

TOOELE COUNTY ATTORNEY'S OFFICE  
TOOELE COUNTY CORPORATION  
CONTRACT # 18-10-12



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October 25, 2018

Tooele County Commission  
47 South Main Street  
Tooele, UT 84074

Re: Requirements for the Operation of the Justice Court in Tooele County

Dear Commissioners:

Pursuant to the requirements of the Utah Judicial Council, this letter is for the purpose of advising you of all of the requirements for the operation of a justice court within the boundaries of Tooele County and the feasibility of maintaining the existing justice court.

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

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

6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).
8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).
9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).
10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).
11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).
12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).
13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).
15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (78A-7-103).
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78A-7-215).
17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

18. An audio recording system shall maintain the verbatim record of all court proceedings (78A-7-103).

For the Tooele County Justice Court, which is a Class I justice court, the system must:

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

The Board of Justice Court Judges may create a list of products that meet these criteria.

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

1. That the Court be open for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
2. That the judge be available to attend court and conduct court business as needed.
3. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.
4. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

October 25, 2018

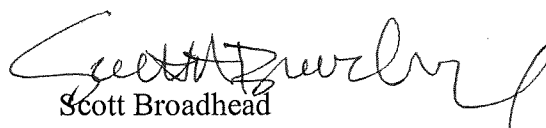
Page 4

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

Having worked directly with the Tooele County Justice Court and having reviewed the above-referenced requirements, the case load, as well as the financial and physical requirements of the court, it is my opinion that it is feasible for Tooele County to continue operating its justice court. It is my recommendation that Tooele County maintain the existing justice court and apply for recertification to the Board of Justice Court Judges and the Utah Judicial Council.

If you have any questions regarding these requirements or my recommendation, please feel free to contact me.

Respectfully,



Scott Broadhead  
Tooele County Attorney