Gmail

Brian Raymond <braymond@daggettcounty.org>

# Fwd: Recertifying the Daggett County Justice Court

1 message

**Matt Tippets** <mtippets@daggettcounty.org> Fri, Oct 28, 2022 at 7:39 AM
To: Brian Raymond <braymond@daggettcounty.org>

FYI
Sent from my iPhone

Begin forwarded message:

**From:** James Peters <jamesp@utcourts.gov>
**Date:** October 25, 2022 at 9:25:39 PM MDT
**To:** commission@daggettcounty.org
**Cc:** Judge Jeri Allphin <jjallphin@utcourts.gov>, ksnider@daggettcounty.org
**Subject: Recertifying the Daggett County Justice Court**

Commissioners, good evening! I am writing with regard to the Daggett County Justice Court. State statute requires that county justice courts be recertified by the Utah Judicial Council every four years, and certification of the Daggett County Justice Court expires this coming January. Please find attached a recertification packet that includes an application for recertification. By copy of this email, the county's justice court judge and county attorney are receiving it as well. If any of you would like a hard copy, please email Dee Dee Sonntag at doriss@utcourts.gov and she will be happy to send you one.

In order to be recertified, the Judicial Council requires that a county submit the following:

- a resolution adopted by the county commission,
- an opinion letter from the county attorney, and
- an affidavit completed by Judge Allphin.

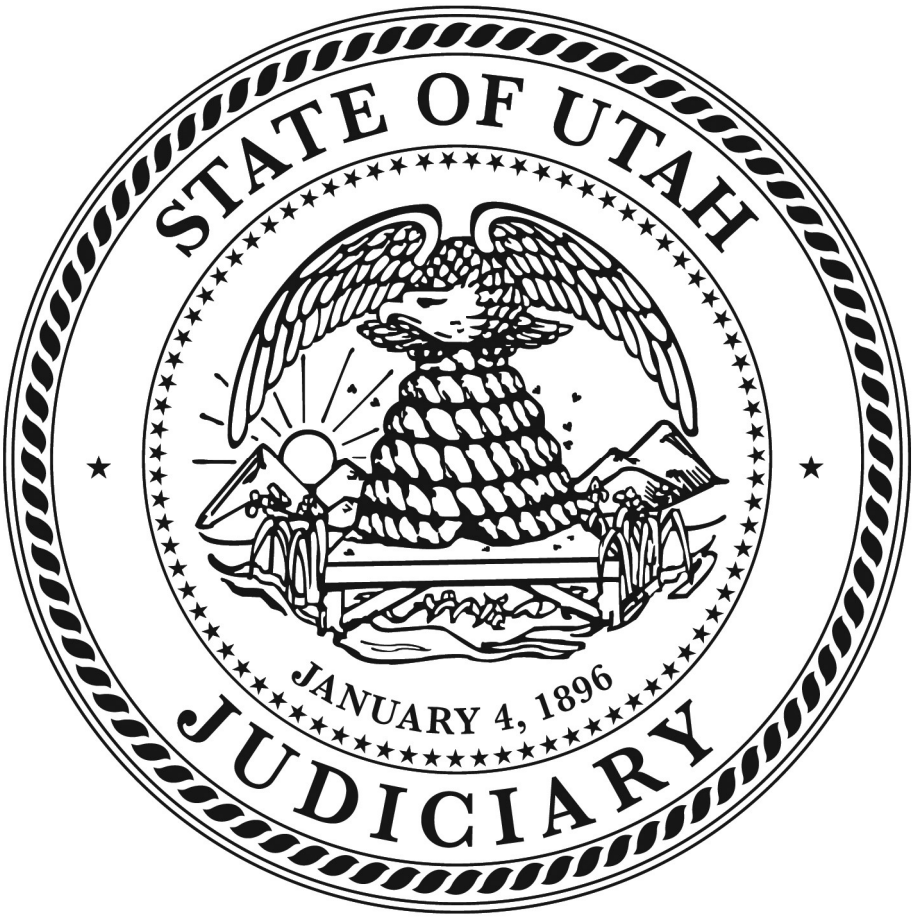
Each of these items is described in more detail in the enclosed packet and must be received by the Administrative Office of the Courts no later than **December 2, 2022**. They can be mailed to my attention at 450 South State Street in Salt Lake City, Utah 84111 or scanned and emailed to Dee Dee Sonntag at doriss@utcourts.gov. Thank you for all you do to support the justice courts. If you have any questions about this process, please reply to this email or call me at (801) 578-3824.

Sincerely,

James M. Peters
Justice Court Administrator
Administrative Office of the Courts

**Recertification Packet - Final - October 2022.pdf**
721K

# JUSTICE COURT STANDARDS FOR RECERTIFICATION OF EXISTING COURTS




**OCTOBER 2022**

# INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of justice courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operation of the justice court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a justice court, and the feasibility of maintaining a justice court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for, and operation of, the court during the period of certification. **A copy of the attorney's opinion and the resolution must accompany the application.** Please use the checklist on page 22 of this packet.

Statutes of the State of Utah require that certain standards be met in the operation of a justice court. These statutory requirements include:

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 (78A-7-213).

2. Each court shall be open and judicial business shall be transacted every day as provided by law (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 (78A-7-213).

4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).

5. The entity operating 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).

6. The entity operating 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 (78A-7-205).

7. The entity operating a justice court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

8. The entity operating the justice court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).

9. The entity operating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity operating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which operates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity operating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity operating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78A-7-215).

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

18. An audio recording system shall maintain the verbatim record of all court proceedings (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; and

For Class III and Class IV justice courts, the system must, at a minimum:

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; and
c. 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. Accordingly, the Judicial Council has adopted the following minimum requirements:

1. That the court be open 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.

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.

4. A judicial robe, a gavel, current fine schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

5. Appropriate 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 current 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 the Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. In addition, all justice courts must use the CORIS case management system.

10. Each court shall report required case disposition information to the DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In establishing minimum requirements, the Judicial Council has determined that justice courts with higher case filings require greater support services. To accommodate the great differences in judicial activity among justice courts throughout the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification. Courts which have an average of fewer than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are set forth above. (These requirements are also attached as Class IV minimum requirements). These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but fewer than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see attached Class III minimum requirements), and court must be scheduled at least every other week.

Courts which have an average of more than 200 but fewer than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see attached Class II minimum requirements), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his or her own use, clerical space may not be shared, at least one full-time clerk must be provided (see attached Class II minimum requirements), and the courtroom, judge's chambers and clerk's office must be in the same building.

Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any justice court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the legislature (i.e. requirements 1-10 above, which have been adopted by the Judicial Council pursuant to Section 78A-7-103). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will generally be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified, and the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the justice courts. The needs of a particular court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the court, the number of law enforcement agencies served, the policies and procedures followed by each

judge with respect to the operation of the court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; in such circumstances a waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification must be accompanied by an affidavit of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual justice court judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

Upon submission of an application, the Board of Justice Court Judges will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If the Board intends to recommend against certification, it shall specify the minimum requirements that have not been met. The entity may then present additional information to the Board, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the Board will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Board's recommendations.

If you have any questions concerning this application, please contact James M. Peters, Justice Court Administrator, by calling (801) 578-3824 or emailing jamesp@utcourts.gov.

## OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Board of Justice Court Judges as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year.

The classification of a court is determined at creation and is subject to review and possible reclassification whenever the Court is recertified. While the standards for some areas of court operation are uniform for all classifications of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads at different levels.

Waiver or extension of any requirement promulgated by the Judicial Council may be obtained at the discretion of the Judicial Council based upon the need for a court. Considerations for waiver or extension will be made on a case by case basis in consideration of, among other things, public convenience and proximity to other courts.

## CLASS I

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court, it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**
501 or more citations or cases filed per month

**- HOURS:**
Court Open: Full time
Judge: Full time

**- FACILITY:**
Dedicated Courtroom (with juror deliberation room)
Judge's Chambers
Clerk Office
Co-located in the same facility
(Meet the Master Plan Guidelines adopted by the Judicial Council)

**- CLERICAL RESOURCES:**
At least three full-time clerks

**- PROSECUTION:**
Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**
The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Code of Judicial Administration
e. Uniform Fine Schedule
f. Other legal resources as required under 78A-7-103.

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for cost of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically (via the internet).

## CLASS II

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court, it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

201 to 500 citations or cases a month.

- **HOURS:**

Court Open:

| | |
|---|---|
| 201-300 filings | At least 4 hours per day |
| 301-400 filings | At least 5 hours per day |
| 401-500 filings | At least 6 hours per day |

Judge available when needed. Trial calendar set at least weekly.

- **FACILITY:**

Courtroom (configuration is permanent but may be shared)
Judge's Office
Clerk Office
(Courtroom and office must be co-located in the same building)

- **CLERICAL RESOURCES:**

| | |
|---|---|
| 201-275 filings | At least one full-time clerk |
| 276-350 filings | 1.5 FTEs |
| 351-425 filings | 2.0 FTEs |
| 426-500 filings | 2.5 FTEs |

- **PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

- **INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- **LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Code of Judicial Administration
e. Uniform Fine Schedule
f. Other legal resources as required under 78A-7-103

- **LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

- **BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- **SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

## CLASS III

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court, it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**

61-200 citations or cases per month

**- HOURS:**

Court Open

| | |
|---|---|
| 61-150 filings | At least 2 hours a day |
| 151-200 filings | At least 3 hours a day |

Judge available as needed. Trial calendar set at least every other week.

**- FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc.)
Judge's /clerk office
(Meets minimum requirements)

**- CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code

b. Local ordinances
c. Justice Court Manual
d. Code of Judicial Administration
e. Uniform Fine Schedule
f. Other legal resources as required under 78A-7-103

**- LAW ENFORCEMENT:**
The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**
The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**
A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**
Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**
Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

**- REPORTING:**
All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

## CLASS IV

**MINIMUM REQUIREMENTS** [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court, it may be necessary for your court to exceed the minimum requirements.]

**- FILINGS:**
0-60 citations and/or cases per month

**- HOURS:**
Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

**- FACILITY:**
Courtroom (access to public facility for trials, arraignments, etc.)
Judge's/clerk office (can be a shared resource but court has priority when needed.)
(Meets minimum requirements)

**- CLERICAL RESOURCES:**

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

**- PROSECUTION:**

Prosecutor to screen cases and represent the county or municipality at trial.

**- INDIGENT DEFENSE:**

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

**- LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code
b. Local ordinances
c. Justice Court Manual
d. Code of Judicial Administration
e. Uniform Fine Schedule
f. Other legal resources as required under 78A-7-103

**- LAW ENFORCEMENT:**

The local government creating the court must have at least one employed or contracted peace officer.

**- BAILIFF:**

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

**- SECURITY PLAN:**

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

**- JURY/ WITNESS FEES:**

Local government is responsible for payment of statutory juror and witness fees.

**- EDUCATION:**

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

**- REPORTING:**

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

## MINIMUM STANDARDS FOR THE COURTROOM AND OFFICE

Utah Justice Courts handle a very high volume of cases. With this magnitude of cases, it is likely that any contact an average citizen will have with the Utah Judicial System will be through the justice courts. In many instances, this contact will be a citizen's only impression of Utah's system of justice and, even in minor cases, is likely to leave a lasting impression. Regardless of the gravity of a matter before the court, citizens take their appearances as a defendant, witness or juror very seriously and form judgments on the entire judicial system on the basis of their personal experience. As such, it is essential that justice courts convey a sense of justice, dignity and concern for the citizens who interact with them. The facilities which house the courts play an instrumental role in forming these opinions and it is incumbent upon the judicial system to provide appropriately appointed forums in both the largest urban courts and the smallest rural communities.

The following space standards recommend courtroom designs that promote these goals. The courtroom sizes and support staff space are intended to allow for the expeditious administration of justice. They also allow for growth in judicial workloads and unforeseen changes in practice and procedure. In general terms, there are great similarities between the higher courts and justice courts in courtroom configuration and space dynamics. For example, the principles of bench elevation sight lines, witness-jury-judge proximity, and spectator-well orientation are all consistent between courts. Therefore, most of the design recommendations suggested for district courts apply to justice courts. The following discussion emphasizes these similarities and notes exceptions due to statutory and procedural differences as well as resource limitations.

### - GENERAL COURTROOM DESIGN:

As stated above, justice court courtrooms should convey the same impressions of dignity, justice, and authority as those serving a court of higher jurisdiction. The appearance of the courtroom should reflect the fact that they are forums for justice. In applying design principles of the higher court to justice courts, the absence of court reporters and full-time bailiffs should be noted. Therefore, the following guidelines are presented in areas that are materially affected by the unique nature of the justice courts.

1. Courtrooms should be at least 1,300 square feet in Class I jurisdictions, 1,100 square feet in Class II jurisdictions and 800 square feet in Class III and Class IV jurisdictions. Walls and ceilings should have appropriate finishes and the well should be illuminated to prevent reading eye strain. The room should be sound insulated from outside noise. All courtrooms should be fully carpeted and adequate ventilation and temperature controls should be installed.

2. The judge's bench should be elevated at least one riser above the well floor level. As in the district court, judges' benches should be elevated above the eye level of persons who approach the bench, usually three risers. It is recognized however, those low ceiling heights in some justice courts do not allow for three-riser elevation. Benches elevated l8 inches or more in smaller courts can bring the judge too close to the ceiling when standing and puts the bench out of proportion to the room size. One riser should be the minimum standard and additional elevation is desirable as the dimensions of the room permit. Sufficient space should be provided

on the bench for limited file and personal storage and the necessary audio/visual and technology systems to facilitate court proceedings. A concealed duress alarm should be located at the bench in case of emergencies. Other space design considerations may be considered and implemented as necessary to facilitate court proceedings.

3. The witness box should be placed adjacent to the judge's bench. All courtroom participants must have a clear line of sight to the witness box. The box should be large enough to accommodate two people and be enclosed on two to three sides, depending on the entry location. The height of the witness box should shield the witness only from the waist down so that all non-verbal gestures can be easily viewed.

4. The jury box should be placed near the witness box and also have a clear line of sight to all participants. The standard jury box should accommodate five jurors. This will accommodate four jurors with an option for an alternate juror and space for a disabled juror. The jury box should consist of a single row of stationary swivel seats.

   The jurors themselves should be in view of the court as well as the spectators to ensure the perception of an open and public trial. However, the jury box should be sufficiently distanced from the spectator area to inhibit any physical or verbal contact. Seven feet from the center of the first juror's chair to the bar is adequate. This leaves an additional two to three feet from the edge of the bar to the center of the nearest spectator's seat.

   A "modesty rail" should be placed in front of the jurors with enough depth to rest documents and files.

   A clerk's station should be provided by the judge's bench opposite from the witness stand. This will accommodate different in-courtroom practices and procedures. It should also have storage and required technology systems and controls to facilitate court proceedings. The clerk's station should be located to facilitate conversation between the clerk and the judge from the judge's bench.

5. Tables for the defense and prosecution should be provided to comfortably seat three persons each. The tables' distance from each other, the spectators, and the jury should be such that private conversations cannot be overheard. This usually requires at least five feet between tables and eight feet from the nearest juror or spectator.

6. Judge's chambers should be at least 120-160 square feet with direct access to the judge's bench and to the clerk's area. Chambers should be equipped with adequate shelving for law texts, a desk and chair for the judge and visitor seating for small meetings or conferences.

7. A jury room no smaller than 150 square feet should be integrated into each justice court. This space can serve as a conference room for attorneys and clients or as flexible space when not in use by a jury. A table and chairs should be provided and a telephone outlet should be installed for conference use. A toilet room should be conveniently available to the conference room and a drinking fountain should be in close proximity.

   The Clerk's area should include a reception area for visitors and a counter to receive people with business before the court. The reception area should be no less than 150 square feet and the counter space should comprise 60 square feet (e.g. a seven-foot counter with a depth of three feet and approximately three feet of open area on each side).

   A restroom for the public and a separate restroom for the judge, staff and jurors should be provided.

   Clerical staff should be afforded 75 square feet per person to accommodate a desk, chair, computer and other equipment and perimeter space. Staff space should be open landscape type. A small storage and print/copier area should also be provided.

**- <u>CLERICAL/SUPPORT SPACE</u>:**

The clerical and support space listed in the general court standards can also be applied to the justice courts. Actual justice court staff will vary widely depending on location, workload and county support.

# COURT CERTIFICATION AFFIDAVIT

Court Location: ______________________________________________

Judge:________________________________________________________

Address: _____________________________________________________

______________________________________________________________

Telephone: ___________________________

Level of Court (Circle one): I II III IV

Average Case Filings Per Month: __________________

Daily Court Hours: ______________________

Number of Full-time Clerks: _____
# Hours Worked Per Week Per Clerk: _____

Number of Part-time Clerks: _____
# Hours Worked Per Week Per Clerk: _____

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

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Comes now Judge _________________________________________,

Justice Court Judge for ____________________________________________,

and, except as specifically noted below, certifies as follows:

## SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED. CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.**

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. _____

2. Court is open daily. _____

3. The hours of court operation are posted conspicuously. _____

4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. _____

5. The judge is compensated at a fixed rate, within the statutory range. _____

6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. _____

7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. _____

8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. _____

9. The responsible governmental entity provides the Court with:

   a. Sufficient prosecutorial support _____

   b. Funding for attorneys for indigent defendants, as appropriate _____

   c. Sufficient local law enforcement officers to attend court as provided by statute _____

   d. Security for the court as provided by statute _____

   e. Witness and juror fees _____

   f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials _____

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. _____

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).

_____

12. All required reports and audits are filed as required by law or Rule of the Judicial Council.

_____

13. A record of all court proceedings is maintained by an appropriate audio recording system.

_____

## SECTION II

**Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.**

Please indicate **YES or NO** to each of the following:

1. Court is open each day as appropriate for the classification of the court. _____

2. The judge is available to attend court and to conduct court business as needed. _____

3. Minimum furnishings in the courtroom include:

   a. Desk and chair for the judge _____

   b. A six-inch riser _____

   c. Desk and chair for the court clerk _____

   d. Chairs for witnesses _____

   e. Separate tables and appropriate chairs for plaintiffs and defendants _____

   f. A Utah State flag _____

   g. A United States flag _____

   h. A separate area and chairs for at least four jurors _____

   i. A separate area with appropriate seating for the public _____

   j. An appropriate room for jury deliberations _____

   k. An appropriate area or room for victims and witnesses which is separate from the public _____

   l. A judicial robe _____

   m. A gavel _____

   n. Current fine schedules _____

   o. A copy of the Code of Judicial Administration ____

   p. Necessary forms and supplies _____

q. Office space for the judge _____

r. Office space for the court clerk _____

s. Secure filing cabinets _____

t. Appropriate office supplies _____

u. A cash register or secured cash box _____

v. At least one computer with internet access _____

w. Access to a copy machine _____

4. The appropriate number of clerks as required by the classification of the court are present during the time court is open each day and as needed during court sessions. _____

5. Does the applicant have a law enforcement department? _____

6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant:_____
_____
_____

7. A security has been submitted consistent with C.J.A. Rule 3-414. _____

8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. ____

9. If the court is a **Class I** court:

a. Judge is employed on a full-time basis ____

b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council ____

c. Court has a jury deliberation room ____

d. Judge's chambers, clerk's office, and courtroom are in the same building ____

e. Judge has his or her own private chambers ____

f. Clerk's office is separate from any other entity ____

g. Court is open during normal business hours ____

10. If the court is a **Class II** court:

a. Court is open (check one)

____ 201-300 average monthly filings: at least 4 hours/day
____ 301-400 average monthly filings: at least 5 hours/day
____ 401-500 average monthly filings: at least 6 hours/day

b. Trial calendar is set at least weekly ____

c. Courtroom configuration is permanent ____

d. Courtroom, judge's chambers, and clerk's office are within the same building ___

e. Judge has his or her own private chambers ____

11. If the court is a **Class III** court:

a. Trial calendar is set at least every other week ____

b. Court is opened (check one):

____ 61-150 average monthly filings: at least 2 hours/day
____ 151-200 average monthly filings: at least 3 hours/day

12. If the court is a **Class IV** court:

a. Trial calendar is set at least monthly ____

b. Court is open at least 1 hour per day ____

13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

_____
_____
_____
_____
_____
_____
_____

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this _____ day of _____, 20___.

_____
Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this _____ day of _____, 20___.

## C H E C K L I S T

Please be sure that your application for recertification includes each of the following:

1. ____ Court Certification Affidavit completed and signed by the judge.

2. ____ A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.

3. ____ A copy of a duly passed resolution of the sponsoring governmental entity that

   a. requests recertification of the court, and

   b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.

4. ____ A copy of your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since it was last submitted.

**ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE BOARD OF JUSTICE COURT JUDGES AT THE ADDRESS BELOW BY: DECEMBER 2, 2022.**

Board of Justice Court Judges
Attention: James M. Peters
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241

**SAMPLE RESOLUTION**

A RESOLUTION REQUESTING THE RECERTIFICATION OF
THE _____ JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the _____ day of _____ 20____; and

WHEREAS, the members of the _____ (City Council or County Commission) have received an opinion letter from _____, City/County Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the _____ (City Council or County Commission) have determined that it is to the best interests of _____ (Municipality or County) to continue to provide for a Justice Court.

BE IT RESOLVED, the _____ (name of Commission, Council or Board) hereby requests recertification of the _____ Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

BE IT FURTHER RESOLVED, the _____ (name of Commission, Council, Board) of (Municipality or County) hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the _____ Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this _____ day of _____, 20___.

_____

(Municipality or County)

by _____

(Title)

ATTEST: _____