

**JUDICIAL COUNCIL**  
**Budget and Planning Session**  
**Minutes**  
**Friday, August 16th, 2013**  
**Large Conference Room A**  
**Matheson Courthouse**  
**Salt Lake City, UT**

**Chief Justice Matthew B. Durrant, Presiding**

**ATTENDEES:**

Chief Justice Matthew B. Durrant  
Hon. Kimberly K. Hornak, vice chair(by phone)  
Justice Jill Parrish  
Hon. Glen Dawson  
Hon. George Harmond  
Hon. Paul Maughan  
Hon. Brendan McCullagh  
Hon. David Mortensen  
Hon. Gregory Orme  
Hon. David Marx for Hon. Reed Parkin  
Hon. John Sandberg  
Hon. Larry Steele  
Hon. Kate Toomey  
John Lund, esq.

**EXCUSED:**

Hon. Reed Parkin

**STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Diane Abegglen  
Jody Gonzales  
Debra Moore  
Rick Schwermer  
Tim Shea  
Kim Allard  
Ron Bowmaster  
Derek Byrne  
Liz Knight  
Alyn Lunceford  
Alison Adams-Perlac  
Nancy Volmer  
Katie Gregory  
Brent Johnson

**GUESTS:**

Judge Scott Hadley  
Judge Mark May  
Judge Mary Noonan  
Gary Syphus  
David Walsh  
Juliette Tennert, GOPB  
Marissa Lang, SL Tribune

**1. WELCOME: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant welcomed everyone to the meeting. He extended a welcome to the following: 1) Judge Kate Toomey, Third District Court representative on the Council for the month of August with the retirement of Judge Judith Atherton; 2) Judge David Marx, sitting in for Judge Reed Parkin; 3) David Walsh, GOMB and Commission on Criminal and Juvenile Justice; and 4) Gary Syphus, Legislative Fiscal Analyst.

## **2. GOVERNOR'S OFFICE OF PLANNING AND BUDGET ECONOMIC PRESENTATION: (Juliette Tennert)**

Chief Justice Durrant welcomed Ms. Juliette Tennert, Budget Director and Chief Economist, from the Governor's Office of Management and Budget to the meeting.

Ms. Tennert highlighted the following in her update: 1) reviewed the organization of the Governor's Office of Management and Budget; 2) institute a 25% operational efficiency improvement measure; 3) restructure of the GOMB to include a Performance Measurement Data Director; 4) Utah level of employment from June 2003 – June 2013; 5) employment figures in Utah and the US from June 2003 – June 2013; 6) federal funding impacted by sequestration in Utah; 7) selected economic indicators; 8) new unrestricted general and education funds; and 9) current issues being monitored.

The current issues being monitored by the GOMB include: 1) sequestration, 2) federal health care reform, 3) public education enrollment growth, 4) higher education enrollment growth, 5) employee compensation and benefits/liabilities, and 6) prison relocation.

Chief Justice Durrant thanked Ms. Tennert for her update.

## **3. OVERVIEW OF BUDGET PLANNING SESSION: (Daniel J. Becker)**

Mr. Becker provided an overview of the court's budget and planning session for members new to the process. He mentioned that the objective for the session included: 1) set a prioritized budget request, and 2) develop a plan to address budget needs for FY 2015.

Mr. Becker reviewed the agenda for the budget and planning session. He noted that a copy of the following documents was sent to each Council member for review prior to the meeting: 1) FY 2015 Annual Budget Plan, 2) Navigating the budget, and 3) Court Administrator's Review and Recommendations. The budget and planning session will include the following: 1) an update from GOMB on the state's economy, 2) fiscal trends and restricted funds reports, 3) data and performance measure overview, 4) reports and budget requests from boards and committees, 5) the court administrator's analysis and recommendations, 6) discussion and voting on budget priorities, and 7) review of proposed legislation.

The afternoon will consist of a Council meeting with an executive session, and a Management Committee meeting.

## **4. FISCAL TRENDS AND RESTRICTED FUNDS REPORTS: (Derek Byrne)**

Mr. Byrne reviewed the Utah Courts budget summary as it relates to the fiscal data and trends. He mentioned that available funding for use by the courts is categorized as follows: 1) general fund, 2) general fund, one-time, and 3) general fund, restricted accounts.

Mr. Byrne highlighted the following restricted accounts: 1) Children's Legal Defense Fund (CLDF), 2) Alternative Dispute Resolution, 3) Court Complex Funding, 4) Law Library Non-Lapsing Dedicated Credit Fund, 5) Security Fee, and 6) Justice Court Technology, Security and Training Account.

### **DATA PRESENTATION OVERVIEW: (Kim Allard)**

Ms. Allard updated the Council on the FY 2013 Caseload Review.

Supreme Court. There were 595 case filings in FY 2013 compared to 600 case filings in FY 2012 which represents a 1% decrease.

Court of Appeals. There were 943 case filings in FY 2013 compared to 956 case filings in FY 2012 which represents a 1% decrease.

District Court. There were 285,196 case filings in FY 2013 compared to 286,587 case filings in FY 2012 which represents a .5% decrease. Ms. Allard highlighted the district court case filings to include: 1) by case type, 2) case types statewide, 3) raw filing distribution, 4) weighted filing distribution, 5) judicial weighted workload, and 6) time to disposition.

Justice Court. There were 524,628 case filings in FY 2013 compared to 551,023 case filings in FY 2012 which represents a 5% decrease. Ms. Allard highlighted the justice court case filings to include: 1) by case type, and 2) time to disposition.

Juvenile Court. There were 37,789 referrals and filings in FY 2013 compared to 41,066 in FY 2012 which represents an 8% decrease. Ms. Allard highlighted the juvenile court referrals and filings to include: 1) by case type, 2) referral trend data, 3) case types statewide, 4) comparison to other states, 5) by district, 6) comparison of referrals and weighted hours, 7) judicial weighted workload, and 8) time to disposition.

## **5. REPORTS AND BUDGET REQUESTS FROM BOARDS AND COMMITTEES**

### **BOARD OF DISTRICT COURT JUDGES: (Judge Scott Hadley and Debra Moore)**

Chief Justice Durrant welcomed Judge Hadley to the meeting.

Judge Hadley reported on the Board of District Court Judges budget request to obtain ongoing funding for six law clerk positions. Four of the six law clerk positions currently are funded with one-time funding, and the remaining two are additional law clerk positions being requested.

Judge Hadley expressed his appreciation regarding Mr. Becker's recommendation to fund four time-limited district court law clerk positions from savings derived from the redeployment of resources made possible by mandatory e-filing, and consideration of the two additional law clerk positions at the April 2014 Council meeting as a one-time funding request.

### **BOARD OF JUVENILE COURT JUDGES: (Judge Mark May and Ray Wahl)**

Chief Justice Durrant welcomed Judge May to the meeting.

Judge May highlighted the following: 1) listed members of the Board of Juvenile Court Judges, and 2) reviewed requests received by the Board and background behind each request.

The requests received include: 1) ongoing funding of the juvenile court law clerk position, and 2) funding for an additional judgeship and staff in the Fourth Juvenile Court.

The Board decided to advance the law clerk funding to the Judicial Council, but decided against recommending the new judgeship. Instead, they recommended that the Fourth District's judicial need be addressed in the coming year through assistance from another district and senior judge assistance.

Judge Mary Noonan spoke on behalf of the Fourth District Juvenile Court regarding their request for funding of an additional judgeship and staff. She noted that 25 days of senior judge assistance and assistance from available judges in other districts was used in the past year.

The recommendation being made for judicial assistance in the Fourth Juvenile Court includes the following: 1) arrange for judicial assistance from the Seventh District, 2) utilize senior judge assistance to supplement the assistance to be provided by the Seventh District, and 3) provide clerical assistance with one-time funding of \$42,000 for this fiscal year to help with the judicial assistance being recommended.

It was indicated that the Board will closely monitor judicial needs in the Fourth District and may make a request in 2014, if the workload increases.

**TECHNOLOGY STANDING COMMITTEE: (Ron Bowmaster)**

Chief Justice Durrant welcomed Mr. Bowmaster to the meeting.

The Technology Standing Committee is requesting reinstatement of the Court's desktop replacement schedule. To implement a five-year computer replacement schedule, the amount being requested to fund the schedule is \$250,000.

Mr. Bowmaster mentioned that carry-forward funding has been used to keep the schedule on track.

**STANDING COMMITTEE – COURT FACILITIES PLANNING COMMITTEE:  
(Alyn Lunceford)**

Chief Justice Durrant welcomed Mr. Lunceford to the meeting.

Mr. Lunceford mentioned that Judge Davis was unable to attend.

Mr. Lunceford highlighted the following budget requests: 1) the budget request in the amount of \$268,800, from the Court Facilities Planning Committee, is to cover facilities, leases and O & M, 2) Duchesne County expansion, and 3) Northern Utah County land bank.

Mr. Lunceford mentioned that the Juab County court facility is under construction and is scheduled to be operational by January 1, 2014.

He highlighted the contract and lease increases for FY 2015.

Mr. Lunceford reviewed details of the Duchesne County expansion project that will add additional space for the new district courtroom and chambers and the new juvenile courtroom and chambers and clerical staff.

**GUARDIAN AD LITEM: (Liz Knight)**

Chief Justice Durrant welcomed Ms. Knight to the meeting.

Ms. Knight reported that the GAL Oversight Committee has approved a building block request for an attorney salary parity increase for the guardian ad litem attorneys. She noted the differential in salaries between the Guardian ad Litem attorneys and the attorneys working in the Attorney General's office.

**6. JURY/WITNESS/INTERPRETER FUNDING**

Mr. Derek Byrne provided background information on the juror/witness/interpreter fund and the continued practice of the fund being underfunded. There are two requests submitted for the juror/witness/interpreter fund. One request is to obtain ongoing funding for the fund in the amount of \$930,000. The second request is a supplemental request to fund the FY 2013 deficit in the amount of \$861,700.

## **7. COURT ADMINISTRATOR'S REVIEW AND RECOMMENDATIONS**

Mr. Becker highlighted the following as he provided his review and recommendations for the FY 2015 budget requests: 1) mentioned the members of the Executive Budget Committee, 2) ongoing budget requests received totaling \$2 million, and 3) supplemental budget requests totaling \$861,700.

He mentioned that the weighted workload formulas at the state-level reflect resources closely matched to the needs for the district and juvenile judges and juvenile probation officers. The Fourth District Juvenile Court and the Fifth District Court judicial workloads warrant close attention. He recommended the use of internal savings to provide assistance with visiting and senior judges.

District Law Clerks. It was recommended to fund four time-limited district court law clerk positions through the redeployment of resources made possible by mandatory e-filing. It was recommended to defer the additional law clerk positions requested for the district court to the April Council meeting as a one-time funding request.

Juvenile Law Clerk. It was recommended to fund the .50 juvenile court law clerk position through the redeployment of resources made possible by mandatory e-filing.

IT Equipment Replacement Schedule. It was recommended to defer this request and use one-time funding.

Facility Requests. It was recommended to advance the facility lease increases as a building block request. It was recommended to advance the Duchesne Courthouse expansion project and Utah County land banking as capital development projects.

Juror/Witness/Interpreter Fund. It was recommended to advance the ongoing request and the supplemental request to fund the juror/witness/interpreter fund.

Prior to any votes being taken, Chief Justice Durrant swore in Judge Kate Toomey as a Council member.

## **8. BUILDING BLOCK DISCUSSION AND JUDICIAL COUNCIL DECISIONS ON PROPOSED FY 2014 LEGISLATIVE REQUESTS**

Mr. Schwermer reviewed the process of prioritizing the budget requests. He mentioned the importance of assessing each request, reviewing the options, and making a decision on each request.

He reviewed the budget categories to be considered when prioritizing the budget requests to include: 1) obligations, 2) alternative funding, 3) elimination, 4) building blocks, 5) supplemental, and 6) fiscal note building blocks. Discussion took place on this year's requests and the process for prioritizing the requests.

Questions were asked relative to the clerical weighted caseload and Fourth District's request for juvenile clerical one-time assistance for FY 2014. Clarification was provided.

Clarification for the supplemental and ongoing request for the juror/witness/interpreter funds was provided.

Discussion took place.

**Motion:** Judge Mortensen moved to adopt the recommendations made by Mr. Becker for the following budget requests: 1) alternative/internal funding of four district law clerks and .5 juvenile law clerk position, and defer funding consideration of the additional two district law clerks to April 2014 when the one-time spending plan for FY 2015 is considered; 2)

alternative/internal funding of the Fourth District juvenile clerical assistance for FY 2014, one time; 3) defer funding of the five-year computer replacement schedule to April 2014 when the one-time spending plan for FY 2015 is considered; 4) advance a building block request for an ongoing increase to the juror/witness/interpreter fund. Judge Toomey seconded the motion, and it passed unanimously.

**Motion:** Judge McCullagh moved to advance the facilities requests including: 1) lease, O & M increases advanced as a building block request; 2) Duchesne Courthouse expansion advanced to the Building Board; and 3) North Utah County Land Bank advanced to the Building Board. Judge Steele seconded the motion, and it passed unanimously.

**Motion:** Judge McCullagh moved to submit the supplemental budget request to advance the juror/witness/interpreter fund as a mandate. Judge Harmond seconded the motion, and it passed unanimously.

**Motion:** Judge Maughan moved to prioritize the following budget requests as follows: 1) first priority – leases, O & M increase; 2) second priority – juror/witness/interpreter FY 13 deficit supplemental; and 3) third priority – juror/witness/interpreter ongoing increase. The motion was second and passed unanimously.

### FY15 Annual Budget Planning Meeting--8/16/13

Courts' Requests for Legislative Consideration			Final Judicial Council Recommendations					
Priority #	FY 2015 Requests	Requested	Alternative / Internal Funding	Defer	Eliminate	Mandate	Building Blocks	Fiscal Note Bills
1	Lease, O & M Increases	268,800					X	
2	Juror/Witness/Interpreter--FY 13 Deficit Supplemental	861,700				X		
3	Juror/Witness/Interpreter Ongoing Increase	930,000					X	
<b>Grand Total</b>		<b>2,060,500</b>						

#### Capital Development Requests

Priority #	FY 2015 Requests	Requested
1	Duchesne Courthouse Expansion	3,000,000
2	North Utah County Land Bank	1,750,000

Other Judicial Council Actions			Alternative / Internal Funding	Defer	Eliminate	Mandate	Building Blocks	Fiscal Note Bills
N/A	4th District Juvenile Clerical Assistance for FY14, One-time	42,000	X					
N/A	District Law Clerks (6 FTEs)	518,400	X - 4 FTEs	X - 2 FTEs				
N/A	Juvenile Law Clerk (.5 FTE)	42,000	X					
N/A	Implement 5-year Computer Replacement Schedule	250,000		X				

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## 9. PROPOSED LEGISLATION

Mr. Schwermer reported that the Liaison Committee met prior to the Budget and Planning Session. He highlighted the following legislation to be considered: 1) domestic violence citation which requires the law enforcement officer to indicate on the citation whether the offense is a domestic violence offense; 2) dating violence order corrects a technical effort in last year's legislation; 3) certificate of eligibility for expungement which requires the petitioner

to retain the original certificate of eligibility for expungement of records; 4) plat maps which eliminates the requirement that a plat map be filed in an eminent domain petition; 5) fee for modification of domestic relations order which would conform the statute to the practice and expands the cases that qualify for \$100 filing fee beyond modification of a divorce decree to include modification of any domestic relations order; 6) emailing probate notices which allows notices of a second or subsequent hearing to be served under the Rules of Civil Procedure, which includes e-mail, if the law permits service by first-class mail; 7) service of process in protective proceedings which requires the initial service in all protective proceedings include a copy of the petition and that the notice of hearing include the possible consequences if the appointment is made; 8) selection from master jury list which requires that before qualifying any person for jury service a second time, the court select everyone from the master jury list once; 9) appointment of attorney guardian ad litem in district court matters, and 10) private guardian ad litem – appointment.

Discussion took place.

**10. ADJOURN**

The meeting was adjourned.