JUDICIAL COUNCIL MEETING

AGENDA
Tuesday, September 10, 2013
Superior B
Snowbird Resort
Snowbird, Utah

Chief Justice Matthew B. Durrant, Presiding

Lunch will be served at 12:00 p.m.

1.	12:30 p.m.	Welcome & Approval of Minutes	Chief Justice Matthew B. Durrant
		(Tab 1 - Action)	
2.	12:35 p.m.	Chair's Report.	Chief Justice Matthew B. Durrant
3.	12:45 p.m.	Administrator's Report.	Daniel J. Becker
4.	1:00 p.m.	Reports: Management Committee.	Chief Justice Matthew B. Durrant
		Liaison Committee.	Justice Jill Parrish
		Policy and Planning	Judge Greg Orme
		Bar Commission.	John Lund, esq.
		(Tab 2 - Information)	
5.	1:10 p.m.	Legislative Update and Interim Highlights.	Rick Schwermer
		(Information)	
6.	1:25 p.m.	FY 2014 Budget Adjustments.	Daniel J. Becker
		(Action)	Ray Wahl
7.	1:40 p.m.	Court Commissioner Conduct Committee Update.	Judge Michele Christiansen
		(Information)	Rick Schwermer
8.	2:00 p.m.	E-Filing Hardship Exemption.	Debra Moore
		(Tab 3 - Action)	
9.	2:10 p.m.	Third District Commissioner Vacancy.	Daniel J. Becker
		(Tab 4 - Action)	
10.	2:15 p.m.	Second District Commissioner Vacancy.	Daniel J. Becker
		(Tab 5 - Action)	
	2:20 p.m.	Break	

11.	2:30 p.m.	Judicial Performance Evaluation Commission Update. . . . . (Information)	Joanne Slotnik
12.	2:55 p.m.	Standing Committee on Technology Update. . . . . (Information)	Judge Carolyn McHugh Ron Bowmaster
13.	3:15 p.m.	Rules for Final Action. . . . . (Tab 6 - Action)	Tim Shea
14.	3:30 p.m.	Senior Judge Certifications. . . . . (Action)	Tim Shea
15.	3:45 p.m.	Senior Judges and Court Commissioners Certification. . . . . (Tab 7 - Action)	Tim Shea
16.	4:25 p.m.	Executive Session.	
17.		Adjourn	

Consent Calendar

The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.

1.	Committee Appointments (Tab 8)	Tom Langhorne Ron Bowmaster Nancy Volmer

TAB 3

Debra Moore <debram@utcourts.gov>

FW: Electronic Signatures in eFiling

Steve simpson <Stevesimpson@frontiernet.net> Tue, Aug 27, 2013 at 10:44 AM
To: debram@utcourts.gov
Cc: janao@utcourts.gov

Dear Ms. Moore,

As you will note from the string of email messages set forth below, I have been speaking with Ms. Jana O'Haran regarding one of the challenges associated with living in small town rural Utah. Although I have diligently worked at becoming proficient at Utah's recently implemented electronic filing system, I have been effectively frustrated by the lack of technological infrastructure in the community of Bluff. Our town, as you may know, is comprised of a population of approximately 225 people and is located in southern San Juan County, immediately adjacent to the Navajo Reservation.

As I informed Ms. O'Haran, I have attempted to participate in webinars regarding electronic filing, I have attempted to view videos regarding electronic filing and I have even attempted to file documents electronically, all without success. Indeed, I have spent most of a day with tech support at Green Filing. We attempted every fix and screen sharing program the young woman could muster to allow me to submit my document. In the end she concluded the speed of our connection was so slow it would not allow filing. She therefore suggested I send her a pdf copy, which she filed in my behalf.

As a result, Ms. O'Haran has suggested I request an exemption, which I believe is a reasonable recommendation. While I am both embarrassed and frustrated with this development, I do not believe I have any other alternative unless or until the exclusive ISP in this area upgrades its system, which currently often provides speeds slower than a dial-up. Please be advised I have spoken with the ISP's representatives many times regarding this shortfall and have been advised that, "Bluff is low on the priority list." I have been assured Frontier Communications has no intention of upgrading a system that supports such a small number of individuals.

As such, please consider this my request for an exemption from the electronic filing process.

Additionally, please confirm receipt of this message so that I will know I have complied with the requirements set by Ms. O'Haran.

Thank you for your time and patience.

Sincerely,

Steven P. Simpson

Attorney at Law

Steven P. Simpson P.C.

913 E. Navajo Twins Drive

Post Office Box 330

Bluff, UT 84512-0330

Telephone: (435) 672-2351

Facsimile: (435) 672-2370

E-mail: steve@spsimpsonlaw.com

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TAB 4

Third District Court

Judge Royal I. Hansen

August 20, 2013

Honorable Matthew B. Durrant
Chief Justice
Utah Supreme Court
450 S. State Street
Salt Lake City, Utah 84114-0210

Re: Commissioner Thomas N. Arnett, Jr.

Dear Chief Justice Durrant:

Based upon the resignation letter dated August 8, 2013, which was received from Commissioner Thomas N. Arnett, Jr., the Third Judicial District Court seeks leave from the Utah Judicial Council to fill the Commissioner vacancy, effective November 17, 2013.

Very truly yours,

Royal I. Hansen
Presiding Judge

By _____
STAMP USED AT DIRECTION OF JUDGE

RIH:jsh
cc: Daniel J. Becker
Peyton Smith

450 South State • #S 404 • Salt Lake City, Utah 84111
(801) 238-7370 • Fax: (801) 238-7076

TAB 5

Second District Court

W. Brent West
Presiding Judge

August 20, 2013

Matthew B. Durrant
Chief Justice Utah Supreme Court
Chair Utah Judicial Council
450 South State
PO Box 140210
Salt Lake City, Utah 84414-0210

Re: Appointment of Commissioner for the Second Judicial District

Dear Chief Justice,

With the recent nomination, by Governor Gary R. Herbert, of our Domestic Relations Commissioner Catherine S. Conklin to replace the retiring District Court Judge Michael D. Lyon, I anticipate a vacancy in one of our domestic relation commissioner positions. I am, therefore, asking the Judicial Council, pursuant to Rule 3-201(B) of the Utah Code of Judicial Administration, to please authorize the Second District to refill the position. The Commissioner would serve Weber, Davis and Morgan counties.

I do not intend to be presumptuous. I realize that Commissioner Conklin still has to go through the Senate confirmation process. But, given the timing of events and meetings involved, there is a possibility that Commissioner Conklin's confirmation proceedings could occur as early as September 16, 2013. If that were to occur, we would not want to wait until the Council's October meeting for a determination by the Council.

I appreciate the Council's consideration and would be willing to submit additional information or appear at Judicial Council to discuss more fully our District's need for a Commissioner.

Sincerely,

W. Brent West
Presiding Judge

TAB 6

Administrative Office of the Courts

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

Daniel J. Becker
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

MEMORANDUM

To: Judicial Council
From: Tim Shea
Date: September 6, 2013
Re: Rules for final action

The comment period for the following rules has closed, and the Policy and Planning Committee recommends that they be approved. We did not receive any comments.

- CJA 01-0205. Standing and ad hoc committees. Changes the name of the Court Interpreter Committee to the Language Access Committee.
- CJA 03-0306. Court interpreters. Creates a complaint process for failure to follow the requirements of the rule. Clarifies that Rule 3-306 is not authority to charge for language access costs. Cites the competing authority of federal and state law. Recognizes interpreter credentials from other states. Requires staff to be acting within the scope of human resource policies and procedures, which includes qualifications for a second language stipend, before engaging in a first-hand conversation with a person of limited English proficiency.
- CJA 03-0402. Human resources administration. Changes the name of the career service review board to the grievance review panel.
- CJA 04-0110. Transfer of juvenile cases from district and justice courts to the juvenile court. Technical change, recognizing that Section 78A-7-106 governs transfer of cases from justice court to juvenile court.
- CJA 04-0404. Jury selection and service. Implements the requirement of Section 78B-1-110 that compliance with a summons satisfies a person's jury service obligation for two years. Permits a court to establish a shorter term of service than is provided by rule, but not longer.
- CJA 04-0508. Guidelines for ruling on a motion to waive fees. Includes juvenile court within the guidelines of the rule.

Rule 4-404 should be effective January 1, 2014. The others can be effective November 1, 2013.

In addition, Rule 4-408.01 needs to be amended to remove Morgan from the list of contract sites. The amendment needs to be published for comment, but it should be effective November 1, 2013.

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 apply 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) Technology Committee;

(1)(A)(ii) Uniform Fine/Bail Schedule Committee;

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

(1)(A)(iv) Justice Court Standards Committee;

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

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

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

(1)(A)(viii) Committee on Judicial Outreach;

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

(1)(A)(x) ~~Court Interpreter~~ Language Access Committee; and

(1)(A)(xi) Guardian ad Litem Oversight Committee.

(1)(B) Composition.

(1)(B)(i) The Technology Committee shall consist of one judge from each court of record, one justice court judge, one lawyer recommended by the Board of Bar Commissioners, two court executives, two court clerks and two staff members from the Administrative Office.

(1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of one district court judge who has experience with a felony docket, three district court judges who have experience with a misdemeanor docket, one juvenile court judge and three justice court judges.

(1)(B)(iii) The Ethics Advisory Committee shall consist of one judge from the Court of Appeals, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge, and an attorney from either the Bar or a college of law.

(1)(B)(iv) The Justice Court Standards Committee shall consist of one municipal justice court judge from a rural area, one municipal justice court judge from an urban area, one county justice court judge from a rural area, and one county justice court judge from an urban area, all appointed by the Board of Justice Court Judges; one mayor from either Utah, Davis, Weber or Salt Lake Counties, and one mayor from the remaining counties, both appointed by the Utah League of Cities and Towns; one county commissioner from either Utah, Davis, Weber or Salt Lake Counties, and one county commissioner from the remaining counties, both appointed by the Utah Association of Counties; a member of the Bar from Utah, Davis, Weber or Salt Lake Counties, and a member of the Bar from the remaining counties, both appointed by the Bar Commission; and a judge of a court of record appointed by the Presiding Officer of the Council. All Committee members shall be appointed for four year staggered terms.

(1)(B)(v) The Judicial Branch Education Committee shall consist of one judge from an appellate court, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, the education liaison of the Board of Justice Court Judges, one state level administrator, the Human Resource Management Director, one court executive, one juvenile court probation representative, two court clerks from different levels of court and different judicial districts, one data processing manager, and one adult educator from higher education. The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(vi) The Court Facility Planning Committee shall consist of one judge from each level of trial court, one appellate court judge, the state court administrator, a trial court executive, and two business people with experience in the construction or financing of facilities.

(1)(B)(vii) The Committee on Children and Family Law shall consist of one Senator appointed by the President of the Senate, one Representative appointed by the Speaker of the House, the Director of the Department of Human Services or designee, one attorney of the Executive Committee of the Family Law Section of the Utah State Bar, one attorney with experience in abuse, neglect and dependency cases, one attorney with experience representing parents in abuse, neglect and dependency cases, one representative of a child advocacy organization, one mediator, one professional in the area of child development, one representative of the community, the Director of the Office of Guardian ad Litem or designee, one court commissioner, two district court judges, and two juvenile court judges. One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(viii) The Committee on Judicial Outreach shall consist of one appellate court judge, one district court judge, one juvenile court judge, one justice court judge, one state level administrator, a state level judicial education representative, one court executive, one Utah State Bar representative, one communication representative, one law library representative, one civic community representative, and one state education representative. Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(ix) The Committee on Resources for Self-represented Parties shall consist of two district court judges, one juvenile court judge, one justice court judge, three clerks of court – one from an appellate court, one from an urban district and one from a rural district – one member of the Online Court Assistance Committee, one representative from the Utah State Bar, two representatives from legal service organizations that serve low-income clients, one private attorney experienced in providing services to self-

represented parties, two law school representatives, the state law librarian, and two community representatives.

(1)(B)(x) The ~~Court Interpreter~~ Language Access Committee shall consist of one district court judge, one juvenile court judge, one justice court judge, one trial court executive, one court clerk, one interpreter coordinator, one probation officer, one prosecuting attorney, one defense attorney, two certified interpreters, one approved interpreter, one expert in the field of linguistics, and one American Sign Language representative.

(1)(B)(xi) The Guardian ad Litem Oversight Committee shall consist of seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(C) The Judicial Council shall designate the chair of standing committees. Standing committees shall meet as necessary to accomplish their work but a minimum of once every six months. Standing committees shall report to the Council as necessary but a minimum of once every six months. 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) Six months before the scheduled termination of a standing committee, the Management Committee shall review the performance of the committee and make recommendations to the Judicial Council regarding reauthorization. Unless reauthorized by the Judicial Council, the committees shall terminate on the date indicated and every six years thereafter.

(1)(D)(i) The Technology Committee shall terminate on June 30, 2006.

(1)(D)(ii) The Uniform Fine/Bail Schedule Committee shall terminate on June 30, 2006.

(1)(D)(iii) The Ethics Advisory Committee shall terminate on June 30, 2007.

(1)(D)(iv) The Justice Court Standards Committee shall terminate on June 30, 2008.

(1)(D)(v) The Judicial Branch Education Committee shall terminate on June 30, 2008.

(1)(D)(vi) The Court Facility Planning Committee shall terminate on June 30, 2009.

(1)(D)(vii) The Committee on Children and Family Law shall terminate on June 30, 2009.

(1)(D)(viii) The Committee on Judicial Outreach shall terminate on June 30, 2010.

(1)(D)i(x) The Committee on Resources for Self-represented Parties shall terminate on June 30, 2010.

(1)(D)(x) The Court Interpreter Committee shall terminate on June 30, 2011.

(1)(D)(xi) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall 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 keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall 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 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:

(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 appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) Terms. Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall 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) 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) The Administrative Office shall serve as secretariat to the Council's committees.

Rule 3-306. ~~Court interpreters~~Language access in the courts.

Intent:

To state the policy of the Utah courts to secure the rights of people under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. in legal proceedings who are unable to understand or communicate adequately in the English language.

To outline the procedure for certification, appointment, and payment of ~~court~~ interpreters for legal proceedings.

To provide certified interpreters in legal proceedings in those languages for which a certification program has been established.

Applicability:

This rule shall apply to legal proceedings in the courts of record and not of record. This rule shall apply to interpretation for non-English speaking people and not to interpretation for ~~the~~ persons with a hearing ~~impaired~~ impairment, which is governed by Utah and federal statutes.

Statement of the Rule:

(1) Definitions.

(1)(A) "Appointing authority" means a judge, commissioner, referee or juvenile probation officer, or delegate thereof.

(1)(B) "Approved interpreter" means a person who has been rated as "superior" in ~~the Oral Proficiency Interview conducted by Language Testing International~~ testing and has fulfilled the requirements established in paragraph (3).

(1)(C) "Certified interpreter" means a person who has successfully passed the examination of the Consortium for Language Access in the Courts and has fulfilled the requirements established in paragraph (3).

(1)(D) "Committee" means the ~~Court Interpreter~~ Language Access Committee established by Rule 1-205.

(1)(E) "Conditionally-approved interpreter" means a person who, in the opinion of the appointing authority after evaluating the totality of the circumstances, has language skills, knowledge of interpreting techniques, and familiarity with interpreting sufficient to interpret the legal proceeding. A conditionally approved interpreter shall read and is

bound by the Code of Professional Responsibility and shall subscribe the oath or affirmation of a certified interpreter.

(1)(F) "Code of Professional Responsibility" means the Code of Professional Responsibility for Court Interpreters set forth in Code of Judicial Administration Appendix H. An interpreter may not be required to act contrary to law or the Code of Professional Responsibility.

(1)(G) "Legal proceeding" means a proceeding before the appointing authority, court-annexed mediation, communication with court staff, and participation in mandatory court programs. Legal proceeding does not include communication outside the court unless permitted by the appointing authority.

(1)(H) "Limited English proficiency" means the inability to understand or communicate in English at the level of comprehension and expression needed to participate effectively in legal proceedings.

(1)(I) "Registered interpreter I" means a person who interprets in a language in which testing ~~by the Consortium for Language Access in the Courts or Language Testing International~~ is not available and who has fulfilled the requirements established in paragraph (3) other than paragraph (3)(A)(v).

(1)(J) "Registered interpreter II" means a person who interprets in a language in which testing ~~by the Consortium for Language Access in the Courts or Language Testing International~~ is available and who has fulfilled the requirements established in paragraph (3) other than paragraph (3)(A)(v).

(1_(K) "Testing" means using an organization approved by the committee that uses the American Council on the Teaching of Foreign Languages (ACTFL) scale.

(2) ~~Court Interpreter~~ Language Access Committee. The ~~Court Interpreter~~ Language Access Committee shall:

(2)(A) research, develop and recommend to the Judicial Council policies and procedures for interpretation in legal proceedings and translation of printed materials;

(2)(B) issue informal opinions to questions regarding the Code of Professional Responsibility, which is evidence of good-faith compliance with the Code; and

(2)(C) discipline court interpreters.

(3) Application, training, testing, roster.

(3)(A) Subject to the availability of funding, and in consultation with the committee, the administrative office of the courts shall establish programs to certify and approve ~~court~~ interpreters in English and the non-English languages most frequently needed in the courts. The administrative office shall publish a roster of certified, approved, and registered interpreters ~~and a roster of approved interpreters~~. To be certified, ~~or~~ approved or registered, an applicant shall:

(3)(A)(i) file an application form approved by the administrative office;

(3)(A)(ii) pay a fee established by the Judicial Council;

(3)(A)(iii) pass a background check;

(3)(A)(iv) complete training as required by the administrative office;

(3)(A)(v) obtain a passing score on the court interpreter's test(s) as required by the administrative office;

(3)(A)(vi) complete 10 hours observing a certified interpreter in a legal proceeding; and

(3)(A)(vii) take and subscribe the following oath or affirmation: "I will make a true and impartial interpretation using my best skills and judgment in accordance with the Code of Professional Responsibility."

(3)(B) A person who is certified in good standing by the federal courts or by a state having a certification program that is equivalent to the program established under this rule may be certified without complying with paragraphs (3)(A)(iv) through (3)(A)(vii) but shall pass an ethics examination and otherwise meet the requirements of this rule.

(3)(C) No later than December 31 of each even-numbered calendar year, certified, ~~and~~ approved, and registered interpreters shall pass the background check for applicants, and certified interpreters shall complete at least 16 hours of continuing education approved by the administrative office of the courts.

(4) Appointment.

(4)(A) Except as provided in paragraphs (4)(B), (4)(C) and (4)(D), if the appointing authority determines that a party, witness, victim or person who will be bound by the legal proceeding has a primary language other than English and limited English

proficiency, the appointing authority shall appoint a certified interpreter in all legal proceedings. A person requesting an interpreter is presumed to be a person of limited English proficiency.

(4)(B) An approved interpreter may be appointed if no certified interpreter is reasonably available.

(4)(C) A registered interpreter may be appointed if no certified or approved interpreter is reasonably available.

(4)(D) A conditionally-approved interpreter may be appointed if the appointing authority, after evaluating the totality of the circumstances, finds that:

(4)(D)(i) the prospective interpreter has language skills, knowledge of interpreting techniques and familiarity with interpreting sufficient to interpret the legal proceeding; and

(4)(D)(ii) appointment of the prospective interpreter does not present a real or perceived conflict of interest or appearance of bias; and

(4)(D)(iii) a certified, approved, or registered interpreter is not reasonably available or the gravity of the legal proceeding and the potential consequence to the person are so minor that delays in obtaining a certified or approved interpreter are not justified.

(4)(E) The appointing authority may appoint an interpreter with certified or approved or equivalent credentials from another state if the appointing authority finds that the approved, registered or conditionally approved interpreters who are reasonably available do not have the language skills, knowledge of interpreting techniques, or familiarity with interpreting sufficient to interpret the legal proceeding. The appointing authority may consider the totality of the circumstances, including the complexity or gravity of the legal proceeding, the potential consequences to the person of limited English proficiency, and any other relevant factor.

~~(4)(E)~~ (4)(F) No interpreter is needed for a direct verbal exchange between the person and court staff if the court staff can fluently speak the language understood by the person and the employee is acting within guidelines established in the Human Resources Policies and Procedures. An approved, registered or conditionally approved

interpreter may be appointed if the court staff does not speak the language understood by the person.

~~(4)(F)~~ (4)(G) The appointing authority will appoint one interpreter for all participants with limited English proficiency, unless the judge determines that the participants have adverse interests, or that due process, confidentiality, the length of the legal proceeding or other circumstances require that there be additional interpreters.

~~(4)(G)~~ (4)(H) A person whose request for an interpreter has been denied may apply to review the denial. The application shall be decided by the presiding judge. If there is no presiding judge or if the presiding judge is unavailable, the clerk of the court shall refer the application to any judge of the court or any judge of a court of equal jurisdiction. The application must be filed within 20 days after the denial.

(5) Payment.

(5)(A) The ~~interpreter~~ fees and expenses for language access shall be paid by the administrative office of the courts in courts of record and by the government that funds the court in courts not of record. The court may assess the ~~interpreter~~ fees and expenses as costs to a party as otherwise provided by law. (Utah Constitution, Article I, Section 12, Utah Code Sections 77-1-6(2)(b), 77-18-7, 77-32a-1, 77-32a-2, 77-32a-3, 78B-1-146(3), ~~and~~ URCP 54(d)(2), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and regulations and guidance adopted under that title.)

(5)(B) A person who has been ordered to pay ~~for an interpreter~~ fees and expenses for language access ~~after filing an affidavit of impecuniosity~~ may apply to the presiding judge to review the order. If there is no presiding judge, the person may apply to any judge of the court or any judge of a court of equal jurisdiction. The application must be filed within 20 days after the ~~denial~~ order.

(6) Waiver. A person may waive an interpreter if the appointing authority approves the waiver after determining that the waiver has been made knowingly and voluntarily. A person may retract a waiver and request an interpreter at any time. An interpreter is for the benefit of the court as well as for the non-English speaking person, so the appointing authority may reject a waiver.

(7) Removal from legal proceeding. The appointing authority may remove an interpreter from the legal proceeding for failing to appear as scheduled, for inability to interpret adequately, including a self-reported inability, and for other just cause.

(8) Discipline.

(8)(A) An interpreter may be disciplined for:

(8)(A)(i) knowingly making a false interpretation in a legal proceeding;

(8)(A)(ii) knowingly disclosing confidential or privileged information obtained in a legal proceeding;

(8)(A)(iii) knowingly failing to follow standards prescribed by law, the Code of Professional Responsibility and this rule;

(8)(A)(iv) failing to pass a background check;

(8)(A)(v) failing to meet continuing education requirements;

(8)(A)(vi) conduct or omissions resulting in discipline by another jurisdiction; and

(8)(A)(vii) failing to appear as scheduled without good cause.

(8)(B) Discipline may include:

(8)(B)(i) permanent loss of certified or approved credentials;

(8)(B)(ii) temporary loss of certified or approved credentials with conditions for reinstatement;

(8)(B)(iii) suspension from the roster of certified or approved interpreters with conditions for reinstatement;

(8)(B)(vi) prohibition from serving as a conditionally approved interpreter;

(8)(B)(v) suspension from serving as a conditionally approved interpreter with conditions for reinstatement; and

(8)(B)(vi) reprimand.

~~(8)(C) Any person may file a complaint in writing on a form provided by the program manager. The complaint may be in the native language of the complainant, which the AOC shall translate in accordance with this rule. The complaint shall describe in detail the incident and the alleged conduct or omission. The program manager may dismiss the complaint if it is plainly frivolous, insufficiently clear, or alleges conduct that does not~~

~~violate this rule. If the complaint is not dismissed, the program manager shall mail the complaint to the interpreter at the address on file with the administrative office.~~

(9) Complaints.

(9)(A) Any person may file a complaint about a matter for which an interpreter can be disciplined. A party, witness, victim or person who will be bound by a legal proceeding, may file a complaint about the misapplication of this rule.

(9)(B) The complaint shall allege an act or omission for which an interpreter can be disciplined or that violates this rule. The complaint shall be in writing and signed and filed with the program coordinator. The complaint may be in the native language of the complainant, which the AOC shall translate in accordance with this rule. The complaint shall describe the circumstances of the act or omission, including the date, time, location and nature of the incident and the persons involved.

(9)(C) The program coordinator may dismiss the complaint if it is plainly frivolous, insufficiently clear, or does not allege an act or omission act or omission for which an interpreter can be disciplined or that does not violate this rule.

(9)(D) If the complaint alleges that the court did not provide language access as required by this rule, the program coordinator shall investigate and recommend corrective actions that are warranted.

(9)(E) If the complaint alleges an act or omission for which the interpreter can be disciplined, the program coordinator shall mail the complaint to the interpreter at the address on file with the administrative office of the courts and proceed as follows:

~~(8)(D)~~ (9)(E)(i) The interpreter shall answer the complaint within 30 days after the date the complaint is mailed or the allegations in the complaint are ~~considered~~ deemed true and correct. The answer shall admit, deny or further explain each allegation in the complaint.

~~(8)(E)~~ (9)(E)(ii) The program ~~manager~~ coordinator may review records and interview the complainant, the interpreter and witnesses. After considering all factors, the program ~~manager~~ coordinator may propose a resolution, which the interpreter may stipulate to. The program ~~manager~~ coordinator may consider aggravating and mitigating circumstances such as the severity of the violation, the repeated nature of violations,

the potential of the violation to harm a person's rights, the interpreter's work record, prior discipline, and the effect on court operations.

~~(8)(F)~~ (9)(E)(iii) If the complaint is not resolved by stipulation, the program ~~manager~~ coordinator will notify the committee, which shall hold a hearing. The committee chair and at least one interpreter member must attend. If a committee member is the complainant or the interpreter, the committee member is recused. The program ~~manager~~ coordinator shall mail notice of the date, time and place of the hearing to the interpreter. The hearing is closed to the public. Committee members and staff may not disclose or discuss information or materials outside of the meeting except with others who participated in the meeting or with a member of the Committee. The committee may review records and interview the interpreter, the complainant and witnesses. A record of the proceedings shall be maintained but is not public.

~~(8)(G)~~ (9)(E)(iv) The committee shall decide whether there is sufficient evidence of the alleged conduct or omission, whether the conduct or omission violates this rule, and the discipline, if any. The chair shall issue a written decision on behalf of the committee within 30 days after the hearing. The program ~~manager~~ coordinator shall mail a copy of the decision to the interpreter.

~~(8)(H)~~ (9)(E)(v) The interpreter may review and, upon payment of the required fee, obtain a copy of any records to be used by the committee. The interpreter may attend all of the hearing except the committee's deliberations. The interpreter may be represented by counsel and shall be permitted to make a statement, call and interview the complainant and witnesses, and comment on the claims and evidence. The interpreter may obtain a copy of the record of the hearing upon payment of the required fee.

~~(8)(I)~~ (9)(E)(vi) If the interpreter is certified in Utah under Paragraph (3)(B), the committee shall report the findings and sanction to the certification authority in the other jurisdiction.

~~(9)~~ (10) Fees.

~~(9)(A)~~ (10)(A) In April of each year the Judicial Council shall set the fees and expenses to be paid to interpreters during the following fiscal year by the courts of

record. Payment of fees and expenses shall be made in accordance with the Courts Accounting Manual.

~~(9)(B)~~ (10)(B) The local government that funds a court not of record shall set the fees and expenses to be paid to interpreters by that court.

~~(10)~~ (11) Translation of court forms. Forms must be translated by a team of at least two people who are interpreters certified under this rule or translators accredited by the American Translators Association.

~~(11)~~ (12) Court employees as interpreters. A court employee may not interpret legal proceedings except as follows.

~~(11)(A)~~ (12)(A) A court may hire an employee ~~to be an~~ interpreter. The employee will be paid the wages and benefits of the employee's grade and not the fee established by this rule. If the language is a language for which certification in Utah is available, the employee must be a certified interpreter. If the language is a language for which certification in Utah is not available, the employee must be an approved interpreter. The employee must meet the continuing education requirements of an employee, but at least half of the minimum requirement must be in improving interpreting skills. The employee is subject to the discipline process for court personnel, but the grounds for discipline include those listed in this rule.

~~(11)(B)~~ (12)(B) A state court employee employed as an interpreter has the rights and responsibilities provided in the Utah state court human resource policies, including the Code of Personal Conduct, and the Court Interpreters' Code of Professional Responsibility also applies. A justice court employee employed as an interpreter has the rights and responsibilities provided in the county or municipal human resource policies, including any code of conduct, and the Court Interpreters' Code of Professional Responsibility also applies.

~~(11)(C)~~ (12)(C) A court may use an employee as a conditionally-approved interpreter under paragraph (4)(C). The employee will be paid the wage and benefits of the employee's grade and not the fee established by this rule.

Rule 3-402. Human resources administration.

Intent:

To establish guidelines for the administration of a human resources system for the judiciary.

Applicability:

This rule shall apply to all state employees in the judicial branch.

Statement of the Rule:

(1) A department of human resources is established within the Administrative Office to direct and coordinate the human resources activities of the judiciary.

(2) The department of human resources shall provide the necessary human resources services to the judiciary in compliance with the state constitution, state statute and this Code. The department of human resources shall keep all state employees in the judicial branch informed of benefits, compensation, retirement and other human resources related matters.

(3) The human resources policies and procedures for non-judicial employees:

(3)(A) shall include classification of exempt and non-exempt positions, guidelines governing recruitment, selection, classification, compensation, working conditions, grievances and other areas deemed necessary; and

(3)(B) shall be based upon the following merit principles:

(3)(B)(i) The recruitment, selection and promotion of employees is based on relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment.

(3)(B)(ii) A salary schedule which provides for equitable and adequate compensation based upon studies conducted every three years of the salary levels of comparable positions in both the public and private sector and available funds.

(3)(B)(iii) Employee retention on the basis of adequate performance. Where appropriate, provision will be made for correcting inadequate performance and separating employees whose inadequate performance cannot be corrected.

(3)(B)(iv) Fair treatment in all aspects of human resources administration without regard to race, color, religion, sex, national origin, age, creed, disability, political

affiliation or other nonmerit factors and proper regard for employees' constitutional and statutory rights as citizens.

(3)(B)(v) Notification to employees and an explanation of their political rights and prohibited employment practices.

(4) The state court level administrator shall be responsible for the day-to-day administration of the human resources system within that court level. A director of human resources, appointed by the State Court Administrator, shall be responsible for directing and coordinating the human resources activities of the human resources system and will assist the state level administrators and court executives with human resources related matters.

(5) Human resources policies and procedures and a Code of Ethics for non-judicial employees shall be adopted by the Council in accordance with the rulemaking provisions of this Code and shall be reviewed every three years.

(5)(A) There is established a human resources policy and procedure review committee responsible for making and reviewing proposals for repealing human resources policies and procedures and promulgating new and amended human resources policies and procedures. The committee shall consist of:

(5)(A)(i) the director of human resources;

(5)(A)(ii) two trial court executives;

(5)(A)(iii) a district court clerk of court;

(5)(A)(iv) a juvenile court clerk of court;

(5)(A)(v) a probation supervisor from the juvenile court; and

(5)(A)(vi) an assistant clerk of court from the district court or circuit court.

(5)(B) The chair of the committee shall be designated by the director in consultation with the state court administrator. Other members of the committee shall be appointed in a manner consistent with Rule 1-205. The department of human resources shall provide necessary support.

(5)(C) New and amended policies and procedures recommended by the committee shall be reviewed by the court executives prior to being submitted to the Judicial

Council. The Court Executives may endorse or amend the draft policies and procedures or return the draft policies and procedures to the committee for further consideration.

(6) A ~~career service review board~~ grievance review panel is established within the grievance process to sit as a quasi-judicial body and review any action taken under the authority of the judiciary's human resources procedures and which pertains to employee promotions, dismissals, demotions, wages, salary, violations of human resources rules, benefits, reductions in force and disciplinary actions.

(7) An official human resources file for each employee shall be maintained in the Administrative Office and shall include the following records: leave records, education records, biographical information, performance plans and appraisals, records of official human resources action, records of official disciplinary action and supporting documentation, letters of commendation, job applications and payroll and benefits information.

Rule 4-110. Transfer of juvenile ~~traffic~~ cases from ~~D~~district and ~~J~~justice ~~C~~courts to the ~~J~~juvenile ~~C~~court.

Intent:

To establish criteria and procedures for transferring juvenile ~~traffic~~ cases from the district and justice courts to the juvenile court ~~for post-judgment proceedings~~.

Applicability:

This rule applies to juvenile, district and justice courts.

Statement of the Rule:

(1) The justice court may transfer a criminal matter in which the defendant is a minor to the juvenile court under Section 78A-7-106.

~~(1) Juvenile traffic cases may be transferred from the~~ (2) The district ~~and justice~~ court~~s~~ may transfer a traffic matter in which the defendant is a minor to the juvenile court for post-judgment proceedings if:

(2)(A) the case has been adjudicated, either by the entry of a guilty plea or by a trial on the merits; and ~~all of the following conditions exist:~~;

~~(2)(A) T~~(2)(B) there is an outstanding fine or restitution obligation or a compensatory service order; and

~~(2)(B) R~~(2)(C) reasonable collection efforts have been made, including the issuance of an order to show cause or bench warrant; and

~~(2)(C) A~~(2)(D) an order has been issued to the State Driver's License Division suspending the ~~juvenile's~~ minor's driver's license; and

~~(2)(D) T~~(2)(E) the ~~juvenile~~ minor is in contempt of ~~the district or justice~~ court.

~~(2)~~ (3) Fine revenue generated by the juvenile court in cases transferred for post-judgment proceedings ~~shall be considered~~ is state revenue.

~~(3)~~ (4) Cases transferred from the district or justice court shall be accompanied by an order of transfer and a mailing certificate verifying that a copy of the order was mailed to the ~~juvenile~~ minor and, where available, to the ~~juvenile's~~ minor's parent, guardian or custodian.

Rule 4-404. Jury selection and service.

Intent:

To identify the source lists from which the master jury list is built.

To establish a uniform procedure for jury selection, qualification, and service.

To establish administrative responsibility for jury selection.

To ensure that jurors are well informed of the purpose and nature of the obligations of their service at each stage of the proceedings.

Applicability:

This rule shall apply to all trial courts.

Statement of the Rule:

(1) Master jury list and jury source lists; periodic review.

(1)(A) The state court administrator shall maintain for each county a master jury list as defined by the Utah Code.

(1)(B) The master jury list for each county shall be a compilation of the following source lists:

(1)(B)(i) driver licenses and identification cards for citizens of the United States 18 years of age and older from the Drivers License Division of the Department of Public Safety; and

(1)(B)(ii) the official register of voters from the Elections Division of the Office of the Lt. Governor.

(1)(C) The Judicial Council may use additional source lists to improve the inclusiveness of the master jury list for a county.

(1)(D) At least twice per year the state court administrator shall obtain from the person responsible for maintaining each source list a new edition of the list reflecting any additions, deletions, and amendments to the list. The state court administrator shall renew the master jury list for each county by incorporating the new or changed information.

(1)(E) The master jury list shall contain the name, address, and date of birth for each person listed and any other identifying or demographic information deemed necessary

by the state court administrator. The state court administrator shall maintain the master list on a data base accessible to the district courts and justice courts of the state.

(1)(F) The state court administrator shall compare the number of persons on each master jury list for a county with the population of the county 18 years of age and older as reported by the Economic and Demographic Data Projections published for the year by the Office of Planning and Budget. The state court administrator shall report the comparison to the Judicial Council at its October meeting during even numbered years. The sole purpose of this report is to improve, if necessary, the inclusiveness of the master jury list.

(2) Term of service and term of availability of jurors.

(2)(A) The following shall constitute satisfactory completion of a term of service of a juror:

(2)(A)(i) ~~service~~ serving on a jury panel for one trial whether as a primary or alternate juror regardless of whether the jury is called upon to deliberate or return a verdict;

(2)(A)(ii) reporting once to the courthouse for potential service as a juror;

(2)(A)(iii) complying with a summons as directed, even if not directed to report to the courthouse; or

(2)(A)(iii) expiration of the term of availability.

(2)(B) The term of availability of jurors shall be as follows, unless a shorter term is ordered by the court:

(2)(B)(i) one month for the trial courts of record in Salt Lake county;

(2)(B)(ii) three months for the trial courts of record in Davis, Utah, and Weber counties; and

(2)(B)(iii) six months for all other courts ~~unless otherwise ordered by the court~~.

(3) Random selection procedures.

(3)(A) Random selection procedures shall be used in selecting persons from the master jury list for the qualified jury list.

(3)(B) Courts may depart from the ~~principal~~ principle of random selection in order to excuse or postpone a juror in accordance with statute or these rules and to remove jurors challenged for cause or peremptorily.

(4) Qualified jury list.

(4)(A) For each term of availability as defined above, the state court administrator shall provide, based on a random selection, to the court the number of jurors requested by that court. This shall be the list from which the court qualifies prospective jurors. The names of prospective jurors shall be delivered to the requesting court in the random order in which they were selected from the master jury list. The court shall maintain that random order through summons, assignment to panels, selection for voir dire, peremptory challenges, and final call to serve as a juror; or the court may rerandomize the names of jurors at any step.

(4)(B) For each term of availability the court should request no more than the number of prospective jurors reasonably calculated to permit the selection of a full jury panel with alternates if applicable for each trial scheduled or likely to be scheduled during the term. The number of prospective jurors requested should be based upon the size of the panel plus any alternates plus the total number of peremptory challenges plus the anticipated number of prospective jurors to be postponed, excused from service or removed for cause less the number of jurors postponed to that term.

(4)(C) The clerk of the court shall mail to each prospective juror a qualification form. The prospective juror shall file the answers to the questions with the clerk within ten days after it is received. The state court administrator shall develop a uniform form for use by all courts. In addition to the information required by statute, the qualification form shall contain information regarding the length of service, and procedures and grounds for requesting an excuse or postponement.

(4)(D) If a prospective juror is unable to complete the answers, they may be completed by another person. The person completing the answers shall indicate that fact.

(4)(E) If the clerk determines that there is an omission, ambiguity, or error in the answers, the clerk shall return the form to the prospective juror with instructions to make the necessary addition, clarification, or correction and to file the answers with the clerk within ten days after it is received.

(4)(F) The clerk shall review all answers and record the prospective juror as qualified or disqualified as defined by statute.

(4)(G) The clerk shall notify the state court administrator of any determination that a prospective juror is not qualified to serve as a juror, and the state court administrator shall accordingly update the master jury list.

(4)(H) A prospective juror whose qualification form is returned by the United States Postal Service as "undeliverable," or "moved - left no forwarding address," or "addressee unknown," or other similar statement, shall not be pursued further by the clerk. The clerk shall notify the state court administrator who shall accordingly update the master jury list.

(4)(I) If a prospective juror fails to respond to the qualification questionnaire and the form is not returned by the U.S. Postal Service as undeliverable, the clerk shall mail the qualification form a second time with a notice that failure to answer the questions may result in a court order requiring the prospective juror to appear in person before the clerk to complete the qualification form. If a prospective juror fails to answer the questions after the second mailing, the qualification form and a summons may be delivered to the sheriff for personal service upon the prospective juror. The summons shall require the prospective juror to answer the questions and file them with the court within ten days or to appear before the clerk to prepare the form. Any prospective juror who fails to answer the questions or to appear as ordered shall be subject to the sanctions set forth in the Utah Code.

(5) Excuse or postponement from service.

(5)(A) No competent juror is exempt from service.

(5)(B) Persons on the qualified juror list may be excused from jury service, either before or after summons, for undue hardship, public necessity or because the person is incapable of jury service under the Utah Code. The court shall make reasonable accommodations for any prospective juror with a disability. Excuse from jury service satisfies the prospective juror's statutory service obligation.

(5)(C) A prospective juror may be postponed to later in the term or to a future term for good cause.

(5)(D) Without more, being enrolled as a full or part-time post-high school student is not sufficient grounds for excuse from service.

(5)(E) Disposition of a request for excuse from service or postponement may be made by the judge presiding at the trial to which panel the prospective juror is assigned, the presiding judge of the court, or the judge designated by the presiding judge for that purpose. The presiding judge may establish written standards by which the clerk may dispose of requests for excuse from service or postponement.

(6) Summons from the qualified jury list.

(6)(A) After consultation with the judges or the presiding judge of the court, the clerk shall determine the number of jurors needed for a particular day. The number of prospective jurors summoned should be based upon the number of panels, size of the panels, any alternates, the total number of peremptory challenges plus the anticipated number of prospective jurors to be postponed, excused from service or removed for cause. The clerk shall summon the smallest number of prospective jurors reasonably necessary to select a trial jury.

(6)(B) The judge may direct that additional jurors be summoned if, because of the notoriety of the case or other exceptional circumstances, the judge anticipates numerous challenges for cause.

(6)(C)(i) The summons may be by first class mail delivered to the address provided on the juror qualification form or by telephone.

(6)(C)(ii) Mailed summonses shall be on a form approved by the state court administrator. The summons may direct the prospective juror to appear at a date, time, and place certain or may direct the prospective juror to telephone the court for further information. The summons shall direct the prospective juror to present the summons for payment. The summons may contain other information determined to be useful to a prospective juror.

(6)(C)(iii) If summons is made by telephone, the clerk shall follow the procedures of paragraph (9) of this rule.

(7) Assignment of qualified prospective jurors to panels. Qualified jurors may be assigned to panels in the random order in which they appear on the qualified jury list or

may be selected in any other random order. If a prospective juror is removed from one panel, that prospective juror may be reassigned to another panel if the need exists and if there are no prospective jurors remaining unassigned.

(8) Selection of prospective jurors for voir dire. Qualified jurors may be selected for voir dire in the random order in which they appear on the qualified jury list, or may be selected in any other random order.

(9) Calling additional jurors. If there is an insufficient number of prospective jurors to fill all jury panels, the judge shall direct the clerk to summon from the qualified jury list such additional jurors as necessary. The clerk shall make every reasonable effort to contact the prospective jurors in the order listed on the qualified jury list. If after reasonable efforts the clerk fails to contact a juror, the clerk shall attempt to contact the next juror on the list. If the clerk is unable to obtain a sufficient number of jurors in a reasonable period of time, the court may use any lawful method for acquiring a jury.

Rule 4-508. Guidelines for ruling on a motion to waive fees.

Intent:

To promote statewide consistency in deciding motions to waive fees in civil cases and in the expungement of criminal records in which the moving party is not a prisoner.

To promote statewide consistency in deciding motions to waive fees in juvenile court cases in which the moving party is not a prisoner.

Nothing in this rule should be interpreted as limiting the discretion of the judge to decide a motion to waive fees.

Applicability:

This rule applies to all civil and small claims cases and in the expungement of criminal records in which the moving party is not a prisoner.

This rule applies to all juvenile court cases in which the moving party is not a prisoner.

As used in this rule "fee waiver" and similar phrases include waiving the fee in full or in part, as may be ordered by the judge.

Statement of the Rule:

(1) The moving party must complete a motion to waive fees and a financial affidavit approved by the Board of District Court Judges or, in the juvenile court, by the Board of Juvenile Court Judges. The moving party must provide supporting documentation of the claims made in the affidavit. In juvenile court, the minor or a minor's parent, guardian or authorized representative may move to waive fees.

(2) Upon the filing of a motion to waive fees and financial affidavit, the court, sheriff or any other provider of a service offered by or through a government entity shall do what is necessary and proper as promptly as if the fee had been fully paid.

(3) A motion to waive fees may be decided without notice to the other parties, requires no response, request to submit for decision or hearing. The court will review the affidavit and make an independent determination whether the fee should be waived. The court should apply a common sense standard to the information and evaluate whether the information is complete, consistent and true. Section 78A-2-304 requires a

party to pay a full or partial fee if the financial affidavit and any further questioning demonstrate the party is reasonably able to pay a fee.

(4) In general, a party is reasonably able to pay a fee if:

(4)(A) gross monthly income exceeds 100% of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

(4)(B) the moving party has liquid assets that can be used to pay the fee without harming the party's financial position;

(4)(C) the moving party has credit that can be used to pay the fee without harming the party's financial position;

(4)(D) the moving party has assets that can be liquidated or borrowed against without harming the party's financial position;

(4)(E) expenses are less than net income;

(4)(F) Section 30-3-3 applies and the court orders another party to pay the fee of the moving party; or

(4)(G) in the judge's discretion, the moving party is reasonably able to pay some part of the fee.

(5) If the moving party is represented by private counsel, the motion to waive fees may be granted in proportion to the attorney's discount of the attorney fee. The moving party's attorney must provide an affidavit describing the fee agreement and what percentage of the attorney's normal, full fee is represented by the discounted fee.

(6) A motion to waive fees should be ruled upon within ten days after being filed.

(6)(A) If the fee is fully waived, the court, sheriff or any other provider of a service offered by or through a government entity shall do what is necessary and proper as promptly as if the fee had been fully paid.

(6)(B) If the fee is not fully waived, the court, sheriff or any other provider of a service offered by or through a government entity may require payment of the fee before doing what is necessary and proper. If the service has already been performed, the court, sheriff or service provider may do what is necessary and proper to collect the fee, including dismissal of the case.

(6)(C) If the fee is not fully waived, the court shall notify the party in writing of the fee amount, the procedure to challenge the fee; the consequences of failing to pay the fee.

(6)(D) If the motion is rejected because of a technical error, such as failure to complete a form correctly or to attach supporting documentation, the court shall notify the moving party, and the moving party may file a corrected motion and affidavit within 14 days after being notified of the decision.

(7) In addition to any statutory remedies, an order granting a fee waiver may be reviewed at any time if the court has jurisdiction of the case. If the court determines, after waiving a fee, that the moving party is reasonably able to pay the fee, including from the proceeds of a judgment, the court may modify its previous order. The court may allocate the fee among the parties under Utah Rule of Civil Procedure 54, Utah Code Section 30-3-3, or as otherwise provided by law.

Rule 4-408.01. Responsibility for administration of trial courts.

Intent:

To designate the court locations administered directly through the administrative office of the courts and those administered through contract with local government.

Applicability:

This rule shall apply to the trial courts of record and to the administrative office of the courts.

Statement of the Rule:

(1) All locations of the juvenile court shall be administered directly through the administrative office of the courts.

(2) All locations of the district court shall be administered directly through the administrative office of the courts, except the following, which shall be administered through contract with county or municipal government: Fillmore, Junction, Kanab, Loa, Manila, ~~Morgan,~~ Panguitch, Randolph, and Salem.

TAB 8

Memorandum

To: Judicial Council

From: Tom Langhorne

Date: August 19, 2013

RE: Standing Education Committee Vacancy Appointment

During the August 16, 2013 Management Committee meeting, three nominations were presented to replace a standing education committee vacancy. The Management Committee selected Amanda Acevedo, judicial assistant to Judge Todd Shaughnessy, to fill the vacancy. Her resume is attached.

Utah Court of Appeals

Chambers of
Judge Carolyn B. McHugh

450 South State Street
Salt Lake City, Utah 84114 - 0230
(801) 578-3950
FAX (801) 238-7981

September 4, 2013

Chief Justice Matthew B. Durant
Chairperson, Utah Judicial Council
Matheson Courthouse, 450 South State Street
Salt Lake City, Utah 84111

Re: Standing Committee on Technology Membership

Dear Chief Justice Durant:

As you are aware, I serve as the chairperson of the Standing Committee on Court Technology. The Committee develops and then recommends to the Judicial Council, plans, priorities, and strategies that guide and govern technology as applied to Utah's courts and management structure. At present, there is a vacancy on the Committee due to the departure of the member representing the Utah State Bar Association.

The Bar Association has forwarded three names for consideration for this position. The Management Committee has reviewed the list of nominees and has asked that the Council approve the nomination of Benly Tolk to serve on the Technology Committee.

Sincerely,

Carolyn B. McHugh
Presiding Judge,
Utah Court of Appeals

cc: Ron Bowmaster

Administrative Office of the Courts

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

September 4, 2013

Daniel J. Becker
State Court Administrator
Raymond Wahl
Deputy Court Administrator

MEMORANDUM

TO: **Management Committee**
Utah Judicial Council

FROM: **Judge Carolyn McHugh, Chair, Standing Committee on Judicial Outreach**

RE: **Committee Appointments**

Two terms on the Standing Committee on Judicial Outreach expired in June 2013.

1. Justice Court Judge Representative: Judge John Baxter has served as the Justice Court representative for two terms and no longer qualifies to serve. The Justice Court Board submitted four names* for consideration to fill the vacancy. The Management Committee selected Judge Catherine Roberts, Salt Lake City Justice Court, to fill the vacancy.

2. State Level Administrator Representative: Brent Johnson has served as the state level administrator representative for two terms and is willing to serve another term. According to the rule, members are limited to two terms; a third term is possible but would need to be supported by a showing of exceptional circumstances. Mr. Johnson chairs the Diversity Subcommittee of the Judicial Outreach Committee and his continued representation in that position is essential to lending continuity to the completion of ongoing projects and providing his expertise on the ethical limitations of the judiciary.

Rule 3-114. Judicial Outreach
Standing Committee on Judicial Outreach
Intent of the committee:
-To foster a greater role for judges in service to the community.
-To provide leadership and resources for outreach.
-To improve public trust and confidence in the judiciary.

*Judge Gus Chin, Holladay Justice Court, Judge Sherlyn Fenstermaker, Springville and Mapleton justice courts, Judge Ivo Peterson, Ephraim, Fairview, Fountain Green, Gunnison, Manti, Mt. Pleasant, Moroni, and Spring City justice courts