

Resolution 2007-003 – Justice Court Modifications

Adopted — Tuesday, September 11, 2007
Sheraton Hotel — Salt Lake City
3:00 — 4:00 p.m.

2007 Utah League of Cities and Towns Resolution – Justice Court Modifications

Whereas: Municipalities of the state of Utah value the ability to operate and maintain a local justice court and;

Whereas: Municipal officials are committed to providing fair and equitable justice in matters heard before municipal justice courts and;

Whereas: There is a perception that some municipal justice courts are motivated by the financial aspects of the municipal justice court operation at the expense of fair justice and;

Whereas: The Utah Supreme Court in its opinion on the “Goodman” case raised specific concerns regarding the perceptions that municipal revenue pressures, as well as the lack of structural independence, were potentially compromising the role of an independent judiciary and unduly influencing the outcome of issues heard before municipal justice courts and;

Whereas: The Utah Judicial Council, under the direction of Associate Supreme Court Justice Ronald E. Nehring has commissioned a study group and has made specific recommendations by which the municipal revenues can be separated from the administration of justice and greater professionalism can be attained by way of changes in the current system and;

Whereas: The municipalities of Utah believe that the goals set forth by the study group are laudable, but wishes to attain such goals in a different fashion than that which was originally proposed by the Utah Judicial Council

Now Therefore Let It Be Resolved: The Utah League of Cities and Towns’ position on legislative efforts to amend the municipal justice court system is as follows:

1. Cities and towns continue to be allowed to select their own judge and the judge will remain a city employee;
2. Potential municipal justice court judges will be reviewed by a local nominating committee; recommendations from the nominating committee will be submitted to the governing body of the municipality/county in which the judge will preside, and the governing body will grant final approval of the nominee;
3. Justice court judges will continue to be part-time or full-time as the caseload dictates;
4. After selection by the governing body, the judges would be subject to retention elections every four years within the jurisdiction where the judge presides; and retention elections will be held in conjunction with the election

cycle for the jurisdiction in which the judge presides.

5. Justice court judge's salary would be initially set by the municipality or county employing the judge, but raises would be based on an average of the annual pay increase for all city employees within the jurisdiction. The raise/pay increase would be dictated in statute to ensure "isolation" from "political pressure" regarding future pay increase. In addition, statutorily guided salary increases would only apply to those municipal judges that are not at the current statutory pay limit of 85% of the salary of district court judges. Municipal justice court judges would still maintain a statutory cap of 85% of the district court judge pay scale.
6. Municipal justice court judges will be required to have at least a four-year college degree, and all currently sitting judges would be exempt from this provision.
7. Additional efforts will be made to harmonize the software and information sharing concerns that have been raised by the Supreme Court by pursuing a revenue tool and process by which all justice courts would be able to share information within a given period of time.