

**JUDICIAL COUNCIL PLANNING MINUTES  
AUGUST 29<sup>TH</sup>, 2007  
LARGE CONFERENCE ROOM A  
MATHESON COURTHOUSE  
SALT LAKE CITY, UTAH**

*Chief Justice Christine M. Durham, Presiding*

**ATTENDEES**

Chief Justice Christine Durham  
Judge James Davis  
Judge Michael Kwan  
Judge Mark Andrus  
Judge William Barrett  
Scott Sabey, esq.  
Judge Gary Stott  
Judge Michael Lyon  
Judge Michael Westfall  
Judge Jody Petry  
Judge Robert Hilder  
Judge Hans Chamberlain  
Justice Ronald Nehring  
Judge Kevin Nelson

**GUESTS**

Bob Yeates  
Dave Walsh  
Jennifer Hemenway  
Gary Syphus  
Judge Charles Beherens  
Judge Sterling Sainsbury  
Judge Mary Noonan  
Judge Paul Maughan  
Judge Judith Atherton  
Judge Gregory Orme  
Jim Peters  
Russ Pearson  
Judge William Thorne  
Judge Elizabeth Lindsley  
Judge Rodney Page  
Judge Lynn Davis

**STAFF**

Daniel J. Becker  
Myron K. March  
Rick Schwermer  
Kim Allard  
Katie Gregory  
Ray Wahl  
Matty Branch  
Susan Burke  
Nancy Volmer  
Debra Moore  
Derek Byrne  
Fred Jayne  
George Braden  
Tim Shea  
Carol Price  
Gordon Bissegger  
Diane Cowdrey  
Rick Smith  
Rob Parkes  
Holly Frischknecht

**1. OVERVIEW (Chief Justice Christine M. Durham, Daniel J. Becker)**

Chief Justice Durham welcomed all Council members and staff to the Budget and Planning meeting. Chief recognized Judge Michael Westfall from the 5<sup>th</sup> District replacing Judge Rand Beacham on the Council. Mr. Becker introduced Gary Syphus the court's new Legislative Fiscal Analyst, Dave Walsh with CCJJ, and Judge Bob Yeates, Director of CCJJ who will present on state of Utah's budget.

Mr. Becker reported that the purpose of this budget and planning session is to arrive at a list of priorities to submit to the Governor and the Legislature for the upcoming year. Mr. Becker indicated that the budget process begins in January when each TCE meets with their districts and determine their needs locally. The TCEs recommendations then move on to the boards of appellate, district, juvenile and justice court judges. The Boards prioritized submissions and they were then reviewed by the executive budget committee made up of administrators and TCE representatives. The committee consider the demands of the system as a whole and prioritize their recommendations to the Council accordingly.

The document Navigating the Budget has also been provided to help Council members understand how the budget decisions made over these next few days are impacting the judiciary statewide.

Mr. Becker reviewed the agenda and reported that the Boards and Standing Committees will make their presentations and requests to the Council individually. Legislation and compensation will also be reviewed and the voting and prioritization of the budget will be completed by tomorrow.

**2. STATE OF UTAH ECONOMIC STATUS (Dave Walsh, CCJJ)**

Mr. Walsh thanked the Council for their time. Mr. Walsh provided a power point and handout of the status of the state's economy. The employment growth of the state was reviewed. Utah has experienced one of the highest employment rates in the nation. The bulk of the increase has taken place in some of the rural areas of the state, but growth has also taken place along the Wasatch front. The revenue sources for FY 2008 was reviewed. During the past legislative session, public education and health received a large amount of the available appropriations. The total appropriations was \$11.1 billion. State employees received a 3.5% COLA and a 1.5% discretionary increase. The Legislature funded a 10% increase for the judges.

Mr. Walsh reviewed the projected surplus from FY 2007 which is approximately \$260 million. The FY 2009 revenue growth is expected to be limited after tax cuts are fully implemented. Mr. Walsh discussed the appropriations limit which confines appropriations increases to the growth in population and inflation. The limit excludes expenditures for public education, transportation, debt service, and capital projects. Mr. Walsh reviewed the estimated cushion that will be available in FY 2009 to be around \$200 million.

During the Governor's recent budget retreat a list of big item priorities was created, those priorities far outpaced the projected increase in revenue. Mr. Walsh reviewed the FY 2009 capitol development requests, including the Ogden Juvenile Courthouse.

Mr. Walsh discussed the time line for the budget process. The regular budget drivers include public education, transportation, infrastructure, health insurance, and employee compensation. The Governor's additional priorities include teacher compensation, insuring the uninsured, air quality and measuring government performance. The mandatory and discretionary building block items were reviewed. This year the Governor is requesting that all requests be

prioritized regardless if the request is mandatory or discretionary. Budget requests that deal with compensation for specific job codes or agencies should be coordinated at the statewide level with the Human Resource Department.

All building blocks must continue to be submitted through a state agency and the CourTools performance measures are incorporated with the budget request, just as the balance scorecard performance measures are included with the Executive Branch requests.

Mr. Walsh indicated that the Governor feels that Drug Courts are again a big priority for him and it would be helpful for the courts to work with Human Services to determine the total amount of money that would be required to run additional drug court programs. Mr. Walsh reported that it remains unclear whether the state HR agency will submit a compensation study, which could affect the courts plans for compensation.

### **3. BUDGET PROPOSALS IN CONTEXT:**

#### ***WORKLOAD DEMOGRAPHICS (George Braden, Kim Allard)***

Ms. Allard reviewed the justice court, district court, and juvenile court clearance rates. Ms. Allard reported that CourTools have been extremely productive and has served the purpose the Council had intended when it was implemented two years ago.

Mr. Braden reviewed the case filing trends by category and district, and how this information affected the judicial weighted caseload. Mr. Braden indicated that the population of the state has increased by 24%, but the filings and referrals are not growing at that rate in the courts. Mr. Becker indicated that programs in juvenile court and district court such as an increase probation officers, an increase in ADR and in drug courts may be incurring the lower than expected filings.

Over a 10 year period the Supreme Court case filing have dropped by 10%. The most significant decreases is in civil appeals and writ of certiori. In the Court of Appeals there has been a 5% drop in the past 10 years. The main decreases in the Court of Appeals has taken place in the civil appeals and in the juvenile child welfare appeals.

Based on case weighting data the district court, is almost right on where the authorized positions should be at this time. Based on what the juvenile weighting data shows, juvenile court is beginning to fall behind. The justice court data was also reviewed.

The 4<sup>th</sup> District domestic filing type was reviewed to consider the district's request for an additional commissioner. The 4<sup>th</sup> District Juvenile court categories were also reviewed to gauge the request for an additional judge. Mr. Braden also provided information on what cases a combined 4<sup>th</sup> District and Juvenile Court Commissioner could work on and how that would affect judicial weighted caseload.

#### ***FISCAL TRENDS & BUDGET PROCESS (Myron March, Derek Byrne, Fred Jayne)***

Mr. March reported on the courts budget summary. The Judicial Council is responsible for administering 14 General Fund Restricted Accounts, 21 Dedicated Credit Accounts, and the investment of \$25 million in trust funds. The accounts that will be reviewed are those which require the closest monitoring.

-The Children's Legal Defense Fund (CLDF) provides money to pay for expenses related to mandatory divorce education classes, a mediation program, the use of guardians' ad litem and an expedited parent-time enforcement pilot program. With the passage of SB 224 in 2007, the

General Fund Restricted Account became a viable account for program funding. The filing fee was increased from \$2 to \$4 on various civil filings. The revenue stream is now sufficient to cover the appropriation without risk.

-The Alternative Dispute Resolution fund is collected by the filing fee and sale of the ADR video. SB 224 also affected the ADR fund by providing funds to cover projected costs and fund two ADR personnel who had previously been covered by a grant. The program is now self sustaining.

-The Court Reporter Technology Fund receives fees generated from the sale of transcripts by court reporters. This fund goes toward salaries, training, and computer software. In FY 04 and FY 05 an increase of \$100,000 was used to upgrade equipment. The fund is healthy but will need monitoring because it is projected that the fund will suffer in the next few years.

-The projections for the Court Complex fund have indicated that the fund would go into the red in the next year without an increase to the fund. The problem existed because the Legislature borrowed from the fund for other projects. Although the Court Complex Fund has suffered a shortfall in the past, projections show that with the one-time contribution to the fund from court turnover savings from FY 2007 now makes the fund whole. An adjustment has also made an allowance for an expenditure from the fund to be reduced from \$4,700,000 to \$4,400,000 which will allow the fund to remain solvent until FY 2018 when the bond will be paid off.

-The Law Library non-lapsing fund is healthy and has not been relied on heavily. Approximately \$10,000 to \$12,000 per year is brought in. By the end of this fiscal year there will be \$139,000 available in the fund.

-The Security Fee, funded by HB 371 and SB 196, is very healthy. This fund covers the sheriff's contracts statewide and also the new Court Security Director position.

-The Justice Court Technology, Security and Training Fund has been very healthy and continues to be solvent. The Legislature has utilized excess carry forward funds for one time expenditures in previous years but the fund will remain healthy. There is a currently a cap that limits the courts spending to \$900,000 and the Board of Justice Court judges is requesting that the cap be extended to one million.

***FY 2008 PROPOSALS IN SUMMARY (Daniel J. Becker)***

Mr. Becker reviewed the summary of the building block requests that were found in detail on page 19 of the Budget and Planning binder. The total amount of requests is less than previous years which speaks to the discipline that the Boards and Committees have shown. A more detailed report will be provided with each presentation.

**4. JUVENILE BOARD REPORT (Judge Charles Behrens, Ray Wahl)**

Judge Behrens introduced members of the Board of Juvenile Judges and reviewed how the Board reached their priorities to bring to the Judicial Council. The Board has requested the following:

1. 4<sup>th</sup> District Juvenile Court Judge
2. Clerical Resources
3. Probation Officers
4. Law Clerk

Judge Sainsbury, Presiding Judge of the 4<sup>th</sup> District, reported that they are in great need of an additional judge. In the 4<sup>th</sup> District Juvenile Court there is a 12% increase in referrals, an 18% increase in felonies, and a 15 % increase in child welfare. All four judges hold both delinquency and dependency drug courts which totals 8 drug courts. The district is also starting a model delinquency court. Judge Sainsbury addressed the commissioner suggestion and indicated that with the additional information that has been provided to the Council the data shows that a judge is needed and a commissioner couldn't assist much in the 4<sup>th</sup> District Juvenile caseload. Judge Beherens discussed the remainder of the requests in greater detail.

A grant covers the law clerk position for one additional year and the need for funding would not be necessary until next year. The Board and the Bench of juvenile judges have relied heavily on the law clerk. Mr. Wahl reported that an increase in the general fund restricted account by \$194,300 which would increase the use of the fee up to \$915,300 is also being requested. This would allow the program with that account to be fully funded.

Judge Beherens reported that the 5<sup>th</sup> District will need additional resources next year when they have a courthouse. The Comprehensive Clerk Study is an effort the Board is following and clerical salary is a priority. Judge Nolan is also guiding the judicial workload study committee and the Board expects changes will need to be made once the study is complete. Mr. Wahl reported that having the clerical weighted caseload reports before the budget process begins is crucial for the TCEs and Board to correctly prepare their budgets.

#### **5. INFORMATION TECHNOLOGY STANDING COMMITTEE REPORT (Judge William Thorne, Ron Bowmaster, Kim Allard)**

Judge Thorne reviewed the members of the Technology Committee and also reported on the requests the IT Committee has made, they are:

1. Video Switching
2. DP Replacement Schedule

The IT Committee is also seeking intent language for a request to authorize a lease purchase. Judge Thorne reviewed these requests and reported that Ron Bowmaster the Director of IT has been a wonderful addition to the AOC and he has led the Committee in a positive direction. Mr. Bowmaster also indicated that a redundant system is being created for the new St. George Courthouse.

#### **6. FACILITIES COMMITTEE REPORT (Daniel J. Becker, Gordon Bissegger)**

Mr. Becker reported on the membership of the Standing Committee on Facilities. The Facilities Committee has requested the following items. They are:

1. Ogden Juvenile Court purchase of land, design and construction cost
2. Lease and Contract Request (includes utility increase, perimeter security increase, lease increase, new equipment for Manti Courthouse)
3. Approval of 10 year Facility Master Plan

Mr. Bissegger reported more on the status of the Sanpete County Courthouse. The Sanpete County Council feels that a vote on the bond may not be passed. The Council must determine if they want to work with the County and consider the property beyond the current suggested location and possibly building south of the town in Manti, or wait until another location in town becomes available. The County Council is asking that the Council withdraw the fairground site for consideration

***Motion:*** Justice Nehring motioned to advise Sanpete County of the Council's intention to retreat from the fairground location and that the Council reaffirms their commitment to the Standing Committee on Facilities principle of building Courthouses in the center of downtown areas. Judge Lyon seconded motion. The motion was voted on and passed unanimously.

Mr. Bissegger provided an update on the Spanish Fork site and the Washington County Courthouse. Mr. Bissegger indicated that the 4<sup>th</sup> District is working on a master plan update. The district court is moving towards centralization and the juvenile court is moving towards de-centralization. This would go before the Council for consideration in 2009. Mr. Becker indicated that the question of centralization and de-centralization is considered on a county by county basis. The state-wide security upgrade project is also being addressed through the implementation of Securacom recommendations that will be funded through DFCM. This will lead to a major renovation of the Matheson security entrance.

A new Subcommittee has also been created to consider the Continuity of Operations Plan (COOP) for the judiciary. Carol Price the Court Security Director will be staffing that Subcommittee with Judge Dever serving as chair.

#### **7. GUARDIAN AD LITEM (Rick Smith)**

Rick Smith was introduced to the Judicial Council after serving three months as the new director of the GAL Office. Keith Kelly is the chair of the GAL Standing Committee and has led the seven member committee in the past year. The Committee has considered many policy issues and have been very involved with the Legislature. Last year the Legislature provided for six more attorneys and staff. This year, the GAL's requests include:

1. Increase GAL attorney salary
2. Increase Attorney/Staff Positions
3. Increase Conflict Counsel Rate/Hours
4. Two Motor Pool Vehicles (for 4<sup>th</sup> and 8<sup>th</sup> District)

Mr. Smith indicated that the GAL salaries continually fall below the range of what an AG makes. Mr. Smith also reported that staffing is a constant concern because the salary range of attorney's is so low. Mr. Smith reported on the difficulty in recruiting conflict counsel based on the low pay and how much is required of the individuals offering this service.

#### **8. EDUCATION STANDING COMMITTEE (Judge Elizabeth Lindsley, Diane Cowdrey)**

Judge Elizabeth Lindsley the new chair of the Education Committee reported on the strategic plan of the Education Standing Committee. The mission and goals were provided to the

Council. Dr. Cowdrey provided a detailed outline of what programs are expanding. The total participant hours provided by UJI this year was 23,132.

The Education Standing Committee requested the following increases:

1. PO Safety Training
2. Executive Leadership Development
3. Pro Tem Judge Training
4. Mentor Judge

Dr. Cowdrey reviewed the numerous programs that UJI provides and the goals for each of them.

**9. DISTRICT BOARD REPORT (Judge Paul Maughan, Debra Moore)**

Judge Maughan and Judge Pullan were welcomed to the Budget meeting. Judge Maughan indicated that the district court requests include:

1. Five Law Clerks
2. 4<sup>th</sup> District Commissioner
3. Clerical Resources

Judge Maughan reported that the Board had requested seven law clerk positions last year and three were funded. The Board requests that the Council consider an increase in the judicial operations budget in the near future. Judge Pullan reported that the 4<sup>th</sup> District has 13 judges and one Commissioner who is only able to serve one county. The 4<sup>th</sup> District's population continues to grow which has led to an increase in the domestic caseload that the Commissioner hears. Judge Pullan indicated the options that have been considered within the district have only provide a band aide to the problem. Judge Pullan reported that the 4<sup>th</sup> District feels that a full time commissioner is needed and justifiable, but that a shared Commissioner would also offer great assistance.

**10. OTHER REQUESTS**

***-SELF-REP LITIGANT COMMITTEE (Judge Rodney Page, Tim Shea)***

Judge Page provided an update on the self-represented pilot program that the Council funded on a one time basis. The Committee is requesting ongoing support for the program. The request would also include a forms specialist that would help update and clarify forms to all users. Judge Page also indicated that the limited legal help project (unbundled local services) in the 2<sup>nd</sup> District continues to move forward with the help of the local Bar.

***-DISTRICT/JUVENILE COURT - LEXIS NEXIS (Ray Wahl, Debra Moore)***

Ms. Moore provided information on an in house research bank that would be available to district and juvenile judges and law clerks through Lexis Nexis. This service would provide a database of state wide memos and decisions, in addition to the regular search engines provided to the judges and clerks. There are currently 28 judges, one commissioner, and a law clerk in the juvenile court, and 71 judges, 8 commissioners and 27.5 and law clerks in the district court who would be served by this research tool. This is a \$28,800 request that would cover the contract fee and technician support for the amount of users the court has. Ms. Moore indicated that all judges and clerks would have to save their work into a specific drive for the search crawler to identify

the work and post it on the search engine. Discussion took place about adding the justice court judges to the Lexis Nexis search engine. The Council will consider the cost of adding them during their September meeting.

***-INTERPRETERS (Judge Lynn Davis, Tim Shea)***

Judge Davis indicated that the necessity of court interpreters continues to grow and the Interpreter Standing Committee requests the following:

1. Interpreter Rate Increase to \$40 per hour

Judge Davis complimented the qualified interpreters in our state and recognized the advancement and growth of the Court Interpreter Program in the state of Utah.

***-JUROR/WITNESS - SUPPLEMENTAL AND FY 2008 (Fred Jayne)***

Mr. Jayne indicated that the juror/witness/interpreter account is the only fund that is allowed to exceed the appropriated amount. This past year the jury expenses have increased. This fund has experienced a deficit in 2006, 2007, and 2008 so a supplemental is needed in order to make the fund whole by 2009. A supplemental of \$560,000 is needed. The Legislature determines whether they will provide this supplemental to balance the budget. Mr. Shea indicated that it does not appear more jurors are being summoned.

***-JUSTICE COURT TECHNOLOGY ACCOUNT (Rick Schwermer)***

Mr. Schwermer indicated that Mr. March reviewed most of the Justice Court Technology Account fund increase. The recommendation is to increase the appropriation to be authorized to spend up to \$1,000,000 instead of having a cap at \$900,000.

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**1. LEGISLATION (Richard Schwermer, Debra Moore, Tim Shea)**

Mr. Schwermer indicated that the Justice Court Study Committee proposal is not drafted at this point and is not included in the list of legislation that Mr Schwermer is reviewing. A final proposal will be brought to the Council in November. Senator Hillyard will sponsor that bill.

Mr. Schwermer reported that the Board of Juvenile Judges and the Board of District Judges will meet in September to discuss the juvenile court jurisdiction issue and make recommendations to the Council for future legislation.

The sunset for the ADR pilot program will also be proposed. The Council approved a substitute Rule last meeting to extend the service, but the legislature needs to have an opportunity to address this issue through legislation.

Legislation outlining how the courts deal with communicable diseases has been supported by legislative research and Mr. Schwermer will look for a sponsor for this bill, it is not expected to be controversial.

The juvenile protective order bill recommended by the Juvenile and Family Court Committee to state when the child protective order expires will be part of the housekeeping bill.

The civil filing fees for accountings in guardianship legislation was reviewed and the proposal was to delete the filing fees to make this process easier. It will be determined what the total loss of income will be and if it is over \$10,000 it will not be advanced as a Housekeeping

bill. The Liaison Committee does agree that as few barriers as possible should take place in the guardianship process.

The last piece of legislation to consider is the right for parents to file a petition for ORS to modify a child support order. It is still being determined how this legislation will be advanced.

***Motion:*** Judge Stott motioned to accept the proposed legislation as presented, the motion was seconded and passed unanimously.

## **2. STAFF ANALYSIS (Daniel J. Becker, Myron March)**

Mr. Becker reported that the court has always followed the spirit of the GOPB guidelines. Although the Governor is asking that all requests be prioritized, the courts will keep the GAL requests separate with the understanding that the courts are different than agencies as the third branch of government. Mr. Becker indicated that all requests have been in line with the Council's principles and the strategic agenda of the courts. Judging from yesterday's workload trends presentation, it is evident that the judiciary is in a good place to measure progress. Mr. Becker recognized that the trends do show that the expected increase in the juvenile court are now evident. Resources in the 5<sup>th</sup> District will also be needed once the courthouse is completed.

Mr. Becker recommended that if the Governor provides a market comparability study, the courts should include employee compensation requests with his office. If the Governor does not conduct a market study, the Council should consider prioritizing the request as a building block to be taken to the legislature.

Mr. Becker recommended that the deputy clerk resource need be utilized with the pooled positions that can be moved to the areas of highest need. It was proposed that the Lexis/Nexis search tool be considered as a pilot project for a year and rely on funds in the law library account to pay for the program. The use of this engine could then be analyzed and be worked into the contract with Lexis/Nexis. Mr. Becker indicated that the juvenile law clerk position is funded through next year by grants, but will be considered in the future when that funding runs out. PO safety training can also be covered by a grant. Mr. Becker also reviewed that the executive leadership program cannot be covered by grants any longer and suggested the program be deferred until the April planning meeting when alternative funding can be considered. The pro-tem judge training will also be reviewed at that time in connection with an overall analysis of education programming and funding. The mentor judge program could be covered by the Sr. Judge budget instead of making a request or the Legislature.

Mr. Becker suggested that the employee assistance program should be deferred until April. Although it hasn't been utilized at the level expected, the program still offers a valuable service to court employees. The employee assistance tool is used for fitness for duty tests, personal need, and response to a crisis.

Mr. Becker also suggested that the probation officer request be considered later in order to see if additional funding resources become available. The video switching is a one time expense and should also be reviewed in April.

Mr. Becker did not address the forms specialist request based on the reassignment of job duties of the program coordinator position and new OCAP services now provided. The interpreter contract increase was also not addressed because Mr. Becker explained that the rate of compensation is very competitive with other western states and that improvements in scheduling interpreters should first be attempted.

The mandates Mr. Becker suggested includes leases and contracts with the exception of the Manti equipment request, the juror witness and interpreter fund, and the GAL Office. Mr. Becker's recommended expansions included the 4<sup>th</sup> district and juvenile commissioner, the district court law clerks, data processing equipment, and the GAL automobiles. Mr. Becker reported that the fiscal year data that is now available shows additional need in the 4<sup>th</sup> Juvenile court and a request for a judge could be justified.

Mr. Becker suggested the Council to consider advancing both requests for a judge and a commissioner. Intent language could be written authorizing the creation of a commissioner for the 4<sup>th</sup> district and the separate judge request could be advanced. Discussion took place about the possibility of obtaining a judge and not a commissioner. A request for a judge goes through the substantive legislative process and a commissioner is an employee and does not go through the same process. Mr. Becker also pointed out that if the data processing equipment request were funded, the courts would be on an eight year equipment upgrade cycle.

Dave Walsh indicated that it can become a complication if the Attorney General's Office makes an additional request for attorney's when judicial positions are requested.

**-DEPUTY CLERK COMPENSATION (Rob Parkes)**

Mr. Parkes provided information on the turnover rate in the last four years. The information provided only refer to court employees and not judges and commissioners. The clerical turnover continues to increase above the rate of other staff. The majority of these clerical employees resign voluntarily. Mr. Parkes broke down the rate of voluntary resignations based on position. The majority of the positions that left were deputy court clerks. The data also shows that the typical deputy court clerk is in the system a few years and leaves for a higher paying job even after receiving their career steps.

Mr. Parkes provided the entry level court clerk salaries for justice courts statewide. The average entry level rate is \$13.39 and the entry rate is \$12.28. The Utah courts are paying an average of \$11.49. This tells us that the courts are 8.4% off the market average for the entry level deputy clerk. The average actual rate being paid is 16.6% off the market average. This means that the average salary increase outside the courts also grows at a much greater rate. The average working level range is 11% off the minimum rate and 13.1% off the actual rates being paid.

Mr. Becker also reported that the high turnover rate happening in some offices create an ongoing vacancy rate which can make anoffice feel understaffed. They have the authorized positions, but they can't retain the individuals in the system. Mr. Parkes reviewed the current pay scale.

Entry Rate	\$11.05
1 <sup>st</sup> Career track	\$11.98
2 <sup>nd</sup> Career track	\$11.66
3 <sup>rd</sup> Career track	\$11.88

Mr. Parkes proposed that clerical retention be address by bringing each step up by 11% which would lead to the following range.

Entry Rate	\$12.31
1 <sup>st</sup> Career track	\$12.65

2 <sup>nd</sup> Career track	\$13.00
3 <sup>rd</sup> Career track	\$13.36

This proposal means that all clerks currently at the minimum rate would receive a four step increase. Clerks at each level above minimum rate would receive the required steps to reach the new minimum rate. All deputy court clerks in the third level would then receive a one step increase. The total cost of this increase would be \$817,108.

Mr. Becker indicated that the Council and administrative staff have spent significant time on the pay of district court clerks, but, even so, they continue to lag significantly behind the market average. The strong economy has led to more competitive entry level jobs. The Comprehensive Clerical Study will consider salaries throughout the clerical range in addition to the issues they are studying related to the clerical workforce.

With respect to compensation, the courts must wait to see if the Governor’s office will advance a market comparability study or only advance a COLA and discretionary fund increase. If that is the case, Mr. Becker suggested that the Council advance the clerical compensation request to the Executive Appropriations Committee and make it the Council’s top priority.

**3. DISCUSSION AND VOTE ON BUDGET PRIORITIES (Rick Schwermer)**

Chief Justice Durham commended the Council for their participation in this process and for putting the needs of the system as a whole above the desires of the individual interests of the districts. Mr. Schwermer indicated that this process is not only to determine the Council’s priorities, but to help the staff understand the meaning and place each request into context of the system-wide needs. The Council will now go through and review each proposal and discuss the issues with each request.

Mr. Schwermer reported that the only thing that was not funded during last years session was the self-represented pilot program which was later funded by the Council in the spring. When labeling an item deferred, it means the Council will consider it in April when they review those things that were not funded by the Legislature and consider internal funding that could cover requests.

Mr. Schwermer began reviewing the requests. The Council agreed to eliminate the four deputy clerk request from the Board of District Judges request item based on Judge Maughan’s report.

The Council reviewed each request and categorized them based on mandate, building block, alternative funding, deferral and fiscal note.

<u>REQUEST</u>	<u>AMOUNT</u>	<u>CATEGORY</u>
Law Clerks	\$419,500	Appropriation building block
4 <sup>th</sup> District Commissioner	\$278,200	Deferred
Clerical Resources (District)	\$204,000	Deferred
4 <sup>th</sup> District Juv. Judge	\$303,950	Fiscal note
Clerical Resources (Juvenile)	\$102,000	Deferred
Probation Officers	\$80,400	Alternative funding
Law Clerk (Juvenile)	\$83,900	Alternative funding
Non-judicial funds	\$194,300	Appropriation building block
Video switching	\$110,000	Deferral

DP Replacement schedule	\$240,000	Appropriation building block
PO Safety Training	\$38,800	Alternative funding
Exec. Leadership Development	\$59,000	Deferred
Pro tem Judge Training	\$7,000	Deferred
Judge Mentor Programming	\$5,900	Alternate funding
Self-help support center	\$91,200	Deferred
Self-rep litigant forms specialist	\$79,800	Eliminate
Employee Assistance	\$32,000	Deferred
Lexis-Nexis total search	\$28,800	Alternate
Clerical weighted caseload	\$15,000	Alternate
Lease and O&M	\$701,000	Mandate and obligation
Manti O&M	\$100,000	Deferral
Juror/Witness 2009	\$150,000	Appropriation building block
Interpreter Contracts	\$38,500	Eliminate
GAL Attorney Compensation	\$323,000	Mandate and obligation
GAL Attorney & Staff Increase	\$241,900	Mandate and obligation
GAL Conflict Counsel	\$110,000	Mandate and obligation
GAL Vehicle request	\$42,000	Mandate and obligation
Justice Ct. Tech Fund	\$100,000	Appropriation building block
Deputy Clerk Compensation	\$817,108	Appropriation building block
JW 2007/8-supplemental	\$560,000	Appropriation building block

DP Intent Language

Approve

The Council discussed that the judge mentor program should be funded by the Sr. Judge budget. It was also agreed that the Lexis-Nexis search engine should be covered by the library fund as a year long pilot project and the Council will discuss including the justice court in this program in future meetings. Further discussion took place about eliminating the self-represented litigant form specialist because there is current staff assistance available. It was discussed that the employee assistance program be extended to the justice court. The Council agreed this was an administrative decision that could be considered by staff and possibly again in April.

The Council agree that the clerical weighted caseload request should be funded immediately and not be deferred. The Council also approved \$701,00 for the Facilities Standing Committee but indicated the \$100,000 request for funding for the Manti Courthouse is one time funding and would be addressed in April by the Council. It was discussed that depending on the compensation decision the Governor and DHRM makes, the Council will be considering what direction to take on the issue again. The Council determined it was appropriate that the GAL requests be separate from other court priorities.

The voting sheet was provided to the Council members. Judge Chamberlain expressed support for the joint commissioner in the 4<sup>th</sup> District. Judge Hilder expressed that a joint commissioner and employee compensation should strongly be considered for priorities by the Council. The Council voted.

The first round of votes were as follows:

1. Deputy Clerk Compensation

2. 4<sup>th</sup> District Commissioner
3. Law Clerks
4. DP Replacement Schedule
5. 4<sup>th</sup> District Juvenile Judge
6. Juror/Witness 2009

The Council expressed that their vote reflects that the joint commissioner should be sought, instead of a Commissioner in the 4<sup>th</sup> District and a 4<sup>th</sup> Juvenile Judge. The expectation would be to educate the Legislature on the great need for a 4<sup>th</sup> Juvenile Judge that will be requested next year. The Council discussed that the Board of Juvenile Judges would potentially request two judges next year, one in the 4<sup>th</sup> District and one in the 5<sup>th</sup> District.

**Motion:** Judge Chamberlain motioned that the 4<sup>th</sup> District Juvenile Court judge be removed from the list and that the combined 4<sup>th</sup> District and Juvenile Commissioner be advanced as the second priority of the Council. Judge Stott seconded the motion, the motion passed unanimously.

The new order is now:

1. Deputy Clerk Compensation
2. 4<sup>th</sup> District/Juvenile Commissioner
3. Law Clerks
4. DP Replacement Schedule
5. Juror/Witness 2009

**Motion:** Judge Barrett motioned to approve the DP intent language, the motion was seconded by Judge Andrus, and passed unanimously.

**Motion:** Judge Hilder motioned to approve the juror witness supplemental for 2008, the motion was seconded and passed unanimously.

**Motion:** Scott Sabey motioned to accept this final list as the Council's priorities. The motion was seconded and passed unanimously.

**Motion:** Judge Andrus motioned to approve the Facilities Committee 10 year master plan and approve the Facilities Committee's plan to make the Ogden Juvenile Court the Committee's priority this Legislative session. The motion was seconded and passed unanimously.