



November 1, 2023

Mrs. Brooke D'Sousa
Sandy City Council
10000 Centennial Parkway
Sandy, Utah 84070

RE: Justice Court Recertification

Dear Brooke D'Sousa:

As part of the recertification of the Sandy City Justice Court, the Court Administrator's Office has asked that an attorney opinion letter be provided to you from our office setting out the requirements for the operation of the Court. I have attached a copy of the Justice Court Standards for Recertification. The Mayor's office was also provided a copy of the Justice Court Standards for Recertification by the Administrative Office of the Courts by letter dated October 24, 2023.

Judge Paul C. Farr has certified the Sandy Justice Court meets the operational standards for recertification. Sandy City has successfully operated a Municipal Justice Court since 1991. Based upon that history, I am confident that Sandy City can feasibly continue to operate and maintain a justice court.

Respectfully submitted,

Lynn H. Pace
Sandy City Attorney

See the attachments to this letter below.

cc: Monica Zoltanski, Mayor
Shane Pace, Chief Administrative Officer
Melisse Stiglich, Justice Court Administrator

COURT CERTIFICATION AFFIDAVIT

Justice Court: Sandy Justice Court

Judge: Paul C. Farr

Address: 210 W. Sege Lily Dr.
Sandy, UT 84070

Telephone: (801) 568-7160

Court's Website: Sandy.Utah.gov/Justice Court

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

Average Case Filings Per Month: 1,043

Daily Court Hours: 8:00 AM - 5:00 PM

Number of Full-time Clerks: 15
Hours Worked Per Week Per Clerk: 40

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 C. Farr,
Justice Court Judge for Sandy City,

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 yes
 - i. A separate area with appropriate seating for the public yes
 - j. An appropriate room for jury deliberations yes
 - k. An appropriate area or room for victims and witnesses which is separate from the public yes
 - l. A judicial robe yes

- m. A gavel yes
 - p. Necessary forms and supplies yes
 - q. Office space for the judge yes
 - 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:
- a. Judge is employed on a full-time basis Yes
 - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council Yes
 - c. Court has a jury deliberation room Yes
 - d. Judge's chambers, clerk's office, and courtroom are in the same building Yes
 - e. Judge has his or her own private chambers Yes
 - f. Clerk's office is separate from any other entity Yes
 - g. Court is open during normal business hours Yes

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:

N/A

a. Trial calendar is set at least monthly

b. Court is open at least 1 hour per day

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).

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.