



October 8, 2015

Ron Bigelow  
Mayor

Wayne T. Pyle  
City Manager

Re: Written Opinion Regarding Justice Court Requirements and Feasibility for  
Recertification

In conjunction with the City's Justice Court recertification application, the Utah Judicial Council requires that the City Attorney's Office prepare a written opinion. This opinion is required by the Justice Court Standards Committee and the Administrative Office of the Courts and is intended to advise the City Council of all requirements for the operation of the justice court and the feasibility of maintaining the court.

A. **Requirements**

The Utah Code and Utah Judicial Council have set requirements for the operation of justice courts. The requirements of the Utah Code may not be waived, while the Utah Judicial Council may in their discretion waive certain of their requirements.

The Utah Code requires the following standards to be met:

1. All official business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (U.C.A. § 78A-7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law, although the judge is not required to be present during all hours that the court is open (U.C.A. § 78A-7-213).
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (U.C.A. § 78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (U.C.A. § 78A-7-213).

5. The entity creating the Justice Court (West Valley City) shall provide and compensate a judge and clerical personnel to conduct the business of the court (U.C.A. § 78A-7-206 and § 78A-7-207).
6. The entity creating the Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (U.C.A. § 78A-7-205).
7. The entity creating the Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (U.C.A. § 78A-7-103).
8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (U.C.A. § 78A-7-103).
9. The entity creating the Justice Court shall provide adequate funding for attorneys to represent the indigent as required by law (U.C.A. § 78A-7-103).
10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (U.C.A. § 78A-7-103).
11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (U.C.A. § 10-7-76 and § 17-50-319).
12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (U.C.A. § 78A-7-120-121).
13. Every entity creating a Justice Court shall pay the judge of that court a fixed compensation within the range provided by statute (U.C.A. § 78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (U.C.A. § 78A-7-212).
15. The entity creating the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (U.C.A. § 78A-7-103).
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to U.C.A. § 78A-7-215.
17. All Justice Courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (U.C.A. § 78A-7-213).

In addition to these requirements, U.C.A. § 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to that statute, the Judicial Council has adopted these requirements:

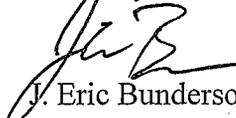
1. Since the West Valley City Justice Court is a Class I Justice Court, it must be open for at least eight hours per day, pursuant to C.J.A. Rule 9-105.
2. The judge must be available to attend court and conduct court business as needed.
3. The minimum furnishings for the courtroom must include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah state flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.
4. A judicial robe, gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies must be provided.
5. Office space must be provided for the judge and clerk. The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.
6. A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
7. The entity must have at least one peace officer.
8. A court security plan must be submitted pursuant to C.J.A. Rule 3-414.
9. Each court must have at least one computer with access to the internet and appropriate software and security encryption technology to allow for electronic reporting and access to Drivers License Division and Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly. All justice courts shall use the CORIS Management System (U.C.A. §78A-7-213).
10. Each court shall report required case disposition information to the Drivers License Division, the Bureau of Criminal Identification, and the Administrative Office of the Courts electronically, as described above.

11. Because the West Valley City Justice Court is a Class I Justice Court averaging over 500 filings per month, additional requirements apply. The West Valley City Justice Court must have a full time judge and at least three clerks. It must be open during regular business hours, have a courtroom which meets the master plan guideline adopted by the Judicial Council, and have judge's chambers and a clerk's office that are not shared by any other entity.

B. **Opinion**

Based on our review, West Valley City has complied with or exceeded each requirement imposed by statute and by the Judicial Council. West Valley City has the ability to continue to meet these requirements in the future in a feasible and sustainable manner. It is my opinion that the West Valley City Justice Court is operating in compliance with all applicable statutes and regulations. It is also my opinion that the West Valley City Justice Court is eligible for recertification by the Judicial Council. In my opinion, there are no impediments to the City continuing to operate the court in compliance with all applicable laws and regulations for the benefit of the citizens of West Valley City.

Sincerely,



J. Eric Bunderson  
City Attorney

cc: Corey Rushton, City Council  
Lars Nordfelt, City Council  
Tom Huynh, City Council  
Steve Buhler, City Council  
Karen Lang, City Council  
Steve Vincent, City Council