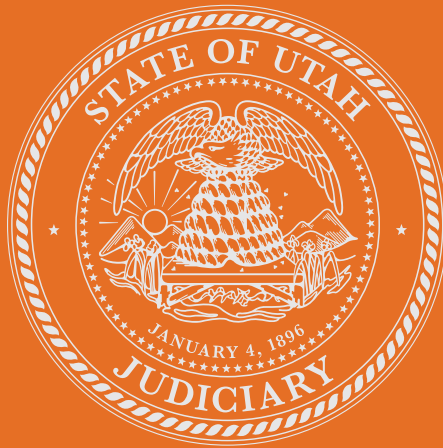


UTAH JUDICIAL COUNCIL

2025

Annual Report to the Chief Justice,
Governor, and Legislature





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

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The Importance of an Independent Judiciary

Court systems in this country often talk about the importance of independence. There are many misunderstandings regarding the meaning of judicial independence. Such misunderstandings can lead to a lack of trust and confidence in the work of the judiciary. Judicial independence and an understanding of what that means are critical for the proper functioning of the Utah Judiciary.

Judicial independence means that judges make decisions based on the facts in individual cases and what the law requires, not based on political or social pressure or individual beliefs. Judicial independence protects judges' freedom to evaluate the facts and the law in individual cases and to make impartial decisions, free from outside influences and pressures. The statutory and constitutional rights of the people of Utah depend on an independent judiciary. Without it, those rights are threatened.

In Utah, we are fortunate to have a merit selection system for judges, meaning that judges are selected based on their qualifications, not based on their politics. This kind of judicial selection system strengthens the independence of the Utah Judiciary by allowing judges' loyalties to rest exclusively

with the law. Utah's judicial selection process is outlined in the Utah Constitution which states "[s]election of judges shall be based solely upon consideration of fitness for office without regard to any partisan political consideration." Utah Const. art. VIII, § 8(4). This selection process sets the stage for the people of Utah to have confidence that those appointed to judicial office are qualified and well-situated to be impartial to every litigant.

Utah's judicial selection system empowers judges to act independently in the performance of their jobs because they are not beholden to anything other than the law. In an independent judiciary, judges make decisions required by the facts and the law without fear of retribution if their decisions are unpopular. That is the essence of judicial independence.

Judicial independence does not mean that the judges are free to make whatever decisions they want. The Utah Legislature is responsible for establishing state statutes, and revising those statutes in response to public policy needs. The Utah Judiciary respects and honors that constitutional role of the Legislature. Judges are bound by the laws passed by the Legislature absent a constitutional challenge

(continued)

raised by a party in a specific case. In cases involving a constitutional challenge, judges presume statutes are constitutional. Judges are always bound by the Constitution of the United States and the Utah Constitution.

Recent court cases have attracted a great deal of attention and some commentators have suggested that the Judiciary has waded into politics in an effort to assert power and determine public policy outcomes. These views misunderstand and mischaracterize the Judiciary's role in these important public issues. When someone files a lawsuit challenging the constitutionality of a statute or government action, the Judiciary addresses that challenge because it is our obligation to do so. When a judge concludes that the constitution has been violated, the judge must, according to the oath they have taken, uphold the constitution. The decisions in these kinds of cases are not a reflection of the political beliefs of the judges or an attempt to assert power. They are decisions based on constitutional requirements.

Professor Paul Cassell with the University of Utah SJ Quinney College of Law stated it well in a recent interview with KUER: "Once a lawsuit has been properly filed, [the courts] need to address the merits. So, I'm not really seeing strong evidence of politicization of our Utah courts right now. The courts in Utah are doing what they've always done, which is to

decide cases and controversies brought to them." The courts do not control what cases are filed or what arguments are presented by the parties. The courts decide the issues presented to them based on what the law requires.

Judicial independence does not mean that judges are free from accountability. The Utah Constitution creates accountability in multiple ways. It establishes the Judicial Conduct Commission which investigates judicial misconduct complaints. The Utah Constitution also requires judges to stand for retention elections at specified intervals. To make sure voters have appropriate information for those retention elections, the Legislature established the Judicial Performance Evaluation Commission in statute and directed that entity to perform comprehensive performance reviews of judges and to provide the results of those reviews to voters. There are no public officials in Utah subject to more thorough, public, and independent performance reviews than judges.

The people of Utah come to the Judiciary with important, often life-changing issues. They deserve a Judiciary that can protect their rights and adjudicate their cases based on the facts and the law, free from external, unrelated influences. They deserve an independent Judiciary. That is what the judges and employees of the Utah Judiciary work to provide.



The members of the Judicial Council are Chief Justice Matthew B. Durrant, Judge David N. Mortensen, Judge Suchada Bazzelle, Judge Brian Brower, Judge Jon Carpenter, Judge Samuel Chiara, Judge Rita Cornish, Judge Michael DiReda, Judge Susan Eisenman, Judge Ryan Evershed, Judge Angela Fonnebeck, Judge James Gardner, Judge Thomas Low, Judge Brendan McCullagh, Judge Amber Mettler, Justice Paige Petersen, Kristin Woods (Utah State Bar). Ron Gordon is the State Court Administrator.

Structure of the Utah Judiciary

The Utah Judicial Council is the governing body for the Utah Judiciary. It has the constitutional authority to adopt uniform rules for the administration of all court levels. The Council also sets standards for judicial performance, court facilities, information technology, support services, and judicial and non-judicial staff levels. The Council consists of 17 members with representatives from all court levels in the Utah Judiciary and the Utah State Bar. The Chief Justice of the Utah Supreme Court always serves as the presiding officer of the Council.

There are six court levels within the Utah Judiciary: four trial court levels - Justice Courts,

the District Court, the Juvenile Court, the Business and Chancery Court; and two appellate courts - the Court of Appeals and the Supreme Court. The jurisdiction of each court level is established in statute. The Administrative Office of the Courts (AOC) implements decisions of the Judicial Council and provides support to all six court levels.

The AOC is led by a State Court Administrator who is appointed by the Supreme Court and who serves at the pleasure of the Supreme Court and the Judicial Council. The State Court Administrator appoints other administrators and directors to help accomplish the work of the AOC.

Structure of the Utah Judiciary

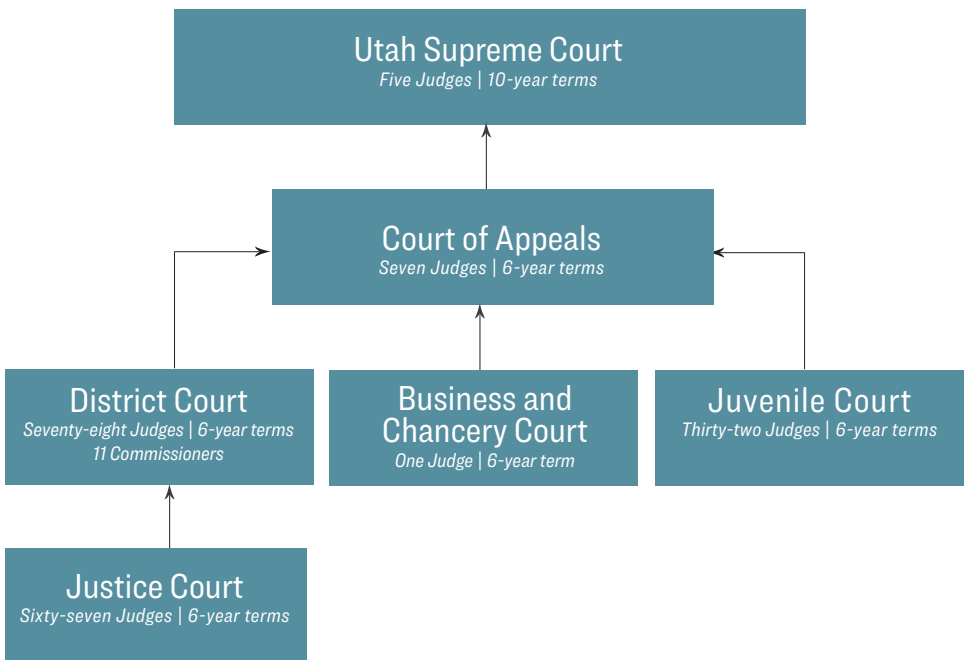
The District Court and Juvenile Court are divided into eight geographical divisions whereas the Court of Appeals and the Supreme Court have statewide jurisdiction. Justice Courts are operated by cities and counties with approval from the Judicial Council and have jurisdiction within the city or county operating the court.

District Court judges and Juvenile Court judges in each judicial district elect a presiding judge and associate presiding judge for their respective court levels. Each of the appellate courts also elects a presiding judge and associate presiding judge. Justice Court judges serving in cities and counties located within the same judicial district elect a presiding judge and associate presiding judge.

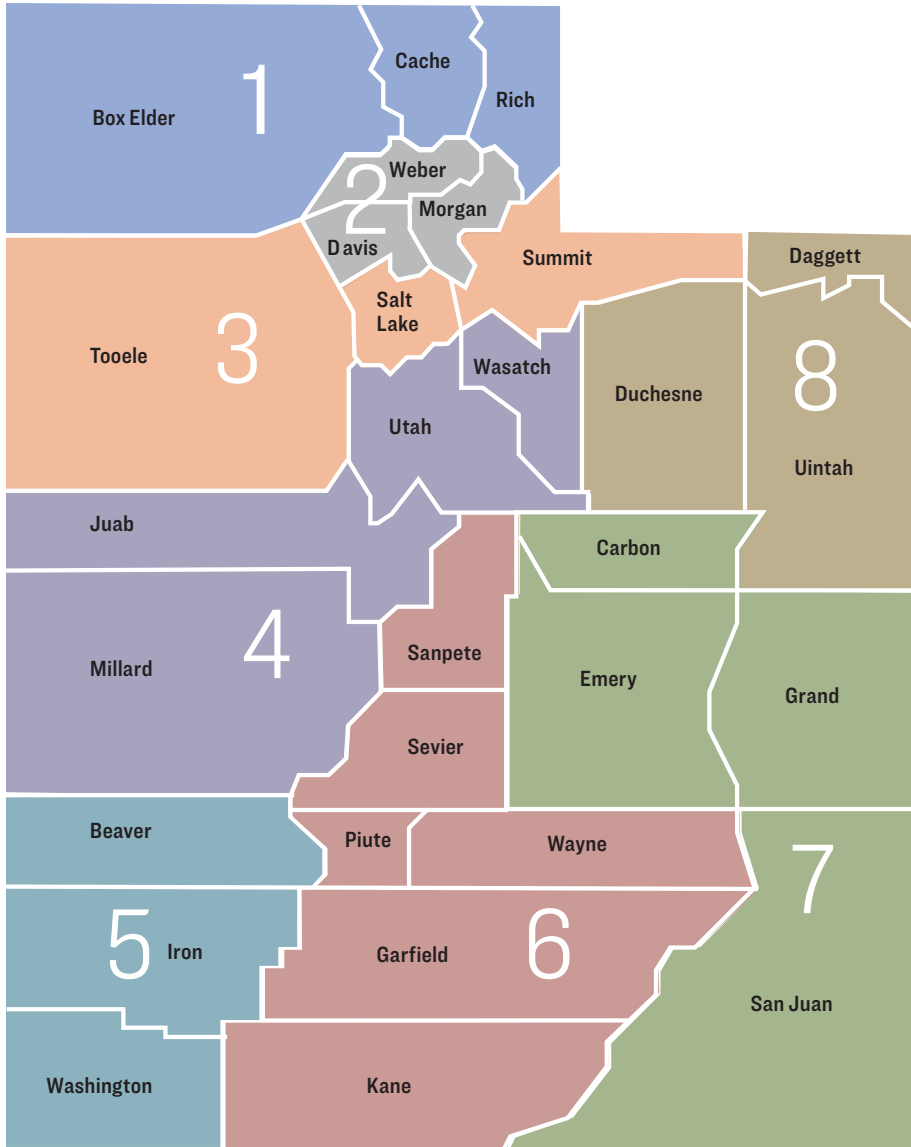
A trial court executive serves as the chief administrator in each judicial district for

the District Court and the Juvenile Court. Depending on the volume of filings in the judicial district, a trial court executive may have responsibilities for both the District Court and Juvenile Court or only one of those courts. Trial court executives, presiding judges, and associate presiding judges work together to oversee the work of the Judiciary within judicial districts. Cities and counties with justice courts appoint administrators who work with the local judges as well as the presiding judges and associate presiding judges to oversee the work of the Utah Judiciary within the boundaries of those local governments.

Some issues in the administration of the Judiciary are common throughout the state. Others are unique to particular areas of the state and therefore unique to individual judicial districts.



Judicial Districts



Appellate Courts

The Utah Appellate Courts consist of the five-member Supreme Court, the seven-member Court of Appeals, and around fifty employees. Both appellate courts are housed on the 5th floor of Matheson Courthouse in Salt Lake City and have jurisdiction to hear appeals from across the state. In 2024, the Appellate Courts focused on increasing services offered to appellate litigants by expanding the Appellate Mediation Office and implementing, for the first time in the history of the Appellate Courts, an appellate e-filing system.

The Appellate Mediation Office (AMO) is a free service provided by the Court of Appeals to appellate litigants. Appellate mediation offers a quicker and more cost-effective alternative to full appellate litigation. While participation is mandatory for cases ordered into mediation, settlement remains voluntary. Appellate mediations are confidential, and the AMO operates independently from the adjudicative process carried out by the Court of Appeals judges. The expansion of the AMO aims to enable more litigants to take advantage of this potentially cost-effective process while also alleviating the growing caseloads of the Court of Appeals judges. In 2024, the AMO expanded to include two full-time appellate mediators and resolved nearly seventy appeals.

The Appellate Courts are excited about the 2024 release of appellate e-filing. For the first time in the history of the Supreme Court and the Court of Appeals, litigants can e-file all their case documents, saving valuable time

for both litigants and appellate court staff. Additionally, the development of appellate processes involved in transferring appeals from trial courts to the appellate courts.

Building on these technological advancements, in 2024, the Appellate Courts also undertook a new data project to better understand the historical caseload distribution and case processing times of the Supreme Court and Court of Appeals. The Appellate Courts monitor caseloads and under-advisement periods in real time as necessary for the operations of both courts, and to calculate performance metrics, but have not in recent history, conducted such an in-depth retrospective analysis of historical data.

The Appellate Courts and the Department of Judicial Data and Research evaluated case metrics from fiscal year 2017 through fiscal year 2024. The project examined both yearly clearance rates (presented as percentages based on total filings vs. total dispositions in a given fiscal year) and average case under-advisement times. Under-advisement time was calculated from when a case went under advisement until its disposition, excluding any stays. If a case did not go under advisement, the time was calculated from the initial docket date to the disposition date.



Appellate Courts

As a threshold matter, and as an expected impact of the pandemic, fiscal year 2021 for the Court of Appeals and fiscal year 2022 for the Supreme Court saw the lowest number of cases filed across all eight fiscal years in the data set. In addition to the pandemic's impact on the appellate case pipeline, the Appellate Courts replaced 40% of their bench in 2021, 2022, and 2023. The effect of these vacancies is evident in the data, as both courts saw their clearance rates drop below 100% in fiscal years 2021 and 2022, with a slow rebound beginning in fiscal year 2024. The data also shows that while the Supreme Court continues to dispose of cases faster than historically, it is deciding fewer cases overall. By contrast, the Court of Appeals is taking slightly longer to adjudicate matters and is handling more case filings each post-pandemic year. Finally, the data reveals that time to disposition (measured from the docket date to the disposition date) continues to be impacted by stipulated requests for extensions. The number of extensions during the data review period doubled, from 1,681 in 2017 to 3,207 in 2024. Beginning in 2025, the Appellate Courts will make all case filing information available on the *Judiciary's Statewide Case Filings webpage*.

Finally, in 2024, the Appellate Courts studied whether increases in appellate case filings, Utah's population, and the number of trial court judges necessitated requesting an additional judge for the Court of Appeals. Since the creation of the Court of Appeals in 1987, there has been no increase in the

number of judges on either appellate court. In the first five years of the Court of Appeals' operations, the court handled, on average, just over 700 cases per year. In the last five years the court handled, on average, just under 900 cases per year.

The Appellate Courts also examined intermediate appellate courts in surrounding states to understand when they increased the size of their courts in response to population growth. In Arizona, Colorado, Oregon, and New Mexico, these states typically add a judge to their intermediate appellate courts when the population ratio reaches 300,000–350,000 per one judge. Utah's current population-to-Court of Appeals judge ratio exceeds 488,000. Finally, the Appellate Courts considered the increase in the number of appealable trial court judges in Utah, which has grown by more than twenty judges and continues to rise. Based on these metrics, the Judicial Council will be seeking funding for an additional Court of Appeals judge.

The Utah Appellate Courts have made significant strides in 2024 to enhance efficiency and accessibility for litigants. The expansion of the Appellate Mediation Office and the introduction of appellate e-filing represent major advancements aimed at improving the appellate process. Additionally, the Appellate Courts' in-depth analysis of case metrics and operational data has provided valuable insights into caseload trends and processing times. The Appellate Courts continue to strive to provide an open, fair, and efficient court system for all.

District Court

The District Court is the state trial court of general jurisdiction. There are 78 full-time judges and 11 court commissioners. In total, these 89 judicial officers are supported by 37 attorney law clerks and approximately 400 support staff, including judicial assistants, case managers, team managers, clerks of court, and trial court executives.

CASE FILINGS AND HEARINGS

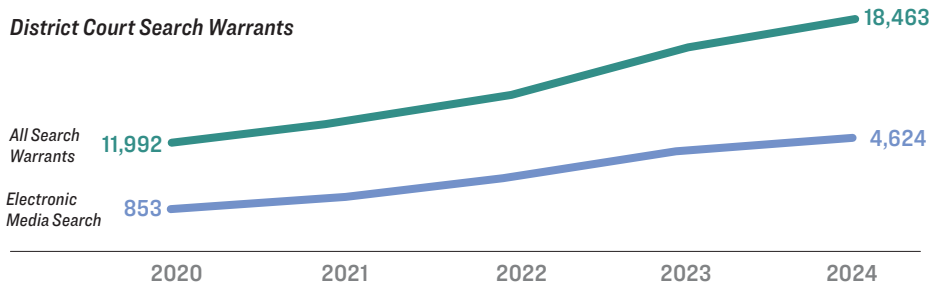
In FY2024, the District Court received 256,589 new case filings, compared to 248,229 new filings in FY2023—an increase of 8,360 cases. While the number of cases filed has seen a modest increase, the demand for hearings to process these filings has grown significantly. Since 2016, the number of hearings held each year has increased by over 37,000.

SEARCH WARRANTS

District court judges processed 11,992 warrants in 2020. This number rose by 55%, reaching 18,463 warrants reviewed in 2024—an increase of 6,471 warrants reviewed in 2024 compared to 2020. The most notable rise occurred in Electronic Service Provider (ESP) warrants, which grew from 853 in 2020 to 4,624 in 2024—a staggering 442% increase.

Search warrants are reviewed and signed 24 hours a day, 7 days a week, 365 days a year, with much of this work occurring outside of standard court operating hours. On average, it takes judicial officers 12 minutes to review a search warrant. Given the increase of 6,471 search warrants and an average review time of 12 minutes, this results in an additional workload of 1,294 hours and is equivalent to the workload of approximately one full-time judicial officer.

District Court Search Warrants



WORKLOAD AND STAFF TURNOVER

Judicial Officers

On average, according to the judicial weighted caseload study, district court judicial officers carry 109% of a standard caseload. In some districts, judicial officers are carrying 123% to 130% of a standard caseload. To process the number of cases filed with the court within standard timeframes, the district court requires an additional eight (8) judicial officers. There are currently 89 district court judicial officers,

and the FY24 weighted caseload study indicates that the district court needs at least 97 judicial officers to manage the cases filed with the court.

The 2023 weighted caseload study indicated the district court needed 8.6 judicial officers, and the legislature approved two new judges. One year later, using the same caseload formula, the study shows that the district court needs 8 additional judicial officers. The ever-increasing workload is outpacing the number of judicial officers allocated by the legislature.

District Court

Judicial Assistants

Utah Code 78A-5-108 outlines the duties and responsibilities of the clerk of court in district court. Each of the eight judicial districts has at least one clerk of court and they delegate responsibilities to judicial assistants (deputy clerks) to perform the duties outlined in statute and in judicial rule.

Judicial assistants perform highly technical work, where significant consequences are at stake for parties appearing before the court. Under the supervision of the clerk of court, it is the responsibility of the judicial assistant to issue all notices, processes, and summonses as authorized by law, ensure the court record is accurate, and perform other related duties. Typically, it is the judicial assistant who communicates with the public and attorneys about court processes, while avoiding the provision of legal advice. Judicial assistants work in a high-stress environment, frequently exposed to traumatizing events and handling sensitive information.

Turnover

The turnover rate for judicial assistants is a clear indicator of how difficult this job can be. The three-year average for judicial assistant turnover is 28%. It takes between one and two years for a judicial assistant to be fully trained. The high turnover rate has led to a substantial number of new court employees who are still working through the training process. Training is provided by experienced employees and managers, which takes them away from their routine responsibilities. In

addition, the judiciary is understaffed with judicial assistants, which places an additional burden on the existing workforce.

Similar to the Judicial Weighted Caseload Study, the judiciary conducts a Clerical Weighted Caseload Study to determine judicial assistant staffing needs. The results of the two studies are similar in that both judges and judicial assistants are working up to 130% of a standard workload. The FY24 Clerical Weighted Workload Study shows the judiciary needs a minimum of twenty-five additional judicial assistants to process the number of cases being filed.

CASE BACKLOG

Court case backlog is defined as the number of pending cases that remain unresolved within the timeframe established in the Time to Disposition Guidelines for Utah Courts, as set by the Judicial Council. In the first quarter of FY2020, there was a district court case backlog of 5,571 cases. By the third quarter of 2021, at the height of the pandemic, the district court case backlog had risen to an all-time high of 12,874 cases.

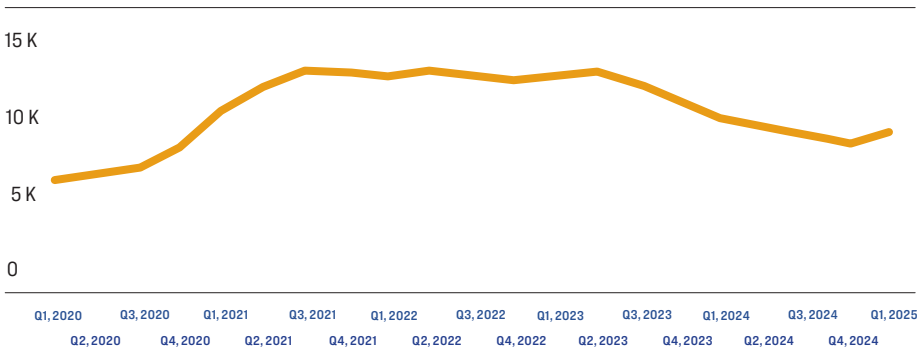
District court judges and court commissioners, with assistance from senior judges (retired judges appointed by the Supreme Court to serve as temporary judicial officers) and time-limited judicial assistants, have worked tirelessly to reduce the backlog that grew during the pandemic. As of the fourth quarter of 2024, the case backlog was reduced to 8,087 cases. Funding to support the work of senior judges and time-limited judicial assistants initially came from the American Rescue Plan Act (ARPA). However, these ARPA funds were exhausted in early spring 2024.

District Court

At the request of the Judiciary, the legislature appropriated one-time funding to support the work of senior judges and time-limited judicial assistants in reducing the court backlog through June 30, 2025. Given the current workload

of district court judges and court staff, the number of cases contributing to the backlog will increase once again without additional resources for judicial officers and judicial assistants.

DISTRICT COURT CASE BACKLOG



Water Law

In May 2023, the Judicial Council (the Council) adopted UCJA Rule 6-104, which went into effect on November 1, 2023. This rule instructs the Council to designate at least three district court judges who volunteer to serve as water judges. Currently, eight water judges have been appointed by the Council. Water law cases are complex and involve vital public resources.

Water judges have participated in educational opportunities to enhance their understanding of this complex area of law, as well as water science, management, and technology. Examples of cases involving complex water law issues include disputes over the ownership of water rights, irrigation and water districts, trespasses, easements, forfeitures, and interference with water rights.

Juvenile Court

Utah's Juvenile Court, which is of equal status with the District Court, is a specialized civil court dedicated to handling juvenile offenses and child welfare matters. The juvenile court is uniquely tasked under U.C.A. § 78A-6-102(5)(c) with a special emphasis on taking a rehabilitative and trauma-informed approach to cases.

The juvenile court may place youth who have committed delinquency acts under the supervision of the court's probation department or in the custody of the Division of Juvenile Justice and Youth Services (JJYS).

Juvenile court may order treatment and other services for parents and abused, neglected, or dependent children either while the children remain in the home or while placed in the custody of the Division of Child and Family Services (DCFS) with the purpose of achieving permanency within statutorily mandated time frames.

Juvenile Court judges work closely with families, aiming to establish rapport as a critical component of achieving positive outcomes. A cornerstone of the court's practice is the one-family-one-judge rule, a national best practice standard designed to ensure continuity and foster trust. Despite the dedication of judges and staff, the increasing workload—coupled with limited resources—has stretched the system. Judges frequently work through evenings, weekends, and lunches to ensure timely case resolutions, and court staff are operating at unsustainable levels. Furthermore, the system faces challenges, particularly in providing adequate resources for female youth and those with complex behavioral issues.

CHILD WELFARE CASES

In FY 2024, the Juvenile Court handled 3,597 child welfare matters, including protective supervision services (PSS) cases and custody petitions. Despite high compliance rates with

legislatively mandated timelines, resource limitations and party stipulations sometimes led to delays. Key metrics include:

- ❖ **Shelter Hearings:** 99% (967/980) held within 72 hours.
- ❖ **Pretrial Hearings:** 98% (1,025/1,048) held within 15 days.
- ❖ **Adjudication Hearings:** 89% (887/996) within 60 days.
- ❖ **Dispositional Hearings:** 93% (924/998) within 30 days of adjudication.
- ❖ **Reunification Termination & Permanency Hearings:** 89% (179/202) within 30 days and 94% (749/799) within 12 months.
- ❖ **Termination Petitions:** 69% (172/250) filed and pretrial held within 45 days of permanency hearings.
- ❖ **Termination of Parental Rights Decisions:** 63% (60/95) made within 18 months.

Delays often resulted from party stipulations, scheduling conflicts, or external factors such as unresolved paternity issues. Statutory allowances for reunification service extensions also impacted timelines. In addition to the above, the juvenile court processed 381 adoption cases arising from child welfare matters that were referred to the court.

DELINQUENCY CASES

As noted above, the Juvenile Court administers a probation department. Juvenile probation officers work with youth who are diverted from formal court processes through Nonjudicial Adjustments (NJA) and also supervise youth who have been placed on probation by the Court. Probation officers work with youth to assess their risk to reoffend while promoting accountability and skill development, to protect the community, and to assist with victim restoration.

Juvenile Court

The Juvenile Court handled 13,376 referrals in FY 2024. A significant portion (63% or 8,427 cases) was diverted from formal court proceedings through NJAs. NJAs reflect the court's emphasis on early intervention and risk assessment. Of the NJAs:

- ❖ **81%** involved low-risk youth
- ❖ **13%** were moderate-risk
- ❖ **5%** were high-risk

Impressively, 94% of NJAs were successfully completed, showcasing the effectiveness of this alternative. Equally impressive, since October 1, 2023, the Juvenile Court has processed 821 automatic expungements for eligible minors who have reached age 18 and whose records consist solely of successfully completed NJAs pursuant to recent legislative changes that provide for this type of expungement.

When a youth is petitioned to court and appears before a judge, a youth may be placed on Formal Probation, which involves court monitoring that includes field supervision, or Intake Probation, which does not. Presumptive time limits exist for probation to ensure that cases do not linger in the system after a youth completes the majority of their obligations. For Intake Probation, the presumptive time limit is 90-days and for Formal Probation it is 120-180 days. The statute provides scenarios under which jurisdiction beyond the presumptive time periods may be extended.

In FY 2024, time spent on probation varied:

- ❖ **Intake Probation:** 41% of youth were under supervision for fewer than 90 days, while 46% stayed 91-180 days. 13% of youth were under supervision for 181-360 days.
- ❖ **Formal Probation:** 48% of youth were supervised for 91-180 days, and 30% for 181-360 days. 22% of youth were under supervision for fewer than 90 days.

Risk assessments of probation cases reveal targeted supervision efforts:

- ❖ **Intake Probation:** 58% were low-risk, 21% moderate, and 21% high-risk.
- ❖ **Formal Probation:** 14% low-risk, 34% moderate, and 53% high-risk.

The Juvenile Court also coordinates with the Interstate Compact on Juveniles (ICJ) to supervise youth moving between states, emphasizing its role in cross-jurisdictional collaboration.

THE NEED FOR ADDITIONAL RESOURCES

The Juvenile Court's success in meeting statutory timeframes—despite increasing caseloads and limited resources—demonstrates the extraordinary commitment of its judges and staff. However, this level of dedication is unsustainable without additional resources. Key areas of need include:

- ❖ **Judicial officers and staff:** Current workloads force personnel to work overtime regularly, risking burnout and system inefficiencies.
- ❖ **Resources for female youth:** There is a critical shortage of programs tailored to the needs of young women, particularly those with trauma histories or behavioral health challenges.
- ❖ **Specialized services for complex cases:** Youth with dual diagnoses or high-risk behaviors require more intensive interventions than currently available.

The Juvenile Court plays a vital role in Utah's justice system, ensuring the well-being of vulnerable children and rehabilitating at-risk youth. Increased funding will enable the court to sustain its high performance, expand innovative programs, and better serve families and communities across the state.

Justice Courts

Justice courts are different from all other courts in the state. They are state courts operated at the local level. Although each of Utah's 106 justice courts is funded and staffed by a municipality or county, all are part of Utah's Judicial Branch. They were created by the legislature and are subject to rules promulgated by the Utah Supreme Court and the Utah Judicial Council. The legislature has indicated that these courts should be independent from the executive and legislative branches of government for a municipality or county.

Justice courts are trial courts that have the authority to adjudicate class B and C misdemeanors, infractions, and small claims cases where the claim is no more than \$20,000. Those found guilty of crimes may be incarcerated, they may be assessed financial penalties, or both. Financial penalties include a fine and one or more surcharges required by statute. One-half of all fines collected by a justice court are remitted to the local government responsible for the court and the other one-half to the local government which prosecutes the violation. Justice courts collect surcharges that are remitted to the State Treasurer pursuant to statute. In lieu of financial penalties, a judge may order performance of community service.

To create a justice court, a county or municipality must file a written declaration with the Utah Judicial Council. A county or municipality of the first or second class must file the declaration on or before July 1 at least two years before the beginning of court operations. The county or municipality must show that the court will comply with the operating standards established by statute and rule. These standards include requirements for courtrooms, staffing, security and legal materials/resources. A county or municipality of the third, fourth or fifth class must file a declaration with the Judicial Council on or before July 1 at least one year prior to the beginning of court operations. A county or municipality of the third, fourth or fifth class must demonstrate a need for a court and the ability to comply with the operating standards. For any applicant, the Judicial Council can shorten the time requirements upon request and, after receiving a timely filed declaration, the Judicial Council approves or denies the request to create a justice court. The application for certification and the operational standards can be obtained by contacting the Justice Court Administrator at the Administrative Office of the Courts.



Justice Courts

A justice court judge must be at least 25 years old, be a citizen of the United States, be a Utah resident for at least three years immediately preceding appointment, and have a degree from a law school that would make one eligible to apply for admission to a bar in any state in the United States. (Justice court judges who assumed office prior to May 3, 2023 are not required to have a law degree.) In addition, a justice court judge must be a qualified voter in the county where the judge resides and be a resident of the county, adjacent county, or the judicial district in which the justice court is located either upon appointment or within a reasonable time following appointment. A justice court judge must be a person who has demonstrated maturity of judgment, integrity, and the ability to understand and apply appropriate law with impartiality.

Like other trial court judges, a justice court judge is appointed for a six-year term and stands for an unopposed retention election. Before a justice court judge's retention election, the judge is evaluated by the Judicial Perfor-

mance Evaluation Committee ("JPEC"). The extent of the evaluation will depend on JPEC's determination as to whether the judge is subject to a full evaluation, mid-level evaluation, or basic evaluation. JPEC will rate the judge on various criteria such as competence, demeanor, and courtroom performance. JPEC then makes a recommendation on whether the judge should be retained. The judge must receive more than fifty percent of the vote to be retained.

Justice court judges, in conjunction with the Judicial Council and the Administrative Office of the Courts, are responsible for the effective administration of justice and the efficient operation of their courts. Although justice court judges are required to comply with applicable county or municipal rules and regulations dealing with personnel, purchasing, budgeting and administrative functions, the Judicial Council expects that they will perform all duties required and exercise ultimate responsibility for the administration of justice as an independent branch of government.



Business and Chancery Court

In 2023 the Utah Legislature passed HB0216 which created the Business and Chancery Court. The Business and Chancery Court is a new court of record with limited statewide jurisdiction and will hear business-related causes of action (22

specific types currently listed in statute) where the relief sought is solely equitable or the monetary damages equal or exceed \$300,000 and with a claim arising from:

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- ❖ **A breach of a contract**
 - ❖ **A breach of a fiduciary duty**
 - ❖ **A dispute over the internal affairs or governance of a business organization**
 - ❖ **The sale, merger, or dissolution of a business organization**
 - ❖ **The sale of substantially all of the assets of a business organization**
 - ❖ **The receivership or liquidation of a business organization; a dispute over liability or indemnity between or among owners of the same business organization**
 - ❖ **A dispute over liability or indemnity of an officer or owner of a business organization**
 - ❖ **A tortious or unlawful act committed against a business organization, including an act of unfair competition, tortious interference, or misrepresentation or fraud**
 - ❖ **A dispute between a business organization and an insurer regarding a commercial insurance policy**
 - ❖ **A contract or transaction governed by Title 70A, Uniform Commercial Code**
 - ❖ **The misappropriation of trade secrets under Title 13, Chapter 24, Uniform Trade Secrets Act**
 - ❖ **The misappropriation of intellectual property**
 - ❖ **A noncompete agreement, a nonsolicitation agreement, or a nondisclosure or confidentiality agreement, regardless of whether the agreement is oral or written**
 - ❖ **A relationship between a franchisor and a franchisee**
 - ❖ **The purchase or sale of a security or an allegation of security fraud**
 - ❖ **A dispute over a blockchain, blockchain technology, or a decentralized autonomous organization**
 - ❖ **A violation of Title 76, Chapter 10, Part 31, Utah Antitrust Act**
 - ❖ **A contract with a forum selection clause for a chancery, business, or commercial court of this state or any other state**
-

Judge Rita Cornish was appointed by Governor Cox and confirmed by the Utah Senate to serve as Utah's first Business and Chancery Court Judge. On October 1, 2024, the Business and

Chancery Court opened its doors and continues to receive case filings. The court is physically located in the Matheson Courthouse and may hear cases in any district in the state.

Treatment Courts

Treatment courts are specialized programs offering individuals an alternative to traditional court processes, such as incarceration, by providing long-term treatment and court supervision.¹ Successful participants may have their charges dismissed or expunged. Established in 1989 in Florida to break the cycle of addiction and incarceration, treatment courts have expanded nationwide, serving diverse populations through programs like adult drug courts, juvenile drug treatment courts, DUI/DWI courts, mental health courts, and veterans courts.² These courts operate with multidisciplinary teams—judges, attorneys, social workers, and treatment professionals—focusing on addiction and mental health as chronic conditions rather than moral failings. Research underscores their societal benefits, including reduced recidivism and drug use, making them a powerful tool to address the root causes of criminal behavior.³

UTAH'S TREATMENT COURTS

Utah is home to 66 treatment courts, including:

- ❖ **Adult Drug Courts: 27**
- ❖ **Adult Mental Health Courts: 11**
- ❖ **Veterans Treatment Courts: 2**
- ❖ **Family Recovery Courts: 13**
- ❖ **Juvenile Drug Courts: 4**
- ❖ **Juvenile Mental Health Courts: 4**
- ❖ **Family Support Courts: 2**
- ❖ **DUI/Hybrid Courts: 1**
- ❖ **Justice Adult Drug Courts: 2**
- ❖ **Justice Adult Mental Health Courts: 1**

To establish a treatment court, Utah's Judicial Council must certify it and regularly review its compliance with national best practices that have been adopted by the Council. In 2024, the Judiciary added a full-time Statewide Treatment Court Certification Coordinator to enhance the certification process alongside the Statewide Treatment Court Coordinator. The Judicial Council also formed the Statewide Treatment Court Steering Committee, an ad hoc committee for the Council, comprising treatment court professionals from various roles, court types, and jurisdictions. This committee, which began meeting in August 2024, addresses issues such as medical cannabis policies, statewide data collection, and conference planning.

The Judiciary has prioritized training, partnering with the Office of Substance Abuse and Mental Health, Department of Health and Human Services, to host the 2023 Utah Treatment Court Conference, which provided intensive training to over 300 attendees. Judges and staff also attended the National Treatment Court Conference, and Veterans Treatment Courts received operational support from Justice for Vets.

Despite these advancements, many Utah treatment courts do not have dedicated staff at the local level and instead rely on judicial assistants and other clerical staff for assistance. Having additional funding for judicial assistants will help ensure the high quality work that needs to be done in treatment courts. Additional needs that treatment courts have identified include onboarding training for new treatment court.

¹ The term Treatment Court is an informal name for these specialty courts. Under Utah Code section 78A-5-2, they are referred to as Drug Court and in the Code of Judicial Administration, UCJA Rule 4-409, they are referred to as Problem Solving Courts.

² US Department of Justice <https://www.ojp.gov/feature/treatment-courts/overview>

³ Individual team members, training on data collection, incentives for participants, and for assistance participants to overcome barriers to accessing housing, employment, and inpatient or residential treatment services.

Judicial Council Budget Priorities FY 2026

1 – Core Courthouse Workforce Retention **\$3,019,000 ongoing**

This request seeks legislative funding for salary increases (both salary range and actual wages) to boost retention levels of the judiciary’s core courthouse workforce — judicial assistants, case / team managers, clerks of court, probation officers, admin staff, etc. The judiciary has been unable to retain a sufficient level of institutional knowledge in its workforce as a result of a stubbornly high turnover rate (around 21%) in this core courthouse workforce over the last three years. This funding will be used to reverse this unsustainable level of personnel instability.

2 – Court of Appeals – New Judge and Staff **\$647,900 ongoing**

Utah needs an additional judge in the Court of Appeals. The Court of Appeals has had seven judges since it was first created in 1987. Over the ensuing 38 years Utah’s population has doubled from 1.7 million to 3.5 million people. Surrounding states typically increase their number of intermediate appellate court judges when their population-to-judge rate is approximately 325,000:1 — in Utah that rate is currently 500,000:1. Where Utah’s seven Court of Appeals judges were once responsible for approximately 700 cases each year, they are now handling nearly 1,000 cases annually. This leads to otherwise avoidable delay in the appellate process.

3 – New Judges (7), Commissioners (2), and Staff **\$5,664,900 ongoing; \$1,223,500 one-time**

For many years the Judiciary has only communicated to the legislature when the need for a new judge in a part of the state is at a crisis point. This approach has failed to communicate the true public need for adequate judicial resources. Based upon the most comprehensive judicial caseload studies ever conducted in Utah, seven new judges (five district court judges and two juvenile court judges) and two new commissioners are necessary, as follows:

Juvenile Court Judges (2)	1st District – Box Elder, Cache, Rich 4th District – Juab, Millard, Utah, Wasatch	\$ 1,621,000 ongoing
District Court Judges (5)	2nd District – Davis, Morgan, Weber 3rd District – Salt Lake, Summit, Tooele 4th District – Juab, Millard, Utah, Wasatch 5th District – Beaver, Iron, Washington 6th District – Garfield, Kane, Piute, Sanpete, Sevier, Wayne	\$ 3,492,500 ongoing \$ 1,223,500 one-time
Commissioners (2)	3rd District – Salt Lake, Summit, Tooele	\$ 551,400 ongoing

This request also necessitates one-time funding (\$1,223,500) to complete an additional — but currently shelled — courtroom in Tooele County for a district court judge to hear cases.

Judicial Council Budget Priorities FY 2026

4 – IT Essential Software Funding **\$963,000 ongoing**

Operating a modern court system requires ongoing software funding to:

- ◆ **Conduct court business, including document preparation and review**
Microsoft \$250,000; Adobe eSignature = \$300,000; Adobe Acrobat Pro = \$128,000
- ◆ **Accurately make and preserve the record of court proceedings, ensure robust backups, and make documents and recordings available for review**
"For the Record" recording software = \$220,000; appellate efilng = \$40,000
- ◆ **Accomplish statutory obligations** *Automatic Expungement = \$25,000*

5– Guardianship Signature Program Attorney Pass-Through **\$366,800 ongoing**

When guardianship is sought, the allegedly incapacitated individual has a right to counsel (see Utah Code 75-5-303(2)). If that individual and the individual's parents are indigent, there are no dedicated resources in the state to secure the mandated attorney representation. For many years, the judiciary and the bar have attempted to address this need through attorney volunteerism, but that has been woefully inadequate to address actual need (i.e., recently 44% of qualifying cases have no attorney involvement). This funding would support the equivalent of two FTE contract attorneys with experience in guardianship matters to assist the allegedly incapacitated individuals through the guardianship process.

6 – Interpreter Funding **\$1,470,000 ongoing; \$450,000 one-time FY2025**

Individuals with limited English proficiency have a constitutional right to the assistance of a qualified interpreter during court proceedings. This request is a continuation of the process Utah began last year to increase the number of judiciary staff interpreters and paying contract interpreters two-hour minimums, a higher hourly rate, and rural assignment incentives (\$1,000,000 ongoing). The cost of securing interpreter services has resulted in the judiciary experiencing budgetary deficits which must be addressed (\$450,000 one-time and \$470,000 ongoing to avoid similar future deficits).

7– New Judicial Staff (x26) **\$2,311,300 ongoing; \$72,800 one-time**

In conjunction with Priority #1 above, the judiciary is also seeking funding to increase the overall number of staff, as follows: 22 additional judicial assistants, 2 additional case managers, 1 additional team manager, and 1 additional business application technician (help-desk support). These positions are being requested to meet the needs of an increasing workload — as indicated by the 2024 clerical weighted caseload study — and to mitigate turn-over resulting from losing overburdened current employees. This request includes funding to purchase the IT hardware and software for these new positions to perform their job responsibilities (\$72,800 one-time).

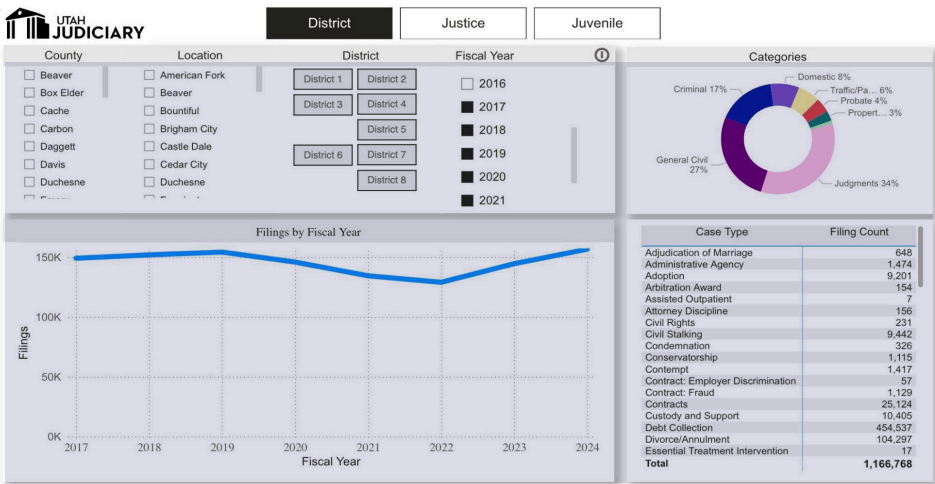
Court Data Dashboards: Modernized Access to Filing Insights

For decades the judiciary has made annual data reports available on its public website. These reports were provided as static PDF documents showing the number of cases for each case type filed in the district courts, juvenile courts, and justice courts around the state. While this PDF-based information accurately reflected annual filings, it remained burdensome to the public and policy makers to glean statewide year-over-year trends or dial in on location and case type specific details.

In 2024 the judiciary made a major shift to a better method of communicating court data, starting with annual filing data. Any interested individual can now easily review annual filing data by court type, judicial district, county, court location, or case type for a single fiscal year or as a trendline across multiple fiscal years using [a flexible data dashboard format](#) to present the data. This new dashboard format combines all of the accuracy of the previous PDF-based annual snapshots with a modernized display

that highlights previously inaccessible context and interpretive relevance. As an example of the flexibility offered by this new system, any individual can now determine exactly how many divorce, eviction, or felony cases are filed in their county and can compare that to any other county (or the entire state) over time back to 2010 with a few simple clicks.

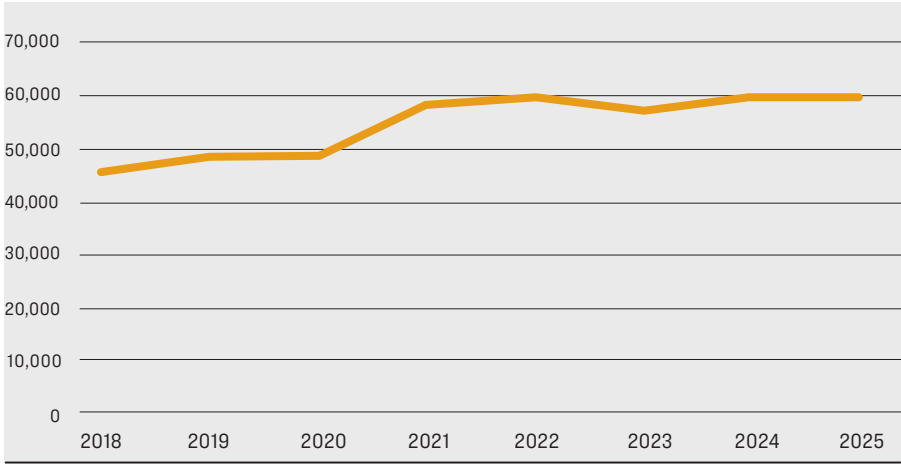
Moving forward the judiciary anticipates creating additional dashboards to provide the public and policy makers with increasing ability to easily obtain and understand court data. For example, the judiciary is working on a criminal offense dashboard where the public will be able to determine how frequently particular criminal offenses are charged in each part of the state. We will continually explore how to deliver additional data using this new model on any topic that will help to provide an open, fair, efficient, and independent system for advancement of justice under the law. For questions or suggestions, please contact courtdatarequest@utcourts.gov.



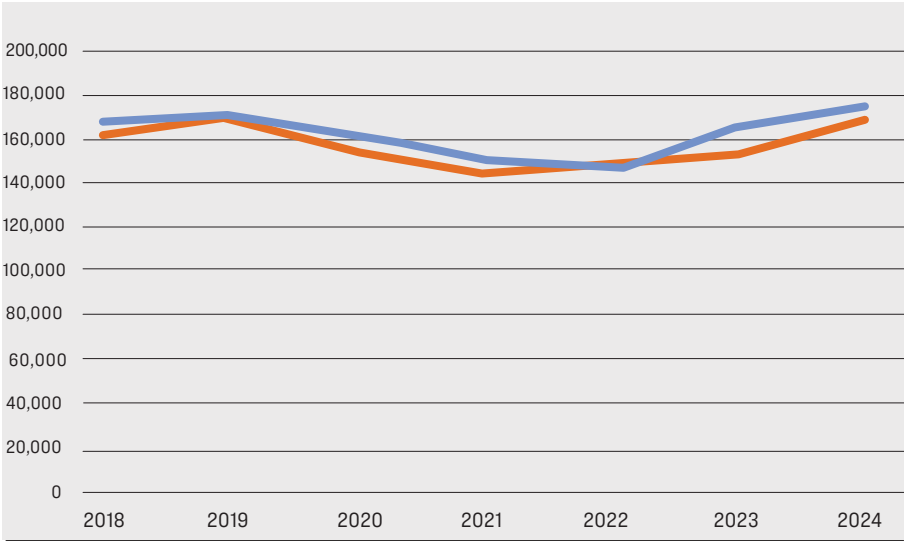
Statewide Caseload Statistics

Pending Cases in District Court

Backlog at the beginning of each fiscal year



District Court Filings and Dispositions



FILINGS DISPOSITIONS

My Court Case

MyCourtCase (MCC) is an integrated, user-friendly portal designed to support self-represented litigants (SRLs) in managing their legal cases. As an umbrella program, MCC gives litigants a one-stop-shop to view their case history, see upcoming hearing dates, view documents filed in their case, complete forms, and pay court fees. Furthermore, MCC is home to the Online Dispute Resolution program for small claims and the Deferred Traffic Prosecution program.

Joining MCC this year is MyPaperwork, our new document automation solution for SRLs. Built with user-centred design and content management efficiency at its core, MyPaperwork replaces OCAP by assisting users in creating court documents. As of December 2024, MyPaperwork supports divorce and parentage (custody) documents, with orders of protection scheduled for early

next year. While MyPaperwork is a stand-alone document automation solution, users can easily “upgrade” their MyPaperwork account to a MyCourtCase account to allow users full use of features after their case is filed.

MyCourtCase will continue to evolve and provide more functionality with time. Currently, MCC supports e-filing in Debt Collection, Eviction, and ODR Small Claims. Next year, we are excited to expand e-filing via MyPaperwork for case-initiating documents and automate away many onerous clerical tasks, increasing efficiency in courthouses across the state.

MyCourtCase furthers the court’s mission to provide “an open, fair, efficient, and independent system for the advancement of justice under the law” by empowering SRLs to take control of their legal journey and receive the resources and tools they need to navigate the court system confidently.





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