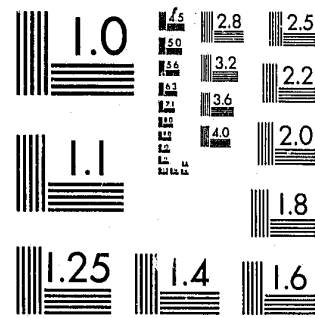


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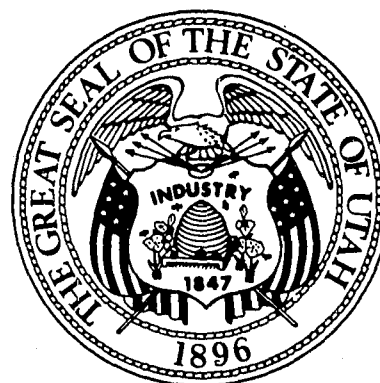
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# ANNUAL REPORT UTAH COURTS

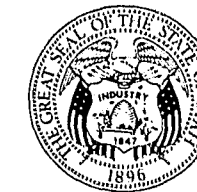


**UTAH JUDICIAL COUNCIL**  
Covering the Period  
July 1, 1976 to June 30, 1977

NCJRS

MAR 23 1981

ACQUISITIONS



**RICHARD V. PEAY**  
STATE COURT ADMINISTRATOR

807 EAST SOUTH TEMPLE, SUITE 201  
SALT LAKE CITY, UTAH 84102  
(801) 533 6371

The Honorable Scott M. Matheson  
Governor, State of Utah

June 30, 1977

The Honorable A. H. Ellett  
Chief Justice, Supreme Court of Utah

The Honorable Members of the  
Utah State Legislature

In compliance with the mandate contained in Section 78-3-21(b), it is a pleasure to submit this Annual Report Utah Courts to you and to the people of Utah. This is the fourth such report providing information reflecting the business transacted by the Judicial Branch of Government of Utah.

This method of publishing data regarding the functions of the trial courts fulfills the vital need of public accountability of the Courts. It is important that the Executive and Legislative Branches of Government, as well as the citizens of the State of Utah, be fully informed about the Judicial process, workload, and needs of the Courts. It is also necessary for the Judiciary to have statistical data available for proper internal management of its affairs.

The past year has proven to be most exciting, challenging, and rewarding for all of those interested in the administration of the Utah Courts. The passage of the Circuit Court Act and the Justice of the Peace bill by the legislature represented the culmination of the tireless efforts of numerous dedicated individuals. It is anticipated that upon the implementation of these two bills, the people of the State of Utah will be provided with a higher degree of quality and quantity of Judicial service from the courts of limited jurisdiction. This legislation in part fulfills our pledge to the people of Utah to pursue excellence by the Judicial Branch of Government. Total fulfillment of that pledge may never come to pass because of the ever changing society within which we live, however, our dedication to that pursuit of excellence will remain undiminished.

Respectfully submitted,

*Richard V. Peay*  
RICHARD V. PEAY  
State Court Administrator

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## THE UTAH JUDICIAL COUNCIL



**Judge Thornley K. Swan, Chairman & Chief Judge, Kaysville  
Second Judicial District**

Past President of Davis County Board of Education; former Mayor of Kaysville; Davis County Attorney, two years; former partner of Ray Quinney and Nebeker Law Firm; member Utah State Bar Association; President of Junior Bar Section, Utah State Bar; American Bar Association; American Judicature Society; President of Kaysville Rotary Club. (Replaced D. Frank Wilkins as Chief Judge February 1, 1974.)\* Term expires November 1, 1979.



**Justice Richard Johnson Maughan, Associate Justice, Utah Supreme Court  
Salt Lake City**

B.S., Utah State University, 1948; J.B., University of Utah, 1951; Assistant to the Attorney General for Utah 1951-52; Member of the Utah State Board of Regents, 1961-75; Member Utah State Bar (Chairman, Continuing Legal Education Commission), 1966-69; Davis County (past president 1961-62) Bar Association. Term expires November 1978.



**Judge J. Robert Bullock, Provo  
Fourth Judicial District**

Former Assistant Provo City Attorney; past chairman of Provo Civil Service Commission; member, Utah House of Representatives, three years and Legislative Council, one year; vice-chairman, Utah Constitutional Revision Commission; former Assistant Chief Attorney, U.S. Veterans Administration, Salt Lake City; member, Order of the Coif; past president, Utah State Bar; past president, Utah County Bar; Ex-officio member, Judicial Council, to January 28, 1974. (Succeeded D. Frank Wilkins February 1, 1974.)\* Term expires November 1, 1979.

\*Elected to full term November 1, 1975.



**Judge Don V. Tibbs, Manti  
Sixth Judicial District**

Judge Tibbs has served as Junior Bar Representative to the State Bar Association, State Bar Commissioner, President of the Southern Utah Bar Association, and Utah Prosecutors Association, and Sevier County Public Defender. He was also Sanpete County Attorney for 12 years, and has been active in civic affairs and charitable activities. Term expires November 1, 1978.



**Judge S. Mark Johnson, Bountiful  
City Judge**

Graduate of University of Utah and Utah College of Law; Law Clerk to Justice Allan Crockett, Supreme Court; ABA Award for outstanding court of limited jurisdiction for city of its class in U.S. Deputy Davis County Attorney; past president Davis County Bar Association; past president Utah State Association of City Court Judges; Governor appointed to the council on Criminal justice and Administration. Term expires November 1, 1979.



**Judge Geraldine Christensen, West Jordan  
Justice of the Peace**

Member, LEPA - Region XII Advisory Board; Salt Lake County Detention Center Advisory Board; member, Criminal Justice Standards & Goals Committee; member, Judicial Committee of Utah State Bar Association. Term expires November 1, 1979.



**Judge Ernest F. Baldwin, Jr., Salt Lake City  
Third Judicial District**

Graduate of University of Utah College of Law; former Deputy Salt Lake County Attorney; member, Utah State Bar; American Bar Association; American Judicature Society; past president, Junior Bar Section of the Utah State Bar; former chairman, Medico-Legal Section; former member, Judiciary Section; past member, Negligence and Compensation Section; former board member, Utah Heart Association. (Replaced Judge Bryant H. Croft November 1, 1975.) Term expires November 1, 1978.



**Harold G. Christensen, Salt Lake City  
Ex-Officio member, Utah State Bar**

J.D., University of Michigan, 1951; Associate Editor, Michigan Law Review; admitted to Utah State Bar and American Bar Associations 1952; President, Utah State Bar 1975 - 1976; President, Salt Lake County Bar Association 1972-73; Chairman, Lawyer Advertising Committee; Chairman, Client Security Fund; Member, American College of Trial Lawyers; Member, The Fellows of the American Bar Foundation; Member, Federation of Insurance Counsel; Member, President's Council, Utah State Bar. Term expires November 1, 1977.



**Richard V. Peay, Salt Lake City  
Court Administrator**

Former State Director of Selective Service, retired from military service with rank of Colonel in 1971; member of Utah State Bar; Reserve Officer Association; Salt Lake Rotary Club; and a charter member and past president of the Federal Executives Association for Utah. Serves as Secretary to the Judicial Council.

## HISTORY OF THE JUDICIAL SYSTEM IN UTAH

### PART I

A system of equitable justice has always been a concern of the people of Utah. As early as March 1849, less than two years after the "Mormons" entered the Salt Lake Valley, a constitutional convention was called to consider the political needs of the people of the "State of Deseret." The constitution adopted at that convention established three branches of government; legislative, executive, and judicial. The judicial branch consisted of a supreme court and such inferior tribunals as the legislature chose to establish.

The Supreme Court consisted of a Chief Justice and two associate Justices elected by the voters for a term of four years. On March 12, 1849, Heber C. Kimball was elected Chief Justice with John Taylor and N.K. Whitney as associate Justices. The bishops in the several Mormon Church wards were also elected by the convention to serve as judicial magistrates. Captain Stansbury, an early Utah historian, wrote, "The jurisdiction of the 'State of Deseret' had been extended and was vigorously enforced upon all who came within its borders, and justice was equitably administered alike to 'saint' and 'gentile'."

In 1850 the Territory of Utah was created and admitted to the union. With the new territorial government came some changes in the judicial system. The justices for the Supreme Court were no longer elected by the people, but were appointed by the President to serve at his pleasure. The Territory was divided into three judicial districts with a federal judge being assigned to each district. The First District consisted of Great Salt Lake City and County, Tooele County, and the regions east and west to the limits of the territory. The Second District consisted of Davis and Weber Counties, and the region east, west, and north to the limits of the territory. The Third District consisted of Utah, Sanpete and Iron Counties and all the country east, west, and south to the territorial limits.

It was not long after the federal judges arrived in Utah that animosity developed between them and the local population, which was predominately Mormon. In 1852 the Territorial Legislature created, by statute, the County Probate Courts. The judges for these courts were local people elected by the legislature and commissioned by the Governor.

A rather controversial clause in the statute creating the county probate courts granted them "... original jurisdiction both civil and criminal, as well in Chancery as at Common Law, when not prohibited by the Legislative enactment..." Appeals from the probate court were to go to the federal courts.

The Controversial clause granted the probate courts concurrent jurisdiction with the federal courts in civil and criminal cases. Although elected by the legislature, the probate judges were usually bishops or other high ranking Mormon Church officials. The people of Utah used the probate courts almost exclusively rather than the federal courts because of the so called "anti Mormon" attitude of the federal judges appointed by the President.

Although appeals to the federal courts were not officially denied by the Mormon Church, there were few appeals ever made. Chief Justice L.G. Brandeburg, the first Chief Justice appointed by the President, and Associate Justice Brocchus finally deserted their posts and returned to Washington complaining that the Mormons refused to use the federal court system, but chose rather to establish and use their own courts.

The people of Utah maintained that the probate courts were needed because the federal courts were frequently not in operation. The First and Second District courts held terms of court once a year, and the Third District Court held only two terms of court a year. Quite often these terms of court lasted only a few days. The Territory's citizens also argued that because of the great distances and the time required to travel to the Federal District Courts, they needed a local court system which had broad enough jurisdiction to handle all their judicial needs. Although Justice of the Peace Courts had been established as early as 1852, the people felt their jurisdiction was too limited to meet their needs.

In June of 1874 the President signed into law a bill passed by Congress which effectively abolished the criminal jurisdiction of the county probate courts. However, the probate courts continued in operation as probate courts only until the Territory achieved statehood in 1896.



## PART II

On January 4, 1896, Utah was granted full status as a state in the United States of America. Shortly thereafter, a constitution was adopted by the people of Utah. Patterned after the U.S. Constitution, the Utah Constitution established a judicial branch of government composed of a Supreme Court, seven District Courts, and Justice of the Peace Courts in as many counties, cities, and towns as chose to maintain them.

### THE SUPREME COURT

Originally the Supreme Court was composed of three justices with one of them being designated as the Chief Justice. The Justices were each elected to serve for six years after which they could run for re-election. In 1917 the State Legislature approved a bill adding two more Justices to the court making a total of four associate Justices with one Chief Justice. The 1917 act also lengthened their terms of office to ten years. The Chief Justice was designated as the Justice with the least amount of time remaining on the bench. Elections of Justices were staggered in such a way as to maintain a majority of experienced Justices on the bench. Justices ran for election on a partisan basis. As is still the case, the concurrence of three or more Justices was needed to render a decision for the court.

No other significant changes were made in the court until 1951 when the legislature created the so-called "headless" or non-partisan ballot. Under this Act, the Justices were no longer to be elected on a partisan basis. In fact, candidates for the position of Supreme Court Justice were no longer to be affiliated with any political party or take an active part in party politics of any kind.

In 1967 the legislature established a bipartisan nominating commission for the purpose of filling any vacancies that might occur in the Supreme Court. This Act also provided that all Justices running for re-election, even if running unopposed, must receive a majority of the votes cast or the position will become vacant and the nominating commission will have to fill it.

In 1969 a Judicial Qualifications Committee was established to recommend the "removal, suspension, censure, reprimand, or retirement" of any Supreme Court or District Court Judge. Grounds for removal were specified as willful misconduct in office, conviction of a felony, persistent failure to perform duties, and the habitual use of alcohol or drugs to the detriment of judicial obligations. Also in 1969, the legislature passed a law which made retirement mandatory at the age of 72 for all Supreme Court Justices.

### DISTRICT COURTS

From as early as 1850, Utah has been divided into judicial districts in order to provide for the equitable distribution of justice of all the people living in the territory.

From 1850 until statehood in 1896, there were only three districts in the territory. In 1896 the new constitution established seven district courts throughout the state in an effort to place the courts within easy access of all the state's citizens. District Courts were required to hold terms of court in each county seat within the district at least three times a year.

From the time of statehood until the present, there have been very few changes in the District Court. There has been some realigning of judicial districts over the years, but even these changes have been few.

### JUSTICES COURTS

"The duties of the Justices of the Peace in Utah Territory were outlined in an act passed in 1852. In 1874 an act was passed providing the base upon which the Justice of the Peace system in Utah now functions. The Constitution of the State of Utah, when ratified, in 1895, provided for the office of the Justice of the Peace using the same basic statutory concepts found in the 1874 act, and made the Justice's office an integral part of court judicial system."

From the time of statehood until the present, there have been very few changes in the law relating to the Justice of the Peace. Justice courts, like the Supreme Court and the District Court, were enumerated in the constitution rather than created by statute.

Traditionally, there have existed two types of Justice Courts in the State. Municipal Justice Courts may exist in any city or town that has not created a City Court. They have exclusive original jurisdiction in

all cases involving municipal ordinance violations. County Justice Courts are found in every county in the state with exception of Weber and Cache Counties. They have exclusive original jurisdiction in all county ordinance violation cases.

Even with their limited jurisdiction, the Justice Courts have always handled a substantial portion of the judicial business in Utah. There are currently over 200 Justice Courts in operation throughout the state.

Perhaps the most important change in the Justice of the Peace system since the adoption of the Constitution will take effect in January 1978. A recent bill passed by the Utah legislature made it mandatory for municipalities and counties desiring to operate Justice Courts to provide adequate courtroom and auxiliary space for their Justice of the Peace. The statute also made it mandatory for every Justice of the Peace in the state to attend at least one training seminar supervised by the Judicial Council every year. Justices of the Peace are the only judges in the state that are not required to be formally trained in the law or be members of the bar.

### CITY COURTS

Although there is very little information available on the evolution of the City Courts System as it now exists, we are able to trace some of the steps in its metamorphosis.

In 1901 the legislature passed a law making it possible for the establishment of a City Court in all cities of the 1st class (Salt Lake City was the only city to qualify). The City Court had civil jurisdiction in all cases where the sums being contested were less than \$500. Being a misdemeanor court, the City Court had the same criminal jurisdiction as the Justice Courts. The City Court Judge was appointed by a commission of local authorities. The City Court Judge, who had to be law trained, served as ex-officio and successor to the municipal Justice of the Peace.

Also passed in 1901 was a bill which permitted the establishment of "Municipal Courts" in cities having a population of between 15,000 and 40,000 inhabitants. The Municipal Court is almost identical to the City Court except for the population requirements. The judge was to be in good standing with the Supreme Court, be at least 25 years old, and serve as ex-officio and successor to the municipal and precinct Justice of the Peace. The Municipal Court Act specified the exact same civil, criminal, and territorial jurisdiction for the municipal court as for the City Court.

In 1917 the eligibility requirements for a municipal court were broadened to include cities with a population of between 7,500 and 50,000 inhabitants.

The City Court and Municipal Court operated as two separate and distinct entities under the law until 1919 when the City Court, Municipal Courts, and Justice Courts in all cities of 7,500 inhabitants or more were consolidated into one court system known as the City Court.

Under the 1919 Act, the City Court has given the County wide territorial jurisdiction with original and exclusive jurisdiction in cases involving the violation of municipal ordinances. Civil jurisdiction remained at less than \$500 and criminal jurisdiction remained the same as specified for the Justice Courts. No new or additional Justices of the Peace were to be appointed in those cities electing to create a City Court. Cities with a population of 7,500 to 50,000 inhabitants were permitted to have one judge. Cities having a population of over 50,000 inhabitants were permitted to have as many as four judges.

Over the years the legislature has constantly revised the 1919 Act to meet changing conditions. In 1975 an amendment specified that cities having a population of 65,000 to 150,000 inhabitants may have four or more city judges, and cities with a population larger than 150,000 may have any more than four judges as determined by the governing body of the city. City Judges are elected to serve six year terms with a mandatory retirement at the age of 70.

Civil jurisdiction of the City Court has increased from the original \$500 to any case where the sum claimed is less than \$2,500. Criminal jurisdiction has always remained exclusive and original for all cases involving municipal ordinance violations and other criminal actions as prescribed for Justices of the Peace.

The City Court System and all acts pertaining to it was repealed in 1977. On July 1, 1978, the City Court System will be completely replaced by a statewide misdemeanor court known as the "Circuit Court."

## CIRCUIT COURT

Replacing the City Courts, the City Court is a new statewide court of limited jurisdiction. With increased jurisdiction, the Circuit Court will handle cases involving all classes of misdemeanors as well as civil cases where the sum claimed is less than \$5,000.

Initially, there will be 33 Circuit Court Judges throughout the state. Each judge must be at least 25 years old and a member of the bar in good standing. The state is to be divided into 12 circuits serving every county in the state as well as all municipalities that have previously had a City Court.

The Circuit Court is to be a court of record and as such, decisions are appealable to the District Court on the record of proceedings only.

It is hoped that the Circuit Court will make the services of law trained judges easily accessible to all the citizens of Utah. This does not mean that the Circuit Court has been designed to in any way limit or usurp the power and authority of the Justice Courts throughout the state.

## JUVENILE COURTS

From as early as 1852, Utah has shown a concern for juvenile justice; however, it was not until 1905 that an official Juvenile Court was created, and not until 1965 that the Juvenile Court became a part of the judicial branch of state government. Prior to 1965, the Juvenile Court had been functioning as a part of the executive branch of government.

In 1852 the territorial legislature enacted a law enunciating the concept of *parens patriae*. The statute outlined certain conditions upon which the Probate Court was required to indenture and bind out a child without either the parent's or the child's consent. This set forth the legal responsibilities of the master (parent) and the minor (child).

In 1888 the legislature enacted a law establishing the "Territorial Reform School in Weber County," now known as the State Industrial School. This law gave the District Court the authority to commit any minor under the age of 18 to the reform school if the child was found guilty of any crime other than murder.

In 1907 a commission was established consisting of the Governor, the Attorney General, and the State Superintendent of Public Instruction. This commission was vested with the "general control and supervision over Juvenile Courts and probation offices." The Executive Department thus controlled the Juvenile Court until 1963 when the commission was declared unconstitutional because it violated the separation of powers provision of the Utah Constitution.

In 1932 the office of "referee" was created to assist the Juvenile Court Judges. Referees were appointed by the judges to hear cases and pass judgments for and in behalf of the judge. All decisions made by the referees were and still are reviewed by the judge before they become the official decision of the court. If the parties in a hearing before a referee so request, the matter may be reheard before a judge.

In 1965, the "Juvenile Court Act" created an independent Juvenile Court within the judicial branch of government and under the supervision of the Supreme Court. An administrative board of Juvenile Judges was created. The board elects a presiding judge who in turn appoints a court administrator who assists the board in the administration of the Juvenile Court System for the State.

The 1965 Act also gave the judges the authority to appoint more than one referee for each court; however, each referee now has to be a graduate of an accredited law school.

Vance Bishop  
Candidate, Master of Public Administration  
Brigham Young University

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## COURT ADMINISTRATOR'S REPORT

The year covered in this report was a year of significant accomplishments as far as the Judicial Council and the Court Administrator's Office were concerned. The Chairman and Chief Judge of the Judicial Council for this period was Thornely K. Swan, Second District Court Judge, Davis County, Utah. The Judicial Council has met regularly once a month for an average meeting time of one half a working day. Formal expression of the work of the Judicial Council take the form of resolutions. Resolutions adopted during the year are reproduced in this report.

The adoption of the concept of the Circuit Court System by the Judicial Council, and the approved legislation reducing the concept to law by the 1977 Utah Legislation is the most significant change in court structure in Utah since statehood. The amendments to Justice of the Peace jurisdiction and procedure compliment the Circuit Court and bring the Justice Courts in as full judicial partners in the court system of this state.

The Court Administrator's Office is charged with the responsibility of implementing policies of the Judicial Council and administrative assistance to the Judicial Branch of government.

1. On September 1, 1976, received the report of the National Center for State Courts jurisdiction courts of Utah.
  - A. Based upon the recommendation of that report, prepared legislation which provided for a new statewide court to be known as the Circuit Court; major amendments to the Justice of the Peace Courts; and applications of the Judicial Qualifications and Removal Commission to Justice of the Peace.
  - B. With minor amendments, the Legislation passed the 1977 session of the Legislature. The implementation of the new Circuit Court System to be effective July 1, 1978. The amendments to the Judicial Qualifications and Removal Commission became effective May 10, 1977. The amendments of the Justice of the Peace Courts became effective January 2, 1978.
2. Under authorization of the 1976 amendments to the Federal Safe Streets Act, the Judicial Council was designated and began functioning as the Judicial Planning Committee of the State of Utah. When operating as the Judicial Planning Committee, the Judicial Council provides overall statewide planning for the entire court system of the state.
3. A judge's salary increase was passed by the 1977 Utah Legislature, and it became effective May 10, 1977.
4. The fourth statutory Judicial Conference was held at the Salt Lake Hilton on November 4, 5, and 6, 1976.
5. The 1977 revision of the plans and goals for the Utah Judiciary were adopted and are referred to more specifically elsewhere in this report.
6. With Assistance provided by the Federal Law Enforcement Assistance Administration, Trial Court Administrators were provided in the Second and Third Judicial District to compliment those already provided in the Fourth and Sixth Judicial Districts. Firm plans are going forward for this assistance in the First, Fifth, and Seventh Judicial Districts.
7. In cooperation with the Governor's Office, the Attorney General, and the Division of Family Services, a senior Judge was made available on a regular weekly basis to hear cases arising under the Uniform Reciprocal Child Support and Child Support cases originating with the Division of Family Services. This additional Judicial resource has been instrumental in the recovery of delinquent child support funds in the amount of hundreds of thousands of dollars.
8. Assisted the Third Judicial District in securing a non-matching federal grant to review the existing system of juror utilization in Salt Lake County, which should result in major financial savings to Salt Lake County and the State of Utah as well as reduce the inconvenience of citizens called for jury duty, but not actually serving.
9. With the Judicial Council's endorsement, the Utah Legislature passed legislation that increases the compensation for witnesses from \$6.00/day to \$14.00/day plus mileage.

10. A comprehensive Judicial Education program was continued.
  - A. 17 Supreme Court Justices and District Court Judges attended the Southwestern Judicial Conference June 23, 25, 1977.
  - B. Court Clerks training conferences were conducted to coincide with the dates of the Southwestern Judicial Conference.
  - C. Over 65 Limited Jurisdiction Judges, including City Judges and selected Justices of the Peace, attended the 1977 Spring Seminar under curriculum direction of the National College of State Judiciary.
  - D. 20 judges attended residence courses of the National College of State Judiciary and the American Academy of Judicial Education.
  - E. 20 judges participated in the study sessions of the Utah State Bar on implementation of the new Uniform Probate Code.
  - F. Four judges participated in the Legal Education programs by the Utah State Bar.
11. Commenced with the month of January 1977, a monthly statistical summary of the Justice of the Peace Courts. This is the first statewide effort to secure consolidated caseload information from the justice courts. Specific information from this report is covered in the Justice of the Peace section of this report.
12. The Utah Judicial Council Advisory Committee, in cooperation with the Utah State Bar was instrumental in establishing law related education courses in the public schools. Work continued on the Judges Speakers Bureau and a printed brochure will be available and distributed statewide in October or November, 1977. The Committee will assume additional responsibilities with the Judicial Council in its capacity as the Judicial Planning Committee for Utah to meet the "Citizen participation" requirement of the federal law.



## GOALS FOR THE UTAH JUDICIARY 1977-79

AUGUST, 1977

### A. MATTERS RELATING TO STRENGTHENING UTAH COURT ORGANIZATION AND STRUCTURE.

1. Take appropriate measures, including legislation in specific cases, to protect the constitutional independence of the judiciary at all levels.

*Present Situation:* Areas of greatest need are in financing the courts, judicial compensation, and obtaining direct judicial authority over court support personnel.

*Approved Action:* See specific goals in these areas.

*Priority Rank:* 1

*Funding and Source:* See specific goals in these areas.

2. Seek the redrafting or recompilation of the judicial code so that all laws pertaining to the judiciary can be found in one place.

*Present Situation:* No specific project has been developed to date.

*Approved Action:* This effort will be a major undertaking and other legislative priorities for 1977 will require that this be postponed to a future legislative session. Pursuant to direction from the Judicial Council, the code will be reviewed and appropriate amendments proposed.

*Priority Rank:* 3

*Funding and Source:* No estimate of cost. Possible federal grant from the Utah Council on Criminal Justice Administration.

3. Assume an active role, with the project initiated by the Legislature, as to the advisability of establishing a family court system within existing court structure.

*Present Situation:* The Office of Legislative Research has commenced a study, and a grant has been awarded which will fund it. The Judicial Planning Committee recommended approval of the project with the proviso that the Judiciary assist with the study.

*Approved Action:* This subject will require a careful analysis of the need for such a court as well as the impact a family court would have on the existing court structure. Designated members of the Judicial Council and appropriate staff will be assigned to work on the family court study.

*Priority Rank:* 2

*Funding and Source:* A federal grant has been awarded to the Office of Legislative Research.

### B. MATTERS RELATING TO THE OFFICE OF JUDGE.

1. Establish the relationship and role of the Judicial Council to the Judicial Qualifications Commission in light of the passage of S.B. 24 in the 1977 Legislative Session. Continue the effort to add *judicial members* on the Commission.

.... State Standard 1.4 is in agreement with the last sentence of this goal.

*Present Situation:* S.B. 24 was passed by the 1977 Utah Legislature and accomplished some significant objectives, e.g. inclusion of Justices of the Peace. However, the inclusion of judges on the Commission was amended out of the bill.

*Approved Action:* Prepare and introduce legislation in 1979 to add judicial members to the Commission.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the office of the State Court Administrator.

2. Examine the need for additional promulgation and interpretation of the Code of Judicial Conduct to all courts in the state.

.... This goal is more narrowly focused than State Standard 1.4.

*Present Situation:* This goal has been partially accomplished with the distribution of the Justice of the Peace Manual which includes the Code of Judicial Conduct.

*Approved Action:* The code will be reviewed and appropriate amendments proposed for republishing during 1977.

*Priority Rank:* 3

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

- 3a. Maintain judicial salaries at levels consistent with salary schedules provided to employees, and with judicial salaries of comparable states.

.... State Standard 1.3 is in agreement with this goal.

*Present Situation:* Judicial salaries were increased in the 1977 General Session of the Utah Legislature to the levels recommended by the 1974 Executive Compensation Commission Report. A cost of living provision was included but was amended out in the House of Representatives.

*Approved Action:* Possible submission of legislation in 1979 that would increase judicial salaries to levels comparable with states of similar profile, and that would provide at least the same average percent increase to salaries for the Judiciary as granted to State employees generally by virtue of any adjustment in the State Compensation Plan.

*Priority Rank:* 1

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator. Assistance may also be sought from the Utah State Bar and other interested organizations.

- 3b. Seek modification of the Executive Compensation Commission Statute (67-8-13.5, UCA) to include specific reference to the judiciary. Secure passage of legislation placing all judicial salaries in the judicial code rather than with elected executive officers.

*Present Situation:* Legislation was introduced in the 1975 General Session but failed to pass. Legislation was also attempted in 1977, but failed.

*Approved Action:* Reintroduction of legislation in the 1979 General Session.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

4. Examine the judicial retirement system and propose changes through appropriate legislation for the 1979 legislative session.

*Present Situation:* Examination of the benefit and contribution levels in the system and other matters is needed. No systematic analysis has been made.

*Approved Action:* Judicial Council review during 1978 in regard to the following matters: (1)

death or disability during the first five years of judicial service; (2) early retirement options; (3) calculation of retirement benefits based on final monthly salary rather than final three (3) year's average; and (4) elimination of social security offset and link to other retirement legislation.

*Priority Rank:* 1

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator. Additional consultant's funds may be necessary for actuarial analysis.

5. Establish two (2) additional judgeships in the Third District, one (1) in the Second District, and one (1) in the Fourth District by July, 1978.

*Present Situation:* This goal has been substantially accomplished by the addition of three (3) new judges effective July 1, 1976. One each in the Second, Third, and Fourth Districts.

*Approved Action:* Consideration of the need to create one (1) additional District Judge for the Third District.

*Priority Rank:* 3

*Funding and Source:* Additional state appropriation to District Courts.

6. Continue the Judicial Education Program on a voluntary, self selection basis through 1977, but secure premanent funding from state appropriations in future years.

*Present Situation:* This goal is being accomplished through a Utah Council on Criminal Justice Administration grant. Administration is in accordance with Judicial Council policy in Resolution No. 5. State funds have been obtained to continue most of the program when the third and final LEAA grant is completed on December 31, 1977.

*Approved Action:* Continuation of the current program with state funding for all activities except justice of the peace training. Continue the use of Highway Safety funds for this program.

*Priority Rank:* 2

*Funding and Source:* State appropriation. Separate program under the line item for the State Court Administrator.

7. Develop and publish a Utah Judge's Benchbook by July, 1978.

*Present Situation:* No benchbook exists; however, funds have been assured from the Utah Council on Criminal Justice Administration for its compilation. Initial exploration with some individual judges has taken place but no work has begun.

*Approved Action:* Secure grant and compile benchbook as soon as directed by the Judicial Council.

*Priority Rank:* 2

*Funding and Source:* Federal grant for development and printing costs. Staff assistance from the Office of the State Court Administrator.

#### C. MATTERS RELATING TO RULE-MAKING, POLICY-MAKING, AND GENERAL ADMINISTRATION.

1. Seek full implementation of the rule making authority of the Judicial Council utilizing a prescribed format for resolutions/orders and development of an enforcement procedure.

*Present Situation:* The Judicial Council does not have complete rule making authority for all courts. It shares its power with the Supreme Court. Exercise of the authority

of the Council has been accomplished during 1975, 1976, and 1977 in several important instances and a prescribed format has been adopted.

*Approved Action:* Continued use of this authority with appropriate follow-up to determine if legislative and/or constitutional amendments are required.

*Priority Rank:* 3

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

2. Activate and use all Judicial Council Committees to broaden the base of judicial participation in policy making.

*Present Situation:* Three of six committees are active. The other three are inactive primarily due to lack of staff support and priority needs involving the other committees. Designation of the Judicial Council as the Judicial Planning Committee for Utah will result in activation of these committees as will Circuit Court implementation.

*Approved Action:* Review memberships and assignments of each committee and adjust as necessary during 1977. Utilize Judicial Planning Committee staff and student interns to assist the committees.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

3. Define the goals of the Judicial Council Advisory Committee and its relation to the Judicial Council and other agencies and groups, public and private.

*Present Situation:* This goal has been substantially accomplished through the adoption of written objectives by the committee following the joint meeting with the Judicial Council on November 8, 1975. A member of the Committee now attends Judicial Council Meetings on a permanent basis. With the creation of the Judicial Planning Committee, new responsibilities will be added to meet the "citizen participation" requirement of the 1976 Crime Control Act.

*Approved Action:* Continue to assist the Committee in the implementation of its goals as resources permit. Define the role and areas of responsibilities of the Advisory Committee in its relation to the Judicial Planning Committee in conformity with Pub. L. 94-503 and the implementing federal regulations.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

4. Develop a program for involvement of the Bar in the formation of Judicial Council policy and procedure at the local and state levels.

*Present Situation:* Relationships with the State Bar are positive. A member of the Bar is Chairman of the Rules and Practice Committee of the Judicial Council. Judicial Council and the Office of the Court Administrator participation on key bar committees is active. More work needs to be done with local bar groups.

*Approved Action:* Identify key Bar committees, secure their aid and obtain formal approval and implementation of this goal. Work through state and local Bar associations on implementation of the Circuit Court Act.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator. Costs of Bar participation from Bar sources.

5. Establish a legal service resource of the judiciary in lieu of reliance on the Attorney General and/or County Attorneys.

*Present Situation:* The judiciary has no independent resource for legal services. It must rely on the executive branch of the government, such as the Attorney General or County Attorneys. This is inconsistent with the doctrine of separation of powers. For example, the Legislature has its own legal services office, the Legislative General Counsel, to balance the Attorney General.

*Approved Action:* Include as an addition to the budget submitted to the 1979 Legislature an appropriation request for funds to hire counsel on an "as needed" basis. Seek legislation creating a "legal service" fund to be used for this purpose.

*Priority Rank:* 2

*Funding and Source:* Additional state appropriation to District Courts (or Office of the State Court Administrator) in like manner to the present "Prosecutor Emergency Fund."

6. Complete a Clerk's Handbook for Circuit Courts.

*Present Situation:* A partial draft has been completed for city courts. Completion and revision will be necessary in view of the Circuit Court Act.

*Approved Action:* Preparation of a new draft by the staff of the State Court Administrator's Office for use in the orientation session for circuit judges and clerks in spring, 1978.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

7. Complete a draft of basic rules of practice and procedure for Circuit Courts during 1977.

*Present Situation:* This project has been assigned to the Judicial Council Rules of Practice Committee and a partial draft has been prepared to meet the requirements of the Circuit Court Act.

*Approved Action:* Complete the project with distribution of the Rules prior to July 1, 1978.

*Priority Rank:* 1

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator. Some emergency supplement may be necessary for 1977-78.

- 8a. Complete an analysis of the workflow in Clerk's offices to establish a higher degree of uniformity in common procedures, eliminate duplication or redundancy, and identify points where technology can be effectively applied without jeopardizing due process or convenience to users.

.... This goal is in general agreement with State Standard 13.2.

*Present Situation:* No judicially directed analysis has been done. Information concerning workflow practices in Clerk's offices is gathered by personal visit or word-of-mouth on an irregular basis. No systematic attempt has been made to determine the value of recent technological applications in court records and information collection practices although some Clerk's offices have instituted programs in records preservation, e.g. microfilming in the Salt Lake County Clerk's office.

*Approved Action:* Assign this to the Office of the Court Administrator in cooperation with local trial court administrators after judicial control is established over court clerical personnel in the districts. Analysis and recommendation by the Judicial Planning Committee.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator. Supplementary federal grant funds may be required on one time basis.

- 8b. Study statutory requirements for maintenance of various court records, registers, books, etc., to see if consolidation and/or elimination of some records may be desirable.

.... This goal is in general agreement with State Standard 13.5.

*Present Situation:* Nothing is being done at present to accomplish this goal.

*Approved Action:* Assign to the Court Organization and Finance Committee. Use student interns for initial effort. Seek more resources as needed.

*Priority Rank:* 3

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator. Supplementary federal grant funds may be required on one time basis.

9. Complete the process of review and adoption of the National Advisory Commission of Criminal Justice Standards and Goals and the American Bar Association Standards for Criminal Justice and Judicial Administration pertaining to the Judiciary, and develop a plan for their implementation by the end of 1979. Standards that affect the judiciary must be approved by the Judicial Council prior to implementation.

*Present Situation:* The State Judicial Systems' task force completed it's work in 1974. It is necessary for the Judicial Council to approve the Standards before their implementation. This has not been done. The State chapters dealing with procedural law (4,5,6,7,8,9,) are especially important to Utah and should receive Judicial Council attention. The standards have been published and distributed in pamphlet form.

*Approved Action:* Careful analysis of these published standards with the American Bar Association Standards and Utah judicial practice by the Judicial Planning Committee staff with recommendations on appropriate action to be taken, if any.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator. Supplementary federal grant funds may be necessary on one-time basis.

10. Adopt guidelines for all court levels in which judicial discretion is exercised. In particular, such processes as plea negotiations, jail and prison terms, child support and alimony awards.

*Present Situation:* Guidelines tailored for use in Utah for the exercise of judicial discretion do not exist. Adoption of such guidelines would serve to reduce the inconsistent application (where it occurs) of these discretionary powers.

*Approved Action:* A study by the Court Administrator to develop the facts regarding current discretion practices, and to identify the patterns such practices display. Utilize the Utah Bureau of Identification data base available to the Judiciary under the contractual agreement between the Judicial Council and the Department of Public Safety dated June 4, 1976.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

11. Promote an active role for the Judicial Branch in the development of a statewide master plan for corrections, in both Juvenile and Adult probation segments.

*Present Situation:* Because the Judiciary and the corrections system are integral parts of the criminal justice process, it is essential for the courts to provide input into corrections planning. One area of concern is that of presentence investigation

courts where there is a need to review the quality of investigator presentence evaluations and recommendations.

*Approved Action:* Promote an active role for the Judiciary in current probation and parole reform, and identify the peculiar relationships necessary between probation officers and the sentencing judge. Include an assessment of the quality of presentence reports, such assessment to include a review of a sample of presentence investigations.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

12. Assess the effectiveness of small claims departments and determine the need for additional public education on their use.

*Present Situation:* Recent years have seen a national movement to improve small claims courts. Utah's small claims courts are generally thought to perform well, given the constraints of a low jurisdictional monetary level and high volume in many courts. There is a need to examine small claims operations in Utah to verify whether these courts are in fact working well and how this judicial service can be enhanced in connection with the implementation of the Circuit Court Act on July 1, 1978.

*Approved Action:* Office of the State Court Administrator to undertake steps to assess the effectiveness of small claims operations statewide working through Circuit Judges and Justice of the Peace Association, and to render a report to the Judicial Council by April, 1978. Close collaboration to be maintained with the Judicial Council Advisory Committee in view of the stated goal of this committee to publish a small claims information brochure.

*Priority Rank:* 3

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator and any private funds that may be available to the Judicial Council Advisory Committee.

13. Establish and measure identifiable time limits for the processing of criminal and civil cases.

*Present Situation:* One of the greatest perceived problems the public has of the courts is that of delay. Utah has been fortunate in that no serious backlog or delay problems have reached a level where the courts have come under severe public criticism. It is generally reported that cases, both civil and criminal, are processed within acceptable limits — better than in most states. However, no time standards have been established and data collected in a fashion to accurately document (and publish) judicial branch performance in the timely processing of its workload.

*Approved Action:* Judicial Council to establish time limits for the disposition of cases from the moment the court assumes control of the case to final disposition, i.e. from date of bind-over in felony cases; from date of first appearance in misdemeanor cases; and from date of filing of notice of readiness for trial in civil cases. Such standards to be established by July, 1978 with appropriate modifications as may be required in the present statistical reporting system effective the same date.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

#### D. MATTERS RELATING TO COURT FACILITIES.

1. Obtain additional space for Circuit Courts as needed by July 1, 1978.

.... State Standard 12.1 is in agreement but goes into more detail.

*Present Situation:* This goal is being pursued. Space needs are acute. One example centers on funding and sharing of responsibilities between Salt Lake City and Salt Lake County. Several plans have been proposed but a workable solution has not been found to date. Immediate needs remain with six judges and four court rooms in the Salt Lake City location. Additional space must be found for the three (3) new judges to serve this circuit effective July 1, 1978. With the enactment of the Circuit Court Act and the assumption by the state of responsibility for judicial space for circuit judges, a long term solution is possible.

*Approved Action:* Conduct an immediate requirements analysis statewide and with assistance of the State Building Board secure space for all Circuit Court locations in accordance with the Act.

*Priority Rank:* 1

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator. Some emergency supplement will be needed for 1977-78.

2. Develop a set of minimum standards for court libraries by the end of 1977. Upgrade libraries in those courts identified as falling below the standards by the end of 1978.

*Present Situation:* Brigham Young University is conducting an independent survey of legal collections in the counties, including courthouses. The Office of the Court Administrator is working with Brigham Young University in this effort. No action on this has occurred since the summer of 1976.

*Approved Action:* This project will be conducted simultaneously with or as a part of any comprehensive statewide facilities study. (See No. 3 below)

*Priority Rank:* 2

*Funding and Source:* Federal grant from the Utah Council on Criminal Justice Administration as part of a comprehensive facilities study.

3. Complete a comprehensive statewide court facilities study by the end of 1979. Begin remodeling and/or refurbishing steps for judicial quarters in those courthouses identified as deficient by the end of 1980.

.... State Standard 12.1 lists the requirements of an adequate courthouse.

*Present Situation:* A grant proposal was prepared for submission to the Utah Council on Criminal Justice Administration during 1976. The outlook is favorable that funds will be granted. However, other funding priorities will likely move this project to 1979 or later.

*Approved Action:* Carry out grant during 1979 or later. Include court libraries in the project.

*Priority Rank:* 2

*Funding and Source:* Federal grant from the Utah Council on Criminal Justice Administration as part of a comprehensive facilities study.

#### E. MATTERS RELATING TO COURT SUPPORT PERSONNEL.

- 1a. Complete a comprehensive survey of all District and City Courts to identify court personnel, full and part-time, their duties, supervision, manner of selection and retention, and compensation by the end of 1979, with a view towards increasing judicial responsibility over judicial employees.

*Present Situation:* A grant proposal has been prepared for submission to the Utah Council on Criminal Justice Administration for this study. It seems likely that the funds will be granted. However, priorities are such that this project will have to be moved to 1978 or 1979, e.g. implementation of the Circuit Court Act in 1978.

*Approved Action:* Carry out the effort during 1978 in connection with Circuit Court implementation. Use trial court administrators where established to obtain this data pursuant to direction by the Judicial Council.

*Priority Rank:* 1

*Funding and Source:* Federal grant from the Utah Council on Criminal Justice Administration.

- 1b. Begin the development of an independent court personnel system including a phased plan for state financing of certain positions by the 1979 Legislative Session.

*Present Situation:* Although funded through federal grants, the Trial Court Executives in Districts Two, Three, Four and Six are state employees on the District Court payroll replacing the previous dual state-county arrangement. As of February, 1978, the Trial Court Executive in District Six will be completely state funded. However, other court support personnel continue to be hired, promoted, assigned, evaluated, and paid through the executive branch at the local level.

*Approved Action:* (1) Continue to replace federally assisted state judicial positions with State funds as rapidly as possible. Include in the appropriation request for 1978-79 funds to replace two federally funded positions with state funds. (2) Submit legislation in 1979 to repeal Section 67-13-6 (a) which gives the state personnel division control over judicial employees. (Such action is consistent with the Utah Supreme Court decision in the Joyce Heder case). (3) Submit legislation in 1979 to create state funded positions of "courtroom security officers" in the manner previously approved by the Judicial Council. (4) Identify those additional judicial support positions that should be funded by the state, such as district court clerical personnel and the Mental Health Commissioner, and include them in the 1979-80 appropriation request with supporting legislation as required.

*Priority Rank:* 1

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

2. Secure the necessary funding to add a full-time trial court executive in the First, and Seventh Districts.

*Present Situation:* First and Seventh Districts presently utilize Deputy County Clerks who serve part time as Trial Court Executives for the District Court.

*Approved Action:* Establish a full-time position for the First and Seventh District in like manner to other single judge districts.

*Priority Rank:* 2

*Funding and Source:* Federal grants from the Council on Criminal Justice Administration in like manner to the positions established in other single judge districts.

3. Develop a basic training program for court support personnel. Include funds in the 1977-78 Utah Council on Criminal Justice Administration grant for judicial education — circuit court implementation — to continue this effort.

*Present Situation:* This goal is being met. The first court reporter's seminar was held in June, 1976. A seminar for court clerks was held in June, 1977. These seminars alternate thereafter with court reporters every other year.

*Approved Action:* Continue administering the grant. Seek State funds in 1979.

*Priority Rank:* 2

*Funding and Source:* Federal grant from the Council on Criminal Justice Administration for court support personnel training and Circuit Court Act implementation. State ap-

propriation for other activities as part of the continuing judicial education program. See B.6.

4. Expand the use of referees and commissioners in the judicial system through appropriate legislation in the 1979 General Session.

*Present Situation:* Nothing has been done up to now.

*Approved Action:* Consider inclusion of such positions in the judicial budget in future years as the Council may direct.

*Priority Rank:* 2

*Funding and Source:* Additional appropriation to the District Courts.

#### F. MATTERS RELATING TO COURT SYSTEM FINANCING AND BUDGETING.

1. Develop a 1979 legislative program to begin phased assumption of those costs of the Utah Court system that the Judicial Council determines should be borne by the State. Coordinate with counties in relation to identifying appropriate items to be financed by the State.

.... State Standard 10.1 suggests state financing of the entire court system.

*Present Situation:* No action has been taken as yet on the District Court level to identify areas of cost, in conjunction with the cities and counties, which should be borne by the state. Assumption of certain costs for the new Circuit Courts by the state is a permanent feature of the legislation, e.g. judicial salaries, travel, and judicial facilities.

*Approved Action:* Determine what costs, if any, of the District Courts the Judicial Council considers appropriate for the state assumption and inclusion in the 1979 legislative program.

*Priority Rank:* 1

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

2. During 1977-79, increase the ability of the Office of the State Court Administrator to function as the central financial service arm of the judicial branch of government. Secure information from all courts and develop a state financial plan for the judiciary.

.... This goal is in agreement with State Standard 12.2.

*Present Situation:* Local budget data required by the Office of the State Court Administrator to obtain this goal has been partially gathered through the use of student interns. Beginning in 1978 the Court Administrator will budget for the Circuit Courts which will more than double the size of the state administered budget. Additional financial data will be needed on local court finances.

*Approved Action:* Incorporate Circuit Court financing into state budgeting effective July 1, 1978. First legislative appropriation, January, 1978. Pursue state financing of District Court support activities as directed by the Judicial Council (Judicial Planning Committee). Develop reliable financial information on the financing of all courts of the state.

*Priority Rank:* 1

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

3. Coordinate appropriation and budgeting practices with the Juvenile Court to achieve more consistency in budget goals.



.... This goal is in agreement with State Standard 12.3 (h).

*Present Situation:* No coordination is taking place with the Juvenile Court. However, a Juvenile Judge is invited to sit as a member of the Judicial Planning Committee. This practice will facilitate the accomplishment of this goal.

*Approved Action:* Coordination with the Juvenile Court under the auspices of the Judicial Planning Committee.

*Priority Rank:* 3

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator and Juvenile Court.

#### G. MATTERS RELATING TO COURT RECORDS, STATISTICS, AND INFORMATION SYSTEMS.

1. Determine the data elements to be gathered and add Justice of the Peace Courts to the present summary statistical reporting system.

.... State Standard 13.5 is in general agreement with this goal.

*Present Situation:* A manual reporting form for Justice of the Peace Courts has been developed by the Office of the State Court Administrator and has received Judicial Council approval. Use began in January, 1977. Pursuant to requests from the Justices of the Peace, some modifications were made and a new form instituted effective June, 1977.

*Approved Action:* Monitor and adjust as necessary to insure compliance with the Justices' Courts bill (S.B. 23) effective January 2, 1978.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

2. Improve the quantity and quality of court management information by the development of a state-level judicial information system for Utah. Such an effort to include careful determination of information to be collected, its use, and where automation may be effectively employed.

.... State Standard 13.5 is in general agreement with this goal.

*Present Situation:* The present statistical reporting system is manual, summary in nature, and relies on tabulation by clerks at the local level. An expanded system would utilize modern computer technology where cost-effective and useful, be transaction oriented, and rely on state level central processing from uniform data entry documents prepared at the clerks desk and forwarded to the central office. This goal is being pursued by Utah's present limited participation in the State Judicial Systems Project. Active entry into this project was approved by the Judicial Council in August, 1976. However, the Legislature failed to appropriate matching funds in 1977, so the effort is dormant. However, a grant has been made to Salt Lake County (Spring, 1977) to develop a complete criminal justice information system (JURISS) which will rely heavily on judicial data.

*Approved Action:* Seek matching funds again in the 1978 Budget session for Utah's participation in the national State Judicial Information Systems (SJIS) project. Maintain close liaison with the Salt Lake County JURISS project and other district court efforts to utilize computer technology.

*Priority Rank:* 2

*Funding and Source:* Discretionary grant from the Law Enforcement Assistance Administration of up to \$200,000.

3. Develop a uniform case file format including manner of handling minute entries.

*Present Situation:* This goal is being met in parts of the state only. Some suggestions of uniform minutes are to found in the District Court Clerks Handbook. Further action to promote uniformity will require a resolution by the Judicial Council. A limited need for a uniform case file format has been observed.

*Approved Action:* Develop a policy in Resolution form for adoption by the Judicial Council by the end of 1978.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator. Support from County Clerks in any implementation.

4. Complete a study/demonstration project on court reporting in conformity with the statement of legislative intent in the 1975-76 Appropriations Act. Study will include Circuit Court use of recording machines.

.... State Standard 13.4 suggests that audio and visual electronic recording equipment be tried on a pilot project basis.

*Present Situation:* Nothing is being done. The money to accomplish this goal was used for the Limited Jurisdiction Court Study by the National Center for State Courts. Questions were raised by the legislative appropriations subcommittee in 1977 concerning this matter. The Court Reporters Association is prepared to meet some of the concerns by a pay plan with regular step progression over the years.

*Approved Action:* Retain study as a goal, but await implementation of the Circuit Court Bill to allow for one year of experience.

*Priority Rank:* 2

*Funding and Source:* Initial appropriation to the Circuit Courts. Analysis of adequacy of recording after first year of operation.

#### H. MATTERS REGARDING THE RELATION OF THE JUDICIAL BRANCH TO OTHER AGENCIES AND THE PUBLIC.

- 1a. Develop a more positive public image of the courts at all levels through adoption of an affirmative program of judicial image improvement.

*Present Situation:* By Resolution, seconded and adopted, the Chief Judge of the Committee, Council, and the Court Administrator are authorized to proceed timely, factually and with emphasis to respond to media criticism (refer 1b below) in the following areas: (1) individual judge, (2) court system, (3) court policy, within or across court system, (4) court practices.

*Approved Action:* The State Court Administrator, with approval of the Council and Committee, to proceed with adoption of a program of judicial image improvement. Staff will conduct a survey of media-citizen-court relationship.

*Priority Rank:* 1

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

- 1b. Institute the use of news releases by the Administrator under the direction of the Judicial Council.

.... This goal is in agreement with State Standard 12.3.

*Present Situation:* This goal is being met. At times, however, there is no formal procedure. News releases have been prepared for such items as judicial salaries and conferences.

There is no regular procedure for handling media criticism of a judge or the judiciary as a whole.

*Approved Action:* Continued action by Office of the Court Administrator to implement the program. Development of a regular procedure by the Council to handle media criticism. Implementation by the State Court Administrator (and Trial Court Executives).

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

2. Improve legislative liaison between sessions by planned contracts with key legislators and committees.

*Present Situation:* This goal is being met by the State Court Administrator, Chief Judge and members of the Judicial Council. Also, regular liaison is planned during the implementation phase of the Circuit Court Act (S.B. 22) and the Justices' Courts bill (S.B. 23). Considerable contacts are made by the Administrator with the Interim Committees as well as individual legislators.

*Approved Action:* Continued action as indicated above.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

3. Develop a speakers program for the judiciary coordinated through the State Court Administrator's Office with appropriate news releases to acquaint the public with court services. Provide subject guidance and assistance to speakers from the Judicial Council.

.... This goal is in agreement with State Standard 12.3.

*Present Situation:* This project has been undertaken by the Judicial Council Advisory Committee as a priority goal. A program and brochure will be ready by the 1977 Judicial Conference.

*Approved Action:* Coordination with the Judicial Council Advisory Committee. Staff support as necessary through the Office of the State Court Administrator.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator and any private funds or assistance available to the Judicial Council Advisory Committee.

4. Establish Judicial cooperation with local levels of government, i.e. cities, counties, and towns. Recognize local governments' interest in local courts and how they can compliment existing governmental practices.

*Present Situation:* Implementation of the Circuit Court Bill in 1978 should facilitate this goal. However, there exists a need to recognize such local government concerns as to: (1) rotation of judges; and (2) concepts in regards to the judiciary as a third branch of government. No established program exists at this time.

*Approved Action:* Establish liaison with local Justices of the Peace and local government officials to facilitate communication between the Judiciary and such officials. Appropriate communication with concerned legislators and use of the "speakers program" discussed above can assist with the fruition of this goal.

*Priority Rank:* 2

*Funding and Source:* Annual appropriation to the Office of the State Court Administrator.

NOTE: The State Standards mentioned throughout this document are the standards adopted by the Utah Council on Criminal Justice Administration and signed by the Governor. The goals in this document which do not mention a corresponding State Standard cover topics which were not mentioned in the more general State Standards. There are no areas of disagreement between the two.

**Comment on priority rankings:** Goals were ranked by all members of the Judicial Planning Committee according to their assessment of the relative importance or urgency attached to the goal. Thus, a ranking of "1" meant the goal should receive top priority, the highest possible attention; a ranking of "2" meant the goal merited high priority behind those given top priority; a "3" meant the goal was important, else it would not have been included in the "goals" compilation, but it did not merit attention ahead of any of the others. A goal was given a 1, 2, or 3 ranking if six of the eight members of the Judicial Planning Committee, or 75% so evaluated it.

August, 1977.

## DISTRICT COURT ASSISTANCE

In accordance with 78-3-24(j) of the Utah Code Annotated 1953, the State Court Administrator's Office, with the consent of the Chief Judge, has been actively engaged in providing and coordinating Judicial assistance to various Districts when a need for such service has arisen. Every request for assistance has been graciously accepted by all Judges concerned.

In 1974 the Judicial Council adopted a policy and plan for the integration and utilization of Senior Judges and Substitute Judges. The policy calls for the cooperative exchanges of service between active District Judges prior to requesting assistance through the Chief Judge or the Court Administrator, however, upon receipt of such a request, the Chief Judge and Court Administrator were authorized to provide help under the following guidelines:

1. The Chief Judge only may authorize the calling of a Senior or Substitute Judge upon a showing that either
  - (a) to maintain a calendar in a reasonably current condition where a backlog is likely to occur due to circumstances over which the responsible Judge has no control;
  - (b) reduce critical accumulated backlog.
  - (c) specific case involving complex issues and extensive time.
2. The Court Administrator may only authorize the calling of a Senior or Substitute Judge upon a showing that either
  - (a) illness of the sitting Judge or the disqualification of all Judges within the District on a particular case; and
  - (b) to handle high priority cases only during vacation periods or during attendance at a Judicial school by the sitting Judge following every effort by that Judge to adjust his calendar to minimize the need for assistance.

On many occasions throughout the year, active District Judges have arranged to exchange services and visit each other's courts in order to resolve disqualification situations. In addition, several active District Judges have served in Districts other than their primary location in order to substitute for an absent Judge for reason of his illness or other justified absence. In each instance when an active District Judge has consented to serve in another District, the court reporters have shown equal cooperation in accepting the same assignment.

In some Judicial Districts a similar cooperative exchange of services has occurred between the Juvenile Court and the District Court. These arrangements have been made on a local level without the involvement of the Court Administrator's Office and are therefore not included in this report.

Since the creation of an additional Judgeship in the second Judicial District and the fourth District, those Districts have provided assistance to the first Judicial District and the fifth Judicial District. In particular, Judge J. Duffy Palmer visits the first Judicial District in order to provide some relief of that District's heavy caseload. Similarly, Judge George Ballif visited the fifth Judicial District to handle several cases for that District although a routine schedule has not been implemented.

All of the above mentioned Judges and their reporters are presently on the state payroll and their service resulted in substantial savings during the last fiscal year by not requiring the added compensation of retired Judges and freelance reporters.

Further in compliance with the aforementioned statute, the State Court Administrator has recalled retired District Judges to serve as Senior Judges and called City Judges to serve as substitute Judges within the policy established by the Judicial Council. The Judges who have served in these capacities are the Honorable Maurice Harding, the Honorable Stewart Hanson, the Honorable Merrill Faux, the Honorable A. John Ruggeri, the Honorable S. Mark Johnson, the Honorable Christian Ronnow, the Honorable Robert Owens and the Honorable David Roth. The cooperative effort of these Senior and Substitute Judges has resulted in a total of 124 days of Judicial assistance to the District bench during the reporting fiscal year. This assistance has been provided to the following Districts:

2nd Judicial District	11 days
3rd Judicial District	68 days
4th Judicial District	12 days
5th Judicial District	13 days
6th Judicial District	12 days
7th Judicial District	8 days

Of the 68 days of Judicial assistance which was provided to the 3rd Judicial District, 29 of those days were specifically devoted to the adjudication of cases initiated by the State department of Social Services for the recovery of funds expended for the support and maintenance of dependants of individuals under prior orders of support in divorce cases. The remaining 39 days of Judicial assistance was provided for the adjudication of cases under circumstances similar to that of the other Districts.

In addition to the 8 days of assistance provided to the 7th Judicial District, the State Court Administrator's Office assumed the responsibility of the disposition of approximately 40 criminal cases in Grand County which the Court calendar could not accommodate. The majority of these cases resulted in negotiated pleas which were handled by Judge Sheya.

LEGISLATIVE SUMMARY

The State Court Administrator actively engaged in a legislative program developed by the Utah Judicial Council during the 1977 General Session. Approximately 30 bills with possible impact on the administration and activities of the Judiciary were reviewed by the Judicial Council. When determined appropriate and necessary, the Judicial Council took a position of support or opposition on specific bills and communicated that position to various legislative committees, individual legislators, and the legislative leadership. Three of these bills were judged by the Council to be of the highest level of priority and therefore considerable effort by Council members, the State Court Administrator, individual Judges as well as other interested groups such as the Utah State Bar was employed toward the ultimate successful passage of them. These three bills are of sufficient significance to discuss in some detail.

1. S.B. 56 Judicial Compensation

Traditionally, requests for increases of Judicial salaries have been included in bills seeking increases in salaries for the Executive branch of government in keeping with the recommendations of the Executive Compensation Commission. In this session, however, a separate bill was pre-filed for Judicial salaries only. The bill originally contained a cost of living provision which was passed by the Senate but amended out by the House of Representatives as well as the effective date of July 1, 1977, therefore, the bill became effective on May 10, 1977. The bill was overwhelmingly passed by both houses of the Legislature, and thus provided the Judiciary with the largest single increase in salaries yet received. The salaries established are as follows:

Supreme Court Chief Justice	\$36,000
Supreme Court Associate Justice	\$35,500
District Court Judges	\$33,500
Juvenile Court Judges	\$33,500

2. S.B. 22 Circuit Court Act

The Utah Judicial Council contracted with the National Center to conduct an indepth study and analysis of the Utah courts of limited jurisdiction. The report of that study, including the proposals for legislative action necessary to implement the proposals, were presented to a special committee composed of Legislators and Judges, all levels of the Judiciary, State and local Bar Associations, County and City government bodies, League of Cities and Towns, Association of County Governments, League of Women Voters, Utah Taxpayers Association officials, news media, and several other civic organizations and interested groups. Meetings with all of these groups and organizations were held over a full year's period. The Act was then pre-filed with the Legislature and public meetings were conducted by a joint judiciary committee of the Senate and House of Representatives for further input, comment and amendments. The Act was subsequently passed by both Houses of the Legislature with an effective date of July 1, 1978.

Briefly, the Act establishes a statewide system of Circuit Courts and its replacement of the present City Court structure. It provides for the jurisdiction, Judges, support personnel, powers, duties, elections, and the administration of the new system. The system is state funded in part and provides a law trained judge in all counties of the State. A formula is established for the distribution of the fines, fees and forfeitures between the State, Counties, and Cities. It is a court of record, thus eliminating trial de novo, with appeals going to the District Court on the record, maintained by a suitable electronic recording devise or shorthand reporter.

The passage of the Circuit Court Act represented the first successful effort to substantially alter and update the structure of any level of the Courts in Utah since statehood, other than the creation of the Juvenile Court system.

3. S.B. 23 Justice's Court

The study conducted by the National Center for State Courts included a review of the Justice of the Peace Court throughout the State. A bill was drafted as a companion to the Circuit Court Act and it accompanied and was subject to the same review and comment by the various groups identified above. The Justice's Court Bill was also passed by the Legislature with an effective date of January 2, 1978.

The bill provides for all Justices of the Peace to be compensated by salary rather than fees, and for the State Court Administrator to make recommendations to the governing bodies as to the salary. Precinct Justices are to be elected for a four year term on a non-partisan ballot, while City and Town Justices are to be appointed for four year terms of office. The bill further provides for mandatory judicial training under the direction of the Judicial Council. The local governing bodies are required to provide and compensate clerical personnel, and provide suitable facilities for the court. The Justice Courts were given venue priority for most traffic code violations, as well as increased jurisdiction in civil matters to \$750 and small claims to \$400.

Listed below are other legislative bills which were considered by the Judicial Council.

1. S.B. 24 Judicial Qualification and Removal Commission

- A. Provides for increased membership of Commission and specifically includes jurisdiction over Justices of the Peace.
- B. Provision to include Judges as members of Commission was amended out in House of Representatives.
- C. Governor allowed bill to become law without his signature because of Attorney General's opinion questioning its constitutionality because of legislative representation.

2. S.B. 106 Tax Court Act

- A. Creates a Judicial review (de novo) by the District Court of administrative decisions of the State Tax Commission.
- B. Case may be heard in District wherein taxpayer resides or may be transferred to Third Judicial District.
- C. Bill does not provide for additional District Judge or support services.

3. S.B. 72 Intoxicated Driver Amendments

- A. Amends law relating to the withdrawal and testing of blood for alcoholic or drug content and the conviction of driving while intoxicated; provides that such tests can be administered by authorized personnel; provides that attorneys or physicians or other persons need not be present for the withdrawal and testing of blood; and provides that convictions or guilty pleas cannot be set aside.

4. S.B. 73 Fraudulent Use of Credit Cards

- A. Re-enacts law on fraudulent use of credit cards to provide for new, graduated penalties depending on dollar amount involved.

5. S.B. 74 Issuing a Bad Check

- A. Amends Section 76-6-505, U.C.A., 1953, modifying the criminal penalty for issuing a bad check.

6. S.B. 94 Unlawfully Obtaining Telephone and Telegraph Service

- A. Prohibits the use, transfer, offer to transfer and advertisement of devices or plans to defraud telephone or telegraph company from money due for services rendered. It also provides penalty for violation and provides for the seizure and disposal of such devices or plans.

7. S. B. 189 Pornography Amendment

- A. Enacts new restrictions and penalties involved in maintaining public nuisance by handling pornographic materials, including forfeiture of earnings.

8. S. B. 190 Licensing of Motion Picture Films

- A. Provides new registration requirements for film distributors with mandatory fines and jail sentences for failure to register or circulating pornographic movies.
9. S.B. 269 Possession/Controlled Substances
- A. Grants cities the power to prohibit possession of controlled substances.
10. S.B. 301 Uniform Probate Code
- A. Provides for technical amendments to the Uniform Probate Code effective July 1, 1977.
11. S.B. 302 Uniform Probate Code
- A. Provides for technical amendments to the Uniform Probate Code effective July 1, 1977.
12. S.B. 326 Chemical Test for Alcohol
- A. Provides for admission of expert testimony on chemical tests for alcohol as evidence and presumption of blood alcohol level.
13. H.B. 89 Criminal Homicide Amendments
- A. Clarifies the crime of murder in the second degree and manslaughter and removes a paragraph in the murder section which was intended to be removed in the 1975 general session which is out of syntax and confusing.
14. H.B. 91 Preliminary Hearing
- A. Allows the finding of "sufficient cause" at a preliminary hearing to be based on hearsay evidence under certain circumstances.
15. H.B. 97 Death Penalty Review
- A. Required the Supreme Court to review all cases when the death penalty is imposed.
16. H.B. 103 Appeal by State in Criminal Cases
- A. Provides additional grounds for appeal by the State in criminal actions including appeals from an order granting a motion to dismiss, granting a mistrial, or granting a motion to suppress evidence.
17. H.B. 169 County Clerks Fees
- A. Abolished all fees below \$1.00 and made them \$1.00. Increased Civil filing fees to \$25.00 with increase going to the county. Increased nearly all other filing fees from \$2.00 to \$5.00.
18. H.B. 186 Compensation of Witnesses
- A. Increases witness fees from \$6.00 to \$14.00 in District and City Courts plus .30c a mile one way. In Justice of the Peace Courts, from \$6.00 plus .30c a mile one way and provides payment to a law enforcement officer if required to testify at a time other than normal duty hours.
19. H.B. 254 Sexual Offenses
- A. Clarifies the penalties for rape, sodomy and forcible sodomy, expands the type of intent required for forcible sexual abuse, removes the age element for aggravated sexual assault, and clarifies permissible conduct between married persons.
20. H.B. 314 Council on Criminal Justice Administration

- A. Provides that the Council on Criminal Justice Administration function within the Department of Public Safety and provides for a 22 member council and a full-time director.
21. H.B. 323 Crime with a Lethal Weapon
- A. Provides for a mandatory increase in sentence if a firearm is used in the commission or furtherance of a felony.
22. H.B. 336 Theft of Swine or Poultry
- A. Amends Section 76-6-412, U.C.A., 1953, and provides that theft of swine or poultry is a felony of the third degree.
23. H.B. 350 Admissibility of Peace Officers in House Rule
- A. Makes evidence of peace officers' "in house" rules and regulation inadmissible as evidence of a standard of care of negligence in a civil action.
24. H.B. 427 Jurors Residence
- A. Allows City and Justice Court jurors to be residents anywhere in the County involved.



## THE UTAH JUDICIAL CONFERENCE

The 1973 Court Administrator's Act, as approved by the Utah State Legislature, provides for an annual judicial conference. Section 78-3-27 of the Utah Code provides as follows:

"(1) There shall be established an annual judicial conference for all courts of this state, the purpose of which shall be to facilitate the exchange of ideas among all courts and judges and to study and improve the administration of the courts.

(2) The administrator of the courts and the administrator of the juvenile courts, under the supervision and direction of their respective council and board, shall be responsible for the planning and supervision of the conference.

(3) All elections provided in this act shall be conducted during the conference except the initial election if said conference is not held within sixty days from the effective date of this act."

Under the leadership of Justice J. Allan Crockett of the Utah State Supreme Court, in January, 1963, a conference of judges was held at the State Capitol in Salt Lake City. Following this initial conference meeting, an ad hoc organization known as the "Utah Judicial Conference" was formed and articles of organization were drawn up. The objective of the organization was to provide the Judges of the State of Utah with a forum for the discussion and study of subjects of common interest in the line of judicial duties. Following this first meeting, conferences were held periodically. The success of this organization contributed to the adoption by the 1973 Legislature of a statutory conference to be held on an annual basis.

Under the supervision of the Judicial Conference Committee, The Honorable J. Robert Bullock, Chairman, The Honorable L. Roland Anderson, Vice-Chairman, and the Honorable David E. Roth, Secretary; the State Court Administrator in cooperation with the Administrator of the Juvenile Courts conducted the fourth annual statutory Judicial Conference November 4 - 6, 1976, at the Salt Lake Hilton.

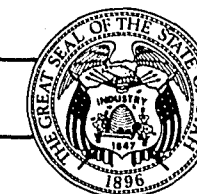
The conference, which is designed to facilitate the exchange of ideas among all courts and Judges and to study and improve administration of the courts again, enjoyed the attendance of nearly all of the invited Judiciary which consisted of members of the Supreme Court, District Court, City Court, and officers of the Justice of the Peace Association as well as the members of the citizens advisory committee to the Judicial Council and Board of Juvenile Judges.

The conferees were treated to remarks by Chief Justice F. Henri Henroid, Governor Calvin L. Rampton, and Mr. Edward B. McConnell, Director of the National Center for State Courts. A major topic of discussion throughout the conference was the proposal to establish the Circuit Court system.

Governor Calvin L. Rampton was presented with the second "Amicus Auriæ" (friend of the Court) award in recognition of his outstanding contributions to the Judiciary during his years as Governor.

The Judiciary in attendance elected The Honorable Calvin Gould, The Honorable Charles Bradford, and The Honorable Paul Grant to serve as Chairman, Vice-Chairman, and Secretary respectively for the 1977 Utah Judicial Conference.

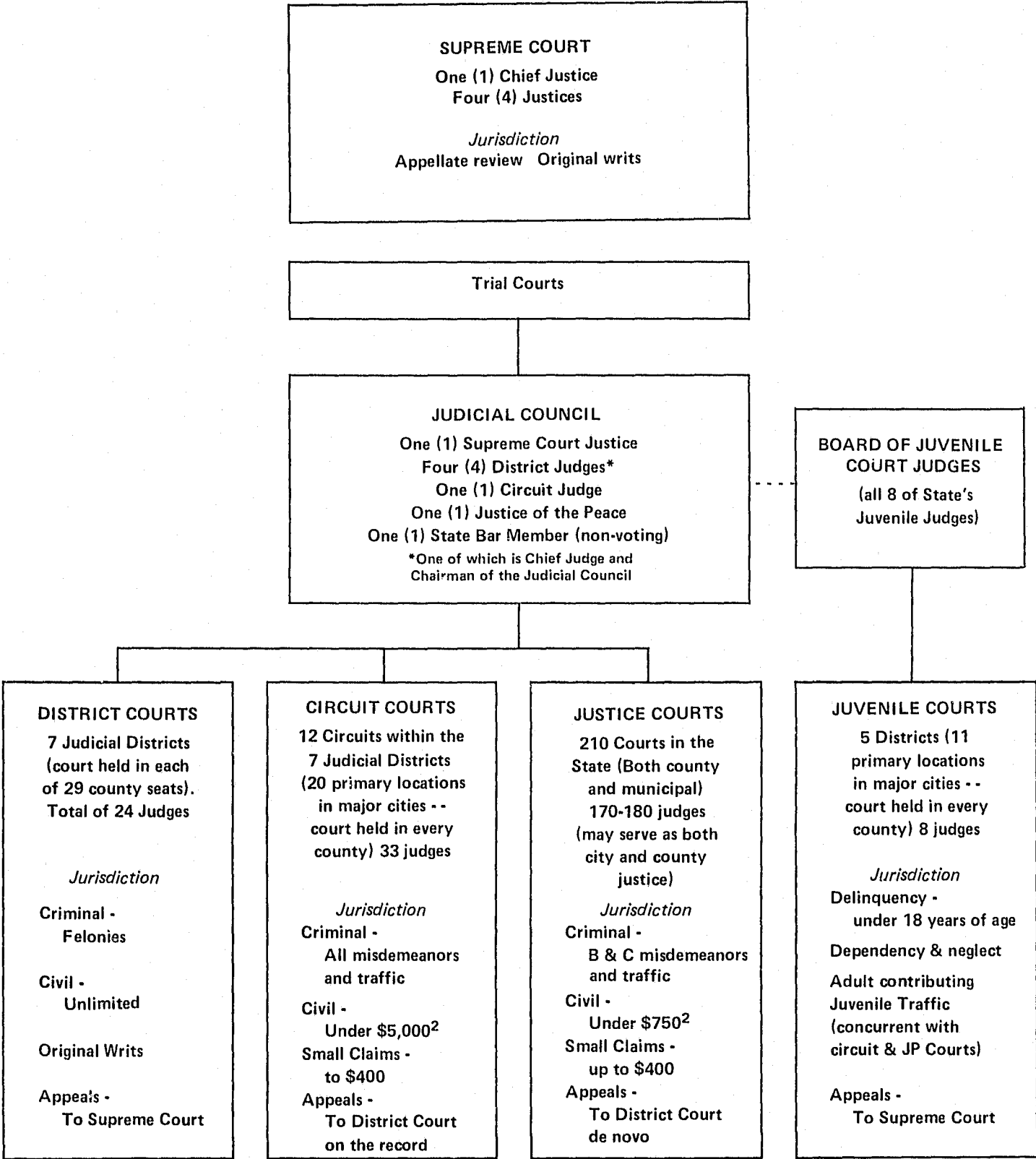
## COURT STATISTICS



"We cannot use even the best and most scientifically compiled statistics to solve the fundamental problems of jurisprudence. They cannot give us a measure of value of competing claims, or a criterion of justice, or a theory of what we are seeking to bring about by means of law. But it does not follow that we have no use for statistics. On the contrary, the stress which we now put upon the legal order as a process and upon the judicial process as a significant meaning of the term law; and along with the administrative process entitled to a place in the front rank in the science of law, . . . indicates where statistical method is to be made use of. We must learn how to use statistics to control the quality of the output of the operation by which the legal order is maintained and carried on."

Pound, *Judicial Councils and Judicial Statistics*  
28 A. B. A. 98 (1942).

COURT STRUCTURE FOR THE STATE OF UTAH  
(As of July 1, 1978)



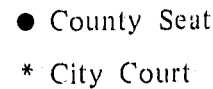
<sup>1</sup>Also acts as the Judicial Planning Committee under Pub. L. 94-503 for the State of Utah. One Juvenile Court Judge sits with the Council when it acts in this capacity.

<sup>2</sup>Not exclusive. Concurrent with District Courts.

In Utah the Supreme Court, District Court and Justice Courts are created by the Utah Constitution; the Circuit and Juvenile Courts are created by statute pursuant to Article VIII, Section 1 of the Utah Constitution. The State finances all the expenses of the Supreme Court and the Juvenile Court; the State and the counties share in financing the cost of the District Courts; the State, counties, and cities share in financing the cost of the Circuit courts; the counties and cities finance all the expenses of Justice Courts.

NOTE: Administrative staff structure, social service personnel, advisory committees and special commissions, special court divisions, annual judicial conference organization, and judicial nominating commissions, are not shown.

## DISTRICT AND CITY COURTS



Those courts which handle a smaller volume of cases by a single Judge can operate under a system which automatically brings cases on to the court calendar without waiting for counsel to file a "request for trial". This system allows the court to exercise control of the case at a much earlier date in the sequence of events

and thus dispose of the case on a more current basis. This procedure also explains the lack of reporting the "request to trial" time in the monthly reports in some courts.

Some courts accumulate a high number of civil cases which must be classed as "deadwood." This class of cases consists of litigation, which is informally settled between the parties without coming before the court. These cases are settled without the filing of a formal order of dismissal and therefore remain "alive" as far as these statistics are concerned, even though they will likely never require judicial action. The number of these cases and their rate of accumulation is undetermined. This situation does not exist in criminal cases, but does occur in many City Courts in their traffic division. Some Courts have begun a program to conduct a regularly scheduled order to show cause calendar designed to dispose of those "deadwood" cases unless good cause is shown for keeping the case active. This program has already resulted in a high increase of cases disposed of in all categories.

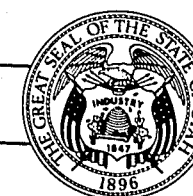
The clerks of the District Court, City Courts, and Justice Courts, whose responsibility it is to complete the monthly reports, are the key to the system. A debt of gratitude is owed to each clerk who takes the time from his busy schedule to fill out the forms. The Trial Court Executive in each of the Judicial Districts is responsible for collecting the monthly reports from the courts within the District, reviewing them for accuracy, and then forwarding them to the State Court Administrator. This is a vital role in the system and essential to the success of it.

There is some error rate in the system. This is not unexpected in light of the human element involved; however, a continuing effort is being made to insure that the monthly reports are completed in a uniform and accurate manner. The reports are becoming more accurate as time passes, which is evidenced by a comparison between the first and fourth report figures.

It is normal for a reader of this report to directly compare the workload of one court with another or one judge with another. Caution should be applied in so doing. No one standard of performance can be fairly applied in such a comparison. Judges are highly trained in the law. Few of them come to the Bench with any experience or training in the field of administration. It is a tribute to the Judges that they are able to manage their courts and dispense justice simultaneously. The fruit of the judicial process is a high quality of justice. That degree of justice cannot be measured but must be maintained. In some particular situations, the following statistics will show a high volume of cases and a relatively long period of time until trial, this is not to criticize judicial ability but merely presented to highlight those courts in need of assistance or attention in order to maintain a high quality of justice.

Although it is true that "justice delayed is justice denied," it is equally true that the courts cannot sacrifice the quality of justice for mere quantity of cases processed. Any method developed to speed up the judicial process must be done in a manner to insure that justice is not denied for the sake of expediency and efficiency in handling an ever increasing volume of cases.

## THE SUPREME COURT



## SUPREME COURT

### A. Organization

The Supreme Court consists of five Justices, which number may be increased or decreased by the Legislature. A majority of the Judges are necessary to form a quorum or render a decision. Upon the disqualification of a Justice from hearing a particular case before the Court, the remaining Justices may call a District Judge to sit on the Supreme Court for the hearing of that case. A Chief Justice presides over the Court and is the Justice who has the shortest remaining term on the Bench. The term of office of a Justice of the Supreme Court is 10 years and until his successor is elected or appointed and qualified.

### B. Jurisdiction

Jurisdiction means the power of the Court to hear and determine the matter in controversy. This includes limits of both the subject matter and the territory within which the authority of the particular court may be exercised.

The Supreme Court has original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus. Each of the Justices has the power to issue writs of habeas corpus to any part of the State. In other cases, the Supreme Court has appellate jurisdiction only and may review all final judgments of the District Court. In equity cases the appeal may be on questions of both law and fact; in cases at law the appeal must be on questions of law only.

Any final judgment from the District Court may be appealed to the Supreme Court subject to the appeal being perfected according to the statute and rules of the Court.

Generally, appeals from the City Court and Justice of the Peace Courts are restricted to constitutional issues only. However, the Supreme Court may, by certiorari, review decisions or judgments of the District Court which are the result of cases appealed to that Court from lower Courts on questions of jurisdiction of the District Court. While the general jurisdictional limit of civil cases which may be filed in the City Court is \$2,500, the limit on cases appealed to the Supreme Court, subsequent to trial de novo, in only those cases in which the amount in controversy exceeds \$100.00.

### C. Administration

The Supreme Court is supported by the Clerk of the Court and his staff. The Court appoints the Clerk who serves at the pleasure of the Court. The Court also may appoint, remove at pleasure, and fix the compensation for such deputy clerks and other assistants as may be necessary for the transaction of its business.

Pursuant of the above mentioned authority, the staff of the Clerk consists of 1 Chief Deputy Clerk, 2 Deputy Clerk's Secretaries, 2 assistant librarians, 1 library assistant and 6 law clerks.

## SUPREME COURT

### CHIEF JUSTICE

Honorable A.H. Ellett  
332 State Capitol  
Salt Lake City, Utah 84114

### ASSOCIATE JUSTICES

Honorable J. Allan Crockett  
332 State Capitol  
Salt Lake City, Utah 84114

Honorable Gordon R. Hall  
332 State Capitol  
Salt Lake City, Utah 84114

Honorable Richard J. Maughan  
332 State Capitol  
Salt Lake City, Utah 84114

Honorable D. Frank Wilkins  
332 State Capitol  
Salt Lake City, Utah 84114

### SUPREME COURT CLERK

Mr. Geoffrey Butter  
332 State Capitol  
Salt Lake City, Utah 84114



**Table 1**  
**Utah Supreme Court**

Year	Law & Motion Matters	Cases
1960	45	204
1961	67	211
1962	63	207
1963	92	229
1964	86	247
1965	68	223
1966	82	277
1967	37	328
1968	50	342
1969	44	476
1970	84	412
1971	78	408
1972	83	406
1973	81	370
1974	110	389
1975	223	462
1976	213	556

The following table furnishes a more refined picture of the Supreme Court's workload during the last three years.

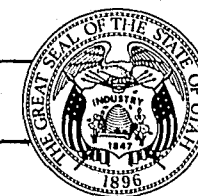
**Table 2**  
**UTAH SUPREME COURT**

Cases	Filings		
	1974	1975	1976
Civil	218	246	327
Criminal	73	128	111
Misc.*	98	88	118
TOTAL	389	462	556
	110	Law and Motion**	
		223	213
	1974	Dispositions	
Opinions	213	1975	1976
Dismissals	100	271	181
TOTALS	313	97	93
		368	274

\*Miscellaneous matters include, among other things, appeals from interlocutory orders, juvenile court matters and writs of review.

\*\*Examples of law and motion matters include motions to dismiss, motions to consolidate appeals and petitions for extraordinary writs.

**THE DISTRICT COURTS**



DISTRICT COURTS

A. Organization

The District Courts are divided into seven Judicial Districts, each of which consists of several counties. The Legislature may change the territorial boundaries of any Judicial District, or increase or decrease the number of districts, or the Judges thereof.

As of June 30, 1977, there were 24 District Judges, each of whom is assigned to sit in a particular district. The number of Judges holding office in each district is as follows:

1st District	1 Judge
2nd District	5 Judges
3rd District	11 Judges
4th District	4 Judges
5th District	1 Judge
6th District	1 Judge
7th District	1 Judge

The Judges of each Judicial District are responsible for holding terms of court at each county seat at least three times a year. The dates of court are set by the Uniform Rules of Practice.

B. Jurisdiction

The District Court has original jurisdiction in all civil and criminal matters not excepted by the Constitution and not prohibited by law. The District Court, or any Judge thereof, also has the power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition, and other writs necessary to carry into effect their orders, judgments, and decrees, and to give them general control over inferior courts and tribunals within their respective jurisdictions.

The types of cases and legal matters over which the District Court has jurisdiction are not limited by the the Constitution or by Statute except that all jurisdiction and power exercised by the District Court must be original (except for appeals from inferior courts and administrative tribunals) and all cases arising from a violation of city or town ordinances where a City Court or Justice of the Peace Court is established subject to the exclusive jurisdiction of such inferior court.

All felony cases are prosecuted in the District Court subsequent to a preliminary hearing being conducted in the lower court and the accused being bound over to the District Court.

A procedural limitation of venue is imposed upon the District Court by statute, which has the effect of empowering only certain District Courts to entertain a specific matter. This means that a District Court is recognized in every county of the state with the power to adjudicate cases only within the county in which the court is sitting. Their territorial limitations, which are set by the statute governing venue, require that civil cases affecting real property be tried in the county in which the defendant resides or the county in which the incident occurred.

The District Court sits as an appellate court for the City Courts and Justice of the Peace Courts and has supervisory control of the same. Upon receipt of an appeal from the lower courts, the District Court conducts a trial de novo which consists of a complete retrial of the case and makes entirely new decisions as to fact and law as though the case has been filed originally in the District Court.

C. Administration

Each of the District Judges is supported by a staff consisting of a Certified Shorthand Reporter and a Court Clerk in each county. The County Clerk is charged by statute with the responsibility of acting as Clerk of the Court. The responsibility entails such duties as preparation of court calendars, filing and maintaining court files and records and such other matters as the court may direct. The clerk and reporter are usually relied heavily upon by the Judge to perform the many functions of the court which are required daily to keep the court business running smoothly and thus allowing the Judge to use more of his time to perform his judicial duties.

The Third Judicial District also has the services of two secretaries available, one of which serves as a Mental Health Commissioner, thus relieving the Judges of these hearings.

The multi-Judge Districts elect a Presiding Judge from among their peers who serves for a term which is set by local rule. The Presiding Judge acts as the spokesman or chief officer of the Judicial District.

The position of Trial Court Executive has now been established in each of the seven Judicial Districts. The individuals selected for these positions are professional level administrators who assist in managing the various administrative functions and activities of the courts within the District under the direct supervision of the Presiding Judge. This program provides each Judicial District with administrative support on the local level whose duties and responsibilities vary and are tailored to the unique needs of the individual Districts, thus allowing the Presiding Judge to devote more of his time to his Judicial duties and less time to administration of the courts. The system has proven to be most successful and worthwhile in providing "on the scene" administrative support for the courts which compliments the State Court Administrator's efforts to provide that service on a broader statewide basis.

## DISTRICT COURTS

### FIRST DISTRICT

Honorable VeNoy Christofferson  
Courthouse  
Logan, UT 84321

Linda Hansen  
Trial Court Executive

George A. Parker  
Court Reporter

### SECOND DISTRICT

Honorable Calvin Gould  
Municipal Building  
Ogden, UT 84401

Honorable Ronald O. Hyde  
Municipal Building  
Ogden, UT 84025

Honorable J. Duffy Palmer  
City & County Building  
Farmington, UT 84025

Honorable Thornley K. Swan  
City & County Building  
Farmington, UT 84025

Honorable John F. Wahlquist  
Municipal Building  
Ogden, UT 84401

Ellis D. Pettigrew  
Trial Court Executive

James N. Jones  
Court Reporter

Evelyn Stoors Funk  
Court Reporter

Hal R. Rees  
Court Reporter

Reid L. Seely  
Court Reporter

Dean Olsen  
Court Reporter

### THIRD DISTRICT

Honorable Ernest F. Baldwin  
240 East Fourth South  
Salt Lake City, UT 84111

Honorable Jay E. Banks  
240 East Fourth South  
Salt Lake City, UT 84111

Honorable Dean E. Conder  
240 East Fourth South  
Salt Lake City, UT 84111

Honorable Bryant H. Croft  
240 East Fourth South  
Salt Lake City, UT 84111

Honorable David Dee  
240 East Fourth South  
Salt Lake City, UT 84111

Honorable Stewart M. Hanson, Jr.  
City & County Building  
Salt Lake City, UT 84111

Robert F. Lewis  
Court Reporter

Pamela Smith  
Court Reporter

Hal Walton  
Court Reporter

Dorothy L. Tripp  
Court Reporter

Beth Renshaw  
Court Reporter

Ruth G. Price  
Court Reporter

Honorable Peter F. Leary  
240 East Fourth South  
Salt Lake City, UT 84111

Honorable James S. Sawaya  
240 East Fourth South  
Salt Lake City, UT 84111

Honorable Marcellus K. Snow  
240 East Fourth South  
Salt Lake City, UT 84111

Honorable G. Hal Taylor  
240 East Fourth South  
Salt Lake City, UT 84111

Honorable David K. Winder  
240 East Fourth South  
Salt Lake City, UT 84111

### FOURTH DISTRICT

Honorable George E. Ballif  
County Building  
Provo, UT 84601

Honorable J. Robert Bullock  
County Building  
Provo, UT 84601

Honorable Allen B. Sorensen  
County Building  
Provo, UT 84601

Honorable David Sam  
County Building  
Provo, UT 84601

### FIFTH DISTRICT

Honorable Joseph H. Burns  
95 North Main  
P.O. Box 666  
Cedar City, UT 84720

### SIXTH DISTRICT

Honorable Don V. Tibbs  
Courthouse  
Manti, Utah 84642

Edward Midgely  
Court Reporter

Jeanie Wright  
Court Reporter

Alan P. Smith  
Court Reporter

Rebecca C. Janke  
Court Reporter

Shirleyan Henderson  
Court Reporter

Thomas Betts  
Trial Court Executive

Myron A. Frazier  
Court Reporter

Edward V. Quist  
Court Reporter

Stanley C. Roundy  
Court Reporter

Richard Tatton  
Court Reporter

L. Evans Smith  
Trial Court Executive

Byron Ray Christiansen, Jr.  
Court Reporter

Kristine Sneed  
Trial Court Executive

C. Howard Watkin  
Court Reporter

Carol B. Mellor  
Trial Court Executive

SEVENTH DISTRICT

Honorable Edward Sheya  
County Courthouse  
Price, UT 84501

John Greenig  
Court Reporter

Laurel A. Christensen  
Trial Court Executive

\* \* \* \* \*

DISTRICT JUDGES ASSOCIATION

Honorable Peter F. Leary, President, Third District, Salt Lake City  
Honorable George E. Ballif, Vice-President, Fourth District, Provo  
Honorable Dean E. Conder, Secretary-Treasurer, Third District, Salt Lake City

DISTRICT COURT FILINGS AND DISPOSITIONS

1st DISTRICT		1972	1973	1974-75 <sup>1</sup>	1975-76 <sup>2</sup>	1976-77 <sup>3</sup>	1 Year Increase Decrease
BOX ELDER COUNTY							
Civil:	Filed	275	275	366	360	398	+38
	Closed	252	264	280	277	398	+121
Criminal:	Filed	66	68	77	96	67	-29
	Closed	73	70	64	89	68	-21
Probate:	Filed	82	84	104	90	84	-6
	Closed	75	60	87	86	71	-15
CACHE COUNTY							
Civil:	Filed	290	296	408	448	510	+62
	Closed	246	182	293	290	357	+67
Criminal:	Filed	70	46	102	95	94	-1
	Closed	55	52	95	75	82	+7
Probate:	Filed	114	113	91	110	95	-15
	Closed	81	63	81	71	90	+19
RICH COUNTY							
Civil:	Filed	4	18	24	18	16	-2
	Closed	16	10	11	14	14	0
Criminal:	Filed	0	0	8	34	34	0
	Closed	0	0	2	23	21	-2
Probate:	Filed	5	6	2	7	13	+6
	Closed	16	5	1	7	9	+2
TOTAL 1st DISTRICT							
Civil:	Filed	569	589	798	826	924	+98
	Closed	514	456	584	581	769	+118
Criminal:	Filed	136	114	187	225	195	-30
	Closed	128	122	161	187	171	-16
Probate:	Filed	201	203	197	207	192	-15
	Closed	172	128	169	164	170	+6
TOTAL:	Filed	906	906	1,182	1,258	1,311	+53
	Closed	814	706	914	932	1,110	+178

<sup>1</sup> From July 1, 1974 to June 30, 1975.  
<sup>2</sup> From July 1, 1975 to June 30, 1976.  
<sup>3</sup> From July 1, 1976 to June 30, 1977.



## DISTRICT COURT FILINGS AND DISPOSITIONS (Continued)

2nd DISTRICT		1972	1973	1974-75	1975-76	1976-77	1 Year Increase Decrease
DAVIS COUNTY							
Civil:	Filed	993	1,085	1,379	1,308	9 1,390	+82
	Closed	684	928	1,144	1,071	1,125	+54
Criminal:	Filed	118	133	169	214	267	+53
	Closed	108	123	159	208	201	- 7
Probate:	Filed	179	183	220	228	255	+27
	Closed	151	185	161	175	213	+38
MORGAN COUNTY							
Civil:	Filed	59	72	74	60	70	+10
	Closed	47	39	24	63	84	+21
Criminal:	Filed	3	2	7	14	50	+36
	Closed	4	3	5	9	35	+26
Probate:	Filed	9	5	11	10	13	+3
	Closed	6	8	2	9	7	-2
WEBER COUNTY							
Civil:	Filed	1,990	2,136	2,621	2,488	2,441	-47
	Closed	1,238	2,217	2,326	2,218	1,904	+314
Criminal:	Filed	387	421	435	413	524	+111
	Closed	331	421	450	402	432	+ 30
Probate:	Filed	223	266	281	267	347	+86
	Closed	263	264	151	253	275	+19
TOTAL 2nd DISTRICT							
Civil:	Filed	3,042	3,293	4,074	3,856	3,901	+ 45
	Closed	1,969	3,184	3,494	3,352	3,113	-239
Criminal:	Filed	508	556	611	641	841	+200
	Closed	443	547	614	619	668	+ 49
Probate:	Filed	411	454	512	499	615	+116
	Closed	420	457	314	440	495	+ 55
TOTAL:	Filed	3,961	4,303	5,197	4,996	5,357	+361
	Closed	2,832	4,188	4,422	4,411	4,276	-135

## DISTRICT COURT FILINGS AND DISPOSITIONS (Continued)

3rd DISTRICT		1972	1973	1974-75	1975-76	1976-77	1 Year Increase Decrease
SALT LAKE COUNTY							
Civil:	Filed	9,867	10,521	12,325	11,739	12,035	+296
	Closed	10,651	9,901	10,297	10,913	9,700	-1,213
Criminal:	Filed	1,022	1,201	1,220	1,395	1,414	+19
	Closed	978	1,275	1,315	949	1,216	+267
Probate:	Filed	1,457	1,473	1,459	1,467	1,493	+26
	Closed	1,361	1,439	1,282	1,435	1,348	-87
TOOELE COUNTY							
Civil:	Filed	259	241	335	267	315	+48
	Closed	124	139	90	153	204	+51
Criminal:	Filed	30	34	77	92	83	-9
	Closed	22	30	45	63	72	+9
Probate:	Filed	57	80	63	69	47	-22
	Closed	47	59	7	55	1	-54
SUMMIT COUNTY <sup>1</sup>							
Civil:	Filed			35	223	222	-1
	Closed			16	104	164	+60
Criminal:	Filed			0	25	79	+54
	Closed			0	13	43	+30
Probate:	Filed			4	26	31	+15
	Closed			0	2	14	+12
TOTAL 3rd DISTRICT							
Civil:	Filed	10,126	10,762	12,695	12,229	12,572	+343
	Closed	10,775	10,040	10,403	11,170	10,068	-1,102
Criminal:	Filed	1,052	1,235	1,297	1,512	1,576	+64
	Closed	1,000	1,305	1,360	1,025	1,331	+306
Probate:	Filed	1,514	1,553	1,526	1,562	1,571	+9
	Closed	1,408	1,498	1,289	1,491	1,363	-128
TOTAL:	Filed	12,692	13,550	15,518	15,303	15,719	+416
	Closed	13,183	12,843	13,052	13,686	12,762	-924

<sup>1</sup> Transferred to Third District as of May 13, 1975.

# DISTRICT COURT FILINGS AND DISPOSITIONS (Continued)

4th DISTRICT		1972	1973	1974-75	1975-76	1976-77	1 Year Increase Decrease
DAGGETT COUNTY							
Civil:	Filed	5	6	7	13	10	-3
	Closed	6	6	4	8	17	+9
Criminal:	Filed	1	2	0	0	0	0
	Closed	1	4	2	1	0	-1
Probate:	Filed	6	1	1	1	0	-1
	Closed	4	4	2	1	3	+2
DUCHESNE COUNTY							
Civil:	Filed	154	227	315	327	389	+62
	Closed	47	103	183	244	396	+152
Criminal:	Filed	19	12	20	28	28	0
	Closed	10	15	8	16	37	+21
Probate:	Filed	54	35	58	47	33	-14
	Closed	39	31	16	33	35	+2
SUMMIT COUNTY <sup>1</sup>							
Civil:	Filed	97	109	227			
	Closed	40	75	59			
Criminal:	Filed	12	13	3			
	Closed	10	6	0			
Probate:	Filed	14	22	18			
	Closed	10	23	2			
UINTAH COUNTY							
Civil:	Filed	176	205	339	440	480	+40
	Closed	130	113	145	266	472	+206
Criminal:	Filed	12	4	26	66	55	-11
	Closed	9	7	11	27	23	-4
Probate:	Filed	28	27	54	54	67	+13
	Closed	32	26	71	93	68	-25
UTAH COUNTY							
Civil:	Filed	1,370	1,592	2,220	2,210	2,582	+372
	Closed	1,051	1,208	2,042	1,920	2,764	+844
Criminal:	Filed	202	210	282	296	297	+1
	Closed	170	204	290	354	401	+47
Probate:	Filed	308	368	317	364	399	+35
	Closed	320	330	318	259	289	+30

# DISTRICT COURT FILINGS AND DISPOSITIONS (Continued)

		1972	1973	1974-75	1975-76	1976-77	1 Year Increase Decrease
WASATCH COUNTY							
Civil:	Filed	138	144	146	119	151	+32
	Closed	86	74	60	45	183	+138
Criminal:	Filed	19	27	8	25	38	+13
	Closed	14	31	6	18	18	0
Probate:	Filed	25	23	6	22	20	-2
	Closed	23	16	3	18	15	-3
JUAB COUNTY <sup>2</sup>							
Civil:	Filed				20	100	+80
	Closed				5	179	+174
Criminal:	Filed				8	7	-1
	Closed				1	10	+9
Probate:	Filed				3	14	+11
	Closed				6	5	-1
TOTAL 4th DISTRICT							
Civil:	Filed	1,940	2,283	3,254	3,129	3,712	+583
	Closed	1,354	1,579	2,493	2,488	4,011	+1,523
Criminal:	Filed	265	268	339	423	425	+2
	Closed	214	267	317	417	489	+72
Probate:	Filed	435	476	454	491	533	+42
	Closed	428	430	410	410	416	+6
TOTAL:	Filed	2,640	3,027	4,047	4,043	4,670	+627
	Closed	1,996	2,276	3,220	3,315	4,916	+1,601
5th DISTRICT							
BEAVER COUNTY							
Civil:	Filed	53	49	68	72	80	+8
	Closed	40	46	99	74	55	-19
Criminal:	Filed	8	7	11	15	17	+2
	Closed	11	5	13	14	15	+1
Probate:	Filed	25	24	16	19	29	+10
	Closed	21	28	13	10	23	+13

<sup>2</sup>Transferred to Fourth District as of April 1, 1976.

## DISTRICT COURT FILINGS AND DISPOSITIONS (Continued)

		1972	1973	1974-75	1975-76	1976-77	1 Year Increase Decrease
IRON COUNTY							
Civil:	Filed	249	226	307	361	335	-26
	Closed	140	194	317	388	360	-28
Criminal:	Filed	10	17	32	59	43	-16
	Closed	10	18	28	58	48	-10
Probate:	Filed	55	70	80	52	76	+24
	Closed	56	51	64	58	59	+1
MILLARD COUNTY							
Civil:	Filed	86	86	85	131	132	+1
	Closed	87	83	100	103	185	+82
Criminal:	Filed	4	11	18	6	9	+3
	Closed	14	8	17	4	5	+1
Probate:	Filed	46	40	47	39	37	-2
	Closed	46	34	31	38	31	-7
WASHINGTON COUNTY							
Civil:	Filed	210	203	363	363	284	-79
	Closed	184	273	409	330	285	-45
Criminal:	Filed	20	27	48	45	74	+29
	Closed	33	37	42	39	81	+42
Probate:	Filed	35	41	41	56	55	-1
	Closed	46	33	57	46	50	+4
TOTAL 5th DISTRICT							
Civil:	Filed	654	608	884	980	831	-149
	Closed	515	634	991	940	885	-55
Criminal:	Filed	61	77	114	130	143	+14
	Closed	98	99	105	120	149	+29
Probate:	Filed	177	204	216	172	197	+27
	Closed	193	167	200	168	163	-5
TOTAL:	Filed	892	889	1,214	1,282	1,171	-111
	Closed	806	900	1,296	1,228	1,197	-31

## DISTRICT COURT FILINGS AND DISPOSITIONS (Continued)

		1972	1973	1974-75	1975-76	1976-77	1 Year Increase Decrease
6th DISTRICT							
GARFIELD COUNTY							
Civil:	Filed	47	67	44	67	69	+2
	Closed	7	27	20	45	83	+38
Criminal:	Filed	10	9	5	9	10	+34
	Closed	8	5	7	5	22	+17
Probate:	Filed	13	13	22	13	13	0
	Closed	19	6	14	9	5	-4
KANE COUNTY							
Civil:	Filed	28	26	70	71	53	-18
	Closed	42	68	33	46	104	+58
Criminal:	Filed	2	12	5	3	8	+5
	Closed	1	20	1	4	3	-1
Probate:	Filed	10	10	8	7	22	+15
	Closed	8	7	4	8	14	+6
PIUTE COUNTY							
Civil:	Filed	11	8	25	26	31	+5
	Closed	10	14	13	17	27	+10
Criminal:	Filed	3	0	2	6	3	-4
	Closed	0	0	1	5	5	0
Probate:	Filed	11	6	6	7	7	0
	Closed	3	5	5	11	15	+4

## DISTRICT COURT FILINGS AND DISPOSITIONS (Continued)

		1972	1973	1974-75	1975-76	1976-77	1 Year Increase Decrease
SANPETE COUNTY							
Civil:	Filed	219	164	298	305	176	-129
	Closed	174	161	254	305	191	-114
Criminal:	Filed	13	17	14	30	24	-6
	Closed	13	18	22	24	37	+13
Probate:	Filed	35	46	35	44	46	+2
	Closed	43	38	39	33	72	+39
SEVIER COUNTY							
Civil:	Filed	108	142	206	267	370	+103
	Closed	93	139	188	218	366	+148
Criminal:	Filed	10	1	17	13	35	+22
	Closed	10	2	9	12	37	+25
Probate:	Filed	41	53	60	58	52	-6
	Closed	27	30	62	63	66	+3
WAYNE COUNTY							
Civil:	Filed	16	29	7	18	33	+15
	Closed	5	21	10	19	36	+17
Criminal:	Filed	0	0	7	2	1	-1
	Closed	0	0	10	6	5	-1
Probate:	Filed	8	4	2	6	11	+5
	Closed	3	16	1	5	13	+8
TOTAL 6th DISTRICT							
Civil:	Filed	429	436	650	754	732	-22
	Closed	331	430	518	650	807	+157
Criminal:	Filed	38	39	50	63	81	+18
	Closed	32	45	50	56	109	+53
Probate:	Filed	118	132	133	135	151	+16
	Closed	103	102	125	129	185	+56
TOTAL:	Filed	585	607	833	952	964	+12
	Closed	466	577	693	835	1,101	+266

## DISTRICT COURT FILINGS AND DISPOSITIONS (Continued)

		1972	1973	1974-75	1975-76	1976-77	1 Year Increase Decrease
7th DISTRICT							
CARBON COUNTY							
Civil:	Filed	157	180	228	256	462	-51
	Closed	121	117	191	352	301	-51
Criminal:	Filed	13	15	29	37	22	-15
	Closed	15	26	24	26	23	-3
Probate:	Filed	77	79	64	77	83	+6
	Closed	67	42	24	31	41	+10
EMERY COUNTY							
Civil:	Filed	53	71	101	91	147	+56
	Closed	29	31	59	35	62	+29
Criminal:	Filed	2	3	4	9	17	+8
	Closed	2	3	1	15	13	-2
Probate:	Filed	28	33	9	29	36	+7
	Closed	12	15	5	6	18	+12
GRAND COUNTY							
Civil:	Filed	104	112	94	103	136	+33
	Closed	103	107	21	124	137	+13
Criminal:	Filed	14	11	9	16	36	+20
	Closed	7	14	8	11	30	+19
Probate:	Filed	29	25	20	29	42	+13
	Closed	19	21	14	8	58	+50
SAN JUAN COUNTY							
Civil:	Filed	120	76	106	84	94	+10
	Closed	76	29	33	98	52	-46
Criminal:	Filed	9	10	3	12	16	+4
	Closed	7	8	6	8	13	+5
Probate:	Filed	23	25	14	25	64	+39
	Closed	30	17	4	1	12	+11
TOTAL 7th DISTRICT							
Civil:	Filed	434	439	529	534	839	+305
	Closed	329	284	304	609	552	-57
Criminal:	Filed	38	39	45	74	91	+17
	Closed	31	51	39	60	79	+19
Probate:	Filed	157	162	107	160	225	+65
	Closed	128	95	47	46	129	+83
TOTAL:	Filed	629	640	681	768	1,155	+387
	Closed	488	430	390	715	760	+45

**CIVIL CASE FILINGS BY DISTRICT AND COUNTY**  
(July 1, 1976 to June 30, 1977)

District & County	Divorce	Complaints <sup>1</sup>	Personal Injury	Writs <sup>2</sup>	Eminent Domain	Appeals	Mental Hearings	Probate	TOTAL
<b>1st</b>									
Box Elder	177	216	1	1	0	3	0	84	482
Cache	224	273	0	11	0	2	0	95	605
Rich	3	13	0	0	0	0	0	13	29
TOTAL	404	502	1	12	0	5	0	192	1,116
<b>2nd</b>									
Weber	1,459	840	92	7	0	13	30	347	2,788
Davis	727	601	49	8	2	3	0	255	1,645
Morgan	20	50	0	0	0	0	0	13	83
TOTAL	2,206	1,491	141	15	2	16	30	615	4,516
<b>3rd</b>									
Salt Lake	4,350	6,605	428	144	30	84	394	1,493	13,528
Tooele	192	102	10	11	0	0	0	47	362
Summit <sup>1</sup>	31	190	0	1	0	0	0	31	253
TOTAL	4,573	6,897	438	156	30	84	394	1,571	14,143
<b>4th</b>									
Utah	1,028	1,073	114	14	8	5	340	399	2,981
Uintah	155	320	0	0	0	5	0	67	547
Wasatch	46	101	1	0	3	0	0	20	167
Duchesne	88	294	3	0	4	0	0	33	422
Juab	17	83	0	0	0	0	0	14	114
Daggett	3	7	0	0	0	0	0	0	10
TOTAL	1,337	1,878	118	14	15	10	340	533	4,245
<b>5th</b>									
Millard	30	99	2	0	1	0	0	37	168
Beaver	20	59	1	0	0	0	0	29	109
Iron	72	241	6	1	14	1	6	76	411
Washington	91	185	7	0	1	0	0	55	338
TOTAL	213	584	16	1	16	1	6	197	1,034
<b>6th</b>									
Sanpete	57	103	3	0	4	0	9	46	222
Sevier	75	279	4	1	1	0	10	52	422
Piute	3	28	0	0	0	0	0	7	38
Wayne	7	26	0	0	0	0	0	11	44
Garfield	9	56	1	2	0	1	0	13	82
Kane	9	40	1	0	2	0	1	22	75
TOTAL	160	532	9	3	7	1	20	151	883
<b>7th</b>									
Carbon	159	250	17	1	34	0	10	83	509
Emery	59	68	8	0	10	0	2	36	183
Grand	82	46	2	1	5	0	0	42	178
San Juan	37	55	1	0	1	0	0	64	158
TOTAL	337	419	28	2	50	0	12	225	1,073
<b>TOTAL STATE</b>	<b>9,228</b>	<b>12,301</b>	<b>751</b>	<b>203</b>	<b>125</b>	<b>117</b>	<b>802</b>	<b>3,484</b>	<b>27,010</b>

1 - Includes all filings not set forth in other categories, e.g. uniform enforcement support act.  
2 - Contains such matters as writs of review, prohibition, coram nobis, and habeas corpus.

**CIVIL CASE DISPOSITIONS BY DISTRICT AND COUNTY**  
(July 1, 1976 to June 30, 1977)

District & County	Dis-missed	Clerk Judgment	Summary Judgment	Defaults	Non-Jury Trial	Jury Trial	Appeals	Mental Hearings	Probates Closed	TOTAL
<b>1st</b>										
Box Elder	164	0	18	176	36	3	1	0	71	469
Cache	78	3	3	246	23	2	2	0	90	447
Rich	11	1	1	0	0	1	0	0	9	23
TOTAL	253	4	22	422	59	6	3	0	170	939
<b>2nd</b>										
Weber	334	1	40	971	235	33	15	0	275	1,904
Davis	348	0	80	584	104	7	2	0	213	1,338
Morgan	47	0	2	19	7	2	0	0	7	84
TOTAL	729	1	122	1,574	346	42	17	0	495	3,326
<b>3rd</b>										
Salt Lake	2,609	266	499	5,112	591	128	27	468	1,348	11,048
Tooele	9	14	8	145	21	7	0	0	1	205
Summit	65	36	9	20	27	7	0	0	14	178
TOTAL	2,683	316	516	5,277	639	142	27	468	1,363	11,431
<b>4th</b>										
Utah	1,166	121	42	676	387	26	13	333	289	3,053
Uintah	262	93	8	75	32	2	0	0	68	540
Wasatch	161	1	1	7	11	2	0	0	15	198
Duchesne	198	58	17	108	13	2	0	0	35	431
Juab	147	14	3	8	4	2	1	0	5	184
Daggett	4	0	0	0	13	0	0	0	4	21
TOTAL	1,938	287	71	874	460	34	14	333	416	4,427
<b>5th</b>										
Millard	102	20	4	27	27	5	0	0	31	216
Beaver	17	6	3	17	9	3	0	0	23	78
Iron	105	15	41	135	61	1	1	1	59	419
Washington	109	27	10	72	60	7	0	0	50	335
TOTAL	333	68	58	251	157	16	1	1	163	1,048
<b>6th</b>										
Sanpete	67	42	5	52	16	0	0	9	72	263
Sevier	129	132	4	44	46	2	0	9	66	432
Piute	15	1	2	8	1	0	0	0	15	42
Wayne	22	0	1	11	2	0	0	0	13	49
Garfield	48	9	1	15	9	0	1	0	5	88
Kane	86	2	4	9	2	0	0	1	14	118
TOTAL	367	185	17	139	76	2	1	19	185	991
<b>7th</b>										
Carbon	76	26	2	156	30	3	0	8	41	342
Emery	10	4	1	17	29	1	0	0	18	80
Grand	100	0	11	23	3	0	0	0	58	195
San Juan	31	3	3	10	5	0	0	0	12	64
TOTAL	217	33	17	206	67	4	0	8	129	681
<b>TOTAL STATE</b>	<b>6,520</b>	<b>894</b>	<b>823</b>	<b>8,743</b>	<b>1,804</b>	<b>246</b>	<b>63</b>	<b>829</b>	<b>2,921</b>	<b>22,843</b>



**CRIMINAL CASE FILINGS BY DISTRICT AND COUNTY**  
(July 1, 1976 to June 30, 1977)

District & County	Homi- cide	Burglary	Theft	Drug Offenses	Forgery	Rob- bery	Sex Offenses	Other	Appeals	TOTAL
<b>1st</b>										
Box Elder	3	9	8	2	2	1	4	13	25	67
Cache	2	8	24	8	10	0	3	23	16	94
Rich	0	0	0	0	0	0	0	0	34	34
TOTAL	5	17	32	10	12	1	7	36	75	195
<b>2nd</b>										
Weber	11	105	39	21	38	23	37	175	75	524
Davis	4	36	50	33	17	8	13	64	42	267
Morgan	0	3	0	2	0	0	0	30	15	50
TOTAL	15	144	89	56	55	31	50	269	132	841
<b>3rd</b>										
Salt Lake	62	296	211	206	73	77	51	209	229	1,414
Tooele	5	12	5	17	7	10	4	20	3	83
Summit	3	2	5	25	0	0	1	7	36	79
TOTAL	70	310	221	248	80	87	56	236	268	1,567
<b>4th</b>										
Utah	15	26	51	33	26	8	7	59	72	297
Uintah	0	2	9	9	0	0	3	7	25	55
Wasatch	0	0	1	0	0	0	0	31	6	38
Duchesne	0	6	3	12	1	0	2	1	3	28
Juab	0	0	0	1	0	0	0	5	1	7
Daggett	0	0	0	0	0	0	0	0	0	0
TOTAL	15	34	64	55	27	8	12	103	107	425
<b>5th</b>										
Millard	0	0	0	3	0	0	0	6	0	9
Beaver	0	0	1	6	0	0	0	10	0	17
Iron	1	9	6	12	0	0	1	13	1	43
Washington	1	14	14	13	5	3	2	21	1	74
TOTAL	2	23	21	34	5	3	3	50	2	143
<b>6th</b>										
Sanpete	1	0	6	4	0	0	0	10	3	24
Sevier	1	0	5	2	0	0	0	26	1	35
Piute	0	0	0	0	0	0	0	2	1	3
Wayne	0	0	1	0	0	0	0	0	0	1
Garfield	0	0	3	0	0	0	0	7	0	10
Kane	0	1	5	0	0	0	0	2	0	8
TOTAL	2	1	20	6	0	0	0	47	5	81
<b>7th</b>										
Carbon	0	4	3	6	0	0	2	6	1	22
Emery	0	0	4	8	1	0	0	4	0	17
Grand	2	0	1	23	0	2	2	6	0	36
San Juan	0	0	3	4	0	0	0	6	3	16
TOTAL	2	4	11	41	1	2	4	22	4	91
<b>TOTAL STATE</b>	111	533	458	450	180	132	132	763	593	3,334

**CRIMINAL CASE DISPOSITIONS BY DISTRICT AND COUNTY**  
(July 1, 1976 to June 30, 1977)

District & County	Dismissed	Pleas of Guilty	Non-Jury Trial	Jury Trial	Appeals Closed	TOTAL
<b>1st</b>						
Box Elder	3	35	12	2	16	68
Cache	1	46	13	10	12	82
Rich	0	0	0	0	21	21
TOTAL	4	81	25	12	49	171
<b>2nd</b>						
Weber	47	284	9	52	40	432
Davis	34	127	1	8	31	201
Morgan	8	10	2	0	15	35
TOTAL	89	421	12	60	86	668
<b>3rd</b>						
Salt Lake	227	730	22	123	114	1,216
Tooele	3	39	8	22	0	72
Summit	12	20	5	4	2	43
TOTAL	242	789	35	149	116	1,331
<b>4th</b>						
Utah	125	107	30	42	97	401
Uintah	1	17	1	4	0	23
Wasatch	0	5	3	9	1	18
Duchesne	14	20	0	1	2	37
Juab	3	2	0	0	5	10
Daggett	0	0	0	0	3	3
TOTAL	143	151	34	56	108	492
<b>5th</b>						
Millard	1	0	2	2	0	5
Beaver	2	4	2	1	6	15
Iron	15	28	1	4	0	48
Washington	19	39	5	6	12	81
TOTAL	37	71	10	13	18	149
<b>6th</b>						
Sanpete	23	7	2	2	3	37
Sevier	16	5	5	2	9	37
Piute	3	2	0	0	0	5
Wayne	4	1	0	0	0	5
Garfield	8	4	2	5	3	22
Kane	1	2	0	0	0	3
TOTAL	55	21	9	9	15	109
<b>7th</b>						
Carbon	2	16	0	4	1	23
Emery	0	8	5	0	0	13
Grand	4	24	1	1	0	30
San Juan	4	9	0	0	0	13
TOTAL	10	57	6	5	1	79
<b>TOTAL STATE</b>	580	1,591	131	304	393	2,999

**COUNTIES IN ORDER OF VOLUME OF ALL CASES**  
(July 1, 1976 to June 30, 1977)

County	Cases Filed	Cases Closed	Disposition Rate
Salt Lake	14,942	12,264	82%
Weber	3,312	2,611	79%
Utah	3,278	3,454	105%
Davis	1,783	1,539	82%
Cache	699	529	75%
Uintah	602	563	93%
Box Elder	549	537	98%
Iron	454	467	103%
Washington	413	416	100%
Tooele	445	277	62%
Duchesne	450	468	104%
Sanpete	246	300	121%
Carbon	567	365	64%
Sevier	457	469	103%
Summit	332	221	67%
Millard	178	221	124%
Wasatch	209	216	103%
Grand	214	225	105%
Emery	200	93	46%
San Juan	174	77	44%
Beaver	126	93	74%
Juab	121	194	160%
Garfield	92	110	128%
Morgan	133	126	95%
Kane	83	121	148%
Rich	63	44	73%
Piute	41	47	114%
Wayne	45	54	120%
Daggett	10	20	200%
STATE TOTAL	30,308	26,121	86%

**DISTRICT COURT CASELOAD INVENTORY — BY DISTRICTS**  
(July 1, 1976 to June 30, 1977)

<b>1st DISTRICT</b>			
<b>CIVIL</b>			
Cases Pending July 1	961		
New Cases Filed <sup>a</sup>	924		
Total Caseload	1,885		
Cases Closed	769		
Cases Pending June 30	1,116		
<b>CRIMINAL</b>			
Cases Pending July 1	88		
New Cases Filed <sup>a</sup>	195		
Total Caseload	283		
Cases Closed	171		
Cases Pending June 30	112		
<b>PROBATE</b>			
Cases Pending July 1	207		
New Cases Filed	192		
Total Caseload	399		
Cases Closed	170		
Cases Pending June 30	229		
<b>TOTAL</b>			
Cases Pending July 1	1,256		
New Cases Filed <sup>a</sup>	1,311		
Total Caseload	2,567		
Cases Closed	1,110		
Cases Pending June 30	1,457		
<b>2nd DISTRICT</b>			
<b>CIVIL</b>			
Cases Pending July 1	2,569		
New Cases Filed <sup>a</sup>	3,901		
Total Caseload	6,470		
Cases Closed	3,113		
Cases Pending June 30	3,357		
<b>CRIMINAL</b>			
Cases Pending July 1	174		
New Cases Filed <sup>a</sup>	841		
Total Caseload	1,015		
Cases Closed	668		
Cases Pending June 30	347		
<b>3rd DISTRICT</b>			
<b>CIVIL</b>			
Cases Pending July 1	6,487		
New Cases Filed <sup>a</sup>	12,572		
Total Caseload	19,059		
Cases Closed	10,068		
Summit County Pending Cases	339		
Cases Pending June 30	9,330		
<b>CRIMINAL</b>			
Cases Pending July 1	411		
New Cases Filed <sup>a</sup>	1,576		
Total Caseload	1,987		
Cases Closed	1,331		
Cases Pending June 30	656		
<b>PROBATE</b>			
Cases Pending July 1	787		
New Cases Filed <sup>a</sup>	1,571		
Total Caseload	2,358		
Cases Closed	1,363		
Cases Pending June 30	995		
<b>TOTAL</b>			
Cases Pending July 1	7,685		
New Cases Filed <sup>a</sup>	15,719		
Total Caseload	23,404		
Cases Closed	12,762		
Summit County Pending Cases	339		
Cases Pending June 30	10,981		

**DISTRICT COURT CASELOAD INVENTORY — BY DISTRICTS (Continued)**  
(July 1, 1976 to June 30, 1977)

**4th DISTRICT**

<b>CIVIL</b>	
Cases Pending July 1	4,601
New Cases Filed <sup>a</sup>	3,712
<i>Total Caseload</i>	8,313
Cases Closed	4,011
Less Summit County Pending Cases	339
Cases Pending June 30	3,963

<b>CRIMINAL</b>	
Cases Pending July 1	136
New Cases Filed <sup>a</sup>	425
<i>Total Caseload</i>	561
Cases Closed	489
Cases Pending June 30	72

<b>PROBATE</b>	
Cases Pending July 1	207
New Cases Filed <sup>a</sup>	533
<i>Total Caseload</i>	740
Cases Closed	416
Cases Pending June 30	324

<b>TOTAL</b>	
Cases Pending July 1	4,944
New Cases Filed <sup>a</sup>	4,670
<i>Total Caseload</i>	9,614
Cases Closed	4,916
Less Summit County Pending Cases	339
Cases Pending June 30	4,359

**5th DISTRICT**

<b>CIVIL</b>	
Cases Pending July 1	161
New Cases Filed <sup>a</sup>	831
<i>Total Caseload</i>	992
Cases Closed	885
Cases Pending June 30	107

<b>CRIMINAL</b>	
Cases Pending July 1	(1)
New Cases Filed <sup>a</sup>	143
<i>Total Caseload</i>	142
Cases Closed	149
Cases Pending June 30	(7)

<b>PROBATE</b>	
Cases Pending July 1	100
New Cases Filed <sup>a</sup>	197
<i>Total Caseload</i>	297
Cases Closed	163
Cases Pending June 30	134

<b>TOTAL</b>	
Cases Pending July 1	271
New Cases Filed <sup>a</sup>	1,171
<i>Total Caseload</i>	1,442
Cases Closed	1,197
Cases Pending June 30	245

**6th DISTRICT \***

<b>CIVIL</b>	
Cases Pending July 1	
New Cases Filed <sup>a</sup>	
<i>Total Caseload</i>	
Cases Closed	
Cases Pending June 30	346

<b>CRIMINAL</b>	
Cases Pending July 1	
New Cases Filed <sup>a</sup>	
<i>Total Caseload</i>	
Cases Closed	
Cases Pending June 30	17

<b>PROBATE</b>	
Cases Pending July 1	
New Cases Filed <sup>a</sup>	
<i>Total Caseload</i>	
Cases Closed	
Cases Pending June 30	155

<b>TOTAL</b>	
Cases Pending July 1	
New Cases Filed <sup>a</sup>	
<i>Total Caseload</i>	
Cases Closed	
Cases Pending June 30	518

*\*as certified by County Clerks*

**DISTRICT COURT CASELOAD INVENTORY — BY DISTRICTS (Continued)**  
(July 1, 1976 to June 30, 1977)

**7th DISTRICT**

<b>CIVIL</b>	
Cases Pending July 1	862
New Cases Filed <sup>a</sup>	839
<i>Total Caseload</i>	1,701
Cases Closed	552
Cases Pending June 30	1,149

<b>CRIMINAL</b>	
Cases Pending July 1	41
New Cases Filed <sup>a</sup>	91
<i>Total Caseload</i>	132
Cases Closed	79
Cases Pending June 30	53

<b>PROBATE</b>	
Cases Pending July 1	424
New Cases Filed <sup>a</sup>	225
<i>Total Caseload</i>	649
Cases Closed	129
Cases Pending June 30	520

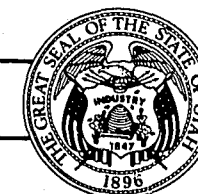
<b>TOTAL</b>	
Cases Pending July 1	1,327
New Cases Filed <sup>a</sup>	1,155
<i>Total Caseload</i>	2,482
Cases Closed	760
Cases Pending June 30	1,722

<sup>a</sup> - Includes New Trials Granted.

# DISTRICT WORKLOAD PER JUDGE

	Population	Square Miles	New Filings	Dispositions
<b>1st DISTRICT - 1 Judge</b>				
Box Elder	31,100	5,603	549	537
Cache	49,300	1,174	699	529
Rich	1,600	1,023	63	44
TOTALS	82,000	7,800	1,311	1,110
<b>2nd DISTRICT - 5 Judges</b>				
Weber	137,000	581	3,312	2,336
Davis	120,000	297	1,912	1,539
Morgan	4,800	603	133	119
TOTALS	261,800	1,481	5,357	3,994
			: 5 = 1,071	: 5 = 799
<b>3rd DISTRICT - 11 Judges</b>				
Salt Lake	520,000	764	14,942	12,264
Tooele	23,600	6,923	445	277
Summit	7,000	1,849	332	221
TOTALS	550,600	9,536	15,719	12,762
			: 11 = 1,429	: 11 = 1,160
<b>4th DISTRICT - 4 Judges</b>				
Utah	172,000	2,014	3,278	3,454
Uintah	17,300	4,487	602	563
Wasatch	7,000	1,191	205	216
Duchesne	11,300	3,255	450	468
Daggett	800	682	10	24
Juab	5,300	3,412	121	194
TOTALS	213,700	15,041	4,666	4,919
			: 4 = 1,166	: 4 = 1,230
<b>5th DISTRICT - 1 Judge</b>				
Millard	8,200	6,793	178	221
Beaver	4,200	2,584	126	83
Iron	14,800	3,300	454	467
Washington	18,000	2,427	412	416
TOTALS	45,200	15,104	1,170	1,187
<b>6th DISTRICT - 1 Judge</b>				
Sanpete	13,000	1,597	245	300
Sevier	13,200	1,929	457	469
Piute	1,300	754	41	47
Wayne	1,700	2,486	45	54
Garfield	3,500	5,158	92	110
Kane	3,600	3,904	83	121
TOTALS	36,300	15,828	964	1,101
<b>7th DISTRICT - 1 Judge</b>				
Carbon	19,300	1,476	531	365
Emery	8,000	4,439	200	93
Grand	6,900	3,682	214	225
San Juan	11,200	7,707	174	77
TOTALS	45,400	17,304	1,119	760
STATE TOTALS	1,235,000	78,682	30,306	25,833
			: 24 = 1,263	: 24 = 1,076

## THE CITY COURTS



## CITY COURTS

### A. Organization

As previously mentioned in this report, the Utah Constitution provides that such other courts inferior to the Supreme Court may be established by law. An exercise of this power by the Legislature has resulted in the creation of the City Courts. The statute provides that in all cities of the first, second and third class, and in all county seat cities, there may, at the discretion of the cities governing body, be established a City Court and the office of Judge thereof. All cities which are authorized by this statute to create a court have not chosen to exercise that option. Presently there are 17 City Courts in the state.

The Judges of the City Court serve for a term of six years and must stand for election.

In cities wherein a City Court has been established, the Judge thereof is by statute the ex-officio Justice of the Peace for that city and no other Justice of the Peace shall hold office in that city. This provision merely requires the City Judge to assume the duties of the Justice of the Peace office.

### B. Jurisdiction

The territorial jurisdiction of the City Court is confined to the county within which it is located for both civil and criminal matters.

The City Courts possess exclusive jurisdiction over violations of city ordinances. Their criminal jurisdiction is limited to misdemeanors except that City Courts conduct felony preliminary hearings.

The City Courts, in general, have jurisdiction in civil cases in which the amount claimed is less than \$2,500.00, exclusive of costs. If a counterclaim is filed in a City Court case, which exceeds a claim of \$2,500.00, the City Court loses jurisdiction and the case must then be filed in the District Court.

The power of the City Court to issue process and the power of subpoena is statewide providing that the other criteria for establishment of jurisdiction are met.

### C. Administration

The administration of the City Court is similar to that of the District Courts. The court is also served by the City Clerk's office, however, the supporting staff does not include a court reporter.

In multi-Judge cities, a Presiding Judge is also selected from among the Judges of that city to organize the administrative work of the court who shall have the entire control and management of the calling of the docket of cases in the court, shall superintend the preparation of the calendar of cases for trial, make such classification and distribution of the same as he deems proper and expedient, and supervise the work of the clerk of the court.

A City Court Administrator has also been appointed by the Salt Lake City Judges and Ogden City Judges. Since their appointment, the Court Administrators have assisted the Judges in writing an annual action plan and have worked closely with the court support agencies in case flow management, records, development of a court computer data processing system and a space needs study.

## CITY COURTS

### BOUNTIFUL

Honorable S. Mark Johnson  
745 South Main 84010

### BRIGHAM CITY

Honorable Robert W. Daines  
Courthouse 84302

### CEDAR CITY

Honorable Christian Ronnow  
Courthouse 84720

### CLEARFIELD

Honorable Cornell M. Jensen  
City Hall 84015

### LAYTON

Honorable Douglas L. Cornaby  
Layton City Hall 84021

### LOGAN

Honorable Zachary T. Champlin  
62½ West 1st North 84321

### MOAB

Honorable Donald D. Crist  
City & County Building 84532

### MURRAY

Honorable LeRoy H. Griffiths  
5461 South State 84107

### OGDEN

Honorable David Roth  
Municipal Building 84401

Honorable Stanton Taylor  
Municipal Building 84401

Honorable E. F. Zeigler  
Municipal Building 84401

### OREM

Honorable Joseph Dimick  
City Hall 84057

### PRICE

Honorable A. John Ruggeri  
Municipal Building 84501

### PROVO

Honorable J. Gordon Knudsen  
359 West Center Street 84601

Honorable E. Patrick Mcguire  
P.O. Box 799 84601

### ROY

Honorable Phillip H. Browning  
5155 South 2350 West 84067

### SALT LAKE CITY

Honorable Robert C. Gibson  
240 East Fourth South 84111

Honorable Floyd H. Gowans  
240 East Fourth South 84111

Honorable Paul G. Grant  
240 East Fourth South 84111

Honorable Maurice D. Jones  
240 East Fourth South 84111

Honorable Melvin H. Morris  
240 East Fourth South 84111

Honorable Raymond S. Uno  
240 East Fourth South 84111

### SANDY

Honorable C. Bailey Sainsbury  
800 East 100 North 84070

### ST. GEORGE

Honorable Robert F. Owens  
145 East 100 South 84770

### TOOELE

Honorable Ralph W. Millburn  
City Hall 84074

## CITY JUDGES ASSOCIATION 1976-1977

Honorable Paul G. Grant, President

Honorable LeRoy H. Griffiths, Sec.-Treasurer

**CITY COURT FILINGS BY TYPE OF CASE**  
(July 1, 1976 to June 30, 1977)

CITY COURT	CIVIL			CRIMINAL			TRAFFIC			TOTAL
	Complaints	Small Claims	New Trials	State <sup>1</sup>	City <sup>2</sup>	New Trials	Moving	Non-Moving	Parking Tickets	
Bountiful	644	306	28	255	379	0	4,436	2,015	1,822	9,885
Brigham City	233	222	1	881	701	5	3,094	2,116	299	7,552
Cedar City	215	0	0	67	314	1	825	256	658	2,336
Clearfield	151	170	0	126	412	0	3,224	908	331	5,322
Layton	276	585	27	128	182	27	2,136	746	113	4,220
Logan	272	360	0	251	521	0	4,012	2,704	5,506	13,626
Moab	208	192	0	291	99	0	1,577	1,027	24	2,628
Murray	4,543	991	25	275	456	3	4,616	3,363	587	14,859
Ogden	2,241	1,024	0	1,742	2,494	0	16,564	3,225	66,837	94,127
Orem	574	466	0	304	853	0	4,875	2,894	471	10,437
Price	123	289	0	611	144	0	998	1,570	244	3,979
Provo	1,512	1,119	0	571	1,540	5	7,078	2,488	19,966	34,279
Roy	185	110	0	165	545	0	2,547	1,542	50	5,144
Salt Lake	7,182	1,028	0	2,770	7,582	1	29,967	0	216,194	246,161
Sandy	57	139	1	114	396	4	1,282	706	311	3,010
St. George	229	382	0	221	347	0	2,032	804	112	4,127
Tooele	166	163	0	331	278	0	1,298	470	467	3,173
TOTAL FOR ALL CITY COURTS	18,811	7,546	57	9,103	17,243	46	90,561	26,834	313,992	464,865

1 - Felony Preliminary Hearings and State Misdemeanors.

2 - Violation of City Ordinances.

**CITY COURT CIVIL DISPOSITIONS**  
(July 1, 1976 to June 30, 1977)

CITY COURT	Dismissed	Defaults	Summary Judgments	Non-Jury Trials	Jury Trials	Clerk Judgment	Total Civil Dispositions
Bountiful	225	408	34	43	1	34	745
Brigham City	170	207	31	50	1	0	459
Cedar City	53	86	6	7	0	1	153
Clearfield	22	165	0	22	1	0	210
Layton	57	158	20	12	0	0	247
Logan	210	189	2	75	0	1	477
Moab	95	138	0	13	0	56	302
Murray	1,578	1,595	179	520	39	1,416	5,327
Ogden	993	1,135	74	310	8	617	3,137
Orem	531	566	8	15	0	0	1,120
Price	72	301	1	18	0	5	397
Provo	627	333	9	365	0	1,053	2,387
Roy	109	146	11	7	2	53	328
Salt Lake	322	2,633	318	801	13	1,896	5,983
Sandy	133	42	22	1	0	26	224
St. George	295	210	6	73	0	0	584
Tooele	94	130	14	44	0	18	300
TOTAL FOR ALL CITY COURTS	5,556	8,442	735	2,376	65	4,558	22,380



**CITY COURT CRIMINAL DISPOSITIONS**  
(July 1, 1976 to June 30, 1977)

CITY COURT	Dismissed	Bound Over	Guilty Pleas	Bail Forfeiture	Non-Jury Trial	Jury Trial	Total Criminal Dispositions
Bountiful	225	408	34	43	1	34	745
Brigham City	170	207	31	50	1	0	459
Cedar City	53	86	6	7	0	1	153
Clearfield	22	165	0	22	1	0	210
Layton	57	158	20	12	0	0	247
Logan	210	189	2	75	0	1	477
Moab	95	138	0	13	0	56	302
Murray	1,578	1,595	179	520	39	1,416	5,327
Ogden	993	1,135	74	310	8	617	3,137
Orem	531	566	8	15	0	0	1,120
Price	72	301	1	18	0	5	397
Provo	627	333	9	365	0	1,053	2,387
Roy	109	146	11	7	2	53	328
Salt Lake	322	2,633	318	801	13	1,896	5,983
Sandy	133	42	22	1	0	26	224
St. George	295	210	6	73	0	0	584
Tooele	94	130	14	44	0	18	300
<b>TOTAL FOR ALL CITY COURTS</b>	<b>5,556</b>	<b>8,442</b>	<b>735</b>	<b>2,376</b>	<b>65</b>	<b>4,558</b>	<b>22,380</b>

**CITY COURT TRAFFIC DISPOSITIONS**  
(July 1, 1976 to June 30, 1977)

CITY COURT	Dismissed	Bail Forfeiture	Guilty Pleas	Non-Jury Trials	Jury Trials	Total Traffic Dispositions
Bountiful	321	6,410	1,321	155	24	8,231
Brigham City	188	448	3,590	344	21	4,591
Cedar City	64	1,183	488	16	2	1,753
Clearfield	42	1,768	1,435	292	31	3,568
Layton	170	2,328	496	196	9	3,693
Logan	378	1,456	7,715	117	12	9,678
Moab	329	1,051	1,197	41	4	2,622
Murray	919	4,906	798	254	25	6,902
Ogden	2,608	69,354	2,929	473	19	75,383
Orem	190	241	6,798	356	19	7,604
Price	53	87	2,535	1	0	2,676
Provo	549	13,444	3,704	261	0	17,958
Roy	297	3,168	677	150	12	4,304
Salt Lake	1,397	187,992	5,211	2,940	40	197,580
Sandy	176	2,151	96	81	6	2,510
St. George	40	2,262	391	186	1	2,880
Tooele	58	923	664	62	2	1,709
<b>TOTAL FOR ALL CITY COURTS</b>	<b>7,779</b>	<b>299,172</b>	<b>40,045</b>	<b>5,925</b>	<b>226</b>	<b>353,642</b>

**CITY WORKLOAD PER JUDGE**  
(excluding parking tickets)

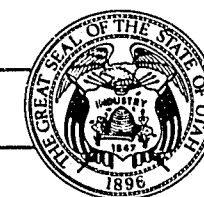
CITY	POPULATION	NEW FILINGS
BOUNTIFUL - 1 Judge	29,220	8,063
BRIGHAM CITY - 1 Judge	14,269	7,253
CEDAR CITY - 1 Judge	9,867	2,271
CLEARFIELD - 1 Judge	13,082	4,991
LAYTON - 1 Judge	15,766	4,107
LOGAN - 1 Judge	22,642	8,120
MOAB - 1 Judge	4,375	3,394
MURRAY - 1 Judge	22,635	14,272
OGDEN - 3 Judges	66,357	$27,290 \div 3 = 9,096$
OREM - 1 Judge	32,743	9,966
PRICE - 1 Judge	6,972	3,735
PROVO - 2 Judges	55,654	$14,313 \div 2 = 7,157$
ROY - 1 Judge	15,643	5,094
SALT LAKE CITY - 6 Judges	169,234	$48,530 \div 6 = 8,088$
SANDY - 1 Judge	12,076	2,699
ST. GEORGE - 1 Judge	7,972	4,015
TOOELE - 1 Judge	12,973	2,706
STATE TOTALS	511,480	$170,819 \div 25 = 6,833$

NOTE: Dispositions per Judge are not included because of inability to separate parking tickets from total.

**CITY COURTS IN ORDER OF VOLUME OF CASES**  
(July 1, 1976 to June 30, 1977)

CITY	CASES FILED	CASES CLOSED	DISPOSITION RATE
Salt Lake City	264,724	211,873	80%
Ogden	94,127	82,437	88%
Provo	34,279	22,028	64%
Logan	13,626	10,825	79%
Murray	14,859	12,856	87%
Bountiful	9,885	9,585	97%
Orem	10,437	9,674	93%
Brigham City	7,552	5,945	79%
Roy	5,144	5,303	103%
Clearfield	5,322	4,210	79%
Layton	4,220	3,693	88%
Price	3,979	3,790	95%
Tooele	3,173	2,434	77%
St. George	4,127	4,011	97%
Moab	3,418	3,252	95%
Sandy	3,010	3,020	100%
Cedar City	2,336	2,194	94%
TOTAL	471,958	397,131	84%

**JUSTICE OF THE PEACE COURTS**



## JUSTICE OF THE PEACE COURTS

### A. Organization

Justice of the Peace Courts constitute part of the judicial system in Utah having been created by the Utah Constitution.

The Legislature possesses the power to determine the number of Justices of the Peace to be elected and fix by law their powers, duties, and compensation.

The Justices of the Peace are elected or appointed within precincts established by County Commissions or within a city or town. There are 179 Justices of the Peace throughout the state as of the publication of this report, serving 203 Justice Courts.

There is no requirement that the Justice of the Peace be a member of the Bar. Any qualified elector may run for and hold the office with the only restriction being that he must reside in and hold court in the precinct, city or town in which he is elected or appointed.

Most Justices of the Peace serve on a part time basis, having other full or part time employment. In many cases, one person serves as Justice of the Peace in a city or town and in a county precinct simultaneously.

### B. Jurisdiction

The territorial jurisdiction of the Justice of the Peace Courts is restricted to the precinct or city limits in civil cases and to the county boundaries in criminal cases.

The statutes set forth in detail those types of civil cases which may be heard, but in general, the claim must not exceed \$300.00 and must not involve subject matter relating to title or possession of real property or the legality of tax.

The statutes also set forth in specificity those types of criminal cases which may be prosecuted in the Justice of the Peace Court which include misdemeanors punishable by a fine less than \$300.00, or imprisonment not to exceed six months or both.

Enforcement of judgments from the Justice of the Peace Courts are accomplished by attachment and garnishment and in the case of real estate by docketing the abstract of judgment with the appropriate County Clerk. Failure to so docket the judgment renders it ineffective as a lien on real property of the debtor.

### C. Administration

In the past, the Justice of the Peace has had little support or guidance in the administration of his court. The state does not provide for clerical or secretarial services. The Justices of the Peace have created an organization among themselves known as the Utah Association of Justices of the Peace. This organization has provided some leadership. However, any policies or guidelines which have been developed have been accepted on a voluntary basis only with no mandatory means of implementing such policies.

Salt Lake County has established the position of Justice of the Peace Clerks Supervisor under the County Clerk. This individual serves in much the same manner as the Trial Court Executives on the District level and provides the Justices with many of the same administrative services. The Office of the State Court Administrator has the obligation of administration for the trial courts of which the Justices of the Peace are an integral part. In fulfilling this responsibility, the Court Administrator has developed a program to provide continuing education seminars on both a basic and advanced plan.

## JUSTICE OF THE PEACE ASSOCIATION

### PRESIDENT

Honorable Joseph L. Jones  
5231 South 450 West  
Washington Terrace, UT 84403

### SECOND VICE PRESIDENT

Honorable Allen R. Blomquist  
435 South 2nd West  
Richfield, UT 84701

### SECRETARY - TREASURER

Honorable F. John Penrod  
299 West Elberta  
Pleasant View, UT 84404

### BOARD OF DIRECTORS

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Hyde Park, UT

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Region 2  
Farmington, UT 84025

James B. Kilby  
Region 3  
Park City, UT 84060

Don J. McCoy  
Region 4  
Payson, UT 84651

### VICE PRESIDENT

Honorable Clifton W. Jenkins  
Route 1, Box 378A  
Morgan, UT 84050

### LEGISLATIVE CHAIRMAN

Honorable George A. Rich  
305 East 100 South  
Beaver, UT 84713

### JUDICIAL COUNCIL REPRESENTATIVE

Honorable Geraldine Christensen  
3155 West 8750 South  
West Jordan, UT 84084

Fred R. Warner  
Region 5  
St. George, UT 84770

Thad R. Wasden  
Region 6  
Aurora, UT 84620

John Codner  
Region 7  
Monticello, UT 84535

JUSTICES OF THE PEACE

Name	Jurisdiction	January-June, 1977 Average Monthly Caseload
BEAVER COUNTY		
George A. Rich	Beaver County	280
	Beaver City	4
Jay Hiatt	Milford	13
Delbert Jamison	Minersville	1
Benjamin Price	Milford	17
Merle W. Bradfield	Minersville	6
BOX ELDER COUNTY		
Merwin P. Christensen	Tremonton City	84
	Box Elder County	163
Jacquelyn Litchfield	Corinne	1
Lorin C. Facer	Willard City	158
Merrill H. Glenn	Box Elder County	1
Darlene Hurd	Snowville	none reported
Larry Pierce	Garland	3
Samual H. Bylsma	Perry	none reported
Norman S. Hunsaker	Honeyville	36
Hal Rasmussen	Mantua	0
CACHE COUNTY		
Wm. Lowell Richman	Wellsville	64
Frank P. Olsen	Paradise	2
Henry Skidmore	Mendon	10
Raymond Lynn	Nibley	41
Max Clark	Clarkston	2
Cecil G. Payne	Trenton	2
George S. Pond	Lewiston	21
John F. Krusi	Hyde Park	18
James Mullen	Newton	5
John Titus	Smithfield	118
Ervin R. Crosbie	River Heights	3
Nathan Zollinger	Providence	45
LeGrand Z. Christiansen	Hyrum	75
Donald B. Fullmer	North Logan	15
Grant H. Mauchley	Richmond	31
Alden N. Peterson	Milleville	25
CARBON COUNTY		
LaVar Liddiard	East Carbon	
	Sunnyside	43
	Carbon County	
Albert J. Breznick	Helper	90
Ralph Christensen	Wellington	10
DAGGETT COUNTY		
Emma Willis	Daggett County	25
Lyle Kelly	Daggett County	35
DAVIS COUNTY		
Robert Matheson	Woods Cross	96
M. Prentice Leonard	Farmington	33
Sterling E. Gardner	South Weber	16
Leo D. Gibbs	North Salt Lake	51

Lloyd A. Bishop	Kaysville City	69
John D. Stewart	Davis County	345
James B. Parrish	Centerville	100
James O. Della Silva	Syracuse	33
Ray A. Adams	East Layton	76
Kenneth A. Wellington	West Bountiful	63
Cornell Jensen	Sunset	219
	Clinton	17
DUCHESNE COUNTY		
C. Dean Powell	Duchesne City	199
	Duchesne County	
John B. Gale	Roosevelt	195
	Duchesne County	
William Faucett	Myton	6
EMERY COUNTY		
Stan Truman	Huntington	97
Laurelle Hughes	Cleveland	10
Emma Kuykendall	Ferron	14
Guy Dilley, Jr.	Elmo	1
Dwayne Storey	Orangeville	5
VarLynn Peacock	Castle Dale	88
Harold H. Twitchell	Green River	345
Charlene Wacaster	Emery	3
GARFIELD COUNTY		
Charles Hale	Escalante	14
John Yardley	Garfield County	155
Theodore Baker	Panguitch	24
GRAND COUNTY		
Alvin E. Lange	Thompson	180
	Grand County	
IRON COUNTY		
Melva Barton	Paragonah	117
Kenneth Adams	Parowan	none reported
Haldow E. Christensen	Iron County	456
Marty Goldstein	Brian Head	none reported
JUAB COUNTY		
Jay J. Chatterton	Eurkea	11
	Juab County	
G. M. Worwood	Levan	0
E. Squire	Mona	1
Harlow Pexton	Nephi	98
E. C. Sherwood	Juab County	327
KANE COUNTY		
Mark Brown	Kanab	186
	Kane County	
Collene Ramsay	Mt. Carmel	
	Long Valley	47
	Kane County	
LaDonna Harris	Glendale	0
MILLARD COUNTY		
Robert Edison	Millard County	14
John H. Rowlette	Delta	8

Whitley J. Rutherford	Kanosh	1
Fred R. Warner	Fillmore	370
Orville E. Beckstrand	Meadow	97
Leon Smith	Millard County	44

# MORGAN COUNTY

Clifton W. Jenkins	Morgan County	70
George H. Pratt	Morgan City	29

# PIUTE COUNTY

Clair B. Crane	Piute County	29
Louise Bay	Piute County	10

# RICH COUNTY

Merle Spence	Garden City	33
Raymond B. Cox	Woodruff	36
Val Siddoway	Laketown	20

# SALT LAKE COUNTY

Geraldine Christensen	West Jordan	373
	Salt Lake County	105
Wayne J. Gunderson	Salt Lake County	882
Lynn D. Bernard	Salt Lake County	525
Lyle B. Gunderson	Salt Lake County	292
Steve Stewart	Alta	21
E. LaMar Johnson	Riverton	186
	Salt Lake County	
Charles A. Jones	Salt Lake County	1,112
Warren D. Cole	Midvale	140
	Salt Lake County	523
George Searle	South Salt Lake	656
	Salt Lake County	
Rex C. Conradsen	Salt Lake County	175
Henry Price	Salt Lake County	1,267

# SAN JUAN COUNTY

Glen French	San Juan County	49
Calvin VanDyke	Blanding	27
John E. Codner	Monticello	36
	San Juan County	203
George Mack Low	Blanding	28

# SANPETE COUNTY

Lucille Wilson	Fountain Green	3
Forest M. Washburn	Manti	35
Delmar Higham	Gunnison	27
Lee C. Mower	Fairview	22
Paul M. Thompson	Sanpete County	117
Maurice S. Nielson	Ephraim	14
Ted Dase	Mt. Pleasant	8
	Sanpete County	60
Merwin Kjar	Monori	1
Nancy Parry	Centerfield	10

# SEVIER COUNTY

Hartley Newby	Monroe	10
Thad R. Wasden	Aurora	1
	Sevier County	250
Charles G. Heath	Redmond	0
Alvin Hardman	Koosharem	0

Al Roy	Salina	18
Allen R. Blomquist	Sevier County	319
Grant Roberts	Elsinor	0
Jack Dean	Glenwood	0
Jay W. Applegate	Richfield	118

# SUMMIT COUNTY

Brent R. Gold	Park City	none reported
James B. Kilby	Summit County	147
Randall S. Taylor	Summit County	6
Reed A. Warner	Summit County	393
Richard Fawcett	Henefer	none reported
Stanley Leavitt	Kamas	18

# TOOELE COUNTY

James R. Williams	Grantsville	16
	Tooele County	19
Lynn R. Poulsen	Wendover	294
Samuel W. Clark	Tooele County	none reported

# UINTAH COUNTY

Lloyd E. Eaton	Vernal	195
	Uintah County	254
T. Golden Collins	Uintah County	37
Robert E. Foster	Uintah County	47
Wayne J. Bullock	Uintah County	65
Norma Gray	Ft. Duchesne	77

# UTAH COUNTY

Otto B. Collings	Utah County	169
J. D. Christensen	Utah County	59
Wallace S. Peterson	Springville	0
Kyle Arnold	Alpine	5
Wendell B. Johnson	Mapleton	9
D. Grant Ingersoll	Utah County	167
Keith R. Anderson	Lindon	
	Pleasant Grove	232
	Utah County	
Donald Marlin	American Fork	100
E. Lew Christensen	Salem	67
J. O. Peterson	Santaquin	77
	Utah County	58
Don J. McCoy	Payson	118
Dennis A. White	Utah County	4
Ada P. Robinson	Utah County	241
Phillip D. Black	Lehi	65
Ted W. Leifson	Spanish Fork	30
Vernon C. Mills	Utah County	220
Keith Horton	Goshen	3

# WASATCH COUNTY

Shirley Chatwin	Midway	52
Daryl Shumway	Heber	238
	Wasatch County	

# WASHINGTON COUNTY

Lyman W. Gubler	Laverkin	none reported
	Washington County	none reported
Frank R. Berrar	Hurricane	42
S. K. Gifford	Springdale	2



James Bunker  
Willard B. Farr  
  
Ianthus Spendlove  
William Lakner  
David Lee  
John Ballard Hafen  
Ike Robinson  
Chester Adams  
Jerald R. Williams

#### WAYNE COUNTY

John Johnson  
  
Don Cook

#### WEBER COUNTY

Michael D. Lyon  
F. John Penrod  
Donald C. Hughes  
Bernell Coombs  
Melvin L. Rogers  
Keith R. Daley  
Stephen Lakner  
Joseph L. Jones, Jr.  
Burl Malmberg

Enterprise  
St. George  
Washington County  
Washington County  
Leeds  
Ivins  
Santa Clara  
Washington  
Toquerville  
Hildale

none reported  
none reported  
none reported  
22  
55  
none reported  
54  
54  
none reported  
0

Hanksville  
Wayne County  
Loa  
Bicknell  
Torrey

11  
  
  
10

South Ogden  
Pleasant View  
Riverdale  
Huntsville  
Harrisville  
Plain City  
Uintah  
Washington Terrace  
North Ogden

272  
72  
none reported  
none reported  
119  
16  
17  
177  
84

During the six month period of January 1, 1977 to June 30, 1977, 149 Justices of the Peace submitted 769 individual monthly statistical reports reflecting the workload of their courts. The following is a total computation of the caseload reported by those 149 Justices by category:

#### Traffic offenses

Driving under the influence	1,448	
License violations	4,965	
Speeding	40,824	
Other moving violations	9,479	
Parking tickets	6,486	
Other non moving violations	<u>16,893</u>	
Sub total	80,095	88.5% of Total

#### Criminal Misdemeanors

Assault and Battery	267	
Intoxication	913	
Possession of Narcotics	610	
Theft/petty Larceny	613	
Bad Check Offenses	1,243	
Animal Offenses	925	
Fish and Game Offenses	754	
Parks and Recreation Offenses	407	
Planning, Zoning or Health Violations	69	
Other Misdemeanors	<u>2,913</u>	
Sub total	8,714	9.6% of Total

#### Criminal Felonies

Preliminary Hearings	<u>148</u>	
Sub total	148	.16% of Total

#### Civil Cases

Small Claims	1,296	
Other Civil Cases	<u>258</u>	
Sub total	1,555	1.7% of Total
Total Caseload	<u>90,512</u>	

**OFFICE OF THE COURT ADMINISTRATOR**

**RICHARD V. PEAY**  
Court Administrator

**ARTHUR G. CRISTEAN**  
Deputy Court Administrator

**RONALD W. GIBSON**  
Assistant Court Administrator

**LYDA O. FORDHAM**  
Office Manager

**GLENDIA P. WEIGHT**  
Secretary

**CHARMAINE ALLEN**  
Secretary

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**END**