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2 October 2015

South Salt Lake City Council

Re: Justice Court Re-certification Opinion

Dear Honorable Members of the City Council:

In order to obtain re-certification of the South Salt Lake Justice Court by the Utah Judicial Council, I am required to give you my opinion regarding the legal requirements the City must meet to maintain its justice court and the feasibility of continuing to meet these requirements into the future term of the court. In my opinion the City's Justice Court does comply, and will continue to comply, with all applicable standards.

Requirements established by State law:

- All official court business shall be conducted in a courtroom or an office location in a public facility which is conducive and appropriate to the administration of justice (U.C.A. § 78A-7-213);
- Each court shall be opened and judicial business shall be transacted every day as provided by law, although the judge is not required to be present during all hours that the court is open;
- The hours of the court shall be open shall be posed conspicuously at the court and in local public buildings (78A-7-213);
- The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213);
- The entity creating the justice court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207);
- The entity creating a justice court shall assume the expenses of travels, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205);
- The entity creating the justice court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Utah Judicial Council (78A-7-103);
- The entity creating the justice court shall provide sufficient staff of public prosecutors to attend the court and perform the duties of the prosecutors (78A-7-103);
- The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103);
- The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103);
- Witness and jury fees as required by law shall be paid by the entity which creates the court;

- Any fine, surcharge, or assessment which is payable to the State of Utah shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121);
- Every entity creating a court shall pay the judge of the court a fixed compensation (78A-7-206);
- Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212);
- The entity creating the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference materials (78A-7-103);
- All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to U.C.A. § 78A-7-213; and
- All justice courts shall use a common case management system and disposition reporting system as specified by U.C. A. § 78A-7-103.

Requirements establish by Judicial Rule:

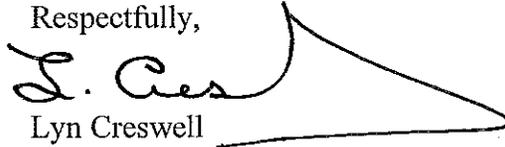
- That the court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.;
- That the judge be available to attend court and conduct court business as needed;
- That the minimum furnishings for a courtroom include: a desk and chair for the judge, a desk and chair for the court clerk; chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, and appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public;
- A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies;
- Office space for the judge and clerk, with desks for the judge and clerk, secure filing cabinets for the judge and clerk, telephones for the judge and clerk, appropriate office supplies, a cash register or secured cash box, a typewriter or word processors, and access to a copy machine;
- A clerk must be present during the time the court is open each day and during court sessions, as required by the judge;
- The entity must have at least one peace officer (which may be contracted);
- A court security plan must be submitted consistent with C.J.A. Rule 3-414;
- Each court must have a least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic recording and access to the Drive License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety; and
- Each court shall report required case disposition information to DLD, BCI, and the Administrative Office of the Courts electronically, as describe in number 9 above.

Operational standards established by the Justice Court Standards Committee that are in addition to those established by law or rule:

- 501 or more citations or cases must be filed per month;
- The court must be open full time and a full-time judge must be employed;
- The justice court must have a dedicated courtroom, a juror deliberation room, judge's chambers and a clerk's office, all of which must be co-located in the same facility;
- The city must provide at least three full-time clerks;
- The following legal references must be available and kept current: Utah Code; local ordinances; Justice Court Manual; Code of Judicial Administration; Uniform Bail Schedule; other legal resources as required under U.C.A. §78-5-109.

Based on the above requirements and my review conducted with the Court Administrator, I am confident the City does comply, and is committed to continue to comply with all requirements set forth above through the next term of the South Salt Lake Justice Court.

Respectfully,



Lyn Creswell  
City Attorney