

**UTAH JUDICIALCOUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES**

Webex video conferencing
March 3, 2023: 12 pm

MEMBERS:

PRESENT

EXCUSED

Judge Samuel Chiara, <i>Chair</i>	•	
Judge Suchada Bazzelle	•	
Judge Augustus Chin	•	
Judge David Connors	•	
Judge James Gardner	•	

GUESTS:

Paul Barron
Keri Sargent
Jon Puente
Nathanael Player
Karl Sweeney
Bart Olsen
Jeremy Marsh
Alison Freitas
Lauren Anderson
Nick Stiles
Derick Veater

STAFF:

Keisa Williams
Brody Arishita
Minhvan Brimhall

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the February 3, 2023 meeting. With no changes, Judge Gardner moved to approve the minutes as presented. Judge Chin seconded the motion. The motion passed unanimously.

This meeting is Judge Connors' final meeting with the committee due to his retirement. The committee expressed the highest level of appreciation to Judge Connors for his service with the judiciary, and his unwavering commitment to the Policy, Planning and Technology Committee. Judge Connors is a "rock star" and will be greatly missed.

Judge Michael DiReda will replace Judge Connors on the PP&T Committee once his appointment is confirmed.

(2) Rules back from public comment:

- **3-403. Judicial Education**

Two public comments were received (attached). Both object to the policy decision behind requiring training on harassment, abusive conduct, inclusion, and elimination of bias.

The committee discussed and recommended minor edits to the rule for consistency in language throughout the rule. Following a discussion of the public comments, the committee made no additional amendments.

With no further discussion, Judge Gardner moved to adopt CJA 3-403 as amended and recommended that the rule be forwarded to the Judicial Council with for final approval with an effective date of May 1, 2023. Judge Chin seconded the motion. The motion passed unanimously.

(3) CJA 1-205. Standing and ad hoc committees

At its February meeting, the Judicial Council declined to adopt the proposed amendments to CJA 1- 205 on an expedited basis and sent the rule back to PP&T with the following directives:

1. Add a judge from each court level.
2. Fix the following terminology: “sitting” vs. “current” and “judge or justice” vs. “judicial officer.”
3. Seek feedback from the Committee on Judicial Fairness and Accountability on the revised amendments.
4. Bring the rule back to the Judicial Council.

Following the Council’s directive, the Committee on Judicial Fairness and Accountability submitted the proposed amendments in lines 204-214, adding: 1) one judge from each court level, 2) two former judges from any court level, 3) one representative from the community, and 4) the Director of Data and Research. The PP&T Committee discussed the need for additional members and what qualifications or backgrounds may provide the Judicial Fairness and Accountability Committee with the most well-rounded membership. Ultimately, PP&T determined that the Judicial Fairness Committee would be in the best position to make those recommendations to the Council and added “up to two additional qualified individuals.”

With no further discussion, Judge Gardner moved to forward CJA 1-205 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Connors seconded the motion. The motion passed unanimously.

(4) CJA 3-117. Committee on Court Forms

The Committee on Court Forms recommends the following proposed amendments:

1. Remove the requirement that the General Counsel conduct a legal review of every form prior to committee approval. The Court Forms Committee is made up of experienced judges and attorneys that are more than capable of ensuring court forms are legally correct. Adding an extra step is unnecessary and slows progress. The General Counsel’s Office may be consulted as needed.
2. Acknowledge the Committee’s responsibility to continue to review and assess existing forms.
3. Add new form requirements, including user-testing where practicable.

The committee reviewed and recommended a minor edit. Line 9 was amended from “...conduct a comprehensive review...” to “...review current court forms and assess...” The committee did not express any concerns or need for further amendments to the rule.

With no further discussion, Judge Connors moved to forward CJA 3-117 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Chin seconded the motion. The motion passed unanimously.

(5) CJA 3-406. Budget and Fiscal Management

PP&T sent rule 3-406 to the Judicial Council in January, with a recommendation that it be published for comment. The Council pulled it from the consent calendar at the request of the Budget and Fiscal Management Committee’s chair and sent it to BFMC for further consideration. BFMC made a few minor amendments, primarily to terminology (i.e., changing “judicial priorities” to “budget requests,” etc.).

The committee recommended changing “Boards of Judges” to “Boards”. The committee did not express other concerns or need for further amendments to the rule.

With no further discussion, Judge Bazzelle moved to forward CJA 3-406 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

(6) HR Policies:

- **HR Definition 63. Hot Spot**
- **HR Definition 94. Performance Plan**
- **HR 5-4. Career service exempt introductory period**
- **HR 6-6. Salary**
- **HR 9-11. Conflict of interest**
- **HR 9-17. Nepotism and relationship bias prohibitions**
- **HR 10. Employee development**
- **HR 10-5. Education assistance**
- **HR 17-5. Grievance levels and timelines**
- **HR 17-8. Mediation**

The HR Policy Review Committee recommends amendments to the HR policies listed below. The proposed amendments are predicated upon policy or practice changes, changes to state code, or feedback from employees and supervisors.

HR Definition 63. Hot Spot.

The Judicial Council approved funding for “hot spot” adjustments that state court administrators and managers can use when additional compensation becomes available. The new definition clarifies how those funds may be used.

HR Definition 94. Performance:

The term “Performance Plan” caused confusion. The term has been changed to “performance expectation” to provide clarification on what is expected of employees in performing their job responsibilities.

HR 5-4, Career service exempt introductory period:

Line 36 draws a distinction between a career service employee and a career service exempt employee, creating an introductory period process for career service exempt employees. Line 47 was amended to read “...mission of the judicial branch.”

HR 6-6. Salary:

Amendments in paragraph 8 provide clarification on administrative salary increase practices and removes a reference to compensation upon completion of a probationary period in (8)(e).

HR 6-6 (9)(11). Hot-Spot Increase:

The amendments provide clarification regarding a “Hot-Spot Increase” and salary adjustments recommended by an employee’s line of management. The committee recommended language modification as:

“A hot-spot salary adjustment from finite Hot-Spot funds authorized by the Judicial Council and consistent with the purposes authorized by the Judicial Council may be granted when it is:

- a) recommended by an employee’s line of management in consultation with HR;
- b) unable to be applied with existing funds available to the employee’s line of management; and
- c) approved by the State Court Administrator, Deputy State Court Administrator or designee.

This increase is subject to the availability of approved funds if authorized by the Judicial Council for the current fiscal year.”

HR 9-17. Nepotism and relationship bias prohibitions:

The proposed amendments update terminology to better describe the relationships at issue and clarify that court administrators may consult with HR and the Legal Department when they are notified of a concerning relationship.

Following a discussion, the reference to UCA § 52-3-1 was moved to the end of Section 9 to be included in the list of related rules and statutes.

HR 10. Employee development.

The amendments remove language referencing the Utah Performance Management System for employee performance expectations and evaluation. Management is encouraged to follow similar practices for career service exempt employees.

HR 10-5. Education assistance.

The amendments remove the distinction between career service and career service exempt employees. All employees must get either court executive or AOC approval to receive education assistance.

Due to lack in time, HR 17-5 and 17-8 will be reviewed at another meeting.

With no further discussion, Judge Connors moved to forward HR Definition 63 and 94, HR 5-4, 6-6, 9-11, 9-17, 10, and 10-5 to the Judicial Council with a recommendation that they be approved as final. Judge Gardner seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Technology Advisory Committee will be meeting within the next two weeks. The topics for review will be audio forms and fees, availability and use of the court's bandwidth, and filtering and blocking of items within the network. The committee hopes to have an update at the next meeting.

Judge Connors noted the audio recording policy /audio retention policy needs to be reviewed, as it has not been updated in about 9 years. The General Counsel's office is looking to revise the policy.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned. The next meeting will be held on April 7, 2023 at 12 PM via Webex video conferencing, unless otherwise note