

**UTAH JUDICIAL COUNCIL
POLICY, PLANNING, & TECHNOLOGY COMMITTEE
MEETING AGENDA**

January 10, 2025 – 12:00 p.m. to 1:30 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	<u>Rules back from public comment:</u> Currently in effect (11/1/24): <ul style="list-style-type: none"> • CJA 1-205. Standing and ad hoc committees • CJA 3-114. Judicial outreach CJA 3-302. Clerk of the court CJA 3-303. Justice court clerks CJA 4-401. Proceedings conducted by remote transmission	Action	Tab 2	Keisa Williams
	CJA 4-510.03. Qualification of ADR providers	Action	Tab 3	Nini Rich
	CJA 1-101. General definitions – Rules of construction	Action	Tab 4	Keisa Williams
	CJA 4-111. Priority of post-conviction petitions in capital cases	Action	Tab 5	Shane Bahr Keri Sargent
1:00	Technology report/proposals	Discussion		Brody Arishita
1:20	Old Business/New Business			
1:30	Adjourn			

2025 Meetings:

February 7, 2025	August 1, 2025
March 7, 2025	September 5, 2025
April 18, 2025	October 3, 2025
May 2, 2025	November 7, 2025
June 6, 2025	December 5, 2025
July 11, 2025	

TAB 1

Minutes

December 6, 2024

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

DRAFT

Webex video conferencing
December 6, 2024 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Keri Sargent
Paul Barron
Daniel Meza-Rincon
Jace Willard
Kaden Taylor

STAFF:

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) meeting. PP&T considered the minutes from the November 1, 2024 meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge Fonnesbeck seconded the motion. The motion passed unanimously.

(2) CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case.

Keri Sargent reviewed proposed amendments allowing court clerks to waive the requirement that a request to access a non-public court record, to which the requester is authorized access under rule 4-202.03, be presented in writing. Waiving the in-writing requirement would reduce clerical workload. The committee discussed what types of requests the clerks are receiving and what record is created when a non-public document is released.

Following discussion, the committee revised the second sentence in paragraph (1) to clarify that clerks have the discretion to waive the written requirement, not waive who can make a written request. Additional changes were made to create consistency throughout.

Following further discussion, Judge Carpenter moved to send rule 4-202.04 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Justice Petersen seconded the motion. The motion passed unanimously.

(3) CJA 4-202.02. Records classification.

Jace Willard reviewed proposed amendments that would classify the contact and identifying information of a participant in the Safe at Home Program (SAHP) as “safeguarded” upon receipt of a copy of the

notification form from a program participant, or a notification of the program participant's enrollment from the State Commission on Criminal and Juvenile Justice in accordance with Title 77, Chapter 38, Part 6, Safe at Home Program. If a program participant provides the court with a copy of the participant's SAHP address card, the card is also classified as safeguarded. Access to safeguarded records is limited to the individuals and entities listed in rule 4-202.03(7).

The Committee determined that recent amendments to rule 4-202.02 approved as final with a May 1, 2025 effective date would not go back out for public comment. The version posted for comment should only include the latest proposed amendments. The Committee made the following adjustments:

- Moved and revised the language in (8)(F) that describes what documents are safeguarded to (8)(F)(iii) to streamline the rule;
- Revised the language in (8)(F)(iii) to clarify that documents showing a participant's enrollment are included, not just the authorization card; and
- Added an "and" at the end of (8)(E).

Following further discussion, Judge Fonnesebeck moved to send the new amendments to rule 4-202.02 out for a 45-day public comment period. Justice Petersen seconded the motion. The motion passed unanimously.

(4) Interim Rules on the Use of Generative AI

In October 2023, the Judicial Council created interim rules on the use of generative AI for court-related work or on court-owned devices. The Management Committee has requested that PP&T review the interim rules and provide a recommendation on the need for any changes or updates.

Ms. Williams provided an overview of proposed amendments. The State Court Administrator, Ron Gordon, is authorized to pre-approve any use not expressly permitted under the rules and has done so on a few occasions. Mr. Gordon requires a security assessment and legal review before approving the use of a new generative AI tool. In addition, the IT Department conducts regular security reviews of approved tools to ensure they remain secure. Both the interim rules and all approved tools are posted on the Intranet. A customized generative AI training is currently available on the court's the Learning Management System (LMS). Ms. Andersen recommends adding a link to the LMS training in paragraph 3.

Following the National Judicial College AI conference, the Education Department is working to overhaul the current AI training to create several online modules covering:

1. How GenAI works
2. Responsible/ethical use of GenAI
3. Best Practices in using Generative AI
 - Best practices to prompt GenAI
 - Best use cases for GenAI
 - Critical thinking when reviewing GenAI results

The Committee removed the title of the training on LMS in paragraph 3 to account for future changes. The Committee discussed incorporating the interim rules into the Code of Judicial Administration (CJA) or converting them into a policy, and the consequences of an employee failing to follow them. The Committee also discussed the limitations of GenAI, noting that because case-related information cannot

be uploaded, the utility for judges is lessened. Further changes included removing “case-related information” from the heading of paragraph 5, and in paragraph 3, removing “2 hours” of additional education, changing “additional” to “ongoing” education, and removing “annually.” The Committee looks forward to a robust discussion at the Judicial Council meeting.

With no further discussion, Justice Petersen moved to send the Interim Rules on the Use of Generative AI to the Judicial Council for review and approval. Judge Carpenter seconded the motion. The motion passed unanimously.

(5) Style Guide for CJA Rules

The proposed style guide for CJA rules is modeled after the Supreme Court’s style guide. The purpose of the style guide is to ensure consistency within the CJA as rules are brought before PP&T. The Committee discussed proposed amendments in the “Word Preferences” paragraph and decided that those amendments belong in rule 1-101. Ms. Williams will provide a proposed draft of rule 1-101 at the next PP&T meeting. Justice Petersen discussed the prohibition against using “their” for a singular subject and noted that spoken language tends to change more quickly than written language, especially formal language. The Committee decided to keep the prohibition against “their” in the style guide for now, but noted that it might change as dialect changes.

Following further discussion, Judge Gardner moved to approve the Style Guide for CJA rules as amended. Justice Petersen seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Technology Advisory Subcommittee (TAC) meets in January and Mr. Arishita will report back in February.

Old Business/New Business:

Due to scheduling conflicts, the January 2025 PP&T meeting was moved to January 10th from 12-1:30 p.m. and the April 2025 PP&T meeting was moved to April 18th from 12-1:30 p.m.

Adjourn: With no further items for discussion, the meeting adjourned at 1:22 p.m. The next meeting will be held on January 10, 2025, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

Currently in effect:

CJA 1-205. Standing and ad hoc committees (AMEND)

CJA 3-114. Judicial outreach (REPEAL)

For final approval:

CJA 3-302. Clerk of the court (AMEND)

CJA 3-303. Justice court clerks (AMEND)

CJA 4-401. Proceedings conducted by remote transmission (NEW)

Notes: Rules 1-205 and 3-114 were approved on an expedited basis. No public comments were received. Unless the committee makes substantive amendments, no action is required.

One public comment was received on rule 4-401, asking if the rule eliminates phone appearances. That was not the intent, but I can see the confusion. I included language that hopefully clarifies applicability to *video* conferencing platforms. It's unclear if the comment about clerk training was a reference to rule 3-302 or 3-303. Nonetheless, I don't recommend any amendments in response to that comment.

Summaries of proposed amendments:

CJA01.205. Standing and ad hoc committees

CJA03-114. Judicial outreach (REPEAL)

(1) creates a Tribal Liaison Committee; (2) removes the general counsel member position from the Working Interdisciplinary Network of Guardianship Stakeholders Committee (WINGS); (3) eliminates the Pretrial Release and Supervision Committee; and (4) repeals the Judicial Outreach Committee. The Outreach Committee's work will be absorbed by the Committee on Fairness and Accountability.

CJA 3-302. Clerk of the court - Brings the rule in line with current practice, helps court employees understand the Clerk of Court's role, and updates language and other terms for consistency purposes.

CJA 3-303. Justice court clerks - Clarifies the role of non-court staff in justice court operations and codifies the Judicial Council's decision to restrict access to the courts' case management system when certification requirements have not been met.

CJA 4-401. Proceedings conducted by remote transmission (NEW) - Requires that remote court proceedings be conducted exclusively via a video conferencing platform approved by the Judicial Council. The Council may grant exceptions.

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

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Posted: October 28, 2024

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Code of Judicial Administration – Comment Period Closed December 12, 2024

CJA03-302. Clerk of the court. Amend. The proposed amendments bring the rule in line with current practice, help court employees understand the Clerk of Court’s role, and update language and other terms for consistency purposes.

CJA03-303. Justice court clerks. Amend. The proposed amendments clarify the role of non-court staff in justice court operations and codify the Judicial Council’s decision to restrict access to the courts’ case management system when certification requirements have not been met.

CJA04-401. Proceedings conducted by remote transmission. New. The proposed rule requires that remote court proceedings be conducted exclusively via a video conferencing platform approved by the Judicial Council. The Council may grant exceptions.

CJA01.205. Standing and ad hoc committees. Amend.

CJA03-114. Judicial outreach. Repeal. The proposed amendments: 1) create a Tribal Liaison Committee; 2) remove the general counsel member position from the Working Interdisciplinary Network of Guardianship Stakeholders Committee (WINGS); 3) eliminate the Pretrial Release and Supervision Committee; and 4) repeal the Judicial Outreach Committee. The Outreach Committee’s work will be absorbed by the Committee on Fairness and Accountability.

This entry was posted in [-Code of Judicial Administration, CJA01-0205, CJA03-0114, CJA03-0302, CJA03-0303, CJA04-0401, Uncategorized.](#)

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

- [-Alternate Dispute Resolution](#)
- [-Code of Judicial Administration](#)
- [-Code of Judicial Conduct](#)
- [-Fourth District Court Local Rules](#)
- [-Licensed Paralegal Practitioners Rules of Professional Conduct](#)
- [-Rules Governing Licensed Paralegal Practitioner](#)
- [-Rules Governing the State Bar](#)
- [-Rules of Appellate Procedure](#)
- [-Rules of Civil Procedure](#)
- [-Rules of Criminal Procedure](#)
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« Rules of Evidence – Comment Period Closed December 13, 2024

Rules Governing the Utah State Bar – Comment Period Closed December 9, 2024 »

UTAH COURTS

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2 thoughts on “Code of Judicial Administration – Comment Period Closed December 12, 2024”

Dean Collinwood
October 28, 2024 at 1:06 pm

Remote transmission: Does this rule eliminate phone appearances? If so, perhaps it should be reconsidered because telephone is sometimes the only way a participant can appear.

Jesse A Majors
October 28, 2024 at 2:44 pm

There must be a section regarding training of these clerks. Clerks cannot perform this job without some legal knowledge of procedural rules. At a minimum, there should be evaluation criteria that must be met. Is this addressed somewhere else?

- -Rules of Professional Conduct
- -Rules of Professional Practice
- -Rules of Small Claims Procedure
- ADR101
- ADR103
- Appendix B
- Appendix F
- CJA Appendix F
- CJA01-0201
- CJA01-0204
- CJA01-0205
- CJA01-0205
- CJA01-0302
- CJA01-0303
- CJA01-0304
- CJA01-0305
- CJA010-01-0404
- CJA010-1-020
- CJA014-0701
- CJA014-0704
- CJA014-0705
- CJA014-0719
- CJA02-0101
- CJA02-0102
- CJA02-0103
- CJA02-0104
- CJA02-0106.01
- CJA02-0106.02
- CJA02-0106.03
- CJA02-0106.04
- CJA02-0106.05
- CJA02-0204
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- CJA03-0111.01
- CJA03-0111.02
- CJA03-0111.03
- CJA03-0111.04
- CJA03-0111.05
- CJA03-0111.06
- CJA03-0112
- CJA03-0113
- CJA03-0114
- CJA03-0115
- CJA03-0116
- CJA03-0117

Rule 1-205. Standing and Ad Hoc Committees.

Intent:

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

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

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

Applicability:

This rule ~~shall~~ applies to the internal operation of the Council.

Statement of the Rule:

(1) Standing Committees.

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

(1)(A)(i) Uniform Fine Committee;

(1)(A)(ii) Ethics Advisory Committee;

(1)(A)(iii) Judicial Branch Education Committee;

(1)(A)(iv) Court Facility Planning Committee;

(1)(A)(v) Committee on Children and Family Law;

~~(1)(A)(vi) Committee on Judicial Outreach;~~

(1)(A)(vii) Committee on Resources for Self-represented Parties;

(1)(A)(viii) Language Access Committee;

(1)(A)(~~viii~~x) Guardian ad Litem Oversight Committee;

(1)(A)(~~ix~~x) Committee on Model Utah Civil Jury Instructions;

(1)(A)(~~x~~i) Committee on Model Utah Criminal Jury Instructions;

~~(1)(A)(xii) Committee on Pretrial Release and Supervision; and~~

(1)(A)(xiii) Committee on Court Forms;

(1)(A)(xiv) Committee on Judicial Fairness and Accountability; ~~and~~

(1)(A)(xv) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS); and

(1)(A)(xiv) Tribal Liaison Committee.

(1)(B) Composition.

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-302 and ~~shall~~ will consist of:

(1)(B)(i)(a) one district court judge who has experience with a felony docket;

(1)(B)(i)(b) three district court judges who have experience with a misdemeanor docket; and

(1)(B)(i)(c) four justice court judges.

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and ~~shall~~ will consist of:

(1)(B)(ii)(a) one judge from the Court of Appeals;

(1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(ii)(d) one juvenile court judge;

(1)(B)(ii)(e) one justice court judge; and

(1)(B)(ii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 ~~shall~~ will consist of:

(1)(B)(iii)(a) one judge from an appellate court;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iii)(f) one state level administrator;

(1)(B)(iii)(g) the Human Resource Management Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resource Management Director and the adult educator ~~shall~~will serve as non-voting members. The state level administrator and the Human Resource Management Director ~~shall~~will serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and ~~shall~~will consist of:

(1)(B)(iv)(a) one judge from each level of trial court;

(1)(B)(iv)(b) one appellate court judge;

(1)(B)(iv)(c) the state court administrator;

(1)(B)(iv)(d) a trial court executive;

(1)(B)(iv)(e) two business people with experience in the construction or financing of facilities; and

(1)(B)(iv)(f) the court security director.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and ~~shall~~will consist of:

(1)(B)(v)(a) one Senator appointed by the President of the Senate;

(1)(B)(v)(b) the Director of the Department of Human Services or designee;

(1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;

(1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;

(1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;

(1)(B)(v)(f) one representative of a child advocacy organization;

(1)(B)(v)(g) the ADR Program Director or designee;

(1)(B)(v)(h) one professional in the area of child development;

(1)(B)(v)(i) one mental health professional;

(1)(B)(v)(j) one representative of the community;

(1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;

(1)(B)(v)(l) one court commissioner;

(1)(B)(v)(m) two district court judges; and

(1)(B)(v)(n) two juvenile court judges.

(1)(B)(v)(o) One of the district court judges and one of the juvenile court judges ~~shall~~ will serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

~~(1)(B)(vi) The Committee on Judicial Outreach performs the duties described in rule 3-114 and shall consist of:~~

~~(1)(B)(vi)(a) one appellate court judge;~~

~~(1)(B)(vi)(b) one district court judge;~~

~~(1)(B)(vi)(c) one juvenile court judge;~~

~~(1)(B)(vi)(d) one justice court judge; one state level administrator;~~

~~(1)(B)(vi)(e) a state level judicial education representative;~~

~~(1)(B)(vi)(f) one court executive;~~

~~(1)(B)(vi)(g) one Utah State Bar representative;~~

~~(1)(B)(vi)(h) one communication representative;~~

~~(1)(B)(vi)(i) one law library representative;~~

~~(1)(B)(vi)(j) one civic community representative; and~~

~~(1)(B)(vi)(k) one state education representative.~~

~~l.~~

~~(1)(B)(vi)(ml) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.~~

(1)(B)(vii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and ~~shall~~ will consist of:

(1)(B)(vii)(a) two district court judges;

(1)(B)(vii)(b) one juvenile court judge;

(1)(B)(vii)(c) two justice court judges;

(1)(B)(vii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;

(1)(B)(vii)(e) one representative from a social services organization providing direct services to underserved communities;

(1)(B)(vii)(f) one representative from the Utah State Bar;

(1)(B)(vii)(g) two representatives from legal service organizations that serve low-income clients;

(1)(B)(vii)(h) one private attorney experienced in providing services to self-represented parties;

(1)(B)(vii)(i) two law school representatives;

(1)(B)(vii)(j) the state law librarian; and

(1)(B)(vii)(k) two community representatives.

(1)(B)(viii) The **Language Access Committee** performs the duties described in rule 3-306.02 and ~~shall~~will consist of:

(1)(B)(viii)(a) one district court judge;

(1)(B)(viii)(b) one juvenile court judge;

(1)(B)(viii)(c) one justice court judge;

(1)(B)(viii)(d) one trial court executive;

(1)(B)(viii)(e) one court clerk;

(1)(B)(viii)(f) one interpreter coordinator;

(1)(B)(viii)(g) one probation officer;

(1)(B)(viii)(h) one prosecuting attorney;

(1)(B)(viii)(i) one defense attorney;

(1)(B)(viii)(j) two certified interpreters;

(1)(B)(viii)(k) one approved interpreter;

(1)(B)(viii)(l) one expert in the field of linguistics; and

(1)(B)(viii)(m) one American Sign Language representative.

(1)(B)(~~viii~~ix) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and ~~shall~~will consist of:

(1)(B)(~~viii~~ix)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(~~ix~~x) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and ~~shall~~will consist of:

(1)(B)(~~ix~~x)(a) two district court judges;

(1)(B)(~~ix~~x)(b) four lawyers who primarily represent plaintiffs;

(1)(B)(ix)(c) four lawyers who primarily represent defendants; and

(1)(B)(ix)(d) one person skilled in linguistics or communication.

(1)(B)(xi) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and ~~shall~~will consist of:

(1)(B)(xi)(a) two district court judges;

(1)(B)(xi)(b) one justice court judge;

(1)(B)(xi)(c) four prosecutors;

(1)(B)(xi)(d) four defense counsel; and

(1)(B)(xi)(e) one person skilled in linguistics or communication.

~~(1)(B)(xii) The **Committee on Pretrial Release and Supervision** performs the duties described in rule 3-116 and shall consist of:~~

~~(1)(B)(xii)(a) two district court judges;~~

~~(1)(B)(xii)(b) two justice court judges;~~

~~(1)(B)(xii)(c) one prosecutor;~~

~~(1)(B)(xii)(d) one defense attorney;~~

~~(1)(B)(xii)(e) one county sheriff;~~

~~(1)(B)(xii)(f) one representative of counties;~~

~~(1)(B)(xii)(g) one representative of a county pretrial services agency;~~

~~(1)(B)(xii)(h) one representative of the Utah Commission on Criminal and Juvenile Justice;~~

~~(1)(B)(xii)(i) one commercial surety agent;~~

~~(1)(B)(xii)(j) one state senator;~~

~~(1)(B)(xii)(k) one state representative;~~

~~(1)(B)(xii)(l) the Director of the Indigent Defense Commission or designee;~~

~~(1)(B)(xii)(m) one representative of the Utah Victims' Council;~~

~~(1)(B)(xii)(n) one representative of a community organization actively engaged in pretrial justice issues;~~

~~(1)(B)(xii)(o) one chief of police; and~~

~~(1)(B)(xii)(p) the court's general counsel or designee.~~

(1)(B)(xiii) The **Committee on Court Forms** performs the duties described in rule 3-117 and ~~shall~~will consist of:

(1)(B)(xiii)(a) two district court judges;

(1)(B)(xiii)(b) one court commissioner;

(1)(B)(xiii)(c) one juvenile court judge;

(1)(B)(xiii)(d) one justice court judge;

(1)(B)(xiii)(e) one court clerk;

(1)(B)(xiii)(f) one appellate court staff attorney;

(1)(B)(xiii)(g) one representative from the Self-Help Center;

(1)(B)(xiii)(h) the State Law Librarian;

(1)(B)(xiii)(i) the district court administrator or designee;

(1)(B)(xiii)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiii)(k) one paralegal;

(1)(B)(xiii)(l) one educator from a paralegal program or law school;

(1)(B)(xiii)(m) one person skilled in linguistics or communication;

(1)(B)(xiii)(n) one representative from the Utah State Bar; and

(1)(B)(xiii)(o) the LPP administrator.

(1)(B)(xiv) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee ~~shall~~will include members who

demonstrate an interest in or who have experience with issues of diversity, equity, and inclusion and ~~shall~~will consist of:

- (1)(B)(xii~~v~~)(a) one district court judge;
- (1)(B)(xii~~v~~)(b) one juvenile court judge;
- (1)(B)(xii~~v~~)(c) one justice court judge;
- (1)(B)(xii~~v~~)(d) one appellate court judge;
- (1)(B)(xii~~v~~)(e) two former judges from any court level;
- (1)(B)(xii~~v~~)(f) the General Counsel or designee;
- (1)(B)(xii~~v~~)(g) one representative of the community;
- (1)(B)(xii~~v~~)(h) the Director of the Office of Fairness and Accountability;
- (1)(B)(xii~~v~~)(i) the Director of Data and Research or designee; and
- (1)(B)(xii~~v~~)(j) up to two additional qualified individuals.

(1)(B)(xiii~~v~~) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and ~~shall~~will consist of:

- (1)(B)(xiii~~v~~)(a) **Judiciary** representatives:
 - (1)(B)(xiii~~v~~)(a)(i) two or more district court judges;
 - (1)(B)(xiii~~v~~)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;
 - (1)(B)(xiii~~v~~)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP); ~~and~~
 - (1)(B)(xiii~~v~~)(a)(iv) one representative from the Court Visitor Program; ~~and~~
 - ~~(1)(B)(xv)(a)(v) the General Counsel or designee.~~
- (1)(B)(xiii~~v~~)(b) **Community stakeholder** representatives:

(1)(B)(xiii)(b)(i) one representative from Adult Protective Services;

(1)(B)(xiii)(b)(ii) one representative from Disability Law Center;

(1)(B)(xiii)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xiii)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xiii)(b)(v) one representative from the Utah State Bar;

(1)(B)(xiii)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xiii)(b)(vii) one representative from the Utah legislature;

(1)(B)(xiii)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xiii)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xiii)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xiii)(c) **Individual community** representatives. Three or more community stakeholders representing:

(1)(B)(xiii)(c)(i) mental health community;

(1)(B)(xiii)(c)(ii) medical community;

(1)(B)(xiii)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xiii)(c)(iv) aging-adult services community;

(1)(B)(xiii)(c)(v) educator from a legal program or law school;

(1)(B)(xiii)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xiii)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(~~xiii~~)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(B)(xiv) The Tribal Liaison Committee performs the duties described in rule 3-422 and will consist of:

(1)(B)(xiv)(a) one district court judge;

(1)(B)(xiv)(b) one juvenile court judge;

(1)(B)(xiv)(c) one justice court judge;

(1)(B)(xiv)(d) one appellate court judge;

(1)(B)(xiv)(e) one federal district court judge or magistrate;

(1)(B)(xiv)(f) one tribal court judge;

(1)(B)(xiv)(g) two representatives of Utah's Indian Tribes or affiliated community groups;

(1)(B)(xiv)(h) the Tribal Liaison;

(1)(B)(xiv)(i) one trial court executive;

(1)(B)(xiv)(j) one clerk of court or designee;

(1)(B)(xiv)(k) one representative from the Utah State Bar Indian Law Section;

(1)(B)(xiv)(l) one representative from the United States Attorney's Office;

(1)(B)(xiv)(m) one representative from the Indigent Defense Commission;
and

(1)(B)(xiv)(n) one representative from the Guardian ad Litem's Office.

(1)(C) **Standing committee chairs.** The Judicial Council ~~shall~~will designate the chair of each standing committee. Standing committees ~~shall~~will meet as necessary to accomplish their work. Standing committees ~~shall~~will report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All

members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee ~~shall~~will review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee ~~shall~~will recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, ~~shall~~will not terminate.

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

(3) **General provisions.**

(3)(A) **Appointment process.**

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

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

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

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

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

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

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

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

(3)(D) **Secretariat.** The Administrative Office ~~shall~~will serve as secretariat to the Council's committees.

Effective: ~~November~~June 1, 2024³

~~Rule 3-114. Judicial outreach.~~**~~Intent:~~**

~~To improve public trust and confidence in the judiciary.~~

~~To foster a greater role for judges in service to the community.~~

~~To provide leadership and resources for outreach.~~

~~Applicability:~~

~~This rule shall apply to all members of the judiciary.~~

~~Statement of the Rule:~~

~~(1) The Committee on Judicial Outreach shall:~~

~~(1)(A) create and promote model outreach programs that take into account existing curricula;~~

~~(1)(B) promote local outreach programs;~~

~~(1)(C) propose and implement policies and rules that encourage judicial participation in outreach programs;~~

~~(1)(D) work with educators to enhance civic education in school curricula;~~

~~(1)(E) work with the Utah State Bar to develop joint outreach programs; and~~

~~(1)(F) communicate judicial outreach efforts.~~

~~(2) Consistent with the Code of Judicial Conduct and to increase public understanding of the administration of justice, the judiciary is encouraged to:~~

~~(2)(A) educate civic, educational, business, charitable, media and other groups about the court system and judicial process; and~~

~~(2)(B) take an active part in the community where the participation of the judiciary will serve to increase public understanding and promote public confidence in the integrity of the court system.~~

~~Effective: May 1, 2016~~

Rule 3-302. Clerk of the Court**Intent:**

To describe the role of the Clerk of the Court.

To specify the procedure by which the Clerk of the Court is selected.

Applicability:

This rule ~~shall~~will ~~applies~~ to the trial courts of record.

Statement of the Rule:

(1) The Clerk of the Court for district and juvenile courts ~~shall~~will be appointed by the court executive with the concurrence of a majority of the judges assigned to that court location. In locations of the district court administered by contract with the administrative office of the courts, the elected county clerk shall serve as Clerk of the Court.

(2) The Clerk of the Court (or designee) ~~shall~~will:

(A) ~~take charge of and safely supervise the safekeeping of~~ keep the court seal;

(B) take charge of and safely keep or dispose of, according to law, all books, papers and records filed or deposited in the Clerk's Office;

(C) issue all notices, ~~process~~ and summonses where authorized by law;

(D) keep a record of all orders, judgments and decrees as required by law and this Code;

(E) keep minutes of court proceedings;

(F) keep a fee record as provided in this Code;

(G) keep records of jurors' services as provided in this Code;

(H) keep records of witnesses' attendance as provided in this Code;

(I) keep a record of executions as provided in this Code;

(J) take and certify acknowledgments and administer oaths;

(K) keep a record of fines, penalties, costs, and forfeitures as required by law and this Code;

(L) prepare revenue reports, reconcile accounting ledgers to bank statements, maintain and serve as custodian of trust accounts and perform such other accounting duties as assigned by the court executive;

(M) keep a record of court exhibits and ensure the safekeeping of exhibits;

(N) supervise such ~~deputy court~~ clerks or judicial assistants as required to perform the duties specified in this rule;

(O) keep such other records and perform such other duties as assigned by the court executive in accordance with applicable law and the provisions of this Code.

(3) The clerk's office ~~shall~~will be open and available to transact business during business hours on all days except Saturdays, Sundays, and legal holidays. When the clerk's office is open, the court clerk or ~~a deputy judicial assistant~~ ~~shall~~will be physically present or immediately available remotely.

Effective: ~~5/1/2016~~November 1, 2024

Rule 3-303. Justice court ~~clerks~~ staff and local government employees serving in the justice courts.

Intent:

To provide for ~~clerical services~~ court staff who, under the direction of the justice court judge, are primarily responsible for operating the in-justice courts, and to establish uniform responsibilities for justice court clerks a process for deputizing local government employees who may assist the justice courts on a limited basis, and to provide access to financial data for counties and municipalities that operate a justice court.

Applicability:

This rule ~~shall~~ applies to all justice courts.

Statement of the Rule:

(1) Counties and municipalities are responsible for bearing the expense of providing staff to the justice courts located within their jurisdictions. Such services ~~shall~~ must be provided by no fewer than the number of FTEs required by the Judicial Council's certification standards. Additional support may be provided as set forth in Section 3 below.

(2) Court Staff.

(2)(A) Clerks-Staff ~~shall~~ must be provided to each justice court to assist the judge in managing the operation of the courts. ~~The clerk-Staff~~ shall will have primary responsibility for performing ~~clerical~~ the following duties ~~including~~:

(42)(A)(i) recordkeeping;

(42)(B)(ii) filing reports;

(42)(C)(iii) scheduling hearings and trials;

(42)(D)(iv) mailing notices;

(42)(E)(v) maintaining case files;

(42)(F)(vi) collecting fines;

(42)(G)(vii) docketing cases;

(42)(H)(viii) taking and certifying acknowledgments and administering oaths; and

(42)(I)(ix) other court-related duties as assigned.

(2)(B) The judge ~~shall~~ must concur in the appointment of ~~the clerk~~ all court staff assigned to serve the court and ~~shall~~ may participate in the personnel evaluation process for ~~that clerk~~ court staff, at the judge's discretion.

(3) Local Government Employees.

(3)(A) Deputized Employees.

(3)(A)(i) In addition to the staff described in Section (2) above, a justice court judge with fewer than three full-time staff may, with the concurrence of the local

government executive and the Board of Justice Court Judges, deputize up to four local government employees to perform certain court-related duties on a limited basis. The Board of Justice Court Judges may authorize exceptions to this section upon request by the applicable justice court judge.

(3)(A)(ii) The responsibilities and authority of deputized local government employees ~~shall~~must be detailed in a standing order signed by the judge and provided to the local government executive and the Administrative Office of the Courts.

(3)(A)(iii) Deputized employees ~~shall~~must be supervised by court staff in the performance of court-related duties, but not for the performance of duties unrelated to the court.

(3)(A)(iv) Counties and municipalities ~~shall~~must cover the annual cost of the following for each deputized employee:

(3)(A)(iv)(a) an email account on the utcourts.gov domain, and

(3)(A)(iv)(b) any training that may be required by the Board of Justice Court Judges.

(3)(B) Read-only Employees. In addition to the court staff and the deputized employees described above, cities and counties may involve other employees in the justice court to the extent that financial reports need to be reviewed and reconciled. Such employees will be granted read-only access to review certain reports in CORIS once they have completed the training required by the Board of Justice Court Judges, signed a Memorandum of Understanding and submitted the same to the Administrative Office of the Courts.

~~(34) If the clerk is~~ No court staff or deputized local government employee serving the court in a part-time capacity, ~~the clerk shall will not~~ be assigned to other duties which present a conflict of interest or promote an appearance of impropriety regarding court responsibilities. Both court staff and deputized employees shall must adhere to separation of duties requirements set forth in Section 01-06.00 of the Courts' Accounting Manual.

~~(4) Counties and municipalities are responsible for bearing the expense of providing clerical services to the justice courts located within their jurisdictions.~~

(5) Court staff and deputized employees shall must take an oath that requires them to solemnly swear and promise to support, obey and defend the Constitution of the United States of America and the Constitution of the State of Utah, and to discharge the duties of their office with fidelity to the best of their ability. The oath shall must be administered by the judge and be recorded on a form provided by the AOC. A copy of the form must be provided to the Administrative Office of the Courts within one week following an employee's first day with the court.

~~(56) Each clerk~~ Court staff and local government employees who have been deputized pursuant to Section 3(A) above ~~shall must~~ be certified ~~on an annual basis for the six months ending June 30 and December 31 each year (each, a "certification period")~~ by demonstrating proficiency with the training required by the Board of Justice Court Judges. The Board may consider a judge's request to waive one or more courses or extend a certification deadline for good cause.

77 provided the request is received at least three weeks prior to the end of the applicable
78 certification period. At the end of each certification period, access to CORIS ~~shall~~will be
79 suspended for court staff and local government employees who are not current with training
80 requirements and who did not receive an extension from the Board. Access to CORIS ~~shall~~will
81 be restored once any such user is current with the Board's requirements.

82 *Effective: 15/1/2025~~2~~*

1 **Rule 4-401. Proceedings conducted by remote transmission**

2
3 **Intent:**

4
5 To ensure the security of remote court proceedings.

6
7 **Applicability:**

8
9 This rule applies to courts of record and not of record.

10
11 **Statement of the Rule:**

12
13 **(1) Definitions.**

14
15 (1)(A) “**Court proceeding**” means any trial, hearing or other matter involving a
16 participant.

17
18 (1)(B) “**Participant**” means the same as that term is defined in Rule 87 of the Utah
19 Rules of Civil Procedure, Rule 17.5 of the Utah Rules of Criminal Procedure, or Rule 61
20 of the Utah Rules of Juvenile Procedure.

21
22 (1)(C) “**Remote**” or “**Remotely**” means a judge, participant, or court staff assisting with
23 the proceeding will appear by video conference or other electronic means approved by
24 the court.

25
26 (2) **Video conferencing platforms.** All remote court proceedings **held by video conference** will
27 be conducted exclusively via a video conferencing platform approved by the Judicial Council.
28 The Judicial Council may grant exceptions.

29
30 *Effective: May 1, 2025*

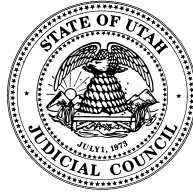
TAB 3

CJA 4-510.03. Qualification of ADR providers

Notes: The ADR Committee recommends removal of the following language from UCJA 4-510.03 (2)(A) and (6)(A):

- "... or meet such other education, training and experience requirements as the Council finds will promote the effective administration of the ADR program ..."

See attached memo for more details



Administrative Office of the Courts

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

August 22, 2024

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

MEMORANDUM

TO: Management Committee

FROM: Ron Gordon, State Court Administrator
Nini Rich, ADR Director

RE: Qualifications for ADR Providers

Question: Should the Judicial Council establish alternative education, training, and experience requirements for inclusion on the Utah Court Approved ADR Roster as an arbitrator?

[The Code of Judicial Administration Rule 4-510.02\(1\)\(C\)](#) directs the ADR Director within the AOC to maintain the Utah Court Approved ADR Roster (“Roster”). Inclusion on the Roster is not required to practice mediation or arbitration and is not an endorsement of any mediator or arbitrator. Instead, it is a service provided by the AOC to the residents of Utah that lists mediators and arbitrators who have met qualifications established in the Code of Judicial Administration.

[Rule 4-510.03](#) establishes qualifications to be included on the Roster as a mediator, qualified divorce mediator, domestic mentor, master mediator, or arbitrator. The qualifications for arbitrator include one education, training, and experience requirement:¹ “have been a member in good standing of the Utah State Bar for at least ten years, or meet such other education, training and experience requirements as the Council finds will promote the effective administration of the ADR program.” CJA Rule 4-510.03(6)(A). This language allows, but does not require, the Judicial Council to establish alternative education, training and experience requirements for inclusion on the Roster as an arbitrator. The Judicial Council has never established such alternative requirements.

An individual who practices arbitration, but who is not a member of the Utah State Bar, recently contacted the AOC and asked the Judicial Council to “determine what exactly constitutes ‘such

¹ The rule includes other qualifications in addition to the education, training and experience requirement. This memo discusses only the education, training and experience requirement.

other education, training and experience requirements as the Council finds will promote the effective administration of the ADR program’ as it relates to the arbitrator roster . . .” This individual has education and experience that he believes makes him “probably more qualified than ninety-nine percent of the members of the Utah Bar” and asks that the Judicial Council confirm that his qualifications satisfy CJA Rule 4-510.03(6)(A).²

As noted above, the Judicial Council has authority to establish alternative education, training and experience requirements, but has never done so. We believe the Judicial Council cannot simply confirm that the individual’s qualifications satisfy the rule because there are no alternative requirements to satisfy. Instead, we believe the question for the Management Committee is whether the Judicial Council should establish alternative education, training and experience requirements for arbitrators. In other words, should individuals who have not been members of the Utah State Bar for at least ten years be able to be included on the Roster as arbitrators?

If the Management Committee believes the Judicial Council should consider establishing alternative education, training and experience requirements for arbitrators, the next step would be to refer the issue to the ADR Committee. If the Management Committee does not think the Judicial Council should consider establishing alternative requirements, we recommend amending the rule so that it does not refer to other requirements.³ The Judicial Council always has authority

² The individual’s stated qualifications include the following:

1. I hold a Master of Laws (LL.M) from Pepperdine Caruso School of Law Straus Institute for Dispute Resolution in International Commercial Arbitration.
2. I have mediated and arbitrated over one hundred cases including having served on tripartite arbitration panels and as a sole arbitrator for claims exceeding \$100,000,000 USD and on complex matters involving over fifty parties.
3. I am, or have been, a member of the following distinguished neutral panels: (1) American Arbitration Association (“AAA”) National Panel of Arbitrators (Arbitrator); (2) American Arbitration Association (“AAA”) National Panel of Mediators (Mediator); (3) Centro de Arbitraje de México (Arbitration Center of Mexico)(“CAM”)(Arbitrator); (4) Financial Industry Regulatory Authority (“FINRA”)(Arbitrator); (5) National Futures Association (“NFA”)(Arbitrator); (6) Equal Employment Opportunity Commission (“EEOC”)(Mediator); (7) Council of Better Business Bureaus National Auto Line (“BBB Auto Line”)(Arbitrator); (8) Better Business Bureau Greater Arizona (“BBB Arizona”)(Arbitrator); (9) Maricopa County Justice Courts (Past Mediator); (10) United States Bankruptcy Court District of Arizona (Past Mediator); (11) United States Bankruptcy Court District of Arizona Mortgage Modification (Past Mediator).
4. In the last eight years I have completed over four hundred hours of continuing legal education specific to alternative dispute resolution.
5. In the last five years I have presented continuing legal education and published articles including, but not limited to: (1) Ethical Issues in International Commercial Arbitration; (2) DoorDash and the Northern District of California: Arbitration is a Two-Way Street . . . and What is Good for the Goose is Good for the Gander; (3) The Prague Rules: An Attack on Perceived Common Law or “American” Discovery Excesses?; (4) the Singapore Convention—A Word of Caution for Mediators.

³ CJA Rule 4-510.03(2)(A) establishes the education, training and experience requirements for mediators. That section also concludes with “or such other education, training and experience requirements as the Council finds will promote the effective administration of the ADR program.” We recommend this language be removed since the Council always has authority to establish other requirements through the rulemaking process.

to establish other requirements through the rulemaking process. That does not need to be stated in rule.

Rule 4-510.03. Qualification of ADR providers.**Intent:**

To establish eligibility and qualification requirements for inclusion on the Utah Court Approved Alternative Dispute Resolution (ADR) Roster ("Roster"), including additional requirements for designation as a Divorce Roster Mediator, Master Mediator, and Domestic Mentor.

Applicability:

This rule applies ~~to~~ in the district courts.

Statement of the Rule:

(1) Application. To be eligible for the roster, an applicant must:

(1)(A) submit a written application to the ADR Director of the Administrative Office ("Director") setting forth:

(1)(A)(i) a description of how the applicant meets, or will meet within a reasonable time, the requirements specified in paragraph (2)(A), if applicable;

(1)(A)(ii) the major areas of specialization and experience of the applicant, such as real estate, estates, trusts and probate, family law, personal injury or property damage, securities, taxation, civil rights and discrimination, consumer claims, construction and building contracts, corporate and business organizations, environmental law, labor law, natural resources, business transactions/commercial law, administrative law and financial institutions law;

(1)(A)(iii) the maximum fees the applicant will charge for service as a provider under the ADR program; and

(1)(A)(iv) the judicial districts in which the applicant is offering to provide services and the location and a description of the facilities in which the applicant intends to conduct the ADR proceedings;

(1)(B) agree to complete and annually complete up to six hours of ADR training as required by the Judicial Council;

(1)(C) submit an annual report to the Director indicating the number of mediations and arbitrations the ADR provider has conducted that year; and

(1)(D) be re-qualified annually.

(2) Mediator eligibility. To be included on the roster as a mediator:

(2)(A) Education and experience. ~~a~~ All new applicants to the court roster must ~~also~~ have successfully completed at least 40 hours of court-approved basic formal mediation training in the last three years. This training ~~shall~~ must be under a single training course from a single, court-approved training provider. The applicant must also complete 10 hours of experience in observing a court-qualified mediator conduct mediation, and 10 hours in either conducting mediations singly or co-mediating with a court-qualified

mediator; ~~or meet such other education, training and experience requirements as the Council finds will promote the effective administration of the ADR program;~~

(2)(B) **Examination.** ~~s~~Successfully pass an examination on the ethical requirements for mediators on the Utah Court Roster;

(2)(C) **Pro bono mediation.** ~~a~~Agree to conduct at least three pro bono mediations each year as referred by the Director; and

(2)(D) **Good moral character.** ~~b~~Be of good moral character in that the provider has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other serious crime, and has not received professional sanctions that, when considered in light of the duties and responsibilities of an ADR provider, are determined by the Director to indicate that the best interests of the public are not served by including the provider on the roster.

(3) **Divorce mediator eligibility.** To be included on the court roster for qualified divorce mediators:

(3)(A) **Training.** All new applicants to the roster of divorce mediators must also have an additional 32 hours of court-approved training specific to the skills, Utah laws, and information needed to conduct divorce mediation. This training shall be under a single training course from a single, court-approved provider.

(3)(B) **Domestic violence training.** All applicants must have a minimum of 6 hours of training specific to domestic violence and screening for domestic violence which may be included in the court-approved 32 hour training referred to above.

(3)(C) **Experience.** New applicants to the court roster of divorce mediators are required to have acquired experience specific to divorce mediation. This is in addition to the 20 hours of experience required for the court roster of basic mediators. The additional experience includes having observed a minimum of two divorce mediations, co-mediating two divorce mediations, and having been observed conducting two divorce mediations. Each of these includes debriefing and analysis afterward with a mediator who has Domestic Mentor status. The Domestic Mentor may charge a fee for this service.

(3)(D) **List.** The Director will maintain and make available a list of those mediators who have Domestic Mentor status.

(4) **Master Mediator.** To be included on the roster as a Master Mediator, the provider must also have completed 300 hours in conducting mediation sessions.

(5) **Domestic Mentor.** To be included on the roster as a Domestic Mentor, the provider must also have completed 300 hours in conducting mediation in domestic cases and completed a domestic mentor orientation.

(6) **Arbitrator eligibility.** To be included on the roster as an arbitrator, the provider must also:

(6)(A) **Utah Bar.** ~~h~~Have been a member in good standing of the Utah State Bar for at least ten years; ~~or meet such other education, training and experience requirements as the Council finds will promote the effective administration of the ADR program;~~

(6)(B) **Good moral character.** ~~b~~Be of good moral character in that the provider has not been convicted of a felony, a misdemeanor involving moral turpitude, or any other serious crime, and has not received professional sanctions that, when considered with the duties and responsibilities of an ADR provider are determined by the Director to indicate that the best interests of the public are not served by including the provider on the roster; and

(6)(C) **Pro bono arbitration.** ~~a~~Agree to conduct at least one pro bono arbitration each year as referred by the Director.

(7) **Mediator re-qualification.** To be re-qualified as a mediator, the provider must, unless waived by the Director for good cause, demonstrate that the provider has conducted at least six mediation sessions or conducted 24 hours of mediation during the previous year.

(8) **Arbitrator re-qualification.** To be re-qualified as an arbitrator, the provider must, unless waived by the Director for good cause, demonstrate that the provider has conducted at least three arbitration sessions or conducted 12 hours of arbitration during the previous year.

(9) **Sanctions.** A provider may be sanctioned for failure to comply with the code of ethics for ADR providers as adopted by the Supreme Court or for failure to meet the requirements of this rule or state statute. The Judicial Council's ad hoc committee on ADR ("Cecommittee") ~~shall will~~ inform the public of public sanctions against a provider promptly after imposing the sanction.

(9)(A) **Public sanctions.** Public sanctions may include singly or with other sanctions:

(9)(A)(i) a written warning and requirement to attend additional training;

(9)(A)(ii) ~~require the mediator to allow the Director or designee to observe~~ ation by the Director, or the Director's designee, of a set number of mediation sessions conducted by the mediator;

(9)(A)(iii) suspension for a period of time from the court roster; ~~or and~~

(9)(A)(iv) ~~removal~~ removal from the court roster.

(9)(B) **Private sanctions.** Private sanctions may include singly or with other sanctions:

(9)(B)(i) admonition; ~~or~~

(9)(B)(ii) a requirement to re-take and successfully pass the ADR ethical exam.

~~(9)(C)~~ **Procedures.** The Cecommittee ~~shall will~~ approve and publish procedures consistent with this rule to be used in imposing the sanction.

(10) Complaints. ~~The eComplaints against a mediator or arbitrator on the Roster ("Provider") ant shall must be submitted to the Director in writing file a written~~ and signed by the complainant ~~with the director.~~ The Ddirector ~~shall will~~ notify the pProvider in writing of the complaint and

provide an opportunity to respond. The ~~d~~Director may interview the complainant, the ~~P~~provider and any parties involved. Upon consideration of all factors, the ~~d~~Director may impose a sanction, with notice to ~~and notify~~ the complainant and the ~~p~~Provider. If the ~~p~~Provider seeks to challenge the sanction, the ~~p~~Provider must notify the ~~D~~director within 10 days of receipt of the ~~notification~~. The ~~p~~Provider may request reconsideration by the ~~d~~Director or a hearing by the ~~Judicial Council's ad hoc C~~committee ~~on ADR~~. The decision of the ~~C~~ecommittee is final.

Effective: ~~11/1/2018~~May 1, 2025

TAB 4

CJA 1-101. General definitions – Rules of construction

Notes: The proposed amendments clarify and update uniform definitions in the CJA.

Rule 1-101. General definitions — ~~Rules of construction.~~**Intent:**

To establish clear and uniform definitions of words used in this Code.

Applicability:

These definitions shall apply to all rules adopted by the Judicial Council.

Statement of the Rule:

(1) **Definitions.** Unless the context indicates otherwise, as used in this Code:

(A) "**Administrative Office**" means the Administrative Office of the ~~State~~ Courts Administrator.

(B) "**Administrative Staff**" means employees of the judiciary who are authorized to perform ~~and responsible for performing~~ administrative functions.

~~(C) "Administrator" means the State Court Administrator.~~

~~(DE)~~ "**Board**" means one or more of the Boards of Judges established by this Code.

~~(D) "Chair" means the presiding officer of a board of judges.~~

(E) "**Code**" means the Code of Judicial Administration and may be cited as CJA.

(F) "**Council**" means the Utah Judicial Council as established by Article VIII, Section 12 of the Utah Constitution.

(G) "**Court**" means an entire jurisdictional system and not any geographic division thereof.

(H) "Court Level Administrator" means the district, juvenile, appellate, or justice court administrator.

(I) "**Courts of Record**" means those courts in which the judges have the qualifications required by Article VIII, Section 7 of the Utah Constitution, are selected in the manner prescribed by Article VIII, Section 8 of the Utah Constitution, and are retained in the manner prescribed by Article VIII, Section 9 of the Utah Constitution. The following are courts of record: the Supreme Court, the Court of Appeals, the district courts, and the juvenile courts.

(J) "**Courts not of Record**" means those courts in which the judges have the qualifications established by the Legislature and are selected in a manner prescribed by the Legislature under the authority of Article VIII, Section 11 of the Utah Constitution. Justice courts are courts not of record.

(K) "**Final action**" means the vote of the ~~C~~ouncil adopting, amending, or repealing a rule or resolution.

(L) "**Judge**" includes justices and judges of courts of record and courts not of record.

(M) "**Judicial Officer**" means ~~an officer of the court who is a judge, or justice, or court commissioner and has the authority to decide causes or issues between parties and render decisions in a judicial capacity.~~

(N) "**Judiciary**" means the entire judicial branch of government in the state of Utah ~~including justices, judges, court commissioners, referees, hearing officers, court reporters, clerical and administrative staff and central, local, and line staff.~~

(O) "**Local Supplemental Rules**" means those rules governing the administration of a ~~the judiciary which have been adopted by the~~ local courts, which are adopted in accordance with the provisions of this Code.

(P) "**Policy**" means the general principles for the government of the Judiciary.

(Q) "**Presiding Officer**" means the chief justice of the Supreme Court as the presiding officer of the C~~e~~council.

(R) "**Quasi-judicial Officer**" means court commissioners and court referees.

(S) "**Quorum**" means a majority of the members of the ~~Judicial~~ Council, Board, committee, or other body.

(T) "**Resolution**" means a formal statement of the opinion of the C~~e~~council.

(U) "**Rule**" means a court rule adopted by the Council or Supreme Court ~~standard, guideline, or directive issued by the council concerning a matter of policy.~~

(V) "**Secretariat**" means the clerical and administrative staff to the Council, the Boards and the Council's executive, ad hoc, and standing committees.

(~~WH~~) "**Trial Court Executives**" means the chief administrative officer of the local courts ~~and the clerks of the appellate courts.~~

~~(2) Unless the context indicates otherwise, singular terms in this Code the singular includes include the plural, and the plural terms include the singular; the masculine includes the feminine, and the feminine the masculine.~~

~~(3) Any rule of the council, insofar as the rule is that is substantively identical to an existing policy of the council, shall will be construed as a continuation of such that policy and not as a new enactment.~~

Effective: ~~January 27, 1997~~ May 1, 2025

TAB 5

CJA 4-111. Priority of post-conviction petitions in capital cases

Notes: See attached rule amendment request form

Date of Request *

MM DD YYYY

11 / 06 / 2024

Name of Requester *

Shane Bahr / Board of District Court Judges


Requester Phone Number *

801-578-3971

Name of Requester's Supervisor *

Ron and Neira

Please attach all required documents as outlined above.

 CJA 4_111 Prop...

 Add file

Type of
Request *

☒ Policy & Planning

☐ Technology

Policy & Planning Section

Location of the
Rule *

Code of Judicial Administration ▼

CJA Rule Number, HR/Accounting Section Name, Court Form
Name *

CJA 4-111

Brief Description of
Proposal *

Removes language requiring the AOC to prepare a monthly report.

Reason Amendment is
Needed *

After consulting with the Capital Litigation Research Attorney and with judges who have, or have had, pending post-conviction cases in capital cases, they agree this report is no longer needed and creates unnecessary work.

Is the proposed amendment
urgent?



☐ Yes

☒ No

If urgent, please provide an estimated deadline date and explain why it is
urgent.

.....

Select each entity that has approved this proposal.

*

- ☐ Accounting Manual Committee
- ☐ ADR Committee
- ☐ Board of Appellate Court Judges
- ☒ Board of District Court Judges
- ☐ Board of Justice Court Judges
- ☐ Board of Juvenile Court Judges
- ☐ Board of Senior Judges
- ☐ Budget and Fiscal Management Committee
- ☐ Children and Family Law Committee
- ☐ Clerks of Court
- ☐ Court Commissioner Conduct Committee
- ☐ Court Facility Planning Committee
- ☐ Court Forms Committee
- ☐ Ethics Advisory Committee
- ☐ Ethics and Discipline Committee of the Utah Supreme Court
- ☐ General Counsel
- ☐ Guardian Ad Litem Oversight Committee
- ☐ HR Policy and Planning Committee
- ☐ Judicial Branch Education Committee
- ☐ Judicial Outreach Committee
- ☐ Language Access Committee
- ☐ Law Library Oversight Committee
- ☐ Legislative Liaison Committee
- ☐ Licensed Paralegal Practitioner Committee
- ☐ Model Utah Civil Jury Instructions Committee
- ☐ Model Utah Criminal Jury Instructions Committee
- ☐ Policy, Planning, and Technology Committee member

- ☐ Pretrial Release and Supervision Committee
- ☐ Resources for Self-Represented Parties Committee
- ☐ Rules of Appellate Procedure Advisory Committee
- ☐ Rules of Civil Procedure Advisory Committee
- ☐ Rules of Criminal Procedure Advisory Committee
- ☐ Rules of Evidence Advisory Committee
- ☐ Rules of Juvenile Procedure Advisory Committee
- ☐ Rules of Professional Conduct Advisory Committee
- ☐ State Court Administrator
- ☐ TCE's
- ☐ Uniform Fine Committee
- ☐ WINGS Committee
- ☐ None of the Above
- ☐ Justice Court Reform Task Force
- ☐ Appellate Representation Committee
- ☐ Deputy State Court Administrator
- ☐ Judicial Fairness and Accountability Committee
- ☐ Other:

If the approving entity (or individual) is not listed above, please list it (them) here.

.....

List all stakeholders who would be affected by this proposed amendment.

*

Capital Litigation Research Attorney, Judges with PCR capital cases, the presiding judge of that court, and the

.....

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

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

Applicability:

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

Statement of the rule:

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

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

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

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

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

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

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

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

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

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