

JUDICIAL COUNCIL MEETING

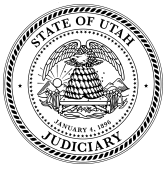
AGENDA July 1, 2020

This meeting will be held through Webex

Chief Justice Matthew B. Durrant Presiding

1. 12:00 p.m. WelcomeChief Justice Matthew B. Durrant
(Information)
2. 12:05 p.m. Office of Fairness & Accountability. Judge Mark May
(Tab 1 - Action) Judge Mary T. Noonan
Cathy Dupont
Karl Sweeney
3. 12:25 p.m. Old Business/New BusinessAll
(Discussion)
4. 12:30 p.m. Adjourn

Tab 1



The Utah Judiciary Office of Fairness and Accountability



Agenda

Charter

The work of the courts is to provide an open, fair, efficient and independent system to advance access to justice under the law. Fairness is the basic premise of our system of justice. The goal is a fair process that produces a just result, a system that treats similarly situated people similarly, and does not discriminate against marginalized communities.

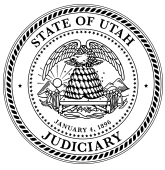
The Utah judiciary understands the public's trust and confidence in the courts requires us to identify any part of our process or outcomes that contribute to or cause the unequal treatment of individuals based on factors such as race, ethnicity, sexual orientation or gender. We understand we must take action to address inequities and hold ourselves accountable for equitable treatment for all.

The Office of Fairness and Accountability is created to organize and lead the Utah Courts in examining and addressing bias within the judicial system. The Office will work collaboratively, both within the courts and with individuals and entities outside our system. The Office will focus on outreach to marginalized communities; data collection and research; judicial officer and employee education; recruitment and selection of court commissioners and employees; interpreter and language access; and reporting.

Role

The Office of Fairness and Accountability, composed of a Director and additional staff will work collaboratively with other offices and departments in the judiciary, such as Court Data Services, Judicial Education, Human Resources, the State Law Library and Self-Help Center, and Information Technology Services. The Director will also collaborate with Judicial Council standing committees including: the Standing Committee on Judicial Outreach; the Standing Committee for Self-Represented Parties; the Standing Committee on Language Access; and the Standing Committee on Judicial Branch Education.

The Director will create and operationalize a strategic plan consistent with the charter.



The Utah Judiciary Office of Fairness and Accountability

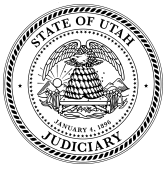


The strategic plan will include the following areas of focus:

- Community outreach
 - Network with community partners such as CCJJ, UCLI, Diversity Offices, universities, etc.
 - Partner on access to justice initiatives and projects
 - Develop a speakers bureau to reach K-12 schools statewide
- Data collection and research
 - Collaborate with national experts and thought leaders to identify, gather and analyze relevant data
 - Coordinate with Court Data Services and Information Technology Services to capture and report relevant data
 - Jury information including juror selection, service, and pools
- Education for judicial officers and employees
 - Coordinate with the Judicial Education Department
 - Cultural competency
 - Implicit bias, institutional and individual biases
 - Other relevant skill sets
- Recruitment and selection of court commissioners and employees
 - Collaborate with Human Resources to obtain and analyze data
 - Monitor Human Resources implementation of best practices for recruitment and retention
 - Collaborate with organizations such as the Utah State Bar, UCLI, and schools to encourage individuals from marginalized communities to apply for judicial openings
- Interpreter and language access program
- Reporting

Director Qualifications and Skills

The Director of the Office of Fairness and Accountability is established in the Administrative Office of the Courts under the direction of the State Court Administrator. The Director serves as a member of leadership in the Administrative Office of the Courts and works collaboratively with the leadership team to implement the strategic plan and advance the goals of the Office. Qualifications include:



The Utah Judiciary Office of Fairness and Accountability



- At least a bachelor's degree or equivalent level of education in Criminal or Social Justice, Court Administration, Institutional Change Management, Public Administration, Business Administration or related education. Master's degree preferred.
- Six (6) or more years of professional experience and two (2) or more years in a supervisory or management capacity.
- Experience advancing diversity, equity, and inclusion in a complex organization.
- Knowledge and skill in both qualitative and quantitative data analysis methodologies, tools, and strategies.
- Ability to interface with diverse populations and various criminal/juvenile justice stakeholders.
- Ability to build strong professional relationships.
- Second language skills preferred but not required.

Director Salary

Proposed Salary Range: \$40.82 - \$62.50 (\$137K to \$200K total cost of position).

Options for Funding the Office of Fairness and Accountability

Ongoing Sources:

Amount	Cumulative	Location	Explanation and Comments
\$ 100,000	\$ 100,000	Judicial Council Base Budget	Reduction of Judicial Council Base Budget to historical "normal operations" level spend. The total ongoing budget for unit 2450 (Judicial Council) is \$152,500. This would reduce to \$52,500. This unit's budget also contains the one-time "reserve" money set aside by the Judicial Council annually from carryforward funds. For FY 2020 the reserve was \$150,000. The ongoing budget has been spent in the past on meeting costs (food, travel reimbursement for meeting attendees and Judicial Council travel) at an average of \$40K per year. With the virtual nature of Judicial Council meetings anticipated to continue and the change in food policy, the amount of funds needed to fund "ongoing" uses will likely decline to \$20K per year. This leaves \$100,000+ of ongoing budget available for repurposing to the Office of Equity and Accountability. Periodically, the one-time reserve portion of this budget pays for one-time expenditures (ex, Justice System Partners contract, etc) which can be funded through carryforward funds instead of ongoing funds. We will ask the Judicial Council to set aside \$150,000 of FY 2020 carryforward money to utilize in FY 2021 for non-budgeted expenses (i.e. settlement payments or special projects). This is adequate to meet historical one-time unbudgeted expenditures. Unspent funds in this unit are used to fund FY End Spending and Carryforward spending.
\$ 70,000	\$ 170,000	Judicial Operations Base Budget	Judicial Ops budget is \$87.5K in ongoing funds for 175 Judges/Commissioners/Sr. Judges (\$500 per eligible person). Reduce Judicial Ops budget of \$500 to \$100 per Judge/Commissioner/Sr. Judge (\$87.5K to \$17.5K). Judicial Ops budget was approved by the Judicial Council on June 29, 1994 and provides each Judge, Senior Judge and Commissioner "a fund for expenses associated with Utah Bar activities and other similar activities." Only \$45K used annually. (see Accounting Manual 13-02). Funding at \$17.5K level will provide sufficient funds for ABA dues and section dues.
\$ 50,000	\$ 220,000	Ongoing Turnover Savings and Education Base Budget	At discretion of Judicial Council, fund in this order (1) surplus FY 2020 ongoing turnover savings, (2) reduce funds for in-person conferences (\$145,000 is current ongoing budget) and/or judicial out-of-state training (\$50,000 is current ongoing budget). Ongoing turnover savings of \$520,000 have been pledged to achieve the budget savings for FY 2021. We expect to exceed the \$520,000 by between \$40,000 - \$50,000 for FY 2020 which can be used to partially fund this position.

One-time Cumulative

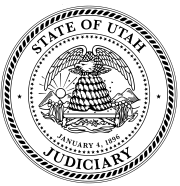
\$ 100,000	\$ 100,000	Carryforward from FY 2020 to FY 2021	Funds Public Outreach and Education Coordinator role; will seek funding from legislature for FY 2022
	<u>\$ 320,000</u>	Total Sources	

Ongoing Uses

\$ 217,000	\$ 217,000	Fund Director (1 FTE) @ \$200K and Office Expenses @ \$17K
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One-time Uses

\$ 100,000	\$ 100,000	Fund Outreach Coordinator (1 FTE)
	<u>\$ 317,000</u>	Total Uses



UTAH STATE COURTS

PROPOSED ALIGNMENT

CURRENT

STATE COURT
ADMIN

DEPUTY COURT
ADMIN

DIRECTOR,
COMMUNICATION

COORDINATOR,
INTERPRETER &
LANGUAGE
ACCESS

OTHER
DIRECTORS

PROPOSED

STATE COURT
ADMIN

DEPUTY COURT
ADMIN

**DIRECTOR,
FAIRNESS &
ACCOUNTABILITY**

OTHER
DIRECTORS

COMMUNICATION

**INTERPRETER &
LANGUAGE
ACCESS**

OUTREACH

**1 NEW DIRECTOR POSITION,
1 REALIGNED DIRECTOR POSITION =
NO INCREASE IN TOTAL DIRECTORS**