

# Current Problems Facing Utah's Court System

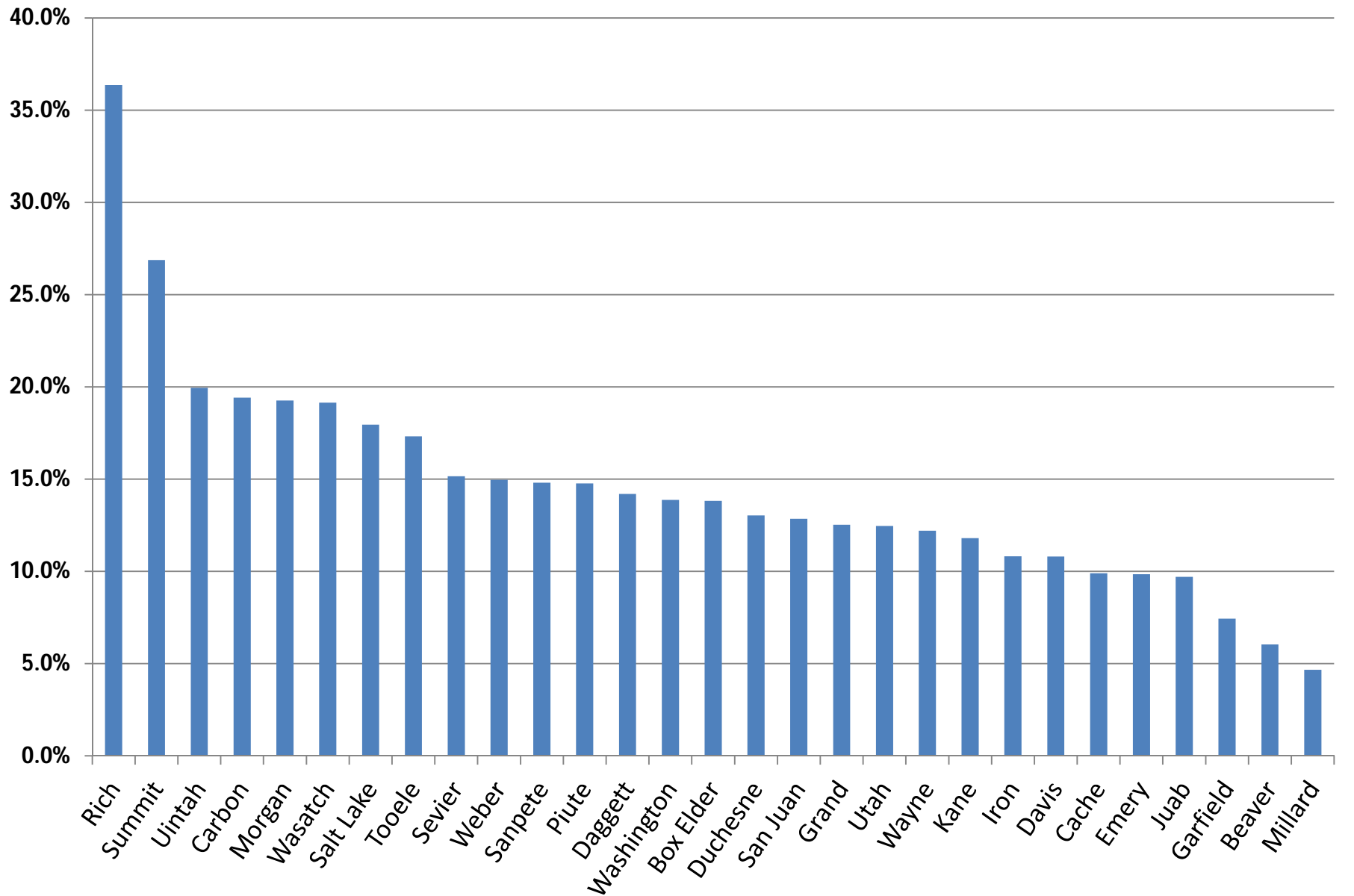
## Justice Courts

- Trial de Novo is expensive to the taxpayer and inequitable to the cause of justice
- No traditional appellate oversight or peer review of verdicts exists
- Misdemeanors are being heard by judges who cannot be required to be law trained
- Judges handling cases ranging from parking tickets to DUI and domestic violence

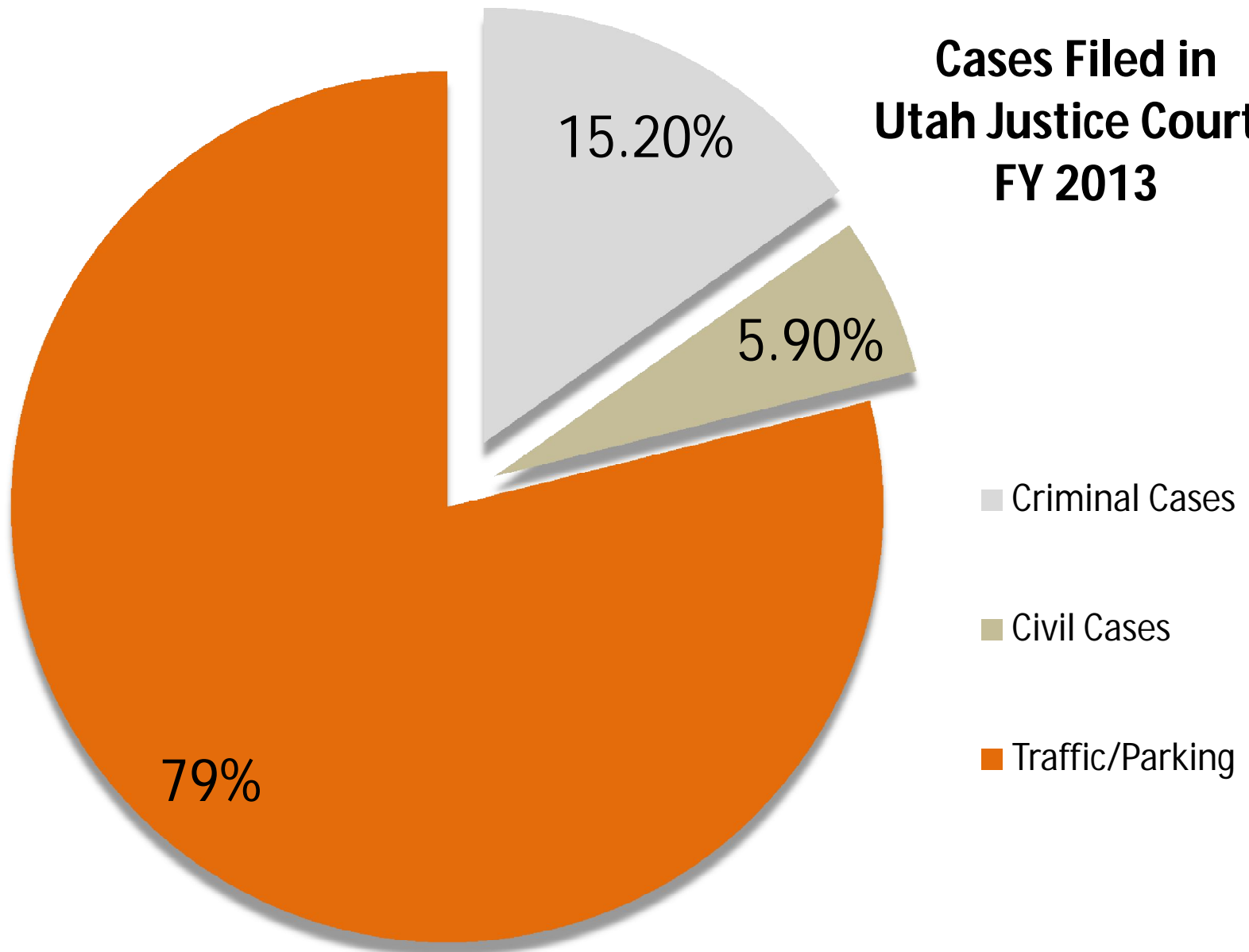
## District Courts

- Family law cases being heard almost entirely by Commissioners instead of Judges
- Commissioners are not accountable to the people through retention elections
- Commissioners are not vetted and scrutinized the same way as Judges
- Commissioner heard cases are not requiring witnesses or sworn testimony

## % Criminal Cases Filed by County in Utah's Justice Courts



# Cases Filed in Utah Justice Courts FY 2013



## Justice Court Case Filings FY 2013

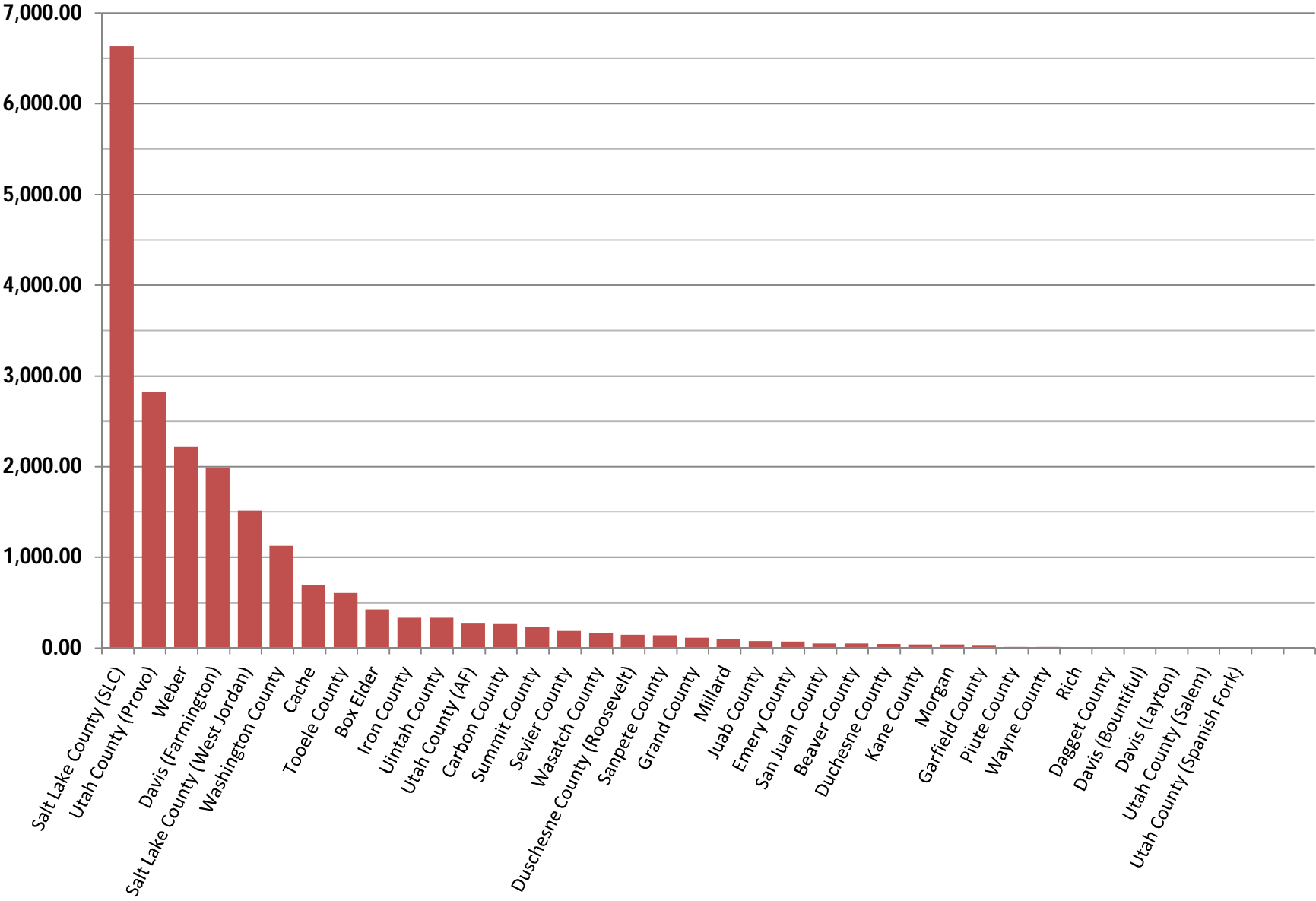
County	Criminal	Civil	Traffic/ Parking	Total	% Criminal	% Civil	% Traffic/ Parking
Rich	164	3	284	451	36.4%	0.7%	63.0%
Summit	1,615	139	4,256	6,010	26.9%	2.3%	70.8%
Uintah	1,672	314	6,395	8,381	19.9%	3.7%	76.3%
Carbon	1,115	640	3,987	5,742	19.4%	11.1%	69.4%
Morgan	368	21	1,522	1,911	19.3%	1.1%	79.6%
Wasatch	1,529	67	6,388	7,984	19.2%	0.8%	80.0%
Salt Lake	37,996	16,490	157,198	211,684	17.9%	7.8%	74.3%
Tooele	2,241	532	10,164	12,937	17.3%	4.1%	78.6%
Sevier	687	116	3,729	4,532	15.2%	2.6%	82.3%
Weber	7,091	4,282	36,034	47,407	15.0%	9.0%	76.0%
Sanpete	481	49	2,718	3,248	14.8%	1.5%	83.7%
Piute	31	1	178	210	14.8%	0.5%	84.8%
Daggett	119	-	719	838	14.2%	0.0%	85.8%
Washingtc	3,612	936	21,491	26,039	13.9%	3.6%	82.5%
Box Elder	1,515	420	9,022	10,957	13.8%	3.8%	82.3%
Duchesne	607	39	4,011	4,657	13.0%	0.8%	86.1%
San Juan	479	42	3,208	3,729	12.8%	1.1%	86.0%
Grand	454	53	3,117	3,624	12.5%	1.5%	86.0%
Utah	8,416	3,284	55,840	67,540	12.5%	4.9%	82.7%
Wayne	41	3	292	336	12.2%	0.9%	86.9%
Kane	451	101	3,270	3,822	11.8%	2.6%	85.6%
Iron	1,325	244	10,683	12,252	10.8%	2.0%	87.2%
Davis	3,918	2,194	30,165	36,277	10.8%	6.0%	83.2%
Cache	2,084	536	18,444	21,064	9.9%	2.5%	87.6%
Emery	271	56	2,425	2,752	9.8%	2.0%	88.1%
Juab	557	72	5,110	5,739	9.7%	1.3%	89.0%
Garfield	214	3	2,658	2,875	7.4%	0.1%	92.5%
Beaver	280	46	4,315	4,641	6.0%	1.0%	93.0%
Millard	316	20	6,443	6,779	4.7%	0.3%	95.0%
				-			
<b>TOTAL</b>	<b>79,649</b>	<b>30,703</b>	<b>414,066</b>	<b>524,418</b>	<b>15.2%</b>	<b>5.9%</b>	<b>79.0%</b>

## District Court Case Filings FY 2013

Case Type	Box Elder	Cache	Rich	Davis					Salt Lake					Utah County (AF)	Utah County (Provo)	Utah County (Salem)		
				(Bountiful)	(Farmington)	(Layton)	Morgan	Weber	County (SLC)	County (West Jordan)	Summit County	Tooele County	Juab County				Millard	
Criminal	371	1,383	32	606	2,120	1,549	43	2,765	11,109	1,575	451	649	129	183	1,699	3,273	7	
Domestic	428	692	6	-	1,992	-	38	2,216	6,632	1,515	232	610	75	100	271	2,825	-	
Civil	1,074	2,986	25	-	6,903	1	88	7,424	26,235	13,677	738	2,325	188	227	7,734	5,379	-	
Probate	124	219	11	-	826	-	19	717	3,991	-	95	144	12	37	37	1,230	-	
Property Rights	87	98	4	-	663	-	9	1,087	1,714	2,706	110	165	9	15	89	693	-	
Torts	15	67	-	-	109	-	3	157	847	202	32	11	6	3	29	208	-	
Traffic	10	1,334	4	2,914	19	6,783	-	19	113	68	6	9	3	4	6,424	30	458	
Judgements	1,462	2,588	2,588	-	8,852	-	179	8,979	50,068	162	1,490	2,222	316	321	70	13,184	-	
Total	-	3,571	9,367	2,670	3,520	21,484	8,333	379	23,364	100,709	19,905	3,154	6,135	738	890	16,353	26,822	465

Utah County (Spanish Fork)	Wasatch County	Beaver County	Iron County	Washington County	Garfield County	Kane County	Piute County	Sanpete County	Sevier County	Wayne County	Carbon County	Emery County	Grand County	San Juan County	Dagget County	Duchesne County (Roosevelt)	County	Uintah County	TOTAL
1,275	267	114	698	2,071	95	109	3	192	339	29	576	119	151	114	4	371	460	870	35,801
-	161	50	333	1,127	32	41	11	140	187	10	264	74	116	51	4	44	145	332	20,754
798	555	103	881	3,249	92	85	18	403	464	27	857	135	233	136	14	19	454	1,223	84,750
33	58	20	146	405	23	23	3	62	45	9	98	33	30	39	7	37	65	148	8,746
93	61	9	95	260	5	7	1	43	29	3	53	11	13	5	-	20	24	79	8,260
30	12	3	16	62	3	3	1	7	7	-	12	4	4	2	-	7	6	15	1,883
2,427	8	1	6	41	-	-		4	3	-	6	-	-	1	-	9	1,413	5	22,122
7	835	316	1,150	4,230	193	227	40	837	714	98	908	309	519	519	65	849	5	1,301	105,603
4,663	1,957	616	3,325	11,445	443	495	77	1,688	1,788	176	2,774	685	1,066	867	94	1,356	2,572	3,973	287,919

# Number of Domestic (Family Law) Cases Heard in Utah's Distrct Courts

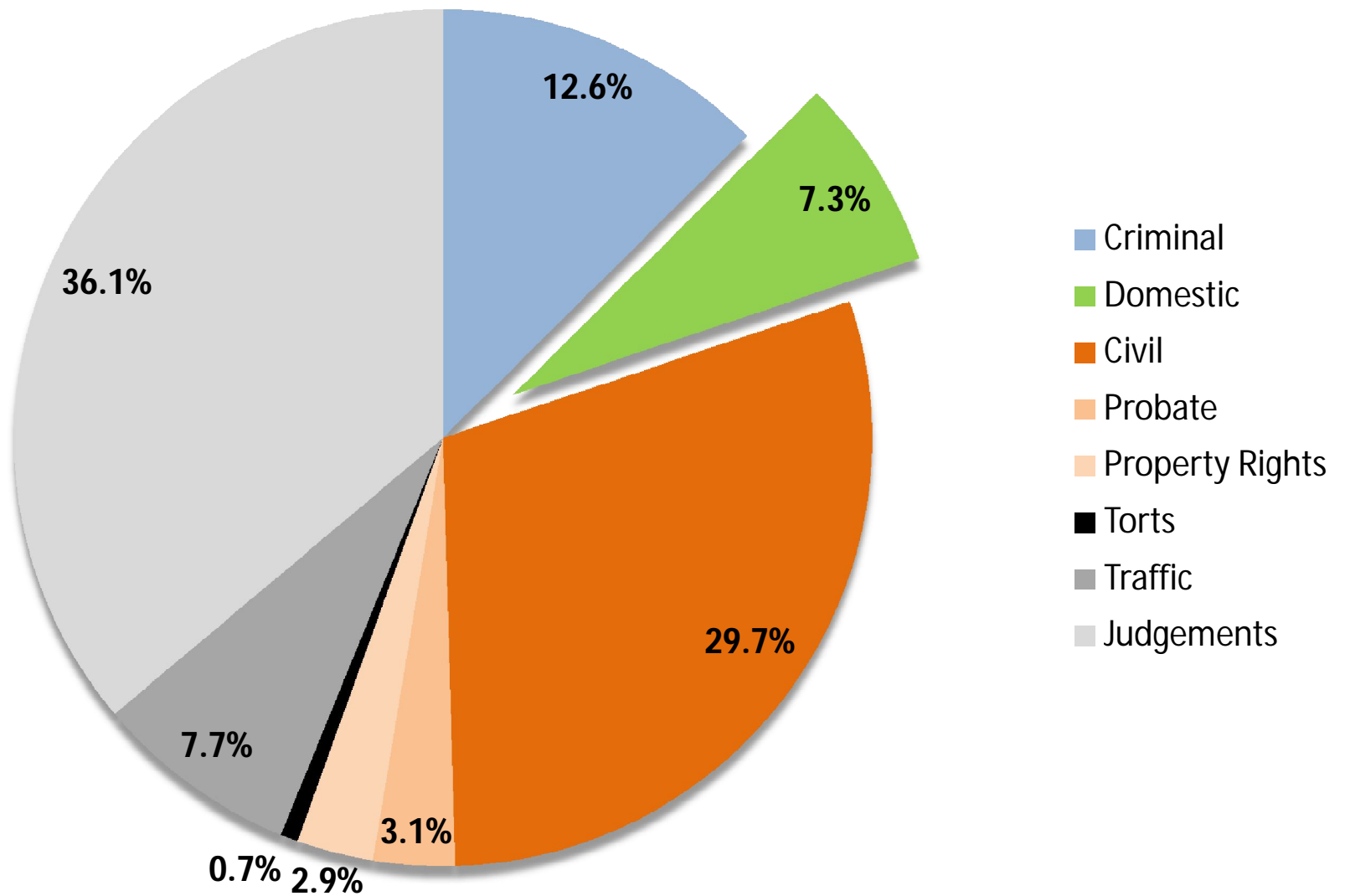


## District Court Case Filings FY 2013

Case Type	Cases Filed	%
Criminal	35,801	12.6%
Domestic	20,754	7.3%
Civil	84,750	29.7%
Probate	8,746	3.1%
Property Rights	8,260	2.9%
Torts	1,883	0.7%
Traffic	21,944	7.7%
Judgements	103,058	36.1%
<b>Total</b>	<b>285,196</b>	



**Cases Filed by Type in Utah District Courts FY 2013**

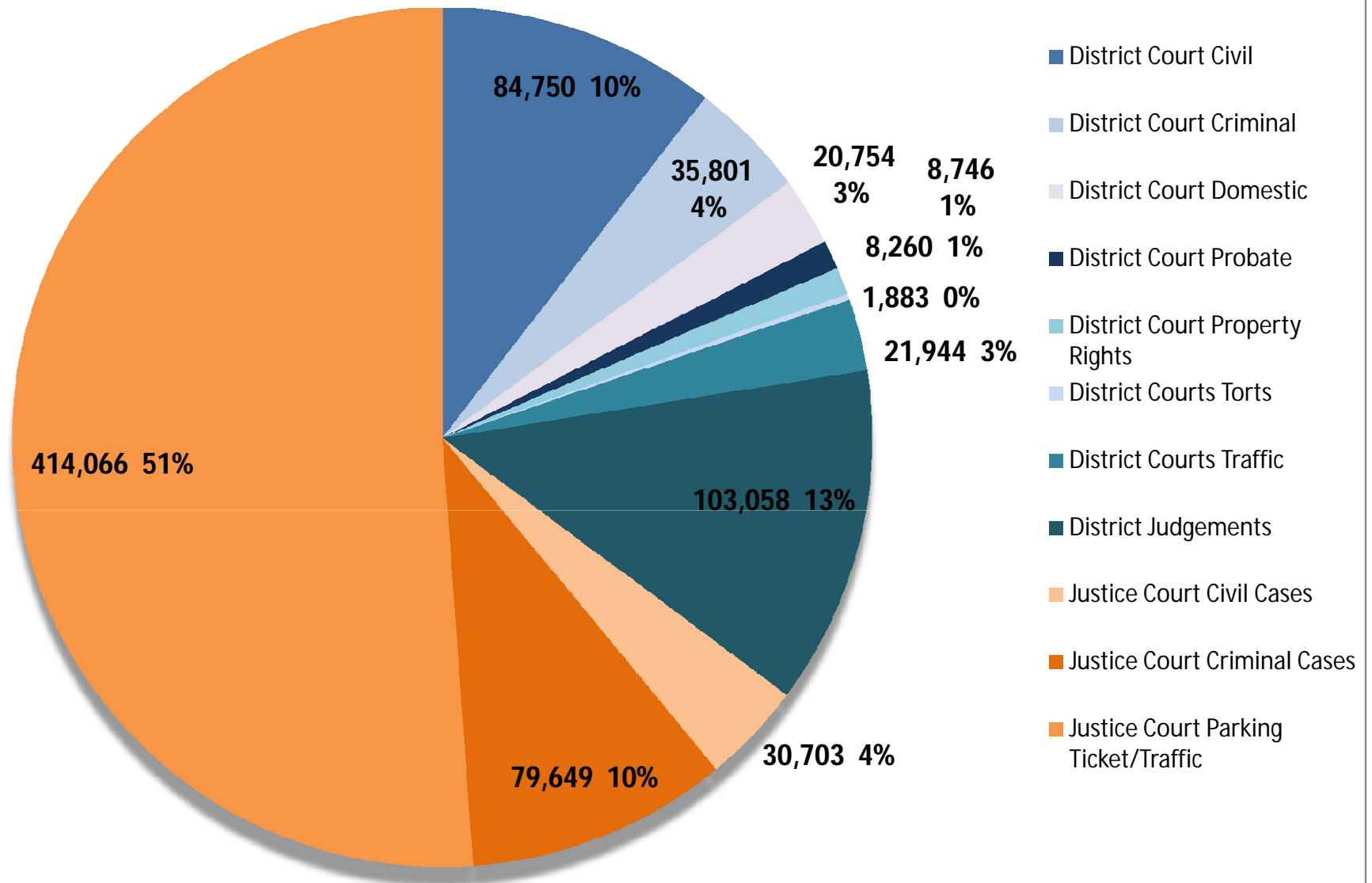


# The Circuit Courts Bill

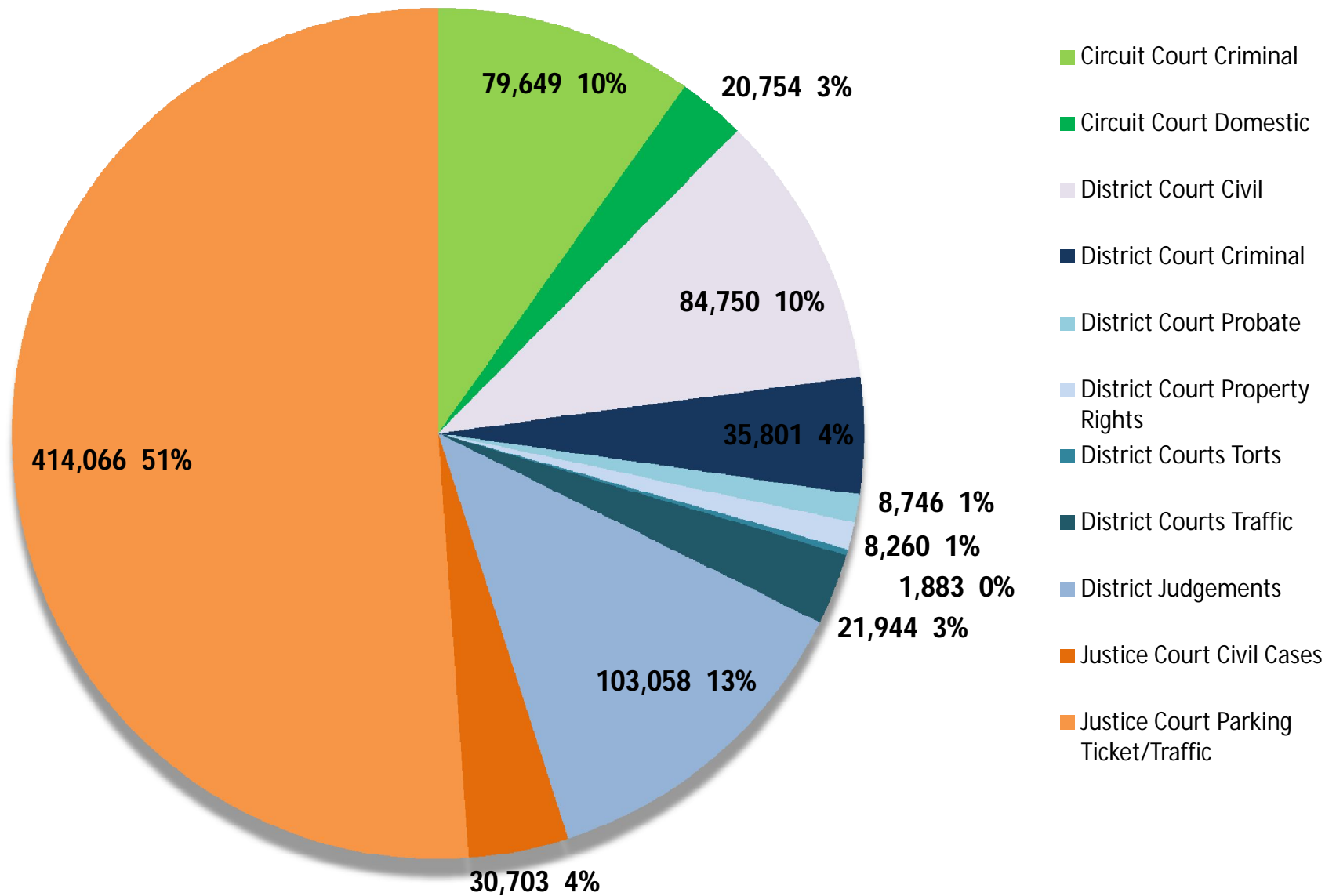
## At A Glance

- Circuit Court districts will mirror geography of District Court districts (Lines 62-84)
- Judicial Council and presiding Judge of Circuit Court district will appoint court administrator who will hire support staff (Lines 85-103)
- District Courts to hear Class B and C misdemeanors only if Circuit Courts unavailable (Lines 126-127)
- District Court to hear ordinance violations if Justice Court unavailable (Lines 126-127)
- Circuit Courts will handle all misdemeanors and family law cases (Lines 189-190)
- Appointment of Circuit Court Judges will mirror process in the District Courts. (Lines 212-219)
- The State will pay for the costs of the court (Lines 236-250)
- Fine revenue will be divided 50/50 between state and prosecuting entity. (Lines 255-258)
- Fees from Civil actions heard in Circuit Courts will be paid to the State Treasurer (Line 282)
- The State will provide suitable space for the Circuit Courts (Lines 315-317)

## Case Filings in the State of Utah FY 2013



## Case Filings in the State of Utah FY 2013 (Under Proposed Changes)



From [http://www.utcourts.gov/howto/pro\\_se/](http://www.utcourts.gov/howto/pro_se/) (emphasis added)

...

### Taking your turn 2

When your case is called, stand and identify yourself. The judge might hear your case at that time or might finish calling the other cases on the calendar. When the judge says that it is time to hear your case, walk to one of the tables in the front of the courtroom. If you have questions about where to stand, ask the judge or bailiff for instructions.

### Judges and judicial officers

**Many divorces and other family law hearings are conducted by court commissioners. A commissioner is a court officer appointed by the judges of that court. Commissioners have almost all of the authority of a judge.** Many small claims hearings are conducted by judges pro tempore. A judge pro tempore is a volunteer lawyer who has been appointed by the Utah Supreme Court to hear and determine small claims cases. A judge pro tempore also has almost all of the authority of a judge. The suggestions offered here apply equally to hearings conducted by judges, court commissioners and judges pro tempore. And **all of these officers of the court have all of the authority needed to decide your case.**

### Taking your turn 3

The party who is asking the court to do something goes first. Then the judge will allow the other side to respond. Sometimes the judge will then give each party a second chance.

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### Other COURT COMMISSIONERS:

Anthony Ferdon  
COURT COMMISSIONER  
\$164,029.00

Thomas Casey  
COURT COMMISSIONER  
\$216.00

David Dillon  
COURT COMMISSIONER  
\$164,033.00

Michelle Tack  
COURT COMMISSIONER  
\$164,017.00

Michael Evans  
COURT COMMISSIONER  
\$100,748.00

Thomas Arnett Jr.  
COURT COMMISSIONER  
\$157,731.00

Michelle Blomquist  
COURT COMMISSIONER  
\$163,717.00

Thomas Patton  
COURT COMMISSIONER  
\$164,009.00

David Dillon  
COURT COMMISSIONER  
\$168,174.00

Thomas Arnett Jr.  
COURT COMMISSIONER  
\$190.00

### Others from State Of Utah:

Kristopher Phillips  
DRIVER LICENSE EXAMINER  
\$340.00

Ella Evans  
LEAD DEVELOPMENTALIST  
\$49,627.00

Jeffery Trussell  
ENVIRONMENTAL SCIENTIST I  
\$52,118.00

\*\*\*Name Redacted\*\*  
INVESTIGATOR II, POST  
\$82,390.00

Michele Espina  
MOTOR VEHICLE SUPERVISOR II  
\$32.00

Christopher Bird  
CORRL OFFICER, POST  
\$63,917.00

Travis Willden



**Catherine Conklin**  
**State Of Utah**  
**Judicial Branch**  
**Court Commissioner**

## Public Salary Information:



Total/Gross Compensation: \$ 163,908.00

### Details:

#### COURT COMMISSIONER - Regular Salaries & Wages

**Hourly Rate:** \$56.93  
**Organization:** Judicial Branch  
SJC Court Administrator  
District Courts  
**Category:** Personnel Services  
Employees Wages  
Regular Salaries & Wages  
**Fund:** General Fund , (GF) General Fund Unrestricted  
**Amount:** \$111,582.80

#### COURT COMMISSIONER - Regular Salaries & Wages

**Hourly Rate:** \$57.50  
**Organization:** Judicial Branch  
SJC Court Administrator  
District Courts  
**Category:** Personnel Services  
Employees Wages  
Regular Salaries & Wages  
**Fund:** General Fund , (GF) General Fund Unrestricted  
**Amount:** \$2,300.00

#### COURT COMMISSIONER - Employee Benefits

**Organization:** Judicial Branch

## Circuit Courts

### The Holistic Solution to Numerous Weaknesses in our Court System

Circuit Courts as constituted in this proposal would provide the following advantages and benefits:

- Eliminates expensive and inequitable trial de novo cases made in District Courts
- Increases quality outcomes by allowing for appellate review of all verdicts in misdemeanor cases
- Improves results by providing that all misdemeanor cases be heard by someone that is law trained
- Provides environment for judges to specialize in various aspects of law (especially family law)
- Reduces the need for District Court commissioners by placing family law in the Circuit Courts' jurisdiction. (It is highly likely commissioners will apply to become judges in circuit courts.)
- Increases accountability to the people as Circuit Court judges will be placed on the ballot in retention elections.
- Assures quality of candidates for Circuit Court Justices since they will be appointed in the same rigorous manner as District Court judges.
- Provides better due process by reducing opportunities for proffered evidence and encouraging sworn testimony and witnesses be present in family law cases