

JUDICIAL COUNCIL
Budget and Planning Session
Minutes
Friday, August 18, 2017
Large Conference Room A
Matheson Courthouse
Salt Lake City, UT

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Toomey, Vice Chair
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Ann Boyden
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. Reed Parkin
Hon. Derek Pullan
Hon. Todd Shaughnessy
Rob Rice, esq.

EXCUSED:

Hon. Mary Noonan

STAFF PRESENT:

Richard Schwermer
Ray Wahl
Jeni Wood
Jody Gonzales
Karolina Abuzyarova
Holly Albrecht
Kim Allard
Shane Bahr
John Bell
Alyn Lunceford
Heather MacKenzie-Campbell
Jim Peters
Dawn Marie Rubio
Tucker Samuelson
Nancy Sylvester

GUESTS:

Judge James Brady
Judge David Connor
Phil Dean, GOMB
Alisha Johnson
Ken Matthews, GOMB
Judge David Mortensen
Judge Kara Pettit
Nathanael Player
Judge Randall Skanchy
Peyton Smith
Gary Syphus, LFA
David Walsh, CCJJ
Michelle Wilkes

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

Chief Justice Durrant welcomed everyone to the meeting. Chief Justice Durrant administered the oath of Rob Rice who replaced John Lund as the Utah State Bar representative on the Judicial Council.

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

Chief Justice Durrant welcomed Phil Dean, Budget Director and Chief Economist from the Governor's Office of Management and Budget to the meeting. Mr. Dean presented demographic statistics for the state of Utah. Mr. Dean highlighted the components of Utah's economy, including population, employment, and educational components. Mr. Dean noted the state of Utah will end the fiscal year with a surplus. Mr. Dean stated tax reform will be a big issue with the Legislature this year.

Chief Justice Durrant thanked Mr. Dean for his update.

3. OVERVIEW OF BUDGET PLANNING SESSION: (Richard Schwermer)

Mr. Schwermer asked the committee to consider changing future budget meetings from one day to one and a half days. Mr. Schwermer stated this theoretically could start Thursday afternoon and continue for a full day on Friday. Mr. Schwermer said this meeting is important so the Council has an opportunity to hear from Boards and administrators. Mr. Schwermer briefly discussed the executive budget committee's role. Mr. Schwermer explained this is the meeting to hear requests and have a thorough conversation and understanding by the Council. Mr. Schwermer said the reason for extensive discussion is so that when the request is presented to the Legislature, he and others can explain why the courts need and have prioritized these requests. Mr. Schwermer stated there is a proposed housekeeping bill from the Liaison Committee meeting that held this morning that will be addressed, later in the day.

Chief Justice Durrant thanked Mr. Schwermer for his update.

4. FISCAL TRENDS AND RESTRICTED FUNDS REPORTS: (John Bell)

Chief Justice Durrant welcomed John Bell to the meeting. Mr. Bell highlighted the FY 2019 annual budget plan. Mr. Bell presented the fiscal data and trends; COLA and benefit increases since 2007; Children's Legal Defense Fund (CLDF); Alternative Dispute Resolution (ADR); court complex fund; actual/projected complex revenue and expenditures; law library non-lapsing dedicated credit fund; security fee; court's traffic caseload over time; justice court technology, security, and training account; trust interest account; trust interest GFR account expenses to revenue overtime comparison; building block summary; and the district board report. Mr. Schwermer noted this year the courts' pass-through for funding for security is down almost 11%. Mr. Schwermer stated sheriff's have a statutory responsibility to provide court security. Judge Todd Shaughnessy posed a potential scenario where the sheriffs would cut FTE deputies to compensate for the deficit. Mr. Schwermer said conversations are held on a continual basis with the sheriffs. Judge Boyden asked if the statute requires a certain number of deputies. Mr. Schwermer stated the statute does not require a certain amount. Ray Wahl noted there have been discussions on efficiencies with the sheriffs in covering security for the courts.

Chief Justice Durrant thanked Mr. Bell for his presentation.

5. CASELOAD DATA PRESENTATION OVERVIEW: (Kim Allard)

Chief Justice Durrant welcomed Kim Allard to the meeting. Ms. Allard initially discussed Supreme Court case filings; Court of Appeals case filings; district court case filings, justice court filings, and juvenile court referrals. Ms. Allard highlighted district court weighted hours and noted the weighted caseload is based on a new formula. Ms. Allard detailed the juvenile court weighted caseloads.

Chief Justice Durrant thanked Ms. Allard for her presentation.

**6. REPORTS AND BUDGET REQUESTS FROM BOARDS AND COMMITTEES
Board of District Court Judges: (Judge Randall Skanchy, Shane Bahr)**

Chief Justice Durrant welcomed Judge Skanchy to the meeting. Judge Skanchy addressed case filings in the Third District Court. Judge Skanchy stated there are currently 28 assigned judges in the Third District with over 4,000 cases per judge per year. Judge Skanchy noted additional statistics for the Third District Court. Judge Skanchy discussed the weighted caseloads between the districts. Judge Skanchy stated with an additional four judicial officers the weighted caseload would decrease to 110%.

The Board of District Court Judges has the following budget requests: 1) funding of four judicial officers and 8 staff for the Third District (\$1,780,000).

Shane Bahr next discussed the request for attorney law clerks. Mr. Bahr said the district courts are requesting five FTE attorney law clerks, three for the Fourth District and two ongoing positions for existing positions paid with one-time money (\$481,250).

Chief Justice Durrant thanked Judge Skanchy for his presentation.

Technology Standing Committee: (Ray Wahl)

Justice Pearce asked Mr. Wahl to present the budget requests as he was out of the office.

The Technology Standing Committee has the following budget requests: 1) implement a 5-year computer replacement schedule (\$250,000 ongoing funds); 2) upgrade 5-year old Salt Lake server (\$350,000 one-time funds); 3) upgrade VOIP/Wifi (\$75,000 one-time funds); and 4) implement courtroom audio/visual replacement schedule (\$525,000 ongoing funds and 1 FTE).

Mr. Wahl was asked to research the DTS standard to replace servers.

Chief Justice Durrant thanked Mr. Wahl for his presentation.

System Wide Request: (Judge David Connors, Judge Brady, Nancy Sylvester, and Ray Wahl)

The following system-wide budget requests have been made:

- Guardianship Reporting and Monitoring Program (\$183,700 ongoing funds, 2 FTE's)
- Replace appropriation from the Court Complex Restricted Account in the Main Line Item with Ongoing General Funds (\$313,400 ongoing general funds)
- District Court Program Administrator (\$24,200 ongoing funds, .25 FTE)

- Justice Court Administrator (\$75,000 ongoing, .5 FTE)

Chief Justice Durrant thanked Judge David Connors, Judge Brady, Nancy Sylvester, and Ray Wahl for their presentation.

Court Facilities Planning Committee: (Judge David Mortensen and Alyn Lunceford)

Chief Justice Durrant welcomed Judge Mortensen and Alyn Lunceford to the meeting.

Alyn Lunceford addressed the requests. Mr. Lunceford discussed the need for a new facility in Manti. Mr. Lunceford noted the request for the Manti facility is the highest priority on the 10-year master plan. Mr. Lunceford would like this request to be considered a Judicial Council priority. Mr. Lunceford next discussed funding for the expansion of the Wasatch County Court. This would allow an additional courtroom in Heber. Currently there is only one courtroom that is shared by both the district and juvenile courts. Mr. Lunceford noted Wasatch County has agreed to bond for these funds contingent on a commitment letter from the Court Administrator. Construction would begin the summer of 2018. The courts are tenants in the current and proposed space.

The Court Facilities Planning Committee has the following requests: 1) lease (\$2,927 ongoing funds for lease increases); and 2) Wasatch County Justice Center Expansion (\$200,000 ongoing funds).

Chief Justice Durrant thanked Judge Mortensen and Alyn Lunceford for their presentation.

7. STATE COURT ADMINISTRATOR'S REVIEW AND RECOMMENDATIONS

Mr. Schwermer reviewed the FY 2018 budget requests, totaling \$5,270,077, with the following recommendations:

Increase in Third District Judicial Staff. (\$1,780,000, 12 FTE's) Mr. Schwermer recommended this request be deferred. Mr. Schwermer further noted at that time this should be the Council's first priority for judicial resources.

Law Clerks. (\$481,250, 5 FTE's) Mr. Schwermer clarified these are not court clerks, these are attorney law clerks. Mr. Schwermer recommended that the three Fourth District FTE law clerk positions be advanced as a building block.

Computer Replacement Schedule. (\$250,000) This has historically been addressed with one-time funding. Mr. Schwermer recommended this request be deferred until April, 2018.

Courtroom A/V Replacement. (\$525,000, 1 FTE) Mr. Schwermer recommended this request be referred to the Technology Standing Committee and deferred until April, 2018.

Replace Main Server. (\$350,000 one-time) Mr. Schwermer recommended advancement for funding of this request with one-time funds.

Upgrade Courthouse Wifi Statewide, and VOIP Upgrade. (\$75,000 one-time) Mr. Schwermer recommended to defer this issue until April, 2018.

Replace Main Line Item Court Complex Fund. (\$313,400) Mr. Schwermer noted this was the Council's highest priority last year and should be again. Mr. Schwermer recommended this request be an obligation or building block.

Guardianship Reporting and Monitoring Program. (\$183,700, 2 FTE's) Mr. Schwermer believes this request should get high priority. Mr. Schwermer noted if the Legislature is unwilling to fund this program then the courts should accept the Legislature's direction and abandon the program. Mr. Schwermer recommended taking this to the Legislature once more and advancing as a building block.

District Court Program Administrator. (\$24,000, .25 FTE) Mr. Schwermer noted the request of budgeting ongoing personnel with one-time money is not an area that needs to be addressed with the Legislature. Mr. Schwermer recommends to not advance this and instead to continue funding with one-time funds for now.

Justice Court Administrator. (\$75,000, .5 FTE) Mr. Schwermer noted the request of budgeting ongoing personnel with one-time money is not an area that needs to be addressed with the Legislature. Mr. Schwermer recommends to not advance this and instead continue funding with one-time funds for now.

Lease Contract Increases. (\$2,927) Mr. Schwermer stated this is a small request and covered addressed existing resources. Mr. Schwermer recommended this request not be advanced and to instead use existing funds.

Wasatch County Justice Center Expansion. (\$200,000) Mr. Schwermer stated this request has not met the threshold as an urgent need at this time. The scheduling conflicts occur occasionally and the justice court is located in the same building and can be utilized with notice. Mr. Schwermer recommended this request not be advanced.

Juror/Witness/Interpreter Supplemental. (\$1,009,600 one-time) Mr. Schwermer noted this cost has already been incurred; therefore the request needs to be advanced.

8. BUILDING BLOCK DISCUSSION AND JUDICIAL COUNCIL DECISIONS ON PROPOSED FY 2018 LEGISLATIVE REQUESTS

Mr. Wahl explained the process for assigning and prioritizing the building blocks.

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

Categorization of Each Request:

Increase in Third District Judicial Staff:	alternate funding
Law Clerks:	appropriation building block with the funding changed from five law clerks to the three law clerks requested for the Fourth District Court. Adjust the new funding request to \$288,750, which would leave the remaining \$199,500 to be deferred.
Computer Replacement Schedule:	defer until April, 2018
Courtroom A/V Replacement:	defer and refer to Standing Committee
Upgrade IT Server:	building block
Upgrade Courthouse Wifi Statewide, and VOIP Upgrade:	defer
Replace Main Line Item Court Complex Fund:	obligation
Guardianship Reporting and Monitoring Program:	building block

District Court Program Administrator: defer
Justice Court Administrator: defer
Lease Contract Increases: eliminate
Wasatch County Justice Center Expansion: eliminate
Juror/Witness/Interpreter Supplemental: supplemental

Motion: Judge Paul Farr moved to place increase in Third District judicial staff in alternative funding. Justice Tom Lee seconded the motion. The motion passed unanimously.

The Committee agreed to the placement of the remaining items.

After further discussion, the Committee opted out of written ballots for voting to prioritize the items listed in appropriated building blocks, which are: 1) Law clerks; 2) Upgrade IT server; and 3) Guardianship.

Judge Toomey moved to prioritize as listed below. Justice Lee seconded the motion. The motion passed unanimously.

- 1) Upgrade IT server;
- 2) Law clerks; and
- 3) Guardianship.

9. PROPOSED LEGISLATION

Mr. Schwermer reported that the Liaison Committee met prior to the Budget and Planning Session, and they considered several matters. Mr. Schwermer highlighted the draft Judiciary Amendments proposal. The Council discussed several provisions, including a proposed amendment to the wrongful denial of a writ provision.

Motion: Judge Higbee moved to approve the draft Judiciary Amendments bill. Judge Shaughnessy seconded the motion, and it passed with Judge Pullan voting no.

Motion: Judge Bagley moved the Manti facility be advanced as a priority for the Council. Judge Higbee seconded the motion. The motion passed unanimously.

10. ADJOURN

The meeting was adjourned.