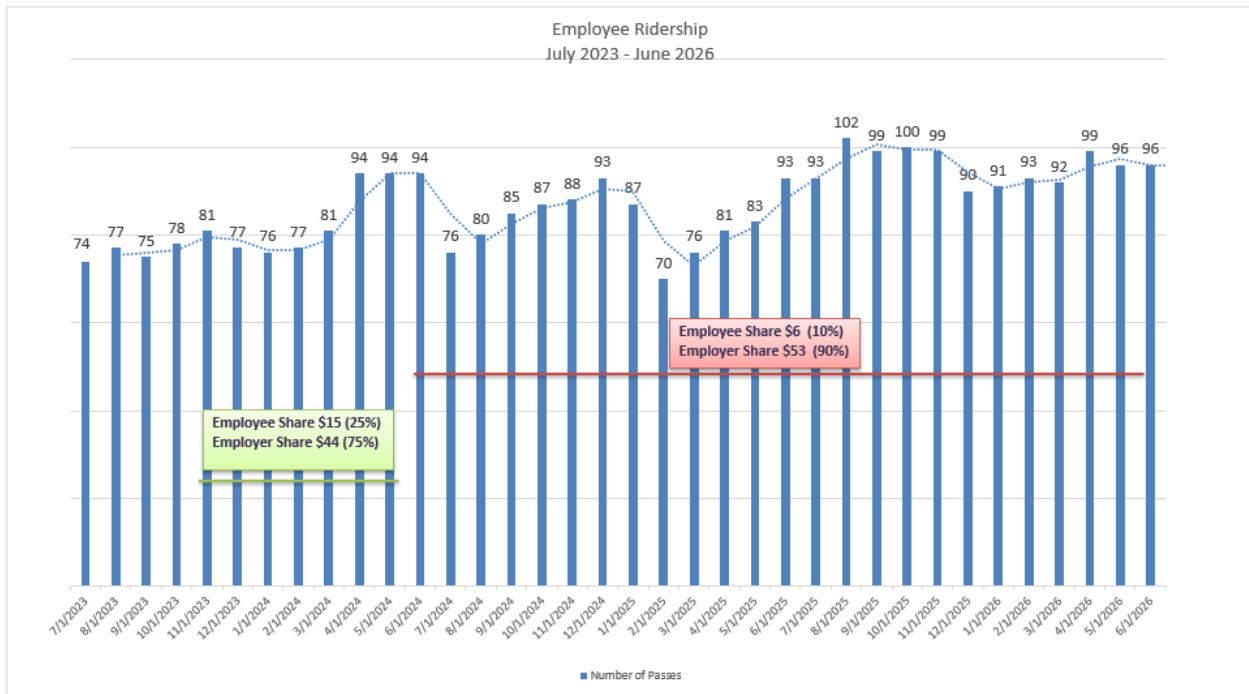
We request \$61,200 in one-time carryforward funds to continue a public transit program that is (1) open to all employees but targeted to benefit those who use public transportation most, (2) state-wide (not just UTA), and (3) very reasonable in administrative cost. The old Eco-Pass program was eliminated in the budget cuts of 2020. Because the old Eco-Pass program fully paid for every member of the Courts to receive an Eco-Pass, it was expensive (\$124,000 per year). However, a new Eco-Pass program was offered by UTA which offered a monthly pass at \$59 per person. We have gradually raised the reimbursement to 90% which provides a good balance between affordability (\$6 per person per month is the employee cost) and cost to the court (which is only \$5,100 per month, less than ½ the cost of the old Eco-Pass). For non-UTA users (there are none at present) they must provide a receipt and request reimbursement through an expense report.

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

### Background

Effective August 2021 in connection with an improved UTA Eco-Pass plan, the Courts instituted a reimbursement program which paid 50% of the monthly cost of commuting on public transportation throughout the state. At the beginning of this program, there was an average of 30 riders per month. As we increased the reimbursement percentage over time, the average ridership also increased to approximately 96 as shown in the following chart.

# 1. FY 2027 Carryforward Spending Request – Public Transit Reimbursement Program



We are not in a financial position to have every court employee participate due to the different program offered by UTA today (no fixed costs, but higher monthly costs). If all 800 former Eco-Pass holders decided to enroll in today’s UTA plan, the annual cost to reimburse participants would be  $800 \times \$59 \times .90 \times 12 \text{ months} = \$509,760$ . So, we plan to maintain some minimum co-payment requirement which provides Court employees who regularly commute with a very affordable monthly payment. Going to a zero required co-payment would potentially draw non-work-related users into the Eco-Pass program to the disadvantage of those who have a business-related use.

At 96 Eco-Pass participants, the annual utilization of carryforward funds at a 90% reimbursement rate would be on target with our request for \$61,200:

$$96 \times \$59 \times 90\% \times 12 \text{ months} = \$61,171.$$

We expect the requested funding will be adequate, however, should the number of persons increase above the maximum 96 monthly riders, our plan is to either make a supplemental request or increase the copayment to reduce the fund utilization.

### Alternative funding sources, if any:

None

## 1. FY 2027 Carryforward Spending Request – Public Transit Reimbursement Program

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

The Courts' benefits have historically offset somewhat lower wage scales. This is a benefit that supports other benefits (retirement, medical, etc.) in attracting candidates to the Courts. With no funding, those Court employees who need this non-taxable fringe benefit as a way to offset rising living expenses would be negatively impacted. Recruiting and retention could also be negatively impacted.

## 2. FY 2027 Carryforward Spending Request – Education Assistance Program

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025, and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carry forward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.**

**Date:** 05/01/2026

**Department or District:** AOC Finance

**Requested by:** Alisha Johnson

**Request title:** Education Assistance Program Funding for FY 2027

**Amount requested:** One-time **\$85,000** (prior year request was \$85,000)

**Purpose of funding request:**

The Utah Courts encourage employees to seek further education to perform their jobs more effectively and to enhance their professional development. These requests are tracked by AOC Finance which evaluates all requests and thereby assists employees in the pursuit of educational goals by granting reimbursement of educational expenses to Court employees under specified circumstances. This request will subsidize education assistance for court employees for FY 2027.

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

All benefitted Court employees are eligible to apply for this benefit. HR policy currently in effect specifies the educational pursuit must be an evident benefit to the Courts and have approval of the Court Executive or Director. The employee enters into an Education Assistance Contract prior to the beginning of the course and may be reimbursed for their costs (tuition and fees) at the successful conclusion of the course (successful means a final GPA of 2.0 or better). If the employee leaves the Courts within 12 months of receiving an Educational Assistance reimbursement, HR policy allows the Courts to ask that the departed employee repay any education assistance money received within the 12-month period after departure. **The Court's Education Assistance Program complies with section 127 of the IRS Code which limits reimbursements to any person at \$5,250 per calendar year per employee as a non-taxable fringe benefit.**

**Alternative funding sources, if any:**

This funding is not included in our base budget and the courts have traditionally used carryforward funds to provide this benefit.

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

Employees will not receive reimbursement for their educational pursuits. This will place the Courts at a competitive disadvantage in the pursuit of the best talent.

### 3. FY 2027 Carryforward Spending Request – HR Applicant Tracking System

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025 and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.**

**Date:** 05/05/2026

**Department or District:** AOC - HR

**Requested by:** Bart Olsen and Jeremy Marsh

**Request title:** HR Applicant Tracking System

**Amount requested:** One-time \$23,700

**Purpose of funding request:**

The Judiciary's Human Resources (HR) Department initially sought approval to fund the Applicant Tracking (iSolved) and Onboarding (HireForms) solutions a few years ago. HR requests another year of funding for these solutions to properly protect the Judiciary as an employer and the information security of applicants seeking to fill employment opportunities with the Judiciary.

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

The HR Department's mission is to provide personnel tools and solutions that enable staff and judicial officers to advance the mission of the Judiciary. The current iSolved and HireForms solutions remain essential to ensure the secure handling of personally identifiable information (PII) and to prevent significant operational setbacks associated with manual paperwork for I-9 processing.

HR had hoped the Vantage recruitment and onboarding systems (Cornerstone), provided by the Executive Branch, might meet the Judiciary's needs. However, recent testing and implementation efforts revealed a critical functional gap: the Cornerstone onboarding platform does not enable the Judiciary to process I-9 forms. After meeting several times with the Vantage Implementation Team of the Executive Branch Division of Human Resource Management (DHRM), the Implementation Team determined this was a DHRM oversight that they may be able to fix within the next calendar year or so. The team indicated it would require programming time and project prioritization that could not occur any sooner.

**Alternative funding sources, if any:**

There are currently no alternative funding sources for these critical tools. This \$23,700 request utilizes unspent FY 2026 funds that the Legislature has already approved for carry-forward into FY 2027.

### 3. FY 2027 Carryforward Spending Request – HR Applicant Tracking System

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

HR staff and district leadership would experience a significant increase in administrative burden from handwritten paperwork and manual data entry. Judiciary managers and HR staff would have to revert to scanning and emailing documents containing PII, greatly increasing the risk of data loss and non-compliance with modern security standards.

Beyond data security, reverting to manual processes exposes the Judiciary to severe financial penalties under ICE's March 2026 reclassification of I-9 violations. Many errors that were previously correctable are now "substantive" violations, carrying fines of up to \$2,861 per form, even if the Judiciary has retained copies of the underlying documents.

Finally, new hires would experience delays in receiving system access, negatively impacting their productivity and the professional onboarding experience the Judiciary aims to provide.

## 4. FY 2027 Carryforward Spending Request – IT Contract Developers

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025, and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.

**Date:** 05/10/2026

**Department or District:** AOC Information Technology

**Requested by:** Brody Arishita

**Request title:** Contractor Support for Senior Project Manager/Developer training and Critical IT Projects

**Amount requested:** One-time \$ 682,000 (prior year's request was also for \$682,000)

**Purpose of funding request:**

This request for retaining our current experienced contract developers is critical for the success of IT, the Courts, Senior Project Managers (SPMs) and our ability to deliver essential development projects for the courts. These long-term contractors possess a diverse range of skills and institutional knowledge that allows us to adopt an agile approach, deploying the necessary expertise based on each project. Their continued involvement is crucial for ongoing development in key areas like CORIS Rewrite, Judicial Workspace and Xchange. Funding their positions is not only vital for SPMs, but also essential to the Courts' commitment to advancements like e-filing, MyCase, OCAP, and ODR and modernization of existing Court applications (e.g. CORIS, CARE, and Judicial Workspace). These initiatives, launched in recent years to improve access to justice, rely heavily on dedicated contract IT resources. Without continued investment in these contract developers, the increasing efficiencies we seek from these critical functions of the court would be at risk.

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

Our utilization of long-term contractors over the past few years has proven to be a valuable resource. It allows us to be adaptable and responsive to project needs by bringing in specific skillsets that complement our existing IT staff and address any technological shortcomings.

**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?**

The designated projects will not get the needed support and will necessarily be slowed.

## 5. FY 2027 Carryforward Spending Request – Network/System Maintenance Staff Aug.

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025, and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.

**Date:** 05/10/2026

**Department or District:** IT & Facilities

**Requested by:** Todd Eaton & Chris Talbot

**Request title:** Network/System Maintenance - Staff Augmentation

**Amount requested:** One-time \$ 50,000 (prior year's request was \$150,000)

**Purpose of funding request:**

This request establishes a fund for maintenance, repairs, and other non-technical tasks statewide, ensuring IT staff can stay focused on higher-value work. By leveraging vendors on state contracts, this funding provides ongoing support without diverting IT resources. It covers labor, travel, and necessary hardware. The efficiencies enabled by this funding should be maintained.

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

Over the past year, this funding has supported a variety of maintenance, hardware, and service needs statewide. The increased request from last year additionally covered our project to expand the wireless coverage for our network statewide. For this year we have reduced this request back to the standard ask of \$50,000 as there are no notable projects requiring additional funding.

Some of the projects covered in addition to the wireless expansion

- Multiple office reconfigurations which required network cabling (Law Library/SHC, 3<sup>rd</sup> juvenile, Appeals)
- Drone detection cabling in the Provo Courthouse
- Battery backs ups required in the sixth district courtrooms
- Relocation of the Heber staff into their new building
- Various core audio/video component repairs and replacements throughout the state

Benefits of Funding:

- Reduces strain on IT staff, allowing them to focus on more technical projects
- Prevent delays in maintenance and network and audio/video infrastructure improvements
- Ensures stable, high-performance Wi-Fi in courtrooms

Examples of work covered by this funding:

- Network jack repair/relocation
- Wireless access point relocations/additions for better coverage
- Addition of network jacks for office reconfigurations
- Audio/Video repairs – cameras, sound systems, microphones

## 5. FY 2027 Carryforward Spending Request – Network/System Maintenance Staff Aug.

**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?**

Without this funding, IT and Facilities will have to absorb these costs, forcing tough trade-offs. IT staff will be shifted from higher-priority projects, delaying key efforts, while Facilities may have to postpone planned upgrades to cover maintenance needs.

## 6. FY 2027 Carryforward Request – IT – PCs, Printers, Peripherals Replacement Inventory

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025, and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.

**Date:** 5/10/2026

**Department or District:** AOC Information Technology  
**Requested by:** Todd Eaton

**Request title:** IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements

**Amount requested:** One-time **\$364,000** (prior year's request was \$200,000)

**Purchasing Process Followed:**

IT purchases all these items through vendors/resellers who are on state contract. Most of these contracts are multiple award contracts with many vendors to choose from. We use multiple State of Utah contracts and solicit competing bids for the lowest price and fastest speed of delivery.

**Purpose of funding request:**

IT follows an annual laptop replacement schedule, aiming to refresh all laptops every five years. The program was initially funded at \$250,000 per year, increasing to \$364,000 in FY23. The goal was to fully establish the five-year replacement cycle by FY26, and we are now very close to achieving that milestone, with full implementation well within reach.

This request was reduced last year due to a large off-cycle laptop order for \$300,000 placed in March 2025 to avoid tariff price increases. This year we are returning to the original amount, which has not been reduced because the market price for laptops and PCs has increased substantially and maintaining this funding will be required to continue our 5-year replacement cycle goal for desktop computers.

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

This \$364,000 request will support the replacement of various equipment, including laptops, scanners, printers, desktop computers for courtrooms, and other peripherals that enhance court staff productivity. This funding allows us to maintain our established five-year laptop replacement cycle and address the replacement of other essential peripherals as they reach end-of-life or experience failure.

**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?**

When laptops, printers, or scanners fail, employees either must go without or rely on older equipment that may still function. Without IT funding, local districts may be forced to cover these costs, potentially straining their budgets.

## 7. FY 2027 Carryforward Request – IT – Stipend for Tech Subject Matter Experts

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025, and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.

**Date:** 05/06/2026

**Department or District:** Information Technology

**Requested by:** Todd Eaton and Taz Hatch

**Request title:** IT Stipend for Tech Subject Matter Experts (TSME)

**Amount requested:** one-time \$65,000 (prior year request was \$65,000)

**Purpose of funding request:**

IT received approval in May 2023 to designate up to 30 court employees as Technical Subject Matter Experts (TSMEs) to support District and Juvenile courts statewide with specialized IT skills. In the first year, 25 employees applied, passed the IT qualification test, and became eligible for reimbursement.

In FY 2025, the funding request was adjusted from the original \$78,000 (for 30 employees) to \$65,000 (for 25 employees).

The program has been successful, delivering value to the 25+ sites served by TSMEs and providing crucial support to the Service Desk. TSMEs provide hands-on support as needed and handle a growing number of local tickets each month, reducing the demand at the Service Desk. In many cases, having local support drastically shortens the time needed to resolve simple IT issues, ensuring faster service for court staff.

The stipend is set at \$100 per pay period and based on the program's success in FY25, we request \$65,000 for the 26 pay periods in FY26. (Total is 26 pay periods x 25 employees x \$100 = \$65,000)

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

IT leadership identified the need for basic technology support at court locations. The need ranges from assisting with login and setup of our newer cloud apps, to making sure the correct cables for peripherals are properly seated in a dock or desktop. It also includes activating a network jack and assisting with mapping a printer. This change enables new hires to be up and running much faster with the help of a TSME who can get a workspace set up properly. Addressing simple issues requiring hands-on support by TSMEs reduces the time required for resolution. Less downtime for court staff will help to keep daily activities in line with the needs of the court's mission.

TSMEs are selected and tracked by senior IT leaders who test prospects for required skills. TSMEs are also given continuing tech education from Service Desk staff. Although TSMEs are not required to have the full technological background of IT Service Desk personnel, they have a basic knowledge of how computer hardware and software connect and function.

## 7. FY 2027 Carryforward Request – IT – Stipend for Tech Subject Matter Experts

To qualify as a TSME, individuals must have:

- A basic understanding of applications such as M365/MS Office, Adobe, WebEx, and Google Workspace.
- Familiarity with network connections, including Ethernet, Wi-Fi, and VPN.
- The ability to troubleshoot issues in a Windows environment, including Windows devices and file shares.
- A foundational knowledge of machine staging, including hardware placement and peripherals.
- A proactive approach to learning and staying updated on current and emerging technologies.

Of the 25 positions we plan to staff, 24 are currently filled and actively supporting court locations, including American Fork; Ogden Juvenile & District; Brigham Juvenile & District; Logan District; Matheson Juvenile & District; Provo Juvenile & district; Richfield; Tooele; Duchesne; West Jordan; Farmington; Spanish Fork; the Appellate courts; Price; and St. George.

We are collaborating with local court management in the 3rd Juvenile to replace the TSME for Taylorsville State Office Building which is currently vacant.

### **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?**

When laptops, printers, or scanners need service, employees will be left to a centralized support team that will be much slower to respond to their needs.

## 8. FY 2027 Carryforward Spending Request – Employee Incentive Awards

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025 and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.

**Date:** 05/20/2026

**Department or District:** AOC Incentive Team

**Requested by:** Bart Olsen, Erin Rhead and Alisha Johnson

**Request title:** Employee Incentive Awards

**Amount requested:** One-time: \$560,000 (prior year's request was \$280,000 in 1x TOS and \$280,000 in 1x Investing in our People)

**Purpose of funding request:**

The Courts have established a program to provide on-the-spot recognition for outstanding service as well as a formal nomination process to reward employees for their service in the following ways:

- An innovative idea or suggestion, implemented by the courts, which improves operations or results in cost savings
- The exercise of leadership beyond that normally expected in the employee's assignment
- An action which brings favorable public or professional attention to the courts
- Successful completion of an approved special individual or team project
- Continually outstanding performance of normal responsibilities

The incentive can be issued in cash or a gift card. If deserved, a single employee can receive multiple incentive awards each year.

*In the Investing in our People request that was approved in April 2025, the base employee incentive awards amount was doubled to \$560,000 by adding an additional \$280,000 to the program. This request seeks to renew the new higher base amount.*

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

Note: Prior to FY 2019, employees who received these awards were not "grossed up" for the impact of payroll taxes (FICA, Federal, and State personal taxes and retirement) on the awards. This lessened the value to the recipient. The Executive Branch's incentive policy adds 30% to the incentive award to mitigate the impact of personal taxes on the recipient. The Courts matched the Executive Branch's policy starting in FY 2019.

The FY 2026 base request mirrors the FY 2025 request, providing a total of \$560,000 for FY 2026. The request can be used for either cash incentives (maximum of \$300 per person) or gift card awards (incentive cash equivalent awards) with a \$50 face amount. Both uses are taxable fringe benefits. Note: the taxes and benefits due for cash incentive awards are higher than the gift card taxes, thus the use of gift cards makes the same dollars go further. For FY 2027, Finance will provide a calculator to managers that allows them to compare the impacts of various uses of their incentive pool.

## 8. FY 2027 Carryforward Spending Request – Employee Incentive Awards

**Alternative funding sources, if any:**

This funding has always been carved out of carryforward funds from the prior fiscal year. If we do not fund this amount, there will be no funds available to fund the base employee incentive awards and the amount funded will not be consistent with our communication to our employees, hurting employee retention.

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

See above.

## 9. FY 2027 Carryforward Spending Request – Protective Order Pilot Contingent Funding

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025 and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.**

**Date:** 05/15/2026

**Department or District:** Domestic Violence Program (DVP) in the Administrative Office of the Courts

**Requested by:** Amy Hernandez (Domestic Violence Program Manager)

**Request title:** Protective Order Pilot Program Contingent Bridge Funding Request

**Amount requested:** One-time \$32,500 (rounded up from \$32,406)

### **Purpose of funding request:**

The DVP seeks carryforward funding to support Cami Newey's position (program facilitator). This funding would cover some of Cami's personnel, fringe benefits, travel, and other miscellaneous costs for FY 2027.

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

In 2024, the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Office on Violence Against Women (OVW) announced the opportunity to receive mentorship funding for the implementation of the Cook County Model: A Pilot Project to Increase Safe Child-Related Relief in Civil Protection Orders. Approximately \$250,000 in grant funding accompanied this 18-month project (project deadline: September 30, 2026). After receiving approval from the Judicial Council, the DVP applied for the program and was awarded the funding in January of 2025. Unfortunately, OVW paused the funding and program implementation due to changes in federal grant funding. In September of 2025, OVW finally released the funding, and the DVP initiated the pilot program. With guidance from the NCJFCJ and the Cook County Court, the DVP and the judicial officers in the pilot program hired Cami Newey as the facilitator in November 2025. Due to Cami's professional background, the implementation of the program has been able to progress quickly. Cami is an attorney with significant experience in mediating family law cases with allegations of domestic violence and child maltreatment. Although only a few referrals have been completed in the program thus far, the parties have reported:

- feeling safer,
- feeling heard (i.e., able to voice their concerns and needs in a confidential setting with more time to think through their needs), and
- appreciating the resources provided by the facilitator.

Overall, this program shows great promise and will significantly improve how the courts address domestic violence in protective order cases.

## 9. FY 2027 Carryforward Spending Request – Protective Order Pilot Contingent Funding

The delay in starting the program has provided the possibility of extending the program funding through June 2027 but only if the OVW extends the use of the funds.

Although the grant funding for this program is set to expire on September 30, 2026, the DVP and the NCJFCJ plan to request a no-cost grant extension. The NCJFCJ has already communicated this planned request to OVW, but OVW has asked the NCJFCJ to delay requesting the extension until July due to a backlog in administration. Although it is very likely the extension will be granted, there is no guarantee. **If the extension is granted, the program grant funding will cover the costs of the facilitator position for FY 2027, therefore this is a contingent request that will only be required in the event the OVW grant terminates 9.30.2026. Note: If the Judicial Council approves this request and OVW grants the no-cost extension in July, the DVP will return the one-time funding back to the state for another project to use**

However, if the grant funding is not extended, the DVP will need \$32,406 to support the facilitator’s position for FY 2027. The DVP will need \$143,927 to support the facilitator’s position for the full fiscal year (see breakout below). The NCJFCJ grant is guaranteed to support her position until the end of September; it will cover \$35,981 of the costs for the facilitator’s position. To further support the facilitator’s position, the DVP planned to use Violence Against Women Act (VAWA) grant funding. The DVP has already secured this funding, and the grant administrators for this grant reported they will likely accept an amendment to use VAWA grant funding to support this program. This grant will be able to cover \$75,540.

Unfortunately, there are no other sources of funding to cover the remaining \$32,406 in costs.

| Category:                     | FY 2027 Projections | NCJFCJ Grant (July to Sept.) | VAWA Grant (Oct. to June) | Request:        |
|-------------------------------|---------------------|------------------------------|---------------------------|-----------------|
| Personnel                     | \$107,010           | \$26,752                     | \$75,000.00               | \$5,258         |
| Fringe Benefits               | \$30,977            | \$7,744                      | \$0                       | \$23,233        |
| Travel (to Logan)             | \$5,220             | \$1,305                      | \$0                       | \$3,915         |
| Cell phone and Canva accounts | \$720               | \$180                        | \$540                     | \$0             |
| <b>Total:</b>                 | <b>\$143,927</b>    | <b>\$35,981</b>              | <b>\$75,540</b>           | <b>\$32,406</b> |

### Alternative funding sources, if any:

As noted above, if the OVW grant is extended, there is no need for supplemental funds. If the OVW grant is not extended, the VAWA grant can be considered to be the first part of alternative funding but the program would end at the expiration of these funds in February 2027.

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

## **9. FY 2027 Carryforward Spending Request - Protective Order Pilot Contingent Funding**

If this request is not funded, the program will likely end in February 2027. The program requires a trained facilitator to conduct safety screening and facilitation among parties. Originally, the DVP planned to apply for the Justice for Families grant to further support the facilitator's position to avoid requesting state funding. The application was expected to open in December 2025 with awards being paid out in October of 2026. However, OVW has not announced any new grant opportunities since 2025. These grant opportunities have not been canceled according to stakeholders. OVW grant funding is supported by federal legislation. This grant funding has just been severely delayed due to closures in the federal government. It is likely that OVW will resume offering funding opportunities in FY 2027 and awarding the funding in FY 2028.

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## 10. FY 2027 Carryforward Spending Request – All Rise Utah Welcome Dinner

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2025 are normally to be spent between July 1, 2025 and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.

**Date:** 04/27/2026

**Department or District:** Office of Fairness and Accountability (OFA)

**Requested by:** Committee on Fairness and Accountability (CFA)

**Request title:** All Rise Utah Welcome Dinner

**Amount requested:** One-time \$ 20,000 (last year's request was \$11,000)

**Purpose of funding request:**

The All Rise Utah Project, a CFA subcommittee, requests 1x funds to host the program's welcome dinner. This dinner introduces primarily first-year law students from all backgrounds to members of the bench and practicing lawyers to build their connections with the local legal community.

Historically, this request is a back-up to efforts that are running in parallel with the Utah Bar to solicit donations from its members to cover the cost of the dinner. When the backup 1x funds were approved, we would draw on these funds to the extent donations did not cover the entire cost. The dinner is typically held in September to welcome new law students. As the dinner has become institutionalized it has grown in attendance and the available venues to hold this size of event are more costly. In the future, we plan to ask for ongoing funding to backstop the entire cost while continuing to work with the Utah Bar to solicit donations.

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

Under [UCJA 3-419\(3\)\(A\)\(v\)](#), the OFA is tasked with

“collaborating with the Utah State Bar, schools, and other organizations to encourage individuals from marginalized communities to qualify and apply for judicial positions.”

To this end, the OFA and CFA created the All Rise Utah pipeline program. The primary goal of the program is to broaden the judiciary to more closely reflect the state. Relatedly, the program also aims to help students and young lawyers build connections with lawyers and judges in the state, which can positively influence their decisions to stay and practice law in Utah.

In furtherance of these goals, the judiciary, through the OFA and our partners who co-sponsor the All Rise Utah pipeline program, hosts a yearly dinner welcoming primarily first-year law students from the University of Utah and Brigham Young University. A significant number of the out-of-state students at the law schools come from communities that are underrepresented on the Bench. By helping these

## 10. FY 2027 Carryforward Spending Request – All Rise Utah Welcome Dinner

students build connections with Utah judges and lawyers and by encouraging them to stay in Utah after graduation, we can broaden the make-up of our legal community and the bench.

Having a bench that reflects the community is important because “lack of judicial diversity can create an appearance of unfairness.”<sup>1</sup> And by having a bench that reflects the community, we meet our mission to be fair and avoid the appearance of unfairness. A representative “bench is an essential component of a fair and impartial judiciary. Bringing a range of experiences and perspectives to bear allows judges to make better informed decisions and increases public confidence in their rulings.”<sup>2</sup> We cannot meet our mission without a representative bench. That is why the Judicial Council tasked the OFA to build a pipeline to help encourage individuals from all backgrounds to apply for judicial positions.

This dinner is the first step in the pipeline. At dinner, law students meet and engage judicial officers in a welcoming space. Judicial officers typically share with the law students their pathway to the bench, and organic mentee/mentor relationships develop. The highlight of the dinner is Chief Justice Durrant welcoming the students into the state’s legal community and sharing the Judiciary’s commitment to these broadening efforts. The dinner is open to all law students.

Over the last four years the dinner has grown substantially. The first year it was attended by 5 judges and close to 90 students. In 2024, it was attended by 210 people, 40 were judicial officers and the rest were law students. In 2025, it grew again to 255 attendees, 60 were judicial officers, and the rest were law students. Outside fundraising has been part of this initiative, including the Utah Bar, the Litigation Section, the Utah Minority Bar Association, the LGBTQ and Allied Lawyers of Utah, the Utah Center for Legal Inclusion, and firms have all donated. The costs are the venue and the food. The Judiciary pays for whatever is not covered by fundraising. This request hopes to continue this model.

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

The Utah Bar could potentially request firms to donate more. However, a lot of firms no longer fund these types of initiatives, and costs for the dinner have grown due to a rise in prices and growth in attendance. We plan to ask for ongoing funds in the future as the cost is substantial.

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

The pipeline program would stall due to a lack of alternative funding.

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<sup>1</sup> Moffett and Gibson, “Diversity on the Bench” 2022, [https://www.courtstatistics.org/\\_\\_data/assets/pdf\\_file/0029/86726/Diversity-on-the-Bench.pdf](https://www.courtstatistics.org/__data/assets/pdf_file/0029/86726/Diversity-on-the-Bench.pdf)

<sup>2</sup> Brennan Center, “Diversity on the Bench” <https://www.brennancenter.org/issues/strengthen-ourcourts/promote-fair-courts/diversity-bench#:~:text=Our%20Experts,Overview,public%20confidence%20in%20their%20rulings.>

## 11. FY 2027 Carryforward Spending Request – Tooele Courtroom Build Out

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2026 are normally to be spent between July 1, 2025 and June 30, 2026; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2026 funds into FY 2027 (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 2026 carryforward funds for one-time projects that will be delivered in FY 2027.

**Date:** 05/21/2026

**Department or District:** Third District

**Requested by:** Mark Paradise - TCE

**Request title:** Tooele Courtroom Build Out

**Amount requested:** One-time \$ 1,285,000

**Purpose of funding request:** This request is to build out an existing shelled courtroom in the Tooele County Courthouse. The purpose would be for ongoing district court use by Judges and Commissioners in the Third District.

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

The Third District continues to experience a rising number of case filings, particularly in Tooele County, which is one of the two fastest-growing counties in the state. Tooele County saw an increase in total filings of over 8% from 2023 to 2024, and another increase of over 4% from 2024 to 2025. This growth necessitates an increase in Judicial time and resources.

Currently, the Third District allocates the following Judicial resources to the county:

- 1 full Judicial FTE (Judge Hogan)
- 0.2 additional Judicial FTE (Judge Hilbig) for civil and domestic filings
- 0.2 Domestic Commissioner FTE (1 day per week)

The Third District plans to increase Judge Hilbig's allocation in the coming months to 0.5 FTE for civil and domestic filings.

The construction of an additional courtroom would offer significant benefits:

- It would allow the district court to hold hearings with the Commissioner in this new space, eliminating the current reliance on using the Juvenile courtroom once a week.
- It would enable the district court to hold two in-person trials simultaneously (bench or jury trials), which would considerably help in scheduling trials sooner.

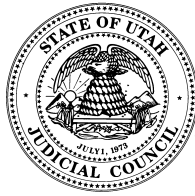
## 11. FY 2027 Carryforward Spending Request - Tooele Courtroom Build Out

**Alternative funding sources, if any:** Request to the Utah Legislature, see below.

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

Request for this funding has been made to the legislature for each of the past two years, as part of the request for new judicial officers. We will continue to ask the Judicial Council to add these requests in upcoming years as part of the ongoing need for courtroom space within the Third District.

# Item 3



# Administrative Office of the Courts

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

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

## MEMORANDUM

TO: Budget and Fiscal Management Committee

FROM: Jim Peters, Justice Court Administrator

DATE: June 1, 2026

RE: Board Recommendations for FY27 Allocations from the Justice Court  
Technology, Security and Training Account

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Section 78A-7-301 of the Utah Code and Rule 9-107 of the Code of Judicial Administration (both attached) describe a fund known as the Justice Court Technology, Security and Training Account (Fund). The Fund balance increases with the collection of the security surcharge assessed on moving violations and certain other offenses. The Fund balance decreases as money is allocated in support of one or more justice courts.

There was a time when applications were solicited each year for audit, technology, security, and training needs in justice courts throughout the state. The Board of Justice Court Judges (Board) would then review the requests and make recommendations to the Judicial Council. Because the services provided by the Administrative Office of the Courts (AOC) benefit *all* justice courts (as opposed to just a *single* justice court), the AOC has received most of each year's allocation for several years now.

Historically, the Fund was managed so that the total allocation for the *coming* year was approximately equal to the amount of collections estimated for the *current* year. By spending only what we expected to collect, we have been able to maintain a reserve of approximately \$500,000 from year to year. In connection with budget cuts required of the Judiciary for FY27, however, the legislature used a small portion of the Fund to offset a commensurate reduction to the Judiciary's general fund during its 2026 General Session. This reduction is ongoing, and it

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

could grow in future years to deplete the reserve that the Judiciary has been maintaining in the Fund.

Given that the reserve is now at risk of being spent in other ways, the Judicial Council approved additional expenditures from the Fund in April so that spending would be equal to the legislative maximum for FY26. It is proposed that the same approach be taken for FY27. For the coming year, the legislative appropriation is \$1,243,400. Accordingly, the Board is recommending that expenditures for FY27 be approved as outlined in the attached chart. Ultimately, I am asking that these proposals be forwarded to the Judicial Council for its consideration. I look forward to answering any questions you may have at next week's meeting.



[<< Previous Section \(78A-7-215\)](#)

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[Index](#) **Utah Code**

**Title 78A Judiciary and Judicial Administration**

**Chapter 7 Justice Court**

**Part 3 Technology, Security, and Training Account**

**Section Justice Court Technology, Security, and Training Account established --  
301 Funding -- Uses. (Effective 5/3/2023)**

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***Effective 5/3/2023***

**78A-7-301. Justice Court Technology, Security, and Training Account established  
-- Funding -- Uses.**

- (1) There is created a restricted account in the General Fund known as the Justice Court Technology, Security, and Training Account.
- (2) The state treasurer shall deposit in the account:
  - (a) money collected from the surcharge established in Subsection [78A-7-122\(4\)\(b\)\(iii\)](#); and
  - (b) the administrative fee from a deferred prosecution or traffic school deferred prosecution under Subsection [77-2-4.2\(5\)](#) or [\(6\)](#).
- (3) Money shall be appropriated from the account to the Administrative Office of the Courts to be used for:
  - (a) audit, technology, security, and training needs in justice courts throughout the state;
  - (b) additional compensation for presiding judges and associate presiding judges for justice courts under Section [78A-7-209.5](#); and
  - (c) costs to implement, operate, and maintain deferred prosecution and traffic school deferred prosecution pursuant to Subsections [77-2-4.2\(5\)](#) and [\(6\)](#).

Amended by Chapter [393](#), 2023 General Session

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[<< Previous Section \(78A-7-215\)](#)

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## Utah Courts

### UCJA Rule 9-107 (Code of Judicial Administration)

The Utah Code of Judicial Administration Chapters 11-15 have been moved to the Supreme Court Rules of Professional Practice Chapters 1-5

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#### **Rule 9-107. Justice court technology, security, and training account.**

*Effective:  
11/1/2022*

*Rule printed on June 1, 2026 at 11:50 am. Go to <https://www.utcourts.gov/rules> for current rules.*

#### **Intent:**

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

#### **Applicability:**

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

#### **Statement of the Rule:**

- (1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.
  - (2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.
  - (3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.
  - (4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.
  - (5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges. The Board's recommendations shall then be forwarded to the Budget and Fiscal Management Committee of the Judicial Council. The Judicial Council will then make the final awards.
  - (6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.
- 
-

**Justice Court Technology, Security and Training Account  
Funding Requests for FY27**

| #  | Requesting Entity                  | Description   | Requested | Recommended | Notes  |
|----|------------------------------------|---|-----------|-------------|--|
| 1  | AOC/Audit                          | Internal Audit Position Dedicated to the Justice Courts         | \$80,300  | \$80,300    | Cost of one auditor  |
| 2  | AOC/Information Technology         | Programming and Help Desk Support for Justice Courts            | \$323,766 | \$323,766   | Personnel costs attributable to Justice Courts for IT support  |
| 3  | AOC/Information Technology         | Webex and Google Accounts for Justice Court Judges and Clerks   | \$93,059  | \$93,059    | Cost of licensing and maintenance for Google Apps and Webex  |
| 4  | AOC/Judicial Institute (Education) | Request for Justice Courts' Share of Education's Overhead Costs | \$53,982  | \$53,982    | Learning Management System, Professional Memberships and Training of Education Personnel   |
| 5  | AOC/Judicial Institute (Education) | Judicial Decision Making  | \$20,000  | \$20,000    | Funding for two overnight programs for 12-18 judges  |
| 6  | AOC/Judicial Institute (Education) | Small Claims Training   | \$2,000   | \$2,000     | Three hours of small claims training provided that will benefit pro tem and sitting judges   |
| 7  | AOC/Judicial Institute             | Education Coordination Fee                                      | \$50,000  | \$50,000    | Coordination of all Justice Court events with personnel from Education   |
| 8  | AOC/Judicial Institute             | Justice Court Education Coordinator                             | \$63,069  | \$63,069    | Funding for half of the Justice Court Education Coordinator plus \$15,000 more to compensate for funding cuts imposed by the legislature |
| 9  | AOC/Judicial Institute             | New Judge Orientation   | \$2,000   | \$2,000     | Estimated cost of orientation for new justice court judges as needed   |
| 10 | AOC/Judicial Institute             | Justice Court Clerks' Conference                                | \$35,000  | \$35,000    | Estimated cost of providing an in-person conference to 400 clerks (with a registration fee of \$150 per clerk)                           |
| 11 | AOC/Judicial Institute             | Justice Court Judges' Conference (Spring)                       | \$26,450  | \$26,450    | Estimated cost of providing an in-person conference for all judges in spring 2027 (with a registration fee of \$175 per judge)           |
| 12 | AOC/Judicial Institute             | Annual Judicial Conference (Fall)                               | \$36,600  | \$36,600    | Estimated cost of having 50 judges attend the Annual Judicial Conference (with no registration fee)                                      |

| #  | Requesting Entity             | Description   | Requested | Recommended | Notes   |
|----|-------------------------------|---|-----------|-------------|---|
| 13 | Board of Justice Court Judges | Deputy Justice Court Administrator  | \$74,000  | \$74,000    | Additional funding required for the Deputy Justice Court Administrator                                  |
| 14 | Board of Justice Court Judges | Development Costs to Enhance CORIS and Workspace                              | \$190,623 | \$190,623   | Additional development requested by judges and clerks   |
| 15 | Board of Justice Court Judges | Tech Equipment for Conferences  | \$10,000  | \$10,000    | Funding to upgrade equipment for better conferences   |
| 16 | Board of Justice Court Judges | District Trainings  | \$10,000  | \$10,000    | Funding to provide lunch at district level training for judges and clerks @ \$18 each                   |
| 17 | Board of Justice Court Judges | Financial Assistance for Active Senior Judges to Attend the Spring Conference | \$4,200   | \$4,200     | Six active senior judges @ \$700 each   |
| 18 | Board of Justice Court Judges | Out-of-State Training Fund  | \$20,000  | \$30,000    | Funding for out-of-state training and other educational opportunities                                   |
| 19 | Board of Justice Court Judges | Stipend for Education Liaison   | \$1,500   | \$1,500     | Education Committee members will receive a \$1000 stipend but the chair would otherwise receive nothing |
| 20 | Board of Justice Court Judges | Westlaw Access  | \$15,000  | \$15,000    | Access to Legal Research for Justice Court Judges   |
| 21 | Board of Justice Court Judges | Access to Language Line for Justice Courts                                    | \$15,000  | \$15,000    | Provide access to Language Line for Justice Courts to assist patrons who don't speak English            |
| 22 | Board of Justice Court Judges | Production costs for training video(s)  | \$10,000  | \$10,000    | Cost of producing a new orientation video for pro tem judges  |
| 23 | Board of Justice Court Judges | Compensation for Presiding and Associate Presiding Judges                     | \$24,000  | \$24,000    | Section 78A-7-209.5 of the Utah Code requires that PJs receive \$2,000 and APJs receive \$1,000         |
| 24 | Board of Justice Court Judges | Contingency   | \$25,000  | \$35,000    | Funding available in the event that one of the items above costs more than estimated                    |

|  |                    |
|--|--------------------|
| <b>Total Funding Requests for FY27</b> | <b>\$1,185,549</b> |
|--|--------------------|

|   |                    |
|---|--------------------|
| <b>Total Allocations Recommended for FY27</b> | <b>\$1,205,549</b> |
|---|--------------------|

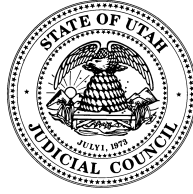
**Recommended Budget for FY27 (equal to legislative appropriation)      \$1,243,400**

|  |                  |
|--|------------------|
| <b>Difference Between Recommended Allocations and Recommended Budget</b> | <b>\$ 37,851</b> |
|--|------------------|

**Fund Balance**

|   |                    |
|---|--------------------|
| Beginning Balance 7/1/2025                      | \$697,128          |
| Forecasted Collections FY26                     | \$892,733          |
| Forecasted Max Expenditures FY26                | <u>(1,227,200)</u> |
| <b>Forecasted Ending Fund Balance 6/30/2026</b> | <b>\$362,661</b>   |
| <br>  |                    |
| Forecasted Collections FY27                     | \$886,400          |
| Forecasted Expenditures FY27                    | <u>(1,205,549)</u> |
| <b>Forecasted Ending Fund Balance 6/30/2027</b> | <b>\$43,512</b>    |

# Item 4



# Administrative Office of the Courts

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

Date

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

## MEMORANDUM

TO: The Budget and Fiscal Management Committee  
The Judicial Council

FROM: Amy Hernandez, Domestic Violence Program Manager  
Jordan Murray, Grant Coordinator

RE: Justice For Families Program (JFF) Grant Application

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The Domestic Violence Program (DVP) seeks to apply for the JFF Program Grant to support the Family Safety Facilitation Pilot Program (FSFPP). The FSFPP is currently funded by a grant from the National Council of Juvenile and Family Court Judges (NCJFCJ) which supports the personnel, travel, and supply costs for the program. However, the NCJFCJ grant will conclude in FY 2027.

The JFF grant is a three-year grant that requires collaboration with a victim services provider. The DVP plans to partner with either the Utah Domestic Violence Coalition or Citizens Against Physical and Sexual Abuse (CAPSA). Although the grant provides \$650,000 for three years, the DVP plans to request roughly \$300,000 to support the FSFPP with \$350,000 earmarked for the victim services provider partner (for their grant-funded positions) and grant travel requirements.

If approved by the Judicial Council and awarded by the Office on Violence Against Women, the JFF grant could fund the FSFPP until FY 2029. The FSFPP closes gaps in protective order cases, increasing safety and resources for families experiencing domestic violence. With extended funding, the FSFPP will save lives and build safe and healthy families. I look forward to discussing this program and request with you. Thank you.

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

## I. GRANT APPLICANT INFORMATION

|                         |   |        |                    |
|-------------------------|---|--------|--------------------|
| Applicant Name / Title: | Amy Hernandez (Domestic Violence Program Manager) |        |                    |
| Applicant Phone:        | (801) 578-3809                                    | Email: | amymh@utcourts.gov |
| District or Court Area: | Administrative Office of the Courts               |        |                    |

## II. GRANT DETAILS

|                         |   |  |  |
|-------------------------|---|--|--|
| Awarding Agency:        | Office on Violence Against Women (US Department of Justice) |  |  |
| Grant or Project Title: | Justice for Families (JFF) Program Grant                    |  |  |
| Amount Requested:       | \$650,000   |  |  |
| Project Dates:          | October 1, 2026 to September 30, 2029                       |  |  |
| Application Deadline:   | July 21, 2026   |  |  |

## III. PROPOSED PROJECT & USE OF GRANT FUNDS

**A.** Please summarize the work you intend to fund with the grant. How will the grant project support the mission of the Utah State Courts “to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law?” How will this grant provide measurable benefits to marginalized, minority, pro se, or similar underserved individuals or communities?

The Domestic Violence Program (DVP) seeks to apply for the JFF Program Grant to support the Family Safety Facilitation Pilot Program (FSFPP). With guidance from the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Office on Violence Against Women (OVW), the DVP modeled the FSFPP after the Child-Related Relief Expediter Program in the Circuit Court of Cook County, Illinois.<sup>1</sup> Under this model, a Facilitator meets with parties that share children in a protective order case to discuss how they might handle child related issues such as parent time, exchanges and communication while the protective order is in place. After the judicial officer has issued a protective order and if the parties agree to participate in the program, the judicial officer refers the parties to the FSFPP Facilitator. Before starting facilitation, the Facilitator further explains the program to the parties and emphasizes that the program is:

<sup>1</sup> Family Court Enhancement Project. (2026). Cook County, Illinois. In Family Court Enhancement Project. Retrieved from <https://www.familycourtenhancementproject.org/courts/cook-county-illinois/> Accessed on May 29, 2026.

- Focused on safety. The Facilitator conducts a safety screening with each party prior to facilitation. If there are no significant safety issues, the Facilitator then moves forward with facilitation between the parties. Facilitation is conducted using shuttle mediation with each party located in their own secure meeting room or virtual breakout room.
- Completely voluntary. Parties may opt out of the process anytime.
- Confidential. With the exception of child abuse disclosures, threats to self-harm, or threats to harm another person, everything disclosed by parties to the Facilitator remains confidential.
- Advancing procedural justice. The facilitation process allows parties to feel heard without the time restraints and pressure of a court hearing (particularly pro se parties). Additionally, the Facilitator remains neutral while repeatedly ensuring that parties understand the facilitation process through verbal messaging, agreements to participate, and handouts. By taking the time to provide consistent messaging about facilitation and giving time to participants to ask questions about the program and the protective order process, the facilitator can set up an environment where parties can fully consider their options, communicate their needs, and plan how to move forward with visitation, parent-time, and other child related relief.

Once the parties understand the process, the Facilitator conducts the safety screening and initiates facilitation. If parties can reach an agreement about child-related relief, the Facilitator submits the proposed agreement to the court for the judicial officer to review. The judicial officer may decide to accept the agreement and incorporate the child-related relief provisions into the final version of the protective order. Although only a few cases have been completed in this new pilot program thus far, the parties have reported:

- feeling safer,
- feeling heard (i.e., able to voice their concerns and needs in a confidential setting with more time to think through their needs), and
- appreciating the resources provided by the facilitator.

It is anticipated with more time, the program will:

- increase safety for parties and their shared children;
- increase access to justice for pro se litigants in protective order cases;
- improve procedural justice outcomes for all parties;
- improve trauma-informed care outcomes;
- reduce protective order violations;
- increase compliance with court orders.

Ultimately, the FSFPP closes gaps in the judicial system, leading to reduced incidents of domestic violence and increased trust in the courts.

**B.** Please provide details on the judicial and/or administrative resources required for this project during the grant period, including whether you intend to use the grant funding to hire new employees. If hiring a new employee with grant funding, explain their intended duties, anticipated effort (hours per week), proposed hourly rate, and whether the position will be temporary or permanent.

This grant would continue the work currently funded by the NCJFCJ program grant to implement the FSFPP. The JFF grant would support the current, full-time FSFPP Facilitator position once the NCJFCJ grant funding concludes in FY 2027. Cami Newey, the Facilitator, is supervised by the Domestic Violence Program Manager.

The FSFPP currently works with four judicial officers and their teams from the pilot sites in Salt Lake and Logan. Because the FSFPP is already underway, the DVP does not anticipate requiring additional judicial or administrative resources to maintain the pilot program.

**C.** What future funding or policy obligations does this project create once the grant funding has been fully expended, and what funding sources will be considered?

Additional funding will be required to support this program once the JFF grant period ends. The DVP does not have the resources to support this program without additional grant funding or state funding. Prior to the conclusion of the JFF grant, the DVP will request state or grant funding to continue to support this project and position.

**D.** What are the consequences if this project is not funded?

The FSFPP will likely end in FY 2027.

## IV. Anticipated Budget

Complete the budget table with estimated expenditures for up to three state fiscal years.

- This grant requires cash-matching (complete the **orange** and **blue** cells below and describe)  
Describe matching requirement:
- This grant requires in-kind matching (complete the **orange** and **blue** cells below and describe)  
Describe matching requirement:
- This grant requires neither cash nor in-kind contributions (complete **blue** cells only)

| State Fiscal Year | Estimated Grant Expenditures   | Cash Match or In-kind Contributions (source & amount) |                                |                                 |                       |                       |
|-------------------|--|---|--------------------------------|---------------------------------|-----------------------|-----------------------|
|                   |  | General Fund  | Dedicated Credits <sup>2</sup> | Restricted Account <sup>3</sup> | Maintenance of Effort | Total Cash or In-kind |
| 2027              | <b>\$0 -DVP*</b><br>\$107,000- Partner<br>\$15,000 - Required Grant Travel |   |                                |                                 |                       |                       |
| 2028              | <b>\$147,703 - DVP*</b><br>\$112,000 - Partner                             |   |                                |                                 |                       |                       |
| 2029              | <b>\$151,238 - DVP*</b><br>\$117,000 - Partner                             |   |                                |                                 |                       |                       |

### \*DVP Expenditures Breakdown

|                      | <b>FY 2028</b>   | <b>FY 2029</b>   |
|----------------------|------------------|------------------|
| Facilitator Salary   | \$109,683        | \$112,418        |
| Facilitator Benefits | \$31,800         | \$32,600         |
| Facilitator Travel   | \$5,220          | \$5,220          |
| FAFSPP Supplies      | \$1,000          | \$1,000          |
| <b>Total:</b>        | <b>\$147,703</b> | <b>\$151,238</b> |

<sup>2</sup> Utah Code Section 63J-1-102, "dedicated credits" refer to collections by an agency that fund agency operations. This includes assessments and sales of goods and services.

<sup>3</sup> Utah Code Section 63N-3-102, "restricted account" is a specific account within the General Fund designated for particular purposes, such as the Industrial Assistance Account.

## V. RESOURCE IMPACT ASSESSMENT

The resource impact assessment is completed by the grant coordinator using information provided by the grant applicant and other project stakeholders.

### Section 1. Authorization Process (Executive & Legislative Branches)

When federal or non-federal grants received by the Judicial Branch change after the Federal Funds Request Summary (FFRS) has been approved by the legislature during the regular session in March, the changes may require approval depending on certain criteria. Some changes may have a higher impact on the state's budget than others. This is referred to as the "Impact Level." The impact level determines what level of approval is required before the Judicial Branch may spend any additional funds beyond what was authorized in the annual FFRS.

If awarded, this grant will be authorized through the FFRS in the regular legislative session; no additional reporting to the Executive Appropriations Committee (EAC) is required.

If awarded, this grant will fall outside of the legislative session. Authorization to spend funds will be obtained through the interim process where the following impact levels determine the degree of authorization required before funds may be spent:

**Tier 1 - Low**

**Non-Federal:** At least \$10k but no more than \$50k per year, and no new permanent full or part time employees; and no new state monies required as match (report GAP with Judicial Council approval to LFA and EAC only). **Federal:** Up to \$1M per year; and no new permanent full or part-time employees; and no new state monies required for match (report GAP approved by Judicial Council to LFA, Office of Legislative Research & General Counsel, and EAC).

**Tier 2 - Medium**

**Non-Federal:** Greater than \$50k but less than \$1M per year; or adds more than zero but less than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match (submit GAP with Judicial Council approval to EAC for review and recommendations). **Federal:** Greater than \$1M but less than \$10M per year; adds more than zero but less than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match (submit GAP approved by the Judicial Council to the federal funds request summary to EAC for review & recommendations).

**Tier 3 - High**

**Non-Federal:** Greater than \$1M per year; or adds more than 11 permanent full or part time employees; or requires the state to expend greater than \$1M per year in new state monies as match (submit GAP with Judicial Council approval to the Legislature for review to approve or reject the grant). **Federal:** Greater than \$10M per year; or adds more than 11 permanent full or part time employees; or requires state to expend greater than \$1M per year in new state monies for match (submit GAP approved by the Judicial Council to the federal funds request summary to Legislature for approval or rejection in an annual general session or special session).

**Section 2. Resource Impact Assessment**

Assess the capacity of impacted court areas to successfully support the grant at current staffing levels.<sup>4</sup>

Current staffing levels are adequate to support this grant because the Justice for Families (JFF) award simply continues the necessary support for the existing Family Safety Facilitation Pilot Program (FSFPP). The pilot program is already operational and is currently funded by an expiring grant from the National Council of Juvenile and Family Court Judges (NCJFCJ). The JFF grant will sustain the existing full-time FSFPP Facilitator, Cami Newey, who will continue to be supervised by the Domestic Violence Program Manager. The FSFPP is already integrated with four judicial officers and their teams across four pilot sites in Salt Lake and Logan. Because the program is already underway, the Domestic Violence Program (DVP) does not anticipate requiring any additional judicial or administrative resources to maintain the pilot program during the project period. The grant budget additionally earmarks \$350,000 to cover the personnel costs for the victim services provider partner, ensuring their staffing capacity is also fully supported.

Assess the anticipated incremental impacts to AOC resources once grant funds are expended.<sup>5</sup>

There are no anticipated incremental impacts to operating budgets during the three-year lifecycle of this grant, which is projected to run from October 1, 2026 to September 30, 2029. However, additional funding will be required to support this program once the JFF grant period ends in FY 2029, as the DVP does not have the resources to sustain the program and the facilitator position without external support. Prior to the conclusion of the grant, the DVP will proactively request state funding or apply for additional grants.

This grant application proposal has been reviewed by:

- Court Executive and/or applicable Board of Judges,
- Grant Coordinator and Finance Director,
- The Utah Supreme Court (UCJA Rule 3-105);

and approved by the Judicial Council on

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State Court Administrator  
 Administrative Office of the Courts

<sup>4</sup> UCJA Rule 3-411 (4)(a)(i)

<sup>5</sup> UCJA Rule 3-411 (4)(a)(ii)

Tab 4



Alex G. Peterson  
Executive Director

# State of Utah

## JUDICIAL CONDUCT COMMISSION

1385 S. State St., Suite #401  
Salt Lake City, Utah 84115  
Telephone: (801) 468-0021

**TO** Judicial Council

**FROM** Alex G. Peterson, Executive Director

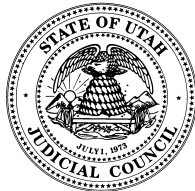
**DATE** June 12, 2026

**RE** Biannual JCC Update

**MESSAGE**

1. JCC Membership update
  - a. New Members: None.
  - b. Missing Members: None.
  - c. Current Members (11): Ms. Cheylynn Hayman, Chair, Ms. Michelle Ballantyne, Judge Ryan Harris, Judge Michael Edwards, Rep. Grant Miller, Rep. Jordan Teuscher, Sen. Brady Brammer, Sen. Jen Plumb, Mr. Stephen Studdert, Ms. Georgia Thompson and Ms. Linda Dunn.
  - d. Next scheduled Supreme Court appointments are in 2027 (for attorney member).
2. JCC Caseload update
  - a. In **FY26 - 210** (FY 25 - 191, FY24 - 183, FY23 - 156, FY22 - 85, FY 21 - 80, FY20 - 51, FY19 - 64, FY18 - 58).
  - b. In **FY26, 3 public dispositions / 3 Dismissals with Warning** (FY25, 0/5, FY24, 3/2; FY23, 0/0; FY22, 0/1; FY21 0/0; FY 20 1/1; FY19 2/6, FY18 0/0). 1 with Supreme Court.
3. Misc. Activities of JCC (over the last twelve months)
  - a. JCC meets monthly at anchor location.
  - b. Intersection between JCC cases and OPC.
  - c. Response to judicial inquiry regarding confidentiality.
  - d. Implementation of confidentiality and reform measures.
    - i. End-to-end encrypted "JCC" domain emails (non-downloadable, non-forwardable, non-printable, managed access)
    - ii. Protected G:drive (time-out links, non-sharable, watermarked, view-only, revocation policies)
    - iii. Updated Confidentiality policy with annual certification and training (others forthcoming)
    - iv. Hiring Case Manager / Privacy Officer
    - v. Examining possible Rule and Statutory changes

**Tab 5**



# Administrative Office of the Courts

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

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

## MEMORANDUM

TO: Judicial Council

FROM: Jim Peters, Justice Court Administrator

DATE: June 12, 2026

RE: Request to Expand the Territorial Jurisdiction of the Tremonton Justice Court

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Section 78A-7-102(4)(a) of the Utah Code provides that “A municipality that has a justice court may expand the territorial jurisdiction of the justice court by entering into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, with one or more other municipalities...” It must also notify the Judicial Council, though Section 78A-7-102(5) allows the Judicial Council to “shorten the time required between the municipality’s or county’s written declaration or election to create a justice court and the effective date of the election.”

When Garland elected to not replace Judge Christensen last year, it entered into an agreement with Box Elder County to handle its justice court cases. On September 9, 2025, the Judicial Council expanded Box Elder County’s territorial jurisdiction to include Garland City. Since then, Garland has elected a new mayor, and it makes more sense to him to contract with Tremonton. Tremonton utilizes the same judge that Box Elder County does, but it’s considerably closer to Garland than Brigham City is. Each of the cities has passed a resolution approving a new interlocal agreement. Accordingly, I would request that the Judicial Council expand Tremonton’s territorial jurisdiction to include Garland City as of July 1, 2026.

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

Tab 6



# Administrative Office of the Courts

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

**Ronald B. Gordon, Jr.**  
State Court Administrator

**Neira Siaperas**  
Deputy Court Administrator

## MEMORANDUM

**To:** Judicial Council  
**From:** Michael C. Drechsel, Assistant State Court Administrator  
**Date:** Friday, June 12, 2026  
**Re:** Judiciary Interim Committee Study Item – Justice Court Closures

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### ISSUE

The Administrative Office of the Courts is seeking guidance from the Judicial Council regarding the following:

- a) Should the AOC continue to advocate for the Judicial Council’s most recently adopted justice court reform recommendations from October 24, 2022, and July 22, 2024?
- b) What impact, if any, do recent developments have on the Judicial Council’s previous position regarding justice court reforms?

### 2026 JUDICIARY INTERIM COMMITTEE STUDY ITEM

As part of the legislature’s 2026 interim meetings, the Judiciary Interim Committee has prioritized the following study item:

#### **6. Justice Court Closures**

*Study the impact on district courts of absorbing caseloads from closed municipal justice courts. Examine whether expanding the role of district court commissioners would help manage the anticipated increase in cases.*

### PRIOR POSITION OF JUDICIAL COUNCIL ON JUSTICE COURT REFORM

This study item appears to implicate the Judicial Council’s previously-adopted recommendations regarding justice court reform. These recommendations are outlined in the following attached materials:

- **Attachment A** — Full excerpt of minutes from Judicial Council’s October 24, 2022, meeting (including full slide deck of presentation materials from that meeting);

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

- **Attachment B** — Memo to Judiciary Interim Committee summarizing Judicial Council’s justice court reform recommendations adopted on October 24, 2022;
- **Attachment C** — Judicial Council’s “Bullet Points for Proposed Legislation re: Justice Court Reform” as adopted on July 22, 2024 (presented to legislature’s Justice Court Reform Task Force August 26, 2024); and
- **Attachment D** — Justice Court Reform Task Force “Report and Recommendations to the Utah Supreme Court and Utah Judicial Council” (August 2021).

## RECENT DEVELOPMENTS

A number of events have occurred — or are in process of occurring — that may be relevant for the Judicial Council’s consideration:

- 1) [HB0330](#) (2024) — automatic annexation of unincorporated areas of Salt Lake County on July 1, 2027
- 2) [SJR003](#) (2025) — joint resolution authorizing closure of Salt Lake County Justice Court on June 30, 2027
  - a) closure of South Jordan Justice Court on June 30, 2026
- 3) [HB0366](#) (2026) — district court management of municipal cases

# **ATTACHMENT A**

Full excerpt of minutes from Judicial Council's October 24, 2022, meeting  
(including full slide deck of presentation materials from that meeting)

**JUDICIAL COUNCIL MEETING  
Minutes**

**October 24, 2022**

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

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

**9:00 a.m. – 3:50 p.m.**

*Chief Justice Matthew B. Durrant, Presiding*

**Members:**

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

**Excused:**

Margaret Plane, esq.

**Guests:**

Kate Bradford, Kem C. Gardner Institute  
Andrea Brandley, Kem C. Gardner Institute  
Hon. Craig Bunnell, Seventh District Court  
Jacqueline Carlton, OLRGC  
Erik Christiansen, Utah State Bar  
Sue Crismon, Office of Innovation  
Hon. Lee Edwards, Logan Justice Court  
Phil Dean, Kem C. Gardner Institute

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Michael Drechsel  
Brody Arishita  
Shane Bahr  
Katy Burke  
Todd Eaton  
Alisha Johnson  
Wayne Kidd  
Jessica Leavitt  
Tania Mashburn  
Heather Marshall  
Jordan Murray  
Bart Olsen  
Jim Peters  
Nathanael Player  
DeeDee Sonntag  
Nick Stiles  
Karl Sweeney  
Sonia Sweeney  
Melissa Taitano  
Chris Talbot  
Keisa Williams  
Jeni Wood  
Kim Zimmerman

**Guests Cont.:**

Grace Spulak, National Center for State Courts

Hon. Brendan McCullagh, West Valley Justice Court  
Miguel Medina, Court Interpreter

Mark Urry, TCE Fourth District Court  
Hon. Danalee Welch-O'Donnal, Grand County  
Justice Court

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

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

~~**Motion:** Judge David Connors moved to approve the September 13, 2022 Judicial Council meeting minutes, as amended to change “do” to “does” in section 14, page 11. Judge Paul Farr seconded the motion, and it passed unanimously.~~

~~2. OATH OF OFFICE FOR JUDGE SUCHADA BAZZELLE, JUDGE JAMES GARDNER, AND JUDGE THOMAS LOW: (Chief Justice Matthew B. Durrant)~~

~~Chief Justice Durrant administered the Oath of Office to new Council members, Judge Suchada Bazzelle, Judge James Gardner, and Judge Thomas Low and welcomed them to the Council.~~

~~3. SELECTION OF JUDICIAL COUNCIL EXECUTIVE COMMITTEES: (Ron Gordon)~~

~~Ron Gordon reviewed current and proposed Judicial Council executive committee members, noting that the Management Committee approved the proposed changes. He recommended the following changes.~~

- ~~● Judge Kara Pettit be moved from the Liaison Committee to the Management Committee. Judge Pettit will remain on the Budget and Fiscal Management Committee;~~
- ~~● Judge Elizabeth Lindsley be assigned to the Management Committee;~~
- ~~● Judge Low be assigned to the Liaison Committee;~~
- ~~● Judge Gardner be assigned to the Policy, Planning, and Technology Committee;~~
- ~~● Judge Bazzelle be assigned to the Policy, Planning, and Technology Committee.~~

~~**Motion:** Judge Paul Farr moved to approve the assignments of Judge Pettit and Judge Lindsley to the Management Committee; the assignment of Judge Low to the Liaison Committee; and the assignments of Judge Gardner and Judge Bazzelle to the Policy, Planning, and Technology Committee, as presented. Judge Connors seconded the motion, and it passed unanimously.~~

~~4. SELECTION OF JUDICIAL COUNCIL VICE CHAIR: (Chief Justice Matthew B. Durrant)~~

~~Chief Justice Durrant recommended Judge David Mortensen be appointed as the Vice Chair to the Judicial Council pursuant to UCJA Rule 1-201 Membership Election, which states “the Council may elect a vice chairperson to conduct meetings of the Council when the Chief Justice is absent.”~~

~~**Motion:** Judge Pettit moved to approve Judge Mortensen be appointed as the Vice Chair to the Judicial Council, as presented. Judge Lindsley seconded the motion, and it passed unanimously.~~

~~14. DISSOLUTION OF THE ENTERPRISE JUSTICE COURT: (Jim Peters)~~

~~Chief Justice Durrant welcomed Jim Peters. Pursuant to Utah Code § 78A 7 123. Dissolution of Justice Courts, Mr. Peters presented the City of Enterprise's intent to dissolve the Enterprise City Justice Court per Resolution 2202 009 adopted by the Enterprise City Council. Enterprise City requested a shortened amount of time to dissolve the court, as required by statute from one year to December 31, 2022. The Enterprise Justice Court is a Class IV Court, which is one of the smallest courts with only 29 cases in the past year. Of the 29 cases, 20 were traffic and 9 were criminal cases. This has been challenging for the court to maintain skills and abilities needed to properly run a justice court. The Washington County Justice Court will absorb the cases. The judge that currently runs the Enterprise Justice Court also works at the Washington County Justice Court.~~

~~Chief Justice Durrant thanked Mr. Peters.~~

~~**Motion:** Judge Farr moved to approve the dissolution of the Enterprise Justice Court, effective December 31, 2022, as presented. Judge Chin seconded the motion, and it passed unanimously.~~

**15. JUSTICE COURT REFORM: (Judge Paul Farr, Jim Peters, Ron Gordon, Michael Drechsel, Wayne Kidd, Kate Bradford, Andrea Brandley, Phil Dean, and Grace Spulak)**

Chief Justice Durrant welcomed Judge Paul Farr, Jim Peters, Ron Gordon, Michael Drechsel, Wayne Kidd, Kate Bradford, Andrea Brandley, Phil Dean, and Grace Spulak. Chief Justice Durrant was grateful for Judge Farr and the Workgroups exceptional work on reform.

**Background**

- 1989 Justice courts were created by statute, prior to that there was the position of the justice of the peace.
- 1996 Circuit courts dissolved and justice court jurisdiction expanded. Some of the work went to the justice courts and some went to the district courts.
- 2007 The Nehring Commission was created to identify comprehensive justice court reforms. The Commission was comprised of more internal and less external participants.
  - Recommendations that were enacted included judicial selection process, salary protections, and as a compromise, a salary range of 50-90%.
  - Recommendations that were not enacted included judges to be state employees, judges' salaries set at 90% of a district court judge (prorated for part-time judges), the elimination of part-time judicial positions, and all judges to have at least a Bachelor's Degree.
- 2016 *Simler v. Chilel*, 379 P.3d 1995 (Utah 2016), which recognized the right to a jury trial in small claims cases. Rules were established to allow a party to remove a case to the district court in order to avail themselves of the right to a jury trial.
- 2018 Supreme Court Advisory Committee on Procedural Reforms for Justice Courts, Chaired by Judge Kate Appleby. Judge Farr and staff were on this committee.
  - "The Utah Supreme Court is interested in exploring procedural reforms for cases initiated in the justice courts. This project is rooted in our ongoing commitment to promoting access to justice. We believe that small claims procedure, in particular, could benefit from streamlining and refinement. And we have convened this

committee for the purpose of advising us on possible ways to implement the reforms that are outlined below.”

- “We are interested in exploring the possibility of amendments to our rules, to controlling legislation, and (if necessary) to the Utah Constitution to pave the way for elimination of the appeal by de novo trial. Instead, we propose a more traditional appeal, but on an expedited path (restricted word limits, perhaps a decision without oral argument, and short opinions possibly lacking precedential authority).”
- “We are unanimous in our support of the points set forth above. We are less certain, however, of the best means for implementing them. And we remain open to pushback on even these central points.”
- 2019 Justice Court Reform Taskforce was created.
  - Met from May 2020 – August 2021.
- 2021 Justice Court Reform Taskforce presented to the Judicial Council and Supreme Court.
  - Core recommendations included eliminating de novo appeals without requiring a constitutional amendment, creating a new division of the district court (magistrate division) where all misdemeanor and small claims cases would be heard on-the-record by fulltime judges who are members of the Utah State Bar, and increasing judicial independence by eliminating conflicts of interest, setting fixed judicial salaries, and standardizing practices.
  - Structural reform and necessary supporting changes included
    - the creation of a division of the district court (magistrate duties assigned to division judges, class A misdemeanors transferred to division judges, and preliminary hearings transferred to division judges);
    - division judges required to be members of the Bar;
    - populate division court with eligible justice court judges. Future vacancies appointed by the State Governor;
    - current justice court judges continue in office;
    - the number of division judges to be established by statute;
    - creation of new criminal court rules;
    - indigent defense services;
    - plea withdrawal expansion;
    - additional appellate court judges and staff;
    - statutes enacted clarifying all courts as part of the state Judiciary;
    - judicial salaries set at a fixed amount;
    - Accounting Model 2 eliminated;
    - geographic restrictions for judicial applicants being removed; and
    - AOC assuming greater role in administration of justice courts.

### **Small claims recommendations**

- Small claims cases heard on the record.
- Small claims separation between private and commercial.
- Definition of private vs. commercial claims.
- Removal of third-party debt collection restrictions in small claims.
- Filing fee for commercial claims increased and system for representation created.

- ODR expanded to all small claims cases.
- New judicial rules created for civil/small claims cases.
- Pro tem judges discontinued and ODR facilitator system created.
- Webex hearings made available for parties, volunteers, and attorneys.

#### **Simplified infraction process**

- Creation of a simplified process for infractions, including ODR process, possibly using the Hawaii model.

#### **Post-taskforce report recommendation**

- Transfer of eviction cases to division.

Judge Farr mentioned that groups from other states as well as the NCSC and the PEW Foundation that have expressed interest in these recommendations.

In August 2021 the Council approved the recommendations of the Justice Court Reform Taskforce, recognizing that the proposals made could evolve over time with further information from stakeholders and authorized the formation of the Justice Court Reform Workgroup to take the next steps toward exploring the implementation of the recommendations.

Mr. Drechsel, Judge Farr, and Mr. Peters met with the Judiciary Interim Committee, which is comprised of the Chairs and members of each house. Mr. Drechsel felt they saw merit in the principles and considerations, while grappling with current issues, including the amount of self-represented parties and funding. Mr. Drechsel wasn't aware at this time of any proposed justice court reform bills. He didn't think justice court reform would be affected by the proposed chancery business bill. Judge Farr mentioned that this wasn't the first time legislators heard about reform efforts because there were representatives from many groups on the taskforce.

#### **NCSC focus groups**

Grace Spulak stated that the NCSC conducted 6 focus groups between August – September, 2022, including the Board of Justice Court Judges, justice court clerks, Board of District Court Judges, prosecutors, defense attorneys, and local government officials. During the focus groups participants were asked to share reasons they supported the proposal, concerns about the proposal, and any other suggestions to improve justice courts.

Four judges indicated that they believed the proposed reforms would lead to better access to justice. The groups supported the elimination of de novo appeals and building a body of caselaw around misdemeanors and small claims cases. Participants expressed concerns about judge and staff retention, salaries, and transferring benefits. Community input included concerns about losing the sense of community connection with local justice courts moving to division courts, remote appearances to avoid traveling great distances, and that local courts can reflect the sensibilities of the community.

The groups believed moving class B and C misdemeanors to the division courts would create better indigent defense and allow for access to specialty courts, such as mental health courts.

### **NCSC survey**

The NCSC sent a survey to those involved in the focus groups, plus the AOC Directors, TCEs, and other stakeholders. Of the 282 responses, 270 responses indicated that they were familiar with the Taskforce's work.

| <b>Participants</b>                  | <b>Count</b> |
|--------------------------------------|--------------|
| Judges                               | 82           |
| Prosecutors                          | 45           |
| Court staff                          | 114          |
| Defense attorneys                    | 15           |
| County and municipality stakeholders | 15           |
| Other                                | 11           |
| <b>Total</b>                         | <b>282</b>   |

Chief Justice Durrant thanked Ms. Spulak and those at the NCSC who participated on this effort.

### **Kem C. Gardner Policy Institute**

Mr. Dean explained that the Institute gathered data from FY 2018 – FY 2020 from 13 justice courts including 5 Class I Courts, 3 Class II Courts, 4 Class III Courts, and 1 Class IV Court. Entities do not always follow the uniform chart of accounts so some of the data had to be interpreted. Ms. Bradford noted that they recognized that 2020 was a pandemic year but for purposes of this presentation, they included the data from that year.

#### Categorization of data

- 1) Total building expenses
  - Maintenance
  - Rent/building fee
  - Utilities
  - Other
- 2) Total employee expenses
  - Attorneys
  - Bailiff/security
  - Judge
  - Other
- 3) Equipment and supplies
- 4) IT (computer/phone)
- 5) Juror/witness/interpreter
- 6) Travel/transportation/training
- 7) Total other
  - General
  - State fees paid
  - Unknown

Employee expenses comprise approximately 90% of total expenses listed in the categories above. Depending on the court location, of the employee expenses, the majority of

expenses were staff, followed by attorneys, then followed by bailiff/staff. Building expenses were difficult to determine because some justice courts are using shared rooms; some justice courts only provided rough estimates of their building expenses; and building leases or rental fees.

|                         | <b>% of Revenue Retained</b> | <b>% of Cases Retained</b> |
|-------------------------|------------------------------|----------------------------|
| <b>Davis</b>            | 46%                          | 68%                        |
| <b>Orem</b>             | 42%                          | 71%                        |
| <b>Salt Lake City</b>   | 45%                          | 52%                        |
| <b>Sandy</b>            | 66%                          | 82%                        |
| <b>West Valley</b>      | 34%                          | 54%                        |
| <b>Carbon County</b>    | 41%                          | 68%                        |
| <b>Millard</b>          | 56%                          | 89%                        |
| <b>North Salt Lake</b>  | 43%                          | 70%                        |
| <b>Herriman</b>         | 65%                          | 78%                        |
| <b>Parowan</b>          | 46%                          | 75%                        |
| <b>Saratoga Springs</b> | 34%                          | 66%                        |
| <b>Wellsville</b>       | 55%                          | 85%                        |
| <b>Garland</b>          | 41%                          | 61%                        |

Chief Justice Durrant thanked Ms. Bradford, Ms. Brandley, and Mr. Dean.

Mr. Drechsel reminded the Council that it is common to see both state courts and justice courts operate in the red because courts are an essential government service. Judge Chin said many cities and counties approach judges on the revenue their courts bring in through ordering and collecting fines. Judge Brower thought that many larger jurisdictions understand the losses taken with justice courts but accept the losses because they recognize they are providing an essential service. However, more rural courts sometimes only hope to break-even. Judge Chin didn't believe the majority of justice courts break-even fiscally. Mr. Drechsel said if the reform efforts were adopted, the state courts budget may appear further in the red, resulting in the Council's need to identify if there are any sources of revenue that could soften the loss.

The Workgroup provided the following assessment of the state fiscal impact, while accepting that these amounts could increase.

**Fiscal impacts – expenses**

- Personnel
  - Magistrate judges – \$19 million
  - Judicial assistants – \$26.4 million
  - Court of Appeals – \$2.3 million
  - AOC – \$2.2 million
- Facilities
  - Set up/FF&E (one-time) – \$5.1 million
  - Rents, not including 3% escalation – \$3.8 million
  - Court security (bailiffs only) – \$3.6 million
- Other
  - IT infrastructure (one-time) – \$3.6 million

- IT infrastructure – \$400,000
- Education – \$768,000

### **Fiscal impacts – offsets**

- New state revenue that would follow cases moving from justice courts to division courts – \$22 million.
- Reallocation through attrition of 17 retiring district court judges – \$3.6 million and 34 judicial assistants – \$3.4 million. Mr. Peters explained that they are anticipating future events, such as retirements, because the reform will not be implemented all at once.
- Other possible facilities savings – up to \$1.6 million and possible revenue distribution adjustments (state/local splits) – up to \$18 million.

Mr. Gordon pointed out that if all of these changes were implemented, the justice courts' revenue would decrease. Cities and counties are using revenue from those cases for other services. Judge Lindsley said realistically post-pandemic, the revenue may be lower because judges may be diverting away from fines to community service.

### **Options for moving forward**

- Do nothing
  - *Pros* –
    - No fiscal impact
    - Easy to implement
  - *Cons* –
    - There are current concerns that need to be addressed
    - Spent significant amount of time and money working to identify and develop solutions to those concerns
    - Other stakeholders, including Legislature, also have an interest in certain reforms
- Seek to fully implement the taskforce's recommendations
  - *Pros* –
    - Recommendations could be used as a gold standard
    - Best way to achieve the principles highlighted in the report
  - *Cons* –
    - Would result in significant personnel and facilities challenges
    - May carry a fiscal note somewhere between \$20 and \$70 million per year
- Eliminate justice courts
  - *Pros* –
    - Goal around the country is to consolidate courts
    - Would accomplish most of the goals in the recommendations
  - *Cons* –
    - Would arguably require a constitutional amendment
    - Would result in even more significant personnel and facilities challenges, and an even larger fiscal burden as the entire justice court caseload would be transferred to the district court
    - May exacerbate access to justice issues
- Make justice courts “courts of record”

- *Pros* –
  - Would resolve the de novo appeal issues
  - Would have smaller fiscal impacts
- *Cons* –
  - Would leave some of the recommendations related to judicial independence and other issues unaddressed
  - As a court of record, judges would be required to be members of the State Bar, serve fulltime, and be appointed by the Governor, as required by the constitution; this would effectively eliminate small, rural justice courts.
  - Would require constitutional amendments to multiple sections, including those dealing with the judicial appointment process.
- A gradual, phase approach
  - *Vision* –
    - Encourage legislation, rules, and other changes that get the courts closer to the core concepts of 1) cases heard on the record, 2) the elimination of conflicts of interest that increase judicial independence, and 3) accomplishing other recommendations
  - *Pros* –
    - Stay true to the recommendations
    - Accomplishes some of the goals immediately
    - Establishes a framework for future implementation
    - Is more fiscally responsible
  - *Cons* –
    - Leaves many of the recommendations undone – at least for now – including the primary goal of eliminating de novo appeals
    - Creates uncertainty for the future

Judge Farr was concerned about how a mandate that all justice court judges be members of the Bar would affect the small part-time courts. Judge Pettit asked why not change the statute to allow direct appeals from the justice courts. There are currently 78 justice court judges with 20 of them being non-lawyers. More than half of the justice courts operate less than fulltime. Judge Pettit asked if the majority of the justice courts could have direct appeals. Judge Farr was concerned that not all justice courts are recorded through FTR and smaller courts do not have the funding for a better recording system. Less than 2% of cases are appealed.

**Phase approach 1 of 4** support legislation enacting those recommendations that have no state fiscal impacts/avoid significant structural changes.

- Enact statute clarifying that all courts are part of the Judiciary.
- Set fixed judicial salaries, which would have local financial impacts.
- Eliminate Accounting Model 2.
- Eliminate geographic restrictions for justice court judge applicants.
- Require all new justice court judges to have law degrees, allowing current justice court judges without law degrees to be grandfathered in.

Judge Farr noted some justice courts are not set up to accept electronic fine payments. If a clerk is unavailable, there are city or county personnel who accept fine payments from court patrons or assist judges.

**Phase approach 2 of 4** support legislation enacting the legal framework through which future structural changes could more easily be implemented.

- Create a magistrate judicial position, appointed, fulltime, Bar membership, with duties set forth in statute, including presiding over class B and C misdemeanors and small claims, magistrate functions, other duties as assigned by the district court, appointed by the Governor, and salary set at 90% of a district court judge.
- Concurrent jurisdiction of class B and C misdemeanors and small claims between justice and district courts, with primary jurisdiction in justice courts and jurisdiction transferring upon certain events such as dissolution of a justice court, legislative transfer of certain case types or order of a district court judge where a magistrate judge has been implemented.
- Funding of a magistrate judge in districts with greatest current judicial need.

This phase sets up the possibility for future changes.

**Phase approach 3 of 4** support legislation relating to the transfer of certain small claims cases.

- Transferred case would be heard by a magistrate on the record.
- Could apply to certain case types such as personal injury, insurance or expert witnesses and at either a party's request or automatically if certain conditions exist.
- Coordinate with URSCP Rule 4A Defendant's Removal to District Court, which provides for removal for the right to a jury trial.

**Phase approach 4 of 4** recommendations to work towards in the future.

- Magistrate duties assigned to magistrate judges.
- Class A misdemeanors heard by magistrate judges.
- Preliminary hearings heard by magistrate judges.
- Differentiate between private and commercial small claims cases.
- Bring third party debt collection cases under the small claims umbrella, both to be heard by magistrate judges.
- Filing fee for commercial small claims and debt collection cases to be used to provide LPP representation.
- Expand ODR to all small claims and debt collection cases.
- Discontinue the use of pro tem judges for small claims and create ODR facilitator system.
- By rule, make remote hearings available to parties, volunteers, attorneys, etc.
- Creation of a simplified process for infractions.
- Eviction cases to be heard by magistrate judges.

Justice courts have continued to decline from 120 to 80 over the past 10 years. Judge Gardner noted that the district courts that are in need of a judge would have plenty of work for magistrates to do. Judge Farr wondered where in a district court a magistrate could be housed

and thought the Legislature may be more willing to fund a less expensive request rather than fund a new judge. He also questioned if the Legislature would be interested in utilizing court space more effectively. Mr. Drechsel said the Legislature has been interested in space utilization in the post-COVID environment.

Mr. Drechsel said if provisions to the Code could be amended with enough clarity, the Council could easily transition justice court reform efforts over time. Mr. Peters thought the Council could create future dates for changes. Mr. Gordon said the Council and AOC staff need to keep the commitment to continue pursuing these efforts for a number of years.

Mr. Gordon and Mr. Drechsel felt the courts could begin legislative discussions for the implementation of phase 1 and both believed the Council should communicate their research and work with the Legislature. Mr. Drechsel recommended the Council communicate to the Legislature that they've investigated, assessed the five options, selected option 5, and have recognized the reality of the lack of time with the session closely approaching to draft something. Mr. Gordon suggested the written report incorporate the information from the NCSC and Kem C. Gardner Institute.

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

**Motion:** Judge Lindsley moved to have Mr. Drechsel, with the assistance of Judge Farr and Mr. Peters create a list of talking points that link to the reports that the Council has received to show their intent to work through phases to implement the recommendations regarding reforming the justice courts in the state of Utah.

Mr. Drechsel confirmed the incremental approach would fall in line with option 5. Judge Lindsley confirmed and stated that it would include how the Council would be moving through phase 5, which could be further revised as needed by the Council in the future. Judge Lindsley confirmed Mr. Drechsel's interpretation of her motion. Judge Pettit was uncomfortable with this because she has not had sufficient time to digest this. Judge Lindsley clarified that she was referring to option 5 with pieces that may change in the future based on the court system and how other things are working but working towards those changes from the initial report of justice court reform. And, maybe less concrete as to where Judge Pettit is concerned. Judge Chin suggested the report could indicate the Council's support for some type of reform with future ideas still in development.

Judge Pettit felt this was a new concept that hadn't been talked about before. Judge Lindsley accepted Judge Chin's amendment. Judge Bazzelle asked if it would be helpful to add that the Council was planning on legislation in 2024. Mr. Drechsel thought this was a good idea. Judge Lindsley added this to her motion and preferred to have a more concrete path forward.

Judge Evershed seconded the motion, and it passed unanimously.

## ~~16. EXECUTIVE SESSION~~

~~An executive session was not held.~~

UTAH STATE COURTS



# Justice Court Reform

Presentation to the Judicial Council  
October 24, 2022

# Agenda

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- Overview
- Background Leading to Formation of the Task Force
- Task Force Recommendations and Direction from Council
- Stakeholder Feedback (including feedback obtained by the National Center for State Courts)
- Fiscal Impacts (including analysis conducted by the Kem C. Gardner Policy Institute)
- Review Options for Moving Forward
- Discussion

# UTAH STATE COURTS

## Timeline

1989

- Justice Courts Created

1996

- Circuit Courts Dissolved
- Justice Court Jurisdiction Expanded

2007

- Nehring Commission

2016

- *Simler v. Chilel*, 379 P.3d 1995 (Utah 2016)

2018

- Supreme Court Advisory Committee Chaired by Judge Appleby

2019

- Task Force Formed

2021

- Task Force Report Presented to the Supreme Court and the Judicial Council

# Nehring Commission (2007)

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| ENACTED RECOMMENDATIONS                   | NOT ENACTED  |
|---|--|
| Judicial selection process                | Judges to be state employees   |
| Salary protections                        | Judges' salaries set at 90%  |
| As a compromise, a salary range of 50-90% | Elimination of part-time judicial positions (60 FTE judges needed statewide) |
|   | All judges to have at least a Bachelor's degree                              |

## Supreme Court Advisory Committee (2018)

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“The Utah Supreme Court is interested in exploring procedural reforms for cases initiated in the justice courts. This project is rooted in our ongoing commitment to promoting access to justice. We believe that small claims procedure, in particular, could benefit from streamlining and refinement. And we have convened this committee for the purpose of advising us on possible ways to implement the reforms that are outlined below.”

## Supreme Court Advisory Committee (2018)

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“We are interested in exploring the possibility of amendments to our rules, to controlling legislation, and (if necessary) to the Utah Constitution to pave the way for elimination of the appeal by de novo trial. Instead, we propose a more traditional appeal, but on an expedited path (restricted word limits, perhaps a decision without oral argument, and short opinions possibly lacking precedential authority).”

# Supreme Court Advisory Committee (2018)

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“We are unanimous in our support of the points set forth above. We are less certain, however, of the best means for implementing them. And we remain open to pushback on even these central points.”

## Justice Court Reform Task Force (2019-21)

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- Formed by Judicial Council and Supreme Court in December 2019
- Met from May 2020 – August 2021
- Report Submitted to the Judicial Council in August 2021
- Core Recommendations Included:
  - Eliminating de novo appeals without requiring a constitutional amendment
  - Creating a new division of the District Court (Magistrate Division) where all misdemeanor and small claims cases would be heard on-the-record by full-time judges who are members of the Bar
  - Increasing judicial independence by eliminating conflicts of interest, setting fixed judicial salaries, and standardizing practices



# 26 Task Force Recommendations (2021)

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## Structural Reform and Necessary Supporting Changes

1. Create new of Division of District Court
  - a. Magistrate duties assigned to Division judges
  - b. Class A misdemeanors transferred to Division Judges
  - c. Preliminary Hearings transferred to Division Judges
2. Justice court jurisdiction limited to infractions
- 
3. Division Judges required to be members of the Bar
4. All Division judges required to be full-time
5. Populate Division Court w/ eligible justice court judges. Future vacancies appointed by Gov.
6. Current justice court judges continue in office
7. The number of Division judges established by statute
8. Creation of new criminal court rules
9. Indigent defense services
10. Plea withdrawal expansion
11. Additional appellate court judges, staff, etc.

# 26 Task Force Recommendations (2021)

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## Recommendations that Compliment Reform

12. Statutes enacted clarifying all courts as part of the state judiciary
13. Judicial salaries set at a fixed amount
14. Accounting Model 2 eliminated
15. Geographic restrictions for judicial applicants being removed
16. AOC assuming greater role in administration of justice courts



# 26 Task Force Recommendations (2021)

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## Small Claims Recommendations

17. Small claims cases heard on the record
18. Small claims separation between private and commercial
19. Definition of private vs. commercial claims
20. Removal of third-party debt collection restrictions in small claims
21. Filing fee for commercial claims increased and system for representation created
22. ODR expanded to all small claims cases
23. New judicial rules created for civil / small claims cases
24. Pro tem judges discontinued and ODR facilitator system created
25. Webex hearings made available for parties, volunteers and attorneys

# 26 Task Force Recommendations (2021)

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## Simplified Infraction Process

26. Creation of a simplified process for infractions, including ODR process

## Post-Task Force Report Recommendation

27. Transfer of Eviction cases to Division (post-task force recommendation)



## Council Reaction and Direction (2021)

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- In August 2021, the Council:
  - approved the recommendations of the Task Force recognizing that the proposals made could evolve over time with further information from stakeholders; and
  - authorized formation of a workgroup to take next steps toward exploring the implementation of the Task Force's recommendations.
- In February 2022, the workgroup requested funding for exploring the fiscal impact of implementing the Recommendations. The Council instructed workgroup to first assess legislative interest and obtain stakeholder feedback.



# Stakeholder Feedback (2022)

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- Outreach to:
  - Legislature – Leadership and Judiciary Interim Committee
  - Utah League of Cities and Towns – Legislative Policy Committee
  - Boards of District, Justice, and Appellate Court Judges
  - The Supreme Court



# Stakeholder Feedback (2022)

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- Engaged the National Center for State Courts
  - Focus groups with
    - The Board of Justice Court Judges
    - Justice Court Clerks
    - The Board of District Court Judges
    - Prosecutors
    - Defense Attorneys
    - Local Government Officials
  - Survey
    - 282 Responses representing all stakeholders listed above plus AOC Directors, TCEs and Others
    - 270 respondents (or 96.4%) were familiar with the Task Force's Recommendations

## Fiscal Impacts – Expenses

|                   |                                     |         |
|-------------------|-------------------------------------|---------|
| <b>PERSONNEL</b>  | Magistrate Judges (60)              | \$19.1M |
|                   | Judicial Assistants (~260)          | \$26.4M |
|                   | Court of Appeals                    | \$2.3M  |
|                   | Administrative Office               | \$2.2M  |
| <b>FACILITIES</b> | Set Up / FF&E (one-time)            | \$5.1M  |
|                   | Rents (not including 3% escalation) | \$3.8M  |
|                   | Court Security (bailiffs only)      | \$3.6M  |
| <b>OTHER</b>      | IT Infrastructure (one-time)        | \$3.6M  |
|                   | IT Infrastructure                   | \$400K  |
|                   | Education                           | \$768K  |

## Fiscal Impacts – Offsets

|   |  |              |
|---|--|--------------|
| <b>NEW STATE REVENUE</b>                          | Follows cases moving from justice court to division court        | \$22M        |
| <b>REALLOCATION</b><br><i>(THROUGH ATTRITION)</i> | Retiring district court judges (17)                              | \$3.6M       |
|   | Judicial assistants (34)   | \$3.4M       |
| <b>OTHER</b>                                      | Possible Facilities Savings                                      | Up to \$1.6M |
|   | Possible revenue distribution adjustments (state / local splits) | Up to \$18M  |

# Options for Moving Forward

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1. Do Nothing
2. Seek to Fully Implement the Task Force's Recommendations
3. Eliminate Justice Courts
4. Make Justice Courts "Of-Record"
5. A Gradual, Phased Approach



## Option 1 – Do Nothing

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### Pros:

- No fiscal impact
- Easy to implement

### Cons:

- We have identified and broadcast concerns with the current system
- We have spent a significant amount of time and money working to identify and develop solutions to those concerns
- Other stakeholders, including the legislature, also have an interest in certain reforms

## Option 2 – Full Implementation

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### Pros:

- The Recommendations should be viewed as the Gold Standard
- Best way to achieve the principles highlighted in the Report

### Cons:

- Full and immediate implementation would result in significant personnel and facilities challenges
- Full implementation may carry a fiscal note somewhere between \$20 and \$70 million dollars per year (depending on specific policy decisions)

## Option 3 – Eliminate Justice Courts

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### Pros:

- Elimination of justice courts would accomplish most of the goals of the Recommendations

### Cons:

- Elimination would arguably require a constitutional amendment (Article VIII, Sec. 1 “. . . Courts not of record shall also be established by statute”)
- Elimination would result in even more significant personnel and facilities challenges, and an even larger fiscal burden, as the entire justice court caseload would be transferred to the District Court
- May exacerbate access to justice issues

## Option 4 – Make Justice Courts “Of Record”

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### Pros:

- This option would resolve the de novo appeal issue
- This option would have smaller fiscal impacts (Court of Appeals)

### Cons:

- This option would leave some of the recommendations related to judicial independence and other issues unaddressed
- As a court-of-record, judges would be required to be members of the bar, serve full-time, and be appointed by the Governor—effectively eliminating small, rural justice courts

**OR**

- This option would require constitutional amendments to multiple sections, including those dealing with the judicial appointment process

## Option 5 – Gradual, Phased Approach

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### Vision:

Encourage legislation, rules, and other changes that get us closer to the core concepts of:

1. Cases heard on-the-record;
2. Elimination of conflicts of interest that increase judicial independence; and
3. Accomplishing other recommendations.



## Option 5 – Gradual, Phased Approach

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### Pros:

- Stays true to the Recommendations
- Accomplishes some of the goals immediately
- Establishes a framework for future implementation
- Is more fiscally responsible

### Cons:

- Leaves many of the Recommendations undone—at least for now—including the primary goal of eliminating de novo appeals
- Creates uncertainty for the future



## Option 5 – Phase 1 of 4

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Support legislation enacting those recommendations that have no state fiscal impacts / avoid significant structural changes:

- #12 – Enact statute clarifying that all courts are part of the judiciary
- #13 – Set fixed judicial salaries (would have local financial impacts)
- #14 – Eliminate accounting model #2
- #15 – Eliminate geographic restrictions for justice court judge applicants
- #16 – Require all new justice court judges to have law degrees (grandfathering current judges)

## Option 5 – Phase 2 of 4

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Support legislation enacting the legal framework through which future structural changes could more easily be implemented (like the federal magistrate system).

- Create the Magistrate Judge position. (Appointed judge, full-time, bar membership, with duties set forth in statute including presiding over B & C Misdemeanors and Small Claims, magistrate functions, other duties as assigned by District Court. Salary set at 90%.)
- Concurrent jurisdiction of B & C Misdemeanors and Small Claims between Justice Courts and District Courts, with primary in justice court, and jurisdiction transferring upon certain events (dissolution of a justice court, legislative transfer of certain case types, order of a District Court judge, etc. . . where a Magistrate Judge / Division has been implemented).
- Funding of a Magistrate Judge(s) in District(s) with greatest current judicial need.

## Option 5 – Phase 3 of 4

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Support legislation relating to the transfer of certain small claims cases (such as HB 196 from 2022 providing for the transfer of Domestic Violence cases).

- Transferred case would be heard by a Magistrate, on-the-record (pursuant to which procedural rules, existing or new?)
- Could apply to certain case types (personal injury, insurance, expert witnesses) and at either a party's request or automatically if certain conditions exist
- Coordinate with Rule 4A, Utah Rules of Small Claims Procedure which provides for removal for the right to a jury

## Option 5 – Phase 4 of 4

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Recommendations to work towards in the future:

- #1a – Magistrate duties assigned to magistrate judges
- #1b – Class A misdemeanors heard by Magistrate judges (pursuant to assignment of the presiding judge)
- #1c – Preliminary hearings heard by Magistrate judges (pursuant to assignment of the presiding judge)
- #18 and 19 – Differentiate between private and commercial small claims cases
- #20 – Bring 3<sup>rd</sup> Party debt collection cases under the Small Claims umbrella, both to be heard by Magistrates
- #21 – Filing fee for commercial small claims and debt collection cases to be used to provide LLP representation
- #22 – Expand ODR to all small claims and debt collection cases
- #24 – Discontinue the use of pro tem judges for small claims and create ODR facilitator system
- #25 – By rule, make remote hearings available to parties, volunteers, attorneys, etc.
- #26 – Creation of a simplified process for infractions (i.e., Hawaii’s traffic system, referee hearings, ODR, etc.)
- #27 – Eviction cases to be heard by Magistrates

# UTAH STATE COURTS



Questions/Discussion

# **ATTACHMENT B**

Memo to Judiciary Interim Committee summarizing Judicial Council's justice court reform recommendations adopted on October 24, 2022



# Administrative Office of the Courts

**Chief Justice Matthew B. Durrant**

Utah Supreme Court  
Chair, Utah Judicial Council

**Ronald B. Gordon, Jr.**

State Court Administrator

**Neira Siaperas**

Deputy Court Administrator

## MEMORANDUM

**To:** Senator Todd Weiler and Representative Jon Hawkins, *chairs of the Judiciary Interim Committee*  
**From:** Michael C. Drechsel, Assistant State Court Administrator — [michaelcd@utcourts.gov](mailto:michaelcd@utcourts.gov)  
**Date:** Friday, October 28, 2022  
**Re:** Justice Court Reform Update

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## EXECUTIVE SUMMARY

Following the courts' June 15, 2022 presentation to the Judiciary Interim Committee, the courts have continued to work to understand stakeholder feedback on the reform proposals and the possible fiscal impacts on both the state and local government entities. On October 24, 2022, the Judicial Council received a presentation on the most current information regarding impacts associated with various justice court reform options. The Judicial Council discussed various options and voted to continue efforts working with the legislature on a path to implement reforms. At the direction of the Judicial Council, this report summarizes the most recent developments related to the justice court reform initiative to assist the legislature in determining how to proceed. ***Specifically, the Judicial Council is interested in working with the legislature to implement reforms in a gradual phased approach (outlined in greater detail below), with careful study during the 2023 Interim in anticipation of significant legislation for the 2024 General Session.***

## BACKGROUND

Justice court reform has been a topic of study at the courts since 2018. In December 2019, the Judicial Council and Supreme Court created a task force and instructed the group to complete a comprehensive evaluation of justice court structure and operations, and report back to the Council with recommendations to strengthen and improve the provision of court services at the misdemeanor and small claims level. The task force involved members from each branch of government.<sup>1</sup>

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<sup>1</sup> The task force was comprised of 17 members, representing the following entities: Utah Senate (selected by Senate leadership), Utah House of Representatives (selected by House leadership), Utah League of Cities and Towns, Utah Association of Counties, Utah Governor's Office, Commission on Criminal and Juvenile Justice, Indigent Defense Commission, defense attorney, prosecuting attorney, civil attorney, justice courts, district courts, and appellate courts.

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

The task force presented its report and recommendations to the Judicial Council in August 2021.<sup>2</sup> The core recommendation was for the legislature to statutorily create a new division under the umbrella of the existing district court statutory framework. The new division would be a court of record and would be responsible for small claims cases and all misdemeanor cases. The judges that serve in this division would be appointed, confirmed, and retained through the constitutional and statutory processes for selection of judges of courts of record. Appeals would not be “de novo,”<sup>3</sup> but would instead follow a more typical appeal process that would be handled by the Court of Appeals. Under the proposal, the judges of this division of the district court would handle magistrate functions, including issuing warrants, making probable cause determinations for warrantless arrests, issuing pretrial release orders, conducting preliminary hearings, etc. Justice courts would continue to be responsible for infractions.<sup>4</sup>

After adopting the recommendations in the report, the Judicial Council instructed a workgroup within the courts to assess stakeholder feedback on, and fiscal impacts that may result from, the proposed reforms. The workgroup was also tasked with assessing legislative interest in the reform proposals. During the last year, the workgroup worked carefully with a number of entities and presented at various meetings of state and local officials. Since the June 15, 2022 Judiciary Interim Committee meeting, the workgroup has also coordinated the following:

- The National Center for State Courts was enlisted to conduct six focus groups of stakeholders (board of justice court judges, board of district court judges, justice court clerks, prosecutors, defense attorneys, and local government officials),<sup>5</sup> the results of which were then used to create a stakeholder survey (resulting in 282 participants providing survey responses). The survey results generally indicated a lack of consensus on most points related to the proposed reforms. The two points where there appeared to be agreement are: 1) that justice courts should be “courts of record” and thus subject to appellate review; and 2) that requiring justice court judges to be attorneys would lead to better decisions in misdemeanor and small claims cases.
- The Kem C. Gardner Policy Institute was enlisted to provide reform-related fiscal impact analysis on local government entities that operate justice courts.<sup>6</sup> To do so, the Institute reviewed FY2018-FY2020 data from 13 justice courts (five Class I courts, three Class II courts, four Class III courts, and one Class IV court). Although each entity categorized expenses in different ways (making data assessment difficult), preliminary analysis suggests that:
  - 70% of the local government entities that run these 13 justice courts experience operational costs that significantly exceed revenue under the status quo; and

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<sup>2</sup> The full report was provided to the Judiciary Interim Committee on June 15, 2022, and is available from the interim committee’s own website at: <https://le.utah.gov/interim/2022/pdf/00002534.pdf>

<sup>3</sup> A “de novo” appeal means that the entire justice court case is retried in the district court a second time. This is different from an “on-the-record” appeal, where the appellate courts review the record of the proceedings in the lower court to determine if there were legal errors that resulted in an unjust or unlawful outcome.

<sup>4</sup> Implementing this structural reform would require a number of statutory changes that are outlined in the full report (pg. 8-9). In addition, there are a number of additional modifications proposed in the report that could be made at the same time to address other significant concerns the task force identified (see the full report, pg. 9-11).

<sup>5</sup> See **Appendix A** for NCSC focus group report.

<sup>6</sup> See **Appendix B** for Kem C. Gardner preliminary analysis of justice court expenses and revenue.

- for all but two of the 13 entities, the proposed reforms under a “best case scenario”<sup>7</sup> would increase the status quo gap between operational costs and revenue by a factor of anywhere from -0.1x to -18.9x.
- The Administrative Office of the Courts leveraged expertise in its audit, finance, facilities, and data teams to establish fiscal impacts that could reasonably be anticipated from implementation of the reform proposals. These include:
  - Personnel Impacts:
    - Full implementation would likely result in a need for approximately 60 magistrate judges, along with approximately 260 supporting staff, all of whom would be new state employees. In addition, there would be need for new appellate court judges and staff, as well as additional personnel in the Administrative Office of the Courts to staff and support these new judicial officers, staff, and facilities. Collectively, these costs would total approximately \$45.6M. Through attrition of 15-20 district court judges (and supporting staff), these costs may be offset by \$7.0M.
  - Facilities Impacts:
    - Facility rents would likely increase by \$2.4 to \$3.8M ongoing (not including annual rent escalations), plus one-time costs of \$3.4M to \$5.1M to outfit these facilities for court work. These facility costs could be offset by \$1.6M ongoing and \$1.9M one-time by re-utilizing existing district court courtrooms, building out currently-shelled courtrooms, and exploring shared utilization of spaces through virtual hearings.
  - Revenue Impacts:
    - If the misdemeanor and small claims cases move from the justice courts to the magistrates in the district courts, and if the revenue follows the work, then approximately \$22M in new state revenue would be generated.

This information was presented to the Judicial Council on October 24, 2022, along with five primary reform options. After discussion, the Judicial Council determined that, from the courts’ perspective, an approach similar to Option 5 (see below) would be the best path forward. The Judicial Council instructed AOC staff to report to the legislature and seek partnership on creating a mutual path forward toward implementation.

## OPTIONS FOR ACTION

### ***Option 1 – Do Nothing***

Although easy to implement and with no fiscal impacts, the justice court reform proposals have identified specific concerns with the current structure of justice courts, including but not limited to drawbacks with de novo appeals (victim / witness impacts, no appellate feedback to justice court

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<sup>7</sup> For purposes of this preliminary analysis, the “best case scenario” is one where operational costs would reflect the percentage of cases retained after reforms were implemented. For example, if operational costs were \$1,000 before reforms and if reform resulted in 50% of cases moving to the magistrate division of the district court, then the “best case scenario” assumption would mean operational costs would be calculated as \$500 moving forward.

judges, no body of case law regarding justice court cases) and judicial quality and independence issues (law trained judges, appellate review and caselaw, justice court judges negotiating for salary, pressures to conduct court in certain ways, tension between accountability to the Judicial Council vs. local government employer). Not addressing the concerns would be to ignore the need for improvement in these areas.

### ***Option 2 – Seek to Fully Implement All Task Force Recommendations Immediately***

Fully implementing the task force recommendations would result in significant fiscal impact, largely driven by an immediate, dramatic increases in state personnel and state facilities expenses. From our review, the immediate fiscal impact would be somewhere between a minimum of \$20M ongoing (for a significantly pared down implementation) to \$60M ongoing, depending on specific policy decisions. The magnitude of this fiscal impact obviously cannot be ignored and clearly makes immediate, full implementation unrealistic.

### ***Option 3 – Eliminate Justice Courts Completely***

Although this would accomplish most of the goals in the task force report, it would also result in the highest possible fiscal impact as the state courts would be required to take responsibility of all court work currently handled by justice courts (misdemeanors, infractions, and small claims). This would reasonably be anticipated to create access to justice issues as cases take longer to resolve and require greater travel to participate in even the most minor court cases. It would arguably require a constitutional amendment to Article VIII, Section 1 of the Utah Constitution<sup>8</sup> or would likely be subject to litigation. This is also an unpopular option among a number of stakeholders who clearly expressed the viewpoint that local justice courts provide an important government service to the citizens of communities of all sizes across the state.

### ***Option 4 – Make Justice Courts “Court of Record”***

Leaving justice courts as presently constituted but making those justice courts “courts of record” would accomplish the goal of eliminating the de novo appeal. It would not, however, address the local judicial independence and other issues identified by the task force. This would create extreme challenges for rural areas of the state because many justice courts are part-time courts that operate only a few times per week or month. The Utah Constitution requires that judges of courts of record be lawyers who serve full-time and who are prohibited from otherwise practicing law. These criteria should be anticipated to eliminate rural justice courts, which is not an outcome recommended in the reform proposals. Changing those criteria would require significantly amending a number of provisions in the Utah Constitution, which, in the view of the task force and the Judicial Council, should not be undertaken if other options can accomplish the purposes of reform with equal effectiveness.

### ***Option 5 – Adopt a Gradual Phased Approach to Reform***

The state should implement justice court reforms with a gradual phased approach. Such an approach would allow flexibility to shift different areas of the state to a reformed judicial structure when the circumstances are optimal in each area. It would allow currently serving justice court and district court judges to continue in their present positions until retirement (or possibly the end of their current term)

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<sup>8</sup> Art. VIII, Sec. 1 of the Utah Constitution’s concluding sentence is: “Courts not of record shall also be established by statute.”

without being forced from the bench. It would also allow careful incremental study and refining of the reforms in practice. This gradual approach could be accomplished in four phases:

**Phase One:**

Seek to enact legislation that implements those reform recommendations that have no state fiscal impact and which do not alter existing jurisdictional structures. These include:

- **eliminating the statutory geographic residency requirement** that restricts the applicant pool for a justice court judge position to residents of the county where the court is located or an adjacent county — but require that appointed judges reside in that county (or adjacent) after appointment;<sup>9</sup>
- moving forward, **requiring law degrees for newly-appointed justice court judges**;<sup>10</sup>
- enacting statutes that more clearly **articulate that justice courts are part of the state’s judiciary** and that the judges and employees of those courts are under the primary direction of the Utah Supreme Court and the Judicial Council for purposes of court administration and operations, with secondary direction from the local government entity to the extent that secondary direction does not conflict with primary directions;<sup>11</sup>
- setting **more definitive statutory criteria for calculation of justice court judicial salaries** to eliminate the need for a justice court judge to have to negotiate salary (note: this may have a local fiscal impact depending on how local government entities are currently compensating their judge(s));<sup>12</sup> and
- requiring court payments to be received and receipted only by court employees.<sup>13</sup>

**Phase Two:**

Seek to enact statutes that create the legal framework for future reform implementation. This could include statutes:

- **creating a magistrate judge position** within the existing district court statutory framework (this framework can be implemented in statute without having to populate the positions until such time as caseloads, employment circumstances, and decisionmakers at the state and local level are ready to shift work to the magistrate judges);<sup>14</sup>

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<sup>9</sup> Reform Proposal #15 (pg. 10). See Utah Code § 78A-7-201(1)(d) - [https://le.utah.gov/xcode/Title78A/Chapter7/78A-7-S201.html?v=C78A-7-S201\\_2016051020160510](https://le.utah.gov/xcode/Title78A/Chapter7/78A-7-S201.html?v=C78A-7-S201_2016051020160510)

<sup>10</sup> Since May 2016, statute has required justice court judges in first-class and second-class counties to "have a degree from a law school that makes one eligible to apply for admission to a bar in any state." See Utah Code § 78A-7-201(2) - [https://le.utah.gov/xcode/Title78A/Chapter7/78A-7-S201.html?v=C78A-7-S201\\_2016051020160510](https://le.utah.gov/xcode/Title78A/Chapter7/78A-7-S201.html?v=C78A-7-S201_2016051020160510)

<sup>11</sup> Reform Proposals #12 and #16 (pg. 9). This recommendation also encompasses standardizing the forms and procedures used in justice courts across the state.

<sup>12</sup> Reform Proposal #13 (pg. 9).

<sup>13</sup> Reform Proposal #14. This reform can likely be accomplished by court rulemaking and may not require legislative action.

<sup>14</sup> A "magistrate judge" would: be appointed by the governor / confirmed by the senate / retained by voters in the same way as other judges in courts of record, serve full-time, be a member of the bar, and have duties as established by statute and court rule. Salary would be set at a certain percentage of a district court judge salary (e.g., 90%).

- **establishing concurrent jurisdiction between the justice courts and the district courts** over class B / class C misdemeanors and small claims actions, with primary jurisdiction remaining in the justice courts until a predefined event occurs (i.e., dissolution of a justice court, judicial vacancy, agreement of primary stakeholders, legislative transfer of certain case types — similar to HB0143 or HB0196 from the 2022 general session — etc.); and
- **appropriating funding for some magistrate judges** in locations with the highest established need.

### ***Phase Three:***

Support legislation transferring specific case types (certain small claims cases — such as those involving personal injury / expert witness(es) / insurance, DV cases, etc.) to the magistrate judge division of the district court. These cases would be heard on the record and therefore subject to appeal in the appellate courts.

### ***Phase Four:***

Continue to work toward implementation of remaining reform proposals, including:

- #1a — magistrate duties assigned to magistrate judges;
- #1b — class A misdemeanors heard by magistrate judges;
- #1c — preliminary hearings heard by magistrate judges;
- #18 and #19 — differentiate between private-party and commercial small claims cases;
- #20 — bring third-party debt collection cases under the small claims umbrella to be heard by magistrate judges;
- #21 — set commercial small claims and debt collection filing fees in an amount that can cover / offset LPP or low-bono attorney representation;
- #22 — expand Online Dispute Resolution (ODR) program and facilitators to apply to small claims and debt collection cases;
- #24 — discontinue use of *pro tem* judges in small claims cases;
- #26 — creation of simplified statutory and procedural process for infractions (i.e., such as the system in Hawaii, through ODR, or otherwise); and
- #27 — eviction cases heard by magistrates.

### ***Phase Timing***

Phase One implementation could proceed as soon as the 2023 General Session.

Phase Two should be the topic of serious drafting and review during the 2023 Interim with a goal of presenting legislation during the 2024 General Session.

Implementation of Phase Three and Phase Four can proceed incrementally as soon the Phase Two implementation is in place and as funding is available and appropriated to accomplish the reform.

# **APPENDIX A**

## **NCSC Focus Group Report**

# Utah Justice Court Reform Task Force Focus Group Summary Report

# Contents

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## Overview

The National Center for State Courts (NCSC) conducted six focus groups at the request of the Utah Justice Court Reform Task Force during the months of August and September 2022. Participants were identified by the Task Force, and the focus groups were facilitated by NCSC staff. Participants were provided with the summary included here as Appendix A and a link to the full Task Force report and recommendations prior to the focus groups. During the focus groups participants were asked to share reasons they supported the proposal, concerns about the proposal, and any other suggestions to improve Justice Courts.

This report includes summaries of the discussion from each focus group, presented in chronological order.

## Justice Court Judges

This focus group was held on August 12, 2022 from 12:00 p.m. to 2:00 p.m. via Zoom. Six (6) Justice Court judges participated.

### **Areas of Support**

Four judges indicated that they believed the proposed reforms would lead to better access to justice for individuals across the state of Utah.

### **Areas of Concerns**

Participants expressed concerns and had questions about aspects of the proposal, summarized below:

#### **Employment/Staffing Concerns**

- All participants indicated that justice court staff and judges felt high levels of uncertainty and anxiety about the proposed reforms and what it would mean for their careers and positions going forward. Participants indicated that this made it difficult to retain staff and to hire new staff.
- Although the proposal indicates that full-time justice court staff will become employees of the division court, the proposal does not indicate what will happen with part-time staff. Many rural justice courts are part time.
- The proposal does not address how benefits will be handled. There was concern that the state and municipality retirement benefits and vesting schedules do not match causing employees to potentially lose retirement benefits. There was also concern about health care benefits, particularly for part-time employees.
- Although the proposal indicates that all sitting justice court judges, including non-attorney judges, will be permitted to continue as division court judges, there is no guarantee that this will happen if the executive wants to appoint different judges.
- There was also a concern about where justice and division court staff and judges will be physically located. Right now, the proposal suggests they will share space, but it's not clear how this can or will work practically.
- If rural justice courts are shut down and all the justice court workload is transferred to the division court, this will create a lot of work for division courts.

#### **Community Concerns**

- In some communities, justice courts are seen as more localized and in touch with the needs of the communities. Participants did not want to lose this sense of community connection with the move to division court.

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- There was a concern about ensuring that parties would be able to appear remotely to avoid traveling long distances in rural communities if division courts were not located in those communities or in the same location as the justice courts.
- There was discussion of the fact that all communities are different and the more localized a court is, the more the court can reflect the sensibilities of community. This leads to better buy-in and more empathy on the part of judges who are tied to community.

Practicality Concerns

- All participants felt there needs to be clarity about how fines and fees will be allocated with the new structure. There was also a concern about some district courts that might not be following the standard fine schedule and this would need to be taken into account when doing reallocation as well.
- If the proposal is adopted piecemeal by the legislature (e.g. only some reforms are put in place), it will create worse access for individuals. Participants stressed that it was crucial all reforms be enacted for the restructuring to work.
- Participants supported the proposed phased-in approach where division court would be implemented in larger, urban communities and then rural communities. **However**, participants cautioned that the practicalities of this phase-in would have to be carefully considered, including how to draft a statute that would create this phase-in correctly, how to consider training for both division and justice court judges while the phase-in was taking place.
- Participants wanted more information and the opportunity to give feedback of offenses that would be converted to infractions. Some participants felt that there were a number of offenses that should be infractions, including driving on suspended licenses and failure to pay child support.

Other Areas of Discussion

- Some participants felt this proposed division court structure reflected the old circuit court structure that was abandoned by the Utah Judiciary, and the reforms felt like a step backward, not forward. Another participant provided some history on the circuit court structure and suggested that the structure itself was not bad.
- There was discussion about whether de novo appeals were actually a problem that needed to be addressed. Some participants felt they happened so infrequently that creating reforms to address them was not necessary. Another participant felt that the potential for de novo appeals affected plea bargaining in misdemeanor cases, requiring prosecutors to offer pleas that they might not otherwise offer due to concerns about appeals and having to re-do a trial.

## Justice Court Clerks

This focus group was held on August 26, 2022 at 2:00 p.m. to 4:00 p.m. via Zoom. Nine (9) clerks from justice courts across the state participated.

### **Areas of Support**

Participants expressed very little support for the proposal. One participant expressed that their justice court duties were only a small portion of their overall work, and that they would be relieved to have their justice court duties transferred somewhere else.

### **Areas of Concern**

#### Lack of Confidence in Justice Courts

- Participants expressed frustration in the lack of confidence that the task force appeared to have in justice court. Participants felt that the Justice Court Education Committee and AOC have worked hard over the past 5-6 years to build resources for justice court staff and judges and ensure competence and standardization. Participants felt that the Task Force overlooked many of these recent accomplishments and felt that justice court staff and judges work hard to maintain the integrity of justice courts. Participants believed that it would be better to increase resources and create reforms in justice court instead of creating a new level of court.
- Participants also felt that long-serving non-attorney judges had a good deal of knowledge and expertise, and these individuals should be allowed to serve as division court judges in some form.

#### Personnel/Staffing Concerns

- Participants expressed strong support for giving justice court clerks automatic transfer into division courts. There was concern that the proposal from the Task Force only allows “some” transfer. If people do not have job security, they will leave the courts and this uncertainty has already led to a lot of turnover.
- Participants also expressed concern over the lack of specifics in the proposal about salary, benefits, and transfer process. Participants expressed that making justice court staff state employees will lead to changes in benefits and retirement plans that may be detrimental. There is also a perception that state employees’ salaries are less than city employees, which would result in justice court staff earning less.

#### Access to Justice

Participants all expressed concern that division courts would lead to less access for the public.

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- Transportation Concerns: Housing division court in district court buildings would require the public to travel, which can be particularly difficult in rural areas where there are great distances between municipalities in a particular district and the district court.
- User-Experience/SRL Concerns: Participants believed that the public view justice courts as more accessible and less intimidating than district courts due to being located in the community. Participants expressed that justice courts are set up to help SRLs in ways that district courts are not, since most litigants in district court are represented. Participants also discussed the way in which justice court staff and judges often know litigants and are able to build relationships with them in a way they feared would not happen in division court. They also felt that justice court judges spend more time on cases than district court judges, informing people of their rights and ensuring that they understand the process.

### Stakeholder Confusion

Participants expressed concern that the creation of a new level of court would lead to increased public confusion for both litigants and other stakeholders such as law enforcement, who are already often unclear about where to send citations.

### Specialty Courts

- Participants felt that many justice court judges they work with are attempting to use the techniques of specialty courts even if they are not officially specialty courts including having people come back regularly for check-ins and pursuing immediate consequences.
- Participants also were unclear about how the proposed reforms would lead to increased services in areas where services were lacking. Moving cases to the district court level would not address a lack of mental health or substance abuse services in communities that do not have these services.

### Eliminating De Novo Appeals

Participants felt that eliminating de novo appeals in small claims would lead to less process for SRLs. They believed that SRLs would be better able to navigate the de novo trial rather than navigating the formal appeals process with the Court of Appeals.

### Other Discussion

- There was a suggestion to create regional or county justice courts in areas with multiple smaller justice courts, so there would be a regional justice court to hear infractions for multiple municipalities. This would give municipalities an option besides closing justice courts and transferring all infractions to division court.
- Participants also felt that some things should be reclassified as infractions as opposed to misdemeanors.
- Participants largely felt that this proposal was further dispersing resources by creating a new level of court rather than combining resources which are already scarce.

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- Participants felt that clerks had not had a voice up until the focus group and that many municipalities were unaware of the proposal.

## District Court Judges

This focus group was held on August 26, 2022 from 2:00 p.m. to 4:00 p.m. with participation from twelve (12) district court judges.

### **Areas of Support**

#### Appeals

Overall, participants liked eliminating de novo appeals. De novo trials take up a lot of time and it is difficult for the district courts to deal with SRLs in these cases. There are also fairness issues with de novo appeals, given that people who are charged with lesser crimes get two jury trials, but people charged with more serious crimes only get one. Appeals to the Court of Appeals would also allow for the creation of case law.

#### Standardization

This proposal would ensure that all misdemeanors are handled in a uniform way and that everyone is appointed counsel. It would also eliminate pressure on prosecutors by municipalities who want convictions. However, participants also pointed out that district courts are not particularly uniform either.

### **Areas of Concern**

#### Complexity and Speed of Proposal

All participants felt that this proposal had a number of moving parts that would need to be carefully considered to implement well, such new rules and a new division of the appellate court. There was concern about the speed at which this proposal was being implemented and a uniform desire to see this move more slowly.

#### Appointment of Justice Court Judges

Many participants also expressed concern about the legality of allowing non-attorney judges to be automatically transferred to the division court given Utah caselaw. Participants felt that *Salt Lake City v. Ohms*, 881 P.2d 844, 849 (Utah 1994) precluded judges at the district court level who were not selected through a judicial nominating process and appointed by the governor, which meant that the governor would have to appoint all justice court judges. The current proposal does not include any discretion if the governor does not want to appoint a particular justice court judge and does not anticipate the judicial nominating process. It would require a constitutional amendment to remove the nomination process/appointment requirement.

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Moving Class A Misdemeanors to Division Court

Participants had a number of questions about moving class a misdemeanors to division court. Currently, cases are often consolidated for people who have felony and class a charges in district court to resolve these cases with a single plea agreement, and it is unclear if this will still be possible in division court. Also, class a misdemeanors are different procedurally than class b and c misdemeanors given that they have a preliminary hearing and different procedural arcs.

Non-Attorney Judges

Some participants felt that the diverse background of justice court judges was a benefit.

Problem Solving Courts

Some participants felt that including people with class b and c misdemeanor charges in felony-level drugs courts was not appropriate, given that these people might not need the type of intensive oversight and treatment that people charged with felonies and class a misdemeanors might.

**Other Discussion and Suggestions**

- There was discussion about the way that this proposal seems to mimic the old circuit court structure, which felt like going backward to some participants.
- Some participants advocating creating a structure in district court similar to the federal magistrate structure and have division court deal with warrants and probable cause hearings. There was also pushback given that many current justice court judges may not have the background to do this.

## Prosecutors

This focus group was held on September 1, 2022 from 1:00 p.m. to 3:00 p.m. and had participation from nineteen (19) prosecutors both at the city and county level.

### **Areas of Support**

Participants in this focus group expressed little support for this proposal.

### **Areas of Concern**

#### General Concerns

Most participants felt that this proposal was unnecessary and would lead to confusion, lack of access, and poorer outcomes for court users. Participants felt that their justice courts functioned well and that justice courts are more accessible and user-friendly. A majority of participants expressed that they were opposed to the proposal without having more details fleshed out.

#### Class A Misdemeanors

There were a number of questions about who would prosecute class a misdemeanors in division court, including whether class a cases would be assigned to city prosecutors who might also prosecute class b and c misdemeanors in division court or if county prosecutors would continue to prosecute class a misdemeanors in division courts. Some participants felt that class a misdemeanors should remain in district court with felonies since the cases are procedurally and substantively similar.

#### Appearance in Justice and Division Court

In jurisdictions that elect to keep their justice courts, city prosecutors would have to continue to prosecute class b and c misdemeanors, since there is a statute that says cities have an obligation to do this if they have a justice court. This could create an additional burden on city prosecutors who would have to travel between division and justice court. However, if prosecutors do not handle infractions, it's not clear that city prosecutors would appear in justice court.

#### Revenue

There were several questions about revenue/funding for division courts. Division courts appeared particularly costly to participants, and they were unsure whether the legislature would fund this new level of court as needed. There was also concern about whether reallocation of revenue from justice court would solve this problem.

#### Access/Location of Justice Courts

Participants had a number of concerns about where division courts would be located and the travel burden on litigants and counsel if division courts were located in district court facilities.

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Public Accountability

Participants felt that shifting small claims and misdemeanors to division court would leave the public with less accountability because decisions would be made by officials over whom they had no electoral control.

Appeals

Participants felt the cost of appeals would be significant, both for the court and prosecutors (particularly in outlying areas who will have to travel to the Court of Appeals) and in terms of the cost of indigent defense services. Participants felt the current cost of de novo appeals is less than an appeal in the Court of Appeals. There was a suggestion about allowing district courts to hear on-the-record appeals from division court.

Personnel/Staffing

Some participants expressed concerns about staffing for division court. Participants felt that state courts are understaffed and lack resources and that justice court staff were currently better trained than district court staff.

There were also concerns about justice court staff who might not be retained under the current proposal and city prosecutors who might also lose their jobs if cities no longer have justice courts and no longer have an obligation to prosecute class b and c misdemeanors.

Courts of Record

Most participants felt that it would be best to keep the justice court structure the same and make justice courts courts of record even though this would require a constitutional amendment.

Substance Abuse and Mental Health Services

There was discussion about the fact that merely moving cases to division court will not create new mental health or substance abuse services in areas of the state where these services do not exist. Many rural communities do not have substance abuse or mental health services and these services do not exist at the county level. Participants felt a better option would be to increase funding for municipalities and justice courts to develop services and specialty courts. At least one city has a drug court that is city funded.

Infractions

Participants were concerned about eliminating prosecutors from infractions. They felt that it was important to have prosecutors look at citations and make sure the officer cited the right charge, because there are collateral consequences to infractions that have significant impact. They also felt that eliminating prosecutors in infraction cases would increase public perception of justice courts as money makers.

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Pending Cases

Participants had question about what happens to open misdemeanors and pending probation cases in justice court, including whether cases get transferred, whether different judges would change terms of probation orders, and whether county attorneys would have to take over these cases if a municipality closes its justice court. There was a concern about potential constitutional problems that might be created by case transfer.

Indigent Defense

Participants did not feel that there was a problem with indigent defense in justice courts and felt that justice court judges appointed counsel regularly and appropriately. There was a concern raised about whether the proposal would require counties or municipalities to use the Indigent Defense Fund as some participants felt that it worked better to contract with local attorneys in rural areas.

## Defense Attorneys

This focus group was held on September 2, 2022 from 11:30 a.m. to 1:30 p.m. via Zoom. Five (5) attorneys who presently act or have acted as defense counsel in justice court cases participated and three (3) attorneys sent comments via email.

### **Areas of Support**

Overall participants supported moving class b and c misdemeanors to district court.

#### On-the-Record Appeals

- All participants supported on the record appeals. They felt this would provide accountability for decisions that are currently being made by justice court judges and would lead to development of caselaw that is now lacking. The de novo appeals do not really address system problems that they see in the justice court with how cases are being decided and decisions that are made about evidence.
- One downside is that there would not be a “do-over” trial, and the first time many defense attorneys are able to view the evidence (e.g. testimony) is at the justice court trial.

### **Areas of Concern**

#### Appointment of Division Court Judges

Participants felt that there should be some vetting process for justice court judges before they became division court judges to ensure that problem judges were not just moved to division court.

#### Mental Health and Substance Abuse Treatment

Although there was support for increased treatment service and access, some participants felt that it was not appropriate to open district court specialty court programs to people with lower-level offenses (class b and c misdemeanors that are currently handled in justice court) due to these defendants not needing as high a level of support and oversight as people in the current district court programs. There was a suggestion that separate programs be developed for people with class b or c misdemeanors.

### **Outstanding Questions**

Participants had several questions about the appeals process, including what the rules around expedited appeals would look like and whether there would be a particular division of the Court of Appeals dedicated to handling these appeals, possibly with additional Court of Appeals judges.

## County and Municipality Representatives

This focus group was held on September 15, 2022 from 1:00 p.m. to 3:00 p.m. via Zoom and had thirteen (13) participants from various county and municipality positions.

### **Areas of Support**

- Although participants raised several questions and concerns about the financial ramifications of this proposal, participants expressed support for a proposal where the state would fund and operate all aspects of division court, including funding for court staff, prosecutors, defense attorneys, and other needs
- A few participants expressed support for heightening requirements and accountability for judges in small claims and misdemeanors cases. These participants felt that even though the municipalities employed justice court judges, they had no power to address problem judges.

### **Areas of Concern**

#### **Financial Considerations**

- Participants all expressed a desire to have more information about how division court would be financed and how reallocation of fines and fees historically collected by justice courts would work.
- Participants all expressed that counties and municipalities were not able to take on additional fiscal responsibilities without funding (e.g. providing indigent defense, hiring prosecutors to prosecute cases in division court).
- Some participants expressed that despite public perception, justice courts are not revenue generators for municipalities and that this proposal would make justice courts completely unsustainable.
- Participants all felt they needed more information about caseloads, including number of cases that would shift to
- Participants expressed that they would support infraction revenue being allocated across jurisdictions, rather than being tied to the particular jurisdiction as they felt this would reduce the incentive for speed traps.

#### **District Court Backlog**

- Some participants expressed concern about district court backlog and whether moving small claims and misdemeanor cases to district court would result in these cases languishing. Participants expressed that this would have a serious impact on quality of life for residents in some municipalities if misdemeanor cases did not progress quickly through division court.

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Access Considerations

- Several participants expressed that the informal structure of justice courts was easier for the public to navigate, and this should be considered when developing division court rules.

Pending Obligations

- A representative from one municipality indicated that they were in the process of awarding a multi-year contract for indigent defense and did not now know what to do given the division court proposal.
- Other participants had questions about filling open justice court judge positions and how cities might repurpose recently designed justice court space.

Other Concerns

- Participants felt that municipalities and counties had not been informed about the proposal and wanted to ensure that municipalities and counties would have the opportunity to weigh in, particularly about funding.

## Appendix A- Focus Group Summary

The Task Force on Justice Court Reform was created by the Utah Supreme Court and the Utah Judicial Council in December 2019 and included representation from judges, legislators, prosecutors, defense attorneys, representatives from the governor's office, members of the bar, and others. The Task Force submitted recommendations to the Utah Supreme Court and the Utah Judicial Council in August of 2021.

These recommendations are designed to improve public access to justice, to improve the quality of justice provided, and to improve the public perception of court services at the infraction, misdemeanor, and small claims level. These efforts are critical as this is the court level where most citizens come into contact with the judicial system. The Task Force proposed that reforms be implemented to strengthen the court system in the following areas:

- Transparency and Accountability
- Indigent Defense Services
- Judicial Education and Experience Requirements
- Financial Concerns
- Substance Abuse and Mental Health Treatment

Specifically, some of the recommendations include:

- Create a new division in Utah's District Courts (called Division Court) with attorney judges that would handle misdemeanor and small claims cases.
- Require that all misdemeanor and small claims cases be heard on the record.
- Eliminate de novo appeals (i.e. two trials) in misdemeanor and small claims cases and create an expedited appeal process for these cases in the Utah Court of Appeals.
- Make the provision of indigent defense services more uniform throughout the state.
- Create a structure to make mental health and substance abuse services more readily available in misdemeanor cases.
- Allow all interested, currently serving justice court judges that are members of the Utah Bar to become judges in Division Court and shift some justice court staff to Division Courts as appropriate.
- Continue Justice Court jurisdiction over infractions and create a more streamlined process for resolving infractions.

A more detailed summary of the Task Force's recommendations is available [here](#). The full proposal is available [here](#). The National Center for State Courts has partnered with the Task Force to help collect feedback on these recommendations. The focus group you have been invited to attend is an opportunity to provide feedback to about the recommendations. We look forward to meeting with you.

## **APPENDIX B**

**Kem C. Gardner Policy Institute  
Preliminary Analysis of Justice Court Expenses and Revenue**

# Justice Courts Expenses and Revenue Preliminary Analysis

Phil Dean, Andrea Brandley, and Kate Bradford

**October 24, 2022**



INFORMED DECISIONS™

# Challenges

- Categorization uniformity across justice courts
- Contributions to the state
  - Saratoga Springs
  - Sandy
- Unknown Expenses
  - Non-Departmental Costs attributed to JC (Saratoga Springs)
  - Contributions–Interlocal (Davis)
- Auditor’s Transparency Data

# Data Overview

- Data from 13 justice courts:

| <b>Class I</b>  | <b>Class II</b>  | <b>Class III</b>   | <b>Class IV</b>  |
|---|--|--|--|
| <ul style="list-style-type: none"><li>• Davis County</li><li>• Orem City</li><li>• Salt Lake City</li><li>• Sandy City</li><li>• West Valley City</li></ul> | <ul style="list-style-type: none"><li>• Carbon County</li><li>• Millard County</li><li>• City of North Salt Lake</li></ul> | <ul style="list-style-type: none"><li>• Herriman City</li><li>• Parowan City</li><li>• Saratoga Springs City</li><li>• Wellsville City</li></ul> | <ul style="list-style-type: none"><li>• Garland City</li></ul> |

- FY2018 – FY2020

# Categorization

## 1) Total Building Expenses

- Maintenance
- Rent/Building Fee
- Utilities
- Other

## 2) Total Employee Expenses

- Attorneys
- Bailiff/Security
- Judge
- Other

## 3) Equipment & Supplies

## 4) IT(Computer/Phone)

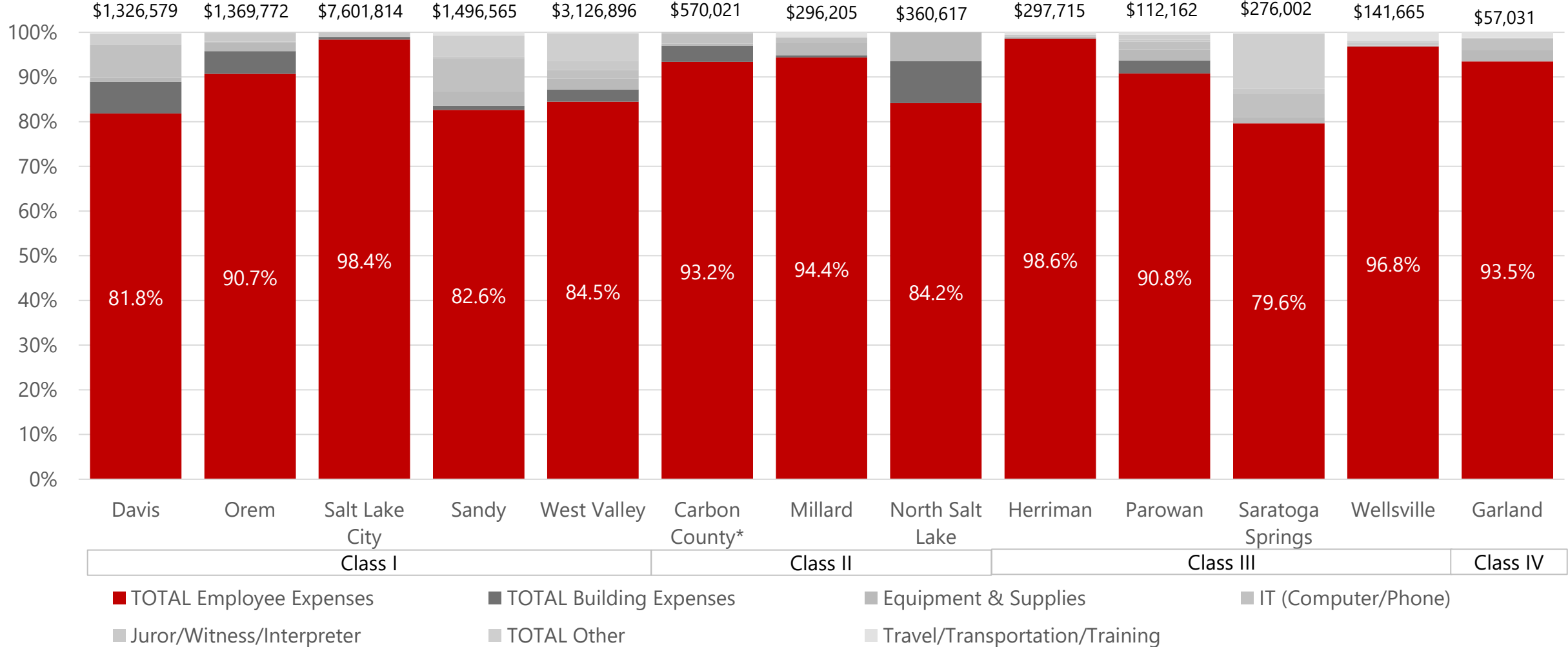
## 5) Juror/Witness/Interpreter

## 6) Travel/Transportation/Training

## 7) Total Other

- General
- State Fees Paid
- Unknown

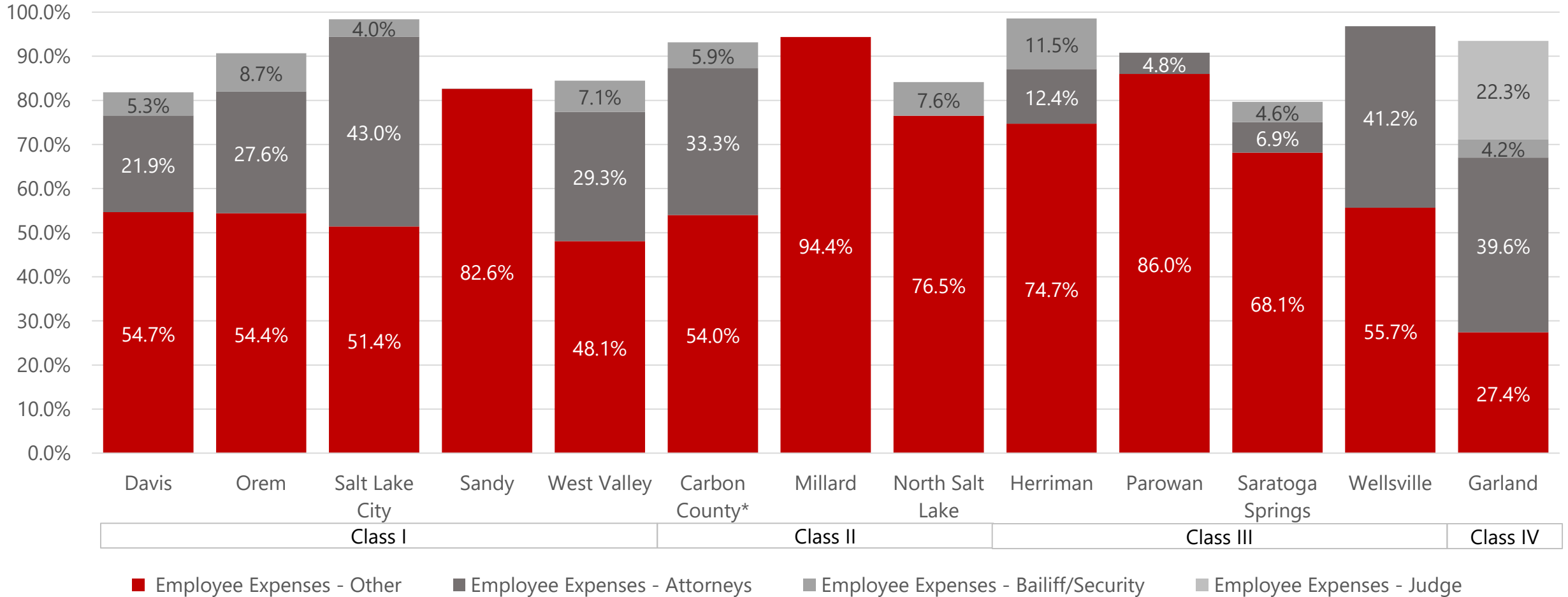
# 3-Year Average Expenses (2018-2020)



\*Carbon County's 3-year average is 2019-2021.  
Excludes state fees paid.

Source: Kem C. Gardner Policy Institute analysis of data provided by Administrative Office of the Courts

# 3-Year Average Employee Expenses (2018 -2020)

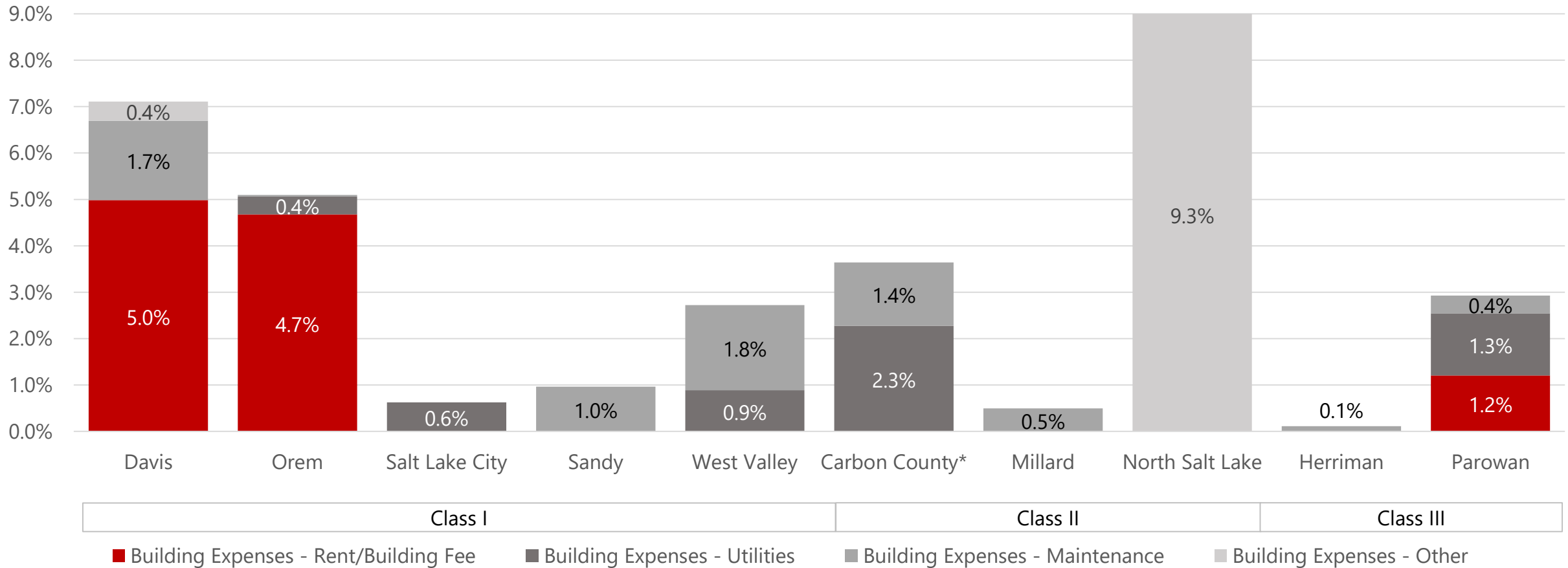


\*Carbon County's 3-year average is 2019-2021.  
Excludes state fees paid.

Source: Kem C. Gardner Policy Institute analysis of data provided by Administrative Office of the Courts

# 3-Year Average Building Expenses (2018-2020)

- Garland (Class IV) and Saratoga Springs and Wellsville (Class III) did not report building expenses.



\*Carbon County's 3-year average is 2019-2021.

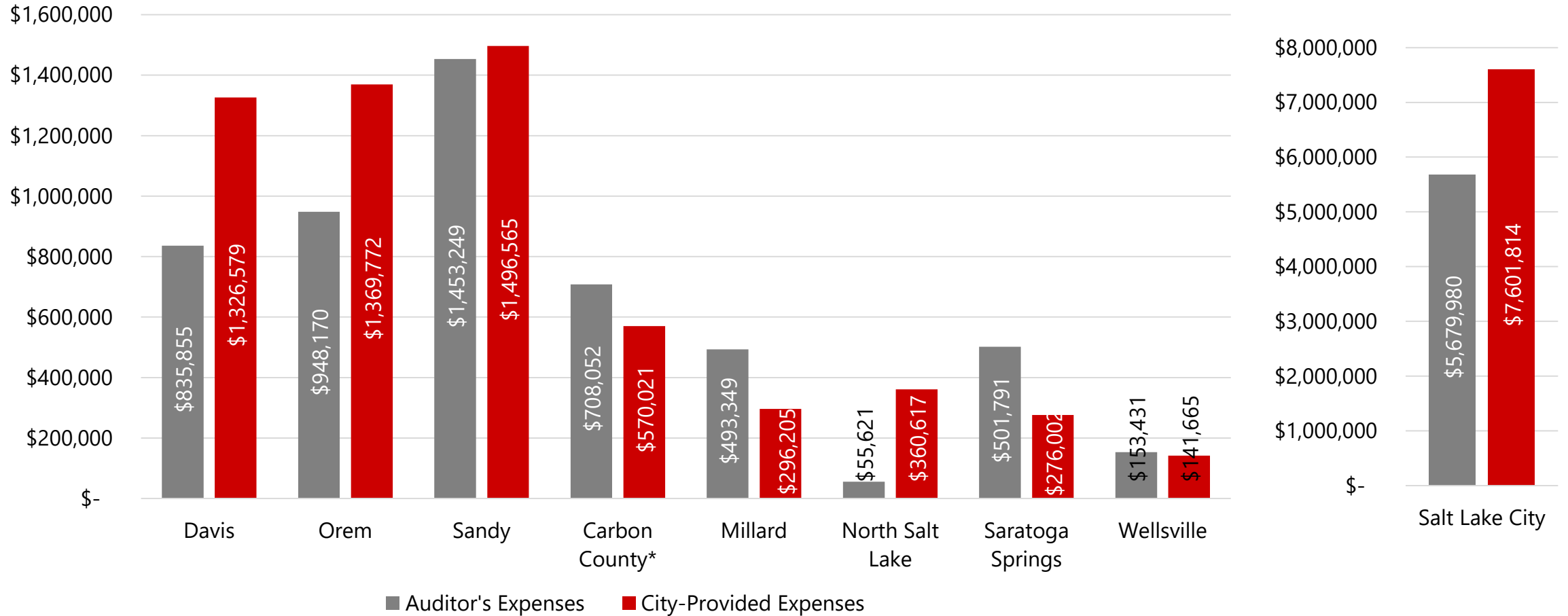
Excludes state fees paid.

Source: Kem C. Gardner Policy Institute analysis of data provided by Administrative Office of the Courts

# City-Provided Expenses Compared with Auditor's Database Expenses

*3-year average (2018-2020)*

- West Valley, Herriman, Parowan, and Garland did not have expenses reported under "Justice Courts" in the Auditor's database.



\*Carbon County uses a 2-year average of 2019-2020.

Source: Kem C. Gardner Policy Institute analysis of data provided by Administrative Office of the Courts

# Data Definitions

- **Expenses** – 2-year average (2018 & 2019) expenses provided by justice courts
- **% Expenses** – Expenses multiplied by the share of cases retained
- **Total Revenue** – Total revenue collected
- **OLD Retained** – Amount of revenue retained by justice courts under current system
- **Justice Revenue** – Amount of revenue that justice courts would collect under new system (excludes division court revenue)
- **NEW Retained** – Amount of revenue that justice courts would retain under new system (excludes division court revenue and amount disbursed to the state)

# If Expenses Stayed the Same

## *Worst Case Scenario*

|                                   | Class I      |             |                |             |               | Class II       |                |                 | Class III   |            |                  |            | Class IV   |
|-----------------------------------|--------------|-------------|----------------|-------------|---------------|----------------|----------------|-----------------|-------------|------------|------------------|------------|------------|
|                                   | Davis County | Orem        | Salt Lake City | Sandy       | West Valley   | Carbon County* | Millard County | North Salt Lake | Herriman    | Parowan    | Saratoga Springs | Wellsville | Garland    |
| <b>Total Revenue – Expenses</b>   | \$418,538    | \$1,178,081 | \$(2,628,604)  | \$ 880,743  | \$(259,288)   | \$315,483      | \$308,910      | \$322,413       | \$54,346    | \$28,240   | \$111,497        | \$142,058  | \$7,413    |
| <b>OLD Retained – Expenses</b>    | \$(158,497)  | \$264,633   | \$(4,260,589)  | \$(28,678)  | \$(1,084,337) | \$(7,733)      | \$63,084       | \$113,383       | \$(71,925)  | \$(20,463) | \$(22,770)       | \$41,961   | \$(15,436) |
| <b>Justice Revenue – Expenses</b> | \$(457,236)  | \$(70,534)  | \$(4,359,565)  | \$256,917   | \$(1,799,088) | \$(83,717)     | \$143,562      | \$(38,469)      | \$(39,425)  | \$(36,347) | \$(108,257)      | \$20,292   | \$(28,543) |
| <b>NEW Retained – Expenses</b>    | \$(784,229)  | \$(644,203) | \$(5,703,208)  | \$(524,061) | \$(2,392,310) | \$(331,183)    | \$(93,409)     | \$(149,763)     | \$(134,421) | \$(69,803) | \$(182,901)      | \$(41,766) | \$(39,221) |

Note: Data is a two-year average from 2018-2019. 2020 was excluded due to pandemic impacts on revenue. Carbon County is 2019 only as 2018 data was incomplete.

Source: Kem C. Gardner Policy Institute analysis of data provided by Administrative Office of the Courts

# If Share of Expenses = Share of Cases Retained

## *Best Case Scenario*

|   | Class I      |             |                |             |             | Class II       |                |                 | Class III  |            |                  |            | Class IV   |
|---|--------------|-------------|----------------|-------------|-------------|----------------|----------------|-----------------|------------|------------|------------------|------------|------------|
|   | Davis County | Orem        | Salt Lake City | Sandy       | West Valley | Carbon County* | Millard County | North Salt Lake | Herriman   | Parowan    | Saratoga Springs | Wellsville | Garland    |
| <b>Justice Revenue<br/>–<br/>% Expenses</b> | \$(36,307)   | \$304,632   | \$(1,062,345)  | \$527,248   | \$(384,885) | \$93,621       | \$176,090      | \$67,084        | \$15,322   | \$(8,252)  | \$(17,426)       | \$41,728   | \$(6,692)  |
| <b>NEW Retained<br/>–<br/>% Expenses</b>    | \$(363,300)  | \$(269,037) | \$(2,405,987)  | \$(253,730) | \$(978,107) | \$(153,845)    | \$(60,880)     | \$(44,210)      | \$(79,674) | \$(41,708) | \$(92,070)       | \$(20,330) | \$(17,370) |

Note: Data is a two-year average from 2018-2019. 2020 was excluded due to pandemic impacts on revenue. Carbon County is 2019 only as 2018 data was incomplete.

Source: Kem C. Gardner Policy Institute analysis of data provided by Administrative Office of the Courts

# Status Quo Compared with “Best Case Scenario”

|  | Class I      |             |                |             |               | Class II       |                |                 | Class III  |            |                  |            | Class IV   |
|--|--------------|-------------|----------------|-------------|---------------|----------------|----------------|-----------------|------------|------------|------------------|------------|------------|
|  | Davis County | Orem        | Salt Lake City | Sandy       | West Valley   | Carbon County* | Millard County | North Salt Lake | Herriman   | Parowan    | Saratoga Springs | Wellsville | Garland    |
| <b>Status Quo</b><br><i>OLD Retained</i><br>–<br><i>Expenses</i>           | \$(158,497)  | \$264,633   | \$(4,260,589)  | (\$28,678)  | \$(1,084,337) | \$(7,733)      | \$63,084       | \$113,383       | \$(71,925) | \$(20,463) | (\$22,770)       | \$41,961   | \$(15,436) |
| <b>Best Case Scenario</b><br><i>NEW Retained</i><br>–<br><i>% Expenses</i> | \$(363,300)  | \$(269,037) | \$(2,405,987)  | (\$253,730) | \$(978,107)   | \$(153,845)    | \$(60,880)     | \$(44,210)      | \$(79,674) | \$(41,708) | (\$92,070)       | \$(20,330) | \$(17,370) |
| <b>Status Quo</b><br>–<br><b>Best Case Scenario</b>                        | (\$204,803)  | (\$533,670) | \$1,854,602    | (\$225,053) | \$106,230     | (\$146,112)    | (\$123,964)    | (\$157,593)     | (\$7,749)  | (\$21,245) | (\$69,300)       | (\$62,291) | (\$1,934)  |
|  | -1.3X        | -2.0X       | 0.4 X          | -7.85X      | 0.1X          | -18.9X         | -2.0X          | -1.4X           | -0.1X      | -1.0X      | -3.04X           | -1.5X      | -0.1X      |

Note: Data is a two-year average from 2018-2019. 2020 was excluded due to pandemic impacts on revenue. Carbon County is 2019 only as 2018 data was incomplete.

Source: Kem C. Gardner Policy Institute analysis of data provided by Administrative Office of the Courts

# Retained Cases and Revenue

|                         | <b>% of Revenue Retained</b> | <b>% of Cases Retained</b> |
|-------------------------|------------------------------|----------------------------|
| <b>Davis</b>            | 46%                          | 68%                        |
| <b>Orem</b>             | 42%                          | 71%                        |
| <b>Salt Lake City</b>   | 45%                          | 52%                        |
| <b>Sandy</b>            | 66%                          | 82%                        |
| <b>West Valley</b>      | 34%                          | 54%                        |
| <b>Carbon County</b>    | 41%                          | 68%                        |
| <b>Millard</b>          | 56%                          | 89%                        |
| <b>North Salt Lake</b>  | 43%                          | 70%                        |
| <b>Herriman</b>         | 65%                          | 78%                        |
| <b>Parowan</b>          | 46%                          | 75%                        |
| <b>Saratoga Springs</b> | 34%                          | 66%                        |
| <b>Wellsville</b>       | 55%                          | 85%                        |
| <b>Garland</b>          | 41%                          | 61%                        |

Note: % of Revenue Retained was calculated as New Retained/Old Retained

Source: Kem C. Gardner Policy Institute analysis of data provided by Administrative Office of the Courts

## **Kem C. Gardner Policy Institute**

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DAVID ECCLES SCHOOL OF BUSINESS  
UNIVERSITY OF UTAH



# **ATTACHMENT C**

Judicial Council's "Bullet Points for Proposed Legislation re: Justice Court Reform"  
as adopted on July 22, 2024

# **BULLET POINTS FOR PROPOSED LEGISLATION RE: JUSTICE COURT REFORM**

ADOPTED BY JUDICIAL COUNCIL JULY 22, 2024

## **CREATE MAGISTRATE DIVISION / MAGISTRATE JUDGE POSITION WITHIN DISTRICT COURT**

- Create legal framework for magistrate division within the current district court statutes (Title 78A, Chapter 5).
- Create “magistrate judge” position as an Art. VIII judge, with cases heard on the record. Positions created in statute (Title 78A, Chapter 1), funded, and filled as work migrates from justice court into magistrate division.
- Determine appropriate revenue distribution where magistrate division assumes responsibility of adjudicating cases (51-9-401 and -402, 78A-2-601, 78A-5-110, 78A-7-120, and 78A-7-122).

## **CREATE CONCURRENT JURISDICTION STATUTES**

- Create statutes that provide for concurrent jurisdiction between justice court and magistrate division in the district court, with actual jurisdiction of magistrate division activated upon certain triggering events (see below) and appointment of magistrate judge.
- Determine limited subject matter jurisdiction of magistrate division — class B misdemeanor; class C misdemeanor; infraction / local ordinance (only if no justice court with ongoing jurisdiction); small claims.

## **PLAN FOR MIGRATION / CONSOLIDATION**

- If a municipal justice court intends to cease operations, the preference should be that cases will (in this order):
  - 1) migrate to the magistrate division of the district court (if available); or
  - 2) if not, transfer to the county justice court / another municipal justice court via interlocal agreement.
- For 3rd and 4th class municipal justice courts: upon judge leaving the bench, entity must justify need to continue operation of the justice court (*note: we would need statutory criteria to establish need*). Continued operation of court must be approved by the Judicial Council or court must consolidate / migrate.
- A county justice court may only close where both of the following occur: 1) the legislature and Judicial Council approve the closure; AND 2) magistrate judge(s) are appointed and available to receive the new caseload.
- Create statutory presumption that a court cannot close if the cases will end up being heard by a district court judge (i.e., closures only happen where cases land with county / interlocal / or magistrate division).

## **PERSONNEL**

- Upon closure of a municipal justice court that results in transfer of caseload to a county justice court, the judge (with law degree) and staff may, at the discretion of the county, be hired directly by the county without requiring a competitive selection process. *Note: in addition, upon migration of cases from a justice court to the magistrate division, Administrative Office of the Courts will adhere to hiring criteria that prioritizes justice court clerical training / experience when hiring judicial assistants (legislation is not necessary to accomplish this).*

## **MIGRATION TRIGGERING EVENTS**

- Identify the following as potential migration triggering events (where adequate magistrate judge resources are available):
  - closure of county justice court;
  - closure of municipal justice court (unless consolidation in county justice court is better option);
  - termination of interlocal agreement;
  - justice court judge retirement;
  - after the end of current justice court judge term, plus one additional term.
- Legislature may transfer certain offenses to magistrate division (e.g., DV-related cases a la HB0196), so long as sufficient magistrate judge resources are funded / available

## **PHASING IN MAGISTRATE DIVISION (i.e., the legislature’s “pilot”)**

- Seek funding for magistrate judges in at least two locations during 2025 session.
  - Authorize Liaison Committee, in conjunction with Board of Justice Court Judges and relevant presiding district court judge(s), to recommend to legislature logical starting locations.
- Decide whether to recommend that jurisdiction be:
  - limited to commercial small claims during pilot (leaving transfer of criminal cases to a more organic consolidation process to take place over a longer period of time); OR
  - inclusive of all case types over which the magistrate division will have subject matter jurisdiction.
- Continue encouraging legislature and local government entities to phase in new locations upon occurrence of triggering event(s).

# **ATTACHMENT D**

Justice Court Reform Task Force “Report and Recommendations to the Utah Supreme Court and Utah Judicial Council” (August 2021)

# **JUSTICE COURT REFORM TASK FORCE**

**REPORT AND RECOMMENDATIONS TO THE  
UTAH SUPREME COURT AND UTAH JUDICIAL COUNCIL**

**AUGUST 2021**

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**ATTACHMENTS**

- A. Task Force Membership**
- B. Presentations to the Task Force**
- C. Documents Reviewed**
- D. Summary of prior Utah justice court reform efforts**

## I. INTRODUCTION

### a. Background

In December 2019, the Utah Supreme Court and Utah Judicial Council created the Justice Court Reform Task Force. The Council took responsibility for ongoing direction of the Task Force. The purpose of the Task Force was to complete a comprehensive evaluation of justice court structure and operations, and report back to the Council with recommendations to strengthen and improve the provision of court services at the misdemeanor and small claims level.

The Council invited stakeholders to provide representatives to serve as members of the Task Force. Membership includes representatives from the courts, the legislature, the governor's office, prosecution and defense organizations, members of the bar, the Utah League of Cities and Towns and the Utah Association of Counties. A list of members and the constituencies they represent is included as Attachment A.

### b. Scope of Work

The Task Force began meeting monthly in May of 2020. The Task Force received input from various stakeholders and involved parties, reviewed thousands of pages of reports and documents, and reviewed prior reforms in Utah, to inform its recommendations. Additional detail is provided in Attachments B through D as follows:

- Attachment B: A list of individuals and organizations that made presentations to the Task Force.
- Attachment C: A list of the documents and reports reviewed by the Task Force.
- Attachment D: A summary of prior reforms implemented in Utah since the creation of justice courts in 1989.

### c. Why Reforms Are Necessary

Public trust and confidence in the judiciary is critical for courts to be effective and for the rule of law to prevail. Every effort should be made to improve public access to justice, to improve the quality of justice provided, and to improve the public perception of the courts. While the judiciary in the United States and in Utah can be, and has been, used as a model in other jurisdictions, there are areas where improvements can be made.

The Task Force believes that the reforms recommended below would increase public access to justice, improve the quality of justice provided and improve public perception of court services at the infraction, misdemeanor, and small claims level. These efforts are critical as this is the court level where most citizens come into contact with the judicial system. Following are some areas in which reforms could be implemented to strengthen the court system.

#### 1. Transparency and Accountability:

Judicial decisions and behavior are monitored primarily in three different ways. These include (1) the Judicial Conduct Commission ("JCC") which investigates complaints regarding judicial behavior, (2) the appeal process through which a higher court reviews the decision of a lower court, and (3) the Judicial Performance Evaluation Commission ("JPEC") which conducts judicial evaluations to provide

voters with background information prior to judicial retention elections. While the JCC functions the same at all court levels, appeals and the JPEC process function differently at the justice court level.

A party that believes a judicial decision was in error has the right to file an appeal in which a higher court can review that decision and correct any errors. Appeals from justice courts are currently heard de novo by the district court. There is no review of a justice court judge's decision. The judge receives no feedback, positive or negative, and there is no public record available for review. Additionally, because there are very few appellate decisions arising from the justice courts there is an absence of case law on issues that often arise in these courts. The Task Force believes that providing for an on-the-record appeal in misdemeanor and small claims cases would improve public trust and confidence in the courts as well as the quality of justice provided.

JPEC is charged with evaluating judges of all court levels and making recommendations for retention. Those recommendations are provided to the public online and in voter information pamphlets prior to each election. A significant number of justice courts are part-time. Some hear only a handful of cases per month. These courts are also located throughout the state and not just in population centers or county seats like the district court. Many of the part-time rural courts are served by judges that do not have law degrees and work full time in other occupations. Because of the logistical difficulty JPEC is unable (and not required) to provide a full evaluation for these courts. As a result, very little information, positive or negative, is made available to the public regarding the performance of the judges serving in these courts.

## 2. Indigent Defense Services:

The responsibility for providing indigent defense services in Utah is left to local government. As a result, the provision of those services fluctuates significantly throughout the state. Concerns arising from this system were documented by the Courts and in The 6th Amendment Center's 2015 study and report. The concerns were most dramatic in the justice courts, where some defendants were arraigned and sentenced (both critical stages) to jail time or suspended sentences without the opportunity to have a defense attorney present. While the creation of the Indigent Defense Commission has improved some aspects of indigent defense, the concerns are still present at the justice court level. Such concerns will likely always be present under the current structure where small, part-time courts exist, and the provision of indigent defense services is primarily the responsibility of local governments. For this reason, the Task Force recommends changing the way misdemeanor offenses are processed.

The appointment of counsel is the courts' responsibility, and the courts can make many no-cost internal improvements with or without structural reforms. In this regard, if structural reforms are not implemented, the Task Force recommends that the AOC work with Utah's justice court judges on training and internal reforms to increase the consistency and constitutionality of the courts' procedures around the appointment of counsel to indigent individuals. This should include: adopting uniform forms for the procedures for the appointment of counsel, which are consistent with the Utah Code, Court Rules, and case law; the adoption of appropriate policies if courts are going to recoup public defender fees so that any such recoupment is consistent with the requirements of United States Supreme Court precedent; and the Courts should reconsider the certification process for justice courts and whether it is adequate to comply with the courts' responsibilities for the provision of indigent defense services.

### 3. Judicial Education and Experience Requirements:

Currently, applicants for justice court positions in class I and II counties are required to have graduated from law school. They cannot be required to be members of the bar due to Article VIII, Sec. 11 of the Utah Constitution. Applicants for justice court positions in other counties are not required to have any educational background other than a high school diploma.

There has been a trend throughout the United States in recent decades to move away from judges that are not members of the bar. As of 2020, twenty-eight of the fifty states already require judges handling misdemeanor criminal offenses to be lawyers. Nearly all scholarly and professional studies and reports on this topic recommend requiring judges to be lawyers. As an example, the Conference of State Court Administrators recommended in their 2013-2014 Policy Paper that judges of limited jurisdiction courts should be lawyers. Prior unsuccessful legislative efforts in Utah would have required all judges to be members of the bar. Some jurisdictions have even found a system of non-lawyer judges to be unconstitutional. For example, in Gordon v. Justice Court, 12 Cal 3d 323 (Cal. 1974) the California Supreme Court ruled it was a violation of due process to allow non-lawyers to preside over cases which could result in incarceration of the defendant.

Even more important than these trends, moving away from non-lawyer judges is necessary to address the concerns surrounding, and potential elimination of, de novo appeals in misdemeanor cases. In North v. Russell, 427 U.S. 328 (1976) the U.S. Supreme Court ruled that allowing non-lawyer judges to preside over cases involving potential incarceration did not violate the constitution so long as a defendant had the right to a second trial before a lawyer judge. The elimination of the de novo process without also eliminating non-lawyer judges would be a violation of this holding. It is therefore recommended to move away from non-lawyer judges to advance the important goal of eliminating de novo appeals.

Despite these recommendations, the Task Force does recognize the valuable contribution non-lawyer judges have made to the citizens of Utah. These judges have received significant training and experience and have made career decisions and personal sacrifices to provide this public service. As a result, the Task Force recommends moving forward in a way that would make changes over time, through attrition and other methods that would require as little displacement to currently serving judges and court staff as possible.

### 4. Financial Concerns:

Fine and fee revenues generated by justice courts are currently split between various accounts pursuant to state statute. The local government entity sponsoring the court is one of the entities that receives money generated by the court. Naturally, when more cases are filed (particularly traffic offenses) more revenue is generated.

Consistent with the broader recommendations, and to create consistency across the courts and administration under the judicial branch of government, the Task Force recommends changes that would decouple the courts from concerns about revenue generation.

The connection between case filings and revenue generation for the local government entity has been criticized, sometimes unfairly, by the media and others. For example, the following articles from local media have been published over the years. "Justice courts rake in the cash," Elizabeth Neff, Salt

Lake Tribune, July 17, 2015. “Should the role of justice courts be curtailed?” Marissa Lang and Robert Gehrke, Salt Lake Tribune, September 2, 2013. “Justice courts rake in the money; critics say some courts just interested in collecting fines.” Lorry Prichard and Kelly Just, Deseret News, February 3, 2011. “Justice swift, profitable.” Brady Snyder, Deseret News, April 18, 2003. While some changes have been made to address this issue, there is still a public perception that local entities view justice courts as revenue generators. These recommended changes would address this perception.

#### 5. Substance Abuse and Mental Health Treatment

Courts handling misdemeanor cases are important as an avenue for individuals to get access to appropriate treatment. Substance use disorders and mental health disorders are chronic illnesses with periodic acute episodes. Recovery from these illnesses is a process and not a single event. Compliance with court-ordered treatment is a continuum. Whatever a court does to hold an individual accountable should acknowledge their condition. The best outcomes will be achieved when the court and the attorneys understand the illness, respond with the most appropriate treatment, and then hold the individual accountable through appropriate sanctions.

Best practices would:

- Recognize that addiction and mental health disorders are chronic diseases with periodic acute episodes and that the court’s response must be tailored to the individual to address that reality;
- Ensure judges and attorneys understand the processes, purposes and limitations of treatment and drug testing;
- Apply sanctions or sentences that address criminogenic factors and also support an individual's progress toward recovery;
- Provide Justice Court judges and parties connections with the treatment community to facilitate access to assessment and referral resources and help to educate the court, attorneys and parties on those resources;
- Refer individuals only to treatment providers and treatment modalities that are proven through practice to be effective, and track the provider’s fidelity to that practice

This sort of attention to recovery and collaboration—together with accountability—is integral to the success of both courts and the individuals who come before the court. Court decisions that recognize the challenges of treating a disease and which respond with a problem solving approach will achieve the best outcomes for the individual and the community.

It is difficult, especially for small courts and courts outside the Wasatch Front, to use a problem solving model and access appropriate treatment providers. While many of these best practices can, and should, be encouraged in the current justice court system, the structural reforms presented here would provide a better opportunity to fully implement these practices. Drug, mental health, and veterans court models could be established for misdemeanors under the proposed structure whereas most justice courts do not currently have the resources necessary to implement these programs. Earlier and more effective intervention at the misdemeanor level should result in fewer individuals entering the District Court system and an overall reduction in crime.

#### **d. Guiding Principles**

Over the course of its work, the Task Force has identified several principles that are essential to deliver justice in misdemeanor and small claims cases. Implementation of these principles is necessary to protect judicial independence, ensure parties' constitutional rights, provide transparency and adequate oversight of judges and courts, and increase public trust and confidence.

The recommendations set forth by the Task Force attempt to implement these guiding principles to the greatest extent possible, while recognizing the practical considerations set forth in the next section. These guiding principles include:

1. Qualified Judge. A qualified judge is essential. Bar membership is also a necessary prerequisite to the elimination of de novo appeals in misdemeanor cases. The application and selection process and criteria should ensure the greatest number of qualified applicants. Full-time judicial positions are also preferable.
2. On-the-Record Appeal. Access to an on-the-record appellate process is important in creating public trust and confidence in the courts. Such an appellate process provides individuals an opportunity to have judicial decisions reviewed, creates a body of law to guide future decisions, gives feedback and correction to judges, and provides transparency into the decisions made by judges.
3. Right to Counsel. Absent a knowing and intelligent waiver, all individuals accused of crimes involving the potential for incarceration should have counsel present at all critical stages of their case, including at arraignment.
4. Article VIII Courts. Courts of all levels in Utah are authorized by Article VIII of the Utah Constitution. While all other court levels are operated at the state level, justice courts were created by statute to be funded and operated by local government entities. Such courts are still governed by the Utah Supreme Court and Utah Judicial Council. This structure can create confusion and tension. Separation of the functions of each branch of government is necessary to insulate courts from political and financial pressures.
5. Substance Abuse and Mental Health. Substance abuse and mental health are significant concerns in the criminal justice system, and particularly in misdemeanor cases where services are not as readily accessible. Consolidation of criminal courts would allow individuals greater access to treatment, probation and other services.

#### **e. Practical Considerations**

The Task Force understands that there are practical considerations that could make some reforms difficult to implement. These include financial and political considerations and difficulties created by the current legal or organizational structure. The Task Force recommendations attempt to achieve the guiding principles set forth above to the greatest extent possible while taking into account the following practical considerations.

1. Constitutional Amendments. A constitutional amendment should be avoided if possible. The amendment process is lengthy, difficult and opens a window for the possibility of unwanted outcomes.
2. Revenue Neutrality. Reforms should be as revenue neutral as possible. Reforms that have a significant financial impact are less likely to be implemented. A preliminary review of justice court finances suggests that the justice court system, as a whole, may be financially neutral with expenses and revenue being approximately even. However, this is an estimate at this point and circumstances of individual courts and localities may vary with some courts generating revenue and others operating at a loss. If the Task Force's recommendations are adopted, it recommends creating a working group to further evaluate the financial implications of these reforms.
3. Urban/Rural. Reforms must take into account the differences between, and the needs of, urban and rural communities throughout the state.

## II. RECOMMENDATIONS

### a. Structural Proposal:

The Task Force recommends the following changes to court structure:

1. There should be created, by statute, a Division within the District Court. The final name for this Division should be determined during the implementation phase and should take into account the input of stakeholders. The Task Force has discussed, and presents here, the following names for consideration: Local Division, Community Division, Community Access Division, Misdemeanor and Small Claims Division, and Circuit Court. The Court will be referred to throughout the remainder of this proposal as the "Division." Judges would be referred to as Division Judges. The Division would have jurisdiction over all small claims cases and misdemeanors (including Class A's) in the judicial district. The Division would also have jurisdiction over cases involving infractions when there is not a justice court with jurisdiction. The Division would be a court of record. Appeals would be to the Utah Court of Appeals and on the record. Division judges would also be assigned magisterial duties such as pretrial release decisions and search warrants. Division courts could be housed with the District Courts or in current justice court facilities through local agreements.
2. Justice courts would remain as presently constituted, and their jurisdiction would be limited to infractions. Sections 78A-7-105 and 106, and possibly others will need to be amended to accomplish this. Justice courts would remain courts "not of record" with de novo appeals filed in the District Court.

There is some concern that by limiting justice court jurisdiction to infractions (and by limiting revenue generating capabilities, which is discussed below) some localities may choose to close their justice court. This is a possibility. However, this proposal also creates the opportunity for the decriminalization of many offenses as the state and localities shift some low-level offenses that are

currently classified as misdemeanors to infractions. Such a change could have a positive impact on broader criminal justice reforms.

**b. Necessary reforms as a result of the proposal:**

Based on current constitutional and statutory language, implementing the recommendation above would result in, or necessitate, the following changes:

3. Division Judges would be required to be members of the bar, as required of all judges of courts of record (See Art. VIII, Sec. 7, Utah Constitution).
4. Following a transition period, all Division Judges should be required to serve full time. Because Article VIII, Section 10, of the Utah Constitution prohibits judges in courts of record from practicing law, a small, part-time judicial position (where bar membership is required and the practice of law is not allowed) would likely not attract as many qualified candidates.
5. Article VIII, Section 8 of the Utah Constitution requires that “vacancies” on courts of record be filled by the Governor, pursuant to the process authorized by that section and related statutes. The Task Force proposes creating the Division Courts through a process of consolidation between the District and Justice courts whereby currently serving justice court judges with law degrees would become Division Court Judges upon creation. (This would include part-time judges. As part-time judges resign or retire, those part-time positions should be eliminated.) “Vacancies” to be filled by the governor would occur if positions remain unfilled through the creation process and as judges retire or resign in the future. Statutes would need to be adopted providing for the nominating commission process for Division Court judges. Nominating commissions for selection of Division Court judges should allow for local representation by including local representatives similar to the current nominating commissions.
6. All justice court judges currently serving would be retained in office and continue to serve as justice court judges.
7. As would be required by Article VIII, Sec. 6 of the Utah Constitution, the number of Division Judges would be established by statute.
8. Rules of procedure for the Division Courts will need to be created. These should take into account access to justice issues and judicial efficiency. New rules of appellate procedure should also be enacted to expedite and simplify the appellate process on cases arising from the Division. The Task Force would recommend that the appropriate Supreme Court Rules committees be tasked with proposing the appropriate appellate and procedural rules to implement these reforms. The Task Force would also recommend that Rules 7, 7A, 27A and 27B of the current Utah Rules of Criminal Procedure be considered and incorporated into the new rules due to their efficient processing of misdemeanor cases and appeals therefrom.

9. Statutes should be enacted requiring indigent defense counsel to be present for all misdemeanor cases. Provision of indigent defense services in the Division would utilize the services currently being provided in the District. Provisions should be enacted to allow the appearance of indigent defense counsel by remote means, particularly for Divisions in remote locations where such services may not be readily available in person.
10. While the de novo appeal process has its shortcomings, it is an effective and efficient tool for defendants to correct errors in their case. Tools like this are especially important in cases involving misdemeanor offenses where collateral consequences may be high, but less time and resources may be devoted to the adjudication of the case. Also, because the consequences, both direct and collateral, may take effect immediately upon judgment, a lengthy appeal process may render some issues moot and irreparable harm done before appellate review is ever obtained. As a result, a process should be considered to replace this de novo appeal tool. A defendant's right to withdraw a guilty plea should be expanded, and a lesser burden required, for plea withdrawal in misdemeanor cases. (See sec. 77-13-6, Utah Code).
11. Additional Appellate Court judge positions as well as staff and staff attorney positions will need to be created. The Task Force believes that the increase in appellate court caseload should correspond to a similar reduction in District Court caseload and efficiencies created by having Division judges handle Class A's and magisterial duties. However, this cannot be guaranteed and additions at the Appellate Court level cannot be contingent upon the anticipated reductions created elsewhere.

**c. Additional recommendations:**

While not necessary to implement the recommended structural changes, the Task Force does recommend the following reforms to fully implement the Guiding Principles identified above:

12. Statutes should be enacted to clarify that justice courts are a part of the Judicial Branch of government (as established by Article VIII) and are under the direction of the Utah Supreme Court and Utah Judicial Council. Employees of such courts take direction from these bodies and the judge, and from their locality secondarily to the extent such direction does not conflict with that from the Court or Council.
13. The salary for all Division Judges should be set at 90% of a District Court judge's salary. A part-time Division Judge's salary would be set by applying the weighted caseload percentage to this amount. Justice court judge's salaries should also be standardized at a fixed amount. The salary for all other judges in the state is fixed at a set amount. The same should apply to these judges. Benefits for all full-time judges should also be the same for judges of all court levels.
14. Accounting model 2 (where local government employees accept court payments) should be eliminated. Only court employees should be allowed to accept court payments. A

system should be implemented that would allow Individuals to pay amounts due to any court online or at any court location in the state.

15. Geographic restrictions on applying for Division Court positions should mirror that for the District Court (may apply from anywhere but must reside in the District upon appointment). For justice court positions section 78A-7-201 should be amended. This section limits applicants to those living in the county, or adjacent county, in which the court is located. Individuals should be allowed to apply without any geographic restriction but following appointment should be required to live in the county or an adjacent county.
16. The Administrative Office of the Courts should assume a greater role in administration of justice courts. Practices, procedures, and forms should be standardized throughout the judicial districts.

**d. Recommendations related to small claims cases:**

The Task Force makes the following recommendations regarding small claims cases.

17. All small claims cases should be heard on the record in the Division.
18. Small claims cases should be separated between private and commercial claims.
19. Commercial claims would include landlord tenant and debt collection cases, or other cases where one party is or owns a business that appears in court as a plaintiff more than 4 times during a year.
20. The current restriction on third-party debt collection cases proceeding under small claims procedures should be removed.
21. The filing fee for commercial claims should be increased. The funds from the increase should be used to pay for attorneys or Licensed Paralegal Practitioners who would be present at all commercial small claims proceedings to provide assistance and representation to otherwise unrepresented parties in landlord tenant and debt collection cases.
22. The Online Dispute Resolution program should be expanded to all small claims cases throughout the state. This will allow greater access to justice for parties and allow courts to process these cases with greater efficiency.
23. Amendments to small claims rules and/or creation of new procedural rules will need to be enacted for civil cases in the Division Courts. These should take account of access to justice issues and judicial efficiency, and consider efficient and limited discovery in these cases in coordination with the ODR process. The Task Force would recommend that the

appropriate Supreme Court Rules committees be tasked with proposing the appropriate appellate and procedural rules to implement these reforms.

24. Pro tem judges currently serving in justice courts should be encouraged to serve as facilitators in the ODR program. The Courts could also partner with mediation programs at local universities to provide ODR facilitators. Trials of all small claims cases should be heard by Division Court judges, not pro tems.
25. Webex hearings should be made available in small claims cases not only for parties, but to allow volunteers and attorneys to be present remotely.

**e. Simplified process for infractions:**

26. A simplified process for resolving infractions should be explored. Hawaii has such a process in place and some aspects could be used as a model. Under this model, when a defendant wants to contest a charge they can request an informal hearing before the judge. The rules of evidence and procedure do not apply. The citing officer also appears, and a prosecutor is not present. If the defendant is unhappy with the resolution, they have the right to appeal and have a formal trial at the District Court. The Online Dispute Resolution program currently being implemented in small claims cases could be expanded and used for resolution of infractions.

The benefits of this type of a model include greater efficiency for the court and eliminating the need for prosecution resources that can then be focused on misdemeanor cases. Many defendants are also intimidated by the formal criminal process and just want to be heard. This process would also be more efficient for defendants, especially if an ODR program were implemented, or if remote hearings were allowed.

There are some concerns that need to be addressed if such a model is implemented. First, jail time is not available as a sentence for infractions. However, if a Court is allowed to use its contempt power to impose jail on an individual that fails to pay a fine on an infraction, this could be used as an end-run around the procedural protections that are currently in place. As such, the court's contempt powers would need to be addressed. Second, eliminating some of the formality and oversight could exacerbate some of the revenue concerns that exist with the current justice court model. Protections should be put in place to ensure there is not an increased pressure, or incentives, to raise revenue. Third, defendants must be adequately informed of their right to request a hearing and a trial and there should not be any fee imposed for exercising their right to either.

Events of the last two years including protests, the George Floyd case, and others have highlighted the importance of even minor interactions with law enforcement. The majority of these interactions will be in relation to traffic cases which will be processed in the justice courts with these informal proceedings. It is beyond the scope of this Task Force to address policing or other policy issues. However, the Task Force does not want to suggest that just because infraction cases do not carry the potential for jail time and would be handled under a more informal process, that they are not important or deserve scrutiny.

### III. OPTIONS THAT WERE RULED OUT

The following options were considered but not recommended by the Task Force at this time based on the guiding principles and practical considerations discussed above.

Justice courts could be dissolved, and all cases could be handled by a unified, state court system. This is the option California chose. As of 2001, all justice courts had been consolidated into the state court system. This option would address the concerns that have been raised with justice courts. Article VIII, Section 1 of the Utah State Constitution provides:

The judicial power of the state shall be vested in a Supreme Court, in a trial court of general jurisdiction known as the district court, and in such other courts as the Legislature by statute may establish. The Supreme Court, the district court, and such other courts designated by statute shall be courts of record. *Courts not of record shall also be established by statute. (emphasis added.)*

The Task Force has discussed two possible meanings of the language, “Courts not of record shall be established by statute.” One possible meaning is that a structure providing for courts not of record is required. A second possible meaning is that if courts not of record are going to be established and operated by local governments, it must be done by statute. In other words, a local governmental entity would not have inherent authority to create and operate a court. Rather, it must be done by statute at the state level.

While it is clear that local governmental entities are not required to operate a justice court, it is not clear to the Task Force which interpretation of this constitutional language is correct. Under the first interpretation a constitutional amendment would be required to eliminate justice courts. Eliminating justice courts while proceeding under the assumption that the second interpretation were correct could result in constitutional challenges. Not wishing to invite a debate or constitutional challenges, the Task Force has proposed moving forward with an approach that does not require a determination of this question.

There are also approximately 84 justice court judges, hundreds of court staff, and many local government leaders that have an interest in the justice courts. Proposing to eliminate these courts could create significant political opposition and result in unnecessary upheaval. For these reasons, the Task Force has not recommended elimination of justice courts.

Another approach that was not adopted was that justice courts could remain in place but would be designated courts of record with an appeal to the Utah Court of Appeals. While this would resolve the de novo appeal concerns, other issues raised about the current justice court structure would not be addressed. This option would also require a constitutional amendment to several sections in Article VIII.

Options were discussed that would structure courts differently based on the size of the county (similar to the current education requirements for judges). However, treating cases and defendants differently based on the size of the county could result in constitutional challenges. Defendants charged with similar offenses need to be afforded the same rights and opportunities without regard to the size of the court or jurisdiction.

#### **IV. TRANSITION PLAN**

The Task Force views its work up to this point as a first step. The Task Force believes it has identified general principles and best practices that would strengthen the provision of judicial services and which should be adopted. Implementation of these principles and practices involves additional work. The Task Force recommends the following steps:

##### **a. Timing:**

The Task Force recommends that any changes to the court system be implemented over time, through attrition, requiring as little displacement to currently serving judges and court staff, prosecution and defense counsel, and other stakeholders, as possible. The Task Force recommends that implementing legislation take into account these considerations and provide effective dates in the future to allow courts, local governments, and other affected parties sufficient time to prepare for the transition.

##### **b. Financial concerns:**

On a macro level, justice courts appear to be financially neutral. Justice courts statewide generate approximately \$42 million annually in fines and fees. The cost of operating these courts is also approximately \$42 million. On a micro level, these proposed changes could have significant financial effects on some jurisdictions. Circumstances of individual courts may vary with some generating significant revenue for the local government entity while others are a significant financial burden. Typically, courts with a high percentage of traffic cases generate more revenue while courts with a higher percentage of criminal cases operate in the negative. The Task Force anticipates that in addition to shifting the caseload of these courts, a corresponding shift of revenue would need to occur to fund the operation of the new courts. This could result in less revenue being received by some jurisdictions.

The Task Force also acknowledges the time and resources some communities have invested in their justice courts. In some cases that includes courthouses and courtrooms. Efforts to implement this proposal should take into account those resources and seek, through cooperation and local agreements, to utilize them to the benefit of all involved.

While financial concerns will necessarily be addressed, the Task Force encourages all stakeholders to consider issues of access to justice, fundamental fairness, avoidance of financial conflicts of interest, improving the public perception of local courts, and other necessary components of a constitutional and fair judicial system, regardless of individual financial considerations.

The financial impacts of this proposal will likely be a significant factor in its implementation. The Task Force recommends the creation of a working group to study in greater detail the financial impacts, both to the state and to local governments, associated with these recommendations. Such a working group could include court administrators, AOC and local government accountants and financial officers and others.

##### **c. Court and administrative rules:**

The Task Force recommends that the appropriate Supreme Court rules committees be tasked with drafting proposed rules of procedure simultaneously with the advancement of this proposal. The impacts of this proposal cannot fully be known without understanding the rules and processes that

would be in place. The expertise of those serving on these various committees should be included in this project. Similarly, the Judicial Council's Policy and Planning Committee should be tasked with evaluating what administrative rules need to be amended or enacted to implement this proposal. Ultimately a package that includes this proposal, proposed rule changes, and proposed legislative changes should be presented as a unified and complete proposal. Again, the Task Force encourages these bodies to prioritize access to justice, trust and confidence in the courts, and other similar principles that are fundamental to, and strengthen our judicial system.

**d. Statutory changes:**

Implementation of this proposal will require significant legislative changes. Many details will need to be decided upon. Just one example would be proper venue of cases in the new courts. Such details could have a significant effect on the ultimate effectiveness of this proposal. The Task Force recommends that the Judicial Council, through its Legislative Liaison Committee, and working with such other stakeholder or parties as the Committee sees fit, begin working on proposed statutory language. The goal should be to implement the principles set forth in this proposal and to create a unified package for consideration by all affected parties and branches of government.

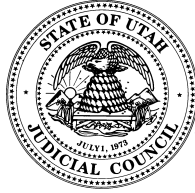
**Tab 7**

## 2027 Schedule

| Management Committee   | Judicial Council   |
|--|--|
| <i>Management meetings are the second Tuesday of each month, unless otherwise noted.</i> | <i>Council meetings are the fourth Monday of each month, unless otherwise noted. The annual budget meeting is on the third Friday in August.</i> |

| Management Committee |                           | Judicial Council |            | Notes   |
|----------------------|---------------------------|------------------|------------|---|
| January 12           | 12:00 p.m.                | January 19       | 9:00 a.m.  | The first day of the Legislative General Session & State of the Judiciary is Tuesday, January 19, as Martin Luther King Holiday is January 18.                                |
| February 9           | 12:00 p.m.                | February 22      | 9:00 a.m.  | President's Day is February 15.   |
| February 22          | Following Council meeting |                  |            | Management meeting held to set the March Council agenda.  |
| March 9              | 12:00 p.m.                | March 11         | 12:00 p.m. | The March Management Committee meeting will not include approval of the Council agenda, The Council meeting held in conjunction with the Bar Spring Convention in St. George. |
| April 13             | 12:00 p.m.                | April 26         | 9:00 a.m.  |   |
| May 11               | 12:00 p.m.                | May 24           | 9:00 a.m.  | Memorial Day is May 31.   |
| June 8               | 12:00 p.m.                | June 28          | 9:00 a.m.  | Juneteenth is observed on June 18. (June 19th falls on a Saturday)  |
| July 13              | 12:00 p.m.                | July 26          | 9:00 a.m.  | Pioneer Day is observed on July 23. (July 24th is a Saturday)   |
| August 10            | 12:00 p.m.                | August 20        | 8:00 a.m.  | Council meeting held in conjunction with Annual Budget & Planning meeting.  |
| September 14         | 12:00 p.m.                | September 27     | 9:00 a.m.  |   |
| October 12           | 12:00 p.m.                | October 26       | 12:00 p.m. | Council meeting held in conjunction with the Annual Judicial Conference, October 27-29.   |
| November 9           | 12:00 p.m.                | November 22      | 9:00 a.m.  | Thanksgiving is November 25.  |
| December 14          | 12:00 p.m.                | December 20      | 9:00 a.m.  | Council meeting moved one week earlier.   |

Tab 8



# Administrative Office of the Courts

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

June 12, 2026

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 Expedited Approval and Public Comment**

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At its May meeting, the Council reviewed amendments to Rule 4-906 of the Utah Code of Judicial Administration (CJA) and new CJA rules 4-906.01, 4-906.02, and 4-906.03 related to the Guardian ad Litem (GAL) Oversight Committee, the Director of the GAL Office, and the GAL program. The Council directed the Policy, Planning, and Technology Committee (PP&T) to prepare amendments to rule 4-906.03 creating a 3-member panel of the GAL Oversight Committee to review appeals related to GAL complaints, including a requirement that the meetings be closed and a provision regarding confidentiality similar to language found in revised rule 4-906.

PP&T amended rules 4-906 and 4-906.03 to comply with that directive. Rules 4-906.01 and 4-906.02 are unchanged. PP&T recommends that the amendments to rules 4-906 and 4-906.03 be adopted as final and that all four rules be approved on an expedited basis with a **June 22, 2026 effective date**, followed by a 45-day public comment period.

**CJA 4-906. Guardian ad litem program (REPEALED)**

**CJA 4-906. Guardian ad Litem Office, Oversight Committee, and Director (NEW)**

**CJA 4-906.01. GALs, staff, and volunteers (NEW)**

**CJA 4-906.02. Private GALs (NEW)**

**CJA 4-906.03. Complaints (NEW)**

[H.B. 372](#), effective May 6, 2026, modified the GAL Oversight Committee and the responsibilities of the GAL Office Director. The proposed amendments repeal and replace rule 4-906 in its entirety, dividing it into four (4) separate rules. Except for amendments to the GAL Oversight Committee and GAL Director provisions and the creation of an appeal process for complaints, the substance is largely the same.

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 4-906. Guardian ad litem program.~~

2 ~~Intent:~~

3 ~~To establish:~~

4 ~~(1) the responsibilities of the Guardian ad Litem Oversight Committee ("Committee");~~

5 ~~(2) the policies and procedures for the management of the guardian ad litem ("GAL")~~  
6 ~~program;~~

7 ~~(3) the policies and procedures for the selection of GALs;~~

8 ~~(4) the policies and procedures for payment for GAL services; and~~

9 ~~(5) the policies and procedures for complaints regarding GALs and volunteers.~~

10 ~~Applicability:~~

11 ~~This rule applies to the management of the GAL program. This rule does not affect the authority~~  
12 ~~of the Utah State Bar to discipline a GAL.~~

13 ~~Statement of the Rule:~~

14 ~~(1) Guardian ad Litem Oversight Committee. The Committee will:~~

15 ~~(1)(A) develop and monitor policies of the Office of Guardian ad Litem ("Office") to:~~

16 ~~(1)(A)(i) ensure the independent and professional representation of a child-client~~  
17 ~~and the child's best interest; and~~

18 ~~(1)(A)(ii) ensure compliance with federal and state statutes, rules, and case law;~~

19 ~~(1)(B) recommend rules of administration and procedure to the Council and Supreme~~  
20 ~~Court;~~

21 ~~(1)(C) select the Director of the Office ("Director") in consultation with the Administrative~~  
22 ~~Office;~~

23 ~~(1)(D) develop a performance plan for the Director;~~

24 ~~(1)(E) monitor the Office's caseload and recommend to the Council adequate staffing of~~  
25 ~~GALs and staff;~~

26 ~~(1)(F) develop standards and procedures for hearing and deciding complaints and~~  
27 ~~appeals of complaints; and~~

28 ~~(1)(G) hear and decide complaints and appeals of complaints as provided in this rule.~~

29 ~~(2) Qualifications of the Director. The Director will have the qualifications provided in the Utah~~  
30 ~~Code.~~

31 ~~(3) Responsibilities of the Director. In addition to responsibilities under the Utah Code, the~~  
32 ~~Director will have the following responsibilities:~~

33 ~~{3}(A) manage the Office to ensure that minors who have been appointed a GAL by the~~  
34 ~~court receive qualified GAL services;~~

35 ~~{3}(B) develop the budget appropriation request to the legislature for the GAL program;~~

36 ~~{3}(C) coordinate the appointments of GALs among different levels of courts;~~

37 ~~{3}(D) monitor the services of the GALs, staff, and volunteers by regularly consulting with~~  
38 ~~users and observers of GAL services, including judges, court executives and clerks, and~~  
39 ~~by requiring the submission of appropriate written reports from the GAL;~~

40 ~~{3}(E) monitor attorney GAL caseloads to ensure compliance with standards established~~  
41 ~~by the American Bar Association;~~

42 ~~{3}(F) select GALs and staff for employment as provided in this rule, select volunteers,~~  
43 ~~and coordinate appointment of conflict counsel;~~

44 ~~{3}(G) supervise, evaluate, and discipline GALs and staff employed by the courts and~~  
45 ~~volunteers;~~

46 ~~{3}(H) supervise and evaluate the quality of service provided by GALs under contract~~  
47 ~~with the court;~~

48 ~~{3}(I) monitor and report to the Committee GAL, staff, and volunteer compliance with~~  
49 ~~federal and state statutes, rules, and case law; and~~

50 ~~{3}(J) prepare and submit to the Committee in October an annual report regarding the~~  
51 ~~development, policy, and management of the GAL program and the training and~~  
52 ~~evaluation of GALs, staff, and volunteers. The Committee may amend the report prior to~~  
53 ~~release to the Legislative Interim Human Services Committee.~~

54 ~~**(4) Qualification and responsibilities of GALs.** A GAL will be admitted to the practice of law in~~  
55 ~~Utah and will demonstrate experience and interest in the applicable law and procedures. The~~  
56 ~~GAL will have the responsibilities established in the Utah Code.~~

57 ~~**(5) Selection of GAL for employment.**~~

58 ~~{5}(A) A GAL employed by the Administrative Office is an at will employee subject to~~  
59 ~~dismissal by the Director with or without cause.~~

60 ~~{5}(B) A GAL employed by the Administrative Office will be selected by the Director. Prior~~  
61 ~~to the Director's selection, a panel will interview applicants and make hiring~~  
62 ~~recommendations to the Director. The interview panel will consist of the Director (or~~  
63 ~~Director's designee) and two or more of the following persons:~~

64 ~~{5}(B)(i) the managing attorney of the local GAL office;~~

65 ~~{5}(B)(ii) the Court Executive of the district court or juvenile court;~~

66 ~~{5}(B)(iii) a member of the Committee;~~

67 ~~{5}(B)(iv) a member of the Utah State Bar Association selected by the Director; or~~

**Commented [KW1]:** Lines 1-53 are covered in replacement rule 4-906

68 ~~(5)(B)(v) a member selected by the Director.~~

69 ~~**(6) Conflicts of interest and disqualification of GAL.**~~

70 ~~(6)(A) In cases where a GAL has a conflict of interest, the GAL will declare the conflict~~  
 71 ~~and request that the court appoint a conflict GAL in the matter. Any party who perceives~~  
 72 ~~a conflict of interest may file a motion with the court setting forth the nature of the conflict~~  
 73 ~~and a request that the GAL be disqualified from further service in that case. Upon a~~  
 74 ~~finding that a conflict of interest exists, the court will relieve the GAL from further duties~~  
 75 ~~in that case and appoint a conflict GAL.~~

76 ~~(6)(B) The Administrative Office may contract with attorneys to provide conflict GAL~~  
 77 ~~services.~~

78 ~~(6)(C) If the conflict GAL is arranged on a case-by-case basis, the court will use the~~  
 79 ~~order form approved by the Council. The order will include a list of the duties of a GAL.~~  
 80 ~~The court will file the original order in the case and will distribute one copy each to: the~~  
 81 ~~appointed conflict GAL; the GAL; all parties of record; the parents, guardians or~~  
 82 ~~custodians of the child(ren); the Court Executive; and the Director.~~

83 ~~(6)(D) A conflict GAL's compensation will not exceed \$100 per hour or \$3,000 per case~~  
 84 ~~in any twelve-month period, whichever is less. The per-case compensation limit includes~~  
 85 ~~incidental expenses incurred in the case. Under extraordinary circumstances, the~~  
 86 ~~Director may increase the compensation limit upon request from the conflict GAL. The~~  
 87 ~~request will include justification showing that the case required work of much greater~~  
 88 ~~complexity than, or time far in excess of, that required in most GAL assignments. If a~~  
 89 ~~case is appealed, compensation will be as set forth above.~~

90 ~~**(7) Staff and volunteers.**~~

91 ~~(7)(A) The Director will develop a strong volunteer component to the GAL program and~~  
 92 ~~provide support for volunteer solicitation, screening, and training. Staff and volunteers~~  
 93 ~~will have the responsibilities established in the Utah Code.~~

94 ~~(7)(B) Training for staff and volunteers will be conducted under the supervision of the~~  
 95 ~~attorney GAL with administrative support provided by the Director. Staff and volunteers~~  
 96 ~~will receive training in the areas of child abuse, child psychology, juvenile and district~~  
 97 ~~court procedures, and local child welfare agency procedures. Staff and volunteers will be~~  
 98 ~~trained in the guidelines established by the National Court Appointed Special Advocate~~  
 99 ~~Association.~~

100 ~~**(8) Private guardians ad litem ("PGALs").**~~

101 ~~(8)(A) **List.** The Director will maintain a list of PGALs qualified for appointment.~~

102 ~~(8)(B) **Application.** To be included on the list of eligible PGALs, applicants must submit~~  
 103 ~~a written application to the Office and:~~

104 ~~(8)(B)(i) be a member in good standing in the Utah State Bar;~~

Commented [KW2]: Lines 54-99 are covered under Rule 4-906.01

- 105 ~~(8)(B)(ii) provide a Bureau of Criminal Identification criminal history report;~~
- 106 ~~(8)(B)(iii) provide a Utah Division of Child and Family Services child abuse~~  
107 ~~database report and similar information from any state in which the applicant has~~  
108 ~~resided as an adult;~~
- 109 ~~(8)(B)(iv) provide a certificate of completion for any initial or additional necessary~~  
110 ~~training requirements established by the Director;~~
- 111 ~~(8)(B)(v) agree to perform in a competent, professional, proficient, ethical, and~~  
112 ~~appropriate manner;~~
- 113 ~~(8)(B)(vi) meet any minimum qualifications as determined by the Director; and~~
- 114 ~~(8)(B)(vii) agree to be evaluated at the discretion of the Director for competent,~~  
115 ~~professional, proficient, ethical, appropriate conduct, and/or performance, and~~  
116 ~~minimum qualifications.~~
- 117 ~~(8)(C) **Appointment.** Upon the appointment by the court of a PGAL, the court will:~~
- 118 ~~(8)(C)(i) use the following language in its order: "The Court appoints a private~~  
119 ~~attorney guardian ad litem to be assigned by the Office of Guardian ad Litem, to~~  
120 ~~represent the best interests of the minor child(ren) in this matter.";~~
- 121 ~~(8)(C)(ii) designate in the order whether the PGAL will:~~
- 122 ~~(8)(C)(ii)(a) be paid the set fee, as established by paragraph (8)(F), and~~  
123 ~~an initial retainer;~~
- 124 ~~(8)(C)(ii)(b) not be paid and serve pro bono; or~~
- 125 ~~(8)(C)(ii)(c) be paid at a rate less than the set fee in paragraph (8)(F); and~~
- 126 ~~(8)(C)(iii) send the order to the Director c/o the Private Attorney Guardian ad~~  
127 ~~Litem Program.~~
- 128 ~~(8)(D) **Assignment.** Upon receipt of the court's order appointing a PGAL, the Director~~  
129 ~~will contact and assign the case to an eligible attorney, if available.~~
- 130 ~~(8)(E) **Notice of appearance and representation.** Upon accepting the court's~~  
131 ~~appointment, the assigned attorney will file a notice of appearance with the court within~~  
132 ~~five business days of acceptance, and will thereafter represent the best interests of the~~  
133 ~~minor(s) until released by the court.~~
- 134 ~~(8)(F) **Fees.** The hourly fee to be paid by the parties and to be ordered and apportioned~~  
135 ~~by the court against the parties will be \$150.00 per hour or a higher rate determined~~  
136 ~~reasonable by the court. The retainer amount will be \$1,000 or a different amount~~  
137 ~~determined reasonable by the court. The retainer amount will be apportioned by the~~  
138 ~~court among the parties and paid by the parties.~~

139 ~~(8)(G) Education. Each year, PGALs must complete three hours of continuing legal~~  
 140 ~~education (CLE) relevant to the role and duties of a PGAL. To meet this requirement, the~~  
 141 ~~Office will provide training opportunities that are accredited by the Utah State Bar Board~~  
 142 ~~of Mandatory Continuing Legal Education. In order to provide access to all PGALs, the~~  
 143 ~~Office will provide multiple trainings at locations throughout the State or online.~~

144 ~~(8)(H) Removal.~~

145 ~~(8)(H)(i) A PGAL who fails to complete the required number of CLE hours will be~~  
 146 ~~notified that unless all requirements are completed and reported within 30 days,~~  
 147 ~~the Director may remove the PGAL from the list of eligible PGALs.~~

148 ~~(8)(H)(ii) The Director may remove with or without a complaint a PGAL from the~~  
 149 ~~list of eligible PGALs for failure to perform or conduct themselves in a competent,~~  
 150 ~~professional, proficient, ethical, or appropriate manner, or for failure to meet~~  
 151 ~~minimum qualifications, including the annual CLE requirement. Within a~~  
 152 ~~reasonable time after the removal, and in the event the PGAL has not yet been~~  
 153 ~~released by the court in a pending case, the Director will provide written notice to~~  
 154 ~~the court of the Director's action, and the court may, in its discretion, determine~~  
 155 ~~whether the PGAL should be released from the case.~~

156 ~~(9) Complaints and appeals.~~

157 ~~(9)(A) Complaints against Director or administrative policies. Complaints against the~~  
 158 ~~Director or an administrative policy or procedure must be submitted to the chair of the~~  
 159 ~~Committee. Complaints submitted to the Director's office must be sent to the Committee~~  
 160 ~~chair within a reasonable period of time, but not more than 14 days after receipt. If~~  
 161 ~~deemed necessary, the Committee may recommend to the Council that the Director be~~  
 162 ~~disciplined.~~

163 ~~(9)(B) Complaints against GALs or volunteers.~~

164 ~~(9)(B)(i) Complaints against a GAL employed by the Office, a PGAL, or a~~  
 165 ~~volunteer, as defined in Utah Code section 78A-6-207, must be submitted to the~~  
 166 ~~Director. The decision of the Director regarding the complaint is final and not~~  
 167 ~~subject to appeal.~~

168 ~~(9)(B)(ii) If a GAL and a volunteer disagree on the major decisions involved in~~  
 169 ~~representation of the client, either may notify the Director that the dispute cannot~~  
 170 ~~be resolved. The decision of the Director regarding the dispute is final and not~~  
 171 ~~subject to appeal.~~

172 ~~(9)(B)(iii) The failure of the Director to satisfactorily resolve a complaint against a~~  
 173 ~~GAL, PGAL, or volunteer is not grounds for a complaint against the Director.~~

174 ~~(9)(C) Complaint submission. A complaint must be in writing and include:~~

175 ~~(9)(C)(i) the name and contact information of the complainant;~~

Commented [KW3]: Lines 100-155 are covered under 4-906.02

176 ~~(9)(C)(ii) the name of the child(ren) involved; and~~  
177 ~~(9)(C)(iii) the facts upon which the complaint is based in sufficient detail to inform the~~  
178 ~~Committee or the Director of the nature and date of the alleged misconduct.~~  
179 ~~(9)(D) **Investigation.** In resolving a complaint, the Director or Committee will conduct an~~  
180 ~~investigation as determined by the Director or Committee to be reasonable. The Director~~  
181 ~~or Committee may meet separately or together with the complainant and the person~~  
182 ~~against whom the complaint is filed.~~  
183 ~~(9)(E) **Decision.** The decision of the Director may include discipline of the person~~  
184 ~~against whom the complaint is filed. If the complaint is against a PGAL, the decision may~~  
185 ~~include removal of the PGAL from the list of PGALs and the conditions for reinstatement.~~  
186 ~~(9)(F) **Applicability.** Paragraph (9) does not apply to conflict GALs.~~  
187 **Effective: 5/1/2026**

**Commented [KW4]:** Lines 156-186 are covered under 4-906.03

1 **Rule 4-906. Guardian ad litem Office, Oversight Committee, and Director**

2 **Intent:**

3 To establish the responsibilities of the Guardian ad Litem Oversight Committee (“Committee”)  
4 and the Director of the Office of Guardian ad Litem (“Director”).

5 **Applicability:**

6 This rule applies to the Committee, the Director, the Office of Guardian ad Litem (“Office”), and  
7 the guardian ad litem (“GAL”) program (“Program”).

8 **Statement of the Rule:**

9 (1) **Guardian ad Litem Oversight Committee.** Under the Council's direct supervision, the  
10 Committee must:

11 (1)(A) perform the duties established in Utah Code;

12 (1)(B) appoint the Director ~~of the Office~~ in accordance with procedures established by  
13 the Council;

14 (1)(C) develop the Director's performance plan and conduct performance evaluations in  
15 accordance with policies approved by the Council;

16 ~~(1)(D) hear and decide complaints against the Director, a trained Program volunteer, as~~  
17 ~~described in Utah Code section 78A-2-803 (“Volunteer”), or a private guardian ad litem~~  
18 ~~(PGAL) in accordance with Rule 4-906.03;~~

19 (1)(~~D~~E) monitor the Office's caseload and recommend to the Council adequate staffing  
20 levels for GALs and Program staff (“Staff”);

21 (1)(~~E~~F) ensure policies, requirements, and guidelines established by the Committee  
22 comply with this Code, the Utah rules of procedure, and court policies; and

23 (1)(~~E~~G) provide an annual report to the Council in accordance with Rule 1-205 that  
24 includes the Committee's evaluation and assessment of the Program.

25 **(2) Case and record reviews.**

26 (2)(A) “GAL Records” means court records to which GALs are authorized access under  
27 Rule 4-202.03 and the Utah rules of procedure. Requests to access court records that  
28 GALs are not entitled to access must be made in accordance with this Code and the  
29 Utah rules of procedure.

30 (2)(B) The internal court auditor member of the Committee will generate the annual  
31 random sample of cases the Committee reviews using criteria established by the  
32 Committee. The sample must be limited to cases that have reached final disposition and  
33 are no longer pending or impending before any court. The case and record review  
34 process must comply with this Code and the Utah rules of procedure.

35 (2)(C) The Committee must establish procedures to ensure the Committee's review of  
36 individual cases and GAL Records will maintain confidentiality and will not interfere with  
37 a fair trial or hearing or affect the outcome or impair the fairness of a pending or  
38 impending matter.

39 (2)(D) The procedures established in paragraph (2)(C) must be approved by the Council.

40 (3) **Qualifications of the director.** The Director must have the qualifications established in Utah  
41 Code.

42 (4) **Responsibilities of the director.** The Director must:

43 (4)(A) perform the duties established in Utah Code;

44 (4)(B) develop the legislative budget appropriation request for the Program;

45 (4)(C) coordinate GAL appointments among different court levels;

46 (4)(D) monitor GALs, Staff, and trained Program volunteers described in Utah Code  
47 section 78A-2-803 ("Volunteer") by regularly consulting with users and observers of  
48 GAL services, including judges, court executives, and court clerks;

49 (4)(E) require GALs to submit appropriate written reports;

50 (4)(F) monitor GAL caseloads to ensure compliance with standards established by the  
51 American Bar Association;

52 (4)(G) select Volunteers and court-employed GALs and Staff in accordance with Rule 4-  
53 906.01;

54 (4)(H) coordinate conflict counsel appointments;

55 (4)(I) supervise, evaluate, and discipline court-employed GALs and Staff in accordance  
56 with this Code and the judiciary's human resource policies;

57 (4)(J) supervise and evaluate the quality of service provided by contracted GALs;

58 (4)(K) monitor and report to the Committee GAL, Staff, and Volunteer compliance with  
59 federal and state statutes, rules, and case law; and

60 (4)(L) prepare and submit the annual report required under the Utah Code to the Council  
61 and the Committee in October. The Committee may amend the report prior to release to  
62 the Child Welfare Legislative Oversight Panel.

63 *Effective: ~~May 18~~ June 22, 2026*

1 **Rule 4-906.01. GALs, staff, and volunteers**

2 **Intent:**

3 To establish the policies and procedures for the selection, employment, and management of  
4 Volunteers and GALs and Staff employed by the Administrative Office.

5 **Applicability:**

6 This rule applies to the Office and Program.

7 **Statement of the Rule:**

8 **(1) GAL qualification and responsibilities.** A GAL must:

9 (1)(A) be a member in good standing with the Utah State Bar;

10 (1)(B) demonstrate experience and interest in applicable law and procedures;

11 (1)(C) perform the duties and responsibilities established in the Utah Code; and

12 (1)(D) comply with all court rules and policies.

13 **(2) Selection and employment.**

14 (2)(A) GALs and Staff employed by the Administrative Office are at-will employees  
15 subject to dismissal by the Director with or without cause.

16 (2)(B) The Director must select, supervise, and discipline GALs and Staff in accordance  
17 with this Code and the judiciary's human resource policies.

18 (2)(C) GAL and Staff applicants will be interviewed by a panel consisting of the Director  
19 or the Director's designee and two or more of the following persons:

20 (2)(C)(i) the local GAL office managing attorney;

21 (2)(C)(ii) the district court or juvenile court executive;

22 (2)(C)(iii) a Committee member;

23 (2)(C)(iv) a Utah State Bar Association member selected by the Director; or

24 (2)(C)(v) an individual selected by the Director.

25 (2)(D) The interview committee established under paragraph (2)(C) will make hiring  
26 recommendations to the Director. The Director will make hiring decisions.

27 **(3) Conflicts of interest and disqualification.**

28 (3)(A) If a GAL has a conflict of interest, the GAL must declare the conflict and request  
29 that the court appoint a conflict GAL.

30 (3)(B) Any party who perceives a conflict of interest may file a motion with the court  
31 setting forth the nature of the conflict and a request that the GAL be disqualified from  
32 further service in that case.

33 (3)(C) If a court finds that a conflict of interest exists, the court will relieve the GAL from  
34 further duties in that case and appoint a conflict GAL.

35 (3)(D) The Administrative Office may contract with an attorney to provide conflict GAL  
36 services.

37 (3)(E) If a conflict GAL is arranged on a case-by-case basis, the court will use the order  
38 form approved by the Council. The order will list the GAL's duties. The court will file the  
39 original order in the case and will distribute one copy each to:

40 (3)(E)(i) the appointed conflict GAL;

41 (3)(E)(ii) the GAL;

42 (3)(E)(iii) all parties of record;

43 (3)(E)(iv) the parents, guardians, or custodians of the child(ren);

44 (3)(E)(v) the court executive; and

45 (3)(E)(vi) the Director.

46 (3)(F) A conflict GAL's compensation may not exceed \$100 per hour or \$3,000 per case  
47 in any 12-month period, whichever is less. The per case compensation limit includes  
48 incidental expenses incurred in the case.

49 (3)(G) Under extraordinary circumstances, the Director may increase the compensation  
50 limit upon request from the conflict GAL. The request will include a justification showing  
51 that the case required work of much greater complexity than, or time far in excess of,  
52 that required in most GAL assignments. If a case is appealed, compensation will be as  
53 set forth above.

54 (3)(H) A conflict GAL is not an Office or Administrative Office employee.

55 **(4) Staff and Volunteers.**

56 (4)(A) The Director will develop a strong Volunteer component to the Program and  
57 provide support for Volunteer solicitation, screening, and training. Staff and Volunteer  
58 responsibilities will be as established by the Director and set forth in Utah Code.

59 (4)(B) A GAL must supervise Staff and Volunteer training. The Director will provide  
60 administrative support.

61 (4)(C) Staff and Volunteers will receive training in the areas of child abuse, child  
62 psychology, juvenile and district court procedures, and local child welfare agency  
63 procedures. Staff and Volunteers will also be trained in guidelines established by the  
64 National Court Appointed Special Advocate Association.

65 (4)(D) Volunteers serve at the pleasure of the Director.

66 *Effective: ~~May 18~~June 22, 2026*

1 **Rule 4-906.02. Private GALs**

2 **Intent:**

3 To establish the policies and procedures for the selection, appointment, and payment of private  
4 GALs ("PGALs").

5 **Applicability:**

6 This rule applies to the Office and PGALs.

7 **Statement of the Rule:**

8 (1) **List.** The Director must maintain a list of PGALs qualified for appointment.

9 (2) **Application.** To be included on the list of eligible PGALs, an applicant must submit a written  
10 application to the Office and:

11 (2)(A) be a member in good standing in the Utah State Bar;

12 (2)(B) provide a Bureau of Criminal Identification criminal history report;

13 (2)(C) provide a Utah Division of Child and Family Services child abuse database report  
14 and similar information from any state in which the applicant has resided as an adult;

15 (2)(D) provide a certificate of completion for initial or additional necessary training  
16 requirements established by the Director;

17 (2)(E) meet any minimum qualifications as determined by the Director; and

18 (2)(F) agree to be evaluated at the Director's discretion for competent, professional,  
19 proficient, ethical, appropriate conduct, performance, and minimum qualifications,  
20 including tracking the frequency and type of interactions with minor clients.

21 (3) **Appointment.** Upon the appointment of a PGAL, the court will:

22 (3)(A) use the following language in its order: "The Court appoints a private attorney  
23 guardian ad litem to be assigned by the Office of Guardian ad Litem, to represent the  
24 best interests of the minor child(ren) in this matter.";

25 (3)(B) designate in the order whether the PGAL will:

26 (3)(B)(i) be paid the set fee, as established by paragraph (6), and an initial  
27 retainer;

28 (3)(B)(ii) not be paid and serve pro bono; or

29 (3)(B)(iii) be paid at a rate less than the set fee in paragraph (6); and

30 (3)(C) send the order to the Director c/o the PGAL Program.

31 (4) **Assignment.** Upon receipt of the court's order appointing a PGAL, the Director will contact  
32 and assign the case to an eligible attorney, if available.

33 (5) **Notice of appearance and representation.** On accepting the court's appointment, the  
34 assigned attorney must file a notice of appearance with the court within five business days of  
35 acceptance and will thereafter represent the best interests of the minor(s) until released by the  
36 court.

37 (6) **Fees.** The hourly fee to be paid by the parties and to be ordered and apportioned by the  
38 court against the parties will be \$150.00 per hour or a higher rate determined reasonable by the  
39 court. The retainer amount is \$1,000 or a different amount determined reasonable by the court.  
40 The retainer amount will be apportioned by the court among the parties and paid by the parties.

41 (7) **Education.** Each year, PGALs must complete three hours of continuing legal education  
42 ("CLE") relevant to the role and duties of a PGAL. To meet this requirement, the Office will  
43 provide training opportunities that are accredited by the Utah State Bar Board of Mandatory  
44 Continuing Legal Education. In order to provide access to all PGALs, the Office will provide  
45 multiple trainings at locations throughout the State or online.

46 (8) **Removal.**

47 (8)(A) A PGAL who fails to complete the required number of CLE hours will be notified  
48 that unless all requirements are completed and reported within 30 days, the Director  
49 may remove the PGAL from the list of eligible PGALs.

50 (8)(B) The Director may remove a PGAL from the list of eligible PGALs for failure to  
51 perform or conduct themselves in a competent, professional, proficient, ethical, or  
52 appropriate manner, or for failure to meet minimum qualifications, including the annual  
53 CLE requirement. Within a reasonable time after the removal, and in the event the PGAL  
54 has not yet been released by the court in a pending case, the Director will provide  
55 written notice to the court of the Director's action, and the court may, in its discretion,  
56 determine whether the PGAL should be released from the case.

57 (9) A PGAL is not an Office or Administrative Office employee.

58 *Effective: ~~May 18~~ June 22, 2026*

1 **Rule 4-906.03. Complaints**

2 **Intent:**

3 To establish the policies and procedures for complaints regarding GALs, PGALs, Volunteers,  
4 and the Director.

5 **Applicability:**

6 This rule applies to the Office and the Program.

7 **Statement of the Rule:**

8 (1) **Complaints against the Director or administrative policies.** A person may submit a  
9 complaint against the Director or an administrative policy or procedure to the Committee chair.

10 (1)(A) If a person submits a complaint against the Director to the Director's office, the  
11 Director must send the complaint to the Committee chair within a reasonable period of  
12 time, but not more than 14 days after receipt.

13 (1)(B) The Committee may investigate a complaint against the Director using a process  
14 approved by the Council.

15 (1)(C) If the Committee and state court administrator agree, the Director may be  
16 disciplined up to and including dismissal. If the Committee and the state court  
17 administrator do not agree on the proposed disciplinary action or dismissal, the Council  
18 will make the final decision.

19 (2) **Complaints against a GAL or Volunteer.**

20 (2)(A) **Director.**

21 (2)(A)(i) A person may submit a complaint against an employed GAL, a PGAL, or  
22 a Volunteer to the Director.

23 (2)(~~A~~B)(ii) Upon receiving a complaint, the Director will conduct an investigation  
24 as determined reasonable by the Director. The Director may meet separately or  
25 together with the complainant and the person against whom the complaint is  
26 filed. The Director will provide both parties with a copy of the Director's decision,  
27 including what action(s), if any, will be taken in response to the complaint.

28 (2)(A)(iii)~~E~~ If a GAL and a Volunteer disagree on the major decisions involved in  
29 representation of the client, either may notify the Director that the dispute cannot  
30 be resolved. The Director's decision regarding the dispute is final and not subject  
31 to appeal.

32 (2)(~~B~~C) **Appeal.**

33 (2)(B)(i) ~~If the complainant is dissatisfied with the Director's resolution, the~~  
34 complainant may appeal ~~at the~~ decision issued under paragraph (2)(A)(ii) to a 3-  
35 member panel of the Committee ("Panel"). The Panel will be formed in

36 accordance with procedures approved by the Council. The appeal must be  
 37 submitted in writing within 30 business days of receipt of the Director's decision  
 38 and must include the initial complaint, the Director's decision, an argument in  
 39 support of the appeal, and the relief sought.

40 ~~(2)(B)(ii) The Committee will review the appeal.~~ If an appeal can be resolved  
 41 without accessing nonpublic court records, the Panel will do so. If the Panel must  
 42 access nonpublic court records, the review must comply with this Code and the  
 43 Utah rules of procedure.

44 (2)(B)(iii) The Panel must establish procedures to ensure the Panel review  
 45 process will not interfere with a fair trial or hearing or affect the outcome or impair  
 46 the fairness of a pending or impending matter. Those procedures must be  
 47 approved by the Council.

48 (2)(B)(iv) Panel meetings will be closed.

49 (2)(B)(v) The Panel will and issue a decision in accordance with paragraph (4)  
 50 within 45 business days of receipt. Panel decisions are final and not  
 51 appealable. ~~The Committee may discuss the matter with the Director and may~~  
 52 ~~meet separately or together with the complainant and the person against whom~~  
 53 ~~the complaint is filed but may not compel any individual to meet or speak with the~~  
 54 ~~Committee regarding the complaint.~~

55 ~~(2)(E) If a GAL and a Volunteer disagree on the major decisions involved in~~  
 56 ~~representation of the client, either may notify the Director that the dispute cannot be~~  
 57 ~~resolved. The Director's decision regarding the dispute is final and not subject to appeal.~~

58 ~~(2)(F) Under no circumstance may the Director, chair, or Committee interfere with a case~~  
 59 ~~or court matter. Review of and access to GAL Records and court records must comply~~  
 60 ~~with this Code and Rule 4-906(2).~~

61 **(3) Complaint form and submission.** Complaints submitted under paragraphs (1) and (2) must  
 62 be in writing and include:

63 (3)(A) the name and contact information of the complainant;

64 (3)(B) the name of the child(ren) involved;

65 (3)(C) the facts upon which the complaint is based in sufficient detail to inform the  
 66 Director or Committee of the nature and date of the alleged misconduct; and

67 (3)(D) when possible, supporting documentation.

68 **(4) Decision.** In resolving a complaint or appeal under paragraph (2), the Director or ~~Committee~~  
 69 Panel may reasonably investigate the complaint, provided the investigation complies with this  
 70 Code.

71 (4)(A) If the complaint is against an employed GAL, the Director may discipline the GAL  
 72 in accordance with the judiciary's human resource policies. The ~~Committee~~ Panel may

73 recommend to the Director or the state court administrator that a GAL be disciplined but  
74 may not impose disciplinary action.

75 (4)(B) If the complaint is against a PGAL, the Director or ~~Committee~~Panel may remove  
76 a PGAL from the qualified list and the Director will notify the court in accordance with  
77 Rule 4-906.02.

78 (4)(C) If the complaint is against a Volunteer, the Director or ~~Committee~~Panel may  
79 revoke the Volunteer's ability to participate in the Program.

80 (4)(D) Neither the Director nor the ~~Committee~~Panel have the authority to remove a GAL  
81 or PGAL from a case.

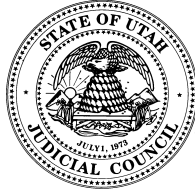
82 (5) Interference with case or court matters. Under no circumstance may the Director, Panel,  
83 or Committee interfere with a case or court matter. Review of and access to GAL Records and  
84 court records must comply with this Code and Rule 4-906(2).

85 ~~(65)~~ **Office of professional conduct.** Nothing in this Rule prohibits the Director or a Committee  
86 member from reporting an attorney's conduct to the Utah Office of Professional Conduct (OPC).  
87 However, nonpublic court records, including nonpublic court records associated with  
88 complaints filed under this rule, may not be shared. Records will be provided to the OPC in  
89 accordance with Rule 4-202.10.

90 ~~(76)~~ **Applicability.** Paragraphs (2) through (4) do not apply to conflict GALs.

91 *Effective: ~~May 18~~June 22, 2026*

Tab 9



# Administrative Office of the Courts

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

June 12, 2026

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

---

The Policy, Planning, and Technology Committee (PP&T) recommends that CJA rule 3-421 be approved for a 45-public comment period.

**CJA 3-421. Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) (AMEND)**

To provide greater flexibility, community stakeholder members serving on the WINGS committee may be exempt from standard term limits.

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 3-421. Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).**

2  
3 **Intent:**

4 To establish a committee of stakeholders from various disciplines to improve the state's  
5 guardianship and conservatorship services and processes.

6  
7 **Applicability:**

8 This rule ~~shall apply~~applies to all members of the WINGS committee.

9  
10 **Statement of the Rule:**

11 (1) Objectives. The WINGS committee ~~shall~~will provide leadership to identify the needs in  
12 guardianship and conservatorship matters and to secure and coordinate resources to meet  
13 those needs.

14  
15 (2) Responsibilities. The WINGS committee ~~shall~~will:

16  
17 (2)(A) assess available services, forms, and rules for guardianship and conservatorship  
18 and gaps in those services, forms, and rules;

19  
20 (2)(B) recommend measures to the ~~Judicial~~Council, the Utah State Bar, and other  
21 appropriate institutions for improving guardianship and conservatorship processes;

22  
23 (2)(C) support policy initiatives for the enhancement of guardianship, conservatorship,  
24 and related infrastructure;

25  
26 (2)(D) identify and develop education and outreach opportunities regarding  
27 guardianships, conservatorships, and their alternatives;

28  
29 (2)(E) provide training and support to those engaging with the  
30 guardianship/conservatorship system;

31  
32 (2)(F) promote high standards for guardians and conservators;

33  
34 (2)(G) promote collaboration between WINGS committee members and other  
35 stakeholders;

36  
37 (2)(H) regularly evaluate the needs and priorities of the WINGS committee's efforts; and

38  
39 (2)(I) strive to maintain interdisciplinary representation of members drawn from the  
40 organizations, entities, and individuals related to guardianship and conservatorship  
41 matters.

42  
43 (3) **Chair.** The Chair of the WINGS committee ~~shall~~will be a ~~Utah D~~istrict ~~c~~Court judge.

44

45 (4) **Executive Committee.** The WINGS ~~e~~Executive ~~c~~Committee ~~shall~~will consist of the ~~Utah~~  
46 WINGS ~~committee~~ chair, the Guardianship Reporting and Monitoring Program  
47 ~~(GRAMP)~~GRAMP ~~c~~Coordinator, the Court Visitor Program ~~specialist~~Coordinator, a staff  
48 attorney from the Administrative Office ~~of the Courts~~, and up to three members of ~~the Utah~~  
49 WINGS ~~committee~~, as determined by the WINGS committee chair.

50

51 (5) **Community stakeholder terms.** One of the purposes of the WINGS committee is to  
52 receive regular input from community stakeholder organizations and individual community  
53 representatives who have ongoing and historical knowledge of guardianship and  
54 conservatorship matters. ~~¶~~ If approved by the WINGS committee chair, community stakeholder  
55 ~~organizational~~ and individual community representatives appointed to the WINGS committee in  
56 accordance with Rule 1-205 are ~~(Rule 1-205(1)(B)(xv)(b)) will be designated by their~~  
57 ~~organizations and~~ not subject to the term limits at established in that rule. ~~ions of Rule 1-~~  
58 ~~205(3)(B).~~

59

60 *Effective: ~~November 1, 2022~~November 1, 2026*

**Tab 10**

**This is a private record.**

**Judgment Information Statement**

(Utah Code 78B-5-201.)

My name is \_\_\_\_\_ and I am the judgment creditor in the following court case:

|   |  |
|---|--|
| Case name<br>(Example: Party v. Party)                                  |  |
| Case number   |  |
| Court name and county<br>(Example: Third District Court, Tooele County) |  |

I provide the following information in compliance with Utah Code Section 78B-5-201.

1. The correct name of the judgment debtor is \_\_\_\_\_.

2. The correct last known address of the judgment debtor is: \_\_\_\_\_.

3. The address at which the judgment debtor received service of process is: \_\_\_\_\_.

4. The judgment debtor is (choose one):

an individual, and (if known)

|  |  |
|--|--|
| Last four digits of Social Security Number |  |
| Month and Year of Birth                    |  |
| Driver license number                      |  |

is not an individual (For example, a business.).

5. The name of the judgment creditor is: \_\_\_\_\_.

6. The amount of the judgment is: \$ \_\_\_\_\_.
7. The judgment was entered on: \_\_\_\_\_ (date).
8. The judgment (Choose one.):
  - has been stayed and the stay expires on \_\_\_\_\_ (date).
  - has not been stayed.
9. The judgment creditor has reviewed their records, the records of their attorney (if there is one), and the records of the court in which the judgment was entered. Any information required by law but not provided by this statement is unknown and unavailable. (Utah Code 78B-5-201.)

**Plaintiff/Petitioner or Defendant/Respondent**

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

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

\_\_\_\_\_  
 Date

Signature ► \_\_\_\_\_

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

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

\_\_\_\_\_  
 Date

Signature ► \_\_\_\_\_

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

**Tab 11**



# Administrative Office of the Courts

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

June 1, 2026

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

## MEMORANDUM

**TO: Management Committee**

**FROM: Standing Education Committee/Lauren Andersen**

**RE: Standing Education Committee Vacancies**

---

The Standing Education Committee has two vacancies on the Committee. Below are two individuals who would like to serve on the Committee.

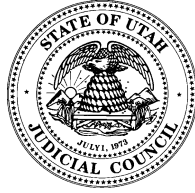
UCJA 1-205(1)(b)(iii)(j) requires “two court clerks from different levels of court and different judicial districts”. Melissa Kennedy filled one of these positions. In January, Melissa was promoted from Clerk of Court to Deputy Court Administrator of the Juvenile Court system. The Clerks of Court met and nominated Clerk of Court Tricia Bradshaw from the 5<sup>th</sup> District to fill this position.

UCJA 1-205(1)(B)(iii)(e) requires “the education liaison of the Board of Justice Court Judges” to sit on the Standing Education Committee. Judge JC Ynchausti has filled this position since November 2019. The Board of Justice Court Judges reviewed Judge Ynchausti’s appointment in November 2025 and agreed that they would like to have Judge Ynchausti continue to serve as the education liaison of the Board of the Justice Court Judges. As education liaison, Judge Ynchausti would continue to serve on the Standing Education Committee.

UCJA 1-205(3)(B) states “committee members may not serve more than two consecutive terms unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.” Judge Ynchausti has served two consecutive terms on the Standing Education Committee, but the Justice Court Board’s appointment as “education liaison” may qualify as “exceptional circumstances... to justify service of more than two consecutive terms.”

The Education Department requests that Tricia Bradshaw and Judge JC Ynchausti’s names be submitted to Judicial Council on the consent calendar.

**Tab 12**



# Administrative Office of the Courts

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

June 10, 2026

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

## MEMORANDUM

**TO:** The Judicial Council

**FROM:** Ron Gordon, State Court Administrator

**RE:** Utah Retirement Systems Membership Council Appointment

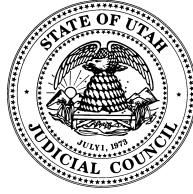
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Judge Kara Pettit's current term as the Utah State Courts' representative on the Utah Retirement Systems Board's Membership Council expires on June 30, 2026. Judge Pettit has indicated her willingness to continue serving for another term on the committee.

The Management Committee recommended Judge Pettit's appointment for an additional term on June 9, 2026. Approval of Judge Pettit's appointment for the 2026–2030 term is requested.

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

**Tab 13**



# Administrative Office of the Courts

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

May 20, 2026

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

## MEMORANDUM

**TO:** Members of the Management Committee

**FROM:** Zerina Ocanovic, Deputy Juvenile Court Administrator

**RE:** Work Crew Supervision Policy

---

### Work Crew Supervision Policy

The *Work Crew Supervision* policy was reviewed by the Probation Policy Committee, and revisions are being recommended for approval. This policy provides direction to probation staff to ensure the safety and security of minors and staff during work crew operations. This policy is being moved from the Work Crew Operating Procedures Manual and is being incorporated into probation officer policy. The proposed policy updates have received approval from Probation Chiefs, Juvenile Trial Court Executives, and Board of Juvenile Court Judges.

### Summary of Revisions

- Updates language throughout the policy to replace “should” with “must” to ensure consistency with the Utah Supreme Court style guide and clearly reflect required expectations.
- Clarifies scope by updating references from “probation officers” or “work crew” to “probation staff” for consistency.
- Adds probation staff must ensure minors wear appropriate attire and safety equipment for the worksite.
- Updates and clarifies expectations related to work hours, work type, breaks and restroom procedures to align with labor law requirements.
- Adds probation staff must make an effort to ensure that work projects are conducted in the best interest of the community and not for the sole benefit of the Courts. Work crew projects and equipment will not be used as a source for profit.

The Probation Policy Committee seeks approval for this policy to go forward to the Judicial Council.

## Probation Policy Submission and Review

---

### Policy:

This policy provides guidelines for submitting recommendations for new policies or revisions to current policies.

### Scope:

This policy applies to all juvenile court personnel of the Utah State Juvenile Court.

### Authority:

- [Utah Code § 78A-6-203](#)

### Procedure:

1. The Juvenile Court Administrator will designate a probation policy committee to review current policies and respond to requests made for the creation of new policies and/or changes to existing policies.
  - 1.1. Any court employee may submit a request to the probation policy committee. Requests must be submitted on the approved [Probation Policy/Policy Change Request Form](#) (Addendum 1).
  - 1.2. The probation policy committee will meet regularly to review current policies, respond to submitted requests, and will review policies yearly after each legislative session.
2. The probation policy committee will prepare drafts of new policies and recommended changes to existing policies for review and approval. The committee may make minor grammatical, formatting, and cosmetic changes to a policy without the need for further approval. The committee may, with approval from the Board of Juvenile Court Judges, make other minor clarifying changes to policies outside of the established approval process.
3. The process for revising and creating new policies will be determined by the Juvenile Court Administrator and the Board of Juvenile Court Judges (Addendum 2).

**Addendum 1. [Probation Policy/Policy Change Request Form](#)**

**Addendum 2. [Juvenile Probation Policy Approval Process](#)**

---

### History:

Approved by the Judicial Council and Effective June 22, 2020.  
Updated by Probation Policy Committee 1/15/2026

# Probation Policy Change Request Form



**B I U**

This is the approved method for Juvenile Court staff to request new Probation Policies or revisions to existing Probation Policies.

(updated 7/17/2025)

This form is automatically collecting emails from all respondents. [Change settings](#)

## Name and Title of Requestor \*

Please enter the name and title (i.e. Judicial Assistant, Probation Officer, Program Coordinator, etc.) of the person requesting this policy change. If the change is being requested by a group, please list the main point of contact for the group.

Short answer text

## Requestor's District \*

- 1st District
- 2nd District
- 3rd District
- 4th District
- 5th District
- 6th District
- 7th District
- 8th District
- AOC

## Name of policy to modify or add \*

Short answer text

## Why is the change needed and what will it accomplish? \*

Long answer text

## Will a draft of the requested policy change be submitted? \*

- Yes
- No

After section 1 [Continue to next section](#)

## Draft Document

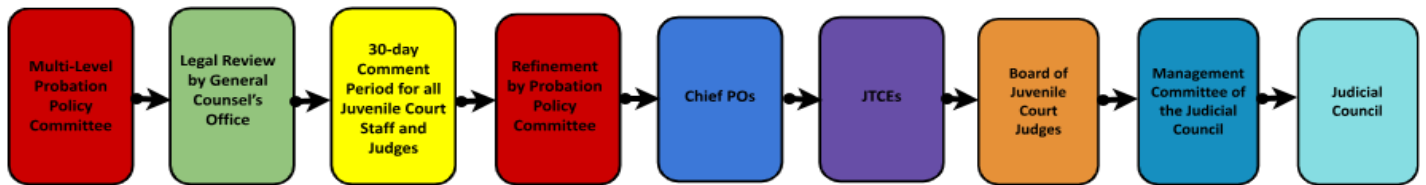


Description (optional)

Please Upload Draft Document Below

- Option 1

## JUVENILE PROBATION POLICY APPROVAL PROCESS



---

### Probation Policy Committee

Under the direction of the Juvenile Court Administrator

1. Responsibilities
  - 1.1. Review and update probation policies annually
  - 1.2. Respond to requests for revision or new policy development
  - 1.3. Request assistance from specialists as necessary
  - 1.4. Serve three-year membership terms (may be extended)
  
2. Membership
  - 2.1. One Juvenile Trial Court Executive
  - 2.2. One Chief Probation Officer
  - 2.3. One Probation Training Coordinator, Program Coordinator, OR Probation Supervisor
  - 2.4. Eight Probation Officers (one from each district)
  
3. Committee Membership Selection
  - 3.1. Juvenile Trial Court Executive is selected by vote at the JTCE Meeting.
  - 3.2. Chief Probation Officer is selected by vote at the CPO Meeting.
  - 3.3. Probation Supervisor / Training Coordinator / or Program Coordinator is selected by the CPOs.

3.4. District Probation Officers are selected by the district's Chief Probation Officer(s) and Probation Supervisor(s) in conjunction with the Juvenile Trial Court Executive.

4. Membership Rotation

4.1. It is recommended that membership rotation be effective in August of each year so that it does not impede work in preparation for or as a result of decisions made during the legislative session and distributed over a 3 year period as illustrated in the following:

4.2. Year 1 Rotation:

4.2.1. JTCE

4.2.2. Line Staff Members for districts: 1,2, & 8

4.3. Year 2 Rotation:

4.3.1. CPO

4.3.2. Line Staff Members for districts: 5,4, & 7

4.4. Year 3 Rotation

4.4.1. PO Sup / TC / PC

4.4.2. Line Staff Members for districts: 3, & 6

5. Juvenile AOC Staff to the Committee to be selected by the Juvenile Court Administrator or designee:

5.1. Deputy Juvenile Court Administrator

5.2. AOC Program Coordinator

5.3. Juvenile Law Clerk(s)

*Revised November 5, 2025*

## Probation Policy Submission and Review

---

### Policy:

This policy provides guidelines for submitting recommendations for new policies or revisions to current policies.

### Scope:

This policy applies to all juvenile court personnel of the Utah State Juvenile Court.

### Authority:

- Utah Code § [UGA 78A-6-203](#)

### Procedure:

1. The Juvenile Court Administrator will designate a probation policy committee to review current policies and respond to requests made for the creation of new policies and/or changes to existing policies.
  - 1.1. Any court employee may submit a request to the probation policy committee. Requests shall **must** be submitted on the approved [New Probation Policy/Policy Change Request Form](#) (Addendum 1.8-1).
  - 1.2. The probation policy committee will meet regularly to review current policies, respond to submitted requests, and will review policies yearly after each legislative session.
2. The probation policy committee will prepare drafts of new policies and recommended changes to existing policies for review and approval. The ~~probation policy~~ committee may make minor grammatical, formatting, and cosmetic changes to a policy without the need for further approval. **The committee may, with approval from the Board of Juvenile Court Judges, make other minor clarifying changes to policies outside of the established approval process.**
3. The process for revising and creating new policies will be determined by the Juvenile Court Administrator and the Board of Juvenile Court Judges (Addendum 1.8-2).

Addendum 1.8-1 [New Probation Policy/Policy Change Request Form](#)

Addendum 1.8-2 [2. Juvenile Probation Policy Approval Process](#)

---

### History:

~~Effective May 1, 2002~~

Approved by the Judicial Council and Effective June 22, 2020.

Updated by Probation Policy Committee 1/15/2026

# New Probation Policy/Policy Change Request Form

This is the approved method for Juvenile Court staff to request new Probation Policies or revisions to existing Probation Policies. ~~Requests must be screened with a probation-policy workgroup member prior to submission.~~

kimberlyah@utcourts.gov [Switch account](#) 

The name, email, and photo associated with your Google account will be recorded when you upload files and submit this form

\* Indicates required question

## Name and Title of Requestor \*

Please enter the name and title (i.e. Judicial Assistant, Probation Officer, Program Coordinator, etc.) of the person requesting this policy change. If the change is being requested by a group, please list the main point of contact for the group.

Your answer

---

## Requestor's District \*

- 1st District
- 2nd District
- 3rd District
- 4th District
- 5th District
- 6th District
- 7th District
- 8th District
- AOC

# **JUVENILE PROBATION POLICY APPROVAL PROCESS**

**Effective January 2019**



## **Probation Policy Committee Membership**

Under the direction of the Juvenile Court Administrator

### **1. Responsibilities**

- 1.1. Review and update probation policies annually
- 1.2. Respond to requests for revision or new policy development
- 1.3. Request assistance from specialists as necessary
- 1.4. Serve three-year membership terms (may be extended)

### **2. Membership**

- 2.1. One Juvenile Trial Court Executive
- 2.2. One Chief Probation Officer
- 2.3. One Probation Training Coordinator, Program Coordinator, OR Probation Supervisor
- 2.4. Eight Probation Officers (one from each district)

### **3. Committee Membership Selection**

- 3.1. Juvenile Trial Court Executive is selected by vote at the JTCE Meeting.
- 3.2. Chief Probation Officer is selected by vote at the CPO Meeting.
- 3.3. Probation Supervisor / Training Coordinator / or Program Coordinator is selected by the CPOs.
- 3.4. District Probation Officers are selected by the district's Chief Probation Officer(s) and Probation Supervisor(s) in conjunction with the Juvenile Trial Court Executive.

4. Membership Terms

4.1. Experience has demonstrated that the originally contemplated 2 year membership term is less productive than a 3 year term would be. The committee recommends that all membership terms be extended to 3 years (with the opportunity for reappointment).

5. Membership Rotation

5.1. It is recommended that membership rotation be effective in August of each year so that it does not impede work in preparation for or as a result of decisions made during the legislative session and distributed over a 3 year period as illustrated in the following:

5.2. Year 1 Rotation:

5.2.1. JTCE

5.2.2. Line Staff Members for districts: 1,2, & 8

5.3. Year 2 Rotation:

5.3.1. CPO

5.3.2. Line Staff Members for districts: 5,4, & 7

5.4. Year 3 Rotation

5.4.1. PO Sup / TC / PC

5.4.2. Line Staff Members for districts: 3, & 6

6. Juvenile AOC Staff to the Committee to be selected by the Juvenile Court Administrator or designee:

6.1. Deputy Juvenile Court Administrator

6.2. AOC Program Coordinator

6.3. Juvenile Law Clerk(s)

*Revised July 17, 2025*

## Ten-Member Multi-Level Probation Policy Committee

Under the direction of the Juvenile Court Administrator

### Membership

- Two AOC Representatives
  - Assistant Juvenile Court Administrator-Delinquency
  - AOC Program Coordinator (Support Staff)
- Eight Appointed Representatives
  - One Juvenile Trial Court Executive
  - One Chief Probation Officer
  - Six District Nominated Representatives of Juvenile Probation Supervisors and Juvenile Probation Officers

### Responsibilities

- Review and update probation policies annually
- Respond to requests for revision or new policy development
- Request assistance from specialists as necessary
- Serve two-year membership terms (may be extended)

OLD VERSION WITH EDITS

## Proposed Update for Probation Policy Submission and Review

### 1. Comment/Theme:

❖ Hi Team, I was glad to have the opportunity to review this policy. Something that I have been thinking about is regarding our law clerk attorney membership in the committee. My understanding is that our LCA team members attend, provide input, do research and assist in reviews. In addition to this all policies must be reviewed a second time by General Counsel. How has this been working out? Is there a need for our Law Clerk Attorney team to provide guidance to the committee, or should we be including General Counsel from the beginning of the process? I'd love to hear your thoughts.

- **Policy Committee Response:** It would be beneficial to have general counsel one time a year to help us stay on track on what types of questions should go their way. It is helpful to have the law clerks attend the committee meetings. They have helped numerous times researching fine details to complicated policy questions and explaining what direction to take. It can be difficult to distinguish between what topics go to the law clerks and what topics go to general counsel.
- **Policy Committee Decision:** When memberships shift we will reach out to general counsel as a process discussion.

## Probation Officer Code of Conduct

---

### Policy:

This policy provides direction to probation staff regarding professional code of conduct specific to interactions with minors and families. This policy supplements Human Resources Policy.

### Scope:

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

### Authority:

- [HR 09 Ethics and Standards of Conduct](#)
- [Utah Code § 80-2-602](#)
- [Utah Code of Judicial Administration Rule 4-202.03](#)

### Reference:

- [Memo: Probation Officer Audio/Video Recording Policy](#)
- [Employee CARE User Agreement](#)

### Procedure:

1. Probation officers must maintain the confidentiality of all minors referred to the Juvenile Court.
  - 1.1. Probation officers must not create or maintain audio/video recordings of minors.
2. Probation officers must only access cases in CARE to which they are assigned or have a legitimate work related reason to access.
3. Probation officers must maintain professional boundaries with minors and their families, parents, guardians, or custodians.
  - 3.1. Probation officers must treat all minors with dignity, respect, and consideration and must not discriminate based on race, ethnicity, national origin, religion, gender, sexual orientation, age, or disability.
  - 3.2. Probation officers must not subject any minor to bullying, humiliation, shaming, abuse, neglect, exploitation, coercion, or manipulation.

- 3.3. Probation officers must not initiate, develop, or participate in any type of inappropriate personal relationship with a minor or a minor's immediate family members including, but not limited to:
  - 3.3.1. Dating
  - 3.3.2. Engaging in sexual activities including via physical interactions or the use of digital or social media platforms
  - 3.3.3. Business dealings
  - 3.3.4. Sharing contact information such as personal email addresses, home address, personal phone numbers and social media applications and networks
4. Probation officers must always notify the Division of Child and Family Services when there is reason to believe that a minor has been abused or neglected.
  - 4.1. Probation officers must document any report of abuse or neglect in the minor's case notes in CARE.
5. Probation officers must notify the minor's parent, guardian, or custodian when there is a reason to believe that the minor poses a real threat of harm to themselves or others.
  - 5.1. Probation officers must document the discussion in the minor's case notes in CARE.
6. Probation officers must not allow minors to access any secure area in a court facility without supervision.
7. Probation officers who facilitate, support, or supervise skill building groups or group interventions for minors referred to the juvenile court must adhere to the following standards:
  - 7.1. Probation officers must maintain the confidentiality of all minors participating in the group;
    - 7.1.1. Probation officers may share information about the minor's participation and behavior in groups with the minor's assigned probation officer and parents, guardians, or custodians. Probation officers must not share information with any other party unless authorized by the Court.
    - 7.1.2. Probation officers must not discuss the details of a minor's case while in the presence of other minors or persons.

- 7.1.3. Probation officers must not photograph or video the group or allow anyone else to photograph or video group participants.
- 7.1.4. Probation officers must not allow outside observation.
- 7.1.5. Probation officers must not allow anyone other than minors under the jurisdiction of the court to participate in a group.
- 7.2. Probation officers must maintain a safe and professional environment during the group.
  - 7.2.1. Probation officers must make every effort to accommodate a minor's responsivity needs.
  - 7.2.2. Probation officers must treat participants in the group with equity.
- 7.3. Probation officers must observe the following security measures.
  - 7.3.1. The group must be supervised by at least two staff, when possible.
  - 7.3.2. Probation officers must ensure group participants have left the building if the group ends after business hours.
- 7.4. Probation officers must adhere to the program model. Groups must be facilitated by staff who have been trained in the curriculum.
- 7.5. Probation officers must maintain the same standards for conducting groups for parents of minors referred to the court.

---

History:

Approved by the Judicial Council on August 17, 2018

Updated by Probation Policy Committee January 15, 2026

# Probation Officer Code of Conduct

---

## Policy:

This policy provides direction to probation staff regarding professional code of conduct specific to interactions with minors and families. This policy supplements the Human Resources Policy and ~~Procedures Code of Personal Conduct 500.~~

## Scope:

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

## Authority:

- [HR 09 Ethics and Standards of Conduct](#)
- [UCA Utah Code § 80-2-602](#)
- [Utah Code of Judicial Administration Rule 4-202.03](#)

## Reference:

- [Memo: Probation Officer Audio/Video Recording Policy](#)
- [Employee CARE User Agreement](#)

## Procedure:

1. Probation officers shall **must** maintain the confidentiality of all minors referred to the Juvenile Court.
  - 1.1. Probation officers must not create or maintain audio/video recordings of minors.**
2. ~~The p~~Probation officers shall **must** only access cases in CARE to which they are assigned or have a legitimate work related reason to access.
3. Probation officers shall **must** maintain professional boundaries with minors and their families, **parents, guardians, or custodians.**
  - 3.1. ~~The p~~Probation officers shall **must** treat all minors with dignity, respect, and consideration and shall **must** not discriminate based on race, ethnicity, national origin, religion, gender, sexual orientation, age, or disability.
  - 3.2. ~~The p~~Probation officers shall **must** not subject any minor to bullying, humiliation, shaming, abuse, neglect, exploitation, coercion, or manipulation.
  - 3.3. ~~The p~~Probation officers shall **must** not initiate, or develop, **or participate in** any type of inappropriate personal relationship with a minor or a minor's

immediate family members including, but not limited to:

3.3.1. Dating

3.3.2. Engaging in sexual activities including via physical interactions or the use of digital or social media platforms

3.3.3. Business dealings

3.3.4. Sharing contact information such as personal email addresses, home address, personal phone numbers and social media applications and networks (e.g., YouTube, Twitter, Facebook, Instagram or anything similar)

4. Probation officers ~~shall~~ **must always** notify the Division of Child and Family Services when there is reason to believe that a minor has been abused or neglected.

4.1. ~~The p~~Probation officers ~~shall~~ **must** document any report of abuse or neglect in the minor's case notes in CARE.

5. Probation officers ~~shall~~ **must** notify the minor's parent, guardian, or custodian when there is a reason to believe that the minor poses a real threat of harm to themselves or others.

5.1. ~~The p~~Probation officers ~~shall~~ **must** document the discussion in the minor's case notes in CARE.

6. Probation officers ~~shall~~ **must** not allow minors to access any secure area in a court facility without supervision.

7. Probation officers who facilitate, **support, or supervise skill building groups or group interventions** for minors referred to the juvenile court ~~shall~~ **must** adhere to the following standards:

7.1. ~~The facilitator~~ **Probation officers** ~~shall~~ **must** maintain the confidentiality of all minors participating in the group;

7.1.1. ~~The facilitator~~ **Probation officers** may share information about the minor's participation and behavior in groups with the minor's assigned probation officer and/or parents, guardians, or custodians. ~~The facilitator~~ **Probation officers** ~~shall~~ **must** not share information with any other party unless authorized by the Court.

7.1.2. ~~The facilitator~~ **Probation officers** ~~shall~~ **must** not discuss the details of a minor's case while in the presence of other minors or persons.

7.1.3. ~~The facilitator~~ **Probation officers** ~~shall~~ **must** not photograph or video the group or allow anyone else to photograph or video group participants. ~~without written parental consent and prior management approval. (Addendum 8.1.3)~~

7.1.4. ~~The facilitator~~ **Probation officers** ~~shall~~ **must** not allow outside

observation ~~without prior authorization by management. (Addendum 8.1.4)~~

- 7.1.5. ~~The facilitator~~ **Probation officers** shall **must** not allow anyone other than minors under the jurisdiction of the court to participate in a group.
- 7.2. ~~The facilitator~~ **Probation officers** shall **must** maintain a safe and professional environment during the group.
  - 7.2.1. ~~The facilitator~~ **Probation officers** shall **must** make every effort to accommodate a minor's responsivity needs.
  - 7.2.2. ~~The facilitator~~ **Probation officers** shall **must** treat participants in the group with equity.
- 7.3. ~~The facilitator~~ **Probation officers** shall **must** observe the following security measures.
  - 7.3.1. The group shall **must** be supervised by at least two staff, when possible.
  - 7.3.2. ~~Facilitators~~ **Probation officers** shall **must** ensure group participants have left the building if the group ends after business hours.
- 7.4. ~~The facilitator~~ **Probation officers** shall **must** adhere to the program model. Groups shall **must** only be facilitated by staff who have been trained in the curriculum.
- 7.5. ~~The facilitator~~ **Probation officers** shall **must** maintain the same standards for conducting groups for parents of minors referred to the court.
- 7.6. ~~Probation management or a district designee shall observe at least one group per cycle, and provide timely feedback to the group facilitators on their service delivery skills.~~

**Addendum 1.4.1** [Audio Visual Release Form](#)

**Addendum 1.4.2** [Juvenile Court Group Observation Confidentiality Agreement](#)

---

### History:

Approved by the Judicial Council on August 17, 2018

Updated by Probation Policy Committee January 15, 2026



**GROUP OBSERVATION CONFIDENTIALITY AGREEMENT**  
**UTAH JUVENILE COURT**

As a condition of my approval to observe the \_\_\_\_\_ group on \_\_\_\_\_ in \_\_\_\_\_,  
[location of group, including district] [group name] [date]

I, \_\_\_\_\_, agree to the following terms and conditions:  
[print name]

1. I will not discuss, share, or disclose any personal information learned about a group participant during my observation.
2. I will not discuss, share, or disclose information provided by the group participants or group facilitators with anyone outside of those approved, in writing, by the Court. Further, any disclosure of information to approved individuals may only be done so within the scope of the purpose of this observation.

By signing below I agree to these conditions, and acknowledge that I understand juvenile records are confidential and cannot be released to the public at any time.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Organization: \_\_\_\_\_ Title: \_\_\_\_\_

Observation approved by: \_\_\_\_\_



**AUDIO/VIDEO INTERVIEW RELEASE FORM**

I hereby give permission for images of my child(ren) to be captured via audio/video, during the activity listed below.

I understand and acknowledge that juvenile court employees will see these images and/or interviews, and that I am waiving any rights of compensation or ownership thereto.

Members of the public WILL NOT see these images.

Activity(ies) at which audio/video interviews were taken:

---

---

Name of Participant(s) (please print): \_\_\_\_\_

---

Name of Parent/Guardian (please print): \_\_\_\_\_

Phone Number of Parent/Guardian: \_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Probation Officer's Signature

\_\_\_\_\_  
Date

## **Proposed Update for Probation Officer Code of Conduct Policy**

### **1. Comment/Theme:**

- ❖ Number 2 outlines that PO's should only access cases in CARE to which they are assigned or have a legitimate work-related reason to access. I think it would be a good idea to also reference the Employee CARE User Agreement. The agreement discusses releasing records, altering records, sharing passwords, etc. Here is a copy to reference.

[https://intranet.utcourts.gov/content/dam/intranet/juv/care/docs/Employee\\_CARE\\_User\\_Agreement.pdf](https://intranet.utcourts.gov/content/dam/intranet/juv/care/docs/Employee_CARE_User_Agreement.pdf)

- **Policy Committee Response:** Agree.
- **Policy Committee Decision:** The Employee CARE User Agreement was added as a reference to the policy.

### **2. Comment/Theme:**

- ❖ I am on the fence about the restructuring of the sentences that take out must or set the expectation. Some of the sentences are structured in a way that these are expectations, while others are worded in a way that they are occurring.

- **Policy Committee Response:** Agreed. We took it out for communication style. For consistency, however, we should change them all to must. The supreme court style guide for rules recommends using the word must.
- **Policy Committee Decision:** The policy committee updated the policy shall's to must.

## Work Crew Supervision

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### Policy:

This policy provides direction to probation staff that ensures the safety and security of the work crew members and probation staff.

### Scope:

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

### Authority:

- [Utah Code § 78A-6-203\(1\)](#)
- Learning Management System (LMS) - Risk Management Large Passenger Van Training

### Procedure:

1. Probation staff running work crew must be outside of the van working directly with the minors to provide supervision and for safety purposes. Staff must not leave work crew participants unattended
  - 1.1. Probation staff must ensure that all minors are wearing the appropriate attire and safety equipment as determined for the worksite.
2. The amount of hours worked, working time, type of work performed, breaks, and other work crew tasks will comply with State and Federal labor laws.
3. Probation staff must make an effort to ensure that work projects are conducted in the best interest of the community and not for the sole benefit of the Courts. Work crew projects and equipment will not be used as a source for profit.
4. For restroom breaks, the restroom must be searched by staff prior to and after use for contraband.
  - 4.1. Minors will use the restroom one minor at a time.

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### History:

Effective September 12, 2006

Updated by Probation Policy Committee January 15, 2026

## 2.4 Work Crew Supervision

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### Policy:

**This policy provides direction to probation staff** To establish a policy that ensures the safety and security of the ~~W~~ork ~~C~~rew members and **probation staff**. ~~Work Crew Deputy Probation Officers.~~

### Scope:

This policy applies to all ~~Work Crew Deputy Probation Officers~~ probation staff of the Utah State Juvenile Court **operating in a work crew capacity.**

### Authority:

#### Utah Code 78A-6-203(1)

~~Utah Division of Fleet Services Administration Code R27-3  
Learning Management System (LMS) - Risk Management Large Passenger Van  
Training~~

### Procedure:

- ~~1. Work Crew Deputy Probation Officers~~ **Probation staff running work crew** should **must** be **outside** of the van working directly with the minors to provide supervision of the work and for safety purposes. Staff must not leave work crew participants unattended.

**1.1. Probation staff shall must ensure that all minors are wearing the appropriate attire and safety equipment as determined for the worksite.**

~~1.1 While working on a roadway, the van will have the appropriate emergency lights and markers on.~~

~~1.2 While working on a roadway minors shall wear safety vests, and may be required to wear other safety gear based upon the needs of the work assignment, i.e. safety glasses, gloves.~~

- ~~2. Work crew size shall be in accordance with district and state policies, and in compliance with van limitations as directed by Fleet Services, i.e.~~

~~12-passenger van may only seat 9 including the driver.~~

- ~~• The location of the work to be done.~~
- ~~• The difficulty of the task.~~
- ~~• The experience or abilities of the work crew leader.~~

- ~~3. Restroom breaks will comply with the standard labor laws.~~

~~3.1 Rest and Meal Periods. Minors must be allowed the opportunity for a meal period of not less than 30 minutes and not later than five hours after the beginning of the minor employee's workday. Minors are also allowed at least one, 10-minute credited rest period for each four hours or fraction thereof worked. No minor shall be~~

~~required to work over three consecutive hours without a 10-minute rest period.~~

~~3.2 If a minor requests a restroom break, outside the normal break, and no restrooms are available on site, staff will load up the entire work crew into the van and transport all of the minors to a restroom.~~

~~3.2.1 The restroom shall be searched by staff prior to and after use for contraband.~~

- 2. The amount of hours worked, working time, type of work performed, breaks, and other work crew tasks will comply with State and Federal labor laws.**
- 3. Probation staff should must make an effort to ensure that work projects are conducted in the best interest of the community and not for the sole benefit of the Courts. Work crew projects and equipment will not be used as a source for profit.**
- 4. For restroom breaks, the restroom shall must be searched by staff prior to and after use for contraband.**
  - 4.1 Minors will use the restroom one minor at a time.**

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**History:**

Effective September 12, 2006

Updated by Probation Policy Committee January 15, 2026

## **Proposed Update for Work Crew Supervision Policy**

### **1. Comment/Theme:**

- ❖ 3. States Probation officers should make an effort to ensure work projects are conducted in the best interest of the community and not for the sole benefit of the Courts. The other items state "probation staff" not probation officer. We might want to update this sentence to indicate "probation staff."

- **Policy Committee Response:** Agree.
- **Policy Committee Decision:** Changed the word from officer to staff.

## Work Crew Equipment

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### Policy:

This policy provides direction to probation staff for use and maintenance of all equipment.

### Scope:

This policy applies to all probation staff of the Utah State Juvenile Court operating in a work crew capacity.

### Authority:

- [Utah Code § 78A-6-203\(1\)](#)

### Procedure:

1. Equipment must be stored, transported, and towed properly.
  - 1.1 If the tools are inside the van, they must be strapped together, tied down, or inside a secured container to prevent injury during transportation.
  - 1.2 Tools will also be secured in the bed of a truck or secured inside an enclosed trailer.
  - 1.3 When not in use, tools must be stored inside locked trailers or storage facilities.
2. Staff will observe all safety precautions and procedures while using tools and equipment.
3. Staff will report problems with equipment to their unit supervisor immediately.
4. Staff will ensure that regular service and maintenance of equipment is completed.

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### History:

Effective September 12, 2006

Updated by Probation Policy Committee November 5, 2025

## 1.4 Work Crew Equipment

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### Policy:

To establish a policy for use and maintenance of all equipment. This policy provides direction to probation staff for use and maintenance of all equipment.

### Scope:

This policy applies to all ~~Work Crew Deputy Probation Officers~~ probation staff of the Utah State Juvenile Court **operating in a work crew capacity.**

### Authority:

[UCA 63G-3-201](#)

- [Utah Code § 78A-6-203\(1\)](#)

### Procedure:

1. Equipment shall **must** be stored, transported, and towed properly.
  - 1.1 If the tools are inside the van, they ~~should~~ **must** be strapped together, tied down, or inside a secured container to prevent injury during transportation.
  - 1.2 Tools will also be secured in the bed of a truck or secured inside an enclosed trailer.
  - 1.3 When not in use, tools ~~should~~ **must** be stored inside locked trailers or storage facilities.
2. Staff will observe all safety precautions and procedures while using **tools and equipment.**
3. Staff will report problems with equipment to their unit supervisor immediately.
4. Staff will ensure that regular service and maintenance of equipment is completed.

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### History:

Effective September 12, 2006

Updated by Probation Policy Committee November 5, 2025

**Proposed Update for Policy Work Crew Equipment**

**1. Comment/Theme: None Received**