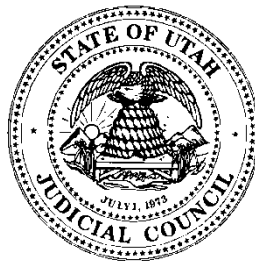




Utah State Courts

FY 2020 Annual Budget Plan



August 17, 2018

Administrative Office of the Courts
P.O. Box 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 2020 Budget Planning Agenda

August 17, 2018
Matheson Courthouse
Conference Room W19A
Salt Lake City, UT

Overview

- 8:30 a.m. Welcome - Chief Justice Matthew B. Durrant
- 8:35 a.m. Governor's Office of Management and Budget Economic Presentation - Phil Dean
- 8:55 a.m. Overview of Budget Planning Session - Richard Schwermer
- 9:00 a.m. Caseload Data Presentation Overview - Heather Marshall
Fiscal Trends & Restricted Funds Report - John Bell
- 10:00 a.m. Break

Building Block Presentations

- 10:15 a.m. Reports and Budget Requests Presentation
- TCE and District Requests
 - All Districts: Clerical Staff Salary Adjustments – Russ Pearson and Larry Webster
 - 3rd District: Increase Judge and Judicial Staff – Judge Randall Skanchy
 - 3rd District: Drug Court Clerk – Peyton Smith
 - 4th District: Support Service Coordinator – Judge James Brady and Mark Urry
 - Technology Standing Committee – Judge John Pearce and Heidi Anderson
 - System-wide Requests – Nini Rich and Nathanael Player
 - Court Facilities Planning Committee – Judge David Mortensen and Chris Talbot
- 11:20 a.m. State Court Administrator's Analysis and Recommendations - Richard Schwermer
- 11:50 a.m. Lunch
- 12:20 p.m. Building Block Discussion and Judicial Council Decisions on Proposed FY 2020 Budget Requests - Ray Wahl
- 1:05 p.m. Proposed Legislation - Jacey Skinner
- 1:35 p.m. 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' 2020 Fiscal Year 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.

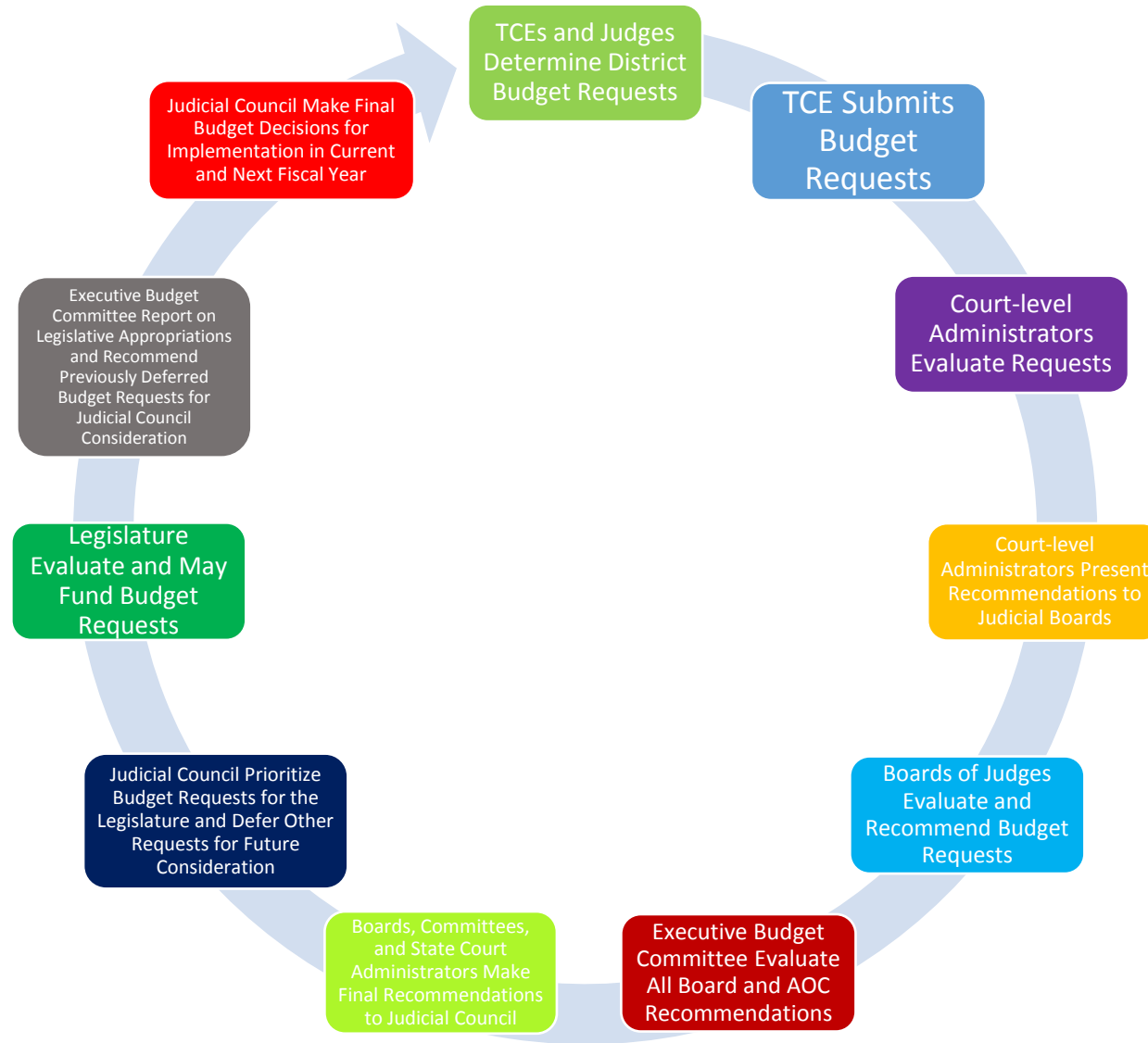
Judicial Council budget approval process

- 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.
- 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.

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.

UTAH STATE COURTS BUDGET CYCLE



FISCAL DATA AND TRENDS

UTAH COURTS BUDGET SUMMARY						
	Actual Expenditures	Actual Expenditures	Actual Expenditures	Actual Expenditures	Actual Expenditures	Current Year Appropriation*
Schedule of Programs	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Supreme Court	2,627,978	2,763,552	2,946,654	3,126,266	3,206,947	3,361,900
Law Library	964,617	1,029,623	1,096,001	1,123,740	1,075,813	1,111,500
Court of Appeals	3,808,437	3,849,526	3,878,128	4,313,569	4,456,818	4,503,800
Data Processing	6,292,928	6,930,847	6,965,857	7,250,837	9,276,921	7,245,300
Education	671,777	735,485	715,586	672,648	691,373	734,000
Administration	4,706,026	5,058,992	4,961,297	4,836,717	6,371,163	5,745,900
District Court	41,367,318	42,190,718	45,088,414	46,575,424	47,816,315	51,796,600
Juvenile Court	35,358,473	36,019,267	37,915,173	38,440,643	38,841,362	44,555,700
Justice Courts	1,056,497	1,310,517	1,076,105	1,265,392	1,239,733	1,414,200
Grants	786,519	835,331	882,281	809,857	703,201	1,496,600
Security	7,157,177	8,154,615	8,277,431	8,387,315	7,485,442	11,676,100
Contracts & Leases	19,472,685	19,877,969	20,207,573	20,337,916	20,159,672	21,275,900
GAL	6,475,985	6,948,464	7,152,416	7,979,206	8,501,129	8,850,400
J/W/I	2,372,867	2,442,876	2,502,883	2,610,412	2,513,898	2,628,500
Grand Jury	800	800	578	485	800	800
TOTALS	133,120,084	138,148,583	143,666,376	147,730,427	152,340,586	166,397,200

* The Total Current Year Appropriation figures do not include carry forward funds from FY 2018.

COLA and Benefit Rates

	FY 2014 Actual Rates	FY 2015 Actual Rates	FY 2016 Actual Rates	FY 2017 Actual Rates	FY 2018 Actual Rates	FY 2019 Actual Rates
Staff COLA	1.0%	1.25%	3.0%	2.0%	2.0%	2.5%
Judicial Adjustments	1.0%	1.25%	12.0%	4.0%	2.0%	2.5%
Life Insurance	\$ 36.66	\$ 36.66	\$ 36.66	\$ 36.66	\$ 36.66	\$ 36.66
Health (Family)	\$ 12,746	\$ 13,456	\$ 13,456	\$ 15,187	\$ 16,130	\$ 17,118
Dental (Family)	\$ 967	\$ 1,074	\$ 1,074	\$ 1,074	\$ 1,074	\$ 1,074
Retirement	20.46%	22.19%	22.19%	22.19%	22.19%	22.19%
401K	1.50%	1.50%	1.50%	1.50%	1.50%	1.50%
Retirement (Judges-GF Portion)	35.66%	40.01%	41.58%	42.12%	42.69%	43.68%
Retirement (Judges - \$15 Civil Filing Fee Portion)	12.74%	11.90%	10.33%	9.80%	9.70%	9.70%
LTD	0.60%	0.60%	0.60%	0.60%	0.60%	0.50%
Unemployment Comp Ins	0.25%	0.25%	0.20%	0.10%	0.10%	0.10%
Workers Comp	0.70%	0.88%	0.88%	0.70%	0.70%	0.68%
Social Security	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%
Term Pool	5.51%	5.51%	5.51%	5.51%	5.77%	5.77%
Annual Leave Liability Pool	0.00%	0.00%	0.26%	0.26%	0.26%	0.26%
Judicial Base Salary	134,800	136,500	152,850	159,050	162,250	166,300

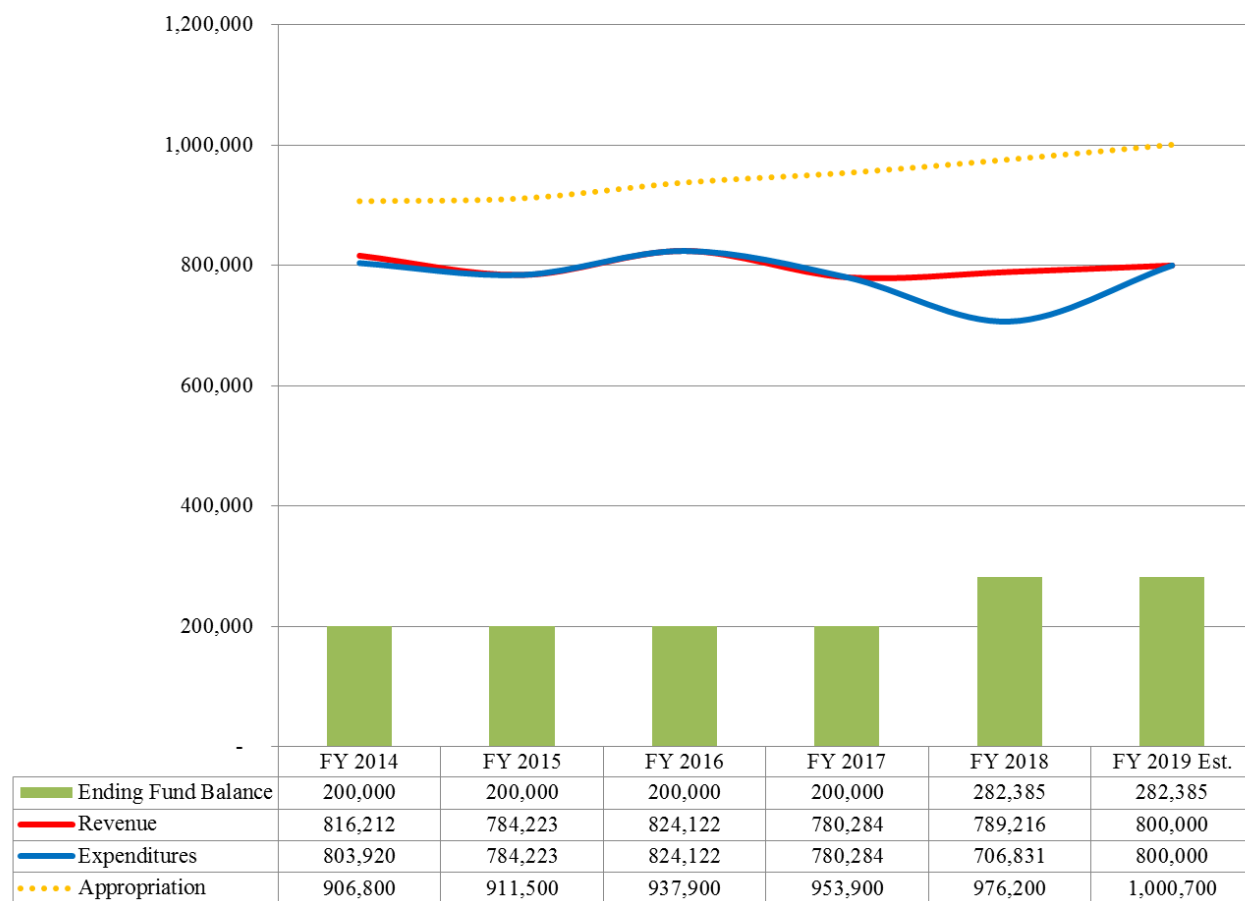
Sources: URS, GOPB, LFA

CHILDREN'S LEGAL DEFENSE FUND (CLDF)

The primary source of revenue to the CLDF derives from a \$4 fee included in various civil filings and the marriage license fee. Remaining revenue comes from the sale of Divorce Education videos, however very few are purchased as patrons move to online classes, 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 benefits 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 \$300,000 as of the end of FY 2018, the CLDF fund will only cover shortages on a very short-term basis.

CLDF Revenue, Appropriation, Expenditure, and Ending Balance

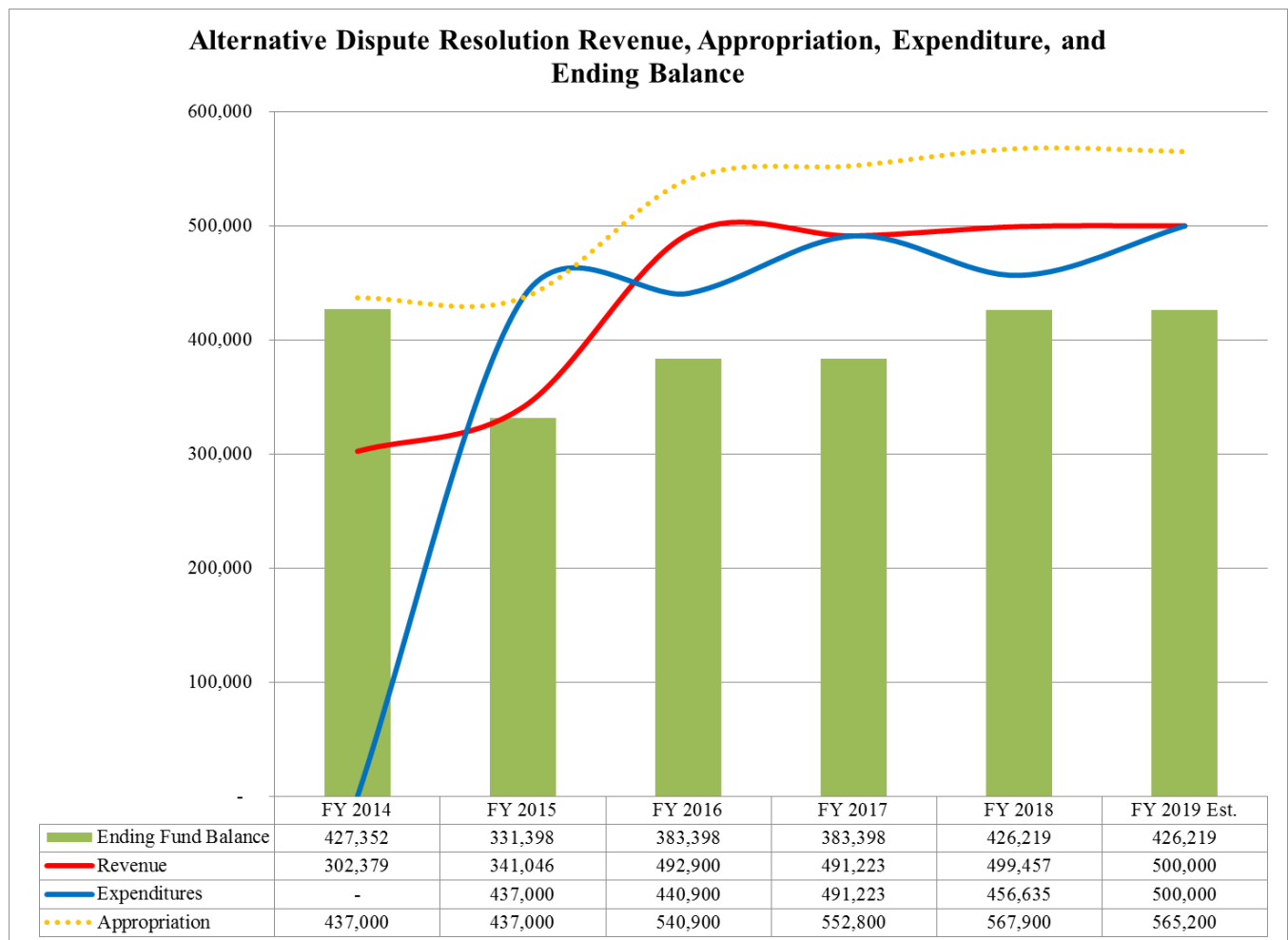


¹ UC 51-9-408 (2) The purpose of the Children's Legal Defense Account is to provide for programs that protect and defend the rights, safety, and quality of life of children.

ALTERNATIVE DISPUTE RESOLUTION (ADR)²

In 1994, the Legislature enacted the Alternative Dispute Resolution Act requiring the Judicial Branch to implement ADR in the state courts. The Judicial Council implemented the ADR program 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 derives from a \$5 fee included in certain civil filing fees. The Legislature authorized a \$2 increase to the fee in the 2015 Legislative session. This fee increase covered more of the program's needs and provided for an additional mediator.

The following chart notes the revenue and expenditures to the fund since FY 2014.



² UC 78B-6-209

COURT COMPLEX FUND

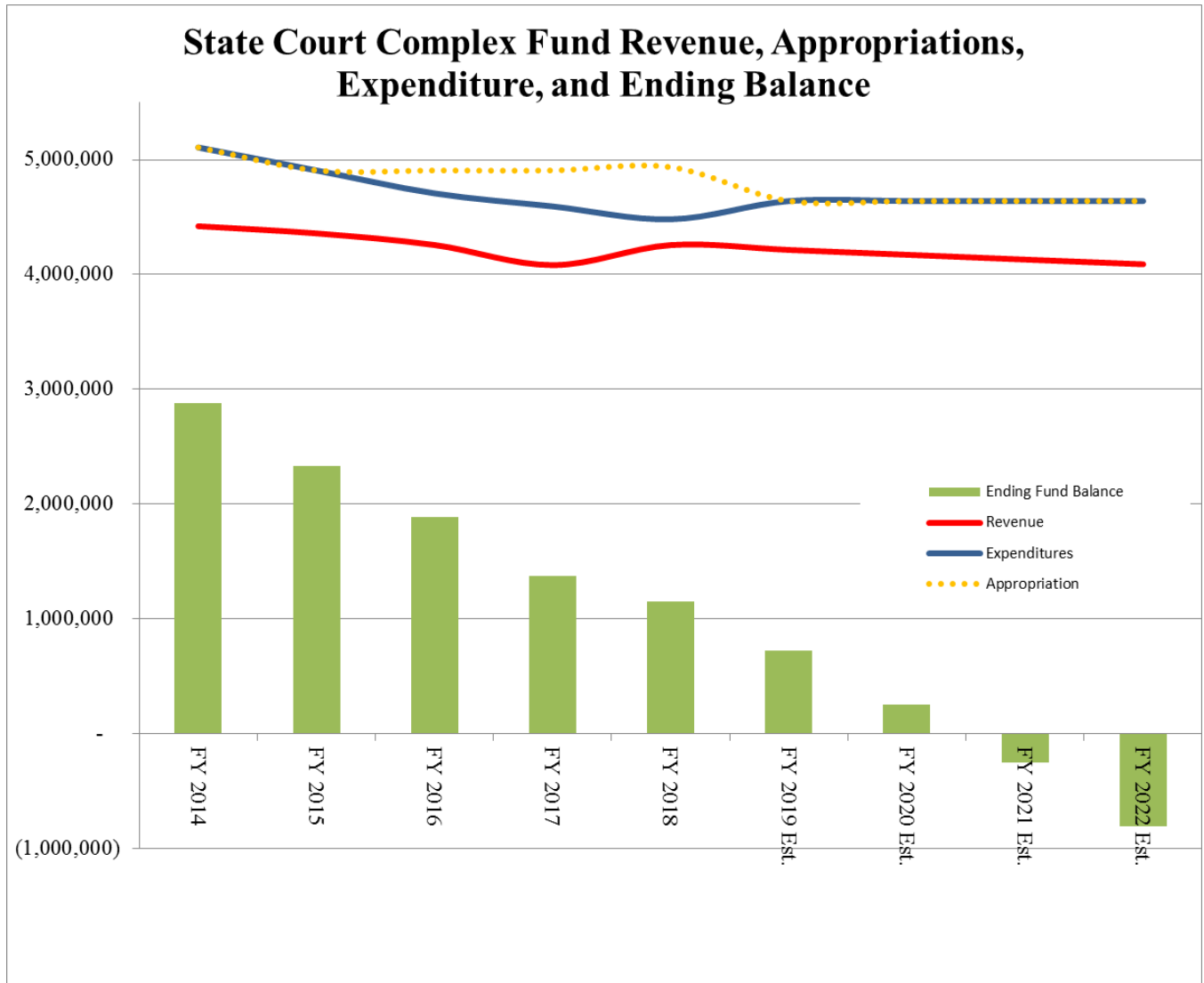
The Court Complex Fund was created to fund construction and operating expenses for the courts in 1998. The original appropriation to cover the annual bond payment on the Matheson Courthouse was \$3,000,000. As revenues increased early in the fund's existence, the Legislature removed dollars from the 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.

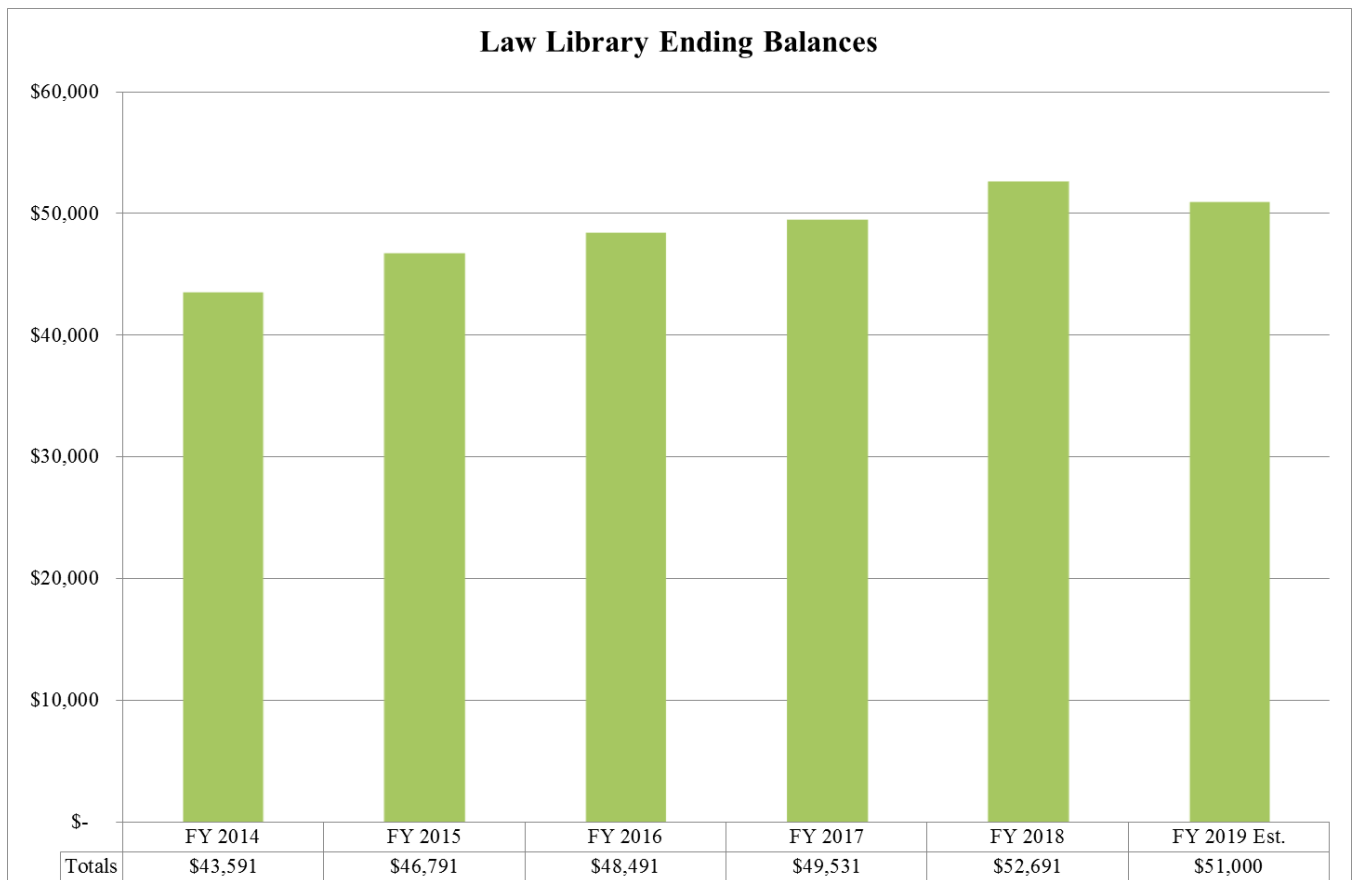
During the 2018 Legislative session, the Judicial Council requested \$313,400 ongoing GF to reduce the Court Complex Restricted account appropriation so complex revenue would remain solvent for the Provo Courthouse bond. The Legislature fulfilled this request. The result, as shown on the following chart, keeps the fund solvent through the FY 2020 but estimated revenue is not keeping up with expenditures. The revenue assumption used in the chart estimates revenue decreases of 1% annually with adjustments according to civil filing trends.



LAW LIBRARY NON-LAPSING DEDICATED CREDIT FUND

The fund balance in the Law Library grows by approximately \$11,000 per year. In the 2018 General Session, the Law Library dedicated credit maintained its non-lapsing status through the recoding of the Budgetary and Procedures Act UC 63J-1-602.1(60).

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. The Judicial Council has historically approved \$10,000 per year for personnel costs related to the Self-Help Center in an effort to retain our highly trained staff. The following table summarizes the ending fund balances since FY 2011:

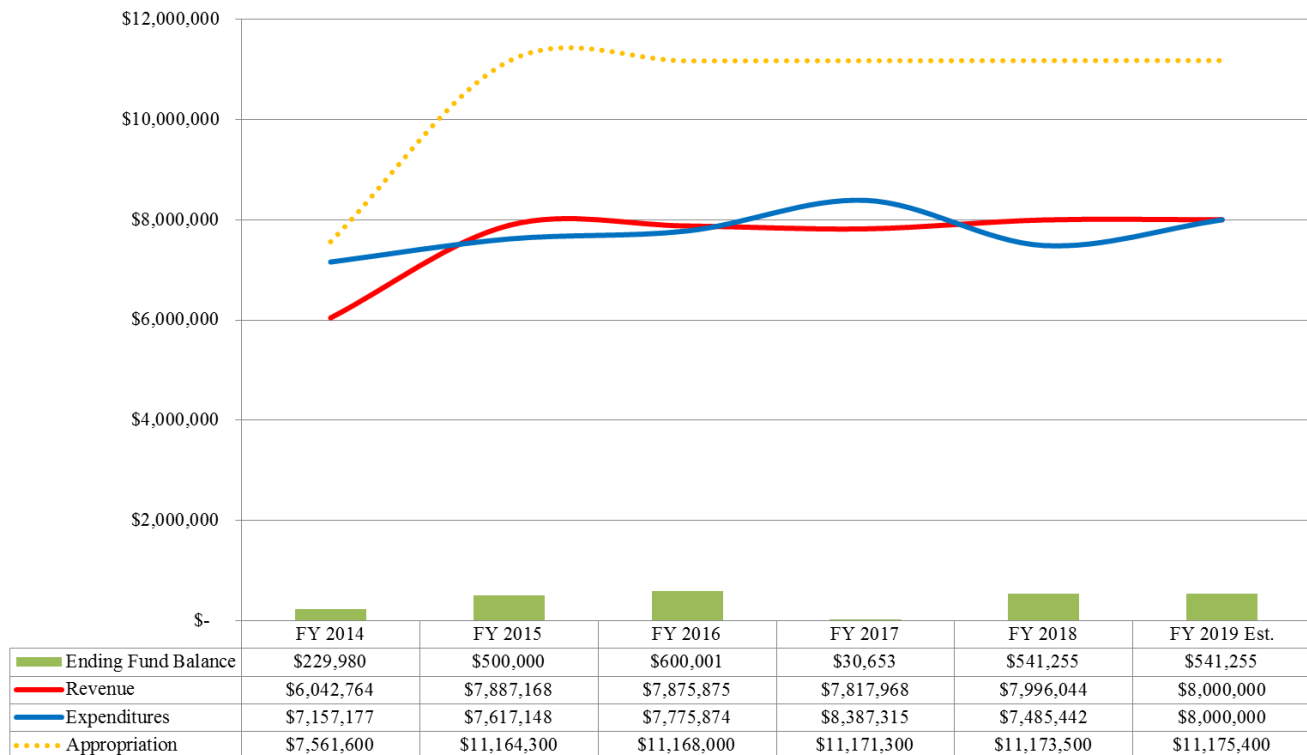


SECURITY FEE

HB 404 (2014 General Session) increased the security fee from \$40 to \$50 to reduce security fund shortfalls and to increase contractual agreements with the local county sheriffs. SB141 (2015 General Session) increased the District and Juvenile Court security fee to match the fees collected in Justice Courts. This fee change provided additional revenue; however, the increased revenue stream was not sufficient to fully fund court security contracts. The Budgetary Procedures Act (UCA 63J) requires state contracts to include terms requiring a reduction in payments when revenues are not sufficient to fully fund contracts. Since the revenues have not kept pace with contractual needs, the Act prevents counties from receiving the full value of their security contracts.

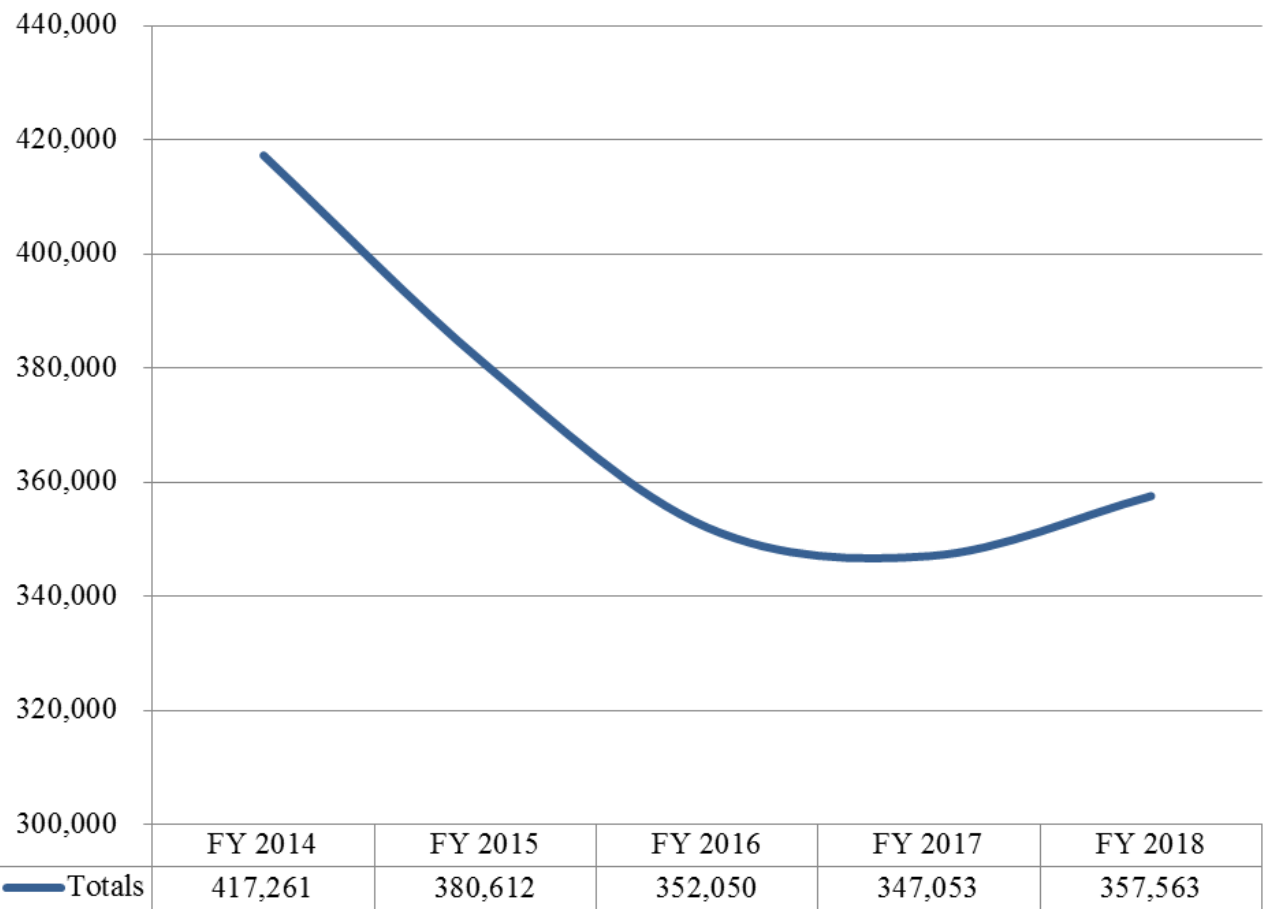
The Legislature provided a \$500,000 one-time funding increase to the security account in the 2018 General Session. These one-time funds are being used to offset a 10% reduction in FY 2018 and will be passed directly through to the county sheriffs.

Court Security Fund Revenue, Appropriation, Expenditure, and Ending Balance



Security revenues are primarily funded by traffic citations issued statewide. Traffic citations have decreased by 33.4% or 179,469 case filings since FY 2009. From FY 2017 to FY 2018, traffic filings increased a modest 3% as depicted in the chart on the following page.

Traffic Filings Over Time



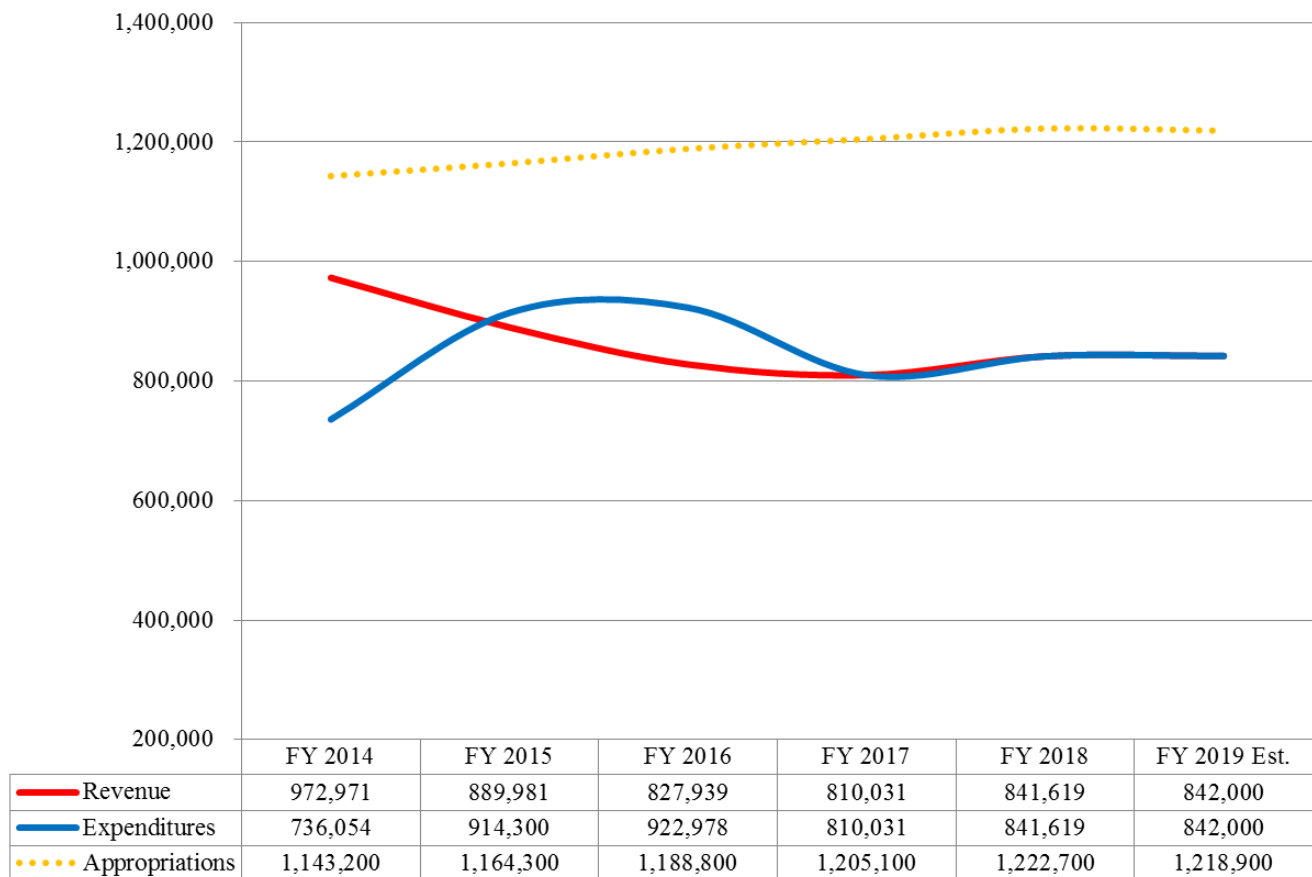
JUSTICE COURT TECHNOLOGY, SECURITY, AND TRAINING ACCOUNT (JCTST)

In the 2004 Legislative Session, Senate Bill 196 added a surcharge to fines paid in Justice Courts of \$32 and allocated 20% to the Justice Courts. The remaining 80% 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 2019 revenue will be about \$842,000. FY 2019 appropriations are \$1,218,900. The fund balance increased to \$544,685 at the end of FY 2018 due to conservative use of fund dollars.

**JCTST Fund Revenue, Appropriation, Expenditure,
and Ending Balance**



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.

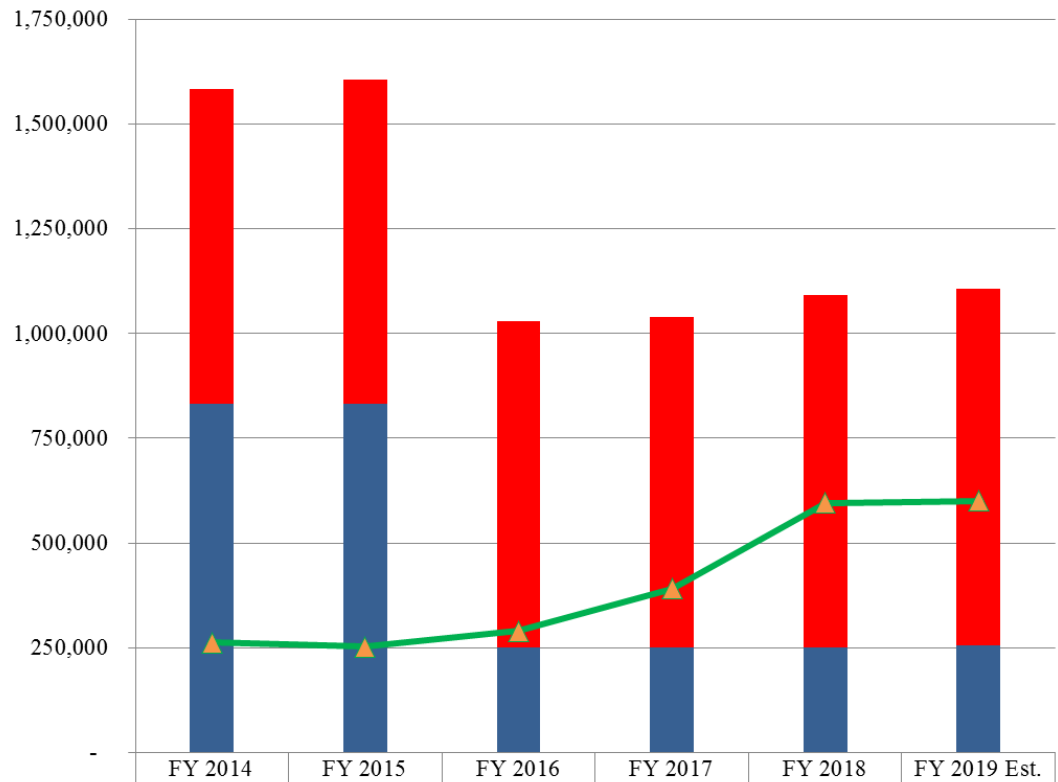
Based on statutory provisions in UC 78B-5-804, Utah Rules of Judicial Administration 3-407 and 4-301, interest income from funds held in trust by the Utah State Courts is used for paying the following expenses: finance personnel costs, bank card charges, armored car services, bank supplies, interest 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 plan to implement Automatic Clearing House (ACH) payments 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



■ Banking Expenses	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 Est.
■ Trust GFR Account Expenses	753,150	775,955	779,862	788,789	842,289	850,000
▲ Interest Revenue	831,000	831,000	250,000	250,000	250,000	255,500
	262,659	251,908	289,230	391,303	596,149	600,000

SUMMARY

The Judicial Council is responsible for administering 14 General Fund Restricted Accounts, 21 Dedicated Credit Accounts, and the investment of over \$44 million in trust funds. The accounts reported thus far are those that bear close monitoring.

Although the Law Library Fund, Alternative Dispute Resolution Fund, and the Justice Court Technology, Security, and Training Account have shown improvement they are being watched for future action as needed. The Security Fee Fund, Children's Legal Defense Fund, Court Complex Account, and the Trust Interest Account are also being monitored to ensure budgeted obligations can be funded from future revenues.

LEGISLATIVE BUDGET UPDATE

The 2018 General Session

The 2018 General Session was a successful session for the Utah State Courts. The Legislature maintained the courts' base budget levels, approved ongoing funds for the Court Visitor Program, three law clerks for the Fourth District, and funded fiscal notes for the bills that impacted court operations.

The Jury/Witness/Interpreter (JWI) budget received a one-time appropriation to cover the FY 2017 deficit and an additional \$1,000,000 in ongoing funding to address annual JWI costs.

The Legislature changed the statute controlling the court security account to allow for a General Fund appropriation in addition to the collection of court security fees. Courts received an appropriation of \$500,000 in one-time General Fund money supplement collections to pay for court security expenditures.

Finally, the Legislature provided a 2.5% cost-of-living adjustment for employees and judges.

The 2019 General Session Outlook

Although the State does not publish revenue estimates for FY 2020 until late November or early December, economic forecasting continues to look positive.

The recent South Dakota v. Wayfair court decision will improve the State's efforts to collect sales tax from online sales. Prior to this decision, taxpayers were required to track and remit the sales tax owed on their online purchases. The State also worked with a selection of larger online retailers and entered into agreements for those retailers to collect sales tax on behalf of the state. With those agreements successful, the State captured a portion of the potential revenue prior to the South Dakota v. Wayfair decision. Going forward, the decision and the codifying legislation enacted by the State will increase General Fund revenue but it may not be as significant as some have portrayed.

BUDGET REQUEST SUMMARY

Ongoing Budget Requests

Program	FTE	Requested	Program Total	Cumulative
TCE and District Requests	14.00		3,369,700	
All Districts: Clerical staff (JA) salary adjustments		1,420,000		1,420,000
3rd District: Increase Judicial Officers and Staff [Ongoing]	12.00	1,809,900		3,229,900
3rd District: Drug court clerk [Ongoing]	1.00	67,800		3,297,700
4th District: Support Services Coordinator [Ongoing]	1.00	72,000		3,369,700
Information Technology	-		745,500	
5 year computer replacement schedule [Ongoing]		250,000		3,619,700
Implement Audio/Visual courtroom replacements [Ongoing]		400,000		4,019,700
Create redundancy site in St George [Ongoing]		70,500		4,090,200
VOIP upgrades		25,000		4,115,200
System-Wide Requests	2.75		249,800	
ADR: Child Welfare Mediator [Ongoing]	0.50	53,800		4,169,000
Self Help Center: Add attorney and increase staff hours [Ongoing]	2.25	196,000		4,365,000
Facilities	-		271,500	
Lease Contract Increases [Ongoing]		21,500		4,386,500
Wasatch County Justice Center Expansion [Ongoing lease increase]		200,000		4,586,500
Kane County perimeter security [Ongoing lease increase]		50,000		4,636,500
Grand Total of all Ongoing Budget Requests	16.75		4,636,500	

One time Budget Requests

Information Technology	-		373,400	
Create redundancy site in St George [One time]		373,400		
Facilities	-		100,000	
Millard County juvenile holding cell [One Time]		100,000		100,000
Grand Total of all One-time Budget Requests	-		473,400	

TCE AND DISTRICT REQUESTS

TCE and District Building Block Requests

Request Priority	Request	Cost	Budget % Increase	FTE
1	All Districts: Clerical staff (JA) salary adjustments	\$ 1,420,000	2.74%	-
2	3rd District: Increase Judicial Officers and Staff [Ongoing]	1,809,900	3.49%	12.00
3	3rd District: Drug court clerk [Ongoing]	67,800	0.13%	1.00
4	4th District: Support Services Coordinator [Ongoing]	72,000	0.14%	1.00
Total Request		\$ 3,369,700	6.51%	14.00

District Court Fiscal Data Summary

FY 2019 General Fund Budget	51,799,100
FY 2019 FTE Count	486.00

PRIORITY: 1

OBJECTIVE: Obtain Funding to bring Judicial Assistant salaries in line with market wages

AMOUNT: \$1,420,000 ongoing; 0 FTEs

HISTORY AND DETAILED REQUEST OF NEED:

Judicial assistants and other clerical staff fill many key roles in the judicial branch. They provide clerical support to judges and commissioners; they prepare orders, schedule hearings, and perform other important tasks. They provide customer service to attorneys and patrons at the clerk's counter and over the telephone. They collect and disburse court funds. They process electronic filings. They operate judicial branch automated case management systems that create court records. They must be familiar with legal processes, financial principles, operational procedures, technology, and customer service. They are essential to the successful functioning of the court system.

Initial training for a JA I includes 46 Online Training Program modules and an extensive amount of procedural documentation. Each new employee must quickly learn to use a number of IT systems that support his or her work. Supervisors estimate that it requires twelve months for a new JA to be fully productive.³ It also requires four full weeks of supervisor and coworker time during this period to assist and monitor their work. Additional time is required to learn in-court support responsibilities. Bringing a new employee on board is a very expensive investment.

The purpose of this building block request is to continue successful operation of the judicial branch by bringing the salaries of clerical staff to a level at which the courts can compete with other employers in the public and private sectors and attract and retain qualified candidates for judicial assistant positions.

Market Analysis

The courts have excellent information on what it takes to compete for qualified applicants for judicial branch work. Every three years the HR department in the AOC analyzes market rates for clerical positions in the courts. Market Comparability Adjustments (MCA) have been granted to staff in the past, based on this market survey. Unfortunately, the Judicial Council has not always been able to allocate sufficient funding for MCA adjustments to keep judicial branch salary ranges comparable with the public and private sectors.

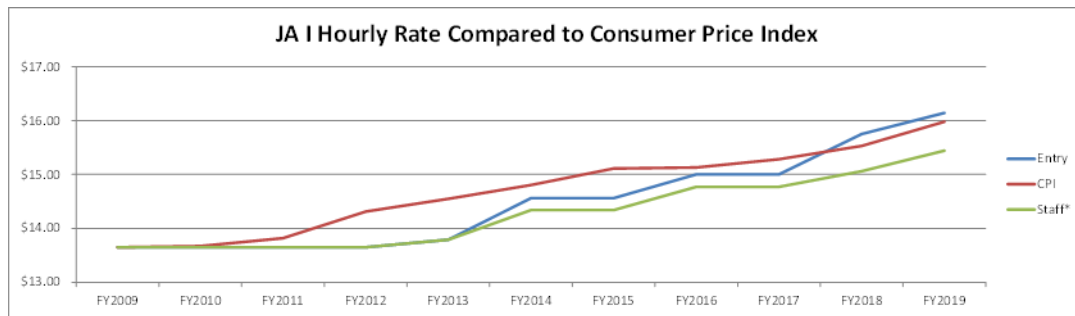
The most recent analysis of clerical salaries was conducted for FY 2017. It determined that clerical salaries were 15 to 16 percent below market. An FY 2014 MCA also raised salary ranges for clerical positions. As a matter of policy and because government benefits are better than in the private sector, the goal of the courts is to be within ten percent of market level. Even with recent improvements in compensation, clerical salaries remain eleven percent behind the study conducted two years ago.

Salary History

Clerical restructuring occurred in FY 2009. With the restructuring, entry level for a JA I was set at \$13.65 per hour. Because the performance-based grade and step system is no longer used to reward high levels of performance, court employees can only progress within a salary range through cost of living adjustments (COLA). In some cases, MCA adjustments also have provided limited funding for salary increases for staff who were above the new entry level.

The following chart compares the entry level salary for the JA I position to the consumer price index from FY 2009 to FY 2019. The entry level has kept pace with the CPI over the past decade, but salary compression issues have kept staff members who are above entry level from realizing all of these salary increases. Salary compression is discussed in more detail below.

³ This time is higher in rural districts where employees must learn both district court and juvenile court processes.



No increases were given following restructuring through FY 2012. In FY 2013, a one percent cost of living adjustment was given to staff. In FY 2014, a one-percent COLA and 4.5 percent MCA range adjustment were provided. This produced a four percent increase for all judicial assistants. The approximately \$900,000 funding for these increases came from savings created by e-filing implementation in the district court throughout the state.

A three percent COLA was provided in FY 2016, and a five percent range adjustment was provided in FY 2018. This range adjustment provided a two percent increase to staff who were over the new entry-level rate. In FY 2019, there was a 2.5 percent cost of living increase.

Overall, a JA who has been with the court since the restructuring (and who was above the entry level sufficiently to miss MCA adjustments) has seen a salary increase of 12.5 percent, while entry level for positions has increased 18.24 percent, a difference of 5.74 percent. The salary range for a JA I, for example, has gone from \$13.65 to \$16.14 per hour.

From July 2009 to June 2018, the consumer price index climbed 17.04 percent. From FY 2009 to FY 2019, entry level has exceeded the CPI by almost two-tenths of a percent, while clerical salaries have lost about 5.5 percent.

The lack of competitive compensation is an issue in our clerical operations for many reasons. Finding good candidates for vacant positions is always a struggle. In rural districts, it is not uncommon to under-fill judicial assistant positions because no qualified candidates can be found. About one in four of our judicial assistants has a second job to provide additional income. While fringe benefits once were a good reason to accept a lower salary with the state, both retirement and health insurance programs are not as attractive as they once were. In addition, the gap between judicial assistant and probation officer salaries has led many to move

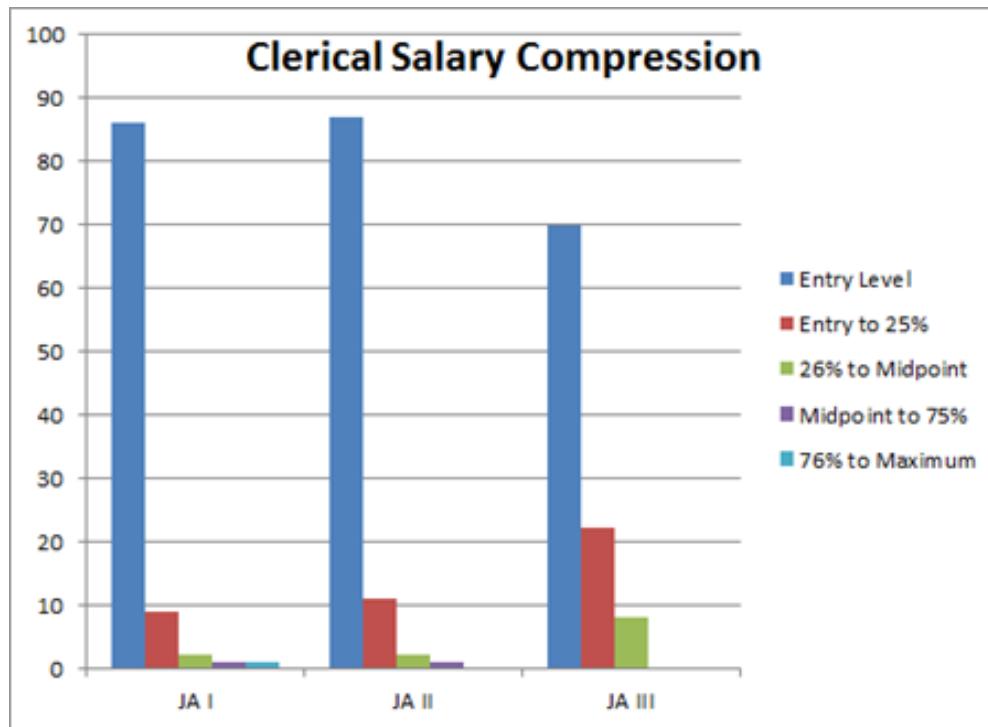
from clerical jobs to probation positions.⁴ The starting wage for a JA III is one dollar per hour below entry range for a probation officer.

A judicial assistant can progress from a JA I to a JA III in a minimum of two years, though most take longer. There is no longer a mechanism for merit increases within a salary range. There are opportunities for a small number of judicial assistants to move into supervisory and management positions, but the number of these positions is very limited. Most judicial assistants are limited to cost of living and range increases through most of their careers with the judiciary, and these increases are not keeping pace with the cost of living. It seems reasonable that an employee should expect increased compensation throughout their careers as they learn new skills and become faster and more productive in their work.

Salary Compression

Raising the entry level for positions without commensurate increases for more experienced clerical staff has created salary compression. Starting salaries are sufficient to attract minimally qualified applicants, but long-term employees are being moved back toward entry levels for their positions. Most judicial assistants are now compensated at or near the entry level. Many of these employees have been with the courts for more than ten years, and some for more than twenty years. Salary compression has caused serious morale problems, and is a reason many long-term employees have retired or chosen to look elsewhere for work. If salary compression is not addressed, turnover rates likely will continue to increase.

⁴ It is interesting to note that turnover among probation officers is much lower than for judicial assistants, which indicates that staffing and turnover issues are not just a function of current economic conditions.



Turnover

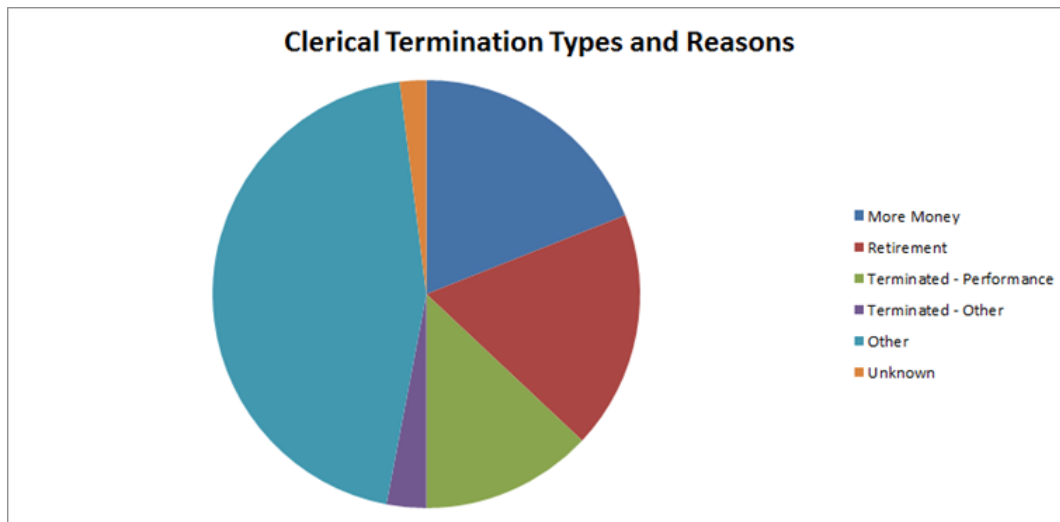
Clerical staff turnover is increasing at an alarming rate. The overall statewide turnover rate for the judicial branch has increased from 12 percent in FY 2016 to 16 percent in FY 2017 and 18 percent for FY 2018. In the first ten months of FY 2018, the turnover rate for clerical positions was almost 21 percent. One fifth of these departures have been for positions providing a higher salary. One fifth have been retirements – some of which have been related to compensation issues. Thirteen percent have been performance related terminations.⁵

The fourth district juvenile court has seen a drop in average years of experience for all clerical staff from 10.20 years to 9.23 years (-9.58%) from 12/31/2017 to 6/30/2018. Over the same time period, the second district court declined from 11.30 to 9.76, a drop of 13.64 percent. Similar information is currently being compiled in other districts. In the fourth district juvenile example, the tenure of counter staff is down 21.27 percent, and in-court clerk experience is down 13.65 percent. In the second district analysis, counter clerks' experience is down more than 35 percent,

support clerks' experience is down five percent, and in-court clerks' experience is up one percent.

The Comprehensive Clerical Committee Report from 2008 noted: "Given the significant trend of shorter tenure in the clerical workforce, the final recommendations would ideally address the concerns pertaining to the retention of those employees who make an important contribution to the work of the judiciary." No statewide analysis of clerical tenure has been conducted since 2008, but it should be safe to assume that this issue has not been resolved, given the increasing turnover rates.

⁵ It is important to note that the turnover reason has not been captured for about half of these employees, so these percentages are likely much higher.



The qualifications for judicial assistant positions were increased with the clerical restructuring, but there have been issues with the quality of candidates who are applying. The courts require a bachelor's degree (or equivalent experience) for clerical positions, but this standard does not ensure that candidates can do the job. In rural parts of the state, many positions are under-filled because of the lack of qualified applicants. Statewide, one in eight new hires is terminated in the first year for inability to perform the work adequately.

Cost of Turnover

High turnover rates take a toll on court employees, as was pointed out in the Comprehensive Clerical Committee report: "...[T]urnover is a power outcome and contributor to some of the challenges facing clerical operations. For instance, while relatively low compensation has been identified as the predominant cause of the early departure of clerical employees, the departure of those employees places a strain on the system. The perpetual nature of open positions finds many teams shorthanded, leading to increased workloads and stress placed upon employees in effort to ensure all of the necessary work is completed. The strain is felt in many ways. For employees, it increases their workload while the position is open and during the training of the new employee. For managers, providing the needed training for new employees is an intensive drain on their time and intensifies their workload. Thus, turnover because of compensation aggravates the other reasons for high turnover (such as stress and workload) – and intensifies the feeling that there is no long-term

payoff for increased effort (either in terms of salary or professional growth)."

Estimates from TCEs statewide indicate that it takes at least twelve months for a new employee to work at the public counter without assistance. This number is higher in rural areas, where a judicial assistant must learn both district and juvenile court duties and technology. During this time, about four full weeks of supervisor and coworker time is required to train and monitor the new judicial assistant. A reasonable estimate of the cost of bringing a new employee on board would be \$64,000.⁶ This does not include lost productivity when the position is vacant or the cost of preparing an employee to work in a judicial support or in-court role, when more experienced judicial assistants leave.⁷ It also does not account for the 13 percent of new hires that are terminated for performance reasons before their probationary period is complete. In many situations, new employees are placed in a courtroom to support a judge immediately after they are hired or within their first year of employment. Working with an

⁶ 50% of the new JA's time, plus 30% of the case manager's time, and another 20% of other JA's or the training coordinator's time. A new JA is about \$60,000 salary and benefits, and case managers and training coordinators are about \$70,000, so we end up with a total cost of training time alone of \$63,000 - \$65,000 in the first year of a new JA.

⁷ It is estimated that it requires two to four months for an employee to move from the public counter to a judicial support role, with four to eight days of supervisor or coworker assistance, and a similar amount of time and assistance to move from judicial support to in-court support. This assumes that an employee in a judicial support role can work a civil law and motion calendar, and that an in-court support JA can handle a criminal law and motion calendar.

inexperienced JA in a courtroom places a tremendous burden on a judge.

How Salary Increases Would Be Apportioned to Address these Issues

The TCEs propose that funding be used to increase salaries of judicial assistants, case managers, training coordinators, team managers, and clerks of court. On July 1, 2017, clerical staff salaries were 11 percent below market. The CPI has increased 2.94 percent in the eleven months between July 2017 and June 2018, and a 2.5 percent cost of living increase was granted on July 1, 2018. To fully fund the target of ten percent below the MCA level (projecting a total CPI increase of six percent between July 1, 2017, and July 1, 2019 when the increase would take effect), an increase of the salary ranges of 4.5 percent would be required. In addition, we suggest a 5.75 percent increase within the salary ranges for current employees to compensate for the compression caused by past MCA adjustments. The new salary ranges for FY 2020 would be as follows:

Title	Min	Max
JA under fill	16.03	16.03
JA I	16.87	27.46
JA II	17.81	29.00
JA III	18.81	30.62
Training coordinator	19.99	31.73
Case manager	20.93	34.13
Team manager	23.33	38.05
Clerk of court	26.95	40.49

Judges rely on experienced clerks to keep their courtrooms running smoothly and the cases reaching resolution quickly. If current trends continue, it will become more difficult to provide experienced clerks to perform these duties. While many of our less experienced judicial assistants are performing admirably, many new hires are just not working out, and many of our good people are leaving for better pay. In many instances, we are hiring clerks and putting them directly into courtrooms, instead of giving them the opportunity to develop their knowledge and skills in the clerk's office.

High turnover rates degrade productivity in the organization. Very often, there are lengthy periods of time when positions are vacant. When a new employee is hired, it takes months for them to be able to work independently and saps the time and energy of supervisors and coworkers in getting them adequately

prepared. Of particular concern is the high rate of termination of these employees while they are being trained. Many are not capable of learning and performing at a level needed in the court system.

When experienced employees leave the courts, it takes many years to replace them. During that time, error rates are higher as less experienced employees try to learn new duties. Newer employees also tend to be slower in performing the work, which also hurts the productivity of the organization. It is in our interest to do what we can to retain good employees, rather than relying on a stream of new people who choose not to stay with the courts for very long.

If courts could operate successfully with clerical staff with minimal experience and training, and if they could tolerate high error rates and low productivity from staff, then it would not be necessary to have career ladders and incentives for long-term employment with the judicial branch, but judges rely on well-trained and highly professional assistants to keep courtrooms running smoothly and cases on track for rapid disposition. Clerical work requires knowledge and expertise that takes many years to master and high turnover rates in these positions is a significant problem for court leadership. Minimizing expenditures on these valuable positions will not benefit anyone in the long term.

ALTERNATIVES:

There are no funding alternatives for this request. Court administration is working on other retention strategies, including improving incentive awards and recognition programs, local team-building activities, skills and management academies, etc. These strategies will help, but will not eliminate or significantly reduce the need to address compensation issues.

Without better compensation for clerical employees, expect the trend of less experienced judicial assistants to continue, making it more difficult for judges to retain reliable, capable assistants in the courtroom, and harder for clerks to provide high-caliber customer service in the clerk's office. Less experienced staff means lower productivity, longer case processing times, and higher error rates. Low morale among employees will also drain organizational productivity. Slower processing times and less reliable information from the clerk's office will degrade public respect for the judicial branch.

	JA I	JA II	JA III
Entry Level	86%	87%	70%
Entry Level to 25%	9%	11%	22%
26% to Midpoint	3%	2%	8%
Midpoint to 75%	1%	1%	0%
76% to Maximum	1%	0%	0%

Clerical Staff Turnover and Secondary Employment

	Total Clerical Staff	More Money	Retirement	Terminated - Performance	Terminated - Other	Other	Unknown	Total Terminations	2nd Jobs
1 Dist/Juv	23	3	0	0	0	3	0	6	3
2 Juvenile	24	0	1	0	0	0	1	2	11
2 District	79	7	5	4	1	3	0	20	19
3 Juvenile	45	4	2	0	0	3	1	10	10
3 District	145	1	7	4	0	26	0	38	22
4 Juvenile	26.5	1	0	0	0	5	0	6	8
4 District	60	3	2	0	0	3	0	8	15
5 Dist/Juv	57	1	2	2	2	4	0	11	14
6 Dist/Juv	11	0	0	0	0	0	0	0	1
7 Dist/Juv	15	0	0	0	0	0	0	0	7
8 Dist/Juv	15	0	0	3	0	0	0	3	5
Total	500.5	20	19	13	3	47	2	104	115
Percentage	-	19.23%	18.27%	12.50%	2.88%	45.19%	1.92%	20.78%	22.98%

Fiscal Tables

Funding Category: General Fund \$1,420,000

Expense Category: Personal Services \$1,420,000

FTEs Requested: 0.00

PRIORITY: 2**OBJECTIVE:** 4 Judges and 8 Staff – 3rd District Court**Amount:** \$1,809,900 ongoing; 12 FTEs**HISTORY AND BACKGROUND** (Provided by 3rd District):

Third District currently has 28 assigned judges. During this year's legislative session, one additional new judge was appropriated to Third District. In addition, we have 5 commissioners making a total of 34 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. (See Exhibit 1.)

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 5.8 judicial officers below the Judicial Weighted Case Load recommendation. Currently, the Third Judicial District stands at 4.6 judicial officers below the Judicial Weighted Case Load's recommendation. This includes for the first time in almost twenty years Third District receiving a new judge (See Appendix and Exhibit 2).

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 (Exhibit 3). During fiscal year 2017, the Third Judicial District handled 45% of case filings in the State and 58% 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. (See Exhibit 4.) The Third District lags behind in the areas of criminal filings, general civil, divorces, paternity, custody and support and domestic modifications. The Third District's most recent Age of Pending Cases report (see Exhibit 5) highlights these Time to Disposition shortfalls. As an example, the average number of days criminal matters are pending statewide is 115 days. The Third District's criminal average number of days pending is 150. It is important to note that Third District's criminal days pending has dropped from 212 days last year to 150 days this year. We are very appreciative of the Administrative Office of the Court's help in letting us use senior judge assistance to reduce our criminal backlog.

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.

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 102% of the judicial weighted caseload 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.

ALTERNATIVES:

None

Exhibit 1

Statutory Amendments to Number of Third District Court Judges

Year	Current # of 3 rd District Judges	Change in # of 3 rd District Judges
1969	8	10 (Laws of Utah (1969), ch. 248, § 1)
1976	10	11 (Laws of Utah (1976), ch. 7, § 1)
1982	11	14 (Laws of Utah (1982), ch. 21, § 1)
1993	14	25 (Laws of Utah (1993), ch. 59, § 3)
1995	25	28 (Laws of Utah (1995), ch. 62, § 2)
1997	28	29 (Laws of Utah (1997), ch. 343, § 1)
1998	29	30 (Laws of Utah (1998), ch. 179, § 1)
2004	30	28 (Laws of Utah (2004), ch. 288, § 1)

Exhibit 2 (See Appendix)

Judicial Weighted Caseload

3 rd District Court	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	Prelim FY17
Judicial Officers Needed	35.1	37.8	38.6	37.6	36.4	35.8	35.2	36.8	39.8	38.1	39.7
Authorized Positions (Jdg & Commis)	32.5	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
Difference Authorized & Needed	-2.6	-4.8	-5.6	-4.6	-3.4	-2.8	-2.2	-3.8	-6.8	-5.1	-6.7

Exhibit 3

Jury Trials Held by District July 1 - June 30		
	FY17	FY18
District 1	7	13
District 2	43	48
District 3	203	244
District 4	53	55
District 5	23	23
District 6	5	7
District 7	8	8
District 8	6	10
Statewide	348	408

Jury Trials Held by District July 1 - June 30		
	FY17	FY18
District 1	7	13
Civil	1	1
Criminal	6	12
District 2	43	48
Civil	13	13
Criminal	30	35
District 3	203	244
Civil	45	37
Criminal	158	207
District 4	53	55
Civil	16	7
Criminal	37	48
District 5	23	23
Civil	5	2
Criminal	18	21
District 6	5	7
Civil	1	0
Criminal	4	7
District 7	8	8
Civil	0	1
Criminal	8	7
District 8	6	10
Civil	1	1
Criminal	5	9
Statewide	348	408

District Court Filings by Fiscal Year - 12 Month Update - Statewide

		2016	2017	Difference	% Change
Criminal	State Felony	20,976	21,299	323	2%
	Other Misdemeanor	15,423	17,018	1,595	10%
	Misdemeanor DUI	1,532	1,765	233	15%
	Infraction	196	254	58	30%
	(Not Applicable)	1,714	1,775	61	4%
Domestic	Criminal	39,841	42,111	2,270	6%
	Adjudication of Marriage	56	66	10	18%
	Custody and Support	1,264	1,360	96	8%
	Divorce/Annulment	13,231	13,213	-108	-1%
	Grandparent Visitation	30	13	-17	-57%
	Paternity	1,021	964	-57	-6%
	Separate Maintenance	28	38	10	36%
	Temporary Separation	123	123	0	-
	UCC/JEA Child Cust Jur	176	150	-26	-15%
	UIFSA	111	133	22	20%
	Protective Orders	4,960	4,810	-150	-3%
	Domestic	21,090	20,870	-220	-1%
	Administrative Ag	251	238	-13	-5%
	Arbitration Award	21	15	-6	-29%
	Attorney Discipline	25	24	-1	-4%
General Civil	Civil Rights	36	35	-1	-3%
	Civil Stalking	948	1,014	66	7%
	Contempt	559	435	-124	-22%
	(Contracts)	2,367	2,518	151	6%
	Debt Collection	59,465	57,898	-1,567	-3%
	Forfeiture of Property	443	391	-52	-12%
	Hospital Lien	6,148	3,353	-2,795	-45%
	Interpleader	57	33	-24	-42%
	Miscellaneous	1,302	1,513	211	16%
	Notice of Dep OoS	316	276	-40	-13%
	Post Conv Rel NonCap	81	66	-15	-19%
	SC denovo District	53	1	-52	-98%
	Sexual Harassment	2	3	1	50%
	Small Claim	9	10	1	11%
	Tax Court	2	7	5	250%
	Writ	29	45	16	55%
	Wrongful Termination	14	27	13	93%
	Registry Removal	1	3	2	200%
	Small Claims De Novo	173	188	15	9%
	Contract: Fraud	2	125	123	6,150%
	Contract: Empl Discr	1	3	2	200%
	Post Conv Relief-Cap	1	1	0	-
	General Civil	72,305	68,232	-4,073	-6%
Probate	Adoption	1,192	1,373	181	15%
	Conservatorship	158	130	-28	-18%
	Gestational Agreement	58	84	26	45%
	(Guardianship)	1,406	8	-1,398	-99%
	Invol. Commitment MH	1,748	1,915	167	10%
	Minor's Settlement	300	280	-20	-7%
	Name Change	956	1,197	241	25%
	Other Probate	560	601	41	7%
	Trust	106	136	30	28%
	Estate Personal Rep	2,325	2,397	72	3%
	Guardian-Adult Child	293	361	68	23%
	Guardian-Minor	21	1,038	1,017	4,843%
	Guardian-Adult	18	371	353	1,961%
	Probate	9,141	9,891	750	8%
Property Rights	Condemnation	53	45	-8	-15%
	Eviction	7,381	7,193	-188	-3%
	Lien/Mortgage Fds	411	444	33	8%
	Property Rights	399	413	14	4%
	Water Rights	12	40	28	233%
	Property Rights	8,256	8,135	-121	-1%
	(Malpractice)	125	1	-124	-99%
	Personal Injury	1,638	3	-1,635	-100%
	Property Damage	266	1	-265	-100%
	Wrongful Death	38	1	-37	-97%
Torts	Automobile Tort	11	1,532	1,521	13,827%
	Premises Liability	1	168	167	16,700%
	Intentional Tort	3	97	94	3,133%
	Malpractice-Other	2	40	38	1,900%
	Malpractice-Medical	1	99	98	9,800%
	Product Liability		24	24	-
	Slander/Defamation		23	23	-
	Asbestos	3	1	-2	-67%
	Torts	2,088	1,990	-98	-5%
	Parking Citation	1,596	1,353	-243	-15%
Traffic/Parking	Parking Court Case	1	1	0	-
	Traffic Citation	11,495	9,709	-1,786	-16%
	Traffic Court Case	5,431	4,245	-1,186	-22%
	Traffic/Parking	16,523	15,308	-1,215	-7%
Judgments	Abstract of Judgment	5,098	5,168	70	1%
	Child Support Lien	12,635	11,487	-1,148	-9%
	Foreign Judgment	355	353	-2	-1%
	Jdmt by Confession	304	331	27	9%
	Tax Lien	54,745	59,038	4,293	8%
	Workforce Svc Lien	11,807	10,730	-1,077	-9%
	Wrongful Lien	39	47	8	21%
	Judgments	84,983	87,154	2,171	3%
	Summary Judgment	256,227	253,691	-2,536	-1%
	Summary Judgment	166,537	171,244	4,707	3%

District Court Filings by Fiscal Year - 12 Month Update - District 3

		2016	2017	Difference	% Change
Criminal	State Felony	10,011	10,241	230	2%
	Other Misdemeanor	5,891	6,285	394	7%
	Misdemeanor DUI	404	478	72	18%
	Infraction	8	9	1	13%
	(Not Applicable)	611	804	193	32%
Domestic	Criminal	16,926	17,815	889	5%
	Adjudication of Marriage	26	29	3	12%
	Custody and Support	612	662	50	8%
	Divorce/Annulment	5,691	5,467	-224	-4%
	Grandparent Visitation	10	6	-4	-40%
	Paternity	451	458	7	2%
	Separate Maintenance	7	14	7	100%
	Temporary Separation	55	58	3	5%
	UCC/JEA Child Cust Jur	70	66	-4	-6%
	UIFSA	37	44	7	19%
	Protective Orders	2,059	1,981	-78	-4%
	Domestic	9,018	8,785	-233	-3%
	Administrative Ag	131	121	-10	-8%
	Arbitration Award	17	14	-3	-18%
	Attorney Discipline	18	17	-1	-6%
General Civil	Civil Rights	22	20	-2	-9%
	Civil Stalking	254	280	26	10%
	Contempt	15	15	0	-
	(Contracts)	1,331	1,589	258	19%
	Debt Collection	26,483	27,250	767	3%
	Forfeiture of Property	315	292	-23	-7%
	Hospital Lien	3,590	2,147	-1,443	-40%
	Interpleader	33	21	-12	-36%
	Miscellaneous	664	802	138	21%
	Notice of Dep OoS	152	172	20	13%
	Post Conv Rel NonCap	45	25	-20	-44%
	SC denovo District	20	1	-19	-95%
	Sexual Harassment	2	1	-1	-50%
	Small Claim	1	1	0	-
	Tax Court	20	30	10	50%
	Writ	7	17	10	143%
	Wrongful Termination	7	1	-6	-86%
	Registry Removal	1	1	0	-
	Small Claims De Novo	108	97	-11	-10%
	Contract: Fraud	1	69	68	6,800%
	Contract: Empl Discr	1	3	2	200%
	Post Conv Relief-Cap	1	1	0	-
	General Civil	33,234	32,989	-245	-1%
Judgments	Abstract of Judgment	2,352	2,126	-226	-10%
	Child Support Lien	4,487	4,058	-429	-10%
	Foreign Judgment	146	137	-9	-6%
	Jdmt by Confession	69	123	54	78%
	Tax Lien	29,661	32,081	2,420	8%
	Workforce Svc Lien	6,301	5,556	-745	-12%
	Wrongful Lien	17	22	5	29%
	Judgments	43,033	44,103	1,070	2%
Probate	Adoption	505	573	68	13%
	Conservatorship	40	43	3	8%
	Gestational Agreement	33	60	27	82%
	(Guardianship)	689	5	-684	-99%
	Invol. Commitment MH	1,032	1,028	-4	-0%
	Minor's Settlement	143	129	-14	-10%
	Name Change	480	598	118	25%
	Other Probate	162	168	6	4%
	Trust	56	71	15	27%
	Estate Personal Rep	1,080	1,125	45	4%
	Guardian-Adult Child	119	147	28	24%
	Guardian-Minor	16	540	524	3,275%
	Guardian-Adult	15	175	159	994%
	Probate	4,371	4,562	191	4%
Property Rights	Condemnation	17	22	5	29%
	Eviction	4,132	4,007	-125	-3%
	Lien/Mortgage Fds	201	216	15	7%
	Property Rights	153	149	-4	-3%
	Water Rights	4	32	28	700%
	Property Rights	4,507	4,425	-82	-2%
	(Malpractice)	69	68	-1	-1%
	Personal Injury	885	885	0	0%
	Property Damage	198	198	0	0%
	Wrongful Death	22	22	0	0%
Torts	Automobile Tort	7	913	906	12,843%
	Premises Liability	1	96	95	9,500%
	Intentional Tort	3	55	52	1,733%
	Malpractice-Other	2	24	22	1,100%
	Malpractice-Medical		48	48	-
	Product Liability		12	12	-
	Slander/Defamation		19	19	-
	Asbestos	3	1	-2	-67%
	Torts	1,190	1,168	-22	-2%
	Traffic Citation	1	2	1	100%
Traffic/Parking	Traffic Court Case	180	158	-22	-12%
	Traffic/Parking	181	160	-21	-12%
	Summary Judgment	112,460	114,108	1,648	1%
	Summary Judgment	70,005	68,427	-1,578	-2%

Exhibit 4

Statewide Time to Disposition Report

12-Month Summary April 1, 2017 to March 31, 2018

Case Category	Case Type	Time Goal ¹	% of Dispositions Meeting Time Goal								
			Statewide	First District	Second District	Third District	Fourth District	Fifth District	Sixth District	Seventh District	Eighth District
Criminal	Felonies and Misdemeanors (District Cts)	12 m	95%	95%	97%	94%	97%	94%	94%	98%	97%
	Misdemeanors and Infractions (Justice Cts) ³	6 m	90%								
Traffic	Traffic (Justice Cts) ³	90 d	94%								
Civil	All Civil except Eviction, Small Claims	24 m ²	97%	97%	98%	97%	98%	93%	98%	99%	99%
	- Debt Collection	12 m	98%	98%	99%	98%	98%	95%	98%	100%	99%
	- General Civil	24 m	93%	91%	96%	92%	94%	91%	88%	97%	94%
	- Torts	24 m	87%	80%	86%	87%	87%	85%	73%	88%	100%
	Eviction	9 m	93%	87%	96%	93%	97%	79%	98%	100%	94%
	Small Claims (Justice Cts) ³	9 m	97%								
Domestic	Divorce, Paternity, Custody and Support	18 m	93%	92%	94%	91%	94%	92%	94%	95%	96%
	Domestic Modifications	12 m	77%	83%	76%	70%	83%	83%	85%	79%	87%
	Temporary Protective Orders	10 d	99%	100%	100%	99%	100%	100%	100%	100%	99%
Probate	Administration of Estates	12 m	98%	100%	99%	98%	98%	97%	99%	100%	97%
	Guardian/Conservatorship: Incapacitated Persons	90 d	82%	79%	83%	82%	83%	78%	86%	91%	100%
	Involuntary Civil Commitment	15 d	94%	91%	99%	92%	95%	90%	100%		67%
Juvenile	Delinquency and Status Offenses	90 d	93%	98%	95%	89%	93%	89%	98%	98%	89%
	Child Welfare: Shelter Hearing to Adjudication	60 d	96%	100%	96%	95%	97%	91%	100%	92%	97%
	Child Welfare: Adjudication to Disposition Hearing	30 d	98%	100%	96%	99%	97%	98%	100%	97%	99%

¹ In January 2013, the Utah Judicial Council adopted time to disposition guidelines suggesting 95% of case dispositions meet the established time goal.² The time goal for debt collection cases is 12 months.³ Dispositions are counted on cases filed after July 1, 2011 when justice court conversion to the Court Records Information System (CORIS) was completed.

Exhibit 5

District Court: Counts and Age of Pending Cases As of April 2, 2018														
	Criminal		Domestic		General Civil		Probate		Property Rights		Torts		Traffic/Parking	
	Pending Cases	Average Days	Pending Cases	Average Days	Pending Cases	Average Days	Pending Cases	Average Days	Pending Cases	Average Days	Pending Cases	Average Days	Pending Cases	Average Days
District 1														
Brigham City	167	115	232	237	281	183	40	190	49	245	22	386		
Logan	447	115	321	216	570	147	68	210	48	257	50	341	60	41
Randolph	3	136	2	656	16	342	3	76	5	515				
Summary	617	115	555	226	867	162	111	199	102	264	72	355	60	41
District 2														
Bountiful	198	98											137	48
Farmington	837	124	875	228	1,340	134	175	125	177	156	164	561	6	256
Layton	337	60											237	52
Morgan	17	101	28	151	30	304	4	97	6	312	1	1,452	1	38
Ogden	779	134	884	172	1,353	122	134	105	258	157	203	313	5	102
Summary	2,168	115	1,787	199	2,723	130	313	116	441	159	368	427	386	54
District 3														
Salt Lake City	3,426	160	4,529	247	7,456	157	852	204	670	239	1,194	317	18	86
Silver Summit	121	154	165	208	251	283	19	125	51	346	54	349	2	51
Tooele	218	161	240	177	328	101	34	119	70	202	25	265	1	20
West Jordan	1,424	122	4	710	631	130			379	79	5	1,479	17	60
Summary	5,189	150	4,938	243	8,666	156	905	199	1,170	190	1,278	322	38	71
District 4														
American Fork	454	108	139	156	1,518	74	14	73	17	69	29	286	294	37
Fillmore	43	135	40	232	49	171	10	124	13	196	5	459		
Heber City	106	133	102	184	125	250	16	84	23	358	10	271	2	11
Nephi	59	135	30	159	42	112	4	4,609	11	115	2	307		
Provo	1,136	122	1,198	169	631	218	224	179	168	121	251	296	1	193
Salem													50	12
Spanish Fork	369	106			168	161	13	109	17	153	35	300	404	86
District 5														
Beaver	32	83	19	233	25	255	3	29	6	239	5	342		
Cedar City	266	115	165	259	195	217	27	123	52	286	29	429	2	121
St. George	993	171	520	281	862	227	154	241	116	393	136	415	14	72
Summary	1,291	157	704	274	1,082	226	184	220	174	356	170	415	16	78
District 6														
Junction	3	219	4	185			3	46	4	284				
Kanab	44	206	13	154	16	185	2	61	8	560	5	312		
Loa	13	238	9	294	6	178	1	153	2	1,124				
Manti	67	156	58	172	110	177	19	227	22	148	3	194		
Panguitch	26	179	5	161	7	310	1	232	2	163	1	438		
Richfield	154	172	67	182	83	129	14	1,463	13	238	12	290		
Summary	307	177	156	182	222	164	40	636	51	285	21	289		
District 7														
Castle Dale	30	115	30	161	19	140	1	27	4	149	4	527		
Moab	49	38	33	122	55	107	3	54	5	481	4	455		
Monticello	59	74	19	210	18	207	5	48	3	249			1	90
Price	204	105	73	149	87	106	14	108	16	66	8	574	1	62
Summary	342	91	155	153	179	120	23	84	28	171	16	532	2	76
District 8														
Duchesne	127	136	16	112	26	170	11	75	14	100	6	209	1	95
Manila	3	237	5	151	2	97			2	102				
Roosevelt	53	63	43	159	73	96	12	175	2	532	3	446	41	28
Vernal	341	114	146	159	170	118	22	116	16	148	12	285	4	85
Summary	524	115	210	155	271	117	45	122	34	148	21	286	46	35
Total	12,605	135	10,014	221	16,543	151	1,902	197	2,249	196	2,278	344	1,299	58

*16 Asbestos cases were removed with an average of 1,915 days pending.

PRIORITY: 3

OBJECTIVE: Drug Court Clerk

AMOUNT: \$67,800 ongoing; 1 FTE

HISTORY AND DETAILED REQUEST OF NEED:

Third District currently has five drug courts in Salt Lake County. Each judge that has a drug court relies on his/her clerks to do the following:

- Answer all drug court phone calls and emails
- Do a custody check each week
- Do a warrant search each week
- Check for any new cases
- Prepare the calendar
- Attend drug court
- Ensure all the minutes are updated and entered

On average, the time required to accomplish the needed drug court duties by a clerk takes eight hours or one workday each week. Each clerk is expected to complete these duties and to also complete all other daily duties that are required for all clerks. During fiscal year 2017, Third District handled 58% of all jury trials (See Exhibit 1). This means that most Third District clerks are on the average, in court more than other clerks are throughout the State. As a result, Third District clerks have less time at their desk to accomplish their daily workload.

The most recent clerical weighted caseload study showed that Third District is short 13.23 clerks (See Exhibit 2). Because of Third District's request for additional help, just recently, we were given three additional clerks. We are very grateful for the additional help, but we are still short ten clerks.

Because of the shortage of clerks, additional work is assigned to each clerk, which means each Third District clerk has more work to do than they have time. As a result, this puts even a greater burden on clerks that also take care of drug court.

In most cases, our drug court judges are criminal judges. This means that the same clerks that spend a

day each week preparing for drug court also spends one full day in court for law & motion and spends on the average at least half a day preparing the law and motion calendar.

The above background provides a historical overlay as the basis for this request. We are very concerned about employee burnout. A Judicial Assistant who is also the drug court clerk has the constant feeling of always being overwhelmed. They are seldom if ever able to get caught up on their work.

Having one dedicated drug court clerk will allow Third District to offer better customer service. Having a drug court clerk will allow all agencies to have the same point person to help address issues. Because of just having one person a better working relationship will be developed with all agencies. This clerk can help ensure that each drug court is following the same guidelines and that each are consistent in their practices.

Because drug court will be this clerk's only focus, he/she will be better able to learn about each drug court participant and to help address questions a judge may have. They can become the resident expert with regards to drug court. Judges can have one main point person they can go to.

Having a dedicated drug court clerk will offer some relief to judicial assistants who now can focus on their already busy calendars and not worry about drug court. The efficiencies that will be recognized by having a dedicated law clerk will far outweigh the costs of a law clerk. By virtue of the size of Third District, it makes sense to have one dedicated person who can focus their entire time on drug court. We have had to do the same thing with our judges. In order to address routinely large calendars, Third District has created master calendars to meet the high volume of filings in our District.

Accordingly, the Third District respectfully requests funding to hire a dedicated drug court clerk. The addition of a drug court clerk will offer relief to current judicial assistants and will also develop efficiencies and better service to all those associated with drug court.

PRIORITY: 4

OBJECTIVE: Support Service Coordinator

AMOUNT: \$72,000 ongoing; 1 FTE

HISTORY AND DETAILED REQUEST OF NEED:

This building block seeks ongoing funding for one (1) FTE Support Services Technician position to be responsible for the submission and follow-up of all facility requests, fleet vehicle management duties, IT troubleshooting and other related duties as assigned for the New Provo Courthouse-- in addition to providing same and similar facility needs at the five (5) other courthouses throughout the 4th Judicial District. There is currently a similar position in the AOC Facilities Department solely for the Matheson Courthouse.

The new Provo Courthouse will house 4th District Court, Juvenile Court, and Guardian Ad Litem (GAL) operations.

Currently, all District Court and Juvenile Court facility requests, fleet management, IT troubleshooting and other related requests and needs are handled by current employees, in addition to their many other assigned duties and responsibilities. There is currently no staff solely assigned to handle such facility requests, fleet management, IT troubleshooting and other related requests.

The New Provo Courthouse will be the second largest courthouse in the state. It will be a 230,000 square foot facility— or 127% larger than all three of the current District Court and Juvenile Court facilities combined. The new courthouse will consist of eight (8) floors and sixteen (16) courtrooms. It will also have greatly expanded security, in-custody elevators, and holding cells, which increases the complexity of the facility demands and potential requests.

This building block is required to ensure the economical use of facility and staff resources and to provide for the protection of judicial resources. With the immense size and complexity of the New Provo Courthouse alone, including the combining of District Court, Juvenile Court, and GAL operations, it is imperative that a single, Support Services Technician be funded for a facility requests and follow-through, fleet vehicle management, IT troubleshooting— in addition to other assigned duties for the entire 4th Judicial District.

4th District Court Judicial Center (Existing Provo Courthouse)

Currently, the 4th District Court in Provo is housed in the 4th District Judicial Center—a 60,000 square foot, 4-story facility. It consists of nine (9) courtrooms, eight (8) judges, two (2) commissioners, and forty (40) staff.

Orem and Provo Juvenile Courthouses

The 4th District Juvenile Court is housed in two separate facilities. The Orem Juvenile Courthouse is a 23,000 square feet, two-story facility. It consists of two (2) courtrooms, two (2) judges and twelve (12) staff. The Provo Juvenile Courthouse is an 18,000 square feet, single-story facility. It consists of two (2) courtrooms, one (1) judge, one (1) commissioner, and seventeen (17) staff.

Guardian Ad Litem Office

The GAL is housed in the Provo Town Square Building, along with other state, county and city public agencies. There are currently 12 employees in the Provo GAL offices, which will move into the New Provo Courthouse.

New Provo Courthouse: In addition to being a 230,000 sq. feet facility to house 4th District Court, Juvenile Court, and GAL operational needs, the breadth and complexity of the New Provo Courthouse includes, but is not limited to:

- 3 Public Elevators
- 2 Employee Elevators
- 3 Prisoner Transport Elevators
- Numerous Holding Cells & toilets
- 10 Public Restrooms
- 8 Employee Restrooms
- 16 Courtrooms
- 16 Chambers Restrooms
- 95 total workstations, offices and chambers

In addition to being the point person for submitting and following up on ALL facility requests/needs to DFCM for the District Court, Juvenile Court and GAL, in addition to the five (5) other courthouses throughout the 4th Judicial District, this position would also perform the following specific tasks and other duties as assigned:

- Coordinate the use of all eight (8) state fleet vehicles, ensuring that maintenance is performed according to prescribe schedules, associated reports are prepared as required, and

that all training requirements of judges, commissioners and staff are met;

- Prepare, maintain, and track all court ID cards and security access specifically for the 95 judges, commissioner, staff, volunteers, visitors, etc.
- Coordinate the scheduling of courthouse tours and serve as a tour guide for outside groups for field trips, etc. The New Provo Courthouse will undoubtedly be an effective educational outreach opportunity between the court and local schools, colleges, law groups, etc.
- Provide much-needed IT troubleshooting with the judges, commissioners and staff, including hardware set-up and troubleshooting for the 95 total work spaces in the New Provo Courthouse alone.

It should be noted that DFCM will assign 1-2 technicians full-time at the New Provo Courthouse. DFCM will continue to manage all building structure, facility needs, mechanical matters, etc. However, they are often only aware of such needs based on facility and other requests that are submitted to them by the Court. This vastly increasing responsibility would now fall under the sole responsibility of the facility Support Services Technician.

ALTERNATIVES:

None

COURT TECHNOLOGY STANDING COMMITTEE

Courts Technology Standing Committee Building Block Requests

Request Priority	Request	Cost	Budget % Increase	FTE
1	5 year computer replacement schedule [Ongoing]	\$ 250,000	2.83%	-
2	Create redundancy site in St George [Ongoing]	70,500	0.80%	-
3	Implement Audio/Visual courtroom replacements [Ongoing]	400,000	4.52%	-
4	VOIP upgrades	25,000	0.28%	-
Total Ongoing request		745,500		
1	Create redundancy site in St George [One time]	373,400	4.22%	-
Total One time request		373,400		
Total Request		\$ 1,118,900	12.65%	-

Technology Data Summary

FY 2019 General Fund Budget	8,847,150
FY 2019 FTE Count	35.00

PRIORITY: 1

OBJECTIVE: Implement a 5-year Computer Replacement Schedule

AMOUNT: \$250,000 ongoing

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:

PC & Scanners	\$150,300
Laptops	84,700
Printers	15,000
Total	\$250,000

Poor performing computers & peripherals 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.

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.

PRIORITY: 2**OBJECTIVE:** Create Redundancy site in St George**AMOUNT:** \$373,400 One Time and \$70,500 Ongoing**HISTORY AND BACKGROUND:**

Our second site in St George is only set up as a true Disaster Site. This means that if our computer room fails, we will need a week to 10 days to get our court applications back up and running. This proposal will bring us to a true warm site where we can move quickly back and forth between Salt Lake and St George. This

will make any outage we need to take minimal (up to maximum of 30 minutes) time. The impact of not doing this can affect issuing of warrants, determining probable cause. These systems have all gone electronic and impact the public safety.

DETAILED REQUEST OF NEED:

Standard has been determined by the Technology Committee

ALTERNATIVES:

Keep the current disaster site as is and be okay with a 10-day turn-around if the Matheson site has issues.

Description	One time Cost	Ongoing Cost	FY 2020 Total
AOC-IT Labor	\$ -	\$ -	\$ -
Systems Consultation	15,000	-	15,000
DB Consultation	30,000	-	30,000
Systems on site Support: 2 weeks x 2FTEs Travel & Lodging	2,000	-	2,000
Network on-site support: 1 weekend x 2 FTEs Travel & Lodging	2,000	-	2,000
Tybera Consultation	15,000	-	15,000
Increase pipeline bandwidth from 1GB to (10GB)	-	40,000	40,000
Increase storage at St George by 100TB	120,000	-	120,000
New Century Link Switches (2)	9,000	-	9,000
CVE Quote - F5 Load balancing	100,243	20,168	120,410
CVE – F5 Consultation	6,000	-	6,000
CVE Consultation	4,000	-	4,000
CVE Quote - SLC and STG Edge routers	36,766	4,202	40,968
CVE Additional Router (Not in current quote)	18,383	2,101	20,484
OS Licenses for MS and Redhat	15,000	4,000	19,000
Total St George Costs	\$ 373,392	\$ 70,471	\$ 443,863

PRIORITY: 3

OBJECTIVE: Implement a 22-Year Audio/Visual Courtroom replacement schedule

AMOUNT: \$400,000 ongoing; 1 FTE

HISTORY AND BACKGROUND:

With the current replacement schedule for the equipment in our courtrooms which captures the audio/video records of court proceedings. We currently have courtrooms with equipment dating back past 2000. This amount would allow us to replace systems in 7 courtrooms in 1 year.

DETAILED REQUEST OF NEED:

Standard to be determined by the Technology Committee

Audio only replacement per courtroom	\$25,000
Video replacement (requires audio) per courtroom	35,000
** Portable video cart option for video	10,000
Total per courtroom (depending on configuration):	35,000 to \$60,000

This equipment is responsible for capturing digital recordings of court hearings. As there is no current schedule for replacing or updating this equipment a great deal of money is being spent currently to repair and try to extend the life of this equipment well beyond a reasonable time.

Not included in this request is the need for an additional FTE to allow us to better support existing systems and to have personnel available to both oversee these replacements and maintain our current support of all other existing courtrooms. Currently we have one employee support all 152 courtrooms throughout the state.

COST DETAIL:

Configuration per courtroom to be determined	From \$35,000 to \$60,000
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ALTERNATIVES:

Delay upgrades until new a new courthouse (with audio/visual equipment in the budget) comes online but this fails to address the need in existing buildings. No other funding has been identified.

PRIORITY: 4

OBJECTIVE: VOIP upgrades

AMOUNT: \$25,000 one-time

HISTORY AND BACKGROUND:

Our VOIP systems have been installed using one-time funding from the Judicial Council over time. The last courthouse to move to a VOIP system was completed during FY 2017. The St. George VOIP system was upgraded in FY 2018 and the next site to due for an upgrade is West Jordan. VIOP upgrades include refreshing network equipment and desktop phones.

DETAILED REQUEST OF NEED:

Standard has been determined by the Technology Committee

COST DETAIL:

VOIP \$25,000

ALTERNATIVES:

Delay upgrades until new a new courthouse (with VOIP in the budget) comes online but this fails to address the need in existing buildings. No other funding has been identified.

SYSTEM-WIDE REQUESTS**System-wide Building Block Requests**

Request	Cost	FTE
ADR: Child Welfare Mediator [Ongoing]	\$ 53,800	0.50
Self Help Center: Add attorney and increase staff hours [Ongoing]	196,000	2.25
Total Request	\$ 249,800	2.75

PRIORITY:

OBJECTIVE: Child Welfare Mediator Position (Half time)

AMOUNT: \$53,800 ongoing; .5 FTE

HISTORY AND DETAILED REQUEST OF NEED:

The Child Welfare Mediation program has grown steadily since its inception in 1997. Since 2001, the Child Welfare Mediation Program has received more than 18,000 referrals from Juvenile Court Judges statewide in cases alleging child abuse and neglect. In FY 2016, the program hired an additional mediator for a total of 5 full-time mediators and one half-time Lead Mediator who trains and supervises the mediators and acts as liaison to stakeholders in addition to mediating cases. Since that time, the number of program referrals has increased by about 140 cases annually.

Child Welfare mediators are assigned over 1,400 mediations each year. The mediations can be referred at any stage of a dependency case from removal to termination of parental rights but approximately 71% are referred pre-adjudication in the earliest stage of the case. The full-time mediators are assigned an average of 280 sessions per year and have a full resolution rate of 91% and an additional 4% partially resolved.

The program's effectiveness in resolving cases has resulted in a decrease in the number of trials as well as an increase in the cooperation between parents, DCFS,

counsel, and the courts, resulting in better outcomes for families.

The increase in referrals to the program has resulted in crowded mediation calendars and increasing difficulty for Juvenile Court Judges to get cases mediated within the statutory time frames. The increase of 140 cases annually is one-half of a full-time average caseload of 280 cases.

ALTERNATIVE:

Opportunities for the Building Block Request:

None Known

Child Welfare Mediation Referrals (each referral represents 1 family)

FY 2015	1,307
FY 2018	1,450

Without an additional half-time Child Welfare Mediator, judges will increasingly be unable to get cases mediated within the statutory time limits. Judges and council are again beginning to report frustration with the difficulty of finding open time blocks on the mediation calendar. If all mediators are already busy mediating cases on the days the parties and counsel are available to mediate within the statutory timelines, the cases will not be mediated, leaving families without access to the benefits of this program and courts with an increase in cases that go to trial.

PRIORITY:**OBJECTIVE:** Self-Help Center**AMOUNT:** \$196,000 ongoing; 2.25 FTEs**HISTORY AND DETAILED REQUEST OF NEED:**

This request is to provide funding to increase the hours for the five part-time staff attorneys (30 hours/week) to full time, and to hire one additional full-time staff attorney. This is equal to a 2.25 FTE increase.

The Self-Help Center (SHC) has become fundamental in assisting unrepresented parties. Court staff and legal services rely on the SHC to be the primary triage point for unrepresented litigants because no one else can provide the SHC's innovative and wide-ranging services. Free and available statewide, the SHC helps unrepresented parties with any case type at any procedural level and can be accessed through phone, text, and email. Thus far, this fiscal year, the SHC has handled 18,062 contacts and averaged nearly 100 contacts/day. The demand is greater than the SHC is able to meet with its current staffing. This fiscal year the help line has received 35,219 inbound calls, but was only able to answer 8,142 (23%) of those calls. This request for additional staff and staff hours would enable the SHC to address the demand by increasing both bandwidth (allowing the SHC to be open on Fridays) and throughput (adding an additional staff attorney).

The SHC opened in 2008, serving two judicial districts. In the following years, the SHC expanded to additional judicial districts using combinations of one-time funding and grants. In FY 2012, the SHC received permanent legislative funding that enabled it to expand services to all judicial districts. Funding requests to increase SHC staff hours were submitted and denied in fiscal years 2016, 2017 and 2018.

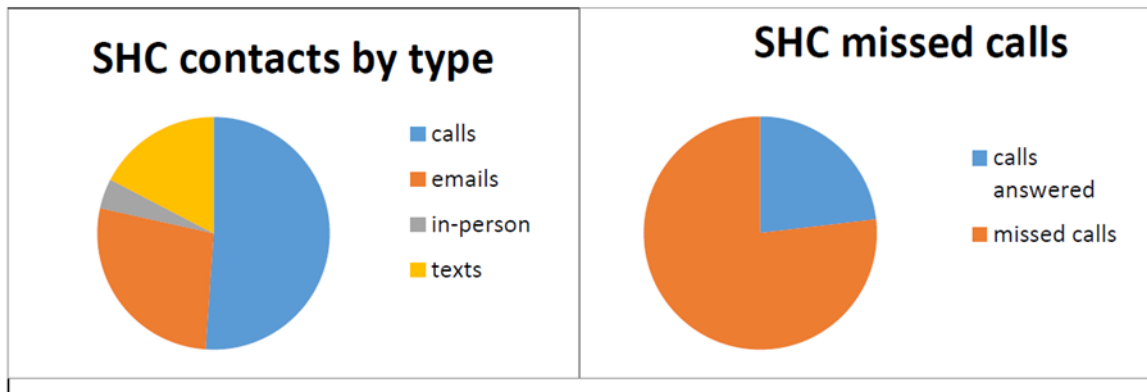
Additional staff hours are needed to meet the overwhelming demand for the SHC's services, all of which make the courts more open, fair, and efficient. The majority of litigants in our court system are unrepresented. Some unrepresented litigants under-litigate their cases, which results in high rates of default, decisions based on technicalities, and, for some, subsequent motions to set aside the judgment. Other litigants over-litigate their cases, filing numerous motions or other papers that are not procedurally appropriate. Both situations create inefficiencies, delays, increased work for judges and court staff, and increased litigation costs. The work of the SHC

addresses all these concerns. The SHC reduces confusion, yields substantive outcomes instead of ones based on technicalities, decreases unnecessary filings, and saves time for judges and court staff. The SHC helps unrepresented litigants by directly answering people's questions, developing materials to help unrepresented parties, and providing training to enhance our impact.

Directly answering unrepresented litigants' questions is at the very core of what the SHC does. A typical call includes a discussion of the legal issue faced by caller, an explanation of procedural options, and a follow-up email that summarizes the call, includes links to helpful information, links to forms, a recapitulation of important legal points, and a referral to other legal resources if appropriate. When callers need help with final orders after a hearing, the SHC staff attorney requests the audio recording from the hearing listens to it carefully and then prepares the order, helping parties to advance their cases or obtain final orders.

The SHC develops materials unrepresented parties need to help themselves. The SHC director is an active member of the Judicial Council's Forms Committee. SHC staff are part of the team producing high quality plain language webpages, which include approved court forms and explanations of when and how to use them. These webpages increase efficiency. Web resources allow many unrepresented parties find the information they need on their own, freeing SHC staff to help people with less straightforward questions.

The SHC provides training to further its impact. We train court staff and community partners (including public library staff, social service providers, and community groups) about the courts' online resources so they understand our services and can assist people with basic questions. The more people we train, the more people they can help. Training of community partners is currently a lower priority due to the overwhelming number of incoming phone calls.

**ALTERNATIVES:**

Unrepresented parties will not receive the assistance they need. Without this increase there will be more decisions based on technicalities rather than on the merits of a case, and the court will continue to face inefficiencies because of unnecessary filings. Utah's access to justice network will not be able to expand because the primary triage point will continue to be a bottleneck. There will be needless calls to the SHC because service providers will not receive training. And the reputation of the SHC will suffer because callers seeking help will be unable to make contact with the SH

FACILITIES, LEASES, AND O&M

Facilities, Leases, and O&M Building Block Requests

Request Priority	Request	Cost	Budget % Increase	FTE
1	Lease Contract Increases [Ongoing]	\$ 21,500	0.10%	-
2	Wasatch County Justice Center Expansion [Ongoing lease increase]	200,000	0.94%	-
3	Kane County perimeter security [Ongoing lease increase]	50,000	0.24%	-
Total ongoing request		271,500	1.28%	
1	Millard County juvenile holding cell [One Time Request]	100,000	0.47%	-
Total one-time request		100,000	0.47%	
Total Request		\$ 371,500	1.75%	-

Millard County juvenile holding cell [One Time Request]

100,000

Facilities, Leases, and O&M Data Summary

FY 2019 General Fund Budget	\$21,275,900.00
FY 2019 FTE Count	3.00

PRIORITY: 1**OBJECTIVE:** Contract and Leasing ongoing**AMOUNT:** \$21,500**HISTORY AND DETAILED REQUEST OF NEED:**

This budget request will fund changes in the Lease contracts, Operation, and Maintenance and increases in contract court sites. The General Fund increase of \$21,456.00 is required cover the increased lease costs associated with the leases listed in section 4.

The FY 2020 budget building block request is required to pay the statewide lease and contract expenses.

The increases are 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.

ALTERNATIVES:

There are no other revenue sources that can be used for these purposes, if we do not fund these lease cost increases we will need to look at reducing the Alterations, Improvements and Repairs for FY 2020.

Section 4--Charts, Tables, and Additional Supporting Information for the BB Request:**Contract and Lease Budget**

Contract Sites	(Rent and O&M)	
Rich Co. Randolph	\$ 120.00	
Millard Co. Fillmore	\$ 1,929.00	
Utah Co. Salem	\$ 17.00	
Garfield Co. Panguitch	\$ 1,074.00	
Piute Co. Junction	\$ 112.00	
Wayne Co. Loa	\$ 792.00	
Daggett Co. Manila	\$ 431.00	\$ 4,475.00
State Owned Building	(Bond Payments)	
Salt Lake Co. West Jordan	\$ 13,645.00	\$ 13,645.00
Leased Court Buildings	(Lease Contract Changes)	
Davis Co. Bountiful	\$ -213,310.00	
Summit Co Silver Summit 1,310.00	\$ 1,310.00	
Carbon Co Price	\$ 214,728.00	
San Juan Co. Monticello (JV Probation)	\$ 608.00	\$ 3,336.00
Totals Building Block Request		\$ 21,456.00

Section 5--Fiscal Tables

Indicate funding source for building block request. (Select funds from drop-down menus in the far left cells.)

General Fund	\$21,456.00
General Fund - One-Time	
Restricted Funds	
Total	\$21,456.00

Show Costs to Implement BB by Expense Category.

Personal Services	# FTES Requested: <input type="text" value="-"/>	
Travel		
Current Expense		\$21,456.00
DP Current Expense		
DP Capital Outlay		
Capital Outlay		
Other/Pass Thru		
Total		\$21,456.00

PRIORITY: 2

OBJECTIVE: Wasatch County Justice Center Expansion

AMOUNT: \$200,000 ongoing

HISTORY AND BACKGROUND (Provided by 4th District):

This building block seeks the funding necessary to lease a second courtroom (to be built by Wasatch County) so that each of District and Juvenile Court has full-time access to a courtroom in Heber. District and Juvenile Court have been sharing a single courtroom in Heber since the Wasatch County Justice Center was completed in 1995. Because the nature of the caseload has evolved in both District and Juvenile Court to require more courtroom time, it is no longer possible to effectively manage both workloads with only one courtroom.

Fourth District submitted a building block for an additional courtroom in 2012. The idea at that time was for the Courts to fund an expansion of the existing facility by pursuing a legislative appropriation of \$950,000.

Since then, representatives of Wasatch County⁸ and others⁹ have taken an interest in the project because they believe an additional courtroom would better serve the community. Wasatch County now proposes to issue a bond to cover the cost of improvements and then service that debt with higher lease payments provided by the Courts. As such, this request seeks ongoing funding in the Contracts and Leasing Budget to make an additional payment in the amount of \$200,000 per year. Fourth District submitted a building block nearly identical to this one for the last fiscal year (2018).

DETAILED REQUEST OF NEED:

The Wasatch County Justice Center currently includes two courtrooms. One is comparatively small (858 square feet), can accommodate only four jurors in its jury box and is not equipped with a recording system that is compatible with the state's equipment. As it was designed for the Justice Court, it is not leased by the State. The other is a larger courtroom (1728 square feet), can accommodate eight jurors in its jury box, and

⁸ This request is supported by Mike Davis, Wasatch County Manager; Todd Bonner, Wasatch County Sheriff; Scott Sweat, Wasatch County Attorney; Judge Brook Sessions of the Wasatch County Justice Court; and the Wasatch County Public Defender.

⁹ The bench of District Court in Fourth District (Judge McDade, presiding) and the bench of Juvenile Court in Fourth District (Judge Bazzelle, presiding) are also supportive of this request.

has the equipment necessary to record hearings. This courtroom is shared by District and Juvenile Court. This building block seeks the funding necessary to lease a second courtroom (to be built by Wasatch County) so that each of District and Juvenile Court has full-time access to a courtroom.

This solution accommodates the present demand and will provide for improved services to the public well into the future.¹⁰

The preliminary FY 2017 Judicial Weighted Caseload indicates that there is a combined need for 1.05 judicial officers in Wasatch County (including 0.72 judges for District Court and 0.33 judges for Juvenile Court). This need does not translate directly into the number of courtrooms that could be effectively utilized in Wasatch County, however. As indicated above, filings in District Court have evolved over time to where they now require more time in the courtroom. In addition, there are logistical complications that result from District Court and Juvenile Court's having to share the same courtroom. Finally, there are services that cannot be provided given the current limitations of the courthouse. Each of these is described in more detail below.

Composition of District Filings

Filings received by District Court in Wasatch County were lower in FY 2016 than FY 2010 (1,810 compared to 1,973). While the data shows there were 163 fewer filings in FY16, it is noted that the primary reduction in filings came from 164 fewer Debt Collection cases, which generally require little courtroom time. The chart in Section 4 below is a graphical representation of the change in case filing by type.

- **Criminal cases**, which are courtroom time intensive, increased 83% above filings six years ago (from 181 in FY10 to 332 in FY16)
- **Divorce /Annulment** cases, which are courtroom time intensive if contested, increased 20% (from 88 in FY10 to 106 in FY16)
- **Probate** cases increased 20% (from 50 to 60)

Because the cases that require the most courtroom time have increased, courtroom availability is being affected even though total filings are slightly lower than they

¹⁰ To the extent that the need for additional courtroom time is related to population growth, an article published by the *Deseret News* last year makes it clear that the problem will continue to get worse. See the attached article, published May 20, 2015.

were six years ago. As a result, District Court has had to double and triple set jury trials six months out.

Courtroom Availability

Currently, Juvenile Court is scheduled to use the courtroom in Heber every Thursday for a full day, every other Tuesday afternoon, and one Friday per month. These days are necessary to comply with the child welfare time lines imposed by law and address most delinquency referrals in a timely manner, but they provide little time for any trials that may be necessary. As such, this amount of time is proving to be inadequate for Juvenile Court.

While courtroom availability has not been adequate for Juvenile Court's needs (as further described below), the time it gets is often more than District Court can spare. The greatest challenge for District Court is scheduling consecutive days in the courtroom to conduct its trials. Interrupting its calendar every Thursday complicates matters when District Court needs to set a jury trial for more than three days, but losing every other Tuesday afternoon in addition limits its ability to have even a two-day jury trial to twice per month. Since July 1, 2013, it has been necessary for District Court to schedule matters on Juvenile Court days on at least 14 occasions and, when doing so was not an option, it resorted to using the courtroom for Wasatch County Justice Court on at least five other occasions. Of course, the justice courtroom is not always available,¹¹ making it necessary on at least one occasion for District Court to move a hearing to Utah County. And because none of the foregoing alternatives presented a feasible option for a four-week trial that concluded last year, District Court used the courtroom of the Heber City Justice Court. While this accommodation by Heber City was very much appreciated, as are those that have been provided by the Wasatch County Justice Court, these accommodations do not constitute an acceptable solution over the long term.

Services Provided

Finally, because courtroom time in Heber is limited, Juvenile Court is unable to provide certain services to its patrons that they might otherwise receive in Utah County. Problem-solving courts like juvenile drug court, family drug court and other problem-solving courts require more courtroom time than is available in Wasatch County. In addition, if another courtroom were available during business hours, Probation could teach classes like NCTI and PRI to youth who struggle with substance abuse, and other issues.

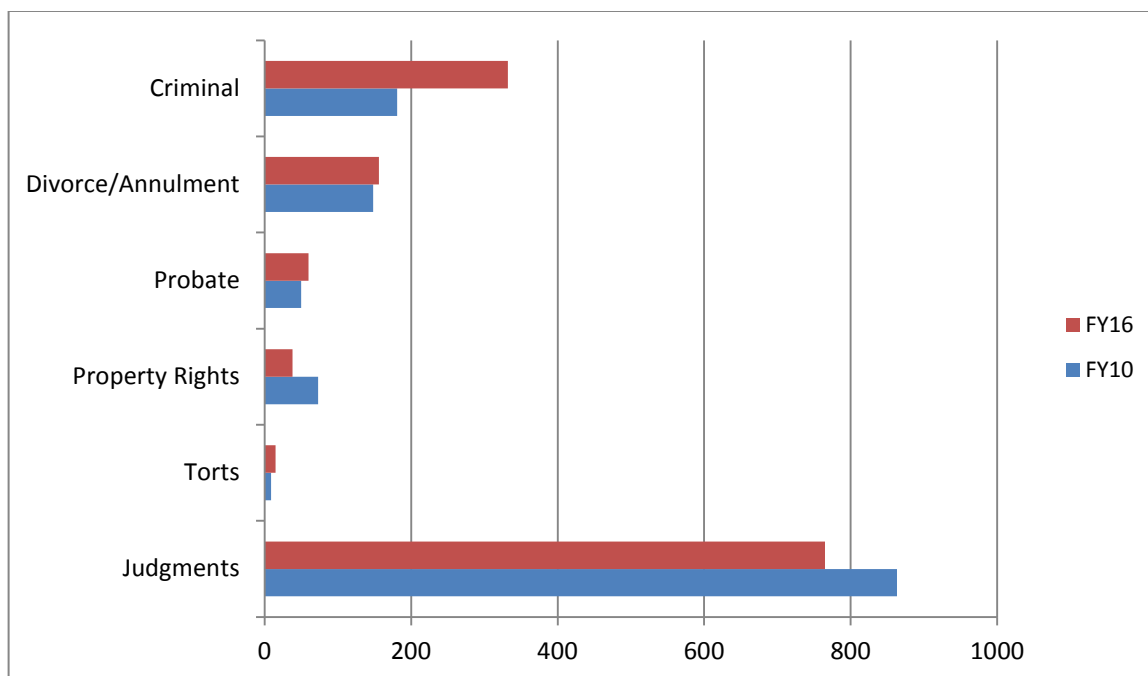
Because "justice delayed is justice denied," it is critical that courtrooms operate as efficiently as possible. This has become particularly challenging in Wasatch County. The nature of filings in District Court, the logistical challenges associated with sharing one courtroom between two courts with unmet needs, and the services that cannot be provided to patrons all support the proposal that another courtroom be added to the Wasatch County Justice Center.

ALTERNATIVES:

If existing space could be converted into another courtroom, as was done in Summit County, additional lease costs could be replaced with the expense of a one-time remodel. A study of this alternative found that it was not feasible, however, as there is not sufficient space to provide for an adequate courtroom.

Separate courtrooms for District and Juvenile Court will eventually be required in Wasatch County. Until one can be funded, District and Juvenile Courts will not be able to provide the level of service for which the Courts are known elsewhere in the State. District Court will not be able to provide consecutive days for trials and Juvenile Court will not be able to provide problem-solving courts like juvenile drug court, family drug court, and other problem-solving courts.

¹¹ Even when the justice courtroom is available, it presents a number of security concerns that compromise its suitability for certain hearings.



PRIORITY: 3**OBJECTIVE:** Kane County Perimeter Security**AMOUNT:** \$50,000/year for 5 years**HISTORY AND DETAILED REQUEST OF NEED:**

Working with the Kane County Sheriff's Office and Commission, the inefficiencies at the Kanab Courthouse were discussed. One of the most glaring problems is the location of our perimeter security. Patrons have to walk through a magnetometer to enter and exit the courthouse. This is also within a few feet of the courtroom doors not allowing any reaction time for bailiffs to secure the courtroom from an assault. Another problem exists in that any return fire from security would be shooting directly towards the playground of an adjacent Elementary School.

The building block is required to improve substantially the perimeter security function of the courts and add room, which will allow for additional screening equipment, create more distance between the perimeter security check point and in court bailiff services. This would also redirect the trajectory of most bullets away from the Elementary School that could be exchanged in a firefight at the entrance to court security.

ALTERNATIVES:

Upfront money has been offered by the Kane County Sheriff's Office for this project if it can be reimbursed through an amended contract over the next five years

If funding is not approved, security will continue to function at the most efficient way possible with the limited resources and structure of the facility.

PRIORITY: 1

OBJECTIVE: Millard County juvenile holding cells
(Ongoing lease increase)

AMOUNT: \$100,000

HISTORY AND DETAILED REQUEST OF NEED:

This building block seeks the funding necessary to add a juvenile holding cell to the existing Millard County Courthouse. It is my understanding that this is the first request of its kind.

There is currently a single holding cell in the Millard County Courthouse. This cell is inadequate for holding juveniles because both federal and state laws and regulations require that juveniles not be held within sight or sound of adult inmates.¹² The adult holding cell in the Millard County Courthouse is within sound of adult inmates in the Millard County Jail – a structure that is attached to the Millard County Courthouse.

Millard County Sheriff's Department leadership has tried to find an alternative room within the existing building to hold juveniles awaiting court hearings. Unfortunately, there are no options available in the current building. As a result, this request seeks to build an addition to the building off the District/Juvenile Courtroom. The addition should allow for two holding cells for juveniles consistent with all requirements detailed in Utah Administrative Rule R547-3-3.

Currently, juveniles awaiting court hearings are held in the jury box of the District/Juvenile courtroom, or they are allowed to wait in the public lobby near the screening area. If the juvenile is held in the public lobby area, the bailiff is required to simultaneously supervise the juvenile and check individuals entering the courthouse for weapons.

There are several problems with the current practice of holding juveniles in a jury box or public lobby while they await court hearings. First, the juvenile in the jury box must sit in a public courtroom waiting for his/her court hearing, and the juvenile is allowed to hear the details from other hearings, which often contain sensitive and private information. For example, recently there were two juveniles in the jury box while a parent voluntarily relinquished parental rights. Furthermore, the parties and juvenile in the pending hearing are able to see and possibly identify the incarcerated youth. Next, if the hearing is confidential, the juvenile in the jury box must be placed in the public lobby, where he or she is monitored by the bailiff who is checking people entering the courthouse. The divided attention of the bailiff is a public safety issue and also creates a flight risk, not to mention that being in shackles in a public area is a humiliating experience for the juvenile.

ALTERNATIVES:

If existing space could be converted into a holding cell for juveniles, additional lease costs could replace the expense of a one-time remodel. Unfortunately, after lengthy reviews of possible alternatives it is clear that this is not feasible because all of the space in the current courthouse is being utilized for other required purposes.

Without funding juveniles will continue to be placed in either the jury box of the courtroom or the public lobby while awaiting hearings.

¹² 42 USC 5633(13); Utah Code 78A-6-113(9) and 62A - 7- 201; Utah Administrative Code R547-3-3.

APPENDIX

FY 2018 District Court Judicial Weighted Caseload

FY 2018 Juvenile Court Judicial Weighted Caseload

FY 2018 Clerical Weighted Caseload

District Court Judicial Weighted Caseload

FY18 - date range 7/1/17 thru 6/30/2018

Weighted Case - Total Hours Needed (Sum of (Wghts x Cases & Events))						
District	FY14	FY15	FY16	FY17	FY18	% Change
1	5,403	5,218	5,130	5,947	6,763	14%
2	23,612	23,954	23,182	23,803	24,388	2%
3	56,491	61,143	58,515	59,222	62,542	6%
4	21,298	21,431	20,565	23,211	24,267	5%
5	9,864	9,813	9,751	9,817	10,724	9%
6	2,714	3,062	2,698	2,814	2,866	2%
7	3,365	3,032	3,123	3,000	3,039	1%
8	4,313	4,643	4,255	4,602	4,593	0%
State	127,061	132,297	127,218	132,415	139,183	5%

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)						
District	FY14	FY15	FY16	FY17	FY18	% Change
1	83%	80%	79%	91%	104%	14%
2	93%	94%	91%	93%	96%	2%
3	111%	121%	115%	117%	120%	3%
4	97%	97%	93%	105%	108%	2%
5	132%	131%	130%	109%	119%	9%
6	99%	112%	99%	103%	105%	2%
7	78%	70%	72%	69%	70%	1%
8	104%	112%	103%	111%	111%	0%
State	103%	107%	103%	106%	110%	3%

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)							
District	FY14	FY15	FY16	FY17	FY18	Authorized Positions (Jdg &)	Difference Authorized & Needed
1	3.6	3.5	3.4	4.0	4.5	4.3	-0.2
2	15.4	15.7	15.2	15.6	16.0	16.7	0.7
3*	36.8	39.8	38.1	38.6	40.7	34.0	-6.7
4**	14.0	14.1	13.5	15.3	16.0	14.8	-1.2
5	6.6	6.6	6.5	6.6	7.2	6.0	-1.2
6	2.0	2.2	2.0	2.1	2.1	2.0	-0.1
7	2.3	2.1	2.2	2.1	2.1	3.0	0.9
8	3.1	3.4	3.1	3.3	3.3	3.0	-0.3
State	83.9	87.3	84.0	87.4	91.8	83.8	-8.0

* Note: FY18 Third District authorized judicial officers increased by 1. (Eff 7/18)

** Note: FY18 Fourth District judicial officers increased from 14.5 to 14.8.

Juvenile Court Judicial Weighted Caseload

FY18 - date range 7/1/17 thru 6/30/18

Weighted Case - Total Hours Needed <i>(Sum of (Wghts x Refrls. & Events))</i>						
District	FY14	FY15	FY16	FY17	FY18	% Change
1	2,693	2,621	2,626	2,658	2,664	0%
2	10,120	9,772	9,094	8,706	8,570	-2%
3	15,506	15,189	14,345	15,756	15,143	-4%
4	8,788	9,752	9,210	9,247	8,650	-6%
5	3,350	3,525	3,660	3,431	3,373	-2%
6	933	1,056	888	902	910	1%
7	2,701	2,404	2,219	2,560	2,060	-20%
8	2,483	2,422	2,251	2,385	1,926	-19%
State	46,573	46,741	44,294	45,644	43,297	-5%

Caseload as % of Standard <i>(Total Hrs.Needed / Total Avail. Hrs.)</i>						
District	FY14	FY15	FY16	FY17	FY18	% Change
1	92%	89%	90%	91%	91%	0%
2	112%	108%	100%	96%	95%	-2%
3	93%	91%	86%	94%	100%	6%
4	132%	147%	139%	114%	113%	-1%
5	75%	79%	82%	76%	75%	-2%
6	79%	89%	75%	76%	77%	1%
7	100%	89%	82%	95%	76%	-20%
8	103%	100%	93%	99%	80%	-19%
State	101%	101%	96%	96%	95%	-1%

Judicial Officers Needed <i>(Total Hrs.Needed / Avail.Hrs. per Judicial Officer)</i>							
District	FY14	FY15	FY16	FY17	FY18	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	1.8	1.8	1.8	1.8	1.8	2.0	0.2
2	6.7	6.5	6.0	5.8	5.7	6.0	0.3
3*	10.2	10.0	9.4	10.4	10.0	10.0	0.0
4**	6.0	6.6	6.2	6.3	5.9	5.2	-0.7
5	2.2	2.4	2.4	2.3	2.3	3.0	0.7
6	0.8	0.9	0.8	0.8	0.8	1.0	0.2
7	2.0	1.8	1.6	1.9	1.5	2.0	0.5
8	2.1	2.0	1.9	2.0	1.6	2.0	0.4
State	31.8	31.9	30.2	31.1	29.5	31.2	1.7

* Note: FY18 Third District authorized judicial officers reduced from 11 to 10.

** Note: FY18 Fourth District authorized judicial officers reduced from 5.5 to 5.2

Fiscal Year 2018

(Filings 7/1/17 thru 6/30/18)

Clerical Weighted Caseload Summary Results								
Judicial District	Updated 5/29/18 Existing FTE		FTE Need	Min. Staff Adj. rounded nearest .5	Total FTE Need	FTE Difference	10% Deviation (Total FTE Need)	FTE Outside of Deviation
District 1	22.50		24.18	0.00	24.18	-1.68	2.42	
District 2	64.00		62.54	1.50	64.04	-0.04	6.40	
District 2 Juvenile	22.50		20.16	0.00	20.16	2.34	2.02	0.33
District 3	140.50		156.87	0.00	156.87	-16.37	15.69	-0.68
District 3 Juvenile	41.00		36.87	1.50	38.37	2.63	3.84	
District 4	59.00		61.00	0.50	61.50	-2.50	6.15	
District 4 Juvenile	24.00		20.22	1.50	21.72	2.28	2.17	0.11
District 5	35.50		34.30	1.00	35.30	0.20	3.53	
District 6	10.00		9.24	0.50	9.74	0.26	0.97	
District 7	15.00		11.25	0.50	11.75	3.25	1.18	2.07
District 8	15.50		14.05	0.00	14.05	1.45	1.40	0.05
	449.50		450.67	7.00	457.67	-8.17		1.88