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UTAH COURTS OF LIMITED JURISDICTION: ANALYSIS AND RECOMMENDATIONS

September, 1976

Prepared for the State of Utah by:

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Honorable Thornley K. Swan  
Representative C. Demont Judd, Jr.  
Co-Chairmen  
Utah Courts of Limited Jurisdiction Project  
Joint Judicial-Legislative Advisory Committee

Dear Chief Judge Swan and Representative Judd:

The National Center is pleased to submit its final report on the Utah courts of limited jurisdiction. This study was made at the request of the Utah Judicial Council and the Judiciary Study Committee of the Utah Legislature. The project was funded by a grant from the Utah Council on Criminal Justice Administration. The Office of the Court Administrator and the Office of Legislative Research each provided one-half of the required matching funds. The project was administered by the Office of the Court Administrator in cooperation with the Office of Legislative Research.

The purpose of the project was to analyze the present system of Utah courts of limited jurisdiction, excluding juvenile courts. The Center was requested to emphasize and develop recommendations for the following areas: (1) jurisdictional structure of the present city and justice of the peace courts; (2) selection, tenure, compensation and qualifications of the judges, including the need for additional law-trained judges; (3) financing of these courts; (4) administrative operation of these courts as a part of the judicial branch of the government, and; (5) methods for determining statewide judicial and non-judicial personnel needs with due regard for the urban-rural configuration of Utah.

Throughout the project we have had the most helpful counsel of an advisory committee composed of:

Representative C. Demont Judd, Jr.,  
Co-Chairman

Honorable Thornley K. Swan  
Co-Chairman, Chief Judge, Utah Judicial Council

Senator Haven J. Barlow

Honorable Geraldine Christensen  
Justice of the Peace  
West Jordan City and Salt Lake County Precinct 7

Honorable Floyd H. Gowans  
Salt Lake City Court



Senator Richard C. Howe

Representative Beth S. Jarman

Honorable George A. Rich  
Justice of the Peace  
Beaver City and County

Representative George LaMont Richards

Honorable Stanton Taylor  
Ogden City Court

We have received cooperation from judges, and administrative and clerical personnel. The City Judge's Association, under the presidency of the Honorable Paul Grant and the Utah State Justice of the Peace Association, under the presidency of the Honorable Warren D. Cole, have been willing and helpful participants.

The Court Administrator, Mr. Richard V. Peay, and his staff provided the project team with essential information and invaluable suggestions. In particular, Mr. Arthur G. Christean, Deputy Court Administrator, who acted as project coordinator, has been invaluable in generating information and reviewing and commenting on work by the National Center. Through the Office of the Court Administrator, two interns, Kent Batty and Kerry Passey, were made available. Both were indispensable to the completion of this project.

We appreciate the opportunity to have worked with the Utah court system.

Very truly yours,

THE NATIONAL CENTER FOR STATE COURTS

cc: Richard V. Peay  
State Court Administrator

J. Leon Sorenson  
Director, Office of Legislative Research



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## I. INTRODUCTION

Efforts to reform the courts of limited jurisdiction in Utah have increased in recent years. The Utah Legislature, the courts themselves, the Utah Bar Association, the public media and citizens, through organizations such as Citizens for Utah Courts, all have proposed reforms which would affect both city and justice of the peace courts.<sup>1/</sup> Reflecting the concern in this area were ten major reform bills introduced in the 1975 general session of the Legislature. These bills were directed toward fundamental matters such as compensation of limited jurisdiction judges, procedures for appeals from city courts, and the methods for creation of city courts.<sup>2/</sup>

The Utah Judicial Council and the Joint Judiciary Committee of the Utah Legislature, aware of the need for reform, jointly decided that piecemeal legislation altering selected elements of the courts of limited jurisdiction was not the best approach. Instead, it was decided that a thorough analysis, which would be the basis of comprehensive reform legislation, was necessary. Consequently, the National Center for State Courts was requested to conduct such an analysis.

<sup>1/</sup> A partial list of some of the proposals are included in the following works: Utah Legislative Council, Criminal Justice Administration in Utah, 1960; Utah Judicial Study, 1966 (unpublished); Utah Legislative Council, Utah Courts Tomorrow, 1972; Utah State Bar, "Recommendations of the Utah State Bar Concerning Adoption of Unified Court for Utah", Unified Court Committee, Salt Lake City, 1972 (unpublished).

<sup>2/</sup> SB 101, 102, 103, 104, 105, 134; HB 172, 221, 222, 244.

In carrying out its assignment, the Center interviewed district and city court judges, justices of the peace, non-judicial court personnel, and other state, county and municipal officials. Data was obtained on caseloads, court financing, compensation of judges, use of non-judicial personnel and other areas.

## II. THE NEED FOR IMPROVEMENT

Utah's city and justice of the peace courts resolve the vast majority of cases filed in the court system; more than 95 percent in 1975.<sup>3/</sup> Therefore, these courts should deliver judicial services to the public as effectively and efficiently as possible. However, the present courts have deficiencies and could benefit greatly from improved administration, organization, financing and personnel management.

City courts have been created in Utah without a plan or system of organization. Present statutes allow the governing body of all first, second and third class cities and all those which are county seats to establish and maintain city courts.<sup>4/</sup> Under these provisions, 107 cities could establish city courts. This unstructured proliferation of courts could result in adverse locational patterns. There is evidence that this proliferation is occurring. In FY 1976 alone three new city courts were created.

Further, there is a concentration of city courts on the Wasatch Front with 18 of the 25 judges located in Weber, Davis, Salt Lake and Utah Counties. This centralization leaves many rural areas without reasonable access to law-trained judges. Such access is essential as the complexity in substantive law and procedures increasingly requires the attention of judges with legal training. The Utah Legislature, recognizing

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<sup>3/</sup> Utah Judicial Council, Annual Report Utah Courts, 1976.

<sup>4/</sup> Utah Code Ann. §78-4-1.

this need, has passed legislation allowing a defendant facing a possible jail term to be tried before a lawyer judge unless that right is waived.<sup>5/</sup> Nonetheless, fifteen counties do not have a law-trained court of limited jurisdiction judge because no city courts exist.<sup>6/</sup>

The Utah Legislature has declined to exercise its constitutional authority to fix the number of justices of the peace,<sup>7/</sup> and the number of justices has increased rapidly. In 1975, there were 166 justices of the peace.<sup>8/</sup> By 1976, the number had increased to 183.<sup>9/</sup> If these justices were dispersed throughout the state, there would be less cause for concern. However, many justice courts are located on the Wasatch Front where city courts are concentrated. As of June 30, 1976 there were 11 justices in Weber, 12 in Davis, 12 in Salt Lake and 16 in Utah. Cache County which is also quite urbanized has 16

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<sup>5/</sup> Utah Code Ann. §78-5-4.

<sup>6/</sup> The counties of Rich, Summit, Wasatch, Duchesne, Daggett, Uintah, Juab, Sanpete, Emery, Millard, Sevier, Piute, Beaver, Wayne, Garfield, Kane and San Juan presently are not served by law-trained judges at the court of limited jurisdiction level.

<sup>7/</sup> Utah Constitution, Art. VIII §8.

<sup>8/</sup> Utah Judicial Council, Annual Report Utah Courts, 1975, p.77.

<sup>9/</sup> Survey of Justices of the Peace conducted by the National Center for State Courts in 1976.

justices. Thus, 67 justices, which equals 40 percent of the statewide total, are located in counties which contain over three-fourths of the city court judges. This centralization of justice courts is not consistent with one of their basic purposes, to provide judicial services in areas not readily accessible to full-time, law-trained courts.

The relationship of city and justice of the peace courts to the executive and legislative branches of local government needs reform. There is a tendency, perhaps inadvertent, to consider judges and justices as employees of those branches. This violates the constitutional principle of separation of powers and undermines the independence of the judiciary. As an example, some city judges report a tendency of local governments to award salary increases based on the fines, fees, and forfeitures received from the courts. Pressure on judges to generate revenue may well influence the treatment of persons appearing in those courts.

There is an even greater need for reform in the relationship between justices of the peace and other branches of government. More than 50 percent of the justices responding to the National Center survey indicated they were appointed and never have stood for election. In fact, under present statutes, city and town justices apparently sit at the pleasure of the mayor.<sup>10/</sup> The potential for improper influence on court operations

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<sup>10/</sup> Utah Code Ann, §§10-6-32, 10-13-20.

and decisions is clear.

Present methods of compensating city court judges and justices should be changed. The compensation of city court judges is determined by the city councils and commissions. The possible use of salary adjustments to influence court policy has been mentioned. Also, salaries of judges vary widely, from \$15,200 to \$24,750 in 1976. Judges in the rural sections of the state receive lower salaries which reflects the less affluent position of these regions, but probably discourages highly qualified people from seeking judicial office.

Compensation problems with justices of the peace are even more acute. Many justices still are compensated on a per case basis although the Attorney General has declared this to be improper.<sup>11/</sup> In Salt Lake County, the Special Committee on the Justice of the Peace System uncovered abuses of the fee system, giving impetus to the adoption of a salary system of compensation. In many areas, such reform has not taken place.

While present problems warrant changes in the court system the reorganization proposal that follows is not confined to ills in the system. Rather, it seeks to strengthen the Utah courts of limited jurisdiction with the positive elements of court reform and modern management techniques that have followed

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<sup>11/</sup> Attorney General's Opinion No. 74-013.

the initial calls of Roscoe Pound and Chief Justice Vanderbilt for court modernization.<sup>12/</sup>

The courts of limited jurisdiction should be organized and administered as a system. This system should include methods for improving control of court calendars, creation of administrative authority over the non-judicial personnel of the courts, methods for determining personnel requirements to insure that the courts are adequately staffed without incurring excess costs, an accurate statistical reporting system, and centralized policy-making authority.

The courts of limited jurisdiction should be supported by an adequate system of finance which is not dependent upon the amount of money collected by the courts in performing their judicial function. The problems created by judicial salary negotiations at the local level and unequal pay for similar work can be overcome by adoption of state financing of full-time, judicial personnel. In addition, the costs of operating the courts and the receipts from fines, fees and forfeitures can be more equitably distributed among the three levels of government to better reflect their share of support of these courts.

Judicial service to the public can be enhanced by reorganizing to provide law-trained judges throughout the

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<sup>12/</sup> Roscoe Pound, "The Causes of Popular Dissatisfaction with the Administration of Justice", Address before the American Bar Association, 1906 in 40 American L.Rev. 729 (1906). Chief Justice Arthur T. Vanderbilt, "The Essentials of a Sound Judicial System", 48 Northwestern L. Rev. 1 (1953).

state, complemented by justices of the peace in remote areas and elsewhere when warranted by caseload and local considerations. Achieving these positive improvements and remedying current problems are the bases for the reorganization proposal for the courts of limited jurisdiction outlined in the following pages.



### III. SUMMARY OF PROPOSAL FOR COURTS OF LIMITED JURISDICTION

#### CIRCUIT COURTS:

Create a circuit court of limited jurisdiction to replace city courts and to serve the entire State of Utah, organized as follows:

##### A. Court Structure

##### 1. Subject matter jurisdiction

##### a. State Criminal and Traffic Statutes:

- i. Exclusive jurisdiction over Class A misdemeanors
- ii. Concurrent jurisdiction with justices of the peace over class B & C misdemeanors and infractions
- iii. Concurrent jurisdiction with justices of the peace over preliminary hearings.

##### b. County Ordinances:

Exclusive jurisdiction over county ordinances unless office of precinct justice of the peace exists, in which case jurisdiction shall be concurrent.

##### c. City and Town Ordinances:

- i. Exclusive jurisdiction for those cities and towns electing to create a municipal department of the circuit court.
- ii. The legislative body of any city or town may establish a municipal department of a circuit court which shall replace any existing municipal justice of the peace.

iii. Municipal departments will be created automatically for municipalities presently served by a city court.

d. Civil:

Exclusive jurisdiction over general civil matters in which the amount in controversy is \$300 to \$5,000, with concurrent jurisdiction with justices of the peace in matters in which the value claimed is less than \$300.

e. Small Claims:

Concurrent jurisdiction with justices of the peace for claims less than \$300.

2. Territorial Jurisdiction

a. Statewide

b. The seven state judicial districts shall be divided into 12 circuits of one or more counties each. The circuits shall be:

- 1 Box Elder
- 2 Cache-Rich
- 3 Weber-Morgan
- 4 Davis
- 5 Salt Lake-Summit
- 6 Tooele
- 7 Duchesne-Uintah-Daggett
- 8 Utah-Juab-Wasatch
- 9 Millard-Beaver-Iron-Washington
- 10 Sanpete-Sevier-Piute-Wayne-Garfield-Kane
- 11 Carbon-Emery
- 12 Grand-San Juan

3. Venue

a. Criminal and Traffic:

Cases shall be heard in the circuit in which offenses are committed unless the court reassigns the case because:

- i. There is reason to believe that an impartial trial cannot be had in the circuit designated in the complaint.
- ii. The convenience of witnesses and the ends of justice would be promoted by the change.
- iii. All the parties to an action, by stipulation, agree that the place of trial may be changed to another circuit.

b. Civil and Small Claims:

Cases shall be heard in the circuit in which:

- i. Cause of action arises, or
- ii. Any defendant resides, or
- iii. Plaintiff files his complaint, if none of the defendants reside in Utah.

If the action is not commenced in the proper circuit, it may nevertheless be tried therein, unless the defendant files a motion for change of venue.

4. Powers of Judges

a. Statewide power to issue:

- i. Warrants of arrest
- ii. Search warrants
- iii. Process and subpoenas

b. Set bail

c. All other powers granted magistrates

5. Appeals

- a. Appeals shall be to the appellate department of the district court in the district in which the circuit court is located or to a statewide appellate department created to hear all circuit court appeals.
- b. The appeal shall be based on the record of proceedings in the circuit court.

- c. Opinions shall be written if in the judgment of the appellate judge a written opinion is in the public interest.
  - d. Appellate decisions of the district court shall be final, except in cases involving the validity or constitutionality of a statute.
6. Record
- a. A verbatim record of courtroom proceedings shall be made by means approved by the Utah Judicial Council.
  - b. Circuit courts shall be courts of record.
7. Clerk of Court
- a. In each circuit, one or more main courthouses shall be designated as the primary place of business for the court.
  - b. At the main courthouses in each circuit, the clerk of the court shall be either the existing city court clerk or a person designated by the judge or judges of the circuit court.
  - c. For court locations other than the main courthouse, the county clerk shall serve as clerk of the court.
  - d. Cases shall be filed with the clerk of the court.
8. Creation of Courts
- a. The circuit court shall begin operation as of January 1, 1978.
  - b. Upon creation of circuit courts, present city courts shall become circuit courts and incumbent city court judges shall become circuit court judges.
  - c. New courts shall be created in the following circuits:

DistrictCircuit

IV

7 Duchesne-Uintah-Daggett

8 Utah-Juab-Wasatch  
Spanish Fork Department

VI

10 Sanpete-Sevier-Piute-Wayne-  
Garfield-Kane

- d. Additional courts shall be created by the Utah Legislature upon recommendation of the Utah Judicial Council. Recommendations shall be based on current and projected caseloads and travel requirements.

## B. Judges

## 1. Number of Judges

## a. Standards:

The number of judicial positions per circuit shall be determined by the Utah Legislature based on recommendations of the Utah Judicial Council.

- b. Upon implementation, 33 circuit court judgeships will be created, including the present 25 city court positions and eight additional positions. They shall be distributed among the circuits as follows:

CIRCUITNUMBER OF JUDGES

1 Box Elder	1
2 Cache-Rich	2
3 Weber-Morgan	5
4 Davis	3
5 Salt Lake-Summit	11

<u>CIRCUIT</u>	<u>NUMBER OF JUDGES</u>
6 Tooele	1
7 Duchesne-Uintah-Daggett	1
8 Utah-Juab-Wasatch	4
9 Millard-Beaver-Iron-Washington	2
10 Sanpete-Sevier-Piute-Wayne-Garfield-Kane	1
11 Carbon-Emery	1
12 Grand-San Juan	1

## 2. Selection of Judges

### a. Appointment:

- i. Judges shall be appointed by the Governor to newly created judicial positions or to serve the unexpired term in the event of a vacancy in an existing position.
- ii. The Governor shall appoint the judge from a list of three names submitted by the circuit court nominating committee.
- iii. One circuit court nominating committee shall be created in each circuit. It shall consist of:
  - (1) Presiding judge or judge of the district court, ex-officio committee chairman
  - (2) Chairman or his representative of the county commission in each county in the circuit
  - (3) Mayor or his representative of each county seat in the circuit
  - (4) Mayor or his representative of each city with

a population of 10,000 or more in the circuit, unless the city is the county seat.

(5) Two (2) attorneys residing in the circuit, appointed by the Utah State Bar Association.

b. Election

- i. Judges shall be elected from the circuit they serve, in the same manner as district court judges.
- ii. Circuit court judges shall run for office in the general election of 1982 or the first general election at least two years after the creation of the circuit court.

3. Qualifications

To hold office as a circuit court judge a person must be:

- a. Qualified elector.
- b. Resident of the circuit
- c. Admitted to practice law in Utah and in good standing.

4. Tenure

The term of office in the circuit court shall be six (6) years.

5. Compensation

- a. Judges of the circuit court shall be paid by the state 90 percent of the salary of district court judges plus fringe benefits.
- b. Circuit court judges may not engage in the practice of law during their term of office; nor shall they

have a partner practicing law.

- c. Substitute or senior judges shall be paid one-two hundred and fiftieth of a circuit judge annual salary for each full day worked.

6. Removal from Office

Circuit court judges may be removed from office by:

- a. Impeachment for high crimes and misdemeanors or malfeasance in office
- b. Vote of two-thirds of the members of the Legislature
- c. Forfeiture for absence from the state for 90 consecutive days
- d. Supreme Court on recommendation of the Commission on Judicial Qualifications.

7. Mandatory Retirement Age

Mandatory retirement age for circuit court judges shall be 70 years.

C. Financing

1. Costs

a. Judges:

The State shall assume cost of judicial salaries and fringe benefits, and travel and training expenses for the purpose of discharging official duties.

b. Non-Judicial Personnel:

- i. The municipality in which a main courthouse is located shall contribute to the compensation and fringe benefits of sufficient personnel to conduct the business of the court.



ii. In those counties without a main courthouse, the county shall contribute to the compensation and fringe benefits of sufficient personnel to conduct the business of the court in that county.

c. Facilities:

Adequate courtrooms and chambers shall be provided by the state for the main courthouse or provided by a city or county and leased by the state. Municipalities and counties shall assume the cost of facilities for the clerical staff each provides.

2. Distribution of Fines, Fees and Forfeitures

a. State Statutes:

Fines, fees and forfeitures for violation of state statutes shall be remitted one-half to the county treasurer and one-half to the state treasurer.

b. County Ordinances:

Fines, fees and forfeitures for violation of county ordinances shall be remitted to the county treasurer.

c. City and Town Ordinances:

Twenty-five percent of fines, fees and forfeitures for violation of city ordinances, except in city ordinance cases in which bail is forfeited at a municipal traffic violation bureau, shall be remitted to the state treasurer to defray the expenses of operating the circuit court. The remainder shall be remitted to the city treasurer.

d. Civil:

Fees collected in connection with a civil action shall be remitted to the state treasurer. The filing fee for civil actions shall be one-half the civil filing fee in the district court.

e. Small Claims:

Fees collected in connection with a small claims action shall be remitted to the city treasurer if the filing party is a municipal resident or to the county treasurer if the filing party is a resident of an unincorporated area.

f. Special Fines:

i. Fines, fees and forfeitures for wildlife resource code violations shall be remitted to the Utah Division of Wildlife Resources.

ii. Fines, fees and forfeitures from violations of the State Boating Act shall be remitted to the Utah Parks and Recreation Commission.

g. Fines on Appeal:

Costs and fines imposed by the district court on appeal shall be remitted to the state treasurer.

D. Administration and Policy-Making Responsibilities

1. Trial Court Administration

a. Circuit Courts:

i. In circuits with more than one judge, the circuit judges shall elect a presiding judge to control caseload management, assign workloads

to judges and supervise the work of the clerk of the court.

ii. Circuit court judges shall have exclusive authority to appoint the clerk of the court and members of the clerical staff and to define and direct the work activities of the clerk's office.

iii. In circuits with sufficient caseloads, a circuit court administrator shall be appointed to be in charge of administrative and clerical activities of the court under the direction of the presiding judge.

b. District Courts:

The presiding judge of the district court in each district shall exercise general supervisory authority over circuit courts in that district.

2. State Court Administration

a. Utah Judicial Council:

The Utah Judicial Council shall consider and establish statewide policies for circuit courts.

b. Office of the Court Administrator:

Under the general supervision of the chief judge of the district court and within the policies established by the Utah Judicial Council, the Office of the Court Administrator shall have overall administrative authority over the circuit courts, including preparation and administration of the circuit court budget and other duties similar to those provided for the district courts.

## JUSTICE OF THE PEACE COURTS:

Retain justices of the peace on a county, city or town local option basis, organized as follows:

### A. Court Structure

#### 1. Subject Matter Jurisdiction

##### a. State Criminal & Traffic Statutes:

- i. Concurrent jurisdiction with the circuit court over class B & C misdemeanors and infractions.
- ii. Concurrent jurisdiction with the circuit court over preliminary hearings.

##### b. County Ordinances:

Precinct justices of the peace shall have concurrent jurisdiction with the circuit court over county ordinances.

##### c. City and Town Ordinances:

City and town justices of the peace shall have exclusive jurisdiction over city and town ordinances, unless a municipal department of the circuit court is created.

- ##### d. In cases involving possible incarceration, either party shall have the right to have the case transferred to the nearest circuit or justice of the peace court with a lawyer judge.

##### e. Civil:

Concurrent jurisdiction with the circuit court in matters in which the value claimed is less than \$300.

##### f. Small Claims:

Concurrent jurisdiction with the circuit court in

matters in which the value claimed is less than \$300.

2. Territorial Jurisdiction

a. Criminal

Countywide

b. Civil:

Defendant must reside in the precinct, city or town in which the court is situated.

3. Venue

a. Case shall be filed with nearest justice of the peace with jurisdiction.

b. Case shall be transferred to the nearest circuit or justice court with jurisdiction upon filing of an affidavit showing that the justice of the peace is a material witness, prejudiced, ill, or otherwise disqualified.

4. Powers of Justices of the Peace

a. Countywide power to issue:

i. Warrants of arrest

ii. Search Warrants

iii. Process and subpoenas

b. Set bail

c. All other powers granted magistrates.

5. Appeals

De novo trial to the district court.

6. Record

a. Courtroom proceedings shall not be required to be recorded.

- b. Justice of the peace courts need not be courts of record.

#### 7. Creation of Courts

- a. The Utah Legislature shall adopt standards for the creation of justice of the peace courts. Using these standards, the Utah Judicial Council shall approve the creation of any justice of the peace courts.
- b. Board of county commissioners may create the office of precinct justice of the peace and determine precinct boundaries, with approval of the Utah Judicial Council within standards established by the Legislature.
- c. Any city or town may create the office of city or town justice of the peace, with approval of the Utah Judicial Council within standards established by the Legislature.
- d. When a municipality elects to create a municipal department of the circuit court, the office of justice of the peace shall be discontinued.

#### B. Judges

##### 1. Number

The Utah Legislature shall fix the maximum number of justices of the peace upon adoption of these recommendations.

##### 2. Selection

- a. Appointment:

i. Precinct Justices of the Peace

Justices of the peace shall be appointed by the chairman of the county commission with the consent of the commission to a new position or a vacancy in an existing position.

ii. City and Town Justices of the Peace

Justices of the peace shall be appointed by the mayor with the consent of the city council to a new position or a vacancy in an existing position.

b. Election:

i. Justices of the peace shall run in non-partisan elections in the precinct, city or town they serve.

ii. Precinct justices of the peace shall run in the first general election following their appointment and upon the completion of each term of office.

iii. Present precinct justices shall run for office upon the completion of their current terms. Present city and town justices shall run for office in the municipal elections of 1981.

3. Qualifications

a. Qualified elector

b. Resident of precinct, city or town in which court is situated. A county, city or town may waive residency requirements.

c. Certified by the Utah Judicial Council.

4. Eligibility to hold more than one justice of the peace position

Qualified persons shall be eligible to hold more than one justice of the peace office.

5. Tenure

The term of office for justices of the peace shall be four (4) years.

6. Compensation

- a. Compensation for justices of the peace shall consist of a monthly salary based upon the number of hours or days that a justice of the peace is available to perform judicial functions.

- b. The Utah Judicial Council shall recommend monthly salaries which shall be utilized by the governing bodies of the municipalities and the counties in determining the same for justices of the peace.

- c. Justices of the peace may hold secondary employment but shall not act as attorney for either the defense or prosecution or be a law enforcement officer.

7. Requirements for Training

Justices must attend at least one of the two annual institutes sponsored by the Utah Judicial Council or any other training program sanctioned by the Office of the Court Administrator.

8. Removal from Office

- a. By Utah Supreme Court on recommendation of the Commission on Judicial Qualifications.

- b. By legal proceedings in the district court for mal-



feasance in office or conviction of a felony or indictable misdemeanor involving moral turpitude.

- c. By Utah Supreme Court upon recommendation of the Utah Judicial Council for failure to attend annual training program.

9. Mandatory Retirement Age

There shall be no mandatory retirement age.

C. Financing

1. Costs

a. Justices:

The county, city or town creating or maintaining the office of justice of the peace shall assume cost of salary, fringe benefits, travel and training expenses of the justice of the peace.

b. Non-judicial Personnel:

Each county, city or town electing to have a justice of the peace shall provide and compensate sufficient personnel to conduct the business of the court.

c. Facilities:

Each county, city or town shall provide adequate courtroom and chamber facilities for its justices of the peace. If adequate facilities are not available, they shall be constructed or leased.

2. Distribution of Fines, Fees and Forfeitures

a. State Statutes:

Fines, fees and forfeitures for violation of state statutes shall be remitted to the county treasurer.

b. County Ordinances:

Fines, fees and forfeitures for violation of county ordinances shall be remitted to the county treasurer.

c. City and Town Ordinances:

Fines, fees and forfeitures for violation of city and town ordinances shall be remitted to the city treasurer.

d. Civil:

Fees collected in connection with civil actions shall be remitted to the county treasurer for cases filed with a precinct justice of the peace and to the city treasurer for cases filed with a city or town justice of the peace. The filing fee shall be one-fourth the civil filing fee in the district courts.

e. Small Claims:

Fees collected in connection with small claims actions shall be remitted to the county treasurer for cases filed with a precinct justice of the peace and to the city treasurer for cases filed with a city or town justice of the peace.

f. Special Fines:

i. Fines, fees and forfeitures for wildlife resources code violations shall be remitted to the Utah Division of Wildlife Resources.

ii. Fines, fees and forfeitures from violations of the State Boating Act shall be remitted to the Utah Parks and Recreation Commission.

g. Fines on Appeal:

Costs and fines imposed by the district court on appeal shall be remitted to the state treasurer.

D. Administration and Policy-Making Responsibilities

1. Trial Court Administration

a. Justice of the Peace Courts:

i. Each justice of the peace shall administer court rules established by the Utah Judicial Council to govern the orderly disposition of court business.

ii. Each justice of the peace shall make reports as required by the Office of the Court Administrator on the business of the court.

b. District Courts:

The presiding judge of the district court in each district shall exercise general supervisory authority over justice of the peace courts in that district.

2. State Court Administration

a. Utah Judicial Council:

The Utah Judicial Council shall adopt policies to govern the orderly disposition of court business for justice of the peace courts.

b. Office of the Court Administrator:

Under the general supervision of the chief judge and chairman of the Utah Judicial Council and within the policies established by that Council, the Office of the Court Administrator shall have overall administrative authority over the justice of the peace courts.

#### IV. DISCUSSION OF PROPOSED COURTS OF LIMITED JURISDICTION

##### A. COURT STRUCTURE

Recommendation: The courts of limited jurisdiction shall consist of circuit courts, municipal departments of circuit courts and justice of the peace courts.

The proposed reorganization will provide the entire state with circuit courts staffed with full-time, law-trained judges. These courts will have exclusive jurisdiction over the most serious cases decided by the lower courts. Jurisdiction over common offenses such as traffic violations, lesser civil and small claims cases, will be concurrent between circuit and justice of the peace courts.

Each municipality will have the option of having a law-trained circuit court judge decide alleged violations of local ordinances, through creation of a municipal department in the circuit court. This department may be located in a municipal facility, so that citizens will not be required to leave the city to have their court matters resolved. For this service the municipality will be assessed 25 percent of all fines, fees and forfeitures collected, except for city ordinance cases disposed of in a traffic violations bureau. This assessment will help to defray costs of maintaining the judiciary. Municipalities now relying on city courts to resolve their municipal filings will be assessed the same percentage.

In the alternative, municipalities may continue to use justices of the peace. However, in cases involving possible incarceration, either party will have the option of having a case transferred to a law-trained judge. This provision is similar

to the current relationship between justice of the peace and city courts.

For counties, the provision for concurrent jurisdiction between circuit and precinct justice of the peace courts will allow for filing county ordinance violations in either court. If the precinct justice of the peace is eliminated, the circuit court will have exclusive jurisdiction over these matters.

These alternatives will allow local government to elect the system which most corresponds to its needs. In southern Utah, for example, geographic dispersion and the relatively few circuit court judgeships proposed probably will warrant continued reliance on justices of the peace. On the Wasatch Front, however, the proximity of circuit courts may eliminate the necessity for some justices of the peace.

Recommendation: The subject matter jurisdiction of the circuit courts should include all misdemeanors and infractions, preliminary hearings and civil matters up to \$5,000.

The jurisdiction of the circuit court should be broader than the jurisdiction of the present city courts. Criminal jurisdiction should include class A misdemeanors, thus consolidating all misdemeanor filings in the circuit court. The increase in the civil jurisdiction from the present \$2,500 in city courts to \$5,000 will relieve district courts of smaller civil cases. There is evidence that this relief is necessary as the civil backlog in the district courts is increasing. As of June 30, 1974, 6,873 civil cases were pending in district courts. As of July 1, 1975, the number had increased to 10,975, an increase

of 60 percent. <sup>13/</sup> Raising small claims jurisdiction from \$200 to \$300 is reflective of the effects of inflation.

Recommendation: The jurisdiction of justices of the peace shall remain the same, except for an increase in the small claims jurisdiction to \$300.

The current jurisdiction of the justices of the peace is adequate. The power to order incarceration for up to six months is basic to justices' authority as a resolver of local disputes. Current civil jurisdiction is adequate for smaller disputes while small claims jurisdiction should be increased to \$300 to parallel the circuit court.

Recommendation: Appeals from the circuit court shall be based on the record of proceedings. Appeals from the justice of the peace court shall be by trial de novo. Both shall be to the district courts.

The present system of appeal by trial de novo from city to district courts should be abandoned for several reasons. First, trial de novo allows parties in misdemeanor or minor civil cases the possibility of two full trials, while only one trial is afforded a murder or multi-million dollar civil case. Second, the possibility of a new trial undermines proceedings in the first trial which becomes a discovery medium, thereby encouraging appeals. The cost to the public, inconvenience to jurors and witnesses, and expenses to parties who must pay double legal costs should not be tolerated. Third, under the trial de novo system, no consideration is given to proceedings in the city court. If appeals were on the record, the trial judge would

<sup>13/</sup> Utah Judicial Council, Annual Report Utah Courts, 1974-75, pp. 47-49.

have the benefit of feedback on his rulings.

The consideration of appeals on the record of trial proceedings will impose a new requirement on district court judges. Some suggest this requirement will be too burdensome. However, the burden will be minimized by an expected reduction in appeals; the fact appeals will be based on legal issues only; and the requirement of a written opinion only if the district judge concludes it is in the public interest.

The cost of abolishing trial de novo must be considered. To equip the proposed 33 main courtrooms with stenographic reporters would be prohibitive. An effective alternative is the use of electronic tape recorders which are being used increasingly throughout the country, especially in rural states where judges sit in several locations. Alaska and Idaho, for example, both have considerable experience with electronic recorders and find the medium satisfactory. In fact, the record of proceedings in Alaska courts of general jurisdiction are prepared by tape recording.

For such a system, each courtroom will need a recording unit and each circuit will need at least one transcribing unit. In addition, the county courthouse in the 15 counties to which the circuit judge will ride circuit should be outfitted with recording units. Assuming the equipment costs are approximately \$1,200 per recording unit and \$700 per transcribing unit, the cost of outfitting the courts with recording equipment will be approximately \$70,000. <sup>14/</sup> Since this equipment should have a

<sup>14/</sup> The State of Alaska uses the Akai BX 630 D-SS recorder/transcriber with approximate retail value of \$1,500. The State of Idaho uses the TEAC 3340 CR recorder/transcriber with a retail value of \$1,900.

five year life at a minimum, the amortized annual costs will be approximately \$14,000. The annual cost of purchasing reusable tape probably will amount to \$1,000 or a total estimated equipment cost of \$15,000 per year.

The use of tape recorders will obviate the necessity of additional courtroom personnel. The in-court clerk can operate the recorder with a minimum of extra effort. Experience in Idaho and Alaska has shown that the work of the in-court clerk can be simplified by combining the tape log and the docket sheet which allows for quick referral to verbatim testimony and orders.

Personnel to transcribe records from the tape will be required. Based upon the experience in Alaska where judges rely on the actual tape, unless the case is complex, this requirement should be minimal. Centrally located transcribing pools are used when a written record is required. A similar pool could be established in the Office of the Court Administrator. The estimated annual cost for such a pool should be approximately \$20,000. <sup>15/</sup> Therefore, the total annual cost for personnel and equipment should be \$35,000.

Transcript costs for litigants should be low. Copies of the tapes can be made and provided to parties requiring a transcript. The costs will consist of the blank tape and a reasonable charge for personnel expenses incurred in copying.

Although the use of electronic recording equipment is recommended strongly as cost effective and has been demonstrated

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<sup>15/</sup> Assuming two full-time transcribers with annual salary and fringe benefits of \$10,000 each.



to be among the most accurate means of obtaining a court record,<sup>16/</sup> bars to other means of obtaining court records should not be established. Under certain circumstances, other methods may prove desirable.

For justice of the peace courts, the present trial de novo system must be retained to preserve the constitutionality of having non-law-trained justices initially hear matters involving possible incarceration.<sup>17/</sup> Yet these courts too would benefit from using tape recorders to review testimony and proceedings. Municipalities should be encouraged to equip justice of the peace courts with this equipment.

Recommendation: The jurisdiction of circuit court judges shall be statewide. Cases shall be filed and generally heard in the circuit in which the cause of action arises.

The state will be divided into 12 circuits. Present city courts will form the basis for courthouse locations, as these courts will become circuit courts. Circuit court judges will have statewide jurisdiction, but primarily will hear cases arising within the boundaries of their circuit. In urban areas, the circuits will be separated into departments and cases will be filed at the department courthouse. In the rural areas, judges will sit at the main courthouse and travel to the counties in

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<sup>16/</sup> Sacramento County, A Study of Court Reporting: A Feasibility Study of Preparing Court Transcripts, 1973. The study found that transcripts prepared from tapes had "significantly less errors than the traditional method."

<sup>17/</sup> North v. Russell, 96 S.Ct. 2709 (1976); Ward v. Village of Monroeville, 93 S.Ct. 80 (1972); Tumey v. Ohio, 47 S.Ct. 437 (1927).

the circuit on a regular basis. In those counties, the county clerk will serve as circuit court clerk and the county courthouse will be used for trials. Cases will be filed at the county courthouse. This structure will provide the public with immediate local access to the judicial system (See Map).

Statewide jurisdiction will enable circuit court judges to sit in any circuit. Thus, if the caseload in one circuit is low, a judge may be assigned to assist in an overloaded court. This is an improvement over present reliance on substitute and senior judges. As an example, in FY 1975, the existing city courts expended in excess of \$15,000 on substitute and senior judges.<sup>18/</sup> Under the proposed system this expenditure should be reduced significantly.

Recommendation: The jurisdiction of justice of the peace courts shall be countywide for criminal cases and the boundaries of the precinct, city or town for civil cases. Cases shall be filed with the nearest justice of the peace with jurisdiction.

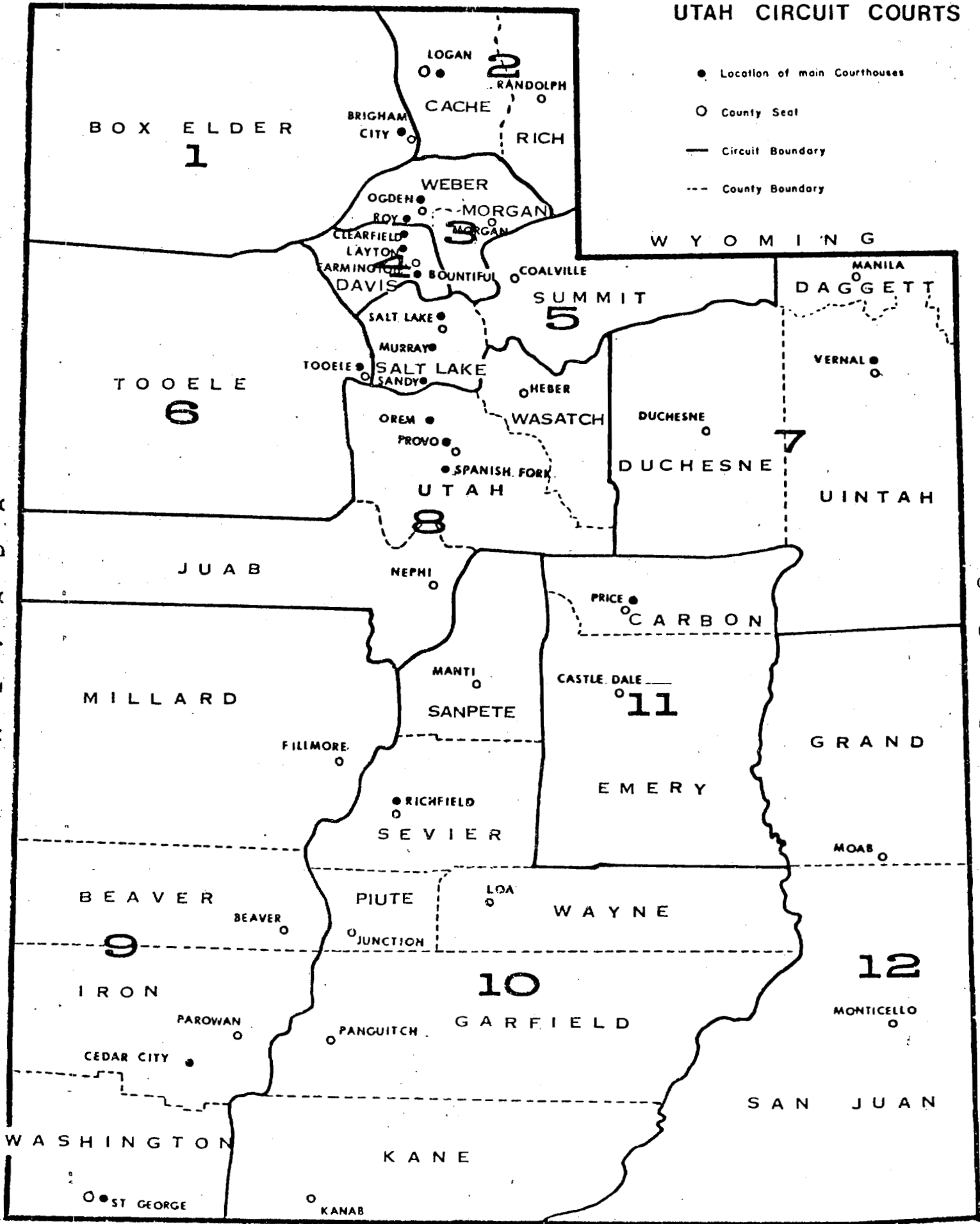
The territorial jurisdiction of justices of the peace should remain unchanged from the present system.<sup>19/</sup>

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<sup>18/</sup> National Center Survey of City Courts, 1976.

<sup>19/</sup> Utah Code Ann. §§78-5-4, 77-57-1, 78-5-8.

# UTAH CIRCUIT COURTS





## B. JUDGES

### 1. Selection: Appointment and Election

Recommendation: Judges in the circuit court shall be elected in the following manner:

- i. The Governor shall appoint judges to newly created positions and to vacancies.
- ii. The Governor shall appoint judges from a list of three candidates submitted by the circuit court nominating committee.
- iii. Judges shall stand for election at the end of a term in the same manner as district court judges.

The selection of the most qualified candidates for judgeships is basic to an effective judicial system. The use of a nominating commission system will insure the broadest consideration of candidates and their qualifications. Such a system is recommended by almost every group that has studied the issue;<sup>20/</sup> presently is used at the district court level;<sup>21/</sup> and has been used at the city court level.<sup>22/</sup> Because of the local orientation of the circuit courts, separate nominating commissions should be created for each circuit, comprised of representatives of the counties and municipalities within that

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<sup>20/</sup> National Advisory Commission on Criminal Justice. Standards and Goals, Courts, 1973, pp. 147-8.

<sup>21/</sup> Utah Code Ann §20-1-7.2 et. seq.

<sup>22/</sup> The selection of a judge for the Salt Lake City Court in 1976 was accomplished using a nominating commission.

circuit as well as the judiciary and the Utah State Bar Association. To assure that representation on the commission is proportionate to population, larger municipalities should have additional representation.

Recommendation: The circuit court nominating commission in each circuit shall consist of:

- i. Presiding judge or judge of the district court, ex-officio committee chairman.
- ii. Chairman of the county commission or his representative in each county in the circuit.
- iii. Mayor or his representative of each county seat in the circuit.
- iv. Mayor or his representative of each city with a population of 10,000 or more in the circuit, unless the city is the county seat.
- v. Two (2) attorneys residing in the circuit, appointed by the Utah State Bar Association.

The Office of the Court Administrator should provide staff support to assist the nominating commission in its investigations into candidates' backgrounds. Based on this information, the commission should select the three most qualified candidates and submit their names to the Governor for appointment. Placing ultimate appointment power with the Governor interjects some political considerations. However, the nominating commission process should produce qualified candidates; thus any person included in the final list should be well suited for the position.

Failure of the Governor to fill a court vacancy within 30 days after receiving the three names automatically should empower the nominating commission to make the appointment. This will maintain the integrity of the nominating procedure while insuring that court calendars will not be overly delayed.

Recommendation: Circuit court judges shall stand for election at the end of each term in the same manner as district court judges.

While initial appointment of a judge to the bench should be made through a nominating commission, the public should retain the right to exercise judgment on the judge's record. A qualified member of the electorate should be able to run for election against an incumbent judge and, even without such a filing, judges periodically should submit themselves to the electorate for their approval or disapproval. This provision is similar to the system adopted for district court judges in 1967 and is consistent with the Utah tradition of assuring accountability of public officials.

The first election for circuit court judges should be in the general election of 1982, assuming that the circuit courts are created in 1978.

Recommendation: Justices of the peace shall be selected in the following manner:

- i. The chairman of the county commission with the consent of the commission or the mayor with the consent of the city council shall appoint justices of the peace to newly created positions and to vacancies.

- ii. Justices of the peace shall run in non-partisan elections in the precinct, city or town in which they serve.

Justices of the peace should be selected by those whom they serve. Appointment power should rest with the chairman of the county commission for precinct justices and the mayor for city or town justices. Appointment should be to a fixed term and upon completion of the term, justices should run for office in non-partisan elections.

In the current system, many of the justices of the peace have never received the approval of their constituency. In the survey of 135 justices of the peace conducted for this project, 95 indicated that they were appointed and of those, 65 never have stood for election. These justices are, in effect, employees of the executive and legislative branches of government and sit at their pleasure.<sup>23/</sup> This relationship violates the basic constitutional principle of separation of powers. Fixed terms and mandatory elections will restore this principle; and the public will be given a greater voice in judicial selection.

## 2. Qualifications:

Recommendation: Circuit court judges and justices of the peace shall be:

- i. Qualified electors.

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<sup>23/</sup> City and town justices serve at the discretion of the mayor and the city council. Utah Code Ann. §§10-6-32, 10-13-20.



- ii. Residents of the circuit, precinct, city or town from which they are selected. Counties and cities may waive residency requirements for justices of the peace.
- iii. Circuit court judges shall be admitted to practice law in Utah and be in good standing.
- iv. Justices of the peace shall be certified by the Utah Judicial Council.

Qualifications for circuit court judges should be similar to present requirements for city court judges. Justices of the peace will have the same qualification requirements and additionally will have to be certified by the Utah Judicial Council. Certification of justices of the peace has precedent in other jurisdictions.<sup>24/</sup> It serves to insure that only qualified people will hold the position. Certification should be based on the applicant's familiarity with legal procedures, his character and standing in the community and other considerations the Utah Judicial Council considers appropriate. The mechanism for certification may be an examination, personal interview, staff investigation or any combination thereof.

A county, city or town creating the office of justice of the peace should be allowed to waive residency requirements. This will allow for the possibility of one justice holding the position in several locations. Some counties and municipalities may prefer sharing a full-time or almost full-time justice to having several different justices.

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<sup>24/</sup> The State of California requires candidates to the office of justice court judge to take a written examination.

### 3. Tenure:

Recommendation: The term of office for circuit court judges shall be six years. For justices of the peace the term shall be four years.

The term of office for circuit court judges will be identical to that of city court judges. For justices of the peace, the recommended four year term coincides with the standard suggested by the National Advisory Commission on Criminal <sup>25/</sup> Justice Standards and Goals.

A mandatory retirement age of 70 years is recommended for circuit court judges, but none is suggested for justices of the peace. The part-time caseloads of justice of the peace courts and the need for a justice to be available at almost any time make a retired person suitable for the position. In the survey of justices of the peace, 28 percent of the responding justices indicated they are retired. The provision for local election will allow a justice's constituency to determine if age is diminishing his capacity to serve. On the other hand, the heavy caseload and/or travel requirements for circuit court judges make a mandatory retirement age desirable.

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<sup>25/</sup> National Advisory Commission on Criminal Justice, op cit., p. 150.

#### 4. Removal From Office:

Recommendation: Circuit court judges shall be removable from office by:

- i. Impeachment for high crimes and misdemeanors or malfeasance in office.
- ii. Vote of two-thirds of the members of the legislature.
- iii. Forfeiture for absence from the state for 90 consecutive days.
- iv. Utah Supreme Court upon recommendation of the Commission of Judicial Qualifications.

Justices of the peace shall be removable from office by:

- i. Legal proceedings in the district court for malfeasance in office or conviction of a felony or indictable misdemeanor involving moral turpitude.
- ii. Utah Supreme Court on recommendation of the Commission on Judicial Qualifications.
- iii. Utah Supreme Court upon recommendation of the Utah Judicial Council for failure to attend required training programs.

The provisions for removing circuit court judges from office are adopted from the Constitution and existing statutes relating to city court judges.<sup>26/</sup> Provisions for justices of the peace are based on existing statutes,<sup>27/</sup> with the addition that the Utah Judicial Council will recommend to the Supreme Court the removal of any justice of the peace who fails to attend required training programs. Since the Judicial

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<sup>26/</sup> Utah Code Ann. §§49-7a-38, 77-6-1; Utah Constitution Art. VIII, §§ 11, 27, 28.

<sup>27/</sup> Utah Code Ann. §§49-7a-38, 77-1-2, 77-7-2, 78-5-27.

Council conducts these training programs through the Office of the Court Administrator, the Council is in the best position to determine if a justice does not fulfill the statutory requirement for training.

Recommendation: Approximately 33 judgeships shall be created in 1978 to serve the 12 circuits. All city courts in existence on July 1, 1976 shall be certified as circuit courts and all city court judges as circuit court judges.

The number of judicial positions per circuit should be determined by the Utah Legislature based upon recommendations of the Utah Judicial Council.<sup>28/</sup> Analysis of projected case-loads and potential travel requirements indicates that a minimum of 33 judicial positions should be created, assuming an implementation date of January 1, 1978. Of the 33 positions, 25 will be existing city court positions. Additional judgeships will be required in Logan, Ogden, Salt Lake (3), Vernal, Spanish Fork, and Richfield. (Table 1)

TABLE 1  
UTAH CIRCUIT COURT  
JUDICIAL POSITIONS AT CREATION (1978)

<u>District</u>	<u>Circuit</u>		<u>Judicial Positions</u>		<u>Total</u>
			<u>Existing</u>	<u>New</u>	
I	1	Box Elder	1	0	1
	2	Cache-Rich	1	1	<u>2</u>
					3
II	3	Weber-Morgan			
		Ogden Department	3	1	4
		Roy Department	1	0	1
	4	Davis			
		Clearfield Department	1	0	1
		Layton Department	1	0	1
		Bountiful Department	1	0	<u>1</u>
					8
III	5	Salt Lake-Summit			
		Salt Lake Department	6	3	9
		Murray Department	1	0	1
		Sandy Department	1	0	1
	6	Tooele	1	0	<u>1</u>
					12
IV	7	Duchesne-Uintah-Daggett	0	1	1
	8	Utah-Juab-Wasatch			
		Orem Department	1	0	1
		Provo Department	2	0	2
		Spanish Fork Department	0	1	<u>1</u>
					5
V	9	Millard-Beaver-Iron-Washington			
		Cedar City Department	1	0	1
		St. George Department	1	0	<u>1</u>
					2
VI	10	Sanpete-Sevier-Piute-Wayne-Garfield-Kane	0	1	<u>1</u>
					1
VII	11	Carbon-Emery	1	0	1
	12	Grand-San Juan	1	0	<u>1</u>
					<u>2</u>
				Total	33

Table 2 presents caseload estimations on which the projected number of required judicial positions is based. The methodology for arriving at these projections is contained in Appendix V. The caseload consists of four components: filings from existing city courts; cases which will be filed in the circuit courts either through creation of a municipal department and/or requests for transfers to a law-trained judge; filings of class A misdemeanors and civil filings between \$2,500 and \$5,000.. The sum of the projections of these components is the estimated FY 1978 caseload.<sup>29/</sup>

The average filings per judge will be 8,404, which is slightly higher than the present statewide average for city courts of 7,677. (Appendix IIA) Filings per judge will range from 3,260 in Circuit 7 (Duchesne, Uintah, Daggett) to 11,286 in Circuit 5 (Salt Lake, Summit). The wide variation is misleading in that travel requirements are not considered. A more meaningful comparison is among urban and rural courts. The urban circuits clustered on the Wasatch Front, 3 (Weber, Morgan), 4 (Davis), 5 (Salt Lake, Summit), 8 (Utah, Juab, Wasatch) which will have minimal travel requirements, have similar filings profiles, with average filings per judge ranging from 8,073 to 11,286 and

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<sup>29/</sup> These estimations are based on limited data, especially with regard to the level of filings in justice of the peace courts and the estimated transfer of cases to the circuit court.

TABLE 2

UTAH CIRCUIT COURTS  
ESTIMATED TOTAL CASELOAD (EXCLUDING PARKING)

FY 1976

CIRCUIT	SOURCE OF FILINGS - FY 1976			TOTAL FILINGS FY 1976	TOTAL FILINGS FY 1977	TOTAL FILINGS FY 1978
	FROM CITY COURTS	FROM JUSTICES OF THE PEACE	CLASS A MISDEMEANORS	CIVIL FILINGS \$2,500 - 5,000		
1 Box Elder	5,877	515	11	26	6,429	7,087
2 Cache - Rich	6,864	1,512	15	31	8,422	9,285
3 Weber - Morgan	35,188	4,511	62	159	39,920	44,011
4 Davis	16,577	5,271	24	96	21,968	24,219
5 Salt Lake - Summit	93,119	18,114	171	1,201	112,605	124,146
6 Tooele	3,340	987	11	25	4,363	4,810
7 Duchesne - Uintah - Daggett	No City Court	2,989	8	76	3,073	3,260
8 Utah - Juab - Wasatch	24,331	6,520	40	158	31,049	34,231
9 Millard - Beaver Iron - Washington	4,266	7,123	16	94	11,499	12,677
10 Sanpete - Sevier Piute - Wayne Garfield - Kane	No City Court	3,954	7	68	4,029	4,274
11 Carbon - Emery	3,465	831	5	21	4,451	4,584
12 Grand - San Juan	2,562	1,904	1	15	4,482	4,754
TOTAL	195,589	54,231	371	1,970	252,161	277,338

a four circuit average of 9,852. In the rural circuits with significant travel requirements,<sup>30/</sup> the filings per judge will range from 3,260 to 7,037, with an average for the eight circuits of 5,073. (Table 3)

Recommendation: Counties, cities and towns shall be encouraged to eliminate justice of the peace courts that are almost inactive or whose judicial functions can be carried out best by a consolidated justice of the peace court or municipal department of the circuit court.

The present 183 justices of the peace are excessive for the judicial activity of these courts. Twenty-eight of the 135 justices responding to the project survey, more than 20 percent, had less than 50 filings in FY 1975. The proportion of justices with low caseloads among the non-respondents probably would be even higher. If a justice provides a judicial presence in a remote area, continuation of the position is warranted. However, there is evidence that many courts with low caseloads are located on the Wasatch Front which will gain more full-time, law-trained judges under the circuit court system. For example, Utah County, as of June 30, 1976, had 16 justices of the peace with an average annual caseload of approximately 696; Davis County had 12

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<sup>30/</sup> 1 (Box Elder), 2 (Cache, Rich), 6 (Tooele), 7 (Duchesne, Uintah, Daggett), 9 (Millard, Beaver, Iron, Washington), 10 (Sanpete, Sevier, Piute, Wayne, Garfield, Kane), 11 (Carbon, Emery) and 12 (Grand, San Juan).



TABLE 3

UTAH CIRCUIT COURTS  
ESTIMATED FILINGS PER JUDGE

FY 1978

CIRCUIT	TOTAL FILINGS FY 1978	PROPOSED JUDGESHIPS	FILINGS PER JUDGE
1 Box Elder	7,087	1	7,087
2 Cache- Rich	9,285	2	4,642
3 Weber- Morgan	44,011	5	8,802
4 Davis	24,219	3	8,073
5 Salt Lake - Summit	124,146	11	11,286
6 Tooele	4,810	1	4,810
7 Duchesne - Uintah - Daggett	3,260	1	3,260
8 Utah- Juab - Wasatch	34,231	4	8,557
9 Millard- Beaver- Iron - Washington	12,677	2	6,338
10 Sanpete - Sevier- Piute- Wayne - Garfield - Kane	4,274	1	4,274
11 Carbon - Emery	4,584	1	4,584
12 Grand - San Juan	4,754	1	4,754
TOTALS	277,338	33	8,404

justices with an average caseload of 1,100. Further evidence of the geographic centralization of the present justices is that 29 cities and towns in 1975 had at least two resident justices; four had three or four. This overlapping is inefficient, tends to prevent individual justices from getting sufficient trial experience and creates jurisdictional problems for law enforcement and other officials.

With the creation of circuit courts, counties and municipalities should re-evaluate their local judicial system. Consideration should be given to eliminating local justices if a law-trained judge can provide the necessary services as well. An alternative possibility is the sharing of justices of the peace by several localities.

The creation of municipal departments in circuit courts will reduce the number of cases filed in justice of the peace courts. Justice courts had an estimated total caseload in FY 1975 of 145,457 filings (Appendix IIB). These filings should increase to approximately 168,000 cases by FY 1978, assuming a five percent increase per year. It is estimated that approximately 62,800 of these cases will be filed in the circuit courts. This reduction will leave the justice of the peace courts with estimated filings of 105,200, a decrease of 40,200 or 18 percent from the FY 1975 filing rate.

Recommendation: The Utah Legislature shall adopt standards for the creation of justice of the peace courts. Using these standards, the Utah Judicial Council shall approve the creation of any justice of the peace courts.

Article VIII, Sec. 8 of the Utah Constitution empowers the Legislature to determine the "number ... of justices of the peace." To fulfill its constitutional authority, the Legislature should adopt standards for the creation of justice courts. These standards may be based on population, proximity to the nearest circuit court or other considerations. The Judicial Council should administer these standards and be empowered to deny requests to create justice of the peace courts when appropriate.

### C. FINANCING

Recommendation: The state shall assume the cost of salaries, fringe benefits, travel and training for circuit court judges and adequate courtroom and chamber facilities.

There are many advantages of state funding. Judges will regain their proper status as members of an independent branch of government and be shielded from the tendency to set salaries in relation to "revenue" generated by the court. Rural areas which often do not have resources to adequately compensate and therefore attract highly qualified jurists (although the state has been fortunate in obtaining several judges of high caliber in these areas) will be able to obtain the services of such people. It will be possible to transfer judges temporarily from one circuit to another as caseloads or other conditions warrant. Under the present city court system, this type of internal assistance has not been possible. Court facilities should improve as statewide standards of adequacy are developed and applied. Finally, the shifting of circuit judge salaries and facility costs from the municipalities to the state can be accomplished without significant impact on the financial condition of either municipal or state government.

In Table 4, the anticipated fines, fees and forfeitures and expenditures of the circuit courts are estimated as if they were in operation in FY 1976. These figures are based on actual FY 1975 fines, fees and forfeitures and expenditures for city courts (Table 5), with the addition of estimated revenues from municipal departments, class A misdemeanors and civil filings from \$2,500-\$5,000. The methodology for the derivation of these figures is fully outlined in Appendix VI.

UTAH CIRCUIT COURTS  
ESTIMATED FINES, FEES AND FORFEITURES AND EXPENDITURES

FY 1976

ITEM	ALLOCATION OF FY 1976 REVENUE & EXPENDITURES							
	1976				COUNTIES			
	FINES, FEES	EXPENDITURES	FINES, FEES	EXPENDITURES	FINES, FEES	EXPENDITURES	FINES, FEES	EXPENDITURES
<u>FINES, FEES, &amp; FORFEITURES</u>								
Traffic & Criminal								
City or Town Ordinance	\$3,328,603		\$2,941,514				387,089 <sup>1</sup>	
County Ordinance	571				571			
State Statute	1,115,252				557,626		557,626	
Wildlife Resource Code Violation	16,013						16,013	
State Parks & Recreation Violation including State Boating Act	4,003						4,003	
Civil	185,070						185,070	
Small Claims	25,204		20,204 <sup>2</sup>			5,000 <sup>2</sup>		
Fines on Appeals	9,966						9,966	
<u>EXPENDITURES</u>								
Judges		1,032,240 <sup>3</sup>						1,032,240
Court Coordinator, Sec., Trans.		54,700 <sup>4</sup>						54,700
Clerk/Administrator								
Circuit Court		1,108,433 <sup>5</sup>				1,108,433		
County Court		75,000 <sup>6</sup>						75,000
Rent		194,830 <sup>7</sup>						194,830
Operating Expenses		339,116 <sup>8</sup>				339,116		
TOTAL	4,684,682	2,804,319	2,961,718	1,447,549	563,197	0	1,159,767	1,356,770

- <sup>1</sup>In FY 1975, approximately 85 percent or \$1,254,525 of the \$1,475,912 in fines, fees and forfeitures of city and town ordinances received by the Salt Lake City Court were bail forfeitures and not subject to the 25 percent filing charge.
- <sup>2</sup>Estimated distribution of small claims fines and fees between cities and counties.
- <sup>3</sup>Expenditures for the 32 judges are composed of salary \$24,750 (90 percent of salary of a district court judge), \$5,445 in fringe benefits or 22 percent of salary and \$1,085 in travel and training (FY 1975 average expenditure per city court judge).
- <sup>4</sup>Court of limited jurisdiction coordinator and secretarial support is estimated at \$34,700. The annual costs for two transcribers is estimated at \$20,000.
- <sup>5</sup>Circuit court clerical/administrative expenses are estimated by determining the ratio of filings to these expenses for FY 1975 and applying the ratio to the projected filings for FY 1976.
- <sup>6</sup>County court clerical/administrative expenses are estimated at .5 full-time-equivalent clerks for each of the 15 counties without a main circuit courthouse. Annual clerical salary and fringe benefits are estimated at \$10,000.
- <sup>7</sup>Rent is based on current square footage of city courts and an estimated 1,000 sq. ft. per new court required at an average of \$5 per sq. ft.
- <sup>8</sup>Operating expenses are calculated as with circuit court clerical/administration. Included is \$15,000 for the estimated annual cost of maintaining equipment.

TABLE 5

1/  
UTAH CITY COURTS  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

## FINES, FEES AND FORFEITURES (RECEIVED)

## Traffic and Criminal

City or Town Ordinance	\$2,769,388.50
County Ordinance	455.50
State Statute	929,525.48
Wildlife Resource Code Violation	13,300.80
State Parks & Recreation Violation including State Boating Act	3,507.70

Civil	97,023.22 <sup>2/</sup>
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Small Claims	16,248.75
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Other	0
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\$3,829,449.95

## EXPENDITURES

## Personal Services (including temporary help)

Judges	\$ 394,871.63
Clerk/Administrative Staff	766,128.90
Employee Benefits	250,202.67

## Current Expenses

Operating Supplies & Maintenance	149,504.86
Subscriptions and Memberships	2,544.36
Fees (witness, jurors, appointed counsel)	84,076.74
Rent	3,125.00

Travel and Training	22,787.16
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Capital improvements including office equipment and furniture	22,415.01
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Other	2,300.10
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\$1,697,956.43

NET \$2,131,493.52

1/ Excluding the city courts of Cedar City, St. George and Sandy which were created in FY 1976.

2/ Civil and Small Claims combined:

Price City Court	\$ 345.45
Murray City Court	\$34,165.00
Ogden City Court	\$10,058.97

3/ Figure includes monies actually paid for rent. No estimation of the capital costs for facilities are included.

The total cost of judicial salaries, fringe benefits, travel and training is \$1,032,240. This figure is based on a salary of \$24,750 per judge or 90 percent of the current district court salary, \$5,445 per judge in fringe benefits or 22 percent of salary and \$1,035 in travel and training which was the FY 1976 average expenditure for all city judges. The annual cost of \$31,280 per judge is extended for the recommended 33 full-time judicial positions.

The cost of facilities is estimated at \$194,830. This figure assumes that the current city court facilities will continue to be used and leased by the state at an average cost of \$5 per square foot. (Table 6) For those circuits without a city court or for which the recommended number of judges will exceed the capacity of present city court facilities, i.e., Logan, Salt Lake and Ogden, the state will be responsible for obtaining suitable facilities. Initially, the space acquired can be limited to a courtroom and chambers, while clerical and administrative support can be centralized in the main courthouse. The estimated cost for facilities for FY 1976 is calculated on this basis.

Permanent solutions to facility problems will have to be developed. The addition of new judges in Salt Lake and Ogden, for example, will only aggravate critical space shortages presently confronting these courts. New facilities to house the judicial, clerical and administrative functions of the court should be constructed or leased by the state for those courts and others that are inadequately housed.<sup>31/</sup>

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<sup>31/</sup> The City of Salt Lake calculated that 27,125 square feet would be required to house a six courtroom facility (City Court of Salt Lake: Facility Specifications). This space requirement would have to be expanded accordingly for nine judges.

TABLE 6  
UTAH CIRCUIT COURTS  
ESTIMATED RENTAL COSTS FOR  
COURTROOM AND JUDGE'S CHAMBERS  
FY 1976

CIRCUIT	COURTHOUSE	SQUARE FOOTAGE, <sup>1</sup> (*PROPOSED)	COST AT AN AVERAGE OF \$5 PER SQUARE FOOT
1 Box Elder	Brigham City	1,325	6,625
2 Cache, Rich	Logan	1,430	7,150
3 Weber, Morgan	Ogden	2,560	12,800
	Roy	1,128	5,640
4 Davis	Bountiful	1,195	5,975
	Clearfield	1,492	7,460
	Layton	2,160	10,800
5 Salt Lake, Summit	Salt Lake City	13,355 <sup>2</sup>	66,775
	Murray	990	4,950
	Sandy	848	4,240
6 Tooele	Tooele	1,218	6,090
7 Duchesne, Uintah, Daggett	Vernal	*1,000	5,000
8 Utah, Juab, Wasatch	Orem	1,367	6,835
	Provo	2,367	11,835
	Spanish Fork	*1,000	5,000
9 Millard, Beaver	Cedar City	954	4,770
	St. George	1,366	6,830
10 San Pete, Sevier Piute, Wayne, Garfield, Kane	Richfield	*1,000	5,000
11 Carbon, Emery	Price	749	3,745
12 Grand, San Juan	Moab	1,462	7,310
TOTAL		38,966	194,830

<sup>1</sup> A standard of 1,000 square feet for courtroom and chambers area is adopted for proposed court locations.

<sup>2</sup> 3,000 square feet proposed



Recommendation: Each city in which a main circuit courthouse is located shall contribute to the compensation and fringe benefits of sufficient personnel to conduct the business of the court in the main courthouse.

In those counties without a main courthouse, the county shall contribute to the compensation and fringe benefits of sufficient personnel to conduct the business of the courts in that county.

The clerical function of the circuit courts will continue to be financed at the local level. This parallels the district courts in which judges are state funded and clerical support personnel are county funded. Eventually, clerical and administrative support personnel should be funded by the state. They will be under the administrative control of the state judiciary and should be compensated by the same level of government. However, prior to a thorough analysis of non-judicial staffing requirements in each court, it is ill-advised to suggest state funding of these functions. Only after determining the required number and type of administrative support personnel should this shift be considered.

Administrative and clerical personnel at the main courthouse in each department (or circuit if there are no departments) will be provided by the city in which the court is located. For circuits presently served by a city court, city court staff should remain municipal employees since they will continue to provide clerical services to the city. In circuits not presently served by a city court, the circuit judge will designate a circuit court clerk and appropriate staff for the main courthouse, the cost of which will be borne by the municipality in which the courthouse is located.

In counties in which there is no main circuit courthouse, the most convenient and inexpensive method to provide clerical staff and facilities to the circuit judge when he rides circuit is through the county clerk and courthouse. Since these generally rural counties will have low caseloads, the additional burdens on county facilities and personnel should be minimal. In addition, on page 60, a plan is outlined for reimbursing counties for the additional personnel costs incurred.

Recommendation: Cities or towns with a municipal department in the circuit court shall pay 25 percent of the fines, fees and forfeitures received to the state treasurer, except in cases in which bail is forfeited at a municipal traffic violation bureau.

The cities and towns that elect to use the circuit courts to handle violations of municipal ordinances should assume a reasonable share of the cost of this service.<sup>32/</sup> A percentage of fines, fees and forfeitures, rather than a specific fee or pro-rating of salary and facility costs, is recommended both for ease of administration and insurance against inflation eroding the value of the municipality's contribution.

Recommendation: The county, city or town creating the office of justice of the peace shall provide the costs of salary, fringe benefits, travel and training, clerical support and courtroom facilities.

As under the present justice of the peace system, justices should be compensated by the governmental entity creating the office. These offices are locally created and should be locally

<sup>32/</sup> Such a system has precedent. See for example the court structure of the State of Washington (RCW 3.46).

maintained. The prohibition on compensating justices of the peace by fee should continue. Compensation should be by salary, based on recommendations by the Utah Judicial Council.

- Recommendation: 1. In circuit courts, fines, fees and forfeitures for violations of state statutes shall be remitted one-half to the county treasurer and one-half to the state treasurer.
2. In circuit courts, fines, fees and forfeitures for violations of county ordinances shall be remitted to the county treasurer.

Under Utah Code Ann. §78-4-23, fines, fees and forfeitures received from violations of state statutes are remitted one-half to the city or town and one-half to the county. The provision for remittance to the county should remain unchanged. The county must provide support functions, such as probation services, for the court and in counties without a circuit court clerk, the county clerk will serve as clerk for the circuit court.

The other half of the fines, fees and forfeitures, presently remitted to the cities and towns, should be allocated to the state to help offset the sizeable obligation being assumed. To prevent the knowing or unknowing subversion of the proposed plan for allocation, the Utah Legislature should enact legislation requiring that if a municipality adopts the state motor vehicle code, the penalties received will be allocated as if the offense were cited under state statute.

Recommendation: In circuit courts, fees and fines collected in civil actions shall be remitted to the state treasurer. The filing fee for civil actions shall be one-half the fee in the district court.

The state shall use part of these fines and fees to create a fund administered by the Office of the Court Administrator to reimburse counties providing clerical services and facilities to the circuit court.

Presently, civil filing fees and fines are allocated to the city in which the action is filed. Since civil practice is concentrated on the Wasatch Front where the majority of the attorneys reside, these fees largely accrue to the more financially solvent municipalities in this area. A more equitable allocation of these funds is to the state, so that it may offset the overall costs of the circuit courts and also create a special fund to reimburse those counties in which the county courthouse is used and the county clerk provides services for the circuit court. This fund, which can be administered through the Office of the Court Administrator, would offset any increased county expenses created by this burden.

The civil filing fee should be increased to reflect the increase in the monetary jurisdictional limit of the circuit court. The present maximum filing fee of \$5 is only slightly higher than that charged for small claims. Raising the fee to one-half of the district court fee, or \$11 at the present time, is more reflective of the costs of operating the court and strikes a balance between the desire to keep the court an open forum and to direct less serious matters to small claims court.

Recommendation: In circuit courts, fees and fines collected in connection with small claims actions shall be remitted to the city treasurer in the city in which the case is filed.

The fees collected in small claims cases should remain at the local level as these disputes generally are local in nature. This recommendation is consistent with present city court procedure.  
33/

33/ Utah Code Ann. §78-4-23.

Recommendation: In justice of the peace courts, fees and fines collected in connection with civil and small claims actions shall be remitted to the county treasurer for cases filed with a precinct justice of the peace and to the municipal treasurer for cases filed with a city or town justice of the peace. The civil filing fee shall be one-fourth the civil filing fee in the district court.

Since the justice of the peace system will continue to be locally funded, these fees and fines should remain at the local level as presently provided under Utah Code Ann. §§10-6-74 and 77-57-37. As in circuit courts, the filing fee for civil actions should be raised, but by a lesser amount, reflecting the difference in jurisdiction between the two courts. Fixing fees in both courts as a percentage of the district court fee will allow for periodic shifts in the entire civil fee structure.

Recommendation:

1. Fines, fees and forfeitures for wildlife resource code violations shall be remitted to the Utah Division of Wildlife Resources.
2. Fines, fees and forfeitures from violations of the State Boating Act shall be remitted to the Utah Parks and Recreation Commission.

These provisions remain unchanged from the present city and justice of the peace courts.

Recommendation: Costs and fines imposed by the district court in appeals shall be remitted to the state treasurer.

Costs and fines imposed by district court judges in appellate matters should be remitted to the state as district courts are primarily state funded.

In summary, if the circuit courts were in operation in FY 1976, it is estimated that total fines, fees and forfeitures received would be \$4,684,682 and expenditures excluding consideration of

capital improvements would be \$2,804,319. The municipalities would receive \$2,961,718 and have expenditures of \$1,447,549. The counties would receive \$563,197 and have no direct expenses. The state would receive \$1,159,767 and have estimated expenditures of \$1,356,770.

The recommended allocation of fines, fees and forfeitures and expenditures would change the present allocations to the three levels of government under the city and justice of the peace system in the following manner:

#### Circuit Courts

##### 1. Cities and Towns

Expenditures by cities and towns would be reduced by \$1,032,224 for judges' salaries, fringe benefits, travel and training and \$194,830 for the cost of courtroom and chamber facilities or a total of \$1,227,070. The cities and towns will lose an estimated \$557,626 from one-half of the fines, fees and forfeitures received for the violation of state statutes, \$185,070 from civil fines and fees (or \$84,120 if the filing fee is not raised to \$11), \$4,983 from fines on appeal and \$387,089 from the 25 percent service fee for fines, fees and forfeitures for municipal ordinance violations, excluding bail forfeitures at a municipal traffic violation bureau,<sup>34/</sup> or a total of \$1,134,768. The municipalities collectively will experience a gain in fines, fees and forfeitures collected over expenditures of \$92,302.

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<sup>34/</sup> Based on FY 1975 statistics, it is assumed that 85 percent of the fines, fees and forfeitures of city and town ordinances in the Salt Lake City court are bail forfeitures at the traffic violation bureau and consequently not subject to the 25 percent support fee.

## 2. Counties

Counties will experience no change in fines, fees and forfeitures received. Where the county courthouse is used and the county clerk functions as circuit court clerk, a modest increase in facility and personnel expenditures is expected. However, these expenditures will be offset by the recommended creation of a special fund by the state to assist these counties.

## 3. State

The state will receive additional fines, fees and forfeitures of \$387,809 from the 25 percent service fee for circuit court judges hearing cases involving municipal ordinances, \$557,626 for violation of state statutes, \$185,070 from filing fees and fines in civil cases and \$4,983 from fees and fines on appeal or a total increase of \$1,134,768. New expenses incurred will be \$1,032,240 for judicial salaries, fringe benefits, travel and training, \$54,700 for salary and fringe benefits for a court of limited jurisdiction coordinator, his secretarial support and two transcribers for appeals, \$75,000 to reimburse counties for clerical and facility support, and \$194,830 for rental of court facilities or a total of \$1,356,786. Thus, state expenditures will increase by \$222,018.

## Justice of the Peace Courts

### 1. Cities and Towns

The allocation of fines, fees and forfeitures will remain unchanged, except that the proposed increase in the

civil filing fee will result in slightly increased fees. The impact on expenditures, due to the disparity in methods and compensation of justices and the lack of information about these methods and compensation levels, is difficult to estimate. Expenditures for provision of court facilities may increase since many of the justices presently use their own homes and are not compensated. This practice will be discontinued in the future. Expenditures for support of the justices of the peace will vary, depending on the Utah Judicial Council recommendations on salary levels for justices and clerical staff. Ultimately, the impact will have to be calculated on a case by case basis.

2. Counties

The impact on counties electing to maintain precinct justices of the peace will be similar to the cities and towns and will have to be determined in the same manner.

3. State

The state will not provide direct support nor receive any additional fines, fees and forfeitures from the justice of the peace courts. Indirect support will be provided through the creation of the position of court of limited jurisdiction coordinator, development of a statistical reporting system and other activities of the Office of the Court Administrator.



#### D. ADMINISTRATION AND POLICY-MAKING

Recommendation: Each presiding district court judge shall exercise general supervisory authority over circuit and justice of the peace courts in that district.

Pursuant to the Utah Constitution Article VIII, §7, the district court shall exercise supervisory authority over the courts of limited jurisdiction. Under the recommended court reorganization, this authority will be exercised through majority representation of district court judges on the Utah Judicial Council and the supervisory authority invested in the presiding district judge in each district.

Supervision should be directed primarily toward insuring equitable distribution of caseloads and expediting court schedules. For circuit courts, the supervisory duties should include:

1. Coordinate the reassignment of judges between circuits as required.
2. Reassign cases between circuits as required.
3. Coordinate court calendars.
4. Sit as ex-officio chairman of the circuit court nominating commission.

For justice of the peace courts, the supervisory duties should include:

1. Insure that justices of the peace participate in training programs.
2. Supervise investigations as directed by the Utah Judicial Council pursuant to certifying the eligibility of a candidate for justice of the peace.

3. Insure that procedures in justice of the peace courts conform to standards adopted by the Utah Judicial Council.

Recommendation: In each circuit with more than one judge, the circuit judges shall elect a presiding judge.

Centralized local authority to oversee trial court operations is essential to a well managed court. This principle is generally accepted in national standards of court organization. The National Advisory Commission on Criminal Justice Standards and Goals and the American Bar Association Standards Relating to Court Organization both strongly endorse the presiding judge concept.<sup>35/</sup> The National Advisory Commission in its standards states that "ultimate local administrative judicial authority in each trial jurisdiction should be vested in a presiding judge for a substantial fixed term."<sup>36/</sup>

To insure that the most qualified judges serve as presiding judge, the following procedures for selection, term of office, eligibility and removal from office should be followed:

1. The presiding judge should be elected by secret ballot by a majority vote of the judges in the circuit.
2. The presiding judge should be elected for a term of two years.
3. The presiding judge should be removable from that position by a two-thirds vote of the judges.

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<sup>35/</sup> National Advisory Commission on Criminal Justice, Standards and Goals, Standard 9.2, Presiding Judge and Administrative Policy of the Trial Court, pp. 180-182 (1973) and American Bar Association, Standards Relating to Court Organization, Standard 1.12 pg. 17 (1974).

<sup>36/</sup> National Advisory Commission on Criminal Justice, op. cit., p.180.

4. The presiding judge should be eligible for re-election.

A two year term is estimated to be a reasonable amount of time for a presiding judge to implement policies. Election by one's peers helps insure that a person who possesses skill and motivation in administrative matters and has the support of the court will be elected. Since a person might have unusual skills in administration, re-election should not be prohibited. Conversely, provision should be made for removal of a presiding judge, if necessary.

The duties envisioned for the presiding judge are as follows:

1. Formulate and implement general trial court policy not inconsistent with policy adopted by the Utah Judicial Council or the presiding judge of the district.
2. Supervise the operation of the clerk of the court.
3. Assign judges to departments in the court.
4. Oversee the calendaring system.
5. Be a liaison between the court and local agencies and civil groups.

Recommendation: Circuit court judges shall have exclusive authority to appoint the clerk of the court and members of the clerical staff and to define and direct the activities of the clerk's office.

In city courts, the clerk of the court is under the control of the legislative or executive branch of city government. Although the clerk provides support functions for the court, he and his staff are not under its administrative control. This framework is not consistent with sound management practices.

Recommendation: In circuit courts with sufficient caseload, a circuit court administrator should be appointed to supervise the administrative and clerical activities of the court under the direction of the presiding judge.

The creation of the position of circuit court administrator in high volume courts will relieve judges of administrative responsibilities, allowing them more time for their judicial duties. Also, court operations should be more efficient with an experienced professional administrator.

Duties of a circuit court administrator will be dependent on the authority delegated to him by the judges. At a minimum, these duties should include:

1. Prepare and administer an annual budget.
2. Assign and supervise the work of the non-judicial staff.
3. Manage facilities and equipment for the court.
4. Oversee the operation of the court calendar system.
5. Coordinate the activities of the court with other governmental agencies.

A detailed job description for the circuit court administrator is presented in Appendix IV.

Which courts employ a circuit court administrator should depend on the number of judges in the court and their caseload. The present city courts of Salt Lake with six judges and Ogden with three both employ court administrators. The National Advisory Commission suggests that trial courts "with five or more judges

(and when justified by caseloads, courts with fewer judges)  
should have a full-time local trial court administrator."<sup>37/</sup>

Recommendation: In courts employing a court administrator, the work usually performed by a chief court clerk shall be assigned to the court administrator.

To avoid duplication of work responsibilities, courts employing a circuit court administrator should assign the court-related functions carried out by the city recorder or his designee under Utah Code Ann. §78-4-12 to the court administrator.

Recommendation: The Utah Judicial Council shall consider and establish statewide policies for circuit and justice of the peace courts.

To assure that practices and procedures in the courts of limited jurisdiction are uniform, the Utah Judicial Council should take increased responsibility in establishing policies for both circuit and justice of the peace courts. Included in the policy-making responsibilities should be:

1. Adopt statewide rules to govern the orderly disposition of business.
2. Recommend creation of judicial positions to the Utah Legislature.
3. Make recommendations for redistricting to the Utah Legislature.
4. Adopt uniform forms for use in the circuit and justice of the peace courts.
5. Adopt a statewide non-judicial personnel classification system, including recommendations

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<sup>37/</sup> National Advisory Commission on Criminal Justice, op. cit., p. 183.

for salary levels.

6. Review non-judicial personnel staffing requirements and recommend appropriate changes to funding agencies.

Recommendation: Under the general supervision of the chief judge and chairman of the Judicial Council and within the policies established by the Utah Judicial Council, the Office of the Court Administrator shall have overall administrative authority over the courts of limited jurisdiction.

A representative list of the responsibilities of the Office of the Court Administrator includes:

1. Prepare and present an annual budget for circuit courts.

The funding of circuit courts by the state will require the annual preparation of a budget for judicial salaries, fringe benefits, travel and training expenses and facilities. The Office of the Court Administrator will be responsible for the preparation and presentation of this budget.

2. Develop a statewide non-judicial personnel system.

Currently, job classifications are developed by each city court. Although clerical personnel often have similar titles, work responsibilities vary markedly. The distribution of job classifications as of July 1, 1976 also indicates a lack of differentiation among clerical positions; most courts classify their employees as either a chief deputy court clerk or a deputy court clerk (Table 7).

A statewide personnel classification system should be developed by the Office of the Court Administrator and adopted by the Utah Judicial Council. This system should clearly

TABLE 7

## UTAH CITY COURTS

DISTRIBUTION OF JOB CLASSIFICATIONS  
JULY, 1976

JOB CLASSIFICATIONS July 1, 1976	BOUNTIFUL	BRIGHAM CITY	CEDAR CITY	CLEARFIELD	LAYTON	LOGAN	MOAB	MURRAY	OGDEN	OREM	PRICE	PROVO	ROY	SALT LAKE	TOWLE	ST. GEORGE	SANDY	TOTAL
<u>Judicial</u>																		
Judges	1	1	1	1	1	1	1	1	3	1	1	2	1	5	1	1	1	24
<u>Administrative</u>														1				1
Court Administrator														1				1
Court Coordinator								1						1				2
Court Information Officer														1				1
Court Ombudsman														1				1
<u>Clerical</u>																		
Chief Deputy Court Clerk	1	1		1	1			1	1				1	1				8
Deputy Court Clerk	3	3	1	1	1	3	1	6	1	1	1	1	1			1	1	25
Court Clerk III								2										2
Court Clerk II								6										6
Court Clerk I								6						10				16
Court Clerk								1	1	1	4				1			6
Clerk/Typist								3						2				5
Secretary								.5						3				4
Bailiff	1							3					1					5
Cashier/Fiscal Officer									1		1							2
Part-time Court Clerk (Full-time equivalent)	1			1			2			1			1		1		1	9
	.17			.33			.75			.50			.33		.33		.75	3.41
TOTAL	7	5	2	4	3	4	4	8	27	4	3	8	5	25	3	2	3	117

<sup>1</sup> In addition to the clerical employees of the Salt Lake City Court, the Court is served by a traffic violation bureau with the following personnel: one director, one assistant director, one key punch supervisor, one secretary, one cashier, 16 clerk typist, 8 clerk typist III and 10 hourly personnel not

define job responsibilities and have sufficient grades to provide incentive for clerical personnel to seek merit promotions. The basic framework for such a system is presented in Appendix IV, with job classifications outlined for court administrator, chief court clerk, court clerk III, court clerk II and court clerk I.

In addition to developing a personnel classification system, the Office of the Court Administrator should establish recommended salary ranges. Currently, at least at the city court level, there is considerable variation in compensation for apparently similar work. For example, in FY 1975, the compensation for chief deputy court clerk ranged from \$533 to \$1,242 a month. The wide variation in salary may be justified by such factors as number of employees supervised, number of cases filed, and regional cost-of-living differences. Standards which take into account these and other appropriate factors should be adopted.

3. Develop and maintain a reporting system to monitor workloads in the courts of limited jurisdiction.

Detailed management information will be required from the courts of limited jurisdiction to determine personnel requirements and calendar status. This information presently is not available. Justices of the peace do not report any statistics to the Office of the Court Administrator.<sup>38/</sup> City court statistical reports do not provide sufficient data.

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<sup>38/</sup>Presently, according to Utah Code Ann. §78-5-31, the justices of the peace are to report on workload activity to the county attorney. A survey of county attorneys indicates very few justices do. Under Utah Code Ann. §78-3-26, the Court Administrator is empowered to require the justice courts to report statistical information to his office. No such request has been made to date.



As an example, disposition of parking tickets and all other traffic violations are aggregated. Parking tickets involve little judicial time, but dominate the number of dispositions, thus obscuring the condition of the courts' traffic calendars. In FY 1975, the filing of traffic cases, including parking, numbered 452,913 for all city courts. Dispositions totaled only 351,321, or approximately 100,000 cases less. This imbalance between filings and dispositions could suggest a considerable backlog for the court or merely a large number of unpaid parking tickets which are not counted as dispositions. In either case, the present statistics do not precisely reflect caseload conditions.

An equally important problem is the accuracy of the information reported. At present, interpretation of definitions of reporting categories varies. For example, Logan City Court reported only 249 bail forfeitures in FY 1975, or one percent of total dispositions, while Salt Lake City Court reported 203,312 or 89 percent of total dispositions. It is suggested that this difference is not substantive but due to different interpretations of the term, "bail forfeiture." Other less obvious interpretational problems undoubtedly exist.

Also, under the existing system the accuracy of the information cannot be verified. There is no audit trail. Clerks submit a monthly summary of a court's activity to the Office of the Court Administrator. Any errors in the summary sheet, other than purely mathematical errors, cannot be detected.

To alleviate these problems, a more detailed and accurate reporting system should be developed for both circuit and

justice of the peace courts. Consideration should be given to using a case following instead of summary system.<sup>39/</sup>

In the former, data is reported to a central information bank on a case by case basis. Such a system has the advantage of creating an audit trail, thereby insuring increased accuracy. Also, clerical work at the trial court level is reduced by eliminating the requirement for monthly summaries and combining docket sheets and statistical reporting forms. Furthermore, more detailed, reliable information can be reported to aid in making basic management decisions.

A possible aid to developing a reporting system is the State Judicial Information Systems Project sponsored by the Law Enforcement Assistance Administration. The purpose of the project is "to support the development of judicial information systems in each state tailored to that state's needs while using a composite approach that will reduce the duplicative expenditure of time and money that would result from the independent development of judicial information systems in each state."<sup>40/</sup> Under the terms of the project, participation by Utah would make funds available for system development and, therefore, should be considered.

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<sup>39/</sup> This type of system increasingly is being employed in other states. In particular the states of Alaska, Idaho and Kansas, have systems that could be modified for use in Utah.

<sup>40/</sup> Office of the State Court Administrator, Report to the Utah Judicial Council on the State Judicial Information Systems Project, April, 1976, p.1.

4. Develop standards for determining the number of judicial and non-judicial personnel required in the courts of limited jurisdiction.

Determination of adequate staffing levels is essential to insure that courts operate effectively and unnecessary expenditures are minimized. Statewide standards for personnel requirements should be developed. The need for such standards is evident when filings per full-time equivalent clerk and judge are considered. In FY 1975 the filings per full-time equivalent clerk ranged from a low of 1,247 in Ogden to a high of 3,701 in Salt Lake City. The filings per judge ranged from 2,493 in Tooele to 12,583 in Salt Lake City.

In Section VI the Center has recommended methods for developing such standards. The Office of the Court Administrator should conduct the field work necessary to develop and maintain the most appropriate system.

5. Develop recommended compensation levels for justices of the peace.

Studies to determine appropriate compensation levels for justices of the peace should be conducted. Compensation should be based on the number of hours or days that a justice of the peace is available to perform all judicial functions. Special conditions, such as regional cost-of-living differentials, may have to be considered.

6. Design uniform forms for use in circuit and justice of the peace courts.

Uniformity of practice and procedure is one of the basic

objectives of the proposed court reorganization. A keystone to this uniformity is the development and maintenance of uniform forms. The Office of the Court Administrator has developed recommended forms for justices of the peace but has no control over their use. These forms and others for circuit courts should be submitted to the Utah Judicial Council for adoption as official state forms. They should be printed and distributed to the courts by the state, and modified when appropriate. Recommendations for any changes should be submitted to the Office of the Court Administrator.

7. Conduct and/or sponsor training and educational programs for judicial and non-judicial personnel.

Training programs for court of limited jurisdiction personnel should be conducted on a regular basis. The most critical is the training of justices of the peace who statutorily will have to attend at least one of two annual institutes or another program sanctioned by the Office of the Court Administrator to maintain their certification. Presently, most training programs are contracted to other agencies or educational groups. Consideration should be given to using experienced Utah judicial, administrative and clerical personnel instead.

Recommendation: The position of court of limited jurisdiction coordinator within the Office of the Court Administrator shall be created to coordinate the activities of the courts of limited jurisdiction.

The increased administrative responsibilities which will accrue to the Office of the Court Administrator cannot be carried out effectively with the present staff. A staff position to coordinate

the administrative activities of the courts of limited jurisdiction is warranted. A job description for this position is presented in Appendix IV. The duties envisioned for the court of limited jurisdiction coordinator include:

1. Receive and review monthly reports from courts of limited jurisdiction.
2. Prepare an annual report summarizing the activities of the courts of limited jurisdiction.
3. Work to improve case processing; specifically, adoption of uniform practices.
4. Develop and oversee projects to improve court operations.
5. Coordinate implementation of automated data processing and evaluate the benefits of its use.
6. Develop and administer orientation and training programs for non-judicial staff.
7. Serve as a liaison between the courts of limited jurisdiction and other state agencies.
8. Be available to individual courts to provide technical assistance.
9. Carry out other functions as delegated by the Court Administrator.

## V. IMPLEMENTATION OF PROPOSED RECOMMENDATIONS

To implement the recommendations for the courts of limited jurisdiction, including the creation of the circuit court system by January 1, 1978, the following will have to be accomplished:

### A. Legislation:

1. Draft and submit legislation in the 1977 session creating the circuit courts as outlined.
2. Repeal all of §§ 78-4, City Courts.
3. Repeal or modify the following statutes:

#### City Courts:

10-6-30	Cities of third class-Appointment of officers
20-3-2	Definitions (direct primaries)
49-7-1	Judges of city courts - Retirement
49-7-54	Judges retirement fee
49-7-5.7	Service by judge after retirement
49-7-5.8	City court judges - Termination of participation in Public Employees' Retirement Act
77-10-5	Magistrates enumerated
77-43-29	Disposition of forfeited deposit (on appeal)
78-1-1	Courts of justice enumerated
78-3-5	Appeals to - From inferior courts
78-3-24	Administrator of the courts
78-6-1	Jurisdiction (small claims courts)
78-6-2	Affidavit - Order - Form of
78-7-2	Right of practice law
78-7-14	Courts having seal enumerated
78-7-25	Judicial decisions to be rendered within 60 days
78-7-26	Judicial decisions - Monthly report of undecided matters
78-46-6	Trial jury - Number and fees of jurors
78-46-33	Trial jury - How drawn
78-46-30	Jurors in city and justices' courts
78-56-10	In city courts - Appointment - transcripts of evidence
78-56-11	Per diem and fees
78-56-12	Trial fee

#### Justice of the Peace Courts:

10-6-30	Cities of third class - Appointment of officers
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10-13-20	Justice - Appointment - Powers and duties - Removal from office
17-16-5	Precincts - Election of justices and constables
77-57-37	Disposition of fines
78-5-1.1	Trial facilities
78-5-5	City and town justices - Jurisdiction
78-6-1	Jurisdiction (small claims courts)

B. Court of Limited Jurisdiction Coordinator:

1. Create and fill the position of court of limited jurisdiction coordinator.

C. Financing and Budgeting:

1. Establish financial management procedures for collection and disposition of fines, fees and forfeitures and for payment of the expenses of court operations.
2. Prepare circuit court budget.

D. Court Records, Statistics, Information Systems:

1. Create and adopt standard forms for use in circuit and justice of the peace courts.
2. Develop a statistical reporting system for the courts of limited jurisdiction.

E. Judges and Justices of the Peace:

1. Certify present city courts as circuit courts and present city court judges as circuit court judges.
2. Create 8 additional circuit court judgeships.
3. Form nominating committees to propose candidates for new positions or vacancies.
4. Appoint judges to fill newly created circuit court positions or vacancies.
5. Develop standards for determining number of judicial positions required by circuit.
6. Establish method of certification of justices of the peace.
7. Recommend salaries for justices of the peace.

8. Develop training programs for judges.

F. Non-Judicial Personnel:

1. Adopt a method for determining staffing needs.
2. Apply adopted methodology to develop non-judicial personnel requirements.
3. Adopt statewide court personnel system, delineating positions, duties, manner of selection and retention, and compensation.
4. Train court personnel in use of new forms, equipment and procedures.

G. Policy-Making and General Administration:

1. Analyze workflow in clerks' offices to establish common procedures, eliminate duplication and identify where technology can be effectively applied.
2. Develop standards for establishing circuit boundaries.
3. Adopt statewide circuit and justice of the peace court rules and amend existing court rules as necessary.

H. Court Facilities and Equipment:

1. Establish standards for judicial facilities.
2. Survey and accredit existing facilities for circuit courts.
3. Find facilities for new circuit courts and additional judges.
4. Draft and execute rental agreements.
5. Select and purchase electronic recording equipment.
6. Begin development of capital improvement program for circuit courts.



## VI. METHODS FOR DETERMINING PERSONNEL NEEDS

### A. Non-Judicial

Two methods for determining non-judicial staffing requirements are presented: short term and long term. There are several reasons for this division. Primarily, the methods recommended are quite distinct in terms of the bases of their analyses, time and manpower requirements to make them operational and their usage. The short term methodology is based on a comparative analysis of present court workloads. It should be adopted immediately by the Utah Judicial Council. The long term approach is based on more detailed reporting of clerical workload indicators to the Office of the Court Administrator than is present practice. The value of a broader and more accurate data base must be weighed against the increased time and costs required to produce and maintain the necessary information.

Recommendation: The Utah Judicial Council should adopt a standard method for determining non-judicial staffing requirements for courts of limited jurisdiction. For the present, the methodology should be based on filings per full-time equivalent clerk. The initial standard should be 2,000-3,000 filings per full-time equivalent clerk per year, for all courts except the Salt Lake Department of the Circuit Court. A separate standard should be established for the Salt Lake Department.

No standard for determining appropriate staffing levels now exists. Since the only indicator of total clerical workload presently reported to the Office of the Court Administrator is

filings, the initial standard necessarily will be based on this index.<sup>41/</sup>

In making filing comparisons, parking filings should be excluded because they generate significantly less clerical work than other filing types which usually result in court appearances. Also, the level of parking filings in cities with parking meters, such as Logan, Ogden and Salt Lake City, distorts the workload profile of these courts when compared to the remaining courts.

In Salt Lake City a special problem exists. The clerical workload in the present Salt Lake City Court is divided between the clerk's office and a traffic violation bureau. As of June 30, 1975, the clerk's office had 17 full-time equivalent clerks while the traffic violation bureau had 50.5. This division of clerical functions and the size and volume of the court require that a separate standard should be developed.

In Table 8, total filings per full-time equivalent clerk for city courts in FY 1975 are shown. For comparative purposes, all non-judicial personnel, including chief clerks, court clerks, bailiffs' secretaries and part-time clerks, are included. The statewide average, excluding Salt Lake City, was 1827 filings per full-time equivalent clerk. The average ranged from 1,247 in Ogden to 3,212 in Orem. The average for Salt Lake City, excluding employees of the traffic violations bureau, was 3,701; including bureau employees, it was 932.

<sup>41/</sup> Since justice of the peace courts do not report regularly to the Office of the Court Administrator, this information is available only for city courts.

TABLE 8  
UTAH CITY COURTS  
FILINGS PER FULL-TIME EQUIVALENT CLERK  
EXCLUDING PARKING TICKETS  
FY 1975

COURT	FILINGS	FILINGS EXCLUDING PARKING TICKETS	F.T.E. CLERK	FILINGS PER F.T.E.
BOUNTIFUL	8,379	7,553	4.2	1777.2
BRIGHAM CITY	7,184	6,975	3.0	2325.0
CLEARFIELD	4,217	3,941	1.5	2627.3
LAYTON	3,841	3,726	2.0	1863.0
LOGAN	28,639	8,008	3.0	2669.3
MOAB	3,056	3,047	1.0	3047.0
MURRAY	11,505	11,069	6.0	1844.8
OGDEN	89,690	28,049	22.5	1246.6
OREM	6,424	6,424	2.0	3212.0
PRICE	3,563	3,491	2.0	1745.5
PROVO	23,419	15,957	6.0	2659.5
ROY	5,261	5,257	2.8	1911.6
SALT LAKE CITY	298,089	62,917	17.0 <sup>1</sup>	3701.0
TOOELE	2,847	2,498	2.0	1249.0
TOTAL <sup>2</sup>	496,114	168,903	75.0	2252.0
Excluding Salt Lake City		105,986	58.0	1827.3

<sup>1</sup> Excludes 50.5 employees of traffic violations bureau

<sup>2</sup> City courts were created in Cedar City, St. George and Sandy during F/Y 1975

Application of the suggested range of filings per full-time equivalent clerk to the city court caseload results in an estimated staffing requirement of 41-54 full-time equivalent positions for the 13 courts existing in 1975, excluding the Salt Lake City Court. These estimates are based on the premise that city courts currently employing two or fewer clerks should not have their staffs reduced.

Recommendation: The Utah Judicial Council, at least annually, should compare non-judicial staffing levels in circuit and justice of the peace courts to the statewide standard and make staffing recommendations to appropriate funding agencies.

The Utah Judicial Council, using the adopted standard, should make annual recommendations on staffing requirements to counties, cities and towns supporting the courts of limited jurisdiction. Using these recommendations, funding agencies will be able to make more objective evaluations of requests for additional personnel. To incorporate changes in personnel efficiency and caseload composition, the Office of the Court Administrator should review the standard, at least annually.

Recommendation: The Office of the Court Administrator should study clerical procedures and staffing policies in the courts of limited jurisdiction to determine the sources of the variations in filings per full-time equivalent clerk.

The wide variation in filings per full-time equivalent clerk has several implications. First, the range of the recommended number of filings per full-time equivalent clerk should be broad until greater understanding of these variations

is achieved. Second, application of this range should be limited to courts with workloads which do not fall within it. Consideration should be given to obtaining additional personnel in courts with more than 3,000 filings per full-time equivalent clerk, while requests for additional staff in courts with fewer than 2,000 filings per full-time equivalent clerk should not be considered. More detailed comparisons should not be attempted until the standard is refined. Third, clerks' offices should be analyzed to determine if the sources of these disparities are procedural or the result of local staffing policies. Based on this analysis, recommendations for minimizing these variations should be made, and a more refined standard developed.

Recommendation: The Utah Judicial Council, through the Office of the Court Administrator, should consider developing a more detailed measure of non-judicial staffing requirements which is based on an analysis of the various clerical workload components.

The primary limitation of the short-term methodology is its basic assumption that each filing type generates an equal amount of work. In fact, a case involving two or three court appearances will require more clerical work than a bail forfeiture, although each counts as one filing. In addition, the short-term methodology does not reveal any information on the productivity of work stations in a court, thus making it impossible to identify sources of inefficiencies. These weaknesses can be overcome by a weighted caseload system in which the average clerical time required to process a certain type

of filing to disposition is determined. Filings then can be weighted by these values and more meaningful comparisons made.<sup>42/</sup>

In such a system, each case category, such as traffic, criminal, civil, is divided into workload indicators that represent possible work requirements. For example, case activities can be divided into categories such as case initiation, counter activity and courtroom activity. The average time required to complete each activity is calculated through study of all or a representative sample of courts. Once the average completion time for the work activities is determined, this time is multiplied by their frequency of occurrence. For example, it might be determined that each traffic filing results in an average of 1.5 court appearances, and each appearance requires an average of 25 minutes of clerical time. The average clerical in-court work requirement per traffic filing then would be 37.5 minutes. By carrying out similar analyses for other court activities, an estimated clerical workload for each case category can be determined.

To translate this workload into requirements for non-judicial staff, the average amount of work time available per clerk must be estimated. Time for vacations, holidays, allow-

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<sup>42/</sup> Such systems are used in other states. See Judicial Council of California, Non-Judicial Staffing Study, 1974, Report prepared by Arthur Young & Company.

ances for sickness, lunch and other breaks must be subtracted. The resultant annual productive clerical time expressed in minutes divided into the sum of the workloads produced by each case category produces an estimated clerical manpower requirement for case-related activities. Requirements for personnel not directly involved in the processing of cases, e.g., court administrators, secretaries and bailiffs, then can be determined as a proportion of case-related personnel or through direct analysis in each court.

The primary benefit of a weighting system is that caseload comparisons are more definitive. As important, by comparing the time requirement for the various work activities in each court to the statewide average, sources of inefficiencies and perhaps procedural problems can be uncovered. Further study of work organization, personnel and procedures then can be conducted to remedy these difficulties.

## B. Judicial

Present methods of determining the number of judicial positions in the courts of limited jurisdiction are not reflective of judicial workloads. Population formulas are used for city judges. There are no guidelines at all for justice of the peace positions. Serious inequities in the caseload per judge result. As an example, in FY 1975, the filings per judge in the city courts ranged from a low of 2,498 to a high of 12,583. Even accounting for requirements for travel, this disparity is significant and can result in the development of backlogs in some courts at the same time that others are over-staffed.

Recommendation: The Utah Judicial Council, through the Office of the Court Administrator, should develop a methodology for determining judicial staffing requirements based on the workload of the court. The system should take into account filings and travel requirements.

The determination of the number of circuit court judgeships and justices of the peace, once these courts begin to report workload activity to the Office of the Court Administrator, should be based on a system that is filings-related. Filings represent the potential workload of the courts and, therefore, are the prime indicator of the need for judicial positions.

As with clerical workloads, the gross measure of filings per judge does not adequately reflect court workloads.



The distribution of case types among courts is not always similar, especially between rural courts and courts on the Wasatch Front. As an example, in FY 1975 civil filings represented only two percent of the total filings in the Price City Court compared to 37 percent in the Murray City Court and eight percent in the Salt Lake City Court. Since different types of cases require different amounts of judicial time, weighting filings will result in more valid comparisons and predictions.

In addition to weighting caseloads, consideration should be given to requirements for circuit riding. Travel will reduce the time available for in-court activities; consequently, judges required to travel frequently should be expected to maintain lower caseloads.

Two approaches to developing a filing weighting system are suggested. As with the methodologies outlined for non-judicial personnel, the basic difference is the time and expense required to make them operational and the resultant reliability of the data.

The first method is to solicit from the judiciary their perceptions as to the average bench time required to process different case types and the requirements for travel in the various regions. This approach may appear simplistic, but has been employed successfully in other jurisdictions. The first operational weighted caseload system, developed in

1967 by the California Administrative Office of the Courts for general and limited jurisdiction trial courts, was based on this approach.<sup>43/</sup> Subsequent updatings, based on detailed time studies conducted in courts throughout California, indicated a reasonable correlation between the judges' opinions and empirical data.<sup>44/</sup> Similarly, in the 12 district courts of King County, Washington, filing weights derived in time studies correlated closely to the opinions of the judges.<sup>45/</sup> In both cases, the opinions by judges served as an interim base until empirical data could be accumulated.<sup>46/</sup>

As an example of how such a system can be made operational, several city court judges were contacted and their opinions on bench time requirements sought. Their opinions are reflected on page 89. The judges indicated that a workload distinction exists between major traffic

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- 43/ Annual Report of the Administrative Office of the California Courts, 1968. The system developed in California was based only on the average time required for trials which offers an even simpler approach than suggested here.
- 44/ Judicial Council of California, A Study of the Weighted Caseload System for Determining Judicial Manpower Requirements, 1971; State of California Judicial Council, Final Report, Judicial Weighted Caseload System Project, 1974.
- 45/ National Center for State Courts, Administrative Analysis of the King County District Courts, p. 142.
- 46/ The weighted caseload system for the State of Washington presently is being developed.

offenses, such as driving under the influence, and minor offenses, such as a stop sign violation. This distinction is not reflected in filing statistics presently reported to the Office of the Court Administrator. The average shown for traffic, therefore, is a combination of the suggested weights for major and minor traffic offenses, weighted by the estimated frequency of each.

<u>Case Type</u>	<u>Weights in Minutes Per Filing</u>	<u>Relative Weights (Small claims = 1.0)</u>
Traffic	---	2.5
Serious	68	5.7
Non-serious	15	1.2
Criminal	41	3.4
Civil	125	10.4
Small claims	12	1.0

By applying these weighting factors to the FY 1975 caseloads of two city courts which have approximately the same number of total filings, Clearfield and Roy, the effect of weighting can be demonstrated.

<u>Clearfield</u>			<u>Roy</u>	
	<u>Filings</u>	<u>Weighted Units</u>	<u>Filings</u>	<u>Weighted Units</u>
Traffic	3,007	7,517	4,708	11,770
Criminal	550	2,244	370	1,258
Civil	205	2,132	100	1,040
Small Claims	<u>179</u>	<u>179</u>	<u>79</u>	<u>79</u>
	3,941	12,072	5,257	14,147

Comparing unweighted filings, the caseload in Roy is one-third greater than the caseload in Clearfield. The caseload weights, however, indicate that the work requirement represented by the respective caseloads is less, the difference being 2,075 weighted units or 17 percent. When travel time is added to the weighting, it becomes possible to compare workloads even more accurately.

The more detailed approach also is based on weighting filings, but involves conducting a time study in a sample of courts to determine empirically the bench time requirements for the various types of court proceedings. The benefit of this approach is that the weights are not based on opinions or estimates.

Once caseload weights are derived, the adequacy of judicial staffing can be assessed. Filings are multiplied by the caseload weights. This operation results in a projected workload expressed in bench time. The number of judicial positions required is determined by dividing projected workload by the amount of bench time available per judge annually. This figure is determined by taking the number of court days per year and subtracting days for vacation, illness and other authorized absences. Weighted caseloads in individual courts can be compared to determine if caseloads are equitably distributed.

## APPENDICES

- I. COMPARISON OF PRESENT CITY AND JUSTICE OF THE PEACE COURTS
- II. BUSINESS OF THE COURTS, FISCAL YEAR 1975
- III. CITY COURTS: FINES, FEES, FORFEITURES AND EXPENDITURES,  
FISCAL YEAR 1975
- IV. PROPOSED PERSONNEL CLASSIFICATIONS
- V. METHODOLOGY FOR ESTIMATION OF CIRCUIT COURT FILINGS
- VI. METHODOLOGY FOR ESTIMATION OF CIRCUIT COURT REVENUE



# APPENDIX I

## COMPARISON OF CITY AND JUSTICE OF THE PEACE COURTS

I. JURISDICTION	<u>City Courts</u>	<u>Justice of the Peace Courts</u>
A. Subject Matter	<p>State Criminal and Traffic: Same as prescribed for justices of the peace. Utah Code Ann. §78-4-16.</p> <p>County Ordinances: Concurrent with justices of the peace. City courts have the same powers as prescribed for justices of the peace. Utah Code Ann. §78-4-16. Where city courts are established they are ex-officio justices of the peace for the precinct and perform the duties of such office. Utah Code Ann. §78-4-7.</p> <p>City/Town Ordinances: Exclusive original jurisdiction of cases arising under ordinances of the city in which court is established. Utah Code Ann. §78-4-16.</p> <p>Civil: Generally, claim or value of property involved must be less than \$2,500; concurrent with district court. Utah Code Ann. §78-4-16.</p> <p>Small Claims: Department created for non-exclusive jurisdiction over defendant residing within territorial boundaries for claims less than \$200. Utah Code Ann. §78-6-1.</p>	<p>State Criminal and Traffic: Limited to offenses under the Utah Criminal Code and Motor Vehicle Code for which the law provides a punishment not higher than a \$299.00 fine, six months in jail, or both. Utah Code Ann. §78-5-4.</p> <p>County Ordinances: Justice of the peace jurisdiction extends to public offenses committed within the respective counties in which such courts are established. Utah Code Ann. §78-5-4. City and town justices have the same powers and jurisdiction as other justices of the peace. Utah Code Ann. §78-5-5.</p> <p>City/Town Ordinances: City and town justices have exclusive original jurisdiction of cases arising under ordinances in their city or town. Utah Code Ann. §78-5-5.</p> <p>Civil: Generally, claim or value of property involved must be less than \$300. Utah Code Ann. §78-5-2.</p> <p>Small Claims: Same</p>

## City Courts

### B. Territorial

Criminal and Traffic:  
Countywide  
Utah Code Ann. §§78-4-16,  
78-5-4.

#### Civil:

Defendant must reside in county where court is located except in ten categories of cases in which there is substantial connection between the subject of the action and the county (e.g., actions to foreclose liens on property in the county).  
Utah Code Ann. §78-4-14.

### C. Change of Venue

Criminal:  
Defendant is entitled to change of venue upon a showing by the filing of an affidavit or otherwise that the judge is a material witness, prejudiced, ill, or otherwise disqualified, or by stipulation of parties.  
Utah Code Ann. §78-4-24.

Certification of all pleadings to the district court is available if no city court judge or justice of the peace of concurrent jurisdiction is qualified to hear the action.

Utah Code Ann. §78-4-25.

Place of trial shall not be changed more than once.  
Utah Code Ann. §77-57-13.

## Justice of the Peace Courts

Criminal and Traffic:  
Countywide, although most state agencies have attempted administratively to limit criminal jurisdiction to offenses which occur within a justice's precinct.  
Utah Code Ann. §§78-5-4, 77-57-1.

#### Civil:

Defendant must reside in the precinct, city or town in which the court is situated except in four categories of cases in which there is a substantial connection between the subject of the action and the territory encompassed by the court (e.g., place of performance under written contract).  
Utah Code Ann. §78-5-8.

#### Criminal:

Defendant must be taken before the nearest magistrate who has jurisdiction.  
Utah Code Ann. §41-6-166.  
See also Wells v. City Court of Logan City, No. 13824, May 1, 1975.

Defendant facing a jail sentence must be tried by the nearest or most convenient court in the county having a lawyer judge unless the defendant specifically waives that statutory right.  
Utah Code Ann. §78-5-4.

Upon defendant's filing an affidavit showing judicial prejudice, action must be transferred to a justice of the county agreed upon by parties or to the nearest justice of the peace.  
Utah Code Ann. §77-57-12.

Place of trial shall not be changed more than once.  
Utah Code Ann. §77-57-13.



City CourtsJustice of the Peace CourtsII. POWERS OF JUDGES/  
JUSTICES

A. Rule Making Power	Every court has inherent powers to regulate and provide for orderly disposition of business. Utah Code Ann. §78-7-5.	Same
B. Power to Issue Process and Subpoenas	Statewide Utah Code Ann. §§77-45-1, 77-45-6.	Countywide. Utah Code Ann. §§78-5-3, 78-5-12.
C. Power to Issue Warrants of Arrest	Statewide Utah Code Ann. §§77-10-4, 77-10-5.	Countywide. If complaint is not by county attorney and there is no risk of the accused leaving the county, the warrant must be approved by the county attorney. Utah Code Ann. §77-12-1.
D. Power to Set Bail	Magistrates (city judges and/or justices) are authorized to set bail whenever necessary to insure a defendant's appearance. Utah Code Ann. §77-15-6.	Same Utah Code Ann. §17-32-1
E. Power to Issue Search Warrants	Magistrates are authorized to issue search warrants. Utah Code Ann. §77-54-1.	Same
F. Ministerial	Magistrates are authorized to perform marriages. Utah Code Ann. §30-1-6(2).	Same

	<u>City Courts</u>	<u>Justice of the Peace Courts</u>
III. APPEAL	De novo to district court on both questions of law and fact. The decisions of the district court are final except in cases involving the validity or constitutionality of a statute or ordinance. Utah Code Ann. §78-3-5.	Same
IV. RECORD	City courts are officially courts of record. Utah Code Ann. §78-1-2.  City judges may appoint a competent shorthand reporter upon the request of either party. Utah Code Ann. §78-56-10.	None
V. CREATION		
A. Authority for Creation	Legislature is authorized by Constitution to change territorial jurisdiction of existing courts and/or establish courts inferior to Supreme Court in addition to district courts and justices of the peace; city courts thus created by statute. Utah Const. Art. VIII, §1; Utah Code Ann. §78-1-1.	Created by Constitution; the legislature governs jurisdiction, number, powers, duties, and compensation. Utah Const. Art. VIII, §8. Utah Code Ann. §78-1-1.

### City Courts

B. Standards  
for Establishment of  
Courts

Governing body of all first, second and third class cities and all those which are county seats are authorized to establish and maintain city courts.  
Utah Code Ann. §78-4-1.

### Justice of the Peace Courts

Board of county commissioners creates office of justice of the peace and determines precinct boundaries.  
Utah Code Ann. §17-16-5.

Additional justices and precincts may be established by the board of county commissioners "as public convenience may require."  
Utah Code Ann. §17-16-5.

Cities and town (by act of the mayor upon advice and consent of city council) may appoint a justice of the peace "as may be necessary for the good order and well being of the town."  
Utah Code Ann. §§10-6-30, 10-6-74, 10-13-20.

## VI. JUDGES/JUSTICES

A. Number

<u>Pop. of City</u>	<u>Number of Judges Authorized</u>
150,000 or more	5 or more as determined by city's governing body.
65,000 to 150,000	4 or more as determined by city's governing body.
30,000 to 65,000	No more than 2
less than 30,000	No more than 1

City council must pass an ordinance creating position after population level is reached.  
Utah Code Ann. §78-4-2.

At least 1 justice per precinct except in precincts with a city court in which there may be no justice of the peace. No limitation on the number of justices the board of county commissioners may establish.  
Utah Code Ann. §§17-16-5, 78-4-7.

## City Courts

### B. Selection

Nonpartisan election but mayor has the power to appoint when vacancies occur and when population of city justifies creation of a court or warrants another judge. Appointment subject to the approval of the city commission or city council.  
Utah Code Ann. §§78-4-2, 3, 4, 5 and 11.

### C. Qualifications

Qualified elector; resident of the city in which the office is sought; admitted to practice of law in Utah and in good standing.  
Utah Code Ann. §78-4-8.

### D. Tenure

6 years  
Utah Code Ann. §78-4-2.

## Justice of the Peace

Partisan elections in county precincts.  
Utah Code Ann. §§20-3-4, 17-16-5.

Third Class City:  
Mayor appoints with consent of city commission or city council.  
Utah Code Ann. §10-6-30.

City and town justices are appointed and not elected officials. Apparently, they serve at the discretion of the mayor and the city council.  
Utah Code Ann. §10-6-32.

Vacancies in city and town justice courts must be filled for unexpired term by the mayor with consent of the governing body or city council.  
Utah Code Ann. §10-6-74.

Qualified elector; resident in town, city or precinct in which court is situated.  
Utah Court Ann. §§10-6-30, 75-5-1, 20-12-1.

In absence of a qualified person, county commissioner may select a person residing in an adjoining precinct.  
Utah Code Ann. §78-5-1 and Attorney General Opinion No. 73-030.

4 years for county precinct justice.  
Utah Code Ann. §17-6-6.

City and town justices hold office until the next municipal election following their appointment. However they may be removed without cause by the board of commissioners of first and second class cities or by the mayor and city council of third class cities.  
Utah Code Ann. §10-6-32

## City Courts

### E. Compensation

Salary fixed by ordinance adopted by governing body of city.  
Utah Code Ann. §§10-6-41, 78-4-9.

### F. Requirements for Training

None.

### G. Removal From Office

By impeachment for high crimes and misdemeanors or malfeasance in office.  
Utah Code Ann. §77-6-1.

By vote of two-thirds of the members of each house of the legislature.  
Utah Const. Art. VIII, §11.

By forfeiture for absence from the state.  
Utah Const. Art. VIII, §27.  
Utah Code Ann. §78-4-11.

## Justices of the Peace

Based on fees set by respective governing body.  
Utah Const. Art. XXI, §2;  
Utah Code Ann.

Each city commission or town council or board of county commissioners shall review and may adjust the rate of compensation for justices.

Utah Code Ann. §78-5-30.  
"Fixed Compensation" for justices may not be on a per case basis.  
Attorney General Opinion No. 74-013.

Town justice should receive the same "fees" as a precinct justice.

Utah Code Ann. §10-6-74

City justice should receive a salary set by ordinance.  
Utah Code Ann. §§10-6-74, 10-6-41.

Utah Const. Art. XXII, §1.  
Must attend at least one of two annual institutes sponsored by Utah Supreme Court.  
Utah Code Ann. §78-5-27.

By the Supreme Court on recommendation of the Commission on Judicial Qualifications.  
Utah Code Ann. §49-7a-38.

By legal proceedings in the district courts, which proceedings may be initiated by taxpayer, grand jury, county attorney or the attorney general for malfeasance in office or conviction of a felony, indictable misdemeanor involving moral turpitude.  
Utah Code Ann. §§77-1-2, 77-7-2.

### City Courts

By Supreme Court on recommendation of the Commission on Judicial Qualifications.  
Utah Const. Art. VIII, §28; Utah Code Ann. §49-7a-38.

By vote of electorate.  
Utah Code Ann. §78-4-2.

#### H. Mandatory Retirement Age

70 years.  
Utah Code Ann. §49-7a-39.

#### I. Retirement Program

A judge who elects to retire while still serving on the bench can qualify for service retirement if he has had at least 6 years of service as a judge and is at least 70 years of age or has served 10 years and is 65.  
Utah Code. Ann. §49-7a-25.

A judge is also eligible if he is physically or mentally disabled, as determined by the Commission on Judicial Qualifications.  
Utah Code Ann. §49-7a-25.

Widows or dependant spouses are also eligible to receive death benefits under the act.

A judge's annual pension is determined on a sliding scale.  
Utah Code Ann. §49-7a-7(24).

### Justices of the Peace

By vote of the electorate.  
Utah Code Ann. §§17-16-5, 20-1-2.  
(County justices only)

City and town justices serve at the pleasure of the mayor and can be removed by him.  
Utah Code Ann. §10-6-32.

Retirement act does not apply to justices of the peace.  
Utah Code Ann. §47-7a-3.

Justices of the peace are not covered by the retirement act. However, county commissioners may establish retirement systems for public officers and employees.  
Utah Code Ann. §§49-3-1, 17-6-5.

VII. ADMINISTRATION

City Courts

Justice of the Peace Courts

A. Administrative Power

If more than one judge, a presiding judge must be elected to control case-load management and supervise work of clerk of the court.

Utah Code Ann. §§78-4-12, 78-4-13.

Not specified

B. Staff

City auditor in small city and city recorder in large city are ex-officio clerks of the court and provide clerical services.

Utah Code Ann. §74-4-12  
City commissioners and councils shall provide "attendants" for city courts.

Utah Code Ann. §78-4-10

No provision for secretarial staff. Some justices have part-time secretaries and bill the county. Salt Lake and Weber Counties provide for a small staff.

Bail commissioners can be appointed by county commissioners and empowered to exercise all the powers of city judges in respect to the fixing of bail of persons arrested for misdemeanors or violations of county ordinances.  
Utah Code Ann. §17-32-1.

Same

City Courts

Justice of the Peace Courts

C. Court Administration  
Court Administrator organizes and administers all non-judicial activities of both city and justice courts, within parameters and guidelines set by the Judicial Council. Duties of the Court Administrator are set by statute. Utah Code Ann. §78-3-24.

Same

D. Reporting Requirements  
Courts are to provide information and statistical data to the Court Administrator upon request. Utah Code Ann. §78-3-26.

Same  
Utah Code Ann. §78-3-26.

Justices are to file a monthly report with their county attorney, stating number and character of criminal prosecutions, number of convictions, amount of fines and penalties imposed and amount collected. Utah Code Ann. §78-5-31.

Costs of running the court are to be filed with the county auditor. The report must be certified as correct by the county attorney. Utah Code Ann. §§77-19-1, 17-19-3.

E. Uniform Filing Fee Schedule  
Yes.  
Utah Code Ann. §78-4-20.

No.

<u>Value of Claim</u>	<u>Fee</u>
Civil:	
0 - \$500	\$3
501 - \$2500	\$5
Small Claims:	
0 - \$200	\$3



VIII. FINANCING

A. Allocation of  
Fines, Fees and  
Forfeitures

State Criminal and  
Traffic:  
One-half of all fines,  
fees and forfeitures  
for violation of state  
laws must be paid to  
the city treasurer.  
Remainder is paid to the  
county treasurer.  
Utah Code Ann. §78-4-23

County Ordinances:  
Fines, fees and forfei-  
tures in cases other than  
violations of city and  
town ordinances must be  
paid to the county  
treasurer within 30 days  
of their receipt.  
Utah Code Ann. §77-57-37

City/Town Ordinances:  
Fines, fees and forfei-  
tures for violation of  
city ordinances must be  
paid by the clerk to the  
city treasurer.  
Utah Code Ann. §78-4-23

Civil and Small Claims:  
Filing fees are paid by  
the clerk to the city  
treasurer.  
Utah Code Ann. §78-4-23

State Criminal and Traffic  
Fines, fees and forfei-  
tures in cases other than  
violations of city and  
town ordinances must be  
paid to the county  
treasurer within 30 days  
of their receipt.  
Utah Code Ann. §77-57-37

County Ordinances:  
Same

City/Town Ordinances:  
Fines, fees and forfei-  
tures for violation of  
city and/or town ordin-  
ances, must be paid by the  
justice to the respective  
city or town treasurer.  
Utah Code Ann. §§10-7-66,  
78-5-6.

Civil and Small Claims:  
Same  
Utah Code Ann. §10-6-74.

City Courts

Justice of the Peace Courts

Special Fines:  
Fines, fees and forfeitures for wildlife resource violations must be sent to Utah State Division of Wildlife Resources.  
Utah Code Ann. §§23-14-13, 51-4-2.

Special Fines:  
Same.

Fines, fees and forfeitures from violations of State Boating Act must be deposited in State general fund under State Parks and Recreation Commission.  
Utah Code Ann. §73-18-22.

Fines on Appeal:  
Cost and fines imposed by district court on appeal are paid one-half into the state and one-half into the city treasury.  
Utah Code Ann. §78-4-23.

Fines on Appeal:  
No statutory provision or case law available.

B. Responsibility for Judges/Justices Salaries

City commission or council by ordinance.

City, town or county creating the office.

C. Responsibility for Support Staff, Physical Facilities and Operating Expenses

The city commissioners and city councils shall provide suitable rooms for holding the city court, together with attendants, furniture, lights and stationery sufficient for the transaction of business, the expenses of which shall be paid out of the general funds of the city treasurer.  
Utah Code Ann. §78-4-10.

May hold court at "any place within the city or town".  
Utah Code Ann. §78-5-1.

City Courts

Justice of the Peace Courts

D. Reimbursement  
for court  
services

Fees, charges and amounts for services rendered by the city courts in the trial and examination of persons charged with crimes under state laws shall be paid to the clerk of the city court by the county. Utah Code Ann. §78-4-22.

IX. OTHER

A. Enforcement of  
Judgment

Must docket a transcript of judgment in the district court to obtain a lien on real property. Utah Code Ann. §79-4-19.

Must docket a transcript of judgment in the district court; execution may be issued as on a judgment of the district court. Utah Code Ann. §§78-5-12, 78-5-11.

B. Physical  
Facilities

Rooms and furnishings suitable for operating court must be furnished by city. Utah Code Ann. §78-4-10.

Court must be held in appropriate judicial facilities which are selected by the justice of the peace. Utah Code Ann. §§78-5-1 and 1.1.

C. Secondary  
Employment

No city judge shall act as an attorney in any court except that they may practice before the district court in uncontested probate matters. Utah Code Ann. §78-7-2.

No explicit statutory provision against secondary employment or other office holding. However, Resolution No. 2 of the Judicial Council, May, 1975, states that a justice should not act as an attorney for either the defense or prosecution or be a law enforcement officer.

D. Code of Ethics

Judicial and professional codes of responsibility:

None unless justice is also a lawyer.



APPENDIX IIA

BUSINESS OF THE COURTS; FISCAL YEAR 1975

CITY COURTS



UTAH CITY COURTS  
TOTAL FILINGS BY TYPE OF CASE  
(EXCLUDING PARKING)

JULY 1, 1974 - JUNE 30, 1975

City Court	Number of Judges	Traffic	Criminal	Civil <sup>1</sup>	Small Claims	Total Filings	Total Filings Per Judge
Bountiful	1	6,157	583	465	348	7,553	7,553
Brigham City	1	5,668	825	273	209	6,975	6,975
Clearfield	1	3,007	550	205	179	3,941	3,941
Layton	1	2,636	338	185	567	3,726	3,726
Logan	1	6,580	953	189	286	8,008	8,008
Moab	1	2,627	249	33	138	3,047	3,047
Murray	1	5,290	597	4,138	1,035	11,060	11,060
Ogden	3	20,660	5,004	1,454	931	28,049	9,349
Orem	1	4,973	715	258	478	6,424	6,424
Price	1	2,625	629	77	160	3,491	3,491
Provo	2	11,689	2,040	1,148	1,080	15,957	7,978
Roy	1	4,708	370	100	79	5,257	5,257
Salt Lake	5	47,391	9,457	5,157	912	62,917	12,583
Tooele	1	1,691	463	157	187	2,498	2,498
<sup>2</sup> Total	22	125,702	22,773	13,839	6,589	168,903	7,677

<sup>1</sup>Including civil and small claims new trials.

<sup>2</sup>

City courts were created in St. George in July, 1975, in Sandy in December, 1975 and in Cedar City in March, 1976.

Source: Annual Report Utah Courts, 1975.

UTAH CITY COURTS  
TOTAL DISPOSITIONS BY TYPE OF CASE  
(INCLUDING PARKING)

JULY 1, 1974 - JUNE 30, 1975

City Court	Number of Judges	Bail For- feitures (traffic & criminal)	Traffic	Criminal	Civil & Small Claims	Total Dispo- sitions
Bountiful	1	5,383 <sup>1</sup>	1,526 <sup>1</sup>	405	444	17,758
Brigham City	1	768	4,210	457	407	5,842
Clearfield	1	2,367	2,140	492	352	5,351
Layton	1	1,706	1,385	111	256	3,458
Logan	1	249 <sup>1</sup>	23,895 <sup>1</sup>	738	513	25,196
Moab	1	1,189	1,468	173	171	3,001
Murray	1	4,132	1,162	389	4,464	10,147
Ogden	3	57,599	5,799	3,445	2,272	69,115
Orem	1	3,055 <sup>1</sup>	2,208 <sup>1</sup>	652	680	6,595
Price	1	298	2,603	491	258	3,650
Provo	2	7,083	4,815	1,329	1,862	15,089
Roy	1	3,407	1,746	194	264	5,611
Salt Lake	5	203,312	9,245	11,924	4,240	228,721
Tooele	1	412 <sup>1</sup>	1,237 <sup>1</sup>	346	367	2,362
Total <sup>2</sup>	22	290,960	63,439	21,146	16,550	391,896

<sup>1</sup> These courts have strict rules regarding bail forfeitures. As a consequence, dispositions that might fall in the bail forfeiture category in other courts are counted as guilty plea traffic dispositions.

<sup>2</sup> City courts were created in St. George in July, 1975, in Sandy in December, 1975, and in Cedar City in March, 1976.

Source: Annual Report Utah Courts, 1975.



APPENDIX IIB

BUSINESS OF THE COURTS: FISCAL YEAR 1975

JUSTICE OF THE PEACE COURTS



# UTAH JUSTICE OF THE PEACE COURTS

## FILINGS BY COUNTY (EXCLUDING PARKING)

JULY 1, 1974 - JUNE 30, 1975

COUNTY Location of Justice of the Peace Court	TRAFFIC	CRIMINAL	CIVIL	SMALL CLAIMS	TOTAL
Beaver					
<u>Actual-</u>	3784	68	8	33	3893
Minersville (2), Beaver, Milford (2)					
<u>Estimated-</u>	0	0	0	0	0
None					
<u>Total</u>	3784	68	8	33	3893
Box Elder					
<u>Actual-</u>	697	1	11	40	749
Brigham City, Mantua, Tumonton, Corinne, Honeyville					
<u>Estimated-</u>	1004	92	12	0	1108
Brigham City, Garland, Snowville, Willard (2)					
<u>Total</u>	1701	93	23	40	1857
Cache					
<u>Actual-</u>	2883	55	1	0	2939
Willsville, Lewiston, Providence, Paradise, Hyde Park, Meadon, Newton, River Heights, N. Logan, Smithfield, Trenton, Richmond, Clark					
<u>Estimated-</u>	1740	220	3	0	1963
Hysum, Milleville, Logan					
<u>Total</u>	4623	275	4	0	4902
Carbon					
<u>Actual-</u>	277	42	1	23	343
Sunnyside, Carbon					
<u>Estimated-</u>	680	260	13	5	958
Helper, Ruce, Hiawatha					
<u>Total</u>	957	302	14	28	1301

COUNTY Location of Justice of the Peace Court	TRAFFIC	CRIMINAL	CIVIL	SMALL CLAIMS	TOTAL
Daggett- <u>Actual-</u> Manila, Dutch John <u>Estimated-</u> None <u>Total</u>	172 0 172	231 0 231	0 0 0	10 0 10	413 0 413
Davis- <u>Actual-</u> Ogden, Sunset, Syracuse, Clinton, West Bountiful, Centerville, East Layton, Keyville, Farmington, N.Salt Lake Woods Cross <u>Estimated-</u> Farmington <u>Total</u>	12215 120 12335	.969 20 989	167 0 167	4 0 4	13355 140 13495
Duchesne- <u>Actual-</u> Duchesne, Roosevelt <u>Estimated-</u> Myton <u>Total</u>	1690 0 1690	281 0 281	50 0 50	58 0 58	2079 0 2079
Emery- <u>Actual-</u> Furon, Castle Dale, Green River <u>Estimated-</u> Huntington, Cleveland, Emery <u>Total</u>	1715 640 2355	29 100 129	2 20 22	4 14 18	1750 774 2524
Garfield <u>Actual-</u> Panguitch, Escalanti <u>Estimated</u> None <u>Total</u>	1059 0 1059	17 0 17	8 0 8	48 0 48	1132 0 1132
Grand <u>Actual-</u> None <u>Estimated-</u> Thompson <u>Total</u>	0 2000 2000	0 100 100	0 0 0	0 0 0	0 2100 2100

COUNTY Location of Justice of the Peace Court	TRAFFIC	CRIMINAL	CIVIL	SMALL CLAIMS	TOTAL
Iron-					
<u>Actual-</u>	2923	0	0	0	2923
Cedar City, Paragonah					
<u>Estimated-</u>	500	170	0	7	677
Cedar City, Parowan, Brian Head					
<u>Total</u>	3423	170	0	7	3600
Juab-					
<u>Actual-</u>	761	46	0	6	813
Nephi, Eureka					
<u>Estimated-</u>	1370	224	7	10	1611
Nephi (2), Mona					
<u>Total</u>	2131	270	7	16	2424
Kane-					
<u>Actual-</u>	0	0	0	0	0
Bullfrog Basin					
<u>Estimated-</u>	680	14	7	10	711
Kanab (2), Glendale, Mt. Carmel					
<u>Total</u>	680	14	7	10	711
Millard-					
<u>Actual-</u>	3084	48	16	40	3188
Fillmore, Meadow, Kanosh, Delta					
<u>Estimated-</u>	1148	94	20	17	1279
Fillmore, Delta					
<u>Total</u>	4232	142	36	57	4467
Morgan-					
<u>Actual-</u>	271	268	0	16	555
Morgan (2)					
<u>Estimated-</u>	0	0	0	0	0
None					
<u>Total</u>	271	268	0	16	555
Piute-					
<u>Actual-</u>	200	43	1	0	244
Circleville					
<u>Estimated-</u>	200	10	8	10	228
Marysville					
<u>Total</u>	400	53	9	10	472

COUNTY Location of Justice of the Peace Court	TRAFFIC	CRIMINAL	CIVIL	SMALL, CLAIMS	TOTAL
Rich <u>Actual</u> - Laketown, Woodruff, Garden City	293	3	0	0	296
<u>Estimated</u> - None	116	0	0	0	116
<u>Total</u>	409	3	0	0	412
Salt Lake- <u>Actual</u> - Salt Lake (3), Mazna, Granger, Kearns, W. Jordan, Sandy	28662	7890	15	583	37150
<u>Estimated</u> - Salt Lake, Midvale, Riverton, Alta	8700	1990	74	0	10764
<u>Total</u>	37362	9880	89	583	47914
San Juan- <u>Actual</u> - Monticello (2)	1686	226	1	11	1924
<u>Estimated</u> - Blanding (2), Bluff	1300	50	10	14	1374
<u>Total</u>	2986	276	11	25	3298
Sanpete <u>Actual</u> - Manti, Ephraim (2), Gunnison, Fairview	2499	39	5	57	2600
<u>Estimated</u> - Moroni, Mt. Pleasant, Fountain Green	120	0	0	0	120
<u>Total</u>	2619	39	5	57	2720
Sevier <u>Actual</u> - Richfield (2), Aurora, Glenwood, Monroe, Salina	4340	426	0	320	5086
<u>Estimated</u> - Redmond, Elsinor	100	4	0	0	104
<u>Total</u>	4440	430	0	320	5190
Summit <u>Actual</u> - Kamas, Park City (2), Henefres	1511	151	4	35	1701
<u>Estimated</u> - Kamas	200	30	0	100	400
<u>Total</u>	1711	181	4	135	2101

COUNTY Location of Justice of the Peace Court	TRAFFIC	CRIMINAL	CIVIL	SMALL CLAIMS	TOTAL
Tooele <u>Actual-</u> Grantsville, Tooele, Wendover, Stockton <u>Estimated-</u> None <u>Total</u>	4535  0 4535	92  0 92	1  0 1	4  0 4	4632  0 4632
Uintah <u>Actual-</u> Vernal (2), Roosevelt <u>Estimated-</u> Tridell <u>Total</u>	762  0 762	1877  0 1877	20  0 20	4  0 4	2663  0 2663
Utah <u>Actual-</u> Springville, American Fork (2), Payson (2), Spanish Fork, Maples- ton, Goshen, Pleasant Grove, Santaquin, Lehi (2) <u>Estimated-</u> American Fork, Span- ish Fork, Salem, Springville <u>Total</u>	7579  2150 9729	945  360 1305	60  17 77	10  20 30	8594  2547 11141
Wasatch <u>Actual-</u> Midway, Heker <u>Estimated-</u> None <u>Total</u>	2993  0 2993	19  0 19	14  0 14	17  0 17	3043  0 3043
Washington <u>Actual-</u> Laverkin, Hurricane (2), Leeds, Ivins, Santa Clara, Wash- ington, Springdale <u>Estimated-</u> St. George (2) Toquerville, Enterprise (2), Colorado City <u>Total</u>	1202  2232 3434	46  550 596	2  207 209	15  67 82	1265  3056 4321

COUNTY Location of Justice of the Peace Court	TRAFFIC	CRIMINAL	CIVIL	SMALL CLAIMS	TOTAL
Wayne					
<u>Actual-</u>	120	0	0	0	120
Hanksville,					
Torrey					
<u>Estimated-</u>	120	10	0	0	130
Bicknell, Loa					
<u>Total</u>	240	10	0	0	250
Weber					
<u>Actual-</u>	7214	874	4	4	8096
Ogden (3),					
Pleasant View,					
Plain City, Sandy					
<u>Estimated-</u>	2520	1150	75	76	3821
Huntsville, Wash-					
ington, Terrace,					
Riverdale, N. Ogden					
<u>Total</u>	9734	2024	79	80	11917
STATEWIDE TOTALS	122,767	20,134	864	1,692	145,457



APPENDIX III

CITY COURTS: FINES, FEES, FORFEITURES AND EXPENDITURES  
FISCAL YEAR 1975



BOUNTIFUL CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$92,404.00
County Ordinance	0
State Statute	78,232.00
Wildlife Resource Code	
Violation	0
State Parks & Recreation	
Violation including State	
Boating Act	0

Civil	3,733.00
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Small Claims	1,888.60
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Other	0
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\$176,257.60

EXPENDITURES

Personnel (including temporary help)

Judges	\$23,775.00
Clerk/Administrative Staff	32,810.00
Employee Benefits	5,684.22

Current Expenses

Operating Supplies & Maintenance	2,863.83
Subscriptions and Memberships	195.00
Fees (witness, juror, appointed	
counsel)	1,318.30
Rent	0

Travel and Training	517.44
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Capital improvements including office	
equipment and furniture	134.65

Other	0
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\$67,298.44

NET

\$108,959.16

BRIGHAM CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$32,407.00	
County Ordinance	0	
State Statute	72,896.55	
Wildlife Resource Code		
Violation	1,240.00	
State Parks & Recreation		
Violation including State		
Boating Act	769.00	
Civil	1,653.70	
Small Claims	650.25	
Other	0	
		\$109,616.50

EXPENDITURES

Personnel (including temporary help)

Judges	\$16,851.00
Clerk/Administrative Staff	17,773.27
Employee Benefits	4,691.64

Current Expenses

Operating Supplies & Maintenance	2,365.06
Subscriptions and Memberships	371.51
Fees (witness, juror, appointed	
counsel)	8,913.00
Rent	0

Travel and Training	400.00
---------------------	--------

Capital improvements including office	
equipment and furniture	3,425.49

Other	0	
		\$ 54,790.97

NET

\$ 54,825.53

1

County reimbursed Brigham City Court \$12,564.35 for expenses incurred in processing county and state cases.

CLEARFIELD CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$64,522.00
County Ordinance	0
State Statute	27,221.00
Wildlife Resource Code	
Violations	0
State Parks & Recreation	
Violation including State	
Boating Act	0

Civil	1,260.30
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Small Claims	991.90
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Other	0
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\$93,995.20

EXPENDITURES

Personnel (including temporary help)

Judges	\$14,724.00
Clerk/Administrative Staff	11,322.00
Employee Benefits	5,572.00

Current Expenses

Operating Supplies & Maintenance	3,836.00
Subscriptions and Memberships	292.00
Fees (witness, juror, appointed	
counsel)	1,440.00
Rent	0

Travel and Training	578.50
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Capital improvements including office	
equipment and furniture	1,301.00

Other	0
-------	---

\$39,065.50

NET

\$54,929.70

LAYTON CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$25,660.00
County Ordinance	0
State Statute	13,069.50
Wildlife Resource Code Violation	0
State Parks & Recreation Violation including State Boating Act	0

Civil	1,156.75
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Small Claims	3,965.50
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Other	0
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\$43,851.75

EXPENDITURES

Personnel (including temporary help)

Judges	\$15,756.00
Clerk/Administrative Staff	12,521.85
Employee Benefits	4,707.84

Current Expenses

Operating Supplies & Maintenance	3,172.03
Subscriptions and Memberships	262.90
Fees (witness, juror, appointed counsel)	5,055.25
Rent	0

Travel and Training	120.70
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Capital improvements including office equipment and furniture	431.00
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Other: Ordinances & Publications	711.10
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\$42,738.67

NET

\$ 1,113.08

LOGAN CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$ 88,896.30
County Ordinance	455.50
State Statute	29,903.00
Wildlife Resource Code	
Violation	530.00
State Parks & Recreation	
Violation including State	
Boating Act	285.00

Civil	1,630.75
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Small Claims	927.00
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Other	0
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\$122,627.55

EXPENDITURES

Personnel (including temporary help)

Judges	\$ 18,699.84
Clerk/Administrative Staff	21,113.00
Employee Benefits	7,112.53

Current Expenses

Operating Supplies & Maintenance	701.05
Subscriptions and Memberships	234.50
Fees (witness, juror, appointed	
counsel)	2,456.00
Rent	0

Travel and Training	326.00
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Capital improvements including office	
equipment and furniture	2,323.96

Other: Alcohol-Drunk Driving Seminar	1,500.00
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\$ 54,466.88

NET

\$ 68,160.67

MOAB CITY COURT  
FINES, FEES, FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES, AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$13,614.00
County Ordinance	0
State Statute	38,689.90
Wildlife Resource Code	
Violation	705.00
State Parks & Recreation	
Violation including State	
Boating Act	17.50

Civil	177.00
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Small Claims	465.00
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Other	0
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\$53,668.40

EXPENDITURES

Personnel (including temporary help)

Judges	\$12,261.03
Clerk/Administrative Staff	5,989.50
Employee Benefits	3,805.16

Current Expenses

Operating Supplies & Maintenance	1,347.05
Subscriptions and Memberships	65.00
Fees (witness, juror, appointed	
counsel)	1,000.00
Rent	1,200.00

Travel and Training	100.00
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Capital improvements including office	
equipment and furniture	0

Other	0
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\$25,767.74

NET

\$27,900.66



MURRAY CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$ 75,615.00	
County Ordinance	0	
State Statute	97,301.00	
Wildlife Resource Code		
Violation	0	
State Parks & Recreation		
Violation including State		
Boating Act	0	
Civil & Small Claims	34,165.00 <sup>1</sup>	
Other	0	
		\$207,081.00

EXPENDITURES

Personnel (including temporary help)

Judges	\$ 22,000.00
Clerk/Administrative Staff	50,570.00
Employee Benefits	14,498.00

Current Expenses

Operating supplies & Maintenance	6,544.00
Subscriptions and Memberships	462.00
Fees (witness, juror, appointed	
counsel)	9,829.00
Rent	

Travel and Training	1,155.00
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Capital improvements including office	
equipment and furniture	937.00

Other	0
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\$107,920.00

NET

\$ 99,161.00

<sup>1</sup> Civil and small claims are combined

OGDEN CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$454,773.75	
County Ordinance	0	
State Statute	161,835.38	
Wildlife Resource Code		
Violation	2,550.00	
State Parks & Recreation		
Violation including State		
Boating Act	0	
Civil and Small Claims	10,058.97 <sup>1</sup>	
Other	0	
		\$629,218.10

EXPENDITURES

Personnel (including temporary help)

Judges	\$ 60,463.68
Clerk/Administrative Staff	152,110.67
Employee Benefits	41,943.49

Current Expenses

Operating Supplies & Maintenance	10,479.42
Subscriptions and Memberships	0
Fees (witness, juror, appointed	
counsel)	24,718.49
Rent	0
Travel and Training	1,737.38
Capital improvements including office	
equipment and furniture	1,641.47
Other	0

\$293,094.60

NET

\$336,123.50

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<sup>1</sup>Civil and small claims are combined

OREM CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$66,116.24
County Ordinance	0
State Statute	6,642.90
Wildlife Resource Code	
Violation	638.50
State Parks & Recreation	
Violation including State	
Boating Act	35.00

Civil	0
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Small Claims	0
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Other	0
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\$73,432.64

EXPENDITURES

Personnel (including temporary services)

Judges	\$18,275.00
Clerk/Administrative Staff	12,793.00
Employee Benefits	5,789.42

Current Expenses

Operating Supplies & Maintenance	2,605.05
Subscriptions and Memberships	661.45
Fees (witness, juror	
counsel)	1,312.40
Rent	0

Travel and Training	35.50
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Capital improvements including office	
equipment and furniture	300.00

Other	0
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\$41,771.82

NET

\$31,660.84

PRICE CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$16,389.50	
County Ordinance	0	
State Statute	72,953.00	
Wildlife Resource Code		
Violation	4,089.00	
State Parks & Recreation		
Violation including State		
Boating Act	190.00	
Civil and Small Claims	845.45	
Other	0	
		\$94,466.95

EXPENDITURES

Personnel (including temporary help)

Judges	\$15,000.00
Clerk/Administrative Staff	9,944.40
Employee Benefits	4,793.74

Current Expenses

Operating Supplies & Maintenance	1,312.40
Subscriptions and Memberships	0
Fees (witness, juror, appointed	
counsel)	208.40
Rent	0

Travel and Training	125.00
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Capital improvements including office	
equipment and furniture	0

Other	83.00
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\$31,466.94

NET

\$63,000.01

PROVO CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$193,992.63
County Ordinance	0
State Statute	36,500.95
Wildlife Resource Code	
Violation	82.30
State Parks & Recreation	
Violation including State	
Boating Act	248.70

Civil	6,955.50
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Small Claims	3,213.25
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Other	0
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\$240,993.33

EXPENDITURES

Personnel (including temporary help)

Judges	38,876.00
Clerk/Administrative Staff	36,660.00
Employee Benefits	22,053.48

Current Expenses

Operating Supplies & Maintenance	5,828.00
Subscriptions and Memberships	0
Fees (witness, juror, appointed	
counsel)	11,606.00
Rent	0

Travel and Training	476.00
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Capital improvements including office	
equipment and furniture	2,963.00

Other	0
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\$118,462.48

NET

\$122,530.85

ROY CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$115,452.83	
County Ordinance	0	
State Statute	19,225.00	
Wildlife Resource Code Violation	2,836.00	
State Parks & Recreation Violation including State Boating Act	1,962.50	
Civil	966.65	
Small Claims	602.75	
Other	0	
		\$141,045.73

EXPENDITURES

Personnel (including temporary help)

Judges	\$ 16,440.00
Clerk/Administrative Staff	16,747.96
Employee Benefits	5,534.60

Current Expenses

Operating Expenses & Maintenance	668.10
Subscriptions and Memberships	0
Fees (witness, juror, appointed counsel)	3,531.90
Rent	0
Travel and Training	484.00
Capital improvements including office equipment and furniture	0
Other	6.00

\$ 43,412.56

NET

\$ 97,633.17

SALT LAKE CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$1,475,912	
County Ordinance	0	
State Statute	261,740 <sup>1</sup>	
Wildlife Resource Code		
Violation	0	
State Parks & Recreation		
Violation including State		
Boating Act	0	
Civil	33,437	
Small Claims	2,802	
Other	0	
		\$1,773,891

EXPENDITURES

Personnel (including temporary help)

Judges	\$ 106,350	
Clerk/Administrative Staff	378,390	
Employee Benefits	118,034	
Current Expenses		
Operating Supplies & Maintenance	104,583	
Subscriptions and Memberships	0	
Fees (witness, juror, appointed		
counsel)	11,913	
Rent	0	
Travel and Training	15,443	
Capital improvements including office		
equipment and furniture	6,604	
Other	0	
		\$ 741,317
	NET	<u>\$1,032,674</u>

<sup>1</sup>

Breakdown of fines, fees and forfeitures from traffic offenses between city and state is not available. The total (\$1,624,697) is allocated 85 percent to city ordinances and 15 percent to state statute violations. This estimate is based on the opinions of personnel in the Salt Lake City Court.

TOOELE CITY COURT  
FINES, FEES AND FORFEITURES AND EXPENDITURES  
FY 1975

FINES, FEES AND FORFEITURES (RECEIVED)

Traffic and Criminal

City or Town Ordinance	\$53,633.25
County Ordinance	0
State Statute	13,315.30
Wildlife Resource Code Violation	630.00
State Parks & Recreation Violation including State Boating Act	0

Civil	983.15
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Small Claims	742.50
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Other	0
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\$69,304.20

EXPENDITURES

Personnel (including temporary help)

Judges	\$15,400.08
Clerk/Administrative Staff	7,383.25
Employee Benefits	5,982.55

Current Expenses

Operating Supplies & Maintenance	3,199.87
Subscriptions and Memberships	0
Fees (witness, juror, appointed counsel)	775.00
Rent	0

Travel and Training	1,288.64
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Capital improvements including office equipment and furniture	2,353.44
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Other	0
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\$36,382.83

NET

\$32,921.37



APPENDIX IV.

RECOMMENDED PERSONNEL CLASSIFICATIONS



## COURT OF LIMITED JURISDICTION COORDINATOR

### General Statement of Duties:

Under the supervision of the Court Administrator, the court of limited jurisdiction coordinator is in charge of the administration of the courts of limited jurisdiction.

### Representative Examples of Duties:

Receive and review monthly reports from courts of limited jurisdiction.

Prepare an annual report summarizing the activities of the courts of limited jurisdiction for inclusion in the Annual Report on Utah Courts.

Work to improve case processing; specifically, adoption of uniform practices.

Develop and oversee projects to improve court operations.

Evaluate the benefits of automated data processing and coordinate implementation of the same as required.

Establish and administer a personnel system for the courts of limited jurisdiction including recommended salary scales and job descriptions for all non-judicial personnel.

Develop and administer orientation and training programs for non-judicial staff.

Implement a methodology for determining non-judicial staffing requirements.

Serve as a liaison between the courts of limited jurisdiction and other state agencies.

Be available to individual courts to provide technical assistance as required.

Carry out other functions as delegated by the Court Administrator.

### Knowledge, Abilities and Skills:

A comprehensive knowledge of the court system and the role of court administrator; the ability to persuade and induce cooperation; demonstrated human relations skills; an understanding of modern management technology.

### Education and Experience:

A bachelors degree in judicial administration, public administration, business administration, personnel administration, accounting or economics (a masters degree is preferred) plus a minimum of three years of increasingly responsible administrative experience in the justice system.

## CIRCUIT COURT ADMINISTRATOR

### General Statement of Duties:

Under supervision of the presiding judge, the circuit court administrator is in charge of administrative and clerical activities of the court.

### Representative Examples of Duties:

Prepare and administer the court budget.

Assign, supervise and direct the work of the non-judicial staff.

Prepare an annual report on the activities of the court.

Coordinate the operation of the court with governmental and other court-related agencies.

Initiate and direct projects to improve court operations.

Manage space, equipment and facilities for the court.

Interview and select non-judicial personnel under the supervision of the judges.

Administer the personnel system, including annual evaluations of the non-judicial staff.

Perform other functions as delegated by the presiding judge.

### Knowledge, Abilities and Skills:

A comprehensive knowledge of the court system and the role of court administrator; the ability to persuade and induce cooperation; demonstrated human relations skills; an understanding of modern management technology.

### Education and Experience:

A bachelor's degree in judicial administration, public administration, business administration, personnel administration, accounting or economics (a master's degree is preferred) plus a minimum of three years of increasingly responsible administrative experience in the justice system.

## CHIEF COURT CLERK

### General Statement of Duties:

Under minimal supervision, the chief court clerk is responsible for all clerical work for the court, specifically the maintenance and processing of all court records and in-court clerical activities.

### Representative Examples of Duties:

Plan, administer and review the daily activities of clerical staff.

Supervise preparation of trial calendar; coordinate calendar with other agencies.

Establish the work stations of the clerk's office and assign clerical personnel to these stations.

Supervise organization of case files for daily court activities.

Administer and be responsible for accounting for all bails and fines.

Order and purchase office supplies, legal forms and stationery.

Conduct annual personnel evaluations of each court employee and make recommendations as to promotion, discipline and termination of employees.

Represent the circuit at meetings, training conferences and programs as required.

Direct and instruct the employees on difficult procedural problems.

Interview and hire applicants for employment with the approval of the presiding judge.

Maintain court records and prepare financial and statistical reports.

Conduct orientation and training of clerical staff.

Approve all payrolls, requisitions, purchase orders, vouchers, etc.

Prepare and administer the annual clerical budget.

Knowledge, Abilities and Skills:

Comprehensive knowledge of the functions and procedures of the circuit court; extensive knowledge of civil, criminal, small claims and traffic proceedings; extensive knowledge of modern office methods and practices; ability to plan, organize and supervise personnel engaged in work requiring accuracy and attention to detail; ability to keep records and make reports including financial and statistical data; ability to deal effectively with the judges, public and staff members.

Education and Experience:

Any combination equivalent to graduation from high school and five years of increasingly responsible experience, including at least two years of supervisory experience pertaining to court or legal procedures.

## CIRCUIT COURT CLERK III

### General Statement of Duties:

Under minimal supervision, the circuit court clerk III acts as lead worker/supervisor of staff performing varied and responsible technical work and is responsible for maintaining and processing records.

### Representative Examples of Duties:

Perform supervisory functions as assigned by the chief court clerk.

Provide support functions for judges as required.

Supervise case processing.

Receive fines, fees and forfeitures and make appropriate records.

Serve as assignment clerk; including preparation of trial calendar.

Process traffic citations.

Provide attorneys and litigants with information regarding status of cases.

Attend court and take down proceedings.

Perform work connected with calling juries, and maintain appropriate files and records.

Perform general office duties, working closely with other members of the clerical staff.

Assist in instructing and training employees.

Serve as judgment clerk including reviewing, entering and classifying judgments.

Prepare correspondence and reports as assigned by the chief court clerk.

Perform work connected with juries.

### Knowledge, Abilities and Skills:

Extensive knowledge of the functions and procedures of the circuit court; thorough knowledge of civil, criminal, small claims, and traffic proceedings; ability to instruct personnel engaged in work requiring accuracy and attention to detail; ability to keep records and collect financial and statistical data; ability to

deal effectively with the judges, public and staff members.

Education and Experience:

Any combination equivalent to graduation from high school and four years of responsible experience pertaining to court or legal procedures.



## CIRCUIT COURT CLERK II

### General Statement of Duties:

Under supervision, the circuit court clerk II performs skilled clerical functions and at times acts as lead worker.

### Representative Examples of Duties:

Serve as clerk to the judge in court hearings and trials including recording proceedings, filing exhibits, maintaining case files and entering dispositions.

Prepare correspondence, wait on counter, answer telephone to provide information on court functions, bail and procedures.

Accept, receipt and account for fees, bail, fines and claims; balance cash register and other accounts.

Assist in instructing and training employees.

Supervise clerical work stations as required.

Prepare court calendars for traffic, criminal, civil and small claims cases.

Prepare warrants, subpoenas, summons, personal recognizance bonds and necessary related notices.

Set jury trials, process related form notifications and bonds.

Maintain case files.

Coordinate case calendaring with schedules of law enforcement officials.

Deal effectively with the public.

### Knowledge, Abilities and Skills:

Thorough knowledge of legal terminology and circuit court procedures; ability to interpret filing requirements; ability to keep accurate court records; ability to establish and maintain effective public relations; ability to type 60 words a minute.

### Education and Experience:

Any combination equivalent to graduation from high school and two years of responsible experience including at least three years pertaining to court or legal procedures.

## CIRCUIT COURT CLERK I

### General Statement of Duties:

Under supervision, the circuit court clerk I performs varied and responsible clerical work in the court system.

### Representative Examples of Duties:

Serve as clerk to the judge in court hearings and trials, including recording proceedings, filing exhibits, maintaining case files and entering dispositions.

Prepare correspondence, wait on counter, answer telephone to provide information on court functions, bail and procedures.

Accept, receipt and account for fees, bail, fines and claims.

Prepare court calendars for traffic, criminal, civil and small claims cases.

Set jury trials, process related form notifications and correspondence.

Prepare warrants, subpoenas, summons, personal recognizance bonds and necessary related notices.

Maintain case files.

Coordinate case calendaring with schedules of law enforcement officials.

Deal effectively with the public.

### Knowledge, Abilities and Skills:

Thorough knowledge of legal terminology and circuit court procedures; ability to interpret filing requirements; ability to keep accurate court records; ability to establish and maintain effective public relations; ability to type 50 words a minute.

### Education and Experience:

Any combination equivalent to graduation from high school and two years of responsible experience including at least 12 months pertaining to court or legal procedures.

APPENDIX V

METHODOLOGY FOR ESTIMATION OF  
CIRCUIT COURT FILINGS  
FISCAL YEAR 1976-1978



METHODOLOGY FOR ESTIMATION OF  
CIRCUIT COURT FILINGS

FY 1976-1978

1. City Court Filings

All city court filings are transferred to the circuit court. Filings for FY 1977-1978 are projected using the least squares formula  $y = a + bx$  and the base period 1974-1976.

2. Justice of the Peace Court Filings

- a. Filings from all justice of the peace courts located within a 20-mile radius of circuit court main courthouses or county seats are transferred to the circuit court according to the following percentages:

<u>CASE CATEGORY</u>	<u>PERCENT</u>
Traffic	25
Criminal	50
Civil	
<sup>1</sup> High accessibility	75
Medium accessibility	50
Low accessibility	25
Small claims	
High accessibility	60
Medium accessibility	35
Low accessibility	10

(<sup>1</sup> Accessibility is defined by geography, population density and travel time to the circuit court from locations within the 20-mile radius.)

Caseloads for the 155 courts located within the 20-mile radius are based on FY 1975 caseloads reported to the Office of the Court Administrator (106) or projections of caseloads reported in the 1973 Survey of Justices of the Peace conducted by the Office of the Court Administrator (49).

- b. For the 26 justice of the peace courts outside the 20-mile

radius, the caseload to be transferred to the circuit courts is estimated by the Office of the Court Administrator.

- c. Caseloads are projected through FY 1977-78, using a fixed annual increase as follows:

<u>CIRCUIT</u>	<u>PERCENT INCREASE</u>
7, 10, 11, 12	3
all others	5

3. Transfers from District Courts

a. Class A misdemeanors

Filings of class A misdemeanors are transferred to the circuit court based on opinions of field representatives of the Office of the Court Administrator and court clerks as to the percentage of total district court criminal filings that class A misdemeanors represent. The median of opinions expressed, or 14 percent, is used.

b. Civil filings from \$2,500 - \$5,000

Civil filings from \$2,500 - \$5,000 are transferred to the circuit court based on the opinions of field representatives of the Office of the Court Administrator and court clerks as to the percentage which fall into this monetary category. Samples of civil filings were drawn to confirm these opinions. Fifteen percent of district court civil filings is used.

APPENDIX VI

METHODOLOGY FOR ESTIMATION  
OF FINES, FEES, FORFEITURES AND EXPENDITURES  
FISCAL YEAR 1976-1978





METHODOLOGY FOR ESTIMATION  
OF FINES, FEES, FORFEITURES AND EXPENDITURES

FY 1976-1978

1. Fines, Fees and Forfeitures: Traffic, Criminal, Small Claims

The ratio of fines, fees and forfeitures to the respective case filings is determined. It is assumed this ratio will remain constant. The dollar amount is determined by multiplying the ratio by projected filings. For example, FY 1976 fines, fees and forfeitures from city or town ordinances =

$$\frac{\text{FY 1975 FINES}}{\text{FY 1975 FILINGS}} = \frac{2,769,388}{475,659} = \$5.82 \times \text{FY 1976 estimated filings} = \$3,328,603$$

2. Fines, Fees and Forfeitures: Civil

The same methodology as in #1 is employed, with the addition that the resultant figure is multiplied by  $(\frac{11}{5})$  to reflect the proposed increase in civil filing fee.

3. Fines, Fees and Forfeitures on Appeal

The same methodology as in #1 is employed. However, the ratio of appeals to filings is assumed to be one-half of the FY 1975 ratio because of the new appellate procedures proposed. A cost of \$22 per appeal is assumed.

4. Judges salaries and Fringe Benefits

Salaries for judges are calculated at 90 percent of current district court judges salaries or \$24,750. Fringe benefits are calculated at 22 percent, or \$5,445, and travel and training expenses are estimated at \$1,035, the FY 1975 average expenditure per judge.

5. Clerk/Administrator and Operating Expenses

The ratio of expenditures, including fringe benefits, for clerical and administrative personnel, to total filings in FY 1975 is determined. An increase in filings is assumed to result in a corresponding increase in expenditures for clerical and administrative personnel. Operating expenditures are calculated using the same method.

6. Rent

The actual square footage for present courtroom and chambers facilities is calculated at an average annual rental of \$5.00 per square foot. For new facilities, 1,000 square feet per facility is estimated.

