

JUDICIAL COUNCIL
Budget and Planning Session
Minutes
Friday, August 14th, 2015
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
Justice Deno Himonas for Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Glen Dawson
Hon. Thomas Higbee
Hon. David Marx
Hon. Paul Maughan
Hon. David Mortensen
Hon. Reed Parkin
Hon. Ryan Harris for Randall Skanchy
Hon. Kate Toomey
John Lund, esq.

EXCUSED:

Justice Thomas Lee
Hon. Randall Skanchy

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jeni Wood
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Kim Allard
Ron Bowmaster
Derek Byrne
Nancy Sylvester
Alyn Lunceford
Nancy Volmer
Neira Siaperas
Liz Knight

GUESTS:

Phil Dean, GOMB
Ken Matthews
Gary Syphus
David Walsh
Judge Charles Behrens
Judge Keith Barnes
Rick Davis, 5th Dist TCE
Judge Mary Noonan

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

Chief Justice Durrant welcomed everyone to the meeting. Chief Justice Durrant welcomed Mr. Phil Dean and Mr. Ken Matthews from the Governor's Office. He also welcomed Judge Ryan Harris who was sitting in for Judge Skanchy, as well as, Justice Deno Himonas who was sitting in for Justice Lee.

2. GOVERNOR'S OFFICE OF PLANNING AND BUDGET ECONOMIC PRESENTATION: (Phil Dean)

Chief Justice Durrant welcomed Mr. Phil Dean, Budget Director and Chief Economist, from the Governor's Office of Management and Budget to the meeting.

Mr. Dean highlighted the following in his update: 1) Utah's population change relative to net migration, 2) Utah's employment levels and growth rate, 3) unemployment rate in Utah and the US, and 4) upcoming major expenditure issues.

The major expenditure issues include: 1) public education; 2) higher education; 3) Medicaid; 4) Justice Reinvestment Act and prison relocation; 5) infrastructure – transportation, buildings, and water; 5) compensation; 6) rainy day funds and other reserves; and 7) debt levels.

Chief Justice Durrant thanked Mr. Dean for his update.

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

Mr. Becker stated that each August for one day there is a meeting to discuss budget needs. The purpose of this meeting is to arrive at a prioritized list of requests to be presented to the Governor and Legislature. This year there are 17 requests totalling \$6.8 million dollars. Mr. Becker stated the Council's role is to hear the request and then decide how each should be addressed. Mr. Becker presented the budget plan prepared by Derek Byrne. He also addressed Navigating the Budget, prepared by Nancy Volmer.

Mr. Becker recognized the following individuals: 1) Mr. David Walsh, GOMB and Commission on Criminal and Juvenile Justice; 2) Mr. Ken Matthews, Financial Operations Analyst; 3) Neira Siaperas, Third District Juvenile Court TCE; 4) Mr. Shane Bahr, Fourth District Court TCE; 5) Nancy Volmer, Courts Public Information Officer; and 6) Alyn Lunceford, Facilities Manager.

The objectives for the budget and planning session include: 1) set a prioritized budget request, and 2) develop a plan to address the courts budget needs for FY 2017.

Mr. Becker reviewed the agenda for the budget and planning session. He noted that a copy of the following documents was sent to each member of the Council for review prior to the meeting: 1) FY 2017 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 brief Council meeting and a Management Committee meeting.

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

Mr. Byrne was welcomed to the meeting. Mr. Byrne reviewed the fiscal data and trends relative to the Utah Courts budget summary. He noted 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.

He 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, 6) Court's Traffic Caseload, and 7) Justice Court Technology, Security and Training Account.

Mr. Byrne stated the drivers that relate to the growth have been cost-of-living adjustments as well as retirement increases.

5. DATA PRESENTATION OVERVIEW: (Kim Allard)

Ms. Allard updated the Council on the FY 2015 Annual Caseload Trends. She highlighted the following:

Juvenile Court. There were 35,007 referrals and filings in FY 2015 compared to 37,789 referrals and case filings in FY 2014 which represents a 3% decrease. Ms. Allard highlighted the following relative to juvenile court referrals and case filings: 1) referred to the report entitled *Juvenile Crime Keeps Falling, But Reasons Elusive* by Matt Smith dated February 26, 2015; 2) delinquency referrals from FY 2008 to FY 2015 represents a 38% decrease; 3) juvenile court – time to disposition data; 4) juvenile court – referrals/weighted hours; 5) juvenile court – weighted caseload – caseload as % of standard; 6) juvenile court – workload vs. available hours per judicial officer; 7) juvenile court – weighted caseload – judicial officers needed; and 8) the Fourth District Juvenile Court shows a deficit of 2.1 judicial officers needed.

District Court. There were 269,143 case filings in FY 2015 compared to 273,492 case filings in FY 2014 which represents a 1.6% decrease. Ms. Allard highlighted the following relative to district court case filings: 1) criminal filings in FY 2015 represent a 1.6% increase, 2) in Third District Court, felonies in FY 2015 represent a 13% increase; 3) Justice Reinvestment Initiative impact on felony and Misdemeanor A cases; 4) weighted caseload impact, 5) misdemeanor case filing data, statewide, in district and justice court; 6) district court, non criminal case filing data; 7) district court – time to disposition; 8) district court – raw filings and weight; 9) district court – weighted caseload – caseload as % of standard; 10) district court – workload vs. available hours per judicial officer; 11) district court – weighted caseload – judicial officers needed.

Justice Court. There were 459,622 case filings in FY 2015 compared to 496,953 case filings in FY 2014 which represents a 7.5% decrease. There were 353,922 traffic case filings in FY 2015 compared to 459,693 traffic case filings in FY 2006.

Supreme Court. There were 608 case filings in FY 2015 compared to 626 case filings in FY 2014.

Court of Appeals. There were 1010 case filings in FY 2015 compared to 991 case filings in FY 2014.

6. REPORTS AND BUDGET REQUESTS FROM BOARDS AND COMMITTEES Guardian ad Litem: (Elizabeth Knight)

Chief Justice Durrant welcomed Ms. Knight to the meeting.

Ms. Knight reported that the GAL Oversight Committee is requesting \$1,036,400 for an attorney salary parity increase for the Guardian ad Litem attorneys, noting the differential in salaries between the Guardian ad Litem attorneys and the attorneys working in the Attorney General's office.

Ms. Knight was congratulated for her service as the Guardian ad Litem Director, and well wishes were expressed to her in her new position as a juvenile court judge.

Court Facilities Planning Committee: (Judge Charles Behrens & Alyn Lunceford)

Judge Behrens and Mr. Lunceford were welcomed to the meeting.

The Court Facilities Planning Committee has requested funding to cover the lease, and operations and maintenance increases. The following was highlighted relative to the request: 1) a savings was noted in Garfield County and in Utah County, and 2) the majority of the funding

being requested will cover the expansion project in Duchesne which should be completed in December of 2015.

Appellate Courts: (Tim Shea)

Tim Shea was welcomed to the meeting.

Mr. Shea reported that the Appellate Courts is requesting funding in the amount of \$72,300 for an administrative assistant to support the appellate administrator and the clerks of court for the Supreme Court and the Court of Appeals.

Board of District Court Judges: (Judge Keith Barnes, Ms. Debra Moore, and Mr. Rick Davis)

Judge Keith Barnes and Rick Davis from the Fifth District, as well as Debra Moore, were welcomed to the meeting.

Ms. Moore reported, on behalf of the Board of District Court Judges, their budget requests to include: 1) funding for an additional judgeship and staff in the Fifth District Court, and 2) funding of two additional law clerk positions in district court.

Judge Barnes, Fifth District Court Judge, and Mr. Rick Davis, Fifth District TCE, spoke on behalf of the Fifth District Court's request for an additional judgeship and staff. Currently, coverage is being provided by Fifth District Juvenile Court judges, visiting judges and senior judges.

Ms. Moore highlighted the following relative to the request for funding of two permanent law clerk positions: 1) one of the current positions is funded on a time-limited basis, 2) the Board of District Court Judges is conducting a study of law clerks—evaluating their duties and the need for law clerks, and 3) current statewide average ratio is one law clerk for every 2.4 district judges.

Technology Standing Committee: (Ray Wahl)

Ray Wahl was welcomed to the meeting.

The Technology Standing Committee has the following budget requests: 1) audio/video upgrade for the Seventh District Court, and 2) implementation of a five-year computer replacement schedule with one-time funding.

SYSTEM-WIDE REQUESTS:

Juror/Witness/Interpreter: (Derek Byrne)

Mr. Byrne requested an increase in ongoing funding to the Juror/Witness/Interpreter Fund to eliminate the deficit spending in the account in the amount of \$975,000.

District Court Program Administrator: (Debra Moore)

Ms. Moore requested permanent funding for the remaining 25 percent of the District Court Program Administrator's position.

Domestic Violence Program Coordinator: (Debra Moore)

Due to the increasing cost of the position resulting from cost-of-living adjustments, benefit increases, and a reduction in grant funding; Ms. Moore requested ongoing funding to cover the shortage from the VAWA Grant funding.

Online Dispute Resolution Project – One Time: (Ray Wahl) Funding has been requested for the Online Dispute Resolution (ODR) project. This request would be addressed with the CORIS Re-Write Project.

CORIS Modernization Project: (Ray Wahl)

A one-time funding request of \$2,500,000 has been requested for the CORIS Modernization Project. Highlights of the project include: 1) the first phase will be to revisit and redesign the core business functions that will become the case management system of the future, and 2) the second phase will be to convert CORIS to a web application.

Court Visitor Program: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Sylvester to the meeting.

A request for permanent funding of the court visitor program is being made. The program was grant funded for a three-year period from the State Justice Institute which expired June 30, 2014. One-time funding was approved by the Council for FY 2015 and FY 2016.

The request is to fund the salary and benefits for two program coordinators in the amount of \$174,300.

Board of Juvenile Court Judges: (Judge Mary Noonan and Dawn Marie Rubio)

Judge Noonan and Ms. Rubio were welcomed to the meeting.

The Board of Juvenile Court Judges is requesting funding for an additional judgeship and staff in the Fourth District Juvenile Court.

Judge Noonan highlighted the following relative to the judgeship request: 1) senior judge coverage is being used, 2) high child welfare caseload, 3) workload per judge, 4) length of time before the youth offender is scheduled before the judge, and 5) addition of a night court.

7. STATE COURT ADMINISTRATOR'S REVIEW AND RECOMMENDATIONS

Mr. Becker addressed the 2017 budget requests, totaling 6,862,200, with the following recommendations:

Judgeship Requests. Two requests for additional judgeships and staff were made by: 1) Fourth District Juvenile Court and 2) Fifth District Court. Both courts demonstrate a need for an additional judgeship. Mr. Becker recommended advancement of the judgeships with the number of judicial assistants that accompany a judgeship be reduced from two to one, to bring down the funding request. It is recommended to fund the second judicial assistant through savings realized from juvenile e-filing.

Leases and Contracts. It is recommended to advance the lease and contract request for new funding.

Replacement of General Fund to Court Complex Fund. Mr. Becker reminded the Council of the request advanced last year to replace General Fund dollars to the Trust Fund Account. This is a similar request to replace General Fund dollars to the Court Complex Fund.

It is recommended to advance this request for funding.

CORIS Modernization Project. This project will allow for the re-write of the CORIS, AIS and Jury Management systems into a web-based application. The project would require funding of contract programmers over a two-year period. Mr. Becker recommended one-time funding from internal sources in the amount of \$1,000,000 be approved for the project, and he

recommended advancing a request for \$1,500,000 in funding to cover the remainder of the project.

Juror/Witness/Interpreter. It was recommended to advance the following requests for funding: 1) \$867,500 for FY 2016 supplemental funding to cover the FY 2015 deficit, and 2) \$975,000 in ongoing funding to bring the budget in line with current expenditures.

District Court Law Clerks, Five-Year Computer Replacement Schedule, District Court Program Administrator, Domestic Violence Program Coordinator, Volunteer Court Visitor Program and Audio/Video Upgrades in the Seventh District Court. It was recommended to address these funding requests by redirecting existing funds, using fiscal note funding, and/or one time funding in April when the Council considers a spending plan for FY 2017.

Justice Court Administrator. Mr. Becker is recommending that the Council consider creating a full-time, dedicated Justice Court Administrator position. He noted that the Board of Justice Court Judges supports the proposal. He provided background information on the current position as covered by the Assistant Court Administrator, along with his other responsibilities. He recommended alternate funding, highlighting the following as possible sources for funding: 1) the elimination of the half-time justice court program administrator position and redirection of those funds; 2) partial funding from the Justice Court Technology, Education, and Security Funds; and 3) partial funding from one-time funds.

Appellate Courts Administrative Assistant. It was recommended that the work of this position be addressed by reorganizing the current staff in the Appellate Courts.

Discussion took place.

8. BUILDING BLOCK DISCUSSION AND JUDICIAL COUNCIL DECISIONS ON PROPOSED FY 2017 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.

Mr. Becker reminded members of the Council that the Guardian ad Litem's request will not be part of the judiciary's request; however, they are seeking the Council's support for their request. Mr. Becker stated the Guardian ad Litem will present their request, separately, to the Governor's Office and Legislature.

He reviewed the budget categories to be considered when prioritizing the budget requests to include: 1) obligations, 2) deferral or alternate funding, 3) elimination, 4) building blocks, 5) supplemental, and 6) fiscal note building blocks.

Categorization of each request:

Juvenile Court Judge and Staff – fiscal note/legislation

District Court Judge and Staff – fiscal note/legislation

Courtroom AV Upgrade – deferral

Replace Main Line Item Court Complex Account with GF – building block

Reduce Court Complex in Main Line Item – building block

Online Dispute Resolution – eliminate

CORIS Modernization Project – building block

Ongoing JWI Funding – building block

FY16 Supplemental to Cover FY15 JWI deficit – building block

Lease Increases – building block

Appellate Administrative Assistant – eliminate
Law Clerks – deferral
District Court Program Coordinator VAWA grant increase – deferral
District Court Program Administrator - deferral
Five-Year Computer Replacement Schedule – deferral
Justice Court Administrator – alternative funding
Volunteer Court Visitor Program – deferral

Mr. Schwermer clarified the difference between a fiscal note request and a building block request.

Motion: Judge Dawson moved to advance the judgeship requests for the Fourth District Juvenile Court and the Fifth District Court as recommended by the State Court Administrator by reducing the number of judicial assistants that accompany each judgeship, with the availability to fund the second judicial assistant with savings realized from e-filing. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Dawson moved to advance the request for funding of the CORIS Modernization Project in the amount of \$1,500,000 and fund the remaining \$1,000,000 with alternative funding. Judge Toomey seconded the motion, and it passed unanimously.

Motion: Judge Toomey moved to prioritize and approve the items in the following order: 1) Fourth District Court Juvenile Judge; 2) Fifth District Court Judge; 3) CORIS Modernization Project; 4) Lease Increases; 5) Replace Main Line Item Court Complex Account with General Fund; 6) FY 16 Supplemental to Cover FY 15 JWI Deficit; 7) Ongoing JWI Funding; and 8) to approve the creation of a Justice Court Administrator position, internal funding to be determined in April. Judge Hornak seconded the motion, and it passed unanimously.

9. PROPOSED LEGISLATION

Mr. Schwermer reported that the Liaison Committee met prior to the Budget and Planning Session, and they considered several matters of legislation. Judge Mortensen highlighted the following on behalf of the Liaison Committee: 1) draft judiciary amendments, 2) restraints in juvenile court, 3) pre-trial release, and 4) indigent defense.

Motion: Judge Hornak moved to authorize the Liaison Committee to proceed regarding the following matters as appropriate: 1) draft judiciary amendments, 2) restraints in juvenile court, 3) pre-trial release, and 4) indigent defense. Judge Higbee seconded the motion, and it passed unanimously.

10. ADJOURN

The meeting was adjourned.