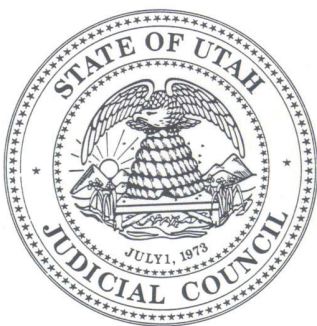




Utah Judicial Council History

Programs & Highlights
1998-2010



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Utah Judicial Council History Programs & Highlights 1998-2010

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INTRODUCTION

The initial *History of the Utah Judicial Council*, which covers the period from 1972 through 1997, conveys the story of a court system in transformation as Utah's judiciary is shaped and strengthened. The history from the past 10 years details a judiciary that has implemented programs to re-engineer, reorganize, and streamline systems to enhance an open and fair court system. As an illustration of changes over the last decade, technology has revolutionized how business is conducted and the increase in litigants who appear without the benefit of a lawyer has seen a pronounced growth.

In an ongoing effort to build the public's trust and confidence in the judiciary, the Utah Judicial Council has taken steps to increase accountability to and access for the public. In addition, the Council has worked to advance legislation to establish and improve court programs as well as address the ever-changing needs of court users. These changes have focused attention on two issues: transparency and accountability.

"Through the past 10 years, Utah's courts have worked to improve the business side of court operations, while protecting the rights of parties to accessible, open, and fair courts," said the Honorable Christine M. Durham, Chief Justice, Utah Supreme Court.

In an effort to become more transparent in its operations, the Council implemented a court performance measurement system in 2004, known as CourTools. The purpose of CourTools is to identify and monitor select performance measures and make improvements to provide better service to the public.

In 2006, the Council commissioned two surveys to gauge the public's view of the judiciary. Survey results revealed that the public has a positive perception of the judiciary, felt the courts were accessible, and that court staff were respectful and responsive when working with the public. The survey also showed that the courts were not meeting the public's expectations when reporting on the work of the courts and informing the public about self-represented litigant resources.

Also in 2006, the Council identified justice court reform as a system-wide topic to study. A committee was formed to determine issues and recommend solutions. The result was legislation that included retention elections for all justice court judges, the formation of nominating commissions to select judges, and adoption of a single-case management system.

In 2008, Utah's juvenile court released a *Report to the Community* to present information about performance measures of youth referred to Juvenile Court. The juvenile courts established six benchmarks—delinquency referrals, juvenile crime, restitution paid, law abiding behavior, drug testing, community service—from which to measure progress in furthering safety, restoring justice for victims, and reducing the risk of youth re-offending. The report shows just how well the courts are doing and where improvement is needed.

Providing access to justice is an ongoing theme in Utah's court system. The Council has worked to steadily improve a defendant's access to court interpreters during proceedings, while enhancing the role of interpreters in the court process.

Advances in technology have allowed the courts to provide more services online. This has reduced the need for the public to physically visit the courthouse for routine matters. In addition, by implementing e-filing, the courts are moving from a paper-intensive business to an electronic environment resulting in a more accessible and streamlined operation.

Even with the many changes that have taken place in the past 10 years, the one thing that has remained constant is that Utah's court system still enjoys a reputation as one of the most efficient and forward looking in the nation. "Utah's court system is viewed nationally as a model for its governance structure, its development of performance standards and public reporting, and its innovation in using technology to improve efficiency and reduce costs," noted Chief Justice Durham. Through the leadership of the Judicial Council, Utah's court system will continue to not only thrive but will flourish in the coming 10 years.

PROGRAM TIMELINE

1997

- Juvenile courts begin discussion to implement evidence-based practices
- Problem solving courts continue to gain support. Third District Drug Court graduates first participants. Fourth District receives Drug Court planning grant
- Task Force on Racial and Ethnic Fairness in the Legal System established
- Child Welfare Mediation Program and Co-Parenting Mediation Program established
- Committee on Improving Jury Service created
- Bountiful Courthouse opens
- Justice Court Jurisdiction Study begins

1998

- Study commences to re-engineer Juvenile Court Information System
- Scott M. Matheson Courthouse opens for business. For the first time in the history of the Utah State Courts, all levels of state-funded courts are represented in one central facility.
- Justice Richard Howe replaces Chief Justice Michael Zimmerman as Chief Justice and chair of the Judicial Council
- Courts start toll-free help line
- Child Welfare Mediation Program receives federal court improvement funding
- New district court judgeships created for the second and fourth districts

1999

- Juvenile courts implement dependency and delinquency drug courts, mental health courts, and truancy courts
- Senate President Lane Beattie visits Judicial Council
- Utah Courts participate in state, federal, and tribal forum
- District Court Drug Court begins in Weber County
- National Council of Family and Juvenile Court Judges hold conference at Snowbird
- Guidelines on the formation and operation of specialty courts adopted
- Judicial Council receives report of Family Court Study Committee and creates a Children and Family Law Standing Committee of the Judicial Council

2000

- Chief Justice Thomas Zlaket, Arizona Supreme Court, addresses the Judicial Council on the needs of self-represented litigants and programs to assist such litigants
- Drug courts funded through Tobacco Settlement Funds
- Child Welfare Mediation Program made permanent and expanded statewide
- Internal auditor services extended to justice courts
- Interactive voice response information service brought on line
- Committee named to prepare courts for justice system needs generated by the 2002 Olympic Winter Games
- Second language stipend program established to provide assistance to non-English speaking court patrons
- Juvenile Court Information System pilot program approved for second district
- Vernal courthouse opens
- Rules governing the qualifications, appointment, and retention of senior judges adopted
- Jury Improvement Committee issues its final report and recommendations; Standing Committee on Jury Service created
- Revised rules on Judicial Performance and Certification for Retention adopted
- Online Court Assistance Program replaces court kiosks
- Facilities Master Plan adopted

2001

- Mental Health Court in Third District Court is approved
- Commission on Racial & Ethnic Fairness in the Criminal & Juvenile Justice System established to advance the changes recommended in the task force report
- Silver Summit courthouse opens
- Fourth District Court Commissioner created with Federal IV-D funds
- Justice courts formed in Salt Lake City and West Valley City
- Online Court Assistance Program receives national recognition from National Association of Court Management
- Fifth District Drug Court established
- Murray Court discontinued as a Third District Court site

2002

- Work begins on the new Juvenile Court Information System, CARE
- Jury service streamlined through one day-one trial concept and updated mailing lists
- Court data made searchable statewide, rather than by court site
- Justice Christine M. Durham replaces Chief Justice Richard Howe as Chief Justice and chair of the Judicial Council

2003

- Logan Courthouse opens
- Child welfare proceedings in juvenile court are opened to the public
- Ogden District Court begins pilot program and starts scanning incoming court documents
- Security Fee Bill moves funding of bailiff services from the General Fund to a fee-supported restricted account as a budget reduction measure
- Council undertakes “program-based budgeting” effort to better align resources and needs

2004

- Committee on Privacy and Public Court Records issues report with recommendations to balance access to government records and privacy for individuals who do business with the courts
- Davis, Salt Lake, and Weber counties begin filing debt collection cases electronically
- New district court judgeship
- Judicial Council adopts minimum guidelines for the creation of Drug Courts
- Conference of Chief Justices and Conference of State Court Administrators Annual Meeting held in Salt Lake City
- Third district juvenile court Judge Sharon McCully serves as president of the National Council of Juvenile and Family Court Judges
- Judicial Council creates a standing committee on Resources for Self-Represented Parties
- State Court Administrator Daniel J. Becker serves as president of the Conference of State Court Administrators and vice-chair of the Board of Directors of the National Center for State Courts
- The Utah State Courts’ website is recognized with the Digital Government Achievement Award

2005

- CARE system implemented statewide
- West Jordan courthouse opens
- Spanish interpreter training enables interpreters to become certified
- Ad hoc Committee on Probate Law and Procedure is formed
- Initiative on Utah Children in Foster Care (IOU) is launched to create a collaborative child welfare master plan for Utah
- Legislature makes mediation mandatory in contested divorce cases
- Judicial Council establishes Guardian ad Litem Oversight Committee
- Additional second district juvenile court judge position created
- Judicial Council adopts a strategic planning process for Council standing committees and a practice of selecting a system-wide issue for study each year
- Judicial Council adopts rules governing privacy and public access to court records after extensive study
- Judicial Council adopts process for approving new problem-solving courts
- Chief Justice Christine M. Durham is selected for a second term as Chief Justice and chair of the Judicial Council

2006

- Ad hoc Justice Court Study Committee is formed to conduct a comprehensive review of the justice court system
- Two surveys to determine the public's view of the judiciary are undertaken: Access and Fairness Survey; Public Trust and Confidence Survey
- Daniel J. Becker receives the National Center for State Courts Warren E. Burger Award
- Judicial Council adopts eight CourTools measures to refine the courts' traditional caseload management measures. Measures are posted on the courts' public website
- Additional fourth district court judge position created
- Judicial Council establishes Citizens Judicial Compensation Committee and successfully advocates for substantial increases in judicial salaries to be implemented over several years
- Judicial Council advances to the Utah Supreme Court changes in the qualifications, appointment, and discipline for pro tem judges

2007

- The Self-Help Center pilot project launches to assist people without lawyers navigate the court system
- The Tooele courthouse opens and is named in honor of retired Utah Supreme Court Justice Gordon R. Hall
- Court Security Office created and first full-time court security director hired
- Court of Appeals celebrates 20 year anniversary
- Ad Hoc Committee on Probate Law and Procedure researches the adequacy of laws governing guardianships and conservatorships
- Dr. Diane Cowdrey, education director, receives the National Distinguished Service Award from the National Center for State Courts
- Additional third district juvenile court judge position created
- Legislature approves a Case Manager Pilot Project for third district and juvenile courts
- Additional third district court commissioner position created
- Judicial Council revises court rules relating to presiding judges
- Legislative Task Force on Judicial Retention begins work
- Council adopts rule to provide increased consistency and quality control for the state's drug courts
- Judicial Council receives report and recommendations for justice court reform and approves draft legislation
- Chief Justice Christine M. Durham receives the Rehnquist Award for Judicial Excellence from U.S. Supreme Court Chief Justice John Roberts
- Judicial Council approves E-filing Strategic Plan
- Third District Juvenile Court implements model court for delinquency cases

2008

- Juvenile court produces first “Report Card to the Community”
- Comprehensive Clerical Report and Recommendations adopted by the Judicial Council
- Judicial Performance Evaluation Commission established by the legislature
- Majority of courtrooms equipped with digital recording; wireless Internet access added to courthouses
- Appellate Representation and Post-Conviction Study Committee formed
- Chief Justice Christine M. Durham honored with the Institute for the Advancement of the American Legal System’s 2008 Transparent Courthouse Award
- Legislature passes justice court reform bill, which results in significant changes to the way justice court judges are selected and paid as well as how the courts manage cases. Case information to move to a centralized system by 2011
- E-warrant system launched
- Additional fourth district court commissioner position created to handle cases in both district and juvenile courts
- Judicial Council selects CORIS as the common case management system to be implemented in all justice courts by July 1, 2011
- Self-Help Pilot Program initiated in the second and eighth districts
- Judicial Council approves plan to rely exclusively on digital recordings for the court record, eliminating court reporter positions as a budget reduction measure

2009

- Washington County Courthouse opens
- E-payments system made available to the public statewide for district court cases
- Chief Justice Christine M. Durham elected chair of the Board of Directors of the National Center for State Courts and president of the Conference of Chief Justices
- Daniel J. Becker nominated by President Barack Obama to become a member of the State Justice Institute’s Board of Directors
- Judicial Council adopts rule change requiring all small claims cases to be filed in justice courts
- Judicial Council approves Continuity of Operations Plan
- Judicial Council adopts rule governing transcript production under an all digital recording system
- District Court undertakes project on evidence-based sentencing
- Judicial Council adopts certification requirements for all problem-solving courts
- Judicial Council approves study of adult and juvenile trial court representation
- The Utah State Courts is presented with the National Court Statistics Project Excellence Award

2010

- E-payments extended to juvenile court with MyCase Application
- Transcript management program receives award from the National Association for Court Management
- Judicial Council initiates study of technology in the courtroom, including media coverage of trial court proceedings
- Judicial Council requires the electronic filing of all citations by January 1, 2012
- Courts receive grant to initiate Court Visitor Program for guardianship cases
- Council extends court interpreter services to civil cases
- Justice Achievement Honorable Mention Award, National Association for Court Management

PROGRAM SUMMARY

ALTERNATIVE DISPUTE RESOLUTION (ADR)

In October 1993, Utah Supreme Court Justice Michael Zimmerman convened the first meeting of the Utah Judicial Council's Alternative Dispute Resolution (ADR) Committee. The committee worked with members of the Utah State Bar and Administrative Office of the Courts staff to draft language that would eventually become the Utah ADR Act (Utah Code Ann. §78B-6-201 *et seq.*), which was passed by the Utah State Legislature in 1994.

The ADR Act required the Utah Judicial Council to implement a program utilizing alternative dispute resolution in the state courts. The program was implemented by the Council and incorporated into the Utah Supreme Court rules on January 1, 1995.

The ADR Act and UCJA Rule 4-510 guide ADR programs and ADR providers. The ADR Act lists the duties of the ADR director, outlines minimum procedures for mediation and arbitration, and creates confidentiality protections in ADR processes. Rule 4-510 further defines the responsibilities of the ADR director, sets forth qualification standards for ADR providers, trainers and training programs, and further outlines general procedures for ADR processes and programs.

Judge William Bohling, a retired third district court judge, sat on the inaugural ADR Committee and says the program was met with some initial resistance. He notes the program's first director, Diane Hamilton, was instrumental in gaining acceptance of ADR.

Today, the ADR Committee continues to advise the Council on policies, plans, and priorities relating to the alternative dispute resolution program and works with the court's ADR director to form ADR policy as it relates to the Utah State Courts.

After retiring, Judge Bohling became a mediator and has found it to be the most satisfying work he has done. "In mediation, there is the potential to help people get in touch with issues that cause the dispute," Judge Bohling explains. "It's a far better way to get disputes resolved."

Mediation Programs

In 1996, the Victim Offender Mediation Program was established in third district juvenile court.

In 1997, the Child Welfare Mediation Program was established to further the juvenile court's mission to serve the best interests of the child while supporting parents' rights, responsibilities, and participation. Between 1997 and 2010, more than 8,000 cases were mediated statewide in this program.

Also in 1997, the Co-Parenting Mediation Program was established in the third district court in an attempt to provide a swift response to parents with parent-time (visitation) problems.

In 1998 the third district juvenile court established the Truancy Mediation Program.

In 2005, the Utah Legislature made mediation mandatory in all contested divorce cases. This legislation resulted in the Divorce Mediation Program, which provides mediation information and assistance to divorcing couples as well as pro bono mediation services to those who qualify based on income guidelines.

As the success and popularity of mediation has increased, a number of additional programs that serve the needs of Utah communities have been created. Court mediation programs now exist in child welfare, civil, co-parenting, divorce, probate, landlord-tenant, law and motion, small claims, truancy and victim-offender cases.

Each year, more than 3,000 cases are mediated in court ADR programs throughout the state.

COURT ACCESS

Online Court Assistance Program

In the 1990s, Utah citizens began representing themselves in their legal matters. To help these self-represented petitioners, kiosks were placed in five courthouses to walk petitioners through the process of completing the documents required to file divorce and eviction cases.

Dubbed "QuickCourt," these kiosks didn't quite live up to their name. Lines were long and the technology was limited. In November 2000, the kiosks gave way to web-based document preparation with the development of Online Court Assistance Program (OCAP). OCAP use has grown steadily and by 2007, about 45 percent of divorce cases filed used documents generated by the program. The online program applications available have expanded over the years and by 2010, OCAP provided document preparation support for 11 common court procedures.

Court information accessible online

During the 2000s, state courts—like the rest of the world—came to rely heavily on the Internet. The state court website—www.utcourts.gov—was launched in 1998. By 2010, more than one million pages were accessed annually by court users. Functions once handled by telephone or in person—such as court calendars and fine payments—can now be completed on the courts’ website. Hundreds of pages of court-related content have been added to the website, including information for judges, court staff, attorneys, and the public.

The Internet allows the courts to disseminate information expediently and efficiently. Utah Supreme Court and Utah Court of Appeals opinions are posted within hours of release. Online streaming of appellate court oral arguments began in 2004, allowing interested parties to listen in real time.

The court’s XChange statewide case database program became web-based in 2003, and eventually allowed searchers to research district court cases throughout the state simultaneously. Justice court information started being included in 2008, providing online access to thousands more case dockets.

The Self-Help Center pilot project launches

Thousands of people appear in Utah’s courts each year and an increasing number are choosing to represent themselves. The reasons vary: they may not be able to afford to hire a lawyer, they don’t know how to find an attorney, they don’t trust attorneys, or they think they should be able to handle the matter themselves. Regardless of the reason, these self-represented individuals often find their court experience to be stressful and overwhelming.

Self-represented individuals place a tremendous strain on the justice system. People who represent themselves in court often file incomplete or inaccurate court paperwork, may not understand how to follow court rules, and may have unrealistic expectations about how court staff can assist them. These cases often don’t move smoothly through the court system, which results in frustration not only for those filing the case, but for court staff, judges, and attorneys.

In December 2007, the Utah State Courts launched a Self-Help Center pilot project to help people without lawyers navigate the court system. The pilot project began in response to recommendations made by the Utah Judicial Council’s Standing Committee on Resources for Self-Represented Parties.

By December 2010, the Self-Help Center staff attorneys were assisting individuals in the First, Second, Sixth, Seventh, and Eighth judicial districts. Serving five of Utah’s eight judicial districts is the equivalent of more than half of the state’s land mass and 25 percent of its population. The ultimate goal is to have a permanent program statewide.

The staff provides information about court procedures, paperwork, forms, and referrals via a toll-free telephone help line, e-mail service, and a text number. The staff also helps individuals know what to do in court and what to do after the court has issued an order. In addition, the staff refers people to other resources, such as state agencies, legal services, and the Utah State Bar.

The center staff attorneys provide legal information—not legal advice—in a wide range of civil law areas. Most people who contact the center have questions about family law—including divorce, child custody, child support, paternity, guardianship, adoption, and protective orders. There are also a number of questions about landlord-tenant and housing issues, probate matters, debt collection, and small claims cases.

The center handled more than 8,000 calls, e-mails and text messages between December 2007 and December 2010. Feedback from customers, court staff, and judges has been overwhelmingly positive. Customers are relieved to talk with someone who will guide them through the court process, treat them with respect, and give them practical answers to their questions. As one customer commented, “This is the best program I have ever run across; thank you for helping the public so much.”

Move to an electronic court record

The Utah State Courts started testing the use of an electronic court record in 2001, when the Salt Lake district court began scanning court filings in select cases. The Ogden district court began a pilot project in 2003 to scan filings in several case types. These scanned images became accessible through the statewide CORIS case management system in 2009. In 2010 desktop scanners were deployed to clerk’s offices statewide so that all courts could create digital case files.

Court Interpreters

The Utah Judicial Council was one of the earliest members of the National Consortium for Language Access in the Courts. Since joining the Consortium, the Council has steadily improved a defendant’s access to court interpreters during proceedings, while enhancing the role of interpreters in the court process.

Certification is the highest-level of credential available to interpreters. Since 2005, the Council has required—and partially subsidized—Spanish interpreter training, which has enabled more interpreters to become certified. In 1996, the Council began requiring certification testing. In 2010, the Council changed the training curriculum to language-neutral training, which has allowed interpreters in languages other than Spanish to participate in the test for certification.

The Council has worked to offer a competitive fee to interpreters. The fee paid to certified interpreters has been raised to match the median fee in the western states and only slightly below the average. The economic recession precluded further increases.

Over the years, the Council has added to the types of cases that require appointment of a certified interpreter paid by the court. A certified interpreter is required in all criminal cases, all juvenile cases, and in select civil cases in which personal safety or personal liberty are at stake. In 2010, the Council began studying the policy of a certified interpreter for every type of case—civil and criminal—to give fuller effect to Title VI of the Civil Rights Act of 1964 (codified at 42 U.S.C. §2000d *et seq.*).

Electronic court recording expands statewide

In the 1990s, the courts began to record their proceedings electronically. The move was initiated after a study of current court reporting efforts completed in 1996. By 1999, most courtrooms in the state had some type of electronic recording equipment. In 2001, the Silver Summit Courthouse became the first courthouse in the state to make a digital record. By 2008, most courtrooms in the state were digitally recording their proceedings, paving the way for changes in transcript management.

In the 1990s, video arraignment was introduced in criminal proceedings to facilitate efficiency and enhance security. Defendants held in jails and detention centers appeared via video using T-1 connections to local courthouses. Video arraignments were used in metropolitan areas in the 1990s, but didn't become available to rural courts until the 2000s. The Washington County Courthouse, for example, implemented video arraignment in 2001, after the county built a new correctional facility in Hurricane. The Iron County Courthouse in Cedar City soon followed suit. By 2009, technology improvements allowed courts to move from dedicated T-1 connections to Internet-based video initial appearances and arraignments.

COURT ACCOUNTABILITY

Judicial Council Adopts CourTools

In 2004, the Utah Judicial Council initiated implementation of a court performance measurement system developed, in part, by the National Center for State Courts. Dubbed CourTools, this performance measurement system was a simplified version of the Trial Court Performance Standards introduced by the court in 1990. The intent of the CourTools measures was to identify and monitor select important performance measures and make procedural improvements to provide better service to the public. The measures selected by the Utah Judicial Council for monitoring were as follows:

1. Access and Fairness in the Courts—the survey results of court users in Utah courthouses;
2. Effective Use of Jurors—reports on the number of citizens qualified, summoned, and called for jury service;
3. Case Management Measures—including clearance rate, the age of pending caseload, and the time required to dispose of cases;
4. Collection of Restitution, Fines and Fees—reports on the compliance in moving uncollected accounts to the state debt collection process; and
5. Court Employee Satisfaction Surveys.

A webpage was developed to regularly report on each of these measures. In the spirit of transparency in government, these performance measures are updated regularly on the courts' website.

Public Trust and Confidence Surveys Conducted

In 2006, the Utah Judicial Council commissioned two court surveys to determine the public's view of the judiciary. The first survey measured court users' views on access to and fairness of the courts, while the second survey measured the public's knowledge, experience, and expectations of the courts.

"The courts conducted the survey to better serve our customers," said Court of Appeals Judge Judith Billings, retired. "We wanted to know what the public perceived as problems with the court system in order to improve service or better educate our users as to what we were doing."

The survey results showed that the majority of respondents had a positive perception of the judiciary, felt Utah's courts were accessible, and that court employees were respectful and responsive in working with the public. Survey results also revealed that the Internet is the public's leading source of information about the judiciary.

Respondents listed the media as a frequent source of information about the judiciary. Individuals who were more familiar with the courts reported getting their information through TV news and newspapers, while those less familiar with the courts were informed through TV dramas.

Survey findings also showed that individuals who were involved with the courts through jury duty were more confident in the system as a result. Another finding indicated that court users reported no barriers to justice when questioned about hours of operation, locations, forms, language, and disability.

Survey results revealed that the courts are not meeting the public's expectations when it comes to reporting on the work of the courts and informing the public about self-represented litigant resources. In addition, a notable percentage of court users reported dissatisfaction with the time needed to complete their courthouse business.

As a result of the survey, the Standing Committee on Judicial Outreach, chaired by Judge Billings, focused its work on the following issues: website services, juror services, barriers to justice, procedural fairness, court performance measures, and diversity issues.

COURT FACILITIES

By the 1980s, many state courthouses could not adequately accommodate the increased demands being placed on the facilities. The Utah Judicial Council had approached the State Building Board with an increasing number of requests for either new courthouse construction or renovation. In response, the board asked that a comprehensive assessment of current court facilities and a plan for future facilities be drafted. The result was formation of a State Court Capital Facilities Task Force, chaired by State Representative Lamont Richards. The Task Force prepared a four-volume master plan study in partnership with Salt Lake's Gillies Stransky Brems and South Carolina's Carter Goble Associates consulting firm. The master plan effort was completed in 1986 and was staffed by Administrative Services Director Gordon Bissegger.

The Master plan study covered four general subject areas:

- Volume I: Statewide Workload, Judicial and Non-Judicial Personnel Growth
- Volume II: Judicial Planning, Goals, Facility Design Guidelines, and Space Standards
- Volume III: Evaluation of Existing Judicial Facilities
- Volume IV: Executive Summary and Capital Improvement Plan

The study used a point system to prioritize facility requests, so that the most urgent facility needs could be met first. Facilities were then categorized for either replacement or remodel. The comprehensive nature of the master plan study has provided a strong foundation for the courts to develop funding requests for capital development projects.

The State Building Board has generally ranked court projects high on the state's capital development priority list. Local city and county officials have worked closely with local court executives and the Administrative Office of the Courts to develop bonding plans and other cooperative financing mechanisms to fund projects. State senators and representatives have provided leadership to help secure the appropriations needed to fund court facilities in their districts.

The Standing Committee on Court Facilities and Planning was established by the Utah Judicial Council in 1996 to oversee construction and renovation. The committee was comprised of judges, trial court executives, architects, and members of the community. The initial year required in-depth education for most of the committee members because of the complexity of the building designs and the need to understand and modify the Facilities Master Plan as needed. One of the initial decisions of the committee was to require all state-funded facilities to be located, when possible, downtown. The committee determined that not only would this facilitate the needs of those using the facility, but also add to the historic precedence where courthouses were one of the main buildings in towns or cities.

Another issue that routinely surfaced—especially in rural areas—was whether or not to locate a new facility in proximity to an existing jail to avoid the expense of transporting prisoners. While that issue was usually resolved by those with vested interests, the installation and subsequent use of video equipment in courthouses and jails has worked well and resulted in substantial savings in transportation costs.

During the past ten years, the courts have been successful in securing funding for ten new court facilities. The legislature has funded five facilities in Beaver, Cache, Davis, Salt Lake, Tooele, and Washington counties. Working with local governments, facilities have been constructed in Emery, Summit, Uintah, and Utah counties. These facilities house 45 new courtrooms, offices for district and juvenile court staff and juvenile probation offices. In accordance with the design guidelines, these facilities have been designed so they can be expanded, adding new courtrooms as the need develops. This extends the useful life of the facilities and limits the need to purchase additional property for new buildings.

The new facilities are designed using the Judicial Facility Planning and Design Guidelines and Space Standards. These guidelines incorporate standards for courtrooms, secure areas, security systems, work area, audio visual technology, mechanical specifications, growth, and many other aspects of the facility. The design guidelines have standardized court facility construction, reduced the design and engineering cost for new construction, improved quality of the facilities, and provided greater security for the public, court staff, and defendants in custody.

Court Facility Highlights

Scott M. Matheson Courthouse

The most notable courthouse project was completion of the Scott M. Matheson Courthouse in 1998. For the first time in the history of the Utah State Courts, all levels of state-funded courts were housed in one central facility making the Matheson Courthouse the signature center for the Utah judiciary. This project was funded with a revenue bond, which required the courts to raise court fees as a revenue source—a controversial issue for the courts and the legislature to address. The proposed courthouse also required the active support of Salt Lake City because the proposed site was part of the city's economic development district, which required any proposed project be a revenue generating business for the community. This hurdle was overcome in part by the consideration that the courthouse would attract law offices to the center of town. In addition, the courthouse could be used for public and private functions that would generate additional business within the community. Both the business and legal sectors were consulted and offered support to this concept, which ultimately proved decisive in getting the project funded.

West Jordan Courthouse

As the population grew steadily in the south end of the Salt Lake valley, the need for a new courthouse became apparent. In 2005, the West Jordan courthouse was completed. Initially, it appeared that the courts would not have a location to build this much needed facility. Sandy City was the original location, but the city became concerned about the long-term project scope and the impact it would have on the city. Subsequently, Sandy City officials agreed to purchase the existing Sandy courthouse from the state courts, which then enabled the state court administrator to use the funds generated from the sale against the cost of the new West Jordan building.

West Jordan stepped forward with a land offer at a reasonable price when it heard the Sandy alternative had fallen through. The site was a good match since it was accessible to a planned TRAX station. With ample land for expansion and a facility planned for

future growth, the West Jordan site will accommodate the needs of district and juvenile courts in the southwest part of the valley for years to come.

Washington County Courthouse

In December 2009, the Washington County courthouse opened. This project required extensive planning and. In 1988 or 1989, the state courts purchased the existing county courthouse from Washington County with the caveat that the facility would take care of the courts' needs for about 15 years before expansion would be necessary to accommodate growth in the area.

Several years of planning were invested when city officials presented an option that would involve a three-part swap of property between the city, state, and Washington School District. The city and the school district had several acres in the Central Business District—the historical district—which they proposed to transfer to the court. In turn, the court would transfer the existing courthouse site to the city and the city would provide land to the school district to build a new school facility. This arrangement was beneficial to all three government entities and the cooperation was viewed favorably by the legislature. The challenge was to maintain communication and coordination between the different levels of government and ensure the timing of events met the legislature's and court's funding timetable. The design aspects of the courthouse were also unique in that it would be located in the historic district and the city wanted the design to reflect the traditional architecture of historic St. George.

The courthouse has eight finished courtrooms and enough land to add additional courtrooms as needed. In addition, one of the courtrooms—along with office space—is leased to the Federal District Court, which allows residents of southern Utah to have their federal court matters heard in St. George. "The Federal District Court has continued to expand its services to residents of this area," said fifth district juvenile court Judge Hans Chamberlain. "The cooperation between the state and federal governments has been very successful."

Logan Courthouse

The Logan Courthouse, which opened in August 2003, is another example of successful cooperation between the courts, the city, and the state. Logan City wanted a Central Business District location for the courthouse; however, cost effective alternatives were limited and the city could not offer financial incentives. Consideration was given to sites south of the Central Business District, which would have resulted in delays due to city opposition. One proposal was to have the courts acquire the city's historical courthouse in the center of town; however, renovation was cost-prohibitive. Another proposal was to demolish the courthouse and rebuild it using only the façade of the original building. This alternative was actively opposed by historical preservations, including Representative Ralph Becker.

Ultimately, the State Building Board was able to facilitate acquisition of land it already owned one block from Logan's Main Street. After acquisition of additional adjacent properties, the site was ready for funding by the legislature. The project is noted for the inclusion of new courtroom recording technologies and has ample room for expansion.

COUNCIL COMMITTEES AND TASK FORCES

Task Force on Racial and Ethnic Fairness in the Legal System

In 1997, the Utah Judicial Council formed the Task Force on Racial and Ethnic Fairness in the Legal System. The Council commissioned the Task Force to examine the existence of racial and ethnic bias in the criminal and juvenile justice systems. If there was evidence of such bias, the Task Force was to make recommendations on how to address the problems. If bias was not discovered, the Task Force was to highlight the successes.

In order to ensure a broad perspective of the system, the Task Force leadership invited representatives from throughout the criminal and juvenile justice systems to serve on the Task Force. The members included representatives from areas such as the courts, prosecution, defense, corrections, and juvenile justice agencies. The membership also included representatives from minority communities.

The Mission Statement for the Task Force was:

The Utah Task Force on Racial and Ethnic Fairness exists to organize and lead the effort to honestly examine and address real and perceived bias toward racial and ethnic minorities within Utah's criminal justice system. The Task Force shall conduct necessary research, develop and disseminate findings and recommendations, advancing and advocating in all quarters for the implementation of those recommendations.

The Task Force formed several subcommittees to assist in the work. The subcommittees gathered data, conducted research, and organized public meetings. The subcommittees had some difficulty gathering data and conducting research, because it found that racial and ethnic data was not gathered by criminal justice entities making it difficult to track cases through the system. There was not any reliable data related to such areas as stops, arrests, charges, convictions, sentences, and treatment of minorities and non-minorities.

A significant portion of the Task Force work involved holding town meetings throughout the state. At these meetings, members of the community were invited to share their experiences with the criminal and juvenile justice systems. These meetings were well attended and many people shared their stories. The town meetings helped the Task Force gauge public perception of the justice system. This became particularly important given the lack of reliable data.

The Task Force subcommittees conducted reviews, made findings, and issued recommendations in areas such as workforce recruiting and hiring, cultural competency training, interpreting, community resources, racial profiling, legal representation, sentencing, and juvenile justice. The Task Force accepted the subcommittees' conclusions and recommendations. In September 2000, the Task Force issued a final report with more than 200 recommendations. The recommendations were directed at all areas of the criminal and juvenile justice system.

To help oversee the Task Force's recommendations and to continue work in the area of racial and ethnic fairness, the Task Force recommended establishment of the Commission on Racial and Ethnic Fairness in the Legal System. Similar to the Task Force, the members of the Commission consisted of representatives from various areas of the criminal and juvenile justice systems. The Commission also included representatives from minority communities. The Commission met monthly for several years. The Commission received regular reports from criminal justice entities regarding their efforts to implement the Task Force recommendations. The Commission issued two annual reports to the community, each describing the progress that had been made and the work that remained.

Both the Task Force and the Commission had survived solely on grant funds from the State Justice Institute and private foundations. The Commission also received in-kind donations from the government entities involved in the study. By 2005, grant funds were no longer viable to sustain the Commission and it became necessary to seek permanent funding from the Legislature. H.B. 92 was introduced to establish the Commission on Racial and Ethnic Fairness in the Legal System as a permanent state body. The legislation, however, did not pass. In 2006, H.B. 104 was introduced as another attempt to establish the Commission as a permanent state entity. This legislation also did not pass. Due to a lack of funding, the Commission disbanded.

Work in the area of racial and ethnic fairness continues through the Judicial Council's Standing Committee on Judicial Outreach. The Committee established a diversity subcommittee in 2008. The subcommittee has been working on projects to maintain relationships between the judiciary and minority communities.

Committee on Improving Jury Service

The Utah Judicial Council has been committed to improving jury management and service for many years. In 1989, the Judicial Council pursued legislation to enact the American Bar Association (ABA) guidelines. In 1996, the Council endorsed the recommendations of the Committee on Improving Jury Service. In the years that followed, the Council, the Utah Supreme Court, and the Administrative Office of the Courts has worked to implement these committee recommendations by taking the following actions:

- Build a Jury Management Information System and Database
- Work with government agencies to import records of all adult citizens and regularly refresh that data
- Improve the quality of data about jurors
- Develop a web-based qualification process
- Implement a one-day/one-trial policy
- Produce a juror orientation video
- Permit questions by jurors during trial
- Develop plain-language jury instructions
- Respect juror privacy
- Increase juror pay

Standing Committee on Children and Family Law

In 1994, the Utah Judicial Council's Family Court Task Force recommended consolidating the family law jurisdiction of the district court with the delinquency and child protection jurisdiction of the juvenile court to form a family court.

At the time, the judiciary was in the midst of consolidating the circuit court into the district court, so the Council decided to hold off on implementing the recommendation until a future date. Two years later, the Council held a series of meetings for interested individuals to comment on the advantages and disadvantages of a family court. After considering this input, the Council established the Standing Committee on Children and Family Law, instead of pursuing family court legislation.

The cross-disciplinary committee's objective is to resolve issues without changing jurisdiction. The committee discusses issues facing families in the courts and recommends avenues for addressing these issues.

The committee was initially charged with analyzing reforms in the following five areas:

1. Improving communications between the juvenile and district courts, which led to the adoption of Utah Rule of Civil Procedure 100.
2. Mandating mediation in divorce cases.
3. Appointing a private Guardian ad Litem in contested custody cases, which has become the standard in most judicial districts.
4. Improving the quality and timeliness of custody evaluation. The committee accomplished this reform through a 2003 rule change to Utah Rule of Judicial Administration 4-903.
5. Permitting a proffered statement of the case in lieu of or as a supplement to testimony. While thoroughly discussed, the committee determined not to go forward with this reform.

Since completing its initial charge, the committee has identified and addressed additional issues. The committee was instrumental in creating open public access to child welfare cases in juvenile court. It also created and refined a child protective order process and proposed legislative changes to the warrant process in child welfare cases. The committee conducted an extensive review of the use of special masters in divorce proceedings. While ultimately deciding against the creation of a special master rule, the committee created a rule governing the use of parent coordinators in custody cases. Work continues in the areas of adoption, custody evaluation procedures, and expediting the divorce process. The committee continues to be an important forum for complex issues involving court-involved families.

Committee on Privacy and Public Court Records

The courts have a special interest in distinguishing public from non-public records, especially with the increased availability of court documents on the Internet. While the court must be accountable in providing the public with information, it must do so while protecting a person's private information.

The balance is not an easy one. In 2003, the Utah Judicial Council appointed an Ad Hoc Committee on Privacy and Public Court Records to consider the issue, and to recommend appropriate policies.

After considering the testimony from representatives of several different interests, the committee recommended policies designed to do the following: maintain public access to court records, allow the independent investigation necessary to hold the courts accountable, assure the reliability of records relied upon by third parties, yet maintain reasonable expectations of privacy and protect personal identifying information. In 2005, the Council adopted these policies by amending the Rules of Judicial Administration.

Ad Hoc Committee on Probate Law and Procedure

In 2005, research by the Committee on Law and Aging of the Utah State Bar revealed that the district court fell short in protecting the interests of incapacitated adults.

Specifically, the court was not monitoring or enforcing a requirement that guardians and conservators annually report to the court on the status of their wards, while at the same time accounting for their financial activity. Correcting this problem motivated the Utah Judicial Council to appoint an Ad Hoc Committee on Probate Law and Procedure in 2007.

The charge to the committee was quite broad, and permitted the committee discretion to investigate any aspect of probate law or procedure. The committee chose to focus exclusively on the appointment of guardians and conservators.

As part of the process, representatives of several different interests testified before the committee. The testimony revealed that basic protections—required by statute—were not being provided to respondents who were incapacitated.

In response, the committee proposed statutes and rules to assure the protection of respondents from their incapacity as well as from those purporting to represent their best interests. The proposed statutes and rules were developed using recommendations from the Commission on Uniform Laws, the National College of Probate Judges, the Wingspread Conference, and the Wingspan Conference. The legislation failed in the 2010 and 2011 legislative sessions.

Initiative on Utah Children in Foster Care (IOU)

The Utah State Courts launched the Initiative on Utah Children in Foster Care (IOU) in 2005 to create a collaborative child welfare master plan for Utah. The courts invited leaders from all branches of Utah government, key members of Utah's child welfare system, and influential individuals in the community to be part of the initiative.

The formation of IOU was spurred by a national report released in 2004 by the Pew Commission on Children in Foster Care. The report, *Fostering the Future: Safety, Permanence, and Well-Being for Children in Foster Care*, includes recommendations for strengthening court oversight of children in foster care and calls for leadership from chief justices in implementing the report's recommendations.

The IOU committee meets three to four times a year and has generated several subcommittees to implement its programs. The Public Awareness Subcommittee created an immersion process to teach members of the community, legislators, and other stakeholders about the work of DCFS and the juvenile court. The Community Support for Kinship Care Givers Subcommittee has connected the courts, agencies, non-profits and the religious community to raise awareness of the needs of individuals who care for their relative's children. The subcommittee has streamlined school enrollment procedures and applications for public support, while raising awareness and support for private organizations that guide kinship care givers.

In the fall of 2007, IOU formed a work group on education issues. Resolving educational barriers for youth in foster care continues to be a major focus of IOU. The IOU Education Work Group published *Educating Youth in State Care*, a comprehensive guide for professionals seeking to improve educational outcomes for the youth they serve. The publication serves as a valuable tool to educate partners and build cross-system collaboration. The work group also strives to improve the quality and quantity of data available regarding the educational outcomes of youth in foster care.

The IOU committee also created a subcommittee to support youth transitioning to adult living (TAL). The TAL Subcommittee works to engage the community in assisting youth leaving foster care at age 18 to find stable housing, employment, and education opportunities. The IOU committee has also encouraged legislative solutions for older youth by extending their Medicaid coverage to age 21 and removing barriers to attaining a driver's license.

Ad hoc Justice Court Study Committee

In 2006, the Utah Judicial Council identified justice court reform as the topic of system-wide importance to study.

Complaints were increasing about the pressure on justice court judges to raise revenue by convicting, fining, and collecting fines from defendants. A number of judges raised the issue themselves and acknowledged the explicit or implicit expectation to generate revenues. In addition, there was a public perception that the structure of the justice court system tilted the scales of justice against defendants in these local courts.

Whether or not that perception was accurate was not the issue; however, the perception that a judge was in a position to be influenced by an external entity was of concern. This perception harmed the public's trust and confidence in the ability of a judge to be impartial. Therefore, a committee was organized to study the problem and to recommend solutions.

Justice Ronald E. Nehring chaired the committee of justice, district, and juvenile court judges. The goals of the effort were to increase judicial independence of justice court judges and to increase public trust and confidence in all courts, while preserving the ability of local governments to maintain local courts.

The group met with judges, local government officials, and other interested stakeholders. The result was a legislative proposal that would have phased in a system where all justice court judges would become state paid, would have six-year terms of office followed by retention elections, and would have fixed salaries based on those of district court judges. Selection would be by local officials based on screening by a regional nominating commission, and a four-year college degree would be required for all applicants. Each of these recommendations was designed to address independence and accountability, resulting in increased public confidence.

As the Council's proposal advanced through the 2008 legislative process, objections were raised by some in local government that too much local flavor and control was being ceded by the counties and municipalities. Eventually a compromise structure was proposed and the revised legislation passed. The surviving features of the Council's proposal included: six-year terms of office and unopposed retention elections for all justice court judges; fixed judicial salaries within a percentage range of a district judge salary, based on weighted workload calculations; selection by local officials based on nominations by county-based nominating commissions; and adoption of a single-case management system.

"Until the study committee was formed there had been no comprehensive effort to address the continual improvement process needed in every system," said Judge Jerald L. Jensen, Davis County Justice Court. "The committee looked at the system from top to bottom and took its best shot at making comprehensive changes to address issues long recognized as problems," Judge Jensen continued. "The result was a giant step forward. Clearly, the biggest gain was greater judicial independence for justice courts and most importantly the judges themselves."

These changes have been implemented over a period of three years, with the final pieces put into place in July 2011.

JUVENILE COURTS

Juvenile Justice

In the mid-1990s, the juvenile justice system went through a major reform, which was spurred by a high-profile gang shooting at the Utah State Fairgrounds. Subsequent to this incident, the Legislature convened a group to study the issue of violent serious youth offenders. The study found that additional resources should be committed to juvenile justice. As a result, additional secure beds for youth were built, more juvenile justice and probation workers were hired, and juvenile sentencing guidelines were adopted.

As part of this commitment to additional resources, intensive intervention programs were added to place youth in rehabilitative programs rather than in secure care. Utah's juvenile court began working with its partners to implement evidence-based practices.

The court's first step was to adopt a statewide risk/needs assessment for Utah's youth involved in the court system. Next, the juvenile court developed a new case management system to refer medium- to high-risk youth offenders to programs that would best address their needs, since research has shown that addressing these needs reduces recidivism. Probation staff was trained to assess a youth's needs as well as to determine ways to motivate youth and family to make positive life changes.

The juvenile court looked at programs the court contracts with to determine what worked best to reduce recidivism. Based on evidence-based practices, a Correctional Program Checklist was adopted to evaluate these programs based on set criteria. The checklist was developed to help court-contracted programs improve their services, thereby reducing recidivism. All programs that the juvenile court contracts with are evaluated at least twice a year and have resulted in program improvements.

"Implementing evidence-based practices was a great leap forward," said fourth district juvenile court Judge Leslie Brown, retired. "It allowed us to see which of our practices were most likely to be effective based on real data."

The juvenile court also adopted an internal quality assurance process to ensure assessments were completed properly and that an appropriate case plan developed. As of July 2010, every probation officer, supervisor, and chief probation officer had been certified in this process.

As this systemic change was occurring in juvenile court in the late 1990s, specialty courts were being developed throughout the state's judicial districts, including dependency and delinquency drug courts, mental health courts, and truancy courts. Today, every district has at least one of these courts operating within the juvenile court.

Local and national research has shown that high-risk/high-need delinquents and families do better in these specialty courts. A Model Delinquency Court has proven that focusing on time to disposition saves time, reduces time in detention, and results in better outcomes for youth.

In 2008, the Juvenile Court began producing a *Report to the Community* to present the court's important outcome measures. The report is an internal working document used to improve performance, but is also published for the community in the *Deseret News* and *The Salt Lake Tribune*. The information is presented in an easy to read format that relays performance measures of youth referred to juvenile court.

In order to succeed, juvenile court staff at all levels must be engaged in the changes and receive the necessary training to implement evidence-based practices. Other western states—such as Arizona and Oregon—have recognized Utah for the tremendous effort it has invested to develop and implement evidence-based practices, and look to Utah as a model. Staffs from these states have visited Utah to learn how the juvenile courts' evidence-based practices work.

Embarking on this evidence-based effort, the juvenile court realized that this would be not only a culture change for the staff but also for the entire system. The juvenile court received grant funding to help implement these systemic changes.

Starting in 2003, resources in the juvenile court began to decline due primarily to a decrease in the number of delinquent referrals. By 2010, 30 probation positions and half of the intensive intervention money had been cut as a result of budget reductions.

Study commences to re-engineer Juvenile Court Information System (CARE)

The Juvenile Court Automation Re-Engineering Task Force was formed in the fall of 1998 with a mission to develop a new juvenile court case management system. The ideal system would increase communication and cooperation between the government organizations charged with providing juvenile justice and child welfare in Utah.

Utah's Juvenile Justice Information System (JJIS) had been in operation since the 1970s and was the main source of case information for entities across the state involved in juvenile justice. The JJIS application was developed with a great deal of user involvement and could maintain and track juveniles wherever they went in the state. While JJIS had served the state and its 1,300 plus users well, the application had limitations and was becoming increasingly burdensome to operate, to maintain, and was no longer meeting the users' needs.

With the support of the Utah Judicial Council, federal grant funding, and additional matching funds provided by the court, the task force collaborated with other agencies and court users to design and build a system that offered enhanced capabilities. The first phase of the new system— Courts and Agencies Records Exchange (CARE)—was rolled out to court districts in 2002; in November 2005 the entire system went online.

The CARE system has met the goal of replacing the JJIS database with one that improves availability of and access to information. The web-based information system features an assessment module, a minutes module, and e-mail notification—capabilities and functions never before available to juvenile justice workers. Other benefits include an improved case management system, improved case-related financial management,

improved interfacing with outside agencies, timelier feeding of the courts' data warehouse, and better management of data. The system is not only cost effective, but easy to update and support with existing resources.

Child welfare proceedings in Juvenile Court become open to the public

During the mid 1990s, Utah law governing public access to abuse and neglect proceedings in juvenile court alternated between a system defined as presumed closed and a completely closed system. The presumed closed system allowed judicial discretion to exclude the general public and admit only individuals who had a direct interest in the case or in the work of the court, or who had been requested by the parent or legal guardian to be present. The closed system required the court to exclude all persons who did not have a direct interest in the proceedings.

Juvenile court child welfare proceedings remained closed between 1998 and 2002, when the issue was studied by representatives of the judicial and legislative branches of government.

In 2002, numerous public policy discussions were held in meetings of the Utah Judicial Council's Standing Committee on Children and Family Law, Utah's Court Improvement Program, and the Child Welfare Legislative Oversight Panel.

During the 2003 legislative session, H.B. 222 passed, creating a pilot program in the third and eighth district juvenile courts to study the impact of expanded access to abuse, neglect, and dependency hearings and recordings of these proceedings in both an urban and a rural judicial district.

The legislation directed the Utah Judicial Council to recommend continuation, modification, or repeal of the pilot program during the 2005 legislative session. The impact study and need for a Council recommendation, however, was eliminated during the 2004 legislative session with the passage of H.B. 90, which discontinued the pilot program and implemented the open juvenile court program statewide in July 2004.

Utah's juvenile court child welfare proceedings have remained open since then under the following standard:

"In abuse, neglect and dependency cases the court shall admit any person to a hearing...unless the court makes a finding upon the record that the person's presence at the hearing would be detrimental to the best interest of a child who is party to the proceeding, impair the fact-finding process, or otherwise be contrary to the interests of justice." Utah Code Ann. § 78A-6-114(1)(a) (2008) (recodified from 78-3a-115.1 (2004)).

LEGISLATIVE INITIATIVES

Legislative Task Force on Judicial Retention

In 2007, a legislative task force recommended sweeping changes to the Utah Code giving the Judicial Performance Evaluation Commission the authority to evaluate judges and recommend whether they should be re-elected, moving this responsibility from the Judicial Council. The Commission is a 13-member body with four members selected by each branch of government. The thirteenth member is the executive director of the Commission on Criminal and Juvenile Justice.

The Utah Judicial Council performed its final evaluation and certification of judges for the November 2010 elections. The Commission will conduct its first set of evaluations and recommendations for judges standing for election in 2012.

In 2008, the legislature established the Judicial Performance Evaluation Commission to periodically evaluate the performance of Utah's judges.

The commission was established as a result of the legislature's perception that the public needed more information—and in a more understandable form—to help them be better educated prior to voting in a retention election.

A legislative task force chaired by Senator Chris Buttars was formed and consisted of senators and representatives, Chief Justice Christine Durham, fourth district court Judge Gary Stott, and fifth district juvenile court Judge Hans Chamberlain.

Some legislators felt that there was too much self review and regulation by the judiciary when judges were certified for retention election. The ultimate goal of the task force was to provide a process and structure whereby the public would have reliable information about judges on the ballot, provided by an independent body. This would also help remove the perception of too much self evaluation by the judges.

"I was skeptical about the need for a commission and whether it would provide the information desired," said Judge Stott (retired). "I now believe the commission performs a valuable service to the voters and makes available good, fair, and neutrally reliable findings on which the public can rely."

A mid-term evaluation of each judge is aimed at self-improvement, while an end-of-term evaluation generates information for voters to use in deciding whether to retain the judge in office at election time. The commission will survey attorneys, jurors, litigants, witnesses, and court staff, and will conduct a courtroom observation program. In addition, the commission may publish other performance standards, such as compliance with judicial education standards and compliance with the Code of Judicial Conduct.

“If carried out objectively, the process will give the voters a feeling of fairness and reliability as they decide how to vote on retaining judges,” said Judge Stott. “The concept also provides a structure which should cause judges to be on notice that their conduct, not their decisions, is being monitored by the commission for the benefit of the public.”

PROBLEM SOLVING COURTS

Problem solving courts started in Utah in 1995. Instead of punishing offenders and watching them frequently reappear in the system, problem solving courts focus on rehabilitation and strive to prevent re-entry into the system.

Third district court Judge Dennis Fuchs and third district juvenile court Judge Kimberly Hornak were among the first in the country to catch the vision of drug courts. “One of the great benefits of problem solving courts is that judges work as part of a team with attorneys, caseworkers, and therapists to achieve the disposition with the highest likelihood of success,” said Judge Hornak.

As judicial interest grew, additional drug courts and other problem solving courts were started across the state. In July 2001, third district court Judge William Bohling started the first mental health court. The results of mental health court include a long-term decrease in recidivism; dramatic reduction in jail days; increased ability to function independently; and development of long-term housing for mentally ill persons in Salt Lake County.

According to third district court Judge Judith Atherton, the benefits of mental health court extend beyond the courtroom. “Mental health court raises awareness among shareholders of mental health issues in the criminal justice system, including prosecutors, defense attorneys, law enforcement, and corrections,” Judge Atherton said.

Over time, mental health courts have been implemented in other urban and rural parts of the state.

The approach of problem solving courts proved popular with the public and with select judges, so a similar approach was tried with other subject matter:

- Third district court Judge Sheila McCleve presided over a domestic violence court
- Tobacco court emerged in third district juvenile court
- Truancy court started in the seventh district
- A legislatively-created tax court began

The Utah Judicial Council has monitored the growth of these new approaches to justice. In 2000, Court Administrator Dan Becker became chair of Council of Chief Justices / Conference of State Court Administrators’ Problem Solving Court Committee, and the topic became the focus of a committee whitepaper that examined the advantages and disadvantages of problem solving courts. The whitepaper concluded that the advantages of the new approach worked well, and that the disadvantages could be mitigated by strong leadership by chief justices and other court policymakers.

As problem solving courts became more institutionalized, and as research findings became more precise, the Council's oversight increased. An aspirational rule was replaced by a more rigorous rule, which was replaced by a full-blown certification regimen in 2010. Funding moved from federal start-up grants to tobacco settlement funding to general fund support. The lessons learned from this new collaborative approach—and from judges taking a more problem solving role—are being applied in many more case-types and court settings. There currently are more than 50 problem solving courts in Utah.

COURT OF APPEALS

Court of Appeals celebrates 20 years

The Utah Court of Appeals marked its 20 year anniversary on February 3, 2007. The Court of Appeals was created to reduce appellate delay. When the Court of Appeals began hearing cases in 1987, the Utah Supreme Court had a backlog of about 1,000 cases; about 500 of those cases were transferred to the Court of Appeals for disposition.

The Court of Appeals hears all appeals from juvenile court, appeals from district court that involve domestic relations (divorce, annulment, property division, child custody, support, visitation, adoption and paternity), and criminal matters of less than a first degree. The Court of Appeals also reviews appeals of administrative proceedings by state agencies and hears cases transferred by the Utah Supreme Court.

The court sits in rotating panels of three judges.

Court of Appeals Timeline

1984

- Utah citizens approve a revision of Article VIII of the Utah Constitution regarding the judiciary.
- Governor Norman H. Bangerter appoints a task force on the judicial article to identify problems facing the judiciary and to recommend solutions. Task force identifies two of the problems as being the burden of appellate delay and the lack of multi-judge review of circuit court decisions.
- The task force recommends creation of a Court of Appeals.
- Utah becomes the 37th state to create an intermediation appellate court.

1985

- Revised Judicial Article is enacted.

1986

- The Appellate Court Nominating Commission, chaired by Chief Justice Gordon Hall, interviews 45 applicants and forwards 21 names to the Governor's office. Other commission members include Aileen Clyde, Jess Agraz, Roy Simmons, and Julie Barrett.

January 17, 1987

- Seven judges are appointed by Governor Norman H. Bangerter.
- Three are sitting judges and three are attorneys from private practice: Russell Bench-Utah Supreme Court staff attorney; Third District Court Judge Judith Billings; Seventh District Judge Richard Davidson; Third District Juvenile Judge Regnal Garff; Pamela T. Greenwood-general counsel, First Interstate Bank; Norman Jackson-senior partner, Jackson, McIlff & Mower; Gregory Orme-partner, VanCott, Bagley, Cornwall & McCarthy.

January 28, 1987

- Court's first hearing is conducted.

February 3, 1987

- Court officially opens doors at the Midtown Office Plaza, 230 South 500 East.

January 1998

- Appellate Mediation Office is established.

Spring 1998

- Court of Appeals moves to the Scott M. Matheson Courthouse.

January 19, 2006

- First panel of all women judges hears oral arguments.

COURT SECURITY

Court security office created

In June 2007, the Utah State Courts hired its first full-time court security director. The position was created to improve the quality and consistency of security practices around the state and to more fully address the emergency preparedness needs of the court. A Security and Emergency Preparedness Subcommittee was formed under the umbrella of the Standing Committee on Facilities to guide the court security director to achieve these goals.

The first initiative of the director was to develop a Continuity of Operations Plan for the Scott M. Matheson Courthouse. This plan provided a template for continuing court operations in the event of damage to or destruction of the courthouse. The Matheson Courthouse Continuity of Operations Plan was approved by the Utah Judicial Council in February 2009, and became the template for all other state courthouse plans.

Another priority was to establish a Pandemic Response Plan for use in the event of a large-scale illness where court operations were adversely affected because of reduced court staffing. In the midst of the formation of the plan, the World Health Organization

declared a pandemic due to the outbreak of the H1N1 influenza. The Utah Judicial Council approved the Pandemic Response Plan in September 2009 and Chief Justice Christine M. Durham activated the plan immediately.

In addition to the emergency preparedness plans, the court security director was tasked with assuring greater compliance with Utah Rule of Judicial Administration 3-414 which establishes a system of court security measures. Local security plans (the foundational security documents for each courthouse) were expanded to assure that the physical security features of each courthouse were supported with appropriate security procedures.

Another task given to the court security director was to develop and implement consistent court security officer training and to increase the consistency of security practices from courthouse to courthouse. During development of the training, the director found that many court security officers had little, if any, formal court-related training. The first two-day court-sponsored security officer training was held at the Matheson Courthouse in May 2010 and was attended by 40 officers from around the state.

AWARDS AND RECOGNITION

Daniel J. Becker Receives National Center for State Courts' Warren E. Burger Award

In September 2006, Utah State Court Administrator Dan Becker was named recipient of the National Center for State Courts' (NCSC) Warren E. Burger Award. The award, which bears the name of the former Chief Justice of the United States, is one of the most prestigious awards presented by the National Center. The Burger Award is presented annually to an individual who has made significant contributions to court administration, management, education, training, research, or consulting.

"Dan Becker is an outstanding leader in the nation's court community," said NCSC President Mary C. McQueen. "Dan's knowledge of the courts, combined with his administrative experience and unwavering dedication to improving the justice system has positively impacted courts around the country."

In 2004, Becker served as president of the Conference of State Court Administrators (COSCA), a national organization that represents the top judicial officers of the 50 states and the U.S. territories, and of which the National Center serves as executive staff. At the same time, Becker served as vice-chair of the NCSC Board of Directors.

For years, Becker has worked closely with the National Center and COSCA, promoting several key NCSC initiatives, such as strengthening public trust and confidence in the courts and improving the public's understanding of the justice system. He has served as chair of the NCSC's Public Affairs Committee and as co-chair of the Conference of Chief Justices and COSCA's Task Force on Therapeutic Justice. He also has served on state and national commissions for improving the administration of justice.

Chief Justice Durham receives the Rehnquist Award for Judicial Excellence

Utah Supreme Court Chief Justice Christine M. Durham received the 2007 William H. Rehnquist Award for Judicial Excellence by the National Center for State Courts (NCSC). One of the most prestigious judicial honors in the country, the Rehnquist Award is presented annually to a state court judge who exemplifies the highest level of judicial excellence, integrity, fairness, and professional ethics. United States Chief Justice John G. Roberts presented the award to Chief Justice Durham at a ceremony in Washington, D.C.

“Chief Justice Durham has demonstrated her commitment to public service, judicial education, and the cause of justice throughout her 25 years on the Utah Supreme Court. She reflects those qualities that Chief Justice Rehnquist valued during his distinguished career,” said Chief Justice Roberts.

NCSC President Mary C. McQueen said the nominating committee selected Chief Justice Durham because of her “innovative leadership style and her contributions to advancing judicial branch education not only in Utah, but nationally.” She is noted for developing interactive education programs in content areas that until then did not have curriculum, such as domestic violence, child witness testimony, and scientific evidence.

In the 1980s judicial education was rare. “There was little interest or understanding about the profession of adult education and how it could benefit the practice of judicial education. Christine Durham was the major force which changed this landscape,” according to a nomination letter written by Utah State Court Administrator Daniel Becker and Utah Judicial Institute Director Diane Cowdrey.

Chief Justice Durham honored with the Transparent Courthouse Award

Utah Supreme Court Chief Justice Christine M. Durham was honored with the Institute for the Advancement of the American Legal System’s (IAALS) 2008 Transparent Courthouse™ Award.

In selecting Chief Justice Durham as its award recipient, IAALS cited her nearly three decade tenure on the Utah Supreme Court and her track record of building a more responsive and effective court system.

“From her pioneering work to push for progressive judicial education to more recent efforts to develop innovative approaches to caseload management, Chief Justice Durham’s leadership has brought significant reform to Utah and provided a model for the rest of the nation,” said IAALS Executive Director and former Colorado Supreme Court Justice Rebecca Love Kourlis.

Chief Justice Durham elected chair of the National Center for State Courts and president of Conference of Chief Justices

Chief Justice Christine M. Durham was elected chair of the Board of Directors of the National Center for State Courts (NCSC) in August 2009. At the same time, Chief Justice Durham also was named president of the Conference of Chief Justices (CCJ), a national organization that represents the top judges of the 50 states and U.S. territories, and of which the NCSC serves as executive staff. Both positions were for a one-year term.

“Since her appointment to Utah’s highest bench in 1982, Chief Justice Durham has been an effective ambassador for the judiciary,” said Mary C. McQueen, NCSC president. “She has championed the cause of judicial education and worked to improve the administration of justice for nearly 30 years.”

Daniel J. Becker Nominated by President Barack Obama for State Justice Institute Board

In December 2009, Utah State Court Administrator Dan Becker was nominated by President Barack Obama to fill a position as a member of the State Justice Institute’s Board of Directors.

In nominating Mr. Becker and others to key administration post, President Obama said, “These talented individuals have proven experience in their fields and I am grateful that they have agreed to serve in my administration. I am confident they will succeed in their new roles and I look forward to working with them in the coming months and years.”

TECHNOLOGY MILESTONES

The Utah Judicial Council’s Technology Committee has made great strides to make the courts more accessible through technology. Citizens who may not be able to access the courthouse during business hours have the flexibility to conduct business over the Internet. They can download court documents, check hearing schedules, file documents, and pay fees or fine online. The courts have also made it easier for citizens to fulfill their important role as jurors. Potential jurors can complete much of the paperwork online that is required to qualify as a juror.

An added benefit of the technological advances is a reduced burden on court staff. With reductions in the court budget, streamlining court processes has allowed the courts to do more with less. As Court of Appeals Judge Carolyn McHugh, Technology Committee chair, points out, “The advances in court technology over the past few years has been a ‘win-win’ situation that benefits everyone involved.”

MILESTONES	
1997 January	West Jordan justice court becomes the first justice court to implement CORIS, the courts' online records information system.
1998 July	Last of district court data moved into CORIS. Some data had previously been hosted on the state's mainframe.
1999 February	Work to move juvenile court case management system to an Internet-based computing system begins, laying the groundwork for a new juvenile court case management system (CARE). Court calendars posted to the courts' website
2000 February	Case information from rural district courts automated. A pilot project to allow electronic filing of Notices of Appeal begins. This project was the first time digital signatures were used in e-filing.
2000 June	CORIS installed in the last of the district courts, paving the way for standardized statewide practices and having all district courts' data available via XChange.
2001 May	The first juvenile court case management system (CARE) module - Assessment Module – made available over the Internet. Pilot project implemented to allow electronic filing for debt collection cases implemented with select filers.
2003 February	The second juvenile court case management system (CARE) module - Minutes Module - implemented.
2003 Summer	Xchange becomes available via the court website. Digital audio systems installed in courtrooms.
2003 Fall	Workforce Services Liens were automated
2003 December	Electronic citations submitted from public safety
2005 January	The appellate court case management system (AIS) is rewritten to use the same development platform as CORIS, jury and domestic violence systems. Utah Highway Patrol citation data transferred to CORIS.

2005 March	Pilot project launched to implement electronic citations in district and justice courts.
2005 November	The juvenile court case management system (CARE) installed in all juvenile courts.
2006 October	Wireless Internet access provided in 13 courthouses for public use.
2007 March	Work begins to convert existing justice court data to the CORIS data format.
2008 January	First of eight stand-alone CORIS justice courts is migrated to the centralized database.
2008 February	System implemented which allows law enforcement officers to request a warrant from their vehicle and for judges to review and issue a warrant electronically.
2008 March	Legislature enacts a law requiring all justice courts to use a common case management by July 1, 2011.
2008 April	The Judicial Council selects CORIS as the common case management system for all justice courts.
2008 October	Video court reporting expanded statewide.
2009 July	Automated Transcript Management System implemented, allowing for centralized management of transcript requests and eFiling capability.
2009 September	District Court ePayments application deployed, allowing the public to pay citations or fines online via the courts' website.
2009 November	Began expansion of electronic filing to include general civil case types in the Second District
2010 February	Utah's digital signature act allowing documents to be signed electronically is implemented. Electronic filing expanded to include general civil case types. New document management system deployed to support an electronic case record.
2010 March	St. George established as duplicate data center to allow for real-time recovery from a disaster.

2010 April	<p>CORIS modified for full integration with Document Manager, allowing upload of a single document and removing the need for printing barcodes.</p> <p>Architecture implemented for secure, PCI compliant network and systems.</p>
2010 September	<p>Juvenile ePayments enabled, allowing users the ability to make a payment on the juvenile account.</p>
2010 August	<p>Completed expansion of electronic filing of general civil case types in all judicial districts.</p> <p>Statewide desktop scanning implemented for district court, facilitating the move from a paper to electronic record.</p>
2010 October	<p>Point of Sale terminals installed throughout the courts in order to attain PCI compliance for credit card payments.</p>



JUDICIAL COUNCIL MEMBERSHIP

1997-1998

Chief Justice Michael D. Zimmerman, chair, Utah Supreme Court
Judge Robert Braithwaite, Fifth District Court
Judge Pamela T. Greenwood, Court of Appeals
Judge Michael Glasmann, Second District Court
Judge Kay Lindsay, Fourth District Juvenile Court
Judge Kent Nielsen, Sixth District Justice Court
Judge Leonard H. Russon, Utah Supreme Court
Judge Anthony W. Schofield, Fourth District Court
Judge Anne M. Stirba, Third District Court
Judge Stan Truman, Seventh District Justice Court
Judge Stephen Van Dyke, Second District Court
James C. Jenkins, Esq., Utah State Bar Representative

1998-1999

Chief Justice Richard C. Howe, chair, Utah Supreme Court
Judge Lyle Anderson, Seventh District Court
Judge Russell Bench, Court of Appeals
Judge Lynn Davis, Fourth District Court
Judge L.A. Dever, Third District Court
Judge Michael Glasmann, Second District Court
Judge Ronald Hare, Fourth District Justice Court
Judge Scott Johansen, Seventh District Juvenile Court
Judge Kay Lindsay, Fourth District Juvenile Court
Judge Clair Poulson, Eighth District Justice Court
Judge Leonard H. Russon, Utah Supreme Court
Judge Anne M. Stirba, Third District Court
Judge Stan Truman, Seventh District Justice Court
Scott Daniels, Esq., Utah State Bar Representative
Daniel J. Becker, secretariat, State Court Administrator

1999-2000

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Judge Russell Bench, Court of Appeals
Judge Lynn Davis, Court of Appeals
Judge L. A. Dever, Third District Court
Judge Ben Hadfield, First District Court
Judge Ronald Hare, Fourth District Justice Court
Judge Jerry Jensen, Second District Justice Court

Judge Scott Johansen, Seventh District Juvenile Court
Judge Anne M. Stirba, Third District Court
Judge Andrew Valdez, Third District Juvenile Court
Justice Michael J. Wilkins, Utah Supreme Court
Debra Moore, Esq., Utah State Bar Representative
Daniel J. Becker, secretariat, State Court Administrator

2000-2001

Chief Justice Richard C. Howe, chair, Utah Supreme Court
Judge Lyle R. Anderson, Seventh District Court
Judge James Z. Davis, Utah Court of Appeals
Judge Ben Hadfield, First District Court
Judge L.A. Dever, Third District Court
Judge Lynn Davis, Fourth District Court
Judge Ronald Hare, Fourth District Justice Court
Judge Robert Hilder, Third District Court
Judge Jerald Jensen, Second District Justice Court
Judge Scott Johansen, Seventh District Juvenile Court
Judge Clair Poulson, Eighth District Justice Court
Judge Andrew Valdez, Third District Juvenile Court
Justice Michael J. Wilkins, Utah Supreme Court
Debra Moore, Esq., Utah State Bar Representative
Daniel J. Becker, secretariat, State Court Administrator

2001-2002

Chief Justice Christine M. Durham, chair, Utah Supreme Court
Judge James Z. Davis, Utah Court of Appeals
Judge L.A. Dever, Third District Court
Justice Matthew Durrant, Utah Supreme Court
Judge Ben Hadfield, First District Court
Judge Ronald Hare, Fourth District Justice Court
Judge Robert Hilder, Third District Court
Judge Jerald Jensen, Second District Justice Court
Judge Scott Johansen, Seventh District Juvenile Court
Judge K.L. McIlff, Sixth District Court
Judge Clair Poulson, Eighth District Justice Court
Judge Gary Stott, Fourth District Court
Judge Andrew Valdez, Third District Juvenile Court
C. Dane Nolan, Esq., Utah State Bar Representative
Daniel J. Becker, secretariat, State Court Administrator

2002-2003

Chief Justice Christine M. Durham, chair, Utah Supreme Court
Judge J. Mark Andrus, Second District Juvenile Court
Judge James Z. Davis, Utah Court of Appeals
Judge L.A. Dever, Third District Court

Justice Matthew Durrant, Utah Supreme Court
Judge Jerald Jensen, Second District Justice Court
Judge Ronald Harem, Fourth District Justice Court
Judge Robert Hilder, Third District Court
Judge Scott Johansen, Seventh District Juvenile Court
Judge K.L. McIff, Sixth District Court
Judge Jon Memmott, Fourth District Court
Judge Clair Poulson, Eighth District Justice Court
Judge Gary Stott, Fourth District Court
David Bird, Esq., Utah State Bar Representative
Daniel J. Becker, secretariat, State Court Administrator

2003-2004

Chief Justice Christine M. Durham, chair, Utah Supreme Court
Judge J. Mark Andrus, Second District Juvenile Court
Judge James Z. Davis, Utah Court of Appeals
Judge L. A. Dever, Third District Court
Justice Matthew B. Durrant, Utah Supreme Court
Judge Ronald Hare, Fourth District Justice Court
Judge Robert K. Hilder, Third District Court
Judge Jerald L. Jensen, Second District Justice Court
Judge Scott N. Johansen, Seventh District Juvenile Court
Judge K.L. McIff, Sixth District Court
Judge Jon Memmott, Second District Court
Judge Gary D. Stott, Fourth District Court
David R. Bird, Esq., Utah State Bar Representative
Daniel J. Becker, secretariat, State Court Administrator

2004-2005

Chief Justice Christine M. Durham, chair, Utah Supreme Court
Judge J. Mark Andrus, Second District Juvenile Court
Judge Hans Chamberlain, Fifth District Juvenile Court
Judge James Z. Davis, Utah Court of Appeals
Judge L. A. Dever, Third District Court
Judge Robert K. Hilder, Third District Court
Judge Jerald L. Jensen, Second District Justice Court
Judge K.L. McIff, Sixth District Court
Judge Jon Memmott, Second District Court
Justice Ronald E. Nehring, Utah Supreme Court
Judge Kevin Nelson, Mantua Justice Court
Judge Clair Poulson, Duchesne County Justice Court
Judge Gary D. Stott, Fourth District Court
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Daniel J. Becker, secretariat, State Court Administrator

2005-2006

Chief Justice Christine M. Durham, chair, Utah Supreme Court
Judge J. Mark Andrus, Second District Juvenile Court
Judge William Barrett, Third District Court
Judge G. Rand Beacham, Fifth District Court
Judge Hans Chamberlain, Fifth District Juvenile Court
Judge James Z. Davis, Utah Court of Appeals
Judge Robert K. Hilder, Third District Court
Judge Jerald L. Jensen, Second District Justice Court
Judge Jon Memmott, Second District Court
Justice Ronald E. Nehring, Utah Supreme Court
Judge Kevin Nelson, Mantua Justice Court
Judge G.A. "Jody" Petry, Uintah County Justice Court
Judge Gary D. Stott, Fourth District Court
David R. Bird, Esq., Utah State Bar Representative
Daniel J. Becker, secretariat, State Court Administrator

2006-2007

Chief Justice Christine M. Durham, chair, Utah Supreme Court
Judge J. Mark Andrus, Second District Juvenile Court
Judge William Barrett, Third District Court
Judge G. Rand Beacham, Fifth District Court
Judge Hans Chamberlain, Fifth District Juvenile Court
Judge James Z. Davis, Utah Court of Appeals
Judge Robert K. Hilder, Third District Court
Judge Michael Kwan, Taylorsville Justice Court
Judge Michael D. Lyon, Second District Court
Justice Ronald E. Nehring, Utah Supreme Court
Judge Kevin Nelson, Mantua Justice Court
Judge G.A. "Jody" Petry, Uintah County Justice Court
Judge Gary D. Stott, Fourth District Court
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2007-2008

Chief Justice Christine M. Durham, chair, Utah Supreme Court
Judge J. Mark Andrus, Second District Juvenile Court
Judge Judith S.H. Atherton, Third District Court
Judge William Barrett, Third District Court
Judge Hans Chamberlain, Fifth District Juvenile Court
Judge Michael Kwan, Taylorsville Justice Court
Judge Michael D. Lyon, Second District Court

Judge Brendan P. McCullagh, West Valley City Justice Court
Justice Ronald E. Nehring, Utah Supreme Court
Judge Gregory K. Orme, Utah Court of Appeals
Judge G.A. "Jody" Petry, Uintah County Justice Court
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2008-2009

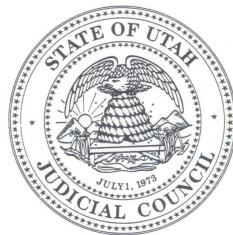
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Judge Paul Maughan, Third District Court
Judge Brendan P. McCullagh, West Valley City Justice Court
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Judge G.A. "Jody" Petry, Uintah County Justice Court
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2009-2010

Chief Justice Christine M. Durham, chair, Utah Supreme Court
Judge Hans Chamberlain, vice chair, Fifth District Juvenile Court
Judge Judith S.H. Atherton, Third District Court
Judge J. Donald Eyre, Fourth District Court
Judge Kimberly K. Hornak, Third District Juvenile Court
Judge Paul Maughan, Third District Court
Judge Brendan P. McCullagh, West Valley City Justice Court
Justice Ronald E. Nehring, Utah Supreme Court
Judge Gregory K. Orme, Utah Court of Appeals
Judge G. A. "Jody" Petry, Uintah County Justice Court
Judge Keith Stoney, Saratoga Springs and West Valley City Justice Court
Judge G. Michael Westfall, Fifth District Court
Judge Thomas L. Willmore, First District Court
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2010-2011

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Judge J. Donald Eyre, Fourth District Court
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Judge Paul Maughan, Third District Court
Judge Brendan P. McCullagh, West Valley City Justice Court
Judge Gregory K. Orme, Utah Court of Appeals
Justice Jill N. Parrish, Utah Supreme Court
Judge G. A. "Jody" Petry, Uintah County Justice Court
Judge Keith Stoney, Saratoga Springs and West Valley City Justice Court
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