

JUDICIAL COUNCIL MEETING

AGENDA

Friday, August 18, 2017
Large Conference Room A
Matheson Courthouse
Salt Lake City, Utah

Chief Justice Matthew B. Durrant, Presiding

1. 1:45 p.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 1:50 p.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 2:00 p.m. Administrator's Report. Richard Schwermer
4. 2:10 p.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Justice Thomas Lee
Policy and Planning Judge Derek Pullan
Bar Commission. Rob Rice, esq.
(Tab 2 - Information)
5. 2:20 p.m. Application for Initial Project Planning Approval for
Proposed Problem Solving Court Project Judge Dennis Fuchs
(Tab 3 – Action)
6. 2:35 p.m. Notice of Intent to Dissolve a Justice Court Jim Peters
(Tab 4 – Action)
7. 2:45 p.m. Commissioner and Senior Judge Certifications. Nancy Sylvester
(Tab 5 – Action)
8. 2:55 p.m. New Justice Court Judge Certifications. Jim Peters
(Action)
9. 3:05 p.m. Executive Session
10. 3:20 p.m. Adjourn

Consent Calendar

The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.

1. Committee Appointments
(Tab 6)

Alyn Lunceford
Ray Wahl
Geoff Fattah

2. Rules for Comment
(Tab 7)

Nancy Sylvester

- URS Membership Council Appointment
(Tab 8)

Richard Schwermer

Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

I, Justice Matthew B. Durrant, state as follows:


1. On 8-18-17 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:

- ☒ the character, competence, or physical or mental health of an individual;
- ☐ litigation;
- ☐ the deployment of security personnel, devices, or systems;
- ☐ allegations of criminal misconduct;
- ☐ consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record;
- ☐ the purchase, or exchange or lease of real property because public discussion would prevent the Council from completing the transaction on the best possible terms; or
- ☐ the sale of real property because public discussion would prevent the Council from completing the transaction on the best possible terms.

2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

8-18-17
Date


Justice Matthew B. Durrant
Chair, Utah Judicial Council

The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.

Tab 1

JUDICIAL COUNCIL MEETING

Minutes
Monday, June 26, 2017
Jury Room
Duchesne County Courthouse
Duchesne, Utah

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Justice Thomas Lee
Hon. Marvin Bagley
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Hon. David Marx
Hon. Mary Noonan
Hon. Reed Parkin
Hon. Derek Pullan
Hon. Todd Shaughnessy
Hon. Kate Toomey
John Lund, esq.

EXCUSED:

Hon. Ann Boyden

STAFF PRESENT:

Richard Schwermer
Ray Wahl
Jody Gonzales
James Ishida
Jim Peters
Brent Johnson
Nancy Sylvester
Keisa Williams

GUESTS:

Hon. Doug Thomas
Alex Peterson, JCC
Joanna Landau
Jojo Liu
Taylor Mosolf
Hon. Samuel Chiara
Hon. Keith Eddington
Russ Pearson, 8th Dist TCE

1. **WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Toomey moved to approve the minutes from the May 22 Judicial Council meeting. The motion was seconded, and it passed unanimously.

2. **CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant had nothing to report at this time.

3. **ADMINISTRATOR'S REPORT: (Richard Schwermer)**

Mr. Schwermer reported on the following items:

Duchesne Courthouse. He reported that the Duchesne Courthouse is a newly renovated facility. A tour of the facility will be provided at the end of the meeting.

Judicial Retirements. The following judges have announced their upcoming retirements:

1) Judge Bruce Lubeck, effective the end of December 2017; and 2) Judge Ann Boyden, effective January 1, 2018.

Judicial Appointments. The Governor has appointed Judge Ryan Harris and Ms. Diana Hagan to fill the vacancies in the Court of Appeals due to the upcoming retirement of Judge Fred Voros and Judge Stephen Roth. The appointments are pending confirmation.

Judicial Confirmations. The following were recently confirmed as judges: 1) Jennifer Valencia, Second District; 2) Jared Eldridge, Fourth District; 3) Susan Eisenman, Third District Juvenile; and 4) Steven Beck, Third District Juvenile.

AOC Interviews. Final interviews will be held on June 27 and June 28 to fill the vacancies for a district court administrator and the Chief Information Officer.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

No meeting was held in June. A future offsite meeting will be planned to: 1) get organized for the 2018 legislative session, 2) discuss juvenile justice reform efforts, and 3) review and revisit the criteria by which the committee evaluates legislation.

Policy and Planning Meeting:

Judge Pullan reported on the following items: 1) the committee working on the rule regarding communication with the Office of Legislative Research and General Counsel, 2) commissioner rules for comment are on the agenda for discussion for further action later in the meeting, 3) continue to work on the means by which the Policy and Planning Committee does their work, and 4) creation of a form to be submitted to the Policy and Planning Committee to have matters addressed by the committee.

Chief Justice Durrant noted that this will be Mr. Lund's last Council meeting, and recognized Mr. Lund for his many contributions and valuable service to the Judicial Council.

Mr. Lund offered a few comments. He mentioned that Mr. Rob Rice has been appointed as the Bar's appointment to the Council and will join the Council at their next meeting.

Bar Commission Report:

Mr. Lund reported on the following items: 1) Bar's Summer Conference to be held in Sun Valley, Idaho July 26-29; and 2) Justice Durham will be recognized at the Bar's Summer Conference as the recipient of the Distinguished Service Award.

5. LEGISLATIVE UPDATE AND INTERIM HIGHLIGHTS: (Richard Schwermer)

Mr. Schwermer highlighted the following in his legislative update:

- New staff appointments to the Judiciary Interim Committee
- Request from the Legislature as to an area the judiciary feels needs to be studied more in depth
 - ❖ The coordination from a procedural prospective of the following: 1) protective orders, 2) jail release orders, 3) pretrial restrictions, and 4) restrictions on dating violence, stalking, etc;
 - ❖ The continuing protective order in a civil context
 - ❖ A workgroup will be formed and will be on the agenda in June

- A request for a presentation on drug courts to include: 1) what drug courts are, 2) for whom they are most effective, and 3) the way in which they have been affected by JRI. Mr. Schwermer provided this presentation during the June interim session.
- Looking at statutory reports
- Sunset review of the Administrative Office of the Courts in August
- Jury Nullification in August
- Domestic Case Processing Report will be presented at the September interim

Motion: Judge Toomey moved to enter into an executive session to discuss the character, competence, or physical or mental health of an individual. Judge Noonan seconded the motion, and it passed unanimously.

6. **DOMESTIC CASE PROCESSING SUBCOMMITTEE REPORT AND RECOMMENDATIONS: (Judge Doug Thomas and Ray Wahl)**

Chief Justice Durrant welcomed Judge Thomas to the meeting.

Judge Thomas provided background information on the creation of the domestic case processing subcommittee. He highlighted the following as it relates to the work of the subcommittee, and the report and recommendations of the subcommittee:

- Charge of the Domestic Case Processing Subcommittee
- Membership of the Domestic Case Processing Subcommittee
- Work of the Standing Committee on Children and Family Law (SCCFL)
- Analysis of Court Data
 - ❖ Days to disposition
 - ❖ Average number of hearings
 - ❖ Self-represented parties in domestic matters
- Surveys
 - ❖ Summary of survey of attorneys, judges and commissioners
 - ❖ Summary of survey of self-represented parties
 - ❖ State Justice Institute (SJI) study
- Technical Assistance by the National Center for State Courts (NCSC)
 - ❖ Best practices in states all included early intervention and case triage
 - ❖ Use of “family court facilitators”
 - ❖ Triage includes considering complexity of case
 - ❖ Best practice should include an evaluation of processes
- Conclusion and Recommendations
 - ❖ Active case management will improve the court’s ability to dispose of cases
 - Use of domestic case managers
 - ❖ Self-represented parties need additional resources and guidance
 - Specialized case management
 - ❖ Court should take active role in managing a case where both parties have representation
 - ❖ Different tools should be used to resolve custody disputes
 - Four types
 - ❖ Uniformity between districts needs to be achieved
 - ❖ Modification of statutes

Discussion took place.

Questions were asked of Judge Thomas, and he provided responses.

- Final Summary
 - ❖ Cases take too long, cost too much money and are too complicated
 - ❖ Understandable and timely information needs to be available, especially to self-represented parties
 - ❖ Use domestic case managers to improve case management
 - ❖ Broader variety of tools in custody disputes
 - ❖ More uniformity
 - ❖ Modify or eliminate some statutes and rules

Motion: Judge DeCaria moved to accept the report as prepared by the Domestic Case Process Improvement Subcommittee. Judge Higbee seconded the motion, and it passed unanimously.

Mr. Schwermer suggested that the Domestic Case Process Subcommittee Report be referred to the Board of District Court Judges and the Family Law Section of the Utah State Bar, and referred back to the Standing Committee on Children and Family Law (SCCFL) for interim implementation of the recommendations. The Council was in agreement to Mr. Schwermer's suggestions.

7. JUDICIAL CONDUCT COMMISSION UPDATE: (Alex Peterson)

Chief Justice welcomed Mr. Peterson to the meeting.

Mr. Peterson highlighted the following in his update to the Council:

- Commission members and their terms of office were noted
- Annual caseload for FY 17 – approximately 70-75 cases
- Turnaround time for cases – the goal is 90 days per case, the turnaround time is averaging 61 days
- Caseload – Five public actions taken in FY 17 including one public reprimand, and the remaining four were dismissals with warning
- Type of action that can be taken by the Judicial Conduct Commission includes:
 - ❖ Dismissal
 - ❖ Public actions after a formal hearing and formal charges are filed
 - Reprimand
 - Censure
 - Suspension
 - Removal
 - ❖ Dismissal with Warning
 - ❖ Letter of Education

Chief Justice Durrant thanked Mr. Peterson for his update.

8. PRE-TRIAL RELEASE UPDATE: (Keisa Williams)

Chief Justice Durrant welcomed Ms. Williams to the meeting.

Ms. Williams highlighted the following in her update on the pre-trial release efforts:

- the PSA Working Group, chaired by Judge Brent West, has started meeting
- Implementation with a goal for the “go live” date of November 13
- Review of the violent offense list developed by the Arnold Foundation

- Identified additional offenses that qualify as violent offenses to be added to the list developed by the Arnold Foundation
- Additional approval to be sought by the Arnold Foundation on the additional offenses to be added to the approved violent offense list
- Parts of the decision-making framework being addressed
- Development of offenses with exclusions – to the working group for consideration and approval on July 7
- Development of a CLE for the Bar
 - ❖ Meeting with prosecutors, defense counsel and county attorneys on what is being done with the PSA
- Education for Judges to be provided
 - ❖ Justice Court Judges Conference on August 4
 - ❖ District and Appellate Judges at the Annual Judicial Conference
 - ❖ Clerks of Court at the end of October
 - ❖ Additional Justice Court Judge training to be provided at the Clerk's Conference in October
 - ❖ Training will be recorded as well for future viewing
- Train the trainer sessions are being completed by Mr. Tom Langhorne, Ms. Keisa Williams, and Mr. John Bowers to provide training to others
- Adding additional CLEs in the future
- The importance of capturing identifying information (SID) is being addressed
- Programming efforts are progressing
 - AOC IT staff is working with the Department of Public Safety to recreate the automated probable cause system
- Discussion of a side-by-side study in Salt Lake City is taking place

9. **INDIGENT DEFENSE COMMISSION REPORT: (Joanna Landau)**

Chief Justice Durrant welcomed Ms. Landau to the meeting.

Ms. Landau, Ms. Liu, and Mr. Mosolf highlighted the following in their report to the Council:

- Studies of indigent defense in Utah
- Utah laws regarding indigent defense
- Indigent Defense Commission staff
 - ❖ Director – Joanna Landau
 - ❖ Assistant Director – Jojo Liu
 - ❖ Research and Data Analyst – Taylor Mosolf
 - ❖ Grant Monitor/Manager – Collett Litchard
 - ❖ Staff interns
- Indigent Commission's statutory duties
 - ❖ Collect statewide data
 - ❖ Setting standards
 - Develop and adopt guiding principles for the assessment and oversight of indigent defense systems.
 - ❖ Encourage regionalization
 - ❖ Award grants
- Sources of Indigent Defense Data in the State
 - ❖ Local government contracts with attorneys
 - ❖ Local government budgets
 - ❖ AOC case data

- ❖ Local court data
- ❖ Surveys and studies
- Patchwork of indigent defense systems
 - ❖ Patchwork of independent systems with diverse delivery methods, resources, quality, oversight, and court practices
 - ❖ No substantive accountability/quality assurance
 - ❖ Disparate funding levels
- Juvenile standards, specifically, systems and attorney performance standards
 - ❖ Development of three subcommittees to address development of attorney performance standards
- Grant projects
- Non-statutory duty – indigent defense public relations

Discussion took place.

Questions were asked of Ms. Landau, Ms. Lui and Mr. Mosolf, and they provided responses.

Chief Justice Durrant thanked Ms. Landau, Ms. Liu, and Mr. Mosolf for their update.

10. PCRA RECOMMENDATION FOLLOW-UP: (Brent Johnson)

Chief Justice Durrant welcomed Mr. Johnson to the meeting.

Mr. Johnson reminded the Council of one of the recommendations, as prepared by the Post-Conviction Subcommittee, dealt with the development of a more robust post-conviction pro bono program in the Utah State Bar. The Council asked Mr. Johnson to look at potential ethical considerations.

Mr. Johnson provided background information on his review into the use of pro bono services by the Utah State court system when the Third District Court participated in a pilot program several years ago. Discussion of this matter took place at the June Management Committee. The proposed solution for use of a pro bono program is it relates to the PCRA recommendations included the following: 1) the Utah State Bar will maintain a list of pro bono attorneys and provide the list for use by the courts, and someone other than the assigned judge will contact the firms as needed, on a rotating basis.

Mr. Schwermer reported that the proposed solution has been discussed with Mr. John Baldwin of the Utah State Bar. He approved the solution. Mr. Schwermer and Mr. Johnson will meet with the appropriate representative at the Utah State Bar to develop a protocol that is repeatable for use with a pro bono program.

Mr. Lund suggested that contact be made with the Utah Association of Criminal Defense Lawyers (UACDL) as well.

11. RULE FOR COMMENT: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Sylvester to the meeting.

Ms. Sylvester reviewed the revisions made by the Policy and Planning Committee to the commissioner rules to include: 1) CJA Rule 3-201 – Court commissioners, and 2) CJA Rule 3-111 – Performance evaluation of senior judges and court commissioners.

She highlighted the amendments requested by Mr. Peyton Smith, Third District Court trial court executive, to Rule 3-111 – Performance evaluation of senior judges and court commissioners. His request was relative to having surveys of judges and court personnel be done annually as opposed to quarterly, and having the annual evaluations completed by June 1, rather than by January 31.

Discussion took place.

Motion: Mr. Lund moved to approve the recommended changes to: 1) CJA Rule 3-201 – Court commissioners, and 2) CJA Rule 3-111 – Performance evaluation of senior judges and court commissioners as proposed by the Policy and Planning Committee, to include the input requested by Mr. Peyton Smith, and send the rules out for public comment. Judge Toomey seconded the motion, and it passed unanimously.

12. SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)

Judge Stephen Roth and Judge Dane Nolan have applied for senior judge certification. Both judges are in compliance with the minimum qualifications and performance standards

Motion: Judge Toomey moved to enter into an executive session to discuss the character, competence, or physical or mental health of an individual. Judge DeCaria seconded the motion, and it passed unanimously.

Motion: Judge Noonan moved to forward the recommendations for senior judge certification for the following judges: 1) Judge Stephen Roth, active senior judge; and 2) Judge Dane Nolan, active senior judge. Judge Toomey seconded the motion, and it passed unanimously.

13. EXECUTIVE SESSION:

An executive session was held at this time.

14. EIGHTH DISTRICT UPDATE/LUNCH: (Judge Samuel Chiara, Judge Keith Eddington, and Russ Pearson)

Chief Justice Durrant welcomed Judge Chiara, Judge Eddington and Mr. Pearson to the meeting.

Judge Chiara, Judge Eddington and Mr. Pearson provided an update on Eighth District activities.

15. ADJOURN

The meeting was adjourned.

Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Daniel J. Becker
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

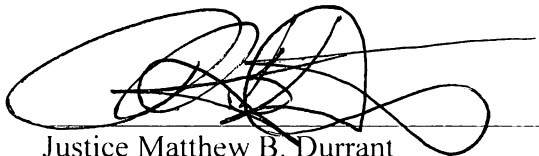
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6-26-17
Date


Justice Matthew B. Durrant
Chair, Utah Judicial Council

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Tab 2

Management Committee Minutes

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Tuesday, August 1, 2017
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant
Hon. Kate Toomey, vice chair
Hon. Thomas Higbee (by phone)
Hon. David Marx
Hon. Todd Shaughnessy

EXCUSED:

GUESTS:

Jennifer Yim
Dr. Matthew Burbank

STAFF PRESENT:

Richard Schwermer
Ray Wahl
Jody Gonzales
Shane Bahr
James Ishida
Jim Peters
Dawn Marie Rubio
Clayson Quigley
Alyn Lunceford

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting. After reviewing the minutes, the following motion was made:

Motion: Judge Toomey moved to approve the July 11, 2017 Management Committee meeting minutes. Judge Shaughnessy seconded the motion, and it passed unanimously.

2. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Mr. Schwermer provided the following update:

Executive Assistant Resignation. Rick offered comments to Ms. Gonzales for her exemplary service to the courts.

District Court Administrator. Mr. Shane Bahr, the new district court administrator, was introduced to members of the Management Committee. His background and work experience was provided.

Chief Information Officer. Ms. Heidi Anderson has been appointed as the Chief Information Officer. She began her work with the courts today.

Bar Representative to the Council. Mr. Rob Rice has been appointed by the Bar to replace Mr. Lund on the Council, and he will begin his appointment on the Council at the August Budget and Planning Session and Judicial Council meetings.

Executive Judicial Compensation Committee. Mr. Sam Alba has been selected as the Utah State Bar's appointment on the Elected Official and Judicial Compensation Commission.

Operation Rio Grande. Mr. Schwermer attended a meeting held this morning to discuss this matter. Brief discussions took place at the Utah State Bar Conference last week. Three subcommittees have been formed by Lieutenant Governor Spencer Cox. Mr. Schwermer has been selected to serve as a member of the Criminal Justice Subcommittee.

Discussions at the meeting included: 1) jail book and release of Class B misdemeanors, 2) jail book and release of Class C misdemeanors, 3) DPS programming holding up risk needs screens, and 4) reference to Salt Lake County's request for funding of a "diversion court".

The next meeting is scheduled for Tuesday, August 8. A plan will be made public on August 11.

JPEC Revised Judicial Performance Evaluation Survey. Ms Yim will update the Management Committee on the results of the pre-test of the revised Judicial Performance Evaluation Survey. She is seeking input from the Council of the revised survey.

3. COMMITTEE APPOINTMENTS: (Alyn Lunceford and Ray Wahl)

Chief Justice Durrant welcomed Mr. Lunceford to the meeting.

The Courts Facilities Planning Committee recommended the appointment of Judge David Mortensen to serve as the committee chair.

Motion: Judge Toomey moved to approve the appointment of Judge David Mortensen as the committee chair of the Courts Facilities Planning Committee meeting and place it on the August Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

The Standing Committee on Children and Family Law (SCCFL) has two vacancies for the following: 1) a representative from the Family Law section with Ms. Laura Thompson's second term expiring, and 2) a representative who conducts child custody evaluations.

Ms. Anna Trupp has served two terms as the representative who conducts child custody evaluations. The Standing Committee on Children and Family Law (SCCFL) is requesting an exception be granted to appoint her for a third term as she is currently involved with a rule change being considered by the Child Evaluation Subcommittee.

Motion: Judge Shaughnessy moved to approve the appointment of Ms. Anna Trupp to serve a third term on the Standing Committee on Children and Family Law (SCCFL) as the representative who conducts child custody evaluations and place it on the August Judicial Council consent calendar. Judge Toomey seconded the motion, and it passed unanimously.

4. UNIFORM FINE AND BAIL COMMITTEE REPORT AND RECOMMENDATIONS PREVIEW: (Clayson Quigley)

Mr. Schwermer mentioned that Judge Brady requested that the Uniform Fine and Bail Committee address the Council in August with their report and recommendations. Mr. Quigley will provide a preview for members of the Management Committee.

Mr. Quigley highlighted the following in his preview of the Uniform Fine and Bail Committee Report and Recommendations:

- In the past, the Uniform Fine and Bail Committee addressed the fine and bail schedule with the following in mind:
 - ❖ Following each legislative session, the Uniform Fine and Bail Schedule was updated annually to include newly passed laws and to set recommended fine amounts
 - ❖ No formal guidelines have been established to assist the Committee in recommending specific fine amounts

- ❖ Because membership of the Committee changes from year to year and because there are no formal guidelines for setting recommended fine amounts, fine levels tend to reflect the makeup of each Committee, and fine amounts vary
- The goals of the committee include:
 - ❖ Simplify the schedule by limiting the number of offense categories
 - ❖ Maintain fairness and consistency in both the fine levels and category assignments
 - ❖ Keep the revenue generated by fines as neutral as possible
 - ❖ Establish a process that can be replicated in years to come that will maintain the simplicity and consistency of the current schedule

Uniform Fine and Bail Committee Recommendations:

- The Committee recommends that all offenses be identified in one of four distinct categories
 - ❖ Public safety crimes
 - ❖ Person crimes
 - ❖ Property crimes
 - ❖ Other crimes
- The Committee recommends that fine levels for Person crimes and Public safety crimes categories be equal and have the highest recommended amounts. Property crime fines should be less than Person and Public Safety crimes. Other crime fines should be the lowest.
- The Committee aims to minimize the budget impact to adjusting the recommended fine levels for each category by severity with minimal impact to revenues generated by fines while also setting fines in easy to remember and use amounts.
- The Committee recommends that the office title of the schedule be renamed from *The Uniform Fine and Bail Schedule* to the *Uniform Fine Schedule*
- The Committee recommends that the instructions give greater emphasis on using the schedule as a guide, and encouraging judges to consider aggravating and mitigating circumstances when determining a specific fine amount when sentencing in each case

Discussion took place. Suggestions were made to Mr. Quigley regarding the recommendations. Mr. Quigley will report back to the Uniform Fine and Bail Committee with the concerns raised by the Management Committee. Once the concerns have been addressed, the Committee can provide a report with their revised recommendations to the Judicial Council.

5. **APPROVAL OF REVISED JPEC SURVEY: (Jennifer Yim)**

Chief Justice Durrant welcomed Jennifer Yim and her guest.

Ms. Yim introduced Dr. Matthew Burbank, Faculty Advisor to the Kem Gardner Policy Institute at the University of Utah. She provided his background information. He has been acting as a consultant to the Judicial Performance Evaluation Commission in designing the survey modifications requested by the Commission.

Ms. Yim highlighted the following: 1) changes to the Judicial Performance Evaluation Survey, and 2) the pre-test results, 3) request input on using the revised survey for retention

judges, 4) responded to questions asked relative to the pre-test and the pre-test results, 5) noted the recommendations based upon the information from the pre-test survey.

Discussion took place.

Chief Justice thanked Ms. Yim and Dr. Burbank for their presentation. He mentioned that a response would be provided to Ms. Yim after further discussion by the Management Committee regarding the use of the revised Judicial Performance Evaluation Survey.

The Management Committee agreed that they had no objections to the changes made to the Judicial Performance Evaluation Survey and asked Mr. Schwermer to convey that to Ms. Yim.

6. URS MEMBERSHIP COUNCIL APPOINTMENT (Richard Schwermer)

Judge David Mortensen was appointed in January of 2017 as the Judicial Council's representative to the Utah State Retirement Board's Membership Council for the 2017-2021 term. He has asked to be excused from this appointment.

Judge Kara Pettit, Third District Court, is being recommended for appointment to the Council to fill the vacancy left with Judge Ann Boyden's first term expiring in October. With this, Judge Pettit is being recommended for appointment as the Judicial Council's representative to the Utah State Retirement Board's Membership Council for the 2017-2021 term.

Motion: Judge Toomey moved to approve the appointment of Judge Kara Pettit as the Judicial Council's representative to the Utah State Retirement Board's Membership Council for the 2017-2021 term, and place it on the August Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

7. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant reviewed the proposed Judicial Council agenda for the August 18 Council meeting.

Motion: Judge Toomey moved to approve the agenda for the August 18 Judicial Council as amended. Judge Shaughnessy seconded the motion, and it passed unanimously.

Motion: Judge Toomey moved to enter into an executive session. Judge Shaughnessy seconded the motion, and it passed unanimously.

8. EXECUTIVE SESSION

An executive session was held at this time.

9. ADJOURN

The meeting was adjourned.

Policy and Planning Committee Minutes

Policy and Planning Committee
Executive Dining Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111

August 4, 2017
Draft

Members Present

Hon. Derek Pullan - Chair
Hon. Ann Boyden
Hon. Mary Noonan
Hon. Reed S. Parkin - by phone
Rob Rice

Members Excused

Hon. Marvin Bagley

Staff

Nancy J. Sylvester

Guests

Rick Schwermer
Jim Peters - by phone
Judge Reuben Renstrom - by phone

(1) Approval of minutes.

Judge Derek Pullan welcomed the members to the meeting. Judge Pullan welcomed new member, Rob Rice to the committee. Mr. Rice replaced John Lund on the Judicial Council. Judge Pullan then addressed the June 2, 2017 minutes. There being no changes to the minutes, Judge Mary Noonan moved to approve the minutes. Mr. Rice seconded the motion and it passed unanimously.

(2) New Rule. CJA 9-109. Presiding Judges in Justice Court.

Judge Pullan welcomed Jim Peters and Judge Reuben Renstrom, who appeared with Judge Parkin by phone. Mr. Peters explained the proposal to create Rule 9-109. Judge Parkin said the Board of Justice Court Judges requested the rule change and the Management Committee approved it in concept. Mr. Peters explained that there are currently 120 justice courts throughout Utah and a lot of local issues going on. Presiding judges representing each judicial district would help Mr. Peters better manage the individual courts, including in disciplinary matters. The rule covers how presiding and associate presiding judges are elected, the annual meetings, and the authority of presiding judges. The goal is to ensure that justice courts are following state statutes and our constitutions. Some duties would also include serving as liaisons with the media and other courts. Judge Noonan asked if there were any negative reviews of this proposal. Judge Parkin said this proposal has been mentioned several times and he has not heard any negative feedback. Judge Renstrom said he has only received one negative comment from a justice court judge. Judge Pullan asked what the concerns

were. Judge Renstrom said the judge felt like it would allow for a “big brother” effect. Jim Peters he has been handling issues that a presiding judge would normally be handling.

Judge Parkin noted that current court practice does not always follow statutes. Mr. Peters said the rule is modeled from the district court rule (Rule 3-104), with slight modifications to account for the differences in justice courts. Judge Pullan asked if this rule would allow for a caseload reduction to permit more time for a presiding judge’s administrative work. Judge Parkin said this is not addressed in the rule because sometimes a judge would be a presiding judge and be the only judge in the court; thus their caseload could not be reduced. Judge Renstrom noted the justice court judges are very helpful with assisting other judges.

Judge Ann Boyden questioned how this would work politically when there are city councils or other political bodies that have to be answered to. Mr. Peters said he has not had any conversations at the city or local council levels. But he does not believe this would cause any concerns because this is an effort to improve judge’s performance on the bench. Judge Renstrom said when ethical issues or opinions are brought forth the judges are quick to respond and train. He noted that if there is a need for a temporary judge then this will be addressed with the presiding judge. Mr. Peters noted that the local government does not typically get too involved in the justice courts’ processes.

Rick Schwermer raised an issue with proposed section (3)(G). He thought it was redundant to the civil and criminal procedure rules that address judge disqualification. The committee discussed the term “temporary” in Utah Code section 78A-7-208 and how it would apply in this section. Judge Parkin noted temporary judges are appointed and approved by local city council. Judge Pullan requested clarification that this section would cover motions for disqualification. Mr. Peters and Judge Renstrom said it does and that they had had conversations with Ms. Sylvester about the need for this language. Judge Pullan stated Rule 63 of the Utah Rules of Civil Procedure and Rule 29 of the Utah Rules of Criminal Procedure address reassignments and agreed with Mr. Schwermer that the wording needs to mirror those rules if we keep the section. Mr. Peters said he could add references to those rules. Judge Pullan suggested taking this section out because it’s procedural and not administrative. Mr. Schwermer agreed this would be a good idea since this issue is already covered in statute and our rules of procedure. Judge Parkin said he doesn’t have a problem with removing this section. Mr. Schwermer asked if the effective date is still set for during the annual conference. Mr. Peters said he is looking for November 1 as an effective date, which would work with the justice court judges meeting. Mr. Schwermer said it would probably be best to have it effective right before the annual conference in the spring so that there isn’t a gap with no presiding judges. Mr. Peters agreed.

Judge Parkin moved to send rule 9-109--with section (3)(G) being removed -- to the Judicial Council for approval to send out for public comment. Judge Noonan seconded the motion and it passed unanimously.

(3) CJA 1-205. Standing and Ad Hoc Committees.

Ms. Sylvester addressed the proposal to amend Rule 1-205 and those on the phone were also asked to comment. She said the Standing Committee on Resources for Self-represented Parties proposes adding a member from the AOC Education Department as well as adding another justice court judge member. The Board of Justice Court Judges specifically requested another justice court judge. Mr. Peters said the reason behind this request is that the justice courts are the court level that is most involved with self-represented parties. Ms. Sylvester said Kim Free from the Education Department requested to be on the committee and the committee has so many issues that need to go back to her department that it made sense to add her. Judge Renstrom said having an educator liaison would be invaluable. Judge Noonan asked how has the education part been accomplished to date. Judge Parkin said educational videos or materials have not happened.

Judge Parkin moved to send Rule 1-205 to the Judicial Council for approval to send out for public comment adding the justice court judge. Judge Boyden seconded the motion and it passed unanimously. Judge Pullan asked the committee if there was a separate motion or recommendation for adding the educational representative. There was brief discussion on the current composition of the Self-Represented Parties committee members. Judge Pullan noted there is a consistent concern with increasing committee members. Judge Renstrom said the education department member could attend the meeting without becoming a member. Judge Noonan said she was not persuaded at this point that it is necessary to add another member.

(4) CJA 6-501. Reporting Requirements for Guardians and Conservators.

Ms. Sylvester discussed the proposal to amend Rule 6-501. She said these amendments were intended to mirror H.B. 214 (2017), which removed the requirement that co-guardians report to the court when at least one is a parent.

Judge Noonan moved to approve rule 6-501 to go to the Judicial Council for approval to send out for public comment. Mr. Rice seconded the motion and it passed unanimously.

(5) CJA 3-104. Presiding Judges.

Ms. Sylvester discussed the proposal to amend Rule 3-104, which came from Brent Johnson. Mr. Schwermer noted the Rules of Criminal Procedure committee is rewriting rule 7. He said the goal was to ensure justice court judges are being utilized fairly in magistrate rotations. Mr. Schwermer said in some areas judges are not used at all and

in some areas they are frequently used. Mr. Schwermer said the justice court administrator would be the person to discuss this with. Judge Pullan asked if a district court presiding judge can play a role in this process. Mr. Schwermer said yes they can. Judge Pullan felt comfortable with the rule as written.

Judge Noonan moved to send rule 3-104 to the Judicial Council for approval to send out for public comment. Judge Boyden seconded the motion and it passed unanimously.

(6) Other business.

Internal Operating Guide

Judge Pullan addressed the changes to the Policy & Planning Committee's Internal Operating Guide (the name was changed from "Bylaws"). Judge Boyden said she appreciated the structure it gave the committee. Judge Noonan said she had concerns about section 3 when the Policy and Planning committee declines to recommend a rule to the Council. Judge Noonan said it would be helpful to add a note about communications to the rule proposer.

Ms. Sylvester will make the amendments as discussed in the meeting.

P&P Rule Amendment Request Form

The committee discussed the proposed form. After brief discussion the committee agreed use of this form is acceptable at this time, with a small change of adding room in the box about explanation as to urgent requests. There was no motion made.

The next meeting is scheduled for September 1, 2017 in the council room at 12:00. There being no other business the meeting adjourned at 1:20 pm.

Tab 3

**APPLICATION FOR INITIAL PROJECT PLANNING APPROVAL FOR PROPOSED
PROBLEM SOLVING COURT PROJECT**

Name/Working Title of Proposed Project: New Problem Solving Drug Court

Court Location: Third District Court, Matheson Court House

Application Submitted By: Noella Sudbury

1. Target Population (Describe the types of cases or the description of the population that will be served by this project. Please be specific).

This court is intended to serve the high risk/high needs misdemeanor and low level felony population in Salt Lake County, as determined by the LS/CMI and ASAM assessment tools. This population has greatly increased in Salt Lake County due to the declassification of non-violent drug offenses under JRI. Good candidates for the program would be individuals with multiple misdemeanor charges or low level felony offenses indicative of a possible drug addiction.

While the court would be open to all high risk/high need individuals arrested in Salt Lake County, the intent is to fill the court with individuals who are arrested in repeated and randomized law enforcement operations focused on the downtown Salt Lake City area. Upon arrest, individuals will be booked into the Salt Lake County Jail, and (pending agreement with CCJJ), be immediately screened to detect possible substance use disorders, mental health disorders, co-occurring disorders, and criminogenic risk. Individuals with screens indicating further assessment is needed, will then participate in a full assessment, using the LS/CMI and ASAM tools, to determine risk and recommended level of care. Individuals who are high risk/high need will then be screened by the District Attorney's Office and the Salt Lake Legal Defenders office to determine whether they are good candidates for the program. After an orientation, eligible individuals can decide whether they would like to plea into the program.

2. Purpose/Goal of Project (Please explain why you believe this project is necessary or desirable. How will a problem-solving approach benefit your target population?)

The goal of this project is to have an immediate impact on public safety in the downtown area and to connect a high volume of high risk/high need individuals to a structured court program with the wrap around recovery support services individuals will need to succeed.

Evidence-based practices show that high risk/high need individuals need a lot of contact hours and structure in order to be successful. We learned from our Operation Diversion efforts last fall that we are targeting a challenging population that struggles with substance use, mental health issues, co-occurring issues, and often homelessness, and that these issues make it difficult for this population to succeed on their own. Salt Lake County desires to help this population get out of the criminal justice system and back on their feet. We think the multi-disciplinary team approach and ongoing monitoring of a problem-solving court will best address the needs of these individuals and improve offender outcomes. More specifically, we have the following goals:

- Through close partnership with Salt Lake City Police, disrupt patterns of criminal activity in the downtown area through repeated and randomized law enforcement operations intended to improve public safety;
- Flag all those arrested as part of this effort for tracking purposes, and at the time of booking, work with CJS, ARS, Salt Lake Legal Defenders, and the Salt Lake County DA's office to conduct screening, and (where appropriate), full risk and needs assessment to immediately determine eligibility for the program and needed level of care;
- Work with jail and court staff to quickly calendar a court date for eligible high risk/high need individuals where they can participate in an orientation and decide whether they would like to plea into the program;
- Reduce jail length of stay prior to admission into the program;
- Promote recovery through a coordinated "team" approach involving the collaboration of the court, prosecutors, defense counsel, probation officers, evaluators, providers, peer mentors, and corrections personnel;
- Wherever possible, collect all of an individual's pending cases into one court and deal with them collectively (which will hopefully lead to a better legal "deal");
- Reward cooperation and progress and respond to noncompliance through early and frequent judicial intervention;
- Reduce substance use disorder treatment wait times;
- Lower treatment attrition rates;

- Target criminogenic needs through individualized case planning (as measured by a reduction in LS/CMI risk scores);
- Improve physical and mental health outcomes;
- Reduce recidivism (as measured by new convictions);
- Continuously track outcomes to monitor and evaluate program effectiveness and make modifications as necessary.

The ongoing monitoring and collaborative structure of a specialty court, with many dedicated staff members taking an individualized approach to case management will help achieve these goals and improve offender outcomes.

3. What is the size of the proposed project (approximately how large is your target population and how many participants would likely be served by the proposed project)?

In the summer months, there are thousands of individuals in the downtown area who congregate in and around the Rio Grande area. According to data from Salt Lake County Criminal Justice Services, the high risk/high need probation population has grown by 70% over the past year, and absent more programs to address this population, this trend is likely to continue. While there are hundreds of potential individuals who could be served by this program, Salt Lake County is asking for JRI grant dollars to open a court that will serve up to 125.

4. What is the anticipated impact on court staff, clerks and judges, and how will that need be met?

With the help of Judge Skanchy, we will identify a judge in Third District who is both interested in, and has the capacity to, conduct court proceedings. We anticipate weekly court proceedings one day a week, in the afternoon. We hope that the impact to the court will be minimal, as we plan to provide the court with the full staffing of a typical drug court.

5. **Funding considerations/stakeholders (Identify the stakeholders and what they will need to contribute to the project. If you have identified a funding source to support the project, please specify).**

Salt Lake County is applying for JRI grant dollars to support this problem-solving court program. Those dollars will help fund all partners needed to staff this court similar to the existing drug courts. More specifically, if given the grant dollars, Salt Lake County will provide attorneys, case managers, an in-court therapist, treatment (residential, intensive outpatient, and outpatient), detectives, and peer mentors. Grant dollars are awarded through a competitive bid process and will be available July 1.

The following individuals will be key stakeholders and their level of effort is described below:


- **Mayor Ben McAdams**, Salt Lake County Mayor and Chair of Criminal Justice Advisory Council (providing funding for CJAC staff members to help support the court formation process, lead discussions about desired program outcomes, provide funding for data team to track outcomes).
- **Judge Randall Skanchy**, Presiding Judge, Third District Court (serving as partner to other stakeholders in developing and supporting the new problem solving court, helping the third district court to support the new judge in his effort to take on this new population)
- **Third District Court Judge** (to preside over the new problem solving court)
- **Sheriff Jim Winder**, Salt Lake County Sheriff's Office and CEO of Unified Police Department (allow individuals to be booked into jail for non-compliance, as determined by court team; work with staff members to flag all individuals who are screened and given an opportunity to participate in the program).
- **Sim Gill**, Salt Lake County District Attorney (help design flow and eligibility requirements for court program, identify attorney to staff court, help identify good candidates for program and encourage them to participate)
- **Rich Mauro**, Director Salt Lake Legal Defenders (help design flow and eligibility requirements for court program, identify attorney to staff court, help identify good candidates for program and encourage them to participate)

- **Kele Griffone**, Salt Lake County Criminal Justice Services (help design court flow and responsibilities of case managers, designate individuals to conduct assessments, hire case managers to support court)
- **Tim Whalen**, Salt Lake County Behavioral Health (provide adequate residential, intensive out-patient, and out-patient treatment options for the problem-solving court participants)
- **Salt Lake City Police** (engage in law enforcement operations to get target population to jail and screened for possible program participation; possibly help with transportation to treatment for individuals eligible for release).

Signature Page

Trial Court Executive Comment:

Date: 16 June 2017

Signature: 

Presiding Judge Comment: *We support this application by affirmation from the Third Judicial District.*

Date: _____

Signature: _____

Applicant's Signature: _____

Date: _____

Tab 4

OLSON & HOGGAN, P.C.

ATTORNEYS AT LAW

BRENT HOGGAN
MILES P. JENSEN
JAMES C. JENKINS
KEVIN J. FIFE*
JEFFERY B. ADAIR**
KELLY J. SMITH
JEREMY S. RAYMOND
SETH J. TAIT*
JACOB A. WATTERSON
BRADLEY N. MUMFORD
—
CHARLES P. OLSON (1916-1975)

*also licensed in Idaho
**also licensed in Nevada

June 21, 2017

Via Certified Mail

130 SOUTH MAIN, SUITE 200
P.O. BOX 525
LOGAN, UTAH 84323-0525
TELEPHONE (435) 752-1551
TOLL FREE (866) 752-1551
TELEFAX (435) 752-2295

—
TREMONTON OFFICE
123 EAST MAIN
P.O. BOX 115
TREMONTON, UTAH 84337-0115
TELEPHONE (435) 257-3885
TELEFAX (435) 257-0365

E-MAIL oh@oh-pc.com
www.oh-pc.com

Jim Peters
Justice Court Coordinator
Administrative Office of the Courts
450 South State
PO Box 140241
Salt Lake City, Utah 84114-0241

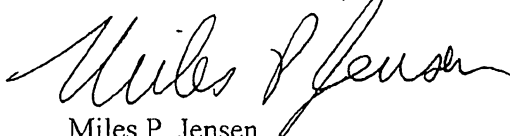
Re: NOTICE OF INTENT TO DISSOLVE JUSTICE COURT

Dear Mr. Peters:

We are acting as legal counsel for Lewiston City located in Cache County. Pursuant to Utah Code Ann. § 78A-7-123, this letter provides notice to the Utah Judicial Council that Lewiston City intends to seek legislative approval in the upcoming legislative session to dissolve the Lewiston Justice Court. If you require any further information regarding this notice, please contact us directly.

Sincerely,

OLSON & HOGGAN, P.C.



Miles P. Jensen
Seth J. Tait

MPJ/sjt

J:\MPJ\Cities\Lewiston\Justice Court Dissolution\Notice Judicial Council\Lewiston.L.docx

CITY OF LEWISTON RESOLUTION NO. 17-003

A RESOLUTION AUTHORIZING THE DISSOLUTION OF THE LEWISTON JUSTICE COURT

WHEREAS, the City of Lewiston ("City") currently has the Lewiston Justice Court (the "Court") to serve the City's justice court needs; and

WHEREAS, the City's current Justice will be retiring in the near future; and

WHEREAS, the City Council has determined that the case load of and demand for the Court no longer justify its cost to the City, along with the requisite efforts required for the appointment of a new Justice; and

WHEREAS, the City Council has determined that it would be in the best interests of the residents of the City that the Court be dissolved and that the cases be handled by the First Judicial District Court of Utah for the County of Cache which serves any areas of Cache County that do not fall within the jurisdiction of a municipal justice court; and

WHEREAS, Utah Code Ann. § 78A-7-123 sets forth the process and requirements for dissolving a municipal justice court which include, among other things, the approval of the State Legislature; and

WHEREAS, the City wishes to now dissolve the Court by following the foregoing process set forth in the Utah Code;

NOW, THEREFORE, be it resolved by the City Council of Lewiston, Utah as follows:

1. The City shall take those steps required to meet all the statutory conditions necessary to dissolve the Lewiston Justice Court pursuant to the process provided in Utah Code Ann. § 78A-7-123 and the Mayor and City Recorder are authorized and directed to prepare, sign and file with the appropriate agencies all documents necessary to dissolve the City's Justice Court; and
2. Upon the completion of all the requirements of Utah Code Ann. § 78A-7-123, including the approval of the State Legislature, the Lewiston Justice Court shall be dissolved effective January 23, 2018.
3. This Resolution shall become effective immediately upon adoption.

THIS RESOLUTION duly adopted upon this 20 day of June, 2017 by the following vote:

Yes 4 No _____ Absent 1

Kerry L. Fick
Mayor

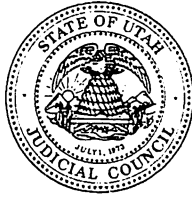
Attest:

Julia B. Gion
City Recorder

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N-600.0030

Tab 6

Standing Committee – Courts Facility Planning



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

July 27, 2017

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Utah Supreme Court

FROM: Standing Committee
Courts Facility Planning

RE: Committee Chair Appointment

Committee: The Courts Facility Planning Committee

The Facilities Planning Committee is requesting the appointment of Judge David Mortensen to serve as Chair of the Committee. Judge Charles Behrens retired in July leaving the position vacant. Judge Mortensen was appointed to the Committee in June of this year starting a three year term. The rules governing the Committee require one judge from each of the levels of court, two members of the community with a history in design and/or construction along with the State Court Administrator. Judge Mortensen has expressed a very strong interest in being a member of the Committee and serving as Chair.

Current committee members:

Appellate Court Level	Judge David Mortensen
District Court	Judge James Brady
Juvenile Court	Vacant
Justice Court	Judge Jon Carpenter
TCE	Wendell Roberts, Sixth District
Industry	Archie Philips, Architect
Industry	Lyle Kundsén, Architect
AOC Court Administrator	Richard Schwermer
Staff	Alyn Lunceford

As staff to the Committee I believe Judge Mortensen is a very good choice to serve as Chair of the Committee. Judge Mortensen is very interested in the facility issues of the court, has a strong sense of design, and understands the role a court building has in the community.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

Memorandum

To: Management Committee

FROM: Ray Wahl, Staff, Standing Committee on Children and Family Law

RE: Vacancies on the Standing Committee

DATE: July 28, 2017

There are two vacancies on the Standing Committee. Laura Thompson has served on the committee for two terms and her appointment expires the end of this month. She does not desire to continue to serve on the committee. I have been working with the Family Law Section of the Bar to receive nominations to serve on the committee. The section needs a bit more time to get nominations to me, and I hope that this can be addressed in the August meeting.

The second vacancy is intended to be for a person who does child custody evaluations. The incumbent, Anna Trupp, has served on the Standing Committee for two terms. Rule 1-205 (3) (B) states "Standing Committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms". The Standing Committee thinks exceptional circumstances exist. A subcommittee of the Standing Committee has been working on a rule change for about 18 months. Ms. Trupp serves on the subcommittee. That rule change is not complete and to have someone new from this area of expertise to serve on the subcommittee would be a difficult learning curve and disrupt the subcommittee's work. Ms. Trupp has agreed to serve an additional term. Ms. Trupp has been a regular attendee at the meetings and it is difficult to find someone who is able to devote time to serve on a committee given the demands to complete child custody evaluations.

I will be at Management meeting should there be any questions that you may have.

cc: Judge Douglas Thomas, Co-Chair

Judge Sherene Dillon. Co-Chair

Membership List

Standing Committee on Children and Family Law

Judge Douglas Thomas, Co-Chair

Judge Sherene Dillon, Co-Chair

Judge Brent Bartholomew

Judge Elizabeth Hruby-Mills

Commissioner Michele Blomquist

Sen. Todd Weiler

Adam Caldwell, Attorney

James Hanks, Attorney

Laura Thompson, Attorney General's Office

Anna Trupp, Child Custody Evaluator

Stacey Snyder, GAL Director

Mark Brasher, Human Services

Nini Rich, Mediator

Ray Wahl, AOC, Staff

**Standing Committee on
Children and Family Law**

Memorandum

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RE: Vacancies on the Standing Committee

DATE: July 28, 2017

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cc: Judge Douglas Thomas, Co-Chair

Judge Sherene Dillon. Co-Chair

Membership List

Standing Committee on Children and Family Law

Judge Douglas Thomas, Co-Chair

Judge Sherene Dillon, Co-Chair

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Sen. Todd Weiler

Adam Caldwell, Attorney

James Hanks, Attorney

Laura Thompson, Attorney General's Office

Anna Trupp, Child Custody Evaluator

Stacey Snyder, GAL Director

Mark Brasher, Human Services

Nini Rich, Mediator

Ray Wahl, AOC, Staff

**Standing Committee on
Judicial Outreach**



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

July 6, 2017

Richard H. Schwermer
State Court Administrator
Raymond Wahl
Deputy Court Administrator

MEMORANDUM

**TO: Management Committee
Utah Judicial Council**

**FROM: Geoffrey, staff
Standing Committee on Judicial Outreach**

RE: Re-appointment of Judge Elizabeth Hruby-Mills to Second Term

The three-year term for Judge Elizabeth Hruby-Mills has expired. She wishes to apply for a second term as the Committee's District Judge representative and committee chair.

Judge Hruby-Mills is a District Court Judge in the Third District, making her eligible to maintain the District Court Judge representative on the committee. With the exception of one absence due to a very high-profile trial, Judge Hruby-Mills has had consistent attendance as chair of the committee.

Here is the Judge's interest statement:

"I am interested in continuing my work on this committee. I am passionate about the goals of this group. I think the Judicial Outreach Committee is extremely important to our court community and its interaction with the community at large. It is an exciting task to assess and address the perceptions and misconceptions of our judiciary and the court system as a whole. I hope that my leadership has helped to encourage the healthy dialogue that we often have at our meetings. I think my experience as a judge and formerly as a social worker and counselor for children gives me a unique background in contributing from an educational and judicial standpoint. Being a judge with a primarily criminal caseload, especially with the high profile cases I have had recently, I am very cognizant of publicity and exposure of the judiciary, and am very sensitive to the myriad of issues that come into play.

My other current and past committee assignments include: CJC Advisory Committee, Rules of Criminal Procedure, Domestic Case Process Improvement, Domestic Violence Offender Management Group, Grand Jury Panel of Judges, Standing Committee on Children and Families."

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

Rule 3-114. Judicial Outreach

Standing Committee on Judicial Outreach

Intent of the committee:

- To foster a greater role for judges in service to the community.
- To provide leadership and resources for outreach.
- To improve public trust and confidence in the judiciary.

STANDING COMMITTEE ON JUDICIAL OUTREACH

Committee Members

Justice John Pearce, Appellate Court judge representative, (7/18) first term, appointed 2015
Judge Elizabeth Hruby-Mills, District Court judge representative (6/17)
Judge Julie Lund, Juvenile Court judge representative (7/18), second term, renewed 7/15
XXXXXXXXXXXXXXXXX, Justice Court judge representative (9/16), first term XX
Brent Johnson, state level administrator representative (9/19), fourth term, renewed 9/16
Tom Langhorne, state level judicial education representative (3/18) second term, renewed 3/15
James Peters, court executive representative (11/17), first term
Richard Dibblee, Utah State Bar representative (7/18), third term, renewed 7/15
David Reymann, communication representative (10/17) second term, renewed as of 10/14
Jessica Van Buren, Utah State Library representative
Jesse Soriano, civic community representative (9/18), third term, renewed 9/15
Robert Austin, state education representative (4/18), third term, renewed 4/15
Judge Jill Pohlman, Utah Court of Appeals, ex officio
Geoffrey Fattah, Director of Communications, staff liaison

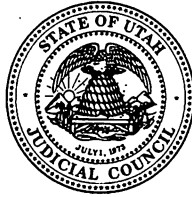
-Limited to two terms; a third is possible but need to show exceptional circumstances.

-Appointed for three years.

(1)(B)(vii) The Committee on Judicial Outreach shall consist of one appellate court judge, one district court judge, one juvenile court judge, one justice court judge, one state level administrator, a state level judicial education representative, one court executive, one Utah State Bar representative, one communication representative, one law library representative, one civic community representative, and one state education representative. Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

Former Members:

Judge Catherine Roberts, Justice Court judge representative (9/16), first term



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

August 29, 2017

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Utah Judicial Council

FROM:  Brent M. Johnson

RE: Forms Committee

All memos need to contain the following:

Name of Committee:	Forms Committee
Reason for Vacancy:	Resignation of Judge J.C. Ynchausti
Eligibility requirements:	Rule 1-205(1)(B)(xiv) states that the Forms Committee shall have one justice court judge.
Current committee member list:	Randy Dryer Kim Allard Cyndie Bayles Commissioner T. Patrick Casey Christina Cope Guy Galli Judge James Taylor Judge Beth Lindsey Jessica Van Buren Stewart Ralphs Mary Westby Nathanael Player

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efficient, and independent system for the advancement of justice under the law.

New appointee's memo needs the following:

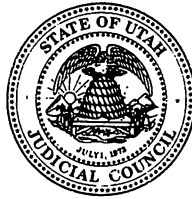
Description of recruitment process: Staff contacted James Peters, the Justice Court Administrator, and asked him to have the Board of Justice Court Judges solicit candidates and then recommend someone to represent the justice courts.

List of names for consideration (at least two, preferably three):

The Board of Justice Court Judges received expressions of interest from Judge Michael Kwan, Taylorsville Justice Court, Judge Clay Stucki, Ogden Justice Court, Judge Jody Petry, Vernal Justice Court, and Judge Greg Bown, Riverton Justice Court. The Board of Justice Court Judges recommends Judge Bown for the position.

Each appointee should have:

- 1) Cover letter if applicable and statement of interest
- 2) List of other current and past committee assignments
- 3) Resume, if applicable




Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

August 14, 2017

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Utah Judicial Council
FROM:  Brent Johnson
RE: New appointment for Forms Committee

Name of Committee: Forms Committee

Staff: Brent Johnson

Reason for Vacancy: Result of Mary Jane Ciccarello's retirement effective August 1, 2017

Eligibility requirements: This position is for a representative from the Self-Help Center.

Description of recruitment process, including reviews: Because this is a position from the Self-Help Center the recruitment is entirely internal to the Self-Help Center. The previous director of the Self-Help Center, Mary Jane Ciccarello, and her supervisor, Jessica Van Buren, decided that the director was in the best position to be a member of the Forms Committee. The Self-Help Center has now hired a new director, Nathanael Player, and Jessica and I recommend that Mr. Player be appointed to the committee based on his position as director of the Self-Help Center.

List of other current and past committee assignments: Mr. Player is not currently on other subcommittees, although Mr. Player will become a member of the Self-Represented Parties committee by virtue of his position as Self-Help Center director.

Current committee membership roster: attached.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

Committee on Court Forms

Committee Information

Randy L. Dryer

Chair, S. J. Quinney College of Law

Kim Allard

Administrative Office of the Courts

Cyndie Bayles

UPA President

Commissioner T. Patrick Casey

Court Commissioners

Christina Cope

Utah State Bar

Guy Galli

Third District Court

Judge Elizabeth Lindsley

Third District Juvenile Court

Stewart Ralphs

Legal Aid Society of Salt Lake City

Judge James Taylor

Fourth District Court

Jessica Van Buren

Utah State Law Library

Mary E. Westby

Court of Appeals

Brent Johnson

Staff, Administrative Office of the Courts

NATHANAEL PLAYER

921 EAST 10715 SOUTH
SANDY, UT 84094

415-335-2314
NPLAYER@GMAIL.COM

QUALIFICATIONS

State Bar of California Number 264920: Admitted December, 2009 – *currently on inactive status*
District of Columbia Bar Number 1032035: Admitted April, 2016

PROFESSIONAL EXPERIENCE

Bread for the City Legal Clinic, Washington, DC

Senior Staff Attorney – November 2015 – December 2016

- Represented tenants facing legal issues with their landlords, independently managing a full caseload.
- Drafted responses to complaints, negotiated on behalf of tenants, drafted and argued motions, conducted discovery, represented tenants at trial, and coordinated with partner agencies and within Bread for the City's own social services team to ensure wraparound care of clients. Conducted intakes with tenants, reviewing their legal problems and advising them of their rights and recommended next steps.
- Participated in the attorney of the day program – assisted tenants facing eviction on the fly, negotiating on their behalf and helping them to navigate the court process.

National Consumer Law Center (NCLC), Boston, MA

Research Attorney – June 2007 – June, 2016 (Part Time)

- Was recruited to continue working after a law school internship. Assisted with a project to summarize and track state legislation regarding manufactured housing. Previous short-term projects included: assisting with a report ranking each state's consumer protection statutes by reviewing legislation, drafting memoranda and recommending a ranking for each; assisting with forensic accounting on mortgages; researching and writing legal memoranda on consumer law issues including predatory lending and payday loans; and updating and cite-checking NCLC publications.

Eviction Defense Collaborative (EDC), San Francisco, CA

Supervising Attorney – November 2012 – May 2015

- Helped lead San Francisco eviction defense community to commit to trial work. Directed efforts to deliver full-scope trial representation for tenants facing unlawful detainer actions in an office that previously provided only limited scope representation. Developed and implemented new policies and procedures, drafted boilerplate trial documents and retainer and trained staff on negotiation and trial representation. Coordinated with community agencies and other legal services providers to integrate trial work within existing services. Encouraged partner agencies to implement trial work and supported attorneys at partner agencies, providing procedural guidance and strategic advice on cases.
- Managed and supported a staff of eleven attorneys, overseeing their development and trial work. Led efforts to recruit, hire and train new staff committed to zealous representation. Managed trial calendar to ensure representation for clients at various stages of litigation and provide coverage for a drop-in clinic.
- Oversaw volunteer program and managed volunteer coordinator. Revised new volunteer training to provide clearer goals, better evaluation of trainings and develop cultural humility.
- Personally litigated and oversaw the negotiation and litigation of hundreds of unlawful detainer matters. Conducted three trials to verdict, argued numerous motions *in limine*, selected several juries, drafted and argued many motions and successfully opposed several *ex parte* applications for judgment.
- Participated in high level management meetings for the EDC, developing communication and strategic plans and formulating HR policies.
- Helped to manage the drafting of two major reports documenting evictions in San Francisco by guiding research efforts, managing staff and revising drafts. The reports were cited by the City Budget and Legislative Analyst and were a key factor in closing loopholes in San Francisco's rent ordinance.
- Represented the EDC in various venues. Met with city supervisors, housing providers and the presiding judge of the San Francisco housing court to document concerns of the EDC and to advocate for low income tenants. Testified at hearings to advocate for additional funding for eviction defense services.

PROFESSIONAL EXPERIENCE (continued)

San Francisco Human Services Agency, San Francisco, CA

Shelter Grievance Arbitrator – September 2013 – May 2014 (Part Time Volunteer)

- Conducted binding arbitration for San Francisco's shelter grievance program when shelter residents were denied services. Heard from shelter employees explaining decisions to deny residents services and from residents challenging the shelter's decision. Made findings of fact and determinations as to whether shelter employees acted in accordance with their own rules and citywide shelter policies and whether those rules and policies were applied fairly. Decided whether to uphold the shelter decision, overturn the decision or to give the shelter resident a second chance.

Homeless Advocacy Project (HAP), San Francisco, CA

Bilingual (Spanish) Staff Attorney – September 2011 – November 2012

- Defended tenants at every step of the eviction process in a law office focused on partnering with social services. Most HAP clients were mentally disabled and representation was often provided in partnership with social workers. Focused on nuisance cases and motions to set aside judgment due to tenants' inability to properly respond to the case. Independently managed a full caseload: interviewed clients, evaluated cases for representation, prepared pleadings, drafted and argued motions, propounded discovery, negotiated settlements, prepared for trial and opposed *ex parte* applications for judgment.
- Supervised student interns, reviewed and corrected their work and provided guidance and feedback.

Eviction Defense Collaborative, San Francisco, CA

Bilingual (Spanish) Staff Attorney – June 2010 – September 2011

- Assisted clients facing unlawful detainer proceedings in a busy legal clinic by performing client intakes; drafting answers, motions, and demurrers; providing advice and explaining legal documents to clients; and reviewing instructions with clients on how to file papers in court. Represented clients in court-mandated settlement conferences and appeared at trial call for select cases.

First Republic Bank, San Francisco, CA

Trainer/Special Projects – June 2004 – August 2006

- Developed and implemented changes to bank procedures to improve operations. Scheduled and facilitated meetings with senior management to obtain approvals on changes, drafted new procedures and then trained employees on those changes. Managed a project to streamline transaction and balancing procedures for all branches. Researched and presented classes for diverse training needs throughout the bank. Provided systems administration for core financial software, including user support. Assisted in developing an intensive week-long new hire training program.

LANGUAGE SKILLS

Fluent in spoken and written Spanish

Basic conversational skills in American Sign Language

EDUCATION

Northeastern University School of Law, Boston, MA

Juris Doctor, May 2009

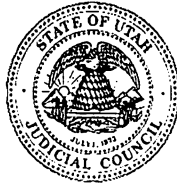
Teaching Assistant

- Assisted Professor Wendy Parmet's first-year tort law students, Fall 2007. Excellent student reviews led Professor Parmet to offer me the post for her Spring 2009 Constitutional Law class.

University of Utah, Salt Lake City, UT

Bachelor of Arts, History, December 2001

Tab 7



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester
Date: August 10, 2017
Re: Rules for Consideration: CJA Rules 6-501, 1-205, and 3-104

RULES FOR COMMENT

The Policy and Planning Committee recommends that amendments to Rules 6-501, 1-205, 3-104 be circulated for comment.

Rule 6-501's amendments conform to H.B. 214 (2017). H.B. 214 removed the requirement that a non-parent co-guardian report to the court when the other co-guardian is a parent of the protected person.

Rule 1-205's amendments – at the request of the Board of Justice Court Judges – add another justice court judge to the Standing Committee on Resources for Self-represented Parties.

Rule 3-104's amendments move and amend paragraph (c)(5) from Rule 7 of the Utah Rules of Criminal Procedure dealing with the use of justice court judges as magistrates. The Supreme Court determined that this subject matter involves internal operating procedures and thus fits better in the Code of Judicial Administration.

The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.

450 South State Street / P.O. Box 140241 / Salt Lake City, Utah 84114-0241 / 801-578-3821 / Fax: 801-578-3843 / email: alisonap@utcourts.gov

Encl. Amended Rule 6-501

Request to Amend Rule 6-501

Amended Rule 1-205

Request to amend Rule 1-205

Amended Rule 3-104

Request to amend Rule 3-104

Rule 6-501. Reporting requirements for guardians and conservators.**Intent:**

To establish the requirements sufficient to satisfy the Utah Uniform Probate Code.

Applicability:

This rule applies to guardians and conservators with the following exceptions:

This rule does not apply if the ~~guardian or conservator~~ or coguardian is the parent of the ward.

Paragraph (1) does not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school.

Paragraph (1) does not apply to a conservator licensed under the Title 7, Chapter 5, Trust Business, to a guardian licensed under §75-5-311(1)(a), or to the Office of Public Guardian.

Paragraphs (6)(A), (6)(B) and (6)(C) do not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school. A person interested in the minor may request a report under Utah Code Section 75-5-209.

Paragraph (6)(D) does not apply to the guardian of a minor if the minor's estate is deposited in an account requiring judicial approval for withdrawal or if there is no estate. A person interested in the minor may request an accounting under Utah Code Section 75-5-209.

Statement of the Rule:**(1) Examination and private information record.**

(1)(A) Before the court enters an order appointing a guardian or conservator, the guardian or conservator shall file a verified statement showing satisfactory completion of a court-approved examination on the responsibilities of a guardian or conservator.

(1)(B) After the court enters the order of appointment, the guardian or conservator shall file within 7 days a completed and verified Private Information Record form provided by the Administrative Office of the Courts. The guardian or conservator shall continue to keep the court apprised of any changes to the guardian or conservator's contact information.

(2) **Recordkeeping.** The guardian shall keep contemporaneous records of significant events in the life of the ward and produce them if requested by the court. The conservator shall keep contemporaneous receipts, vouchers or other evidence of income and expenses and produce them if requested by the court. The guardian and conservator shall maintain the records until the appointment is terminated and then deliver them to the ward, if there is no successor, to the successor guardian or conservator, or to the personal representative of the ward's estate.

(3) Definitions.

(3)(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.

(3)(B) "Interested persons" means the ward, if he or she is of an appropriate age and mental capacity to understand the proceedings, the ward's guardian and conservator, the ward's spouse, adult children, parents and siblings and anyone requesting notice under Utah Code Section 75-5-406. If no person is an interested person, then interested person includes at least one of the ward's closest adult relatives, if any can be found.

(3)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.

(3)(D) "Serve" means any manner of service permitted by Utah Rule of Civil Procedure 5.

(3)(E) "Report" means the annual report on the status of the ward required by Utah Code Section 75-5-209 and Section 75-5-312.

(3)(F) "Ward" means a minor or an incapacitated person for whom the court appoints a guardian or a protected person for whom the court appoints a conservator.

(4) **Report forms.** Subject to the requirements of Paragraph (5):

(4)(A) forms substantially conforming to the forms produced by the Utah court website are acceptable for content and format for the report and accounting filed under the Utah Uniform Probate Code;

(4)(B) a corporate fiduciary may file its internal report or accounting; and

(4)(C) if the ward's estate is limited to a federal or state program requiring an annual accounting, the fiduciary may file a copy of that accounting.

(5) **Report information.** The report, inventory and accounting shall contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period. Compliance with Paragraph (4) is presumed sufficient, but the court may direct that a report or accounting be prepared with content and format as it deems necessary.

(6) **Status reports.**

(6)(A) The guardian shall file with the appointing court a report on the status of the ward no later than 60 days after the anniversary of the appointment. The guardian shall file the report with the court that appointed the guardian unless that court orders a change in venue under Utah Code Section 75-5-313. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the guardian. The guardian may not file the report before the close of the reporting period. For good cause the court may extend the time for filing the report, but a late filing does not change the reporting period.

(6)(B) The guardian shall serve a copy of the report on all interested persons with notice that the person may object within 30 days after the notice was served.

(6)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge shall approve it.

(6)(D) If there is no conservator, the guardian shall file the inventory and accounting required of a conservator.

(7) **Inventory reports.**

(7)(A) Within 90 days after the appointment, the conservator shall file with the appointing court the inventory required by Utah Code Section 75-5-418. For good cause the court may extend the time for filing the inventory.

(7)(B) The conservator shall serve a copy of the inventory on all interested persons with notice that the person may object within 30 days after the notice was served.

(7)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge shall approve it.

(8) **Accounting reports.**

87 (8)(A) The conservator shall file with the appointing court an accounting of the estate of the ward no
88 later than 60 days after the anniversary of the appointment. The conservator shall file the accounting with
89 the court that appointed the conservator unless that court orders a change in venue under Utah Code
90 Section 75-5-403. The reporting period is yearly from the appointment date unless the court changes the
91 reporting period on motion of the conservator. The conservator may not file the accounting before the
92 close of the reporting period. For good cause the court may extend the time for filing the accounting, but a
93 late filing does not change the reporting period.

94 (8)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that
95 the person may object within 30 days after the notice was served.

96 (8)(C) If an interested person objects, the person shall specify in writing the entries to which the
97 person objects and state the reasons for the objection. The person shall file the objection with the court
98 and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The
99 judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in
100 order, the judge shall approve it.

101 **(9) Final accounting.**

102 (9)(A) The conservator shall file with the court a final accounting of the estate of the ward with the
103 motion to terminate the appointment.

104 (9)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that
105 the person may object within 30 days after the notice was served.

106 (9)(C) If an interested person objects, the person shall specify in writing the entries to which the
107 person objects and state the reasons for the objection. The person shall file the objection with the court
108 and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The
109 judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in
110 order, the judge shall approve it.
111

RULE AMENDMENT REQUEST

Policy and Planning

Policy and Planning is an executive committee of the Judicial Council and is responsible for recommending to the Council new and amended rules for the Code of Judicial Administration and the Human Resource Policies and Procedures Manual.

Instructions: Unless the proposal is coming directly from the Utah Supreme Court, Judicial Council, or Management Committee, this Request Form must be submitted along with a draft of the proposed rule amendment before they will be considered by the Policy and Planning Committee. **Once completed**, please e-mail this form and the proposed rule changes to Kelsa Williams at kelsaw@utcourts.gov.

REQUESTER CONTACT INFORMATION:

Name of Requester:

Nancy Sylvester

E-mail:

nancyjs@utcourts.gov

Phone Number:

Date of Request:

06/09/2017

RULE AMENDMENT:

Rule Number:

6-501

Location of Rule:

Code of Judicial Administration

Brief Description of Proposed Amendment:

Changes the applicability of the rule to exclude conservators and co-guardians who are parents of the ward, pursuant to H.B. 214. Adds headings to make the rule easier to read.

Reason Amendment is Needed:

Compliance with H.B. 214.

Is this proposal urgent?

☐ No

☒ Yes

If Yes, provide an estimated deadline date and explain why it is urgent:

November 1, 2017

List all stakeholders:

Select each entity that has approved this proposal:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Accounting Manual Committee | <input type="checkbox"/> Legislative Liaison Committee |
| <input type="checkbox"/> ADR Committee | <input type="checkbox"/> Licensed Paralegal Practitioner Committee |
| <input type="checkbox"/> Board of Appellate Court Judges | <input type="checkbox"/> Model Utah Civil Jury Instructions Committee |
| <input type="checkbox"/> Board of District Court Judges | <input type="checkbox"/> Model Utah Criminal Jury Instructions Committee |
| <input type="checkbox"/> Board of Justice Court Judges | <input type="checkbox"/> Policy and Planning member |
| <input type="checkbox"/> Board of Juvenile Court Judges | <input type="checkbox"/> Pretrial Release and Supervision Committee |
| <input type="checkbox"/> Board of Senior Judges | <input type="checkbox"/> Resources for Self-represented Parties Committee |
| <input type="checkbox"/> Children and Family Law Committee | <input type="checkbox"/> Rules of Appellate Procedure Advisory Committee |
| <input type="checkbox"/> Court Commissioner Conduct Committee | <input type="checkbox"/> Rules of Civil Procedure Advisory Committee |
| <input type="checkbox"/> Court Facility Planning Committee | <input type="checkbox"/> Rules of Criminal Procedure Advisory Committee |
| <input type="checkbox"/> Court Forms Committee | <input type="checkbox"/> Rules of Evidence Advisory Committee |
| <input type="checkbox"/> Ethics Advisory Committee | <input type="checkbox"/> Rules of Juvenile Procedure Advisory Committee |
| <input type="checkbox"/> Ethics and Discipline Committee of the Utah Supreme Court | <input type="checkbox"/> Rules of Professional Conduct Advisory Committee |
| <input checked="" type="checkbox"/> General Counsel | <input type="checkbox"/> State Court Administrator |
| <input type="checkbox"/> Guardian ad Litem Oversight Committee | <input type="checkbox"/> TCE's |
| <input type="checkbox"/> Judicial Branch Education Committee | <input type="checkbox"/> Technology Committee |
| <input type="checkbox"/> Judicial Outreach Committee | <input type="checkbox"/> Uniform Fine and Bail Committee |
| <input type="checkbox"/> Language Access Committee | <input type="checkbox"/> WINGS Committee |
| <input type="checkbox"/> Law Library Oversight Committee | <input type="checkbox"/> NONE OF THE ABOVE |

If the approving entity is not listed above, please list it here:

Requester's Signature:

Supervisor's Signature (if requester is not a manager or above):

FOR POLICY AND PLANNING USE ONLY

Proposal Accepted?

- ☐ Yes
☐ No

Queue Priority Level:

- ☐ Red
☐ Yellow
☐ Green

Committee Notes/Comments:

Rule 1-205. Standing and ad hoc committees.

Intent:

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:

(1) Standing committees.

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Technology Committee;

(1)(A)(ii) Uniform Fine Schedule Committee;

(1)(A)(iii) Ethics Advisory Committee;

(1)(A)(iv) Judicial Branch Education Committee;

(1)(A)(v) Court Facility Planning Committee;

(1)(A)(vi) Committee on Children and Family Law;

(1)(A)(vii) Committee on Judicial Outreach;

(1)(A)(viii) Committee on Resources for Self-represented Parties;

(1)(A)(ix) Language Access Committee;

(1)(A)(x) Guardian ad Litem Oversight Committee;

(1)(A)(xi) Committee on Model Utah Civil Jury Instructions;

(1)(A)(xii) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xiii) Committee on Pretrial Release and Supervision; and

(1)(A)(xiv) Committee on Court Forms.

(1)(B) Composition.

(1)(B)(i) The Technology Committee shall consist of one judge from each court of record, one justice court judge, one lawyer recommended by the Board of Bar Commissioners, two court executives, two court clerks and two staff members from the Administrative Office.

(1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of one district court judge who has experience with a felony docket, three district court judges who have experience with a misdemeanor docket, one juvenile court judge and three justice court judges.

(1)(B)(iii) The Ethics Advisory Committee shall consist of one judge from the Court of Appeals, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, one justice court judge, and an attorney from either the Bar or a college of law.

(1)(B)(iv) The Judicial Branch Education Committee shall consist of one judge from an appellate court, one district court judge from Judicial Districts 2, 3, or 4, one district court judge from Judicial Districts 1, 5, 6, 7, or 8, one juvenile court judge, the education liaison of the Board of Justice Court Judges, one state level administrator, the Human Resource Management Director, one court executive, one juvenile court probation representative, two court clerks from different levels of court and different judicial districts, one data processing manager, and one adult educator from higher education. The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(v) The Court Facility Planning Committee shall consist of one judge from each level of trial court, one appellate court judge, the state court administrator, a trial court executive, and two business people with experience in the construction or financing of facilities.

(1)(B)(vi) The Committee on Children and Family Law shall consist of one Senator appointed by the President of the Senate, one Representative appointed by the Speaker of the House, the Director of the Department of Human Services or designee, one attorney of the Executive Committee of the Family Law Section of the Utah State Bar, one attorney with experience in abuse, neglect and dependency cases, one attorney with experience representing parents in abuse, neglect and dependency cases, one representative of a child advocacy organization, one mediator, one professional in the area of child development, one representative of the community, the Director of the Office of Guardian ad Litem or designee, one court commissioner, two district court judges, and two juvenile court judges. One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vii) The Committee on Judicial Outreach shall consist of one appellate court judge, one district court judge, one juvenile court judge, one justice court judge, one state level administrator, a state level judicial education representative, one court executive, one Utah State Bar representative, one communication representative, one law library representative, one civic community representative, and one state education representative. Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(viii) The Committee on Resources for Self-represented Parties shall consist of two district court judges, one juvenile court judge, ~~one~~ two justice court judges, three clerks of court – one from an appellate court, one from an urban district and one from a rural district – one member of the Online Court Assistance Committee, one representative from the Self-Help Center, one representative from the Utah State Bar, two representatives from legal service organizations that serve low-income clients, one private attorney experienced in providing services to self-represented parties, two law school representatives, the state law librarian, and two community representatives.

(1)(B)(ix) The Language Access Committee shall consist of one district court judge, one juvenile court judge, one justice court judge, one trial court executive, one court clerk, one interpreter coordinator, one probation officer, one prosecuting attorney, one defense attorney, two certified interpreters, one approved interpreter, one expert in the field of linguistics, and one American Sign Language representative.

(1)(B)(x) The Guardian ad Litem Oversight Committee shall consist of seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(xi) The Committee on Model Utah Civil Jury Instructions shall consist of two district court judges, four lawyers who primarily represent plaintiffs, four lawyers who primarily represent defendants, and one person skilled in linguistics or communication.

(1)(B)(xii) The Committee on Model Utah Criminal Jury Instructions shall consist of two district court judges, one justice court judge, four prosecutors, four defense counsel, one professor of criminal law, and one person skilled in linguistics or communication.

(1)(B)(xiii) The Committee on Pretrial Release and Supervision shall consist of two district court judges, one juvenile court judge, two justice court judges, one prosecutor, one defense attorney, one county sheriff, one representative of counties, one representative of a county pretrial services agency, one representative of the Utah Insurance Department, one representative of the Utah Commission on Criminal and Juvenile Justice, one commercial surety agent, one state senator, one state representative, and the court's general counsel or designee.

(1)(B)(xiv) The Committee on Court Forms shall consist of one district court judge, one juvenile court judge, one justice court judge, one court clerk, one appellate court staff attorney, one representative from the Self-Help Center, the State Law Librarian, the Court Services Director, one member selected by the Online Court Assistance Committee, one representative from a legal service organization that serves low-income clients, one paralegal, one educator from a paralegal program or law school, one person skilled in linguistics or communication, and one representative from the Utah State Bar.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc

committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's committees.

RULE AMENDMENT REQUEST

Policy and Planning

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Instructions: Unless the proposal is coming directly from the Utah Supreme Court, Judicial Council, or Management Committee, this Request Form must be submitted along with a draft of the proposed rule amendment before they will be considered by the Policy and Planning Committee. Once completed, please e-mail this form and the proposed rule changes to Kelsa Williams at kelsaw@utcourts.gov.

REQUESTER CONTACT INFORMATION:

Name of Requester:

Nancy Sylvester

E-mail:

nancyjs@utcourts.gov

Phone Number:

(801) 578-3808

Date of Request:

06/09/2017

RULE AMENDMENT:

Rule Number:

1-205

Location of Rule:

Code of Judicial Administration

Brief Description of Proposed Amendment:

This amendment adds a justice court judge and a member of the AOC's Education Department to the Judicial Council's Standing Committee on Resources for Self-represented Parties.

Reason Amendment is Needed:

Because there are now 89 justice court judges in the state and that court level deals with the vast majority of self-represented litigants, the Justice Court Board has asked for greater representation on the Self-represented Parties Committee. They would also like a member of the Education Department on the committee because they need regular, ongoing education on the issues surrounding self-represented litigants, but that education has been happening only sporadically.

Is this proposal urgent?

☒ No

☐ Yes

If Yes, provide an estimated deadline date and explain why it is urgent:

List all stakeholders:

Committee on Resources for Self-represented Parties, Board of Justice Court Judges, AOC Education Department.

Select each entity that has approved this proposal:

- | | |
|--|--|
| <input type="checkbox"/> Accounting Manual Committee | <input type="checkbox"/> Legislative Liaison Committee |
| <input type="checkbox"/> ADR Committee | <input type="checkbox"/> Licensed Paralegal Practitioner Committee |
| <input type="checkbox"/> Board of Appellate Court Judges | <input type="checkbox"/> Model Utah Civil Jury Instructions Committee |
| <input type="checkbox"/> Board of District Court Judges | <input type="checkbox"/> Model Utah Criminal Jury Instructions Committee |
| <input checked="" type="checkbox"/> Board of Justice Court Judges | <input type="checkbox"/> Policy and Planning member |
| <input type="checkbox"/> Board of Juvenile Court Judges | <input type="checkbox"/> Pretrial Release and Supervision Committee |
| <input type="checkbox"/> Board of Senior Judges | <input checked="" type="checkbox"/> Resources for Self-represented Parties Committee |
| <input type="checkbox"/> Children and Family Law Committee | <input type="checkbox"/> Rules of Appellate Procedure Advisory Committee |
| <input type="checkbox"/> Court Commissioner Conduct Committee | <input type="checkbox"/> Rules of Civil Procedure Advisory Committee |
| <input type="checkbox"/> Court Facility Planning Committee | <input type="checkbox"/> Rules of Criminal Procedure Advisory Committee |
| <input type="checkbox"/> Court Forms Committee | <input type="checkbox"/> Rules of Evidence Advisory Committee |
| <input type="checkbox"/> Ethics Advisory Committee | <input type="checkbox"/> Rules of Juvenile Procedure Advisory Committee |
| <input type="checkbox"/> Ethics and Discipline Committee of the Utah Supreme Court | <input type="checkbox"/> Rules of Professional Conduct Advisory Committee |
| <input type="checkbox"/> General Counsel | <input type="checkbox"/> State Court Administrator |
| <input type="checkbox"/> Guardian ad Litem Oversight Committee | <input type="checkbox"/> TCE's |
| <input type="checkbox"/> Judicial Branch Education Committee | <input type="checkbox"/> Technology Committee |
| <input type="checkbox"/> Judicial Outreach Committee | <input type="checkbox"/> Uniform Fine and Bail Committee |
| <input type="checkbox"/> Language Access Committee | <input type="checkbox"/> WINGS Committee |
| <input type="checkbox"/> Law Library Oversight Committee | <input type="checkbox"/> NONE OF THE ABOVE |

If the approving entity is not listed above, please list it here:

Requester's Signature:

Supervisor's Signature (if requester is not a manager or above):

/s/Nancy Sylvester

FOR POLICY AND PLANNING USE ONLY

Proposal Accepted?

- ☐ Yes
☐ No

Queue Priority Level:

- ☐ Red
☐ Yellow
☐ Green

Committee Notes/Comments:

Rule 3-104. Presiding judges.

Intent:

To establish the procedure for election, term of office, role, responsibilities and authority of presiding judges and associate presiding judges.

Applicability:

This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile Courts.

Statement of the Rule:

(1) Election and term of office.

(1)(A) Presiding judge. The presiding judge in multi-judge courts shall be elected by a majority vote of the judges of the court. The presiding judge's term of office shall be at least two years. A district, by majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the presiding officer of the Council to serve for two years.

(1)(B) Associate presiding judge.

(1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A).

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge or by the court.

(1)(C) A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

(2) Court organization.

(2)(A) Court en banc.

(2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including all judges of the court and the court executive, to discuss and decide court business. The presiding judge has the discretion to excuse the attendance of the court executive from court en banc meetings

31 called for the purpose of discussing the performance of the court executive. In single-judge
32 courts, the judge shall meet with the court executive to discuss and decide court business. .

33 (2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the
34 presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee
35 shall preside.

36 (2)(A)(iii) Each court shall have a minimum of four meetings each year.

37 (2)(A)(iv) An agenda shall be circulated among the judges in advance of the meeting with a
38 known method on how matters may be placed on the agenda.

39 (2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of
40 the judges may call additional meetings as necessary.

41 (2)(A)(vi) Minutes of each meeting shall be taken and preserved.

42 (2)(A)(vii) Other than judges and court executives, those attending the meeting shall be by
43 court invitation only.

44 (2)(A)(viii) The issues on which judges should vote shall be left to the sound discretion and
45 judgment of each court and the applicable sections of the Utah Constitution, statutes, and this
46 Code.

47 (2)(B) Absence of presiding judge. When the presiding judge and the associate presiding
48 judge, if any, are absent from the court, an acting presiding judge shall be appointed. The method
49 of designating an acting presiding judge shall be at the discretion of the presiding judge. All
50 parties that must necessarily be informed shall be notified of the judge acting as presiding judge.

51 (3) Administrative responsibilities and authority of presiding judge.

52 (3)(A)(i) Generally. The presiding judge is charged with the responsibility for the effective
53 operation of the court. He or she is responsible for the implementation and enforcement of
54 statutes, rules, policies and directives of the Council as they pertain to the administration of the
55 courts, orders of the court en banc and supplementary rules. The presiding judge has the
56 authority to delegate the performance of non-judicial duties to the court executive. When the
57 presiding judge acts within the scope of these responsibilities, the presiding judge is acting
58 within the judge's judicial office.

59 (3)(A)(ii) Caseload. Unless the presiding judge determines it to be impractical, there is a
60 presumption that the judicial caseload of the presiding judge shall be adjusted to provide the

61 presiding judge sufficient time to devote to the management and administrative duties of the
62 office. The extent of the caseload reduction shall be determined by each district.

63 (3)(A)(iii) Appeals. Any judge of the judicial district may ask the Chief Justice or Judicial
64 Council to review any administrative decision made by the presiding judge of that district.

65 (3)(B) Coordination of judicial schedules.

66 (3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of
67 judges and be responsible for an orderly plan of judicial absences from court duties.

68 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to the
69 presiding judge consistent with Rule 3-103(4).

70 (3)(C) Authority to appoint senior judges.

71 (3)(C)(i) The presiding judge is authorized to use senior judge coverage for up to 14 judicial
72 days if a judicial position is vacant or if a judge is absent due to illness, accident, or disability.
73 Before assigning a senior judge, the presiding judge will consider the priorities for requesting
74 judicial assistance established in Rule 3-108. The presiding judge may not assign a senior judge
75 beyond the limits established in Rule 11-201(6).

76 (3)(C)(ii) The presiding judge will notify the State Court Administrator when a senior judge
77 assignment has been made.

78 (3)(C)(iii) If more than 14 judicial days of coverage will be required, the presiding judge will
79 promptly present to the State Court Administrator a plan for meeting the needs of the court for
80 the anticipated duration of the vacancy or absence and a budget to implement that plan. The plan
81 should describe the calendars to be covered by judges of the district, judges of other districts, and
82 senior judges. The budget should estimate the funds needed for travel by judges and for time and
83 travel by senior judges.

84 (3)(C)(iv) If any part of the proposed plan is contested by the State Court Administrator, the
85 plan will be reviewed by the Management Committee of the Judicial Council for final
86 determination.

87 (3)(D) Court committees. The presiding judge shall, where appropriate, make use of court
88 committees composed of other judges and court personnel to investigate problem areas, handle
89 court business and report to the presiding judge and/or the court en banc.

90 (3)(E) Outside agencies and the media.

91 (3)(E)(i) The presiding judge or court executive shall be available to meet with outside
92 agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police
93 chief, bar association leaders, probation and parole officers, county governmental officials, civic
94 organizations and other state agencies. The presiding judge shall be the primary representative of
95 the court.

96 (3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the court
97 executive shall represent the court and make statements to the media on matters pertaining to the
98 total court and provide general information about the court and the law, and about court
99 procedures, practices and rulings where ethics permit.

100 (3)(F) Docket management and case and judge assignments.

101 (3)(F)(i) The presiding judge shall monitor the status of the dockets in the court and
102 implement improved methods and systems of managing dockets.

103 (3)(F)(ii) The presiding judge shall assign cases and judges in accordance with supplemental
104 court rules to provide for an equitable distribution of the workload and the prompt disposition of
105 cases.

106 (3)(F)(iii) Individual judges of the court shall convey needs for assistance to the presiding
107 judge. The presiding judge shall, through the State Court Administrator, request assistance of
108 visiting judges or other appropriate resources when needed to handle the workload of the court.

109 (3)(F)(iv) The presiding judge shall discuss problems of delay with other judges and offer
110 necessary assistance to expedite the disposition of cases.

111 (3)(G) Court executives.

112 (3)(G)(i) The presiding judge shall review the proposed appointment of the court executive
113 made by the State Court Administrator and must concur in the appointment before it will be
114 effective. The presiding judge shall obtain the approval of a majority of the judges in that
115 jurisdiction prior to concurring in the appointment of a court executive.

116 (3)(G)(ii) The presiding judge for the respective court level and the state level administrator
117 shall jointly develop an annual performance plan for the court executive.

118 (3)(G)(iii) Annually, the state level administrator shall consult with the presiding judge in the
119 preparation of an evaluation of the court executive's performance for the previous year, also
120 taking into account input from all judges in the district.

(3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive, including coordination of annual leave.

(3)(G)(v) Pursuant to Council policy and the direction of the state level administrator, the court executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects, intergovernmental relations and other administrative responsibilities as determined by the presiding judge and the state level administrator.

(3)(H) Courtrooms and facilities. The presiding judge shall direct the assignment of courtrooms and facilities.

(3)(I) Recordkeeping. Consistently with Council policies, the court executive, in consultation with the presiding judge, shall:

(3)(I)(i) coordinate the compilation of management and statistical information necessary for the administration of the court;

(3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of these policies;

(3)(I)(iii) approve proposals for automation within the court in compliance with administrative rules.

(3)(J) Budgets. The court executive, in consultation with the presiding judge, shall oversee the development of the budget for the court. In contract sites, the court executive shall supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

(3)(K) Judicial officers. In the event that another judge or commissioner of the court fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment or violates the Code of Judicial Conduct, the presiding judge may:

(3)(K)(i) Meet with and explain to the judge or commissioner the reasons for the directive given or the position taken and consult with the judge or commissioner.

(3)(K)(ii) Discuss the position with other judges and reevaluate the position.

(3)(K)(iii) Present the problem to the court en banc or a committee of judges for input.

(3)(K)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy, education or treatment.

(3)(K)(v) Reassign the judge or commissioner to a different location within the district or to a different case assignment.

(3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.

(3)(K)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem to the Council or the Judicial Conduct Commission.

(3)(L) Cases under advisement.

(3)(L)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination. The final determination occurs when the judge resolves the pending issue by announcing the decision on the record or by issuing a written decision, regardless of whether the parties are required to subsequently submit for the judge's signature a final order memorializing the decision.

(3)(L)(ii) Once a month each judge shall submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate state level administrator and indicate the reasons why the case or issue continues to be held under advisement.

(3)(L)(iv) If a case or issue is held under advisement for an additional 30 days, the state level administrator shall report that fact to the Council.

(3)(M) Board of judges. The presiding judge shall serve as a liaison between the court and the Board for the respective court level.

(3)(N) Supervision and evaluation of court commissioners. The presiding judge is responsible for the development of a performance plan for the Court Commissioner serving in that court and shall prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and evaluation shall be maintained in the official personnel file in the Administrative Office.

183 (3)(O) Magistrate availability. The presiding judge in a district court shall consult with the
184 justice court administrator to develop a rotation of magistrates that ensures regular availability of
185 magistrates within the district. The rotation shall take into account each magistrate's caseload,
186 location, and willingness to serve.

Utah State Courts
Mail

Keisa Williams <keisaw@utcourts.gov>

P & P

2 messages

Brent Johnson <brentj@utcourts.gov>
To: Keisa Williams <keisaw@utcourts.gov>
Cc: Nancy Sylvester <nancyjs@utcourts.gov>

Thu, Jun 29, 2017 at 4:34 PM

Attached you will find a proposed change to rule 3-104. The Supreme Court's Advisory Committee on the Rules of Criminal Procedure is currently reorganizing the rules of criminal procedure. The reorganization includes dividing rule 7 into several distinct rules, each rule addressing different subjects. One of the provisions in rule 7 deals with developing a rotation of magistrates. The advisory committee originally proposed creating a rule 7D to incorporate this provision. However, when this proposal was presented to the members of the Supreme Court, one of the justices expressed the opinion that the subject matter involved internal operating procedures and therefore should not be in the rules of criminal procedure. The other court members agreed and suggested that the provision be moved to the presiding judge rule in the rules of judicial administration. I moved the language as reflected in the attached proposal. If this could be done by November that would be great but it's not critical.

If you have any questions about this proposal please let me know.

3-104 (6-27-17 version).docx
20K

Keisa Williams <keisaw@utcourts.gov>
To: Brent Johnson <brentj@utcourts.gov>
Cc: Nancy Sylvester <nancyjs@utcourts.gov>

Fri, Jun 30, 2017 at 6:47 AM

Got it, thanks

Sent from my iPhone
[Quoted text hidden]

<3-104 (6-27-17 version).docx>

Tab 8



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

August 11, 2017

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Richard Schwermer

RE: Judicial Council Appointment to the Membership Council of the Utah State Retirement Board

UCA 49-11-202 creates a Membership Council of the Utah State Retirement Board, and it provides that "one council member shall be a representative of members of the Judges' Noncontributory Retirement System selected by the Judicial Council." Currently Judge David Mortensen is the Council's appointee, but given his new assignments he asks that he be replaced on this council.

Often, but not always, the Judicial Council has selected a Council member to serve of this Membership Council. The Management Committee therefore recommends Judge Kara Pettit be appointed as the Council's designee, given her pending election to the Judicial Council. She has agreed to the appointment.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

MEMORANDUM

To: Utah Judicial Council

From: Richard Schwermer, State Court Administrator

Date: August 15, 2017

Re: Court Administrator's Budget Recommendations

The recommendations that follow are just that – recommendations, from a system-wide perspective. As always, the Executive Budget Committee provided valuable input, and this year we have the benefit of the participation of TCEs Joyce Pace and Brett Folkman.

Increase in 3rd District Judicial Staff (\$1,780,000 12 FTE)

As noted in the narrative submitted by the District Board this request is meant to ensure that serious discussion of the judicial needs of 3rd District occurs. The Presiding Judge and I have in fact had several conversations about the need and about ways to provide additional resources, including one or more judgeships. In my judgment those options are more likely to succeed than is a request for one or more judgeships from the legislature.

The 3rd District is now the court with the greatest judicial need, based on the judicial weighted caseload formula, and therefore should be the Council's first priority if and when new resources are received. *Recommendation: Defer.*

Law Clerks (\$481,250 5 FTE)

Requests for law clerks from the legislature are almost never successful. The few occasions in which they have been were when there was a specific need identified. The 4th District law clerk/bailiff conversion was recommended by EOCJ last year, in my view because this is a case of a specific need, rather than a request for progress toward an arbitrary ratio.

The one-time to ongoing request for 2 FTE falls into the latter category, and would dilute our request to solve the immediate 4th District issue. *Recommendation: Advance the three 4th District FTE request as a building block (\$288,750).*

Computer Replacement Schedule (\$250,000)

As in past years, this item is best addressed with one-time funding after the budget is reassessed in April. *Recommendation: Defer to April.*

Courtroom A/V Replacement (\$525,000 1 FTE)

Every courtroom in the state has been evaluated and priority ranked for replacement, largely based on the age of the current equipment. The \$525,000 ongoing would allow us to get through the list in 22 years. Four courtrooms were replaced this year with one-time funding. This request also includes a dedicated FTE to provide support to the new and existing systems.

While the need is clear, more work needs to be done to evaluate alternatives to the current technology and to more strategically assess a roll-out process. In the meantime one-time funds should be considered in order to address the locations in greatest need, and alternatives to permanent staff as technical support need to be explored.

Recommendation: Refer to Technology Standing Committee and defer until April.

Replace Main Server (\$350,000 one-time)

This is a critical piece of hardware, the backbone of a number of essential functions. This is an appropriate item to be funded with a one-time appropriation.

Recommendation: Advance as a building block.

Upgrade Courthouse Wifi Statewide, and VOIP Upgrade (\$75,000 one-time)

The wifi upgrade will allow for faster and more reliable internet connectivity for the public and for lawyers. It will also relieve some of the strain on secure court employee connectivity. Likewise, the VOIP functionality in courthouses where VOIP was originally installed is substandard, and in some cases affects productivity. These upgrades can be done with one-time money as it is available. *Recommendation: Defer for consideration in April.*

Replace Main Line Item Court Complex Fund (\$313,400)

This was the Council's highest priority last year, and should be again. Not funding this creates a deficit in the fund used to pay the Provo bond payments, and is the same as a \$313,400 ongoing cut. *Recommendation: Obligation/building block.*

Guardianship Reporting and Monitoring Program (\$183,700, 2 FTE)

This request was well received by our committee last year, and should get a high priority again this year. At some point, if the legislature is unwilling to fund this service we need to abandon it, but we should try one more time. *Recommendation: Building block.*

District Court Program Administrator (\$24,200 .25 FTE)

While it is not good budgeting practice to fund ongoing personnel with one-time money it is not the kind of request that we should take to the legislature. *Recommendation: Continue funding with one-time funds for now, do not advance.*

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

Same issue as above. *Recommendation: Continue funding with one-time funds for now, do not advance.*

Lease Contract Increases (\$2,927)

Lease costs are indeed rising, but this is a small request that should be handled with existing resources. *Recommendation: Do not advance, fund with existing resources.*

Wasatch County Justice Center Expansion (\$200,000)

The need for this additional courtroom has not quite met the threshold at which we should advance a request. While courtroom scheduling conflicts do occur occasionally, there are short term alternatives. The county justice court is in the same building and can be used with advance notice. Case filings in Wasatch County are level at best, and down from 2010.

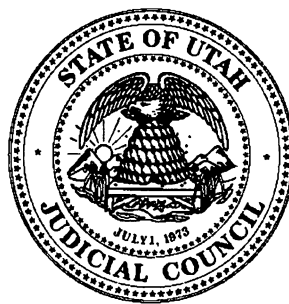
If a request were to be made, because this is a county facility the request would be through our appropriations committee and would therefore directly compete with our other priorities. Ongoing funds are particularly difficult to get, so if and when we do advance this request my recommendation is that we seek a one-time appropriation for construction (somewhere in the \$1.5M range) rather than a lease commitment. Other options for funding may present themselves in the future as well. *Recommendation: Do not advance.*

Juror/Witness/Interpreter Supplemental (\$1,009,600 one-time)

This cost has already been incurred, and we need to advance the request. *Recommendation: Advance as a supplemental.*

Utah State Courts

FY 2019 Annual Budget Plan



August 18, 2017

Administrative Office of the Courts
POB 140241
450 S State St
Salt Lake City, UT 84114-0241
www.utcourts.gov

The mission of the Utah Judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law



Judicial Council FY 2019 Budget Planning Agenda

August 18, 2017
Matheson Courthouse
Conference Room W19A
SLC, UT

Overview

- 8:30 am Welcome—Chief Justice Matthew B. Durrant
- 8:35 Governor’s Office of Management and Budget Economic Presentation—Phil Dean
- 8:55 Overview of Budget Planning Session—Dan Becker
- 9:10 Fiscal Trends & Restricted Funds Report—Derek Byrne
Caseload Data Presentation Overview—Kim Allard
- 10:00 Break

Building Block Presentations

- 10:10 Reports and Budget Requests from Boards and Committees
- Board of District Court Judges
 - Technology Standing Committee
 - Court Facilities Planning Committee
 - Self-Help Center
 - Volunteer Court Visitor Program
 - System Wide Requests
- 11:30 State Court Administrator’s Analysis and Recommendations—Dan Becker
- 12:00 pm Lunch
- 12:30 Building Block Discussion and Judicial Council Decisions on Proposed FY 2018 Legislative Requests
- 1:00 Proposed Legislation—Rick Schwermer
- 1:30 Adjourn

NOTE: Judicial Council Meeting immediately follows the budget session.

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INTRODUCTION

This Annual Budget Plan has been developed for the Judicial Council to prepare the Courts' 2019 Fiscal Year Legislative budget requests. This is a

working document and the material contained within has not been considered or approved by the Judicial Council.

This document contains fiscal information, building block requests, and judicial weighted caseload data.

JUDICIAL COUNCIL BUDGET APPROVAL PROCESS

1) Budget Request Presentations to the Judicial Council by Boards and Committees.

2) The Court Administrator will present his review and recommendations regarding requests.

3) By suggestion and consensus opinion, assign each budget item to one of six categories without regard to cost or priority. The Chief Justice may call for a vote if a consensus is not reached. The categories are:

a) Obligations—Items for which the judiciary has an existing obligation. Funding will be requested through the legislative appropriations process, but mandatory obligations will not be prioritized with other building blocks.

b) Deferral or Alternative Funding—Items requested by a Board or Committee for which funding is or may be available from sources other than the Legislature, including one-time funding. Alternative funding items are removed from consideration for general fund money and may be considered when a spending plan is approved in April or the coming year.

c) Elimination—Items requested by a Board or Committee that the Judicial Council elects not to pursue during the General Session are removed from consideration for general fund money.

d) Building Blocks—Items requested by a Board or Committee that the Judicial Council will prioritize in a later step.

e) Supplemental—Items for which there are insufficient funds for the current fiscal year. Funding will be requested through the legislative appropriations process. Some items may be one-time expenditures. Other items may require continued funding in successive years, in which case a building block is listed for the request year.

f) Fiscal Note Building Blocks—Items requested by a Board or Committee that the

Judicial Council elects to pursue through legislation and the accompanying fiscal note.

4) Approve final categorization of items without regard to cost or priority by motion and vote. Items identified for alternative funding or for elimination are dropped from further consideration. Items and amounts identified as a supplemental or as an obligation are deemed approved as the top priority of the judiciary, but not counted against the target budget.

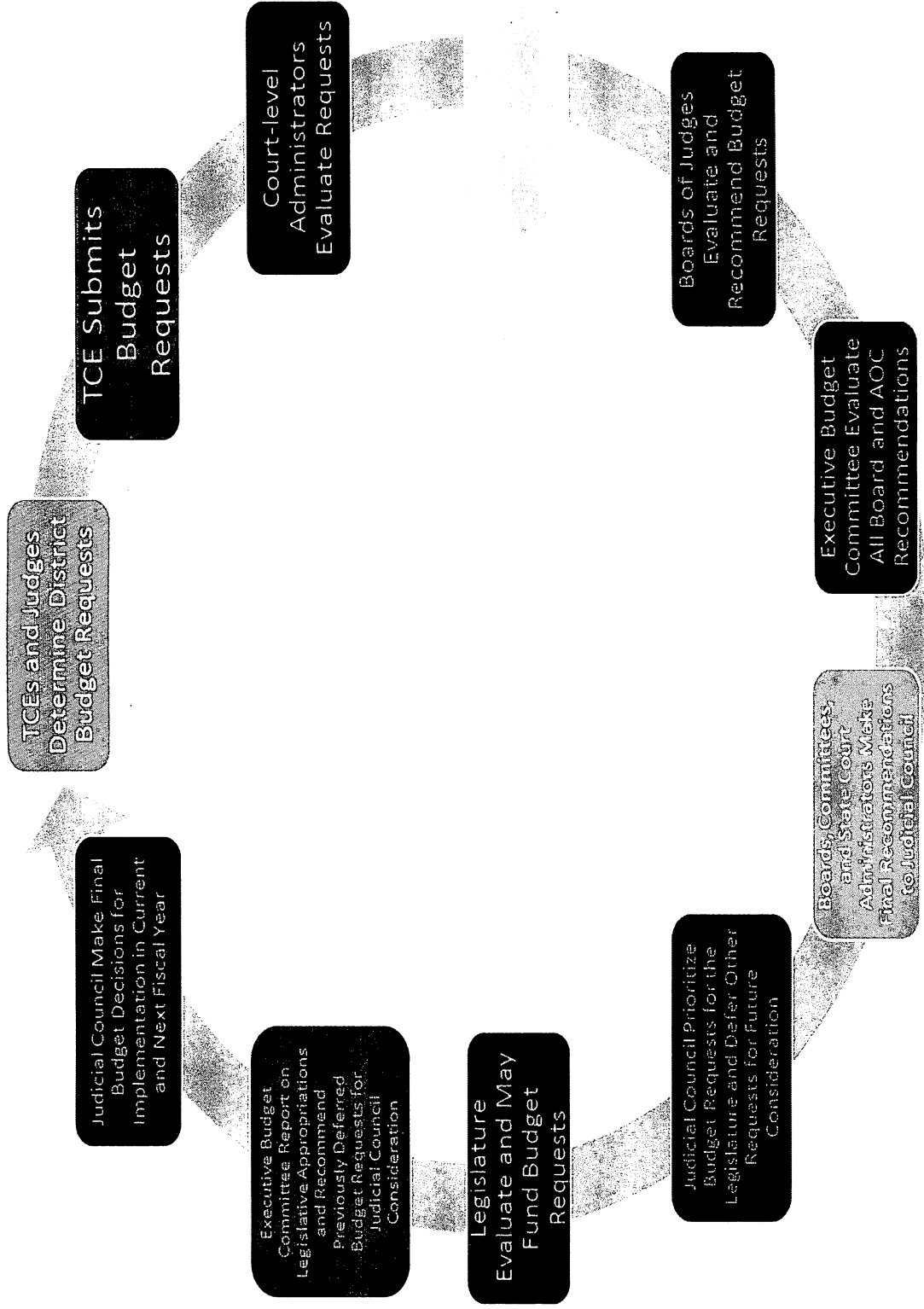
5) Tentative budget request for building blocks by motion and vote. The Council's budget request for an item may be for the full estimated cost or for a lesser amount. The effect may be to eliminate part of a building block.

6) Tentative priority of all remaining building blocks determined by private ballot. Each Council member ranks all building blocks with 1 being the first priority.

7) Tabulate rankings from all ballots. The item receiving the lowest cumulative total is the highest priority. The item with the highest cumulative total is the lowest priority. Prepare a list of all building blocks in rank order with a running cost total of the budget request. Compare running cost total with building block target.

8) Final priority and budget request of building blocks. Council members debate the relative merits of building blocks and, by motion and vote, may amend requested amounts. Repeat steps 7 and 8 as necessary. Prioritized items form the building block request submitted to the Legislature.

UTAH STATE COURTS BUDGET CYCLE



FISCAL DATA AND TRENDS

UTAH COURTS BUDGET SUMMARY							
	Actual Expenditures	Actual Expenditures	Actual Expenditures	Actual Expenditures	Actual Expenditures	Actual Expenditures	Current Year Appropriation*
Schedule of Programs	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Supreme Court	2,444,418	2,487,782	2,627,978	2,763,552	2,946,654	3,126,266	3,279,800
Law Library	727,405	907,102	964,617	1,029,623	1,096,001	1,123,740	1,094,600
Court of Appeals	3,662,485	3,821,103	3,808,437	3,849,526	3,878,128	4,313,569	4,386,200
Data Processing	5,265,123	6,545,153	6,292,928	6,930,847	6,965,857	6,781,141	8,401,900
Education	628,169	635,855	671,777	735,485	715,586	670,661	727,100
Administration	4,366,099	4,248,061	4,706,026	5,058,992	4,961,297	4,859,885	5,369,100
District Court	38,815,929	40,707,300	41,367,318	42,190,718	45,088,414	46,546,962	49,848,700
Juvenile Court	34,513,156	33,948,771	35,358,473	36,019,267	37,915,173	38,424,518	42,966,700
Justice Courts	1,196,514	1,266,279	1,056,497	1,310,517	1,076,105	1,265,392	1,398,000
Grants	990,883	887,451	786,519	835,331	882,281	840,246	1,485,900
Security	7,031,240	7,050,840	7,157,177	8,154,615	8,277,431	8,380,052	11,173,500
Contracts & Leases	19,063,302	19,090,156	19,472,685	19,877,969	20,207,573	20,262,916	20,629,300
GAL	6,256,662	5,831,523	6,475,985	6,948,464	7,152,416	7,808,320	8,706,800
J/W/I	2,257,252	2,410,382	2,372,867	2,442,876	2,502,883	2,608,489	1,614,000
Grand Jury	747	1,136	800	800	578	485	800
TOTALS	127,219,384	129,838,895	133,120,084	138,148,583	143,666,376	147,012,642	161,082,400

* The Total Current Year Appropriation figures do not include carry forward funds from FY 2017.

COLA and Benefit Increases Since FY 2007

	FY 2007 Actual Rates	FY 2008 Actual Rates	FY 2009 Actual Rates	FY 2010 Actual Rates	FY 2011 Actual Rates	FY 2012 Actual Rates	FY 2013 Actual Rates	FY 2014 Actual Rates	FY 2015 Actual Rates	FY 2016 Actual Rates	FY 2017 Actual Rates	FY 2018 Actual Rates
Staff COLA	3.5%	5.0%	5.0%	0.0%	0.0%	0.0%	1.0%	1.0%	1.25%	3.0%	2.0%	2.0%
Judicial Adjustments	3.0%	10.0%	5.0%	0.0%	0.0%	0.0%	1.0%	1.0%	1.25%	12.0%	4.0%	2.0%
Life Insurance	\$ 40.82	\$ 40.82	\$ 45.60	\$ 40.82	\$ 36.66	\$ 36.66	\$ 36.66	\$ 36.66	\$ 36.66	\$ 36.66	\$ 36.66	\$ 36.66
Health (Family)	\$ 10,380	\$ 11,128	\$ 12,276	\$ 13,381	\$ 13,013	\$ 12,081	\$ 12,081	\$ 12,746	\$ 13,456	\$ 13,456	\$ 15,187	\$ 16,130
Dental (Family)	\$ 967	\$ 967	\$ 967	\$ 967	\$ 967	\$ 966	\$ 966	\$ 967	\$ 1,074	\$ 1,074	\$ 1,074	\$ 1,074
Retirement	13.38%	14.22%	14.22%	14.22%	16.32%	16.86%	18.76%	20.46%	22.19%	22.19%	22.19%	22.19%
Retirement (Judges-GF Portion)	9.79%	12.38%	13.51%	17.09%	23.72%	25.82%	32.87%	35.66%	40.01%	41.58%	42.12%	42.69%
Retirement (Judges - \$15 Civil Filing Fee Portion)	18.04%	15.45%	14.32%	13.83%	14.08%	14.26%	14.02%	12.74%	11.90%	10.33%	9.79%	9.79%
LTD	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%	0.60%
Unemployment Comp Ins	0.16%	0.13%	0.10%	0.10%	0.20%	0.20%	0.20%	0.25%	0.25%	0.20%	0.10%	0.10%
Workers Comp	0.86%	0.86%	0.79%	0.70%	0.70%	0.70%	0.70%	0.70%	0.88%	0.88%	0.70%	0.70%
Social Security	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%	6.20%
Medicare	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%	1.45%
Term Pool	2.65%	7.20%	7.34%	7.34%	5.20%	5.20%	5.20%	5.51%	5.51%	5.51%	5.51%	5.77%
401K	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
Annual Leave Liability Pool	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.26%	0.26%	0.26%
Judicial Base Salary	114,400	125,850	132,150	132,150	132,150	132,150	133,450	134,800	136,500	152,850	159,050	162,250

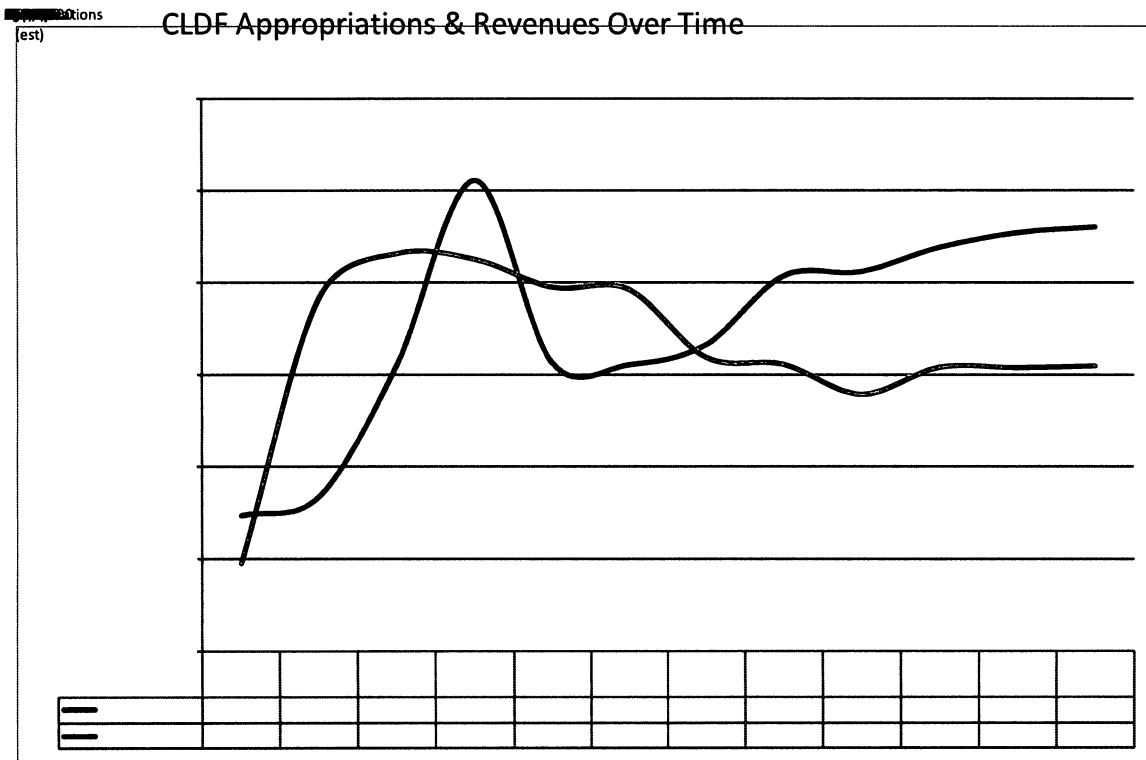
Sources: URS, GOPB, LFA

I:\JGB\Budget Annual Plan\Budget Reports Over Time\Fiscal Data and Trends 2012-2018.xlsx\COLA & Benefits

CHILDREN'S LEGAL DEFENSE FUND (CLDF)

The primary source of revenue to the CLDF is derived from a \$4 fee included in various civil filings and the marriage license fee. Remaining revenue comes from the sale of Divorce Education videos and the fee assessed for the Divorce Education classes. Statute¹ provides for the fund to pay for expenses related to mandatory divorce education classes, a mediation program, children's divorce education classes, the use of Guardians' ad Litem, and an expedited parent-time enforcement program.

Current CLDF revenues are not sufficient to cover the appropriation due to 16 percent COLA increases and 20 plus percent benefit increases since FY 2008 for the staff paid from these funds. The fund balance is sufficient to cover revenue shortages for a short period, but future action may be needed if civil filings do not increase. With a balance of approximately \$200,000 the CLDF fund will only cover shortages on a very short-term basis.

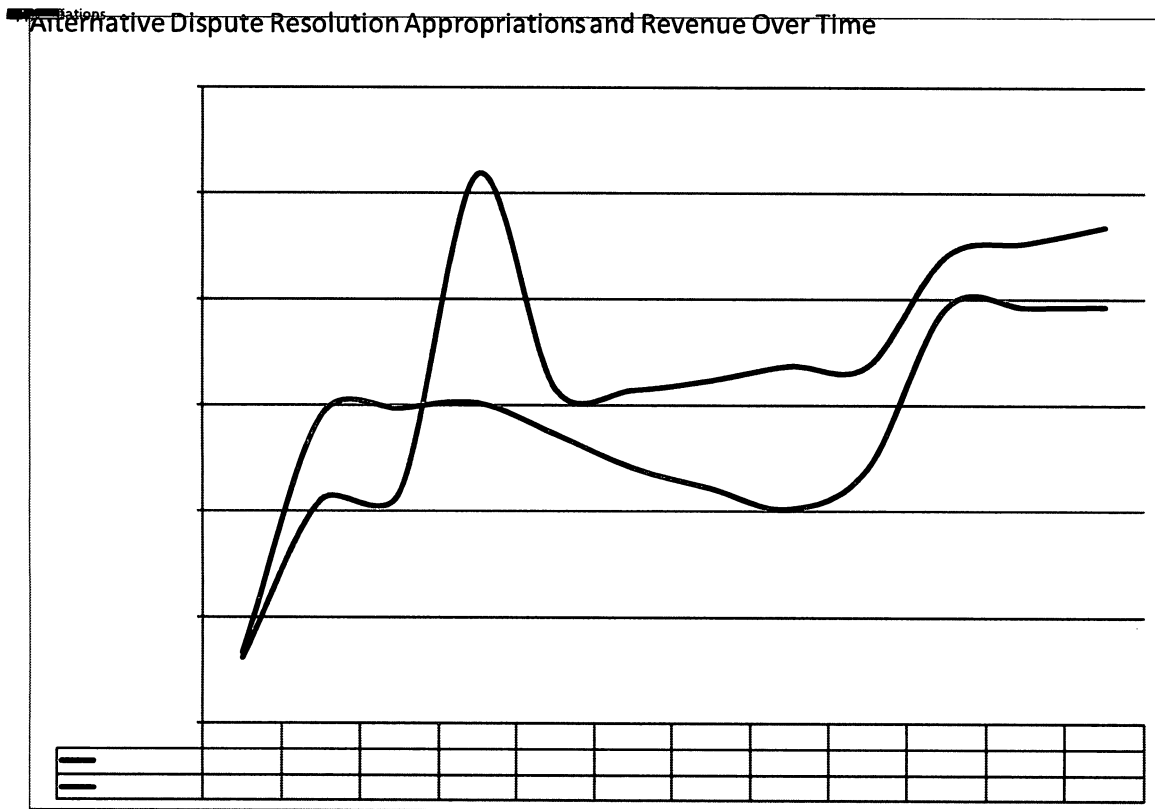


¹ UC 51-9-408 (2) The purpose of the Children's Legal Defense Account is to provide for programs that protect and defend the rights, safety, and quality of life of children.

ALTERNATIVE DISPUTE RESOLUTION2

In 1994, The Legislature enacted the Alternative Dispute Resolution (ADR) Act requiring the Judicial Branch to implement ADR in the state courts. The ADR program was implemented by the Judicial Council on January 1, 1995. The program encourages the use of ADR to the extent that it serves the interests of the involved parties. It is not intended to supplant traditional litigation, only to supplement it, and to provide more flexibility in the methods used to resolve disputes. Revenue to the ADR fund is derived from a \$5 fee included in certain civil filing fees. The Legislature authorized a \$2 increase to the fee in the 2015 Legislative session. The following chart notes the revenue and expenditures to the fund since FY 2007.

In the past few years, ADR revenue was not sufficient to cover program appropriations and expenses. However, Legislative assistance through the passage of HB 189 in the 2015 Legislative Session, ADR revenues increased to cover more of the program's needs while also adding an additional mediator.



COURT COMPLEX FUND

The Court Complex Fund was created to fund construction and operating expenses for the Courts in 1998. The original appropriation to cover the annual bond payment on the Matheson Courthouse was \$3,000,000. As revenues increased early in the fund's existence, the Legislature removed dollars from the fund to finance other Court projects or to offset projected state budget deficits. The following list notes one-time and ongoing Legislative uses of Complex funds since its inception for purposes other than paying off the Matheson Courthouse bond:

- FY 2000—\$747,300 one-time moved to the General Fund
- FY 2000—\$2,775,000 one-time used for the Vernal courthouse
- FY 2003—\$700,000 one-time used for the Logan court complex
- FY 2004—\$475,000 one-time used for planning the West Jordan courthouse
- FY 2009—\$300,000 ongoing used to avoid additional cuts in the main line item
- FY 2014—\$93,000 ongoing used to fund copies of the Utah Code for Judges and \$300,000 one-time reduction to the fund was transferred to the main line item for Courtroom Technology expenses
- FY 2015—\$100,000 of complex fund used to cut \$100,000 ongoing GF in the line item

During the 2003-2004 budget shortfalls, the Legislature reduced the Courts' Lease budget by \$600,000 in ongoing funds from the Courts Complex Fund. The West Jordan courthouse was completed in FY 2006, and the appropriation from the fund increased to \$4,400,000 to cover lease-revenue bond payments. The reduction of ongoing funds and one-time reductions combined with revenue reductions due to the creation of various Justice Courts impeded the fund's liquidity for the future.

In FY 2007, the Judicial Council, in consultation with the Legislature, approved the transfer of expenses from the Lease line item to the main line item in the amount of \$1,300,000. As a result, FY 2007 expenditures from the Court Complex Fund totaled only \$3,400,000. The use of Court's unusually high turnover savings for complex expenses significantly shifted projections for the Complex Fund from future deficits to surpluses. In FY 2009, the Legislature increased spending from the account by an additional amount of \$300,000 for a total ongoing appropriation of \$4,700,000. In the FY 2014 budget, the Legislature increased the Complex Fund appropriation by \$93,000 to shift the cost of judicial copies of the Utah Code from the Legislative Printing Office to the Courts. In the 2014 Legislative Session, the Legislature cut \$100,000 in GF and increased the draw from the Court Complex fund by \$100,000. Despite the increase in expenditures to the fund, projections indicate the fund will remain solvent through the Matheson bond termination in FY 2018. This year, Court administrators are requesting the Judicial Council request \$313,400 ongoing GF to reduce the Court Complex Restricted account appropriation to \$4,611,600 so that the complex revenue will be solvent for the recently approved Provo Courthouse bond. If the requested adjustment is not made, the Court Complex fund will become insolvent in FY 2019 based on current projections. Current Complex Fund projection trends noted in the chart on the next page considers the following factors:

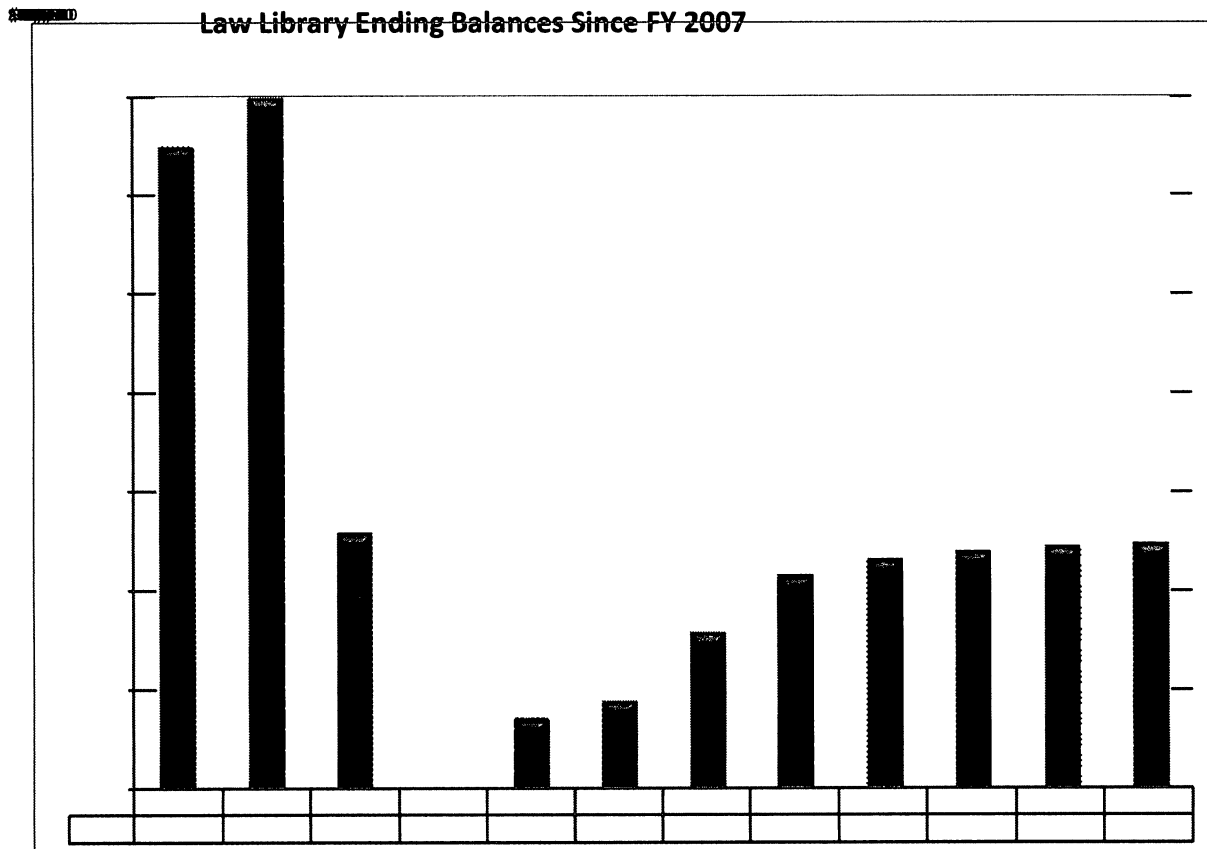
1. Estimated revenue decreases of one-half of one percent annually with adjustments according to civil filing trends; and
2. The increase of the Complex Fund's allowable expenditures from \$4,806,900 to \$4,906,900 starting in FY 2015.

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LAW LIBRARY NON-LAPSING DEDICATED CREDIT FUND

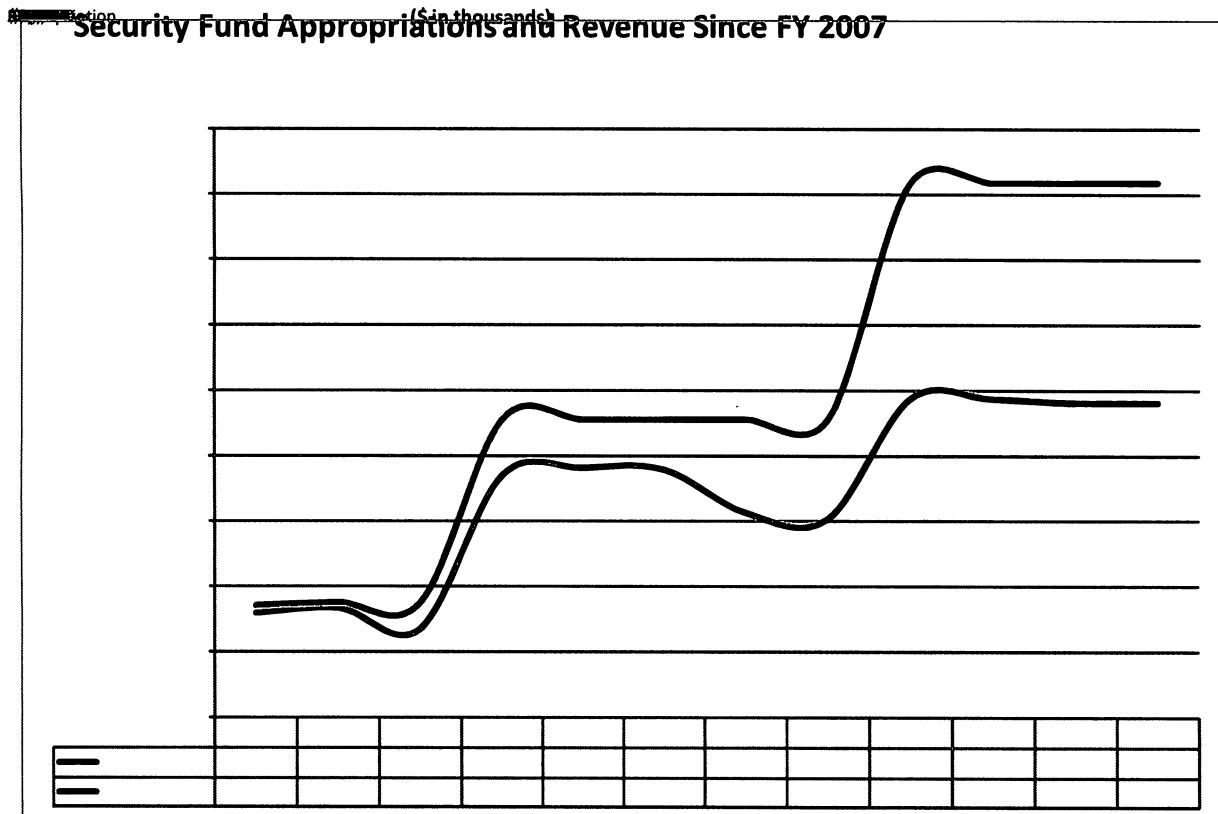
The fund balance in the Law Library grows by approximately \$11,000 per year. However, due to a change in the Budgetary Procedures Act effective FY 2011, the FY 2010 Law Library Fund ending balance of \$62,600 was swept into the State's one-time General Fund account. This statutory oversight regarding the non-lapsing nature of this fund was corrected in the 2011 General Legislative Session by adding the fund to the list of accounts in UC 63J-1-602.5(11).

The Judicial Council controls funds in the account per UC 78A-9-102. These funds are available for issues relative to library operations and legal education efforts for the public. For example, the Judicial Council recently approved \$10,000 per year for personnel costs related to the Self-Help Center in an effort to retain highly-trained staff. The following table summarizes the ending fund balances since FY 2007:



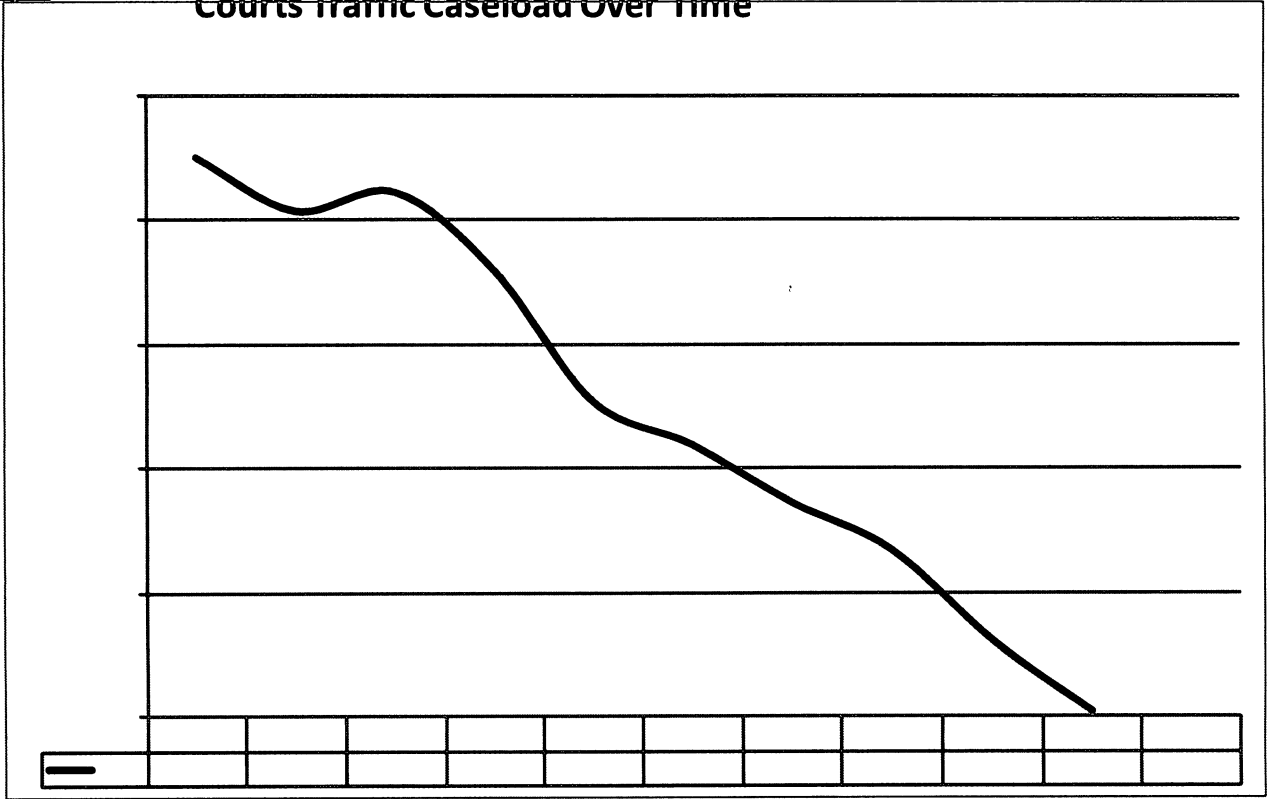
SECURITY FEE

In the 2014 General Session, the Legislature passed HB 404 which increased the security fee by \$10 to \$50 to cover fund shortfalls and increase contractual agreements with the local county sheriffs. In the 2015 General Session, the Legislature passed SB 141 which increased the District and Juvenile Court security fee to match the fees collected in Justice Courts. This fee increase has provided additional revenue; however, the revenue stream is not sufficient to fully cover security contracts. Security contracts have been updated to comply with the provisions of the Budgetary Procedures Act found in UC 63J; allowing for a reduction in payments when revenues are not sufficient to cover the contracts. The Security Fee revenue and expenditure trends are noted in the chart below:



Security revenues are primarily driven by traffic citations issued statewide. For your information, traffic citations have decreased by 39 percent, or 222,817 case filings, since FY 2007 as depicted in the chart on the following page.

Courts Traffic Caseload Over Time

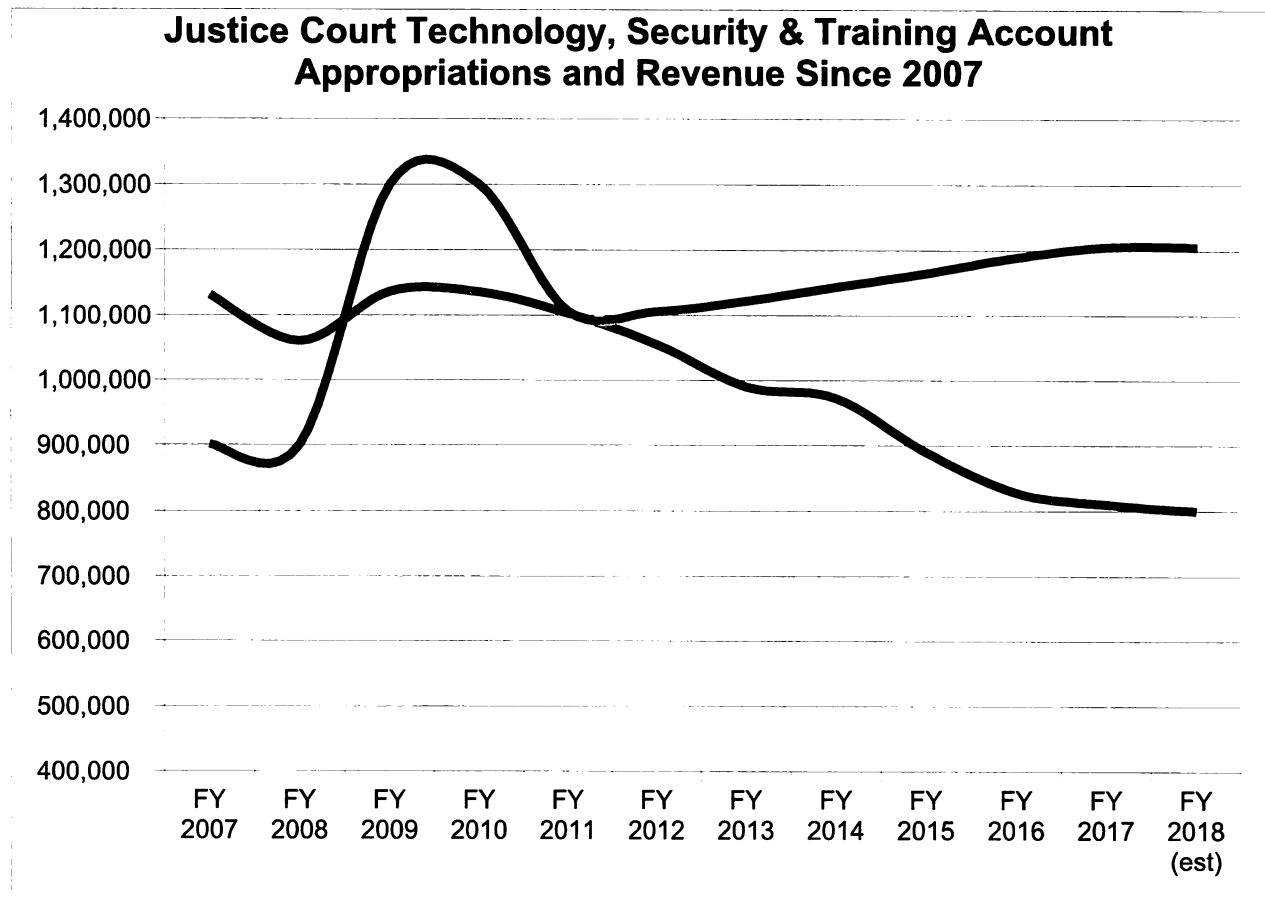


JUSTICE COURT TECHNOLOGY, SECURITY, AND TRAINING ACCOUNT

In the 2004 Legislative Session, Senate Bill 196 increased fines paid in Justice Courts by \$32 and allocated 20 percent to the Justice Courts. The remaining 80 percent is distributed as follows:

- 62.5% to the county in which the justice court is located;
- 25% to the Security Restricted Account for Juvenile security needs; and
- 12.5% to the Justice Court Technology, Security, and Training Account.

The fund has generated sufficient revenue to cover expenses until recently and will be carefully monitored to make sure the account can be sustainable for the future. The account reserve is diminishing. Based upon the collections for the past five fiscal years, projected FY 2018 revenue will be about \$800,000. FY 2019 appropriations are expected to be at FY 2018 levels or \$1,205,100. The Fund had a balance of \$350,000 at the end of FY 2017.



TRUST INTEREST ACCOUNT

The Court Trust Interest restricted account is authorized by UC 78B-5-804.

78B-5-804. Money deposited in court.

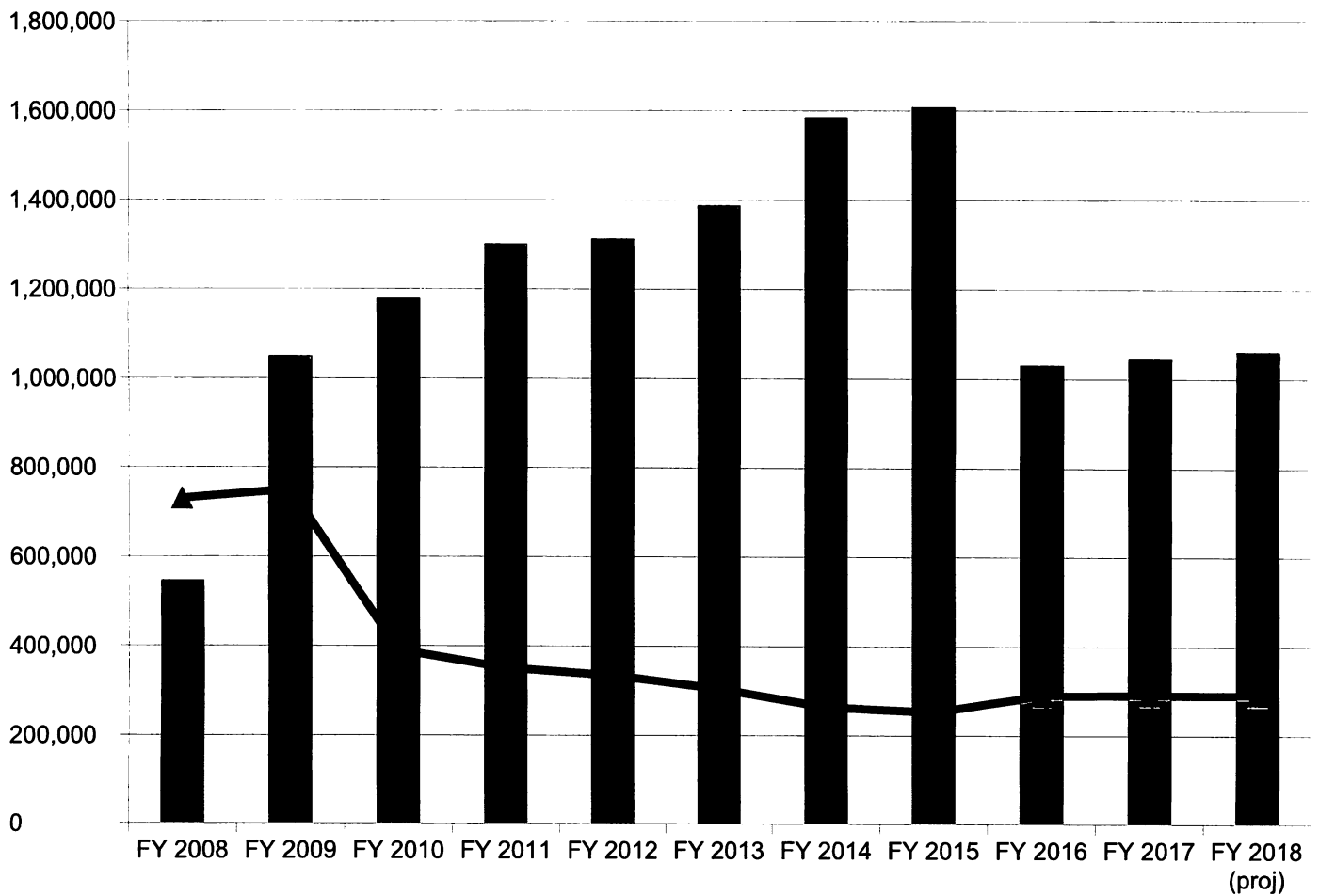
- (1) (a) Any person depositing money in court, to be held in trust, shall pay it to the court clerk.
- (b) The clerk shall deposit the money in a court trust fund or with the county treasurer or city recorder to be held subject to the order of the court.
- (2) The Judicial Council shall adopt rules governing the maintenance of court trust funds and the disposition of interest earnings on those trust funds.
- (3) (a) Any interest earned on trust funds in the courts of record that is not required to accrue to the litigants by Judicial Council rule or court order shall be deposited in a restricted account. Any interest earned on trust funds in the courts not of record that is not required to accrue to the litigants by Judicial Council rule or court order shall be deposited in the general fund of the county or municipality.
- (b) The Legislature shall appropriate funds from the restricted account of the courts of record to the Judicial Council to:
 - (i) offset costs to the courts for collection and maintenance of court trust funds; and
 - (ii) provide accounting and auditing of all court revenue and trust accounts.

Based on statutory provisions in UC 78B-5-804, Utah Rules of Judicial Administration 3-407 and 4-301, interest income from funds held in trust by the Utah State Courts is used for paying the following expenses: finance personnel costs, bank card charges, armored car services, bank supplies, interest paid to litigants, and any other charge related to the maintenance of Court trust funds. All funds held in trust by the Utah State Courts are managed in accordance with the State Money Management Act and the Rules of the State Money Management Council.

In the 2009 Legislative Session, the Courts and the Legislature agreed to increase the appropriation from the Trust Interest account by \$525,000 from \$250,000 to \$775,000. The Courts and Legislature cut \$525,000 in ongoing GF and replaced this cut with the trust restricted funds with the understanding by the Courts, the Legislature, the LFA, and the GOMB that this was a limited source of revenue and a temporary move. The idea was that once these limited funds were utilized, the Courts would request GF to replace the cut and ask for a corresponding reduction in the Trust Interest General Fund Restricted Account appropriation.

As noted in the chart on the next page, the authorized increase in expenses and appropriation occurred between FY 2008 and FY 2009. Though a good idea at the time, neither the Courts nor the Legislature anticipated the significant downturn in the economy that reduced the interest income providing the necessary revenue for the account as indicated by the green line in the graph on page 16. In addition, the Courts began to change its business model during the budgetary reductions by relying on electronic solutions which incurred additional credit card fees. In the 2015 General Session, the Legislature approved the Courts' budget request of \$581,000 ongoing funding to replace and reduce the Trust GFR Account appropriation by the same amount. This change significantly reduced the ongoing expenses to the fund. In addition to the Legislature's efforts, the Courts will be implementing Automatic Clearing House (ACH) payments by FY 2019 to further reduce credit card and other related banking expenses. Court administrators will closely monitor the Trust Account and bring further concerns to the Judicial Council.

Comparison of Trust Interest GFR Account Expenses to Revenue Over Time



SUMMARY

The Judicial Council is responsible for administering 14 General Fund Restricted Accounts, 21 Dedicated Credit Accounts, and the investment of over \$35 million in trust funds. The accounts reported thus far are those which bear close monitoring.

The Law Library Fund, Alternative Dispute Resolution Fund, and the Justice Court Technology, Security, and Training Account are now in a healthy position but will be monitored closely for future action as needed.

The Security Fee Fund, Children's Legal Defense Fund, Court Complex Account, and the Trust Interest Account will be closely monitored to make sure all budgeted obligations can be funded from future revenues.

LEGISLATIVE BUDGET UPDATE

The 2017 General Session

The 2017 General Session was another successful session for the Utah State Courts. The Legislature maintained base budget levels; approved ongoing funds for a new judge and staff in the 5th District Court; appropriated one-time funds to cover the FY16 Juror, Witness and Interpreter budget deficit. In addition, ongoing money was appropriated for contract and lease increases and ongoing and one time funded was received by the Juvenile Court to implement HB 239, Juvenile Justice Amendments. The Legislature provided a two percent cost-of-living adjustment for employees, judges and commissioners.

The 2018 General Session Outlook

The Governor's Office of Management and Budget is reporting that they foresee a \$130 million in new ongoing revenue. It is unclear at this time whether that new revenue is in the Education Funds or in the general fund.

The Legislature faces the following funding issues in the 2018 General Session: public education enrollment growth, Justice Reinvestment Initiative issues, Juvenile Justice Amendment issues, Medicaid issues, employee retirement and health care increases, possible employee compensation adjustments and other inflationary benefit costs.

If revenues continue as expected, the Legislature will have to address the "pent up" needs of agencies that have not been able to advance budget requests to the Legislature due to the small revenue projections in the past. National indicators continue to show signs of slow economic improvement although Utah's economy tends to grow at a higher rate than the national average.

Budget requests submitted to the Judicial Council for FY 2019 reflect a perceived need for additional judicial officers and law clerks. The Judicial Council will continue to place emphasis on performance data including the Judicial Weighted Caseload data, the Clerical Weighted Caseload data, and time to disposition data.

UTAH STATE COURTS FY 2019 BUILDING BLOCK SUMMARY

Summary of FY 2019 Ongoing Building Block Requests			
Program	Requested	Cumulative	Total for Programs
Board of District Court Judges			\$2,261,250
Increase 3rd District Judicial Staff (12 FTE)	1,780,000	1,780,000	
Law Clerks (5 FTE)	481,250	2,261,250	
Information Technology			\$ -
Requests will be formulated soon			
System Wide Requests			\$328,753
Replace Main Line Item Court Complex GFR Acct Appropriation with General Fund	313,400	2,574,650	
Reduce Main Line Item Court Complex GFR Account Appropriation	(313,400)	2,261,250	
Guardianship Reporting & Monitoring Program (GRAMP) (2 FTE)	153,053	2,414,303	
District Court Program Administrator (.25 FTE)	24,200	2,438,503	
Justice Court Administrator (.5 FTE)	75,000	2,513,503	
Domestic Violence Program Coordinator (.5 FTE)	52,500	2,566,003	
Restore Juvenile Court Funding lost due to HB 377 (2016 & 2017 General Sessions)	24,000	2,590,003	
Facilities			\$202,927
Lease Contract Increases	2,927	2,592,930	
Wasatch County Justice Center Expansion	200,000	2,792,930	
Capital Improvement List			
Juror/Witness/Interpreter			\$1,008,300
Ongoing Increase to Eliminate Annual Deficits	1,008,300	3,801,230	
One Time Requests			\$1,032,300
Juror/Witness/Interpreter supplemental for FY 2017 deficit	1,008,300	1,008,300	
Restore 2017 Juvenile Court Funding lost due to HB 377 (2016 & 2017 General Sessions)	24,000	1,032,300	

DISTRICT BOARD REPORT

District Court Board of Judges Building Block Requests

Request Priority	Request	Cost	Budget % Increase	FTE
1	Increase 3rd District Judicial Staff	\$1,780,000	3.57%	12.0
2	Law Clerks	\$481,250	0.97%	5.0
Total Request		\$2,261,250	4.54%	17.0

District Court Fiscal Data Summary

FY 2018 General Fund Budget	\$49,848,700
FY 2018 FTE Count	475

PRIORITY: 1

OBJECTIVE: 4 Judges and 8 Staff – 3rd District Court

Amount: \$1,780,000; 12 FTE's

HISTORY AND BACKGROUND:

The Third District currently has 28 assigned judges, which has been the statutorily designated number since 2004. In addition, we have 5 commissioners making a total of 33 Article VIII and non-Article VIII positions. For at least the last decade the Third District Court has been between 2 to 6.8 judicial officers below what the Judicial Weighted Case Load recommends for the Third District. Over this same decade the Third District has averaged 4.84 judicial officers below the Judicial Weighted Case Load recommendation, and the last three years the average has been 6.2 judicial officers below the Judicial Weighted Case Load recommendation. Currently, the Third Judicial District stands at 6.7 judicial officers below the Judicial Weighted Case Load's recommendation. The Third District has not received a new judge for almost twenty years.

During this same period of time the Third District has consistently handled 40% or more of all case filings in the state and handled 50%+ of all jury trials conducted in the state. While every district encounters large and complex cases, it is fair to assume that the Third District, located at the hub of commercial, political and litigation activity in the state, generally carries a higher volume of complex civil litigation than other districts. In addition, the Third District handles all the asbestos filings in the state, which are indicative of the lengthy and complex civil litigation that occurs in this District across the spectrum of case filings.

The above background provides a historical overlay as the basis for this request. Additionally, a review of the statewide Time to Disposition rates reflects that the Third District ranks below average in several categories in comparison to other districts. The Third District lags behind in the areas of criminal filings, general civil, evictions, divorces, paternity, custody and support and domestic modifications. The Third District's most recent Age of Pending Cases report highlights these

Time to Disposition shortfalls. As an example, the average number of days criminal matters are pending statewide (excluding the Third District) is 123 days. The Third District's criminal average number of days pending is 212, and in the Matheson Courthouse alone it is 251 average number of days pending, a 52% lag behind statewide average days pending.

In order to address what are routinely large criminal law and motion calendars of 120 cases or more a day, the Third District has had to create master calendars to meet the high volume of filings in our District. Currently we have master calendared first appearance criminal calendars that average 64 cases each morning, preliminary hearing calendars we cap at 30 preliminary hearing cases each morning and afternoon every Tuesday and Thursday, on two judges' calendars, and master calendar debt collection, probate, unlawful detainers, and state ORS calendars. This Master calendaring occupies approximately 6 weeks of every Matheson Third District judge's calendar each year which precludes judges from scheduling trials or otherwise advancing their respective caseloads during these assigned times, thus contributing to our days pending bulge.

The Judicial Council/AOC's position that it historically will not advance a request for an additional judicial officer until a district reaches 130% of a weighted case load ("the 130% threshold") is flawed when it is applied to large districts. If it isn't obvious enough from the mere fact that the Third District has been laboring at an average of 4.84 judicial officers below the Judicial Weighted Case Load for the last ten years, and has had no consideration for the appointment of an additional judge for twenty years, an analytical analysis of the disparity created by the 130% threshold highlights this anomaly. In smaller districts the addition of one additional judicial officer can bring the judicial weighted case load down from 130% to 100%. The application of the 130% threshold on a larger district, however, does not result in a similar result. For example, adding one additional judicial officer in the Third District at a 130% threshold limit would reduce this figure to 126% of the Judicial Weighted Case Load. At a 130% threshold it would take 10 new

judicial officers in the Third District to bring it down to 100%. Thus, under the applied 130% threshold a larger district will perpetually be compelled to operate at a level above the judicial weighted case load recommendation. The Third District has operated as such for at least the last decade. We believe the application of the 130% threshold works an unintended inequity on larger districts and has had a profound effect on the Third District for at least the last decade. This seems inequitable to the Third District.

DETAILED REQUEST OF NEED:

As a result of the disparate results from the application of a 130% threshold to a large district, we ask the District Board to also consider and recommend a different approach to a determination of when the Judicial

Council/AOC should seek additional judges in each district. Please consider this as a starting point of a discussion to examine the application of a 130% threshold tool for larger districts like ours, and to come up with a better way of comparing judicial needs district to district in the future.

Accordingly, the Third District respectfully requests the District Court Board of Judges to consider this request favorably. The addition of 4 judicial officers would place the Third District at 105% of the judicial weighted case load recommendation, would assist us in addressing master calendaring issues which contributes to below average days pending rates and place the Third District in a more equitable position with other districts.

The following data supports this request:

3rd District Court	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17
Judicial Officers Needed	35.10	37.80	38.60	37.60	36.40	35.80	35.20	36.80	39.80	38.10	39.70
Authorized Positions (Judge & Commissioner)	32.50	33.00	33.00	33.00	33.00	33.00	33.00	33.00	33.00	33.00	33.00
Difference Authorized & Needed	(2.60)	(4.80)	(5.60)	(4.60)	(3.40)	(2.80)	(2.20)	(3.80)	(6.80)	(5.10)	(6.70)

COST DETAIL:

Salary and Benefits	\$1,692,000
Travel	10,000
DP Current Expense	54,000
Current Expense	24,000
Total	\$1,780,000

ALTERNATIVES:

The 3rd District would be required to continue along its current trajectory and delay the solution into another year with potentially higher costs and a more critical resolution.

PRIORITY: 2

OBJECTIVE: Obtain Funding for Law Clerks

AMOUNT: \$481,250; 5 FTEs

HISTORY AND DETAILED REQUEST OF NEED:

The Board of District Court Judges is advancing a building block request for 5 law clerk positions, consisting of:

- 3 law clerks to be allocated to the 4th district to meet the need created by the discontinuance of the law clerk/bailiff program; and
- 2 law clerks to create permanent funding for existing positions that are currently supported by one-time funds.

Funding of these positions will not increase the law clerk to judge ratio that existed when the law clerk/bailiff program was active. The law clerk/bailiff program in the 4th district is being eliminated, primarily because of withdrawal of support from the Utah County Sheriff. The discontinuance of the program created a need for 4 law clerk positions, one of which was funded with permanent funds by the Judicial Council in April 2016 and another in April 2017. Accordingly, the Board requests three new law clerk positions to be allocated to the 4th district to fill the pressing need of the 4th district.

In addition, the Board seeks on-going funding for two existing law clerk positions that are now supported by one-time funds. Continued funding for these two positions is necessary for the district court to keep its current law clerk to judge ratio, excluding the law clerk/bailiff positions 4th district. That ratio is 1 law clerk to 2.7 judges. For over ten years, the Board has had a goal of attaining a 1 to 2 ratio, or 36 positions for 72 judges. As it stands, it would require an additional ten positions to reach that goal. A table is attached showing the law clerk to judge ratio in each district.

RECENT IMPROVEMENTS IN LAW CLERK PROGRAM: In 2015, the Board of District

Court Judges convened a workgroup to determine best practices in the use, supervision, and training of law clerks and adopted a series of 11 recommendations for improving supervision, management and training of law clerks. These best practices are designed to ensure that these important resources are fully used to effectively and efficiently serve their purpose. For example, the recommendations included:

- application of personnel policies to law clerks, including annual performance evaluations and performance plans;
- assignment tracking and monitoring to avoid imbalanced workloads and ensure that all judges have access to law clerk assistance;
- clarification of the lines of supervision and reporting;
- reinvigoration of an internal memoranda database;
- creation of an ongoing law clerk committee to follow through on the recommendations as appropriate and to plan consistent training;
- presentation of an orientation for new law clerks and an annual stand-alone law clerk workshop (a copy of the agenda for the first workshop is attached).

Law clerks assist district court judges in working efficiently under a demanding workload and strict deadlines. They assist judges in meeting performance goals and standards. By performing legal research and analysis and drafting written decisions and orders, law clerks provide judges more thorough access to relevant legal authority for their decisions and adequate time to draft written decisions that include detailed findings and fully analyze all relevant issues.

COST DETAIL:

Cost of one Law Clerk

Salary and Benefits	93,250
Current Expense	1,500
Education	500
DP Current Expense	1,000
Total	96,250

Cost of 5 Law Clerks	481,250
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ALTERNATIVES: In the absence of the 3 requested positions, the 4th district will continue to struggle to maintain the vestiges of the law clerk/bailiff program. The Sheriff has been exerting increasing pressure on the

4th district to discontinue the program immediately. The 4th district is experiencing trouble filling vacancies for law clerk/bailiff positions and therefore is already working without the positions they should be allocated.

Lack of permanent funding for the two temporarily funded law clerk positions will further stall the district courts' goal of achieving the desired ration of clerks to judges. It will place pressure on the funds available in the spring after the end of the legislative session by requiring the use of either permanent or one-time funds or the elimination of existing positions.



COURT TECHNOLOGY STANDING COMMITTEE

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PRIORITY:

OBJECTIVE: Implement a 5-year Computer Replacement Schedule

AMOUNT: \$250,000

HISTORY AND BACKGROUND: The IT Division established an annual desktop and laptop replacement schedule that would have replenished each unit once every five years. The Division operated the program for two years—budget cuts eliminated the ongoing funding to support the replacement schedule.

DETAILED REQUEST OF NEED: This building block request seeks to reinstate the Court's desktop replacement schedule. The \$250,000 request would fund a mix of replacement equipment including:

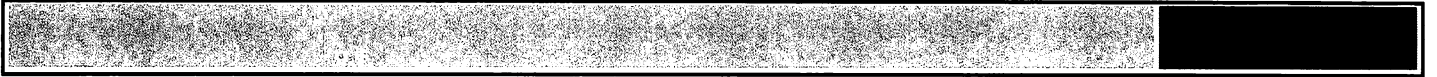
PCs & Scanners	200,300
Laptops	34,700
Printers	15,000
Total	\$ 250,000

COST DETAIL:

DP Current Expense	250,000
Total	\$ 250,000

ALTERNATIVES: If ongoing funding is not appropriated, one-time or carry-forward funding can be utilized.

Poor performing computers affect the productivity of court staff. This is especially true whenever there is a scanner attached to dated equipment. This request would reinstate ongoing funding to support the effort to replace desktop computing equipment once every five years. Prior to the budget reductions, the IT Division was able to replace desktop equipment for the first two years of the five year cycle. Ongoing funding was not available in the past five years to continue the project.



PRIORITY: 2

OBJECTIVE: Courts Audio/Video Support

AMOUNT: \$101,000; 1 FTE

HISTORY AND BACKGROUND: This request is for the salary and benefits for one FTE within the IT Division. The purpose of the request is to expand the IT Division's ability to support audio /video and VoIP systems located in the courthouses throughout the state.

Currently, there are 164 courtrooms. There are 23 courtrooms that lack the technology to support video conferencing. With the increasing demand for remote video conferencing, and the reliance on the digital record, the Division anticipates that additional courtrooms will be need to be upgraded to support the demand. All 164 courtrooms rely on digital records to create the case record. With the exception of 23 courthouses, all courthouses have the capability to conduct video conferences. VoIP has been installed multiple courthouses and will continue to be installed until the court's telephonic systems are fully VoIP.

In Fiscal Year 2016, the IT Division's Help Desk received a total of 740 calls for audio/video support. In that same period, the Help Desk received 153 calls that reported that the courtroom audio/video systems were not functioning and that court could not continue.

While the majority of the calls could be resolved by Help Desk staff, other calls required IT staff to travel to a courthouse to resolve the issue. Currently, this on-site support is being provided by 1 FTE, who can only be at one location at any one time. Travel between locations minimizes the turnaround time for problem resolution.

This request is to authorize the IT Division to add one additional FTE to assist with the on-

site installation and support of audio/video systems.

COST DETAIL:

Error! Not a valid link.

ALTERNATIVES: Continue at current staffing level.

HISTORY AND DETAILED REQUEST OF NEED:

Twenty years ago the personal computer was just coming into its own as a computing platform and the Internet was in its infancy. Advances in the computing power of chip technology allowed IT to replace mainframe computers with application servers. Advances in Internet technology provided new opportunities for application development. Today the industry standard to deliver computing applications uses Internet technology.

CARE is an Internet application. However, CORIS, AIS, and Jury Management were built prior to the introduction of Internet technology. Supporting two different technologies dictates that the IT Division must maintain programming expertise in two differing technologies.

Undertaking the conversion is no small task. In the twenty years since CORIS was first developed, not only has the technology changed but the business requirements that CORIS is called on to support has also changed. With the advent of electronic filing, the presumption that all data elements that CORIS requires would come from data entry screens is no longer valid.

Changes in technology, business requirements, and the underlying source of the data required by CORIS preclude a simple one-to-one conversion of the existing application. Any attempt to convert CORIS to an Internet application should include a reexamination of what CORIS is being asked to support as the case management system of the future.

Utah's Strategic Plan calls for enhancements in existing scheduling and accounting practices. The conversion plan will incorporate these recommended changes in the redesign of CORIS and AIS. The introduction of alternative and online dispute resolution systems will be also incorporated in the redesign. Internet functions that already

PRIORITY: 1

OBJECTIVE: CORIS Program Modernization Project

AMOUNT: \$750,000; One-time

exist in CARE will be leveraged and applied to the CORIS rewrite.

The first step in the conversion process is to revisit and redesign the core business functions that will become the case management system of the future. Phase 1 of the process is to engage Court Services, IT, court, and judicial personnel in a functional redesign of CORIS. Rather than wait for this process to be completed before beginning the conversion project, the implementation strategy would initiate conversion of the Jury Management system and AIS while working on the CORIS redesign.³ Jury Management and AIS were selected because of the limited impact on court staff. The advantage of this approach is that it allows IT to gain experience in conversion methodology, at little risk, before attempting the complex conversion of CORIS. The CORIS redesign will take six to nine months to complete.

The second component of the strategy to convert CORIS to a web application is to make the transition occur as business components are completed rather than convert the entire application at one time. To do this, IT plans to leverage its expertise in developing core applications that exist neither in CARE nor CORIS and apply that expertise to the project. Additionally, the conversion team will identify and convert those business functions that can logically be segregated from the operational components of CORIS. Finally, once a business

function has been completed, CORIS will be modified to call the new application. This will minimize the impact of court staff having to work in two different environments. The entire project would take a minimum of two and one-half Fiscal Years to complete.

³ Two IT personnel and two contractors will be assigned to the Jury Management and AIS conversion project. This project began on January 1, 2016.

The cost to complete the conversion from client/server to JAVA is devoted entirely to programming resources. The annual cost of the project is \$1,250,000—\$750,000 one-time GF plus \$500,000 one-time from the Courts' GFR accounts. IT staff would be made available to the project but the majority of the work would be assigned to contract programmers. The CORIS project began in FY 2016 and the anticipated timeline for the project is as follows:

Fiscal Year	Project Description	Cost
2016	Conversion of Jury Management and Appellate Court System	208,000
2017	Conversion of CORIS	1,250,000
2018	Conversion of CORIS	1,250,000

The intended outcome of the CORIS conversion project is to apply Internet technologies to the court's core business applications. As a result, the IT Division would no longer have to support two disparate

computing platforms. This will allow IT to apply all of its programming resources across all of the courts' applications. Internet technology will change the way Utah's Justice Courts access CORIS. Currently, State Court and Justice Court users must first connect with the court's network before they can access CORIS. For the Justice Court user to make that connection, they must first connect to a terminal server. The IT Division has a total of 19 terminal servers that exist solely for the network connection. Once CORIS is an Internet application, these terminal servers will no longer be required. Granting access to the court's internal network creates a potential security risk. Connections using the Internet mitigate that risk. Finally, programmers schooled and experienced in Internet technology are prevalent and will give IT a larger pool of employable candidates.

COST DETAIL:

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ALTERNATIVES: Postpone the programming effort to future years. Rely on an aging technology platform.

SYSTEM WIDE REQUESTS

System Wide Building Block Requests (Unprioritized)

Request	Cost	FTE
Replace Main Line Item Court Complex GFR Account Appropriation with General Fund	\$313,400	-
Reduce Main Line Item Court Complex GFR Account Appropriation	(313,400)	-
Wasatch County Justice Center Expansion	200,000	-
Guardianship Reporting & Monitoring Program (GRAMP)	153,053	2.00
District Court Program Administrator	24,200	0.25
Justice Court Administrator	75,000	0.50
Domestic Violence Program Coordinator	52,500	0.50
Restore Juvenile Court Funding lost due to HB 377 (2016 & 2017 General Sessions)	24,000	-
Total Request	\$ 528,753.0	3.25

OBJECTIVE: Replace Appropriation from the Court Complex Restricted Account in the Main Line Item with Ongoing General Fund

AMOUNT: \$313,400 Ongoing GF;
(\$313,400) Court Complex
Restricted Account

HISTORY AND DETAILED REQUEST OF NEED:

In the 2009 General Session, the Courts and the Legislature agreed to increase the appropriation from the Court Complex Restricted account by \$300,000 in the main line item. The Legislature cut \$300,000 in ongoing GF and replaced it with Court Complex Restricted funds—the understanding amongst the Courts, the Legislature, the LFA, and the GOMB was that this was a limited source of revenue and a temporary move. Since FY 2010, the Legislature has increased the appropriation due to COLA and benefit increases to \$313,400.

This year, Court administrators are requesting the Judicial Council request \$313,400 ongoing GF to reduce the Court Complex Restricted

account appropriation to \$4,593,500 so that the complex revenue will remain solvent due

to the recently approved Provo Courthouse bond. If the requested adjustment is not made, the Court Complex fund will become insolvent during FY 2019 based on current projections.

In accordance with the 2009 agreement, the Courts request GF to replace the initial ongoing funding cut and reduce the appropriation in the Court Complex account by the same amount.

COST DETAIL:

GF Current Expense	\$ 313,400
GFR Current Expense	(313,400)
Total	\$ -

ALTERNATIVES: Utilize one-time funding sources on a short-term basis. There are no alternatives except receiving ongoing GF for a long-term solution.

OBJECTIVE:

Guardianship Reporting & Monitoring Program (GRAMP), a Volunteer Court Visitor Program

AMOUNT: \$153,053; 2 FTEs

HISTORY AND DETAILED REQUEST OF NEED:

The Guardianship Reporting and Monitoring Program (GRAMP), a Volunteer Court Visitor Program, provides to district court judges a cadre of trained volunteers to serve in a variety of roles as court visitors in guardianship and conservatorship proceedings. The program was built on a three-year grant from the State Justice Institute (SJI) that expired June 30, 2014. The AOC applied for \$100,000 in grants for 2015, but was not awarded any new funds. There was, however, about \$40,000 in prior SJI funds that carried over into 2015. The Judicial Council then funded the difference between that amount and the cost of the program, which was about \$100,000. For fiscal years 2016, 2017, and 2018 the Judicial Council committed one-time funding of approximately \$160,000, part of which was offset in 2017 and 2018 by grants the program received for its WINGS (Working Interdisciplinary Network of Guardianship Stakeholders) Committee work.

In January 2017, the Judicial Council sent GRAMP to the legislature as a building block. Legislators gave it high priority and it generated wide support. At one point, legislators ranked the program as 9th for funding priority. Unfortunately, it did not make the cut that time. Although we have made this request for several years now and recognize that there is resistance to continuing to fund the program on a one-time basis, the support, both internally and community-wide, has never been greater. Perhaps not coincidentally, this support corresponds with a general increase in guardianship and conservatorship case filings

over time even as civil case filings overall have declined.

The Court Visitor Program is a valuable resource for Utah's courts, which have continuing jurisdiction over guardianship and conservatorship cases. If it is not permanently funded, there will be a gap in protection for those respondents and a continuing need among judges for unbiased information in these cases.

Statewide, guardianship and conservatorship filings have increased over time and as of 2017 appear to have stabilized at close to 900 per year:

2014:	697	adult	guardianship and conservatorship filings
2015:	765	adult	guardianship and conservatorship filings
2016:	890	adult	guardianship and conservatorship filings
2017:	870	adult	guardianship and conservatorship filings

And **only 66% of the 4,014** guardians who are expected to annually report to the court on the condition of the protected person are doing so. (Statistics from January 25, 2017 Report by Court Services).

Since 1975 the Utah State legislature has permitted the use of court visitors in guardianship proceedings and in 1988 statutorily mandated them. Under Utah Code section 75-5-303(5), the guardianship respondent is required to attend the hearing, and unless the judge excuses the respondent under statutory requirements that are very difficult to meet, the judge is required to assign a visitor if a request is made to excuse the respondent. The judge is also required to assign a court visitor if the respondent requests an investigation.

The judge is permitted to assign a visitor to investigate the respondent's circumstances

and well-being and to "conduct other investigations or observations as directed by the court." Utah Code § 75-5-303(4). Under this more general language, the visitors will, when assigned by a judge, review the guardians' and conservators' annual reports and help the court find a guardian or conservator with whom the court has lost contact. In May 2016, the legislature further expanded the charge of court visitors. Under Utah Code § 75-5-312.5(7)(a), "a court...may appoint a court visitor to meet with the adult ward to determine the wishes of the adult ward regarding association."

GRAMP was created to assist the judiciary in discharging these duties, provide the court with more tools to establish accountability in guardianship and conservatorship cases, and to detect potential abuse in our vulnerable adult population.

Under Utah Code section 75-5-308, a visitor is "a person trained in law, nursing, or social work and is an officer, employee, or special appointee of the court with no personal interest in the proceedings." There is no list from which the judge can appoint a visitor without GRAMP, and any person who is appointed as a professional visitor will charge fees for their services and may not be neutral or as well trained as the current volunteer force.

The legislature has already made the policy decision to make it less costly for some parties to file for a guardianship due to the financial hardships faced by caregivers. See Utah Code § 78A-2-301(1)(b)(vii) (The fee is "\$35 if the petition is for guardianship and the prospective ward is the biological or adoptive child of the petitioner.). GRAMP will ultimately be an extended commitment to that policy.

NON COURT FUNDING AVAILABILITY:

The program received grant funding this year from both the ABA Commission on Law and

Aging and the Utah State Office of Rehabilitation for its education efforts through WINGS. These grants only cover FY 2018 and there are no guarantees of further grants.

COURT VISITOR STATISTICS SINCE GRAMP'S INCEPTION:

Total number of assignments: 1,235

Estimated volunteer hours per assignment:

Whereabouts: 4.6

Audit: 6

Interview: 7

Approximate number of hours donated:

Whereabouts: 3,110

Audit: 660

Interview: 3,143

Total estimated hours donated: 6,913

Conservative estimate of the total value of volunteer hours donated to date:

\$700,000

Assigned and completed cases as of July 11, 2017:

Whereabouts: 676

Audit: 110

Circumstances: 50

Excuse the Respondent: 311

Unique 1

Well Being 87

Total 1,235

Completed whereabouts assignments:

Located 568

Not located 36

Deceased 35

Incarcerated 1

Reassigned 8

Cancelled 15

Pending 13

Total 676

Judges requesting program services:

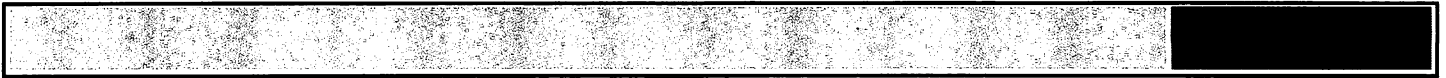
First District 5
Second District 16
Third District 26
Forth District 13
Fifth District 6
Sixth District 4
Seventh District 4
Eighth District 2
Requests from out of state judges 4
Total 80

COST DETAIL:

Salary & Benefits	153,053
Total	\$153,053

ALTERNATIVES: There are no ongoing funding alternatives as all grant applications have

been denied. One-time funding is an option. If funding is not available, the volunteer court visitor program will be abandoned.





OBJECTIVE: District Court Program Administrator

AMOUNT: \$21,500, .25 FTE

HISTORY AND DETAILED REQUEST OF NEED:

Currently, the District Court Program Administrator position is a full-time position with 75 percent of the cost covered by permanent funds and 25 percent paid with one-time funds. The Judicial Council approved an additional 25 percent of one-time funding at their April 2016 meeting. The position is currently filled on a full-time basis.

In FY11, this position created as a half-time position with benefits. Thereafter, the needs of the district courts continued to increase with the advent of electronic filing and other electronic processes. Therefore, Council converted the position to full-time position, 75% supported with permanent funds and 25% funded with one-time funds. The Council renewed the one-time funding for FY16 and FY17.

The position assists the District Court Administrator in administering programs and projects under the umbrella of the district court. Among other duties, those currently include:

- Serving as project manager and providing leadership for the CORIS rewrite and coordinating the six workgroups assigned to identify case management and other needs that will take the district courts' case management program well into the next decade;
- Serving as staff to the Domestic Case Process Improvement Committee to administer surveys, conduct research into best practices in use in other states, and other responsibilities;

- Providing leadership and coordination to resolve on-going electronic record issues by chairing the E-filing Consistency Committee; researching rules and statutes relevant to district court business practices; consulting with legal counsel when clarification is needed; interfacing with Court Services and the IT on system changes and enhancements; reporting regularly to the Board of District Court Judges; identifying training needs and overseeing the development of training and reference materials for judges, judicial support personnel and attorneys; responding to judge, e-filing specialist and attorney inquiries when special attention is required; and general troubleshooting. These are on-going needs as the system expands to include electronic transmissions by AP&P and other entities;
- Serving as staff support for the Uniform Fine and Bail Schedule Committee as it undergoes major revisions to the fine schedule; and
- Performing miscellaneous tasks such responding to inquiries from court patrons, e-filers, third parties, district court staff, and others regarding court operations.

COST DETAIL:

Salary and Benefits	24,200
Total	\$24,200

ALTERNATIVES: Continue using one-time funding sources. Failure to renew the funding would shift work to the District Court Administrator and strain the ability to serve the needs of the district courts.

OBJECTIVE: Justice Court Administrator

AMOUNT: \$155,100; .5 FTE

HISTORY AND DETAILED REQUEST OF NEED:

Administration of the justice courts is a full-time endeavor. There are 134 courts, 98 judges, and almost 400 related staff.

While none are state employees, the interaction between them and the state in general has grown. Beginning with SB 72 in 2008, the role of the AOC and the Judicial Council has increased substantially. While a .5 FTE was funded and added to the AOC via that bill, that position is dedicated to justice court judge salary recommendations and the related judicial nomination process. Other aspects of justice court level administration and responsibilities have increased and are expected to increase dramatically in the future.

The legislature has increased the oversight of the justice courts. In addition, the Judicial Council's own recommendations regarding the indigent representation require additional justice court administrative resources. The initiatives of the Board of Justice Court Judges could benefit from more resource attention.

COST DETAIL:

Salary and Benefits	75,000
Total	\$75,000

ALTERNATIVES:

Continue to utilize one time funding on a year to year basis. This solution provides little stability for this position and the important work to be accomplished by the Justice Court Administrator.

OBJECTIVE: Domestic Violence Program Coordinator—Increase to Full-time Position

AMOUNT: \$58,900, .5 FTE

HISTORY AND DETAILED REQUEST OF NEED:

This request is to create a full-time domestic violence program coordinator position by supplementing \$64,415.84 in grant funding to the courts under the Violence Against Women Act.

The VAWA grant currently supports an existing half-time position. The grant is a 5% set-aside by Congress for use by the courts. It has funded the coordinator position on either a full-time or .75 time basis since 2011. However, COLAs and increased benefit costs have increased the cost of the coordinator position to the point that the grant can no longer support the entire cost of the half-time position. Working less hours to remain within budget constraints may result in position turnover as employees seek increased compensation.

DOMESTIC VIOLENCE PROGRAM

Domestic violence is a serious problem in Utah. Statistics show that since 2000, domestic violence related homicides accounted for approximately 43% of adult homicides. From 2000-2013, there were a total of 264 domestic violence-related homicides for an average of 19 deaths per year.⁴

In the first six months of calendar year 2014 alone, justice courts heard 2,973 cases flagged for domestic violence, while the district courts heard 1,761 criminal domestic violence cases. During the same period, district courts issued 75 civil stalking injunctions, 14 criminal stalking injunctions, 17 dating violence

protective orders, 800 co-habitant abuse protective orders, 308 temporary civil stalking

injunctions, 40 temporary dating violence protective orders, and 1,895 temporary co-habitant abuse protective orders. It is likely that hundreds of potential parties affected by domestic violence interacted with the courts either without filing paperwork.

The domestic violence program coordinator assists the court by identifying and addressing systemic concerns involving DV cases. The program gathers input from judges and other appropriate stakeholders to develop and disseminate best practices in civil and criminal cases. The coordinator stays current on recent developments that may impact judges and court staff, such as the recently adopted Lethality Assessment Protocol. Where appropriate, the coordinator proposes and develops training for judges, court staff, and external agencies that is specifically designed to address court needs.

The program also serves the vital function of involving the courts in various efforts by agencies, committees, advocates, and service providers to address domestic violence. The coordinator has improved the courts' relationship with these other groups. Anecdotally, this has led to improvement in preparation of cases for resolution by the courts and overall management of domestic violence cases.

In this vein, the coordinator serves on a newly established Domestic Violence Offender Management Group. The DVOMG was created by the Commission on Criminal and Juvenile Justice to bring the management of DV offenders into line with the Justice Reinvestment Initiative. The first focus of the committee is to attempt to identify or develop a risk/needs assessment on which treatment and conditions of probation could be based. This is a critical project to which the DVPC actively contributes the court perspective.

⁴ No More Secrets 2013, report of Utah Domestic Violence Council of the CCJJ.

As a full-time employee, the coordinator would be able to continue or expand program activities to:

- meet regularly with the DV coalitions in each region of the state. These meetings would provide forums for the coordinator to provide much-needed and desired feedback to DV advocates who have frequently misunderstood the court's role and process;
- create system resources to guide both petitioners and respondents through the protective order process. Such efforts would assist the court and court staff to manage DV cases, potentially improve compliance with court orders, and address widespread confusion and negative public perception about the courts' management of domestic violence cases.
- meet more regularly with the Clerks of Court, the TCEs, and the Boards of Judges at the justice and district court levels to update them on the activities of the program and to address issues and respond to questions and concerns.
- maintain both an internal and external webpage as a resource for current information, such as licensed treatment providers and available training, regarding domestic violence cases.
-
- implement more training of court personnel and judges in domestic violence, both in hours and responsiveness to the needs of those groups
- continue work with a previously established curriculum committee to determine what the long term needs to judges are for DV training.
- continue to disseminate and work with districts to implement the best practices derived from a previously conducted civil and criminal system

needs assessment. The best practices were reviewed by the Boards of Judges and approved for dissemination for outside feedback.

COST DETAIL:

Salary and Benefits	24,200
Total	\$24,200

ALTERNATIVES: Defer this request to April 2018 for consideration of funding for FY 2020. This deficit may require an adjustment of the hours worked to less than half time to bring the cost within the amount of the current funding. In addition, this will allow no funding for educational programs for judges or staff, for the coordinator to stay current on DV programs that will affect judges and other participant or potential participants in the court system, or additional needs that may arise.

OBJECTIVE: Restore funding lost through clerical error due to veto of HB377 (2016 General Session)

alternatives except receiving ongoing GF for a long-term solution.

AMOUNT: \$24,000 Ongoing GF (Juvenile Courts)

HISTORY AND DETAILED REQUEST OF NEED:

In the 2016 General Session HB377, Grandparent Rights Amendments passed the legislature but was vetoed by the Governor. As the final funding details were prepared for the Courts' appropriation, the general fund amounts for applicable to the vetoed bill were not removed. The error was discovered by the State Finance department and removed from Courts' funding. During the 2017 legislative session, the fiscal analyst correctly

deducted the amounts from the general fund appropriation; however State Finance again removed the funding from the Courts' ongoing general fund appropriation. The result was a double reduction of the amount.

The intent of this request is to request the lost funding be restored.

COST DETAIL:

GF Current Expense	24,000
Total	\$24,000

ALTERNATIVES: Utilize one-time funding sources on a short-term basis. There are no



FACILITIES, LEASES, AND O&M

Facilities Building Block Request Summary

Request Priority	Request	Cost	Budget % Increase	FTE
	Lease, O&M Increases	\$ 2,927	0.0%	-
	Wasatch County Justice Center Expansion	200,000	1.0%	-
Total Request		\$ 202,927	1.0%	-

District Court Fiscal Data Summary

FY 2018 General Fund Budget	\$ 20,629,300
FY 2018 FTE Count	2.0

OBJECTIVE: Obtain sufficient funding to sustain ongoing lease and contract obligations

AMOUNT: \$2,927

HISTORY AND BACKGROUND:

This budget request will fund changes in the lease contracts, operation & maintenance and increases in contract court sites. The general fund increase of \$2,927 is required to cover the increased lease costs associated with the leases listed in the cost detail section.

DETAILED REQUEST OF NEED:

The Fiscal Year 2019 budget request is required to pay the state wide lease and contract expenses. The increase is related changes in lease rates, contract site cost and changes in expenses related to those contracts.

Increases in utilities, contract services and operation & maintenance expenses for non-DFCM supported courthouses and other cost increases will be managed with existing funds in the Contract and Lease budget.

Internal Service fund increases are funded through other budgetary processes

These increases are detailed in the following table.

COST DETAIL:

FY 2018 Contract & Lease Increases	
Court Location	Lease/O&M
Rich Co. Randolph	\$ 366
Millard Co. Fillmore	2,920
Utah Co. Salem	39
Garfield Co. Panguitch	980
Piute Co. Junction	29
Kane Co. Kanab	1,952
Wayne Co. Loa	471
Daggett Co. Manila	736
Summit Co Park City	658
Salt Lake Co. West Jordan	13,645
Iron Co. (Parowan)	(19,477)
San Juan Co. Monticello (JV Probation)	608
Total Building Block Request	\$ 2,927

ALTERNATIVES:

There are no other revenue sources that can be used for these purposes. If we do not fund lease cost increases we will need to look at reductions to Alterations, Repairs and Improvements (AR&I) for FY 2019.

Failure to fund this building block will reduce the AR&I below current levels necessary to cover the contractual obligations and we will not have funding to cover any additional costs in contract site locations.

JUROR/WITNESS/INTERPRETER

Juror/Witness/Interpreter

Request	Cost	FTE
Increase Ongoing Funding to Eliminate Deficit Spending in the Account	1,008,300	-
Total Request	\$ 1,008,300	-

OBJECTIVE: Obtain Ongoing Funding for Juror/Witness/Interpreter Line Item

AMOUNT: \$975,000

HISTORY AND BACKGROUND: Historically, the Legislative practice regarding the JWI line item has been to fund deficits with supplemental appropriations rather than bringing the base budget in line with demand. For most of the last two decades, the fund has ended each year in a deficit. The Legislature has approved deficit spending in the JWI fund per UC 78B-1-117. The ongoing JWI budget has remained relatively unchanged at \$1.5 M since FY 2000, despite increasing costs and demands for JWI services over the same period.

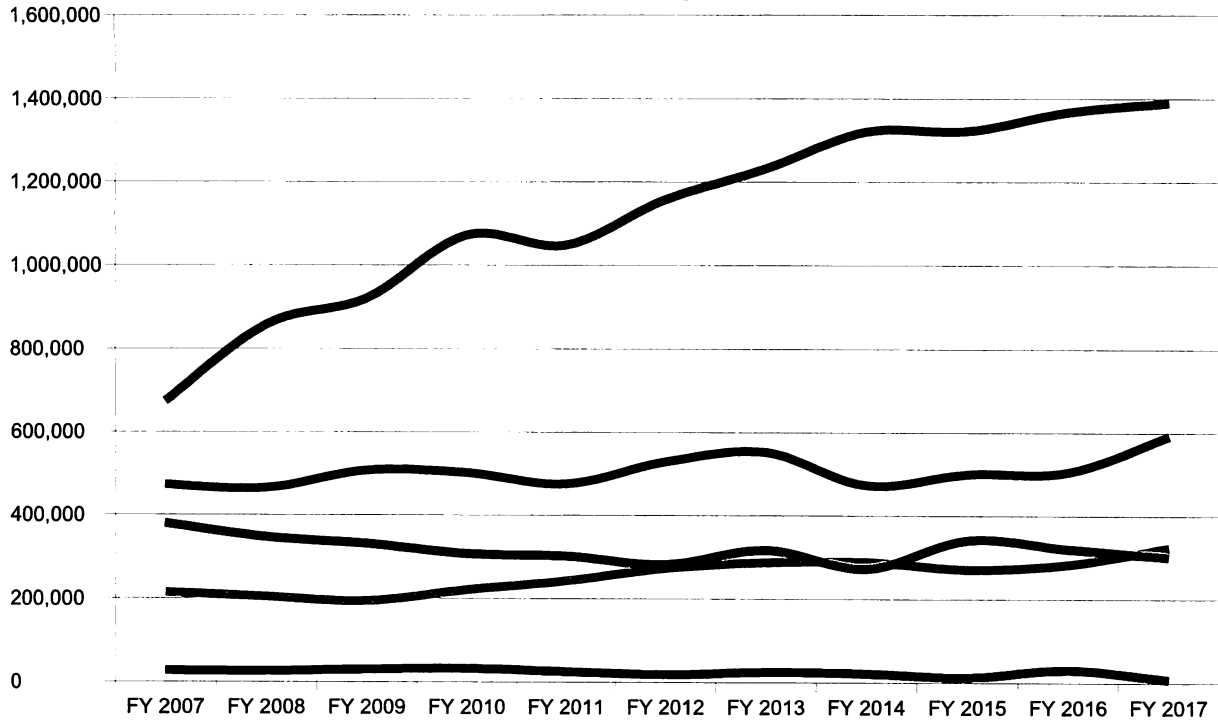
For the last eleven years, JWI expenses have averaged over \$2.22 million annually. In FY 2017, the JWI budget had \$2.61 million in expenses. The table below displays expenditures from the line item since FY 2007. The FY 2017 JWI ending budget deficit was \$1,008,274. For the fiscal year just ending, interpreter expenses increased 1.7%; juror expenses 17.3%; and witness expenses decreased 6.1%. With increased cultural diversity in the state, the need for interpreters has continued to escalate. The chart below notes these increases.

COST DETAIL:

Current Expense	1,008,300
Total	\$ 1,008,300

BRIEF ANALYSIS OF ALTERNATIVES: Allow the deficit to continue to build as in the past. Statute does provide for deficit spending in this area.

Juror/Witness/Interpreter Expenditures Since FY 2007



SUPPLEMENTAL REQUESTS

Supplemental Building Block Requests

Request	Cost	FTE
Juror/Witness/Interpreter Supplemental for FY 2017 Deficit	\$1,008,300	-
Restore 2017 Juvenile Court Funding lost due to HB 377 (2016 & 2017 General Sessions)	\$24,000	-



OBJECTIVE: Obtain Supplemental Funding
for Juror/Witness/Interpreter

AMOUNT: \$1,008,300

HISTORY AND BACKGROUND: The Legislature has historically underfunded the ongoing requirements of the Juror/Witness/Interpreter line item. For most of the last decade, the fund has been in deficit. The Legislature has been funding shortfalls to the line item through one-time appropriations. The FY 2017 budget had a deficit of \$1,008,300.

In FY 2017, interpreter expenses increased 1.7%; juror expenses increased 17.3%; and witness expenses decreased 6.1%. With increased cultural diversity in the state, the need for interpreters has continued to escalate. The chart on page __ notes these increases.

COST DETAIL:

Current Expense	1,008,300
Total	\$ 1,008,300

BRIEF ANALYSIS OF ALTERNATIVES: Allow the deficit to continue to build as in the past. Statute does provide for deficit spending in this area.

OBJECTIVE: Restore funding lost through clerical error due to veto of HB377 (2016 General Session)

AMOUNT: \$24,000 GF One time (Juvenile Courts)

HISTORY AND DETAILED REQUEST OF NEED:

In the 2016 General Session HB377, Grandparent Rights Amendments passed the legislature but was vetoed by the Governor. As the final funding details were prepared for the Courts' appropriation, the general fund amounts for applicable to the vetoed bill were not removed. The error was discovered by the State Finance department and removed

from Courts' funding. During the 2017 legislative session, the fiscal analyst correctly

deducted the amounts from the general fund appropriation; however State Finance again removed the funding from the Courts' ongoing general fund appropriation. The result was a double reduction of the amount.

The intent of this request is to request the lost funding be restored.

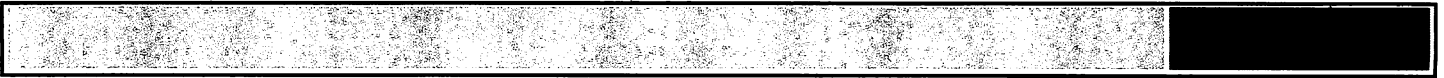
COST DETAIL:

GF Current Expense (one time)	24,000
Total	\$24,000

ALTERNATIVES:

There are no reasonable alternative solutions.

APPENDIX



District Court Judicial Weighted Caseload

FY17 - date range 7/1/16 thru 6/30/2017

Weighted Case - Total Hours Needed (Sum of (Wghts x Cases & Events))						
District	FY13	FY14	FY15	FY16	FY17	% Change
1	5,573	5,403	5,218	5,130	5,947	16%
2	23,712	23,612	23,954	23,182	23,803	3%
3	54,057	56,491	61,143	58,515	59,222	1%
4	20,491	21,298	21,431	20,565	23,211	13%
5	8,795	9,864	9,813	9,751	9,817	1%
6	2,579	2,714	3,062	2,698	2,814	4%
7	3,031	3,365	3,032	3,123	3,000	-4%
8	4,355	4,313	4,643	4,255	4,602	8%
State	122,593	127,061	132,297	127,218	132,415	4%

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)						
District	FY13	FY14	FY15	FY16	FY17	% Change
1	85%	83%	80%	79%	91%	16%
2	93%	93%	94%	91%	93%	3%
3	107%	111%	121%	115%	117%	1%
4	93%	97%	97%	93%	105%	13%
5	118%	132%	131%	130%	109%	-16%
6	94%	99%	112%	99%	103%	4%
7	70%	78%	70%	72%	69%	-4%
8	105%	104%	112%	103%	111%	8%
State	99%	103%	107%	103%	106%	3%

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)							Difference Authorized & Needed
District	FY13	FY14	FY15	FY16	FY17	Authorized Positions (Jdg & Commis)	
1	3.7	3.6	3.5	3.4	4.0	4.3	0.4
2	15.5	15.4	15.7	15.2	15.6	16.7	1.1
3	35.2	36.8	39.8	38.1	38.6	33.0	-5.6
4	13.5	14.0	14.1	13.5	15.3	14.5	-0.8
5 **	5.9	6.6	6.6	6.5	6.6	6.0	-0.6
6	1.9	2.0	2.2	2.0	2.1	2.0	-0.1
7	2.1	2.3	2.1	2.2	2.1	3.0	0.9
8	3.2	3.1	3.4	3.1	3.3	3.0	-0.3
State	80.9	83.9	87.3	84.0	87.4	82.5	-4.9

** Note: FY'17 Fifth District authorized Judicial Officers includes addition of one effective 7/1/2017

Juvenile Court Judicial Weighted Caseload

FY17 - date range 7/1/16 thru 6/30/2017

Weighted Case - Total Hours Needed (Sum of (Wghts x Refrls. & Events))						
District	FY13	FY14	FY15	FY16	FY17	% Change
1	2,890	2,693	2,621	2,626	2,658	1%
2	9,512	10,120	9,772	9,094	8,706	-4%
3	16,317	15,506	15,189	14,345	15,756	10%
4	8,308	8,788	9,752	9,210	9,247	0%
5	3,446	3,350	3,525	3,660	3,431	-6%
6	965	933	1,056	888	902	1%
7	2,077	2,701	2,404	2,219	2,560	15%
8	2,209	2,483	2,422	2,251	2,385	6%
State	45,725	46,573	46,741	44,294	45,644	3%

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)						
District	FY13	FY14	FY15	FY16	FY17	% Change
1	99%	92%	89%	90%	91%	1%
2	105%	112%	108%	100%	96%	-4%
3	98%	93%	91%	86%	94%	10%
4	125%	132%	147%	139%	114%	-18%
5	77%	75%	79%	82%	76%	-6%
6	82%	79%	89%	75%	76%	1%
7	77%	100%	89%	82%	95%	15%
8	91%	103%	100%	93%	99%	6%
State	99%	101%	101%	96%	96%	0%

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)							
District	FY13	FY14	FY15	FY16	FY17	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	2.0	1.8	1.8	1.8	1.8	2.0	0.2
2	6.3	6.7	6.5	6.0	5.8	6.0	0.2
3	10.7	10.2	10.0	9.4	10.4	11.0	0.6
4	5.6	6.0	6.6	6.2	6.3	5.5	-0.8
5	2.3	2.2	2.4	2.4	2.3	3.0	0.7
6	0.8	0.8	0.9	0.8	0.8	1.0	0.2
7	1.5	2.0	1.8	1.6	1.9	2.0	0.1
8	1.8	2.1	2.0	1.9	2.0	2.0	0.0
State	31.1	31.8	31.9	30.2	31.1	32.5	1.4

* Note: FY'16 Fourth District authorized Judicial Officers does not include addition of one effective 7/1/2016

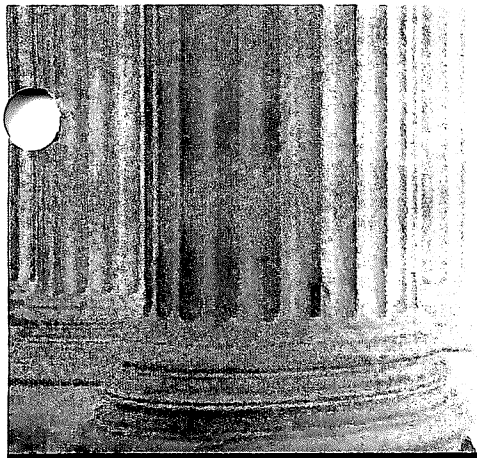


Navigating the Budget in Utah's State Courts

Fiscal Year 2018
Annual Budget Plan Update

Compiled August 2017

This is a working document that has been prepared by the Administrative Office of the Courts for use by the Judicial Council. The material contained within has not been approved by the Judicial Council.

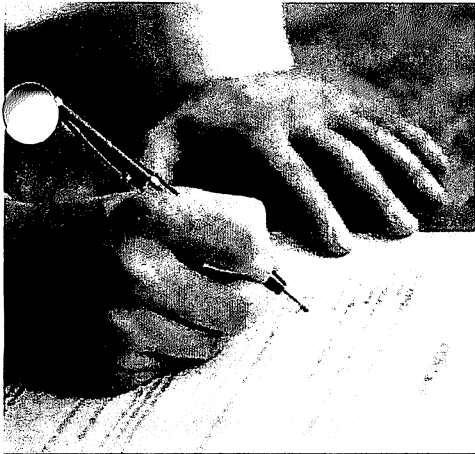


Navigating the Budget in Utah's State Courts outlines the budgeting process, concepts, and terms and provides an overview of how the court's budgeting process has evolved.

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Budget Background

History of the Courts of Record

Formation of the Judicial Council

Before the Judicial Council was created in 1973, there wasn't a statewide court system in Utah. Trial courts were divided into District Courts and were maintained by 29 counties. Plus, a statewide, independent Juvenile Court was in place. City Courts were operated by municipalities and Justice of the Peace Courts were run by municipal or county governments. Rules, forms, and procedures varied with each jurisdiction. The first budget prepared by the Judicial Council was approved in 1973 with minor reductions and appropriations totaling \$4,083,100.

The following section provides a history of the courts, an overview of the framework of the budget, along with information on budget allocations, the annual budget plan, building blocks, and the budget cycle.

First Budget Judicial Council Approved Budget - 1973

Supreme Court—Administration	\$ 309,000
Supreme Court—Judicial Qualifications	3,500
District Court—Court Administration	198,800
District Court—Administration	971,600
District Court—State Prosecutors	210,000
District Court—Juror/Witness	110,000
Juvenile Court—Administration	2,280,100

\$4,083,100

City Courts Join the State System

The first movement toward a state court system began with the state's assumption of city courts' funding in 1978, which became known as Circuit Courts. The passage of the Judicial Article in November 1984, gave the Judicial Council constitutional authority to act, whereas legislative authority only had been granted in 1973. In 1986, enabling legislation was passed laying the ground work for the Judicial Council as well as creation of the Court of Appeals.

The District Court Act

The passage of the District Court Act (SB 146) by the 1988 legislature, increased the Judicial Council's responsibility for administering courts of record. Prior to this, facilities, bailiffs, and personnel were funded by county government and the Judicial Council's budget planning was handled during the group's regularly-planned meetings.

An annual plan prepared by the Administrative Office of the Courts for the Judicial Council's August 10, 1988 meeting was the first major effort to formalize a budget plan. The budget in FY 1989 totaled \$34,350,400 and included six months of funding for the District Courts. The FY 1990 budget was the first full year of funding for the District Courts.

In 1991, the Court Consolidation Act (HB 436) passed, and Circuit Courts were incorporated into the District Courts, thus eliminating the court of limited jurisdiction.

That same year, planning began on a new court facility in downtown Salt Lake City for the Third Judicial District. In 1994, civil court fees were raised and an assessment was made on traffic citations in order to cover the cost of bonding for the new Third District Court facility—now known as the Scott M. Matheson Courthouse. In 1995, a revenue bond for the Matheson Courthouse passed and a ground breaking took place July 1995.

Juvenile Court experienced substantial budget increases during the 1990s. Between fiscal years 1995 and 1997, an additional \$1,726,000 was appropriated for probation officers. Then in 1997, passage of

legislation implementing a new sentencing option for Juvenile Courts—known as state supervision—provided an additional \$5 million for Juvenile Court operations.

Passage of the Child Welfare Reform Act added responsibilities for both Juvenile Court and the Office of Guardian ad Litem. Because of the added emphasis on child welfare, the Office of Guardian ad Litem grew from a \$250,000 program in 1990 to a \$2.2 million program in 1998.

Courthouses were also impacted during the 1990s. The court's facility master plan included major changes in facilities, especially to provide more secure areas. Implementation of the master plan—along with local government demands for modernizing facilities—meant a growth in the facility/lease budget from \$4.8 million in FY 1991 to \$16 million in FY 2000.

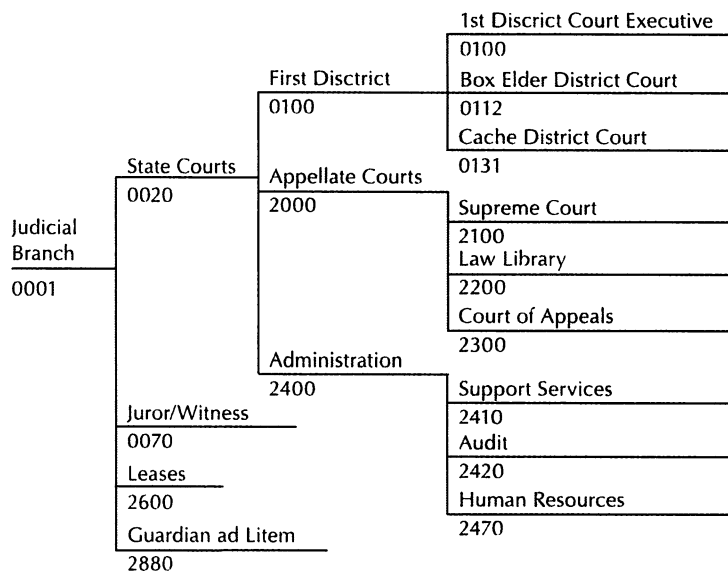
Today, the appropriated FY 2018 budget totals \$161,082,400. The FTE count in FY 1989 was 786, compared to 1,184.75 in FY 2018. Not only have budget numbers grown over the past 29 years, so has the budget's complexity.

Events Impacting the Budget Process

1973 Legislative Session	Court Administrator Act Passed.
July 23, 1973	First Meeting of Utah Judicial Council—seven members.
January 1974	First Budget prepared by AOC for 1974 Legislative Session.
July 1, 1978	City Courts become Circuit Courts (18 city courts with 25 judges). State assumes funding for Circuit Courts.
Nov. 7, 1984	Judicial Article passes. Judicial Council has constitutional authority.
May 1, 1985	State Court Administrator charged with building support for enabling legislation for Judicial Article.
1986 Legislative Session	Ground work laid for new Judicial Article (HB 100). Court of Appeals created.
July 1, 1988	District Court Act becomes effective. State assumes full funding for District Courts.
August 1988	Judicial Council implements annual budget planning session.
1989 Legislative Session	Responsibility for investing court trust funds reassigned from state treasurer to Judicial Council.
1991 Legislative Session	Court Consolidation Act passes (HB 436).
1994 Legislative Session	Civil court fees raised to cover cost of bonding for Scott M. Matheson Courthouse.
1995 Legislative Session	Revenue bond for Matheson Courthouse passes.
1997 Legislative Session	State supervision implemented.
1997 Legislative Session	Passage of Child Welfare Reform Act. Increases responsibilities of Juvenile Court and Office of the Guardian ad Litem.
2002 and 2003	Legislative state revenue shortfall prompts significant reductions in Legislative Sessions court budgets for FY 2002 and FY 2003.
2005 Legislative Session	Employees receive COLA's and merit increases as the result of a turn around in the economy.
2007 Legislative Session	A COLA of 3.5 percent plus selective adjustments for employees and a 10 percent increase for judges.
2008 Legislative Session	A COLA of 5 percent for employees and judges.
2009 Legislative Session	Legislative state revenue shortfall prompts significant reductions in court budgets for FY 2009 and FY 2010.
2010 Legislative Session	Ongoing state revenue shortfall requires more than \$2.4 million in additional budget cuts.
2011 Legislative Session	Ongoing state revenue shortfall requires an additional \$2.4 million in additional budget cuts.
2012 Legislative Session	Budget appropriations remain stable. A COLA of 1 percent for employees, state-wide Self-Help Center program funded.
2013 Legislative Session	Base budget appropriations remain stable. Two judges funded in the 8th Judicial District. A COLA approved for employees. Ogden Juvenile Court-house funded.
2014 Legislative Session	Base budgets remain stable. Lease increases funded. Funding equivalent to a 1.25 percent COLA appropriated.
2015 Legislative Session	Base Budgets remain stable with additions for a 3 percent COLA for employees and a 12 percent increase for judges. The Legislature added a Child Welfare Mediator and replaced restricted funds with ongoing funds.
2016 Legislative Session	Base Budgets remain stable with additions for 2 percent COLA for staff and a 4 percent increase for judges. A new judge was added to the 4th District Juvenile Court.
2017 Legislative Session	Base budgets remain stable with additions for a 2 percent COLA for staff, judges and commissioners. A new judge was added to the 5th District Court.

Units - the Budget Framework

Every court location, federal grant, and most programs are designated by an organization number or 'unit'. The unit number refers to the organizational structure of the budget. Personnel and budgets are tracked by unit. The unit hierarchy has been established so that court executives and state level administrators can determine the budget and personnel allocation by program, court, judicial district, court level, and total allocation. The following chart represents a small piece of the courts total unit chart. The complete unit chart is 6 pages and has more than 300 units.



Personnel

FTEs and DPR

Personnel are not counted by the number of 'bodies' employed by the court, but by full time equivalents (FTE). One FTE equals 80 hours worked during a two-week period. An FTE of .5 is equivalent to 40 hours worked during a two-week period. Each FTE is assigned a detailed position record (DPR). The DPR is used to control the allocation of positions in each unit. If a DPR does not exist, the authorization for creation of a new position must occur. If the FTE is to be increased, or a new DPR created, authorization must be obtained from the deputy court administrator. Authorization for the position results from the identification of additional funding, usually provided by legislative appropriation.

Funding Increases in Personnel Costs

Through the mid-1980s, the legislature generally provided funding for increased personnel costs through an allocation for merit and cost of living raises. By the late 1980s, the legislature only provided a merit or cost of living increase, but not both, and occasionally neither. Benefit cost increases were fully funded until the late 1990s when employees were required to make co-payments. Later, employees were required to pay for part of the insurance premiums.

Career ladder costs have not been funded by the legislature (see page 12 for career ladder details). The legislature required that career ladder costs be borne internally by state agencies. Until FY 2001, market comparability increases were funded by the judiciary through internal savings. In FY 2001, the legislature agreed to include the judiciary market comparability funding with the funds allocated for the Executive Branch.

Career ladder costs are funded using ongoing funds from turnover savings. When an individual who was making a higher salary than their replacement leaves, the difference is considered an ongoing savings. Funds that are realized from the time a position is vacant until it is filled, are considered one-time savings. The judiciary has had approximately \$1,700,000 in turnover savings in recent years. The Judicial Council budgets projected one-time savings in April of each year for the coming fiscal year.




Courts Career Track Programs

A number of years ago, the courts developed career track programs for employees in heavily populated job classifications, such as judicial assistant and probation officer. Since this time, additional career track plans have been developed in other job classifications.

The purpose of the career track plan is to assure that court employees are receiving the training necessary to become proficient in their position and to provide an avenue for employees to advance in their field.

Career track programs have never been funded by legislative appropriation. In the past, the career track increases probation officers and clerks received were independent from July increases.



In general, career track programs have an educational component, a length of service component and a performance component. An employee must receive a satisfactory performance review to participate in the career track program. The judicial assistant career track can be completed in 2 1/2 years, although it takes most closer to three years to finish the program because of the educational requirements. The probation officer career track can be completed in four years. Both the judicial assistant and the probation officer career tracks—along with the requirements needed to be promoted from one level to the next—are well known to employees in these job classifications.

Judicial Assistant

The minimum qualifications necessary to be hired as a judicial assistant are as follows: bachelor's degree and two years clerical or customer service experience in an office environment, including the ability to analyze information, solve problems, and make informed decisions. The career track for judicial assistants is based on the attainment of knowledge and demonstrated proficiency in the tasks of the team on which an individual employee is assigned. In their first year of employment, a judicial assistant who completes required training and maintains successful performance can expect to receive a career track increase. Further movement in the career track continues as the judicial assistant attains increasingly advanced knowledge and skills, and is able to successfully accomplish more complex duties. The career track structure for a judicial assistant allows employees to advance at a pattern and pace that is mutually beneficial to the employee and the courts.

Probation Staff

Minimum qualifications to be hired as a deputy probation officer include two years of college combined with work experience. Deputy probation officers supervise youth who are assigned to a work crew in order to complete community service hours or to pay restitution. The career track for deputy probation officers requires two years of experience as a deputy probation officer in the Utah courts and the completion of all training requirements. Minimum qualifications to be hired as a probation officer I are as follows: a bachelor's degree in the social or behavioral sciences, criminal justice, or a related field. The probation career track generally takes four years to complete. In order to be promoted to a probation officer II, the employee must have completed all the educational requirements and have at least two year's experience as a probation officer with the Utah State Courts. Promotion to probation officer III requires four years of experience as a probation officer with the courts and completion of either a masters degree in a related field, a senior project, or an approved certification program.

Information Technology Career Tracks

The Information Technology department also has a well defined career track for its application developer, business application technician, and LAN infrastructure support specialist. There are generally three levels in the IT career track. Unlike the probation and clerk career tracks, newer employees may start higher than level I, depending on the education and experience they bring to the job. Because of this, the length of the career track can vary from employee to employee.

In general, higher career track levels require an additional year of court IT experience, plus proficiency in an increasing number of skills such as programming languages, court applications, and project management. Some of these skills must be learned through higher education at a college, university, or technical school.

Miscellaneous Career Tracks

There are other, less formal career tracks in job classifications such as administrative assistant, accounting technician, human resources assistant, and budget and finance officers. In general, it takes two years of court experience in order to move from one level to the next, although, in some cases formal education may be substituted for some of the court experience.

The FY 2018 personnel budget equaled \$110,751,200 or 69 percent of the total budget.



Funding Travel

The Governor stopped recommending funds for inflationary costs in travel in the early 1990s. The legislature has not provided any adjustments in line with the policy decision made by the Governor. As a result, all state agencies, including the judiciary, have absorbed inflationary costs by adjusting programs and using turnover savings. Here is an outline of travel and current expense to provide insight into the challenges that result from no inflationary increases.

IN-STATE TRAVEL

Mileage Reimbursement—Includes mileage reimbursements for in-state use of private autos.

Meal Reimbursement—Includes costs of meals incurred during state business conducted in Utah.

Lodging Reimbursement—Includes lodging costs incurred during state business conducted in Utah.

OUT-OF-STATE TRAVEL

Mileage Reimbursement—Includes mileage reimbursement for use of private autos, or the cost for motor pool vehicle rentals, when traveling out-of-state.

Miscellaneous Travel Expense—Use for any out-of-state travel expense not specifically identified elsewhere, such as tips or authorized phone calls.

Meal Reimbursement—Includes costs of meals incurred during state business conducted out-of-state.

Lodging Reimbursement—Includes lodging costs incurred during state business conducted out-of-state

Out-of-State Transportation—Costs relating to airplanes, including mileage, tickets, car rental, and ferry tolls for out-of-state travel.



Funding Current Expense

Similar to travel, the Governor stopped recommending funds for inflationary costs in current expense in the early 1990s. The legislature has not provided any adjustments in line with this policy decision. As a result, all state agencies, including the judiciary, have absorbed inflationary costs by adjusting programs and using turnover savings.

CURRENT EXPENSE

The current expense category has more than 60 object codes. Only a few are listed here as examples:

Advertising Premiums
and Legal Publications
Attorney's Fees
Books and Subscriptions
Buildings and Grounds
Buildings and Grounds Security
Communication Services
Employee Training and
Development
Exhibits, Displays, and Awards
Insurance and Bonds

Janitorial Services Contract
Membership Dues
Motor Vehicles—O, S, and M
Office Supplies
Parking Space Rental
Photocopy Equipment
Photocopy Expense
Postage and Mailing
Printing and Binding
Professional and
Technical Services

Purchases Less than \$5,000
Rental of Equipment
Rental of Land and Buildings
Rental of Motor Pool Vehicles
Required Technical References
Small Equipment
Utilities-Gas, Electrical
Services, Water

CAPITAL EXPENSE

Capital items are categorized based on a cost greater than \$5,000.

Budget Allocation

In April, the State Court Administrator's Budget Committee reviews the court's budget appropriation. The committee recommends ways to allocate appropriated funds in order to ensure that objectives set by the Judicial Council have been incorporated into the budget. The committee then reviews the court administrator's analysis in August. The committee is restructured each year

to give all court executives an opportunity to be a part of the process. In addition to reviewing the work program to ensure it complies with Judicial Council objectives, the committee reviews the work program to identify any areas of concern. The committee reviews funds available from the 2 percent set aside (see below) and recommends options for allocating funds to the Judicial Council.

Annual Budget Plan: 2 Percent Set Aside

On July 1, 2 percent of the general fund appropriation for personnel services is set for allocation consistent with the annual Budget Plan approved by the Judicial Council. This money represents projected savings expected to occur in the personnel services budget statewide based on employee turnover and delays in hiring. This reserve account is referred to as "2 percent set aside." Two percent set aside funds are controlled by the Judicial Council and typically represent the only discretionary monies that are available to the court.

Once the Judicial Council has determined how to fund these items, the state court administrator distributes the funds back to local districts or programs. Determining how funds will be allocated typically occurs in April, so that individual districts or programs can make plans for the upcoming fiscal year.

The 2 percent set aside has been used to fund items such as the following:

1. Deficit in base budget
2. Career ladder advancements
3. Special adjustments (e.g. when an employee is hired above entry level)
4. Salary survey adjustments
5. Promotions
6. Incentive awards
7. Educational programs
8. Inflation
9. Emergencies
10. Capital needs

Building Blocks

Any item that falls outside of the guidelines for the standard budget is considered a building block request. These items include new programs or increases in existing programs. Building block requests can be generated by local court executives, the District Court Board of Judges, the Juvenile Court Board of Judges, the Administrative Office of the Courts, the Office of Guardian ad Litem, or by any

of the standing committees. Building block requests go through a number of steps before they reach the Judicial Council for consideration.

Currently, the boards submit their requests in order of priority and provide justification as to why each request should be granted.

Court Budget Process

Section 12, Article VIII of the Utah Constitution vests authority with the Judicial Council to adopt rules for the administration of the state courts. Consistent with that authority, UCA 78A-2-104(4)-(5) enables the Judicial Council to develop uniform policies for the courts and establish standards for the operation of the courts. Under the supervision of the council, the state court administrator prepares and administers the state judicial budget.

The preparation of the budget begins in February when the AOC Finance Office distributes preliminary figures to court executives for input. The court executives then submit their requests to the program managers, who review the requests before submitting them to the individual boards of judges. The program managers submit the approved requests to the AOC Finance Office for review by the state court administrator and consolidation into the document prepared for the council. Once the Judicial Council has adopted the proposed judicial budget, it is submitted to the Governor's Budget Office and the

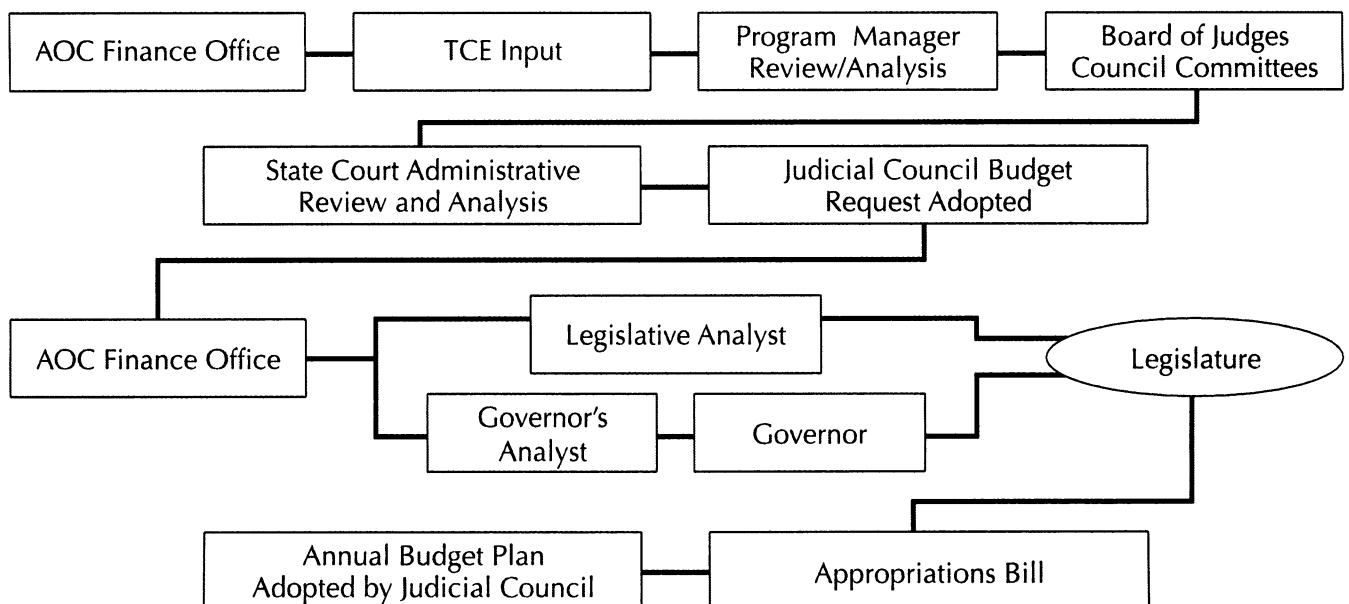
Office of the Legislative Fiscal Analyst for review and recommendations.

The budget is then presented in the legislature's general session. The Appropriations Subcommittee on Elected Officials and Criminal Justice make recommendations to the Executive Appropriations Committee and the budget is placed in the Appropriations Bill for action by the legislature.

Following the legislature's adoption of the Appropriations Act, the Judicial Council considers what requests have been funded. The council then prepares an annual budget plan utilizing one time funds to address requests not funded, career track increases, supplies and equipment, current expenses, and other requirements that can be met through the use of one-time funds.

The chart below is a general outline of the budget process used by the Judicial Council.

Court Budget Cycle



Utah's Unique Appropriation Process

Shaping a state's budget is reserved for a minority of the total legislative membership in all states except Utah and Iowa. Most states have an appropriations committee comprised of comparatively few legislators, which adopts the state budget. Participation by the rest of the legislature is limited to attending appropriation committee meetings on an ex-officio basis, occasionally testifying, and voting on the final appropriations bill(s).

Utah established a unique appropriations process in 1970. (Only Iowa uses a similar structure.) All members of the legislature serve on one of nine appropriations committees, such as Executive Offices, Criminal Justice, the Legislature, Social Services, and

Public Education. The appropriations subcommittee assignment is in addition to a legislator's standing committee assignment. Participation in subcommittee budget hearings, enables legislators to become knowledgeable with a functional area of state government. It also fosters trust in the total appropriations process because legislators realize that all aspects of the budget are examined by their peers in much the same way. (Not all legislators approve of the recommendations of the subcommittees.) The procedure does, however, ensure a more complete understanding of the various elements of the budget. The budgetary process, as carried out, in Utah is a unique example of representative government.

Utah Budget Cycle

<i>July – August</i>	GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET Issues budget forms and instructions.
<i>August – October</i>	GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET Prepare budget.
<i>November</i>	GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET Holds hearings on agency's requests and prepares Governor's recommendations.
<i>December</i>	GOVERNOR'S OFFICE OF MANAGEMENT AND BUDGET Issues Governor's budget recommendations.
<i>September – December</i>	LEGISLATIVE FISCAL ANALYST Reviews agency's requests and prepares recommendations for legislature. By statute, the recommendations are supposed to respond to the Governor's recommendations.
<i>January</i>	LEGISLATURE Receives Governor's budget and message. Receives fiscal analysts' recommendations and refers budget to Joint Appropriations Subcommittee.
<i>January through last week of session</i>	EXECUTIVE APPROPRIATIONS COMMITTEE Eight subcommittees hold hearings with agencies, make decisions on line items, and report to the Executive Appropriations Committee.
<i>Last two weeks of session</i>	EXECUTIVE APPROPRIATIONS COMMITTEE Holds hearings with chair of subcommittees and concerned agencies: approves actions of subcommittees, recommends further action, or makes alterations. Directs fiscal analyst to prepare Appropriations Act for action by entire legislature.
<i>End of Session</i>	LEGISLATURE Debates and passes appropriations bill(s).
<i>After Session</i>	GOVERNOR Reviews appropriations bill(s) and signs, vetoes, item vetoes, or lets pass into law without signature.
<i>After Session Through May</i>	AGENCIES AND STATE BUDGET OFFICE Prepares and reviews work programs.



Budget prioritization and spending is directed at fulfilling the mission and goals of the judiciary. The following section outlines the mission statement and goals established by the Judicial Council.

Judicial Council Mission, Principles, and Strategic Agenda

MISSION:

The mission of the Utah Judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

GUIDING PRINCIPLES:

- Apply the Rule of Law
- Attract and Retain the Best Judicial Officers
- Commit to Being a Learning Organization
- Embrace Accountability
- Ensure Competency
- Focus on Problem Solving
- Foster Public Trust
- Maintain Independence
- Promote Efficiency
- Provide Access and Service

STRATEGIC AGENDA:

1. **JUDICIAL BRANCH GOVERNANCE:** Adopt an organizational culture that promotes meaningful participation and cooperation and that puts decision making at the most appropriate level.

Improve active communication on issues and information among all components of the judiciary.

Increase institutional loyalty over individual interests by fostering trust among components of the judiciary.

Improve understanding of roles of the Judicial Council, boards of judges, presiding judges, all judges and committees, and how these entities relate to one another in the decision making process.

2. **COURT ORGANIZATION:** Establish and maintain a court structure that incorporates an appropriate number of court levels, minimizes concurrent jurisdiction, and provides for flexibility in the deployment of resources.

3. **RESOURCES:** Obtain and effectively manage resources to accomplish our mission.

Attract, retain, and educate the best judicial and non-judicial personnel.

Develop and use technology to increase the efficiency and quality of the operation of the courts. Develop and use management information to inform policy and operational decisions.

Design and manage court facilities in a way that promotes a safe and functional environment in which to conduct court business.

4. **PUBLIC TRUST AND CONFIDENCE:** Increase the understanding of and respect for the role of the judiciary and the rule of law by the public and other branches of government.

5. **INTERGOVERNMENTAL RELATIONS:** Actively pursue a relationship of mutual respect and understanding with the executive and legislative branches of government in order to preserve the independence of the judiciary.

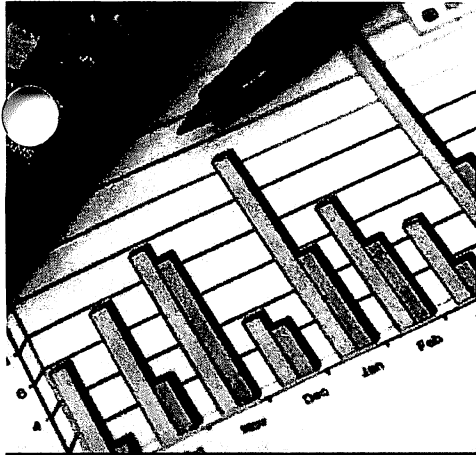
6. **ACCESSIBILITY:** Actively address barriers to accessing the courts, including physical, linguistic, economic, procedural, and technological barriers.

7. **PLANNING:** Commit to an ongoing process of planning for the needs of the judicial branch.

-Long Term: Integrate all of the above into the activities of the judicial branch so they are considered and advanced on a continuing basis. Periodically evaluate the need for a comprehensive and inclusive effort to assess future demands and needs of the public for its court system (e.g., Justice in the 21st Century).

-Intermediate Term: The council, through its standing committees, should provide for the development and maintenance of a strategic plan to organize and prioritize the work of each previous committee. These plans, and amendments, are to be reported to the council.

-Annual Priorities: Each year the Judicial Council shall define an issue or issues for priority attention over the coming year.



FY2017 Budget and Program Information

Legislative Budget Update

THE 2017 GENERAL SESSION

The 2017 General Session was another successful session for the Utah State Courts. The Legislature maintained base budget levels; approved ongoing funds for a new judge and staff in the 5th District Court and appropriated one-time funds to cover the FY16 Juror, Witness and Interpreter budget deficit. In addition, ongoing money was appropriated for contract and lease increases and, ongoing and one time funding was received to implement HB 239, Juvenile Justice Amendments. The Legislature provided a two percent cost-of-living adjustment for employees, judges, and commissioners.

THE 2018 GENERAL SESSION OUTLOOK

The Governor's Office of Management and Budget is reporting that they foresee up to \$130 million in new ongoing revenue. Most of the new revenue is in the Education Funds however, the Legislature faces the following funding issues in the 2018 General Session: public education enrollment growth, Justice Reinvestment Initiative issues, Juvenile Justice Amendment issues, Medicaid growth, employee retirement and health care increases, possible employee compensation adjustments and other inflationary benefit costs.

If revenues continue as expected, the Legislature will have to address the "pent up" needs of agencies that have not been able to advance budget requests to the Legislature due to the small revenue projections in the past. National indicators continue to show signs of slow economic improvement although Utah's economy tends to grow at a higher rate than the national average.

Budget requests submitted to the Judicial Council for FY 2019 reflect a perceived need for additional judicial officers and law clerks. The Judicial Council will continue to place emphasis on performance data including the Judicial Weighted Caseload data, the Clerical Weighted Caseload data, and Time to Disposition data.

Supreme Court

The Supreme Court is the “court of last resort” in Utah. The court consists of five justices who serve ten-year, renewable terms. The justices elect a chief justice by majority vote to serve a four-year term, and an associate chief justice to serve for two years.

The Supreme Court has original jurisdiction to answer questions of state law certified from Federal Courts and to issue extraordinary writs. The court has appellate jurisdiction to hear first degree and capital felony convictions from the District Court and civil judgments other than domestic cases. The court also reviews formal administrative proceedings of the Public Service Commission, Tax Commission, School and Institutional Trust Lands Board of Trustees, Board of Oil, Gas, and Mining, and the state engineer. The court has jurisdiction over judgments of the Court of Appeals by writ of certiorari, proceedings of the Judicial Conduct Commission, and both constitutional and election questions.

The court adopts rules of appellate, civil, and criminal procedure; and rules of evidence for use in the state courts; and manages the appellate process. The court also governs the practice of law, including admission to practice law and the conduct and discipline of lawyers.

The justices are assisted by law clerks, staff attorneys, a clerk of the court, and a staff of judicial assistants. Law clerks are recent law school graduates who do legal research on issues before the court. The staff attorneys screen the cases to be heard by the court, and the clerk of court is responsible for court operations.



FY 2018 Budget - Supreme Court

Personnel	3,210,087
In-state Travel	2,400
Out-of-State Travel	3,900
Current Expense	63,413
TOTAL	\$3,279,800

Supreme Court Case Filings FY 2005 – FY 2015

Fiscal Year	Case Filings	Case Dispositions	Pour Over Cases	Recalled
2005	556	616	388	6
2006	670	717	440	14
2007	564	630	374	2
2008	569	640	408	0
2009	593	679	413	5
2010	620	664	425	3
2011	619	660	453	5
2012	600	676	429	0
2013	595	233	427	0
2014	626	232	442	12
2015	608	231	484	2
2016	607	214	423	0
2017	573*	212	428	33

*Of the 573 cases filed with the Supreme Court, 145 were retained for decision

Supreme Court Caseload Composition FY 2017

Case Type	Filings
Administrative Agency	5
Admission to the Bar	1
Bar Matters/Judicial Conduct	4
Capital Felony	0
Civil Administration Agency	5
Civil Appeals	254
Criminal Appeals	63
Domestic Civil Appeals	1
Election	4
Extraordinary Writs	16
Juvenile Child Welfare	0
Misc. Petition	0
Post Conviction Relief	16
Post Conviction Relief -Capital	1
Federal Certification	7
Interlocutory Appeals	74
Writ of Certiorari	118
Rule Making	4
Total	573

Court of Appeals

The Utah Court of Appeals, created in 1987, consists of seven judges who serve six-year, renewable terms. A presiding judge is elected by majority vote to serve for two years.

The jurisdiction of the Court of Appeals is complementary to that of the Utah Supreme Court. The Court of Appeals hears all appeals from the Juvenile Court as well as appeals from District Court involving domestic relations cases, divorce, annulment, property division, child custody, support, visitation, adoption and paternity, and criminal matters of less than a first degree. The court reviews appeals of formal administrative proceedings by state agencies, including the Utah Industrial Commission and the Department of Employment Security Career Service Review Board. The Court of Appeals also has jurisdiction to hear cases transferred to it by the Supreme Court.

FY 2018 Budget - Court of Appeals

Personnel	4,299,400
In-state Travel	1,200
Out-of-State Travel	4,000
Current Expense	81,600
TOTAL	\$4,386,200

The judges are assisted by the clerk of the court, central staff attorneys, law clerks, and judicial assistants.

Court of Appeals Case Filings FY 2005 – FY 2015

Fiscal Year	Case Filings	Case Dispositions	Certified To Supreme Court
2005	.939	1035	.87
2006	.974	.974	.90
2007	.922	.848	.21
2008	.875	.838	.13
2009	.880	.758	.24
2010	.883	.759	.16
2011	.922	.830	.15
2012	.956	.838	.5
2013	.943	.935	.33
2014	.991	.897	.20
2015	1,020	.889	.8
2016	.945	.864	.23
2017	.909*	.854	.19

* Of the 909 cases filed with the Court of Appeals, 428 were transferred from the Utah Supreme Court.

Court of Appeals Caseload Composition FY 2017

Case Type	Filings	% of total
Administrative Agency	66	.7%
Civil Administrative Agency	15	.1%
Civil Appeal	262	.29%
Criminal Appeal	271	.30%
Domestic Civil Appeal	57	.6%
Extraordinary Writs	22	.3%
Juvenile Child Welfare	78	.8%
Juvenile Delinquency	6	.1%
Juvenile Agency Appeals	1	.0%
Misc. Petition	0	.0%
Post Conviction Relief	42	.5%
Interlocutory Appeals	89	.10%
Total	909	100%

State Law Library

The State Law Library is a statutorily-created entity located in the Scott M. Matheson Courthouse. The library serves the legal information needs of Utah's courts, executive agencies, legislature, attorneys, and the public. The library is in Salt Lake City, but library services are available to people throughout the state.

The Self-Help Center is a program of the State Law Library. It provides legal information—not advice—to thousands of people each year who are trying to navigate their way through the justice system without an attorney. The Center is a virtual one—all services are provided through a toll-free phone help line, email, and text messaging.

FY 2018 Budget - State Law Library

Personnel	762,100
In-state Travel	1,100
Out-of-State Travel	6,000
Current Expense	322,600
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TOTAL	\$1,091,800

Administrative Office of the Courts

Administration

The Court Administrator Act, passed in 1973 and revised in 1986, provides for the appointment of a state court administrator, an individual with professional ability and experience in the field of public administration and an understanding of court procedures and services. The state court administrator is assisted by a deputy administrator, appellate, district, juvenile, and justice court administrators, trial court executives, and management personnel in the following departments: Audit, Finance, General Counsel, Education, Human Resources, Court Information Services, Information Technology, Planning and Research, and Public Information. The Administrative Office of the Courts serves as staff to the Judicial Council, rules committees, boards of judges, standing and ad hoc committees, and nominating commissions and provides support to clerks of court and trial court executives throughout the state.

FY 2018 Budget - AOC - Administration

Personnel	3,219,300
In-state Travel	41,100
Out-of-state Travel	26,500
Current Expense	1,537,200
Law Center	545,000
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TOTAL	\$5,369,100

Administrative Office of the Courts

Technology Services

Information Technology maintains and operates the statewide computing infrastructure and support systems used to process cases and maintain the official records of Utah's appellate, district, juvenile, and justice courts as well as juvenile probation and the Office of Guardian ad Litem. The system also supports DHS Juvenile Justice Services and the Child Protection Division of the Utah Office of the Attorney General.

In keeping with the mission of the Utah State Courts, IT Services has adopted the following strategic objectives to guide application development:

- Capture information once and make that information available to those who need it
- Provide access to the information stored on court computing systems
- Promote equal treatment of all litigants
- Promote timely disposition of cases consistent with the circumstances of individual cases
- Enhance the quality of the litigation process
- Promote the public's confidence in the court as an institution
- Reduce the cost of litigation

The Judicial Council adopted a rule requiring attorneys to electronically file all documents, in civil and criminal cases. In 2015, the Juvenile Court completed its two-year transition to a paperless court system and began work to mandate electronic

FY 2018 Budget - AOC - Technology

Personnel	4,444,500
In-state Travel	33,000
Out-of-state Travel	18,300
Current Expense	1,461,300
DP Current Expense	2,196,600
DP Capital	248,200
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TOTAL	8,401,900

filing in 2016. Utah's trial and juvenile court systems now maintain a paperless court record. In 2015, approx. 91 percent of all district cases were initiated electronically and 78 percent of all documents were filed electronically. In the justice courts, approx. 89 percent of all cases were initiated electronically. Cases and public documents have been made available to interested parties through the court's XChange program. Electronic document management and Judicial Workspace have been made available to the justice courts allowing these courts to adopt an electronic records system. In 2015, the Judicial Council adopted an updated Strategic Plan that focused recommendations on electronic document retention, video technology in the courtroom, enhanced scheduling procedures, and centralizing the court's accounting system.

District Court

The District Court has original jurisdiction to try civil cases and criminal felonies—such as homicides, assaults, sex and drug offenses, forgery, arson, robbery—and, in certain circumstances, misdemeanors. An important part of the District Court caseload is domestic relations cases, such as divorces, child custody and support, as well as adoption and probate. District judges also have the power to issue extraordinary writs. In addition, the court serves as an appellate court to review informal adjudicative proceedings from administrative agencies.

Utah's eight judicial districts are served by 73 District Court judges. Each district judge is assisted by a court clerk and a bailiff. An electronic recording device is provided to maintain a verbatim record of all court proceedings.

In the more populous districts, 10.5 court commissioners have been appointed to assist the

FY 2018 Budget - District Court

Personnel	47,433,800
In-state Travel	141,400
Out-of-state Travel	14,500
Current Expense	2,259,000
Total	49,848,700

district judges by conducting pretrial hearings, pursuing settlements, and making recommendations to the judges in domestic relations cases. Commissioners can also accept pleas in misdemeanor cases and, with the consent of the parties, conduct misdemeanor trials. If a party disagrees with the court commissioner's recommendation, a rehearing can be requested before a judge.

District Court Filings FY 2005 - 2017

Fiscal Year	Case Filings	Number of Dispositions	Clearance Rate
2005.	252,159.	290,510	115%
2006.	235,573.	262,012	111%
2007.	225,173.	239,066	106%
2008.	218,441.	223,844	102%
2009.	236,157.	225,374	95%
2010*.	321,606.	340,203	106%
2011.	305,974.	311,463	102%
2012.	286,587.	307,793	107%
2013.	285,196.	308,252	108%
2014.	273,492.	278,774	102%
2015.	269,143.	272,611	101%
2016.	256,604.	259,874	101%
2017.	253,691.	261,795	103%

*In FY2010, case filing counts were modified to include the case category of judgments. This category includes abstracts of judgments, foreign judgments, judgments by confession, tax liens, child support liens and liens filed by the Division of Workforce Services. The count of judgments filed in this category prior to FY2010 is available for comparison purposes at www.utahcourts.gov/stats.

Juvenile Court

The Juvenile Court has original jurisdiction over youth, under 18 years of age, who violate any federal, state, or municipal law, and any child who is abused, neglected, or dependent. The court has the power to remove children from home to protect them, provide services to their family and reunify the family, if appropriate. The court may also determine child custody, support, and visitation, to permanently terminate parental rights, and to authorize or require treatment for mentally ill or disabled children. The court works closely with the Attorney General's Office, parent's counsel, DCFS, service providers, and the Office of Guardian ad Litem on cases involving abuse, neglect, or dependency. The court can also place children under the supervision of the court's probation department and place children in the custody or care of foster homes, group homes, special treatment centers, or secure institutions. The court can require children to pay fines or make restitution for damage or loss resulting from delinquent acts.

In addition, the court has exclusive jurisdiction over traffic and boating offenses involving minors related to driving under the influence of alcohol or drugs, reckless driving, and the reckless operation of any device towed by a motorboat. The court also has exclusive jurisdiction over any class B and C misdemeanors, infractions, or violations that are part of a single criminal episode filed in a petition that contains an offense over which the court has jurisdiction. The Juvenile Court has concurrent jurisdiction with the District and Justice Courts over adults contributing to the delinquency of a minor.

Utah is served by 31 Juvenile Court judges and 1.5 commissioners in the state's eight judicial districts. The 10 judges in the Third Judicial District, which includes Salt Lake, Summit, and Tooele counties, are assisted by a commissioner who is a trained attorney. A half-time commissioner assists the Juvenile Court

FY 2018 Budget - Juvenile Court

Personnel	37,656,700
In-state Travel	75,400
Out-of-state Travel	4,800
Current Expense	5,229,800
Total	42,966,700

in the Fourth Judicial District. The commissioner generally hears a variety of cases, ranging from traffic citations and protective custody to more serious crimes. The commissioner submits findings and recommendations to a judge. If a party disagrees with the commissioner's ruling, a rehearing before a judge can be requested.

The Juvenile Court, unlike other state courts of record, administers a probation department. A significant component of the probation department involves diversions known as non-judicial adjustments. On cases petitioned to the court, probation officers prepare dispositional reports, supervise youth who have been placed on probation by the court, conduct evaluations, and submit reports on the progress of each juvenile.

As a member of the Interstate Compact on Juveniles, the court accepts supervision of juveniles who move to Utah from other states (who were under court supervision before moving). In turn, the court often requests other states supervise juveniles who move while still under court supervision in Utah. Under this compact, the court is also responsible for the return of runaways to their home state.

Change in Juvenile Court Referrals FY 2016-2017

Category	FY2016	FY2017	Change
Felony	1580	1572	-1%
Misdemeanor	12775	12517	-2%
Contempt	5551	3441	-38%
Infraction	790	804	2%
Status	3323	3103	-7%
Adult Violations	1404	1390	-1%
Child Welfare	3394	3541	4%
Termination of Parental Rights	801	894	12%
Voluntary Relinquishment of Parental Rights	204	193	-5%
Domestic/Probate	816	817	0%
Traffic	3	2	-33%
Total	30641	28274	-8%

* Child Welfare count of distinct youth

Juvenile Court Referrals, Dispositions, and Clearance Rates FY 2005-2016

Fiscal Year	Number of Referrals	Clearance Rate
2005	46,394	102%
2006	45,507	NA
2007	48,361	NA
2008	50,799	NA
2009	47,191	NA
2010	44,432	NA
2011	41,033	98%
2012	41,066	97%
2013	37,789	97%
2014	36,078	97%
2015	34,129	96%
2016	30,638	97%
2017	28,274	98%

Education

The state court administrator is responsible for providing education and training opportunities to judicial and non-judicial court personnel. This continuing education program functions under the Standing Committee on Judicial Branch Education.

The Judicial Council rule on judicial education requires that judges and commissioners take 30 hours of in-service training and other staff members take 20 hours of training. Education staff is responsible for education programs for more than 1,110 state court employees and approximately 125 judges and commissioners. Education staff also provides education services to justice courts, which employ more than 350 staff and 108 judges.

FY 2018 Budget - Juvenile Court

Personnel	380,000
In-state Travel	0
Out-of-state Travel	96,500
Current Expense	369,000
Total	<u>845,500</u>

Office of Guardian ad Litem

The Office of Guardian ad Litem (GAL) is a separate line item within the court's budget. The Office provides state-funded attorneys to represent the best interests of minors in Juvenile Court when there are allegations of abuse, neglect, or dependency. The Office also includes a Court Appointed Special Advocate (CASA) program that uses trained volunteers to assist attorneys in representing minors.

The GAL also represents minors when allegations of abuse or neglect arise in the District Court during a divorce or custody proceeding where indigence of both adult parties has been established. The GAL also represents minors in adult protective order hearings where protection of a minor is also at issue. There are Guardian ad Litem offices in all eight judicial districts.

FY 2018 Budget - Juvenile Court

Personnel	7,474,100
In-state Travel	56,000
Out-of-state Travel	2,900
Current Expense	1,152,500
DP Current Expense	21,300
Total	8,706,800

The office also manages the private guardian ad litem program and provides training and education to its attorneys and staff.

Contracts and Leases

Contracts and leases is a separate line item in the court's budget. Expenses under contracts and leases include items such as:

- rent/lease payments
- janitorial services
- utilities costs
- perimeter/building security
- county contract sites

Lease and operations and maintenance (O&M) expenses are generally established before the Governor's office and the legislature authorize building a new facility or approve a new or expanded lease. The Appropriations Subcommittee for Executive Offices and Criminal Justice recommends to the Appropriations Subcommittee on Capital Facilities whether or not to authorize funding the purchase or building of a new courthouse. This recommendation

FY 2018 Budget - Contracts and Leases

Personnel	216,700
In-state Travel	3,400
Out-of-state Travel	1,000
Current Expense	19,946,300
Other	461,900
TOTAL	20,629,300

acknowledges that future lease and O&M payments are the responsibility of the legislature through the Appropriations Subcommittee.



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