



To: Mayor Wood and the South Salt Lake City Council
From: Hannah Vickery, Deputy City Attorney
RE: Justice Court Re-certification Opinion
Date: October 10, 2019

Dear Mayor Wood and Honorable Members of the City Council,

As part of the justice court recertification application process, it is required that you receive a written legal opinion advising you of the legal requirements of the City for the operation of its justice court and the feasibility of maintaining its justice court.

The state statutory requirements are as follows:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Section 78A-7-213).
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206 and Section 78A-7-211).
6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (Section 78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A-7-211).
8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-209).
9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (Section 78A-7-209).
10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Section 78A-7-209).
11. Witnesses and jury fees as required by law shall be paid by the entity which creates the Court.

CITY
ATTORNEY'S
OFFICE

O 801.483-6068
F 801.464.6001

CHERIE WOOD
MAYOR

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE CITY
UTAH
84115
O 801.483.6000
F 801.483.6001

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Section 78A-7-121 and Section 78A-7-119).
13. Every entity creating a court shall pay the judge of that court a fixed compensation (Section 78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (Section 78A-7-212).
15. 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 material (Section 78A-7-214).
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section 78A-7-215.
17. An audio recording system shall maintain the verbatim record of all court proceedings. Section 78A-7-103. For Class I and Class II justice courts, the system must:
 - (a) be a stand-alone unit that records and audibly plays back the recording;
 - (b) index, back-up and archive the recording and enable the record to be retrieved.
 - (c) have at least four recording channels;
 - (d) have a one-step "on" and "off" recording function;
 - (e) have conference monitoring of recorded audio;
 - (f) have external record archiving from the unit with local access;
 - (g) be capable of being integrated with the courts public address system; andFor Class III and Class IV justice courts, the system must, at a minimum:
 - (h) be a stand-alone unit that records and audibly plays back the recording;
 - (i) index, back-up and archive the recording and enable the record to be retrieved; and
 - (j) have at least two recording channels.

The Board of Justice Court Judges may create a list of products that meet these criteria.

In addition to those requirements which are directly imposed by statute, Section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

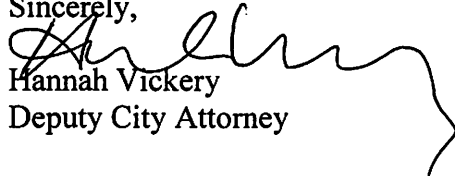
1. That the Court be opened for at least one hour each day that the court is required to be open as provided by law (Section 78A-7-213).
2. That the judge be available to attend court and conduct court business as needed.
3. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least

four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public. (A suggested courtroom configuration is attached).

4. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
5. Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
6. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
7. The entity must have at least one peace officer (which may be contracted).
8. A court security plan must be submitted consistent with C.J.A. Rule 3-414.
9. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.
10. Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In conjunction with the Justice Court Division Manager, Lisa Forrester, I have reviewed the above requirements and am confident the City currently complies with all legal requirements and that the City is in the position to continue its compliance through the prospective term of the South Salt Lake Justice Court.

Sincerely,



Hannah Vickery
Deputy City Attorney

CC: Lisa Forrester, South Salt Lake City Justice Court Division Manager