**Five-Year Services Plan for Southern Utah Region – March 2019**

This plan outlines specific plans for District Court services in Southern Utah for the next five years, and includes a history of development of services in that area. It is written in light of the District of Utah Business Plan adopted in January 2018, experience gained in the Southern Region of the court, and the study attendant to the drafting of the [2018-19] Long Range Facilities Plan for the District of Utah. This Services Plan may be reviewed annually by the District Court, Bankruptcy Court and Probation Office and updated as needed.[[1]](#footnote-1)

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# Introduction

The Southern Utah area population center is St. George, 300 miles from Salt Lake City. The significant economic, political, and cultural differences of the Southern Region add to a sense of distinction — and isolation — for the citizens in that area. St. George is the fastest growing metropolitan area in the United States. Its population is now twelve times greater than it was in 1970. The Southern Region has been served primarily as a remote rather than resident location.

Salt Lake City

# Historical Development of Federal Court Services

Significant resident court services have already been established in St. George:

1995 – Part-time Magistrate Judge began hearing misdemeanor and petty offense matters in St. George.

St. George

1995 – A resident probation officer came to the area, which has increased to the present staff of 4 officers (including a supervisor) and one support staff.

1996 – The first federal jury trial was held in St. George.

1998 – The part-time Magistrate Judge began handling Class A misdemeanor cases when local Special Assistant United States Attorneys were appointed, and also started to handle felony warrants and search warrants.

1998 – The US Trustee began holding 341 hearings in leased space in St. George.

2002 – A visiting Bankruptcy Judge began holding hearings and adversary proceedings (2004).

2003 – The Southern Utah CJA Panel was established, now consisting of five attorneys.

2004 – A full-time courtroom deputy was employed to serve the part-time Magistrate Judge and visiting bankruptcy judge.

2006 – The first annual Southern Utah Federal Law Symposium sponsored by the Federal Bar Association.

2009 – The part-time Magistrate Judge began hearing preliminary felony matters, including taking guilty pleas.

2010 – The state court leased offices and a courtroom (on a daily rental) to the Federal Court.

2010 – Felony cases started to be assigned to a single District Judge who conducts sentencing hearings and trials in St. George.

These regular services have been supplemented by occasional services in St. George and in other areas in the Southern Region:

Visiting courtroom deputies substitute in St. George when the current courtroom deputy was out on personal or sick leave.

Court reporters travel to St. George for felony proceedings including evidentiary hearings, pretrials and trials.

A jury administrator travels to St. George for jury empanelment.

A Magistrate Judge based in Salt Lake City hears misdemeanor and preliminary felony matters in Moab, Utah, and Tribal Community Re-Entry Court matters in Aneth, Utah, at the Four Corners.

# Other Federal Court Agencies

Other federal agencies related to the court have established a presence in the Southern Region including the following, which are (except for the Court Security Officers (CSOs)) based outside the leased courthouse space:

The United States Attorney started an office in St. George with one attorney and two support staff in 2007, expanding to two attorneys in 2008, and three attorneys and two support staff currently. In addition, 1-2 Special Assistant United States Attorneys are designated for work on one or two cases at a time. These are usually Washington County prosecutors.

The Drug Enforcement Administration (DEA) has a St. George office with two Special Agents (and usually 1-2 more local officers assigned full-time to the DEA). And they are working toward opening a large drug diversion office in the area (5-10 employees).

Homeland Security (including Immigrations and Customs Enforcement (ICE)) has a St. George office with six criminal Special Agents and 4-6 administrative law enforcement officers.

The Federal Bureau of Investigation (FBI) has a St. George office with three agents and has one agent in Monticello, Utah.

Alcohol, Tobacco and Firearms (ATF) has one local officer cross designated for federal work who spends 25% of his time on federal cases.

The United States Marshals have two Marshals resident in their St. George office. Also, two CSOs are based in St. George.

# 2018 Changes

Recent changes have expanded service in Southern Utah:

**Statistical Tracking:** The court established a Southern Region to facilitate statistical tracking of the case activity in the area. The Bankruptcy Court began this tracking in January 2018 and the District Court followed in March 2018. No automated statistical records of Southern Utah cases were previously available. As of late 2018, the new automated statistics confirmed historical data showing that about 10% of the district civil caseload and 15% of the criminal caseload are from the Southern Region.



**Civil Cases:** Beginning in March 2018, civil cases in the Southern Region were assigned to a single District Judge who hears cases in St. George. Case management conferences are heard in most types of civil cases and motions to dismiss are heard on an expedited basis.

**Duty Station:** The District Judge assigned to Southern Region civil cases changed his duty station to St. George. [[2]](#footnote-2) This change signified the court’s commitment to improving services.[[3]](#footnote-3)

**Resident Law Clerk:** In August 2018, the District Judge hired a law clerk who is resident in St. George. This is the first full-time law trained court employee in St. George.[[4]](#footnote-4)

**Amended Jury Plan:** The District Court Jury Plan was amended to make it possible to call jurors from the Southern Region. The new jury plan establishes a Northern/Central Jury Division (consisting of all of Utah except the Southern Region of the court) and a Southern Region Jury Division. Still, some panel members will have to travel large distances. But for panel members from the Wasatch Front and St. George, the population centers in those areas, who will make up the majority of a jury panel called for trials in those areas, travel will be minimal. The new plan makes civil and criminal trials less burdensome on jurors and may eventually allow Southern Region residents to serve on a federal grand jury without sacrificing three days for each appearance. Similar time savings would inure to Assistant United States Attorneys and law enforcement agents.

**Technology Improvements:** The courtroom presentation technology was supplemented at a very low cost to allow evidence presentation from counsel tables, the lectern or bench. Network connections in the building were improved and bandwidth to the court intranet was increased to accommodate more staff use of computer systems and backup of all court data to a server in St. George. In addition, courtroom video, Skype for Business and Microsoft OneDrive have facilitated training and collaborative work between Salt Lake City based staff and St. George based staff.

**Renewed Facilities Lease:** The lease of a courtroom (on a daily basis) and three office spaces in the state courthouse was renewed, to expire in June 2024.

**New Courtroom Deputy:** A new courtroom deputy was hired in November 2018 who is trained in civil, criminal, and bankruptcy matters.

**Attorney Development:** The District CJA Administrator has organized CLE by video and in person to the CJA Panel members in Southern Utah. The court has also conducted CLE for civil practitioners.

**Emergence of Admiralty Case Type:** The Southern Region contains Lake Powell, where many admiralty cases are filed. Rather than being split between ten District Judges, these cases are now concentrated in one judge, so staff can develop some specialty and consistency.

**Special Sessions of Court:** Special sessions of court have been held in Moab, Utah, for a civil case arising there and in Aneth, Utah, in criminal cases. Grand and San Juan Counties are not convenient to Salt Lake City or St. George, and the relatively low per capita income hampers travel for litigants and the public. Occasional special sessions allow greater attendance by the public and reduce litigant costs. The court will pursue legislative expansion of locations of holding court to include Moab, a rapidly growing city.

**Review of Services to Navajo Nation:** The statistical identification of Southern Region cases has highlighted the Major Crimes cases from the Navajo Nation, far away from Salt Lake City and St. George. The challenges of service in this area will be reviewed in the future.

# Future Changes Within the Five-Year Services Plan:

**2019 – New Magistrate Judge:** A new part-time Magistrate Judge will be appointed to begin service March 18, 2019. This Judge will add civil casework to the criminal caseload handled by the current Magistrate Judge. In addition, this Judge will likely assume Southern Region responsibilities in Aneth and Moab, within the Southern Region, which are currently handled by a Magistrate Judge traveling from Salt Lake City.

**2019 – District Judge Resident in St. George**: In April 2019, District Judge David Nuffer will move his residence to St. George to better serve the criminal and civil calendars. The short time frames of the criminal calendars and the greater number of hearings in those case make this location preferable to avoid travel time and expense. Instead of traveling to spend the first and third weeks of the month in St. George, with one or two days on other weeks, the Judge will travel as needed to Salt Lake City the fourth week of the month for hearings needed there.

**2021 – Full Time Magistrate Judge and Staff:** The workload of the part-time Magistrate Judge, with the addition of civil and remote duties, will likely justify termination of the part-time position and creation of a new full-time position. While the part-time Magistrate Judge has no staff, the new fill-time Magistrate Judge will have two law clerks and a courtroom deputy.

**2021 – Additional Law Clerk for District Judge**: When the term of Judge Nuffer’s Salt Lake based term law clerk expires in May 2021 (or if the law clerk leaves before that time), the replacement law clerk will be located in St. George, where the bulk of Judge Nuffer’s work will be.

**2021** **– Additional Court Support Staff:** At some point, perhaps as late as 2021, additional court support staff will be required in St. George for services such as public service, jury service, docketing, IT, procurement, and finance.

**2023 – New Resident District Judge:** When the current District Judge in St. George takes senior status, the replacement District Judge will be sited in St. George. The new resident District Judge would have three law clerks and a courtroom deputy in St. George. The presence of a resident active District Judge further confirms to the community, and to the legal community, that the district court is committed to full service in Southern Utah.

**2023 – New Resident Bankruptcy Judge:** At the retirement of Bankruptcy Judge Kimball Mosier in 2023, his replacement will be resident in St. George, with some duties in Salt Lake City. The presence of an active Bankruptcy Judge further confirms to the community, and to the legal community, that the court is committed to full service in Southern Utah.

**Indefinite – Grand Jury:** The new jury plan makes a Southern Region grand jury feasible. Currently, due to distance, residents of areas distant from Salt Lake City must sacrifice three days a week (six days a month) to serve on a grand jury rather than give one day for service like most grand jurors.

# Limitations on Services and Expansion of Services

Due to the limited nature of leased space in St. George and the limitations on use of that space, some services in Southern Utah are limited. The court is working to overcome these limitations.

**One Courtroom:** Two court sessions cannot occur simultaneously. The current courtroom sharing schedule will not permit a criminal trial, civil trial or adversary proceeding to run longer

than five days. The current courtroom reservation system has a few open days.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Monday** | **Tuesday** | **Wednesday** | **Thursday** | **Friday** |
| Magistrate Judge Criminal | Criminal Hearings and Sentencings | Criminal Hearings and Sentencings | Civil Hearings and Pretrials | Civil Hearings and Pretrials |
| Magistrate Judge Criminal |  |  | Bankruptcy | Bankruptcy |
| Magistrate Judge Criminal | Trials and other Hearings | Trials and other Hearings | Trials and other Hearings | Trials and other Hearings |
| Magistrate Judge CVB and Criminal |  |  | Bankruptcy | Bankruptcy |

**No Leased Jury Orientation or Deliberation Space:** The current lease includes no space for jury orientation or deliberation. The state spaces are available on a courtesy basis but because the state court has priority, scheduling trials is always uncertain, or subject to a late start on the day of orientation. The jury deliberation space seats eight, consistent with state practice, but is not adequate for a federal criminal jury of 12 persons, especially if one or more alternates are seated. The single restroom provided in the state jury space is inadequate for such a large jury.

**Limited Hours:** The state courthouse does not open to the public (or jurors) before 8:00 a.m. or after 5:00 p.m. After-hours hearings, testimony or jury deliberation are not permitted.

**Staff Space:** The court has no leased space for law clerk staff, or court staff beyond two persons, to work in St. George. On days when jury staff, IT staff, law clerks or others are present, there is only one available workstation. The law clerk currently residing in St. George is housed in space not leased to the court.

**Judge Office Sharing:** Currently, the Magistrate Judge has a dedicated office, and the District Judge and Bankruptcy Judge will share an office, with the limitations on concurrent work.

**No Trial Office for Counsel:** While the current leased space has room for attorney and witness consultation, there is no secure space for the United States Attorney or Defenders to base operations in the courthouse during trials.

**No Space for Pretrial and Probation Officers:** Pretrial and Probation officers have no dedicated space in the current leased space.

# Conclusion

The court has made significant progress in the two decades since initiating court services in Southern Utah. With the recent and upcoming changes, court services will expand to better meet the needs of this rapidly growing part of Utah, far from the Wasatch Front. Though limitations are present, solutions will likely enable continuation and expansion of services.

1. Within the next five years, many of the listed future changes should move to the Previous Changes section of the Five-Year Services Plan. [↑](#footnote-ref-1)
2. Before this time, Southern Region civil cases were spread among ten District Judges and four Magistrate Judges and the significance of the case load was unknown. While many Southern Region criminal cases were assigned to a single District Judge, many were not, so the total criminal caseload originating in the region was unknown. [↑](#footnote-ref-2)
3. By January 2020, it is predicted this District Judge’s civil and criminal caseload will nearly all be from the Southern Region. [↑](#footnote-ref-3)
4. This law clerk currently occupies state-owned space not leased to the Federal Court because no leased space is available. [↑](#footnote-ref-4)