

IN THE SALT LAKE CITY JUSTICE COURT OF SALT LAKE COUNTY
IN AND FOR THE STATE OF UTAH

In Re: :
COURT OPERATIONS UNDER THE EXIGENT : STANDING ORDER NO. 10-5
CIRCUMSTANCES CREATED BY COVID-19 :
 : (Replacing Order No. 10-4)
 :
 :
 : PRESIDING JUDGE
 : CLEMENS A. LANDAU

This Order is issued to update our standing orders in light of Governor’s Gary Herbert’s “Stay Home, Stay Safe,” directive of March 27, 2020 [Directive], and Mayor Erin Mendenhall’s proclamation of March 27, 2020 [Proclamation]. This order replaces Standing Order No. 10-4, issued March 22, 2020. The court’s operations continue to also be governed by the Administrative Order issued by the Utah Supreme Court on March 21, 2020 [Utah Pandemic Order], as well as the Utah State Court’s Pandemic Influenza Response Plan, the Utah State Court’s Continuity of Operations Plan, and this court’s own Continuity of Operations Plan.

Before getting into the new standing orders, the court pauses to give a brief overview of the most relevant portions of the overlapping orders governing the court’s operations and the court’s patrons’ ability to travel within Salt Lake City.

The Governor’s Directive. The Directive instructs “all individuals” to “stay at home as much as possible,” and instructs “high-risk individuals” to “limit travel to only essential travel.” The Directive defines “essential travel” as including travel to obtain a variety of essential services, but does not expressly define travel to/from mandatory court appearances as “essential.” Notably, the Directive also makes clear that it is “not to be confused with a shelter-in-place order.” Accordingly, travel to/from mandatory court appearances is allowed under the Directive for all individuals, unless an individual is in quarantine.

The Mayor’s Proclamation. The Proclamation expands on the Directive in two very relevant ways. First, it requires all individuals—not just high-risk individuals—to limit travel to “essential travel.” That part of the Proclamation states: “[A]ll persons currently living within the geographical boundaries of Salt Lake City are directed to stay at home or in their place of residence except for essential travel, as

defined in the [Directive].” Second, although the Proclamation urges all persons to voluntarily comply, it also states that “a person who violates this Proclamation is guilty of a class B misdemeanor.” Although the Proclamation is silent on whether court operations and travel to/from mandatory court appearances are “essential,” the City’s website incorporates by reference the Department of Homeland Security’s CISA Guidance on the Essential Critical Workforce, which includes “the operations of the judicial system” in its list of essential functions. Accordingly, travel to/from mandatory court appearances is allowed under the Proclamation for all individuals, unless an individual is in quarantine.

The Utah Pandemic Order. The Utah Pandemic Order directs courts to remain accessible to the public and conduct in-person hearings if such a hearing is necessary due to exigent circumstances. This court has previously listed, as examples of exigent circumstances, the following types of hearings:

- Domestic Violence arraignments.
- Domestic Violence cases with public safety concerns where an additional order and/or monitoring is requested.
- DUI or Impaired Driving cases with public safety concerns where an additional order and/or monitoring is being requested.

The above list is not exclusive. Any arraignments raising significant public safety or health concerns, including those alleging violations of Salt Lake City Code 22.03.080, will not be continued under the exigent circumstances exception of the Utah Pandemic Order.

In light of the foregoing, the court hereby ORDERS as follows.

1. **Court Access.** The Salt Lake City Justice Court WILL REMAIN ACCESSIBLE to the public during regular business hours, and will continue to accept filings and be available to answer phone calls, emails, and other communications during business hours.
 - Physical Access. The court will provide public access from 8 a.m. until 11:30 a.m. using the Mobile Command Center parked in front of the Salt Lake City Justice Court, 333 S 200 E (or similar unit if the Mobile Command Center is unavailable). The public will no longer be allowed to enter the courthouse as of Monday, March 30, 2020. All individuals who were planning to come to the court to adjust payment schedules and/or provide proof of compliance with “fix-it” citations, are directed to instead contact the court by telephone, email, or our website. The court will continue to grant continuances on certain cases pursuant to its standing orders, as well to individuals who are either experiencing a fever, cough, or shortness of breath, or who have been exposed to

someone experiencing those symptoms. The court will also continue to grant continuances to individuals who are in an at-risk group identified by the CDC, including:

- anyone over the age of 60;
- anyone with diabetes or heart/lung disease;
- anyone with a compromised immune system; and
- anyone who is pregnant.

- Telephonic Access. Court personnel will be answering our main number, (801) 535-6300, from 8:00 a.m. to 11:30 a.m. We thank you in advance for your patience if you experience longer than usual wait times.
 - Email Access. Court personnel will be responding to email (criminalsection@slcgov.com, traffic@slcgov.com, & smallclaims@slcgov.com) during regular business hours.
 - Website Access. At all hours, parties are free to submit a “request to judge” using our website (www.slc.gov/courts/).
 - Dropbox Access. At all hours, parties are free to submit materials by placing them in one of the two lockboxes to the right of the front door of the courthouse.
2. **Contact Information Required**. To enable our transition to tele- and video-conferencing under the Utah Pandemic Order, anyone making a request of the court between March 30, 2020, and June 1, 2020, is required to include, IF AVAILABLE, their telephone number, current email address, and current mailing address.
3. **In-custody Defendants**. Pursuant to the Utah Pandemic Order, the court will continue to perform all mission-critical functions for in-custody defendants, including, but not limited to:
- Probable cause review of warrantless arrests,
 - Bail hearings,
 - Bench warrant hearings,
 - Arraignments,
 - Appearances mandated by statute, and
 - Sentencing hearings.

All hearings set for in-custody defendants between March 16, 2020, and June 1, 2020, will be re-set on video-conferencing calendars to minimize the risk to vulnerable populations, meaning all transports during that period are cancelled. The parties are directed to immediately inform the

court if any in-custody defendants are being held by this court so the court can reconsider the defendant's custody status. This process is intended to supplement the court's ongoing review of its own records of in-custody defendants.

4. **Out-of-custody Defendants.** If you receive a citation between March 30, 2020, and June 1, 2020, you are ordered to CONTACT THE COURT WITHIN SEVEN BUSINESS DAYS to schedule a hearing. Failure to contact the court may result in a warrant being issued for your arrest and/or the suspension of your driving privilege. You can contact the court by doing any of the following:
- Email. Schedule a court hearing by emailing criminalsection@slcgov.com for a criminal case and traffic@slcgov.com for a traffic case.
 - Telephone. If you do not have access to the internet, schedule a court hearing by calling (801) 535-6300 on weekdays between 8:00 a.m. and 11:30 a.m.

Absent exigent circumstances, all hearings set for out-of-custody defendants between March 30, 2020, and June 1, 2020, are CONTINUED. If you have questions about whether your case has been continued and want to speak to a defense attorney, please call (801) 532-5444 and ask for the Misdemeanor Attorney of the day. Some examples of exigent circumstances include:

- Domestic Violence arraignments. All arraignments in domestic violence matters will automatically be placed on our daily, 8:30 a.m. calendar.
- Domestic Violence cases with public safety concerns where an additional order and/or monitoring is requested. Upon filing of a request for hearing/notice to submit, the court will immediately set such matters on an upcoming 8:30 a.m. calendar.
- DUI or Impaired Driving cases with public safety concerns where an additional order and/or monitoring is being requested.

The court will make an effort to accommodate all of the above hearings via tele- or video-conference. If the party does not make any arrangements to be heard via tele- or video-conference on a case involving exigent circumstances, that individual is required to appear in person. Failures to appear may result in a warrant being issued and/or the suspension of your driving privilege. If you have questions about scheduling a tele- or video-conference hearing and/or want to speak to a defense attorney about having a warrant recalled, please call (801) 532-5444 and ask for the Misdemeanor Attorney of the day.

5. **All Trials Continued.** All trials (jury and bench) set between March 16, 2020, and June 1, 2020, are HEREBY CONTINUED.
6. **All Self-Report Dates Continued.** All dates for individuals to self-report to the Salt Lake City Justice Court for jail between March 16, 2020, and June 1, 2020, are HEREBY CONTINUED.
7. **All Small Claims cases Continued.** All small claims cases set between March 16, 2020, and June 1, 2020, are HEREBY CONTINUED. Email us at smallclaims@slcgov.com if you have questions.
8. **Plea by Affidavits/Disposition Hearings.** The court encourages all parties to make liberal use of the plea by affidavit mechanism between March 16, 2020, and June 1, 2020. If you wish to discuss a remote resolution of your case with the Salt Lake City Prosecutor's Office, please contact them at DA-SLCJusticeCourt@slco.org or (385) 468-7900.
9. **Pre-trial Release.** All conditions of pre-trial release remain in effect. The court directs anyone wanting to adjust the conditions of pre-trial release between March 16, 2020, and June 1, 2020, to file a request with the court. Upon stipulation of the parties, the court is willing to conduct hearings on pre-trial release conditions by tele- or video-conference. If exigent circumstances require an in-person hearing, the matter will be set on an 8:30 a.m. calendar.
10. **Sentencing Requirements Remain.** With the exception of Paragraph 6, above, all sentencing orders and plea-in-abeyance agreements remain in effect. The court will continue to monitor compliance with its orders. However, the court will alter its tracking practices as follows between March 16, 2020, and June 1, 2020:
 - **No OSDC.** The court will not send any cases to the Office of State Debt between March 16, 2020, and June 1, 2020. Once the Utah Pandemic Order is no longer in effect, the court will issue standing orders granting reasonable extensions and/or setting review hearings in cases with overdue fines, fees, or community service in lieu of fines/fees.
 - **OSC Hearings.** The court will continue to file order to show cause affidavits between March 16, 2020, and June 1, 2020, to preserve its jurisdiction. The court will not set any

OSC hearings based on these affidavits at this time, unless they are specifically requested by a party and authorized by the Utah Pandemic Order. Once the Utah Pandemic Order is no longer in effect, the court will issue standing orders granting reasonable extensions and/or setting OSC hearings in these cases.

- MADD VIP. Any defendant who was sentenced or agreed to complete an In-Person Victim Impact Panel class (“MADD-VIP”) may fulfill that requirement by completing the class online. Online MADD-VIP classes can be found at www.online.maddvip.org, as well as other places.
- Prime-for-Life. Any defendant who was sentenced or agreed to complete an In-Person PRIME For Life class (“PFL”) may fulfill that requirement by completing an online equivalent, such as the myPRIME class offered by the Prevention Research Institute.
- DV Assessment & Treatment. Any defendant who was sentenced or who agreed to complete an In-Person domestic violence assessment and In-Person domestic violence treatment may fulfill that requirement by completing an online equivalent that follows the approved Duluth Model standards.

11. Fix-It or Equipment Violations. If you have received a citation for a “fix it,” also known as an equipment violation, please take your vehicle to a local law enforcement officer to inspect for compliance. If you have brought your vehicle into compliance, the officer will sign off on the bottom of the citation. You must then mail the signed off citation to the court so it may be dismissed. If you are unable to complete this process, please email the court at traffic@slcgov.com.

12. Traffic School. All in-person traffic school sessions set between March 16, 2020, and June 1, 2020, are HEREBY CONTINUED. Once the Utah Pandemic Order is no longer in effect, the court will re-set these in-person sessions. Defendants may fulfill any traffic school requirements online at <https://www.slc.gov/courts/traffic-school/>.

13. Dress Code Suspended. Parties/attorneys are not required to appear in business attire for their in-person court appearances and should follow common-sense rules of decorum when appearing via video-conference.

14. All directives, proclamations, and orders may be amended at any time. The court will respond to such amendments as quickly as possible. In the meantime, the court encourages all of its partners and patrons to follow its social media accounts to obtain the latest news regarding the operations of the court during the pandemic:

- [facebook.com/saltlakejustice](https://www.facebook.com/saltlakejustice)
- twitter.com/saltlakejustice (aka @saltlakejustice)
- [instagram.com/saltlakejustice](https://www.instagram.com/saltlakejustice)

Dated: March 29, 2020

BY THE COURT



Honorable Judge Clemens A. Landau