

## Judicial Council Meeting Minutes

### JUDICIAL COUNCIL BUDGET PLANNING SESSION MINUTES

Wednesday, August 24 & Thursday, August 25, 2005

Large Conference Room (W-19A)  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah

Chief Justice Christine M. Durham, Presiding

#### **MEMBERS PRESENT:**

Chief Justice Christine M. Durham  
Justice Ronald Nehring  
Hon. James Davis  
Hon. Jon Memmott  
Hon. J. Mark Andrus  
Hon. Jerald Jensen  
Hon. Clair Poulson  
Hon. Robert Hilder  
Hon. Lee Dever  
Hon. Gary Stott  
Hon. K.L. McIff  
Hon. Kevin Nelson  
Hon. Hans Chamberlain  
Hon. David Bird, esq.

#### **STAFF PRESENT:**

Daniel J. Becker  
Myron K. March  
Richard Schwermer  
Mark Jones  
Ray Wahl  
Matty Branch  
Tim Shea  
Fred Jayne  
Kim Allard  
Gordon Bissegger  
Holly Frischknecht  
Jerome Battle  
Jessica VanBuren a  
Mary Boudreau  
Rob Parkes

#### **GUESTS PRESENT:**

Michele Christiansen, CCJJ  
Marvin Dodge, GOPB  
Commissioner Bruce Blackham  
Commissioner Mark Anderson  
Commissioner Claudia Jarrett  
Judge Paul Lyman  
Dave Walsh, CCJJ  
Bill Greer, Legislative Fiscal Analyst  
Judge Thomas Willmore  
Judge Kent Bachman  
Judge William Thorne  
Brent Bowcutt  
Judge Gordon Low  
Debra Moore  
Kristin Brewer  
Justice Jill Parish

### Wednesday August 24, 2005

#### **1. WELCOME AND OVERVIEW: (Chief Justice Christine Durham, Dan Becker)**

Chief Justice Durham welcomed all in attendance to the meeting. Guests attending from the legislative and executive branches were introduced. Michelle Christiansen, Director, Commission on Criminal and Juvenile Justice, Marvin Dodge, Office of Planning and Budget, Bill Greer, Legislative Fiscal Analyst, and Dave Walsh, CCJJ Budget Analyst. Daniel Becker then provided an overview of the budget planning meeting agenda, as well as the meeting format and voting procedures. Mr. Becker reported that a background of workload and fiscal data will be provided, followed by board and committee requests and will finish with voting and prioritization. A total of ten presentations will be heard along with proposed legislation.

#### **2. REMARKS - GOVERNOR= S OFFICE: (Marvin Dodge, Office of Planning and Budget, Michelle Christiansen, Director, Commission on Criminal and Juvenile Justice)**

Michele Christiansen thanked the Council for the invitation and expressed her pleasure in working with the Judicial Branch. Ms. Christiansen reported that in speaking with the Governor she learned he viewed his relationship with the courts to be strong. Ms. Christiansen reported Governor Huntsman had four priorities, 1) education, 2) economic development 3) quality of life, and 4) governance. Ms. Christiansen reported Governor Huntsman hoped to begin a program to fight the war on meth. Such program might include a drug court in every county. The second initiative the Governor is concerned with is sexual violence. The Governor's office hopes to address this problem by providing better education to the public.

Marvin Dodge thanked the Council for the good relationship they've had with the GOPB. Mr. Dodge reported that a major economic concern passed in May when Hill Air Force Base remained open. The unemployment rate throughout the state also has improved, it is currently at 4.7% which is better than the national average of 5.2%. Utah's personal income is also rising, the average is close to \$52,000.

Mr. Dodge related his concern over the price of oil, both locally and nationally. A second concern was terrorism and the potential for another attack.

Mr. Dodge reported that the state would be experiencing a large surplus by the end of 2005

The anticipated amount is \$110,000,000 after other payments have been made. Almost 100,000,000 of this amount comes from capital gains. This is a fluid source revenue. This total amount of growth will not be treated as an ongoing source of money. Projections for FY07 budget do look positive. A 6%-8% growth range is projected.

Tax proposals that are currently being discussed could also affect the total available funds.

The structural imbalance the state experienced after September 11th has also been addressed and ongoing expenditures are being covered.

Mr. Dodge reported that the Governor is looking to make a major public education initiative and this would be costly. The reading initiative and math initiatives will continue along with new proposals that are on the table regarding education improvements. Mr. Dodge reported that enrollment growth is still on the rise. For 2007, 11,300 new students are anticipated within the schools. This amount of growth will cost the state \$45,000,000. Retirement of teachers is a source of concern with more than 1,000 teachers anticipated to retire per year. Turnover, lawsuits and unfunded mandates are also still a concern. It is expected that the public education groups will fight for increased funding.

Mr. Dodge reported that medicaid is a national concern. Currently 190,000 Utahns are on Medicaid. More than 70% of Medicaid's cost come from 25% of elderly and disabled. 37% of all US births are covered by Medicaid. The Federal reforms being passed are causing greater costs to the states.

Roads and transportation will continue to be a major concern with the Legislature this year. Ongoing funds allow \$90 million for roads, \$35 million for buildings. One-time funds provide \$30 million for roads and \$109 million for buildings. \$264 million, or 36% of the available revenue will go towards roads and transportation. The Legacy Highway project was a 10 year project and will still cost \$400 million on the low end. An estimate of \$2.0 billion is needed for the Utah County I-15 expansion..

Mr. Dodge reported that compensation again will be a concern. A thousand state employees are anticipated to retire this year due to HB 213, the average is 300. An actuarial study is being done to measure the state's liability for employee benefits, this could show the cost is as high as \$1.0 billion. If this amount is accurate the Legislature could look at this price tag and begin evaluating other similar compensation programs throughout the state.

Last year's compensation budget was increased by 2.5% COLA, with health insurance increase of 11.8% and a 6% dental increase. The cost of health insurance premiums have doubled since 2000. A 10% increase in retirement premiums are anticipated for FY07. More than 70% of state employees are currently below their mid point salary range. The general feeling among the Legislature is that until a major turnover throughout the state happens, there is no need to increase pay.

Mr. Dodge reported that last week the Governors staff met at a retreat to determine the needs of the state. Mandatory costs alone will take 135 million. A compensation package is anticipated at 160 million. An additional 580 million dollars was projected to address other critical needs such as building and road construction, prison and cabinet priorities. The total of these amounts are over 400 million above budget. The state as a whole is improving, yet there is still a limited amount of funds available.

Mr. Dodge reported that the \$160 million towards compensation included 10% health insurance increase and 6% in dental. Another 10% is needed for retirement and a 2% COLA was also plugged in. Discussions have been going on comparing COLA and merit dollars in order to address the salary ranges. An MCA was not included in the 160 million projected amount.

Mr. Dodge reported that it is unclear whether the Legislators feel compensation is a priority after HB 213 due to the high amounts of health benefits and retirement.

Ms. Christiansen indicated that CCJJ has the resources and facilities to look into more drug courts. Federal funding as a whole is also decreasing because of the pervasive thought that fighting crime is a local and state responsibility.

### **3. PLACING BUDGET PROPOSALS IN CONTEXT: WORKLOAD AND DEMOGRAPHIC TRENDS; FISCAL TRENDS AND BUDGET PROCESS; FY 2006 PROPOSALS IN SUMMARY: (Daniel J. Becker, Kim Allard, Fred Jayne, Myron March)**

#### **-Workload/Demographic Trends: ( Kim Allard)**

Kim Allard reviewed the case filings in Appellate, District and Juvenile Court throughout each district in the state after which the following discussion took place. (See attached presentation).

New changes regarding the district court weighted filings were applied in 2003. The new calculations have been applied to all relevant data in order to interpret it correctly.

Ms. Allard reported that when dealing with the Justice Court Judge data, the Administrative Office of the Courts compiles data received directly from the respective Justice Courts. Confusion with data can come from the Justice Court= s individual sources of reporting.

#### **- Fiscal Trends and Budget Process: (Myron March, Fred Jayne)**

Mr. March reported that the Judicial Council is responsible for administering 14 General Fund Restricted Accounts, 18 Dedicated Credit Accounts and the investment of \$21 million in trust funds. Mr. March highlighted specific accounts that currently needed attention or would need additional help in the foreseeable future.

-The first was the Children= s Legal Defense Fund (CLDF). This money comes from a \$2 filing fee and \$10 marriage license fee. Additional revenue comes from Divorce Education Videos and classes, mediation, guardians ad litem and expedited parent-time enforcement pilot program.

This program has currently exceeded the allotted amount provided from this fund. Recommendation for FY07 is to reduce the fund by \$50,000 to have a total of \$625,000 for the fund to remain solvent. Cutting programs during FY07 will not be required but there is a possibility that reductions may be necessary in the future.

-The Alternative Dispute Resolution fund is collected by the filing fee and sale from the ADR video. The yearly revenue has been dropping. The spending has exceeded the income, but has been covered by carry. By FY2009 the ADR fund will be depleted unless revenue goes up or the council changes the program.

-The Court Reporter Technology Fund has remained healthy. After the change of making court reporter= s state employees, this fund goes toward part of salaries, training and computer software. In FY 04 and FY 05 an increase of \$100,000 was used to upgrade equipment. At this point additional monies are not needed.

-The Court Complex Fund has suffered some loss in recent years in large part due to the legislature using fund surplus to build new courthouses or fund operations and maintenance costs, as well as the creation of the Salt Lake and West Valley Justice Courts. The revenue has decreased since 2001. FY 06 has sufficient funds, but FY 07 and beyond are projected to be in deficit. A request by FY 09 is expected. Currently a 1% decrease has been built into the fund after FY 06.

-The Judicial Council controls the Law Library non-lapsing fund. Revenue should continue at \$9,000 - \$10,000. The Law Library is requesting a building block of \$81,300 to supplement their budget. The proposal was that \$25,000 of that amount would be taken out of the non-lapsing funds.

-The Security Fee, currently funded by HB 371 covers general funds and bailiff . The fund is currently healthy. Contracts for the upcoming year will be increasing to cover bailiff costs for 3 new judges, a court commissioner and perimeter funding. This will raise the amount closer to 1.8 million. The requested increase os \$170,000.

-The Justice Court Technology and Training account from SB 196 which provides the technology, security, and training grant program is healthy and collecting the anticipated amount of \$940,000.

#### **- FY 2007 Proposals in Summary: (Daniel J. Becker)**

Mr. Becker reported that the total amount of requests came in at \$5,585,050 for ongoing money and a supplemental request of \$268,200. Adjustments to totals are much less than in years past before the budget cuts. In addition to the requests, the Children= s Legal Defense fund and Court Security fund should also be considered along with the Facility Standing Committee recommendations. Mr. Becker reported that the mandated amount of \$10,000 should also be advanced to continue DORA.

### **1. DISTRICT BOARD REPORT: (Hon. Thomas L. Willmore, Mark Jones)**

Chief Justice Christine Durham welcomed Judge Thomas Willmore, Chair of the Board of District Judges, Sandra Peuler, 3<sup>rd</sup> District Presiding Judge and Judge Taylor, from the 4<sup>th</sup> District Court. Judge Thomas L. Willmore,

reported that the District Board identified a number of funding priorities as indicated below:

- 1) 4<sup>th</sup> District Judge
- 2) Seven (7) Law Clerks
- 3) 3<sup>rd</sup> District Commissioner

Judge Willmore reported that the District Board strongly encourages the Judicial Council to continue with the second phase request for increasing judicial salaries.

Judge Taylor reported that a slight increase in caseload has occurred since he last came to make the request for an additional 4<sup>th</sup> District Judge. In the last year, a request for a Provo City Justice Court has also been submitted that would open in 2007. Legislative support for the 4<sup>th</sup> District Judge continues to be strong from the senate. The 4<sup>th</sup> District judgeship remains the Boards #1 priority.

Judge Peuler reported that a 3<sup>rd</sup> District Commissioner is needed to address calendar issues in Summit county. The complexity of the case load in Summit county has necessitated additional help from other 3<sup>rd</sup> District judicial officers. Creating a new commissioner also gives more help to Tooele and West Jordan. Judge Peuler reported that the 3<sup>rd</sup> District Commissioner request is also supported by several local Legislators.

## **2. JUVENILE BOARD REPORT: (Hon. Kent L. Bachman, Ray Wahl)**

Judge Kent Bachman, Chair of the Board of Juvenile Court Judges, reported that the Juvenile Board identified a number of funding priorities as indicated below:

- 1) Judicial resources for 3<sup>rd</sup> District Judge
- 2) Child welfare mediator
- 3) Juvenile court clerical resources
- 4) Judicial resources for 4<sup>th</sup> District Judge
- 5) Victim coordinators

Judge Yeates from the 3<sup>rd</sup> District Juvenile Court reported that due to the nature of the child welfare cases juvenile judges are required to hear, it is difficult to give all the time and resources that are needed. An additional Judge would assist with these heavy case loads. He reported on his observations about the changes in the volume and nature of cases being handled in the 3<sup>rd</sup> Juvenile Court.

## **3. INFORMATION TECHNOLOGY STANDING COMMITTEE REPORT: (Hon. William Thorne, Jerome Battle, Kim Allard)**

Judge Thorne, chair of the Information Technology Standing Committee introduced members of the committee and identified the following funding priorities:

- 1) Funding for E-Filing
- 2) Additional funding for digital audio system
- 3) Equipment replacement

## **4. FACILITIES COMMITTEE REPORT: (Hon. Sheila McCleve, Gordon Bissegger)**

Gordon Bissegger reported that the St. George Courthouse is currently being planned for 2006. The total cost estimate will be closer to \$29 million, than \$27 million as originally projected.

Mr. Bissegger also reported that the Facilities Committee is proposing to renovate the old Ogden Post Office. The total costs to the courts would be approximately \$2.2 million as opposed to \$4.2 million that it is currently appraised at. In order to get this property, the owner requires the transaction to be complete before July 31, 2006.

Mr. Bissegger requested that the committee also obtain sufficient funding to sustain ongoing lease and contract obligations.

## **4. (a) MANTI COURTHOUSE REQUEST: (Hon. Paul Lyman, Brent Bowcutt, Commissioner Bruce Blackham, Commissioner Mark Anderson, Commissioner Claudia Jarett)**

Judge Paul Lyman from the 6<sup>th</sup> District presented a map of the proposed area for a new Manti Courthouse. Judge Lyman reported that the current courthouse does not meet safety standards or have sufficient space. Manti is the largest courthouse in the 6<sup>th</sup> District, and has the most constituents served, yet there are inadequate facilities. Judge Lyman reported that there is one nice, large courtroom, however it has poor security. Judge Lyman also noted that the judges chambers are easily accessible to the public.

Brent Bowcutt, 6<sup>th</sup> District TCE reported that Manti is the fastest growing city within 6<sup>th</sup> District. The current Manti courthouse is the largest leased court building in the state. Mr. Bowcutt reported that the juvenile court staff is not even located in the courthouse. Additional offices have been set up in the courthouse lobby to meet the Recorder's Office needs.

Commissioner Bruce Blackham reported that as the city continues to grow the lack of space has caused major security issues for the public and officials. The county is proposing that the location presented is an ideal spot for a future courthouse. The building would cost approximately 4.7 million. The courts would increase their lease payments which would go towards a new building. Commissioner Blackham indicated the timing for building the new courthouse is crucial given the current funding opportunities and concessions made regarding the building site.

The proposed site is where the current fair grounds sit. The school board, Manti city, the LDS church and the Heritage Foundation have all worked together to establish a site that accommodates a new courthouse.

Commissioner Blackham clarified that the Justice Court would be housed with the new jail and not inside the new courthouse. Commissioner Mark Anderson reported that there is currently CIB money that needs to be spent by this year, which adds to the timing concern.

Gordon Bissegger indicated that the proposed site would meet the courts needs and provide space if additional facilities were later added.

Dan Becker reported that this request would require a additional amount of \$37,000 (one month) on top of the FY 07 lease increase already before the Council. Mr. Bissegger suggested entering into a long term contract with the county that would provide the possibility to purchase at a later date. It would be more cost effective at this point to allow the county to go ahead with the building because they have access to CIB money where the state does not. At a 2% interest rate the lease cost would be \$285,652 annually.

## **5. EDUCATION STANDING COMMITTEE REPORT: (Hon. Gordon Lowe)**

Judge Gordon Lowe, Chair of the Education Standing Committee reported that the committee has made the following requests:

- 1) Obtain funds to replace reduction in FY 2005
- 2) Probation Officer safety training
- 3) Pro Tem Judge Training
- 4) Executive Level Leadership Development

## **6. GUARDIAN AD LITEM: (Debra Moore, Kristin Brewer)**

Debra Moore, chair of the Guardian ad Litem Committee reported that the GAL audit recently came back suggesting that the GAL was not completing all statutory duties, there were high GAL case loads and there was a need for more policy oversight

The GAL found some statutes are out-dated and high caseloads contributed to the inability to perform all duties the remaining statutory neglect. The Guardian ad Litem Oversight Committee was established to develop policies, ensure independent and professional representation, ensure compliance with Federal and State Law, evaluate and establish performance standards of the GAL director and address grievances about the GAL director or program.

The Guardian ad Litem is requesting:

- 1) 9 FTE Guardian ad Litem Attorneys
- 2) 5 FTE paralegal or paraprofessional
- 3) 4.5 FTE legal secretaries
- 4) 1 FTE CASA coordinator

The 2005 GAL Audit suggests that 22 additional attorneys are needed to bring caseloads down to 100 per attorney, which would still be well above recommended national recommended case load standards. The GAL Oversight Committee feels that their request responds to the specific needs of the Utah courts. The formula for coverage used to determine the increased staff request was:

Juvenile Court 1 GAL attorney to 1 Juvenile Court Judge

District Court 1 GAL attorney to 1 Court Commissioner (in 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> District)

When breaking down the caseload, the average case load per attorney is extremely high. The national average is 60-80 cases per attorneys. Currently, Utah has from 107-334 cases per attorneys throughout the state.

Ms. Brewer explained that the requested \$76,000 position cost comes from an average Guardian ad Litem salary and included benefits. Ms Brewer reported that this request meets the minimum coverage amount for current

judicial officers, however that will grow as the judiciary does. Ms. Brewer indicated that the Guardian ad Litem= s office requested what they did based on the caseload numbers and the newness of the Guardian ad Litem committee. A future request is possible as the committee further studies program requirements.

Ms. Brewer reported that there are still efforts to move the Guardian ad Litem= s office from the Judicial Branch to the Executive Branch. Mr. Becker reported that this effort has been made in large part because the Legislators believe the Courts have not or will not fund the GAL office adequately.

## **7. OTHER REQUESTS:**

### **-Law Library (Justice Jill N. Parrish, Jessica VanBuren)**

Justice Parrish reported that she initially became involved with the Law Library by working with a court study committee that determined 1) the state law library needed a director with both a law degree and librarian degree 2) more resources were needed. The Judicial Council supported this study and a permanent oversight committee for the Law Library. Jessica VanBuren the new Law Librarian has been able to offer her expertise as the committee has been setting goals for the library.

Justice Parrish explained the current book budget has been stagnate in recent years. The law library has continued to run out of money each year and has not been able to order books and periodicals necessary to make the library fully operational.

Ms. VanBuren reported that due to the limited number of book publishers, the cost of resources has dramatically increased. The law library has met the national standards but if they are required to cut any more money that will be at risk. Ms. VanBuren explained that the library has a goal to reach out to attorney= s and the self-represented litigant, instead of only court patrons. Ms. VanBuren reported that technology plays a large part in updating the library and grant funds have been used to improve technology.

Ms. VanBuren addressed questions about law library use by explaining that until resources are increased, people won= t be able to have their needs met. Ms. VanBuren has been developing relationships with the other law libraries within the state in order to have access their resources. Ms. VanBuren reiterated that the role a Court Law Library plays in serving the public is unique compared with state law school libraries.

Chief Justice Durham explained that establishing a better equipped library is not a message of encouragement to pro-se litigants as much as a source of educating pro-se litigants to better serve them and the court system.

### **- Interpreters: (Mary Boudreau)**

Mary Boudreau from the Standing Committee on Court Interpreters, explained that she had discussed Mr. Becker= s proposal with Judge Davis, the chair of the committee, and they support rearranging staff within the AOC to meet the request of an Interpreter Program Manager.

### **- Employee Assistance: (Rob Parkes)**

Rob Parkes, Director of Human Resources reported that the Employee Assistance Program is still in its beginning phases. Mr. Parkes agreed with Mr. Becker= s suggestion that funding considerations for this program is appropriate for the April meeting.

### **- Juror/Witness/Interpreter - Supplemental and FY 2007: (Fred Jayne)**

Fred Jayne, Director of Finance reported that the Legislature has continually under-funded the Juror/Witness/Interpreter program. The request for FY 2007 is to provide sufficient funds to meet projected demands and that the supplemental is to address deficit from prior fiscal years.

**Thursday, August 25, 2005**

## **8. LEGISLATION: (Richard Schwermer, Mark Jones, Tim Shea)**

Rick Schwermer reported that in addition to prioritizing the budget items, the Council also sets their legislative agenda during the Budget and Planning meeting. There are currently only a few drafts to consider at this point.

Tim Shea reported that the first item of legislation deals with fines and forfeitures and clarifies the wording. The second draft addresses pleadings, findings and decree of divorce. The committee recommends two amendments to the statute. First, the ability to make the file private in more than just divorce cases, and second, to create a standard for procedures that reference the rules that establish the process for closing a court file.

Mr. Shea also reported that there is an attempt to improve the master list of jurors. Currently the courts are in the process of getting the Tax Commission= s records to assist with creating a completed list. Mr. Shea assured the group that if this information was obtained, the highest level of protection would be applied to sensitive documents.

Mr. Shea explained the last piece of legislation deals with protecting voter registrations by making personal records of judges private and then making access to them illegal. Mr. Shea is working on the best options to move forward with this effort.

**Motion:** Judge Poulson made a motion to approve the proposed pieces of legislation as presented by Mr. Schwermer and Mr. Shea, Judge Davis seconded the motion and it passed unanimously.

Mr. Schwermer reported that in the Juvenile Court there are cases where individuals aren't required to see the judge, just pay a fee. This money goes to a specific restitution fund that assists victims. There has been a request to increase the fine from \$100 to \$250. The Juvenile Board has approved this increase.

Mr. Wahl explained that this money comes from juveniles who perform restitution work and receive \$4 an hour that is paid directly to the victims. A portion of these funds go towards the salary of deputy probation officers and equipment for work crews. Mr. Wahl indicated that this increase on fees won't provide a huge amount of money, instead it will allow more juveniles to have the experience of working with a group, and providing restitution.

Judge Andrus explained that the \$250 amount is a maximum amount and many juveniles will not automatically be charged that full amount. The probation officers set this amount, which is clarified by statute.

Mr. Schwermer suggested applying the bail schedule or something similar to better establish consistent fines to help monitor this increase.

Mr. Shea reported that there is also an item in the bill to change the 60 day requirement to a 90 day requirement. There is also language in the statute that prohibit the probation department from compelling an appearance.

Mr. Schwermer covered other potential legislative issues. He explained that, as has been reported, the Guardian ad Litem audit established that some required statutes are currently not being met. Many of those statutes are from National and CASA guidelines. The Judiciary Interim Committee, and the court and GAL oversight committee are working to define how these statutes can be met. The draft of changes will be reviewed by the standing committee, then be brought before the Council.

Mr. Schwermer explained that jurisdiction over stalking injunctions are currently only in the District Court. There becomes an issue when the stalking injunction involves a juvenile. There has been difficulty determining how frequently this issue occurs. Mr. Schwermer will do additional staff work to determine if this is best sponsored by the courts or another organization. Justice Nehring suggested that stalking cases involving juveniles could benefit from mediation. Judge Jensen indicated that involving the Justice Courts in handling civil juvenile stalking cases could also be positive.

## **9. ANALYSIS DISCUSSION AND PRIORITIZATION:**

Mr. Becker explained that when preparing for the Budget and Planning meeting, the Administrative Office of the Courts prepares suggestions in order to better inform the Council of statewide needs. Mr. Becker reported that one of the factors influencing his recommendations come from the GOPB guidelines which anticipate a 2% growth for FY2007. The Council Principles and Strategic Agenda also should play a role in budget decisions in order to help attain the courts' goals. Mr. Becker explained that this year's areas of immediate concerns come from the Guardian ad Litem's Office and the District Court since audits of both groups took place recently.

Mr. Becker reported that as seen from Ms. Allard's caseload presentation, workload trends across that state are relatively flat. By evaluating this data, specific areas in need of attention can be identified. Having a limited amount of requests also sends the message to the Legislators that only the courts' priorities is being brought forward for consideration.

Mr. Becker explained that compensation is scheduled for the September Judicial Council meeting.

Mr. Becker recommended shifting existing resources within the AOC that will allow the education and interpreter request to be met. Mr. Becker indicated that the Council will be considering the formation of an Ogden Justice Court which will affect Deputy Clerks staffing. Mr. Becker reported that re-directing exchange funds should be an option for E-filing and Digital/Audio technology.

Mr. Becker reported that alternative funding from grants should be exhausted before money is requested for the Probation Officer Safety Training.

Mr. Becker indicated that mandated obligations included Leases and Contracts and Jury, Witness, Interpreters Fund. Mr. Becker explained that with the new proposal of the Manti Courthouse, the addition to the Leases and Contracts would be \$37,000. The Manti Courthouse would not compete with the St. George and Ogden buildings, but it would compete next year with the Spanish Fork Courthouse if both the Sanpete and Spanish Fork projects advanced next year. Additional O&M costs would be \$600,000 on top of the regular amount requested annually which is between \$500,000-\$600,000. Mr. Becker clarified that the needs in Manti and Spanish Fork are very similar.

Mr. Bissegger reported that the net increase for FY 08 would be approximately \$270,000 with a 2% interest rate with the CIP money.

Mr. Becker= s building blocks include:

Law Library Publications  
 District Court Law Clerks  
 3<sup>rd</sup> District Court Commissioner  
 3<sup>rd</sup> District Juvenile Court Judge  
 Child Welfare Mediator  
 Guardian ad Litem Staffing  
 DP Equipment Replacement

Mr. Becker recommended the following requests for deferral:

-Education Requests  
 -Employee Assistance Program

Mr. Becker recommended that the 4<sup>th</sup> District Juvenile Court Judge and Victim Coordinators not be considered. Mr. Becker did not address the request for the 4<sup>th</sup> District Court Judge but stated it needed to be discussed by the full Council based upon the request from Provo City for a Justice Court.

Mr. Schwermer reiterated the importance of the budget process which allows the rest of the judiciary, staff and the public to understand the reasons behind the decisions made. This process is also helpful as the Legislative session approaches in order to better express the courts needs.

Mr. Schwermer explained that the group will first review and discuss each request and then label them Mandates/Obligations, Fiscal Note, Appropriation Building Block, Alternative Funding, Deferral, or Eliminate.

The Council reached consensus to categorize the following items:

<b><u>REQUEST</u></b>	<b><u>AMOUNT</u></b>	<b><u>CATEGORY</u></b>
<u>Juror/Witness/Interpreter Funding</u>	<u>\$150,000</u>	<u>Mandated</u>
<u>Employee Assistance</u>	<u>\$32,000</u>	<u>Deferred</u>
<u>Interpreter Program Mgr</u>	<u>\$96,300</u>	<u>Alternative</u>
<u>Legal Publishing costs</u>	<u>\$81,300</u>	<u>Appropriation building block</u>
<u>4<sup>th</sup> District Judge</u>	<u>\$258,050</u>	<u>Fiscal Note Building Block</u>
<u>Law Clerks</u>	<u>\$579,600</u>	<u>Appropriation Building Block</u>
<u>3<sup>rd</sup> District Commissioner</u>	<u>\$205,000</u>	<u>Appropriation Building Block</u>
<u>3<sup>rd</sup> District Juv. Judge</u>	<u>\$258,050</u>	<u>Appropriation Building Block</u>
<u>Child Welfare Mediator</u>	<u>\$74,900</u>	<u>Appropriation</u>
<u>Clerical Resources</u>	<u>\$341,000</u>	<u>Alternate</u>
<u>4<sup>th</sup> District Juv. Judge</u>	<u>\$258,050</u>	<u>Eliminate</u>
<u>Victim Coordinators</u>	<u>\$163,200</u>	<u>Eliminate</u>
<u>E-filing</u>	<u>\$270,500</u>	<u>Alternate</u>
<u>Video to Audio</u>	<u>\$180,000</u>	<u>Alternate</u>
<u>Replacement Schedule</u>	<u>\$240,000</u>	<u>Appropriation Building Block</u>
<u>GAL Personnel and Equipment</u>	<u>\$1,332,700</u>	<u>Mandated /Obligations</u>
<u>Lease and O&amp;M</u>	<u>\$935,000</u>	<u>Mandated (O&amp;M) Appropriate (Manti)</u>
<u>Education Restoration</u>	<u>\$30,000</u>	<u>Deferred</u>
<u>PO safety training</u>	<u>\$28,800</u>	<u>Alternative</u>
<u>Pro Tem Judge training</u>	<u>\$2,000</u>	<u>Deferred</u>
<u>Exec. Leadership Development</u>	<u>\$48,800</u>	<u>Deferred and .5 Alternative Funding</u>
<u>Juror/Witness</u>	<u>\$268,200</u>	<u>Supplemental</u>
<u>DORA</u>	<u>\$10,000</u>	<u>Mandated/Obligation</u>



-Judge Memmott reported that although David Bird is absent, he didn't feel good about the library continuing to be funded if its main focus is a pro-se litigation support. Chief Justice Durham responded that the library is a resource for many groups in need of legal resources, whether for the profession, the public or the judiciary. Mr. Schwermer clarified that the funding requested for the library is to keep the library actually functioning and providing more resources for it.

-Mr. Schwermer provided background regarding the 4<sup>th</sup> District Judicial Officer. Judge Stott explained some Legislators expect the 4<sup>th</sup> District request to come as a priority from the Council.

-Judge Dever reported that the need for Law Clerks is great, but there could be a discussion regarding how many should be provided. Judge Memmott reported that the needs of each district vary.

-Mr. Becker reviewed the guidelines for mandated items with the group. A concern was brought up regarding the courts intent with keeping the GAL within the court system given that a large portion of the budget request came from the GAL office. Chief Justice Durham suggested the courts remain as neutral brokers in order to meet the fiduciary duties required for the GAL.

Mr. Schwermer reported that it is expected that a bill proposing the re-location of the Guardian ad Litem office will arise this year. Mr. Schwermer suggested having the GAL Standing Committee approach the Legislature as the separate program it is, allowing support from the Council, but remaining somewhat separate from the Judicial Branch requests. Similar to Leases and O&M, the GAL could be separated by recognizing the Legislature is in a sense requiring action, yet keeping it separate from the remaining requests. This would keep the GAL request separate from court specific priorities.

Judge Andrus stated that he did not believe the Council should assume the GAL needs more staff just because of the Legislative Audit. Judge Andrus explained that the system was created by the courts and the system should be able assess their needs as they change. Mr. Becker reported that consistent requests for the GAL have been coming through the Council up until budget cuts. The GAL in the past has been in competition with other Council requests. This is also a concern of some Legislators. Mr. Becker clarified that the request from the GAL is actually much smaller than the audit and the national standards suggest. The courts are relying on the opportunity from the audit to make necessary changes, yet still creating a request that meets the current needs of the courts. Judge Hilder questioned why 2<sup>nd</sup> District has not been using the GAL office. Judge Memmott reported that when 2<sup>nd</sup> District have made requests for GALs they were unable to be met because of the demand in Juvenile Court.

**Motion:** Judge Hilder made a motion to move forward the lease increase for the Manti courthouse and add it as an appropriation request, Judge Davis seconded this motion and the Council unanimously agreed.

Gordon Bissegger pointed out that this is not the normal process for evaluating a proposal for a new facility and in the future the Council will best be served by continuing with the process for prioritization building projects through the 10 year plan.

It was agreed the items labeled as eliminated be removed from the list in order to shorten and clarify.

After voting, the following list of priorities was proposed. The total came to \$1,734,400, just under a 2% increase.

- 1) Law Clerks
- 2) 4<sup>th</sup> District Judge
- 3) Manti Courthouse
- 4) 3<sup>rd</sup> Juvenile Court Judge
- 5) 3<sup>rd</sup> District Court Commissioner
- 6) Child Welfare Mediator
- 7) Law Library
- 8) Replacement Schedule

Judge Dever reported his belief that data shows there is a greater need for the 3<sup>rd</sup> Juvenile Court Judge and its place on the priority list should go before the 4<sup>th</sup> District Judge.

**Motion:** Judge Dever made a motion to change the list of priorities by switching the place of the 3<sup>rd</sup> Juvenile Court Judge request for the place of 4<sup>th</sup> District Judge. Judge Chamberlain seconded this motion. After discussion, a vote was taken and the motion failed.

Judge Memmott stated it is difficult to compare weighted caseload reports between the District and the Juvenile courts. The role of the Council is to rely on the collective wisdom of the group and their experiences. Judge Chamberlain expressed concern over prioritizing law clerks above judicial officers especially since Juvenile Judges don't use law clerks and the 4<sup>th</sup> District request is also above the 3<sup>rd</sup> Juvenile Court Judge request.

A concern was raised over the inclusion of the Manti Courthouse separately under the appropriation heading.

**Motion:** Judge Poulson moved to remove the Manti Courthouse from the prioritized list and combine it with the lease and contract request, previously approved. Judge Jensen seconded the motion. The motion passed unanimously.

A vote was taken to determine if another vote was required since the Manti Courthouse had been removed. A majority of the group felt a further vote was not required.

Judge Memmott questioned how the GAL mandated request will be approached. Mr. Becker responded that it is already a separate line item. With the exception of DORA everything in the mandated request are separate line items.

**Motion:** Judge Hilder made a motion to reduce the Children's Legal Defense expenditures by \$50,000, Judge Stott seconded the motion. The motion passed unanimously.

**Motion:** Judge Hilder made a motion to increase the Court Security Fund by \$170,000. Judge Chamberlain seconded, motion passed unanimously.

**Motion:** Judge Hilder made a motion to move the Manti Courthouse ahead of Spanish Fork Courthouse and adjust the 10 year plan accordingly, Judge Poulson seconded the motion and the motion passed unanimously.

**Motion:** David Bird motioned to change courts complex fund to 4.4 million, Judge Memmott seconded the motion. The motion passed unanimously.

Judge Memmott requested that the Layton Courthouse study be re-titled the Davis county Courthouse study. Mr. Bissegger reported that the Layton Courthouse study addressed all Davis county needs.

**Motion:** Justice Nehring made a motion to adjourn the meeting and begin the Judicial Council meeting, Judge Stott seconded the motion and it passed unanimously.