

Criminal Division

PATRICIA S. CASSELL  
Chief Prosecutor

BLAKE HILLS  
Prosecuting Attorney

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Prosecuting Attorney

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COUNTY ATTORNEY



Civil Division

DAVID L. THOMAS  
Chief Deputy

JAMI R. BRACKIN  
Deputy County Attorney

HELEN E. STRACHAN  
Deputy County Attorney

MEMORANDUM

To: County Council  
From: Margaret Olson, County Attorney  
Date: October 31, 2018  
RE: Justice Court Recertification

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1. State statute requires that the Summit County Justice Court be recertified every four (4) years by the Utah Judicial Council. As a part of that recertification, the County makes application to the Utah Judicial Council.
2. The application is in three parts:
  - a. Affidavit from the Justice Court Judge; in this case Judge Kerr.
  - b. A legal opinion from the County Attorney; in this case myself, through this legal memorandum.
  - c. A resolution from the County Council.
3. The legal opinion sets forth the standards for recertification and the feasibility of maintaining a Justice Court. The Affidavit shows compliance with those standards. The Resolution is the affirmation by the County that the standards have been fulfilled and that the County is willing to meet all requirements for the operation of the Justice Court during the next four (4) year certification period.
4. What follows are the legal requirements for recertification of the Summit County Justice Court, a Class I Court:

- a. The Justice Court must have 501 or more citations or cases filed per month.
  - b. The Justice Court must be open full time and have a full time Justice Court Judge.
  - c. The Justice Court must have a dedicated courtroom (with juror deliberation room), judge's chambers, clerk's office, and meet the master plan guidelines adopted by the Judicial Council (which includes the co-location of the clerk's office and judge's chambers).
  - d. The Justice Court must have at least three (3) full time clerks.
  - e. The Justice Court must have a prosecutor to screen cases and represent the County at trial.
  - f. The County must provide adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.
  - g. The Justice Court must have access to the Utah Code, local ordinances, the Justice Court Manual, the Code of Judicial Administration, the Uniform Bail Schedule, and any other legal resources required by Utah Code § 78A-7-214.
  - h. The County must have at least one employed or contracted peace officer.
  - i. The County must provide a sworn law enforcement officer to attend court when required and to provide security for the court.
  - j. The Justice Court must have a Court Security Plan that has been submitted consistent with C.J.A. Rule 3-414.
  - k. The County must be responsible for the payment of statutory juror and witness fees.
  - l. The County must be responsible for the costs of attendance at Judicial Council mandated training – at least 30 hours per year for the judge, and 10 hours for clerks.
  - m. The Justice Court must file all reports and audits as required by law or by Judicial Council rule in a timely fashion. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.
5. It is my professional legal opinion that it continues to be feasible for Summit County to operate a Justice Court.
  6. I have included for your inspection the Affidavit of Judge Kerr and the required Resolution that must be adopted by the Council to complete the application for recertification of the Summit County Justice Court.

## Enclosures

**RESOLUTION REQUESTING THE RECERTIFICATION  
OF THE SUMMIT COUNTY JUSTICE COURT**

**WHEREAS**, the provisions of UCA § 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and,

**WHEREAS**, the term of the present Court shall expire on the 31<sup>st</sup> day of December 2018; and,

**WHEREAS**, the members of the Summit County Council have received an opinion memorandum from Margaret Olson, Summit County Attorney, which sets forth the requirements for the operation of a Justice Court and opines as to the feasibility of continuing to maintain the same; and,

**WHEREAS**, the members of the Summit County Council have determined that it is to the best interests of Summit County to continue to provide for a Justice Court;

**NOW, THEREFORE**, be it resolved by the County Council, Summit County, Utah, that it hereby requests recertification of the Summit County Justice Court by the Justice Court Standards Committee of the Utah Judicial Council.

**BE IT FURTHER RESOLVED** that the Summit County Council hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Summit County Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED AND ADOPTED this \_\_\_\_\_ day of November, 2018.

SUMMIT COUNTY COUNCIL  
SUMMIT COUNTY, UTAH

ATTEST:

By: \_\_\_\_\_  
Kim Carson, Chair

\_\_\_\_\_  
Kent Jones  
County Clerk