

# UPAA Newsletter

February 2007



The Board of the Utah Prosecutorial Assistants' Association are as follows:

**Chair:** [Lori Thayn, Salt Lake County District Attorney's Office](#)  
**Co-Chair:** [JoEll Rowley, Wasatch County Attorney's Office](#)  
**Members:** [Jill Wallace Ewing, Attorney General's Office](#)  
[Melanie Farnsworth, Provo City Attorney's Office](#)  
[Beronica Ferdinando, St. George City Attorney's Office](#)  
[Karen George, Salt Lake County District Attorney's Office](#)  
[Kimberley Lee, Weber County Attorney's Office](#)  
[Kathy Morris, Davis County Attorney's Office](#)  
[Sharon Nielson, Cache County Attorney's Office](#)

**UPC Representative:** [Marilyn Jasperson](#)

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The Board has been in the process of updating the study guide. The intent is to create an easily accessible resource document for any support staff working in a public attorneys office. It became apparent that the study guide is much more than a study guide. It has become more of a resource manual that will provide a wide range of fundamental information and answers to various questions on topics of both criminal and civil matters which directly relate to your job.

JoEll Rowley from the Wasatch County Attorney's office and Karen George from the Salt Lake District Attorney's office headed up this project. The manual has been reorganized according to topics and sub-topics. They have updated all the definitions, added a table contents, added a section regarding enhancements, expanded the civil section and added sample forms and programs from the various counties.

Watch for the new resource manual by May.

## 2007 UPAA Conference

The 2007 UPAA Conference will be held May 3<sup>rd</sup> & 4<sup>th</sup> at the Ogden Eccles Conference Center in Ogden, UT. We have many great topics and presenters scheduled. Look for additional information in the mail and on the UPC website.



## Recent CUPA Recipients

- Marilyn Jasperson, Attorney Generals Office
- Laura Bowers, Salt Lake DA's Office
- Jenny Moreton, Salt Lake DA's Office
- Dennis Nye, Salt Lake DA's Office
- Janice Redmond, Salt Lake DA's Office
- Andrea Cooper, Washington Co. Attorney's Office
- Laurie Richardson, Washington Co. Attorney's Office
- Lissa Sorensen, Washington Co. Attorney's Office
- Darlene Sewell, Weber County Attorney's Office

Help us in Congratulating them for a  
Job Well Done

### RIGHT TO ACCESS COURT RECORDS

Rule of thumb; generally speaking, any document in a court file is a matter of public record unless it is sealed by the court or is classified as confidential or private by statute or by judicial council rule.

RULE 4-202 of the Code of Judicial Administration

governs access to court records. Currently, court records are classified into four categories: PUBLIC, PRIVATE, CONFIDENTIAL, AND SEALED.

**PUBLIC** means data on individuals collected and maintained by the courts which is not classified as private or confidential under Rule 4-202 and is open to the public, unless otherwise exempted or restricted from disclosure by law.

**PRIVATE** means data on individuals collected and maintained by the courts which is available only to the courts, to others by the express consent of the individuals, and to the individuals themselves or next-of-kin when needed to acquire the benefits due a deceased person.

**CONFIDENTIAL** means data on individuals collected and maintained by the courts which is available only to the courts, but not to the individual who is the subject of the data or any other individual except upon order of the court.

**SEALED** means data which has been ordered sealed by the court pursuant to statute or court rule.

## ORDINANCES

A local ordinance is a municipal legislative enactment. While an ordinance does not have the dignity of a state legislative enactment, it does have the force and effect of law within the limits of statutory and applicable organic limitations. Furthermore, it is something more than a mere verbal motion or resolution, and it must be invested, not necessarily literally, but substantially, with specific formalities, solemnities, and characteristics.

An ordinance is the equivalent of a municipal statute, passed by the city council, or equivalent body, and it governs matters not already covered by federal or state law.

An ordinance is distinctively a legislative act and, being the equivalent of a statute, is superior to city departmental regulations.

Documents such as agreements or contracts may be adopted and enacted as ordinance where the documents adopted are sufficiently identified and made part of the public record so there is not uncertainty about them.

An ordinance provides a permanent rule of government or conduct designed to affect matters arising subsequent to its adoption that operates as any other law, absent conflict with a state statute, and relates to the corporate affairs of the municipality within the enacting authority's corporate limits, until it is repealed. Indeed, it has been stated that all legislation that creates liability or that affects people of municipality in an important or material way should be enacted by an ordinance. In some jurisdictions, legislation of charter townships must be by ordinance.