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November 30, 2022

Ms. Laurie Stringham, Chair
Salt Lake County Council
2001 South State Street, Suite N2938
Salt Lake City, Utah 84190

RE: Recertification of Salt Lake County Justice Court

Dear Chair Stringham:

The Salt Lake County Justice Court's certification will expire on January 1, 2023, and the deadline to apply for recertification is soon approaching. One of the requirements for recertification is that my office provides the Salt Lake County Council with a written opinion setting forth "all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court."

To that end, this letter is to advise the Council of the requirements for the operation of the Salt Lake County Justice Courts during the period of recertification.

Please note that I am not able to provide any opinion as to whether the County's Justice Court is in compliance with Utah Code Sec. 78A-7-120(1). That section requires the Justice Court to remit certain fines and forfeitures it collects to the County Treasurer. My office has never received information relating to whether Justice Court is complying with this statute.

While I cannot provide an opinion on that Justice Court function, statute requires certain standards are met in the operation of a Justice Court. These 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 (U.C.A. § 78A-7-213).
2. Each Court shall be open and judicial business shall be transacted every day as provided by law (U.C.A. § 78A-7-213), although the judge is not required to be present during all hours the court is open.

3. The hours the court will be open shall be posted conspicuously at the court and in local public buildings (U.C.A. § 78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (U.C.A. § 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 (U.C.A. § 78A-7-206 and -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 (U.C.A. § 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 (U.C.A. § 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 (U.C.A. § 78A-7-103).
9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (U.C.A. § 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 (U.C.A. § 78A-7-103).
11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (U.C.A. § 17-50-319, U.C.A § 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 (U.C.A. § 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 by statute (U.C.A. § 78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (U.C.A. § 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 materials (U.C.A. § 78A-7-103).
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (U.C.A. § 78A-7-215).

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (U.C.A. § 78A-7-213).
18. All audio recording system shall maintain the verbatim record of all court proceedings (U.C.A. § 78A-7-103).

For Class I justice courts, the system must:

- a. Be a stand-alone unit that records and audibly plays back the recording;
- b. Index, back-up and archive the recording and enable the record to be retrieved;
- c. Have at least four recording channels;
- d. Have a one step “on” and “off” recording function;
- e. Have conference monitoring of recorded audio;
- f. Have external record archiving from the unit with local access;
- g. Be capable of being integrated with the courts public address system.

In addition to these statutory requirements, U.C.A. § 78A-7-103, directs the Judicial Council to promulgate rules for the operation of Justice Courts. The Judicial Council has therefore adopted the following minimum standards:

1. The Court shall 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. The judge shall be available to attend court and conduct court business as needed.
3. The minimum furnishings for a courtroom shall include: a desk and chair for the judge (on a six inch riser), a desk chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State Flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.
4. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies shall be available.
5. Appropriate office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the 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 the Driver's License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. In addition, all justice courts must use the CORIS case management system.
10. Each court shall report required case disposition to DLC, BCI and the Administrative Office of the Courts electronically, as described in number 9, above.

Justice Courts with higher case filings require greater support services. The Judicial Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standard have been set for each class.

The Salt Lake County Justice Court has an average monthly filing of more than 500 cases and is therefore classified as a Class I Court. Class I courts are full-time courts. In addition to all the base requirements listed above, Class I Courts must also:

1. Have a full-time judge.
2. Have at least three clerks.
3. Be open during regular business hours.
4. Have a courtroom which is dedicated for exclusive use as a court, and which meets the master plan guideline adopted by the Judicial Council.
5. Not share the judge's chambers or clerk's office with another entity.
6. Prosecutor to screen cases and represent the county at trial.
7. Adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.
8. Have legal resources including, Utah Code, local ordinances, Justice Court Manual, Code of Judicial Administration, Uniform Bail Schedule, and other legal resources as required under Utah Code Ann. § 78A-7-103.

9. Have at least one employed or contracted peace officer.
10. Have a sworn law enforcement officer to attend court when required and provide security for the court.
11. Local government is responsible for payment of statutory juror and witness fees.
12. Local government is responsible for cost of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).
13. A security plan submitted consistent with C.J.A. Rule 3-414.
14. All reports and audits shall be made timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically (via the internet).

This letter meets the Judicial Council's requirement that the Salt Lake County Council be advised of the requirements for recertification. As noted above, I cannot provide an opinion as to the statutory requirement that the Justice Court remit fines in compliance with 78A-7-120. However, with that exception, it appears that the Justice Court meets the other statutory requirements. By adopting a Resolution, the County Council will be formally requesting recertification and agreeing to abide by all requirements for the operation of the Justice Court during the period of recertification.

To complete the recertification process, copies of this letter, any passed Resolution and a Court Certification Affidavit completed by the Justice Court Judge must be sent to:

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

Sincerely,


SIM GILL,
District Attorney
Salt Lake County