

COURT CERTIFICATION AFFIDAVIT

Justice Court: Alta

Judge: Paul Farr

Address: 10201 UT-210, Alta, UT 84092

Telephone: 801-336-8279

Court's Website: townofAlta.com/town-services/alta-Justice-Court

Level of Court (Circle one): I II III **IV**

Average Case Filings Per Month: 16

Daily Court Hours: 10:00 am to 4:00 pm

Number of Full-time Clerks: 1
Hours Worked Per Week Per Clerk: 10-20 (performs other duties for the town)

Number of Part-time Clerks: 0
Hours Worked Per Week Per Clerk: _____

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Comes now Judge Paul Farr

Justice Court Judge for Alta

and, except as specifically noted below, certifies as follows:

SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS
MET.**

Please indicate Yes or No to each of the following:

1. All official court business is conducted in a public facility. yes
2. Court is open daily. yes
3. The hours of court operation are posted conspicuously. yes
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. yes
5. The judge is compensated at a fixed rate, within the statutory range. yes
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. yes
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. yes
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. yes
9. The responsible governmental entity provides the Court with:
 - a. Sufficient prosecutorial support yes
 - b. Funding for attorneys for indigent defendants, as appropriate yes
 - c. Sufficient local law enforcement officers to attend court as provided by statute yes
 - d. Security for the court as provided by statute yes
 - e. Witness and juror fees yes
 - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials yes
10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. yes

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).
yes

12. All required reports and audits are filed as required by law or Rule of the Judicial Council.
yes

13. A record of all court proceedings is maintained by an appropriate digital recording system.
yes

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate YES or NO to each of the following:

1. A clerk is available each day to conduct court business, including hearings as required by the judge, for the number of hours required for the classification of the court. yes
2. Hours during which a clerk is available are posted on the court's website. yes
3. The judge is available to conduct court business as needed. yes
4. The judge performs all duties required and exercises ultimate responsibility for the administration of justice as an independent branch of government. yes
5. All court hearings are conducted in a designated courtroom, by remote transmission, or in another location authorized by the Presiding Judge. yes
3. Minimum furnishings in the courtroom include:
 - a. Desk and chair for the judge yes
 - b. A six-inch riser yes
 - c. Desk and chair for the court clerk yes
 - d. Chairs for witnesses yes
 - e. Separate tables and appropriate chairs for plaintiffs and defendants yes
 - f. A new Utah State flag that will be on display no later than March 9, 2024 yes
 - g. A United States flag yes
 - h. A separate area and chairs for at least four jurors No
 - i. A separate area with appropriate seating for the public yes
 - j. An appropriate room for jury deliberations No
 - k. An appropriate area or room for victims and witnesses which is separate from the public No
 - l. A judicial robe yes

- m. A gavel yes
 - p. Necessary forms and supplies yes
 - q. Office space for the judge No
 - r. Office space for the court clerk yes
 - s. Secure filing cabinets yes
 - t. Appropriate office supplies yes
 - u. A cash register or secured cash box for each clerk performing cashiering duties yes
 - v. At least one computer with word processing software and internet access yes
 - w. Access to a scanner and copy machine yes
4. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration. yes
 5. Does the applicant have a law enforcement department? yes
 6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: _____

 7. A court security plan has been submitted for approval as required by Rule 3-414 of the Code of Judicial Administration. yes
 8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. yes
 9. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis. yes
 10. The appointment of the clerk(s) assigned to serve the court are subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion. yes
 11. Court staff are current with all certification requirements required by the Board of Justice Court Judges from the month after starting with the court through September 30, 2023.
yes

12. Any interlocal agreement relating to court operations shall be submitted to the Administrative Office of the Court with the city's application for recertification. N/A
13. The court accepts credit and debit cards through a system that integrates with CORIS. Yes
14. The court has access to UCJIS. Yes
15. An audio recording system that complies with the description below maintains a digital recording of all court proceedings. Yes

For Class I and Class II justice courts, the system must:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back-up and archive the recording and enable the record to be retrieved;
- Have at least four recording channels;
- Have a one-step "on" and "off" recording function;
- Have conference monitoring of recorded audio;
- Have external record archiving from the unit with local access; and
- Be capable of being integrated with the court's public address system.

For Class III and Class IV justice courts, the system must, at a minimum:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back up and archive the recording and enable the record to be retrieved; and
- Have at least two recording channels.

16. If the court is a **Class I** court: N/A
- a. Judge is employed on a full-time basis _____
- b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council _____
- c. Court has a jury deliberation room _____
- d. Judge's chambers, clerk's office, and courtroom are in the same building _____
- e. Judge has his or her own private chambers _____
- f. Clerk's office is separate from any other entity _____
- g. Court is open during normal business hours _____

17. If the court is a Class II court: *N/A*

a. Court is open (check one)

- 201-300 average monthly filings: at least 4 hours/day
- 301-400 average monthly filings: at least 5 hours/day
- 401-500 average monthly filings: at least 6 hours/day

b. Trial calendar is set at least weekly

c. Courtroom configuration is permanent

d. Courtroom, judge's chambers, and clerk's office are within the same building

e. Judge has his or her own private chambers

18. If the court is a Class III court: *N/A*

a. Trial calendar is set at least twice per month

b. Court is opened (check one):

- 61-150 average monthly filings: at least 2 hours/day
- 151-200 average monthly filings: at least 3 hours/day

19. If the court is a Class IV court:

a. Trial calendar is set at least monthly *yes*


b. Court is open at least 1 hour per day *yes*

20. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

See attached

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 1 day of Nov., 2023.


Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 1 day of Nov., 2023.

Alta Justice Court

Court Certification – Additional Responses

Section II, Question 3.h and j. (Jury seating and jury deliberation room)

The Alta Justice Court was created in 1975 (justice of the peace). I was appointed in 2017. Alta is the smallest court in Salt Lake County and one of the smallest courts in the state. Annual criminal case filings in Alta, for which the right to a jury trial would apply, have averaged 10 filings per year over the past 5 years. There have not been any requests for a jury trial in the six years that I have served in Alta. As far as anyone is aware, there has never been a request for a jury trial in Alta.

I also serve in the Sandy Justice Court. This court is located relatively close to the mouth of Little Cottonwood Canyon. There is an informal agreement in place that if a jury trial were to ever be requested in Alta, that trial could be held in the Sandy Justice Court. Sandy is a Class I Court and is able to accommodate a jury trial.

For these reasons, I request that the requirement for separate jury seating and a deliberation room be waived.

Section II, Question 3.k. (private victim and witness area)

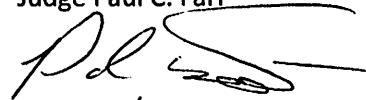
As indicated above, criminal case filings in Alta are very low. The number of cases with a victim are even lower. Most of the criminal case filings are for victimless crimes. I actually don't recall having heard a case in Alta in which there was a victim, or even a witness other than law enforcement. Additionally, from the beginning of the pandemic up to the present, we have been holding court in Alta remotely. The clerk, prosecutor and myself all live in the Salt Lake Valley. Defendant's are almost never from Alta. Many are even from out of state. In the three years we have been holding court this way we have not received any requests for in-person hearings.

For these reasons, I request that the requirement for a separate area for victims and witnesses be waived.

Section II, Question 3.q. (office for judge)

As indicated above, the Alta court is extremely small. Court has also been held remotely for 3 years. I have an office in Sandy from which I work full-time. Most court business is handled electronically. Alta does not provide an office for me, nor do I require one.

Judge Paul C. Farr


11/1/23



Polly Samuels McLean, Attorney at Law

December 3, 2023

Town of Alta
Mayor Roger Bourke
Town Council Members
Alta, Utah 84096

Re: Opinion Letter; Recertification of the Town of Alta Municipal Justice Court

Dear Mayor and Town Council Members:

Pursuant to Utah Code Annotated ("U.C.A.") Section 78A-7-103, every four years, a justice court must be recertified by the Utah Judicial Council in order to continue operations. A justice court will be recertified if it continues to meet the minimum requirements for the establishment of a new court. The Town Council must also duly pass a resolution requesting recertification and affirm that the Town is willing to meet all requirements for operation of the Court during the period of certification. As counsel for the Town of Alta (the "Town"), I have been requested to provide you a written opinion advising you of all requirements for the operation of the Town of Alta Municipal Justice Court (the "Justice Court), and the feasibility of maintaining the Justice Court. The Justice Court is a Class IV Court. This letter is submitted in response to that request, and as such, this letter is solely for the benefit of the Town for its recertification application, and for no other person, entity, or purpose.

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

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.

3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).
6. The entity creating a Justice Court shall provide sufficient funds to cover the cost of travel and training expenses of judges at training sessions mandated by the Judicial Council (78A-7-103).
7. The entity creating a Justice Court shall provide sufficient funds to cover the cost of travel and training expenses of clerical personnel at training sessions mandated by the Judicial Council (78A-7-103).
8. The entity creating the Justice Court shall provide sufficient prosecutors to perform the prosecutorial duties before the justice court (78A-7-103).
9. The entity creating the court shall provide adequate funding to provide indigent defense services for indigent individuals under Title 78B, Chapter 22, Indigent Defense Act (78A-7-103).
10. The entity creating the court shall provide sufficient local peace officers to provide security for the justice court and to attend to the justice court when required (78A-7-103).
11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76).
12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).
13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material (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 Section 78A-7-215.

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

18. All justice courts shall record all proceedings with a digital audio recording device and maintain the audio recordings according to law (78A-7-103).

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

1) That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.

2) That the judge be available to attend court and conduct court business as needed and the trial calendar is set at least monthly.

3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public

4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

5) Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk,

appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.

- 6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
- 7) The entity must have at least one peace officer (which may be contracted).
- 8) A court security plan must be submitted consistent with C.J.A. Rule 3-414.
- 9) Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly. Also note that all justice courts shall use the CORIS case management system. (78A-7-213).
- 10) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

In giving this opinion, I have reviewed the relevant statutes and the Justice Court Standards for Recertification. As to all questions of fact material to this opinion, I have relied upon statements or certificates of the Court Clerk. This opinion is rendered as of the date hereof, and I do not undertake to advise you of matters (including changes in law) which may come to our attention after the date hereof and which may affect the opinions expressed herein. It is our opinion that the Justice Court meets all of the above minimum legal requirements for maintaining the Justice Court, and I am aware of no legal restriction that would prevent the Town Council from determining that it is feasible to maintain the Justice Court.

Sincerely,

PEAK LAW

A handwritten signature in black ink, appearing to read "Polly Samuels McLean". The signature is written in a cursive, flowing style.

Polly Samuels McLean

ALTA JUSTICE COURT - Class IV Court
COURT SECURITY PLAN - November 5, 2023

I. INTRODUCTION, PURPOSE AND SCOPE

The Alta Justice Court is held monthly, almost exclusively in a virtual setting (WebEx). In the event that an in-person meeting is requested, court will be held at the Alta Community Center. The courtroom is located on the second floor of a building that also houses the local library, a couple office spaces, and the post office. This plan outlines procedures taken to ensure the safety and security of all courtroom participants as well as providing an environment conducive to orderly proceedings.

II. SECURITY STAFFING

A full-time deputy of the Alta Marshal's Office attends each court session and performs the duties of bailiff. The bailiff is uniformed and armed. Additional armed deputies of the department appear for the arraignment and trial sessions of their particular defendants and assist with courtroom security.

III. PROTECTION OF COURT STAFF AND PARKING

Court staff arrive somewhere between 20-30 minutes prior to the start of each session. The deputy marshal shall be on site to observe that staff have parked and entered the courtroom without interference. The deputy shall also supervise court egress from the courtroom to their vehicles.

IV. PHYSICAL SECURITY OF COURTROOM

Outside and inside the courtroom shall be searched for any dangerous material prior to each session, and again at the end of the court session. The courtroom shall be locked while court is not in session, or space is being utilized by other authorized entities. Removable physical barriers shall be placed to separate the bench, counsel's areas, public seating, and prisoner seating when applicable.

V. HANDLING OF PRISONERS

Prisoners at the court are an infrequent occurrence. However, when a prisoner must attend the Alta Court they shall be transported, handcuffed, and searched by an Alta deputy. The court entrance will be closed off from the public while bringing the prisoner in. Additional deputies shall attend court when prisoners are present. The bailiff shall ensure prisoners are seated in a separate area and are closely monitored.

VI. WEAPONS

A hand-held magnetometer wand will be used by the deputy marshal to screen out the introduction of concealed weapons into courtroom proceedings.

Legally carried weapons (other than peace officers as defined by Rule 3-414 (8) of the Utah Rules of Judicial Administration) shall be removed from all courtroom participants, receipted to their owners, and stored in a locked container in the adjacent firehouse until the court participant has exited the facility.

Illegal weapons and contraband of any kind shall be seized by the bailiff.

No knives, firearms, chemical dispensers, stun guns (or like object that may be considered to potentially cause personal harm) shall be permitted into the facility.

VII. COMMUNICATIONS

The bailiff shall at all times maintain the ability for radio and telephone contact with Alta Central dispatch.

VIII. MISCELLANEOUS

The deputy/bailiff shall maintain visual contact with all courtroom activities. The deputy shall ensure that proper conduct is adhered to by courtroom participants. Non-compliant/disorderly persons shall be removed from the courtroom.

The facility is equipped with emergency exit lights in case of power outage.