

Rule 3-419. Office of Fairness and Accountability**Intent:**

To establish the Office of Fairness and Accountability within the Administrative Office of the Courts.

To identify the objectives of the Office of Fairness and Accountability.

To identify the duties of the Director of the Office of Fairness and Accountability.

Applicability:

This rule shall apply to the ~~judiciary~~judicial branch.

Statement of the Rule:

(1) **Establishment of the Office.** The Office of Fairness and Accountability is established within the Administrative Office of the Courts to organize and lead the ~~judicial~~branchry in examining and addressing processes and outcomes within the ~~judicial~~system-branch that contribute to or cause the unequal treatment of individuals based on factors such as race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, marital status, veteran status, and any other status protected by law~~race, ethnicity, sexual orientation, or gender~~.

(2) Objectives.

(2)(A) The Office shall support the ~~judicial~~branchry in its efforts to ensure that Utah courts are achieving the ~~judicial~~branchry's mission to provide an open, fair, efficient, and independent system to advance access to justice under the law.

(2)(B) The Office shall work collaboratively with other offices, departments, judges, commissioners, court employees, boards of judges, and Judicial Council standing committees.

(2)(C) The Office shall advance efforts to eliminate bias from court operations, promote equal access to the courts, support efforts to diversify the bar and bench, and inspire a high level of trust and public confidence in the ~~judicial~~branchry.

(3) Director Duties. The Director of the Office of Fairness and Accountability shall:

(3)(A) Create and operationalize a strategic plan that includes the following areas of focus:

(3)(A)(i) Identifying and addressing racism and other forms of bias within the ~~judicial~~justice system by:

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(3)(A)(i)(a) Engaging in community outreach and serving as a liaison between the courts and other agencies and organizations;

(3)(A)(i)(b) Networking with community partners such as the Utah Commission on Criminal and Juvenile Justice, the Utah Center for Legal Inclusion, Diversity Offices, universities, and community organizations;
and

(3)(A)(i)(c) Partnering on access to justice initiatives and projects; ~~and~~

~~(3)(A)(i)(d) Developing a speakers' bureau to reach K-12 schools statewide.~~

(3)(A)(ii) Conducting data collection and research through:

(3)(A)(ii)(a) Collaboration with national experts and thought leaders to identify, gather and analyze relevant data; and

(3)(A)(ii)(b) Coordination with Court Data Services and Information Technology Services to capture and report relevant data.

(3)(A)(ii)(c) ~~A special area of focus shall be collecting and analyzing~~ Collection and analysis of jury information, including juror selection, service, and pools.

(3)(A)(iii) Coordinating with ~~the Utah the~~ Judicial Education Department ~~Institute~~ to develop education curriculum and training for judicial officers and employees on issues including but not limited to:

(3)(A)(iii)(a) cultural competency;

(3)(A)(iii)(b) racial bias, implicit bias, institutional bias, and individual biases; and

(3)(A)(iii)(c) any other relevant issues.

(3)(A)(iv) Monitoring Human Resources implementation of best practices for recruitment and retention, and collaborating with Human Resources on:

(3)(A)(iv)(a) the recruitment and selection of court commissioners and employees; and

(3)(A)(iv)(b) obtaining and analyzing data.

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90 | (3)(A)(v) Collaborating with ~~organizations such as~~ the Utah State Bar, schools,
91 | and other organizations ~~Utah Center for Legal Inclusion, and schools~~ to
92 | encourage individuals from marginalized communities to qualify and apply for
93 | judicial ~~openings~~positions.

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95 | (3)(B) Serve as a resource for persons in historically marginalized communities~~for~~
96 | ~~minorities~~ within the ~~court~~justice system and work to increase cultural awareness, foster
97 | greater appreciation of racial and cultural diversity, and engender mutual respect in
98 | persons who deliver court services and represent our justice system

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100 | (3)(C) Make recommendations for improvement in court processes, procedures, and
101 | policies as they relate to race, gender, ethnicity, age, disability, socioeconomic status,
102 | religion, sexual orientation, marital status, veteran status, and any other status protected
103 | by law.

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105 | (3)(D) Oversee the interpreter and language access programs, ~~and the~~ communication
106 | and public information programs, and judicial outreach programs.

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108 | (3)(E) Review and report on the efficient allocation and fair application of available
109 | resources to address~~ing~~ issues of disparity-unequal treatment within the judiciary~~the~~
110 | judicial system.

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112 | (3)(F) Implement standards, policies, and rules as directed by the State Court
113 | Administrator and Judicial Council.

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115 | (3)(G) Report to the Judicial Council at least annually.

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117 | (4) The Director shall provide support to any committee or task force created by the Judicial
118 | Council for the purpose of developing a strategic plan for the Office.

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120 | *Effective November 1, 2021*