

# JUDICIAL COUNCIL MEETING

## AGENDA

**March 13, 2020**

**Matheson Courthouse  
Council Room  
450 S. State St.  
Salt Lake City, Utah 84111**

*Chief Justice Matthew B. Durrant Presiding*

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. .... Chief Justice Matthew B. Durrant  
(Information)
3. 9:10 a.m. Administrator's Report. .... Cathy Dupont  
(Information)
4. 9:20 a.m. Reports: Management Committee ..... Chief Justice Matthew B. Durrant  
Budget & Finance Committee ..... Judge Mark May  
Liaison Committee..... Judge Kara Pettit  
Policy & Planning Committee ..... Judge Derek Pullan  
Bar Commission..... Rob Rice, esq.  
(Tab 2 - Information)  
(Tab 3 - Automatic Expungement Documents for Discussion)
5. 9:45 a.m. Pandemic Response Plan .....Chris Palmer  
(Tab 4 - Action) Cathy Dupont
- 10:30 a.m. Break
6. 10:40 a.m. Board of District Court Judges Report..... Judge Barry Lawrence  
(Information) Shane Bahr
7. 10:50 a.m. Legislative Updates..... Michael Drechsel  
(Information)
8. 11:35 a.m. FY2020 Year-End One-Time Spending Requests ..... Judge Mark May  
(Tab 5 - Action) Cathy Dupont
- 12:05 p.m. Lunch Break

- |     |            |  |                                 |
|-----|------------|--|---------------------------------|
| 9.  | 12:15 p.m. | TCE Report .....   | Russ Pearson<br>Travis Erickson |
| 10. | 12:30 p.m. | Composition of Children & Family Law Committee .....<br>(Tab 7 - Action) | Jim Peters                      |
| 11. | 12:40 p.m. | Clerical Trainer for Justice Courts .....<br>(Tab 8 - Action)            | Jim Peters<br>Cathy Dupont      |
| 12. | 12:50 p.m. | Old Business/New Business .....<br>(Discussion)                          | All                             |
| 13. | 1:10 p.m.  | Executive Session  |                                 |
| 14. | 1:45 p.m.  | Adjourn  |                                 |

### **Consent Calendar**

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

- |                                       |                                      |
|---------------------------------------|--------------------------------------|
| 1. CIP Grant<br>(Tab 9)               | Neira Siaperas                       |
| 2. H.R. Policy Timeline<br>(Tab 10)   | Bart Olsen                           |
| 3. Committee Appointments<br>(Tab 11) | Children and Family Law – Jim Peters |

# Tab 1





# JUDICIAL COUNCIL MEETING

## Minutes

February 24, 2020

Matheson Courthouse

Council Room

450 S. State St.

Salt Lake City, Utah 84111

9:00 a.m. – 2:30 p.m.

*Chief Justice Matthew B. Durrant, Presiding*

### **Members:**

Chief Justice Matthew B. Durrant, Chair  
 Hon. Kate Appleby, Vice Chair  
 Hon. Brian Cannell  
 Hon. Augustus Chin  
 Hon. Paul Farr  
 Hon. Mark May  
 Hon. Kara Pettit  
 Hon. Derek Pullan  
 Hon. Brook Sessions  
 Hon. John Walton  
 Rob Rice, esq.

### **Excused:**

Hon. Ryan Evershed  
 Justice Deno Himonas  
 Hon. Todd Shaughnessy

### **AOC Staff:**

Hon. Mary T. Noonan  
 Cathy Dupont  
 Michael Drechsel  
 Shane Bahr  
 Naomi Clegg  
 Geoff Fattah  
 Kim Free  
 Brent Johnson  
 Wayne Kidd  
 Larissa Lee  
 Kara Mann  
 Meredith Mannebach  
 Jim Peters  
 Nini Rich  
 Neira Siaperas  
 Karl Sweeney  
 Nancy Sylvester  
 Kade Taylor  
 Chris Talbot  
 Jeni Wood

### **Guests:**

Michelle Draper  
 Hon. Michael DiReda, Second District Court  
 Hon. Dennis Fuchs, Senior Judge  
 Hon. Royal Hansen, Third District Court  
 Hon. Elizabeth Hruby-Mills, Third District Court  
 Hon. Barry Lawrence, Third District Court  
 Michele Mattsson  
 Hon. David Mortensen, Court of Appeals  
 Justice Paige Petersen, Supreme Court  
 Hon. F. Richards Smith, Fourth District Juvenile Court  
 Larry Webster, TCE, Second District Court

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

Judge Kate Appleby welcomed everyone to the meeting. Chief Justice Matthew B. Durrant arrived late to the meeting. Justice Paige Petersen attended on behalf of Justice Deno Himonas. Judge Todd Shaughnessy as well as other court personnel traveled to New Jersey to address pretrial release topics.

**Motion:** Judge Augustus Chin moved to approve the January 27, 2020 Council minutes, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

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

Chief Justice Durrant had nothing new to report.

**3. ADMINISTRATOR'S REPORT: (Judge Mary T. Noonan)**

Judge Mary T. Noonan introduced Wayne Kidd as the new AOC Audit Director. The Executive Appropriations Subcommittee met last Friday.

**4. COMMITTEE REPORTS:**

**Management Committee Report:**

The work of this committee is reflected in the minutes.

**Ad Hoc Budget & Finance Committee Report:**

Judge Mark May noted the committee began vetting budget proposals to allow an opportunity for feedback prior to their presentation to the Council.

**Liaison Committee Report:**

The Committee report will be discussed later in the meeting.

**Policy and Planning Committee Report:**

The committee continues to work on the courtroom attire rule. The remaining items will be discussed later in the meeting.

**Bar Commission Report:**

Heather Thuet has been confirmed as the President-Elect for the State Bar and will be sworn in at the Bar's Summer Convention. Rob Rice encouraged all Bar members to complete the membership survey. Herm Olsen is looking forward to visiting with the Council in March.

**5. ST. GEORGE EXPANSION: (Judge David Mortensen and Chris Talbot)**

Chief Justice Durrant welcomed Judge David Mortensen and Chris Talbot. Currently, the St. George Courthouse is shared with the federal courts. With the population growth, most likely the state courts will eventually need the space used by the federal courts. The federal court would like to remain in place and partner with the courts to expand the St. George facility. Originally, the federal courts indicated they would pay for the \$15K-\$20K feasibility study, but unfortunately, are now unable to cover the cost. The federal court has offered to conduct a marketability study. The Facilities Committee wants the court, through the Facilities Department, to fund the feasibility study. Mr. Talbot noted the Facilities Department has the

funding available in their budget. The Council gave their endorsement to move forward with the feasibility study.

Chief Justice Durrant thanked Judge Mortensen and Mr. Talbot.

## **6. LEGISLATIVE UPDATES: (Michael Drechsel)**

Chief Justice Durrant welcomed Michael Drechsel. Judge Noonan reviewed the EOCJ funding item considerations and noted all four Council priorities are in the top 15 funding items. The funding for the replacement of the West Jordan Courthouse audio appears on a re-allocation/reduction list. This was a list Executive Appropriations asked each committee to create from pooled savings from the agencies under the committee's jurisdiction. These items should be funded separate from building block requests. Cathy Dupont noted the Executive Appropriations Committee has until March 6 to finalize their priority list.

Judge Noonan reported on special motions and intent language adopted by EOCJ. One item which was not adopted would have put the juvenile court program into a line item in the budget. This would have reduced the Court's ability to respond to needs within the district courts and the juvenile courts. Instead, EOCJ adopted intent language that instructs the court to use savings from the juvenile program to support the workload of the district courts. The courts are tracking savings created from H.B. 239. The legislators focused on the recent weighted caseload showing an overage of 7.1 juvenile court judges. The Court Services Department is updating the juvenile weighted caseloads, and we will need to report the results of that study to the legislature during the 2020 interim.

Mr. Drechsel will follow-up on the status of S.B. 172 Court Nominating Commission Amendments. The proposal would reconstitute the nominating commission, allowing for among other things, partisan membership, change to indefinite membership terms and remove the opportunity for Judicial Council guidance. Mr. Rice said the Bar is pleased with the Governor's nominations to the Bench. Mr. Drechsel will speak with Marshall Thompson and Dave Walsh and let the Council know the results.

S.B. 66 Court Resources Reallocation Amendments allows one juvenile court judge position upon retirement to transfer to a district court judge in the Fifth District Court. S.B. 66 has passed through the Senate, passed out of the House committee and is waiting on a final vote in the House. The courts asked for an immediate effective date. S.B. 167 Judiciary Amendments seeks to expand the Judicial Council membership adding one district and one juvenile court judge. S.B. 167 was read into Senate last week and will go to Senate Judiciary Committee.

Chris Talbot briefly noted the request for funding for a new Manti Courthouse was not funded. The property for the new Manti Courthouse was purchased and the site was cleared. Richfield is the closest courthouse with 2 courtrooms and is approximately 45 minutes. Provo is 42 miles from Manti. Judge Noonan recommended reviewing current Manti cases to determine distance and the complexities of the case with a possibility of moving trials to either Richfield or Provo.

S.J.R.5 Joint Resolution to Amend the Rules of Civil Procedure on Disqualification of a Judge was originally rejected by the Liaison Committee due to the impact on smaller counties. After discussions about Senator Cullimore's bill to make similar changes in Criminal Rules, other bills proposed by Senator Cullimore, and the risk of the bill passing as it is currently written, the committee discussed amendments to the resolution that would have a smaller impact on the districts. Mr. Drechsel was instructed to talk with Senator Cullimore about changing the resolution so that it would only apply to counties with seven or more judges and to clarify the time in which a respondent may request a different judge. The Liaison committee instructed Mr. Drechsel that if those changes were made, the Council would take no position. Mr. Drechsel presented the courts proposed changes to Senator Kirk Cullimore. The Bar recommended opposing the Resolution but would reconsider if courts changed their position. The Bar views the bill as judge shopping. Senator Cullimore will amend the proposed Resolution to meet the requests from the courts: 1) litigants can only file an elect to disqualify a judge if there are seven or more judges in that county; 2) the timeframe for responding will be tightened; and it will only apply to civil cases. The Council discussed the request of some of the District Court Judges to oppose the resolution, even if the changes are made. Judge Sessions recommended reconsidering our position and opposing the Resolution completely. The Council discussed the complexity of balancing the different views and potential outcomes of different proposed legislation, and the need to be consistent with representations made to a legislator. Chief Justice Durrant said he is pleased with how Mr. Drechsel represents the courts.

Senator Cullimore is exploring territory of justice courts expanding to include small claims actions.

Chief Justice Durrant noted there has been discussion on the constitutionality of some proposed legislation. The courts have taken no position on the constitutionality. Judge Pullan felt the judiciary's position should always be to defend the core function of the judiciary and that the court define the rules of civil procedure.

Chief Justice Durrant thanked Mr. Drechsel.

## **7. LANGUAGE ACCESS COMMITTEE REPORT: (Michelle Draper and Kara Mann)**

Chief Justice Durrant welcomed Michelle Draper and Kara Mann. In FY19 there were 22,653 court proceedings where interpreters were used. The vast majority of interpreter usage is in the Third District followed by the Fourth District. The interpreter roster grew 12% in district courts from FY18 – FY19, 2% in juvenile courts over the same period, and 44% in justice courts over the same period. The large increase in the justice courts could be attributed to better reporting as a result of training provided at justice court conferences. The top most requested languages (in order) were Spanish, Arabic, and American Sign Language.

The Language Access Committee is working to provide more efficient and more available training for potential interpreters. There continue to be struggles with the passing rate for the English Written and Oral Proficiency Exams. There has been a staff interpreter position open for nearly a year. The pay rate is approximately \$25 an hour for a staff interpreter, whereas, free-lance interpreters earn \$39 an hour.

The committee meets every other month.

### **Completed Projects**

- Revised and approved the Code of Professional Responsibility for Court Interpreters Exam
- Drafted and approved a recruitment pamphlet for court interpreters
  - Brochure was distributed at the Courts' booth at the Multicultural Festival, Partners in the Park, the Muslim Heritage Festival, and FanX
- Developed an action plan to address the certified Spanish interpreter shortage
- Reviewed the court employee second language stipend scoring requirement

### **On-Going Projects**

- Updating the Language Access Plan
- Drafting a handbook for Interpreter Coordinators
- Addressing the certified Spanish interpreter shortage
  - Outreach
  - Scheduling
  - Focus on Approved Interpreters

### **Future Projects**

- Drafting new court rules to address interpreting recorded evidence
- Reviewing the hourly pay for contract interpreters in order to make a recommendation
- Creating a mentoring program for approved interpreters

### **Looking Forward- Challenges**

- A lack of approved Spanish interpreters passing NCSC's Oral Proficiency Exam to become certified court interpreters
- The pay for interpreters of languages of lesser diffusion. The pay often isn't enough of an incentive for languages that are rarely requested
- A lack of qualified applicants applying for the open staff interpreter positions

Chief Justice Durrant thanked Ms. Draper and Ms. Mann.

## **8. ADR COMMITTEE REPORT: (Judge Royal Hansen and Nini Rich)**

Chief Justice Durrant welcomed Judge Royal Hansen and Nini Rich. More than 2,000 cases were referred directly to court-administered ADR Programs. In addition, more than 5,000 cases were mediated by private providers selected by parties. Over 900 pro bono mediations were provided through ADR Program collaborations with nonprofit community organizations and educational institutions. Six ADR staff mediators were assigned 1,402 Child Welfare mediations statewide. Of those cases mediated, 90% were fully resolved. (Since 1998, the Child Welfare Mediation Program has conducted over 17,300 mediations for the Utah State Juvenile Court) Three Juvenile Justice Mediators (2.5 FTE) were assigned 116 Truancy mediations and 90 Victim/Offender mediations statewide. More than 380 pro bono mediations were arranged directly by ADR staff.

The Utah Court Roster lists 203 ADR Providers who mediated 4,636 cases and arbitrated 48 cases in the 2018 calendar year. Over 30 new applications and 173 roster re-qualifications were processed by the ADR Office in 2018. Additionally, 1026 pro bono mediations and 10 pro bono arbitrations were provided by members of the Utah Court Roster. Over 300 court personnel completed the 40-hour Mediator Training.

### **Major Projects Completed and Ongoing**

- Policy for Investigating Complaints against ADR Providers
- Re-write of UCJA 4-510 with tie-in to URCP 16
- Utah Mediation Best Practice Guide (updates ongoing)
- Interactive Online Mediation Ethics Exam
- 40-hour Mediation Training for Court Personnel - over 300 graduates
- Training of International Judicial Delegations on Utah Court –annexed ADR Structure and Programs (Botswana, South Africa)

### **2020 Focus Areas**

- **Coordinating and Collaborating with Access to Justice Initiatives** the Committee will explore the range of ADR/Settlement Assistance options in the Utah State Courts (mediation, arbitration, judicial settlement conferences, domestic pro se calendars, domestic case managers, and online dispute resolution, ODR) to find areas for collaboration and coordination of efforts to support an overall ADR Program best suited to the needs of court patrons.
- **Data Collection on ADR/Settlement Assistance** the American Bar Association Section of Dispute Resolution's Advisory Committee on Dispute Resolution Research has created preliminary recommendations on Data Elements for Courts to Collect Regarding ADR/Settlement Assistance. The ABA Advisory Committee is coordinating with the National Center for State Courts in an effort to develop cutting edge information to assist stakeholders in the justice system and assure the quality of dispute resolution services. The ADR Committee will explore ways to enhance ADR-related data collection in the Utah Courts.

The ADR Act provides for the creation of a restricted account, the Dispute Resolution Fund, to be funded by a portion of court filing fees and appropriated annually to the Administrative Office of the Courts (AOC) to implement the purposes of the ADR Act. Additional funds are provided through a Federal Child Access and Visitation Grant and the General Fund.

### **ADR Programs**

Child Welfare Mediation	Statewide (Juvenile Court cases involving abuse or neglect)
Co-Parenting Mediation	Third District (U.C.A. §30-3-38)
Divorce Mediation	Statewide (U.C.A. §30-3-39)
General Civil Referrals	Statewide (Mediation or Arbitration) (UCJA 4-510.05)

Restorative Justice	Statewide (Juvenile Truancy & Victim/Offender Mediation)
Probate Mediation	Third District
Small Claims Mediation	Various Justice Courts
Small Claims Appeals	Second and Third Districts

Chief Justice Durrant thanked Judge Hansen and Ms. Rich.

**9. SELF-REPRESENTED PARTIES COMMITTEE REPORT: (Judge Barry Lawrence and Nancy Sylvester)**

Chief Justice Durrant welcomed Judge Barry Lawrence and Nancy Sylvester. Judge Lawrence believed the Self-Help Center is the most important resource statewide for assisting self-represented litigants. A lack of IT resources impeded the committee efforts to consider remote access attorney assistance to rural courthouses. They have been focusing on debt collection cases. Judge Lawrence would like the committee to begin working on eviction cases.

The courts and the Bar have multiple resources that the community may be unaware of. Judge Lawrence would like the Council and the committee to consider the possibility of adding more community resources to the committee. Mr. Rice recommended contacting the Pro Bono Commission at the Bar for guidance.

**Looking forward**

- The Self-Help Center
- Access issues
- Debt collection focus
- Future focus on evictions; landlord tenant issues
- Remote services
- Community outreach
- Continue to make presentations about the need for pro bono
- Court Visitor Program
- Continue to work with the domestic practice section
- Continue to interact with the Bar and the Access to Justice Committee

Chief Justice Durrant thanked Judge Lawrence and Ms. Sylvester.

**10. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge F. Richards Smith and Neira Siaperas)**

Chief Justice Durrant welcomed Judge F. Richards Smith and Neira Siaperas. Judge Smith noted the Board is working with the Education Department on training and mentoring new judges. A committee was created to address an ongoing judicial weighted caseload study. The bench has long-standing collaborative efforts between the courts and outside entities. The Board continues this tradition by inviting individuals from other entities to Board meetings. The Board continues with their communication, outreach, and transparency through a self-examining process. The new practice of sending draft minutes to the entire bench has prompted positive feedback. The TCEs are invited to the Juvenile Court Judges Spring Conference. They implemented a reporting schedule of the districts to the Board meetings.

They hold Board meetings throughout the State to participate in meeting the local staff and touring the courthouses.

Chief Justice Durrant thanked Judge Smith and Ms. Siaperas.

# **11. AUTHORITY OF WELL-BEING COMMITTEE: (Judge Andrew Stone and Kim Free)**

Chief Justice Durrant welcomed Kim Free. Justice Paige Petersen noted Judge Stone was enthusiastic about Chairing this committee.

## **Committee Objectives**

1. Look at the confidential judge study results and identify our biggest challenges; Who will be designated to start this project and measure efforts-based on above answers?
2. Create a judge-to-judge peer support team to serve all districts
  - a. Similar programs around the country similar to the Lawyers Helping Lawyers program.
  - b. Brent Johnson will be instrumental in establishing guidelines for this program.
  - c. A potential fiscal note to this program or committee will be the possibility of two or more clinical, licensed counselors, specializing in the legal community to be "retained" by the AOC for judges only. More details to follow in regards to this idea pending recommendations.
3. Assist in creation and oversight of high-quality training
  - a. Education department is currently offering well-being tracts/training for new-judge onboarding, bench-level conferences, all-judge judicial conference.

## **Timelines**

- First Committee meeting: week of March 9, 2020
- Next Judicial Council update: August 2020 (scope and status)
- Target Date for All-Judicial Announcement: Annual Conference Sept. 2020.

## **Recommended Membership** (every district and all benches must be represented).

Judge Andrew Stone	Third District Court	Chair
Larissa Lee	Appellate Court Administrator	Staff
Cathy Dupont	Deputy State Court Administrator	
Tom Langhorne	Education Director	
Kim Free	Justice Court Program Coordinator	
Brent Johnson	General Counsel	
Justice Paige Petersen	Supreme Court	
Judge Elizabeth Hruby-Mills	Third District (urban district representative)	
Judge Ed Peterson	Eighth District (rural district representative)	
TBD - Judge	(juvenile urban district representative)	
TBD - Judge	(juvenile rural district representative)	
TBD - Judge	(justice urban district representative)	
TBD - Judge	(justice rural district representative)	



TBD – Commissioner		
TBD – TCE	(urban representative)	
TBD – TCE	(rural representative)	

Judge Pullan asked if the composition could be reduced by having only one rural and one urban judge, rather than two of each. They will use ZOOM for appearance by video to meetings.

Chief Justice Durrant thanked Ms. Free.

**Motion:** Judge Mark May moved to approve Judge Andrew Stone as Chair, the committee composition as noted above, as amended to remove Brent Johnson until a further discussion can be held with the AOC to determine if the committee needs a General Counsel representative. Judge Pettit seconded the motion, and it passed unanimously.

## **12. APPELLATE MEDIATION PROGRAM REPORT: (Michele Mattsson)**

Chief Justice Durrant welcomed Michelle Mattsson. The Appellate Mediation Office has been serving litigants for 22 years, with Ms. Mattsson as the Chief Appellate Mediator (19 years) and Shauna Hawley as the paralegal (7 years). Parties are not required to attend mediation. Successful mediations save the court and parties considerable amount of money through holding mediations prior to written briefs or transcripts, often solving both the appellate and district court cases, and quicker resolutions.

In 2019, there were 68 appellate mediation cases, of which, 37 settled by mediation. Divorce cases are the most common and most often settled followed by real estate, Labor Commission, and personal injury cases. The average time cases were in mediation was 81.38 days.

Chief Justice Durrant thanked Ms. Mattsson.

## **13. OUTREACH COMMITTEE REPORT: (Judge Elizabeth Hruby-Mills and Geoff Fattah)**

Chief Justice Durrant welcomed Judge Elizabeth Hruby-Mills and Geoff Fattah. There have been 59 school tours consisting of 1,858 students' grades fourth through undergraduate. The Civil Organization partners include: Hinckley Institute, University of Utah Pre-Law, Utah Center for Legal Inclusion, and Utah Division of Multicultural Affairs. The Judge for a Day program hosted 24 high school students. Judge Pullan recommended shifting resources to allow for judges to present to government classes.

The Divorce Education for Children Subcommittee saw a 39% registration increase and a 35% attendance increase in FY19. The Fifth District will begin hosting Divorce Education for Children classes. They are working to design current programs to integrate younger aged children and teenagers.

There have been 348 media pool requests, 80 press releases, and 663 media inquiries. The courts hosted a two-day Law School for Journalists course. They created new jury service videos and a new defendant rights video.

### **2020 Initiatives**

Assessing Potential Outreach Collaboration with Outside Partners  
 Providing Resources and Guidance to Statewide Staff on Outreach  
 Creating Companion Divorce Education Website for Teens  
 Request Council funding for Judicial Outreach and Education Coordinator Position

Chief Justice Durrant thanked Judge Hruby-Mills and Mr. Fattah.

#### **14. AN ACTION PLAN FOR COMPILING JUDICIAL COUNCIL HISTORY: (Geoff Fattah and Cathy Dupont)**

Chief Justice Durrant welcomed Geoff Fattah and Cathy Dupont. An estimated timeline of tasks, actions, and resources for the Judicial Council history project was presented. The project needs a coordinator, either through a contracted person or a committee created by the Council. Depending on the scope of the history project, the tasks and the budget may change. A budget proposal will be created. Ms. Dupont will inquire about the possibility of a grant from one of the State Bar sections or the West Center which is associated with the University of Utah.

#### **Tasks & timeline**

Establish project coordinator and advisor: begin March 2020  
 Creating searchable database of primary source documents: has begun  
 Conduct on-camera interviews of key individuals: begin February 2020  
 Create a book of the history of the Council: to be determined

Mr. Fattah spoke with Tim Shea and is working to hold an interview with Justice Howe. Chief Justice Durrant noted this is a larger project than anticipated and appreciated Ms. Dupont's efforts on recognizing the time-sensitive interviews and the creation of the timeline. Mr. Fattah noted that multiple one-hour on-camera interview would cost more than \$10,000. Judge Chin recommended seeking out funding from the Bar. Mr. Rice recommended contacting John Baldwin.

Ms. Dupont stated if the Council would like to begin the database compilation and the video interviews then a committee should be formed. Judge Pullan said last June the Council recognized the importance of preserving their history, including the events of the June 2019 retreat and volunteered to serve on a committee. Judge Appleby felt a steering committee would be a good idea. Judge Chin recommended Judge Gregory Orme be considered as a committee member. Judge Noonan recommended two Council members. Judge Sessions would like to seek outside assistance and hopefully become a model for other Councils throughout the country. Judge Sessions volunteered to serve on the committee. Chief Justice Durrant said Judge Orme would be a valuable part of a committee and noted the time-sensitive interviews should be the priority. Judge Pullan will report to the Council.

Chief Justice Durrant thanked Mr. Fattah and Ms. Dupont.

**15. ETHICS ADVISORY COMMITTEE REPORT: (Judge Laura Scott and Brent Johnson)**

This item will be rescheduled.

**16. H.R. 550 FOR FINAL ACTION: (Judge Derek Pullan)**

This is the anti-discrimination policy previously presented to the Council. It has been amended to ensure that communications about and the possession of offensive material in the ordinary course of court work does not violate the policy, provided that the material is necessary to the performance of work-related functions and the material is not used or intended to harass, intimidate, or discriminate.

The rule creates many reporting points within the organization. Judge Pullan noted that the list of reporting points should be amended to include the Management Committee so that HR 550 is consistent with Rule 3-301.01 presented today.

Chief Justice Durrant thanked Judge Pullan.

**Motion:** Judge Pullan moved to amend H.R. 550 to include a new section – 6.1.6 By contacting the Management Committee. Judge Chin seconded the motion, and it passed unanimously.

**Motion:** Judge Paul Farr moved to approve H.R. 550 with an effective date of February 24, 2020, as amended to add 6.1.6 section as noted above. Judge Brian Cannell seconded the motion, and it passed unanimously.

**17. RULES 3-105 AND 3-301.01 FOR DISCUSSION AND PUBLIC COMMENT: (Judge Derek Pullan)**

**Proposed Rule 3-301.01. State Court Administrator – Complaints, and Performance Review; Complaints Regarding Judicial Officers and State Court Employees.**

To fulfill the first June Retreat assignment, Policy and Planning recommends the adoption of Rule 3-301.01. The intent of this rule is to set forth the authority of individual judges, courts, the Supreme Court, and the Judicial Council to fairly and effectively administer the functions of the judicial branch, and to provide a process by which the Supreme Court and the Judicial Council (1) determine when a matter is predominantly within the exclusive authority of the Supreme Court or the Judicial Council such that referral to and independent action of either body is required; and (2) determine when a matter significantly implicates the exclusive authority of both the Supreme Court and the Judicial Council such that a coordinated effort is required.

The rule creates the Performance Review Committee (PRC) consisting of one member of the Management Committee who is not a member of the Supreme Court, and one member of the Supreme Court. Both the Supreme Court and the Management Committee are authorized to receive complaints regarding the State Court Administrator. When this happens, each entity informs the other and then refers the complaint to the PRC for review, investigation, and recommendations to Judicial Council and Supreme Court. Recommendations may include: no further action, a performance or corrective action plan, discipline as a condition of continued

employment, or termination. The PRC also conducts an annual performance review of the State Court Administrator. It is in that review that the State Court Administrator will account for the poor performance or bad acts of high-level managers within the AOC. If the PRC recommends discipline as a condition of continued employment or termination of the State Court Administrator, the Judicial Council and the Court meet in joint executive session to consider the recommendation, conduct further investigation, and decide. The rule requires that the Judicial Council and the Supreme Court shall work together in good faith to exercise jointly and by consensus their statutory rights regarding termination of the State Court Administrator. The rule authorizes the Management Committee to (1) receive complaints regarding the conduct or performance of any judicial officer and to refer those complaints to the presiding judge or the Judicial Council; and (2) receive complaints regarding the conduct or performance of any state court employee. Complaints against employees--with the exception of complaints regarding the State Court Administrator and Human Resources Director--shall be referred to the Human Resources Department. Complaints against the Human Resources Director are referred to the State Court Administrator. Finally, the rule provides that the work performed pursuant to the rule by the PRC, Supreme Court, Judicial Council, and Management Committee is confidential. This allows the reputation and leadership capacity of the State Court Administrator and state court employees to be preserved while complaints are being investigated and resolved. Notably, the rule does not require that the PRC conduct performance reviews of high-level managers in the AOC. Instead, the State Court Administrator will be the sole supervisor of these managers, allowing them to be responsive to one supervisor, not many. This allows the Judicial Council to be faithful to its historical form, acting in the capacity of a board of directors to which the chief executive officer reports. Again, the State Court Administrator can account for the poor performance or bad acts of high-level managers in the Administrator's annual performance review.

Justice Peterson noted that the term complaint is not defined. She asked if the rule was meant to apply only to those complaints defined in HR 550 (which may not be broad enough to cover bullying behavior). Judge Pullan responded that the term complaint was meant to refer to complaints of any kind, including but not limited to those defined in HR 550, and that this broad use of the term was intentional. Defining the term complaint more precisely may result in the exclusion of some types of conduct from the definition, something that was not intended.

Policy and Planning recommends that the Judicial Council approve new rules CJA 3-105 and CJA 3-201.01 for public comment. Judge Pettit clarified that Chief Justice Durrant would have the responsibility to report any complaints received by the Supreme Court to the Management Committee. Mr. Rice commented that rule 3-105 does not address anti-bullying, is designed to address harassment, but not unlawful harassment. Mr. Rice recommended including an anti-bullying clause in another section of the HR Manual.

### **Proposed Rule 3-105. Administration of the Judiciary.**

To fulfill the second June Retreat assignment, Policy and Planning recommends the adoption of Rule 3-301. The intent of this rule is the State Court Administrator serves at the pleasure of both the Supreme Court and the Judicial Council. The intent of this rule is to establish (1) the process for reviewing the performance of the State Court Administrator; (2) an

avenue by which complaints regarding the State Court Administrator, judicial officers, and state court employees can be received, reviewed, and investigated; and (3) the confidentiality necessary to perform this work.

The rule acknowledges those areas over which the Supreme Court has exclusive authority, and all remaining areas over which the Judicial Council has exclusive authority. A metaphorical fence divides the Supreme Court and the Judicial Council. When a matter arises or comes before the Supreme Court which clearly falls on the Judicial Council's side of the fence, the Court refers the matter to the Judicial Council by notice to the chairperson of the Management Committee. When a matter arises or comes before the Judicial Council which clearly falls on the Supreme Court's side of the fence, the Council refers the matter to the Court by notice to the Chief Justice. A good example of a matter implicating the exclusive authority of the Supreme Court is the approval of senior judges, a matter which in the past has been presented to the Judicial Council.

Sometimes work on one side of the fence implicates work properly done on the other side of the fence--or there is uncertainty about whether the Supreme Court or the Judicial Council has exclusive authority. When the Supreme Court begins considering such a matter, the Supreme Court or a designated member of the Court shall immediately meet with the Management Committee. When the Judicial Council begins considering a matter that implicates work on both sides of the fence, the Management Committee shall promptly meet with the Chief Justice. In these meetings, the attendees shall decide (1) whether the matter is predominantly within the exclusive authority of the Supreme Court or the Judicial Council and then refer the matter to the appropriate body; or (2) whether the matter substantially implicates both the exclusive authority of the Court and the exclusive authority of the Judicial Council, such that a coordinated effort should be taken. If no agreement can be reached, the Judicial Council and the Supreme Court meet at the fence line in joint executive session to resolve the question. An example of a matter that implicates the authority of both the Court and the Judicial Council is justice court reform. The matter began as the Court attempted to management the appellate process, but ultimately expanded to include far broader reform efforts within the exclusive authority of the Judicial Council. The process of the rule was applied. It was determined that justice court reform was predominantly within the exclusive authority of the Judicial Council. An example of a matter that is predominantly within the exclusive authority of the Court is the regulatory sandbox project which is the Court's effort to govern the practice of law. While administrative rules may need to be adopted to implement this reform, the project is predominantly within the Court's exclusive authority.

Chief Justice Durrant thanked Judge Pullan.

**Motion:** Judge Pettit moved to approve CJA Rules 3-105 and 3-201.01 for public comment, as amended to correct line 39 to require that the Supreme court refer matters implicating the Judicial Council's exclusive authority by notice to the Management Committee, not the chairperson of the Management Committee (who is the Chief Justice). This will ensure that the Management Committee receives notice of the referral. Judge Chin seconded the motion, and it passed unanimously.

**18. APPLICATION FOR WEBER COUNTY ADULT DRUG COURT: (Judge Dennis Fuchs)**

Chief Justice Durrant welcomed Judge Dennis Fuchs. Judge Fuchs presented an application for the Weber County, Second District Drug Court, #2, presided over by Judge Joseph M. Bean. Weber County currently provides and maintains a drug court, however, there are numerous requests to participate that are rejected due to the limited number allowed (85) in that drug court. The second drug court would hold 50 or more participants within 3 months of opening. There will likely need to be a new assignment for a JA, probation officer, public defender, prosecutor, and at least one or two new counselors from Weber Human Services.

This would be the 70<sup>th</sup> problem-solving court in the state. The Council previously put a soft cap on problem solving courts at 70.

Chief Justice Durrant thanked Judge Fuchs.

**Motion:** Judge May moved to approve the creation of a second drug court in Weber County with Judge Joseph Bean presiding, as presented. Judge Chin seconded the motion, and it passed unanimously.

**19. PROBLEM-SOLVING COURT FORMS: (Judge Dennis Fuchs)**

Chief Justice Durrant welcomed Judge Dennis Fuchs. Judge Fuchs presented the following proposed forms:

- a letter that would be sent to judges whose problem-solving courts are not meeting the presumed best practices criteria
- adult DUI court certification checklist
- veteran court certification checklist
- mental health court certification checklist
- family dependency court certification checklist
- request for waiver of presumed certification criteria

Judge Fuchs provided five problem-solving court checklists. When courts are certified, Judge Fuchs provides the Council with the certification forms. The Council needs to determine whether those reports should be private or public. Judge Fuchs was concerned about the public's perception given that services available to the problem-solving courts vary throughout the state. Judge Fuchs provides the Department of Substance Abuse and Mental Health with a list of the courts that are certified but not the checklists. The Department has now asked for the checklists. Brent Johnson expressed to Judge Fuchs that the checklists are public documents.

The timeline would be:

First, Judge Fuchs sends out a recertification checklist to the courts

Second, they complete and send the checklists to Judge Fuchs

Third, if there are compliance issues Judge Fuchs sends a letter to the courts to correct the errors or prepare a waiver

Fourth, the courts must respond to Judge Fuchs with an explanation or a waiver

Fifth, the Council makes a recertification determination based on the information provided by Judge Fuchs

Chief Justice Durrant thanked Judge Fuchs.

**Motion:** Judge Chin moved to approve the compliance letter and the waiver form, as presented. Judge May seconded the motion, and it passed unanimously.

**Motion:** Judge Pullan moved to approve the five problem-solving court certification checklists, as presented. Judge Chin seconded the motion, and it passed unanimously.

**20. XCHANGE FUNDS PROCESS CHANGE APPROVAL: (Judge Mark May and Karl Sweeney)**

Chief Justice Durrant welcomed Karl Sweeney. Code of Judicial Administration Rule 4-202.08. Fees for records, Information, and Services includes guidance for courts' collection and use of fees, including XChange subscriptions, paper copies, and personnel time. Although all XChange subscription fees do get credited to various groups within the AOC, XChange also receives fees for copy requests which are taken in from various payers and then allocated back to the Districts. Over time the subscription fee process has evolved to distribute a portion of XChange subscription fees to multiple AOC and district groups.

For FY 2020, the budget distribution for XChange subscription and other fees is as follows (in priority order):

\$102,600 to Education  
 \$87,300 to Law Library  
 \$750,800 to IT (\$600,800 to IT and \$150,000 to Information Services)  
 \$258,300 to AOC  
 \$127,900 to District Courts

**Proposed Options**

*Option 1*

- 1) Amend the rule to specifically include language that permits Education, Law Library, AOC, and Districts uses of the XChange subscription funds and follow the current allocation methodology. IT and Information Services are already included in the rule.
- 2) Amend the rule to specifically include language that takes non-XChange related other fees (copies, paper, personnel time, etc.) and specifies they are to be deposited to the District where the expense would have occurred separating it into a different section than XChange fees. In FY19 those fees were \$344,153.

*Option 2*

- 1) Keep the rule wording as-is. Move all XChange funding (subscription and other fees) to IT to be in clear compliance with the rule. Move sufficient general funds from IT and Information Services to the other groups to leave them whole. This does not impact the copy and other fees that districts currently receive. This method would involve the following budgetary reclassifications:

<b>Department</b>	<b>General Fund</b>	<b>XChange Funds</b>
Information Technology (BAK)	(\$576,100)	\$576,100
Education (BAJ)	\$102,600	(\$102,600)
District Courts (BAD)	\$127,900	(\$127,900)
Law Library (BAB)	\$87,300	(\$87,300)
AOC (BAH)	\$258,300	(\$258,300)
<b><i>TOTAL</i></b>	<b>\$0</b>	<b>\$0</b>

Current IT XChange budget: \$750,800

Additional IT XChange budget reclassified: \$576,100

Total proposed IT XChange budget: \$1,326,900

The Budget & Finance Committee, the Finance Department, and the IT Department recommended Option 2 and, if approved by the Judicial Council, will move budgets and funding sources to implement Option 2 as of July 1, 2019.

Chief Justice Durrant thanked Judge May and Mr. Sweeney.

**Motion:** Judge May moved to adopt option 2 as outlined above, as presented. Judge Farr seconded the motion, and it passed unanimously.

## **21. PROPOSED DELEGATION OF AUTHORITY FOR PERSONNEL SALARY ADJUSTMENTS: (Judge Mark May and Karl Sweeney)**

Chief Justice Durrant welcomed Karl Sweeney. The Budget & Finance Committee and the Finance Department sought support for a Council request to approve the use of 20% of the estimated ongoing turnover savings, not to exceed \$110,000 in a fiscal year, to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. This delegation of authority to the State Court Administrator and/or Deputy State Court Administrator (Administrators) offers a systematic way to fully address personnel actions (including salary increases) within the scope of CJA rule 3-301 yet retains for the Judicial Council sufficient funding to address court-wide market comparability and similar issues.

Judge Noonan felt this was a positive direction that would allow for adjustments to be made throughout the year. The formula would need to be created. Any adjustments would be reported to the Council.

The process for submitting personnel pay request would be:

1. Detailed write-up by the requesting manager,
2. Review and approval by the appropriate AOC Director or TCE and District/Juvenile Court State Level Administrator,
3. Reviews by the HR Director Review for compliance with HR policy and Finance Director for potential non-salary budget reduction opportunities, and
4. Review and approval by the Administrators.

Chief Justice Durrant thanked Judge May and Mr. Sweeney.



**Motion:** Judge May moved to adopt the delegation of authority from the Judicial Council ongoing turnover savings to the State Court Administrator, as presented. Judge Farr seconded the motion, and it passed unanimously.

**22. OLD BUSINESS / NEW BUSINESS**

Judge Noonan noted CCJJ voted to strongly oppose S.B. 172.

A new Council room table is being ordered.

**23. EXECUTIVE SESSION**

**Motion:** Judge May moved to go into an executive session to discuss a litigation. Judge Farr seconded the motion, and it passed unanimously.

**24. CONSENT CALENDAR ITEMS**

**a) Committee Appointments.** Ethics Advisory Committee – appointment of Judge Ryan Harris, appointment of Judge Laura Scott as Chair. Language Access Committee – appointment of Rory Jones. Approved without comment.

**b) CJA Rule 3-403 for Public Comment.** Approved without comment.

**c) Forms Committee Forms.** Temporary Separation Overview and Petition Language and Temporary Separation. Approved without comment.

**25. ADJOURN**

The meeting adjourned.



# Tab 2



# JUDICIAL COUNCIL MANAGEMENT COMMITTEE

**Minutes**  
**February 24, 2020**  
**Council Room**  
**Matheson Courthouse**  
**450 South State Street**  
**Salt Lake City, Utah 84111**  
**2:30 p.m. – 4:00 p.m.**

*Chief Justice Matthew B. Durrant, Presiding*

**Committee Members:**

Chief Justice Matthew B. Durrant, Chair  
 Hon. Kate Appleby, Vice Chair  
 Hon. Paul Farr  
 Hon. Mark May  
 Hon. Todd Shaughnessy

**Excused:**

Michael Drechsel

**AOC Staff:**

Hon. Mary T. Noonan  
 Cathy Dupont  
 Shane Bahr  
 Katie Gregory  
 Brent Johnson  
 Larissa Lee  
 Meredith Mannebach  
 Jeremy Marsh  
 Jim Peters  
 Neira Siaperas  
 Jeni Wood

**Guests:**

Judge Dennis Fuchs, Senior Judge

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

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

**Motion:** Judge Mark May moved to approve the February 11, 2020 Management Committee meeting minutes, as presented. Judge Paul Farr seconded the motion, and it passed unanimously.

**2. ADMINISTRATORS REPORT: (Judge Mary T. Noonan)**

Judge Mary T. Noonan introduced Jeremy Marsh as the new HR Manager.

**3. H.R. POLICY REVIEW COMMITTEE PROPOSED TIMELINE: (Jeremy Marsh)**

The H.R. Policy Review Committee proposed the Courts H.R. Policy Overhaul project be accomplished in four phases. Each phase would go through the following steps:

### Steps

1. HR Director (HRD) submits draft section of chapters to General Counsel (GC) for review and vetting
2. HRD and GC submit revised draft to HR Policy & Planning Review Committee (HRPPRC) for review and vetting
3. HRPPRC submits revised draft to Policy & Planning for review and approval

### Phases

- Phase I:** Employment (Policy Chapters 1-5)  
Target date of submission to Policy & Planning: April 2020
- Phase II:** Compensation & Benefits (Policy Chapters 6&7)  
Target date of submission to Policy & Planning: June 2020
- Phase III:** Standards (Policy Chapters 8&9)  
Target date of submission to Policy & Planning: August 2020
- Phase IV:** Management (Policy Chapters 10-16)  
Target date of submission to Policy & Planning: October 2020

**Motion:** Judge Farr moved to the H.R. policy review timeline, as presented, and to put this item on the Council consent calendar. Judge May seconded the motion, and it passed unanimously.

#### 4. **DISTRIBUTION OF JPEC REPORTS: (Brent Johnson)**

Utah Code § 78A-12-203(7)(c) states: “The report shall be provided to the evaluated judge, the presiding judge of the district in which the evaluated judge serves, and the Judicial Council. If the evaluated judge is the presiding judge, the midterm report shall be provided to the chair of the board of judges for the court level on which the evaluated judge serves.” Brent Johnson interpreted the statute to allow the Council to delegate a person to receive the reports on behalf of the Council. However, if a Council member requests a copy, they are entitled to receive it.

The committee agreed to keep the current process of the State Court Administrator receiving the reports. A resolution could be created to identify the accepted procedures. Cathy Dupont suggested that it would be helpful to include in the resolution, information about the services that are available for a judge who has received areas of concern from JPEC. Mr. Johnson noted the statute does not allow for the release of the reports through GRAMA.

The State Court Administrator will receive the reports, then send them to the Chair and Vice Chair. It will be the discretion of the Chair and Vice Chair as to whether to share them with the Council. Chief Justice Durrant recommended setting standards on when to provide the reports to Council.

Jim Peters asked at what point could or should the reports be shared with court-level administrators. Currently, justice court presiding judges assume administrators are receiving and addressing the report results. If not allowed to receive them, this could be identified in the resolution so presiding judges will know who receives the reports and whose responsibility it is to handle situations. The committee agreed the reports cannot be distributed beyond Council and Education. The State Court Administrator and Vice Chair will vet the reports to identify issues.

**5. PRIVACY OF PROBLEM-SOLVING COURTS RECERTIFICATION CHECKLISTS: (Judge Dennis Fuchs and Brent Johnson)**

This item was moved to the Judicial Council's March meeting.

**6. DISTRICT/JUSTICE COURT IT PRIORITY PROCESS: (Shane Bahr and Meredith Mannebach)**

Shane Bahr addressed the IT Departments prioritization process proposal. The proposal was approved to the District Board. District and justice courts have 11 technology applications and is 7 times larger than the juvenile court.

**Proposed steps**

- New or enhancement ideas are initially sent to either a gatekeeper, Help Desk, Court Services or Application Manager
- The idea is then distributed to the respective application committee
- The application committee will then either send the idea to a Board, TCEs or CofCs. The application committee has authority to reject the idea.
- If the application committee approves the idea, it is sent for further analysis (cost, hours, business impact)
- The idea would then go back to the application committee. The application committee has the authority to reject the idea.
- If the application committee approves the idea after further analysis, the idea would be sent to the district/justice clearinghouse
- The clearinghouse would send the idea to the Technology Committee who can either table the idea or prioritize it.
- If the Technology Committee prioritizes the idea, it would go to the Judicial Council for approval. If approved by the Council, IT Workflow Starts, then implementation and maintenance.

**7. CIP GRANT: (Katie Gregory and Neira Siaperas)**

The CIP Grant (Grantor – Children's Bureau DHHS) revision would allow for improvements in the delivery of child-welfare services and case management through data collection and analysis in the juvenile court. CIP Data grant funding has been used in the past to pay contracts for IT programming resources for subcontracted CARE programmers. This revision provides for use of the data grant funds to employ one FTE to replace contracted programmers. In-kind match is provided by other child welfare programming work performed by the Court's IT department. The request for FY20 is \$144,453 (with matching state funds of \$48,151) for a total of \$192,604 and for FY21 \$145,654 (with matching state funds of \$48,151) for a total of \$194,205.

**Motion:** Judge May moved to approve the CIP Grant, as presented, and to place this item on the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

**8. COMPOSITION OF THE CHILDREN AND FAMILY LAW COMMITTEE: (Jim Peters)**

Jim Peters sought approval for the reappointments of Judge Brent Bartholomew and Judge Elizabeth Hruby-Mills, and Anna Trupp be made an emeritus member on the Children and Family Law Committee. Mr. Peters presented an amendment to CJA Rule 1-205 that would change the committee composition.

**Motion:** Judge Farr moved to approve the reappointment of Judge Brent Bartholomew and Judge Elizabeth Hruby-Mills, and the appointment of Judge Brody Keisel, and Anna Trupp be made an emeritus member on the Children and Family Law Committee, as presented, and to place this item on the Judicial Council consent calendar. Judge May seconded the motion, and it passed unanimously.

**Motion:** Judge Farr moved to send CJA Rule 1-205 to the Council agenda, as presented. Judge May seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the proposed agenda for the March 13, 2020 Judicial Council meeting.

**Motion:** Judge May moved to approve the Judicial Council agenda, as amended to include the Composition of Children and Family Law Committee, Clerical Trainer for Justice Courts, and the Privacy of Problem-Solving Certification Checklists. Judge Farr seconded the motion, and it passed unanimously.

**10. OLD BUSINESS/NEW BUSINESS: (All)**  
There was no additional business discussed.

**11. EXECUTIVE SESSION**  
An executive session was not held.

**12. ADJOURN**  
The meeting adjourned.



**JUDICIAL COUNCIL'S  
AD HOC BUDGET & FINANCE COMMITTEE**

**Minutes  
March 3, 2020  
Matheson Courthouse  
Council Room  
450 South State Street  
Salt Lake City, Utah 84111  
12:00 p.m. – 2:00 p.m.**

**Members Present:**

Hon. Mark May, Chair  
Hon. Augustus Chin  
Hon. Kara Pettit

**Excused:**

Michael Drechsel

**AOC Staff Present:**

Hon. Mary T. Noonan  
Cathy Dupont  
Heidi Anderson  
Shane Bahr  
Todd Eaton  
Kim Free  
Alisha Johnson  
Tom Langhorne  
Larissa Lee  
Bart Olsen  
Jim Peters  
Nini Rich  
Neira Siaperas  
Karl Sweeney  
Chris Talbot  
Jeni Wood

**Guests:**

Brett Folkman, TCE First District – by phone  
Wendell Roberts, TCE Sixth District  
Larry Webster, TCE Second District

**1. WELCOME & APPROVAL OF MINUTES: (Judge Mark May)**

Judge Mark May welcomed everyone to the meeting. Judge May addressed the minutes from the previous meeting.

**Motion** : Judge Augustus Chin moved to approve the February 10, 2019 minutes, as presented. Judge Mark May seconded the motion, and it passed unanimously.

**2. YTD PERIOD 8 TURNOVER SAVINGS: (Karl Sweeney)**

Karl Sweeney estimated one-time YTD turnover savings at \$2,706,500 through the pay period ending February 7, 2020. A conservative estimate was made of \$100,000 additional per pay period with 10 pay periods remaining in the fiscal year (total of \$1,000,000). This makes the

combined total estimate of one-time turnover savings \$3,706,500. Ongoing turnover savings had not been completed. Mr. Sweeney estimated ongoing turnover savings would be greater than \$600,000 YTD. Total available amount is \$533,300 with the breakout as follows: district/juvenile operations total of \$112,000 + AOC total of \$411,100 for a combined total of \$523,100.

**3. REVIEW REQUESTS TO USE FY 2020 FORECASTED SAVINGS: (Karl Sweeney, Heidi Anderson, Brett Folkman, Tom Langhorne, Kim Free, Nini Rich, Judge Mary T. Noonan, and Chris Talbot)**

Mr. Sweeney provided a summary of FY20 year-end available funds and requests. Mr. Sweeney noted the two “contingent requests” (requests that are approved contingent upon funding) are the Matheson carpet and Inventory of PCs requests.

<b>FY 2020 Estimated Year End Funds</b>	
* Estimated turnover savings as of 2/25/2020 (based upon pay periods)	3,706,500
** Available funding from TCE/AOC budgets	523,100
Reserve balance established in August Council meeting	150,000
Reduction in funds due to legislative action	(165,000)
Subtotal	4,214,600
Authorized carry forward funds to be allocated from FY 2020 one time funding	(2,500,000)
<b>Funds available for year end spending allocation (B)</b>	<b>1,714,600</b>
<b>Remaining Available (B-A)</b>	<b>182,250</b>

**Courtroom A/V Upgrades: Heidi Anderson**

The IT Department requested one-time funds for audio upgrades to various Ogden courtrooms. Although DFCM funding may be available in FY 2021 or FY 2022 for this project, there is no alternative funding for this effort for FY 2020.

Alternate funding: None.

Amount requested: \$350,000 one-time funds.

**Upgrade Courtroom FTR Digital Recording Software: Heidi Anderson**

FTR is the software used for recording court proceedings in courtrooms and some chambers throughout the state. The courts have 167 locations that use the software. At this time, the courts are one full version behind on the software.

Alternate funding: None.

Amount requested: \$257,585 one-time funds.

**Learning Management System (LMS) Request: Tom Langhorne**

Procure Learning Management System (LMS) software (two-year contract for 1300 Court employees and 500 justice court clerks: June 30, 2020 - June 30, 2022). The current system, LearningLink is built on Adobe Flash. Adobe Flash will discontinue in December 2020. A two-year contract will allow the Education Department to transfer all Adobe Flash based training to a current, supported format (HTML5) immediately, keeping the on-line training operating. In two years, the Education Department will identify cost savings by replacing/updating/consolidating current management (operating) systems to our LMS.

Alternate funding: The Education Department is awaiting a decision from the Board of Justice Court Judges of a \$15,000 contribution towards the LMS purchase. If not funding occurred, the next best option would be to move the current education library from online training to the intranet.

Amount requested: \$164,000 one-time funds.

**Self-Assessment Temperament Instruments: Tom Langhorne**

The Court Skills Leadership Academy and Middle Management Leadership Academy have produced significant, measurable and specific professional development outcomes over the past several years. Pre and post Academies' attendees' self-assessments of their competency routinely indicate significantly increased skill-based competency levels. These two instruments are very important components of those Academies' curricula and in-class instructional design.

Alternate funding: None.

Amount requested: \$2,000 one-time funds.

**Education Training Equipment: Tom Langhorne**

The OTP system is outdated and will sunset in December 2020. This equipment will be compatible to the new system. This equipment is not required for the LMS to work, but it will enhance process and deliverables.

Alternate funding: None.

Amount requested: \$4,600 one-time funds.

**ADR Request: Nini Rich**

The ADR Department requested one-time funds for an advanced mediation workshop for the committee Chair and ADR Director. Harvard's Negotiation Institute offers the premier mediation training program in the United States. This workshop would enhance the ADR Committee's exposure to cutting-edge ADR training and standards for the resolution of complex disputes as well as influence our ADR Program structure and Utah Mediation Best Practice Guide.

Alternate funding: None.

Amount requested: \$13,186 one-time funds.

**ODR Training Manual: Nini Rich**

The Small Claims ODR Program currently utilizes 5 volunteer ODR facilitators. We need to train additional facilitators as these facilitators end their volunteer service and to cover potential program expansion. We have a general outline for a manual but it is lacking the specific information and training materials necessary to train new ODR facilitators.

Alternate funding: None.

Amount requested: \$5,000 one-time funds.

**Jury Chairs for Courtrooms 2 & 3 in Brigham City: Brett Folkman**

The current chairs were installed when the building was completed in 1994-95. They are now worn and damaged and need to be replaced. We will be replacing the existing chairs with new chairs and bases that should last another 20 years. They will improve the look of the room and be more comfortable for the jurors that may spend hours or days sitting in them. The new chairs will also be able to be wiped down with antibacterial wipes to keep them clean and sanitary. The new chairs are a leather like material.

Alternate funding: The First District will use their current expense funds for a portion of the project.

Amount requested: \$15,000 one-time funds.

**Jury Assembly Room Tables/Chairs in West Jordan Courthouse: Chris Talbot**

The furniture that is currently in the jury assembly room was purchased in June 2005. In June 2019 the jury assembly room was remodeled to create a new jury assembly room (twice the size of the old one) to accommodate the increasing number of jury trials, but the old jury assembly room furniture was retained. The committee recommended further information on the “third group” request of \$14,000.

Alternate funding: None.

Amount requested: \$66,700 one-time funds.

**Carpet Replacement Ogden Courthouse: Larry Webster**

The Second District – Ogden Courthouse is planning on replacing cubicles and carpet. The bid for the cubicles was more than doubles the anticipated cost. Therefore, the funds that would have been used for the carpet must be used for the cubicles. Doing cubicles and carpet together is a cost saving move.

Alternate funding: None.

Amount requested: \$19,650 one-time funds.

**Public Viewing Screen (Monitor – no video): Larissa Lee**

Currently, attorneys, parties, and the public have no way of knowing which case is currently being heard in the courtroom. They have to open up both doors, walk inside, and sit down until they can figure it out. This creates an almost constant disruption throughout the day, and results in confusion and anger amongst patrons. We would like to install a screen outside the courtroom so that everyone can see exactly where the court is and be able to plan for bathroom breaks, phone calls, and conferencing with clients.

Alternate funding: None.

Amount requested: \$4,000 one-time funds.

**Matheson Conference Room Furniture Replacement: Chris Talbot**

The original 22-year-old conference tables and chairs in our three main conference room spaces are worn and do not provide modern amenities. The existing tables do not have power

ports for laptop charging forcing staff to run cables across the walk way to wall outlets. The existing stackable chairs are also not ergonomically designed for sitting through a meeting longer than 30 minutes.

Alternate funding: None.

Amount requested: \$130,500 one-time funds.

**Workforce Bonus: Judge Mary T. Noonan**

The monthly average wage across industries in Utah has increased by 8% over the past two years in response to the steady increase in job growth and the competition that inherently accompanies such circumstances. This has resulted in higher than desired turnover. The overall turnover rate at the Courts continues to hover between 10% and 15%; however, the rate of churn for some job groups and particularly in urban districts is much higher – some at 40% and even higher.

For the past several years, one-time savings have been devoted to IT needs (100% of FY19 year-end one-time savings went to IT). The consequences of delaying this opportunity to emphasize personnel needs would leave the Courts vulnerable to the belief by their most dedicated employees that past promises to recognize superior performance “when we are able to” were not genuine. Judge Noonan said the performance criteria and distribution formula concepts will be shared with the Council and specifics will be provided to the AOC, IT Department, district, juvenile, and appellate courts to facilitate recommendations.

Alternate funding: None.

Amount requested: \$500,000 one-time funds.

**Matheson Carpet Replacement (Contingent): Chris Talbot**

This request would start the replacement process of the existing +/-250,000 sf (square feet) of carpet in Matheson and resolve safety issues going forward. Facilities would evaluate and replace the areas with the most wear and tear safety issues first. This request will not provide replacement carpet tiles for the entire courthouse, but would give us material for a substantial first phase of up to 180,000 sf. Carpet is expected to last seven years; the Matheson Courthouse carpet has been in place since the building was created approximately 22 years ago.

Alternate funding: Facilities (DFCM) is anticipating providing \$350,000 in Capital Improvement funding in FY 2021 that can be used for purchasing carpet tiles or installation of carpet tiles. DFCM has placed our request sufficiently high on their list that they feel confident it will be approved in the current legislative session. Assuming our FY 2020-year end request for \$400,000 is approved, we can use all of the DFCM FY 2021 Capital Improvement funding of \$350,000 to install this 120,000 sf of carpet tiles and 60,000 sf of carpet tiles in inventory purchased through DFCM Capital Improvement funding last fiscal year.

Amount contingently requested: \$400,000 one-time funds.

### **Inventory of PCs (Contingent): Todd Eaton**

Windows 7 support ceased in January 2020. The Courts are currently beginning to replace any laptops or PCs that run Windows 7 with Windows 10. All PCs and laptops running windows 7 will be upgraded by the end of 2020. IT anticipates some older laptops and PCs will not work properly with Windows 10 but has not done enough conversions to Windows 10 to have a firm estimate on the number. Purchasing additional inventory of laptops/PCs is a prudent way to forestall productivity issues that arise from waiting until conversion to order. Further, additional inventory provides flexibility if work-from home alternatives become necessary due to external conditions.

Alternate funding: None.

Amount contingently requested: \$250,000 one-time funds.

Judge Mary T. Noonan said there is no plan for usage of the current Council room table once replaced. Mr. Talbot believed it could be open to the districts then send it to surplus if none of the districts wanted it.

<b>Name</b>	<b>Accepted/Rejected</b>	<b>Amount</b>
Courtroom A/V Upgrades	Accepted as presented	\$350,000
Upgrade FTR Digital Recording Software	Accepted as presented	\$257,600
Learning Management System	Accepted as presented	\$164,100
Self-Assessment Materials	Accepted as presented	\$2,000
Training Equipment	Accepted as presented	\$4,600
ADR Training	Accepted as presented	\$13,200
ODR Training Manual	Accepted as presented	\$5,000
Jury Chairs for Brigham City Courthouse	Accepted as presented	\$15,000
Jury Tables/Chairs for West Jordan Courthouse	Accepted with questions	\$66,700
Carpet Replacement Ogden Courthouse	Accepted as presented	\$19,650
Public Viewing Screens	Accepted as presented	\$4,000
Matheson Café Room and Conference Rooms A/B/C Furniture	Accepted as presented	\$130,500
Workforce Bonuses	Accepted as presented	\$500,000
Matheson Carpet Replacement (Contingent)	Accepted as presented	\$400,000
Inventory of PCs (Contingent)	Accepted as presented	\$250,000
	<b>Total Approved to Forward to the Council</b>	<b>\$2,182,350</b>

#### **4. INCREASE IN USE OF JCTST FUND FOR EDUCATION: (Jim Peters)**

The purpose of this request is to fund half the cost of a new Justice Court Education Program Coordinator position from April 1, 2020 through June 30, 2020 by approving an additional allocation from the Justice Court Technology, Security and Training Account. There are more than 400 clerks who work in justice courts throughout the state. Like clerks in other court levels, they turn over with some regularity. Unlike clerks in other court levels, however, new hires have no access to training coordinators who can assist with onboarding and ongoing training.

Rob Godfrey's departure from the Courts presents an opportunity to create a Justice Court Education Program Coordinator for the justice courts. His position is currently funded as an Education Assistant II. By adding funds from the Justice Court Technology, Security and Training Account, it could be enhanced to a position like the Juvenile Justice Education Program Coordinator (the position currently occupied by Tiffany Rupe). Half the cost of this position would be supplied by Education using funds from the Education Assistant position; the other half would be supplied by the Justice Court Technology, Security and Training Account.

If the Judicial Council does not approve another allocation from the Justice Court Technology, Security and Training Account, this request could be funded using general fund one-time monies instead.

Amount requested: \$15,000 one-time funds.

**5. WEB PORTAL: (Clayson Quigley)**

Cathy Dupont explained that a web portal brings information from diverse sources, helps guide users to the right information, and provides an infrastructure that can easily lead to additional resources. The courts have a broad audience with varying needs. There are multiple sources of information the courts want to provide. Currently, the courts have 1.6 million users of 17,854 webpages.

**6. FUTURE AGENDA ITEMS: (Karl Sweeney)**

Total Compensation Strategy (May)

Judicial Operations Budget (May). Cathy Dupont said the workgroup is created and will meet with the workgroup in the next month or two.

**7. OLD BUSINESS/NEW BUSINESS: (All)**

There was no additional business discussed.

**8. ADJOURN**

The meeting adjourned at 1:37 p.m.





# Tab 3



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**In the District / Justice Court of Utah**  
**[district\_number] Judicial District, [county\_name] County / [city\_name] City**

---

[prosecuting\_entity – usually “State of Utah”],

Plaintiff,

vs.

[defendant\_name]

[defendant\_dob]

Defendant.

**Order on Automatic  
Expungement of  
Acquittal / Dismissal with Prejudice**

Case Number: [case\_number]

---

The matter before the court is the automatic expungement of the case pursuant to Utah Code § 77-40-114.

**The Court Finds:**

1. The requirements for automatic expungement have been met;
2. Expunging the records associated with case number [case\_number] is statutorily mandated.
3. Issuance of this order is authorized by standing order and UT R. J. Admin. Code, Rule 4-208.

**The Court Concludes:**

4. The records of defendant's arrest, investigation, detention, and prosecution relating to court case number [case\_number] should be expunged.

**The Court Orders:**

5. The records of defendant's arrest, investigation, detention, and prosecution related to court case number [case\_number] are expunged.

**Judge's signature will appear at the top of the first page of this document.**

---

**In the District / Justice Court of Utah**  
**[district\_number] Judicial District, [county\_name] County / [city\_name] City**

---

[prosecuting\_entity – usually “State of Utah”],

Plaintiff,

vs.

[defendant\_name]

[defendant\_dob]

Defendant.

**Order on Automatic  
Expungement of Conviction**

Case Number: [case\_number]

---

The matter before the court is the automatic expungement of the case pursuant to Utah Code § 77-40-114.

**The Court Finds:**

1. Notice was sent to the prosecuting agency as provided by law;
2. No objection was received within the time allowed by law;
3. The requirements for automatic expungement have been met;
4. Expunging the records associated with case number [case\_number] is statutorily mandated.
5. Issuance of this order is authorized by standing order and UT R. J. Admin. Code, Rule 4-208.

**The Court Concludes:**

6. The records of defendant’s arrest, investigation, detention, prosecution, and conviction relating to court case number [case\_number] should be expunged.

**The Court Orders:**

7. The records of defendant’s arrest, investigation, detention, prosecution, and conviction related to court case number [case\_number] are expunged.

**Judge’s signature will appear at the top of the first page of this document.**

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**In the [district\_number] Judicial District  
State of Utah**

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<b>In Re: Automatic Expungements</b>	<b>STANDING ORDER</b>
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TO THE DISTRICT AND JUSTICE COURTS IN THE [district\_number] JUDICIAL DISTRICT:

IT IS HEREBY ORDERED that the Administrative Office of the Courts may prepare orders of expungement and automatically affix the presiding judge's signature to such orders, pursuant to the automatic expungement provisions in the Utah Expungement Act and the Code of Judicial Administration Rule 4-208.

IT IS FURTHER ORDERED that the Administrative Office of the Courts may automatically issue signed orders of expungement only when the requirements of the Utah Expungement Act and the Code of Judicial Administration Rule 4-208 have been met.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

---

[Name], Presiding Judge  
[district\_number] Judicial District

**Rule 4-208. Automatic expungement of cases.****Intent:**

The intent of this rule is to govern the process for automatic expungement of records for clean slate eligible cases.

**Applicability:**

This rule applies to automatic expungement of clean slate eligible cases in the district and justice courts.

**Statement of the Rule:****(1) Definitions**

(1)(A) "Clean slate eligible case" means the same as defined in Utah Code §77-40-102.

(1)(B) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety.

(1)(C) "Conviction" means a judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.

(1)(D) "Expunge" means to seal or otherwise restrict access to the individual's record when the record includes a criminal investigation, detention, arrest, or conviction.

**(2) Clean slate eligible convictions**

(2)(A) Records in the following cases may be expunged automatically:

(2)(A)(i) a case that resulted in an acquittal on all charges; or

~~(2)(A)(ii)~~—except as provided in subsection (2)(B), a case that is dismissed with prejudice; ~~or~~

~~(2)(A)(iii)(2)(A)(ii)~~ a clean slate eligible case.

(2)(B) A case that is dismissed with prejudice does not include a case that is dismissed with prejudice as a result of successful completion of a plea in abeyance agreement governed by Utah Code §77-2a-3(2)(b).

**(3) Automated expungement process**

(3)(A) The Administrative Office of the Courts shall develop automated processes for the expungement of records outlined in subsection (2)(A).

(3)(B) Automated processes must comply with the requirements outlined in the Utah Expungement Act and this rule.

(3)(C) All automated expungement processes developed by the Administrative Office of the Courts shall be approved by the Utah Judicial Council.

(3)(D) The form and content of the order of expungement must be approved by the Utah Judicial Council.

**(4) Standing orders and orders of expungement**

(4)(A) The presiding officer of the Judicial Council may authorize ~~the~~ presiding judges of the district court to serve as a justice court judge for the limited purpose of signing automatic expungement orders for the justice courts within that district.

(4)(B) If the presiding officer of the Council authorizes them to do so under (4)(A)~~),~~ standing orders shall be issued by district court presiding judges for the entire judicial district, including courts of record and not of record. Justice court judges may not issue standing orders under this rule.

(4)(C) If the presiding judge determines that the requirements under subsection (3) have been met, the presiding judge shall issue a standing order authorizing the Administrative Office of the Courts to determine whether the criteria have been met, and if so, to prepare and automatically affix the presiding judge's judicial signature to orders of expungements issued in relation to cases from that judicial district.

(4)(D) Automated orders of expungement must be approved by the Utah Judicial Council.

**(5) Notice to prosecuting agencies**

(5)(A) The Administrative Office of the Courts shall send notice to each prosecuting agency on a monthly basis, listing all cases prosecuted by that agency that appear to be clean slate eligible.

(5)(B) The list of potentially eligible cases shall include, at a minimum, the individual's first name, last name, date of birth, and case number.

(5)(C) Notice to prosecuting agencies under this rule shall be sent by email.

(5)(D) Each prosecuting agency shall:

(5)(D)(i) Provide to the Administrative Office of the Courts a single email address for that prosecuting agency;

(5)(D)(ii) acknowledge that all notices under this rule will be sent to that single email address;

(5)(D)(iii) maintain that single email address without change unless strictly necessary; and

(5)(D)(iv) update that email address within three business days of any change by contacting the Administrative Office of the Courts.

**(6) Objection by prosecuting agencies**

(6)(A) Within 35 days of the date on which notice under subsection (5)(A) is sent, the prosecuting agency shall e-file any statutory objection.

(6)(B) When e-filing an objection, the prosecuting agency shall select the “objection – automatic expungement” document type in the e-filing system. Failure to select the appropriate document type will result in the objection being invalid.

(6)(C) If an objection has not been timely filed pursuant to subsection (6)(A), an order of expungement for each clean slate eligible case shall automatically issue.

**(7) Notice of action taken**

(7)(A) The Administrative Office the Courts shall notify the bureau and the prosecuting agency identified in the case that an order of expungement has been issued.

*Effective May 1, 2020*



# Tab 4

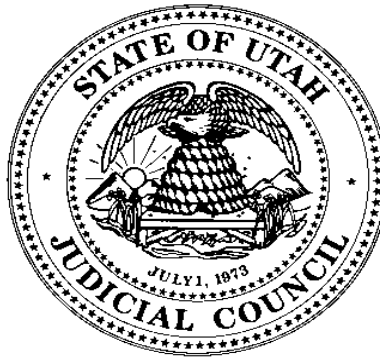




# Utah State Courts

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## Pandemic Response Plan



**September 15, 2009**

**(Revised August 30, 2010)**

**(Revised February 19, 2015)**

**(Revised March 4, 2020 – COVID-19)**

**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.**

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## INTRODUCTION

The Utah Department of Health (UDOH) has activated its incident command structure and is actively preparing a response to the ongoing outbreak in China of respiratory illness caused by a novel (new) coronavirus, “2019-nCoV.” This virus is spreading from person-to-person in China and exported cases have been detected in a number of countries internationally, including the United States<sup>1</sup>

CDC is responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in almost 70 locations internationally, including in the United States. The virus has been named “SARS-CoV-2” and the disease it causes has been named “coronavirus disease 2019” (abbreviated “COVID-19”).

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a “public health emergency of international concern external icon” (PHEIC). On January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency (PHE) for the United States to aid the nation’s healthcare community in responding to COVID-19.<sup>2</sup>

Citizens will expect the courts to uphold the rule of law in their communities even during a pandemic. To this end, the Utah State Courts will continue to perform the essential functions identified in its Continuity of Operations Plans (COOPs).

## PURPOSE

The purpose of this plan is to provide guidance to all Utah State Court employees prior to and during a pandemic COVID-19. The plan differs in focus from the “all-hazards” assumption of COOP planning and instead limits the focus of planning to maintain the essential functions of the court with limited availability of staff but with courthouses and infrastructure intact. It is also the intent of this plan to reduce the transmission of the influenza virus among employees, the public and other court stakeholders.

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<sup>1</sup> (Utah Department of Health, March, 2020)

<sup>2</sup> (U.S. Department of Health & Human Services, CDC, March, 2020)

## PLANNING ASSUMPTIONS

Numerous assumptions were made during development of this plan and are consistent with the Utah Pandemic Response Plan.

- A. A COVID-19 pandemic will cause simultaneous outbreaks across the United States limiting the ability to transfer assistance from one jurisdiction to another.
- B. The diagnosis of the disease is complicated by the diversity in symptoms and imaging findings and in the severity of disease at the time of the time of presentation.
- C. People in communities where ongoing community spread with the virus that causes COVID-19 has been reported are at elevated, though still relatively low risk of exposure.
- D. A pandemic will result in substantial absenteeism from work with peak absenteeism rates of 25-40% due to illness or provision of care to family and friends.
- E. Limiting the spread of the pandemic virus can moderate the severity of community impact.

Additional assumptions:

- F. There will be an increase in the number of cases with individuals seeking relief from public health limitations, i.e., orders of restriction.
- G. Supplies, utilities, transportation and communications may be interrupted and affect court operations.
- H. Technology may not be adequately supported, i.e., repairs not made, service unavailable (phones, computers, printers, faxes).

## CONCEPT OF OPERATIONS AND PLAN ACTIVATION

For planning purposes, the State Courts will use the Pandemic Response Level guidelines (see Table 1) as established by the World Health Organization (WHO) and the Centers for Disease Control (CDC).<sup>3</sup> The various levels set forth in these guidelines will be used as trigger points for the Courts to initiate internal measures to prevent and control the spread of influenza and other contagious diseases among employees and the public. Because of the unpredictable nature of where an outbreak will begin, how a virus will spread or how severe the resulting illnesses will be, these trigger points may be adjusted as needed based upon the situation in Utah. Daily “situation reports” issued by the Utah Department of Health are monitored by the Court Security Director to determine the need to alter the Courts’ responses.

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<sup>3</sup> In 2013, the WHO and CDC adjusted their response levels based on lessons learned during the H1N1 outbreak in 2009. As of this writing, the Utah Department of Health has not updated their response levels.

Pandemic Response Levels			
WHO Phases	CDC Intervals	Federal Indicators for CDC Intervals	Utah Indicators
<b>Interpandemic phase:</b> Period between pandemics  <b>Alert phase:</b> COVID-19 caused by a new subtype has been identified in humans	<b>Investigation:</b> Investigation of COVID-19 infection in humans or animals	Identification of COVID-19 infection in humans of animals anywhere in the world with potential implications for human health	Identification of COVID-19 infection in humans of animals in the U.S. with potential implications for human health
	<b>Recognition:</b> Recognition of increased potential for ongoing transmission of a COVID-19 virus	Increasing number of human cases or clusters of COVID-19 infection anywhere in the world with virus characteristics, indicating increased potential for ongoing human-to-human transmission	Yellow Increasing number of human cases or clusters of COVID-19 infection in the U.S. indicating <b>increased potential</b> for ongoing human to human transmission
<b>Pandemic phase:</b> Global spread of human COVID-19 caused by a new subtype	<b>Initiation:</b> Initiation of a pandemic wave	Confirmation of human cases of a pandemic COVID-19 virus anywhere in the world with demonstrated efficient and sustained human-to-human transmission	Confirmation of human cases of a pandemic COVID-19 virus in the U.S. with demonstrated <b>efficient and sustained</b> human-to-human transmission
	<b>Acceleration:</b> Acceleration of a pandemic wave	Consistently increasing rate of pandemic COVID-19 cases identified in the U.S., indicating established transmission	Red Consistently increasing rate of pandemic COVID-19 cases identified in Utah indicating <b>established transmission</b>
	<b>Deceleration:</b> Deceleration of a pandemic wave	Consistently decreasing rate of pandemic COVID-19 cases in the U.S.	Consistently decreasing rate of pandemic COVID-19 cases in Utah
<b>Transition phase:</b> Reduction in global risk, reduction in response activities, or progression toward recovery actions	<b>Preparation:</b> Preparation for future pandemic waves	Low pandemic COVID-19 activity but continued outbreaks possible in some jurisdictions	Green Low pandemic COVID-19 activity but continued outbreaks possible in Utah

Table 1 - Pandemic Response Levels (Revised February 19, 2015)

Upon notification of “*an increased potential for ongoing human to human transmission in the U.S*” (indicated in yellow on Table 1) the Court Security Director will notify the Deputy State Court Administrator, the State Court Administrator and the Chief Justice of the Supreme Court of the designation. The Chief Justice will then activate the plan. As the spread of disease continues, the Courts will react with implementing additional workplace infection mitigation measures.

Upon plan activation, the specified mitigation methods will be undertaken by all state courts of record and by the Administrative Office of the Courts. These include employee awareness and education campaigns, plan review, and a public awareness campaign.

Upon notification of a “*consistently increasing rate of pandemic COVID-19 cases in Utah indicating established transmission*” (indicated in red on Table 1), additional measures may be undertaken based on the severity of the influenza virus. The least disruptive methods will be considered first and more invasive measures taken as needed.

In the event of large-scale employee absenteeism, priority will be given to the essential functions of the courts and Administrative Office as outlined in each district or courthouse Continuity of Operations Plan dated February, 2017.

## PLAN DEACTIVATION

When the Utah Department of Health indicates “*low pandemic COVID-19 activity (indicated in green on Table 1)*”, the Court Security Director will alert the Chief Justice and request that the Pandemic Response Plan be deactivated. The deactivation will cause the Courts to revert to the WHO Phase level current at the time of deactivation.

## INFECTION MITIGATION PROCEDURES

### Pandemic Alert Period

When notified of “*an increasing number of human cases or clusters of COVID-19 infection in the U.S.*” (WHO Alert Phase, CDC Recognition Phase), the Utah State Courts will initiate the following measures in all courts of record and in the Administrative Office of the Courts:

Human Cases/Clusters in the U.S. Indicating Increased Potential
<i>Authority: Chief Justice of the Supreme Court</i>
<b><i>Compliance: All Courts of Record and the Administrative Office of the Courts</i></b>
Employee awareness and training
Pandemic plan review and revision
Stockpiling PPEs
Public awareness campaign
Voluntary Isolation



**Table 2 – Pandemic Alert Mitigation Methods**

### **Employee Awareness and Training**

Prior to the arrival of the pandemic COVID-19 in Utah, employees will be given the opportunity to attend awareness training so that they are familiar with the threat that a pandemic poses to them individually and how it may affect the operation of the courts. This training will be augmented with additional pandemic information placed around their workplaces. Education will be the responsibility of the Court Security Director and the Human Resources Director.

### **Pandemic Plan Review and Revision**

As information becomes available and new issues or concerns arise during the Pandemic Alert Phase/Recognition Interval, this plan will be adapted accordingly. Additionally, if the State of Utah plan changes as a result of additional knowledge, this plan may be altered to better comply with their best practices.

### **Distributing Personal Protection Equipment (PPE)**

Facemasks, gloves and hand sanitizers will be distributed to state courts based on staffing levels.

### **Public Awareness**

To further mitigate the spread of the influenza virus, efforts will be made to educate court users about hygiene techniques such as frequent and thorough hand washing, maintaining proper distances from others and proper cough and sneeze etiquette. The education will largely take place through posters in restroom areas and public elevators. This effort will be the responsibility of the Court Security Director and Public Information Officer.

### **Voluntary Isolation**

Employees will be asked to stay home if experiencing flu-like symptoms and will be encouraged to stay home and avoid contact with others “until at least 24 hours after they are free of fever (100° F or greater) or signs of a fever without the use of fever-reducing medications.”<sup>4</sup> This protocol will be revised upon issuance of additional direction from the Utah Department of Health.

### **Pandemic Period**

When there is a “*consistently increasing rate of pandemic COVID-19 cases identified in Utah,*” additional mitigation measures may be undertaken based on the severity of the COVID-19 virus. Decisions about which measures to take will be made at both the statewide level by the Chief

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<sup>4</sup> (CDC Guidance for Businesses and Employers to Plan and Respond to the 2009 - 2010 Influenza Season, 2009)

Justice of the Supreme Court (or designee), and the district level based on local community situations (Table 3). For consistency purposes within the Matheson Courthouse, decisions about workplace social distancing measures will be made jointly by Court Executives, Presiding Judges and Court Administrators.

<b>Human Cases/Clusters in Utah Indicating Established Transmission</b>	
<i>Authority: Chief Justice of the Supreme Court</i>	
<b>Compliance: Administrative Office of the Courts and All Courts of Record</b>	
Travel Restrictions	
Postponement of Advisory Committees	
Mandatory Isolation	
Mandatory Quarantine	
Use of Personal Protective Equipment by Higher –Risk Employees	
<b>PLUS:</b>	
<b>1 - Administrative Office of the Courts</b>	
<i>Authority: State Court Administrator/Deputy Court Administrator</i>	
Teleconferencing	
Telecommuting	
Alternative Work Schedules	
Additional Building Hygiene Measures	
<b>Department</b>	<b>Additional Workplace Social Distancing Measures</b>
Education	<ul style="list-style-type: none"> <li>• On-line courses</li> <li>• Remote conferences</li> <li>• Website and email content</li> <li>• Digital video presentations</li> <li>• Suspension of education courses</li> <li>• Suspension of employee and judicial conferences</li> </ul>
Auditing	<ul style="list-style-type: none"> <li>• Entrance/exit conferences via telephone or teleconference</li> <li>• More frequent use of faxing/scanning/emailing of documents</li> <li>• Suspension of fraud training</li> <li>• Suspension of on-site visits to affected courts</li> </ul>
Administration	<ul style="list-style-type: none"> <li>• Postpone or find other means of holding staff meetings</li> </ul>
Public Information	<ul style="list-style-type: none"> <li>• Suspension of courthouse tours</li> <li>• Encourage use of electronic filings and electronic payments as alternative to courthouse visits</li> </ul>
Interpreters	<ul style="list-style-type: none"> <li>• Suspension of training classes</li> </ul>
Legal Counsel	<ul style="list-style-type: none"> <li>• Postpone committee meetings</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>• Suspension of education courses</li> <li>• Delay hiring process</li> <li>• Utilize phone rather than in-person interviews</li> </ul>
ADR / Mediation	<ul style="list-style-type: none"> <li>• Physical adjustment of mediation settings</li> </ul>
<b>2 – Appellate Courts and State Law Library</b>	
<i>Authority: Presiding Judges and Court Executive</i>	
Teleconferencing	

Telecommuting Alternative Work Schedules	
State Law Library	<ul style="list-style-type: none"> <li>• Suspension of library tours</li> </ul>
<b>3 – District Courts</b>	
<i>Authority: District Presiding Judges and Trial Court Executives</i>	
Teleconferencing Telecommuting Alternative Work Schedules Additional Building Hygiene Measures	
Civil	<ul style="list-style-type: none"> <li>• Suspend jury trials</li> <li>• Postpone supplemental order calendar</li> </ul>
Criminal	<ul style="list-style-type: none"> <li>• Video hearings for in-custody persons</li> <li>• Suspend jury trials</li> </ul>
Small Claims	<ul style="list-style-type: none"> <li>• Postpone calendar</li> </ul>
Administration	<ul style="list-style-type: none"> <li>• Postpone or find other means of holding staff meetings</li> </ul>
<b>4 - Juvenile Courts</b>	
<i>Authority: Juvenile Presiding Judges and Trial Court Executives</i>	
Teleconferencing Telecommuting Alternative Work Schedules Additional Building Hygiene Measures	
Intake	<ul style="list-style-type: none"> <li>• Suspend intake appointments</li> </ul>
Probation	<ul style="list-style-type: none"> <li>• Suspend home visits</li> <li>• Suspend office appointments</li> </ul>
Assessment / Diversion	<ul style="list-style-type: none"> <li>• Suspend diversion classes</li> </ul>
Work Crew	<ul style="list-style-type: none"> <li>• Suspend assignment of work crews</li> </ul>

**Table 3 – Workplace Social Distancing Methods**

### Travel Restrictions

Based on the wavelike nature of the COVID-19, it may be necessary to limit or prohibit travel of employees to certain court locations at different times.

### Mandatory Isolation

Employees will be directed to stay home if experiencing flu-like symptoms and will be required to stay home until at least 24 hours after they are free of fever (100° F or greater) or signs of a fever without the use of fever-reducing medications or until released by a physician to return to work.<sup>5</sup> This time period may vary based on the nature of the virus causing the pandemic. Supervisors will be required to make contact with employees who call in sick to determine if they are sick from the COVID-19 or other reason. If the employee believes they are suffering from the COVID-19, they will be instructed by the supervisor when they may return to work.

<sup>5</sup> (CDC Guidance for Businesses and Employers to Plan and Respond to the 2009 - 2010 Influenza Season, 2009)

### **Mandatory Quarantine**

Employees who are not ill but have been exposed to an ill person in their household will be required to quarantine themselves for 14 days after the onset of illness in the household. This time period may vary based on the nature of the virus causing the pandemic. Supervisors will be required to make contact with employees who call in sick to determine if they are sick from the flu or other reason. Supervisors will instruct employees who believe they are suffering from the flu when they may return to work.

### **Additional Courthouse Hygiene**

Since COVID-19 virus may live up to two hours or longer<sup>6</sup> on most surfaces, janitorial staff may be asked to undertake more frequent cleaning of the courthouses paying special attention to areas more likely to carry the virus. Such areas include public counters, elevator control panels, handrails, holding cells and door handles. In addition, waste baskets will be placed in positions that allow for the easiest and most effective disposal of tissues and other potentially infectious waste. Court Executives may also choose to provide additional cleaning supplies for employee use depending upon the situation in the community. It will be the responsibility of the building services manager or other designee to assure that cleaning solutions are placed in all state cars used by court staff. It will be the responsibility of the driver to use the solution to clean the steering wheels and other appropriate surfaces.

Because the Utah State Courts are dependent upon local contractors to provide cleaning services, the cleaning methods and contract language in each courthouse vary somewhat. Depending upon the severity of the pandemic, alternative or additional cleaning requests may be made by Court Executives to the Facilities Manager in the AOC (Chris Talbot). The Facilities Manager will then contact the DFCM Facilities Program Director and request he negotiate an addendum to the appropriate contract. The Court Executive and the AOC Facility Manager will discuss how the additional costs will be paid. In the event that the Governor of the State of Utah declares a public health emergency, however, funding for additional cleaning services may be paid directly by the state.

### **Employee Hygiene**

Continuing efforts will be made to encourage employee hand washing, use of cough and sneeze etiquette, maintenance of six-foot personal space and discouragement of handshaking and other touching. Employees will also be encouraged to use 60% or higher alcohol-based hand sanitizer in addition to frequent hand washing.

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<sup>6</sup> (Centers for Disease Control and Prevention, 2009)

A. *Very high exposure risk* – This category consists of healthcare workers who perform aerosol-generating procedures on known or suspected pandemic patients. **No court employees are in this category.**

B. *High exposure risk* – This category consists of staff that comes in close contact with individuals in the course of their work. Such positions may include Probation Officers, Deputy Probation Officers and Mediators. Although not court employees, Sheriff's personnel responsible for transporting and securing prisoners also fall into this category. The intent of this plan is to minimize the number of employees falling into this category by alternative work methods or other social distancing methods.

C. *Medium exposure risk* – This category includes court workers with high frequency contact with the general population. Judicial Services Representatives and others with public reception duties fall into this category.

D. *Lower exposure risk* – This category is for employees who have minimal occupational contact with the general public and includes general office workers.

### Facemask and Respirator Use

The following information was taken from the Centers for Disease Control and Prevention website on March 4, 2020<sup>7</sup>:

“CDC does not recommend that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19.

Facemasks should be used by people who show symptoms of COVID-19 to help prevent the spread of the disease to others. The use of facemasks is also crucial for health workers and people who are taking care of someone in close settings (at home or in a health care facility).”

When crowded settings or close contact with others cannot be avoided, the use of facemasks or respirators *in areas where transmission of swine influenza A (H1N1) virus has been confirmed* should be considered as follows:

1. Whenever possible, rather than relying on the use of facemasks or respirators, close contact with people who might be ill and being in crowded settings should be avoided.
2. Facemasks should be considered for use by individuals who enter crowded settings, both to protect their nose and mouth from other people's coughs and to reduce the wearers'

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<sup>7</sup> (Proposed Guidance on Workplace Stockpiling of Respirators and Facemasks for Pandemic Influenza, 2008)

likelihood of coughing on others; the time spent in crowded settings should be as short as possible.

## HUMAN RESOURCE CONSIDERATIONS

The Utah State Courts recognizes the need to prepare for events such as the pandemic influenza and alongside this need, recognizes that a pandemic will impact employees and their families. To this end, this policy provides information related to the Courts' human resource practices in the event of a pandemic influenza.

- A. Guiding Principles during the Pandemic Flu Period(s)
  1. The Utah State Courts will undertake efforts to educate and protect employees from infection.
  2. Employees may be asked to work outside their job descriptions to the extent that they are qualified and can safely perform the work.
  3. Employees may be temporarily reassigned to another court location based on the effects of absenteeism.
  4. Employees work hours may be temporarily changed to reduce interaction with others.
- B. The Utah State Courts will utilize various methods of responding to absenteeism created by the pandemic flu including:
  - Vacation leave consistent with HR 400-2
  - Sick leave consistent with HR policy 400-3
  - Leave Without Pay consistent with HR 400-10
  - FMLA consistent with HR policy 400-5
- C. Some telecommuting requirements under HR policy 230-17 may be waived by the Human Resources Director to allow for an expedited approval and implementation process (See sample agreement and roster, pp. 17-19)
- D. Because of the potentially deadly character of a pandemic COVID-19, employees may face disciplinary action if they refuse to comply with hygiene or infection mitigation measures.

## LEGAL CONSIDERATIONS

A District Court Judges bench book has been created to address the public health law issues that may arise during a pandemic flu period. This bench book is available on the Utah State Courts intranet site (Of Interest to.../Judges/District Court/Orders of Containment). AOC Counsel has offered the opinion that all court proceedings could legally be held via teleconference if necessary. See CJA 4-106 Electronic Conferencing.

## ORDERS OF SUCCESSION

The Orders of Succession are the same as those listed in the Continuity of Operations Plans in each district. Because the extent of the absenteeism cannot be predicted, it is imperative that employees be cross-trained so that all essential functions can be maintained despite a significant loss of employees.

## INTERAGENCY DEPENDENCIES

### A. Local Sheriff's Offices

Upon activation of the Pandemic Plan by the Chief Justice, Trial Court Executives should contact the Sheriff's Offices in their counties for the purpose of discussing how prisoner transportations will occur. Court Executives should attempt to get an agreement from the Sheriff's representative that prisoners who are ill will not be transported to the court. If the severity of the pandemic is such that transportation of prisoners would be detrimental to public health, TCEs will contact their local Sheriff's Office to inform them that judges will no longer be ordering transportation of any prisoners. Instead, video hearings will be utilized or hearings will be rescheduled when the Utah interval returns to "low pandemic activity" indicated in green on Table 1 or if it seems prudent to do so for the efficient operation of the courts.

Discussion should also take place about coordinating the use of personal protective equipment, i.e., facemasks. Since the inconsistent use of facemasks by sheriff's (court security and bailiffs) and court personnel may create anxiety among employees, a decision to use them should be coordinated between the two entities. This is not intended to limit the use of masks by transport officers who are at a higher risk of infection because of their closer contact with prisoners.

Any forthwith arrests of symptomatic individuals will be handled in accordance with existing Sheriff's Office policies.

**B. Utah Department of Corrections**

If the severity of the pandemic is such that transportation of prisoners would be detrimental to public health, the Court Security Director will contact the Department of Corrections to inform them that judges will no longer be ordering transportation of any prisoners. Instead, video hearings will be utilized or hearings will be rescheduled after deceleration of the pandemic.

**C. Juvenile Justice Services**

The state Juvenile Court Administrator will be responsible for establishing and maintaining contact with Juvenile Justice Services with regard to transportation and detention of potentially infectious youth.

**D. DCFS**

The state Juvenile Court Administrator will be responsible for establishing and maintaining contact with DCFS with regard to their court interactions during the pandemic period.

**E. Utah Department of Health / County Clerks**

It is anticipated that if a pandemic influenza is especially severe, there will be a delay in the issuance and filing of death certificates. If such documentation becomes necessary in any legal actions, judicial service representatives should be aware.

## **GLOSSARY OF TERMS<sup>8</sup>**

**Antiviral:** Drug that is used to prevent or cure a disease caused by a virus by interfering with the ability of the virus to multiply in number of spread from cell to cell.

**Asymptomatic:** Presenting no symptoms of disease.

**Avian flu:** A highly contagious viral disease with up to 100% mortality rate in domestic fowl caused by influenza A virus subtypes H5 and H7. All types of birds are susceptible to the virus but outbreaks occur most often in chickens and turkeys. The infection may be carried by

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<sup>8</sup> (Governor's Taskforce on Pandemic Influenza Preparedness: Final Report to the Governor, April, 2007)



migratory wild birds which can carry the virus but show no signs of disease. Humans are only rarely infected.

**Centers for Disease Control (CDC):** The national public health institute of the United States. Its main goal is to protect public health and safety through the control and prevention of disease, injury, and disability.

**Epidemic:** A disease occurring suddenly in humans in a *community, region or country* in numbers clearly in excess of normal.

**H1N1:** A type-A influenza virus that causes regular outbreaks of highly contagious acute respiratory disease in pigs.

**H5N1:** A variant of avian influenza which is a type of influenza virulent in birds. It was first identified in the early 1900s and is now known to exist worldwide.

**Influenza:** A serious disease caused by viruses that infect the respiratory tract.

**Isolation:** A mitigation measure in which an ill person stays home and avoids contact with other persons for 7 – 14 days.

**Pandemic:** The *worldwide* outbreak of a disease in humans in numbers clearly in excess of normal.

**Pandemic Severity Index:** A grading system developed by the Utah Department of Health. The severity of a pandemic is based upon attack rates and case-fatality rates in areas affected prior to the pandemic arriving in Utah.

**Quarantine:** A mitigation measure intended to separate exposed persons who are not ill from those who are healthy. For purposes of the pandemic flu, persons should remain in quarantine for 7 days after the onset of illness in the sick household member or in a case of multiple household members becoming ill, persons should remain quarantined until 7 days after the last onset of illness in a household member.

**Social distancing:** Reducing the frequency, proximity and duration of contact between people to reduce the chances of spreading the disease.

**Swine-Origin Influenza Virus or S-OIV (Swine flu):** Swine flu viruses have been reported to spread from person-to-person, but in the past, this transmission was limited and not sustained beyond three people. See H1N1 above.

**World Health Organization (WHO):** An agency of the United Nations established in 1948 to further international cooperation in improving health conditions.

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## UTAH STATE COURTS TEMPORARY TELECOMMUTING AGREEMENT

As a method of responding to an activation of the Utah State Courts Continuity Plan or Pandemic Response Plan, \_\_\_\_\_ (Employee) and the Utah State Courts \_\_\_\_\_ (District) set forth the following agreement with respect to an employee approved to telecommute.

### Employee agrees:

1. To provide a suitable workspace in their home to be used as an office. The workspace will have adequate lighting, electricity, ergonomics, and privacy to allow work without interruptions and ensure confidentiality of information.
2. To work the following schedule  
     From home \_\_\_\_\_  
     From office \_\_\_\_\_
3. For the following time period \_\_\_\_\_ to \_\_\_\_\_
4. To complete the following duties/assignments while telecommuting:
  - Completion and submission of payroll information
  - *[Insert job requirements here]*
  - *[Insert job requirements here]*
5. To attend all meetings at the District office that are required by district management or employee's supervisor.
6. To comply with all Courts policies and procedures and to understand that all terms of employment remain intact.

### Utah State Courts agrees:

1. To provide Workers Compensation coverage for work related accidents incurred by Employee in work related activities.
2. To provide the same office supplies to Employee that is supplied to Employees working at the District office. Supplies will be picked up by Employee at the District office.

### Both parties understand:

1. The telecommute program is not an employee right, it is a management option. The program is voluntary and management retains the right, in its sole discretion, to end the telecommuting agreement when deemed necessary.
2. Employee may not be the primary care giver for a dependent living in Employee's home during the work hours stated in this agreement.

I understand that exceptions to the arrangements noted above require prior approval from my supervisor. I agree to release the Utah State Courts, the State of Utah, and all agents of these organizations from liability for any loss or harm to me or my property that may occur in the context of my use of personal property for Court's business or that may otherwise result from my participation in telecommuting.

I understand that Worker's Compensation benefits shall be the exclusive remedy for all job related injuries or illnesses, including those sustained or contracted at my telecommute work site.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Employee

\_\_\_\_\_

Court Executive/Division Director

**UTAH STATE COURTS  
TEMPORARY TELECOMMUTING ELIGIBILITY  
FOR CONTINUITY AND PANDEMIC PLAN ACTIVATIONS**

**District or Division:**

**Supervisor:**

The following criteria must be met for employees to be considered eligible to telecommute during a Continuity Plan or Pandemic Plan activation:

- ☐ Work is information-based
- ☐ Employee has internet access
- ☐ Minimal unpredictable face-to-face contact is required
- ☐ The employee works alone on assignments such as data entry, report generation, research or analysis
- ☐ Productivity can be monitored and measured easily
- ☐ The proposed telecommute setting is free from distractions (children or others in need of care)

**The following employees are eligible:**

Employee name and personal email address	Telecomm. Hours	Office Hrs	Home Address	Home Phone Cell Phone	Agreement Signed
	<i>T – Th 8am – 5pm</i>	<i>M – W – F 8am – 5pm</i>			



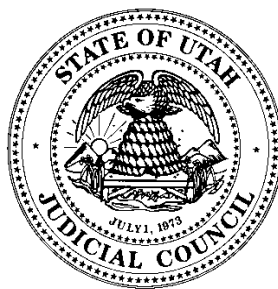
# Utah State Courts

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## **Continuity of Operations Plan**

**Scott M. Matheson Courthouse**

**Salt Lake City**



*Approved: July, 2017*

**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.**

## Foreword

Government organizations, including members of the judiciary, have the ethical responsibility for the safety of their employees and the legal obligation to the people of the State of Utah to be able to continue to operate in a prudent and efficient manner even in circumstances of an impending or existing threat.

This continuity of operations (COOP) plan provides policy, responsibilities, procedures, and planning guidance for ensuring the ability of the Utah State Courts to continue their essential functions when the use of court facilities are threatened, diminished or no longer possible.

Recommended changes to this document may be addressed with the Court Security Director in the Administrative Office of the Courts.



## Security Notice

This Continuity of Operations Plan is a protected record under Rule 4-202.02(5)(E) of the Utah Code of Judicial Administration and therefore should not be made available to the public. Distribution of the COOP plan in its entirety is limited to those individuals who need to know the information in order to successfully activate and implement the plan.

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## Executive Summary

This continuity of operations plan describes in general terms how the Utah State Courts intend to respond to events that disrupt normal operations at the Scott M. Matheson Courthouse. Such disruptions include instances where court functions and services cannot be fully performed for an extended period of time. The intent of the plan is to provide for an orderly transition to a pre-identified alternate court location where mission essential functions (MEFs) are performed. Additionally, this plan identifies in advance of an emergency, those persons to be contacted and procedures to be used during the most critical times, thus reducing the number of decisions that must be made and increasing the efficiency and effectiveness of the response.

The mission essential functions of the Utah State Courts are:

Mission Essential Function #1 – *Accept, Process and Track Court Filings*

Mission Essential Function #2 - *Hold hearings*

Mission Essential Function #3 - *Issue Orders, Injunctions, Decisions or Adjudications*

Two activities that are essential to support the mission of the Courts are:

Essential Support Activity #1 – *Information Technology*

Essential Support Activity #2 – *Payroll*

Implementation of this plan will be by an emergency organization consisting of key decision-makers as well as those persons necessary to carry out the essential court functions. Key decision-makers include the Chief Justice of the Supreme Court, Court Administrators, Presiding Judges, Court Executives, Clerks of Court and other Administrative Office (AOC) managers. The four teams created by this plan include the Emergency Management Team, the Advance Team, the Reconstitution Team and the Mission Essential Function Team.

Because many emergencies have common elements that can be addressed in the same manner, this plan employs an *all hazard* approach. Rather than developing a separate plan for earthquakes, fires or explosion, this plan guides court managers in making decisions in all contingencies where court operations are significantly disrupted.

## **I. INTRODUCTION**

### **A. Purpose**

This continuity of operations plan (COOP) establishes policy and guidance to ensure execution of the mission essential court functions normally conducted in the Matheson Courthouse when an emergency threatens or incapacitates operations and the relocation of selected personnel and court functions is required. Specifically, this plan is designed to uphold the rule of law during local or regional emergencies, maintain the integrity of the judicial process, and maintain public trust in the judicial process

### **B. Objectives**

The objectives of this COOP are to ensure that a viable capability exists to continue essential court functions across a wide range of potential emergencies when the Matheson Courthouse is either threatened or inaccessible. The objectives of this plan are to:

1. Ensure the continuous performance of the courts' mission essential functions during an emergency
2. Reduce or mitigate disruptions to court operations
3. Identify and designate principals and support staff to be relocated
4. Facilitate decision-making for execution of this plan and subsequent conduct of operations
5. Achieve a timely and orderly recovery from the emergency and resumption of normal court operations
6. Provide for the safety and well-being of court employees
7. Protect essential facilities, equipment, records and other assets

### **C. Applicability and Scope**

This plan is applicable to the Utah State Courts of Record and the Administrative Office of the Courts located within the Scott M. Matheson Courthouse in Salt Lake City.

### **D. Assumptions**

For purposes of planning the most effective and efficient response to an emergency situation, the following assumptions are being made:

1. Activation of this plan may be required at any time
2. Operational capability will be achieved within twelve hours of activation and may be sustained for up to thirty days
3. Any task not deemed "essential" must be deferred until additional personnel and resources become available
4. For ease of transition during a COOP activation, alternate site selections will be considered in this order: another court site; another state-owned or leased building; a building of another governmental unit; or a non-governmental site

5. The local Sheriff's Office will provide security to the judges, staff and court facilities
6. Once relocated to an alternate site, judges will adjust their calendars to assume matters from others who may not have survived or are unavailable.
7. In the event that the Utah State Courts computer servers are damaged or destroyed, redundant servers located at a secondary site will become functional within four hours.
8. **Court Executives, Clerks of Court and AOC managers will maintain an accurate and up-to-date listing of staff contact information.**

## **E. Planning Scenarios**

The plan is designed to address a disruption described in the following three potential scenarios:

### Scenario 1: Only the Matheson Courthouse is affected

Under this scenario, an individual courthouse is closed for normal business activities but the cause of the disruption has not affected surrounding buildings, utilities or transportation systems. The most likely causes of the disruption are structural fire, system/mechanical failure, or loss of utilities such as electricity, telephone or water systems. If the courthouse is the scene of a significant crime, the building may be closed for crime scene processing.

### Scenario 2: General vicinity is affected

In this scenario, the Matheson Courthouse and surrounding buildings within a few blocks are closed for normal business activities as a result of widespread utility failure, massive explosion, earthquake, tornado, civil disturbance or credible threats of actions that would preclude access to courthouse and surrounding areas. Under this scenario, there could be uncertainty regarding whether additional events (secondary explosions, aftershocks or cascading utility failures) could occur.

### Scenario 3: Entire region is affected

Under this scenario, the entire region is affected by an event or events that disrupt transportation systems, cause widespread utility failure and loss of life. Significant potential exists for this event to be a massive earthquake along the Wasatch Front.

## **F. Limitations**

This COOP is not intended to address isolated incidents that may disrupt some normal activities in the courthouse if employees are still able to conduct reasonably normal business without threats to their health or safety. Examples of such events include

equipment failure (i.e., elevators, lighting or water supply) or loss of information technology capabilities.

#### **G. Relationship to Other Emergency Management Plans**

The COOP does not replace the existing local security plan. Rather, it provides for a deliberate and preplanned movement of selected key personnel to an alternate site from which to operate the courts.

#### **H. COOP Authority and Direction**

In an event so severe as to interrupt normal court operations, or if such an event appears to be imminent and it would be prudent to discontinue use of the Matheson Courthouse, the Chief Justice or designated successor has the authority to activate the COOP. If the Chief Justice is unavailable, successors to the Chief Justice are as follows (in order):

- a. State Court Administrator
- b. Deputy Court Administrator
- c. Assistant Court Administrator

#### **I. COOP Definitions**

**ALTERNATE /COOP SITE:** A facility to which designated personnel move to continue mission essential court functions in the event the Matheson Courthouse is threatened or incapacitated (**See Appendix B**).

**COOP SITE SUPPORT OFFICIAL:** The contact person at the alternate site that prepares for the arrival of the Advance Team from the Matheson Courthouse.

**EMERGENCY ORGANIZATION:** The overall court structure created upon activation of the COOP. It includes the Emergency Management Team, the Reconstitution Team, the Advance Team and the Essential Function Team (**See Chart 1, p. 13**).

**ESSENTIAL SUPPORT ACTIVITIES (ESA):** Enabling activities of the organization that allow performance of the mission essential functions. These are typically internal service functions such as payroll and information technology activities.

**INTEROPERABLE COMMUNICATIONS:** Alternate or redundant communications and IT systems that provide the capability to perform minimum essential court functions, in conjunction with other agencies, until normal court operations can be resumed.

**MISSION ESSENTIAL FUNCTIONS (MEFs):** Those functions that must be performed during the immediate aftermath of a major disaster in order to fulfill constitutional or statutory mandates or otherwise preserve order and the rule of law.



**MISSION ESSENTIAL STAFF:** Those persons who are designated to relocate to the alternate/COOP site to perform the mission essential functions of the Courts.

**ORDERS OF SUCCESSION:** The sequence in which one person after another succeeds to a position in the event an Emergency Organization member is unavailable (**See Appendix C**).

**RECONSTITUTION:** The re-establishment of a fully functioning court facility.

## **II. COOP EMERGENCY ORGANIZATION**

The COOP emergency organization is comprised of essential senior decision-making court personnel, court personnel responsible for continuing the mission essential functions of the court, and personnel who provide planning, logistics and administrative support to the emergency operations. The COOP emergency organization consists of four teams: the *Emergency Management Team*, the *Advance Team*, the *Mission Essential Function Team* and the *Reconstitution Team*.

### **A. Emergency Management Team**

The COOP Emergency Management Team is responsible for strategic decision-making and policy guidance when an emergency occurs or is imminent. The duties of the Emergency Management Team are to:

1. Assemble and determine the most suitable alternate site in which to establish the mission essential functions of the court. (Note: Because of potential infrastructure damage, assembling of the team may have to be accomplished remotely).
2. Direct the Trial Court Executives of the affected site to assemble the Advance Team for movement to the alternate site
3. Direct the Reconstitution Team to assemble and begin the process of damage assessment, salvage operations and rebuilding
4. Provide direction and support for the Advance Team, the Mission Essential Function Team and the Reconstitution Team
5. Make policy decisions as they arise
6. Initiate and utilize the crisis communication plan
7. Establish and maintain liaison with executive and legislative branch representatives
8. Arrange for fiscal support for restoration efforts.

### **B. Advance Team**

The Advance Team is responsible for preparing the alternate site for arrival of the Mission Essential Function Team. The State Court Administrator or designee will notify

the TCEs of COOP activation. The TCEs will then notify and brief team members of the situation and begin the relocation procedures for the appropriate alternate site based on consultation with the COOP Site Support Official. The general duties of the Advance Team are to:

1. Assure that the alternate site is safe to occupy
2. Coordinate with the alternate site staff
3. Set up additional work stations for staff
4. Establish telecommunications
5. Ensure that each room has the necessary number of telephones, printers, fax machines, copiers, etc.
6. Establish and disseminate a new phone list for essential personnel at the alternate site
7. Plan and schedule operations
8. Prepare and disseminate instructions and reports as required

As leader of the Advance Team, the Clerk(s) of Court will:

1. Notify the Alternate Site COOP site support official to expect the relocation of court operations
2. Assure that all members of the Advance Team are fully briefed and that they are equipped with pre-arranged supplies to include critical documents and equipment.
3. Assure that Information Technology personnel have begun the process of switching to the redundant data center if Matheson Courthouse IT facilities are damaged
4. Notify the Mission Essential Function Team to proceed to the alternate site once it has become operational

### **C. Mission Essential Function Team (MEFT)**

The Mission Essential Functions of the Courts are to:

***#1 – Accept, Process and Track Court Filings***

***#2 - Hold hearings***

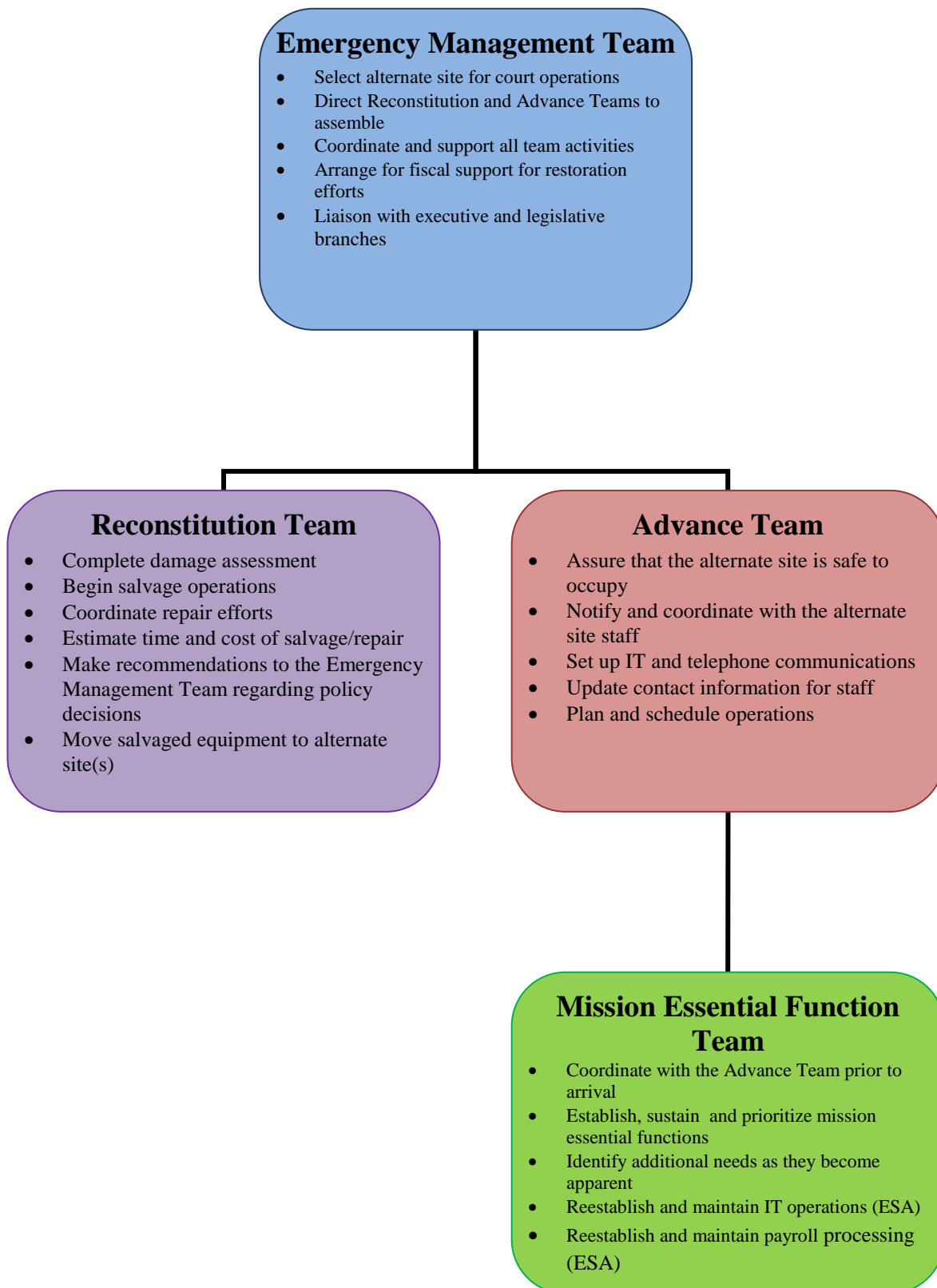
***#3 - Issue Orders, Injunctions, Decisions or Adjudications***

Two Essential Support Activities (ESA) that support the mission essential functions of the Courts are:

***#1 – Information Technology***

***#2 – Payroll***

## **Chart 1- COOP Emergency Organization Structure**



The Mission Essential Function Team (MEFT) is comprised of judges and staff needed to continue essential court functions. Thus, MEFT members must be knowledgeable about their responsibilities during COOP activation. If already at the courthouse when the

COOP is activated, MEFT members will remain on duty pending further guidance. Upon notification by the Clerk of Court, the MEFT will respond to the alternate site to begin performing the essential functions of the court. On arrival at the alternate site, the Clerk of Court will assume responsibility for supervising the MEFT. The primary responsibilities of the MEF Team include (see Appendix D, E, F and G for full checklist of duties):

1. Coordinating with the Advance Team prior to arrival
2. Establishing and sustaining mission essential functions
3. Identifying additional equipment, supply and manpower needs as they become apparent
4. Assembling the remaining documents required for the performance of essential functions
5. Checking in and receiving identification and security access cards and receiving a initial briefings and reports from the Advance Team
6. Coordinating with the Reconstitution Team to secure and utilize salvaged equipment
7. Remaining on-duty pending further guidance from the Clerk of Court

For operational purposes, payroll and information technology activities will be considered part of the MEFT.

#### **D. Reconstitution Team**

Upon activation of the COOP, the Emergency Management Team will alert the Reconstitution Team to begin operations. The objective of the Reconstitution Team is to start the process of recovery of court assets and to restore full court operations at the damaged site or, if completely destroyed, a new location.

The primary responsibilities of the Reconstitution Team are to:

1. Arrange for a structural inspection of the courthouse by a Department of Facilities and Construction Management (DFCM) structural engineer to determine whether or not the courthouse can be occupied or accessed
2. Complete an inspection to determine the availability and functionality of electrical, HVAC, gas and water utilities
3. Estimate the amount of damage and repair and replacement costs
4. Salvage court assets (records, furniture, equipment, etc.) both directly and through vendors such as disaster clean-up and restoration companies
5. Procure necessary equipment, labor and services to repair damage and restore functionality
6. Provide status updates and guidance to the Emergency Management Team
7. Coordinate with the Advance Team to secure and utilize salvaged equipment

### III. ORDERS OF SUCCESSION

It is critical to have a clear line of succession to office in the event leadership becomes debilitated or incapable of performing its authorized duties, roles and responsibilities. The designation as a successor enables that individual to act for and exercise the powers of a principal. If a designated individual in the COOP emergency organization is unavailable, authority will pass to the next individual on the list (see Appendix C). An individual is “unavailable” if he or she is:

1. Incapable of carrying out the assigned duties by reason of death, disability, or distance from/response time to the facility
2. Unable to be contacted after repeated attempts
3. Already assigned to other emergency activities

The designated individual retains all assigned duties until officially relieved by an individual higher on the list.

### IV. ALERT AND NOTIFICATION

#### A. Alert Procedures

If the situation allows, court personnel will be alerted prior to the activation of the COOP.

1. Salt Lake County Sheriff’s Office personnel will be alerted by the Court Security Director
2. Information and guidance for employees will be provided by managers using one or more of the following methods:
  - a. Emergency phone tree
  - b. Face-to-face communication
  - c. Utah State Courts intranet / Facebook / Twitter
  - d. Google Mail
  - e. Text messaging
  - f. Employee emergency hotline - **(801)238-7555**
  - g. Announcements on the local Emergency Alert Station (EAS), KSL News Radio (1160 AM) and television. This will be rebroadcast by other participating stations to provide broad notification.
3. All court personnel should listen for specific instructions. They should remain at their office or home until specific guidance is received.

#### B. Notification Procedures – COOP Personnel

1. Non-office hours – The local sheriff’s office or other law enforcement agency will notify the TCE (designated as local security coordinator) of any after-hours incidents at the courthouse. The TCE will notify the State Court Administrator who will then notify the Chief Justice. If conditions warrant, the COOP will be activated.

2. Office hours – If the COOP triggering event occurs during business hours, the TCE (designated as the local security coordinator) will activate the evacuation plan and assure that everyone has been safely evacuated. If conditions dictate, the TCE will notify the State Court Administrator to request COOP activation.

Upon the activation of the COOP:

- a. The State Court Administrator will contact members of the Emergency Organization, Administrative Office of the Courts (AOC) management and members of the judiciary to stand by for further direction.
- b. The State Court Administrator or designee will direct members of the Emergency Management Team to assemble and determine the most suitable site in which to establish the essential functions of the Courts.
- c. Upon site selection, the Emergency Management Team will direct the TCE(s) to begin assembling the Advance Teams for movement to the alternate sites.
- d. The Clerks of Court will notify the alternate site managers to expect the relocation of court operations.
- e. The Emergency Management Team will direct the Reconstitution Team to assemble and begin operations.
- f. Upon arrival at the alternate site, the Clerks of Court will notify the Essential Function Teams to assemble and begin collecting supplies necessary for accomplishing the mission essential functions of the courts.

### **C. Notification Procedures – All Court Personnel**

Upon the decision to activate the COOP:

1. The TCEs and AOC management staff will notify their personnel using their pre-established phone tree or other means of communication.
2. The Public Information Officer will contact media outlets to inform them of the courts' plans.
3. Non-essential personnel will be directed to go home or stay at home until further notice.
4. The Court Security Director will contact the Salt Lake County Sheriff's Office to notify them of the Courts' plans.
5. Notification should occur in the following manner:
  - a. Personnel should be given the information and guidance as provided by the State Court Administrator or his designee
  - b. If an initial attempt at contact is unsuccessful, the TCE/AOC manager will leave a message and try to make contact at a later time

- c. Notification may be made in any available manner, i.e., personal contact, telephone, mobile phone, text messaging, email or radio and television broadcasts
- d. Employees for whom messages were left, should immediately make contact with the person who attempted to contact them

If a disaster occurs during working hours, it is likely that court employees may be injured or killed. In this case, family notification or notification of next of kin must occur as quickly as possible by the TCEs and AOC managers.

## V. COMMUNICATIONS

Because of the need to provide timely, consistent and accurate information to all parties involved in the COOP, communications will be coordinated by the Courts' Public Information Officer (PIO). The PIO will utilize the detailed Crisis Communication Plan that addresses effective communication methods for internal (all court employees), stakeholder (bar association, county prosecutors, law enforcement, public defenders, court users and jurors) and media use (Appendix I). Communication will occur in the following manner:

**Internal communication** – Upon activation of the COOP, employees will be notified using the methods outlined in COOP Section IV (page 15). Members of the COOP Emergency Management organizational structure and all managers are responsible for maintaining a current contact list (both telephone and email) for their staff so that they can increase the likelihood of employee contact.

Employees will be kept abreast of court operations via the Utah State Courts intranet, GoogleMail, social media such as Twitter and Facebook, the employee telephone hotline (801-238-7555) and announcements on local radio stations provided by the PIO. Employees will be notified of the resumption of full court operations in a similar manner.

**Media communication** – The PIO will proactively provide information to the media via telephone, email, the Courts' website and Facebook pages as well as Twitter.

**Stakeholder communication** – Stakeholders will be notified of changes in court operations and locations primarily through the local media, the Courts' website and social media services such as Facebook and Twitter. Additional information will be provided by members of the Advance Team via recorded messages on the phone system and by forwarded calls to the alternate site arranged by a member of the Advance Team. Additional staffing may be necessary to address the high volume of incoming calls to the court.

## VI. INFORMATION TECHNOLOGY

The success of this COOP is dependent upon the availability of robust and effective business functions. This includes both internal communications as well as external connectivity. In the event that the Utah State Courts computer servers are damaged or destroyed, redundant servers located at a secondary site will become operable in approximately four hours. No data loss is anticipated in this event. To assure successful transition to the redundant data center, the priority order for re-establishing the various technology services will be determined by the IT Director.

In the event that the IT switchover to a redundant site is delayed or does not occur as anticipated and electronic databases (AIS, CORIS and CARE) are nonfunctional, essential staff will manually perform the essential functions of their respective courts to the extent possible. They will develop a method of recording/documenting court operations until such time as the appropriate data can be entered into the database.

## VII. VITAL RECORDS

To complete the identified mission essential functions, necessary electronic court records will be available via the redundant data center with only a temporary interruption of service (see above – Information Technology).

Since paper copies of pre-July 2010 court records will still be necessary to complete the MEFs, the Reconstitution Team will be responsible for salvaging and for arranging transport of these records to the alternate court site.

Table 1 – Priority of Vital Records Recovery

Priority	Court	Room Number	Items
#1	District	File Room N110S	Domestic case files 2006 -
#2	District	File Room 106	Current criminal files, microfiche and microfiche reader
#3	District	Evidence Room N109	All evidence
#4	District	Outside Office N127	Locked cabinets containing sealed search warrants
#5	District	Near File Room N106	Probate files contained in two Kardex filing systems
#1	Juvenile	Exterior of Judges' chambers – 2 <sup>nd</sup> Floor, West and South wings	Paper files associated with current cases
#1	Appellate	Outside Office N504	Current/active cases of Supreme Court and Court of Appeals



### **III. MISSION ESSENTIAL FUNCTION (MEF) OPERATIONS**

- A. MEF personnel will respond to the alternate court site as determined by the Emergency Management Team.
- B. The Trial Court Executive will notify the State Court Administrator and Public Information Officer when relocation to the alternate site is complete.
- C. Staff will perform the mission essential functions in the priority determined by the TCE, Clerk of Court and presiding judge. A checklist of duties for Advance Team and MEF personnel is included in **Appendices D- G**.
- D. If it becomes evident that the essential judges and staff cannot ensure the continuous performance of essential functions, the TCE, in conjunction with the presiding judge, will augment the staff by calling in additional personnel. MEF staff may work remotely at other court sites if no workspace is available at the alternate court site.
- E. The MEF staff will coordinate closely with the alternate site staff to assure efficient court operations.

### **IX. HUMAN RESOURCE CONSIDERATIONS**

The Utah State Courts recognizes the need to prepare for unexpected events such as natural or human caused emergencies, disasters or major catastrophes as well as the need to return the affected courts to normal operations as quickly as possible. Alongside this need, the AOC recognizes that the disaster or disruption also impacts employees and their families. To this end, this policy provides information related to the courts' human resource practices in the event of COOP activation.

#### **A. Guiding Principles During COOP Activation**

- 1. The TCEs and AOC managers will make every effort to communicate about work status with both essential and non-essential staff during COOP operations.
- 2. The TCEs and AOC managers will make every effort to ensure that employees remain working using flexible or unique solutions in operating the courts.
- 3. Employees may be asked to work outside their job descriptions to the extent that they are qualified and can safely perform the work.
- 4. Employees may be temporarily reassigned to another court location until their position becomes available in the relocated or repaired court facility (HR 20-13)

#### **B. Essential Staff**

Essential staff should report to work at the alternate COOP location upon notification by the Clerks of Court.

Essential staff will receive their regular pay and overtime compensation as applicable. Additionally, essential function employees may be granted

administrative leave for use after the COOP period has ended. This leave will be granted at the discretion of the Trial Court Executive in consultation with the State Court Administrator and Human Resources Director.

### C. Non-essential Staff

Non-essential staff will not report for work until directed to do so by the Clerks of Court or their AOC manager. Non-essential staff will continue to receive their regular pay for a period of ten working days after COOP activation regardless of their work status. If employees are not called back after this ten day period, the following options will be considered by AOC management:

1. Telecommuting consistent with current HR policy 230-17
2. Vacation leave consistent with HR policy 400-2
3. Sick leave consistent with HR policy 400-3
4. Leave Without Pay consistent with HR policy 400-10
5. Family Medical Leave consistent with HR policy 400-5
6. Furlough consistent with HR policy 270-3
7. Transfer to another court consistent with HR Policy 230-13

HUMAN RESOURCE POLICY REFERENCE TABLE			
Personnel Areas	Specific Personnel Issue	HR Policies	Commentary
Flexible work hours and telecommuting	Permission to work from home or flex time	230.17	Allows personnel to telecommute upon memorandum of agreement.
Discipline	Employees refusing to work	610 Discipline	Allows discipline of employees for nonfeasance, insubordination, unauthorized absence, et al.

HUMAN RESOURCE POLICY REFERENCE TABLE			
Work Schedules and Compensation	Payment of nonessential staff	270.1 Reduction in Force 270.3 Furlough	For purposes of cost savings, mgt. may reduce workforce or place people on 20-day furlough without pay.
	Overtime for essential functions staff	300.2	Mgt. may require someone to work overtime when necessary.

	Overtime payment for essential function staff.	300.2.3.1 Overtime 300.2.3.2	Time and one-half for non-exempt. No overtime pay for exempt employees.
Leave	Paid or administrative leave to stay home or quarantine themselves	400.3.7 Sick Leave 400.5.1 FMLA	
	Leave if families are sick or quarantined.	400.3.7 Sick Leave 400.5.1 FMLA	
	Requiring staff to take leave if they don't want to		
Obtaining additional staff	Transferring staff	230.12.2	Allows for involuntary transfer based on needs of organization.
	Expedited hiring of additional staff	230.8.1 Temp. Employment 230.14.1 Rehires	Allows rehiring of temporary employees and retirees outside the normal selection process.
Logistical support	Accommodations (day care) for family members of staff who are working overtime, etc		
	Staff with transportation needs	Accounting Manual Travel Reimbursement	
	Reimbursement for work-related expenses	250.1 Relocation Expenses	Allows for reimbursement of relocating costs if employee relocates outside the district.

## **X. RECONSTITUTION**

### **A. Physical reconstitution**

Depending on the nature of the emergency, disaster or major catastrophe, there may be severe destruction of physical property and thus it may be necessary to rebuild or repair the Matheson Courthouse. Once the emergency situation has ended and is unlikely to recur, the Chief Justice and the Emergency Management Team will direct the Facilities Director to assemble the Reconstitution Team and begin operations.

When the primary courthouse has been extensively damaged, the Facilities Director will need to identify a new facility for either long-term or permanent use. Some of the key items to consider when identifying a new primary facility include:

1. How much space does the court actually need?
2. Is the facility secure or can it be made secure?
3. How much furniture and equipment will be required to accommodate staff, systems and functions?
4. Is adequate infrastructure available?

If an adequate facility is not available, leasing multiple facilities may be an option. Items to consider include:

1. The proximity of facilities to each other, to the court stakeholders, i.e., court staff, litigants, attorneys, prosecutors.
2. What offices will work in which facility?
3. Availability and appropriateness of mobile facilities

## **B. Restoring Human Resources**

Because the precipitating emergency, disaster, or major catastrophe may have caused the injury or death of court employees, restoration of human resources will need to occur. Items to consider include:

1. How and when personnel will return to the primary facility
2. How personnel will be notified of the shift of operations to the new or restored court facility
3. How to restore missing personnel (i.e., hiring temporary staff, expediting the hiring process for permanent staff)

## **C. Transition Back to Primary Court Facility**

Upon a decision by the Chief Justice that the Matheson Courthouse can be reoccupied or that a different facility will be established as a new primary court facility:

1. The State Court Administrator will oversee the orderly transition of all court function, personnel, equipment and records from the alternate site back to the Matheson Courthouse, or to a new court facility

2. When necessary equipment and documents are in place in the Matheson Courthouse or a new facility, the staff remaining at the alternate site will transfer essential functions and resume normal operations.

## **XI. INTERAGENCY DEPENDENCIES**

The Utah State Courts are dependent upon many other agencies, departments and services to complete their mission, thus they cannot operate effectively without interagency cooperation and coordination.

Communications with stakeholder agencies regarding court COOP activities lies with both the Public Information Officer and members of the Advance Team for each level of court. A more complete list of relevant agency partners is included in the Mission Essential Function guidance checklist found in **Appendices D - G**. For purposes of linking the Courts' COOP with that of the Department of Human Services, more detail of the interdependency is described below.

### **A. Utah Department of Human Services, Child and Family Services**

A copy of the "Highlights of Division of Child and Family Services Emergency Response and Recovery Plan" is included in **Appendix H**. In the event of an emergency, DCFS will prioritize "investigation and intake of children involved in Priority 1, 1R and 2 Child Protective Services referrals or reports<sup>1</sup>" and "location, tracking and provision of care for children in custody and the person(s) responsible for those children." Because of this, DCFS may be seeking Juvenile Court intervention in order to protect vulnerable children, and the Juvenile Court will coordinate with DCFS to provide those essential services.

During COOP activation, it is the responsibility of the Trial Court Executive in the affected district to coordinate with the local office of DCFS in that district and agree upon a methodology for conducting court business that is required by DCFS priorities stated above. If an alternate Juvenile Court site is established, the TCE will notify DCFS of this alternate court site. The TCE shall contact the following DCFS officials:

- State DCFS Director Brent Platt
- State DCFS Deputy Director Charri Brummer

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<sup>1</sup>Priority 1 referrals indicate a child is in need of immediate protection and the face-to-face contact between investigator and victim must take place within 60 minutes of intake; a Priority 1R means the referral is in a rural area and due to distance, the investigator has three hours to make contact. Priority 2 referrals indicate that evidence is at risk of being lost or a child may be harmed further, and therefore, face-to-face contact must be made within 24 hours.

- Region Director in applicable Court District
- Regional Liaison with Local Government Agencies

The Juvenile Court's priorities in an emergency for child protection include but are not limited to, child welfare hearings, shelter hearings, child welfare warrants, and child protective orders. It is also a priority of Juvenile Court to work with DCFS officials to ascertain the safe whereabouts of each child in DCFS custody pursuant to an order of the Juvenile Court. The Court will rely on DCFS to notify parents and other interested parties regarding children in custody.

#### **B. Utah Department of Human Services, Juvenile Justice Services (JJS)**

In the event of an emergency, JJS will prioritize maintaining operations at the Secure Care facilities and Detention Center facilities and "maintain[ing] an accurate accounting of all youth in custody (within facilities and in the community)". Because of this, JJS may be seeking Juvenile Court intervention in order to protect these operations or in order to ascertain the whereabouts of children in JJS custody. Under COOP activation, Juvenile Court may also need to hold detention hearings and to process new delinquency charges against youth.

During COOP activation, it is the responsibility of the Chief of Probation in each district to coordinate with the Assistant Program Director (APD) of Detention and the APD of Community Programs within their district and agree upon a methodology for conducting court business. If an alternate Juvenile Court site is established, the Chief will notify JJS of this alternate court site. The Chief shall contact the following JJS officials:

- State JJS Director Susan Burke
- State JJS Deputy Director Chris Roach
- Assistant Program Director for JJS in applicable Court District

The Juvenile Court's priorities in an emergency for delinquent youth include but are not limited to, protection of the community by promptly processing delinquent offenses from law enforcement and holding detention hearings. It is also a priority of Juvenile Court to work with JJS officials to ascertain the safe whereabouts of each child in JJS custody pursuant to an order of the Juvenile Court. The Court will rely on JJS to notify parents and other interested parties regarding children in custody.

It may be advisable to coordinate with law enforcement and/or JJS to establish a temporary youth receiving center during the emergency to centralize processing of delinquent youth in the absence of normal resources. Juvenile Court administration and probation staff should work with stakeholders to anticipate this need should it arise.

## **XII. TRAINING, TESTING AND EXERCISING**

Testing, training, and exercising COOP capabilities are necessary to demonstrate and improve the ability of the courts to execute its mission essential functions. The wide variety of potential threats is such that an effective Continuity of Operations Plan must be established. The Courts' training program incorporates the three functional areas of testing systems and equipment, training, personnel and exercising plans and procedures.

### **A. Tests**

Tests are used to validate or identify for subsequent correction, specific aspects of COOP plans, policies, procedures, systems and facilities intended for use in response to an emergency situation. Periodic testing also ensures that equipment and procedures are maintained in a constant state of readiness.

Testing typically consists of the following:

1. Evaluations of alert and notification procedures and systems, including instructions for relocation to pre-designated facilities with or without warning and during duty and non-duty hours
2. Evaluation of the Courts' ability at the alternate site to access vital records, systems and data management software and equipment necessary to perform essential functions
3. Evaluation of communications at the alternate site

### **B. Training**

Training familiarizes court staff with the essential functions they may have to perform in an emergency. COOP training will consist of some of the following:

1. Initial orientation for new employees or newly assigned managers and staff
2. A COOP senior leadership orientation for selected staff
3. A COOP awareness workshop for all court staff
4. Biannual refresher training for all court members
5. Biannual training for Emergency Organization to ensure that members understand their individual roles and their interaction with their counterparts

### **C. Exercises**

Exercises give court members the opportunity to practice under simulated emergency conditions the steps they would take in an emergency, disaster or major catastrophe requiring activation of the COOP. The exercise schedule includes:

1. Building evacuations

2. Annual activation of the court COOP plan requiring actual or simulated relocation to an alternate facility exercise for the court Emergency Organization. This may involve the actual notification and relocation with the actual use of the facilities at an alternate site or some combination of the two approaches

Each exercise will conclude with a post-exercise evaluation within two working days. This evaluation is intended to highlight the strengths and weaknesses of the plan and its execution and provide for improvement or change as indicated.

### **XIII. PLAN MAINTENANCE**

The responsibility of reviewing, maintaining and updating this COOP is given to the Court Security Director in association with the Trial Court Executives and the Deputy Court Administrator. The plan will be reviewed annually and updated as necessary based on exercises and actual events. The Trial Court Executives will assure that personnel contact information is updated and maintained.

The adequacy of the alternate sites included in this plan will be reviewed bi-annually by the Court Security Director, the Trial Court Executives and the Facilities Director.



## APPENDIX A – EMERGENCY ORGANIZATION

### Emergency Management Team

<b>1</b>	Hon. Matthew Durrant	Chair - Judicial Council
<b>2</b>	Rick Schwermer	State Court Administrator
<b>3</b>	Ray Wahl	Deputy Court Administrator
<b>4</b>	Vacant	Assistant Court Administrator
<b>5</b>	Shane Bahr	District Court Administrator
<b>6</b>	Dawn Marie Rubio	Juvenile Court Administrator
<b>7</b>	Geoff Fattah	Public Information Officer
<b>8</b>	Brent Johnson	General Counsel
<b>9</b>	Hon. Randall N. Skanchy*	Presiding Judge - District
<b>10</b>	Hon. Mark W. May*	Presiding Judge - Juvenile
<b>11</b>	Hon. Frederic Voros Jr.*	Presiding Judge - Appellate
<b>12</b>	Peyton Smith *	Court Executive - District
<b>13</b>	Neira Siaperis *	Court Executive - Juvenile
<b>14</b>	James Ishida*	Court Executive - Appellate

### Reconstitution Team

<b>1</b>	Heidi Anderson	IT Director
<b>2</b>	Alyn Lunceford	Court Facilities Director
<b>3</b>	Dustin Treanor	Purchasing Agent
<b>4</b>	Rob Parkes	Human Resource Director
<b>5</b>	Mike Butler	DFCM
<b>6</b>	Hon. Randall N. Skanchy *	Presiding Judge - District
<b>7</b>	Hon. Mark W. May*	Presiding Judge - Juvenile
<b>8</b>	Hon. Frederic Voros Jr.**	Presiding Judge - Appellate
<b>9</b>	Peyton Smith*	Court Executive - District
<b>10</b>	Dawn Marie Rubio*	Court Executive - Juvenile
<b>11</b>	James Ishida*	Court Executive - Appellate

### Advance Team

<b>1</b>	Guy Adams	Information Technology
<b>2</b>	Don Bahr	Information Technology
<b>3</b>	Andrea Martinez	Clerk of Court
<b>4</b>	Lisa Collins	Clerk of Court
<b>5</b>	Chris Davies	Clerk of Court
<b>6</b>	Todd Eaton	Information Technology
<b>7</b>	Bo Fairman	Clerk of Court
<b>8</b>	Krista Airam	Chief Probation Officer
<b>9</b>	Chris Palmer	Court Security Director
<b>10</b>	Mike Butler	DFCM
<b>11</b>	Mark Stephenson	Information Technology
<b>12</b>	Mark Tronrud	Information Technology

\*Indicates dual membership on the Emergency Management and Reconstitution Teams.

### Mission Essential Function Teams

Rather than pre-identifying essential staff that may not be available to respond or may not be capable of reaching the alternate site, the essential staff will be determined by the Court Executives and Clerks of Court based on their knowledge of staff situations at the time of the event. **It will be the responsibility of the Court Executives, Clerks of Court and AOC managers to maintain an accurate list of staff contact information to facilitate notification.**

## APPENDIX B – ALTERNATE COURT SITES

Court Level	Primary Alternate Site	Alternate Site #2	Alternate Site #3
Appellate Courts	Bountiful Courthouse 805 South Main Street  <b>COOP Site Support Official:</b> TCE Sylvester Daniels 801-395-1107 (Ogden) 801-447-3823 (Farmington) 801-940-7290 (Cell) 801-546-1829 (After Hours)	State Capitol 350 North State Street  <b>COOP Site Support Official:</b> Allyson W. Gamble Capitol Preservation Board Ofc. 801-538-3074 Cell 801-537-9156	West Jordan Courthouse 8080 S. Redwood Road  <b>COOP Site Support Official:</b> Craig Ludwig Ofc. 801-233-9771 Cell 801-550-2314
District Court	West Jordan Courthouse 8080 S. Redwood Road  <b>COOP Site Support Official:</b> Craig Ludwig Ofc. 801-233-9771 Cell 801-550-2314	Tooele Courthouse 74 South 100 East  <b>COOP Site Support Official:</b> Craig Ludwig Ofc. 801-233-9771 Cell 801-550-2314	Silver Summit Courthouse 6300 N. Silver Creek Rd  <b>COOP Site Support Official:</b> Craig Ludwig Ofc. 801-233-9771 Cell 801-550-2314
Juvenile Court	West Jordan Courthouse 8080 S. Redwood Road  <b>COOP Site Support Official:</b> Craig Ludwig Ofc. 801-233-9771 Cell 801-550-2314	Tooele Courthouse 74 South 100 East  <b>COOP Site Support Official:</b> Craig Ludwig Ofc. 801-233-9771 Cell 801-550-2314	Silver Summit Courthouse 6300 N. Silver Creek Rd  <b>COOP Site Support Official:</b> Craig Ludwig Ofc. 801-233-9771 Cell 801-550-2314
Law Library	State Capitol 350 North State Street  <b>COOP Site Support Official:</b> Alyssa Gamble Capitol Preservation Board Ofc. 801-538-3074 Cell 801-537-9156	U of U- College of Law 332 South 1400 East  <b>COOP Site Support Official:</b> Melissa Bernstein 801-581-3386 (work)	BYU Law School Provo  <b>COOP Site Support Official:</b> Mr. Kory Staheli 801-422-9223

<b>Administrative Office of the Courts</b>	<p>Bountiful Courthouse 805 South Main</p> <p><b>COOP Site Support Official:</b> TCE Larry Webster 801-395-1107 (Ogden) 801-447-3823 (Farmington) 801-940-7290 (Cell) 801-546-1829 (After Hours)</p>	<p>Tooele Courthouse 74 South 100 East</p> <p><b>COOP Site Support Official:</b> Craig Ludwig Ofc. 801-233-9771 Cell 801-550-2314</p>	<p>Silver Summit Courthouse 6300 N. Silver Creek Rd</p> <p><b>COOP Site Support Official:</b> Craig Ludwig Ofc. 801-233-9771 Cell 801-550-2314</p>
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## APPENDIX C – ORDERS OF SUCCESSION

### *Emergency Management Team*

Primary	Successor 1	Successor 2	Successor 3
James Ishida*	Lisa Collins	Sue Willis	Nicole Gray
Rick Schwermer	Ray Wahl	Brent Johnson	Vacant
Neira Siaperis*	Bo Fairman	Sherry Parkes	Greg Johnson
Lisa-Michele Church	Katie Gregory	Neira Siaperas	Duane Betournay
Hon. Matthew Durrant	Hon. Thomas Lee	Hon. Christine Durham	Hon. Jill Parrish
Hon. Randall Skanchy*	Hon. Ryan M. Harris	Hon. Terry Christiansen	Hon. Royal Hansen
Johnson, Brent	James Ishida	Rick Schwermer	Debra Moore
Hon. Frederic Voros *	Hon. Gregory Orme	Hon. Michele Christiansen	Hon. Stephen Roth
Hon. C. Dane Nolan	Hon. Mark May	Hon. Julie Lund	Hon. Elizabeth Lindsley
Debra Moore	Rick Schwermer	Tim Shea	
Rick Schwermer	Vacant	Brent Johnson	Debra Moore
Peyton Smith*	Christine Davies	Craig Ludwig	Julie Rigby
Geoff Fattah	Kim Allard	Vacant	Chris Palmer
Ray Wahl	Brent Johnson	Vacant	

### *Reconstitution Team*

Primary	Successor 1	Successor 2	Successor 3
James Ishida	Lisa Collins	Sue Willis	Nicole Gray
Ron Bowmaster	Pattie Opheikens	Paul Barron	Penny Rainaldi
Alyn Lunceford	Dustin Treanor	Holly Albrecht	Monica Murphy
Rob Parkes	Cheryl Breneman	Jane McBride	Sarah Osmund
Mike Butler	Mike Keeney	DFCM Facility Coord.	DFCM Facility Coord.
Peyton Smith	Christine Davies	Craig Ludwig	Julie Rigby
Dustin Treanor	Alyn Lunceford	Monica Murphy	Holly Albrecht
Neira Siaperis	Bo Fairman	Sherry Parkes	Greg Johnson

### *Advance Team*

Primary	Successor 1	Successor 2	Successor 3
Don Bahr	Mark Tronrud	Todd Eaton	Mark Stephenson
Lisa Collins	Sue Willis	Andrea Martinez	Nicole Gray
Chris Davies	Craig Ludwig	Cindy Beverley	Julie Rigby

Todd Eaton	Mark Stephenson	Guy Adams	NA
Bo Fairman	Alice Ronan	Carol Peacock	C.J. Orr
Krista Airam	Sherry Parkes	Krista Wilde	Melissa Sanchez
Andrea Martinez	Sue Willis	Lisa Collins	Susan Richards
Chris Palmer	Sheriff's Office Rep.		
DFCM Facility Coord.	DFCM Facility Coord.	DFCM Facility Coord.	DFCM Facility Coord.

*Emergency Support Team- Payroll*

<b>Primary</b>	<b>Successor 1</b>	<b>Successor 2</b>	<b>Successor 3</b>
Milton Margaritis	Cheryl Breneman	Vicki Bungard	Nancy Dunyon

*Emergency Support Team – Information Technology*

<b>Primary</b>	<b>Successor 1</b>	<b>Successor 2</b>	<b>Successor 3</b>
Mary Barrientez	Darrell Beck	Dustin Baird	Carol Hooper
Jymn Edwards	Charlie Bird	NA	NA
Pattie Ophiekens	Todd Eaton	Wendy Densley	NA
Mark Stephenson	Don Bahr	NA	NA
Penny Rainaldi	Dave Hayward	NA	NA
Guy Adams	Carrell, Ben	NA	NA

*\*Dual membership on the Emergency Management Team and the Reconstitution Team.*

DFCM Facilities Coordinators:

Scott Whitney (West Jordan)	801-965-4350
Joe Ligor (Supreme Court- Capitol)	801-538-3258
Rick Nauta (Farmington, Bountiful, Layton, Ogden, Logan, Brigham)	801-626-3761
Dwight Palmer (Provo, St. George, Richfield)	801-374-7099
Mike Butler (Matheson, Vernal)	801-238-7901

## APPENDIX D- MISSION ESSENTIAL FUNCTION GUIDANCE – APPELLATE COURTS

<i>Mission Essential Function (MEF) #1 - Accept, Process and Track Court Filings</i> <i>Mission Essential Function (MEF) #2 - Hear Oral Arguments</i> <i>Mission Essential Function (MEF) #3 - Issue Orders, Injunctions or Decisions</i>	
<b><u>MEF Inputs</u></b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Pleadings from attorneys and pro se litigants</li> <li><input type="checkbox"/> Records on appeal</li> <li><input type="checkbox"/> Notices of appeal from lower courts</li> <li><input type="checkbox"/> Docketing statements</li> <li><input type="checkbox"/> Petitions (extraordinary relief, interlocutory appeal, writs of certiorari, rehearing, petitions for review, etc.)</li> <li><input type="checkbox"/> Transcript requests</li> <li><input type="checkbox"/> E-payments</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Filing fees (cash, check)</li> <li><input type="checkbox"/> Payments (trust accounts)</li> <li><input type="checkbox"/> Case files brought to bench by justices or judges (MEF #2)</li> <li><input type="checkbox"/> Arguments by attorneys or pro se litigants (MEF #2)</li> <li><input type="checkbox"/> Trial court records and transcripts</li> <li><input type="checkbox"/> Briefs and reply briefs</li> <li><input type="checkbox"/> Petitions for rehearing</li> <li><input type="checkbox"/> Writs of certiorari</li> </ul>
<b><u>MEF Outputs</u></b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Case records, docket entries, court orders</li> <li><input type="checkbox"/> Transcripts to attorneys and pro se litigants on request</li> <li><input type="checkbox"/> Notices to appellants/ briefing schedules</li> <li><input type="checkbox"/> Court calendars</li> <li><input type="checkbox"/> Receipts for payments (filing fees, fines, payments, etc.)</li> <li><input type="checkbox"/> Revenue reports</li> <li><input type="checkbox"/> Trust-issued checks</li> <li><input type="checkbox"/> Digital voice recordings (FTR)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Extraordinary writs</li> <li><input type="checkbox"/> Final orders and decrees</li> <li><input type="checkbox"/> Emergency orders or decisions</li> <li><input type="checkbox"/> Remittiturs and notices of decision</li> <li><input type="checkbox"/> Writ of certiorari</li> <li><input type="checkbox"/> Written opinions and decisions</li> <li><input type="checkbox"/> Remand orders</li> <li><input type="checkbox"/> Notices of decisions or transfers</li> <li><input type="checkbox"/> Motions for summary judgment (COA)</li> </ul>
<b><u>Personnel</u></b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Justices or judges</li> <li><input type="checkbox"/> Clerks of Court</li> <li><input type="checkbox"/> Judicial Assistants</li> <li><input type="checkbox"/> JSR</li> <li><input type="checkbox"/> Central staff attorneys</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Accounting clerk</li> <li><input type="checkbox"/> Deposit clerk</li> <li><input type="checkbox"/> Law clerks</li> <li><input type="checkbox"/> Legal secretary</li> </ul>
<b><u>Communications</u></b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Standard office equipment (computer, printer, telephone)</li> <li><input type="checkbox"/> Standard software (including word processing and Google Mail)</li> <li><input type="checkbox"/> At least one person will need to have CORIS or XChange access.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> First Data credit card processing link</li> <li><input type="checkbox"/> FTR system or other digital recording devices</li> <li><input type="checkbox"/> Internet access</li> <li><input type="checkbox"/> Appellate Information System (AIS) access</li> </ul>
<b><u>Facilities</u></b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> A bench and seating for five</li> </ul>

<input type="checkbox"/> Clerical staff needs seating and sufficient desk space to support the standard office equipment and supplies in addition to a power supply, telephone and network connections. <input type="checkbox"/> Clerks staffing the public counter need sufficient work space to allow for document processing.	justices / three judges <input type="checkbox"/> Podium /lectern for attorneys <input type="checkbox"/> Secure room <input type="checkbox"/> Gallery seating <input type="checkbox"/> Conference rooms for discussion
<b><u>Resources and Budgeting</u></b> <input type="checkbox"/> Scanners <input type="checkbox"/> Copiers <input type="checkbox"/> Certification stamp/seal <input type="checkbox"/> Hand date stamps <input type="checkbox"/> Deposit slips <input type="checkbox"/> Transcript Management System	<input type="checkbox"/> Receipt printer <input type="checkbox"/> Judges/Justices signature stamps <input type="checkbox"/> Point-of-sale machines <input type="checkbox"/> Hand receipt books <input type="checkbox"/> Check stock <input type="checkbox"/> Safe / vault /locking bank bag <input type="checkbox"/> Cash
<b><u>Partners and Interdependencies</u></b> <input type="checkbox"/> Utah Highway Patrol <input type="checkbox"/> Utah State Bar <input type="checkbox"/> Pro se litigants <input type="checkbox"/> Agencies under COA and Supreme Court authority	<input type="checkbox"/> Loomis Armored Car service <input type="checkbox"/> First Data, Inc. <input type="checkbox"/> Legal publication services <input type="checkbox"/> Clerks of lower courts <input type="checkbox"/> Zion's Bank
<b><u>Telework Flexibilities</u></b> <input type="checkbox"/> Personnel can commute to the nearest functioning courthouse to perform their work <input type="checkbox"/> Justices and judges can telecommute if VPN is provided	<input type="checkbox"/> Law clerks can all telecommute if VPN is provided Oral arguments (MEF #2) cannot be performed remotely
<b><u>Records access needed</u></b> District Court and lower court transcripts/files (paper files)	
<b><u>Notes:</u></b>	



## APPENDIX E- MISSION ESSENTIAL FUNCTION GUIDANCE – DISTRICT COURT

<i>Mission Essential Function (MEF) #1 - Accept, Process and Track Court Filings</i> <i>Mission Essential Function (MEF) #2 - Hear Oral Arguments</i> <i>Mission Essential Function (MEF) #3 - Issue Orders, Injunctions or Decisions</i>	
<b><u>MEF Inputs</u></b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Initial and subsequent case filings (electronic, in person, delivery service or US Mail)</li> <li><input type="checkbox"/> Informations or cover sheets from District Attorney</li> <li><input type="checkbox"/> Petitions from the court itself or from the Attorney General's Office</li> <li><input type="checkbox"/> Data entry / scanning by JAs/JSRs</li> <li><input type="checkbox"/> Dispositional and other reports</li> <li><input type="checkbox"/> Responsive pleadings</li> <li><input type="checkbox"/> Motions</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Pre-sentence reports</li> <li><input type="checkbox"/> Filing fees (cash, check, electronic)</li> <li><input type="checkbox"/> E-payments</li> <li><input type="checkbox"/> Payments (trust accounts)</li> <li><input type="checkbox"/> Bonds</li> <li><input type="checkbox"/> Case files</li> <li><input type="checkbox"/> Judge's verbal directions</li> <li><input type="checkbox"/> Judge's written orders</li> <li><input type="checkbox"/> Judges' signatures</li> </ul>
<b><u>MEF Outputs</u></b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Public access and counter space for members of the public to file documents</li> <li><input type="checkbox"/> Verbal information about the court process or case specifics via telephone, electronically or in person</li> <li><input type="checkbox"/> Case numbers</li> <li><input type="checkbox"/> Court calendars</li> <li><input type="checkbox"/> Revenue reports from trust account</li> <li><input type="checkbox"/> Receipts for payments (filing fees, fines, payments, etc.)</li> <li><input type="checkbox"/> Trust-issued checks</li> <li><input type="checkbox"/> Additional court dates</li> <li><input type="checkbox"/> Dispositions of cases</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Sentences for criminal convictions</li> <li><input type="checkbox"/> Rulings on evidence admissibility</li> <li><input type="checkbox"/> Setting of bail</li> <li><input type="checkbox"/> Court orders</li> <li><input type="checkbox"/> Minute entries</li> <li><input type="checkbox"/> Copies of court orders</li> <li><input type="checkbox"/> Judgments, sentences</li> <li><input type="checkbox"/> Search, bench and arrest warrants</li> </ul>
<b><u>Personnel</u></b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Judges or commissioners</li> <li><input type="checkbox"/> Clerk of Court</li> <li><input type="checkbox"/> Judicial Service Representatives (JSR)</li> <li><input type="checkbox"/> Judicial Assistants (JA)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Accounting clerk</li> <li><input type="checkbox"/> Deposit clerk</li> <li><input type="checkbox"/> Bailiff</li> <li><input type="checkbox"/> Court interpreter</li> <li><input type="checkbox"/> Law clerk</li> </ul>
<b><u>Communications</u></b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Standard office equipment (computer, printer, telephone)</li> <li><input type="checkbox"/> Standard software (including word processing and Google Mail)</li> <li><input type="checkbox"/> CORIS database access</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> First Data credit card processing link</li> <li><input type="checkbox"/> Video link to county jails and state prisons for first appearances (MEF#2)</li> </ul>
<b><u>Facilities</u></b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Clerical staff needs seating and sufficient desk space to support the standard office equipment and supplies in addition to a power supply, telephone and network connections.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Recording system or digital voice recorder(MEF #2)</li> <li><input type="checkbox"/> In-court seating and workspace for clerks</li> </ul>

<input type="checkbox"/> Clerks staffing the public counter need sufficient work space to allow for document processing	<input type="checkbox"/> In-court seating and workspace for judges <input type="checkbox"/> Podium
<b><u>Resources</u></b> <input type="checkbox"/> Scanners <input type="checkbox"/> Copiers <input type="checkbox"/> Fax machine <input type="checkbox"/> Point-of-sale machine <input type="checkbox"/> Time/date stamp machine <input type="checkbox"/> Certification stamp/seal <input type="checkbox"/> Hand date stamps <input type="checkbox"/> Clerk of Court stamp, judges signature stamps	<input type="checkbox"/> Mail logs <input type="checkbox"/> Microfilm reader <input type="checkbox"/> Cash <input type="checkbox"/> Deposit slips <input type="checkbox"/> Hand receipt books <input type="checkbox"/> Receipt printers <input type="checkbox"/> Check stock <input type="checkbox"/> Safe / vault /locking bank bag <input type="checkbox"/> Drug test kits
<b><u>Partners and Interdependencies</u></b> <input type="checkbox"/> Utah Department of Corrections <input type="checkbox"/> Bureau of Criminal Identification (BCI) <input type="checkbox"/> Adult Probation and Parole (AP&P) <input type="checkbox"/> Utah State Bar <input type="checkbox"/> Salt Lake County District Attorney's Office <input type="checkbox"/> Salt Lake Legal Defenders Association <input type="checkbox"/> Salt Lake County Sheriff's Office <input type="checkbox"/> Salt Lake County Constables <input type="checkbox"/> Salt Lake County Treasurer <input type="checkbox"/> Legal Aid	<input type="checkbox"/> Court interpreters <input type="checkbox"/> State Mail <input type="checkbox"/> Fed Ex/UPS/package delivery services <input type="checkbox"/> US Postal Service <input type="checkbox"/> Zion's Bank <input type="checkbox"/> Loomis Armored Car service <input type="checkbox"/> First Data, Inc. <input type="checkbox"/> Tybera/Green Filing (electronic filing financial system)
<b><u>Telework Flexibilities</u></b> <input type="checkbox"/> Personnel can commute to the nearest functioning courthouse to perform their work <input type="checkbox"/> JAs and JSRs would be able to accept and docket filings if they had VPN capabilities <input type="checkbox"/> Judges/commissioners and JAs need to be present to accomplish MEF #2	
<b><u>Records Access</u></b> <input type="checkbox"/> Case files (paper) stored on P1, P2 and first floor <input type="checkbox"/> Case files (microfilm) / Microfilm index book	
<b><u>Priority hearings:</u></b> <input type="checkbox"/> In-custody initial appearances <input type="checkbox"/> Protective orders <input type="checkbox"/> Temporary restraining orders <input type="checkbox"/> Bench warrant hearings <input type="checkbox"/> Probation violation hearings <input type="checkbox"/> Order to show cause custody hearings <input type="checkbox"/> In-custody preliminary hearings <input type="checkbox"/> Involuntary commitments <input type="checkbox"/> Conservatorship/guardianship settlements <input type="checkbox"/> Preliminary injunction hearings	<b><u>Priority issuances:</u></b> <input type="checkbox"/> Search and arrest warrants <input type="checkbox"/> Protective orders <input type="checkbox"/> Criminal investigation subpoenas <input type="checkbox"/> Civil stalking injunctions

## APPENDIX F- MISSION ESSENTIAL FUNCTION GUIDANCE – JUVENILE COURT

<i>Mission Essential Function (MEF) #1 - Accept, Process and Track Court Filings</i> <i>Mission Essential Function (MEF) #2 - Hear Oral Arguments</i> <i>Mission Essential Function (MEF) #3 - Issue Orders, Injunctions or Adjudications</i>	
<b><u>MEF Inputs</u></b> <input type="checkbox"/> Referrals <input type="checkbox"/> Petitions <input type="checkbox"/> Subsequent case filings <input type="checkbox"/> Dispositional and other reports <input type="checkbox"/> Responsive pleadings <input type="checkbox"/> Motions <input type="checkbox"/> Interstate Compact on Juveniles requisitions	<input type="checkbox"/> Social studies <input type="checkbox"/> Revenue reports <input type="checkbox"/> Filing fees and payments(cash, check, electronic) <input type="checkbox"/> Payments (trust accounts) <input type="checkbox"/> Bonds <input type="checkbox"/> In-custody juveniles <input type="checkbox"/> Minute entries
<b><u>MEF Outputs</u></b> <input type="checkbox"/> Cases are created and assigned a unique case number <input type="checkbox"/> Petitions <input type="checkbox"/> Summons <input type="checkbox"/> Court calendars <input type="checkbox"/> Information about legal processes and case specifics <input type="checkbox"/> Mail logs	<input type="checkbox"/> Interstate Compact on Juveniles requisitions <input type="checkbox"/> Receipts for payments (filing fees, fines, payments, etc.) <input type="checkbox"/> Revenue reports <input type="checkbox"/> Trust-issued checks <input type="checkbox"/> Issue decisions, warrants, orders and adjudications
<b><u>Personnel</u></b> <input type="checkbox"/> Clerk of Court <input type="checkbox"/> Judge <input type="checkbox"/> JAs / JSRs <input type="checkbox"/> Bailiff <input type="checkbox"/> Court interpreter	<input type="checkbox"/> Interstate Compact Coordinator <input type="checkbox"/> Accounting clerk <input type="checkbox"/> Deposit clerk <input type="checkbox"/> Probation officers
<b><u>Communications</u></b> <input type="checkbox"/> Standard office equipment (computer, printer, telephone) <input type="checkbox"/> CARE database access	<input type="checkbox"/> Standard software (including word processing and Google Mail) <input type="checkbox"/> First Data credit card processing link
<b><u>Facilities</u></b> <input type="checkbox"/> Judges and clerical staff need seating and sufficient desk space to support the standard office equipment and supplies in addition to a power supply, network and telephone connections. <input type="checkbox"/> Clerks staffing the public counter need sufficient work space to allow for document processing. <input type="checkbox"/> Recording system or digital voice recorder	<input type="checkbox"/> In-court seating and workspace for JA <input type="checkbox"/> In-court seating and workspace for judge <input type="checkbox"/> Podium
<b><u>Resources</u></b>	<input type="checkbox"/> Hand receipt books

<input type="checkbox"/> Scanners <input type="checkbox"/> Copiers <input type="checkbox"/> Fax machine <input type="checkbox"/> Time/date stamps <input type="checkbox"/> Certification stamp/seal <input type="checkbox"/> Hand date stamp <input type="checkbox"/> Westlaw <input type="checkbox"/> Point-of-sale machines	<input type="checkbox"/> Deposit slips <input type="checkbox"/> Cash / change fund <input type="checkbox"/> Receipt printer <input type="checkbox"/> Check stock <input type="checkbox"/> Safe / vault /locking bank bag <input type="checkbox"/> Code book(s)
<b><u>Partners and Interdependencies</u></b> <input type="checkbox"/> Division of Juvenile Justice Services (JJS) <input type="checkbox"/> Department of Child and Family Services (DCFS) <input type="checkbox"/> Utah Juvenile Defender Attorneys (UJDA) <input type="checkbox"/> Division of Substance Abuse and Mental Health <input type="checkbox"/> Utah Attorney General's Office <input type="checkbox"/> Interstate Compact State Partners <input type="checkbox"/> Utah State Bar <input type="checkbox"/> Guardian ad Litem	<input type="checkbox"/> Parental Defense Attorneys <input type="checkbox"/> Salt Lake County District Attorney's Office <input type="checkbox"/> Salt Lake County Sheriff's Office <input type="checkbox"/> Salt Lake Legal Defenders Office <input type="checkbox"/> Zion's Bank <input type="checkbox"/> Loomis Armored Car service <input type="checkbox"/> First Data, Inc.
<b><u>Telework Flexibilities</u></b> <input type="checkbox"/> Personnel can commute to the nearest functioning courthouse to perform their work <input type="checkbox"/> If VPN access were provided, some of the case processing could take place by JAs	
<b><u>Other comments</u></b> Priority filings <ul style="list-style-type: none"> <li><input type="checkbox"/> Termination of parental rights</li> <li><input type="checkbox"/> Those involving juveniles in detention</li> <li><input type="checkbox"/> Child protective orders</li> <li><input type="checkbox"/> Child welfare warrants</li> </ul> Priority hearings <ul style="list-style-type: none"> <li><input type="checkbox"/> Shelter Hearings (within 72 hours of removal)</li> <li><input type="checkbox"/> Detention Hearings (initially within 48 hours of placement then every 7 days)</li> <li><input type="checkbox"/> Abortion by a Minor (48 hours)</li> <li><input type="checkbox"/> Pretrial hearing within 15 calendar days of filing of petition</li> <li><input type="checkbox"/> Involuntary commitments</li> </ul>	
<b><u>Notes:</u></b>           	

## APPENDIX G- ESSENTIAL SUPPORT ACTIVITY GUIDANCE – AOC

Essential Support Activity #1 - PAYROLL	
<b><u>ESA Inputs</u></b>	<input type="checkbox"/> Electronic data entry of time worked and leave taken (each employee) through ESS <input type="checkbox"/> Supervisory approvals <input type="checkbox"/> Emails indicating time taken off by non-exempt staff
<b><u>ESA Outputs</u></b>	<input type="checkbox"/> Judge and staff pay <input type="checkbox"/> Direct Deposits <input type="checkbox"/> Pay statements <input type="checkbox"/> Pay checks
<b><u>Staff</u></b>	<input type="checkbox"/> Budget/Accounting Officer <input type="checkbox"/> Supervisory staff in each courthouse
<b><u>Communications</u></b>	<input type="checkbox"/> Desktop or laptop computer <input type="checkbox"/> Telephone <input type="checkbox"/> Standard software (including word processing and Google Mail) <input type="checkbox"/> Internet-based SAP payroll system access <input type="checkbox"/> Employee Self-serve access in each courthouse
<b><u>Facilities</u></b>	<input type="checkbox"/> Staff needs seating and sufficient desk space to support standard office equipment and supplies in addition to a power supply, telephone and network connection
<b><u>Partners and Interdependencies</u></b>	<input type="checkbox"/> State of Utah Division of Finance
<b><u>Telework Flexibilities:</u></b>	<input type="checkbox"/> Complete payroll system is internet-based so work can be performed at any location with web access
<b><u>Notes:</u></b>	

Essential Support Activity #2 – INFORMATION TECHNOLOGY	
<b><u>ESA Inputs</u></b> <input type="checkbox"/> Judges, justices, commissioners and staff all use IT services <input type="checkbox"/> External partners also use IT databases / services	<input type="checkbox"/> Help desk requests <input type="checkbox"/> Other internal requests for service <input type="checkbox"/> Maintenance functions
<b><u>ESA Outputs</u></b> <input type="checkbox"/> Computer hardware <input type="checkbox"/> Computer software <input type="checkbox"/> VOIP <input type="checkbox"/> Telephone service <input type="checkbox"/> Databases (CARE, CORIS, AIS) <input type="checkbox"/> Email services	<input type="checkbox"/> Electronic payments <input type="checkbox"/> Virtual Private Networks <input type="checkbox"/> Court recording support <input type="checkbox"/> Internet access <input type="checkbox"/> eWarrants <input type="checkbox"/> eFiling <input type="checkbox"/> ePayments
<b><u>Communications:</u></b> <input type="checkbox"/> Computer file servers <input type="checkbox"/> Standard office equipment (computer, printer, telephone) <input type="checkbox"/> Standard software (including Microsoft Word and Google Mail) <input type="checkbox"/> Internet access <input type="checkbox"/> Network access	
<b><u>Facilities :</u></b> <input type="checkbox"/> Staff needs sufficient desk space to support the standard office equipment and supplies in addition to a power supply and telephone and network connections.	
<b><u>Partners and Interdependencies:</u></b> <input type="checkbox"/> DTS <input type="checkbox"/> Google <input type="checkbox"/> Other IT vendors <input type="checkbox"/> Bureau of Criminal Identification (BCI) <input type="checkbox"/> IBM <input type="checkbox"/> Novell	<input type="checkbox"/> Juvenile Justice Services (JJS) <input type="checkbox"/> Department of Child and Family Services (DCFS) <input type="checkbox"/> Tybera <input type="checkbox"/> Green Filing <input type="checkbox"/> Century Link <input type="checkbox"/> Solutions 2
<b><u>Other comments:</u></b> <input type="checkbox"/> Back-up data site requires manual switchover by IT staff or contractor from Las Vegas, NV (Solutions 2)	<input type="checkbox"/> Automatic switchover site in St. George becomes operable by approximately July, 2013
Notes:	

## **APPENDIX H – HIGHLIGHT OF DIVISION OF CHILD AND FAMILY SERVICES EMERGENCY RESPONSE AND RECOVERY PLAN**

### **Purpose and Scope:**

The purpose of the DCFS Emergency Response and Recovery Plan is to present a single coordinated DCFS emergency response plan that integrates, and is consistent with, both the Department of Human Services (DHS) Emergency Management and Business Continuity Plan and the State of Utah Emergency Operations Plan.

The plan:

- Identifies State, Department, and Division response systems that will become operational following an emergency
- Identifies critical lines of business and ensures that DCFS can continue critical business operations and deliver mission critical services to its clients/customers following an emergency
- Provides DCFS with a statewide, all-hazards approach to providing consistent incident management and effective, efficient coordination across a spectrum of activities including prevention, preparedness, response, and recovery
- Establishes management succession and emergency powers
- Facilitates effective coordination of recovery efforts
- Outlines procedures to expedite recovery to normal operations in a timely and efficient manner.

<b>Implementation of DCFS Mission Essential Services</b>	
<b>Level I</b>	<ul style="list-style-type: none"> <li>• Investigation and intake of children involved in Priority 1, 1R, and 2 CPS referrals or reports</li> <li>• Location, tracking, and provision of care for children in custody and the person(s) responsible for those children</li> </ul>
<b>Level II</b>	<ul style="list-style-type: none"> <li>• Emergency response (including CPS intake &amp; investigation) to unattended/separated/orphaned children</li> <li>• Location and/or operation of DCFS operated or contracted shelters</li> </ul>
<b>Level III</b>	<ul style="list-style-type: none"> <li>• Investigation and intake of children involved in Priority 3 CPS referrals or reports</li> <li>• Provision of crisis emergency services to families receiving in-home services, to the extent resources are available</li> <li>• Payments to contracted providers</li> <li>• Provision of effective internal and external communications with providers</li> <li>• Coordination of trauma counseling clinical services for staff as well as children and families receiving DCFS services</li> </ul>

## **Locating and Tracking Children in Custody**

Following any emergency, the Statewide Data Support Coordinator at the State Office will provide a listing of names and addresses of children in custody, the person(s) responsible for those children, and families receiving in-home services that reside within the affected area to both State Office and Regional Location and Tracking Manager.

The State Office Location and Tracking Manager will consult with the State Office Services Delivery Coordinator and Statewide Constituent Services Coordinator to assess whether the Statewide Constituent Services Coordinator has the capability to accept calls from children and/or families that have relocated and is able to track the location of those children or families. If needed the e Statewide Constituent Services Coordinator and State Office Location and Tracking Manager will coordinate the development of a call center with a non-affected Region or contact an in or out-of-state call center capable of managing calls through a 1-800 or 1-866 Child Welfare Hotline. .

If a child in custody, their foster family, or a family receiving in-home services has evacuated to a location out of state, the State Office Location and Tracking Manager or Regional Location and Tracking Manager will contact the Statewide Inter-State Placement and Service Coordination Manager and request that person make contact with the receiving state.

The Regional Location and Tracking Manager will personally (or request that a child's caseworker) contact placements within the affected area to assess the safety of the child. Cases where children have been determined to be at high risk of abuse or neglect will have priority and immediate contact attempted. In the event the child or family cannot be contacted the Regional Location and Tracking Manager will coordinate a home visit to the location. If the family still cannot be located, a request will be made to local law enforcement or to the local EOC to aid in the location of the child and/or family.

## **Constituent Services**

The Statewide Constituent Services Coordinator will be responsible for receiving and answering questions from individuals that have questions or concerns about the health and wellbeing of children in custody, the person(s) responsible for those children, or families receiving in-home services. The Statewide Constituent Services Coordinator will help identify emergency related needs and provide input to staff regarding safety related issues that affect children and their families. The Statewide Constituent Services Coordinator will coordinate with the State Office or Regional Service Delivery Coordinator to develop measures that will help ensure the safety of children and ensure their needs are met.

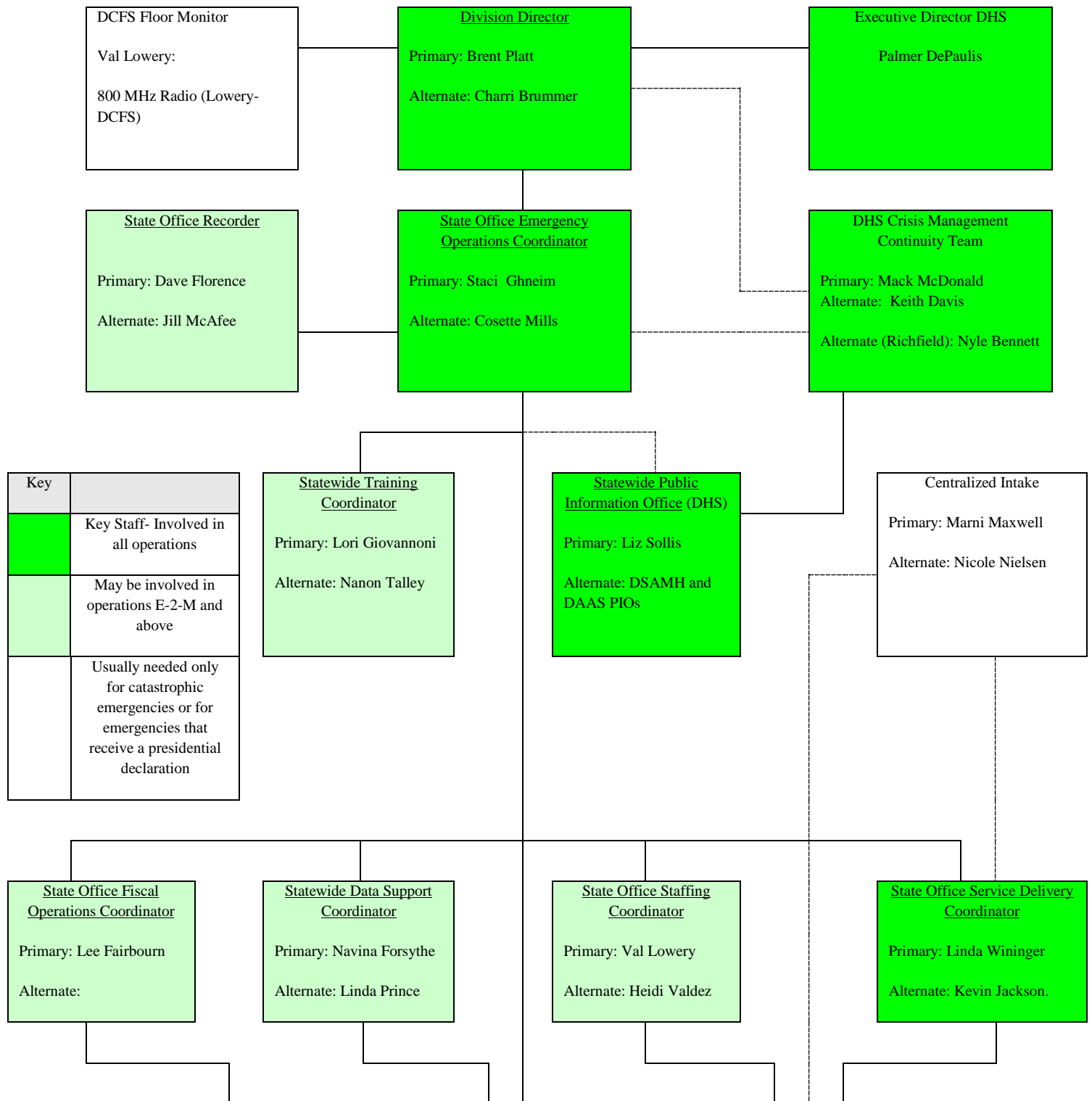


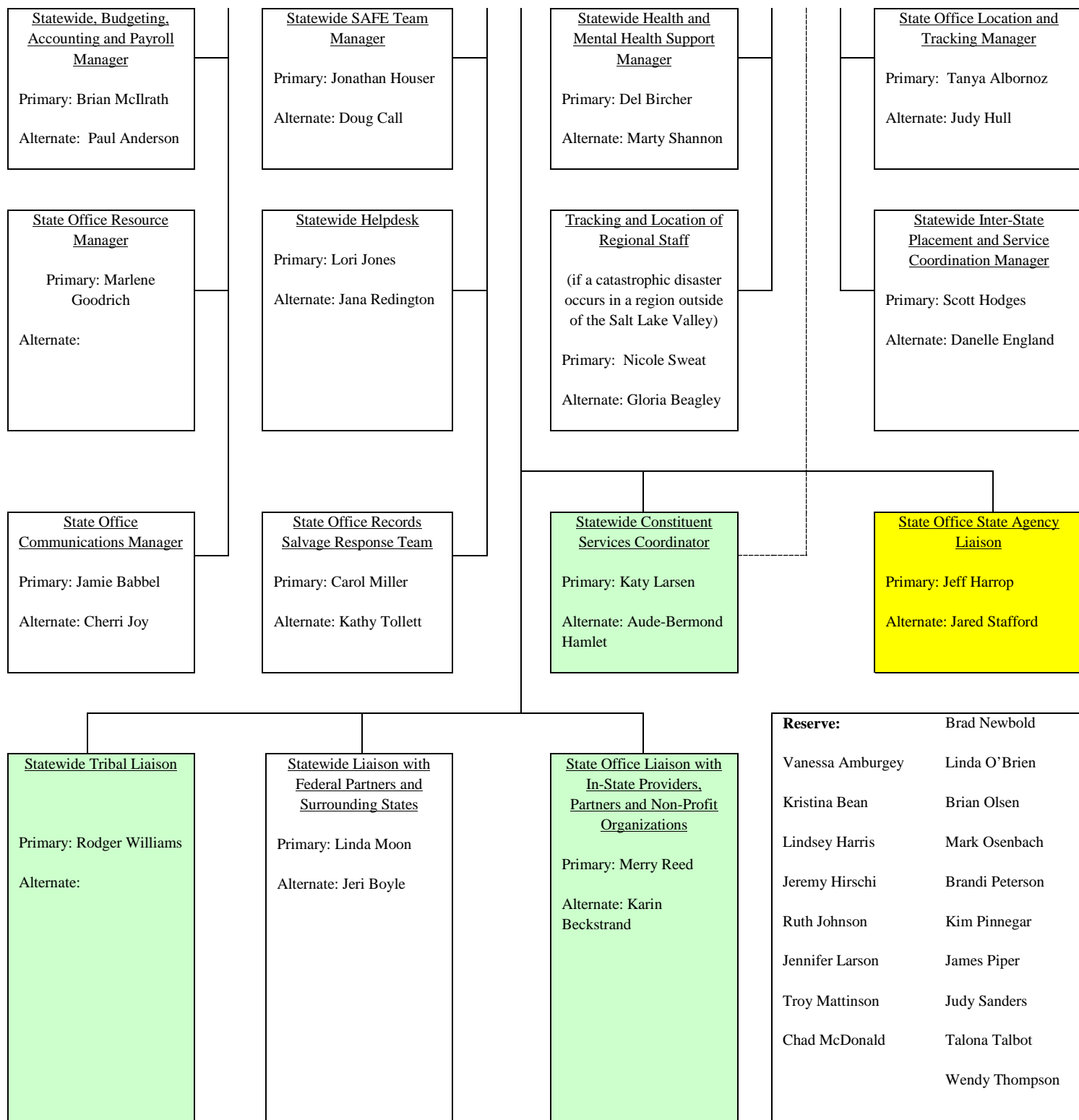
**State Office State Agency Liaison - Courts/State Office**

When courts are not functioning DCFS has the legal authority to protect a child's safety without court adjudication (see Practice Guideline 205.1 Grounds For Removal/Placement Of A Child Into Protective Custody, State Code 62A-4a-201, and Utah Code-78A-6-106).

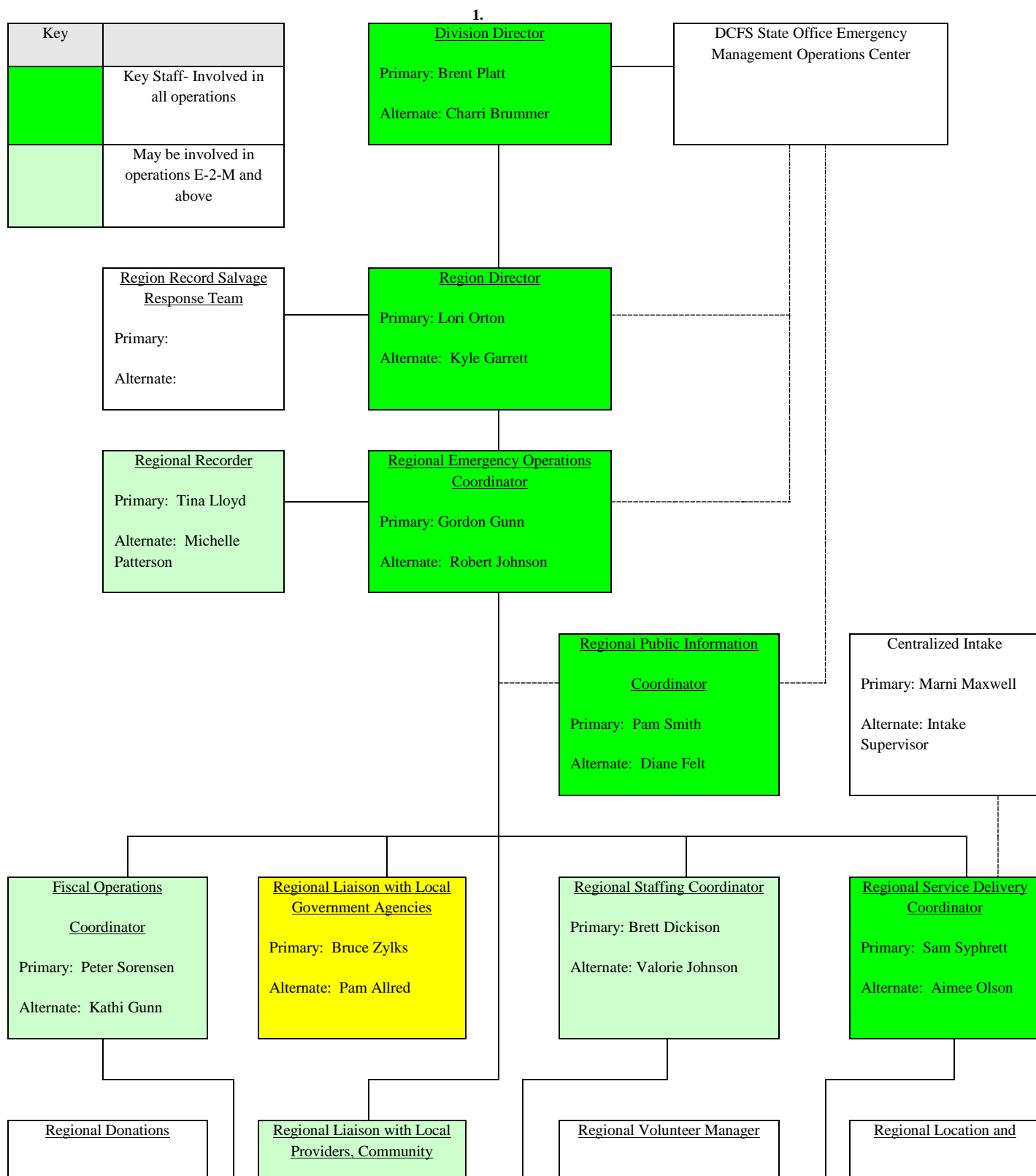
The State Office State Agency Liaison will contact the Region Liaison with Local Government Agencies to identify if the juvenile court serving the affected area is capable of adjudicating child welfare cases. The Regional Liaison with Local Government Agencies will determine if court facilities have been affected by the emergency and determine if the court is planning to relocate or conduct hearings utilizing other technical means (i.e. video conferencing). The liaison will also determine if courts are able to adequately process and store records as well as determine if there are any confidentiality issues that arise due to changing of court venues or procedures. The Regional Liaison with Local Government Agencies will be responsible for working with the Assistant Attorney General to assure that workers actions protect the child's legal rights or can be defended due to the emergency nature of the situation. Finally, The Regional Liaison with Local Government Agencies will communicate his/her findings to the Regional Service Delivery Coordinator and State Office State Agency Liaison.

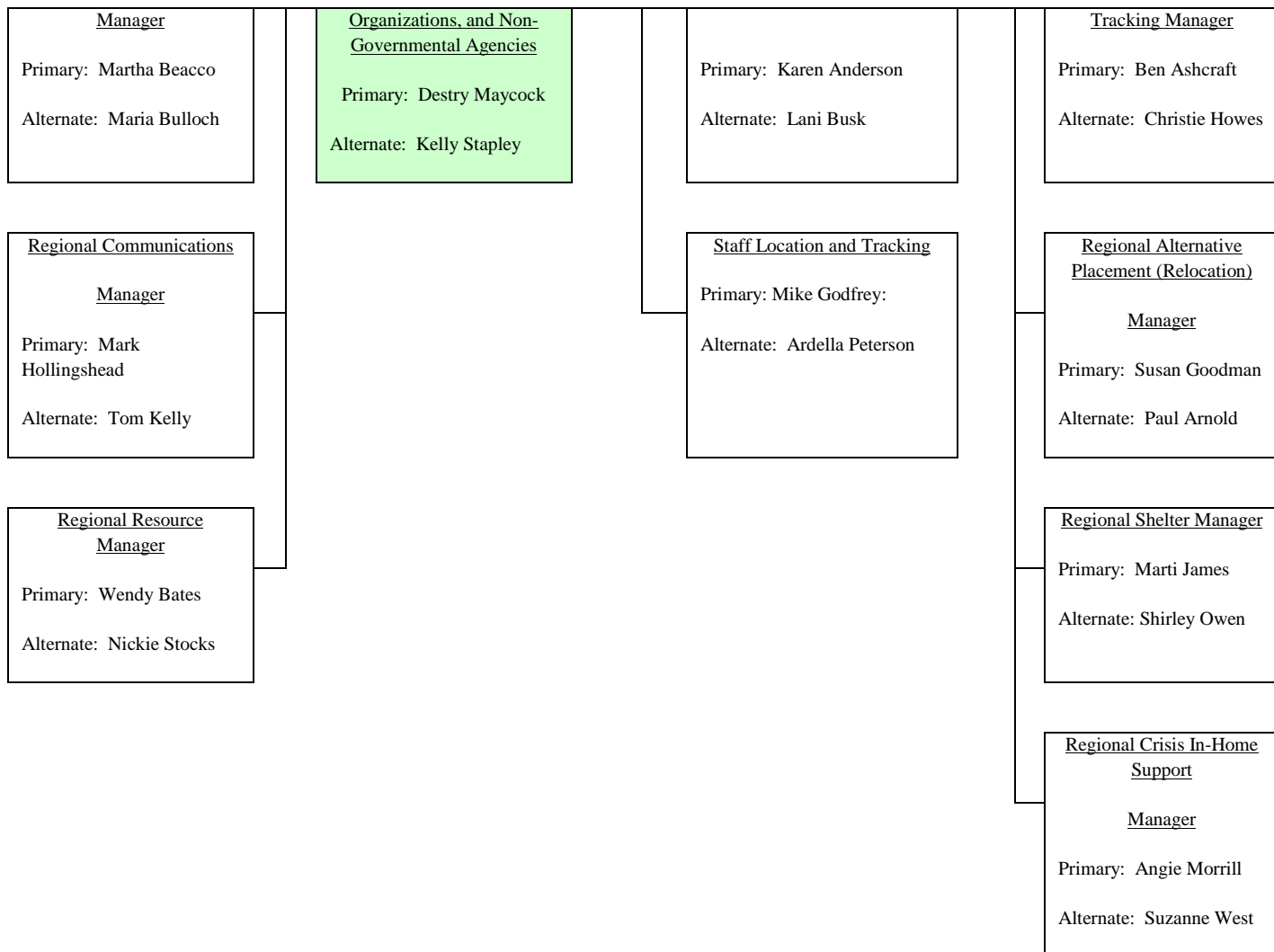
## DCFS State Office Emergency Management Structure





## Southwest Regional Office Emergency Management Structure





## **APPENDIX I - UTAH STATE COURTS CRISIS COMMUNICATION PLAN**

Compiled by the Public Information Office

### **I. Background**

The Utah State Court's Public Information Office has developed a Crisis Communication Plan to support the court's overall planning in the event of a crisis. The importance of communicating in a crisis—to inform and gain support of the public—should not be underestimated. Consistent and clear communication is imperative in a crisis situation. Case studies have shown that poor communication in such events can lead to a loss of trust and confidence in an organization, which can take years to re-establish.

### **II. Purpose**

The purpose of the Crisis Communication Plan is to outline the strategies in place to effectively communicate to target audiences in the event of a crisis. This plan addresses both internal and external communication, as well as an initial response strategy and an ongoing response strategy. For the purpose of this plan, a crisis is defined as any activity that results in a court-closing event.

### **III. Situation Analysis**

#### **A. Challenges**

1. Provide the public access to justice.
2. Manage employee and public communication to ensure accuracy and avoid speculation.
3. Address employee's questions and concerns early on and ongoing.
4. Coordinate communication and messaging when applicable with other government entities.
5. Ensure ability for Public Information Office to operate off-site.
6. Establishing a communication infrastructure.

#### **B. Opportunities**

1. Coordinate in advance with state PIO offices and other entities as appropriate.
2. Communicate pro-actively early on with target audiences.
3. Educate employees early on about crisis planning that is in place.

### **IV. Objectives**

- A. Communicate the Utah State Court's Crisis Communication Plan to target audiences.
- B. Communicate changes in court operations with target audiences in the event of a crisis.

C. Provide current and consistent communication throughout a crisis.

## V. Target Audiences

### A. Court Employees Statewide

1. Judges
2. Court Administration (Council, Boards, AOC Managers)
3. Trial Court Executives

### B. Government Officials

1. Governor's Office
2. Mayor's Office(s)
3. Attorney General's Office
4. Department of Human Services
5. Law Enforcement
6. Homeland Security

### C. The Public

1. Court users
2. Jurors
3. Attorney Organizations (District, County, Defense Attorneys)
4. Utah State Bar

### D. Media

1. Print media
2. Broadcast media
3. Internet media

## VI. Key Messages

It is difficult to predict in advance what messages will be needed during a crisis. The messages delivered will largely depend on the severity of the crisis; however, messaging will be developed to convey continued trust and confidence in the judiciary.

Following are examples of possible messaging during different stages of a crisis:

- A. Overall message: The courts are committed to maintaining the rule of law and will begin holding limited court hearings as soon as possible. Everyone's goal is to see that justice is served.
- B. District-wide message: The court is operating with reduced staff. Check the court's website for information on hearings that are being held.

## VII. Strategies

- A. Coordinate information dissemination to employees, the media, and the public.
- B. Communicate the Utah State Courts' response plan to target audiences through outreach and education.
- C. Conduct an ongoing evaluation of communication effectiveness.

## IX. Tactics

- A. Coordinate information dissemination to employees, the media, and the public.
  - 1. Develop and deliver messages to communicate to target audiences.
    - Develop messaging as it relates to different stages of a crisis. Effectively communicate steps that are being taken to protect court personnel and court users.
    - Provide frequent and ongoing communication by a single or limited number of spokespersons, to build public understanding and maintain public trust and confidence. Spokespersons will be defined in each court district's outline of communication procedures. In the event of a crisis, the court's current media policy and guidelines will remain in effect.
    - Develop materials for public release, including news releases, public service announcements, media advisories, fact sheets, flyers, and other information deemed necessary and appropriate.
    - Deliver messaging through the following sources: media, the Courts' website, Facebook page and Twitter account, intranet postings, e-mail, voice mails, phone number hotline, employee's personal e-mail, court's intranet, and courthouse postings.
- B. Communicate the Utah State Courts response plan to target audiences through outreach and education.
  - 1. Utilize existing training programs to advise target audiences of response plan.
    - Produce and distribute to employees information on emergency preparedness plan. Include information on contacts and sources.
    - Court education classes, board meetings, TCE meetings, bench meetings.
    - Articles in Court News, the court's employee newsletter.
    - Post information on the courts' intranet site such as health tips and disease prevention (wash hands, eat right, exercise, stay home when ill, etc.), address work questions (sick-day policy, working from home, conducting teleconferences), post links to other websites with resource information.
  - 2. Coordinate with other state agencies.
    - Communicate plan to state Public Information Offices.
    - Participate as appropriate in Joint Information Center (JIC) activities.



C. Conduct an ongoing evaluation of program effectiveness.

1. Monitor media coverage during a crisis to determine effectiveness of communication efforts.
  - Identify key communication issues that arise and determine appropriate response.
  - Review newspapers, radio, and TV coverage, media websites and blogs daily to determine accurate reporting and to ensure message is being communicated.
  - E-mail trial court executives to answer questions and post to the Intranet.

X. Evaluation

The effectiveness of the Crisis Communication Plan will be determined based on the following criteria:

- A. Communication of accurate information in a timely manner.
- B. Informed public as determined by feedback via phone calls, courthouse visits, e-mails, media coverage.
- C. Informed employees as determined by feedback via phone calls, e-mails, and face-to-face communication.
- D. Coordination of messaging within the courts and with other state agencies as determined by media coverage.

XI. Conclusion

The Utah State Court has a responsibility to communicate to internal and external audiences in the event of a crisis. The Crisis Communication Plan is designed to maximize communication to target audiences, while working to contain misinformation and speculation.

See attached State DTS cyber plan

[https://docs.google.com/document/d/18eFtiNMBde0O\\_ys0LOwo9em0h23WZ\\_i7K4vIQ9qj6Bw/edit](https://docs.google.com/document/d/18eFtiNMBde0O_ys0LOwo9em0h23WZ_i7K4vIQ9qj6Bw/edit)



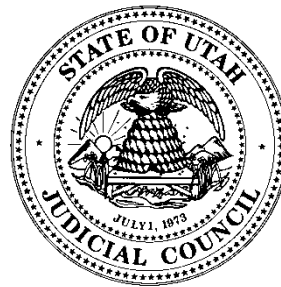
# Utah State Courts

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## Judicial Review of Orders of Restriction

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February 22, 2008

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## **Judicial Review of Orders of Restriction**

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## **(1) Judicial Review of Orders of Restriction**

### **(a) In general**

Orders of restriction (OR) and judicial review of them are governed by Title 26, Chapter 6b, Communicable Diseases – Treatment, Isolation, and Quarantine Procedures, which supersedes Title 63, Chapter 46b, Administrative Procedures Act. §26-6b-1(2). Some parts of Title 26, Chapter 6, Communicable Disease Control Act, may also apply.

An OR is an order issued by the Utah Department of Health, a local department of health, (referred to collectively in this benchbook as DOH) or the district court directing an individual or group to submit to examination, treatment, isolation or quarantine for:

- (1) infection or suspected infection with a communicable disease;
- (2) contamination or suspected contamination with an infectious, chemical or biological agent; or
- (3) a condition or suspected condition that poses a threat to public health.

§26-6b-2(3) & (5).

The petitioner will be either the Utah Department of Health represented by the Attorney General or a local department of health represented by the county attorney. §26-6b-5(1). A local department of health may cover more than one county. The DOH will petition the court to enter an OR or to review and approve an OR already entered by the DOH. In the latter case, the petition has to be filed within five days after the OR. The petition may involve a single respondent or several. The district court has exclusive jurisdiction to enter or review an OR even if the respondent is a minor. §26-6b-3.2(1); §26-6b-5(1).

The respondent will be the individual or group subject to the OR and may be represented by retained or appointed counsel. The respondent may already be in custody or the petitioner may request that the respondent be taken into custody. If the respondent consents to the OR, the case will never be filed. If the respondent is not in custody or if the respondent is in custody and decides not to consent to the OR, the DOH files the petition to enter or review the OR, §26-6b-3.1(1); §26-6b-3.2(1); §26-6b-4(2).

Overarching all that follows is the statutory authority of the district court to establish the manner in which to review an OR “based on precautions necessary to prevent additional exposure to communicable or possibly communicable diseases or to protect the public health....” §26-6b-3.3(2)(c).

### **(b) Department of Health Orders of Restriction**

#### **(i) Authority for the OR**

The DOH may enter an OR subject to judicial review. §26-6b-3(1). The OR may be written or, under certain conditions, verbal. §26-6b-3(1).

## **(ii) Basis for the OR**

The OR must be based on “the totality of the circumstances reported to and known by” the DOH. §26-6b-3(2). Totality of the circumstance includes observation, credible information, and “knowledge of current public health risks based on medically accepted guidelines as may be established by the Department of Health by administrative rule.” §26-6b-3(2).

Note: Applying discretionary judgment about the risk of public contagion is a necessary feature of most public health issues. However, it appears from the statute that the “medically accepted guidelines” on which that judgment is based must be established by Utah Department of Health rules. The relevant rules are R386-702-1 through R386-702-12.

## **(iii) Limits on the written OR**

The OR must (1) be for the shortest reasonable time to protect the public health, (2) use the least intrusive method of restriction, and (3) contain notice of the individual’s rights. The first two of these conditions are met if they are satisfied “in the opinion of the public health official” who issues the order. §26-6b-3(2).

Note: It is, of course, this OR that the court will review. The form for a written order will have notice of rights as part of the boilerplate. The least intrusive method of restriction (examination, treatment, isolation or quarantine) will be determined by whether the individual is actually infected or contaminated or is well but has been exposed. The court may also review the duration, location and conditions of the restriction. The DOH is required to take proper care of a person who is detained. §26-6b-3(4).

## **(iv) Special conditions for a verbal OR**

The DOH can issue a verbal OR “if the delay in imposing a written order of restriction would significantly jeopardize the department’s ability to prevent or limit” transmission of the disease or of the infectious, chemical or biological agent. §26-6b-3(2).

## **(v) Involuntary submission**

A verbal OR, requiring an individual to submit to involuntary examination, treatment, isolation or quarantine, is operative while a written OR is being prepared or reviewed, but for no longer than 24 hours. §26-6b-3(2); §26-6b-3(3). Law enforcement officers may enforce a written or verbal OR. §26-6b-3(2); §26-6b-3.2(2); §26-6b-4(8).

## **(vi) Consent to Order of Restriction**

**Informed consent.** A person can consent to an OR, in which case the matter will never reach the court. Consent can easily be withdrawn, in which case the judge will review the merits of the case. Therefore, a judge should never be called upon to review the consent, but the following is a brief description. The consent must be in writing. §26-6b-3.1(1). The content of the consent to the OR, the notice of the OR, and of the OR itself are governed, more or less respectively, by §26-6b-3.1, §26-6b-3.2 and §26-6b-3.3. The following information must appear somewhere among the three documents:

- 1) The terms and duration of the OR. §26-6b-3.1(1); §26-6b-3.3(1).
- 2) The supporting documents. §26-6b-3.2(1). (The public health official's affidavit and the physician's statement accompanying the petition under §26-6b-5(2).)
- 3) The importance of complying with the OR. §26-6b-3.1(1).
- 4) The right to agree to the OR and waive judicial review. §26-6b-3.1(1).
- 5) The right to or refuse to consent to the OR and have judicial review. §26-6b-3.1(1); §26-6b-3.3(1).
- 6) The right to withdraw consent to the OR and have judicial review by giving five days written notice. §26-6b-3.1(1).
- 7) Notice that breach of a consent agreement may subject the individual to an involuntary OR. §26-6b-3.1(1).
- 8) The identity of the person subject to the OR. §26-6b-3.3(1).
- 9) The identity or location of any premises subject to the OR. §26-6b-3.3(1).
- 10) The date and time on which the OR begins and the expected duration of the OR. §26-6b-3.1(1); §26-6b-3.3(1).
- 11) The suspected communicable disease, chemical or biological agent, or other condition that poses a threat to public health. §26-6b-3.3(1).
- 12) The requirements for termination of the OR, such as necessary laboratory reports, the expiration of an incubation period, or the completion of treatment for the communicable disease. §26-6b-3.3(1).
- 13) Any conditions on the restriction, such as limitation of visitors or requirements for medical monitoring. §26-6b-3.3(1).
- 14) The medical or scientific information upon which the OR is based. §26-6b-3.3(1).
- 15) The right to a judicial review. §26-6b-3.1; §26-6b-3.3(2).
- 16) The right to be represented by counsel. §26-6b-3.3(2).
- 17) The right to notice of the date, time, and location of any hearing. §26-6b-3.3(2).
- 18) The right to participate in any hearing in a manner established by the court. §26-6b-3.3(2).
- 19) The right to respond and present evidence and arguments. §26-6b-3.3(2).
- 20) The right to cross examine witnesses. §26-6b-3.3(2).
- 21) The right to review and copy all records in the possession of the DOH that relate to the OR. §26-6b-3.3(2).
- 22) The right not to be terminated from employment if the reason for termination is based solely on the fact that the person is or was subject to an OR. §26-6b-3.3(4). (The statute provides for no civil or criminal penalties if an employer violates the statute, so the employee probably would have to file a civil action for damages.)



Note: The respondent also has the right to designate who is to receive notice of any court hearings, §26-6b-4(2), but this is not listed among the rights of which the respondent must receive notice.

**Periodic review.** If a person consents to an OR, the DOH must reexamine the person's case at least every six months. If the conditions justifying the OR cease to exist, the DOH must immediately release the person. If the conditions continue to exist, the DOH must notify the person of:

- 1) the department's findings;
- 2) the expected duration of the OR;
- 3) the reason for the decision; and
- 4) the person's right to request judicial review.

§26-6b-3.1(2).

#### **(vii) Stipulation to order of restriction**

Not only may the respondent *consent* to the OR, the respondent may also *stipulate* to the OR. §26-6b-6(1). The difference is significant. The respondent's consent typically would occur before the petition for review is filed, and the court would never see the case. After the petition is filed, the parties can stipulate to the entry of the OR, just as parties may stipulate to the entry of a judgment in a civil case. If the parties stipulate to the OR, the court would enter the order without a hearing on the merits. The respondent may withdraw consent at any time, §26-6b-3.1, but, once entered, a stipulated order is subject to the conditions of URCP 60.

#### **(viii) Medical records**

Health care providers and facilities and governmental entities are to provide the respondent with relevant medical records. There is no charge for records from governmental health care facilities and governmental entities. The charge for records from private health care providers and facilities is limited by the presumed reasonable charges established for workers' compensation by administrative rule of the Labor Commission. §26-6b-3.4. [R12-2-22\(K\)](#).

Any medical records held by the district court are to be sealed at the conclusion of the case. §26-6b-3.4.

Note: Typically, medical records held by the court are classified as "private" rather than "sealed." CJA 4-202.02(4). When classified as private, the record is available to the court and to the parties but not to the public. A sealed record is physically sealed and requires a court order to open. For ease of processing the file, the court should treat the records as private during the pendency of a case and seal the records at the end.

### **(c) Judicial Review of Orders of Restriction**

#### **(i) Petition**

The DOH must petition for judicial review within five days after issuing the OR or within five days after receiving notice of withdrawal of consent. §26-6b-3.1(2).

Note: The DOH is to proceed by petition for judicial review if the DOH decides not to seek consent, the respondent withdraws consent or the respondent decides against consent. §26-6b-4(1). In the last of these circumstances, the clock is running while the DOH attempts to obtain the respondent's consent.

The petition itself can be a simple pleading asking the court to review the OR. Under §26-6b-5(2), the petition must be accompanied by:

- 1) an affidavit of the "department" (presumably an official within the DOH with first-hand knowledge of the facts being alleged) stating:
  - (a) a belief that the respondent is subject to restriction;
  - (b) a belief that the respondent is likely to fail to submit to examination, treatment, quarantine, or isolation if not immediately restrained;
  - (c) that this failure would pose a threat to the public health; and
  - (d) the personal knowledge of the respondent's condition or the circumstances that lead to that belief; and
- 2) a statement (not necessarily sworn) by a licensed physician indicating the physician finds the respondent is subject to restriction.

The petitioner might also file a motion to seal the records, close the hearings and to obtain records from other sources. The motion might also request that the court order restrictions on further dissemination of medical records obtained by the parties.

Note: Section §26-6b-3.4 requires the court to seal the records at the conclusion of the case. Under CJA 4-202.02(4) medical records are "private" until then. Even without a motion to seal, the court should manage the records according to the statute and rule. The hearings are closed under §26-6b-4(5).

Rather than a motion to obtain records, the petitioner might issue a subpoena. However, given the sensitivity of medical records, the custodian of the records might respond only to a court order.

## **(ii) Venue**

Venue is in the county in which the respondent resides or is located. §26-6b-5(1). This special venue provision controls over §78B-3-307. If the petition is filed in the respondent's county of residence, venue is proper under either statute. Section 78B-3-307 probably does not create venue in the county in which the respondent happens to be found. This benchbook does not analyze whether venue would be proper, under §78B-3-307, in the county in which the cause of action arises.

Determining the respondent's residence will fall within reasonably well-established principles. Determining where the respondent is located is a simple question of fact.

The court "may transfer the proceedings to any other district court ... where venue is proper, provided that the transfer [is] not ... adverse to the legal interests of the [respondent]." §26-6b-4(4). If the respondent is taken into custody and is being held in a county other than the county of residence, the court should give some deference to the

respondent's preference for venue to keep the case close to the respondent's personal support.

### **(iii) Notice of the petition**

If the respondent is in custody, the petitioner must "provide" written notice of the petition to the respondent "as soon as practicable," and must "send" the notice to the legal guardian, legal counsel, and any other persons and immediate adult family members whom the respondent or the district court designates.

Although it uses words that are less precise than URCP 4, §26-6b-4(2) appears to correspond to the service of process required by URCP 4. The statute requires the DOH to "provide ... written notice" of the petition to the respondent and to advise "that a hearing may be held within the time provided by [Title 26, Chapter 6b]." §26-6b-4(2). Rule 4 adds more detail to these requirements.

The petitioner must serve the petition and summons as required by URCP 4, as well as the notice of hearings required by §26-6b-4(2).

If the conditions described in Rule 4(d)(1)(B), (C), or (D) are satisfied – that is, the respondent is under age 14, has been judicially declared to be of unsound mind or incapable of conducting his or her affairs, or is incarcerated in a governmental facility – the petitioner must satisfy the special requirements of those subsections, which require personal service of the petition and summons on people other than the respondent.

If, as a result of the OR, the respondent is in custody at a governmental health care facility, petitioner can serve the respondent's health care custodian under URCP 4(d)(1)(D). If, as a result of the OR, the respondent is in custody at a private health care facility, the health care facility might temporarily be considered the respondent's usual place of abode and the staff are of suitable age and discretion; but the staff do not reside at the facility, so that part of Rule 4(d)(1)(A) is not satisfied. However, §26-6b-2(c) authorizes the judge to direct the manner of service if normal service is not practical. Service on the private health care staff would appear to be reasonable under these circumstances. To avoid unnecessary complications over service, the court should recognize, and if necessary authorize, service on the respondent's private health care custodian as sufficient for service on the respondent.

In either event, the petitioner could serve the petition and summons on the respondent personally, using suitable protection against contagion, on a person of suitable age and discretion at the person's dwelling house, URCP 4(d)(1)(A), or by mail with a signed return receipt. URCP 4(d)(2).

URCP 4 permits service up to 120 days after the petition is filed. However, the statutory requirement to serve "as soon as practicable" should control.

The DOH also must send the written notice to the respondent's guardian and counsel, and to any other persons and immediate adult family members designated by the respondent or the district court. §26-6b-4(2).

For service on people listed in §26-6b-4(2) but not in URCP 4(d)(1), the statute, not the rule, governs. The statute does not describe what form the notice must take, but, presumably, it might be something other than the petition and summons. At a minimum

it must notify the recipient of the petition and the hearings. The statute also does not define “send,” but, again presumably, sending might be accomplished by first class mail.

For the purpose of determining who should receive notice of the petition under the statute, the person, even if an immediate adult family member, has to be designated by the respondent or the court. The phrase “immediate adult family members” is not defined, but, because the respondent can designate “any other persons” to receive notice, the lack of a definition probably does not matter. The court also may designate who other than the respondent should be notified, and may be called upon to do so if the respondent does not provide information necessary for service. §26-6b-4(2). The court may establish reasonable limits on the number of people the respondent may designate. §26-6b-4(2)(c); §26-6b-3.3(2)(c).

#### **(iv) Appointed Counsel**

The court appoints counsel for a respondent who is indigent, and the county in which the respondent resides or is found pays the reasonable attorney fees. §26-6b-4(3). The standards for determining indigence in criminal cases are available on the web at: <http://www.utcourts.gov/resources/>.

Some counties contract with a lawyer or law firm to represent respondents. The number of lawyers included in these contracts may not be sufficient if the court is reviewing orders in the midst of a larger public health emergency.

The statute directs the county to pay for reasonable attorney fees “as determined by the district court.” §26-6b-4(3). If the court appoints someone other than the lawyer with whom the county contracts, the district court will have to determine reasonable attorney fees. URCP 73 describes the process for claiming attorney fees. There is no provision for recoupment of attorney fees. If the respondent is not a resident of the county in which the judicial review takes place, the judge will have to decide which county is responsible for the attorney fees.

Whether appointed or retained, counsel must be given time to consult with the respondent before any hearing. §26-6b-4(3).

If the respondent is in custody, the court cannot conduct the hearing for the examination order (described in Section 0 below) ex parte, §26-6b-5(4), and the respondent has the right to have counsel present. §26-6b-4(3). Therefore, the court needs a process by which to appoint counsel or ensure retained counsel immediately after the petition is filed.

#### **(v) Hearings**

There are three types of hearings: a hearing for an examination order, a hearing on the merits of the petition, and review hearings. Several principles apply to all three.

**Notice of hearings.** Notice of the hearings must be served on the respondent, respondent’s guardian, respondent’s counsel and any other persons and immediate adult family members designated by the respondent or the court. §26-6b-4(2).

**Confidentiality.** The court may close the hearings. §26-6b-4(5).

**Participation in the hearings.** The respondent must be present, unless the respondent shows good cause for waiving his or her attendance. The court must include the facts and finding of good cause on the record. §26-6b-4(3). If the respondent's condition and physical presence pose a health threat, the court may order that the respondent participate by telephone or other electronic means. §26-6b-3.3; §26-6b-4(3).

In addition to the petitioner and respondent, all other persons to whom notice is required to be given have the right to appear at the hearings. §26-6b-4(5). The district court may receive the testimony of any person. §26-6b-4(3).

**Evidence at the hearings.** The hearings are to be conducted in “as informal a manner as may be consistent with orderly procedure, and in a physical setting that is not likely to have a harmful effect on the health of the [respondent] or others....” §26-6b-4(6). Since the Rules of Evidence apply, §26-6b-4(7), the statutory admonition for informality appears to be directed at the manner in which the hearing is conducted rather than the evidence on which the facts are determined. The Rules of Civil Procedure have no provision for how to conduct a fact-finding hearing. The court has general authority to provide for the orderly conduct of proceedings. §78A-2-201.

**Orders.** The specifics of an order are governed by the purpose of the particular hearing. As a result of any of the hearings, the court may order that the respondent be moved to a more appropriate health care facility including one “outside of its jurisdiction....” §26-6b-4(4).

Note: Since the jurisdiction of the court is statewide, the phrase “outside of its jurisdiction” probably means an out-of-state facility.

### **Hearing for an OR**

**Hearing required.** The petitioner first requests an OR. §26-6b-5(3). If the respondent is not in custody, the hearing is held ex parte. §26-6b-5(4). There is no statutory deadline for the hearing, but, given the other deadlines, the hearing should happen quickly. Given the short turn-around time, the court may have to direct the petitioner to give the best notice possible. §26.6b-4(2).

Note: The court's OR is required even though the DOH has the authority to order involuntary examination if the respondent refuses to take the action directed by the DOH. §26-6-4(2). The court's order appears to be a preliminary judicial restraint on the executive authority to detain a person for medical reasons, similar to an arraignment. However, as discussed below, the court plays a very narrow role.

**Evidence.** The petitioner will present evidence in the form of testimony or the physician's statement and DOH affidavit described in Section (1)(c)(i) above. The testimony or affidavits will describe the nature of the disease – whether it is known or emerging, its incubation period and communicability period, the threat to infected people, and the like – and describe the defendant – non-consent, exposure, symptoms, contacts in the community, and the like.

**Order.** The court issues the OR if:

- 1) there is a reasonable basis to believe that the respondent's condition requires involuntary examination, quarantine, treatment, or isolation pending the hearing; or
- 2) the respondent has refused to submit to examination as directed by the DOH or to voluntarily submit to examination, treatment, quarantine, or isolation.

§26-6b-5(3).

Note: Under the first standard, the court evaluates whether there is a reasonable basis to believe that the respondent's condition requires involuntary examination, treatment, isolation or quarantine pending the hearing on the merits. Under this standard, the court evaluates the objective reasonableness of the public health official's beliefs as stated in testimony or in the affidavit accompanying the petition.

However, the court will never reach this evaluation because under the second standard, the only issue is whether the respondent has refused examination, treatment, isolation or quarantine. Under this standard the court determines only whether the respondent has decided not to consent to the OR. That finding will always be in the affirmative since the petition for judicial review is never filed if the respondent does consent. Thus, this preliminary judicial restraint on the executive branch is really very narrow.

**Content of the order.** The OR requires the respondent to submit to involuntary examination, treatment, isolation or quarantine to protect the public health. The order serves the purpose of an arrest warrant if the respondent is not in custody or a holding order if the respondent is in custody.

### **Hearing on the merits of the OR**

**Deadline for hearing.** The hearing on the merits must be held within 10 business days after the OR. §26-6b-6(1). At least 24 hours before the hearing, the petitioner must file a written opinion of a qualified health care provider regarding whether the individual or group of individuals are infected by or contaminated with:

- 1) a communicable or possibly communicable disease that poses a threat to public health;
- 2) an infectious agent or possibly infectious agent that poses a threat to public health;
- 3) a chemical or biological agent that poses a threat to public health; or
- 4) a condition that poses a threat to public health.

§26-6b-5(5).

Note: The statute says nothing about serving the respondent with this filing, but URCP 5(a) requires that everything filed with the court be served on the parties. Therefore, this filing must be served on the respondent or the respondent's lawyer. Whether the other people designated under §26-6b-4(2) need to be served is unclear. They are not parties, so URCP 5 probably does not apply. Section 26-6b-4(2) provides only that notice of the petition and hearing need to be served. However, the people with notice have the right to participate in the

hearing and probably cannot do so effectively without this information. The court has the authority under URCP 5 to order that they be served, even if the rule and statute do not require it directly.

**Canceling or postponing the hearing.** If the tests prove that the respondent is not subject to restriction, the court may dismiss the petition without holding the hearing. §26-6b-6(3).

If the respondent stipulates to the OR, then the court may issue its order without holding the hearing. §26-6b-6(2).

The court may postpone the hearing on the merits and extend the examination order for a reasonable period up to 90 days if, after a hearing, the court has reason to believe that the respondent:

- 1) is contaminated with a chemical or biological agent that is a threat to public health;  
or
- 2) is in a condition, the exposure to which poses a threat to public health,

but despite the exercise of reasonable diligence the diagnostic studies have not been completed. §26-6b-6(3).

Note: The focus for the purpose of extending the examination order will be on whether the DOH exercised “reasonable diligence” in trying to finish the tests. Since the court has already entered an initial examination order, the petitioner has already met the standard of “reason to believe” that the respondent’s condition poses a threat to public health. Whether the respondent continues to pose a threat to public health may be an issue.

**“Discovery.”** At the hearing, the petitioner is to provide to the court and to the respondent the OR, admission notes if the respondent was hospitalized, and medical records pertaining to the OR. The respondent can request the records be delivered before the hearing. §26-6b-6(4) and (5).

**Findings and order.** The court orders the respondent to submit to the OR if, upon completion of the hearing and consideration of the record, it finds by clear and convincing evidence that:

- 1) the respondent is infected with a communicable disease, is contaminated with a chemical or biological agent, is in a condition the exposure to which poses a threat to public health, or is in a condition which if treatment is not completed the respondent will pose a threat to public health;
- 2) there is no appropriate and less restrictive alternative to the OR;
- 3) the petitioner can provide the respondent with adequate and appropriate treatment;  
and
- 4) it is in the public interest to order the respondent to submit to the OR.

If the court does not find all of these conditions, the court must immediately dismiss the petition.

Note: In developing the findings, especially around items (2) and (3) the court should consider that under §26-6b-4(4) it can order the respondent moved to a more appropriate health care facility. Indeed, the respondent's position may be not to challenge the findings of the threat to the public health, but to argue for a more suitable treatment alternative.

The court's order must designate its duration, which may be for no longer than six months, §26-6b-6(7) and (8), and for no longer than is needed to protect the public health. §26-6b-3(2).

### **Review hearings**

At least two weeks before the court's order expires, the petitioner must inform the court and immediately reexamine the reasons upon which the court's order was based. If the petitioner determines that the conditions justifying the order no longer exist, it must discharge the respondent and report its action to the court, which must terminate the order. Otherwise, the court schedules a hearing before expiration of its order and proceeds under Sections 26-6b-4 through 26-6b-6.

Note: The court should not rely on the DOH to monitor the respondents. The court should track the expiration of its order and initiate review proceedings earlier than required to allow more time for consideration and as a check on the DOH recordkeeping. If the DOH gives the court only 14 days notice that the OR is about to expire, the court may not have time to schedule the hearing before it does expire.

**Order.** After the review hearing, the court may enter an OR for an indeterminate time if the court finds by clear and convincing evidence that:

- 1) the respondent is infected with a communicable disease, is contaminated with a chemical or biological agent, is in a condition the exposure to which poses a threat to public health, or is in a condition which if treatment is not completed the respondent will pose a threat to public health;
- 2) there is no appropriate and less restrictive alternative to the OR;
- 3) the petitioner can provide the respondent with adequate and appropriate treatment;
- 4) it is in the public interest to order the respondent to submit to the OR; and
- 5) that these conditions will continue for an indeterminate time.

Otherwise, the maximum duration of the order is six months. §26-6b-6(8).

At six-month intervals the petitioner must reexamine the reasons upon which an indeterminate OR was based. If the petitioner finds that the conditions justifying the OR no longer exist, the petitioner must discharge the respondent and immediately report its action to the court, which must terminate the order. §26-6b-7(1).

If the petitioner finds that the conditions justifying the OR continue to exist, the petitioner must file its report with the court and notify the respondent and counsel in writing that the OR will be continued, the reasons for that decision, and that the individual has the right to request a judicial review hearing. Upon receiving a request for



review, the court immediately sets a hearing date and proceeds under Sections 26-6b-4 through 26-6b-6. §26-6b-7(2).

**(d) Transportation**

The sheriff of the county where the individual is located transports the respondent to court and to the place for examination, quarantine, isolation, or treatment. §26-6b-9.

**(e) Costs**

The respondent and the respondent's insurance pay for the costs for examination, quarantine, isolation, and treatment. If the respondent and the insurance do not pay, the DOH pays. §26-6b-9.

**(f) A group of individuals as respondents**

Title 26, Chapter 6b anticipates that the OR may cover a group of people, and the court needs to be prepared to manage a case in which several people are respondents. If an OR covers a group, and some individuals consent to the OR while others do not, only the cases of those who do not consent will be presented for judicial review. §26-6b-4(1).

**(i) Notice of the OR**

Notice for a group may differ from that for an individual, at least initially. The DOH may modify the method of providing notice to the group or modify the information contained in the notice if the public health official determines the modification of the notice is necessary to:

- 1) protect the privacy of medical information of individuals in the group; or
- 2) provide notice to the group in a manner that will efficiently and effectively notify the individuals in the group within the time period necessary to protect the public health.

§26-6b-3.3(3)

The statute does not say what form group notice should take. If DOH modifies the notice required for an individual, the DOH must provide each individual in the group with conforming notice as soon as practical. §26-6b-3.3(3).

**(ii) Notice of the petition for judicial review**

If the court determines that written notice to each individual in the group is not practical, considering the threat to public health, the court may order the DOH to provide notice to the group in a manner determined by the court. §26-6b-4(2).

Note. §26-6b-4(2) is the section that correlates to URCP 4(d) on service of process. If the court invokes this subsection, the court can direct appropriate service under URCP 4(d)(4) on other types of service.

**(iii) Procedures**

**Rules of Civil Procedure.** When a group is subject to an OR, the court has at least three procedures from which to choose to manage the petition for judicial review.

- 1) Join all of the individuals as respondents under URCP 20.

- 2) Consolidate the cases under URCP 42.
- 3) Certify the case as a class action under URCP 23.

Note: If the OR covers a group under the same factual circumstances, the simplest approach is to treat the individuals in the group as co-respondents in a single petition under URCP 20. If there are multiple petitions to review multiple ORs, each one covering a person with a different factual circumstance, consolidating the petitions under URCP 42 may be more appropriate. Although the facts may be different, the issues of law will likely be similar or the same. A class action under URCP 23 may be appropriate under some circumstances, but the rule was not developed with this type of judicial review in mind, and it may present issues that make case management more difficult than under the other two options.

## **(2) Court Operations During a Public Health Emergency**

Petitions to enter or review an OR are filed infrequently, but they do occur. It may be that the court is called upon the enter or review orders of restriction in the midst of a larger public health emergency, perhaps even one that affects lawyers, judges and court staff. The Utah state courts have an operations contingency plan for continued operations in a public health emergency. In addition, the district court may want to consider the following options, as well as suggestions for legal preparedness from the Department of Health and Human Services (Sections (2)(a) and (2)(b)).

**Master Calendar.** Most cases, especially in counties with several resident judges, are assigned by individual calendaring. That is, the case is assigned to a judge upon filing, or at some other relatively early stage, and the assigned judge manages the case until final judgment. There are aspects of these petitions for judicial review that lend themselves to master calendaring. That is, a judge or a rotation of judges manages whatever cases are calendared for that particular day.

- 1) The cases have special procedures.
- 2) The issues of law will be substantially the same in all cases.
- 3) There may be multiple cases involving the same petitioner and attorneys.
- 4) The hearings may be held in the midst of a larger public health emergency.

**On-call Judge.** The judge for an after-hours emergency examination order might be the same person designated for after-hours search and arrest warrants.

### **(a) From HHS Website: Practical Steps for Legal Preparedness**

#### **(i) Step 1: Know your legislation**

State and local public health officers need to be familiar with the legal requirements in their jurisdictions regarding isolation of infectious persons and quarantine of exposed persons. Although most states have laws to compel isolation and/or quarantine, procedures may vary widely from jurisdiction to jurisdiction. Key persons, such as legal counsel, judges, and policymakers, should be identified and made part of your jurisdiction's planning for pandemic influenza.

HHS has statutory authority, which has been delegated to CDC, to quarantine or isolate individuals who have been exposed to or infected with pandemic influenza. President Bush added pandemic influenza to the list of quarantineable diseases by Executive Order 13375 on April 1, 2005.

### **(ii) Step 2: Plan “due process”**

Procedural due process is implicated when the government seeks to deprive an individual of “liberty” interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment to the U.S. Constitution. Many states, through statute or regulation, have established specific administrative and judicial schemes for affording due process to a person subject to a quarantine and/or isolation order. Schemes in other jurisdictions may not directly address this issue.

Although due process is a flexible concept and calls for procedural protections as the particular situation demands, the basic elements of due process include: adequate notice (typically through written order) of the action the agency seeks to compel; right to be heard (typically through the right to present evidence and witnesses and to contest the government’s evidence and witnesses); access to legal counsel; and a final administrative decision that is subject to review in a court of law. These due process protections should not impede the immediate isolation or quarantine of an individual for valid public health reasons in an emergency situation.

### **(iii) Step 3: Draft key documents in advance**

State and local public health officers should consider drafting key documents in advance of an emergency. These template documents can be critical time savers in an emergency. Documents that jurisdictions should consider preparing in advance include: draft quarantine and/or isolation orders; supporting declarations and/or affidavits by public health and/or medical personnel; and an explanation of the jurisdiction’s due process procedures for persons subject to an isolation/quarantine order. Examples of documents created by other jurisdictions are found at: <http://www.cdc.gov/phlp/index.htm>.

### **(iv) Step 4: Contact other jurisdictions**

It is possible for federal, state, tribal, and local health authorities simultaneously to have separate but concurrent legal quarantine power in a particular situation (e.g., an arriving aircraft at a large city airport). Furthermore, public health officials at the federal, state, tribal, and local level may occasionally seek the assistance of their respective counterparts, e.g., law enforcement, to assist in the enforcement of a public health order. State and local public health officers should therefore be familiar with the roles and responsibilities of other jurisdictions: vertically (local, state, tribal, federal), horizontally (public health, law enforcement, emergency management, and health care), and in geographical clusters (overlapping state/local neighbors).

### **(v) Step 5: Engage the courts in advance**

Some jurisdictions may rely on older public health statutes that have not been amended in over half a century, while other jurisdictions may have recently revised their legal authorities to respond to bioterrorism or other public health emergencies. Judges who may be called upon to review a public health order may not be familiar with the

state or local health authority's broad public health powers. During the 2003 SARS outbreak in Toronto, Canada, for example, many judges were unaware of the health officer's broad ex parte authority to compel isolation/quarantine under rarely used laws.

#### **(vi) Step 6: Anticipate practical problems**

State and local public health officers need to be prepared for the practical problems that may arise in affording adequate due process protections to persons subject to isolation and/or quarantine orders. Such problems may include how to arrange for the appearance and representation of persons in quarantine (e.g., video conference or other remote means); how to serve an isolation/quarantine order (likely through law enforcement) and other procedures to advise persons of their legal rights; and isolation arrangements for transient or homeless populations.

#### **(vii) Step 7: Communication**

Communication planning is vital not only for an effective public health response but also for an effective legal response to a public health emergency. Public health agency counsel should be aware of media training available to other public health officers. During the SARS and monkey pox outbreaks, CDC, through the Public Health Law Program (<http://www.cdc.gov/phlp/index.htm>), established telephone conferences for public health legal counsel to share experiences and engage in peer-to-peer consultations. Efforts are now underway to develop materials to assist state and local public health departments in conducting further outreach on emergency public health issues to the legal community through local bar associations.

#### **(b) From the HHS Website: Checklist of Legal Considerations for Pandemic Influenza**

The following checklist is a planning tool highlighting the relevant partners, resources, planning considerations, due process considerations, and issues of legal liability and immunity that may arise in the context of pandemic influenza. Next to each consideration are listed the legal partners (e.g., public health, hospitals, public safety, emergency management, judiciary) who may be called upon to address these considerations as part of the affected community's response. The challenge of the public health response is to protect the health of many, while safeguarding the rights of the individual. An integrated and coordinated response by attorneys at all levels in the community is essential to achieving this goal.

The checklist format is not intended to set forth mandatory requirements or establish a national standard for legal preparedness. Each state and local jurisdiction should determine for itself whether it is adequately prepared for disease outbreaks in accordance with its own laws and procedures. Relevant federal law also should be reviewed and statutes harmonized, as feasible.

#### **(i) Planning Considerations**

1. Ensure that public health personnel have a basic understanding of the intersection among federal, state, local, and tribal laws regarding quarantine and isolation as they relate to international airports and interstate border crossings. [public health/public safety/emergency management]

2. Where applicable, draft or update legal orders, motions, and templates requiring medical evaluation of non-compliant persons who meet the pandemic influenza case definition and have symptoms of pandemic influenza. [public health/hospitals]
3. Ensure that legal counsel has reviewed the feasibility of requiring persons to self-monitor for medical conditions (e.g., temperature checks) and (where applicable) drafted legal orders or agreements. [public health]
4. Ensure that legal counsel has reviewed the feasibility of issuing “exclusion” orders (i.e., excluding contacts from using public transportation, attending public meetings) and, where applicable, drafted templates and legal orders. [public health/public safety/emergency management]
5. Ensure the existence of a statute, regulation, or other administrative mechanism authorizing isolation/quarantine for pandemic influenza. [public health/public safety/judiciary]
6. Draft legal orders, motions, and templates for isolation/quarantine in homes, hospitals, or other designated facilities. [public health/hospitals/emergency management/public safety]
7. Ensure that legal counsel has reviewed the feasibility of using electronic methods to monitor suspected non-compliant individuals in home isolation and/or quarantine. [public health/public safety]
8. Ensure that legal counsel has reviewed draft legal orders, motions, and templates to quarantine facilities and to credential ingress and egress into such facilities. [public health/public safety/emergency management]
9. Ensure that legal counsel has reviewed the feasibility of using faith-based organizations to assist or provide services to persons in isolation and quarantine. [public health]
10. Ensure that public health officials have reviewed the availability of workers’ compensation and/or other forms of financial support for persons unable to return to work because of an isolation/quarantine order. [public health]
11. Ensure that legal counsel has considered whether the health department should issue documents designed to assist with reintegration of persons subject to isolation/quarantine order (e.g., letter to employer or school explaining that patient is no longer infectious). [public health]
12. Ensure that legal counsel has reviewed agreements relating to overtime and/or flexibility of hours for staff. [public health/hospitals/public safety/emergency management]
13. Ensure that legal counsel has a clear understanding of legal authorities relevant to environmental remediation of buildings. [public health/hospitals/emergency management]

#### **(ii) Partnerships/Outreach**

1. Assemble a legal preparedness task force with representation from public health, public safety, hospitals, emergency management, judiciary, and other relevant

individuals and/or organizations at various levels of authority (federal, state, tribal, local, cross-border). [public health/public safety/hospitals/emergency management/judiciary]

2. Establish procedures for enforcement of isolation/quarantine orders. [public health/public safety]
3. Provide public safety personnel with educational materials relating to pandemic influenza and have a clear understanding for how to enforce an isolation/quarantine order. [public health/public safety]
4. Ensure that procedures or protocols exist between hospitals and public health to manage a possible or known pandemic influenza case-patient who attempts to leave the hospital against medical advice. [public health/hospitals/public safety]
5. Where applicable, draft memoranda of agreement (MOA) or understanding (MOU) to allow for the loaning of facilities or other services necessary to implement a quarantine and/or isolation order for persons who cannot be isolated at home (e.g., travelers, homeless populations). [public health/hospitals/emergency management]
6. Ensure that judges and attorneys in the area, through local bar organizations or other entities, have received educational materials, training, or information related to SARS and the potential use of isolation/quarantine to interrupt disease transmission. [public health/judiciary]
7. Ensure that legal counsel has reviewed and/or drafted data sharing/data use/confidentiality agreements related to sharing of confidential patient medical information between public health and other partners. [public health/hospitals/public safety/emergency management]

### **(iii) Due Process Considerations**

1. Draft legal orders and templates using terms such as “quarantine,” “isolation,” and “detention” consistently. [public health/judiciary]
2. Ensure that legal counsel has reviewed all draft isolation/quarantine orders and forms, as well as applicable administrative hearing procedures, to ensure concurrence with basic elements of due process (e.g., adequate notice, opportunity to contest, administrative determination). [public health/judiciary]
3. Ensure that procedures or protocols exist to ensure that persons subject to an isolation/quarantine order have access to legal counsel, if desired (e.g., list of attorneys willing to provide services at little or no cost). [public health/judiciary]
4. Ensure that legal counsel has analyzed procedures needed to satisfy due process in different isolation/quarantine scenarios (e.g., “voluntary” home isolation, isolation in a guarded facility, exclusion from certain public activities). [public health/judiciary]
5. Where applicable, ensure that public health officials have worked with the local court system to develop a 24 hours a day, 7 days a week “on call” list of judges or hearing officers to review emergency requests for isolation/quarantine. [public health/judiciary]

6. Ensure that public health officials have worked with the local court system to develop a plan for hearing cases and/or appeals for persons subject to isolation/quarantine orders (e.g., participation via telephone, video conference). [public health/judiciary]

**(iv) Legal Resources and Statutes**

1. Ensure that legal counsel has reviewed and has a clear understanding of the legal resources and tools relevant to a community's public health response. [public health/judiciary/emergency management] Such resources and tools include:

Draft Model State Emergency Health Powers Act

[www.publichealthlaw.net/MSEHPA/MSEHPA2.pdf](http://www.publichealthlaw.net/MSEHPA/MSEHPA2.pdf)

Emergency Management Assistance Compact (model agreement)

<http://www.emacweb.org/?13>

Memorandum of Understanding for Establishment of Local Public Health Mutual Aid and Assistance System

[www.publichealthlaw.net/Resources/ResourcesPDFs/MOU.pdf](http://www.publichealthlaw.net/Resources/ResourcesPDFs/MOU.pdf)

American Bar Association Draft Checklist for State and Local Government Attorneys to Prepare for Possible Disasters

<http://www.publichealthlaw.net/Resources/BTlaw.htm>

Legal Authorities for Isolation and Quarantine

<http://www.cdc.gov/ncidod/sars/legal.htm>

Quarantine and Isolation: Lessons Learned from SARS

<http://www.louisville.edu/medschool/ibhpl/images/pdf/SARS%20REPORT.pdf>

Checklists on Legal Preparedness for Bioterrorism and other Public Health Emergencies

<http://www.publichealthlaw.net/Resources/BTlaw.htm>

Legal Materials Related to Public Health Legal Preparedness

[http://www2a.cdc.gov/phlp/sub\\_menu.asp](http://www2a.cdc.gov/phlp/sub_menu.asp)

Additional materials and resources may be posted at <http://www.cdc.gov/phlp/index.htm>

2. Distribute draft letters or fact sheets to hospitals and other healthcare providers describing permissible uses and disclosures of health information for public health purposes under the Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA) ([www.hhs.gov/ocr/hipaa/](http://www.hhs.gov/ocr/hipaa/)).
3. Where applicable, ensure that legal counsel understands procedures for declaring a public health emergency (at various levels of government) and consequences of such a declaration.
4. Ensure that legal counsel is familiar with the requirements of the Emergency Medical Treatment and Active Labor Act (EMTALA) and has determined if such requirements

have been incorporated into public health and hospital planning for pandemic influenza.

5. Ensure that legal counsel has reviewed hospital screening and admission procedures for potential pandemic influenza patients (e.g., establishment of evaluation clinics for persons with influenza-like symptoms) for compliance with EMTALA.
6. Ensure that legal counsel has reviewed potential EMTALA implications of a community-wide EMS protocol for transport of pandemic influenza patients (e.g., protocol requiring transport of pandemic influenza patients to a hospital or facility other than the hospital that owns the ambulance).

#### **(v) Legal Liability and Immunity**

1. Ensure that legal counsel has reviewed the potential legal liability of implementing “working” quarantine for essential service personnel. [public health/hospitals]
2. Ensure that legal counsel has reviewed the potential legal liability of housing pandemic influenza patients in home isolation with non-exposed residents subject to infection control precautions. [public health]
3. Ensure that legal counsel has reviewed liability/immunity for volunteers providing assistance or services to persons in isolation/quarantine. [public health/emergency management]
4. Ensure that legal counsel has reviewed hospital employment policies on emergency licensure and/or employment of retired or non-medical personnel or personnel from other medical departments or hospitals. [public health/hospitals]

### **(3) Statutes**

[26-6-2.](#) Definitions.

[26-6-3.](#) Authority to investigate and control epidemic infections and communicable disease.

[26-6-4.](#) Involuntary examination, treatment, isolation, and quarantine.

[26-6-7.](#) Designation of communicable diseases by department -- Establishment of rules for detection, reporting, investigation, prevention, and control.

[26-6-27.](#) Information regarding communicable or reportable disease confidential -- Exceptions.

[26-6-28.](#) Protection from examination in legal proceedings -- Exceptions.

[26-6-29.](#) Violation -- Penalty.

[26-6-30.](#) Exclusions from confidentiality requirements.

[26-6b-1.](#) Applicability of chapter -- Administrative procedures.

[26-6b-2.](#) Definitions.

[26-6b-3.](#) Order of restriction.

[26-6b-3.1.](#) Consent to order of restriction -- Periodic review.



[26-6b-3.2.](#) Involuntary order of restriction -- Notice -- Effect of order during judicial review.

[26-6b-3.3.](#) Contents of notice of order of restriction -- Rights of individuals.

[26-6b-3.4.](#) Medical records -- Privacy protections.

[26-6b-4.](#) Judicial review by the district court -- Required notice -- Representation by counsel -- Conduct of proceedings.

[26-6b-5.](#) Petition for judicial review of order of restriction -- Court-ordered examination period.

[26-6b-6.](#) Court determination for an order of restriction after examination period.

[26-6b-7.](#) Periodic review of individuals under court order.

[26-6b-8.](#) Transportation of individuals subject to temporary or court-ordered restriction.

[26-6b-9.](#) Examination, quarantine, isolation, and treatment costs.

[26-6b-10.](#) Severability.

#### **(4) Rules**

##### **(a) [Department of Health Rules](#)**

R386-702-1. Purpose Statement.

R386-702-2. Definitions.

R386-702-3. Reportable Diseases, Emergency Illnesses, and Health Conditions.

R386-702-4. Reporting.

R386-702-5. General Measures for the Control of Communicable Diseases.

R386-702-6. Special Measures for Control of Rabies.

R386-702-7. Special Measures for Control of Typhoid.

R386-702-8. Special Measures for the Control of Ophthalmia Neonatorum.

R386-702-9. Special Measures to Prevent Perinatal and Person-to-Person Transmission of Hepatitis B Infection.

R386-702-10. Public Health Emergency.

R386-702-11. Penalties.

R386-702-12. Official References.

##### **(b) Labor Commission Rule 12-2-22(K) – (M).**

...

K. When any medical provider provides copies of medical records, other than the records required when submitting a bill for payment or as required by the Labor commission rules, the following charges are presumed reasonable:

1. A search fee of \$15 payable in advance of the search;

2. Copies at \$.50 per page, including copies of microfilm, payable after the records have been prepared and

3. Actual costs of postage payable after the records have been prepared and sent. Actual cost of postage are deemed to be the cost of regular mail unless the requesting party has requested the delivery of the records by special mail or method.

4. The Labor Commission will release its records per the above charges to parties/entities with a signed and notarized release from the injured worker unless the information is classified and controlled under the Government Records Access and Management Act (GRAMA).

L. No fee shall be charged when the RBRVS or the Commission's Medical Fee Guidelines require specific documentation for a procedure or when medical providers are required to report by statute or rule.

M. An injured worker or his/her personal representative may obtain one copy of each of the following records related to the industrial injury or occupational disease claim, at no cost, when the injured worker or his/her personal representative have signed a form by the Industrial Accidents Division to substantiate his/her industrial injury/illness claim;

1. History and physical;
2. Operative reports of surgery;
3. Hospital discharge summary;
4. Emergency room records;
5. Radiological reports;
6. Specialized test results; and
7. Physician SOAP notes, progress notes, or specialized reports.

(a) Alternatively, a summary of the patient's records may be made available to the injured worker or his/her personal representative at the discretion of the physician.

## **(5) Local Health Departments**

There are 12 local health departments in Utah. They are listed on the web at: [http://www.health.state.ut.us/lhd/html/local\\_health\\_departments.htm](http://www.health.state.ut.us/lhd/html/local_health_departments.htm). All have individual websites with more information.

### **(a) Bear River Health Department**

655 E 1300 N / Logan, UT 84321 / 435-792-6500

817 W 950 S / Brigham City, UT 84302 / 435-734-0845

125 S 100 W / Tremonton, UT 84337 / 435-257-3318

POB 392 / Randolph, UT 84064 / 435-793-2445

### **(b) Central Utah Public Health Department**

146 N Main / Nephi, UT 84648 / 435-623-0696

55 S 400 W / Fillmore, UT 84631 / 435-743-5723

428 E Topaz Blvd, Suite D / Delta, UT 84624 / 435-864-3612

Courthouse / Junction, UT 84740 / 435-577-2521

20 S 100 W Suite 30 / Mt. Pleasant, UT 84642 / 435-462-2449

40 W 200 N / Manti, UT 84642 / 435-835-2231

70 Westview Dr / Richfield, UT 84701 / 435-896-5451

**(c) Davis County Health Department**

POB 618 / Farmington, UT 84025 / 801-451-3315

Courthouse Annex / 50 E State St / Farmington

**(d) Salt Lake Valley Health Department**

Epidemiology & Infectious Disease / 610 S 200 E / SLC, UT 84070 / 801-534-4600

**(e) Southeastern Utah District Health Department**

193 E Center / Blanding, UT 84511 / 435-678-2723

471 S Main Street #4 / PO BOX E / Moab, UT 84532 / 435-259-5602

25 W Main / Castle Dale, UT 84513 / 435-381-2252

28 S 100 E / Price, UT 84501 / 435-637-3671

**(f) Southwest Utah Public Health Department**

168 N 100 E / St George, UT 84770 / 435-986-2577

260 East DL Sargent Dr / Cedar City, UT 84720 / 435-586-2437

75 W 1175 N / Beaver, UT 84713 / 435-438-2482

245 S 200 E / Kanab, UT 84741 / 435-644-5024

POB 374 / Panguitch, UT 84759 / 435-676-8800

**(g) Summit County Public Health Department**

85 N 50 E / Coalville, UT 84017 / 435-336-3222 / 435-336-3234

110 N Main / Kamas, UT 84036 / 435-783-4351 ext. 3071

6505 N Landmark Dr / Park City, UT 84098 / 435-615-3910

**(h) Tooele County Health Department**

151 N Main / Tooele, UT 84074 / 435-843-2300

**(i) TriCounty Health Department**

147 E Main / Vernal, UT 84078 / 435-781-5475

281 E 200 N / Roosevelt, UT 84066 / 435-722-6300

734 N Center St / Duchesne, UT 84021 / 435-738-2202

Flaming Gorge Community Health Center / Manila, 84046 / 435-784-3494

**(j) Utah County Health Department**

151 S University Ave / Provo, UT 84601 / 801-851-7000

**(k) Wasatch County Health Department**

55 S 500 E / Heber City, UT 84032 / 435-654-2700

**(l) Weber-Morgan Health Department**

477 23rd St / Ogden, UT 84401 / 801-399-7100

# Tab 5



## Estimated FY 2020 Year End Available Funds and Requests

FY 2020 Requested Additional expenses at year end		
Information Technology Requests		
1	Courtroom A/V Upgrades (IT)	350,000
2	Upgrade For the Record (FTR) Digital Recording Software (IT)	257,600
17	Remote Accessories	83,000
Total IT Requests		690,600
Other Requests		
3	Learning Management System (Education)	164,100
4	Self-Assessment Materials (Education)	2,000
5	Training Equipment (Education)	4,600
6	Alternative Dispute Resolution Training (ADR Committee)	13,200
7	Online Dispute Resolution Facilitation Training Manual (ADR)	5,000
8	Jury Chairs for Brigham City (1st District)	15,000
9	Jury Tables / Chairs for West Jordan (3rd District)	66,700
10	Carpet Replacement - Ogden Courthouse (2nd District)	19,650
11	Public Viewing Agenda Monitor (Court of Appeals)	4,000
12	Matheson Café Room and Conference Room A/B/C Furniture (Facilities)	130,500
13	Workforce Performance Bonuses (State Court Administrator)	500,000
14	National Assoc. Drug Court Prof. Annual Conference (Veteran's Court Team)	3,960
Total Other Requests		928,710
Grand total (A)		1,619,310

FY 2020 Estimated Year End Funds	
* Estimated turnover savings as of 3/4/2020 (based upon pay periods)	4,005,105
** Available funding from TCE/AOC budgets	541,600
Reserve balance established in August 2019 Council meeting	150,000
*** Reduction in funds due to legislative action	(165,000)
Subtotal	4,531,705
Authorized carry forward funds to be allocated from FY 2020 one time funding	(2,500,000)
Funds available for year end spending allocation (B)	2,031,705

Remaining Available (B-A)	412,395
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FY 2020 Contingent Requests		
13a	Employer Paid Salary Related Costs for Workforce Bonuses (6/26/2020 deadline) (SCA)	160,200
15	Matheson Carpet Replacement (4/15/2020 deadline) (Facilities)	400,000
16	Inventory of PCs (4/7/2020 deadline) (IT)	250,000
Funds available for year end spending allocation		810,200

\* Estimated turnover savings based upon \$2,880,105 through pay period ending 2/21/2020  
Actual turnover savings has averaged \$170K per pay period YTD FY 2020. We have used a conservative estimate of \$125K of turnover savings per pay period for the 9 pay periods remaining in the fiscal year (\$1,125,000). This makes the combined total estimate \$4,005,105.

The contingent additional one-time turnover savings is 9 pay periods x (\$170K-\$125K) = \$405K.

This is not shown in the current forecast.

\*\* Total available amount is \$541,600 with the breakout as follows:

District / Juvenile Operations Total -	130,500
AOC Total -	411,100
Combined Total -	541,600

\*\*\* The \$165,000 reduction due to legislative action is due to fiscal note reviews from the October 2019 interim meetings with the Executive Offices and Criminal Justice Appropriation Subcommittee.

## 1. Request to the Judicial Council – FY 2020 – Courtroom A/V Upgrades

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020**

**Date:** 2/21/2020

**Department or District:** AOC Information Technology

**Requested by:** Heidi Anderson/Todd Eaton

**Request title:** Courtroom A/V upgrades

**Amount requested:** \$350,000.00

**One-time funds**

**Purpose of funding request:**

Upgrade legacy digital audio recording systems in Ogden courtrooms including recording computers & clerk computers.

Note: Forty-five courtrooms have been slated for replacement of digital audio recording systems and the related PCs required to run them. Funding has been requested for 30 of the courtrooms as follows (in priority order)

- Ten West Jordan courtrooms are Judicial Priorities in the 2021 Legislative request for one-time funding.
- Eleven other courtrooms are in the DFCM 2021 Legislative request for one-time funding (this funding excludes PCs as DFCM does not fund asset purchases not deemed essential to building operation).
- Nine Ogden District courtrooms are in this request along with funding for the PCs in the prior funding from DFCM. Currently, spare parts are being cannibalized from Provo and other courts to repair

See attached exhibits for more details on the funding sources and courtrooms needing upgrades.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

After the West Jordan Courthouse and the next eleven oldest locations, courtroom upgrades for Ogden District Court (2525 Grant Ave, Ogden UT) are next in priority. These systems were last updated in 2007 and have hardware that can no longer be viably supported by Information Technology (IT). The equipment is failing regularly and we are not able to purchase equipment from traditional websites or vendors. We are using repurposed equipment out of old courtrooms to keep these courtrooms functioning.

**Alternative funding sources, if any:**

Alternative funding may be available in 2022 or beyond if DFCM prioritizes our request sufficiently high to obtain funding.



## **1. Request to the Judicial Council – FY 2020 – Courtroom A/V Upgrades**

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

In the near future these courtrooms will become unserviceable by IT and will no longer be able to capture a digital audio recording with the built-in systems. This will require either using portable recording devices which capture a much lower quality record or relocating hearings to different courtrooms when available.

AUDIO UPGRADES SHOWN IN PRIORITY ORDER - BY FUNDING PARTY										
	LOCATION	LAST UPDATE	ESTIMATED COST AUDIO EQUIPMENT		RUNNING TOTAL AUDIO EQUIPMENT	ESTIMATED COST FTR / CLERK PC		Running Total PC	Running Total PC	AV +
1	West Jordan Juvenile #21	2005	\$32,000.00	\$32,000		\$2,500.00	\$2,500.00			
2	West Jordan Juvenile #22	2005	\$32,000.00	\$64,000		\$2,500.00	\$5,000.00			
3	West Jordan Juvenile #23	2005	\$32,000.00	\$96,000		\$2,500.00	\$7,500.00			
4	West Jordan Juvenile #26	2005	\$32,000.00	\$128,000		\$2,500.00	\$10,000.00	\$450,000 one-time Judicial Priority - In for Legislative Approval as FY 2021 Item. Request to Legislature includes \$105,000 to replace existing video		
5	West Jordan Juvenile #27	2005	\$32,000.00	\$160,000		\$2,500.00	\$12,500.00			
6	West Jordan District #31	2005	\$32,000.00	\$192,000		\$2,500.00	\$15,000.00			
7	West Jordan District #32	2005	\$32,000.00	\$224,000		\$2,500.00	\$17,500.00			
8	West Jordan District #33	2005	\$32,000.00	\$256,000.00		\$2,500.00	\$20,000.00			
9	West Jordan District #36	2005	\$32,000.00	\$288,000.00		\$2,500.00	\$22,500.00			
10	West Jordan District #37	2005	\$32,000.00	\$320,000.00		\$2,500.00	\$25,000.00			
			Estimate AV Equipment	\$320,000.00	\$320,000.00	Estimate PC Total:	\$25,000.00	\$25,000.00	\$345,000.00	
						Equipment + PC Total:	\$345,000.00			
11	Roosevelt Juvenile/District	2001	\$35,000.00	\$35,000.00		\$2,500.00	\$2,500.00	\$350,000 one-time DFCM Capital Spend as FY 2021 Item. Audio Replacement only.		
12	Castledale - Juvenile #2	2003	\$35,000.00	\$70,000.00		\$2,500.00	\$5,000.00			
13	Castledale - Spare #3	2003	\$0.00	\$70,000.00		\$2,500.00	\$7,500.00			
14	Moab Juvenile	2006	\$35,000.00	\$105,000.00		\$2,500.00	\$10,000.00			
15	Randolph Dist/Juv	2007	\$35,000.00	\$140,000.00		\$2,500.00	\$12,500.00			
16	Tooele Juvenile	2007	\$34,000.00	\$174,000.00		\$2,500.00	\$15,000.00			
17	Tooele District Court	2007	\$34,000.00	\$208,000.00		\$2,500.00	\$17,500.00			
18	Tooele Juvenile/District (Justice)	2007	\$34,000.00	\$242,000.00		\$2,500.00	\$20,000.00			
			Estimate	\$242,000.00	\$562,000.00	Estimate PC Total:	\$20,000.00	\$45,000.00	\$607,000.00	
						Equipment + PC Total:	\$262,000.00			
19	Ogden District 4A Video Room	2005	\$33,000.00	\$33,000.00		\$2,500.00	\$2,500.00	\$350,000 one-time FY 2020 year end funds Request by IT. Includes PCs DFCM will not fund.		
20	Ogden District 2B	2003	\$33,000.00	\$66,000.00		\$2,500.00	\$5,000.00			
21	Ogden District 2C	2003	\$33,000.00	\$99,000.00		\$2,500.00	\$7,500.00			
22	Ogden District 2A	2007	\$33,000.00	\$132,000.00		\$2,500.00	\$10,000.00			
23	Ogden District 2D	2007	\$33,000.00	\$165,000.00		\$2,500.00	\$12,500.00			
24	Ogden District 3A	2007	\$33,000.00	\$198,000.00		\$2,500.00	\$15,000.00			
25	Ogden District 3B	2007	\$33,000.00	\$231,000.00		\$2,500.00	\$17,500.00			
26	Ogden District 3C	2007	\$33,000.00	\$264,000.00		\$2,500.00	\$20,000.00			
27	Ogden District 3D	2007	\$33,000.00	\$297,000.00		\$2,500.00	\$22,500.00			
28	Ogden District 4B	2007	\$33,000.00	\$330,000.00		\$2,500.00	\$25,000.00			
29	Ogden District 4C	2007	\$33,000.00	\$363,000.00		\$2,500.00	\$27,500.00			
30	Ogden District 4D	2007	\$33,000.00	\$396,000.00		\$2,500.00	\$30,000.00			
			Estimate	\$396,000.00	\$958,000.00	Estimate PC Total:	\$30,000.00	\$75,000.00	\$1,033,000.00	
						Equipment + PC Total:	\$426,000.00			
31	Bountiful District #1	2007	\$32,000.00	\$32,000.00		\$2,500.00	\$2,500.00	Future DFCM or Courts Funding		
32	Manti West (Dist/Juv)	2007	\$0.00	\$32,000.00		\$2,500.00	\$5,000.00			
33	Manila Juvenile/District	2007	\$35,000.00	\$67,000.00		\$2,500.00	\$7,500.00			
34	Heber City Juvenile/District	2008	\$34,000.00	\$101,000.00		\$2,500.00	\$10,000.00			
35	Spanish Fork Juvenile	2009	\$34,000.00	\$135,000.00		\$2,500.00	\$12,500.00			
36	Spanish Fork District	2009	\$34,000.00	\$169,000.00		\$2,500.00	\$15,000.00			
37	Manti East (Justice/Dist)	2009	\$0.00	\$169,000.00		\$2,500.00	\$17,500.00			
			Estimate	\$169,000.00	\$1,127,000.00	Estimate PC Total:	\$17,500.00	\$92,500.00	\$1,219,500.00	
						Equipment + PC Total:	\$186,500.00			
38	St. George District 2A	2010	\$35,000.00	\$35,000.00		\$2,500.00	\$2,500.00			

		AUDIO UPGRADES SHOWN IN PRIORITY ORDER - BY FUNDING PARTY									
LOCATION		LAST UPDATE	ESTIMATED COST AUDIO EQUIPMENT		RUNNING TOTAL AUDIO EQUIPMENT	ESTIMATED COST FTR / CLERK PC		Running Total PC		Running Total PC	AV +
39	St. George Juvenile 2C	2010	\$35,000.00	\$70,000.00		\$2,500.00	\$5,000.00	Future DFCM or Courts Funding			
40	St. George Juvenile 2D	2010	\$35,000.00	\$105,000.00		\$2,500.00	\$7,500.00				
41	St. George District 3A	2010	\$35,000.00	\$140,000.00		\$2,500.00	\$10,000.00				
42	St. George District 3B	2010	\$35,000.00	\$175,000.00		\$2,500.00	\$12,500.00				
43	St. George District 3C	2010	\$35,000.00	\$210,000.00		\$2,500.00	\$15,000.00				
44	St. George District 3D	2010	\$35,000.00	\$245,000.00		\$2,500.00	\$17,500.00				
			Estimate	\$245,000.00	\$1,372,000.00	Estimate PC Total:	\$17,500.00	\$110,000.00	\$1,482,000.00		
						Equipment + PC Total:	\$262,500.00				
46	Farmington District #4	2013	\$33,000.00	\$33,000.00		\$2,500.00	\$2,500.00	Future DFCM or Courts Funding			
46	Silver Summit A - Civil	2014	\$0.00	\$33,000.00		\$0.00	\$0.00				
			Estimate	\$33,000.00	\$1,405,000.00	Estimate PC Total:	\$0.00	\$110,000.00	\$1,515,000.00		
						Equipment + PC Total:	\$33,000.00				

# COURT AUDIO UPGRADES - IT REQUEST FOR FY 2020 YEAR END FUNDS

See items shaded in green below

LOCATION	LAST UPDATE	ESTIMATED COST AUDIO EQUIPMENT	RUNNING TOTAL AUDIO EQUIPMENT	ESTIMATED COST FTR / CLERK PC
11 Roosevelt Juvenile/District	2001	\$ 35,000	\$ 35,000	\$ 2,500
12 Castledale - Juvenile #2	2003	\$ 35,000	\$ 70,000	\$ 2,500
13 Castledale - Spare #3	2003	\$ -	\$ 70,000	\$ 2,500
14 Moab Juvenile	2006	\$ 35,000	\$ 105,000	\$ 2,500
15 Randolph Dist/Juv	2007	\$ 35,000	\$ 140,000	\$ 2,500
16 Tooele Juvenile	2007	\$ 34,000	\$ 174,000	\$ 2,500
17 Tooele District Court	2007	\$ 34,000	\$ 208,000	\$ 2,500
18 Tooele Juvenile/District (Justice)	2007	\$ 34,000	\$ 242,000	\$ 2,500
19 Ogden District 4A Video Room	2005	\$ 33,000	\$ 275,000	\$ 2,500
20 Ogden District 2B	2003	\$ 33,000	\$ 308,000	\$ 2,500
21 Ogden District 2C	2003	\$ 33,000	\$ 341,000	\$ 2,500
<b>A/V equipment only total</b>	<b>\$ 341,000.00</b>			<b>PCs for 11 thru 21 \$ 27,500</b>
22 Ogden District 2A	2007	\$ 33,000	\$ 33,000	\$ 2,500
23 Ogden District 2D	2007	\$ 33,000	\$ 66,000	\$ 2,500
24 Ogden District 3A	2007	\$ 33,000	\$ 99,000	\$ 2,500
25 Ogden District 3B	2007	\$ 33,000	\$ 132,000	\$ 2,500
26 Ogden District 3C	2007	\$ 33,000	\$ 165,000	\$ 2,500
27 Ogden District 3D	2007	\$ 33,000	\$ 198,000	\$ 2,500
28 Ogden District 4B	2007	\$ 33,000	\$ 231,000	\$ 2,500
29 Ogden District 4C	2007	\$ 33,000	\$ 264,000	\$ 2,500
30 Ogden District 4D	2007	\$ 33,000	\$ 297,000	\$ 2,500
		<b>Estimate</b>	<b>\$ 297,000</b>	<b>Estimate PC Total: \$ 50,000</b>
<b>Equipment + PC Total:</b>	<b>\$ 347,000.00</b>			

**\$ 350,000 Total Facilities Funding Through 2021 DFCM Capital Improvements (rounded up for contingency); \*DFCM does not fund PCs**

**\$ 350,000 Total I.T. FY 2020 Forecast year end Funding Request (rounded up for contingency)**

## 2. Request to the Judicial Council - FY 2020 – Upgrade Court Digital Recording Software

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** 2/27/2020

**Department or District:** AOC/Information Technology

**Requested by:** Heidi Anderson/Todd Eaton

**Request title:** Upgrade Courtroom For-The-Record (“FTR”) digital recording software

**Amount requested:** \$257,585.00

**One-time funds**

**Purpose of funding request:**

Upgrade the FTR recording software in all 167 locations that capture digital audio records.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

FTR is the software used for recording court proceedings in courtrooms and some chambers throughout the state. We have a total of 167 locations that use the software. Eighty of the 167 locations (mostly juvenile courts) also utilize software currently called “LogNotes.”

At this time, we are 1 full version behind on the software. As with any software, age increases (1) security vulnerabilities and (2) the risk that incompatibility will degrade software reliability. In addition the current version does not have the latest features available. We request funds to purchase the latest licenses for this software.

167 FTR Gold Recording suite upgrade licenses - \$249,665.00

80 FTR Gold Annotation Suite (replaces legacy LogNotes) - \$7,920.00

**Alternative funding sources, if any:**

There are no alternative funding sources

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

With outdated software the primary concern is security vulnerabilities. As this software is the means by which we capture all digital audio recordings, keeping it current is critical to having reliable court recordings.

### 3. Request to the Judicial Council - FY 2020 – Learning Management System – (Education)

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020**

Date: February 12, 2019

Department or District: Education - Extending to all Judicial  
Requested by: Dr. Kim Free, Libby Wadley, Tom Langhorne

**Request title:** Procure Learning Management System (LMS) software (two-year contract for 1300 Court employees and 500 justice court clerks - June 30, 2020 - June 30, 2022). **Addenda further explains the details of this executive summary request.**

**Amount requested:** \$164,000 ([see addendum A](#))

The amount requested is based on the average of all 7 systems demonstrated and does **not** equal the price of the top two systems (Infor and Oracle). An AOC team will need to negotiate price with Infor and/or Oracle to purchase the best system, but if negotiations fail, the next best solution (Bridge) fits the majority of our needs within the amount requested. This one-time "ask" will require a future on-going "ask" of \$40-50,000 for yearly subscription costs based on the chosen system and other cost savings from potentially various management systems once an LMS system is fully functioning.

**Purpose of funding request:** The judicial branch needs immediate funding for a comprehensive learning management system (LMS). An LMS is a modern management tool designed to increase employee engagement and communication through targeted learning for the unique professional development needs of each individual in the Court system. *The Courts current on-line training system, LearningLink will be rendered inoperable by December 2020, and cannot be "fixed" with alternative programming, updates, or another software "plug-in." If a "fix" were possible, it would require LearningLink's entire code to be re-written. The "re-write" cost would far exceed the price of a new LMS, and would still not resolve the security risk that re-writing code presents. Furthermore, IT director Heidi Anderson, indicates she has no personnel to rewrite the underlying code because the "orphan code" was written by college students nine years ago and are no longer associated with the courts.*

#### Executive summary

*Background/History* ([see addendum B](#))

- \* LearningLink, our current system is built on Adobe Flash and is identified as an IT security risk.
- \* Adobe Flash will discontinue December 2020. Adobe and all browsers have begun limiting support for Flash to prepare for cease of operation in December 2020.
- \* IT advises they are unable to fix LearningLink, due to costs, competing projects and resources, and recommends purchasing an "off the shelf" Learning Management System. IT's costs to duplicate the functionality of "Off the Shelf" LMS would be much higher than the annual subscription costs.
- \* In March 2019, the AOC began an RFP process for an LMS. In May 2019, the RFP process did not present acceptable LMS options. IT advised using the State Cloud Contract to select an LMS.
- \* 7 potential options were identified through the State Cloud Contract, demonstrations were conducted.
- \* Our top two LMS vendors have been identified.

## Executive Summary (cont.)

### *Expected Outcomes* ([see addendum C](#))

- \* Needs/requirements for a Learning Management System to serve 1800 employees. The 500 justice court clerks need this system to fulfill newly created clerks training and certification efforts unique to justice court clerks. The justice courts clerks cannot fulfill this need without our new LMS system.
- \* Enhancements (from our current on-line training system) to an LMS.
- \* Adopting one solution/system to meet **ALL** our needs. Top Choice: Infor, meets all the criteria. Oracle is the secondary solution/system meeting the majority of criteria.

### *Performance Measures/Court Mission*

- \* Our recent “all judicial efforts” being made to help increase “employee experience” include a successful 2019 legislative “ask” to increase clerical pay, piloting alternative work schedules, researching modern advancement protocols, and much more. **All these efforts will be in vain, if we do not adopt an LMS as the main application tool to manage and measure our progress.**
- \* Improvement to new judge orientation and transitioning to the bench: currently, Senate confirmed district and juvenile judges often start sitting several months before attending the first available “new judge orientation” training. As a result, critically needed training to assist judges in making the transition to the bench is not timely available. A new LMS system affords immediate live or asynchronous training for new judges before they take the bench.
- \* A two-year contract will allow us to transfer all Adobe Flash based training to a current, supported format (HTML5) immediately, keeping our on-line training operating. In two years, we will identify cost savings by replacing/updating/consolidating current management (operating) systems to our LMS (such as event management, onboarding, performance development, etc.)

### **Alternative funding sources, if any**

*Justice Courts Technology, Security and Training Fund:* In our last year's request, the state justice court administrator, Jim Peters, expressed his confidence that on April 23, 2019, his Justice Court Judges' Board will approve a \$15,000 contribution towards the new LMS' purchase. To date, the Justice Court's Board decision to fund an LMS is still pending.

### **If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

*If our request is not funded at this time, the consequences will be to suspend, or at minimum delay, all judicial on-line training efforts immediately to prepare for alternative strategies (below).* With numerous trends (e.g., rapid pace of change, shrinking labor force, shifting employee expectations) disrupting talent recruitment and retention strategies, administrators and supervisors are now forced to focus on the “employee experience” to better meet employees’ evolving expectations and reduce turnover.

### *Consequences* ([see addendum D](#))

- \* We no longer have an LMS to facilitate communication, identify mobility across the organization, and engage with a multitude of learning, growth, and development opportunities.
- \* We no longer have an LMS to facilitate our clerical advancement protocols.
- \* We no longer have an LMS to facilitate online compliance training required under Rule, i.e. Court Security, Enterprise Security Awareness, Electronic Mail Retention.

### *Alternative Strategy* ([see addendum D](#))

- \* Move our current content library of online training (OTP) to the intranet.

#### 4. Request to the Judicial Council - FY 2020 – Self Assessment Materials (Education)

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** February 27, 2020

**Department or District:** Education

**Requested by:** Tom Langhorne

**Request title:** Temperament Self-Assessment instruments and Learning Style Self-Assessment Instruments

**Amount requested:** \$2,000.00

**One-time funds**

**Purpose of funding request:** Purchase self-assessment instruments to be used by the education department personnel (Johnizan Bowers and Tom Langhorne) in statewide and local district trainings that develop leadership and teambuilding skills.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

The Court Skills Leadership Academy and Middle Management Leadership Academy have produced significant, measurable and specific professional development outcomes over the past several years.

Pre and post Academies' attendees' self-assessments of their competencies routinely indicate significantly increased skill based competencies' levels. These two instruments are very important components of those Academies' curricula and in-class instructional design.

**Alternative funding sources, if any:**

None. The Education Department's FY 2020 budget has grown increasingly tight over the years as expenses to produce conferences (lodging, travel) have increased while attendee fees have remained flat. For FY 2020, Education has no surplus funds with which to fund this.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

We will accept partial funding or all. If no funding is granted, the cost of the books would have to be deferred or absorbed by the education budget by reducing spending in other areas (e.g., reducing course offerings).



## 5. Request to the Judicial Council - FY 2020 – Education – Training Equipment

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020**

**Date:** 2/27/2020

**Department or District:** Education

**Requested by:** Tom Langhorne

**Request title:** Education Training equipment

**Amount requested:** \$400 recording equip + \$4,200 (3 laptops x \$1400) = **\$4,600.00** One-time funds

**Purpose of funding request:** Update Education training laptops and new OTP training equipment.

**Executive summary:** Our OTP system is outdated and will sunset in December 2020. We are hoping to replace it with a new LMS. This equipment will be compatible to the new system. This equipment is NOT required for the LMS to work, but it will enhance our process and deliverables.

*OTP recording equipment:*

Microphone: [Rhode NT-USB](#) - \$169.00 (comes with 20ft USB cable)

Headphones: [Sony MDR7506](#) - \$89.00

Sound Isolation Shield: [Monoprice Stage Right](#) - \$65.00 (includes stand)

Heavy-duty Isolation Shield Stand: [Neewer NW002-1](#) - \$42.00

Clamp-On Headphone Holder: [K&N](#) - \$16.00

*Laptops:*

3 education laptops (\$1,400 each) have expired (more than 5 years old).

These laptops will also not run Windows 10 when we are required to update each machine this year.



**Alternative funding sources, if any:**

None. The Education Department's budget has grown increasingly tight over the years as expenses to produce conferences (lodging, travel) have increased while attendee fees have remained flat. For FY 2020, Education has no surplus funds with which to fund this.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

We will accept partial funding or all. If no funding is granted, we will wait to request again next year.

## 6. Request to the Judicial Council - FY 2020 – Alternative Dispute Resolution Training

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** February 25, 2020

**Department or District:** Judicial Council's ADR Committee

**Requested by:** Judge Royal I. Hansen and Nini Rich

**Request title:** Alternative Dispute Resolution Training

**Amount requested:** \$13,186

**One-time funds**

**Purpose of funding request:**

Advanced Mediation Workshop registration/tuition and travel for Judicial Council's ADR Committee Chair and ADR Director to attend Harvard Negotiation Institute 5-day seminar. Tuition is \$4250 per person at reduced government rate.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

Harvard's Negotiation Institute offers the premier mediation training program in the United States. This workshop would enhance the ADR Committee's exposure to cutting-edge ADR training and standards for the resolution of complex disputes as well as influence our ADR Program structure and Utah Mediation Best Practice Guide.

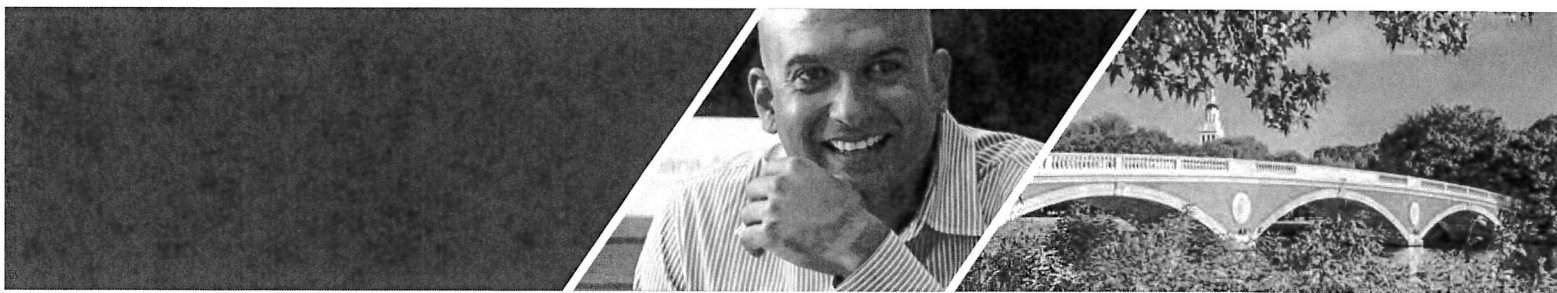
See attached Executive Education Spotlight for a detailed description of the Advanced Mediation Workshop: Mediating Complex Disputes

**Alternative funding sources, if any:**

None known at this time

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

Use of one-time, year-end funds would be a unique opportunity for exposure to the latest ideas and insights in the field of Alternative Dispute Resolution.



**JUNE 8–12, 2020**

## **ADVANCED MEDIATION WORKSHOP: MEDIATING COMPLEX DISPUTES**

### **TACKLE CHALLENGING MULTIPARTY NEGOTIATIONS**

You've handled dozens of mediation sessions with ease. You are confident in your mediation skills, especially when working with two parties who want a fair resolution. But how do the dynamics change when their legal counsel joins the session? What is the best way to handle principal-agent issues, clashing values, and highly emotional cases? What happens when the field expands to three or more parties who are bringing many issues to the table? Reaching resolution requires experience in handling complex, multiparty disputes.

The Advanced Mediation Workshop, created in response to many requests for advanced mediation training, helps you take your mediation skill set to the next level. Over the course of five days, you'll gain a toolkit for tackling even the most challenging multiparty disputes.

### **Learning objectives**

During this highly interactive program, you will:

- Explore the role of counsel and learn how to manage differing interests within the lawyer-client relationship
- Assess the risks and opportunities of facilitative versus evaluative mediation styles
- Examine the emotional dimensions of mediation for the parties, counsel, and mediators
- Manage the complexities of distributive bargaining situations
- Develop strategies for multiparty disputes by examining cases from public and corporate sectors
- Learn to identify power inequities among stakeholders and deal with back-table agendas and coalitional behavior
- Acquire techniques and hands-on experience for dealing with future contingencies
- Analyze and evaluate your own practice foundations

### **Who should attend?**

Specifically designed for professionals with prior mediation training and experience, this program is well suited for those

who wish to take their mediation practice to a master level. To qualify for participation, individuals must have substantial prior experience serving as a professional mediator. Individuals who have completed the Harvard Negotiation Institute (HNI) Mediating Disputes course (or a comparable equivalent) must demonstrate actual mediation experience subsequent to their training.

To deliver HNI's highly personalized experience, enrollment is limited to 48 participants. All participants must commit to attending all five days of the training.

Due to the interactive nature of this program, participants must demonstrate proficiency in English, as the program is taught solely in English. Participants must converse fluently with the instructor and other students. Admission is conditional and based on an assessment of each applicant's mediation experience and English proficiency.

### **Format**

To bring the lessons to life, participants will engage in several role-play simulations that mirror real-life disputes. The program also includes lectures, debrief sessions, and interactive discussions, as well as opportunities to watch the faculty demonstrate their own mediation techniques.

**Graduating participants will receive a certificate of completion from PON.**

### **Course materials**

In advance of the class, participants are encouraged to read *Breaking Robert's Rules: The New Way to Run Your Meeting, Build Consensus, and Get Results*, Lawrence Susskind and Jeffrey Cruikshank (Oxford University Press, 2006); *Mediation: A Practice Guide for Mediators, Lawyers, and Other Professionals*, David A. Hoffman (Massachusetts Continuing Legal Education, 2013); and *Civic Fusion: Mediating Polarized Public Disputes*, Susan Podziba (American Bar Association, 2012). Participants will receive an advance memo one month prior to the course start date.

### **Faculty**

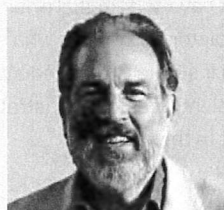
David A. Hoffman, Lawrence Susskind, Susan Podziba, Audrey Lee, and Samuel "Mooly" Dinnar

## FACULTY



**David A. Hoffman** teaches the mediation course at Harvard Law School, where he is the John H. Watson Jr. Lecturer on Law. He is an attorney, mediator, arbitrator, and founding member of Boston Law Collaborative, LLC. As a mediator and arbitrator, he has handled over 1,000 cases involving family, business, employment, and

other disputes. He is past chair of the American Bar Association Section of Dispute Resolution and a distinguished fellow in the International Academy of Mediators. Hoffman is a graduate of Princeton University, Cornell University, and Harvard Law School, where he was an editor of the *Harvard Law Review*.



**Lawrence Susskind** is the Ford Professor of Urban and Environmental Planning at MIT, as well as a co-founder, director, and vice chair–pedagogy of the Program on Negotiation at Harvard Law School. Since creating the Consensus Building Institute in 1993, Susskind has delivered mediation and organizational development services to more than 40,000 individuals. In addition to publishing numerous teaching simulations and videos, he has authored or co-authored 19 books, including *Entrepreneurial Negotiation:*

*Understanding and Managing the Relationships that Determine Your Entrepreneurial Success* (Palgrave Macmillan, 2019); *Good for You, Great for Me: Finding the Trading Zone and Winning at Win-Win Negotiation* (PublicAffairs, 2014); *Breaking Robert's Rules: The New Way to Run Your Meeting, Build Consensus, and Get Results* (Oxford University Press, 2006); and *Built to Win: Creating a World-Class Negotiating Organization* (Harvard Business Press, 2009). He holds degrees from Columbia University and MIT.



**Susan Podziba** is the founder and principal of Podziba Policy Mediation. She has designed and mediated scores of cases across the policy spectrum, including in international relations, governance, environment and natural resources, land use and development, transportation, security, labor standards, public health, and education. Podziba has served as a Fulbright senior specialist in peace and conflict

resolution and currently serves as director of the newly established Sacred Lands Project in the MIT-Harvard Public Disputes Program. Podziba is author of *Civic Fusion: Mediating Polarized Public Disputes* (American Bar Association, 2012) and *The Chelsea Story: How a Corrupt City Re-Generated its Democracy* (Bruno Mondadori, 2006). She holds degrees from the University of Pennsylvania and MIT.



**Audrey Lee** is an executive director at BLC Institute and the founding principal of Perspectiva, LLC. Lee's mediation practice is focused on resolving conflicts in employment, business, and family cases. She has mediated employment discrimination cases for the Equal Employment Opportunity Commission and the Massachusetts Commission against Discrimination; she is also

a founding co-chair of the Harvard Law School Women's Alliance of Boston. She has facilitated Executive Education programs at the Harvard Negotiation Institute and taught negotiation at Northwestern University School of Law, DePaul University College of Law, and UMass Boston. Lee is a graduate of Harvard College and Harvard Law School.



**Samuel "Mooly" Dinnar** is an experienced strategy, venture capital, and negotiations consultant. Along with providing negotiation, training, and dispute resolution services, Dinnar works with entrepreneurs and investors. He brings more than 20 years of experience in leading corporate growth, mergers and acquisitions, product management, and sales and business development across the high-tech and aerospace industries. In addition to

working with start-ups, Dinnar has served as an entrepreneur, executive, board member, and venture capital investor. He is the co-author of *Entrepreneurial Negotiation: Understanding and Managing the Relationships that Determine Your Entrepreneurial Success* (Palgrave Macmillan, 2019) and holds degrees in aerospace engineering and computer sciences, as well as a professional master's degree from Harvard Business School.

## 7. Request to the Judicial Council-FY 2020 – Online Dispute Resolution Training Manual (ADR)

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** Feb. 28, 2020

**Department or District:** ODR Project

**Requested by:** Nini Rich

**Request title:** Online Dispute Resolution (ODR) Facilitation Training Manual

**Amount requested:** \$5,000

**Purpose of funding request:**

The funding would be used to contract with a Small Claims ODR Facilitator to create an ODR Facilitation Training Manual.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents:**

The Small Claims ODR Program currently utilizes 5 volunteer ODR facilitators. We need to train additional facilitators as these facilitators end their volunteer service and to cover potential program expansion. We have a general outline for a manual but it is lacking the specific information and training materials necessary to train new ODR facilitators.

One of our current ODR Facilitators, Nancy McGahey, has been facilitating in the ODR Small Claims program for the last 15 months and has extensive experience in education and curriculum development. She would be able to begin the project immediately with a goal of completion within the next 3-4 months. The estimated cost is based on Nancy completing the required work before the FY end at an estimated 200 hours over 15 weeks at a \$25 hourly rate.

**Alternative funding sources, if any:**

None known at this time.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy:**

The consequences would involve delays in training new ODR Facilitators as well as the loss of an opportunity to get the expertise of an experienced ODR Facilitator into a manual for future facilitators.



## 8. Request to the Judicial Council – FY 2020 – Jury Chairs in Brigham City

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** 2/27/2020

**Department or District:** 1<sup>st</sup> District Court

**Requested by:** Brett Folkman

**Request title:** Jury chairs for courtrooms 2 & 3 in Brigham City

**Amount requested:** \$ 15,000

**One-time funds**

**Purpose of funding request:**

We are planning to replace the original jury chairs (26 years old) in our 2 District courtrooms in Brigham City. The fabric is worn and dirty looking and the bases need to be continually repaired.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

The current chairs were installed when the building was completed in 1994-95. They are now worn and damaged and need to be replaced.

We will be replacing the existing chairs with new chairs and bases that should last another 20 years. They will improve the look of the room and be more comfortable for the jurors that may spend hours or days sitting in them. The new chairs will also be able to be wiped down with antibacterial wipes to keep them clean and sanitary. The new chairs are a leather like material.

See bid attached. 1<sup>st</sup> District will use \$5,700 of their forecasted current expense surplus funds to pay for \$5,700 of the \$20,858 total project cost leaving \$15,000 as the balance of the costs to request funds to cover.

**Alternative funding sources, if any:**

None.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

We will continue to make do with what we have and work to replace next year.



**HENRIKSEN  
BUTLER**

## Budgetary Proposal

Henriksen Butler Design Group  
249 South 400 East  
Salt Lake City, UT 84111

Quote/Order No	000163 84845
Date	03/02/2020
Customer PO No	
Customer Account	ADMIN OFFICE OF THE COURT
Sales Associate	VIRGINIA ALEXANDER
Project Number	
Page	1 of 1

T ADMINISTRATIVE OFFICE OF THE COURTS  
O 450 SOUTH STATE STREET  
P. O. BOX 140241  
SALT LAKE CITY, UT 84114  
  
ATTN: ACCOUNTS PAYABLE  
Phone: 801-233-9700

S 1ST DISTRICT JUVENILE COURT  
H 43 N MAIN ST.  
I BRIGHAM CITY, UT 84302  
P  
  
T ATTN: BRETT FOLKMAN  
O Phone: 435-750-1337  
brettf@utcourts.gov

Prepared for : BRETT FOLKMAN

Jury Base Seating for Courtroom # 2 and # 3

**\*\*For Budgetary Purposes Only - Subject To Change\*\***

Account Manager: Virginia Alexander, 801-994-6387, valexander@henriksenbutler.com

Project Coordinator: Marquis Bilagody, 801-994-6318, mbilagody@henriksenbutler.com

Line	Quantity	Catalog Number/Description	Unit Price	Extended Amount
1	24.00 Each	89X-EWECCJ--2-22147-CL TRIUMPH,HIGH BACK,WOOD ARM,URETHANE ARM CAP,JURY BASE OPTION: 2:GRADE 2 OPTION: 22147:SEDONA MESA OPTION: CL:CAMEL	740.75	17,778.00
2	80.00 Hours	RECONFIGURE <b>**For Budgetary Purposes Only - Subject To Change**</b>	38.50	3,080.00
SUB TOTAL:				\$20,858.00
SALES TAX:				0.00
<b>GRAND TOTAL:</b>				<b>20,858.00</b>

### RECONFIGURE:

1. Equipment such as computers, printers, fax and copiers, etc are to be removed by the customer prior to reconfigure.
2. All work surface areas are to be cleared of all items.
3. Files and storage needing to be moved are to be emptied of all items.
4. Boxes, equipment and all personal items are to be staged clear of the teardown area.
5. Data should be pulled out of stations and building power disconnected, if applicable.

Henriksen/Butler is not licensed to provide building power connection or data to systems furniture. All hardwire electrical connections and disconnects must be performed by a licensed electrician to be hired by client. All data is the responsibility of the client.

## 9. Request to the Judicial Council - FY 2020 – Jury Assembly Room Tables/Chairs (W. Jordan)

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** February 28, 2020

**Department or District:** Third District Court

**Requested by:** Peyton Smith

**Request title:** West Jordan Jury Assembly Room Furnishings

**Amount requested:** \$ 66,700

**One-time funds**

**Purpose of funding request:** Replace Jury Assembly Room chairs and tables in the West Jordan Courthouse.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

The furniture that is currently in the Jury Assembly Room was purchased in June 2005. In June 2019 a remodel was performed to create a new Jury Assembly Room (twice the size of the old one) to accommodate the increasing number of jury trials. The old Jury Assembly Room furniture was retained and brought into the newly remodeled assembly room due to budget constraints. With this remodel the mismatched furniture's age and wear is even more apparent in the new and larger space.

We have received a bid from Workspace Elements for the purchase of replacement Jury Assembly Room chairs and tables.

See bid and Jury Assembly Room layout attached.

**Alternative funding sources, if any:**

None. The capital fund budget from DFCM does not cover furnishings.









**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

At this time there is no additional funding in the 2020 Expense Budget to complete this needed update.







## 3rd Dist - Jury Assembly Room Estimate

1 of 2

Item	Preview	Mfg	Cat	Part Number	Part Description	Tag	Qty	List	Purchase	Ext Purchase
1		HON	HTL	HMVR-1860G-F X	Motivate Table Rect 18Dx60W 2mm Edge Fixed Base	Fixed Legs	45	\$ 919.00	\$ 360.25	\$ 16,211.25
				.G	3" Round Grommet					
				\$(L1STD)	Grd L1 Standard Laminates					
				-	Undecided LAMINATE Option					
				-	Undecided EDGE Option					
				.C	Caster					
				\$(CHOICE)	Paint Grade: Choice Paint					
				.T1	Platinum Metallic					
2		HON	HTL	HMVR-1860G-N S	Motivate Table Rect: 18Dx60W 2mm Edge Nesting Base	Nesting Base	0	\$ 1,214.00	\$ 475.89	\$ 0.00
				.G	3" Round Grommet					
				\$(L1STD)	Grd L1 Standard Laminates					
				-	Undecided LAMINATE Option					
				-	Undecided EDGE Option					
				.C	Caster					
				\$(CHOICE)	Paint Grade: Choice Paint					
				-	Undecided PAINT Option					
3		HON	HTL	HQB	Interlink IQ Power Base In-Feed	Power in-feed	9	\$ 520.00	\$ 203.84	\$ 1,834.56
4		HON	HTL	HQH5-3	Interlink IQ Power Harness 5ft 3" Round Power Grommet	1 Power Grom w/2 plugs/table	45	\$ 190.00	\$ 74.48	\$ 3,351.60
5		HON	HTL	HMAGANG	Interlink IQ Elect Ganging Hardware	Ganging Hdwe	45	\$ 89.00	\$ 34.89	\$ 1,576.05
sub					Subtotal Tables w/power Grommet					\$ 22,967.46
6		HON	HSN	HIGS6	Ignition Guest/Multi-Purpose Chair Four-Leg Stacking	Opt 2 - Ignition Multi-purpose	0	\$ 472.00	\$ 185.02	\$ 0.00
				.N	Arm: Armless					
				.H	Hard					
				.IM	Back: Black					
				\$(2)	GRADE: II UPHOLSTERY					
				-	Undecided FABRIC Option					
				-	Undecided FRAME Option					
7		HON	HSN	HMN2	Motivate Nest/Stack Chair-Flex Bck-Uph Seat	Opt 1 Motivate Nesting/Stack	90	\$ 626.00	\$ 245.39	\$ 22,085.10
				.N	Arm: No Arm					
				.H	Hard					
				.IM	Black Mesh					
				-	Undecided SHELL Option					
				\$(2)	Grade: II Uph					
				-	Undecided FABRIC Option					
				-	Undecided FRAME Option					
sub					Subtotal Jury Rm seating					\$ 22,085.10
8		KNO	KRW	UELCO	Club Chair with Wood Legs, 32W	Club Chair	4	\$ 3,592.00	\$ 1,526.60	\$ 6,105.40
				ES	LEG: Espresso					
				-	Single Upholstery					
				-	Standard Upholstery					
				(TBAB)	INNER SHELL: TBA Grade B					
				-	OUTER SHELL: Same as Inner Shell					
				-	SEAT CUSHION: Same as Inner an...					
				-	No Serged Edge Stitch					

## 3rd Dist - Jury Assembly Room Estimate

Item	Preview	Mfg	Cat	Part Number	Part Description	Tag	Qty	List	Purchase	Ext Purchase
9		KNO	KRW	UEL MCS054	Settee with Wood Legs, 54"W	Armless Settee	3	\$ 3,534.00	\$ 1,501.95	\$ 4,505.85
				ES	LEG: Espresso					
				-	Single Upholstery					
				-	Standard Upholstery					
				(TBAB)	INNER SHELL: TBA Grade B					
				-	OUTER SHELL: Same as Inner Shell					
				-	SEAT CUSHION: Same as Inner an...					
				-	No Serged Edge Stitch					
10		KNO	KRW	UTOWO2220H1	Occasional Table, Wire Base, Round Top, Side Table, 22Wx20H, with 1 Grommet	Occasional table	3	\$ 725.00	\$ 308.13	\$ 824.39
				(LAMINATE)	TOP: Laminate					
				118	LAM: Bright White					
				118T	BASE: Bright White					
11		KNO	KRW	UTTB661842HH	Tall Table with Bullnose Edge Easy Top, 66Wx18Dx42H, with Hook Holes	42H Table for 4	1	\$ 1,872.00	\$ 795.60	\$ 795.60
				(LAMINATE)	TOP: Laminate					
				149	LAM: Barnwood					
				118	EDGE: Bright White					
				118T	PAINT: Bright White					
				(PAINTED)	LEG: Painted					
				118T	LEG: Bright White					
12		KNO	KRW	UETS30	Easy Stool, Bar Height, 15Wx15Dx30H	Wood stool for 4	4	\$ 987.00	\$ 419.48	\$ 1,677.92
				118T	BASE: Bright White					
sub					Subtotal Lounge Area					\$ 14,010.16
13					Install Estimate		1	\$ 0.00	\$ 6,500.00	\$ 6,500.00
					Grand Total					\$ 65,562.72

## TABLES &amp; LOUNGE AREA



- Knoll Rockwell Lounge Seating & Tables
- Knoll Rockwell Tall Table & Stools



- Hon Motivate Table
- Hon Nesting Chairs

## 10. Request to the Judicial Council - FY 2020 – Carpet Replacement Ogden Courthouse

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** February 28, 2020

**Department or District:** Second District Court

**Requested by:** Lawrence P. Webster

**Request title:** Carpet replacement – Ogden Courthouse (in conjunction with a cubicle refresh project)

**Amount requested:** \$19,650

One-time funds

**Purpose of funding request:** Replace old, worn, dirty carpet tiles in the clerk's office and failing broadloom carpet in the secure hallway on the first floor.

**Executive summary** (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

The Ogden District Court clerk's office has 24 small cubicles (6' x 6') and staff of only seven people in the area. (Electronic filing and the creation of an Ogden City Justice Court have greatly reduced staffing needs.) The height of the current cubicle walls prevents clerks from seeing patrons at the counter who require assistance. Many of the cubicle components are broken or have other issues. We determined to do what we did in Farmington a few years ago – replace the cubicles with larger ones (8' x 8') that have a much larger work surface, more storage, and lower walls with a different orientation so all of the judicial assistants can easily see the counter windows. The cubicles in Farmington proved to be much more efficient, and we believe we can achieve the same results in Ogden.

The Second District Court was planning on replacing carpet in two locations: 1) the clerk's office – it makes sense to replace the carpet tiles when the old cubicles are removed; and 2) in the secure hallway from the clerk's office to the break room and up to the file room – this is original broadloom carpeting from 1999 that is delaminating and starting to tear, causing trip hazards at various locations. Chris Talbot suggested that we install LVT, a vinyl tile, in our break room, which is slightly more expensive than the carpet tile we were considering.

We had sufficient funds to include carpet in our cubicle replacement project, but we just received a preliminary bid from our cubicle provider that was more than double what we paid for Farmington a few years ago. We decided to go with cheaper cubicles and to eliminate almost every option to reduce the cost of the project, but still did not have sufficient funds reserved to also replace the carpet.

We received quotes on the carpet replacement recently, as well, which were much higher than anticipated. We were working on determining what part of the work could be delayed until next fiscal year, but decided to see if we could obtain additional funding for the carpet portion of the project from year-end surpluses.

**10. Request to the Judicial Council - FY 2020 – Carpet Replacement Ogden Courthouse****Alternative funding sources, if any:**

There are no alternative funding sources.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

The alternative would be to delay carpet replacement until the next fiscal year. This would increase the cost because the carpet layers would need to lift the cubicles during carpet installation.

## 11. Request to the Judicial Council - FY 2020 – Public Viewing Agenda Monitor (Appellate)

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** February 28, 2020

**Department or District:** Court of Appeals

**Requested by:** Larissa Lee, Appellate Court Admin.

**Request title:** Public Viewing Agenda Monitor

**Amount requested:** \$4,000

One-time funds

**Purpose of funding request:**

We request funds to install a monitor outside the Court of Appeals courtroom for the public to be able to see the schedule for the day, the case the court is currently hearing, and whether the court is in recess.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

Currently, attorneys, parties, and the public have no way of knowing which case is currently being heard in the courtroom. They have to open up both doors, walk inside, and sit down until they can figure it out. This creates an almost constant disruption throughout the day, and results in confusion and anger amongst patrons. We request funds to install a screen outside the courtroom so that everyone can see exactly where the court is and be able to plan for bathroom breaks, phone calls, and conferencing with clients, etc. We had IT and our AV departments both look into it, and provided us with an estimate:

**Details:** Public Viewing Monitor (no video)

**Estimated Cost:** \$4,000 (Provided by Courts' IT AV group)

This includes:

- Commercial Series Large Screen Monitor (designed to time run full time with secure access customization and control) (\$900 - \$1100)
- Secure Wall Mount
- Computer and Hardware for running video content (\$700)
- Video Hardware for sending HD video signal over network cable
- DFCM Cost for adding power and cable access where necessary (\$1500 - \$2000)

**Alternative funding sources, if any:**

None available at this time.

**11. Request to the Judicial Council - FY 2020 – Public Viewing Agenda Monitor (Appellate)**

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

We will need to wait until we have the extra money in our own budget to do this, which may take a few years and will continue the issues described above.



## 12. Request to the Judicial Council-FY 2020 – Matheson Café and Conf Rooms A/B/C Furniture

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** 3/2/2020

**Department or District:** Facilities

**Requested by:** Chris Talbot

**Request title:** Matheson Conference Rooms Furniture Replacement

**Amount requested:** \$130,500

**One-time funds**

**Purpose of funding request:**

The original 22 year old conference tables and chairs in our three main conference room spaces are worn and do not provide modern amenities. The existing tables do not have power ports for laptop charging forcing staff to run cables across the walk way to wall outlets. The existing stackable chairs are also not ergonomically designed for sitting through a meeting longer than 30 minutes. We propose replacing the following:

Conf A (W19A) - 110 chairs and 30 tables

Conf B/C - (W19B&C) - 30 chairs and 12 tables

Cafe Conf (W18) - 35 chairs and 8 tables

See attached bid for a detail of the bid.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

This new furniture would provide modern amenities for meetings within the courthouse, which includes essential standing committee meetings.

**Alternative funding sources, if any:**

N/A

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

The State will not fund any furniture replacement through facilities capital improvement project requests. The Court would need to start funding this furniture replacement in phases over the next few years if not able to fund completely this year.





# HENRIKSEN BUTLER

## Budgetary Proposal

Henriksen Butler Design Group  
249 South 400 East  
Salt Lake City, UT 84111

Quote/Order No	000173 92509
Date	03/02/2020
Customer PO No	
Customer Account	ADMIN OFFICE OF THE COURT
Sales Associate	VIRGINIA ALEXANDER
Project Number	
Page	1 of 5

T ADMINISTRATIVE OFFICE OF THE COURTS  
O 450 SOUTH STATE STREET  
P. O. BOX 140241  
SALT LAKE CITY, UT 84114  
  
ATTN: ACCOUNTS PAYABLE  
Phone: 801-233-9700

S ADMINISTRATIVE OFFICE OF THE COURTS  
H 450 SOUTH STATE STREET  
I SALT LAKE CITY, UT 84114  
P  
  
T ATTN: CHRIS TALBOT  
O Phone: 801-578-3800  
christalbot@utcourts.gov

Prepared for : CHRIS TALBOT

Training Room Tables & Chairs

\*\*Budgetary Only, Not For Order/No Double Checks Completed\*\*

\*\*Pricing for some groupings is done at a deeper discount that relies on the current volume. If quantities are reduced within a grouping, it is possible the prices will go up.\*\*

Account Manager: Virginia Alexander, 801-994-6397, valexander@henriksenbutler.com

Project Manager: Geneva Woodmansee, 801-994-6381, gwoodmansee@henriksenbutler.com

Group	Quantity	Description	List	Unit Price	Extended Amount
A-HMI	1.0		84,030.00	29,456.44	29,456.44

Line	Quantity	Catalog Number/Description	List	Unit Price	Extended Amount
1	38.00 Each	DT1AS.2472UP--76-PLY-BU-20-253 *Everywhere Rectangular Table,Squared Edge,Lam Top/Universal Edge,Post Leg 24D 72W OPTION: 76:*light brown walnut OPTION: PLY:*plywood edge OPTION: BU:*black umber OPTION: 20:*casters OPTION: 253:*cutout for Y1420. or Y1425. - 3 port	1,149.00	369.52	14,041.76
2	12.00 Each	DT1AS.2472UP--76-PLY-BU-57-NTG *Everywhere Rectangular Table,Squared Edge,Lam Top/Universal Edge,Post Leg 24D 72W OPTION: 76:*light brown walnut OPTION: PLY:*plywood edge OPTION: BU:*black umber OPTION: 57:*glides OPTION: NTG:*no grommet	1,122.00	360.84	4,330.08
3	38.00 Each	Y1425.AA10--G1 @Logic G1000 Grommet Mounted Elec Dist,2 Simplex Recep,2 Pwr USB,Pwr Cord w/Plug End,10' Cord/Conduit OPTION: G1:@graphite	708.00	291.70	11,084.60

Group	Quantity	Description	List	Unit Price	Extended Amount
B-Global	1.0		130,288.00	58,629.60	58,629.60

Line	Quantity	Catalog Number/Description	List	Unit Price	Extended Amount
4	175.00 Each	6578MB--~01--GPM1-GPM1-TOR-...-TU-~~~ Sonic, Armless W/ Casters, Mesh Back, Fabric Seat, Std 4 Legged Base, Std 2" Dual Wheel Carpet Casters, Stacks 5 High On Floor, 10 High On Dolly, Global Seating USA OPTION: ~01:GRADE 01 OPTION: ~GPM1:GRADED IN GRADE 01	374.00	168.30	29,452.50



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## Budgetary Proposal

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249 South 400 East  
Salt Lake City, UT 84111

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		OPTION: GPM1:1-GRADED IN GRADE 01 FABRICS OPTION: TOR: Fabric and finishes- To be determined OPTION: ....:Skipped Option OPTION: TU:F-TUNGSTEN FRAME [TUN] OPTION: ~:C-(STD) BLACK, 2" DUAL-WHEEL CASTER [C1] OPTION: ~:~(STD)			
5	50.00 Each	B2472RES--...-~BNGE-...-...-...-... 24"d x 72"W X 28.5"H, Rectangular Table w/ Fixed Top, 2 Spider Legs w/ Levelers and Bungee Cords, Each Table Can Be "Bungee-Tied" To Other Tables Of The Same Depth, Bungee Tables OPTION: ....:Skipped Option OPTION: ....:Skipped Option OPTION: ~BNGE:BUNGEE LAMINATE FINISHES OPTION: ....:Skipped Option OPTION: ....:Skipped Option OPTION: ....:Skipped Option OPTION: ....:Skipped Option OPTION: ....:Skipped Option OPTION: ....:Skipped Option	1,018.00	458.10	22,905.00
6	38.00 Each	PMSDPM Worksurface Power/Data Module. 2 Power/2 Data Receptacles. See Diagram For Spec Location, Productivity Solutions	261.00	117.45	4,463.10
7	10.00 Each	6517WS--... Sonic, 23.25"W X 24.75"D X 12.25"H, Wall Saver, Dolly For Sonic Series, Accommodates 10 Chairs, Black Only, Global Seating USA OPTION: ....:Skipped Option	402.00	180.90	1,809.00

Group	Quantity	Description	List	Unit Price	Extended Amount
C-National Non- Powered	1.0		6,946.00	3,229.90	3,229.90

Line	Quantity	Catalog Number/Description	List	Unit Price	Extended Amount
8	1.00 Each	WW2472WSSDLL--M-...-X-...-...-...-STD WAVEWORKS,24DX72W,SURFACE,RECTANGULAR,TFL OPTION: M:MAIN OPTION: ....:Skipped Option OPTION: X:NO GROMMET OPTION: ....:Skipped Option OPTION: ....:Skipped Option OPTION: ....:Skipped Option OPTION: ....:Skipped Option OPTION: STD:STANDARD LAMINATE	347.00	161.36	161.36
9	1.00 Each	NAC0248SUR ACCESSORIES,48W,UNDERSURFACE SUPPORT RAIL,BLACK	192.00	89.28	89.28
10	1.00 Each	N45MM CINCH,ARMS,PACKAGE OF 4,BLACK	390.00	181.35	181.35
11	1.00 Each	N36G4MU--...-...-... DITTO,GUEST STACKER,UPHOLSTERED SEAT,PACKAGE OF 4 OPTION: ....:Skipped Option OPTION: ....:Skipped Option	1,406.00	653.79	653.79



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		OPTION: ....Skipped Option			
12	1.00 Each	N36G4M--...-... DITTO,GUEST STACKER,PLASTIC SEAT,PACKAGE OF 4 OPTION: ....Skipped Option OPTION: ....Skipped Option	838.00	389.67	389.67
13	1.00 Each	N36TD DITTO,TRANSPORT DOLLY	472.00	219.48	219.48
14	1.00 Each	N45TD CINCH,TRANSPORT DOLLY,PACKAGE OF 1	486.00	225.99	225.99
15	1.00 Each	N45AP--...-...-... CINCH,PLASTIC BACK,PLASTIC SEAT,PKG OF 4 OPTION: ....Skipped Option OPTION: ....Skipped Option OPTION: ....Skipped Option OPTION: ....Skipped Option	815.00	378.98	378.98
16	1.00 Each	N45AU--...-...-... CINCH,PLASTIC BACK,UPH SEAT,PKG OF 4 OPTION: ....Skipped Option OPTION: ....Skipped Option OPTION: ....Skipped Option OPTION: ....Skipped Option	1,368.00	636.12	636.12
17	1.00 Each	CBV2728CL2BMP--...-...-... CONFERENCE,27WX28H,C LEG BASE,MOBILE,PKG 2 OPTION: ....Skipped Option OPTION: ....Skipped Option OPTION: ....Skipped Option	632.00	293.88	293.88

Group	Quantity	Description	List	Unit Price	Extended Amount
D-National Powered	1.0		8,128.00	3,779.52	3,779.52

Line	Quantity	Catalog Number/Description	List	Unit Price	Extended Amount
18	8.00 Each	WW2472WSSDLL--M-...-CUT-G17C-X-X-X-...-STD WAVEWORKS,24DX72W,SURFACE,RECTANGULAR,TFL OPTION: M:MAIN OPTION: ....Skipped Option OPTION: CUT-G17C:CUTOUT-G17,CENTER OPTION: X:NO WIRE MANAGER OPTION: X:NO MODIFIED DEPTH (STANDARD) OPTION: X:NO MODIFIED WIDTH (STANDARD) OPTION: ....Skipped Option OPTION: STD:STANDARD LAMINATE	372.00	172.98	1,383.84
19	8.00 Each	NAC0248SUR ACCESSORIES,48W,UNDERSURFACE SUPPORT RAIL,BLACK	192.00	89.28	714.24
20	2.00 Each	CBV2728CL2BMP--...-...-... CONFERENCE,27WX28H,C LEG BASE,MOBILE,PKG 2 OPTION: ....Skipped Option OPTION: ....Skipped Option OPTION: ....Skipped Option	632.00	293.88	587.76



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21	4.00 Each	NACG17BELPD2IQB ACCESSORIES,G17B INTERLINK IQ 2.0,POWER/USB,BLACK	474.00	220.41	881.64
22	4.00 Each	NACEL2IQ60J ACCESSORIES,60W JUMPER,INTERLINK IQ 2.0	114.00	53.01	212.04

Group	Quantity	Description	List	Unit Price	Extended Amount
E-SOI	1.0		68,728.00	32,302.16	32,302.16

Line	Quantity	Catalog Number/Description	List	Unit Price	Extended Amount
23	110.00 Each	5651B1--...-FABRIC--FG1-SUGAR-LICORICE-G5-- Focus, Side Chair, Mesh Back, Black Frame, Armless OPTION: ....:Skipped Option OPTION: FABRIC:Fabric Grade Selections OPTION: ~:No Selection OPTION: FG1:Fabric Grade 1 OPTION: SUGAR:Sugar Color Selection OPTION: LICORICE:Sugar Licorice OPTION: G5:Standard Multi-Surface Glide OPTION: ~:No Tablet Upgrade	352.00	165.44	18,198.40
24	22.00 Each	565.CART Focus Side, Stacking Cart (validate w/ price book)	324.00	152.28	3,350.16
25	30.00 Each	5651B1--...-FABRIC--FG1-SUGAR-LICORICE-G5-- Focus, Side Chair, Mesh Back, Black Frame, Armless OPTION: ....:Skipped Option OPTION: FABRIC:Fabric Grade Selections OPTION: ~:No Selection OPTION: FG1:Fabric Grade 1 OPTION: SUGAR:Sugar Color Selection OPTION: LICORICE:Sugar Licorice OPTION: G5:Standard Multi-Surface Glide OPTION: ~:No Tablet Upgrade	352.00	165.44	4,963.20
26	35.00 Each	5651B1--...-FABRIC--FG1-SUGAR-LICORICE-G5-- Focus, Side Chair, Mesh Back, Black Frame, Armless OPTION: ....:Skipped Option OPTION: FABRIC:Fabric Grade Selections OPTION: ~:No Selection OPTION: FG1:Fabric Grade 1 OPTION: SUGAR:Sugar Color Selection OPTION: LICORICE:Sugar Licorice OPTION: G5:Standard Multi-Surface Glide OPTION: ~:No Tablet Upgrade	352.00	165.44	5,790.40

<b>Individual Items</b>		0.00	3,062.75
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Line	Quantity	Catalog Number/Description	List	Unit Price	Extended Amount
27	38.00 Each	GROMMET GROMMET CUT	0.00	10.00	380.00
28	73.50 Hours	DELIVERY AND INSTALLATION Labor Estimate to Receive, Deliver and Place (175) Chairs and (50) Tables; Per Client Direction (Rooms W19A, W19B/C, and W18)	0.00	36.50	2,682.75



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SUB TOTAL: \$130,460.37

SALES TAX: 0.00

**GRAND TOTAL: 130,460.37**

INSTALLATION: An estimate based on the following assumptions (any variable not being met will increase the installation price)

- 1.Installation area must be free and clear of all other trades
- 2.Access to loading dock
- 3.Access to freight elevator
- 4.Standard installation schedule (not compressed)
- 5.Reasonable push from loading dock to elevator and/or installation area
- 6.Regular hour installation (Monday through Friday 8 am to 5 pm)
- 7.Single handling of product

Henriksen/Butler is not licensed to provide building power connection or data to systems furniture. All hardwire electrical connections and disconnects must be performed by a licensed electrician to be hired by client. All data is the responsibility of the client.

DIRECT SHIP LOCAL: Deliver to Site with Henriksen/Butler Services Coordination

Henriksen/Butler will coordinate the delivery of product directly to your job site, typically in a 53' semi trailer. Please let us know if the site cannot accommodate this size truck.

Buyer agrees to purchase the goods and services described on this and all preceding pages, in accordance with the TERMS AND CONDITIONS on the following page, including but not limited to the "Payment" and "Default, Interest and Fees" provisions. Henriksen Butler's terms and conditions are null and void for State Contract purchases. State contract terms and conditions prevail for State purchases. This proposal is only an offer to purchase and is not binding upon the SELLER until accepted by the SELLER in writing. This proposal is valid for 30 days unless noted otherwise. SELLER SHALL NOT BE LIABLE FOR ANY CONSEQUENTIAL DAMAGES.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

### 13. Request to the Judicial Council - FY 2020 – Workforce Performance Bonuses

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** 2/25/2020

**Department or District:** AOC Administration

**Requested by:** Hon. Mary T. Noonan  
Bart Olsen

**Request title:** Workforce Performance Bonus Awards

**Amount requested:** \$500,000

**One-time funds**

**Purpose of funding request:** Recognize with one-time payments employees who have demonstrated superior performance.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

In December 2019, the State of Utah hit a record low of 2.3% unemployment. Job growth in Utah increased by 3.5% over December 2018. Chief Economist Mark Knowlton of Utah's Department of Workforce Services said, "The job market is humming along at a feverish pace and is absorbing as much labor as possible." The monthly average wage across industries in Utah has increased by 8% over the past two years in response to the steady increase in job growth and the competition that inherently accompanies such circumstances. This has resulted in higher than desired turnover.

The overall turnover rate at the Courts continues to hover between 10% and 15%; however, the rate of churn for some job groups and particularly in urban districts is much higher – some at 40% and even higher. When churn is so high, it becomes extremely difficult to deliver an open, fair, efficient and independent system to advance justice – because so many personnel simply don't yet have enough knowledge and skill. If the Courts has an opportunity to recognize and reward employees that consistently demonstrate both potential and a current high level of performance that clearly moves the Courts forward in its ability to effectively accomplish its mission, the Courts could potentially slow some of the turnover and churn in mission critical positions, and could potentially retain highly valuable employees that might otherwise decide to pursue more lucrative opportunities.

The State Court Administrator/Deputy State Court Administrator will work with the HR Director on the distribution methodology for awarding the bonuses. AOC Directors and TCEs will provide performance feedback as needed. The payments will be made before the end of the fiscal year.

**Alternative funding sources, if any:**

None.

### **13. Request to the Judicial Council - FY 2020 – Workforce Performance Bonuses**

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

This is a year where personnel needs can be addressed without diminishing the IT needs. For the past several years, one-time savings have been devoted to IT needs (100% of FY 2019 year end one-time savings went to IT). The consequences of delaying this opportunity to emphasize personnel needs would leave the Courts vulnerable to the belief by their most dedicated employees that past promises to recognize superior performance “when we are able to” were not genuine.

## 14. Request to the Judicial Council - FY 2020 – Nat'l Assoc. Drug Court Prof. Annual Conference

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** March 6, 2020

**Department or District:** Third District Court

**Requested by:** Judge Royal I. Hansen

**Request title:** Attend NADCP All Rise 2020 Court Conference

**Amount requested:** \$ 3,960

**One-time funds**

Purpose of funding request: Veteran's Court Judge (Judge Hansen) and Veteran's Court Coordinator (Andrew Ermer) to attend NADCP Annual Conference in Anaheim CA - 5/27 to 5/30/2020.

Estimated cost detail for 2 persons is as follows:

Conference Fees:	\$1,400
Travel (air, lodging, meals, etc):	<u>\$2,560</u>
Total	\$3,960

Three-day Conference agenda is attached.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

This is the annual National Association of Drug Court Professionals Conference held in Anaheim CA over 3 days. It has multiple course offerings per hour which cover the spectrum of specialty courts. This conference is the most important conference of the year for the Veterans Court. The training provides an excellent chance for the court personnel to meet with fellow participants and share knowledge and practices that really work and help Veterans.

**Alternative funding sources, if any:**

None.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

Use of one-time, year-end funds would be a unique opportunity for exposure to the latest ideas and insights in the field of Veterans and other specialty Courts.





Wednesday, May 27				
Discipline Specific Breakouts (DSB)				
7:45 am-9:00 am	DSB-1	DSB-2	DSB-3	DSB-4
	<i>First Time Conference Attendee Orientation Session</i>	<i>Judges - Adult and DWI Treatment Courts</i>	<i>Judges - Juvenile, Family, and Mental Health Court</i>	<i>Administrators and Coordinators</i>
	DSB-5	DSB-6	DSB-7	DSB-8
	<i>Prosecutors</i>	<i>Defense Attorneys</i>	<i>Substance Use Disorder Treatment Providers - Adults</i>	<i>Substance Use Disorder Treatment Providers Adolescents</i>
	DSB-9	DSB-10	DSB-11	DSB-12
	<i>Mental Health Disorder Treatment Providers - Adult and Juvenile</i>	<i>Community Supervision and Case Management - Adult and Juvenile</i>	<i>Law Enforcement</i>	<i>Recovery Coaches, Peer Support, Peer Mentors and Alumni</i>
	DSB-13	DSB-14	DSB-15	DSB-16
	<i>Researchers and Evaluators</i>	<i>Federal Problem-Solving Court Practitioners</i>	<i>Family Treatment Court Practitioners</i>	<i>Session Title Pending</i>
	DSB-17	DSB-18	DSB-19	DSB-20
	<i>VTC Judges</i>	<i>VTC Program Administrators/Coordinators</i>	<i>VTC Prosecutors</i>	<i>VTC Defense Attorneys</i>
	DSB-21	DSB-22	DSB-23	DSB-24
	<i>VTC Substance Use Disorder and/or Mental Health Treatment Providers</i>	<i>VTC Community Supervision</i>	<i>Veterans Justice Outreach Specialists/Veterans Affairs Staff</i>	<i>Mentors/Mentor Coordinators</i>

Wednesday, May 27				
Skills Building Workshops (SB)				
9:15 am-12:15 pm	SB-1	SB-2	SB-3	SB-4
	Evidence-Based Practices in Community Supervision	A Deeper Dive into Defining and Responding to Risk and Need	Juvenile Drug Treatment Court	Family Treatment Court Best Practices
	SB-5	SB-6	SB-7	SB-8
	Session Title Pending	Program Crash: How to Revive Your DWI Court	Healing to Wellness Court Tribal Nations Forum Developing Risk Need Tools for Tribal Populations	It’s Alarming: Addressing and Preventing Suicide Among Law Enforcement Officers
	SB-9	SB-10	SB-11	SB-12
	Drug Testing: A Comprehensive Review of Best Practices	Recovery Support Networks: What’s in Your Community?	Compassionate Jurisprudence	Ethics for Criminal Justice, Treatment, and Other Professionals
	SB-13	SB-14	SB-15	SB-16
	It’s the Little Things That Matter: How to “Un-Court” Your Courtroom to be Trauma Informed	Making the Shift: Strategies for Transitioning to A 5-Phase Approach	Child-Adult Relationship Enhancement (CARE)	Incentives, Sanctions and Therapeutic Responses: The Practical Application of the Science of Behavior Change - Staffing Decisions and Delivery in the Courtroom
	SB-17	SB-18	SB-19	SB-20
	Motivational Techniques for the Treatment Court Team: Therapeutic Methods for Compressed Timeframes	Improving the Justice System Response to Mental Illness: Innovations and Best Practices	Advancing Justice: Program Evaluation Through Gender and Culturally Informed Lenses	Canine-Assisted Therapy in the Courtroom: Enhancing Outcomes in VTCs Across the Country Through Service Dog Training
	SB-21	SB-22		
	Session Title Pending	Session Title Pending		

Wednesday, May 27				
Training Sessions (TS)				
1:45 pm - 3:00 pm	TS-1	TS-2	TS-3	TS-4
	Recovery Capital: The Deciding Factor Between Stable Recovery and Continued Use	Session Title Pending	Integrated Case Management	Co-Occurring Substance Use and Mental Disorders: Clinical Issues in Diagnosis, Treatment, and Pharmacotherapy
	TS-5	TS-6	TS-7	TS-8
	Overdose: Goal#1 is Keeping Them Alive	Attention All Treatment Courts: Innovations to Improve Overall Family Functioning and Wellness	Medical Marijuana: Pre-Trial, Probation, and Treatment Courts	Case Study on Restorative Justice in Indian Country - the Swinomish Healing to Wellness Court Model
	TS-9	TS-10	TS-11	TS-12
	Removing the Violence Exclusion from Treatment Courts: What, if Anything, Does the Evidence Say?	Law Enforcement Working Alongside DWI Courts: What the Team Needs to Know	Plan of Safe Care: Collaborating to Support Infants with Prenatal Substance Exposure and their Families	Disparities, Fear, Stigma, and Barriers to Care for Substance-Using Mothers in the Justice System
	TS-13	TS-14	TS-15	TS-16
	Human Trafficking and Drug Courts: Strategies to Strengthen Court Responses and Address Survivor Needs	Expanding and Enhancing the Capacity of Drug Courts to Better Serve People with Severe Mental Illness	So, We're Not Supposed to Use Jail: What do we do Instead? Alternatives to Incarceration as a Sanction	Essential Elements of Peer Support in Treatment Courts
	TS-17	TS-18	TS-19	TS-20
	Law Enforcement Briefings: Building Effective Responses to Officers in Crisis	It's Much More Than Self-Medication: The Very Complicated Relationship Between PTSD and Substance Use	Federal Funders Forum	Abraham Lincoln as a Treatment Court Judge: Effective Judicial Leadership and Participant Interaction
	TS-21	TS-22	TS-23	TS-24
	Session Title Pending	Session Title Pending	Session Title Pending	Session Title Pending
	TS-25	TS-26	TS-27	TS-28
	The Power of Peer Support: Improving outcomes in Veterans Treatment Courts and beyond	Ethical Landmines for Judges in VTCs	Problem Gambling, Crime and the Criminal Justice System	Suicide Prevention and Awareness: Critical Information for VTC Teams
3:30 pm - 5:00 pm Opening Ceremony				
5:00 pm - 7:00 pm RISE20 Opening Reception				
7:00 pm - 9:30 pm RFF-1: RISE Film Festival				

Thursday, May 28					
1:45 pm - 3:00 pm General Session (GS-1) Session Title Pending					
3:00 pm - 4:00 pm RISE20 Expo Hall Coffee Break					
Tracks	Training Tracks - Concurrent Workshop Sessions				
	8:00 am - 9:15 am	9:30 am - 10:45 am	11:00 am - 12:15 pm	4:00 pm - 5:15 pm	5:30 pm - 6:45 pm
Track 1	A-1	B-1	C-1	D-1	E-1
Recovery Management to Support Long Term Success	<i>The Power of Compassion: An Individualized Pathway to Recovery and Reduced Recidivism Using Best Practice, Research, and Human Connection</i>	<i>Recovery Capital: The Deciding Factor Between Stable Recovery and Continued Use</i>	<i>Partnering with Housing to Improve Recovery and Reunification Outcomes</i>	<i>Engaging Second-Chance Employers</i>	<i>Recovery Management: The Critical Next Level for Drug Courts</i>
Track 2	A-2	B-2	C-2	D-2	E-2
Children, Adolescents and Families	<i>Impact of Substance Exposure on Young Children and Strategies for Addressing Their Needs</i>	<i>Compassionate Communication and Engagement with Families in Treatment Courts</i>	<i>Session Title Pending</i>	<i>Practice Self-Regulation (PS-R): A Trauma Informed Approach for Health and Well-Being</i>	<i>How to Operate an Intimate Partner Violence Informed Courtroom to Promote Family Healing</i>
Track 3	A-3	B-3	C-3	D-3	E-3
Pre-Trial Justice	<i>Why Drug Courts Should Care About Pretrial Programs</i>	<i>Is Risk a Four-Letter Word? A Discussion of Risk Assessment at the Pretrial Stage</i>	<i>You Get an Assessment, You Get an Assessment, Everybody Gets an Assessment</i>	<i>Collaboration at its Best: Jail In-Reach</i>	<i>Effective Practice in Pretrial Services</i>
Track 4	A-4	B-4	C-4	D-4	E-4
Law Enforcement: To Protect and Serve	<i>Crisis Intervention Team (CIT) Officer</i>	<i>Fight Like a Girl: Coping with Job-Related Trauma</i>	<i>Working Wounded: Addressing Trauma and Secondary Trauma in the Workplace</i>	<i>Advancing Justice Journal</i>	<i>Building Participant Recovery Through Police Relations</i>
Track 5	A-5	B-5	C-5	D-5	E-5
Alternatives for non-Drug Court populations	<i>The Promise of Opiate Courts: How do they work? Process, Outcomes, and Costs</i>	<i>Off-Ramps to Community-Based Care: Strategies for Effective Mental Health Diversion</i>	<i>Law Enforcement-Assisted Diversion (LEAD)</i>	<i>Hawaii HOPE Model</i>	<i>Gambling Treatment Diversion Court: Not Just A Track in a Drug Court Program!</i>

Thursday, May 28					
1:45 pm - 3:00 pm General Session (GS-1) Session Title Pending					
3:00 pm - 4:00 pm RISE20 Expo Hall Coffee Break					
Tracks	Training Tracks - Concurrent Workshop Sessions				
	8:00 am - 9:15 am	9:30 am - 10:45 am	11:00 am - 12:15 pm	4:00 pm - 5:15 pm	5:30 pm - 6:45 pm
Track 6	A-6	B-6	C-6	D-6	E-6
Treatment Court Graduates, Alumni, and Peer Support	<i>The Power of Language in Long-Term Recovery</i>	<i>Let's Talk Multiple Pathways to Recovery: A Panel Discussion</i>	<i>Sobriety vs. Recovery: Recovery Starts Before Graduation</i>	<i>Participant Transition from Court Supervision to Life, on Life's Terms</i>	<i>Empowering Your Participants to Become the Next Generation of Mentors and Advocates</i>
Track 7	A-7	B-7	C-7	D-7	E-7
Adult Drug Court Best Practice Standards	<i>Adult Drug Court Best Practice Standards Volume I: An Overview</i>	<i>Adult Drug Court Best Practice Standards Volume II: An Overview</i>	<i>Managing Conflict Within Your Team: Findings and Recommendations from Harvard</i>	<i>Evaluation Boot Camp: Preparing Your Treatment Court for Outside Evaluation</i>	<i>Drug Testing 101</i>
Track 8	A-8	B-8	C-8	D-8	E-8
Juvenile Drug Treatment Courts	<i>Using Data to Drive Decision-Making in Juvenile Drug Treatment Courts</i>	<i>Recovery High Schools</i>	<i>Marijuana and the Juvenile</i>	<i>Community and Youth Engagement: Strategies for Juvenile Drug Treatment Courts</i>	<i>Schizophrenia, Major Depressive Disorder and PTSD, Oh My!: Effective Treatment and Case Management of Youth with Mental Health Disorders</i>
Track 9	A-9	B-9	C-9	D-9	E-9
Family Treatment Courts: Working Better Together	<i>Family Treatment Court Best Practice Implementation: The What, Why, and How</i>	<i>Earlier the Better: How FTCs are Improving Outcomes Through Early Intervention Models</i>	<i>Supporting Healthy Attachments and Development for Young Children and Their Parents</i>	<i>Reasonable Efforts and Substance Use Disorders: Time for a Re-Assessment</i>	<i>Using all the Tools in your Behavior Response Toolbox</i>
Track 10	A-10	B-10	C-10	D-10	E-10
DWI Courts	<i>After the Conviction: Using Evidence-Based Practices in Assessment, Sentencing, Supervision, and Treatment to Reduce Recidivism of High-Risk Impaired Drivers</i>	<i>Moving Targets: Critical Considerations for the DWI Court Population</i>	<i>Incorporating Technology in DWI Court</i>	<i>Lessons from DWI Academy Courts</i>	<i>Lessons from DWI Academy Courts</i>

Thursday, May 28					
1:45 pm - 3:00 pm General Session (GS-1) Session Title Pending					
3:00 pm - 4:00 pm RISE20 Expo Hall Coffee Break					
Tracks	Training Tracks - Concurrent Workshop Sessions				
	8:00 am - 9:15 am	9:30 am - 10:45 am	11:00 am - 12:15 pm	4:00 pm - 5:15 pm	5:30 pm - 6:45 pm
Track 11	A-11	B-11	C-11	D-11	E-11
Tribal Healing to Wellness Courts	<i>Tribal Law Enforcement: An Important Part of the Healing to Wellness Court Team</i>	<i>A Tribal Court Judge’s Perspective on Integrating the Healing to Wellness Court Model into Family Courts</i>	<i>Juvenile Healing to Wellness Courts: Plan, Implement, Sustain</i>	<i>Healing to Wellness Court Planning to Implementation: Lessons Learned</i>	<i>The Trauma-Informed Juvenile Healing to Wellness Court</i>
Track 12	A-12	B-12	C-12	D-12	E-12
Current Trends in Mental Health Courts	<i>Mental Health Court Essentials</i>	<i>Problem-Solving for Competency to Stand Trial: Treatment Courts and Incompetency Dockets</i>	<i>Mental Health Court Performance Measures: Practice Scenarios</i>	<i>Culturally Competent Mental Health Courts</i>	<i>Case Planning for Co-Occurring Disorders in Mental Health Courts</i>
Track 13	A-13	B-13	C-13	D-13	E-13
Trauma Competent Care and Services	<i>The Paths from Trauma to Legal Offenses and How to Change Them</i>	<i>Session Title Pending</i>	<i>Implementing Healing-Centered, Trauma-Informed Yoga and Mindfulness in Treatment Courts</i>	<i>What’s Old Is New Again: Complex PTSD in Evaluation, Diagnosis, Clinical Treatment, and Your Courtrooms</i>	<i>Fostering Trauma-Informed Practices in Your Courtroom</i>
Track 14	A-14	B-14	C-14	D-14	E-14
Rural Treatment Court Issues	<i>Emerging Best Practices: Developing a Pretrial Services System to Work in Rural Settings</i>	<i>SUD Treatment Through Telehealth Services</i>	<i>Making Treatment Courts Work on a Limited Budget: Lessons from Across the Western Hemisphere</i>	<i>College Nights on the Range: A Rural Community Project</i>	<i>Drug Court Review: A Discussion with the Authors</i>
Track 15	A-15	B-15	C-15	D-15	E-15
Equity and Inclusion	<i>Promising Practices from the Field to Enhance Equity and Inclusion in Treatment Courts</i>	<i>How Implicit Bias Can Impact Equality</i>	<i>Why Inclusion is the Only Way to Win in Court, on Patrol, and at Home</i>	<i>Session Title Pending</i>	<i>Improving Racial Equity Through Public Engagement and Collaboration</i>

Thursday, May 28					
1:45 pm - 3:00 pm General Session (GS-1) <i>Session Title Pending</i>					
3:00 pm - 4:00 pm RISE20 Expo Hall Coffee Break					
Tracks	Training Tracks - Concurrent Workshop Sessions				
	8:00 am - 9:15 am	9:30 am - 10:45 am	11:00 am - 12:15 pm	4:00 pm - 5:15 pm	5:30 pm - 6:45 pm
Room					
Track 16	A-16	B-16	C-16	D-16	E-16
Improving Service and Outcomes for People of Color	<i>Session Title Pending</i>	<i>Session Title Pending</i>	<i>H.E.A.T.: Effective Interventions for Young Men and Women</i>	<i>Spirituality and the Black Community</i>	<i>S.W.O.Ting Your Hip Hop Acculturate Client and Avoiding the “Rap Trap”</i>
Room					
Track 17	A-17	B-17	C-17	D-17	E-17
Legal, Judicial, and Ethical Issues	<i>Legal and Constitutional Issues in Treatment Courts</i>	<i>The Science Bench Book for Judges: The Gatekeepers of Scientific Evidence in the Courtroom</i>	<i>Understanding Team Member Ethics in Treatment Court</i>	<i>State and Defense: Avoiding Ethical Dilemmas on Both Sides of the Fence</i>	<i>Preparing a Defense When Your Client is Facing Termination: How Can I Stop Drug Court from Kicking Out My Client</i>
Room					
Track 18	A-18	B-18	C-18	D-18	E-18
Effective Community Supervision	<i>Core Correctional Practices: Ensuring Participant Accountability while Providing Support for Recovery</i>	<i>Evidence-Based Practices in Community Supervision</i>	<i>Field Supervision: Ensuring Public Safety while Providing Support for Recovery</i>	<i>Procedural Justice in Community Supervision</i>	<i>From Bars to Stars: Incarceration to Community Supervision</i>
Room					
Track 19	A-19	B-19	C-19	D-19	E-19
Special Issues in Treatment Courts	<i>Treating a Disorder You’ve Never Had</i>	<i>Addressing Complex Cases in Treatment Courts: A Practical Discussion</i>	<i>Risk and Need: Implementing Multiple Tracks in Your Treatment Court Program-Updated!</i>	<i>Reaching A State of Collaborative Advantage</i>	<i>Colorado Bear Hunting for Coordinators</i>
Room					
Track 20	A-20	B-20	C-20	D-20	E-20
Professional Success and Self Care (JOINT)	<i>Addressing Vicarious Trauma Among Treatment Court Professionals</i>	<i>Life in Balance: Self-Care for Modern Leaders</i>	<i>The Shape of Leadership: Leveraging Our Differences to Build Better Teams</i>	<i>The Science and Power of Hope: Leveraging Hope as a Theory of Positive Change</i>	<i>Leadership and the Top Ten Ways to Become a Superstar That Require No Talent</i>



Thursday, May 28					
1:45 pm - 3:00 pm General Session (GS-1) Session Title Pending					
3:00 pm - 4:00 pm RISE20 Expo Hall Coffee Break					
Tracks	Training Tracks - Concurrent Workshop Sessions				
	8:00 am - 9:15 am	9:30 am - 10:45 am	11:00 am - 12:15 pm	4:00 pm - 5:15 pm	5:30 pm - 6:45 pm
Track 21	A-21	B-21	C-21	D-21	E-21
Alcohol and Other Drugs (Joint Session)	Marijuana, K2, Spice, and CBD Products	Heroin, Fentanyl, and Other Opiates	Non-Traditional Ways of Getting High	Alcohol and Severe Alcohol Use Disorder	Methamphetamine, Cocaine, and Other Stimulants
Track 22	A-22	B-22	C-22	D-22	E-22
Evidence Based-Psychosocial and Medication-Assisted Treatment (Joint Session)	Preparing for Treatment: Combining Evidence-Based Practices to Prepare and Begin Treatment for Clients	Co-Occurring Substance Use and Mental Disorders: Clinical Issues in Diagnosis, Treatment and Pharmacotherapy	Session Title Pending	Cognitive Behavioral Treatment for Justice-Involved Individuals	Recent Studies Examining Court Staff Beliefs and Social Norms with Respect to Medications for Opioid Use Disorder
Track 23	A-23	B-23	C-23	D-23	E-23
Monitoring, Evaluation, and Outcomes (Joint Session)	Data Ethics: Confidentiality, Sharing Sensitive Data, Consents, Agreements, Federal and State Laws	Evaluation 101 for Treatment Court Researchers: What to Collect and How to Measure It	Session Title Pending	Evaluation: Data Collection and Statistical Analyses	Engaging Academic Partners in Program Evaluation
Room					
Innovation and Technology	Session Title Pending	Session Title Pending	Session Title Pending	Session Title Pending	
Track 25	A-25	B-25	C-25	D-25	E-25
Innovation and Technology	Session Title Pending	Session Title Pending	Session Title Pending	Session Title Pending	



Thursday, May 28					
1:45 pm - 3:00 pm General Session (GS-1) Session Title Pending					
3:00 pm - 4:00 pm RISE20 Expo Hall Coffee Break					
Tracks	Training Tracks - Concurrent Workshop Sessions				
	8:00 am - 9:15 am	9:30 am - 10:45 am	11:00 am - 12:15 pm	4:00 pm - 5:15 pm	5:30 pm - 6:45 pm
Track 26	A-26	B-26	C-26	D-26	E-26
Current Trends in Veterans Treatment Courts	<i>Essential Elements of Veterans Treatment Court</i>	<i>Military Culture: Competency is Critical</i>	<i>U.S. Department of Veterans Affairs: Structure and Services</i>	<i>Session Title Pending</i>	<i>Applying the Principles of Criminogenic Need in Your VTC</i>
Track 27	A-27	B-27	C-27	D-27	E-27
Trauma Informed Services for Veterans	<i>Echoes of War: The History of Combat Trauma, its Ties to Criminal Behavior, and How We Can Do a Better Job This Time Around</i>	<i>Serving Those Who Served: Evidence-Based Treatment for Veterans Substance Use and Trauma</i>	<i>Introduction to EMDR, Prolonged Exposure, Cognitive Processing Therapy</i>	<i>"Strength at Home": An Evidence-Based, Trauma-Informed Intimate Partner Violence Intervention</i>	<i>Working with Today's Veterans: Mental Health Challenges, Mental Health Treatment, and the Whole Health Approach</i>
Track 28	A-28	B-28	C-28	D-28	E-28
Special Issues in Veterans Treatment Courts	<i>Trauma Affected Veterans: A Teaching Collaborative</i>	<i>Proactive Strategies for the Citizen Soldier: How to Set Up Your Adult Drug Court to Address All Veterans</i>	<i>Confidentiality, Release of Information and Management of VHA Medical Record Information in the Courts</i>	<i>Lessons from the Field: National Trends and Promising Practices in Veterans Treatment Courts</i>	<i>The Role and Impact of Veteran Identity on Successful Outcomes within Veterans Treatment Courts</i>
Track 29	A-29	B-29	C-29	D-29	E-29
Unique Populations in Veterans Treatment Courts	<i>Family Matters: Three Steps to Building a Family-Centered VTC</i>	<i>Working with Native Veterans</i>	<i>Serving Justice-Involved Veterans in California</i>	<i>Improving Outcomes for Veteran and Military Families</i>	<i>So Far Away: How Veterans Treatment Courts Navigate Geographic Distance from the VA</i>
Track 30	A-30	B-30	C-30	D-30	E-30
Veteran Mentor Coordinators (Invite Only)	<i>Structuring Your Mentoring Component</i>	<i>Communicating Effectively with Your Mentoring Component</i>	<i>The VTC Mentor Coordinator/Program Coordinator Partnership</i>	<i>Ensuring the Wellness of Your Mentoring Component</i>	<i>Recruiting Mentors for Your VTC</i>
Track 31	A-31	B-31	C-31	D-31	E-31
Veteran Mentor Corps Boot Camp (Invite Only)	<i>What is a Veterans Treatment Court?</i>	<i>Who are Our Veterans That are Justice-Involved?</i>	<i>Mentor-Mentee Relationship Fundamentals</i>	<i>Active Listening Skills</i>	<i>Boundaries</i>
7:00 pm - 9:45 pm RFF-2: RISE Film Festival					



Saturday, May 30						
Concurrent Sessions (CS)						
7:00 am - 8:15 am						
	CS-25	CS-26	CS-27	CS-28	CS-29	CS-30
	Medical and Recreational Marijuana in Treatment Courts	Don't have a DWI court? Treating Impaired Drivers in Other Types of Treatment Court	Five Key Principles in Helping People Change: Implications for Policies and Practices in Drug and Treatment Courts	Session Title Pending	Improv Recovery Workshop	Practical Guidance for A Law Enforcement Deflection Program: Design, Implementation, and Assessing Impact
8:30 am - 9:45 am						
	CS-31	CS-32	CS-33	CS-34	CS-35	CS-36
	Town Hall Meeting: A Conversation with NADCP's Chief Executive Officer, Carson Fox	Overdose Prevention	Incentives, Sanctions, and Therapeutic Responses: The Practical Application of the Science of Behavior Change: Staffing Decisions (Part 1)	Session Title Pending	Improv Recovery Workshop	Providing Access to Care, Reducing Recidivism, and Increasing Accountability Using the Sequential Intercept Model
10:00 am - 11:15 am						
	CS-37	CS-38	CS-39	CS-40	CS-41	CS-42
	Medical and Recreational Marijuana in Treatment Courts	Why People Can't Just Change	Incentives, Sanctions, and Therapeutic Responses: The Practical Application of the Science of Behavior Change: Delivery in the Courtroom (Part 2)	Session Title Pending	Improv Recovery Workshop	The Pulse Behind the Beat: Saving Lives while Changing Perception
11:30 am - 1:30 pm General Session (GS-3)						
A. R. Gurney's award-winning play, Love Letters, starring Martin Sheen and Melissa Fitzgerald.						

## Request to the Judicial Council to allocate forecasted year end funds for use in FY 2020

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020. Due by FEBRUARY 21, 2020 (earlier submission encouraged) to Alisha Johnson with cc to Karl Sweeney.**

**Date:** 3/12/2020

**Department or District:** IT

**Requested by:** Heidi Anderson

**Request title:** Additional WebEx Licenses, Headsets and VPN licenses

**Amount requested:** Up to \$83,000

**One-time funds**

**Purpose of funding request:**

The COVID-19 virus has led us to plan for more remote work and virtual meetings. To enable people to be more effective we need to supplement our stock of WebEx, Headsets and VPN licenses.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

We have a limited supply of equipment to support remote working and meetings. This will allow us to be more effective virtually for a larger population..

**Alternative funding sources, if any:**

None.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

We will not be able to allow as many virtual meetings and remote work.

### 13a. Request to the Judicial Council - FY 2020 Contingent on Funds – Employer-Paid Benefits Costs for Workforce Performance Bonuses

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** 3/9/2020

**Department or District:** AOC Administration

**Requested by:** Hon. Mary T. Noonan  
Bart Olsen

**Request title:** Employer-paid Benefits Costs for Workforce Performance Bonuses

**Amount requested:** \$160,200

**One-time funds**

**Purpose of funding request:** Maximize the impact to Performance Bonus recipients by covering the employer-paid benefits costs related to the performance bonus.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

As detailed in Request 13, we are seeking to fund a Workforce Performance Bonus of \$500,000. The total employer benefits associated with this payment add an additional 32.04% for each dollar of bonus paid to a bonus recipient who receives Tier 1 retirement benefits (the Tier 1 contribution alone is 23.69% - see Exhibit A for a detail of the employer benefits percentage). If we fund these benefits out of the \$500,000 total, the net cash available to recipients would be \$378,000, a 24% reduction.

Since the purpose of the Performance Bonus Awards is to provide meaningful payments to employees with superior performance, the preferred way to accomplish this objective is to retain the \$500,000 Performance Bonus and approve a supplemental funding for the one-time employer-paid benefits costs. Using the same 32.04% percentage multiplied by the Workforce Performance Bonus payment of \$500,000 yields a separate employer paid salary related cost of \$160,200. Since the proportion of Tier 1 versus Tier 2 bonus recipients is not known, this request is for the maximum impact based on a Tier 1 recipient multiplier. To the extent Tier 2 employees receive Performance Bonus Awards, actual payments will be less.

**Alternative funding sources, if any:**

None.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

A reduced impact on the recipients.

# 13a. Request to the Judicial Council - FY 2020 Contingent on Funds – Employer-Paid Benefits Costs for Workforce Performance Bonuses

## Exhibit A

### Detail of Employer Benefits % - Tier 1 Retirement Employee

Expense Type	Percentage
Retirement (Tier 1, non-contributory assumed)*	23.69%
Unemployment Compensation	0.12%
Workers Compensation	0.58%
OASDI	6.20%
Medicare	1.45%
TOTAL	32.04%

\*Tier 2, non-contributory rate is 20.02%

## 15. Request to the Judicial Council - FY 2020 Contingent on Funds – Matheson Carpet Tiles

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** 3/2/2020

**Department or District:** Facilities

**Requested by:** Chris Talbot

**Request title:** Matheson Carpet Replacement – 1<sup>st</sup> Phase

**Amount requested:** \$400,000

**One-time funds**

**Purpose of funding request:**

The original 22 year old carpet in Matheson is long past the industry standard replacement cycle. Excessive wear and carpet seams coming unglued whenever the carpet is cleaned are creating safety issues. This request is for 120,000 SF of replacement carpet tiles. This request does not include installation. These carpet tiles will match what has been installed in the Appellate Court clerk's area and in other newly carpeted areas.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

This request would start the replacement process of the existing +/-250,000 SF of carpet in Matheson and resolve safety issues going forward. Facilities would evaluate and replace the areas with the most wear and tear safety issues first. This request will not provide replacement carpet tiles for the entire courthouse, but would give us material for a substantial first phase of up to 180,000 sf. Carpet tiles must be ordered by April 15, 2020 in order to receive them before June 30, 2020.

**Alternative funding sources, if any:**

Facilities (DFCM) is anticipating providing \$350,000 in Capital Improvement funding in FY 2021 that can be used for purchasing carpet tiles or installation of carpet tiles. DFCM has placed our request sufficiently high on their list that they feel confident it will be approved in the current legislative session.

Assuming our FY 2020 year end request for \$400,000 is approved, we can use all of the DFCM FY 2021 Capital Improvement funding of \$350,000 to install this 120,000 sf of carpet tiles and 60,000 sf of carpet tiles in inventory purchased through DFCM Capital Improvement funding last fiscal year.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

Worn carpet that is bubbling, rolling, and has seams coming apart is unsafe and creates tripping hazards.

## 16. Request to the Judicial Council - FY 2020 Contingent on Funds – IT Laptop/PC Inventory

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2020 are to be spent between July 1, 2019 and June 30, 2020; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30. This is a request to the Budget and Finance Committee and Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2020.**

**Date:** 3/2/2020

**Department or District:** IT

**Requested by:** Todd Eaton and Heidi Anderson

**Request title:** Inventory of PC/laptops

**Amount requested:** Up to \$250,000

**One-time funds**

**Purpose of funding request:**

The installation of Windows 10 during the remainder of 2020 has the potential to cause older laptops and PCs to freeze. IT is uncertain exactly how many of the Courts' laptops and desktops will be affected but needs inventory on hand to replace them. Further, in the event working from home alternative become necessary, additional laptops will be available for temporary use. IT has budgeted in its departmental budget for 2020 to spend \$205,000 to purchase an estimated 150 PCs and 50 laptops to deal with this expected issue as well as provide inventory for normal replacements. This request is to purchase **an additional supply** of about 130 laptops and 105 PCs as additional inventory.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

Windows 7 support ceased in January 2020. The Courts are currently beginning to replace any laptops or PCs that run Windows 7 with Windows 10. All PCs and laptops running windows 7 will be upgraded by the end of 2020. IT anticipates some older laptops and PCs will not work properly with Windows 10 but has not done enough conversions to Windows 10 to have a firm estimate on the number. Purchasing additional inventory of laptops/PCs is a prudent way to forestall productivity issues that arise from waiting until conversion to order. Further, additional inventory provides flexibility if work-from-home alternatives become necessary due to external conditions (ex, pandemic). These orders need to be placed by the first week in April in order to be received before June 30, 2020.

**Alternative funding sources, if any:**

None.

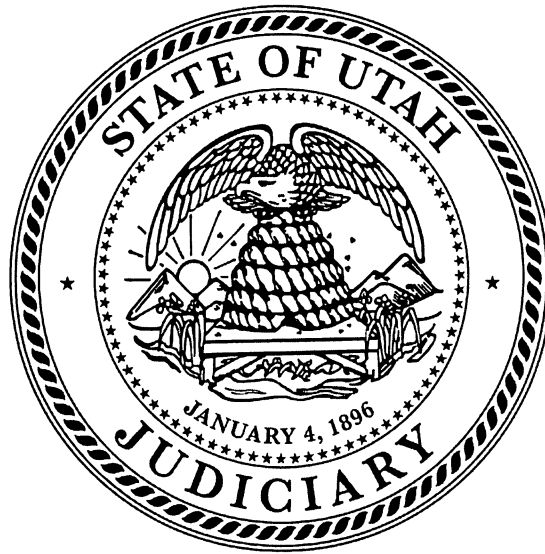
**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

The potential exists for older laptops and desktops to have severe performance issues. Departments could be forced to utilize loaner laptops/desktops from IT – or convert funds designated for other uses – to make unanticipated laptop/PC purchases.



# Tab 6





# **Annual Trial Court Executive Report to the Judicial Council**

**March 13, 2020 St. George**

## TCE Mission Statement

The TCE group promotes an environment of collaboration, fairness, and efficiency, and proactively addresses the administrative needs of the Utah Courts.

### Looking Backward

- In June of 2019, TCEs made a recommendation to the Judicial Council of how to allocate the \$900,000.00 from the Legislature to the Clerical Staff.
- In June of 2019 the TCE group, with the support of the State Court Administrator, now run their monthly meetings.
- TCEs have identified goals that they are working on this fiscal year. The goals include: Develop a more systematic approach to TCE / JTCE Team Organization, Implement steps to enhance TCE / JTCE Communication & Transparency, System Review.

### Looking Forward

- TCEs have established a committee to address retention issues. The Clerks of Court are meeting in March to discuss retention as well. We intend to bring both groups together to see how we can improve retention and hiring practices.
- TCEs are encouraging participating in Phase II of the System Review by awarding Administrative Leave to those who complete the survey. We also look forward to helping implement the findings from Phase II.
- TCEs have been working with IT to determine the number of devices in use throughout the State and find an appropriate number of devices individuals need to perform their work.

### What to Expect from TCEs

- Research and Development
- Discussions with fellow TCEs
- Working with Clerks of Court, Chief Probation Officers, and local teams to obtain and to funnel information and to implement policies and processes.

## TCE Statewide Committee Service

- CARE / CORE Team
- Career Track
- Probation Policy Committee
- Probation Officer Retention Committee
- Accounting Manual Committee
- Staff for Budget and Finance Committee
- Education Committee
- Facility Planning Committee
- Technology Committee
- Building, Security, and Risk Management Committee
- Clerical Weighted Caseload Committee
- Online Dispute Resolution
- Legislative Liaison Committee
- Private Probation Provider Licensing Board
- Probation Officer Workload Committee
- Judicial Well-Being Oversight Committee
- Human Resources Policy Committee
- Language Access Committee
- Judicial Outreach Committee



# Tab 7







## Administrative Office of the Courts

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

February 24, 2020

Hon. Mary T. Noonan  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

### MEMORANDUM

**TO: Management Committee/Judicial Council**

**FROM: Jim Peters, Justice Court Administrator**

**RE: Standing Committee on Children and Family Law**

At its most recent meeting, the Standing Committee on Children and Family Law compared its current membership against the roster contemplated by Rule 1-205(1)(B)(vi) of the Code of Judicial Administration. As a result, the committee determined that it needs to advertise for five positions. Recommendations for filling those positions will be advanced in the coming months. In the meantime, the committee is recommending that the Judicial Council approve several appointments and revise the rule, as follows:

#### **Recommended Appointments:**

- That Judge Brent Bartholomew, whose term will expire on March 1, 2020, be appointed to serve a second term. Judge Bartholomew has served one term on this committee and has expressed interest in serving a second term.
- That Judge Elizabeth Hruby-Mills, whose term will expire on July 17, 2020, be appointed to serve a second term. Judge Hruby-Mills has served on the committee since July 17, 2017 and is currently one of its co-chairs. She has expressed interest in serving a second term.
- That Judge Brody Keisel be appointed to replace Judge Sherene Dillon, whose second term expired on December 3, 2019. If approved, Judge Keisel would co-chair the committee with Judge Hruby-Mills.

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

- That Anna Trupp, who has been serving on the committee as a professional in the area of child development, be appointed as an emeritus member. She is currently serving a third term and the committee would benefit from her continued involvement. If approved, the committee would then announce a vacancy for the position of a professional in child development.

### **Recommended Rule Changes**

In addition, the committee is recommending that Rule 1-205(1)(B)(vi) of the Code of Judicial Administration be revised as follows:

- That subsection (b), which requires that the committee include a Representative appointed by the Speaker of the House, be deleted. Legislation passed last year prohibits legislators from serving on committees like this one. (Subsection (a), which requires that the committee include a Senator appointed by the President of the Senate, can remain for now, as Senator Todd Weiler is currently serving in that role and has obtained permission from the President Adams to continue.)
- That subsection (h), which currently requires that “one mediator” serve on the committee, be changed to “the ADR Program Director or designee” in order to convert the position occupied by Nini Rich from one that is subject to term limits to one that allows her to continue indefinitely (as is the case with the Director of the Office of Guardian ad Litem).
- And that a new subsection be added to require that the committee include a mental health professional. The committee believes that the perspective of a mental health professional is critical to its work and, as such, needs to be represented on the committee.

The committee would request that the foregoing recommendations, including the proposed rule changes, be considered by the Judicial Council at its meeting on March 13, 2020. It would also request that the rule change be adopted on an expedited basis, pursuant to Rule 2-205 of the Code of Judicial Administration, so that the mental health professional can be recruited with the other positions that need to be filled.

Draft: February 24, 2020

**Rule 1-205. Standing and Ad Hoc Committees.**

**Intent:**

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

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

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

**Applicability:**

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

**Statement of the Rule:**

**(1) Standing Committees.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(1)(B) Composition.**

\* \* \*

(1)(B)(vi) The Committee on Children and Family Law shall consist of:

(1)(B)(vi)(a) one Senator appointed by the President of the Senate;

(1)(B)(vi)(b) ~~one Representative appointed by the Speaker of the House;~~

(1)(B)(vi)(c) the Director of the Department of Human Services or designee;

(1)(B)(vi)(d) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;

(1)(B)(vi)(e) one attorney with experience in abuse, neglect and dependency cases;

(1)(B)(vi)(f) one attorney with experience representing parents in abuse, neglect and dependency cases;

(1)(B)(vi)(g) one representative of a child advocacy organization;

(1)(B)(vi)(h) ~~one mediator~~ the ADR Program Director or designee;

(1)(B)(vi)(i) one professional in the area of child development;

(1)(B)(vi)(j) one mental health professional;

(1)(B)(vi)(k) one representative of the community;

(1)(B)(vi)(l) the Director of the Office of Guardian ad Litem or designee;

(1)(B)(vi)(m) one court commissioner;

(1)(B)(vi)(n) two district court judges; and

(1)(B)(vi)(o) two juvenile court judges.

(1)(B)(vi)(p) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion, the committee may appoint non-members to serve on its subcommittees.

# Tab 8



## Request to the Judicial Council to amend allocations from the JCTST Account for FY20

**Date:** March 4, 2020

**Department or District:** Board of Justice Court Judges

**Requested by:** James M. Peters, Justice Court Administrator

**Request title:** Creation and Hiring of a New Judicial Education Specialist for the Justice Courts

**Amount requested:** \$15,000 (one time)

This request seeks the approval necessary to spend \$15,000 more from the Justice Court Technology, Security and Training Fund (the "JCTST Fund") than was approved in July 2019. This funding would allow the Education Department to hire a new employee by April 1, 2020, which is before the incumbent vacates the position. This new employee will be shared by Education and the Justice Courts, and costs will be split 50/50. As the annual cost of this position is estimated to be \$110,000, the Justice Courts need to fund half the cost of this new employee for the last quarter of the fiscal year. That amounts to \$13,750 (half of \$110,000/4), leaving \$1,250 to be used for travel, if necessary.

This hire will not negatively impact the Education Department's budget, as its 50% share of the new employee's cost would be less than the amount being spent on the FTE presently in the role. Further, the JCTST Fund has approximately \$560,000 in available reserve funds that can be drawn if needed. Assuming that current levels of JCTST revenue continue in the future, the JCTST Fund could support this position for several years before additional funding needed to be secured from the legislature.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

There are more than 400 clerks who work in justice courts throughout the state. Like clerks in other court levels, they turn over with some regularity. Unlike clerks in other court levels, however, new hires have no access to training coordinators who can assist with onboarding and ongoing training.

For courts with multiple clerks, new hires can be trained by court staff in the same location. For courts that have only one clerk, however, a new hire must rely on OTP modules and DCJUST documents, many of which are out of date, to learn their job. As these resources are inadequate to train a new clerk, they invariably resort to contacting the Help Desk with their questions.

Rob Godfrey's departure from the Courts presents an opportunity to create a Justice Court Education Program Coordinator for the justice courts. His position is currently funded as an Education Assistant II. By adding funds from the Justice Court Technology, Security and Training Account, it could be enhanced to a position like the Juvenile Justice Education Program Coordinator (the position currently occupied by Tiffany Rupe). Half the cost of this position would be supplied by Education using funds from the Education Assistant position; the other half would be supplied by the JCTST Fund.

Allocations from that account were determined for FY20 by the Judicial Council last July. This request seeks an additional allocation in order to create the new position before FY21, allowing the new Program Coordinator to overlap with Rob Godfrey while he is still with the Courts.

**Request to the Judicial Council to amend allocations from the JCTST Account for FY20****Alternative funding sources, if any:**

If the Judicial Council does not approve this allocation from the Justice Court Technology, Security and Training Account, this request could be funded by one-time monies from the general fund instead.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

If this request is not funded now, Education will either replace Rob Godfrey with another Education Assistant or leave the position open until July 1 so that it can be funded for FY21 (and beyond).



**Utah State Courts  
Justice Court Technology, Security and Training Account  
Funding Requests for FY20**

**Requests for One-Time Funding**

#	Requesting Entity	Description	Original Grant Request	Approved Ongoing Grant Funds	Approved One-Time Grant Funds	Notes
1	AOC/Information Technology	<a href="#">Programming and Help Desk Support for Justice Courts</a>	\$235,551		\$228,806	Personnel costs attributable to Justice Courts for IT support
2	AOC/Information Technology	<a href="#">Google Accounts for Justice Court Judges and Clerks</a>	\$22,500		\$22,500	500 licenses @ \$45 each
3	AOC/Information Technology	<a href="#">CORIS Infrastructure for Justice Courts</a>	\$165,215		\$151,079	CORIS Infrastructure for Justice Courts
4	AOC/Judicial Institute (Education)	<a href="#">Management and Leadership Academy for Supervisory Clerks</a>	\$10,426		\$0	Day-long training for current justice court clerks in management positions or clerks who want to move to management positions
5	AOC/Judicial Institute (Education)	<a href="#">Clerk Certification Program</a>	\$5,000		\$5,000	Funding to develop and pilot a program to certify justice court clerks to perform the duties needed to perform their jobs
6	AOC/Judicial Institute (Education)	<a href="#">Presiding Judge Training</a>	\$6,240		\$0	Funding for a one-day training for newly elected Presiding Judges
7	AOC/Judicial Institute (Education)	<a href="#">Judicial Decision Making (fka Law and Literature)</a>	\$7,400		\$7,400	Funding for a 1.5 day program for 17 judges
8	AOC/Judicial Institute (Education)	<a href="#">New Clerk Orientation</a>	\$10,750		\$10,750	Day-long skills workshop held twice a year on the day preceding the justice court clerks' conference
9	Board of Justice Court Judges	Trust and Confidence Committee	\$2,000		\$2,000	Travel for outreach/CLE presentations to build trust and confidence in Justice Courts
10	Board of Justice Court Judges	Computer Equipment for Judges	\$25,000		\$25,000	Funding for the cost of computer equipment for the judges
11	Board of Justice Court Judges	Online Learning System	\$18,000		\$0	Annual licenses for 100 judges and 400 clerks plus training
12	Board of Justice Court Judges	Out-of-State Training Fund	\$50,000		\$50,000	Funding for out-of-state training and educational opportunities
13	Board of Justice Court Judges	Financial Assistance for Active Senior Judges to Attend the Annual Conference	\$5,000		\$5,000	10 active senior judges @ \$500 each

\$147,368

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
14	Box Elder Justice Court	<a href="#">LiveScan Fingerprint Equipment</a>	\$5,449		\$5,449	Funding to purchase and install a Livescan a fingerprint device <b>Proof of acquisition rec'd 220</b>
15	Daggett County Justice Court	<a href="#">Window Tinting</a>	\$630		\$630	Funding to install window tinting on the glass for judge's office and jury room <b>Proof of acquisition check for</b>
16	East Carbon Justice Court	<a href="#">Computer, Printer and Scanner for the Courtroom</a>	\$1,179		\$0	Funding to purchase a printer, computer, and scanner for the courtroom
17	Emery County Justice Court	<a href="#">TV, Stand and DVD Player</a>	\$198		\$198	Funding to purchase a TV and DVD to show the Rights Videos to defendants <b>Proof of acquisition rec'd</b>
18	Holladay Justice Court	<a href="#">Fireproof Safe</a>	\$435		\$0	Funding to purchase a safe to secure funds and receipt books as recommended by the AOC
19	Mantua Justice Court	<a href="#">Handheld Metal Detector</a>	\$400		\$184	Funding to purchase a handheld metal detector and to train staff <b>Proof of acquisition rec'd</b>
20	North Salt Lake Justice Court	<a href="#">Laptop</a>	\$1,060		\$0	Funding to purchase a laptop and security cameras for the baliff to be able to see outside the courtroom
21	Ogden Justice Court	<a href="#">Security Film for Windows Located at Court Security Station</a>	\$3,440		\$3,440	Funding to purchase and install security film for court building windows <b>Proof of acquisition rec'd</b>
22	Parowan Justice Court	<a href="#">Security Cameras</a>	\$3,220		\$1,500	Funding to purchase and install a security system for the court
23	Payson Justice Court	<a href="#">Security Upgrades</a>	\$9,640		\$0	Funding to purchase swipe card for one restricted door and replace a keypad on another restricted door
24	Plain City Justice Court	<a href="#">Security Cameras</a>	\$6,604		\$0	Purchase and install four security cameras for the courtroom
25	Riverdale Justice Court	<a href="#">Security Upgrades</a>	\$4,451		\$2,500	Funding to purchase and upgrade court building stairs, create a seperate judge entrance, and apply
26	Roy/Weber Justice Court	<a href="#">Printer/Scanner for the Courtroom; Lockers</a>	\$1,460		\$0	Funding for purchase of a wireless printer and scanner to print defendants orders and to purchase
27	Salt Lake City Justice Court	<a href="#">X-Ray Machine</a>	\$20,000		\$0	Funding for the purchase and installation of a XIS 6040 X-ray machine
28	Salt Lake City Justice Court	<a href="#">Surface Tablets for Paperless Jury Process</a>	\$5,694		\$0	Funding for purchase of six Surface Pro Tablets and hard cases
29	Salt Lake City Justice Court	<a href="#">Affirming Artwork</a>	\$3,750		\$0	Funding for purchase and installation of new diverse artwork for the courthouse

#	Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
30	Saratoga Springs Justice Court	<a href="#">Printer/Copier and Safe</a>	\$10,248		\$0	Funding to purchase an updated printer/copier for the court
31	Saratoga Springs Justice Court	<a href="#">Bullet Resistant Materials for New Courthouse</a>	\$19,740		\$0	Funding to purchase and install bulletproof glass for the courtroom
32	Saratoga Springs Justice Court	<a href="#">Security System for New Courthouse</a>	\$29,884		\$0	Funding to purchase and install security upgrades for the courthouse
33	South Ogden Justice Court	<a href="#">Court Recording Software Upgrade</a>	\$4,189		\$1,000	Funding to replace sound system so it is compatible with the FTR system <b>Returned \$1000.00 October 2016</b>
34	South Weber Justice Court	<a href="#">Court Security Upgrades</a>	\$1,500		\$1,500	Funding for security upgrades, alarms, window tinting and barriers
35	Sunset Justice Court	<a href="#">Handheld Metal Detector</a>	\$184		\$184	Funding to purchase a handheld metal detector <b>Proof of Acquisition Rec'd</b>
36	Tremonton Justice Court	<a href="#">Bullet Resistant Materials for Courtroom</a>	\$2,527		\$0	Funding to purchase and install bulletproof panels for the courtroom
37	Utah County Justice Court	<a href="#">Safe, Locking Cabinets, Tripods</a>	\$1,124		\$0	Funding to purchase a safe, gun vault, and tripod
38	Washington County Justice Court	<a href="#">AED, Whiteboards and Projectors</a>	\$1,965		\$0	Funding to purchase several items to enhance safety in the courtroom, see request
39	Wellington Justice Court	<a href="#">Computer, Printer and Scanner for the Courtroom</a>	\$1,179		\$0	Funding to purchase printer, computer and scanner for the courtroom
40	West Jordan Justice Court	<a href="#">Dedicated Microsoft Tablet for the Courtroom</a>	\$3,218		\$0	Funding to purchase a dedicated Microsoft tablet for the courtroom (priority 1)
41	West Jordan Justice Court	<a href="#">Court Computer Upgrades</a>	\$4,000		\$0	Funding to upgrade computers for compatibility of the new court FTR system

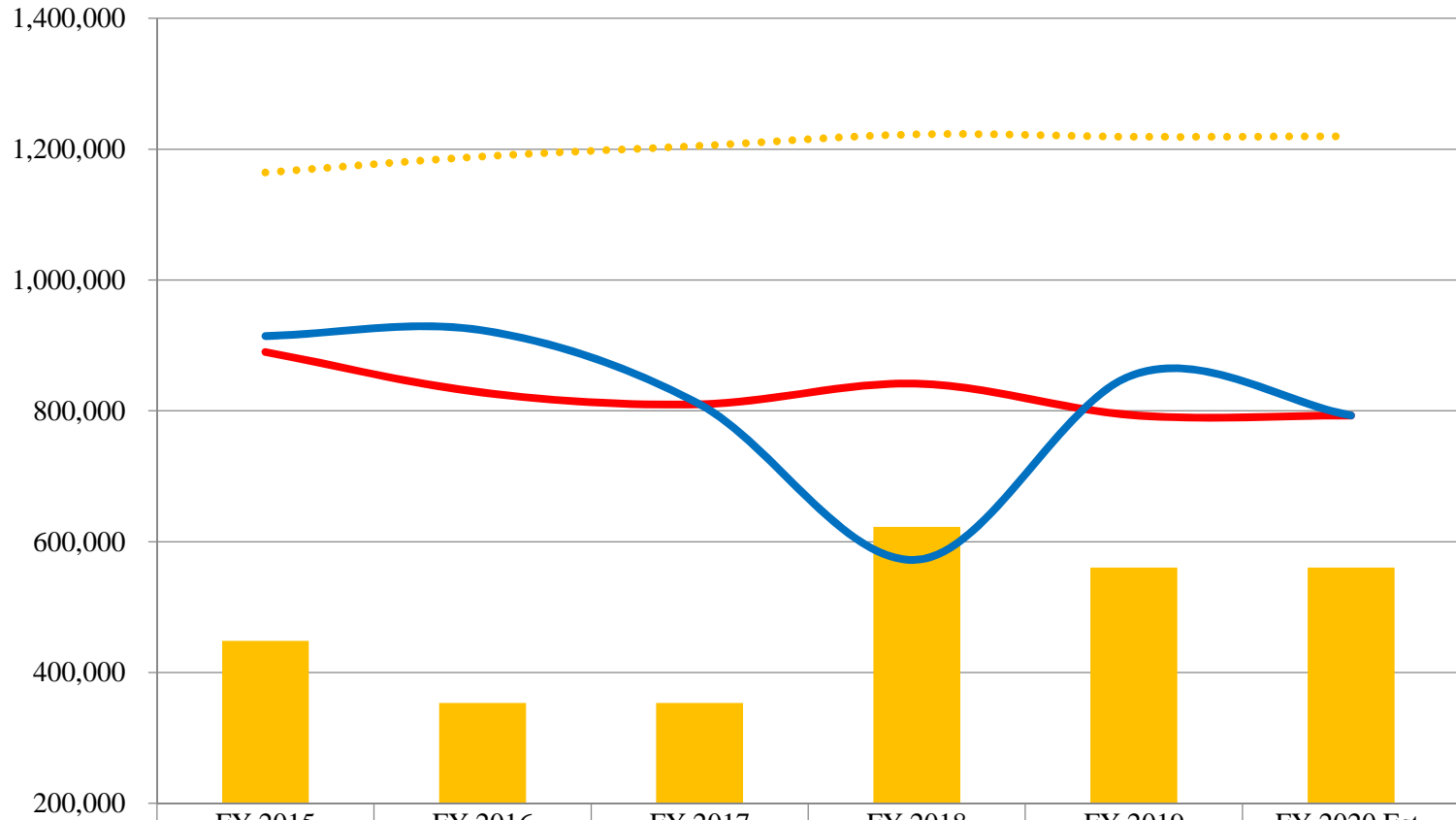
**Total One-Time Grant Requests and Recommendations for FY20**
**\$710,450**
**\$524,120**

**Ongoing Funding**

Requesting Entity	Description	Original Grant Request	Recommend Ongoing Grant Funds	Recommend One-Time Grant Funds	Notes
Board of Justice Court Judges (Unit 2711)	Online Legal Research for Justice Court Judges (ongoing from 2005 grant cycle)		\$20,000		Westlaw subscriptions
Information Technology (Unit 2712)	Vidyo Support and Inventory Management (ongoing from 2008 grant cycle)		\$20,200		
Judicial Institute (Unit 2713)	New Judge Orientation (ongoing from 2005 grant cycle)		\$3,500		
Judicial Institute (Unit 2713)	Justice Court Clerks' Conference (ongoing from 2005 grant cycle)		\$16,075		
Judicial Institute (Unit 2713)	Justice Court Judges' Conference (ongoing from 2005 grant cycle) and \$15,000 (ongoing from 2018 grant cycle) for Justice Court Educational programs		\$30,005		
Judicial Institute (Unit 2713)	Continuation of Utah Judicial Institute Staffing at Current Level (ongoing from FY2009 grant cycle)		\$104,200		Partial cost of Education Coordinators and Conference Coordinator
Judicial Institute (Unit 2713)	Clerks Conferences	\$55,000	\$0		New request
Judicial Institute (Unit 2713)	District Trainings	\$3,500	\$0		New request
AOC/Audit Department (Unit 2420)	Internal Audit Position Dedicated to the Justice Courts (ongoing from FY2012 grant cycle)		\$84,900		

**Totals****Total Ongoing Grant Funds****\$278,880****Total One-Time Grant Funds Recommended for FY20****\$524,120****Projected Revenue from FY19****\$793,000****Total Grant Awards****\$803,000****New Request****\$15,000****Difference Between Available Funding and Recommended Grant Awards (25,000)**

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



	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020 Est.
Ending Fund Balance	448,492	353,453	353,453	622,759	560,672	560,672
Revenue	889,981	827,939	810,031	841,619	793,312	793,000
Expenditures	914,300	922,978	810,031	572,313	855,399	793,000
Appropriations	1,164,300	1,188,800	1,205,100	1,222,700	1,218,900	1,219,800

***Effective 5/13/2014***

**78A-7-301 Justice Court Technology, Security, and Training Account established -- Funding -- Uses.**

There is created a restricted account in the General Fund known as the Justice Court Technology, Security, and Training Account.

- (1) The state treasurer shall deposit in the account money collected from the surcharge established in Subsection 78A-7-122(4)(b)(iii).
- (2) Money shall be appropriated from the account to the Administrative Office of the Courts to be used for audit, technology, security, and training needs in justice courts throughout the state.

Amended by Chapter 189, 2014 General Session

**Rule 9-107. Justice court technology, security, and training account.****Intent:**

To establish the process for allocation of funds from the Justice Court Technology, Security, and Training restricted account.

**Applicability:**

This rule shall apply to all applications for and allocations from the account.

**Statement of the Rule:**

(1) Any governmental entity that operates or has applied to operate a justice court may apply for funds from the account for qualifying projects. Local governmental entities may only use the funds for one-time purposes, and preference will be given to applications that propose to use the funds for new initiatives rather than for supplanting existing efforts.

(2) The Board of Justice Court Judges, through the Administrative Office of the Courts, may apply for funds from the account for qualifying projects.

(3) The Administrative Office of the Courts may apply for funds from the account for qualifying projects, and may use the funds for ongoing support of those projects.

(4) Qualifying projects are those that meet the statutory requirements for the use of the account funds.

(5) Funds will be distributed on or about July 1 of each year in which funds are available, and applications for those funds must be made by April 15 of the same year on forms available from the Administrative Office of the Courts. All applications for funds shall be first reviewed and prioritized by the Board of Justice Court Judges, and that recommendation, along with all timely applications shall then be forwarded to the Management Committee of the Judicial Council. The Management Committee will then make the final awards.

(6) An entity receiving funds shall file with the Board of Justice Court Judges an accounting, including proof of acquisition of the goods or services for which the award was granted. The accounting shall be filed no later than July 15 for activity during the previous fiscal year.





# Tab 9



## Judicial Council Grant Application Proposal

### Code of Judicial Administration 3-411

## FEDERAL GRANTS

Contact Person/Phone: Katie Gregory Date: 2/11/2020

Judicial District or Location: Administrative Office of the Courts

Grant Title: Court Improvement Program (CIP) Grant                      Grantor: Children's Bureau (DHHS)

Grant type (check one); ☐ New ☐ Renewal ☒ Revision

Grant Level (check one): ☒ Low ☐ Med. ☐ High.  
Under \$1,000,000 \$1,000,000 to \$10,000,000 Over \$10,000,000

Issues to be addressed by the Project: Improvements in delivery of child welfare services and case management in juvenile court through improvements in data collection and analysis

Explanation of how the grant funds will contribute toward resolving the issues identified: CIP Data grant funding has been used in the past to pay contracts for IT programming resources for subcontracted CARE programmers. This revision provides for use of the data grant funds to employ one FTE to replace contracted programmers.

Fill in the chart(s) for estimated state fiscal year expenditures for up to three years:

Total Funding Sources			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)					
			MATCHING STATE DOLLARS					
CASH MATCH		Other Matching Funds from Non-State Entities	General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds
State Fiscal Year	Grant Amount							
FY	\$0							\$0
FY								\$0
FY								\$0

			(PROVIDE EXPLANATION OF ALL MATCHES IN THE COMMENTS SECTION)							
IN-KIND MATCH	Other Matching Funds from Non-State Entities		MATCHING STATE DOLLARS							
			General Fund	Dedicated Credits	Restricted Funds	Other (Write In)	Maintenance of Effort	Total Funds		
			State Fiscal Year	Grant Amount						
			Federal FY 2020	\$144,453		\$48,151				\$192,604
			Federal FY 2021	\$145,654		\$48,551				\$194,205
										\$0

Comments In-kind match is provided by other child welfare programming work performed by the Court's IT department.

Will additional state funding be required to maintain or continue this program or its infrastructure when this grant expires or is reduced?      Yes                      No      x                      If yes, explain:

Will the funds to continue this program come from within your exiting budget: Yes\_\_\_\_\_ No\_\_\_\_\_ N/A X\_\_\_\_\_

How many additional permanent FTEs are required for the grant? Temp FTEs? 1.0 FTE

This proposal has been reviewed and approved by the following:

The court executives and judges in the affected district(s).

x The Grant Coordinator and the Budget Manager at the Administrative Office of the Courts.

The affected Board(s) of Judges.

Approved by the Judicial Council \_\_\_\_\_ by \_\_\_\_\_  
Date Court Administrator

Copy forwarded to Legislative Fiscal Analyst \_\_\_\_\_ date \_\_\_\_\_



# Tab 10



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## HR Policy & Planning Review Committee

Brent Johnson, Chair

Bart Olsen, Staffer

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# HR Policy Overhaul Timeline Proposal

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The committee proposes the Courts HR Policies adopt the basic thematic organizational structure of the Department of Human Resource Management's (DHRM) [Administrative Rules](#) for ease of reference, comparison, and consideration in adopting content that supports the mission of the Courts. Existing DHRM Administrative Rule content that is *not* helpful in supporting the mission of the Courts will not be adopted and can easily be contrasted with HR Policies better suited for the Courts. The proposed organizational structure and accompanying subjects of content for the Courts HR Policies are found beginning on p.2 of this proposal document.

Using that Administrative Rule structure, the committee proposes the Courts HR Policy Overhaul project be accomplished in four phases. Each phase would go through the following steps:

1. HR Director (HRD) submits draft section of chapters to General Counsel (GC) for review and vetting
2. HRD and GC submit revised draft to HR Policy & Planning Review Committee (HRPPRC) for review and vetting
3. HRPPRC submits revised draft to Policy & Planning for review and approval

### **Phase I: Employment (Policy Chapters 1-5)**

Target date of submission to Policy & Planning: April 2020

### **Phase II: Compensation & Benefits (Policy Chapters 6&7)**

Target date of submission to Policy & Planning: June 2020

### **Phase III: Standards (Policy Chapters 8&9)**

Target date of submission to Policy & Planning: August 2020

### **Phase IV: Management (Policy Chapters 10-16)**

Target date of submission to Policy & Planning: October 2020

## **1. DEFINITIONS**

## **2. ADMINISTRATION**

APPLICABILITY

COMPLIANCE RESPONSIBILITY

FAIR EMPLOYMENT PRACTICE AND DISCRIMINATION

CONTROL OF PERSONAL SERVICE EXPENDITURES

RECORDS

RELEASE OF INFORMATION IN A REFERENCE INQUIRY

EMPLOYMENT ELIGIBILITY VERIFICATION

SUPERVISION OF A RELATIVE OR HOUSEHOLD MEMBER

ALTERNATIVE DISPUTE RESOLUTION

## **3. CLASSIFICATION**

JOB CLASSIFICATION APPLICABILITY

JOB DESCRIPTION

ASSIGNMENT OF DUTIES

POSITION CLASSIFICATION REVIEW

POSITION CLASSIFICATION GRIEVANCES

POLICY EXCEPTIONS

## **4. FILLING POSITIONS**

AUTHORIZED RECRUITMENT SYSTEM

CAREER SERVICE EXEMPT POSITIONS

CAREER SERVICE POSITIONS

RECRUITMENT AND SELECTION FOR CAREER SERVICE POSITIONS

TRANSFER AND REASSIGNMENT

REHIRE

EXAMINATIONS

HIRING LISTS

JOB SHARING

INTERNSHIPS

VOLUNTEER EXPERIENCE CREDIT

REORGANIZATION

CAREER MOBILITY PROGRAMS

ASSIMILATION

POLICY EXCEPTIONS

## **5. EMPLOYEE STATUS AND PROBATION**

CAREER SERVICE STATUS

PROBATIONARY PERIOD

POLICY EXCEPTIONS



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## **6. COMPENSATION**

**PAY PLANS**

**ALLOCATION TO PAY PLANS**

**APPOINTMENTS**

**SALARY**

**INCENTIVE AWARDS**

**EMPLOYEE BENEFITS**

**CONVERSION FROM CAREER SERVICE TO CAREER SERVICE EXEMPT**

**STATE PAID LIFE INSURANCE**

**SEVERANCE**

## **7. LEAVE**

**CONDITIONS OF LEAVE**

**HOLIDAY LEAVE**

**ANNUAL LEAVE**

**SICK LEAVE**

**CONVERTED SICK LEAVE**

**SICK LEAVE RETIREMENT BENEFIT**

**ADMINISTRATIVE LEAVE**

**WITNESS AND JURY LEAVE**

**BEREAVEMENT LEAVE**

**MILITARY LEAVE**

**DISASTER RELIEF VOLUNTEER LEAVE**

**ORGAN DONOR LEAVE**

**LEAVE OF ABSENCE WITHOUT PAY**

**FURLOUGH**

**FAMILY AND MEDICAL LEAVE**

**WORKERS COMPENSATION LEAVE**

**LONG TERM DISABILITY LEAVE**

**LEAVE BANK**

**POLICY EXCEPTIONS**

## **8. WORKING CONDITIONS**

**WORKWEEK**

**TELECOMMUTING**

**LUNCH, BREAK, AND EXERCISE RELEASE PERIODS**

**OVERTIME STANDARDS**

**COMPENSATORY TIME FOR FLSA NON-EXEMPT EMPLOYEES**

**COMPENSATORY TIME FOR FLSA EXEMPT EMPLOYEES**

**TIME REPORTING**

**HOURS WORKED**

**ON-CALL TIME**

**STANDBY TIME**

**COMMUTING AND TRAVEL TIME**

**EXCESS HOURS**

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DUAL STATE EMPLOYMENT  
REASONABLE ACCOMMODATION  
FITNESS FOR DUTY EVALUATIONS  
TEMPORARY TRANSITIONAL ASSIGNMENTS  
CHANGE IN WORK LOCATION  
DISTRICT POLICIES AND EXEMPTIONS  
BACKGROUND CHECKS  
WORKERS COMPENSATION INTERFERENCE PROHIBITED  
POLICY EXCEPTIONS

## **9. CODE OF CONDUCT**

STANDARDS OF CONDUCT  
OUTSIDE EMPLOYMENT  
CONFLICT OF INTEREST  
POLITICAL ACTIVITY  
EMPLOYEE REPORTING PROTECTIONS  
EMPLOYEE INDEBTEDNESS TO THE STATE  
ACCEPTABLE USE OF INFORMATION TECHNOLOGY RESOURCES  
PERSONAL BLOGS AND SOCIAL MEDIA SITES  
POLICY EXCEPTIONS

## **10. PROFESSIONAL DEVELOPMENT**

PERFORMANCE EXPECTATIONS AND EVALUATIONS  
PERFORMANCE IMPROVEMENT  
WRITTEN WARNINGS  
EMPLOYEE DEVELOPMENT AND TRAINING  
EDUCATION ASSISTANCE

## **11. DISCIPLINE**

DISCIPLINARY ACTION  
DISMISSAL OR DEMOTION  
DISCRETIONARY FACTORS

## **12. SEPARATIONS**

RESIGNATION  
ABANDONMENT OF POSITION  
REDUCTION IN FORCE  
EXCEPTIONS

## **13. VOLUNTEER PROGRAMS**

## **14. SUBSTANCE ABUSE AND DRUG-FREE WORKPLACE**

RULES GOVERNING A DRUG-FREE WORKPLACE  
MANAGEMENT ACTION

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DRUG AND ALCOHOL TEST RECORDS  
POLICY EXCEPTIONS

**15.WORKPLACE HARASSMENT PREVENTION**

WORKPLACE HARASSMENT PROHIBITED  
RETALIATION  
COMPLAINTS  
INVESTIGATIONS  
RECORDS  
TRAINING

**16.ABUSIVE CONDUCT PREVENTION**

ABUSIVE CONDUCT PROHIBITED  
COMPLAINTS  
INVESTIGATIONS  
RECORDS  
TRAINING



# Tab 11





## Administrative Office of the Courts

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

February 24, 2020

Hon. Mary T. Noonan  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

### MEMORANDUM

**TO: Management Committee/Judicial Council**

**FROM: Jim Peters, Justice Court Administrator**

**RE: Standing Committee on Children and Family Law**

At its most recent meeting, the Standing Committee on Children and Family Law compared its current membership against the roster contemplated by Rule 1-205(1)(B)(vi) of the Code of Judicial Administration. As a result, the committee determined that it needs to advertise for five positions. Recommendations for filling those positions will be advanced in the coming months. In the meantime, the committee is recommending that the Judicial Council approve several appointments and revise the rule, as follows:

#### **Recommended Appointments:**

- That Judge Brent Bartholomew, whose term will expire on March 1, 2020, be appointed to serve a second term. Judge Bartholomew has served one term on this committee and has expressed interest in serving a second term.
- That Judge Elizabeth Hruby-Mills, whose term will expire on July 17, 2020, be appointed to serve a second term. Judge Hruby-Mills has served on the committee since July 17, 2017 and is currently one of its co-chairs. She has expressed interest in serving a second term.
- That Judge Brody Keisel be appointed to replace Judge Sherene Dillon, whose second term expired on December 3, 2019. If approved, Judge Keisel would co-chair the committee with Judge Hruby-Mills.

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

- That Anna Trupp, who has been serving on the committee as a professional in the area of child development, be appointed as an emeritus member. She is currently serving a third term and the committee would benefit from her continued involvement. If approved, the committee would then announce a vacancy for the position of a professional in child development.

### **Recommended Rule Changes**

In addition, the committee is recommending that Rule 1-205(1)(B)(vi) of the Code of Judicial Administration be revised as follows:

- That subsection (b), which requires that the committee include a Representative appointed by the Speaker of the House, be deleted. Legislation passed last year prohibits legislators from serving on committees like this one. (Subsection (a), which requires that the committee include a Senator appointed by the President of the Senate, can remain for now, as Senator Todd Weiler is currently serving in that role and has obtained permission from the President Adams to continue.)
- That subsection (h), which currently requires that “one mediator” serve on the committee, be changed to “the ADR Program Director or designee” in order to convert the position occupied by Nini Rich from one that is subject to term limits to one that allows her to continue indefinitely (as is the case with the Director of the Office of Guardian ad Litem).
- And that a new subsection be added to require that the committee include a mental health professional. The committee believes that the perspective of a mental health professional is critical to its work and, as such, needs to be represented on the committee.

The committee would request that the foregoing recommendations, including the proposed rule changes, be considered by the Judicial Council at its meeting on March 13, 2020. It would also request that the rule change be adopted on an expedited basis, pursuant to Rule 2-205 of the Code of Judicial Administration, so that the mental health professional can be recruited with the other positions that need to be filled.



Draft: February 24, 2020

**Rule 1-205. Standing and Ad Hoc Committees.**

**Intent:**

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

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

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

**Applicability:**

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

**Statement of the Rule:**

**(1) Standing Committees.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(1)(B) Composition.**

\* \* \*

(1)(B)(vi) The Committee on Children and Family Law shall consist of:

(1)(B)(vi)(a) one Senator appointed by the President of the Senate;

(1)(B)(vi)(b) ~~one Representative appointed by the Speaker of the House;~~

(1)(B)(vi)(c) the Director of the Department of Human Services or designee;

(1)(B)(vi)(d) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;

(1)(B)(vi)(e) one attorney with experience in abuse, neglect and dependency cases;

(1)(B)(vi)(f) one attorney with experience representing parents in abuse, neglect and dependency cases;

(1)(B)(vi)(g) one representative of a child advocacy organization;

(1)(B)(vi)(h) ~~one mediator~~ the ADR Program Director or designee;

(1)(B)(vi)(i) one professional in the area of child development;

(1)(B)(vi)(j) one mental health professional;

(1)(B)(vi)(k) one representative of the community;

(1)(B)(vi)(l) the Director of the Office of Guardian ad Litem or designee;

(1)(B)(vi)(m) one court commissioner;

(1)(B)(vi)(n) two district court judges; and

(1)(B)(vi)(o) two juvenile court judges.

(1)(B)(vi)(p) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion, the committee may appoint non-members to serve on its subcommittees.