

# City Council Staff Report

October 22, 2015

**Applicant:** Mapleton City

**Prepared by:** Cory Branch

**Public Hearing:** No

## REQUEST

Consideration of resolution requesting recertification of the Mapleton Justice Court

## BACKGROUND

1. State statute requires that municipal justice courts be recertified by the Utah Judicial Council every four years.
2. Attached to this staff report includes the recertification packet.

## STAFF RECOMMENDATION

Staff recommends approval of the Mapleton Justice Court Recertification.

## ATTACHMENT

1. Recertification packet

**BLAISDELL, CHURCH & JOHNSON, LLC**

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October 9, 2015

Via Email and U.S. Mail

Mayor Brian Wall  
125 W. 400 N.  
Mapleton, Utah 84664

Re: Justice Court Certification

As part of the certification process for your Justice Court I have been asked to render an opinion as to the requirements for your court and the feasibility of your maintaining the court. In rendering this opinion I have reviewed the operation of your Court during the past and have reviewed the requirements of both statute and rule for the operation of the Court.

Statutes of the State of Utah require the following standards be met in the operation of a Justice Court:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Utah Code 78A-7-213).
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (Utah Code 78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in the local public buildings (Utah Code 78A-7-213).
4. The judge and clerk of the court shall attend the court at regularly scheduled times (Utah Code 78A-7-213).
5. The entity (the City) creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Utah Code 78-7-207 and 211).
6. The entity creating a Justice Court shall assume the expense of travel, means, and lodging for the judge of the court to attend required judicial education and training (Utah Code 78A-7-205).

7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training session conducted by the Judicial Council (Utah Code 78A-7-103).
8. The entity creating a Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Utah Code 78A-7-103).
9. The entity creating the court shall provide adequate facilities for attorneys where persons are indigent as provided by law (Utah Code 78A-7-103).
10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Utah Code (78A-7-103).
11. Witnesses and jury fees as required by law shall be paid by the entity which creates the Court. (Utah Code 10-7-76).
12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Utah Code 78A-7-120 and 121).
13. Every entity creating a court shall pay the judge of that court a fixed compensation within the range provided for by statute (Utah Code 78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (Utah Code 78A-7-212).
15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, Utah Court Rules, and other necessary legal reference materials (Utah Code 78A-7-103).
16. All required reports and audits shall be filled as required by law or by rule of the Judicial Council pursuant to Utah Code Section 78A-7-215.
17. All Justice Courts must use a common case management system and disposition reporting system as specified by the Judicial Council (Utah Code 78A-7-213).

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

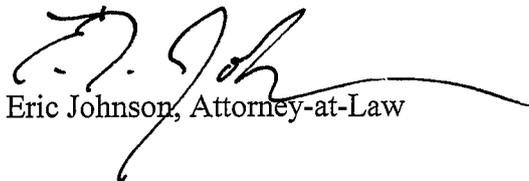
- A. That the Court be opened at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.

- B. That the judge be available to attend court and conduct court business as needed.
- C. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.
- D. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
- E. Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the spaces whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
- F. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
- G. The entity must have at least one peace officer (which may be contracted).
- H. A court security plan must be submitted consistent with C.J.A. Rule 3-414.
- I. Each court must have at least one computer with access to the internet, and appropriate software and security encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly and all justice courts must use CORIS cause management system (Utah Code 78-7-213).
- J. Each court shall report required case disposition information to DLD, BCK, and the Administrative Office of the Courts electronically, as described in letter I above.

In addition to these base requirements there are additional requirements depending on the average number of cases filed in the Court per month. It appears to e that your Court is a class IV Court. A class IV Court has case filings of less than 60 per month. As such your court must be open at least one hour per day and have a trial calendar set at least monthly.

I have reviewed your past operation of the Court and believe that it has been in compliance with State law. It is also my opinion that it is feasible for you to continue to maintain the Court in compliance with applicable law.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Johnson", with a long horizontal flourish extending to the right.

Eric Johnson, Attorney-at-Law

# Administrative Office of the Courts

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

August 22, 2015

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

Mayor Brian Wall  
125 W. 400 N.  
Mapleton, UT 84664

Dear Mayor Wall,

State statute requires that municipal justice courts be recertified by the Utah Judicial Council every four years, and the certification for your municipal justice court expires this coming February. Enclosed please find a recertification packet that includes an application for certification. Copies of this packet are also being sent to your justice court judge and city attorney. A copy is available for review on the courts' web site as well at: <http://www.utcourts.gov/courts/just/resources.html>. In order to be recertified, a municipality must submit a resolution adopted by your municipal legislative body that requests recertification and agrees to continue to comply with the operational standards for the term of recertification, an opinion letter from the city attorney, and a completed and signed affidavit submitted by the municipal justice court judge. All three items are described in more detail in the application for recertification.

**All three components of the recertification application are due at the Administrative Office of the Courts by October 30, 2015. The completed packet should be mailed to: Justice Court Standards Committee, Attention: Richard Schwermer, Administrative Office of the Courts, P. O. Box 140241, Salt Lake City, UT 84114-0241.**

Thank you for your continued commitment to a quality local judiciary, and please call me if you have any questions about this recertification process.

Sincerely,



Richard H. Schwermer  
Assistant State Court Administrator

nm

Enclosure

cc: Municipal Justice Court Judge  
City Attorney

**The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.**

**JUSTICE COURT STANDARDS**  
**FOR RECERTIFICATION**

**AUGUST 2015**

## INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of the Court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for the operation of the Court during the period of certification. **A copy of the attorney's opinion and the resolution must accompany the application.** Please use the checklist on page 21 of this packet.

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

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).
6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

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

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

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

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

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

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

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

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material (78A-7-103).

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

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

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

- 1) That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
- 2) That the judge be available to attend court and conduct court business as needed.
- 3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses,

separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public. (A suggested courtroom configuration is attached).

- 4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
- 5) Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
- 6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
- 7) The entity must have at least one peace officer (which may be contracted).
- 8) A court security plan must be submitted consistent with C.J.A. Rule 3-414.
- 9) Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly. Also note that all justice courts shall use the CORIS case management system. (78A-7-213).
- 10) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In establishing minimum requirements, the Judicial Council has determined that Justice Courts with higher case filings require greater support services. To accommodate the great differences in judicial activity between Justice Courts within the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification. Courts which have an average of less than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are stated above. (These requirements are also attached as Class IV minimum requirements).

These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

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

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

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

The State Legislature has provided that any Justice Court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement imposed by rule of the Council rather than by statute. Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will generally be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified, and the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions.

In order to adequately function it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; and in such circumstances waiver may be requested.

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

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

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

If you have any questions concerning this application, please contact Richard Schwermer, staff to the Judicial Council, at P. O. Box 140241, Salt Lake City, Utah 84114-0241, [ricks@utcourts.gov](mailto:ricks@utcourts.gov) or telephone: (801)578-3816.

## OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Justice Court Standards Committee as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year. The classification of a court is determined at creation and is subject to review and possible reclassification whenever the court is being recertified. While the standards for some areas of court operation are uniform for all levels of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads of different levels.

### CLASS I

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

**- FILINGS:**

501 or more citations or cases filed per month

**- HOURS:**

Court Open: Full Time

Judge: Full Time

**- FACILITY:**

Dedicated Courtroom (with juror deliberation room)

Judge's Chambers

Clerk Office

Co-located in the same facility

(Meet the Master Plan Guidelines adopted by the Judicial Council)

**- CLERICAL RESOURCES:**

At least three full time clerks

**- PROSECUTION:**

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

**- INDIGENT DEFENSE:**

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

**- LEGAL RESOURCES:**

The following must be available and kept current:

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

**- LAW ENFORCEMENT:**

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

**- BAILIFF:**

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

**- SECURITY PLAN:**

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

**- JURY/ WITNESS FEES:**

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

**- EDUCATION:**

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

**- REPORTING:**

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

**CLASS II**

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

**- FILINGS:**

201 to 500 citations or cases a month.

**- HOURS:**

Court Open

201-300 filings                      At least 4 hours per day

301-400 filings                      At least 5 hours per day

401-500 filings                      At least 6 hours per day

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

**- FACILITY:**

Courtroom (configuration is permanent but may be shared)

Judge's Office

Clerk Office

(Courtroom and office must be co-located in the same building)

**- CLERICAL RESOURCES:**

201-275 filings                      At least one full time clerk

276-350 filings                      1.5 FTEs

351-425 filings                      2.0 FTEs

426-500 filings                      2.5 FTEs

**- PROSECUTION:**

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

**- INDIGENT DEFENSE:**

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

**- LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code

b. Local ordinances

c. Justice Court Manual

d. Code of Judicial Administration

e. Uniform Bail Schedule

f. Other legal resources as required under §78A-7-103

**- LAW ENFORCEMENT:**

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

**- BAILIFF:**

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

**- SECURITY PLAN:**

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

**- JURY/ WITNESS FEES:**

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

**- EDUCATION:**

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

**- REPORTING:**

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

**CLASS III**

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

**- FILINGS:**

61-200 citations or cases per month

**- HOURS:**

Court Open

61-150 filings

At least 2 hours a day

151-200 filings

At least 3 hours a day

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

**- FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's /clerk office

(Meets minimum requirements)

**- CLERICAL RESOURCES:**

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

**- PROSECUTION:**

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

**- INDIGENT DEFENSE:**

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

**- LEGAL RESOURCES:**

The following must be available and kept current:

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

**- LAW ENFORCEMENT:**

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

**- BAILIFF:**

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

**- SECURITY PLAN:**

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

**- JURY/ WITNESS FEES:**

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

**- EDUCATION:**

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

**- REPORTING:**

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

**CLASS IV**

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

**- FILINGS:**

0-60 citations and/or cases per month

**- HOURS:**

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

**- FACILITY:**

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's/clerk office (can be a shared resource but court has priority when needed.)

(Meets minimum requirements)

**- CLERICAL RESOURCES:**

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

**- PROSECUTION:**

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

**- INDIGENT DEFENSE:**

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

**- LEGAL RESOURCES:**

The following must be available and kept current:

a. Utah Code

b. Local ordinances

c. Justice Court Manual

d. Code of Judicial Administration

e. Uniform Bail Schedule

f. Other legal resources as required under §78A-7-103

**- LAW ENFORCEMENT:**

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

**- BAILIFF:**

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

**- SECURITY PLAN:**

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

**- JURY/ WITNESS FEES:**

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

**- EDUCATION:**

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

**- REPORTING:**

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

**COURT CERTIFICATION AFFIDAVIT**

Court Location: \_\_\_\_\_

Judge: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

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

Average Case Filings Per Month: \_\_\_\_\_

Daily Court Hours: \_\_\_\_\_

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

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

This form is divided into two parts. Section I contains those requirements that are statutory and are **not** waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

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Comes now Judge \_\_\_\_\_,

Justice Court Judge for \_\_\_\_\_

\_\_\_\_\_ and,

except as specifically noted below, certifies as follows:

## SECTION I

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

Please indicate Yes or No to each of the following:

1. All official court business is conducted in a public facility. \_\_\_\_\_
2. Court is open daily. \_\_\_\_\_
3. The hours of court operation are posted conspicuously. \_\_\_\_\_
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. \_\_\_\_\_
5. The judge is compensated at a fixed rate, within the statutory range. \_\_\_\_\_
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. \_\_\_\_\_
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. \_\_\_\_\_
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. \_\_\_\_\_
9. The responsible governmental entity provides the Court with:
  - a. Sufficient prosecutorial support \_\_\_\_\_
  - b. Funding for attorneys for indigent defendants, as appropriate \_\_\_\_\_
  - c. Sufficient local law enforcement officers to attend court as provided by statute \_\_\_\_\_
  - d. Security for the court as provided by statute \_\_\_\_\_
  - e. Witness and juror fees \_\_\_\_\_
  - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials \_\_\_\_\_

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. \_\_\_\_\_
11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).  
\_\_\_\_\_
12. All required reports and audits are filed as required by law or Rule of the Judicial Council.  
\_\_\_\_\_

## SECTION II

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

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

1. Court is open each day as appropriate for the classification of the court. \_\_\_\_\_
2. The judge is available to attend court and to conduct court business as needed. \_\_\_\_\_
3. Minimum furnishings in the courtroom include:
  - a. Desk and chair for the judge \_\_\_\_\_
  - b. A six inch riser \_\_\_\_\_
  - c. Desk and chair for the court clerk \_\_\_\_\_
  - d. Chairs for witnesses \_\_\_\_\_
  - e. Separate tables and appropriate chairs for plaintiffs and defendants \_\_\_\_\_
  - f. A Utah State flag \_\_\_\_\_
  - g. A United States flag \_\_\_\_\_
  - h. A separate area and chairs for at least four jurors \_\_\_\_\_
  - i. A separate area with appropriate seating for the public \_\_\_\_\_
  - j. An appropriate room for jury deliberations \_\_\_\_\_
  - k. An appropriate area or room for victims and witnesses which is separate from the public \_\_\_\_\_
  - l. A judicial robe \_\_\_\_\_
  - m. A gavel \_\_\_\_\_
  - n. Current bail schedules \_\_\_\_\_
  - o. A copy of the Code of Judicial Administration \_\_\_\_\_

- p. Necessary forms and supplies \_\_\_\_\_
  - q. Office space for the judge \_\_\_\_\_
  - r. Office space for the court clerk \_\_\_\_\_
  - s. Secure filing cabinets \_\_\_\_\_
  - t. Appropriate office supplies \_\_\_\_\_
  - u. A cash register or secured cash box \_\_\_\_\_
  - v. At least one computer with internet access \_\_\_\_\_
  - w. Access to a copy machine \_\_\_\_\_
4. The appropriate number of clerks as required by the classification of the court are present during the time court is open each day and as needed during court sessions. \_\_\_\_\_
  5. Does the applicant have a law enforcement department? \_\_\_\_\_
  6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  7. A security plan has been filed consistent with C.J.A. Rule 3-414. \_\_\_\_\_
  8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. \_\_\_\_\_
  9. If the court is a **Class I** court:
    - a. Judge is employed on a full-time basis \_\_\_\_\_
    - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council \_\_\_\_\_
    - c. Court has a jury deliberation room \_\_\_\_\_
    - d. Judge's chambers, clerk's office, and courtroom are in the same building \_\_\_\_\_
    - e. Judge has his or her own private chambers \_\_\_\_\_
    - f. Clerk's office is separate from any other entity \_\_\_\_\_

g. Court is open during normal business hours \_\_\_\_\_

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

a. Court is open (check one)

\_\_\_\_\_ 1. 201-300 average monthly filings: at least 4 hrs./day

\_\_\_\_\_ 2. 301-400 average monthly filings: at least 5 hrs./day

\_\_\_\_\_ 3. 401-500 average monthly filings: at least 6 hrs./day

b. Trial calendar is set at least weekly \_\_\_\_\_

c. Courtroom configuration is permanent \_\_\_\_\_

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

e. Judge has his or her own private chambers \_\_\_\_\_

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

a. Trial calendar is set at least every other week \_\_\_\_\_

b. Court is opened (check one):

\_\_\_\_\_ 1. 61-150 average monthly filings: at least 2 hrs./day

\_\_\_\_\_ 2. 151-200 average monthly filings: at least 3 hrs./day

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

a. Trial calendar is set at least monthly \_\_\_\_\_

b. Court is open at least 1 hour per day \_\_\_\_\_

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



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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Justice Court Judge

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

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

## C H E C K L I S T

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

1. \_\_\_\_ Court Certification Affidavit completed and signed by the judge.
2. \_\_\_\_ A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.
3. \_\_\_\_ A copy of a duly passed resolution of the sponsoring governmental entity that
  - a. requests recertification of the court, and
  - b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.
4. \_\_\_\_ A copy of your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since last submitted.

**ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE  
JUSTICE COURT STANDARDS COMMITTEE AT THE ADDRESS BELOW BY:  
OCTOBER 30, 2015.**

Utah Judicial Council  
Attention: Richard Schwermer  
Administrative Office of the Courts  
P. O. Box 140241  
Salt Lake City, Utah 84114-0241

**SAMPLE RESOLUTION**

A RESOLUTION REQUESTING THE RECERTIFICATION OF

THE \_\_\_\_\_ COURT

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

WHEREAS, the term of the present Court shall expire on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_; and

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

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

BE IT RESOLVED, the \_\_\_\_\_ (name of Commission, Council or Board) hereby requests recertification of the \_\_\_\_\_ Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

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

APPROVED and signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Municipality or County)

by \_\_\_\_\_  
(Title)

ATTEST:

\_\_\_\_\_