

**JUDICIAL COUNCIL  
FY 2022 BUDGET PLANNING MEETING  
MEETING**

**AGENDA  
Friday, July August 21, 2020  
Meeting will be held through Webex**

*Chief Justice Matthew B. Durrant, Presiding*

- 8:30 a.m. Welcome ..... Chief Justice Matthew B. Durrant
- 8:35 a.m. Overview ..... Judge Mary T. Noonan, State Court Administrator
- 8:40 a.m. Utah Economic Outlook ..... Phil Dean, State Budget Director  
Nate Talley, GOMB Budget and Policy Manager
- 9:20 a.m. Break
- 9:30 a.m. Budget and Fiscal Management Prioritization (Tab 1)..... Judge Mark May

**FY 2022 Budget Requests Presentations**

- IT Infrastructure and Development (Tab 2)..... Heidi Anderson, IT Director
- Commissioner Salary Parity (Tab 3)..... Shane Bahr, District Court Adminsitrator  
Commissioner Michelle Blomquist  
Commissioner Michelle Tack
- Child Welfare Mediator (Tab 4) ..... Nini Rich, ADR Program Director
- Public Outreach and Education Coordinator (Tab 5) ..... Geoff Fattah, Communicatons Dir.  
Judge Elizabeth Hruby-Mills  
Judge Richard Mrazik
- PSA NCIC Funding - ongoing (Tab 6)..... Keisa Williams, Associate General Counsel
- Automate Records Indexing Creation (Tab 7) ..... Larissa Lee, Appellate Court Administartor
- Grants Coordinator (Tab 8)..... Larissa Lee, Appellate Court Administartor  
Karl Sweeney, Director of Finance
- Judicial Administration Certificate Program (Tab 9) ..... Judge Diana Hagen  
Tom Langhorn, Judicial Institute Director  
Kim Free, Judicial Educator
- 10:45 a.m. Break
- 10:55 a.m. Finalize Judicial Council Priorities ..... Judge Mark May
- 11:55 a.m. Adjourn. Judicial Council meeting to follow.

# MISSION STATEMENT OF THE UTAH STATE COURTS

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

## INTRODUCTION

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Annually, the Courts submit requests to the Legislative Fiscal Analyst office (LFA) for legislative ongoing and one-time funding for new initiatives. Before these requests are submitted to the LFA, the Judicial Council reviews the requests and determines if they should go forward through the legislative process. The final prioritized list is called the Annual Budget Plan. This year's preliminary Annual Budget Plan contains eight requests<sup>1</sup> totalling approximately \$2,100,000 ongoing and \$220,000 in one-time funds. It has been previously reviewed and prioritized by the Budget and Fiscal Management Committee (BFMC) for discussion and approval by the Judicial Council.

Requests that are approved by Judicial Council to forward to the Legislature will be addressed in the 2021 General Session. If approved by the legislature, the requests will then be added to the Court's FY 2022 budget.

## JUDICIAL COUNCIL BUDGET APPROVAL PROCESS

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- 1) Judicial Priorities can be requested by any individual or group within the Courts. Most often requests come from AOC Departments (ex, IT, Education), TCEs, or Boards of District and Juvenile Court Judges. *(Previously completed.)*
- 2) Judicial Priorities are sent to and vetted by AOC Finance to ensure the request is complete and addresses common questions in the write-up. *(Previously completed.)*
- 3) AOC Finance forwards Judicial Priority requests to the Budget and Fiscal Management Committee (BFMC) for their review and approval. Requester's present and answer questions. *(Previously completed.)*
- 4) The BFMC circulates Judicial Priorities to the Board of District/Juvenile Court Judges (the Boards). The Boards also send their recommended prioritizations to the BFMC. *(Previously completed.)*
- 5) The BFMC considers the Boards prioritizations and then fulfills the requirements of Code of Judicial Administration (CJA) Rule 1-204 and "review(s) court budget proposals (and) recommend(s) fiscal priorities..." *(Previously completed.)*
- 6) Budget requests are presented to the Judicial Council by requestors. *(To be completed at August 21, 2020 Judicial Council Budget Planning meeting.)*
- 7) Preliminary prioritization of requests is presented by the BFMC to the Judicial Council. *(To be completed at August 21, 2020 Judicial Council Budget Planning meeting.)*
- 8) Council members discuss the relative merits of the requests. They may, by motion and vote, amend requested amounts. *(To be completed at August 21, 2020 Judicial Council Budget Planning meeting.)*

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<sup>1</sup> Requests to the legislature are termed Judicial Priorities within the Courts. The Legislature may also refer to these requests as building blocks, budget requests, or business cases.

- 9) Council members, by motion and vote, finalize prioritization of requests that will be advanced during the 2021 Legislative process. The Council does not perform the same detailed analysis as the BFMC, but, after listening to the presentation by the requesters, may recommend adjustments to (1) the request itself, (2) the requested amount, and/or (3) BFMC prioritization.

The requests approved for advancement to the Legislature will fall into one of the following two categories<sup>2</sup>:

- a) **Judicial Priorities/Building Blocks**—Items requested that the Judicial Council elects to pursue through the legislative appropriations process. Building block requests are submitted to the Legislature and to the Governor.
- b) **Legislative Fiscal Note**—Items requested by a Board or Committee that the Judicial Council elects to pursue through legislation and an accompanying fiscal note (i.e. the addition of a new Judge requires legislation and, therefore, cannot be submitted via a building block and would be required to go through the legislative fiscal note process).

*(To be completed at August 21, 2020 Judicial Council Budget Planning meeting.)*

- 10) Council members, by motion and vote, assign any requests not advanced as a Judicial Priority/ Building Block or Legislative Fiscal Note into one the following two categories:

- a) **Deferral or Alternative Funding**
  - i. **Deferral**—Items which are removed from consideration for general fund money in the 2021 General Session and will be brought back to the Council in the spring or summer of 2021 for reconsideration of funding through (1) submission as a 2022 General Session Judicial Priority, (2) FY 2021 year-end surplus funds (1x funds), (3) carryforward funds into FY 2022 (1x funds) or (3) ongoing turnover savings (ongoing funds generally used for personnel matters).
  - ii. **Alternative funding**—Items requested for which funding may be available from sources other than the Legislature including grants and items (2), (3) or (4) above.
- b) **Elimination**—Items requested that the Judicial Council elects not to pursue during the 2021 Legislative session are removed from consideration for general fund money and will not be automatically considered again.

*(To be completed at August 21, 2020 Judicial Council Budget Planning meeting.)*

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<sup>2</sup> There are two additional prioritization categories; none of this year's requests fit into either category.

- a) **Supplemental**—Items for which there are insufficient funds for the current fiscal year. Funding will be requested through the legislative appropriations process. Some items may be one-time expenditures. Other items may require continued funding in successive years, in which case a building block is listed for the request year. Generally, these requests would first go through the carryforward funding process and would only reach this stage if carryforward funding was not available.
- b) **Obligations**—Items for which the judiciary has an existing obligation. Funding will be requested through the legislative appropriations process, but mandatory obligations will not be prioritized with other building blocks because they are required by statute (i.e. funding for a previously unfunded mandate).

## LEGISLATIVE BUDGET UPDATE

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During the 2020 General Session, the Legislature:

- Funded three of the four Council Judicial Priorities for FY 2021,
  - \$932,000 ongoing and \$450,000 one time for IT requests
  - \$92,500 ongoing for recruiting and retaining Court Commissioners,
  - and \$54,900 for the child welfare mediator program.
  - The request for \$104,300 ongoing to bring the Self-Help Center to full-time staffing did not make it through the general session.<sup>3</sup>
- Provided funding for fiscal notes on multiple bills that impacted the Judicial Branch.
- Provided a compensation increase for judicial employees totaling 4%.<sup>4</sup>

The 2020 session ended just before COVID-19 hit Utah.

To address reduced revenue forecasts and balance the budget, the Governor and Legislature called multiple special sessions. All of the new funding for the Judicial branch, with the exception of one fiscal note, was reversed. The Legislature further cut the Judicial base budget by 2.23%. An additional one-time cut of \$4,000,000 (2.93%) was also enacted for FY 2021.

Also during the special sessions, the Legislature provided guidance to state agencies to spend funds only on essential items in a joint resolution (HJR 3001) and they accepted receipt of federal CARES act funding for the State. The Division of State Finance was authorized to distribute CARES funds to state agencies with the direction of the Governor's Office of Management and Budget. To account for lower than expected spending and the potential receipt of CARES funding, Courts requested and received an amended carryforward authority amount of \$3,200,000 (up \$700,000 from the previously authorized carryforward of \$2,500,000).

In July 2020, the Courts received a CARES reimbursement of \$934,825 for expenditures related to the COVID-19 pandemic. This, along with decreased expenditures to comply with the direction regarding essential-only spending, caused the Courts main line item to be \$3,760,500 under budget with only \$3,200,000 of carryforward authority (\$560,500 potential lapse to State Finance). The Court's contracts and leases line item was also \$959,100 under budget with only \$500,000 of carryforward authority (\$459,100 potential lapse to State Finance). During the August 2020 special legislative session, the Courts will request an increase of appropriated funds for FY 2021 equal to both of the potential lapsing amounts.

Since the end of the June 2020 Special Session, the Judicial Council has provided funding in the following ways for some<sup>5</sup> of the priorities that were cut by the Legislature:

- \$1,382,000 for IT requests using one-time carryforward funding, and
- \$55,000 for the child welfare mediator program using one-time carryforward funding.

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<sup>3</sup> This request was alternatively funded by the Judicial Council in Spring, 2020 by utilizing ongoing turnover savings.

<sup>4</sup> This was a 3% COLA and a 1% discretionary increase.

<sup>5</sup> The request to fund \$92,500 for recruiting and retaining Court Commissioners was not funded by the Judicial Council since it was not brought back for consideration to the BPMC as it was not deemed advisable to fund ongoing expenses with one-time money. The balance of the ongoing turnover savings was dedicated to funding the required budget cuts.

**Tab 1**



## FY 2022 - Budget Annual Plan

Judicial Council - August 21st, 2020

						Budget and Fiscal Management Ratings			Judicial Council
#	Description	FY 2020 Rank	Ongoing	One-time	Additional Description	Evaluation Factor 1	Evaluation Factor 2	Total	Rank or Recommendation
BFMC Rank		(if applicable)	Amount	Amount		Weighting - 2x	Weighting - 1x	BFMC Points	May be prioritized, deferred, alternative funding, or eliminated.
1	Information Technology Infrastructure and Development	#1	\$1,452,000	\$0	To improve access to justice in Utah by improving the Courts’ information technology infrastructure and development through upgrading outdated hardware/software, ensuring on-going funding for critical security software and adding additional development staff.	10	9	29	
2	Commissioner Salary Parity	#3	\$92,500	\$0	This award would restore commissioners’ salaries to the previous standard of 90% of judicial salaries, which would promote both retention and recruitment of qualified commissioners	9	8	26	
3	Child Welfare Mediator - Ongoing	#4	\$55,000	\$0	To improve access to justice in Utah by providing ongoing funding to replace one-time funding for a half-time child welfare mediator in the Child Welfare Mediation Program serving Juvenile Court Dependency cases.	9	8	26	
4	Public Outreach and Education Coordinator	N/A	\$100,000	\$0	The Standing Committee on Judicial Outreach is requesting 1 FTE to provide much-needed support for public outreach and education in all corners of Utah’s communities. This need has been amplified due to the COVID-19 pandemic and it’s future impact in years to come.	8	7	23	
5	Manual PSA Calculations - Ongoing Cost for Human Review of NCIC hits	N/A	\$220,550	\$0	Significantly increase PSA auto-calculations to include arrested individuals with out-of-state criminal history, providing judges with 30% more PSAs on average per week.	7	7	21	
6	Automate Record Index Creation	N/A	\$0	\$210,000	To automate the process for creating an index for the appellate record on appeal. Our employees currently spend several hours manually putting together each index. The goal with automating record pagination is to reduce this time to zero.	6	8	20	
7	Court Grants Coordinator	N/A	\$91,400	\$0	The Administrative Office of the Courts (AOC) requests funding for one FTE to obtain and manage grants throughout all court departments. This position will help increase grant funding in a time of widespread budget cuts and provide much-needed support for employees with existing grant responsibilities.	5	10	20	
8	Judicial Administration Certificate Program	N/A	\$50,000	\$10,000	The express intent of this program is to strengthen courts’ organizational management and leadership by providing consistent education in core areas of responsibility. The Westminster JACP is a unique, comprehensive curriculum designed to bring rigor and standing to the profession of judicial administration. The program is dedicated to the advancement of the missions, mandates, and purposes of Utah’s courts.	5	7	17	
	Total Judicial Priority Requests		\$2,061,450	\$220,000					

Ranking is the Judicial Council ranking to the LFA for FY 2021; there is no presumption this ranking will hold for FY 2022.  
Note: #2 Priority was self-help center which was funded by ongoing turnover savings in FY 2020.

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

Factor 1 -  
How essential  
to accomplishing  
Courts' mission

Factor 2 -  
Expenditure  
provides good  
return on  
investment

Rules

- (1) Must award one submission with a "10" score for each factor
- (2) Only one submission can earn a "10" for each factor
- (3) After "10" score is awarded, multiple submissions can earn the same score.

# **Tab 2**



## FY 2021 / FY 2022 Business case

**Agency:** Judicial Branch (Court)

**Request Title:** Information Technology Infrastructure and Development

**Presenter:** Heidi Anderson, Todd Eaton

**Request Amount & Source:** General Fund

FY 2021 One-time	FY 2022 One-time	FY 2022 Ongoing	Total Request
\$0	\$0	\$1,452,000	\$1,452,000

### OBJECTIVE:

To improve access to justice in Utah by improving the Courts' information technology infrastructure and development through upgrading outdated hardware/software, ensuring on-going funding for critical security software and adding additional development staff.

### EXECUTIVE SUMMARY:

The mission of the Utah State Courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law. The courts' information technology organization has been recognized nationally and internationally as one which effectively meets and often exceeds this mandate.

The Utah State Courts lead in efforts to advance access to justice through a variety of initiatives. These initiatives include e-filing in the district and juvenile courts, the Online Court Assistance Program (OCAP), the Self-Help Center, and Online Dispute Resolution (ODR). The courts' effort to advance access to justice makes the Utah State Courts accessible to more Utahans and provides efficient means to resolve legal disputes.

The number of core technology applications needed to support the courts has more than doubled (6 to 13) in the last 10 years, and as we have moved further down the path of e-Court, automated processing, court efficiency projects, and paperless services, the staffing for the IT organization has remained virtually unchanged.

In order to maintain critical systems and to avoid losing momentum in providing increased access to justice, the courts must –

1. increase staff resources by 6 to support the courts' IT infrastructure and development (See 1A, 1B, 1C and 1D)
2. Get on-going funding to ensure court IT security software can continue to be maintained (See 2A, 2B, 2C and 2D)
3. upgrade unsupportable/end of life Microsoft 2010 office software (See 3A, 3B, 3C and 3D)
4. Increase the internet bandwidth in rural areas so they can effectively run virtual hearings in the courthouse. (See 4A, 4B, 4C and 4D)
5. Increase the WebEx licenses so court can continue effectively across the state (See 5A, 5B, 5C and 5D) and,



6. Increase staff resources by 2 to support the Online Court Assistance Program (See 6A, 6B, 6C and 6D)

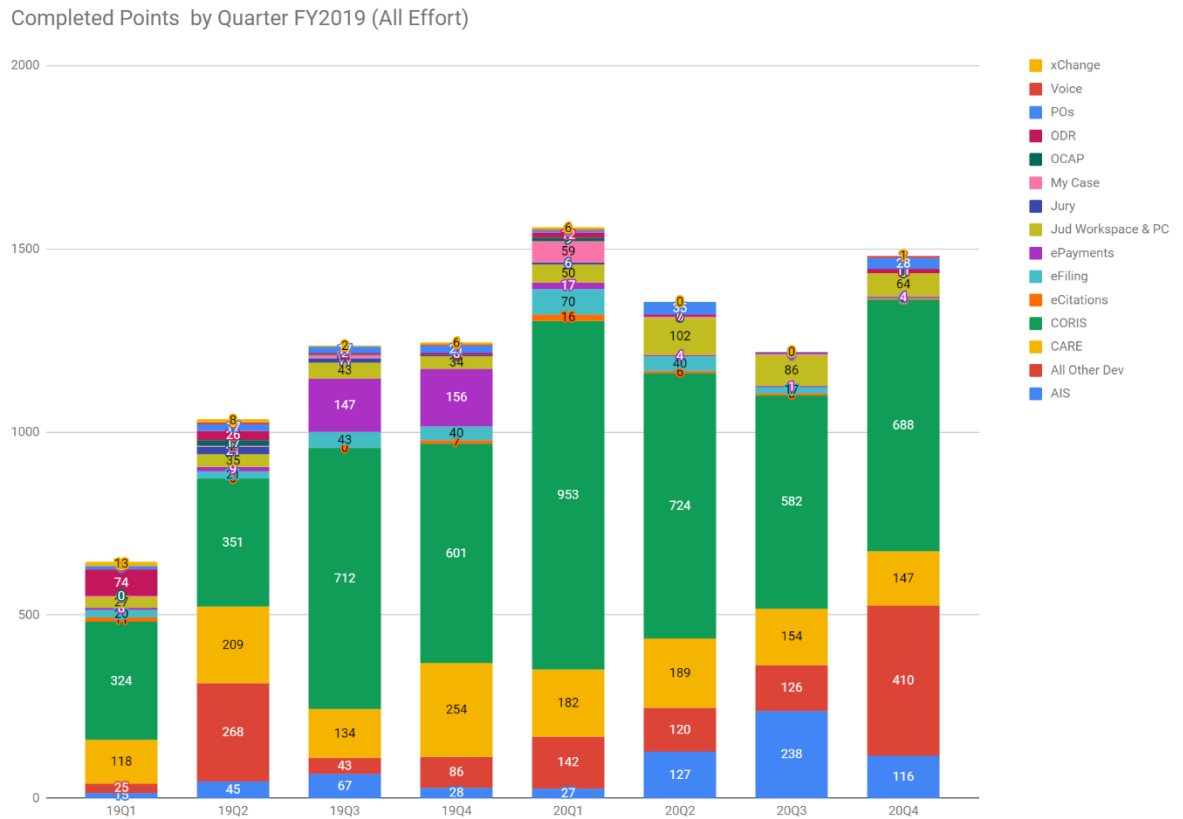
#### **HISTORY AND HIGH-LEVEL BACKGROUND OF REQUESTS:**

##### **1A. The following explains the request for \$650,000 on-going money for 6 IT staff to support IT infrastructure and development:**

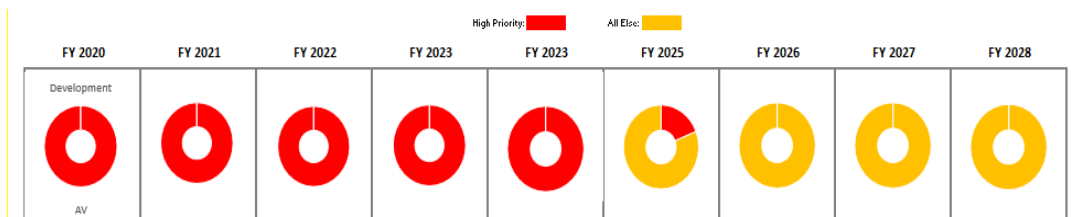
The Courts are committed to technological solutions which increase efficiencies and improve service. New applications and/or new functionality developed and supported by the Administrative Office of the Courts' (AOC) IT department to support the judiciary, state agency interfaces and the public in the last 10 years included the following:

<ul style="list-style-type: none"> <li>• Web Payments - 2009</li> <li>• eFiling upgrades, support for multiple service providers, expansion of civil cases - 2009</li> <li>• OCAP additional case types</li> <li>• CARE Provider Payments - 2009</li> <li>• Point of Sale Payments into District &amp; Juvenile Court - 2010</li> <li>• Justice Court statewide converted to CORIS database- 2011</li> <li>• Xchange web application - 2011</li> <li>• Judicial Workspace - 2012</li> <li>• DocList &amp; DocNotes - 2012</li> <li>• eWarrants integration with Department of Public Safety (DPS) - 2012</li> <li>• Jail Release Agreement - 2012</li> <li>• Protective Orders (PO) system &amp; DPS interface- 2012</li> <li>• Voice (Guardian Ad Litem application)- 2012</li> <li>• Transcripts - 2012</li> <li>• Agency Interfaces (30+ Web Services) - 2012</li> <li>• Template Manager/Template Resolver - 2013</li> <li>• MyCase for Juvenile Court – 2013</li> </ul>	<ul style="list-style-type: none"> <li>• Digital Signatures – 2013</li> <li>• Juvenile Warrants (Removal, ICWA, Runaway) - 2013, 2019</li> <li>• eFiling required in civil, probate &amp; domestic cases - 2013</li> <li>• eNotifications - 2013</li> <li>• DCFS Interface - 2013</li> <li>• Management Portal - 2014</li> <li>• CARE AG Portal - 2014</li> <li>• Deny/Dismiss POs- 2014</li> <li>• AIS Workspace (Appellate Courts) - 2015</li> <li>• eFiling criminal cases: required for all filings - 2015</li> <li>• Digital signing of orders and rulings - 2016</li> <li>• eFiling in Justice Courts - 2016</li> <li>• Hearing Notifications (Autodialer) - 2018</li> <li>• Jury system rewrite and juror payment processing interface to FINET 2018</li> <li>• Probable Cause/PSA - 2018</li> <li>• Online Dispute Resolution (ODR) – 2018</li> <li>• MyCase Phase 1 - 2018</li> <li>• Problem Solving Courts - 2019</li> <li>• Pre-Sentence Investigation request- 2019</li> <li>• Online Court Assistance Program upgrades and interface supports-2019</li> </ul>
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The following bar chart describes the new and/or changes in application functionality fulfilled by quarter.



The following chart lists the new or enhanced application project requests. Based on current development staffing and prioritizing critical projects first, the chart shows how long it would take to complete the projects. The red represents critical projects needed by the judiciary and the yellow are the remaining projects.



**2A. The following is an explanation for the request of \$450,000 in on-going money for the continued subscription service of critical network, application and device cyber security software and devices:**

In 2018, the new Courts CIO asked the Judicial Council to conduct a cyber security assessment of the courts network systems and devices. The results of this assessment

showed the Court's courts data and network were substantially at risk. When reporting out the information to the Judicial Council they decided to pause some existing priorities and move one-time funds to purchase security software to obtain the required protection to detect and prevent cyber-attacks. With budget cuts, one-time money is no longer available. IT went through a negotiation to get all of the software at a discounted price by purchasing a three-year bundle. In May of 2022, this initial three-year security software purchase will term out and need to be converted to annual on-going funding to support the security software packages needed to protect the courts and their data.

**3A. The following is an explanation for the request of \$72,000 of on-going money for the upgrade/subscription service of Microsoft Software:**

The courts have relied on Microsoft Office products because it is the standard for documents in the legal field. To support the work of the courts we need Microsoft software. There are currently 1,540 devices across the state that have MS Office 2010 installed. This version of Microsoft office will no longer be supported as of October of 2020, and will no longer be patched for security. This will put the courts at higher risk of cybersecurity attacks.

This \$72,000 request is to begin to move licensing to MS Office 365 subscription services during the 2022 Fiscal Year.

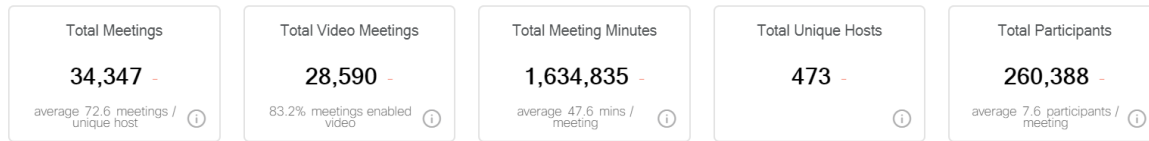
**4A. The following is an explanation for the request of \$25,000 of on-going money for the increased bandwidth needed in rural Utah courts to support the technology and patrons including video hearings:**

In rural Utah the internet bandwidth is very low and, in most cases, no more than a 10-megabit line. Most homes in the metropolitan portion of the state have more internet capacity than our courthouses. Rural courthouses would often hit max capacity in pre-COVID times. Post-COVID with the use of more video hearings to enable people both outside and inside the courtroom to safely view and participate in the court proceedings, the need for greater bandwidth in rural courthouses has increased dramatically. The current bandwidth is no longer adequate for the needs. Providing rural courts the ability to conduct in-custody hearings over video also eliminates the need to transport in some cases. We need to ensure internet capacity is high enough to handle both in-person and out-of-courtroom proceedings smoothly.

**5A. The following is an explanation for the request of \$45,000 of on-going funds to supply the additional WebEx licenses needed to conduct video hearings across the state:**

The Courts were previously holding video hearings in some portions of the state for things like first appearance and law and motion. With COVID, the Courts had to react quickly to the need to conduct as many hearings via video to ensure we met our patrons' constitutional right to speedy access to justice. With the need to do this more broadly we used one-time money to expand our footprint with WebEx to all Judges,

Justices and critical court staff. We need to maintain this capability and seek ongoing funds to do so. As of today, we have been able to conduct –



**6A. The following is an explanation for the request of \$210,000 of on-going funds to support 2 additional staff for the Online Court Assistance Program (OCAP):**

OCAP is a program that helps generate approved court forms for litigants, most of whom are self-represented. OCAP interviews a litigant on-line with a series of questions and populates court approved forms with the answers. For self-represented litigants, the OCAP system is often the only available means to file or respond in a court case.

OCAP is in demand. OCAP is used most frequently in divorce and eviction cases. In fiscal year 2018, 5,284 divorce cases were filed using OCAP. This represents 42% of all filings and 65% of all filings submitted by self-represented litigants. It is essential that OCAP is maintained and improved in order to meet growing demand.

Since OCAP's inception, the original list of OCAP interviews has grown significantly. OCAP currently has 50 different interviews, each correlated to specific court forms. Both the interview screens and the forms require constant maintenance. We have received requests to add additional case interviews. Additionally, the OCAP team is working to build an interface for licensed paralegal practitioners (LPP). The additional staff would help to update and maintain these interviews and the documents generated from these interviews.

OCAP users are frequently unable to access the system. OCAP was developed by a group outside of IT and has not been subject to standard monitoring, security protocols, and development processes. Because of this, it has resulted in severe stability issues and security concerns. Additional staff will be dedicated to securing, stabilizing and growing OCAP.

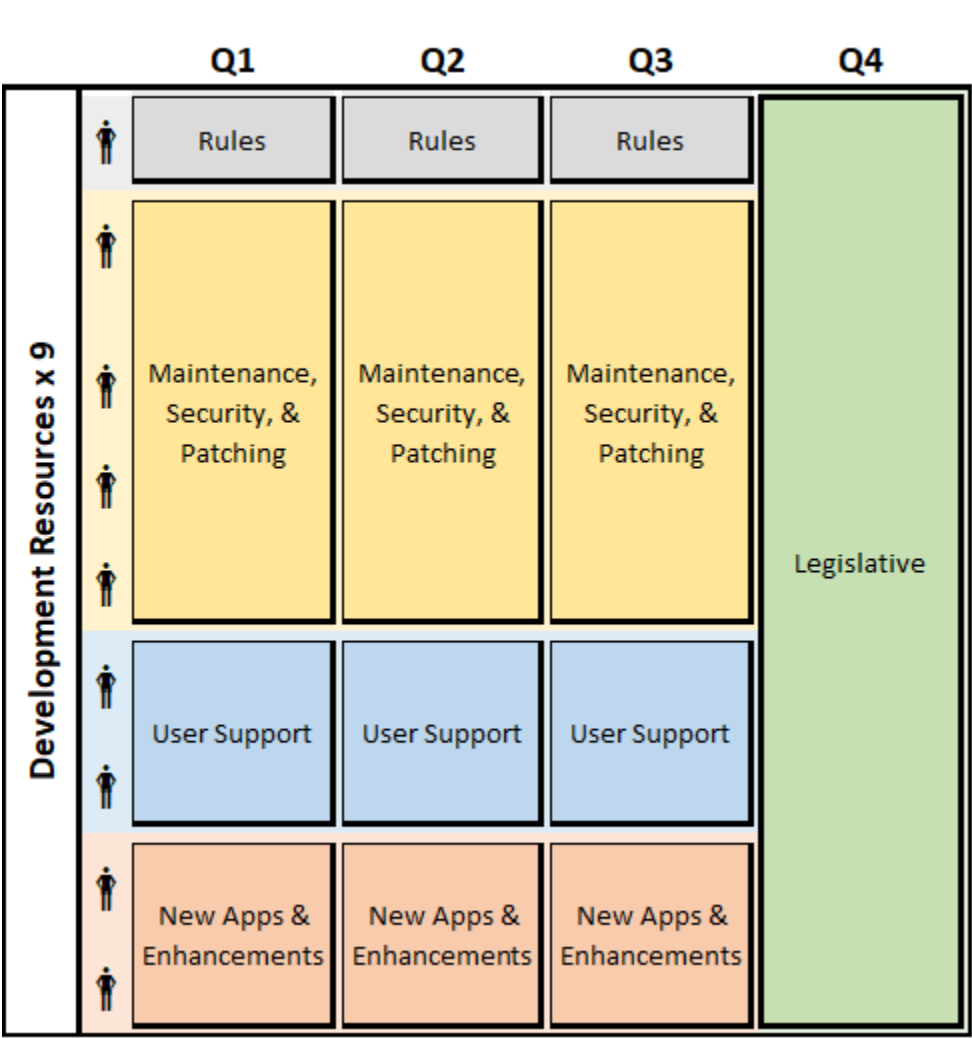
**DETAILED REQUEST OF NEED:**

**1B. DETAILED REQUEST for \$650,000 of on-going money for 6 staff to support IT infrastructure and development:**

- a) Summarize the current budget for this system or program  
The current budget is \$4.3M
- b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)

Our current staffing does not allow the courts to meet changing technology needs and demands. The additional 6 staff will allow us to increase our capacity in critical development, maintenance and security.

The following diagram shows the yearly allocation of development resources to support courts IT systems.



**c) What has already been done to solve this problem with existing resources and what were the results?**

We triage work. We are creative and develop temporary solutions where possible. We evaluate efficiencies. Even combined, these efforts are insufficient solutions. Between April and August 2019, the IT department has received an additional 1.6 years’ worth of development requests. When added to our existing backlog, based on our current staffing levels it would take 10-years to meet the current backlog. We are at maximum capacity at current staffing and we cannot keep up with current needs or improvements.

**2B. DETAILED REQUEST FOR \$450,000 of on-going money for the continued subscription service of critical network, application and device cyber security software and devices:**

**a) Summarize the current budget for this system or program.**

The courts do not have on-going funding to support the continued need to have cyber security software. The original purchase was made with one-time funding after an external firm did an assessment and found we were largely missing what was needed to adequately protect the courts and its data.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

The courts could continue to ensure its network, applications and data are protected from cyber-attacks.

**c) What has already been done to solve this problem with existing resources and what were the results?**

The Courts supported the critical need for the protection against cyber attacks by purchasing the original need via one-time funding. With the budget cuts, one-time funding is no longer available.

**3B. DETAILED REQUEST FOR \$72,000 on-going money for the upgrade/subscription service to Microsoft Software:**

**a) Summarize the current budget for this system or program.**

The courts do not have on-going support for purchasing Microsoft Office products. As funding becomes available, the individual court districts independently purchase licenses for each user's machines.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

The courts have relied on Microsoft Office products because it is the standard for documents in the legal field. To support the public, we need to be able to continue to use Microsoft software.

**c) What has already been done to solve this problem with existing resources and what were the results?**

The Courts have reduced the number of Microsoft users to those who need Microsoft as a critical function of their job.

**4B. DETAILED REQUEST FOR \$25,000 on-going for the increased bandwidth needed in rural Utah courts to support the technology and patrons including video hearings:**

**a) Summarize the current budget for this system or program.**

There is no current funding to increase the bandwidth in the rural locations of the state.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

The rural courthouses will be able to effectively support both in-person and virtual court proceedings.

**c) What has already been done to solve this problem with existing resources and what were the results?**

The court has had to when the courthouse exceeds capacity remove patrons and attorneys from the public wireless network ensure court gets priority. This is a disservice to the public as we do provide them access to get to critical documents during court proceedings.

**5B. DETAILED REQUEST FOR \$45,000 on-going funds to supply the additional WebEx licenses needed to conduct video hearings across the state:**

**a) Summarize the current budget for this system or program.**

There is no current funding for additional WebEx licenses to ensure we can conduct virtual hearings at all courtrooms in the state.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

The Courts could continue providing video court proceedings statewide post COVID. This has been proven beneficial to failure to appear rates.

**c) What has already been done to solve this problem with existing resources and what were the results?**

The courts were able to receive CARES act funding to provide the WebEx licenses for this year but need to have the ongoing funding to continue this benefit to the public.

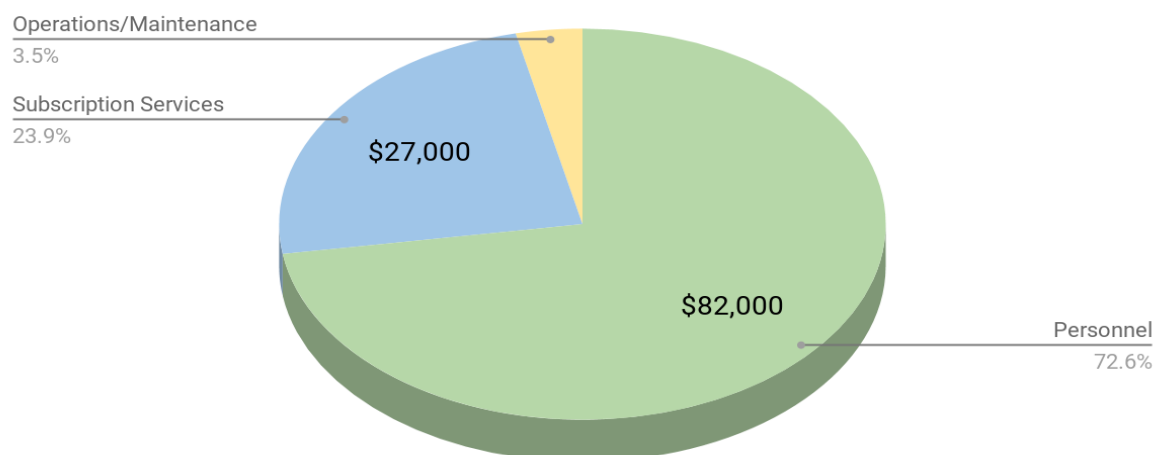
**6B. DETAILED REQUEST FOR \$210,000 for on-going funds for 2 staff to support the Online Court Assistance Program (OCAP):**

**a) Summarize the current budget for this system or program.**

The current funding for the OCAP system is a restricted account created by the legislature when OCAP was originally formed. The restricted account allows the courts to spend on OCAP only what is allocated to the account through the document preparation fees from the previous year. Since the funding source is based on filings, the annual amount varies from year to year. In FY2018, the OCAP budget was \$113,000. Personnel costs, including wages and contracts for personnel and consultants, comprised most of the budget using \$82,000. An additional \$27,000 was used to pay for the subscription service HotDocs,

which generates the documents based on the OCAP interviews. The remaining \$4,000 was spent on operational costs including maintenance for hardware and software.

## OCAP Spending FY2018



**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

OCAP users are frequently unable to access the system. OCAP was developed by a group outside of IT and has not been subject to standard monitoring, security protocols, and development processes. Because of this, it has resulted in severe stability issues and security concerns.

With increased resources for IT, OCAP will be supported by standard development processes, security protocols, monitoring and tools, and can update and maintain patron interviews and documents generated from these interviews. The integrity of the OCAP system goes to the very heart of the courts' mission to ensure access to justice for individuals who are self-represented.

**c) What has already been done to solve this problem with existing resources and what were the results?**

The courts installed a new OCAP server in September 2018 to address problems with the difficulty patrons were having access the system. This did not resolve the problem.

### COST DETAIL:

**1C. COST DETAIL FOR \$650,000 on-going for 6 IT staff to support IT infrastructure and development:**



**a) How will new funding be utilized?**

The funding will be used to bring on additional staff in the application development area. This along with removing some of the less critical requests will allow us to be more effective in delivering new functionality to support the courts and the public.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

We anticipate a 60% increase in application development hours.

**c) What are potential negative effects if the funding is not received?**

The important advancements which the courts have launched in recent years to improve access to justice including e-filing, OCAP, and ODR require an investment in IT resources. Without this investment the critical functions of the courts will be compromised.

**2C. COST DETAIL FOR request of \$450,000 on-going money for the continued subscription service of critical network, application and device cyber security software and devices:**

**a) How will new funding be utilized?**

The new funding will be used to ensure the cyber security software continues.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

The results of the funding will ensure we can continue to defend the millions of attempted attacks against the courts network.

**c) What are potential negative effects if the funding is not received?**

The Courts will become vulnerable to hacking and ransomware.

**d) How will new funding be utilized?**

The funding will be to pay the annual maintenance costs for the cyber security already installed in the courts network.

**3C. COST DETAIL OF request of \$72,000 on-going money for the upgrade/subsorption service of Microsoft Software:**

**a) How will new funding be utilized?**

The funding will be used to ensure the users will be on a current and supported version of Microsoft Office.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

The courts will have a version of Microsoft that is supported and is not subject to security breaches. The results will be tracked by the number of the license upgrades performed on each device.

**c) What are potential negative effects if the funding is not received?**

If the MS Office 2010 software is left on the devices the courts will be at unacceptable risk of cyber-security attacks.

If the software is removed from the devices without a replacement, judges, legal staff, and others will not have access to critical tools to do their jobs.

**4C. COST DETAIL FOR request of \$25,000 on-going for the increased bandwidth needed in rural Utah courts to support the technology and patrons including video hearings:**

**a) How will new funding be utilized?**

The new funding will be utilized to pay the rural internet provider the increased costs for greater bandwidth.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

The rural locations will be able to effectively use video (WebEx) and in person court proceedings while allowing the much-needed public access internet. Court proceedings will not be interrupted or fail when it exceeds present bandwidth capacity.

**c) What are potential negative effects if the funding is not received?**

The rural court locations will continue to have internet stability issues. This can interrupt court proceedings and cause delays in a hearing.

**5C. COST DETAIL FOR request of \$45,000 on-going funds to supply the additional WebEx licenses needed to conduct video hearings across the state:**

**a) How will new funding be utilized?**

The new funding will be used to allow every judge and critical Court resource across the state of Utah to have a WebEx license to conduct video hearings, meetings and committees.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

This will result in the ability to have video hearings. This should result in a large reduction in prison transport needs and travel expenses related to meetings in a specific location. The WebEx Platform allows us to track the usage of meetings including times and attendees.

**c) What are potential negative effects if the funding is not received?**

The courts will have to revert back to holding in-person hearings at many locations. The state of Utah will have to go back to transporting prisoners for hearings like first appearance and law and motion.

**6C. COST DETAIL FOR request of \$210,000 for the on-going funds to support 2 staff for the Online Court Assistance Program (OCAP):**

**a) How will new funding be utilized?**

The new funding will be used to hire 2 employees to develop and support OCAP.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

The additional employees will establish criteria to measure all aspects of OCAP performance and security, create and maintain interviews, respond to system inquiries, and support the OCAP program.

**c) What are potential negative effects if the funding is not received?**

The system will continue to have stability issues. In the last year, the system has required several reboots a day in an attempt to keep it available. Although those reboots help, the Self-Help Center is still receiving feedback from patrons that it is unavailable almost daily. The system has not had a full security review and if not funded it will remain vulnerable to hackers.

**ALTERNATIVES:**

**1D. ALTERNATIVES TO THE \$650,000 on-going money for 6 staff to support IT infrastructure and development:**

**Are there Alternative Funding Opportunities for the Business Case?**

The technology needs and demands of the Courts have far outpaced our ability to find alternative funding. Today the Courts have turned to technology to effect efficiencies, safety and provide greater access to justice. Ongoing investment in technology is both anticipated and required to realize the benefits from this approach.

**2D. ALTERNATIVES TO THE request of \$450,000 on-going money for the continued subscription service of critical network, application and device cyber security software and devices:**

**Are there Alternative Funding Opportunities for the Business Case?**

See above

**3D. ALTERNATIVES TO THE request of \$72,000 on-going money for the upgrade/subscription service of Microsoft Software:**

**Are there Alternative Funding Opportunities for the Business Case?**

See above

**4D. ALTERNATIVES TO THE request of \$25,000 on-going for the increased bandwidth needed in rural Utah courts to support the technology and patrons including video hearings:**

**Are there Alternative Funding Opportunities for the Business Case?**

See above

**5D. ALTERNATIVES TO THE request of \$45,000 on-going funds to supply the additional WebEx licenses needed to conduct video hearings across the state:**

**Are there Alternative Funding Opportunities for the Business Case?**

See above

**6D. ALTERNATIVES TO THE request of \$210,000 for the on-going funds to support the 2 new resources for the Online Court Assistance Program (OCAP):**

**Are there Alternative Funding Opportunities for the Business Case?**

See above

# **Tab 3**



# FY 2021 / FY 2022 BUSINESS CASE

**Agency:** Judicial Branch (Courts)

**Request Title:** Commissioner Salary Parity

**Presenters:** Shane Bahr, Commissioner Blomquist, Commissioner Tack

**Request Amount & Source:** General Fund

FY 2021 One-time	FY 2022 One-time	FY 2022 Ongoing	Total Request
\$0	\$0	\$92,500.00	\$92,500.00

## Objective:

**This award would restore commissioners' salaries to the previous standard of 90% of judicial salaries, which would promote both retention and recruitment of qualified commissioners.**

## Executive Summary

From their inception, court commissioners' salaries were set at 90% of a district court or juvenile court judge's. At one point, this ratio was memorialized by rule. Commissioners administer a court calendar, make rulings, and are subject to the same ethical requirements as a judge. Concomitantly, commissioners share the same restrictions regarding supplementation of income as a judge. Yet, in recent years it was determined that commissioners' salaries would not remain at the traditional 90%. There was no basis for the decision related to the commissioners' performance; it appears to have been entirely a budgetary issue.

The commissioners appreciate that budgets are always tight and subject to fluctuation. But since the decision to drop salaries below 90%, morale has significantly declined. One commissioner returned to private practice, and the four who were eligible to retire either have retired or will do so imminently. In short, there has been a turnover of 50% since the failure to maintain step with judicial salaries. In the interest of retention of quality commissioners and attracting the best replacements, this request is made to restore commissioners to the promised 90% figure.

## History and Background of Request:

This request was initially submitted for FY 2021 and was included in the Judicial Council's priority list for the legislature. The legislature approved the request, but the budget shortfalls anticipated due to COVID-19 compelled reconsideration. The request is now resubmitted for consideration in FY 2022 in hopes that the economic situation will have improved enough for its approval.

## Detailed Request of Need:

- a) Summarize the current budget for this system or program.

Commissioners are currently paid \$144,200 per year, which is approximately 84.5% of a district court judge's salary at \$170,500.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

Court commissioners were established by statute in the early 1960's. (See U.C.A. § 78A-5-107, formerly § 78-3-31). They are quasi-judicial officers tasked to handle family law cases except for the final trial. Family law cases are particularly time-intensive because of the number of motions involved, from a motion seeking initial temporary orders to motions for orders to show cause to enforce the orders. Commissioners have the authority to rule on all motions, including dispositive motions.

All of a commissioner's rulings are subject to review by a district court judge. Orders based on commissioners' recommendations are counter-signed by a judge. If a party takes issue with a recommendation, he or she has the right to object to the recommendation and have the objection heard by a judge.

Pursuant to Rule 101 of the Utah Rules of Civil Procedure, every motion to be heard by a commissioner must be set for a hearing. This means that a commissioner's schedule is heavy on bench time. In addition, the commissioners must read the documents submitted for every hearing. Even with the newly-established page limit, it is possible for a commissioner's reading to reach 500 pages per day to be prepared for his or her hearings.

And the cases assigned to commissioners are some of the most stressful because of the conflict inherent in family law. In addition to their motion calendars, each commissioner (except one) holds a protective order calendar every week to address domestic violence and abuse allegations. Commissioners must cope with the same or greater post-traumatic stress as judges from the constant barrage of cases involving violence and high levels of conflict. Commissioners face the same risk of burnout or other mental health issues, but a commissioner must work 30 years to earn retirement as opposed to 10 for a judge.

Over the past five years, the work performed by commissioners has increased. For example, commissioners have worked with local bar members to promote access to justice by holding special calendars on a weekly or monthly basis where volunteer attorneys are provided for self-represented litigants. These calendars take a tremendous amount of work to organize, prepare case packets for counsel, and ensure the availability of volunteers.

Commissioners are also conducting a growing number of informal trials. Rather than take up two to three days of a judge's time and wait months for a trial date, some parties choose to stipulate to present their evidence in an informal manner to a commissioner. The commissioner will then make factual findings and a recommendation as to the outcome of the case, and the judge will enter the final order based on the recommendation. For the commissioner, an informal trial requires the same quality of ruling as would be expected of a judge following a full trial, but with less time and, usually, much less information. But commissioners cheerfully conduct informal trials because they are an invaluable for self-represented parties and those who have counsel but cannot afford \$10,000 to pay for a full trial.

**c) What has already been done to solve this problem with existing resources and what were the results?**

Nothing has been done to address the problem. Commissioners are increasingly taking on more responsibility, as caseloads rise and commissioners are holding more evidentiary hearings and trials to

assist the judges. Over the same time period, the evaluation and retention process has grown increasingly strict to ensure that job performance is not only adequate, but exemplary. Commissioners have no ability to achieve a salary increase via increased training or promotion. Ample provisions have been enacted to address performance concerns, but nothing is in place to reward the hard work and degree of excellence that is common amongst the commissioners. The commissioners appreciate that nothing short of excellent performance should be expected, but they also deserve to be compensated accordingly.

**Cost Detail:**

**a) How will new funding be utilized?**

To bring commissioners' salaries back to the historical standard of 90% of judicial salaries.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

Commissioner retention rates should remain steady, with the goal that no commissioner leaves office to resume private practice for financial reasons. As there are only 10 commissioners, the results may be easily tracked.

**c) What are potential negative effects if the funding is not received?**

There is the possibility of losing more commissioners to private practice, which is much more lucrative, as well as the paucity of qualified candidates who may apply to replace them. Commissioners will also retire as soon as it is feasible, depriving the bench of their experience and competence.

**Alternative Funding Opportunities: None**



# Tab 4



# FY 2021 / FY 2022 BUSINESS CASE

**Agency:** Judicial Branch (Courts)

**Request Title:** Child Welfare Mediator

**Presenter:** Nini Rich

**Request Amount & Source:** General Fund

FY 2020 One-time	FY 2021 One-time	FY 2021 Ongoing	Total Request
\$0	\$0	\$55,000	\$55,000

## Objective:

To improve access to justice in Utah by providing ongoing funding to replace one-time funding for a half-time child welfare mediator in the Child Welfare Mediation Program serving Juvenile Court Dependency cases.

## Executive Summary

Child Welfare Mediation is a collaborative decision making process that has been shown to lead to better outcomes for children and families. Meeting the needs of children and families is an important part of the Utah judiciary's mission to provide an open, fair, efficient, and independent system for the advancement of justice under the law. The purpose of this request is to provide ongoing funding for a half-time Child Welfare Mediator that is currently funded with one-time money. The increase in mediation referrals from Juvenile Court Judges (over 12% since FY2014) has resulted in crowded mediation calendars and increasing difficulty for judges to get cases mediated within tight statutory timelines. The majority of cases must be scheduled within a timeframe of 2 weeks or less from the date of the judge's order.

The one-time funding of an additional half-time mediator in FY19 and FY20 greatly reduced the mediation calendar congestion as well as scheduling complaints from the court and counsel. It has also addressed the problem of leaving some families without access to the benefits of participating in a collaborative decision making process that has been shown to lead to better outcomes for children and families.

**Covid-19 Update:** In April 2020, in response to the Covid-19 pandemic, the Child Welfare Mediation Program began mediating all cases online. Monthly case referrals doubled within the first 2 months and as of July 31, case referrals are back to pre-pandemic levels. We expect the demand for Child Welfare Mediation to continue at current rates with a possible surge in referrals once school children return to in-person classroom attendance.

## History and Background of Request:

Child Welfare Mediation Program referrals have grown steadily since its inception in 1997. Since 2001, the program has received more than 19,000 mediation referrals from Juvenile Court judges statewide in cases alleging child abuse and neglect. The steady increase in referrals is tied to the empirical success of the program as measured by resolution rates and increased collaboration among parties rather than the number of Child Welfare cases before the court.

Child Welfare mediators are assigned approximately 1,400 mediations each year. The mediations can be referred at any stage of a dependency case from removal of the children to termination of parental rights but over 70% are referred pre-adjudication, in the earliest stage of the case. The five full-time mediators are assigned an average of 255 mediation sessions per year and the half-time mediator covers approximately 125 mediations. The mediation team has a consistent full-resolution rate of over 90% with an additional 3-4% partially resolved. The program's effectiveness in resolving cases has resulted in a decrease in the number of trials as well as an increase in the cooperation among parents, DCFS, counsel, and the Courts, resulting in better outcomes for families.

Detailed Request of Need:

**a) Summarize the current budget for this system or program.**

The total cost for salary and benefits for this half-time position is \$54,947 and has been funded one-time for the past 2 years.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

The ongoing funding of the half-time mediator will continue to solve the problem of mediator availability to complete mediation sessions within timeframes that enable judges to meet statutory timelines

Fiscal Period	Number of Mediation Referrals	Average Annual Referral
2014-2016	3880	1293
2017-2019	4247	1416

**c) What has already been done to solve this problem with existing resources and what were the results?**

We work individually with each district to solve scheduling and mediator availability issues. We have found that having "live" scheduling assistance from 8 a.m. - 5:30 p.m. helps a great deal. However, twenty years of program history has demonstrated that it takes at least one mediator for every 250-255 referrals to ensure that a mediator is available when a judge orders mediation. An additional half-time position has been funded with one-time money in FY19 and FY20. The results have been a reduction in scheduling complaints, an increase in referrals and fewer days where mediator availability is decreased due to annual or sick leave.

Cost Detail:

**a) How will new funding be utilized?**

The new funding will be used to fund a half-time Child Welfare mediator on an on-going basis.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

We have already seen that the addition of a half-time mediator has increased mediator availability and reduced scheduling complaints from judges and counsel. We have also been able to accommodate an increase in mediation referrals to the program. We track the number of referrals each year as well as the resolution rates to be sure we are maintaining consistent

quality of service. In addition, we attend collaborative stakeholder meetings and Agency meetings regularly in each district to ensure we are aware of any concerns or complaints from stakeholders.

**c) What are potential negative effects if the funding is not received?**

The feedback we receive from Judges, Assistant Attorneys General, Parental Defenders, Guardians ad litem and DCFS consistently indicates that mediation reduces the number of trials and allows parents to participate in a collaborative decision making process that improves working relationships, increases compliance with service plans and results in better outcomes for children and families. If we do not have enough mediators to cover requests, some families will not have the opportunity participate in mediation which has a range of consequences related to their success in rectifying the circumstances that brought them under the jurisdiction of the court.

**Alternative Funding Opportunities:**

None known at this time

# Tab 5



## FY 2021 / FY 2022 BUSINESS CASE

**Agency:** Judicial Branch (Courts) - Public Information Office  
**Request Title:** Public Outreach and Education Coordinator (Coordinator I)  
**Requester:** Judge Hruby-Mills, Judge Mrazik, and Geoffrey Fattah  
**Request Amount & Source:** General Fund

FY 2021 One-time	FY 2022 One-time	FY 2022 Ongoing	Total Request
\$0	\$0	\$100,000.00 (Midpoint Salary w/ Benefits, plus travel and equipment)	\$100,000.00

### Objective:

The Standing Committee on Judicial Outreach is requesting 1 FTE to provide much-needed support for public outreach and education in all corners of Utah's communities. This need has been amplified due to the COVID-19 pandemic and its future impact in years to come.

### Executive Summary:

Based on past recommendation by the courts' Racial and Ethnic Fairness study to invest more time and resources toward actively reaching out to marginalized communities, based on a national call by NCSC and the SCOTUS Chief Justice to provide more public education about the role and functions of the Judicial Branch, and based on the identified urgent need to reach self-represented litigants during a time of social and economic uncertainty, the **Committee on Judicial Outreach** and the **Committee on Resources for Self-Represented Parties** recommends the creation of a Public Outreach and Education Coordinator position under the Public Information Office. The courts can no longer rely upon limited resources and the good will of judges and staff to volunteer time to spearhead outreach to various communities in need. A more formal and coordinated effort is needed to forge important partnerships and educate community leaders, and social workers. This position is expected to be added to the new Office of Fairness & Accountability to aid the office in its mission to provide educational outreach to marginalized communities.

### History and Background of Request:

Currently, the duties of community outreach and public education are handled by the Courts' Communication Director. Over time, the Committee on Judicial Outreach has concluded that breaking down barriers of distrust that exist in some communities requires much more time and resources than what one person can provide. Also, the Committee on Resources for Self-Represented Parties has identified the lack of adequate staff resources to reach self-represented parties who could greatly benefit from court services. Reports from the Self-Help Center and outside legal organizations show there is a disconnect between the services the courts provide for disadvantaged and underserved communities, and the people who need them.

The Utah Commission on Racial and Ethnic Fairness (1998-2004) [issued its first annual report and recommendations in January 2003](#). The goals of the commission were to: achieve equality and justice for all people, encourage implementation of equitable practices, and institutionalize accountability. Among the Commission's recommendations (Pg.13), was the call for "building partnerships with Community Resources and Outreach through the State Office of Education, the Judicial Council's Public Outreach Committee, the Minority Bar Association, the Utah State Bar and communities of color..." "The Judicial Council's Public Outreach Committee should take the lead in helping communities to understand the court process by considering implementation of the following: civics classes for minority communities, tours of the courts for schools and youth clubs, Meet the Judges nights, and having a Court - Community Outreach effort to link the courts and the public." (Pg. 36).

In an effort to accomplish this outreach directive, the Judicial Council adopted [Rule 3-114 of the Code of Judicial Conduct](#). The Standing Committee on Judicial Outreach has implemented school tours, public education resources for judges and teachers, and the Judge for a Day student/judge shadowing program. Statewide, many judges have volunteered to speak at their local schools. But, more needs to be done.

In an effort to reach out to marginalized communities, the Utah Courts hosted several judicial forums over the course of a three-year period (2013-2016) in Orem, Provo, West Valley, Salt Lake City and Ogden. Community attendance of these forums was sparse; prompting discussion by Judicial Outreach and Community Relations Subcommittee members about ways to increase participation. Community representatives in both bodies advised that there exists deep distrust and lack of education among many minority communities. The lack of public participation is an indicator that the Courts need to invest more time and resources toward building relationships with Utah communities, and community-based organizations. Several organizations who work within Utah Hispanic communities have told the Courts that more time needs to be spent forging relationships with groups who work within marginalized communities.

The Courts Self-Help Center has done its best to ensure some limited presence by the Courts at community events, but staff time and resources are very limited. What is needed is a coordinator who can work with already-established, community-based workers and organizations to provide education and training on where people in need can go for help with legal issues, and just as importantly, how the justice system works.

This type of community work is time-intensive. While our judges and staff members are dedicated to help in this regard through volunteering with outreach efforts, it will require more staff resources than is currently available.

Significant effort has been invested by the Courts to study, identify needs, and implement important services for self-represented and underserved parties. However, recent studies continue to show that many people have trouble finding and accessing those services ([Key Findings - "The Justice Gap, Addressing the Unmet Legal Needs of Lower-Income Utahns," Utah Foundation, April 2020](#)). The Courts must take a more active role in narrowing the access to justice gap. While providing one FTE position will not completely eliminate this gap, it will be a much-awaited, good-faith investment by the Courts. During and after the COVID-19 pandemic many Utah residents will turn to the courts for help in domestic, landlord/tenant, small claims, and employment matters. Given the radical changes to court services, the public will need help understanding how to get help in the months, and possibly years, to come.

A secondary benefit to the Public Outreach and Education Coordinator position is it will allow the Courts Communication Director to focus on the growing issue of public misinformation about the courts.

[A recent study points to Russian efforts to undermine the American public's trust in its governmental institutions.](#) While it may sound surreal, there is evidence that Russia's efforts are being directed toward courts across the country. We have seen at least two incidents in which news and social media reports on two Utah judges were amplified with the intent to sow distrust in Utah's courts. One involved the sentencing by a female judge for a Somali refugee who admitted to raping two white women at knife point. We saw evidence that the story was being circulated using "bot" accounts to push it in front of users who espouse hatred toward immigrants and minorities. We've also seen a similar pattern involving another female judge, where local criticism and disinformation regarding her sentences were amplified in a similar way. The National Center for State Courts is currently working with the authors of this study to create a resource manual to help courts combat misinformation campaigns.

One conclusion is that public education is a good inoculation to disinformation. NCSC and the report's authors recommend that courts invest more resources in educating the public about the role and purpose of the courts. This should include working more closely with schools at all levels to make sure they have materials and information about the courts, as well as working with community-based organizations to help train community-based caseworkers on the functions and services the courts provide.

There will also be secondary benefits to expanding staff within the Office of Fairness and Accountability. With the expansion of staff resources, the Courts Communication Director proposes to review the way the Courts handle judicial criticism and attacks upon the judiciary, and to explore the formation of a fast-response team comprised of the Courts, Utah Bar, JPEC, JJCC and legal higher education. It is also proposed to create a judicial speakers bureau comprised of retired judges who would volunteer to serve as subject-matter experts to the public and media. Additional education opportunities could be created through social media and marketing.

The newly created Office of Fairness and Accountability will need this Outreach Coordinator in order to fulfill its charter mission of connecting to diverse communities and forging much-needed working relationships.

#### **Detailed Request of Need:**

**a) Summarize the current budget for this system or program.**

The Public Information Office budget (Unit 2440) does not have funds to support adding 1 FTE. However, with the creation of the Office of Fairness and Accountability, a new budget and unit may be created.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

While community outreach and education needs have been identified, the Communication Director and the director for the Office of Fairness and Accountability will have limited time to dedicate to effective outreach. Unlike some other government organizations (Health Department, Public Safety, Human Services) the Judicial Branch currently relies on one FTE for media relations/public outreach/publications/social media/marketing. The Communication Director currently spends an estimated 80% of his time involved in managing media, including helping with information/data requests, explaining processes, training media, and aiding judges statewide with high-profile cases. On average, the Communication Director handles 62 media inquiries a month, and an average of 24 Camera



Pool requests a month. In addition, the director is also in charge of publications, such as the Annual Report, and internal communication, such as the court newsletter. The director also monitors the Courts' social media accounts (Twitter, Facebook, YouTube) at all times. Creating a Public Outreach and Education Coordinator position would provide more resources needed to accomplish the outreach and education needs previously identified. The alternative would be to allow unfamiliarity and distrust to build within communities.

The new director will also be tasked with setting up improved racial data gathering/analysis, as well as coordinating implicit bias training for judges and court staff. In addition to interfacing with outside organizations, such as CCJJ and the Utah Bar, these duties will take up most of the director's time.

While it is recognized that Utah will face some serious budget cuts to government entities, both committees would argue that this outreach support will be needed now more than ever.

**c) What has already been done to solve this problem with existing resources and what were the results?**

We have attempted to conduct outreach efforts with current resources, but with little success. Public events are not well attended and community representatives indicate the Courts need to invest more time establishing relationships with those within marginalized communities who could help us educate. A new FTE position would allow the Public Information Office to provide community-based training, be more of a resource to school teachers at all levels, and train court staff on outreach to have more of a presence at community events statewide. To date, limited administrative support has been offered to assist with outreach. While the gesture of support is appreciated, the situation will not improve until the Courts dedicate an FTE to public outreach and education.

**Cost Detail:**

**a) How will new funding be utilized?**

There exist several comparable positions in other court systems. We've identified several program coordinator positions in Colorado, Los Angeles, San Mateo, and Florida. Similar positions require a Bachelor's degree and usually several years of experience in education or community relations. Positions range from \$55,000 - \$100,000 annually with benefits. The Courts' salary range for a Program Coordinator I position is \$43,055 - \$64,729. Beyond position funding, additional funding may be needed for materials and travel. Midpoint with salary including benefits is about \$94,000. Beyond position funding, an additional \$6,000 in funds may be needed for equipment, materials, and travel.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

Creating this position will have an effect in two main areas:

- A full-time coordinator will open a new field of outreach that will inform and improve on court services, and help increase public trust and confidence in the courts. The Public Outreach and Education Coordinator will create outreach programs to provide training to community case workers, establish working relationships within marginalized communities, and create events tailored to feedback and needs of those communities. The coordinator will also act as an education resource for schools at all levels. The coordinator will work with educators to create a formalized educational experience about the Judiciary by providing mock trial materials,

worksheets about the courts, coordinate judicial speakers and tours well-timed with a school's curriculum.

- The traditional model of having the Bar come to the defense of the judiciary will be added to a more rapid response cadre of retired judges who can speak from experience and respond to rapidly evolving controversies. Following the recommendation of the Cyber-Attack report, the Communication Director will also coordinate a rapid-response cyber team to proactively respond to misinformation campaigns. Members of this team will include representatives from CCJJ, DHS (for juvenile matters), Utah Bar, JPEC, and legal experts from the two law schools. Efforts will include countering misinformation spread on social media as well as coordinated efforts to have problematic posts taken down by Social Media providers. NCSC is also proposing that it will establish relationships with representatives of all major social media companies on behalf of courts across the country.

Outreach results will be included in regular reporting to the Judicial Council through the Office of Fairness and Accountability.

**c) What are potential negative effects if the funding is not received?**

Not having a public outreach and education position puts the Courts at a disadvantage when it comes to shaping the public's perception of the Utah court system. There has already been identified the need to penetrate marginalized communities and educate them on services the courts can provide and demystify assumptions people have about the courts; either based on cultural differences, fear, or both. Members of our own advisory committees will speak to the need to forge relationships with community groups on a personal level, and that this effort takes time and dedication.

**Alternatives:**

The request is for an ongoing FTE position. This request was prioritized by the Council during the FY21 budget cycle, but was set aside from Legislative funding to be funded with cost savings funds, which turned out not to be possible. Seeking funding through grants for this FTE position would not be advisable, as the nature of this position requires a long-time commitment in order to work.

## 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. <b>The total ongoing budget for unit 2450 (Judicial Council) is \$152,500. This would reduce to \$52,500.</b> 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 <b>ongoing budget</b> 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. <b>This leaves \$100,000+ of ongoing budget available for repurposing to the Office of Equity and Accountability.</b> Periodically, the <b>one-time reserve portion</b> 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.
\$ 80,000	\$ 180,000	Ongoing Turnover Savings	Utilize surplus FY 2020 ongoing turnover savings. 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 approximately \$80,000 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 or Grant money for FY 2022
	\$ 280,000	Total Sources	

### Ongoing Uses

\$ 180,000	\$ 180,000	Fund Director (1 FTE) @ \$180K
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### One-time Uses

\$ 100,000	\$ 100,000	Fund Outreach Coordinator (1 FTE) @ \$80K (prorated for year 1) and Office expenses of \$20K
	\$ 280,000	Total Uses

# **Tab 6**



# FY 2021 / FY 2022 BUSINESS CASE

**Agency:** Judicial Branch (Courts)  
**Request Title:** PSA NCIC Funding - Ongoing  
**Presenter:** Keisa Williams  
**Request Amount & Source:** General Fund

FY 2021 One-time	FY 2022 One-time	FY 2022 Ongoing	Total Request
\$0	\$0	\$220,550	\$220,550

**Objective:** Significantly increase PSA auto-calculations to include arrested individuals with out-of-state criminal history, providing judges with 30% more PSAs on average per week.

**Executive Summary:** The Judicial Council allocated \$357,000.00 in one-time funding to develop technical programming that would allow humans to conduct manual reviews of PSAs with out-of-state criminal history and recalculate them automatically for submission to judges on a 24/7/365 basis statewide. That programming was completed on June 30, 2020.

Salt Lake County Pretrial Services has agreed to contract with the Administrative Office of the Courts to complete all necessary manual calculations. In order to handle the increased workload, Salt Lake County requires two full time employees and is requesting a 5-year contract with the court to ensure employee stability. The first year of the contract will be paid with one-time funding, but ongoing funding is required for the next four years and moving forward. The request is primarily for personnel to perform the work and increases with inflation annually (see Exhibit A). We are asking for the Year 5 ongoing funding amount to cover expenses, with the caveat that we will ask the legislature to make annual one-time reductions for any year where there is an excess of ongoing funds to budget, as follows:

5-year Total: \$1,044,545.00

1x Year 1:	Year 2:	Year 3:	Year 4:	Year 5:
\$198,014.13	\$201,914.18	\$207,945.70	\$216,113.97	\$220,557.02

**History and Background of Request:** In 2019, the Judicial Council allocated \$357,000 in one-time money to complete various programming projects to improve the functionality of the automated probable cause system and to increase the number of PSAs available to judges. The largest piece of that project was to address the issue related to out-of-state criminal history information received by the Court. When attempting to auto-generate a PSA, the system queries the FBI's national criminal history database. Unfortunately, nearly all of the information received from other states is incomprehensible to our systems. When that happens, we do not generate a PSA (approx. 30% of cases statewide per week). In order to resolve the issue, a human must review and interpret any out-of-state criminal history and rescore the PSA.

The new programming was completed June 30, 2020. Upon receipt of a probable cause affidavit (PC), the system will calculate a PSA using Utah data first. It will then query the national database. If there is a "hit" from another state, the PSA will be sent to a queue. A human will need to check the queue, pull up the national criminal history information, interpret that information, and change the PSA score when appropriate. The PSA would then be automatically re-generated and sent electronically to judges alongside PCs just as they are now. HB206 and emerging pretrial caselaw makes the availability of PSAs even more critical.

Because this process requires human intervention, the Court will need to allocate ongoing funding for the personnel needed to conduct calculations on a 24/7/365 schedule. Salt Lake County Criminal Justice Services (CJS) is willing to contract with the Administrative Office of the Court to conduct all manual calculations statewide. The SLCo pretrial services jail screening unit is already staffed on a 24/7/365 basis and the employees are experienced, specialized in interpreting criminal histories, possess all requisite BCI and NCIC certifications, and are regularly trained by CJS. In order to handle the increased workload, CJS requires two full time employees and is requesting a 5-year contract with the court to ensure employee stability. CJS has agreed to the inclusion of a termination clause allowing termination of the contract upon 30 days written notice, without cause, if legislative funding becomes unavailable.

Detailed Request of Need:

- a) **Summarize the current budget for this system or program.** Other than one-time funding for programmatic changes and the first year of the contract, there is no budget for this project.
- b) **What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)** See above. On average, PSAs are unavailable in 30% of cases statewide in any given week. This funding would resolve that issue, significantly increasing the number of PSAs available to judges.
- c) **What has already been done to solve this problem with existing resources and what were the results?** One-time funding of \$357,000 to complete technical programming and \$198,014.13 of one-time carryover funds to cover the first year of the contract, totaling \$555,014.13.

Cost Detail:

- a) **How will new funding be utilized?** See above
- b) **What are the anticipated results or outcomes of the new funding and how will the results be tracked?** An increase of approximately 30% more PSAs available to judges within 24 hours of arrest. All PSAs requiring manual calculations will be sent to a queue for review by pretrial services. All of that data will be tracked, including the number reviewed and calculated. Weekly reports are generated and reviewed by AOC staff.
- c) **What are potential negative effects if the funding is not received?** \$555,014.13 will have been wasted with programming capabilities that cannot be utilized. PSAs will not be generated on individuals with out-of-state criminal history. That is a critical portion of the population. With the new requirements for setting bail under HB 206 and constitutional protections in emerging pretrial caselaw, PSAs are even more essential. The lack of ongoing funding will result in a 30% reduction in the availability of PSAs, making pretrial release decisions very difficult.

Alternative Funding Opportunities: None

# Exhibit A

## SLCo Criminal Justice Services Cost Detail

### SLCo Criminal Justice Services

Cost to Hire 2 Pretrial Screeners Mid-Grade		FTE's	Description	Year 1	Year 2	Year 3	Year 4	Year 5	Notes
		2	Personnal	\$ 177,450	\$ 182,773	\$ 188,257	\$ 193,904	\$ 199,721	FTE
			Temp	\$ -	\$ -	\$ -	\$ -	\$ -	
Non-SLCo Assessments	19 per day								
Time	20 Minutes an Assessment								
	380 Total Minutes Needed For 19 Assessments	On-going	Operating	\$ 785	\$ 785	\$ 785	\$ 785	\$ 785	Phone Exp, Software Exp, etc.
	6.33 Total Hours for 19 Assessments Per Day	One time	Operating	\$ 1,778	\$ -	\$ -	\$ 1,778	\$ -	Computer, Phone, Monitor
Days needed per year	365 Days Per Year	10%	Admin Cost	\$ 18,001	\$ 18,356	\$ 18,904	\$ 19,647	\$ 20,051	
	2,312 Total Hours Needed Per Year		Total Cost	\$ 198,014	\$ 201,914	\$ 207,946	\$ 216,114	\$ 220,557	

FTE 2088 Paid Hours Per Year  
 Worked hours % 70% Time Study  
 Billable hours 1461.6 Billable Hours Per Year  
 2 FTE's  
 2,923 Hours Work Completed

### Assumptions:

19 Assessments a day  
 Takes 20 minutes a day to complete the assessments  
 3 assessments an hour  
 6.5 Hours a day to complete the assessments

AOC Internal Staffing Option – Not Selected Due to Higher Costs

AOC	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL
<b>Hardware</b>						
Internet	400	400	400	400	400	2,000
Computer supplies 280 x 4	1,120					1,120
Telecommunication equipment	280	280	280	280	280	1,400
<b>Software</b>						
Office (270), Adobe (335), Word and Excel (120)=725x2	2,900	2,900	2,900	2,900	2,900	14,500
Development time (On-Call/Notification System)	262,500					262,500
Ongoing maintenance	30,000	30,000	30,000	30,000	30,000	150,000
<b>Facilities</b>						
Servers	70,000	70,000	70,000	70,000	70,000	350,000
Database	12,000	12,000	12,000	12,000	12,000	60,000
<b>Operating</b>						
Infrastructure (IT Help desk)	20,000	20,000	20,000	20,000	20,000	100,000
Admin	25,000	25,000	25,000	25,000	25,000	125,000
Software (custom)	35,000					35,000
<b>Other</b>						
Training of employees (pre-implementation) (BCI and PSA cert)	500	500	500	500	500	2,500
<b>Hardware/Software</b>						
Software maintenance and upgrades	35,000	35,000	35,000	35,000	35,000	35,000
Laptops (incremental to the project)	12,000	12,000	12,000	12,000	12,000	12,000
<b>Personnel</b>						
Operations						0
On Call pay	25,506	25,506	25,506	25,506	25,506	127,530
**(\$17.47 X 24 hrs X 365/12 = \$12,753)	Assuming 4 people will take .5 of on call load (0.5 x 4 = 2) (\$17.47 = JAIL @ low range)					
<b>TOTAL COSTS</b>	<b>532,206</b>	<b>233,586</b>	<b>233,586</b>	<b>233,586</b>	<b>233,586</b>	<b>1,466,550</b>



# **Tab 7**



# FY 2021 / FY 2022 BUSINESS CASE

**Agency:** Judicial Branch (Courts)

**Request Title:** Automate Records Indexing Creation

**Presenters:** Judge David Mortensen, Brody Arishita, Larissa Lee

**Request Amount & Source:** General Fund

FY 2021 One-time	FY 2022 One-time	FY 2022 Ongoing	Total Request
\$0	\$210,000	\$0	\$210,000

## Objective:

To automate the process for creating an index for the appellate record on appeal. Our employees currently spend several hours manually putting together each index. The goal with automating record pagination is to reduce this time to zero.

## Executive Summary:

District and Juvenile Judicial Assistants collectively spend thousands of hours each year in putting together an index of each document in a given case that will go up on appeal. These employees manually take each document out of CORIS or CARE, combine them into one document, and stamp each page with a number. This is typically done online with saving each document in an employee's desktop and then manually combining and paginating the documents, but may also involve printing every page of the record—which at times numbers in the thousands—and manually paginating each page. The final record on appeal is one document that is not searchable by record number.

Automating this process will save the Courts significant resources and is long overdue. Although we have researched this function as part of our appellate efilg feasibility grant, this is completely independent from creating an appellate efilg system and creates efficiencies in District and Juvenile Courts right away without needing to wait until appellate efilg is up and running. In other words, even if appellate efilg is still several years down the road, automating this process will save thousands of District and Juvenile employee hours as soon as the automation function is complete.

While automating this process was desperately needed and made sense before the pandemic, the current budget cuts we are facing makes this proposal incredibly timely and necessary. District and Juvenile Trial Court Executives and Clerks of Court estimate that their employees currently spend almost 3,000 hours per year manually preparing these indexes. If funded, this project could be completed in two to three months and would easily cost less money in the first year it is implemented than we are currently spending in employee hours to manually complete the index for the record on appeal. Although the saved hours will not result in an immediate cost savings because, with the exception of the second, third, and fourth districts, these hours do not significantly contribute to any one judicial assistant's time, there will still be savings through eventual attrition and the ability to reassign the JA's duties to other critical tasks and needs that are not currently being met and would otherwise require additional resources to obtain.

This proposal is especially timely as the Courts consider abandoning de novo appeals and allowing Justice Court appeals to go directly to the Court of Appeals. If this recommendation is approved, it will significantly increase the number of hours required to manually paginate the record and prepare the index. This proposal would enable the Justice Courts to take advantage of digital pagination and index preparation.

### **History and Background of Request:**

District and Juvenile Judicial Assistants, Clerks of Court, and Trial Court Executives have long been aware of the massive amount of time required to prepare the appellate index, train others on how to prepare the index, and send the index to the appellate courts. It may take weeks and even months for these to arrive in the appellate courts, which delays resolution of appeals. Moreover, because of the monotony and time required to prepare the records on appeal, these are typically assigned to the newest and least trained employees and mistakes occur frequently, resulting in the need to supplement the record on appeal and increasing the time spent on record preparation.

As part of the awarded grant to study the feasibility of implementing an appellate efilg system in Utah, we conducted numerous interviews to determine and translate user priorities and issues that court personnel face in preparing an index for the record on appeal. Maliha Fawad, the Business Analyst hired for this grant, interviewed District and Juvenile Judicial Assistants to determine how to best create and streamline the process, eliminate redundant steps, and reduce inefficiencies. Ms. Fawad determined that our largest inefficiency was the time employees spend in creating the index. The interviewees agreed that preparing the index consumed an enormous chunk of their time and effort and left room for many errors because it is a manual process. Indeed, creating the indexes consumes so much time that for some Judicial Assistants, record preparation is almost their full-time job.<sup>1</sup>

### **Detailed Request of Need:**

- a) *Summarize the current budget for this system or program.*

As explained above, our grant funding has paid for the current research into this issue. We have no additional funding for this project at this time.

- b) *What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)*

With funding, we would be able to pay for and complete a process for automating the record indexing and pagination on appeal. This would save thousands of hours per year in Juvenile and District employees' time and would extend to savings in the Justice Courts if de novo appeals are abolished. It would also enable judges and law clerks to easily locate a record by searching for and retrieving a specific record number, rather than having to search the entire (sometimes thousands of pages) document for that record number. As shown in the graphs below, even preparing the index for a small appellate record can take anywhere from one to four hours. A medium or average appellate record index takes an average of 3.5 hours to complete. For large

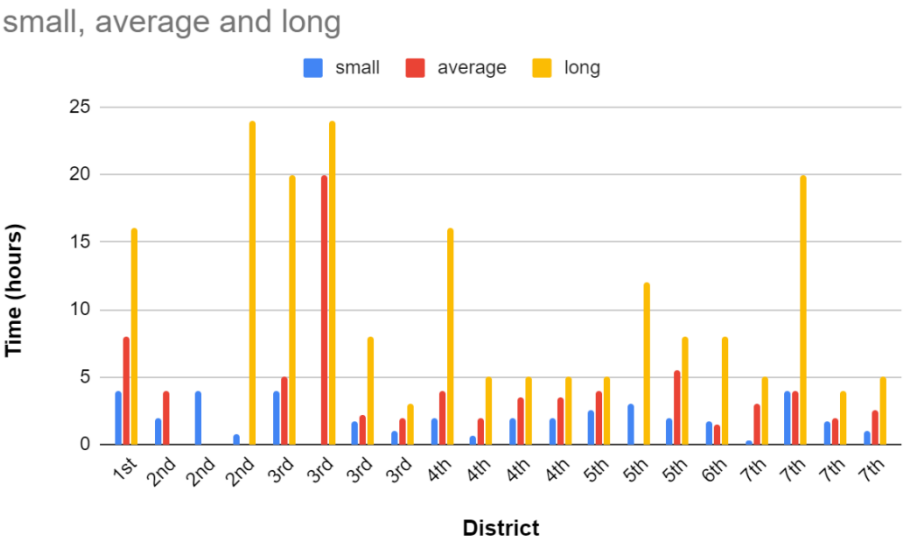
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<sup>1</sup> Third district reports spending approximately 1,456 hours, fourth district spends 500 hours, and second district spends 288 hours per year on record preparation.

records, Judicial Assistants spend up to 25 hours to create one record, and an average of 10 hours to complete.

District and Juvenile Trial Court Executives and Clerks of Court estimate their employees spend almost 3,000 hours per year preparing these indexes, and that does not include the countless hours spent training new Judicial Assistants on this process and correcting errors that occur with manual pagination, nor does it include the time appellate employees spend coordinating record preparation. As we know, turnover is high for judicial assistant positions, which means training is almost continuous and contributes to delays and errors in record preparation. Automating this process would result in greater efficiencies, reduced costs, and almost eliminating the errors that occur due to manually creating the records.

Employees’ Self-Reported Time Spent Preparing Records



Small record (average)	2 hrs.
Medium record (average)	3.5 hrs.
Large record (average)	10 hrs.

TCE/COC Estimates in Annual Hours Required for Record Preparation

District	Total cases that went to briefing (2019)	Estimated time savings (hours annually)	TCE-reported plans for saved time	Notes from TCEs/COC
1	18	40	Repurpose to other clerical duties	
2D	54	288	Repurpose to other clerical duties	May benefit by reducing a .5 FTE district-wide (approx.).
2J	6	40	Repurpose to other clerical duties	Takes 4-5 hours to complete one record.
3J	9	30	Repurpose to other clerical duties	
3D	173	1,456	Repurpose to other clerical duties	6-7 hours per day, four days per week (approx. 28 hours/week).
4J	17	60	Repurpose to other clerical duties	60 hours spread across four Case Manager teams (15 hours/year per team).
4D	65	500	Repurpose to other clerical duties	
5	30	180	Repurpose to other clerical duties	Average 6 hours per record.
6	9	36	Repurpose to other clerical duties	3-4 hours per record. COC prepares these herself.
7	9	100	Repurpose to other clerical duties	
8	8	96	Repurpose to other clerical duties	Duchesne and Uintah County each spend 48 hours/year.
<b>Total:</b>	<b>398<sup>2</sup></b>	<b>2,862</b>		

We also gathered numbers on the number of de novo appeals filed in the last three fiscal years. If the recommendation to abandon de novo trials and allow appeals directly to the Court of Appeals is approved, this will significantly increase the Court of Appeals' workload and the hours that will be required to manually paginate the record and prepare the index.

#### De novo appeals filed July 1, 2018 to June 30, 2020

FY	Criminal	Small Claims	Total
2018	824	192	1,016
2019	662	210	872
2020	561	187	748
<b>Total</b>	<b>2047</b>	<b>589</b>	<b>2,636</b>

- c) *What has already been done to solve this problem with existing resources and what were the results?*

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<sup>2</sup> This number does not capture all of the records that were prepared, because some cases are dismissed after the pagination is complete and index is created, but before briefing is completed. Accordingly, the hours and costs are higher than what shows in the chart.

Originally, District and Juvenile Judicial Assistants prepared and paginated the index by hand. This took a massive amount of time and involved many human errors. The Courts simplified this process around six years ago by using Adobe software to assist with pagination.

This change reduced the time required to prepare an index but is not perfect—it is still quite time consuming because the employee must manually download and combine every record document in chronological order, and then paginate the documents using Adobe’s Bates stamping feature. There are still many errors that happen when an employee misses a document or the pagination is not accurate, and it takes several more hours to correct these issues, sometimes extended long into the appeal past the point of briefing.

Due to this onerous set up, many who are involved in creating the index, including District and Juvenile Judicial Assistants, Clerks of Court, and Trial Court Executives, and Appellate employees, have long recognized that this would be an ideal process to automate.

In automating the index, we would have the ability to take our existing court systems (CORIS and CARE) and feed the documents from those systems into an application that would automatically arrange all documents in the order they appear in the docket (chronologically), and with the click of a single button you could paginate and create the entire index automatically. We would also have the ability to supplement the record with additional documents filed after the index is created (if appropriate).

This would reduce not just the service and processing time but also reduce the human error element that is inherent in any manual process. This would be especially beneficial in critical high risk or urgent cases that often arise in Juvenile courts or categories such as domestic abuse and parental rights cases.

Moreover, automating this process affects and benefits every court in every district. We all would benefit from this process, and would save precious dollars in the hours currently required.

**Cost Detail:**

*a) How will new funding be utilized?*

The funding would be used to design, implement, test, and deploy an application to automate the creation of an index of the record on appeal. This includes hours spent by the Business Analyst, Project Manager, Development team, Test team, development manager, and others.

AUTOMATING THE PREPARATION OF AN INDEX FOR THE RECORD ON APPEAL	
Conditions: (1) All documents must be in our systems electronically. (2) Must have an email. (3) Request for access—Give name, bar number, email address, and phone number)	
Task	Hours
Proof of concept for view	60

New project	160
Table maintenance screen and table work	80
Basic screen functionality (pulling in case #s)	80
CORIS backend work	80
CARE backend work	80
Appellate backend work	80
Implement if proof of concept works	40
Pull in addendums	40
Document listing (link to pull up documents)	60
Page to request access	40
back end application access processing	40
search page for their cases	60
My profile/password reset screen	40
Other possible design work	120
Single PDF generation	160
Testing and integration	180
<b>Total hours</b>	<b>1,400</b>
Dollar amount per hour	\$150
<b>Total Amount</b>	<b>\$210,000</b>

b) *What are the anticipated results or outcomes of the new funding and how will the results be tracked?*

Automating this process would result in:

- Reduced processing time
- Increased efficiencies
- Reduced margin of error
- Eliminating the need for 3,000 hours spent annually preparing records, which would be doubled if de novo appeals are abolished
- Faster resolution of cases on appeal
- An index that is searchable by record number

c) *What are potential negative effects if the funding is not received?*

If we are not allotted this funding, we will continue spending precious hours and resources to create the indexes manually, and spending more money in hours in one year than it would cost to automate this process. Moreover, manually creating the index can take weeks or months to complete, which results in delayed justice. The time District and Juvenile employees currently spend on indexing the records would not be able to be used for other pressing needs in the Courts. And appellate judges and clerks would continue spending time searching for documents in the record, which automation would avoid by making the index searchable by record number.

**Alternative Funding Opportunities:**

We do not currently have any alternative funding opportunities available.



# Tab 8



# FY 2021 / FY 2022 BUSINESS CASE

**Agency:** Judicial Branch (Courts)  
**Request Title:** Grants Coordinator (Coordinator I)  
**Presenters:** Larissa Lee, Michael Harmond, and Karl Sweeney

**Request Amount & Source:** General Fund

FY 2021 One-time	FY 2022 One-time	FY 2022 Ongoing	Total Request
\$0	\$0	\$91,400 (Midpoint Salary w/ Benefits)	\$91,400

## Objective:

The Administrative Office of the Courts (AOC) requests funding for one FTE to obtain and manage grants throughout all court departments. This position will help increase grant funding in a time of widespread budget cuts and provide much-needed support for employees with existing grant responsibilities.

## Executive Summary:

The Courts miss out on millions of dollars of grant funding per year because we lack a central person to seek out grants, build the necessary relationships, and develop expertise in drafting proposals and complying with reporting requirements. In addition, there is no consistent approach or protocol to applying for and complying with the grants we do have, which creates inconsistencies in managing the grants and potentially exposes the Courts to liability. This Grants Coordinator position solves both of these issues and places the Courts in a more competitive position to receive funding, which if successful will more than pay for the cost of this important position. And it benefits every court level and department in the AOC because this position will be housed in finance and will be available to the Utah Courts as a whole.

## History and Background of Request:

The Courts have long maintained a portfolio of grants but our approach to both applying for and managing the grants is fragmented, inconsistent, and without central control and assistance. Consequently, we miss out on potentially millions of dollars per year in available grants because we lack the time, skill, and resources to build the necessary relationships, draft the grant proposals, and comply with financial and reporting requirements. We envision that this position will fill this critical gap in resources and enable the Courts to be competitive in receiving grant funding and comply with all requirements.

**Detailed Request of Need:****a) Summarize the current budget for this system or program.**

There is no current budget for this position. The AOC's budget cannot currently accommodate an additional FTE.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

Funding a Grants Coordinator position solves two problems. First, it expands the courts' capacity to pursue grant funding. In a time of budgetary constraints, this position will help maintain and grow existing programs, secure funding that otherwise would not be pursued for vital improvements, and conserve employee resources. Second, it alleviates the burden on existing staff to prepare grant proposals and meet grant reporting requirements—tasks which significantly strain their capacity and experience.

Currently, the courts lack the capacity to pursue many of the grants for which they are competitive. In January 2020, an outside consulting firm—Grants Office, LLC—prepared a report identifying ten federal grants for which the courts are competitive. Of these ten, the courts have successfully obtained only three. And although existing staff are in the process of applying for two more of these grants, they do not have the capacity to prepare competitive applications for the other five. This is a missed opportunity, as these five grants represent roughly \$2—\$4 million in funding for programs related to drug courts, domestic violence prevention, and juvenile justice. Additionally, the Grants Office report only identified a subset of federal grants. But there are other potential federal, state, and private grants that the courts have yet to explore, in part because there is no staff person dedicated to identifying these opportunities.

Existing staff simply do not have the time, resources, or training to pursue these grants or research additional opportunities. Although there are many talented writers and researchers throughout the courts, they do not necessarily have the experience required to draft competitive proposals or prospect for new grants. In addition, beyond simply drafting proposals, successfully obtaining grants requires long-term relationship building with funders and an understanding of the complicated landscape behind federal, state, and private grants. Court staff, who are either judges or specialists in specific court operations, do not have the time and experience to build relationships with the key players at various federal, state, and private agencies—nor should they.

Nonetheless, even though they often lack the time and experience, existing staff continue to perform grant-related work. This results in a substantial burden. Staff must take time away from their primary duties to educate themselves about grant-writing, draft complicated proposals, and shepherd grants through the courts' internal grant procedures and external requirements. This generates delay in the courts' business and results in less competitive proposals. And the courts risk losing much of the experience gained from this process through staff turnover.

Funding a Grants Coordinator position will solve these problems. In a time of widespread budget cuts due to COVID-19, this position will help the courts take advantage of federal, state, and private funds for which they are naturally competitive. And, long-term, it will help position the courts to become even

more competitive by building relationships with funders and generating institutional knowledge of the grant-writing process.

**c) What has already been done to solve this problem with existing resources and what were the results?**

The courts have amassed a decent portfolio of grants through existing resources. This portfolio currently includes at least \$1,486,602 in grant funds spread across eleven grants. *See Exhibit 1, Grants Currently Held by the Courts.* These funds support programs in the appellate, district, juvenile, and justice courts, and in the courts' ADR, CASA, and divorce education programs. Various court departments also have grant applications pending for appellate e-filing, Native American tribal outreach, a bail reform initiative, and the courts' Self-Help Center.

But despite this portfolio, existing staff have fallen short on obtaining the grants required to complete several ongoing projects. In addition, this portfolio represents a small portion of the grants for which the courts are competitive. As the Grants Office report indicates, there is at least \$2—\$4 million in federal grant funds for which the courts could strongly compete if they had additional capacity.

The appellate courts' attempt to obtain grants for their e-filing initiative illustrates the limits of existing resources. Earlier this year, the appellate courts obtained a \$50,000 grant to help fund their transition to e-filing. They also submitted a second proposal requesting an additional \$200,000, which is currently pending. These proposals consumed a significant amount of time and resources, much of it from employees, such as the Appellate Court Administrator, who do not have previous grants experience and who had to divert attention from their primary responsibilities. And despite this progress, these proposals—one of which has not yet been funded—represent just a fraction of the \$775,000 required to complete the e-filing transition. Additionally, efforts to obtain the funding needed to complete this project have stalled as staff have had to divert their attention to more pressing responsibilities—particularly in the wake of COVID-19. Without a dedicated grants position, initiatives like this e-filing transition will continue to stall or go unfunded due to a lack of staff capacity.

**Cost Detail:**

**a) How will new funding be utilized?**

The new funding will establish a full-time Grants Coordinator position. This position will be housed in the AOC's finance department, and will be responsible for obtaining and managing grants throughout all departments. It will accomplish this by building relationships with funders, preparing proposals, managing reporting requirements, and providing technical assistance to other court staff engaged in these projects.

Salaries for similar grant-related positions in Utah state agencies range from \$18.00—\$39.00 per hour. This is in line with the courts' annual salary range for a Program Coordinator I position, which is \$43,055—\$64,729. The AOC expects to compensate this position at \$25.00 per hour, including benefits, which will cost approximately \$91,400.

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

The AOC anticipates two primary outcomes from funding this position. First, by increasing the number of grant proposals submitted by the courts, this position will increase the funds available for a variety of

court initiatives. Second, this position will also conserve employee resources by decreasing the amount of grant-related work required from existing staff.

If funded, this position will directly increase the number of grant proposals submitted by the courts. And although submitting a proposal does not guarantee funding, the AOC anticipates that an increase in proposals will ultimately yield an increase in the amount of grant funds the courts receive. These funds will help fill gaps in the courts' budget and translate into meaningful progress on court initiatives. For example, several grants identified in the Grants Office report involve enhancements to adult and juvenile drug courts. If this position is funded, the Grants Coordinator can prepare competitive proposals for these grants, allowing the courts to pursue these enhancements without turning to the limited funds in their already constrained budget. Likewise, several departments are currently exploring grants for projects such as the appellate courts' e-filing transition, increased outreach to Native American tribes, bail reform, and the courts' Self-Help Center. This position can more aggressively pursue grants for these and other projects, which will help prevent additional delay in their implementation or ensure they actually happen. In addition, this position can coordinate cross-department applications, a strategy that helps fund less expensive projects by aggregating them together into a single grant, and makes applications more competitive by combining a package of court programs that all address a funder's priorities. The appellate courts and the AOC recently took this cross-department approach on a pending federal grant application to support their e-filing and tribal outreach initiatives.

Along with filling gaps in the courts' budget, this position will also reduce the need for many existing court employees to engage in grant-related work. The AOC anticipates that this will result in increased productivity among these employees and reduced delay in the completion of their primary responsibilities. Moreover, some grants may also expand the capacity of existing departments. For example, the budget for the appellate courts' e-filing transition calls for hiring IT contractors to build the proposed e-filing system—a task that could otherwise take several years for existing IT staff to complete under their current workload.<sup>1</sup> Overall, the AOC anticipates that funding this position will increase revenue for underfunded court initiatives and expand employee capacity.

The AOC will report the results of this position to the Judicial Council annually. This report will track the number of proposals submitted, the status of each proposal (whether it is pending, accepted, or rejected), and the amount of funds requested in each. It will also track the status of ongoing projects for which this position seeks funding and the amount of technical assistance provided to other court staff. In addition, the report will summarize this position's outreach and relationship-building efforts to potential funders, and provide qualitative data on how it has helped reduced the amount of grant work required by existing staff.

### **c) What are potential negative effects if the funding is not received?**

Without this position, the courts will struggle to improve their capacity to pursue grants and comply with grant reporting requirements. As a result, they will continue to leave funding on the table—including funding they would likely receive if they dedicated adequate resources to building relationships and preparing competitive proposals. This means that important initiatives such as access to justice, tribal outreach, and appellate e-filing will go unfunded or underfunded. It also means that

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<sup>1</sup> Some existing staff, however, will likely need to stay heavily involved in the management of certain grants, such as the juvenile courts' complex and multi-year Court Improvement Grant. But this position can help alleviate the burden on these staff members by providing technical assistance, and by helping their departments pursue additional grants.

existing programs, such as drug courts and domestic violence prevention, will operate without the improvements they could receive through existing grants. In addition, the burden of pursuing grants will continue to fall on existing staff. This will generate additional delays in their primary responsibilities and result in proposals that, despite the effort involved, will be less likely to receive funding. Finally, long-term, the failure to invest in the expertise and relationship-building required for successful grant work will put the courts at a disadvantage in competing for future grants.

**Alternative Funding Opportunities:**

This request is for an FTE position, but some of the important work it seeks to address could be accomplished through a half-time position. Based on the AOC's review of grants for which the courts are competitive, it is unlikely that this position could be established through grant funding, as the generalist nature of this position is unlikely to align with a specific grant's funding priorities.

**Exhibit 1: Grants Currently Held by the Courts**

<b>Department</b>	<b>Grant</b>	<b>Funder</b>	<b>Amount</b>
Juvenile Courts	Court Improvement Program	Federal – Dept. of Health & Human Serv. / Children’s Bureau	\$450,000
Juvenile Courts	Court Improvement Program - Data	Federal – Dept. of Health & Human Serv. / Children’s Bureau	
Juvenile Courts	Court Improvement Program - Training	Federal – Dept. of Health & Human Serv. / Children’s Bureau	
AOC / Justice Courts	Domestic Violence Prevent	Federal – Dept. of Justice / Office of Violence Against Women	\$150,000
AOC	State Access and Visitation / Co-Parenting Mediation Program	Federal – Dept. of Health & Human Serv. / Children’s Bureau	\$100,000
CASA	CASA – Mentoring	Federal – Dept. of Justice / Nat’l CASA Association	\$25,000
CASA	CASA – Professional Development	Federal – Dept. of Justice / Nat’l CASA Association	\$9,000
CASA	CASA – State Victim Assistance	Federal – Dept. of Justice / Office of Victims of Crime	\$289,902
Appellate Courts	E-filing Study & Assessment	Federal – State Justice Institute	\$50,000
Appellate Courts	Online Dispute Resolution	Federal – State Justice Institute	\$185,000
Appellate Courts	Regulatory Reform	Federal – State Justice Institute	\$200,000
District Courts	Justice Reinvestment Initiative	State – Utah Commission on Criminal and Juvenile Justice	\$7,700
AOC	Divorce Education for Children	Utah Bar Foundation	\$20,000
<b>Total:</b>			<b>\$1,486,602</b>

# Tab 9





# FY 2021 / FY 2022 BUSINESS CASE

**Agency:** Judicial Branch (Courts)

**Request Title:** Judicial Administration Certificate Program (formerly “MSU” program)

**Presenters:** Tom Langhorne, Kim Free, and Judge Hagen

**Request Amount & Source:** General Fund

FY 2021 One-time	FY 2022 One-time	FY 2022 Ongoing	Total Request
\$0	\$10,000	\$50,000*	\$60,000

## Objective:

Create incentive programs for employee retention.

## Executive Summary

The Utah State Administrative Office of the Courts (AOC) have partnered with Westminster College to offer professionals a Judicial Administration Certificate Program (JACP). The purpose of this certificate is to provide professional development to specifically address the knowledge, skills, and abilities needed to enhance the career growth of judicial administrators. Education and training are critical management responsibilities addressed in this program. The JACP provides leaders the tools to help them grow, adapt, and facilitate a creative problem-solving organization. Professional continuing education can be seen as an incentive for retention due to the increasing need to be adaptive and innovative in the current workforce landscape.

## History and Background of Request:

Utah AOC has partnered with Michigan State University for the past 8 years to offer a similar program to Court employees. MSU discontinued the program in 2018. With the cooperation of Westminster, the AOC has created a more enticing program than with the MSU partnership. In addition to career advancement opportunities, completion of the Judicial Administration Certificate Program makes graduates eligible for either:

- Prior learning assessment credits toward an **Undergraduate Project-Based Bachelor of Business Administration degree program** at Westminster College (up to 10 credits)
- **Admission to the Project-Based Master of Business Administration degree program** at Westminster College with potential of accelerating degree completion by applying JACP competencies to PMBA required credit hours

The express intent of this program is to strengthen courts’ organizational management and leadership by providing consistent education in core areas of responsibility. The Westminster JACP is a unique, comprehensive curriculum designed to bring rigor and standing to the profession of judicial administration. The program is dedicated to the advancement of the missions, mandates, and purposes of Utah’s courts. Three of the ten Westminster JACP classes are offered in person with the remain seven classes offered online, culminating with the students’ capstone projects.

The JACP curriculum allows higher level court managers to share a uniform learning experience which improves their court management skills and individual professionalism while strengthening our courts’ leadership and management. Moreover, completing the ten courses and capstone project enhances career advancement opportunities. This program is available to Clerks of Court, TCE’s, Chief PO’s, AOC

managers, and field managers and will teach participants to manage human resources issues, budget complications, and other management challenges, while honing management, leadership, and communication skills.

After completion of this program, graduates will be able to:

- Improve performance as a court administrator and improve relationships with staff and judges;
- Apply newly learned skills in dealing with difficult administrative issues;
- Apply Erikson's Taxonomy and Senge's theory of learning organizations; explain how their temperament, as measured by the Myers Briggs Type Indicator Assessment (MBTI), affects their leadership style, apply Kolb's adult learning theory to enhance teaching strategies and team building;
- Differentiate between management and leadership, and articulate the need for both in ensuring the long-term effectiveness of the justice system;
- Summarize the role of management in organizational effectiveness;
- Explain the need for maintaining a match between the person and the job;
- Develop a security action plan;
- Draft a budget and plan funding for a new project;
- Apply strategic planning models to a variety of change issues confronting courts and agencies;
- Plan outreach strategies to the legal profession, litigants, jurors, justice community stakeholders, and other government officials;
- Summarize the purposes of performance assessment and performance feedback;
- Describe the research-based traits and behaviors associated with effective leaders;
- Identify leadership communication behaviors (vs. leadership traits).
- Write measurable learning objectives for students who are being taught and/or coached:
- Conduct outcomes measurement and apply evaluation methods to measure if learning occurred and behaviors/attitudes changed a result of training events (using the Kirkpatrick 4-level evaluation model);
- Apply effective, interactive teaching methods;
- Connect training and professional development to NACM's other core courses

**Required Courses/Areas of Emphasis:**

- Case flow management (online)
- Information technology management (online)
- Human resources management (online)
- Leadership (in-person)
- Purposes and responsibilities of Courts (in-person)
- Resources, budget, and finance (online)
- Court-community communication (online)
- Education, training, and development (online)
- Essential components of Courts (online)
- Visioning and strategic planning (in-person)

**The JACP pilot program is to begin August 2021** with an enrollment cohort of 15 students. The program consists of a 15-month term of ten courses: seven online modules supplemented with three in-person sessions. The welcome course will be at the Westminster campus; the mid-term meeting will be an applied professional development opportunity in conjunction with the NACM national conference; and the final meeting or capstone presentation will be in December 2022 at the Matheson Courthouse in Salt Lake City with a final graduation ceremony in the Supreme Court with Chief Justice presiding.

Detailed Request of Need:

**a) Summarize the current budget for this system or program.**

There is no current budget for this program because the third round (third graduating class) of the program concluded in 2019 and was funded from one-time carryforward money. Due to budget constraints, that money was cut for FY 2021.

**b) What problem would be solved with additional funding? (Show historical data to support and quantify problem statement.)**

In 2012, appreciating *the compelling need to enhance higher level court managers' leadership skills*, then State Court Administrator Dan Becker, with the Judicial Council's endorsement, mandated all TCE's, Clerks of Court and Chief Probation Officers enroll into and complete the newly created Michigan State University's Judicial Administration Certificate Program ("JACP"). Using one-time carry forward funds, that class graduated in 2014. Thereafter, the Judicial Council approved funding for a second JACP round/class. That class was predominantly populated by AOC managers and new TCE's, new Clerks of Court and new Chief PO's. That class graduated in 2016. In April, 2018 The Judicial Council approved funding for a JACP third class/round. That class was populated by a cross-section of managers from the field and AOC managers. That class graduated in December, 2019.

Every live class was evaluated by every student. This was mandated by MSU and the AOC. A student's failure to complete a class evaluation precluded them from receiving a MSU graduation certificate. Every individual live class for each of the three rounds received exceptional evaluations from every student.

**c) What has already been done to solve this problem with existing resources and what were the results?**

The past MSU JACP rounds were funded by yearly *one-time carry forward* funding. Two yearly offered leadership and management academies were similarly funded by yearly one-time carry forward funding. Those academies prepared courts' non-management personnel for future management positions as well as current court managers for higher level court leadership positions. Those academies were not funded by the Judicial Council for this fiscal year. Accordingly, no *ongoing* funds (and concomitantly, no ongoing existing resources) have ever been granted for either the JACP program or the academies. This current request seeks *ongoing* funds to continue the JACP program while partnering with Westminster College.

Cost Detail:

**a) How will new funding be utilized?**

1. Westminster administrative student fee	
a. Assumptions: Program is 60 contact hours;	
Cost is \$20 per contact hour per student; min. 15 student cohort	= \$18,000.00
2. Curriculum development fee to faculty (one-time, start-up)	= \$10,000.00
3. Reimbursement Salt Lake City hotel costs	= \$ 2,000.00
4. Adjunct faculty fee: \$3,000.00 for each of ten courses	= \$30,000.00
<b>Total FY22 JACP Costs for 15 AOC staff students</b>	<b>= \$60,000.00</b>
 *ONGOING-Total for subsequent cohorts	 = \$50,000.00

**b) What are the anticipated results or outcomes of the new funding and how will the results be tracked?**

The curriculum is specifically designed to improve higher level court management and court leadership skills. Those outcomes will be closely tracked using either the new learning management system housed in the education department or Westminster's CANVAS learning management system. In conjunction with the LMS tracking, each student will regularly meet with faculty to individually monitor each student's progress and identify each student's desired professional development needs.

More exactly, each course will have predetermined, concrete, measurable learning objectives. For every individual learning objective for each course, students will be given a **pre**-course self-assessment survey asking each student to evaluate, on an ordinal scale, their perceived pre-course ability for each learning objective. After a course is completed, each student will be given a **post**-course self-assessment survey asking each student to evaluate, on an ordinal scale, their perceived post-course ability for each learning objective. Each student's movement along that scale will be measured for all learning objectives and all courses. This evaluation methodology was used for the education department's academies with great success.

Another important outcome to hopefully be realized is increased employee retention. Much has been written about employees that feel their organization invests in their professional development and in fact believe those learning investments do in fact improve their job competencies, have higher and longer retention rates. With the help of the AOC's HR department, longitudinal retention studies will measure the long-term retention rates for JACP graduates compared to the general court work force.

**c) What are potential negative effects if the funding is not received?** The potential positive outcomes described in paragraph (b), above, will not be realized.

Alternative Funding Opportunities:

None.