

JUDICIAL COUNCIL MEETING

AGENDA

June 28, 2021

**Meeting held through Webex and at:
450 S. State St.
Salt Lake City, UT. 84111**

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
(Information)
3. 9:10 a.m. State Court Administrator's Report.....Ron Gordon
(Information)
4. 9:20 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget & Fiscal Management Committee..... Judge Mark May
Liaison Committee..... Judge Kara Pettit
Policy & Planning Committee Judge Derek Pullan
Bar Commission..... Rob Rice, esq.
(Tab 2 - Information)
5. 9:45 a.m. Judicial Conduct Commission ReportAimee Thoman
(Tab 3 - Information)
6. 10:00 a.m. JPEC Juror Survey Ad Hoc Subcommittee Request Dr. Jennifer Yim
(Tab 4 - Action) Commissioner David Jordan
7. 10:15 a.m. Office of Fairness and Accountability Creation of a Committee
(Tab 5 - Action) Jon Puente
- 10:30 a.m. Break
8. 10:40 a.m. Budget and Grants FY22 Carryforward Requests and Ongoing Spending
Requests Judge Mark May
(Tab 6 - Action) Karl Sweeney
9. 11:20 a.m. Senior Judge Rules for Approval.....Cathy Dupont
(Tab 7 - Action)

10. 11:30 a.m. Approval of 2022 Judicial Council ScheduleRon Gordon
(Tab 8 - Action)
11. 11:35 a.m. Old Business/New Business All
(Discussion)
12. 11:55 a.m. Executive Session - There will be an executive session
13. 12:15 p.m. Adjourn

Consent Calendar

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

None

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

May 24, 2021

Meeting conducted through Webex

9:00 a.m. – 1:30 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Todd Shaughnessy, Vice Chair
Hon. Brian Cannell
Hon. Samuel Chiara
Hon. Augustus Chin
Hon. David Connors
Hon. Ryan Evershed
Hon. Paul Farr
Hon. Michelle Heward
Justice Deno Himonas
Hon. Mark May
Hon. David Mortensen
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Brook Sessions

Excused:

Rob Rice, esq.
Shane Bahr
Neira Siaperas

Guests:

Quinn Bennion, Vernal City Manager
Hon. James Brady, Fourth District Court
Ron Gordon, General Counsel to the Governor
Alicia Green, Third Juvenile Court
Hon. Royal Hansen, Third District Court

AOC Staff:

Hon. Mary T. Noonan
Cathy Dupont
Michael Drechsel
Geoff Fattah
Meredith Mannebach
Jordan Murray
Bart Olsen
Jim Peters
Tiffany Pew
Nini Rich
Stacey Snyder
Nick Stiles
Karl Sweeney
Chris Talbot
Jeni Wood

Guests Cont.:

Hon. George Harmond, Seventh District Court
Dennis Judd, Vernal City Attorney
Kristina King, OLRGC
Annie Knox, Media
Hon. Michael Leavitt, Fifth Juvenile Court
Hon. G. A. Petry, Vernal Justice Court
Lucy Ricca, Supreme Court
Cindy St. Clair, KSL
Jonathan Stearmer, Vernal City
Benjamin Winslow, Media
Bob Yeates, GAL Committee Chair

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. Due to the coronavirus pandemic, the Council held their meeting entirely through Webex.

Motion: Judge Paul Farr moved to approve the April 26, 2021 Judicial Council meeting minutes, as amended to correct section five from end of planning to end of life planning, and to add that a discussion was held about the scope of the access to justice gap and its impact on other communities, including underserved communities. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant noted this will be Judge Mary T. Noonan's last Judicial Council meeting. Judge Noonan is a delightful member of the Judiciary and had a profound effect on judges and employees over the past 2.5 years.

Chief Justice Durrant thanked Brent Johnson for his extraordinary contribution to the courts noting that everyone relied on his careful, thorough legal analysis, his informative and fun presentations, and his friendship. Mr. Johnson was a remarkable General Counsel, administrator, and friend to so many in the court system.

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

Judge Noonan thanked everyone, specifically Chief Justice Durrant, for their work in the Judiciary. The special legislative session was held last week. The Judiciary requested \$12M and received \$14M in ARPA funding, a \$1M increase in carryforward authorization, an extension of the authority to use the jury/witness fund to address costs associated with jury selection to address the court jury trial backlog, and \$1M for the use of additional judicial assistants and senior judges to help address the jury trial backlog caused by the pandemic. The Manti Courthouse received \$2M in funding for the development of plans and drawings. Chief Justice thanked Judge Noonan, Cathy Dupont, and Michael Drechsel for their work on the funding requests.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Judge Mark May mentioned the work of the committee will be addressed later in the meeting. Judge May noted that the Career Ladder item in Old Business/New Business will be an action item. This item will be discussed with item 13.

Liaison Committee Report:

Judge Pettit reported that the Sheriff's O.R. bill passed during the special legislative session.

Policy and Planning Committee Report:

Judge Derek Pullan noted the work will be discussed later in the meeting. They held discussions on a proposed rule that was prepared in response to an audit about the courts maintaining exhibits. Next month they will have further discussions about grant applications and AOC resources.

Bar Commission Report:

Rob Rice was unable to attend; however, he provided his report by email noting that from a list of three excellent finalists, the Bar Commission last week selected Elizabeth Wright to serve as the new Executive Director, upon John Baldwin's departure in August. Ms. Wright currently serves as the Bar's General Counsel. Mr. Rice felt she is an excellent choice. Chief Justice Durrant said Ms. Wright was an excellent choice.

5. ADR COMMITTEE REPORT: (Judge Royal Hansen and Nini Rich)

Chief Justice Durrant welcomed Judge Royal Hansen and Nini Rich. In 1994, the Utah State Legislature enacted the Utah Alternative Dispute Resolution Act (ADR Act) which required the Judicial Council to implement a program utilizing Alternative Dispute Resolution in the state courts. The program was implemented by the Judicial Council and Supreme Court rules in January, 1995.

All mediation programs directly administered through the ADR Office (Child Welfare, Co-parenting and Restorative Justice) were shifted online in April 2020 and continue to be offered exclusively online as of May 2021. Private ADR providers on the Utah Court Roster report conducted 63% of sessions online in the 2020 calendar year.

ADR Programs

Child Welfare Mediation	Statewide (juvenile court cases involving abuse or neglect)
Co-Parenting Mediation	Third District Court (Utah Code § 30-3-38)
Divorce Mediation	Statewide (Utah Code § 30-3-39)
General Civil Referrals	Statewide (mediation or arbitration) (CJA Rule 4-510.05)
Restorative Justice	Statewide (juvenile truancy & victim/offender mediation)
Probate Mediation	Statewide (CJA Rule 6-506)
Small Claims Mediation	Various justice courts
Small Claims Appeals	Second and Third District Courts

Statistics and Services FY20

- More than 1,850 cases were referred directly to court-administered ADR Programs. In addition, more than 4,000 cases were mediated by private providers selected by parties.
- Six ADR staff mediators (5 FTE) were assigned 1,242 Child Welfare mediations statewide. Of those cases mediated, 91% were fully resolved. (Since 1998, the Child Welfare Mediation Program has conducted over 18,500 mediations for the Utah State Juvenile Courts.)
- Three juvenile justice mediators (2.5 FTE) were assigned 141 truancy mediations and 78 victim/offender mediations statewide.
- More than 250 pro bono divorce and co-parenting mediations were arranged by ADR staff.
- Over 500 pro bono mediations were provided through ADR Program collaborations with nonprofit community organizations and educational institutions.
- The Utah Court Roster lists 172 ADR providers who mediated 3,785 cases and arbitrated 27 cases in the 2020 calendar year. Twenty-five new applications and 181 roster re-qualifications were processed by the ADR Office in 2020.

- 592 pro bono mediations and 2 pro bono arbitrations were provided by members of the Utah Court Roster.
- The ADR Committee continues to provide ethics outreach and education using the Utah Mediation Best Practice Guide. The Committee continues to review and update the Best Practice Guide based on input from outreach efforts and developments in the field.
- The ADR Committee created an on-line ethics examination for new applicants to the Utah Court Roster which expanded the scope of the exam to cover all Utah court rules and statutes that govern ethical behavior of mediators who are members of the Utah Court Roster. The online exam contains live links to the relevant rules and statutes.
- Ongoing ADR training and information are provided to court personnel through a 40-hour Basic Mediation Training, New Judge Orientations and specialized training sessions arranged for judges, court staff and supervisors.
- Outreach and education are provided to the Utah State Bar, Utah State Legislature, Utah ADR Providers and court clients through reports, seminar and conference presentations and the ADR website.

Ms. Rich thanked Judge Hansen for his leadership on the committee and the Council for their support of the ADR Department. Chief Justice Durrant thanked Judge Hansen and Ms. Rich.

6. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge Michael Leavitt)

Chief Justice Durrant welcomed Judge Michael Leavitt. The juvenile courts selected fairness and accountability as their 2020/2021 area of focus. The juvenile courts partnered with CCJJ for two phases of data analysis of the juvenile delinquency data. The juvenile courts joined DCFS and other child welfare partners in a Casey Family Programs initiative to eliminate racial inequity in the child welfare system. Phase I was completed and included a high-level overview of disparities in the juvenile justice system at the point of referral to the court, petition, and disposition. Phase II is in progress with an expected completion of August, 2021 and includes exploring deeper relationships between variables, comparing severity of dispositions and outcomes for similarly situated youth, identifying disparate treatment at various points of court processes, and controlling for factors such as severity of the offense, delinquency history, risk level, age, etc.

What can judges do?

- 1) Emphasize law and facts in court when possible
- 2) Utilize risk assessments and evidence-based practices and uniformly issue sanctions and clearly explain any deviation
- 3) Challenge removals from custody and focus on the least restrictive interventions
- 4) Ensure they maintain the appearance of neutrality in the courtroom
- 5) Be mindful of parents' constraints when issuing delinquency orders
- 6) Allow people the opportunity to speak and ask questions
- 7) Be patient with interpreters and the interpretation process
- 8) Be smart about colloquialisms and pronouns
- 9) Be aware of cultural differences and when they matter
- 10) Dress code

Judge Pullan hoped the juvenile courts continue to pursue the collection of data regarding bias. Judge Leavitt noted for child welfare cases, data has not been collected, largely due to the information funneling through DCFS. They will continue to work on their data collection. Judge Michelle Heward thanked Judge Leavitt for starting good discussions through his presentation.

Chief Justice Durrant thanked Judge Leavitt.

7. AN ACTION PLAN FOR COMPILING JUDICIAL COUNCIL HISTORY: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Ms. Dupont said last year the Council discussed hiring a videographer to interview individuals who were involved in the amendments to Article VIII of the Utah Constitution in the 1980s, which created the Judicial Council form of government. Due to the pandemic and budget considerations, the interviews did not take place. Judge Pullan and Ms. Dupont prepared and sent a list of questions for those to be interviewed. They've received some of the responses back. Justice Gordon Hall completed the video interview. Ms. Dupont will follow up on the responses not yet received from two of the interviewees. Judge Pullan thought that a graduate student might be able to collate the information. Justice Howe will not be able to participate. Ms. Dupont will contact Senator Lyle Hillyard and Roger Tew for possible legislators to contact.

Chief Justice Durrant thanked Ms. Dupont.

8. GAL OVERSIGHT COMMITTEE REPORT: (Bob Yeates and Stacey Snyder)

Chief Justice Durrant welcomed Bob Yeates and Stacey Snyder. Mr. Yeates reviewed the seven-member committee membership. Mr. Yeates complimented the courts on hiring Ron Gordon. Ms. Snyder will replace Mr. Gordon's position on the committee once he becomes the State Court Administrator.

- As more in-person meetings are held, the GAL attorneys look forward to the face-to-face meetings with the youth.
- District court GAL cases are nearly double due to the pandemic. This has been difficult to fill those requests.
- Members on the roster must have background checks and the appropriate training.
- They've received funds for representation of children in court, this has allowed for a 5% salary increase for court employees.

Chief Justice Durrant thanked Mr. Yeates and Ms. Snyder.

9. UTAH COUNTY AND VERNAL CITY INTERLOCAL AGREEMENT: (Jim Peters and Brent Johnson)

Chief Justice Durrant welcomed Jim Peters. The Management Committee considered a proposal to consolidate the Uintah County and Vernal City Justice Courts at its meeting on January 12, 2021. Following discussion, Brent Johnson was asked to provide a legal opinion about the proposal. After reviewing the relevant statutes, Mr. Johnson concluded that Uintah County cannot use an interlocal agreement to dissolve its justice court. To combine the operations of the two courts, either Vernal must dissolve its court pursuant to Utah Code § 78A-

7-123(2) so that its cases automatically go to the county justice court, or Vernal and Uintah County would need to enter into an interlocal agreement that does not purport to dissolve either of their justice courts. The courts decided to enter into an interlocal agreement with neither court seeking dissolution.

The Council reviewed an amended Interlocal Agreement that removes any language as to the dissolution of the Uintah County Justice Court. The request moves to expand the territorial jurisdiction of the Vernal City Justice Court and the process of facilitating the transfer of cases from the Uintah County Justice Court to the expanded Vernal City Justice Court to be completed by the end of June, 2021. Mr. Johnson did not feel this would impede court operations and as the staff is already low and many functions have been transferred over already.

The dormant Uintah County Justice Court would take responsibility for cases if the Vernal City Justice Court dissolved; the cases would not be sent to the district court. A county justice court can dissolve with a 1-2-year notice to allow district courts time to ensure there are adequate resources to take those cases. A dissolution of a county court would require the cases to be moved to a district court.

Mr. Peters said Vernal City Justice Court cannot handle county cases without the Council's approval. The Council also must approve the date this will be effective but does not have discretion to oppose the agreement. Judge Brook Sessions clarified that the agreement appears to comply with statute. Before the county justice court could resume operations, they would need to hire a new judge. Judge Sessions didn't see a need to reduce the 180-day requirement. Mr. Peters explained that there are only three of the six judicial assistants between the city justice court and the county justice court left. It's in the best interest of the community to waive the 180-day requirement.

Chief Justice Durrant thanked Mr. Peters.

Motion: Judge Augustus Chin moved to approve the Vernal City Justice Court and Uintah County Justice Court Interlocal Agreement effective July 1, 2021, as presented. Judge Farr seconded the motion, and it passed unanimously.

10. JUSTICE COURT JUDGE CERTIFICATION: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. Mr. Peters reviewed Utah Code § 78A-7-202 Justice Court Judges to be Appointed -- Procedure, which requires justice court judges to complete an orientation then be certified by the Council prior to taking the bench.

Chief Justice Durrant thanked Mr. Peters.

Motion: Judge Shaughnessy moved to certify Judge Christopher G. Bown to the Taylorsville Justice Court, as presented. Judge Sessions seconded the motion, and it passed unanimously.

11. FREQUENCY OF BOARD REPORTS TO THE JUDICIAL COUNCIL: (Jim Peters)

Chief Justice Durrant welcomed Jim Peters. CJA Rule 1-303(3) requires that the Board of District Court Judges, the Board of Juvenile Court Judges and the Board of Justice Court Judges to report to the Judicial Council a minimum of once every three months. These boards are chaired by Judge Barry Lawrence, Judge Michael Leavitt and Judge Rick Romney, respectively. Each of them supports the idea of reporting to the Judicial Council on a less frequent basis. Historically, the practice was to report every six months.

Chief Justice Durrant thanked Mr. Peters.

Motion: Judge Shaughnessy moved to approve amended CJA Rule 1-303(3) to allow for all Boards to report to the Council every six months and send the rule to Policy & Planning, as presented. Judge Chin seconded the motion, and it passed unanimously.

12. SETTING A REALISTIC GOAL FOR PROCESSING THE JURY TRIAL BACKLOG: (Judge Mary T. Noonan and Michael Drechsel)

Chief Justice Durrant welcomed Judge Mary T. Noonan and Michael Drechsel. Jury trials began in the Third District Court on January 25, 2021, with those who are in custody receiving prioritization. Jury trials have now been conducted in multiple districts with safety measures in place as instructed by public health recommendations. As more Utahns are being vaccinated, the health department is working with the courts to allow for more trials through revised safety protocols. Time constraints on public defenders and prosecutors are being considered as the courts work on the jury trial backlog of cases.

Health officials are no longer requiring rapid testing on all participants. The Department of Health is willing to conduct the rapid testing should that be needed. Judge Noonan noted that public health partners recommended the courts cease using Hepa filters and an enclosed witness booth; rather, the courts can use a single plexi glass between the witness booth and judge.

Michael Drechsel stated that on average 1,200 trials are conducted annually, of those, nearly 850 are typically bench trials, and 350 are civil and criminal jury trials. Securing the funding needed for additional senior judge and judicial assistant coverage will help considerably with the backlog. Mr. Drechsel is working with the TCEs to set goals for the backlog of cases so the need for senior judges can be identified.

Judge Shaughnessy explained that the Third District Court was prepared to hold jury trials in November but was unable to begin holding trials until January. There are 20-25 trials scheduled each week. Approximately 25, mostly criminal jury trials, have been held since January in the Third District. Approximately 50-60% of all statewide jury trials occur in Salt Lake County. At this time, there are only two courtrooms at the Matheson Courthouse that meet the safety requirements necessary. In anticipation of the relaxation of the standards and the ability to have more courtrooms available to hold jury trials, the limitation will be jury selection. The Third District and local attorneys prefer continuing to hold jury selection through Webex. This will require additional judicial assistants and technology. The Third District uses a jury trial

master calendar scheduling 30-40 jury trials a week. Most cases settle prior to trial and of the 30 to 40 scheduled trials, only 3 usually go to trial.

Judge Noonan explained the Management Committee will meet weekly through June to address amendments to the Risk Response Plan and Administrative Order in our rapidly changing environment.

Judge Sessions expressed concern about holding too many jury trials due to the limited jury pools in some of the smaller counties. Judge Kara Pettit said jurors are not considered to have served unless they report to the court for jury selection. The Third District is qualifying jurors for a shorter period of time to allow for more jurors. Judge Pettit noted that one week, there were 40 cases scheduled, all but 1 were resolved. The ability to set a case for trial helps the court move criminal calendars more efficiently. Of the 200,000 jurors studied, 137,000 were available but only about 3,000 actually served on a jury.

Judge Pullan observed that setting too many trials at once impacts prosecutors and defense counsel who may be assigned to multiple trials at the same time. Judge Shaughnessy said setting upfront expectations and continued communication with counsel is key to success.

Chief Justice Durrant thanked Judge Noonan, Mr. Drechsel and all of those involved in this effort. Chief Justice Durrant thanked the press for attending the meeting.

13. BUDGET AND GRANTS: (Judge Mark May, Karl Sweeney, Judge Mary T. Noonan, Bart Olsen, Jordan Murray, Lucy Ricca, and Alicia Green)

Chief Justice Durrant welcomed Judge Mark May, Karl Sweeney, Judge Mary T. Noonan, Bart Olsen, Jordan Murray, Lucy Ricca, and Alicia Green.

Jordan Murray presented the Hewlett Grant and UServe Grant requests as follows:

Hewlett Grant

\$140,000 FY22

\$110,000 FY23

\$250,000 Total

No cash or in-kind match required.

Provides contractor & consultant compensation for Utah's Office of Legal Services Innovation over a two-year period for the Executive Director, Data Analyst, and Project Manager. These funds would also support the hiring of a Website Marketing Contractor as well as an IT Consultant, in addition to fees for Auditor Contractors. The SJI Grant currently funds the contractors, with the exception of Helen Lindamood, who is a court employee.

Judge Connors asked how this office would continue being funded if the grant expires. Mr. Murray explained that prior to the elimination of funding, he and Ms. Ricca would seek additional funding from external sources. Ms. Ricca noted she is actively researching grant opportunities. Judge Connors noted from a funding perspective, relying on grant funding didn't seem to be a good long-term method. Justice Deno Himonas said they are looking to expand the pilot project and do not anticipate long-term grant funding. Justice Himonas said this could result

in a legislative funding request or a one-time funding request. Judge Shaughnessy thought the Council made it clear when they approved this that the Office would have to get funding from other sources, get appropriation from the legislature or become self-sufficient. Justice Himonas said there was a change when the Office moved from a two-year pilot to seven-years. Judge Shaughnessy was concerned that the Supreme Court made the decision to extend the length of the pilot program, but the effect of the extension could potentially impose a financial obligation on the Council. Judge Shaughnessy felt the Council should have been consulted prior to this decision. Justice Himonas disagreed that the Council's authority should extend to pilot programs dealing with the regulation of the practice of law, which is a Supreme Court function. Judge Shaughnessy thought the problem is that the extension creates a commitment for those already working in the sandbox. Justice Himonas said the Council has the right to decide if they will approve one-time funds.

Judge Pullan thought it's important for the Council to recognize that grant money is not intended to fund initiatives long-term. It then becomes incumbent on the Council at some point to make difficult decisions whether to fund initiatives that were seeded with grant money.

Chief Justice Durrant appreciated the careful concerns of the Council. The program has received national attention. Chief Justice Durrant hoped that this does not result in a request for one-time funding but if it does, it will be the duty of the Council to address it. Justice Himonas recognized that this program cannot run on grants long-term.

Motion: Judge May moved to approve the Hewlett Grant, as presented. Justice Himonas seconded the motion, and it passed with Judge Shaughnessy voting no.

Judge Shaughnessy clarified that he voted no on the motion because the long term funding of the office is uncertain and the funding plans have changed since the first grant. He is supportive of the regulatory sandbox and the Office that administers it.

UServe Utah Grant

Cash match

\$5,071 Grant

\$2,000 other matching funds from non-state entities

\$53,901 matching state dollars from general fund

\$60,972 Total

In-kind match

\$5,071 Grant

\$19,555 matching state dollars from other source

\$24,626 Total

These grant funds would ensure the Village Project can continue providing reimbursement for approved personal expenses volunteer mentors incur during their individual mentoring activities. This incentive promotes more robust volunteer participation and by financially supporting volunteers the project is more likely to retain dedicated, trained

volunteers. With this financial support from Userve Utah, the project expects to serve 70 at-risk youth during FY22.

Motion: Justice Himonas moved to approve the UServe Utah Grant, as presented. Judge Heward seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Judge May, Mr. Sweeney, Judge Noonan, Mr. Olsen, Mr. Murray, Ms. Ricca, and Ms. Green.

14. FACILITY PLANNING COMMITTEE REPORT: (Judge James Brady and Chris Talbot)

Chief Justice Durrant welcomed Judge James Brady and Chris Talbot.

Five-Year Capital Development Plan, as required by the legislature

- 1) Sanpete County, Manti Courthouse
New courthouse to replace the existing county leased court spaces
\$15.8M
- 2) Washington County, St. George Courthouse
Expansion of existing courthouse for up to four new courtrooms if the Federal Court agrees to a 20-year lease that covers entire cost of project.
\$26M or \$1.8M annually over a 20-year bond
- 3) Wasatch County, Heber City Courthouse
Proposed expansion of county owned facility to add a new juvenile courtroom
\$TBD
- 4) Davis County Courthouse
Proposed new courthouse with up to 16 courtrooms to consolidate the existing Farmington, Layton, and Bountiful Courthouses into one facility
\$TBD
- 5) Iron County, Cedar City Courthouse
Proposed expansion of the existing courthouse to add 3 courtrooms
\$TBD

Capital Development Requests

- | | |
|----------------------------------|---------------|
| • FY19 purchased property cost | \$335,103 |
| • FY20 Abatement/Demolition | \$1,070,655 |
| Total funding requested for FY22 | \$15.8M-20.4M |

Capital Improvement Projects

- Top 30 prioritized projects approved by Legislature for FY21. Total funding of \$5.4M with 80% of projects completed YTD.
- Notable Projects from FY21 – Security access and camera upgrades to 4 courthouses, Matheson carpet replacement, Statewide courtroom AV upgrades (\$350K) and HVAC upgrades to 6 facilities.
- Top 23 prioritized projects approved by Legislature for FY22. Total funding of \$5.2M.

Judge Samuel Chiara wondered without knowing how many calendars would be virtual in the future, has the committee considered the possibility of two judges sharing a courtroom when addressing the creation of future courthouses. Mr. Talbot shared for the Manti Courthouse they have removed 1,500 square feet from the GAL and probation offices as a result of telecommuting options, and that they will need 2 courtrooms. This has decreased the cost of the courthouse. Judge Connors agreed with the priorities but is also interested in a new consolidated courthouse in Davis County. He hopes that the courts can take advantage of the fact that Davis County has multiple legislators who may support the project. Mr. Talbot said the Davis County Courthouse is included as project number 4. Judge Connors said he would like to see Davis County move up the list.

Chief Justice Durrant thanked Judge Brady and Mr. Talbot.

Motion: Judge Connors moved to approve the five-year plan, as presented. Judge Mortensen seconded the motion, and it passed unanimously.

15. CJA RULES 1-204, 2-103, 4-403 FOR FINAL APPROVAL: (Keisa Williams)

Chief Justice Durrant welcomed Judge Pullan. Policy and Planning recommended that CJA Rules 1-204 and 2-103 be approved with an effective date of November 1. No comments were received for either.

CJA Rule 1-204. Executive committees

The proposed amendments in lines 49-52 allow the Policy and Planning Committee, Liaison Committee, and Budget and Fiscal Management Committee to each determine their own schedule for electing chairs. The experience or expertise required of a chair may differ among committees, necessitating a longer or shorter term. The proposed amendment in line 58 isn't substantive. The proposed language matches that found in other rules.

CJA Rule 2-103. Open and closed meetings

The proposed amendment in line 77 adds the category of "safeguarded" to the list of reasons that a Council meeting may be closed. The amendment corrects an oversight. The rule wasn't updated when "safeguarded court records" were added as a classification in CJA rule 4-202.02.

CJA Rule 4-403. Electronic signature and signature stamp use

New Utah Rules of Civil Procedure 7A and 7B, effective May 1, 2021, have eliminated the order to show cause process. Instead, there is now a process under a "motion to enforce." Similar to the OSC process, a moving party files an ex parte motion and the court issues an order. Under new URCP 7A(c)(4) and new URCP 7B(c)(4), the resulting order is an order to "appear personally or through counsel" instead of an "order to show cause." The Forms Committee has approved plain language forms consistent with this process, titling the model order "Order to Attend Hearing."

Chief Justice Durrant thanked Judge Pullan.

Motion: Judge May moved to approve CJA Rules 1-204 and 2-103 with an effective date of November 1, 2021, and 4-403 with an expedited effective date of May 24, 2021, to be followed by a 45-day comment period as presented. Judge Farr seconded the motion, and it passed unanimously.

16. PRETRIAL RELEASE COMMITTEE MEMBERSHIP: (Keisa Williams)

Chief Justice Durrant welcomed Judge Pullan. Judge Pullan addressed two vacancies on the Pretrial Release and Supervision Committee due to Senator Hillyard's resignation on the committee and Representative Hutchings departure from the legislature. Senator Michael McKell was nominated by the President of the Senate but declined. Representative Karianne Lisonbee expressed interest in serving on the committee and was supported by the Speaker of the House of Representatives. Judge Shaughnessy noted the Management Committee approved Representative Lisonbee but thought it was appropriate to allow the President of the Senate to appoint the Senator position.

Chief Justice Durrant thanked Judge Pullan.

Motion: Judge Shaughnessy moved to approve the appointment of Representative Karianne Lisonbee and the appointment of the Senator who is selected by the President of the Senate to the Pretrial Release and Supervision Committee. Judge Connors seconded the motion, and it passed unanimously.

17. JURY TRIALS UPDATE: (Judge Mary T. Noonan and Cathy Dupont)

This item was combined with item 12.

18. OLD BUSINESS/NEW BUSINESS

Bart Olsen provided an update to the Council on the career ladder program mentioning that the program is unsustainable because it relies on the accumulation each year of ongoing savings, which is never certain. The idea for the move away from career ladder is to improve the strategy of compensation. The courts can transition to the new compensation strategy by sun setting the career ladder program by offering those employees who qualified for the career ladder raises this last year a onetime bonus payment for each completed career ladder step. Those employees can then participate in the new compensation program (which will be referred to as the Sunrise Program as shorthand for starting the new program). HR will inform employees and encourage participation in the sunset/sunrise programs and the new compensation strategy through 1) a statewide tour from HR to the districts; 2) explaining the repurposing of turnover savings; 3) additional compensation tools; and 4) explaining a workplace that people love. The survey showed strong support among management for this new process. If approved, HR will target management training, training on performance management tools, and ongoing coaching (in-person and virtual). Human Resources will help management set measurable standards. There are performance tools on the HR website.

Mr. Olsen concluded that if there is any challenge with the plan it would be the messaging and marketing of the changes to employees. It's important to help individuals better understand the new compensation strategy. Judge May thanked Mr. Olsen for his time and effort

into this program. Judge Pullan emphasized that he and Mr. Olsen spoke about this program and reassuring employees through guided principles would be a good idea.

Mr. Olsen said employees will be given FY21 and FY22 to complete their current career track.

Motion: Judge May moved to approve adopting the new career ladder program. Judge Shaughnessy seconded the motion, and it passed unanimously.

19. EXECUTIVE SESSION

An executive session was not held.

20. CONSENT CALENDAR ITEMS

a) CIP Grant Renewal. Approved without comment.

b) Committee Appointments. Appointment of Judge Troy Little to the ADR Committee Representative Karianne Lisonbee to the Pretrial Release Committee. Approved without comment.

c) CJA Rules for Public Comment. CJA Rules 1-205, 3-419, 4-202.02, 4-206, and 4-401.02 for public comment. Approved without comment.

21. ADJOURN

The meeting adjourned.

Tab 2

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
June 8, 2021
Meeting held through Webex
12:00 p.m. – 1:30 p.m.**

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Paul Farr
Hon. Mark May
Hon. David Mortensen

Excused:

Hon. Todd Shaughnessy, Vice Chair
Michael Drechsel

Guests:

Dr. Jennifer Yim, JPEC
Commissioner David Jordan, JPEC

AOC Staff:

Ron Gordon
Cathy Dupont
Heidi Anderson
Shane Bahr
Meredith Mannebach
Jim Peters
Jon Puente
Clayson Quigley
Neira Siaperas
Nick Stiles
Keisa Williams
Jeni Wood

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Paul Farr moved to approve the May 26, 2021 Management Committee minutes, as presented. Judge David Mortensen seconded the motion, and it passed unanimously.

2. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)

Ron Gordon continues to learn more about the courts as he meets with each of the AOC directors. Mr. Gordon felt the courts have a wonderful leadership team. The public information officer position will close this week and the advertisement for the two associate general counsel positions closed with 10 applications received. Interviews for the associate general counsel positions are expected to be held next week.

The courts will provide the Executive Offices and Criminal Justice (EOCJ) legislative appropriations subcommittee with an update of backlogged jury trial cases next week. Michael Drechsel is working with the TCEs to determine an accurate accounting of cases.

3. MANAGEMENT COMMITTEE AND JUDICIAL COUNCIL 2022 SCHEDULE APPROVAL: (Ron Gordon)

Mr. Gordon presented the 2022 proposed Management Committee and Judicial Council schedules.

Motion: Judge Farr moved to approve the 2022 Management Committee schedule and send the 2022 Judicial Council schedule to the Council for approval, as presented. Judge Mark May seconded the motion, and it passed unanimously.

4. RECORDS ACCESS APPEAL: (Keisa Williams)

Brady Eames requested a record of an active case. The judge in that case granted a protective order specific to the document that was requested. Keisa Williams believed the appeal was moot on the basis of the protective order. As required by CJA Rule 4-202.07, the original request was processed and denied by Brent Johnson; then it was appealed to Judge Noonan, and again denied. Mr. Eames now appeals to the Management Committee. Chief Justice Durrant thanked Ms. Williams for her effective presentation.

Motion: Judge Mortensen moved to deny Mr. Eames' records access appeal, as presented. Judge May seconded the motion, and it passed unanimously.

5. WEIGHTED CASELOAD STUDIES: (Clayson Quigley)

Clayson Quigley presented interim weighted caseload reports for the District Courts and the Juvenile Courts and for the Clerks of Court. This year's report used a 3-year average of cases between April 1, 2018 – March 31, 2021. Overall, the District Courts experienced a 2% decrease in filings due to the pandemic. Despite the decrease in filings there is a need for approximately 1.3 judges statewide. The statewide average does not describe the needs of a particular judicial district, which may be above or below the statewide average. For example, the Third District needs 2.3 judges to meet their caseload demands. No other district exceeds a need or overstaffing of more than one judge.

The juvenile court weighted case load formula was changed in 2019 to reflect juvenile justice reforms and because it had been 10 years since the case weights were adjusted. Last year's juvenile weighted case load was not released. Instead, the Court hired the National Center For State Courts to evaluate the court's weighted case load formula. This year's interim juvenile weighted case load includes the case load weight formula used in the 2019 study with one change. This year's hearing calculations were adjusted to only count hearings that were held rather than all scheduled hearings. The report indicates a need of 1.4 juvenile court judges statewide. When comparing the needs of specific districts, the Fourth District Juvenile Court has the largest need of 1.6 judges.

No major changes were seen in the district and juvenile court clerical caseload report. The state shows clerical staff is overstaffed by 1.12 FTEs statewide. Using the 10% margin of error, which accounts for training and turnover of clerical staff, the report indicates a need of 1.79 FTEs statewide. The NCSC did not assess clerical caseloads.

Historically, the Council used to apply a margin of error calculation or deviation for judicial officers. The Council does not currently use a deviation method for judicial officers.

Judge Mortensen questioned if deviations might be applicable and useful for judicial officers. Mr. Quigley explained that historically minimum thresholds were included, which meant a threshold had to be met to request a new judge. The Council removed the thresholds because they were difficult to meet and may be misinterpreted. On its own, numbers may appear a district is at full capacity, however, the deviation was built in to account for a lack of production while training new people.

Chief Justice Durrant thanked Mr. Quigley for a thorough presentation.

6. OFFICE OF FAIRNESS AND ACCOUNTABILITY CREATION OF A COMMITTEE: (Jon Puente)

Jonathan Puente requested a new committee be created to assist his office with developing a strategic plan by early 2022. The Strategic Plan Development Committee will include approximately 16 members, made up of AOC Directors, representatives from the Boards of Judges, TCE's, public members, and other stakeholders.

The committee will help to promote a systemic, collaborative, and strategic approach to achieve the goals and objectives they set and to enhance the AOC's interest in advancing fairness, accountability, and inclusion in the Judiciary through the Strategic Plan. Upon approval of the Strategic Plan by the Judicial Council, the committee would be charged with the implementation and ongoing monitoring of the plan, including measuring progress toward achieving goals and objectives.

Strategic Plan Process and Timeline

The process will focus on

- Impact
 - What and whom
- How will the AOC achieve this impact
- What will be the specific priorities
- What will be the needed resources
- How will the courts know progress is being made

Timeline

- Phase 1 (July 2021)
 - Background research with committee
- Phase 2 (Aug-Dec 2021)
 - Planning/drafting sessions with the committee
 - Drafting sessions with subcommittees
 - Engage with stakeholders on first draft
 - Present draft to Judicial Council
- Phase 3 (Jan-Feb 2022)
 - Present stakeholder and Judicial Council feedback to the committee
 - Update draft with committee
 - Present stakeholders complete draft for final feedback
 - Finish draft
- Phase 4 (Mar-Apr 2022)
 - Submit complete draft to Judicial Council

The committee discussed the size of the committee and whether a 16 member committee could be effective. Mr. Puente explained that the committee would be divided into working groups assigned to specific tasks. Mr. Gordon supported the approach of the committee.

Motion: Judge Farr moved to approve placing this item on the Council agenda, as presented. Judge Mortensen seconded the motion, and it passed unanimously.

7. JPEC JUROR SURVEY AD HOC SUBCOMMITTEE REQUEST: (Dr. Jennifer Yim and Commissioner David Jordan)

Dr. Yim presented the Utah Judicial Performance Evaluation Juror Impact Analysis (2012-2019). The report examined the impact of jurors in the performance evaluation scores of Utah judges based on the 2012, 2013, 2015, 2017 and 2019 Utah JPEC Judicial Performance Evaluation surveys. These surveys included questions from which four performance scores were calculated: Legal Ability, Integrity and Judicial Temperament, and Administrative Skills. Administrative skills include communications, and procedural fairness in the courtroom. This Juror Impact Analysis report focused on only the last three scores since jurors were not asked to rate judges' legal ability.

To assess the impact of jurors on judicial reviews, the data was analyzed using Analysis of Variance (ANOVA). This technique is useful to examine the effect of a single variable on an outcome, and to assess whether different groups have statistically different average values. Linear regression and correlation analysis were also used to measure the impact of the number of jurors who evaluate a judge and that judge's performance ratings.

The results of this impact analysis suggest that jurors may have had a significant impact on the scores a Utah state judge received during the 2012-2019 period.

- For all scores, jurors rate judges significantly higher than the ratings provided by attorneys and court staff.
- On average, jurors' ratings are above ~4.85 for all scores compared to ~4.52 for court staff and ~4.37 for attorneys.
- Since jurors tend to rate all judges significantly higher, those judges who oversee fewer or no jury cases (for instance Juvenile judges) may be at a disadvantage.
- Regression analysis showed that the percentage of jurors evaluating a judge has a statistically significant impact on that judge performance scores. For each percentage point increase in the number of jurors evaluating a judge, the overall Integrity and Judicial Temperament as well as Administrative Skills mean scores of that judge are increased by 0.004 and the judge's Procedural Fairness mean score is increased by 0.005.

Commissioner David Jordan felt JPEC was in favor of juror surveys but the analysis indicated there may be unfairness to some judges who don't have the opportunity to hold many jury trials. Some judges are more active in soliciting jury survey responses by having their court staff contact jurors to encourage responses. This is allowed but can also result in significant skewing of the scores. The combination of those factors tends to favor judges who hold a lot of jury trials. This may not be fair on a comparative basis of judges who do not have as many jury trials. Commissioner Jordan explained that the larger the sample size of jurors, the larger the score as it tends to overwhelm the other responses.

Commissioner Jordan noted they ran test cases for judges who were on the border of meeting or not meeting the statutory standards presumption for retention. In a few cases, juror scores made the difference for judges between meeting the standard and not meeting the standard.

JPEC did not recommend that juror surveys be dropped, however, judges who do not hold many jury trials have a significant comparative disadvantage to those judges who do have more jury trials.

Dr. Yim mentioned JPEC has not produced a solution but has several options. JPEC sought the Management Committee's input before they proceed any further. Dr. Yim questioned if the committee would like a judge to be involved in the process through the workings of a subcommittee. Chief Justice Durrant said the committee will provide names to JPEC and felt it would be helpful for the Judicial Council to understand this issue. Judge Farr appreciated JPEC's approach. Shane Bahr volunteered to assist communications with the Board of District Court Judges. Mr. Gordon and Cathy Dupont will consult with the Chief Justice about the appointment of judges to the JPEC subcommittee.

8. APPROVAL OF THE JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant addressed the Judicial Council agenda. Ms. Dupont requested the addition of the senior judge rules to the agenda as they are time-sensitive.

Motion: Judge Farr moved to approve the Judicial Council agenda, as amended to add the senior judge rules. Judge Mortensen seconded the motion, and it passed unanimously.

9. OLD BUSINESS/NEW BUSINESS: (All)

Ms. Dupont addressed the year long process of amending the senior judge rules, which included the Policy and Planning Committee studying the proposed rules. The Policy and Planning Committee now recommends that the proposed rules be referred to the Judicial Council and requests that the Management Committee approve adding the rules to the Council Agenda.

Motion: Judge Farr moved to approve adding the senior judge rules to the Judicial Council agenda, as presented. Judge Mortensen seconded the motion, and it passed unanimously.

Ms. Dupont informed the committee that prior to Judge Noonan's retirement, she formed a work group to look at how some services in the AOC were being delivered. Over the last several years, the AOC has seen extraordinary change in leadership, structure, and direction. At the same time, the number of programs and applications have increased, which requires development, maintenance and training. In response to these changes, the AOC workgroup focused first on the different functions of Court Services, Court Data Services, IT services, and Clerk of Court needs. The group discovered that many miscellaneous programs ended up in Court Services by default over the years and were not best served in that department due to a variety of reasons and that several of the programs should be owned and managed by different

departments within the AOC. These changes will provide the programs the benefit of additional support from subject matter experts and direct ownership by the largest stakeholders. The changes will increase the ability of the court to respond to ARPA funding opportunities and innovation going forward, and will allow Court Data Services to focus on and respond to the growing needs for Court data.

10. EXECUTIVE SESSION

An executive session was held.

11. ADJOURN

The meeting adjourned.

**JUDICIAL COUNCIL'S
BUDGET & FISCAL MANAGEMENT COMMITTEE**

**Minutes
June 17, 2021
Meeting held through Webex
12:00 p.m. – 1:40 p.m.**

Members Present:

Hon. Mark May, Chair
Hon. Augustus Chin
Justice Deno Himonas
Hon. Kara Pettit

Excused:

Guests:

Hon. Heather Brereton,
Travis Erickson, TCE Seventh District Court
Hon. Diana Hagen, Court of Appeals
Russ Pearson, TCE Eighth District Court
Keri Sargent, CoC Sixth District Court
Larry Webster, TCE Second District Court

AOC Staff Present:

Ron Gordon
Cathy Dupont
Michael Drechsel
Lauren Andersen
Heidi Anderson
Shane Bahr
Todd Eaton
Amy Hernandez
Alisha Johnson
Jeremy Marsh
Jordan Murray
Bart Olsen
Jim Peters
Jon Puente
Nini Rich
Neira Siaperas
Nick Stiles
Karl Sweeney
Chris Talbot
Jeni Wood
Kim Zimmerman

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

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

Motion: Judge Augustus Chin moved to approve the May 13, 2021 minutes, as presented. Justice Deno Himonas seconded the motion, and it passed unanimously.

2. PERIOD 11 FINANCIALS AND TURNOVER SAVINGS UPDATE: (Alisha Johnson)

Alisha Johnson reviewed the Period 11 Financials. The maximum carry forward is \$3.5M, any remainder funds can be used towards expenditures such as contracts and leases, minimizing non-judicial funds or prepaying expenses that have already been approved (i.e.

career ladder). There are quite a few open positions in the courts. Judge May felt this was excellent news and thanked Karl Sweeney and Ms. Johnson for their accurate forecast.

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
Sources of YE 2021 Funds			
*	Turnover Savings as of pay period ending 5/28/2021	Turnover Savings	2,395,646
**	Turnover savings Estimate for the rest of the year (\$70k x 2 payrolls)	Turnover Savings	140,000
***	From TCE / AOC Budgets	Internal Operating Savings	1,158,978
	Reserve Balance (from August Judicial Council meeting and changes)	Judicial Council Reserve	381,000
	Minus Dedicated Credits with autonomous carryforward authority		(419,195)
^ #	Total Available Forecasted Funds for FY 2021		3,656,429
Total Forecasted Available YE 2021 One-time Funds			
			\$ 3,656,429 ~

The forecast accounts for the FY 2021 adjustments from the 2021 Legislative Session:

DUI Liability Amendments	\$	1,400
Warning Labels Amendments	\$	200
Prisoner Offense Amendments	\$	3,000
Juvenile Recodification	\$	18,600
Criminal Justice Modifications	\$	32,500
Expungement Revisions	\$	18,000
24-7 Sobriety Program Expansion	\$	2,300
Indigent Defense Act Amendments	\$	(113,800)
Abuse, Neglect, and Dependence Proceedings Amendments	\$	800
TOTAL	\$	(37,000)

#	Description	Funding Type	Amount
1	Carried over Ongoing Savings (from FY 2020)	Internal Savings	44,296
2	Current YTD Ongoing Turnover Savings FY 2021	Internal Savings	786,906
	TOTAL SAVINGS		831,203
3	Ongoing Turnover Savings Pledged to Budget Cuts (retirements)		(245,300)
4	Ongoing Turnover Savings Pledged to Budget Cuts (non-retirements)		(230,148)
5	Previously Pledged - Child Welfare Mediators (8/2020 Judicial Council meeting)		(55,000)
6	Restoration of unintended budget cut for Roosevelt Courthouse (4/2021 Judicial Council meeting)		(33,800)
Actual Turnover Savings for FY 2021 as of 6/11/2021			\$ 266,955

#	Description	Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget)	Internal Savings	2,395,646
2	Est. One Time Savings for pay period 2 periods remaining (\$70k / period)	Internal Savings (Est.)	140,000
Total Potential One Time Savings			\$ 2,535,646

3. FY21 CARRY FORWARD SPENDING REQUESTS: (Karl Sweeney, Jonathan Puente, Amy Hernandez, Chris Talbot, Bart Olsen, Lauren Andersen, Nini Rich, James Peters, Peyton Smith, and Travis Erickson)

Mr. Sweeney presented one-time and ongoing funding requests, explaining that the total funding approved by the Judicial Council equals \$393,254.

One-time Funding Requests

Divorce Education for Children Website (Carry forward Bar Foundation Grant for Teen Website Development)

\$18,000

Alternate funding: The grant provides the funds and this request is merely to carry forward the grant monies into FY22. If not used, the grant monies will be returned.

The Bar Foundation supplied the Divorce Education for Children Program \$20,000 to develop an educational website for teens experiencing parental separation. Attempts to develop this website have been delayed due to staff turnover and COVID, although \$2,000 has been spent to date. Development of a teen curriculum and a curriculum for children five to eight years old will begin development in late May of FY21 and is expected to be delivered in August FY22.

Motion: Justice Himonas moved to approve the Divorce Education for Children Website one-time funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Protective Order Program Coordinator Funding 7/1 – 9/30/2021

\$23,000

Alternate funding: The Domestic Violence Program submitted a proposal for grant funding in conjunction with the Utah Domestic Violence Coalition and the Utah Prosecution Council. This grant would target courts located in rural areas and also coordinate with tribal courts to register protective orders issued by those courts. The grant funds would be awarded to the Utah Domestic Violence Coalition and then forwarded to the courts according to the terms of the Memorandum of Understanding submitted as part of the grant application. Dr. Levin would be funded over three years for a total amount of \$253,000.

The court's protective order system (CPOS) is not in compliance with federal statutes, federal regulations, state statutes, and judicial rules. The current CPOS requires programming changes that must be performed by Court Services and IT to bring it back into compliance. These funds would extend Dr. Daniel Levin's time-limited position as the Protective Order Program Coordinator from 07/01/2021 through 9/30/2021 to allow for completion of the development of the criminal protective order forms, audit the CPOS for errors, train court staff about CPOS compliance requirements, and work with external agencies on improving data communication from the CPOS. Dr. Levin has been working with the CPOS since June of 2020 under the joint direction of Court Services and the Domestic Violence Program Office. This is currently a position funded by one-time carry forward funding and will hopefully be funded by a sub-award grant agreement with the Utah Domestic Violence Coalition which is expected to be approved in September 2021.

Amy Hernandez withdrew this request because Dr. Levin will be leaving the courts at the end of June.

IT – Computer/Printer Replacement Inventory (IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements)

\$250,000

Alternate funding: None

The IT Division has established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. The Division has annually requested \$250,000 for the program – although last year’s request was reduced to \$150,000 which took into account that an inventory of laptops was funded through CARES funds in FY21, and thus reduced the need for laptop replacements.

Motion: Judge Chin moved to approve the IT – Computer/Printer Replacement Inventory one-time funds request to be sent to the Judicial Council, as presented. Judge Pettit seconded the motion, and it passed unanimously.

Facilities – Contingency Request for Unforeseen Projects & Repairs

\$200,000

Alternate funding: None

Facilities funds unforeseen/unbudgeted projects and repairs statewide every year. Due to funding reductions in the Court Complex fees and parking revenue in FY21, Facilities will not have any reserve funds left to draw from carryover funding for these projects in FY22. ARPA funding may yet be obtained as the courts made a \$350,000 request for ARPA funding in April 2021 along with the 2 approved requests, but to date the legislature has chosen to not address this request in its first pass for funding.

Motion: Justice Himonas moved to approve the Facilities – Unforeseen Projects & Repairs one-time funds request to be sent to the Judicial Council, as presented. Judge Pettit seconded the motion, and it passed unanimously.

HR – Onboarding & Recruitment Software (Applicant Tracking (ATS))

\$20,000

Alternate funding: Ongoing funds are an alternate source, but not logical or desirable due to the existing agreement parameters of using DHRM systems. DHRM may move to a different vendor for recruitment and onboarding at any time. Because they charge a flat rate for using their HR software platforms, the courts could opt-in if at some point they adopt systems better suited to court needs.

This request is to fund a more secure and independent Onboarding and Recruitment Software application and process. Bart Olsen said there is a nationwide labor shortage so the courts need to seek qualified applicants. This software would be leased and any updates would be included in the asking price. Jeremy Marsh said the courts could discontinue this program, however, if the software is efficient, the courts will ask for funding next year to continue the program. If the system works, the next request would be for ongoing funds. Mr. Sweeney did not have any concerns. Ms. Anderson said that the IT Department is comfortable with this program as it will not require IT support.

Motion: Judge Pettit moved to approve the HR – Onboarding & Recruitment Software one-time funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Education – In Person Conferences (Support for in-person conference and employee manager training)

\$127,500

Alternate funding: None

This request seeks to fund the shortfall in education's budget for FY22 to enable education to be responsive to the requests of the various Boards of Judges to return to in person trainings, including judge and employee conferences for FY22. Education is requesting that \$113,500 in one-time funding be allocated to support four in-person conferences (all judicial, district, juvenile and employee), and \$14,000 in one-time funding to be used to develop performance based, soft-skilled, mid-level manager courses for probation officers and judicial assistants – made necessary to transition away from career ladder toward a performance-based rewards system. Lauren Andersen stated that the courts have approximately \$186,000 for conference. The Annual Judicial Conference cost \$100,000; therefore, funding is needed for additional conferences.

Motion: Justice Himonas moved to approve the Education – In Person Conferences one-time funds request to be sent to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

ODR Facilitator Training

\$20,000

Alternate funding: None

Recruitment, training and oversight of 18 additional volunteer Online Dispute Resolution (ODR) Facilitators in order to accommodate a statewide rollout of the ODR Program for small claims cases. Nini Rich said the Judicial Council approved \$15,000 last year but as the program is moving statewide, the courts need additional facilitators. This will include the contract for Nancy Mcgehee.

Motion: Judge Chin moved to approve the ODR Facilitator Training one-time funds request to be sent to the Judicial Council, as presented. Justice Himonas seconded the motion, and it passed unanimously.

Third District Court – Media Carts

\$50,000

Alternate funding: Save district funds

This request is for two media carts for the Matheson Courthouse. The carts will be used for virtual jury selection and evidence presentations during jury trials. The cart includes separate monitors for the judge, witness, attorneys and the jury. The cart will allow the judge to turn off the jury monitor until the evidence has been admitted by the judge. The carts are portable which

will allow movement throughout the courthouse. This will save the courts from installing this in each courtroom. Todd Eaton explained West Jordan Courthouse has one media cart. Ms. Anderson commented that these media carts are being built with technology to enhance courtrooms and that IT supported funding the carts. Ms. Anderson noted that other districts may have a need for media carts.

Ms. Anderson said the IT Department has been working to ensure sufficient bandwidth for court needs in hybrid scenarios. Ms. Anderson will communicate with Peyton Smith about the third cart and contact CISCO about the possibility of receiving equipment before the fiscal year ends.

Motion: Justice Himonas moved to approve the Third District Court – Media Carts one-time funds request to be sent to the Judicial Council, as amended to add an additional cart if IT believed the need was present. Judge Chin seconded the motion, and it passed unanimously.

Seventh District Court – Equipment and Improvements

\$17,350

Alternate funding: Funds from the FY22 budget year.

Travis Erickson explained the request was to purchase new laptops for district court judges, Monticello courtroom podium, Price Courthouse storage cabinets, all-in-one Webex-enabled computer for court patrons, and Castle Dale Courthouse improvements.

Motion: Justice Himonas moved to approve the Seventh District Court – Equipment and Improvements one-time funds request to be sent to the Judicial Council, as presented. Judge Pettit seconded the motion, and it passed unanimously.

Reserve

\$150,000

Alternate funding: None

This is a request for one-time funds which will be available to pay for unexpected/unplanned one-time expenditures at the discretion of the Judicial Council. Funds not spent can be re-purposed at the end of 2022 for other one-time spending priorities including FY23 carry forward requests. Historically, the courts have used reserve funds but not gone beyond that amount. Judge Pettit recommended how and when the funds have been used in the past be presented to the Judicial Council.

Motion: Judge Pettit moved to approve the Reserve one-time funds request to be sent to the Judicial Council, as amended to include additional information about how and when the funds have been used. Judge Chin seconded the motion, and it passed unanimously.

Ongoing Funding Requests

Ongoing Turnover Savings to Address 11% Salary Cap

\$50,000

Alternate funding: The cost of the solution represents almost half of our yearly hotspot allocation. The courts would need to address this issue over several years without this one-time request for additional carry forward money.

In February 2020 the Judicial Council approved the use of 20% of the estimated annual ongoing turnover savings not to exceed \$110,000 in a fiscal year by the State Court Administrator and Deputy State Court Administrator to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. This year, the courts request an additional \$50,000 to address the consequences of a now-repealed HR policy that limited salary increases for individuals who were internally promoted to 11% of their current salary. Over the years, this policy resulted in external hires earning larger salaries than some of our internal hires who are in the same roles and have similar years of experience. The request also includes a couple of salary adjustments to address comparability issues related to addressing the 11% rule impact.

Judge May thanked Cathy Dupont for continuing this effort and believed this was a wise use of court funds.

Motion: Justice Himonas moved to approve the Ongoing Turnover Savings to Address 11% Salary Cap ongoing funds request to be sent to the Judicial Council, as presented. Judge Pettit seconded the motion, and it passed unanimously.

District Court Administration Reorganization

\$126,000

Alternate funding: One-time funding to cover the position in the short term with a commitment to fund will ongoing funds as soon as they are available. A legislative request may be another option, but it will not meet the urgency of this request.

Access to justice in the district courts has evolved over the last decade and will continue to evolve for years to come. The Board of District Court Judges is playing a greater role in creating the vision for the District Courts and how they operate. A growing number of programs, initiatives, and applications have been developed that require resources to maintain, improve, and operate. The Board of District Court Judges, District Court Bench, Trial Court Executives, District Clerks of Court and other District Court staff need more support to continue moving forward with their current and future initiatives. Shane Bahr mentioned the purpose of the request is to secure funding to support one additional FTE in the Office of District Court Administration (ODCA).

Ms. Dupont noted the AOC has been working to restructure innovations in a manner to offer better support for the demands on court personnel. Judge May met with Ms. Dupont, Mr. Gordon, and Mr. Bahr to review this need. Judge May supports this request as long as the Grants Coordinator position is funded with ongoing funds first.

Motion: Judge Pettit moved to approve the District Court Reorganization ongoing funds request to be sent to the Judicial Council, as amended to first fund the Grants Coordinator position. Justice Himonas seconded the motion, and it passed unanimously.

4. GRANT COORDIANTOR REPORT: (Jordan Murray)

Jordan Murray presented the grant approval process workflow for federal and non-federal grants. Mr. Murray reviewed CJA Rule 3-411 Grant Management, which has been addressed with Policy & Planning. Additional review will be done on this rule proposal.

5. OLD BUSINESS/NEW BUSINESS: (All)

Michael Drechsel was questioned on how the courts would use ARPA funds for senior judges. The legislature approved at their special session ARPA funds. Those funds will be available on or after July 1. Mr. Drechsel sought direction on whether the courts wanted to conduct an independent review for those funds. Ms. Dupont spoke with John Fellows, General Counsel to the legislature. Ms. Dupont learned the receiving entity is responsible for ensuring the funds are used appropriately. Tracking the ARPA funds will be critical in every category including what portion of the federal regulations support that use.

Justice Himonas recommended seeking an advance ruling from treasury or receiving an opinion from Keisa Williams that the spending requests are appropriate. Regulations regarding ARPA funds are in the public comment phase until July 16. Proposed regulations require funds to identify negative impact. Heidi Anderson will not spend any funds without validations that the requirements are met.

Ms. Dupont explained short-term the current senior judge budget may cover some of the senior judge costs. Mr. Gordon will contact Ms. Williams on this issue.

Motion: Justice Himonas moved to not allow any spending of ARPA funds without the Judicial Council's approval. Judge Pettit seconded the motion, and it passed unanimously.

Sexual Violence Program Coordinator

\$57,000

Alternate funding: None. The grant funding for Jonathan Love's position will be depleted by June 30, 2021.

The issue of sexual violence frequently arises in the district courts and appellate courts. Statute, judicial rule, and case law surrounding sexual violence typically require a nuanced and detailed judicial approach. Due to the varied nature of sexual violence and the courts' role in addressing it, stakeholders across Utah requested the development of a sexual violence bench book and training for judges and court staff. This bench book addresses emerging case law in sexual violence cases, best practices in sentencing, working with marginalized populations, understanding the civil law impacts of sexual violence, and other critical educational needs.

Motion: Judge Pettit moved to approve the Sexual Violence Program Coordinator one-time funds request to be sent to the Judicial Council, as presented. Justice Himonas seconded the motion, and it passed unanimously.

Ms. Johnson provided that with all of the requests approved today the balance would be \$13,021 of turnover savings.

6. **ADJOURN**
The meeting adjourned.

Tab 3



Alex G. Peterson
Executive Director

State of Utah

JUDICIAL CONDUCT COMMISSION

1385 S. State St., Suite #143
Salt Lake City, Utah 84115
Telephone: (801) 468-0021

TO Judicial Council
FROM Alex G. Peterson, Executive Director
DATE June 21, 2021

RE Biannual JCC Update

MESSAGE

1. JCC Membership Update
 - a. New Members: Sen. Mark McKell (R).
 - b. Missing Members: None.
 - c. Current Members (11): Rep. Craig Hall, Chair; Ms. Cheylynn Hayman, Ms. Michelle Ballantyne, Judge David Mortensen, Judge Todd Shaughnessy, Rep. Elizabeth Weight, Senator Mark McKell, Senator Jani Iwamoto, Mr. Stephen Studdert, Mr. Mark Raymond, Ms. Georgia Thompson.
 - d. SCt renewed Ms. Hayman appointment in April for four more years. Next scheduled SCt appointment is in 2024.
2. JCC Caseload update and analysis
 - a. Currently, we are at 72 cases in FY21 (51 in FY 20, 64 in FY19, 58 in FY18) and expect to close year at mid-70's.
 - b. In FY21, we have had 0 public dispositions, 0 DWW dispositions and 12 reconsideration requests. No JCC cases are pending before Utah Supreme Court.
 - c. Staff will conduct and report analysis of previous 18-months for any "delay" anomaly associated with CV19.
3. Misc. Activities of JCC (over the last six months)
 - a. Annualized requests for info (AOC = 16, JPEC = 6, CCJJ = 16, AJDC/CJE = 124) and 311 answered phone call inquiries.
 - b. Staff working on publishing FY21 Annual Report and reporting annual performance measures to legislature.
 - c. Resolved GRAMA litigation regarding a DWW record. (Records not released).
 - d. JCC has returned to meeting in person and will also continue video conferencing for members and public.

Tab 4

Judges with Jurors in Survey Pool, 2019

Percentage of Jurors as Survey Respondents	District	Justice	Juvenile	Total Judges	Percentage of Judges with Juror Respondents
70%-79%	3			3	3%
60%-69%	3			3	3%
50%-59%	2			2	2%
40%-49%	7	3		10	10%
30%-39%	6	1		7	7%
20%-29%	6	2		8	8%
10%-19%	10	1		11	11%
1%-9%	6	2		8	8%
0.00%	6	18	22	46	47%
Totals				98	53% include jurors



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Prepared for:

Jennifer Yim
Utah Judicial Performance Evaluation Committee



Utah Judicial Performance Evaluation Juror Impact Analysis (2012 - 2019)

February, 2021

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Background

The Juror Impact Analysis examines the impact of jurors in the performance evaluation scores of Utah judges based on the 2012, 2013, 2015, 2017 and 2019 Utah JPEC Judicial Performance Evaluation surveys. These surveys included questions from which four performance scores were calculated: Legal Ability, Integrity and Judicial Temperament, Administrative Skills including Communications, and Procedural Fairness in the courtroom. This report focused on only the last three scores since jurors were not asked to rate judges' legal ability.

To assess the impact of jurors in judicial reviews, these data were analyzed using Analysis of variance (ANOVA). This technique is useful when one wants to examine the effect of a single variable on an outcome as well as assess whether different groups have statistically different average values. Linear regression and correlation analysis were also used to measure the impact of the number of jurors evaluating a judge on that judge performance ratings.

Key Findings

The results of this impact analysis suggest that jurors may have had a significant impact in reviews of Utah state judges during the 2012-2019 period.

- For all scores, jurors have significantly higher ratings than attorneys and court staff.
- On average, jurors ratings are above ~4.85 for all scores compared to ~4.52 for court staff and ~4.37 for attorneys.
- Overall ratings for all scores are significantly higher than non-juror (attorney and court staff combined) ratings, suggesting that overall ratings are boosted by juror ratings.
- Since jurors tend to rate all judges significantly higher, those judges who oversee fewer or no jury cases (for instance Juvenile judges) may be at a disadvantage.
- Regression analysis showed that the percentage of jurors evaluating a judge has a highly statistically significant impact on that judge performance scores. For each percentage point increase in the number of jurors evaluating a judge, the overall Integrity and Judicial Temperament as well as Administrative Skills mean scores of that judge is increased by 0.004 while his/her Procedural Fairness mean score of that judge is increased by 0.005.

A. Average Scores by Respondent Types

Tables 1, 2 and 3 display 2012-2019 average juror, attorneys and court staff scores on three judicial scores (Integrity and Judicial Temperament, Administrative Skills including Communications, and Procedural Fairness). For all scores, attorneys and court staff tend to have **significantly lower** ratings than jurors. Similarly, overall ratings for all scores are also significantly lower than juror ratings.

It is important to note that although this happening to a lesser extent, court staff ratings tend to be significantly higher than attorney and overall ratings as well.

Table 1. Integrity and Judicial Temperament Mean Scores				
Court	Attorney	Court Staff	Juror	Overall
District	4.398 [‡]	4.679 [#]	4.872	4.497 [^]
Justice	4.290 [‡]	4.473 [#]	4.824	4.348 [^]
Juvenile*	4.354	4.473	4.533	4.427
Total	4.379 [‡]	4.527 [#]	4.871	4.464 [^]

[‡] Attorney mean score is significantly lower than Juror mean score.

[#] Court Staff mean score is significantly lower than Juror mean score.

[^] Overall mean score is significantly lower than Juror mean score.

* Due to low sample size of jurors (4) in the Juvenile courts, statistical comparisons are unreliable.

Table 2. Administrative Skills including Communications Mean Scores				
Court	Attorney	Court Staff	Juror	Overall
District	4.414 [‡]	4.657 [#]	4.846	4.503 [^]
Justice	4.287 [‡]	4.428 [#]	4.787	4.333 [^]
Juvenile*	4.374	4.480	4.500	4.438
Total	4.393 [‡]	4.520 [#]	4.844	4.469 [^]

[‡] Attorney mean score is significantly lower than Juror mean score.

[#] Court Staff mean score is significantly lower than Juror mean score.

[^] Overall mean score is significantly lower than Juror mean score.

* Due to low sample size of jurors (4) in the Juvenile courts, statistical comparisons are unreliable.

Table 3. Procedural Fairness Mean Scores				
Court	Attorney	Court Staff	Juror	Overall
District	4.367 [‡]	4.705 [#]	4.905	4.481 [^]
Justice	4.162 [‡]	4.510 [#]	4.876	4.263 [^]
Juvenile*	4.310	4.430	4.578	4.384
Total	4.334 [‡]	4.513 [#]	4.904	4.435 [^]

[‡] Attorney mean score is significantly lower than Juror mean score.

[#] Court Staff mean score is significantly lower than Juror mean score.

[^] Overall mean score is significantly lower than Juror mean score.

* Due to low sample size of jurors (4) in the Juvenile courts, statistical comparisons are unreliable.

The impact of jurors on scores can also be seen when comparing District judges to Juvenile judges. Given that there are more jury cases in the District courts, we can see that overall ratings of District judges are significantly higher than non-juror ratings of these same judges. While in Juvenile courts where there are fewer or no jury cases, overall ratings are in-line with non-juror ratings. Since jurors tend to rate all judges significantly higher, those judges who oversee fewer or no jury cases may be at a disadvantage.

Table 1A. Integrity and Judicial Temperament Score												
Court	Juror			Attorney			Court Staff			Total		
	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI
District	4.872	4.863	4.882	4.398	4.391	4.404	4.679	4.667	4.691	4.497	4.487	4.507
Justice	4.824	4.743	4.905	4.290	4.273	4.307	4.473	4.447	4.498	4.348	4.320	4.375
Juvenile*	4.533	4.149	4.918	4.354	4.337	4.370	4.473	4.462	4.484	4.427	4.409	4.445
Total	4.871	4.861	4.880	4.379	4.373	4.384	4.527	4.519	4.535	4.464	4.456	4.473

* Due to low sample size of jurors in the Juvenile courts, statistical comparisons are unreliable.

Table 2A. Administrative Skills including Communications Score												
Court	Juror			Attorney			Court Staff			Total		
	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI
District	4.846	4.834	4.857	4.414	4.407	4.420	4.657	4.644	4.670	4.503	4.493	4.513
Justice	4.787	4.703	4.872	4.287	4.269	4.304	4.428	4.401	4.456	4.333	4.305	4.361
Juvenile*	4.500	4.100	4.900	4.374	4.358	4.389	4.480	4.469	4.490	4.438	4.421	4.456
Total	4.844	4.832	4.855	4.393	4.387	4.398	4.520	4.512	4.528	4.469	4.461	4.477

* Due to low sample size of jurors in the Juvenile courts, statistical comparisons are unreliable.

Table 3A. Procedural Fairness Score												
Court	Juror			Attorney			Court Staff			Total		
	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI
District	4.905	4.896	4.914	4.367	4.360	4.374	4.705	4.691	4.719	4.481	4.470	4.493
Justice	4.876	4.812	4.940	4.162	4.140	4.183	4.510	4.483	4.537	4.263	4.230	4.297
Juvenile*	4.578	4.162	4.995	4.310	4.291	4.329	4.430	4.417	4.443	4.384	4.363	4.405
Total	4.904	4.895	4.913	4.334	4.328	4.341	4.513	4.503	4.522	4.435	4.425	4.445

* Due to low sample size of jurors in the Juvenile courts, statistical comparisons are unreliable.

Juvenile Court Professional vs. Regular Court Staff

In the Juvenile courts, court professionals have **significantly lower** ratings on all three judicial scores (Integrity and Judicial Temperament, Administrative Skills including Communications, and Procedural Fairness) when compared to regular court staff. Our reasoning is that Juvenile court professionals have a role that may put them in more conflict with the judges compared to regular court staff. The juvenile court professionals work with children who have been abused/neglected or committed serious crimes and a lot of them may feel that the judges and courts are unfair or not treating the children well enough.

Table 4. Comparisons between Court Professionals and Regular Court Staff in Juvenile Courts*									
	Integrity and Judicial Temperament			Administrative Skills			Procedural Fairness		
Juvenile Court	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI	Mean	Lower 95% CI	Upper 95% CI
Regular Court Staff	4.682	4.664	4.700	4.671	4.652	4.690	4.725	4.706	4.745
Juvenile Court Professional	4.555[‡]	4.534	4.577	4.563[‡]	4.542	4.584	4.546[‡]	4.519	4.573

‡ Juvenile Court Professional mean score is significantly lower than Regular Court Staff mean score.

* Data only include 2017 and 2019 evaluation cycles.

B. Analysis of Percentage of Jurors Evaluating a Judge

Linear regressions were conducted to measure the impact of the percentage of jurors evaluating a judge on judicial scores. Anecdotal evidence suggests that judges that have a larger percentage of jurors evaluating them would likely have higher scores overall given that the results presented above show that jurors tend to rate judges significantly higher when compared to other groups. **A *p-value* below 0.05 indicates that the percent of jurors that evaluated a judge has a statistically significant impact on the total score of this judge.**

Tables 5, 6 and 7 show *p-values equal or below 0.001* for all three judicial scores. This indicates that percent of jurors has a highly significant impact on judges' total scores. The unstandardized coefficients (B) show the magnitude of those impacts for each 1% increase in the percent of jurors evaluating a judge.

For each percentage point increase in the number of jurors evaluating a judge, the total Integrity and Judicial Temperament as well as Procedural Fairness mean scores of that judge is increased by 0.005 while his/her Administrative Skills mean score is increased by 0.004.

What does this mean?

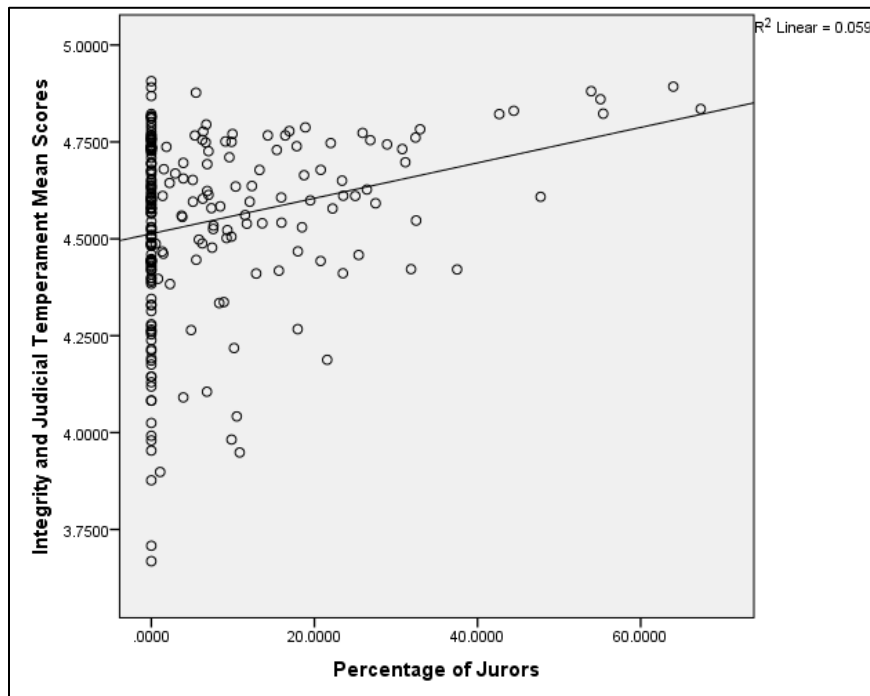
The following table exemplifies how the percentage of jurors evaluating a judge contributes to a judge's overall score. In Utah minimum performance standards must be passed with a score of at least 3.6. In this example, we consider 2 judges (A and B) who would have failed all metrics based on their non-juror scores. As we can see, Judge B is predicted to have passed with a score above 3.6 if he or she consistently gets a large percentage of jurors to evaluate him/her, while Judge A is predicted to fail on all metrics even with an higher starting point for the Administrative Skills including Communications score since jurors only contribute a small portion of that judge's overall score.

Table 4. Predicted Overall Score based on Percent of Jurors Evaluating a Judge					
		Non-Juror Score	Regression Coefficient	Percent of Jurors	Predicted Total Score
Integrity and Judicial Temperament	Judge A	3.4	0.005	5%	3.43
	Judge B	3.4	0.005	80%	3.80
Administrative Skills including Communications	Judge A	3.5	0.004	10%	3.54
	Judge B	3.4	0.004	70%	3.68
Procedural Fairness	Judge A	3.4	0.005	20%	3.50
	Judge B	3.3	0.005	80%	3.70

The supplementary charts below show **upward** regression trend lines for all performance metrics and illustrate that having a higher percentage of jurors evaluating a judge tend to significantly and positively affect that judge's scores.

Table 5. Integrity and Judicial Temperament Regression

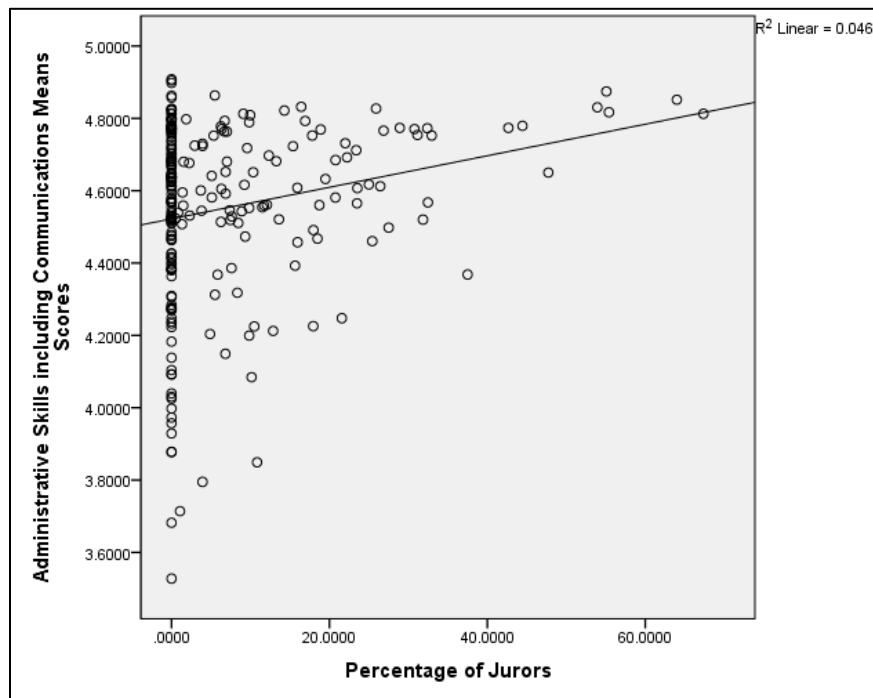
Model		Unstandardized Coefficients		Standardized Coefficients	t	p-value
		B	Std. Error	Beta		
	(Constant)	4.513	0.016		273.633	0.000
	Percent_Jurors	0.005	0.001	0.244	3.895	0.000



Pearson Correlation: 0.244
p-value: 0.000

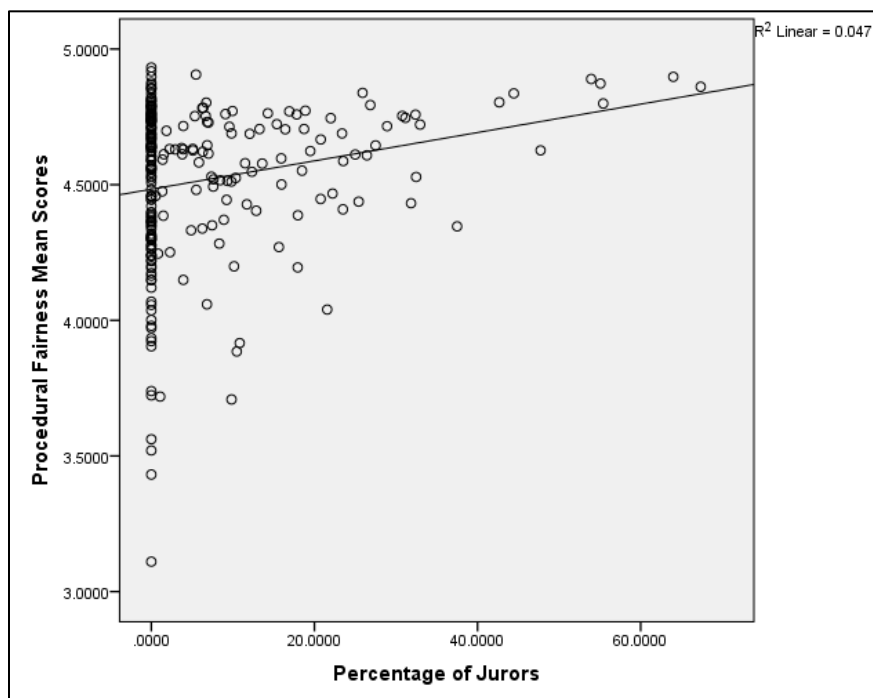
Table 6. Administrative Skills including Communications Regression

Model		Unstandardized Coefficients		Standardized Coefficients	t	p-value
		B	Std. Error	Beta		
	(Constant)	4.522	0.018		250.317	0.000
	Percent_Jurors	0.004	0.001	0.214	3.392	0.001



Pearson Correlation: 0.214
p-value: 0.001

Table 7. Procedural Fairness Regression						
Model		Unstandardized Coefficients		Standardized Coefficients	t	p-value
		B	Std. Error	Beta		
	(Constant)	4.483	0.021		210.414	0.000
	Percent_Jurors	0.005	0.002	0.217	3.447	0.001



Pearson Correlation: 0.217
p-value: 0.001

Correlation analyses also show that judicial scores are significantly and positively correlated with the percentage of jurors evaluating a judge; in other words, as that percentage goes up, judicial scores increase as well.

Tab 5

Agenda



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

April 3, 2021

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Management Committee
FROM: Jonathan Puente
RE: Strategic Plan on Fairness and Accountability

The Judicial Council when creating the Office of Fairness and Accountability, planned for the OFA to develop a strategic plan in order to help the whole Judicial Branch identify and remove any systemic bias. It is proposed to create an ad hoc planning committee to help develop and write a strategic plan.

Strategic Plan Development Committee

The Strategic Plan Development Committee ("the Committee") will be charged with developing a strategic plan by early 2022. The Committee will be approximately 16 members, made up of AOC Directors, representatives from the Boards of Judges, TCE's, public members, and other stakeholders. Directors will be identified by the State Court Administrator, Deputy Court Administrator, and OFA Director. TCE's and Boards of Judges can select their own representative on the Committee. Public members will be selected by the committee and will represent external stakeholders.

The Committee will help to promote a systemic, collaborative, and strategic approach to achieve the goals and objectives they set and to enhance the AOC's interest in advancing fairness, accountability, and inclusion in Utah State Courts through the Strategic Plan. Upon approval of the Strategic Plan by the Judicial Council, the Committee is charged with implementation and ongoing monitoring of the plan, including measuring progress toward achieving goals and objectives.

Strategic Plan Process and Timeline

The process will focus on;

- Impact
 - What and whom.
- How will the AOC achieve this impact.
- What will be the specific priorities.
- What will be the needed resources.
- How will we know progress is being made.

Timeline

- Phase 1 (July 2021)
 - Background research with Committee
- Phase 2 (Aug-Dec 2021)
 - Planning/drafting sessions with the Committee
 - Drafting sessions with subcommittees
 - Engage with stakeholders on first draft
 - Present draft to Judicial Council
- Phase 3 (Jan-Feb 2022)
 - Present stakeholder and Judicial Council feedback to the Committee
 - Update draft with Committee
 - Present stakeholders complete draft for final feedback
 - Finish draft
- Phase 4 (Mar-Apr 2022)
 - Submit complete draft to Judicial Council

Examples of strategic plans dealing with fairness, accountability, and inclusion from sister jurisdictions

https://www.courts.ca.gov/documents/CAJudicialBranch_StrategicPlan.pdf

https://www.courts.oregon.gov/about/Documents/two-pager_v1.3_2020-02-09.pdf

<http://ww2.nycourts.gov/sites/default/files/document/files/2018-04/JFA-Report-122217.pdf>


https://www.mncourts.gov/Documents/0/Public/Judicial_Council/2012-13_Strategic_Plan.pdf

<https://www.mass.gov/doc/massachusetts-trial-court-strategic-plan-30-2019/download>

https://www.uscourts.gov/sites/default/files/federaljudiciary_strategicplan2020.pdf

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

Tab 6

<div>  FY 2022 Carryforward and Ongoing Turnover Savings Requests - Period 11 </div>					
			One Time	Ongoing	
Total Case Processing Amounts from Fiscal Notes			\$ 118,100	\$ 126,300	
			Approved by Legislature		
Unfunded Budget Obligations			One Time	Ongoing	
			\$ -	\$ -	
Subtotal			\$ -	\$ -	
			Approved by Jud. Council		
Ongoing Turnover Savings - Total Available as of 7/1/2020- Ongoing Turnover Saving Beginning Balance			n/a	\$ 44,296	
Ongoing Turnover Savings - through 6/11/2021			n/a	\$ 786,906	
Ongoing funds available from Legislative Fiscal Notes				\$ 126,300	
Total YTD Turnover Savings Available			n/a	\$ 957,502	
Less: Ongoing Turnover Savings - Committed to 5.26% Budget Reduction for FY 2021			n/a	\$ (475,448)	
Remaining Ongoing Turnover Savings for Balance of FY 2021			n/a	\$ 482,054	\$ 482,054
1 Previously Approved by JC - August 2020 - Fund Part-Time Child Welfare Mediator w/ ongoing funds				\$ (55,000)	\$ (55,000)
2 Previously Approved by JC - April 2021 - Unintended Budget Reduction for Closing Roosevelt Courthouse -				\$ (33,800)	\$ (33,800)
FY 2021 Ongoing Turnover Savings Balance - Current Month				\$ 393,254	\$ 393,254
Ongoing Turnover Savings - FY 2021 Requests					
3 Fund Court Comissioners Salary Increases that Legislature Did Not Fund in FY 2021 or FY 2022				\$ (92,500)	
4 Fix 11% Salary Cap				\$ (50,000)	
5 District Court Administration Reorganization				\$ (126,000)	
6 Court's Grants Coordinator (Karl Sweeney)				\$ (78,900)	
Total Ongoing Turnover Savings Requested				\$ (347,400)	
Projected Additional Ongoing Turnover Savings for balance of FY 2021				\$ 100,000	
Forecasted Ongoing Turnover Savings as of June 30, 2021			\$ -	\$ 145,854	
Balance of Ongoing Turnover Savings after Approved Items			\$ -	N/A	\$ 393,254
Carryforward spending requests - Forecasted Total Available \$3,000,000*			\$ 3,000,000		
1 Sunset Career Ladder Spending (may shift to YE 1x Spending if funds are available) (Bart Olsen/Karl Sweeney)			\$ 500,000	\$ 500,000	
2 IT Contract Developers Support (Heidi Anderson)			\$ 682,000		
3 Matheson Courthouse carpet repairs (select replacement with carpet tiles) (Chris Talbot)			\$ 100,000		
4 Employee Incentives (gift cards) (Bart Olsen)			\$ 280,000		
5 ICJ Operations Funding (Dues/Training and travel/Extradition) (Neira Siaperas)			\$ 21,000		
6 Educational Assistance Program (Bart Olsen)			\$ 75,000		
7 7th District - Equipment and Improvements			\$ 17,350		
8 Time-limited Law Clerks (2 FTEs) (Shane Bahr)			\$ 191,200		
9 Secondary Language Stipend (Kara Mann)			\$ 68,900		
10 Appellate Bench Technology Upgrades (Nick Stiles)			\$ 5,329		
11 Public Transportation Partial Reimbursement Test (Chris Talbot and Holly Albrecht)			\$ 25,000		
12 3rd District - Media Carts			\$ 50,000		
13 Probation Office Cabling for Technology - Taylorsville (Chris Talbot)			\$ 25,000		
14 Price GAL Relocation to Price District Court - Tenant Build Out (Chris Talbot)			\$ 24,800		
15 Divorce Education for Children Website			\$ 18,000		
16 Sexual Violence Program Coordinator - temporary full year			\$ 57,000		
17 IT - Computer / Printer Replacement Inventory			\$ 250,000		
18 Facilities - Unforeseen Projects & Repairs			\$ 200,000		
19 HR - Onboarding & Recruitment Software			\$ 20,000		
20 Education - In Person Conferences			\$ 127,500		
21 ODR Facilitator Training			\$ 20,000		
22 Reserve			\$ 150,000		
Grand Total Request to Use Carryforward Funds (See Note 1 Below)			\$ 2,908,079		
Balance to Reserve			\$ 91,921		
Grand Total of Requests and Reserve to Date			\$ 3,000,000		
Total Approved Uses of Carryforward/Additional Appropriations			\$ -	\$ 500,000	\$ -
Balance Remaining of Carryforward Funds after Approved Spending Requests and Reserve				\$ 2,618,100	\$ 393,254
LEGEND					
Highlighted items are Previously Judicial Council-Approved Requests					
Highlighted items are NEW or DEFERRED Requests					
Items in red represent funding identified by the Legislature for a specific purpose					
NOTE 1: BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation. If more funds than requests are received, prioritization is optional.					
Carryforward Funding into FY 2022 is a maximum of \$3,500,000 with a Legislature-approved increase of \$1.0M.					
* The \$3.0M shown as available for carryforward into FY 2022 is based on a forecast of YE surplus. This forecast is based on estimates and subject to change as further data is received.					

3. FY 2022 Ongoing Turnover Savings Request – Court Commissioners Recruit & Retain

This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of Ongoing Turnover Savings.

Date: 4/15/2021

Department or District: District Courts

Requested by: Shane Bahr District Court Administrator

Request title: Court Commissioners – Recruit and Retain

Amount requested: One-time \$ _____

Ongoing \$ 92,500

Purpose of funding request: Retain experienced commissioners and recruit the highest quality candidates.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

As part of the budget cutting for FY 2021, the Courts committed to taking \$475,000 of ongoing turnover savings to meet our overall budget reduction. We forecasted this would take the entire fiscal year of 2021 to accumulate. The Courts recently eliminated 2 positions in 3rd Juvenile. These eliminated positions boosted ongoing turnover savings by \$147,000. This unexpected windfall allows the Courts to reconsider the Court Commissioners request that has been put forward in 2 different legislative sessions for ongoing funding.

Below is the current balance in ongoing turnover savings. We forecast approximately \$150,000 in new ongoing turnover savings by 6/30/2021. This would give the Courts enough of a balance in ongoing turnover saving to fund this amount by 7/1/2021.



FY 2021 Ongoing Turnover Savings - Update as of 04/07/2021

#		Funding Type	Amount
1	Carried over Ongoing Savings (from FY 2020)	Internal Savings	44,296
2	Current YTD Ongoing Turnover Savings FY 2021	Internal Savings	505,556
	TOTAL SAVINGS		549,852
3	Ongoing Turnover Savings Pledged to Budget Cuts (retirements)		(245,300)
4	Ongoing Turnover Savings Pledged to Budget Cuts (non-retirements)		(230,148)
5	Previously Pledged - Child Welfare Mediators (August 2020 Judicial Council meeting)		(55,000)
6	Restoration of unintended budget cut for Roosevelt Courthouse		(33,800)
Actual Turnover Savings for FY 2021 as of 4/7/2021			\$ (14,396)

3. FY 2022 Ongoing Turnover Savings Request – Court Commissioners Recruit & Retain

Alternative funding sources, if any: None, except another request to the legislature.

If this request is not funded at this time, what are the consequences or is there an alternative strategy? The Commissioners that have stayed on through the last 2 requests have shown great loyalty to the Courts. As the economy improves, the likelihood they will begin to seek alternative employment rises.

4. FY 2022 Ongoing Turnover Savings Spending Request – 11% Salary Cap Inequities

The Judicial Council approves uses of Ongoing Turnover Savings. **This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2021 or FY 2022.**

Date: June 10, 2021

Department or District: Administrative Office of the Courts

Requested by: Cathy Dupont and Bart Olsen

Request title: One-time Request for Ongoing TOS to Address 11% Salary Cap

Amount requested: One-time \$ N/A

Ongoing \$50,000

Purpose of funding request:

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

In February 2020, the Judicial Council approved the use of 20% of the estimated annual Ongoing Turnover Savings (“OTS”), not to exceed \$110,000 in a fiscal year, by the State Court Administrator and Deputy State Court Administrator to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. This year, we request an additional \$50,000 to address the consequences of a now-repealed HR policy that limited salary increases for individuals who were internally promoted to 11% of their current salary. Over the years, this policy resulted in external hires earning larger salaries than some of our internal hires who are in the same roles and have similar years of experience. The request also includes a couple of salary adjustments to address comparability issues related to addressing the 11% rule impact.

Alternative funding sources, if any:

The cost of the solution represents almost half of our yearly hotspot allocation. We would need to address this issue over several years without this one time request for additional carryforward money.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

The effect of the old HR policy has impacted individuals for years and has had a significant cumulative impact on earnings. If we don’t address the solution this year, we add to the cumulative impact.

5. FY 2022 Ongoing Turnover Savings Request – District Court Reorganization

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2022.

Date: June 7, 2021

Department or District: Office of District Court Administration
Requested by: The Board of District Court Judges, Trial Court Executives, Clerks of Court, and Shane Bahr, District Court Administrator

Request title: Reorganization of the Office of District Court Administration

Amount requested: **One-time \$** N/A
 Ongoing \$ 126,000

Purpose of funding request:

Access to justice in the district courts has evolved over the last decade and will continue to evolve for years to come. The Board of District Court Judges is playing a greater role in creating the vision for the District Courts and how they operate. A growing number of programs, initiatives, and applications have been developed that require resources to maintain, improve, and operate. The Board of District Court Judges, District Court Bench, Trial Court Executives, District Clerks of Court and other District Court staff need more support to continue moving forward with their current and future initiatives. The purpose of the request is to secure funding to support an additional FTE in the Office of District Court Administration (ODCA).

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Background – How “the Problem” Developed

The ODCA is currently comprised of five and one half-time FTEs:

- One District Court Administrator
- One District Court Program Administrator
- One Capital Litigation Research Attorney (Assigned exclusively to capital litigation)
- Two Program Administrators (assigned exclusively to the Guardianship Reporting and Monitoring Program)
- One half-time Administrative Assistant (FTE is shared with Juvenile Court Administration)

Support provided to the District Court Board, District Court Bench, Trial Court Executives, Clerks of Court and other court personnel is currently carried by the Court Administrator and the Court Program Administrator. In recent years the Utah Court has implemented technological and other programmatic

5. FY 2022 Ongoing Turnover Savings Request – District Court Reorganization

solutions to improve access to justice. Although these new solutions offer better access to justice, each of the following solutions and others, requires implementation of new features, ongoing training and maintenance.

Existing programs and services (year implemented/transferred to ODCA) :

- **E-Warrants** (2008)
- **District Court e-filing** system major upgrade and expansion of case types (2009)
- **Judicial Workspace** (2012 – 2013)
- **E-filing** made mandatory for attorneys and major expansion of case types (2013-2015)
- **Jury management** major upgrade (2017)
- **GRAMP** (Court Visitor) transferred from the legal department to the ODCA (2017)
- **PC/PSA** introduced (2018).
- **ODR** introduced (2018) and continues to be implemented in justice courts. The ODCA is involved with this initiative and will become more involved as case types expand into District Court
- **Problem Solving/Treatment Court** technical upgrades developed (2018-2019); program responsibility shifted to ODCA (2019)
- **Heartland Credit Card** Upgrades (2019)
- **CORIS** multiple releases; currently undergoing a complete overhaul (Various)
- **Responding to Legislative audits** that demand changes in practices (Various)
- **Responding to Legislative mandates** after each legislative session (Various)
- **JRI** (2017)
- **Bail Reform** (Ongoing)

Future Initiatives and Programs:

- **MyCase,**
- **Pro Se e-filing,**
- **Mental Health Initiative** and other Judicial Council Initiatives impacting District Courts,
- **\$11M in ARPA funds** for expansion of technological programming in the next 3.5 years which will require input from District Court user groups, testing and training, and continued maintenance.
- Other District Court Initiatives.

Despite these and other initiatives that have been implemented and the many others on the horizon, the ODCA has not received additional resources since at least 2009 to develop, implement, train and maintain the evolving programs and services.

“Solutions” in the past often resulted in support for new programs and services being left with the group that initiated the change (example below) or more commonly assigned to a group(s) that was expected to support the new program or service by making it a part-time assignment to their existing staff. But these groups were not directly linked to the users of the programs and services (typically clerks of court) resulting in ineffective feedback loops and progress to address issues identified (example below).

Example – Keisa Williams has done an exceptional job navigating through legal and implementation issues of PC/PSA. Is it the best use of limited general counsel resources to continue to “own” PC/PSA at this juncture? Or, is it best to hand PC/PSA off to a program manager in District Court Administration to implement, manage and sustain while consulting with the legal team as needed?

5. FY 2022 Ongoing Turnover Savings Request – District Court Reorganization

Example - Within the last year, the ODCA has taken on a greater responsibility to be the primary point of contact at the AOC for district Clerks of Court (COC), without additional resources to take on the responsibility. As part of this transition we asked the COCs what support they needed from the ODCA and they responded with a memorandum¹ that listed the following items (items primarily supported outside of ODCA shown in italics):

1. Staff Clerk of Court meetings
2. *Primary contact for internal and external inquiries*
3. *Repository for institutional knowledge*
4. Written summaries on policy decisions
5. Assist with legislative process
6. *Maintenance and support of various statewide systems*

In April, 2021 we asked the clerks of court to grade how are doing in supporting them in these areas. They reported that we are basically **failing** to provide adequate services in items three through six. four of the six areas. As the COCs articulated in their Memorandum² to State Court Administrator, Judge Mary T. Noonan, dated December 16, 2020 the COCs and court staff are under extreme pressure and are in need of support more than ever. When funded, the Assistant District Court Administrator will become the primary point of contact for the COCs. In doing so, they will respond specifically to two items mentioned in the COC memo; Consult with clerical leadership and better communication between the AOC and the COCs. We recognize that this memo was written at the height of the pandemic. However, we do not anticipate the noted pressures will subside anytime soon, if ever. We have incredible COCs. However, without adequate support, we will not be successful in meeting the mission of the court. COCs are at the core of our success.

ODCA's Future Role – the Solution

Model the ODCA on the Successful Juvenile Court Model

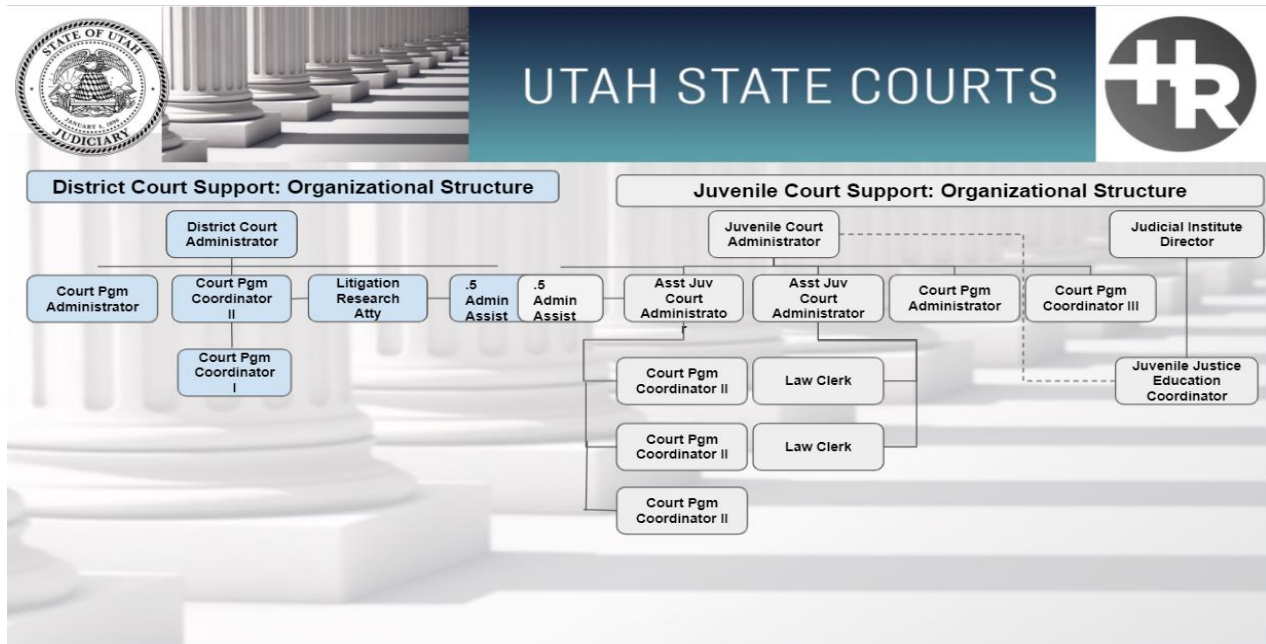
The District Courts need more support to continue moving forward with their current and future initiatives. This statement becomes self-evident by looking at the organizational structure (fig. 1) in the Juvenile Court (Juvenile Court Administrator and Assistant Administrators) and comparing it to the District Courts. The Juvenile Courts have funded needed Assistant Juvenile Court Administrators (AJCA) to address their access to justice needs. For example the many requirements of Juvenile Justice Reform have been addressed with the additional necessary support of AJCAs. As proof, none of the issues raised by the COC are Juvenile Court related. The Juvenile Courts are better poised than the current District Court Administration structure to tackle the evolving nature of the courts. By adding an Assistant Court Administrator to the ODCA, we will be in a better position to provide the necessary support to the district court moving forward.

¹See Appendix A

² See Appendix B

5. FY 2022 Ongoing Turnover Savings Request – District Court Reorganization

Fig. 1

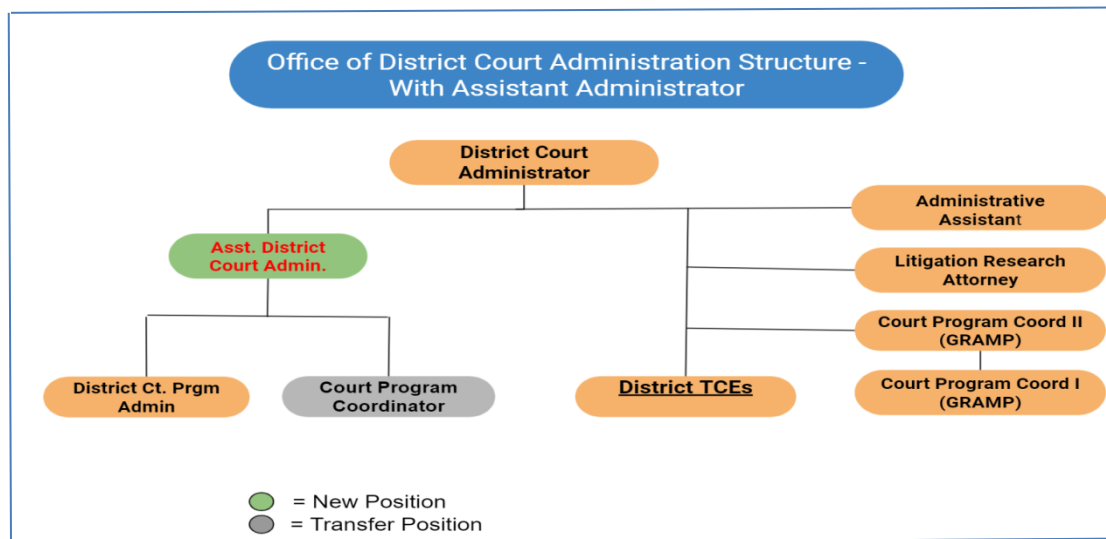


The Request – ODCA Reimagined

As shown below, funding from this request will provide a critical resource to restructure the ODCA in a manner similar to the Juvenile Court structure which has proven to be effective in allowing them to better meet the current and future challenges associated with the evolving and growing nature of the court. Adding an Assistant District Court Administrator to the ODCA structure will provide a resource that will assist with supervisory responsibilities in the office in addition to taking on new and existing responsibilities such as ARPA funded projects, serving as the primary contact in the AOC for Clerks of Court, strengthening our support of current programs and the District Court judges, and developing and supporting new district court initiatives. (See fig 2) We also anticipate transferring a position from Court Services to bolster the institutional knowledge of the ODCA in matters relating to Xchange and with the Bureau of Criminal Identification (BCI). These changes will allow ODCA to support ALL of the areas requested by the COC including those that are presently supported by personnel outside of ODCA. Outside of COC, these changes will provide better support for the Board of District Court Judges initiatives, legislative changes and audits and other existing responsibilities to advance the mission of the courts.

5. FY 2022 Ongoing Turnover Savings Request – District Court Reorganization

Fig. 2



Other Benefits - Loss of Institutional Knowledge

Over the last several years, the AOC and the districts have lost many long-term employees who had valuable institutional knowledge. As turnover occurs and institutional knowledge is lost, the demand for training and support increases significantly. This new organizational model will provide a necessary backstop of institutional knowledge.

Other Benefits – ARPA-Funded Projects

The Court will be receiving \$11M in ARPA funds for additional access to justice initiatives over the next 3.5 years. There is no doubt that this will impact district courts. The ODCA will now have additional resources to help create, implement, train and maintain the products that come from these initiatives in the short-term and the long-term. In addition, the Courts are seeking to better track data regarding equity and fairness, which will have an impact on the District Court judges, clerks, TCEs, and the ODCA.

If needed, we will seek to hire time-limited positions using ARPA funds, to work with IT in rolling out the new products and phases. It is unacceptable to adequately fund the design and build phase but not adequately fund change management and training.

Why now?

The aggregation of the issues above demonstrates the current and impending workload in the Office of District Court Administration and the urgent need for resources now. The current ODCA staff, though dedicated, face demands that far exceed what they are capable of accomplishing. We are beyond the tipping point. These additional resources are the most efficient way to proceed.

5. FY 2022 Ongoing Turnover Savings Request – District Court Reorganization**Alternative funding sources, if any:**

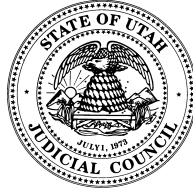
One time funding to cover the position in the short term with a commitment to fund will ongoing funds as soon as they are available. A legislative request may be another option, but it will not meet the urgency of this request.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

Over the last several months, many hours have been devoted to find an alternative solution. Resources can be only stretched so far. It is because there are no other viable options available that we submit this request. If this request is not funded at this time the ODCA will have to step back from many existing programs, initiatives and services. Without additional resources the ODCA will not provide adequate support to existing programs and services, let alone take on additional responsibilities. Furthermore, if this request is not funded, the ODCA will not have the capacity to provide support to the Clerks of Court. That responsibility will have to be placed somewhere else.

5. FY 2022 Ongoing Turnover Savings Request – District Court Reorganization

APPENDIX A



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

September 10, 2020

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: Clerks of Court

FROM: AOC Support Workgroup

RE: AOC Support for the Clerks of Court

Input from Clerks of Court is essential to the successful transition to a new administrative support model. To that end, a small workgroup was created to outline the needs and expectations of the Clerks of Court. The workgroup consisted of five Clerks of Court (Dawn Hautamaki – 8th District Combined, Nicole Grey – Supreme Court, Daniel Meza-Rincon – 3rd District Juvenile, Mikelle Ostler – 4th District Juvenile, and Keri Sargent – 6th District Combined,) two court administrators (Shane Bahr – District Court Administrator and Neira Siaperas – Juvenile Court Administrator,) and the Director of Court Services (Clayson Quigley.) This workgroup discussed the support Clerks of Court currently receive from the AOC and the concerns, questions, and ideas regarding a change in the current support model. This memo summarizes those matters and proposes the framework of a new support model for the Clerks of Court.

Framework of Responsibilities of AOC Support:

1. Staffing Clerks of Court Meetings

The AOC provides personnel and other resources to facilitate the coordination, execution, and recording of all Clerks of Court meetings. This includes:

- soliciting agenda items,
- arranging meeting space (physical and virtual),
- coordinating with presenters, and
- recording meeting minutes.

Historically, the AOC has also chaired these meetings but with the switch to self-governance, this role will be fulfilled by the Clerk of Court chair or his/her designee.

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

The AOC will coordinate with the chair and vice chair to finalize the agenda items. This process includes reviewing agenda item requests, emails received in the interim, and other updates from the AOC.

Concerns:

- Clerks of Court lack the time to devote to many of these tasks. There is widespread concern that the chair and vice-chair will not be able to function efficiently if they are required to do much of the leg work involved with staffing meetings. Administrative support from the AOC is imperative to the success of this support model as well as the Clerks of Court's new self-governance model.

Solutions and Opportunities:

- The AOC will continue to provide administrative support for the meetings, including assisting with agenda creation, minutes, and other meeting coordination. The assignment of these duties within the AOC will be determined once this proposal is finalized and approved.
- Key stakeholders will be identified to regularly attend Clerks of Court meetings to facilitate communication and timely response to matters that arise in these meetings. With the approval of supervisors this may include a juvenile law clerk, a helpdesk or IT representative, the Self-Help Center Director, and others.
- In addition to participating in topical discussions when invited/requested, AOC directors should be invited to report to the Clerks of Court on at least an annual basis.

2. Primary contact for internal and external inquiries

The AOC will designate a primary contact person or persons for external and internal questions and general communication. This contact will serve as a go-to for Clerks of Court to resolve matters that may go beyond their local districts. This may include routing the information to people within the judiciary or external individuals or agencies. These designated individuals will also serve as points of contact for external agencies who may need to communicate with the Clerks of Court regarding statewide policies or practices.

Concerns:

- If a contact person is designated in each court level (district, juvenile, and appellate courts) there should also be a primary contact for combined issues. If there is only a contact person for each court level and if responsibility is not clearly identified, questions and issues may fall through the cracks.
- Clerks often do not know or do not have contact information for external agencies.

Solutions and Opportunities:

- The AOC will maintain a contact list of external agencies which can be shared with the Clerks of Court.
- The AOC will identify points of contact who will collaborate to resolve combined Clerks of Court questions and issues.

- Clerks of Court should be added to routine distribution groups for communications sent to judicial staff and TCEs in addition to “All Judicial” distributions. If it is expected that the email should or would be forwarded to the Clerk of Court by TCEs or PJs, the Clerks of Court ought to be included on the initial distribution.
- Court level administration will benefit from supporting all local leadership (TCEs, COCs and CPOs). Administrators or their designees will be able to offer a holistic perspective on proposed changes affecting policy or practice.

3. Repository for institutional knowledge

The AOC will provide a system for capturing, storing, and retrieving institutional knowledge. A central repository, other than meeting minutes, where a history or decisions and changes can be maintained, will help future Clerks of Court understand the historical decision making processes and other pertinent details that explain how current policies and practices came to be. This repository should include, but not replace the DCJUST and JVJUST documents. The AOC will continue to staff and support the DCJUST and JVJUST committees.

Concerns:

- With the recent turnover in Clerks of Court as well as AOC leadership, much institutional knowledge has been lost. There will be more turnover in the future and the risk of losing that knowledge will increase even more.

Solutions and Opportunities:

- Clerks of Court should adopt a “mentorship/extraction” program. The goals of this program will be to help capture departing Clerks of Courts’ knowledge, history, and insights and designate a mentor for new Clerks of Court.
- The AOC will create and maintain a shared drive (google or otherwise) where this type of information can be shared with all Clerks of Court.
- Upon request, the AOC will assist local districts with a review/audit of managerial practices to certify adherence to statewide policies. These reviews may be requested to examine specific or overall practices.

4. Written summaries on policy decisions

The AOC will summarize the discussions, input from key stakeholders, and decisions made by creating written summaries on issues raised by Clerks of Court. These summaries will be shared by email and maintained in the repository for institutional knowledge.

Concerns:

- Statewide direction and consensus is required to guide the implementation of local practice.
- Decisions made outside of meetings and formal approvals may impact the practice of other areas in the judiciary.

Solutions and Opportunities:

- The AOC will summarize discussions surrounding policy and procedural questions and the accompanying decisions in a written form.

5. Assist with legislative process

The AOC will track legislative impacts that affect the day to day operations of the courts and will give Clerks of Court an opportunity to assess these impacts. The AOC will help Clerks of Court track the changes and identify tasks related to these changes.

Additionally, through the Clerks of Court feedback, the AOC will offer the perspective of clerical staff regarding pending legislative changes.

Concerns:

- Legislative changes impacting day to day work of clerical staff can easily slip by without understanding the magnitude of those impacts.
- Seemingly simple or minor changes may have bigger impacts on a clerk's regular procedure.
- If Clerks of Court are not adequately consulted, important changes may not be identified.

Solutions and Opportunities:

- The AOC will continue to include Clerks of Court in reviewing proposed legislation and highlight possible impacts.
- Clerks of Court will establish Subject Matter Experts (SMEs) to give more in depth attention to legislative changes impacting the areas in which they are experts. This will alleviate the need for all Clerks of Court to do a deep review of proposed legislation.

6. Maintenance and support of various statewide systems*Concerns:*

- Clerks of court expressed concern about continuity of support and assistance with statewide systems such as CARE, CORIS, eFile, etc.
- Communication regarding helpdesk issues and other technology problems, solutions and upgrades needs to be enhanced so Clerks of Court are better informed.

Solutions and Opportunities:

- The AOC will continue to provide maintenance and support for statewide systems. They will assist the Clerks of Court in assessing and implementing improvements to these systems as policies and practices change.
- The AOC will work with the Clerks of Court to establish a communication process that keeps the Clerks of Court better informed of technology issues.

Next Steps:

The workgroup submits this framework to the Clerks of Court for approval. If approved, the AOC court level administrators and the Director of Court Services will begin to identify how to transition responsibilities or establish new processes proposed by these recommendations. Additionally the AOC will provide a timeline to complete the transition.

5. FY 2021 Ongoing Turnover Savings Request – District Court Reorganization

APPENDIX B

M E M O R A N D U M

TO: Judge Mary T. Noonan, State Court Administrator

FROM: Clerks of Court

RE: Clerical Staff Burnout

DATE: 12-16-2020

This memorandum is an attempt to memorialize some of the sentiments expressed by the collective Clerks of Court group during a meeting in which staff burnout was discussed. Our discussion started with a question posed to one of our Clerks of Court by a judge in her respective district -- "*What can judges do to support our clerical staff?*" While our discussion may not have led to concrete answers, we have identified some common themes as indicated below.

We know you have asked a few times during our statewide calls how staff are doing and we have been told the Chief Justice has inquired as well. We hope this memo will help you and others more fully understand the experiences our clerical support staff have had during the pandemic so that you can partner with us in finding ways to sustain that support. Clerks of Court have also committed to making sure their local admin teams and presiding judges are aware of the strain on their clerical teams. While we tend to shy away from presenting problems without a solution, we believe it is our duty and responsibility to advocate for our staff, despite the limitations we feel in our ability to solve these complex issues on our own.

The combined group of Clerks of Court discussed the burden placed on clerical staff during the pandemic. The following concerns and experiences were shared.

If it hasn't reached the breaking point, it's very close. The extra "little things" that clerks are continually required to take on is adding up to be more than we can bear. Many solutions found during the pandemic have fallen directly on the clerical staff to carry out and now, several months in, we are out of bandwidth to take on any more. Our teams, including leadership, have more work than they can complete during the workday or work week and the mental strain has caused a variety of health concerns. We are fearful of losing valued and skilled staff; some have already moved on.

We want to help our teams and appreciate the ideas shared by the committee regarding ways to improve staff morale. We're just not sure how to apply them or when we would even have time as we are very much focused on keeping our heads above water. Workgroups are great in starting important conversations but we are seeking to effectuate change.

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

Clerical staff have remained in the office doing whatever it takes to ensure judges, attorneys, patrons and their teammates' needs are being met so that court operations can continue. They sort of feel “left behind” to carry the burden. Court is crazy-- prep has doubled, clerking is stressful, and phone calls are through the roof. In some locations, front counters are experiencing heavier traffic than before the pandemic. Case numbers aren't a good measurement of how busy staff are because the time it takes to manage each case has increased so substantially. Attorneys still aren't helping to get clients to court and some are refusing to provide the Webex hearing links to those they represent. Emotions are high and the constant strain is taking both a mental and physical toll, causing some to contemplate retirement. Succession planning was already hard enough due to pay issues, the stress of managing court during a pandemic makes these positions even less appealing.

Supervisors have tried to fill the gap for staff working at capacity and unable to take on additional work but they too are overburdened as they are often covering for staff who are affected by the pandemic. Many don't feel like they can take time off and are constantly at the disposal of their staff who are seeking answers from them regarding their health and potential exposure that they are not qualified to make. Decision fatigue is real and rampant.

Judges are creeping back into the courthouse which puts pressure on clerical staff to be in the courtroom as well. Also, many judges are focused on the backlog of cases and may be overlooking the fact that large calendars are now requiring more clerical time due to Webex, and should be aware of the trade-off there. Limiting the number of hearings on a calendar day should not be dismissed out of hand, despite the backlog. Clerical staff know they are falling behind on case pending and other case management duties, but clerical resources are being dedicated to calendar management. The administrative order is asking clerical staff to focus on essential duties, which may not include case management at this time. We're not sure when we will be able to catch up or what is most concerning-- large virtual dockets or a backlog?

Committee participation, clean up projects and pilots are exciting and creative, but equally exhausting. Clerks of Court would like the opportunity to weigh in on whether or not their clerical staff can accommodate the extra burden being asked of them prior to being committed.

In terms of what judges can do, we identified the following.

Patience and understanding. Both judges and clerks feel a sense of responsibility for the patron's virtual court experience, however, clerks are doing the very best they can and are not qualified to fix complex technology issues. Patience and understanding of the difficulties we share is appreciated. Reaching out to the technology experts, when more appropriate, would also help a great deal.

More meaningful hearings. The number of continuances is high and is often due to attorneys not being prepared for the hearing or having failed to provide their client with

the Webex link. This results in an increased clerical workload and shifts the burden of the work from attorney's office to the clerk. Requiring attorneys to provide their clients with the Webex link or to file motions to continue in advance of the hearing when not prepared to proceed would save valuable clerical time.

Strike a balance. Virtual calendars are more time intensive for clerical staff due to Webex scheduling. While we initially saw a reduction in calendar sizes, most locations are now back to holding full calendars virtually. Full calendars help with the backlog or to prevent one but are not sustainable. Additionally, clerical resources are finite which means judicial expectations for large calendars plus timely case management may not be attainable right now.

For consideration by court administration, we offer the following.

Consult clerical leadership. Many teams and departments are interconnected and interdependent but none are more so than the clerical support team. Almost every project or initiative that a department is working towards will ultimately impact the clerical staff in some way. We ask that other departments be cognizant and sensitive to that and consult the Clerks of Court group to assess impact and feasibility.

Is temporary clerical staff a possibility? Over the past several years, clerical staff have been scaled back to bare minimum staffing levels. Due to the increased clerical workload caused by virtual hearings, staffing levels are insufficient. We recommend that consideration be given to temporarily hiring skilled staff (retirees) as an interim solution. In some circles, bringing on senior judges to handle backlogs has been contemplated to help reduce large calendars. Senior judges without additional clerical support will only compound the problem for clerical staff.

Support for overtime/comp time. To compensate for insufficient staffing levels, some staff are accruing extra hours. It is difficult and sometimes impossible to find time for staff to flex the additional time during the week and this becomes yet another stressor for clerical employees and their supervisors. We are asking for support for when overtime/comp time is accrued while we seek other resources to help carry the clerical workload. Our staff are worn out and while granting comp time/overtime deprives them of the break they need, they should still be compensated for their time.

Can probation staff help fill the gap? Many clerical duties are complex enough in nature that probation staff would likely struggle a great deal to assist without undergoing intensive training. However, there may be some tasks worth exploring. Some of those duties may include: processing jury qualification questionnaires and juror summons questionnaires, providing logistical support for jury trial pilots, assisting with sanitization efforts, and cleaning supply inventory and restocking. Additional opportunities may exist for some teams to incorporate a virtual bailiff and assistance in disseminating Webex links to parties.

Encourage more communication, locally. Working remotely has made communication more difficult and during a pandemic, consistent and frequent communication is even more essential. The statewide calls are helpful but should not be a substitute for local discussions.

Share the burden. Because clerical team members must staff our offices and be available to perform critical functions, we are addressing a variety of issues in addition to our already full plates, including security and building issues, office supply delivery, running to IT, cleaning needs, and COVID supplies. We ask that others be physically present more often to create an opportunity for them to assist.

Compensation. We are very appreciative of the efforts made by you and others in the past to address pay inequities for clerical staff. And, while we recognize paying clerical staff more would not resolve many of the issues we have identified in this memo, and that the current budget constraints make this timing of our request less than ideal, we also feel it is an important contributor to clerical burnout that cannot be overlooked.

Clerical job duties have always been more complex than given credit for and now it is even more so. For some districts, this has resulted in the loss of valued and experienced clerical staff and difficulties in keeping Training Coordinator positions filled. Bringing on new staff with a career track in limbo has only added to the stress and burden placed on our Case Managers who are responsible for keeping their offices staffed and judge teams running efficiently.¹

The work of Judicial Assistants has been deemed a critical function of the courts in the context of the Administrative Order and our response to the pandemic. This has necessitated continual sacrifice from our clerical staff members who are responsible for opening offices and serving the public, risking their health and that of their family, on top of responding to overwhelming changes and demands on their time. It is clear that we highly value the work of the clerical department, yet large pay disparities continue to exist between clerical and probation staff.² Pay inequality undermines our values and contributes to the decreased morale of our clerical department.

¹ Judicial Case Managers starting wage \$20.53/hr.; Probation Supervisors starting wage \$26.26/hr. (\$5.73/hr. difference)

² Judicial Assistant starting wage \$16.54/hr.; Probation Officer starting wage \$19.50/hr. (\$2.96/hr. difference)

6. FY 2022 Ongoing Turnover Savings Request – Grants Coordinator Position

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2022.

Date: 4/15/2021

Department or District: AOC Finance

Requested by: Karl Sweeney, Courts Director of Finance

Request title: Grants Coordinator Position – Continued Funding

Amount requested: **One-time \$** _____

Ongoing \$ 78,900

Purpose of funding request:

The Administrative Office of the Courts (AOC) requests to convert funding for the Grant Coordinator (GC) position to ongoing funds. We are now 6 months past the filling of the GC position. We believe sufficient progress has been made in the following areas to justify ongoing funding for FY 2022:

- (1) assessing past compliance with grants,
- (2) building relationships with grant providers,
- (3) establishing guardrails to the grant compliance process in terms of review of submissions since the GC start date
- (4) developing a revised grant policy (CJA Rule 3-411),
- (5) preparing a grant compliance calendar,
- (6) building strong relationships of trust with Court grant managers and
- (7) collaborating with grant applicants to submit select grants that meet the grant moratorium exceptions for Judicial Council review

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

We expect to complete the revisions to Rule 3-411 and a Grant Manual in the coming 6 months. We expect that the targeted pursuit of grants that have no/minimal impact on AOC resources will commence in earnest during the latter half of FY 2022.

Alternative funding sources, if any:

Continued use of one-time carryforward funds.

2. FY 2022 Carryforward Request to Judicial Council – IT – Contract Developers

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 4/15/2021

Department or District: Information Technology

Requested by: Heidi Anderson

Request title: Contractor Support for Senior Project Manager/Developer training and Critical IT projects in FY 2022

Amount requested: \$ 682,000

One-time funds

Purpose of funding request: This request is the 2nd of 2 related requests (the first was approved in March 2021 for \$225,000 to use FY 2021 1x surplus funds) to hire/promote 4 Sr. Project Managers/Developers (SPMs) earlier than the July 1, 2021 date when legislature-approved ongoing funding will start.¹ This request is to retain 4 experienced contract developers currently in the roles the new SPMs will assume for purposes of training and transition of the new SPMs into their roles. The 4 existing contractors are shown in Exhibit A with their years of experience in the Courts along with their areas of expertise and annual contract costs.

Continuing to fund these contract developers is critical to the training of the new FT SPMs. Further, the contract developers are vital to the Courts promise to the Legislature to increase our code throughput. As we stated in our request to the Legislature for the \$650,000 of funding:

We anticipate a 60% increase in application development hours....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.

Hiring the 4 new SPMs while simultaneously laying off our 4 most experienced contract developers will essentially result in a trade-off of resources with little if any net increase in development hours. Adding the new SPMs while retaining our experienced contract resources will maximize both the up-skilling of the new resources while simultaneously increasing code output.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

In the 2021 Legislative session, the legislature approved \$650,000 of ongoing funds to bolster the Court's IT staff with more FT senior managers/developers. We are hiring personnel that have both

¹ A business analyst is also part of the future new hires but will not be hired before July 1, 2021. Due to increases in market prices for developers since the original request was given to the Legislature and the desire to have project management skills in this role, the expected new development hires will be 5 FTEs instead of 6 as originally planned.

2. FY 2022 Carryforward Request to Judicial Council – IT – Contract Developers

developer and IT project management skills as both are needed to move forward with the many projects Courts IT has on their plate. With the critical necessity of supporting efforts to adapt courtroom proceedings from physical to virtual settings, existing court SPMs are constantly pulled into the multiple projects that flow from those needs. Consequently, other critical projects are slowed or stalled due to a lack of senior leadership. These other projects (including Windows 10 upgrades, court data redundancy project, MyCase Pro se e-filing, and CORIS re-write) will be assigned to the new FT SPM and paired with the contract developers who have been supporting these projects for maximum growth and effectiveness.

Alternative funding sources, if any: None

If this request is not funded at this time, what are the consequences or is there an alternative strategy? The projects will not get the needed support and will necessarily be slowed. The boost in coding productivity the Legislature expects will not be forthcoming.

Exhibit A

Additional Funding - Carryforward Request - Retain Current Contractors to Train New SPMs/Devs			
Current Contractors	Court experience	Annual Cost	
Troy 9 years with the courts	Critical Experience	206,000	Included in this carryforward ask
Subbah 4 years with the courts	Critical Experience	206,000	Included in this carryforward ask
Anup 2 years with the courts	Critical Experience	135,000	Included in this carryforward ask
Abhi 2 years with the courts	Critical Experience	135,000	Included in this carryforward ask
Total Carryforward Request		682,000	

2. FY 2022 Carryforward Request to Judicial Council – IT – Contract Developers

Not part of this request as Legislature 1x funding for OCAP will be used to fund the OCAP spend for FY 2022

Rohan 6 years with the courts - Chief OCAP developer	Critical Experience	210,000	Funded through 1x legislative funding for OCAP
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3. FY 2022 Carryforward Spending Request – Facilities - Matheson Carpeting

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 4/2/2021

Department or District: AOC Facilities

Requested by: Chris Talbot

Request title: Matheson Carpeting

Amount requested: One-time \$ 100,000

Ongoing \$ _____

Purpose of funding request:

The original 22 year old carpet in Matheson is long past the industry standard replacement cycle. Excessive wear and carpet seams coming unglued whenever the carpet is cleaned are creating safety issues. We received and spent \$350,000 from capital improvements in FY21 to replace the most worn and unsafe areas. The estimate to replace the remaining old carpeted areas in the building is \$300,000. Due to other budget priorities, it is unlikely that the State will fund further carpet replacement through capital improvement. Facilities requests Judicial Council approval to fund \$100,000 for FY 2023 with the goal of repeating this request 2 more times (total \$300,000) over the next 3 – 5 years to complete the project. We would bring back requests each year until the project is completed.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

This request would continue the replacement process of the existing +125,000 SF of carpet in Matheson and allow us to eventually re-carpet all courtrooms, chambers, offices and conference rooms over the next 3 years. Facilities would evaluate and replace the areas with the most wear and tear safety issues first.

Alternative funding sources, if any:

None

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

Worn carpet that is bubbling, rolling, and has seams coming apart is unsafe and creates tripping hazards. Just as we did last year, we would seek a smaller \$20,000 request to fund emergency repairs.

4. FY 2022 Carryforward Spending Request – HR – Employee Incentives for FY 2022

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 4/15/2021

Department or District: AOC Incentive Team
Presented by: Bart Olsen

Request title: Employee Incentive Awards

Amount requested: One time: \$280,000 (FY 2020 request was \$260,000; FY 2021 request was \$0 due to budget cuts)

Purpose of funding request:

The Courts have established a program to provide on-the-spot recognition for outstanding service as well as a formal nomination process to reward employees for their service in the following ways:

- An innovative idea or suggestion, implemented by the courts, which improves operations or results in cost savings
- The exercise of leadership beyond that normally expected in the employee's assignment
- An action which brings favorable public or professional attention to the courts
- Successful completion of an approved special individual or team project
- Continually outstanding performance of normal responsibilities.

The incentive can be issued in cash or a gift card. If deserved, a single employee can receive multiple incentive awards in a given year.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

For many years, during the process to allocate unspent budget toward one-time activities in the following fiscal year, the courts have allocated \$200,000 for employee incentives. Prior to FY 2019, the employee received these awards net of payroll taxes (FICA, Federal and State Withholding) which lessened the value to the recipient. The Executive branch's incentive policy adds 30% to the incentive award as it is entered into the payroll system to mitigate the impact of withholding taxes on the recipient. During FY 2018, the Accounting Manual Committee recommended and the TCEs adopted the state's incentive policy to be effective for FY 2019.

The FY 2022 request is for the \$200,000 + \$60,000 for the funds required to cover assume personal taxes as 30% + \$20,000 for the funds required to cover retirement costs and employer FICA (32%) for cash incentive payments. Incentive awards issued as gift cards do not incur the retirement fund contribution. The extra \$20,000 covers up to \$60,000 of incentive awards given out as cash payments.

Alternative funding sources, if any:

This funding has always been carved out of carry forward funds from the prior fiscal year. If we do not fund this amount, there will be no funds available to fund employee incentive awards.

4. FY 2022 Carryforward Spending Request – HR – Employee Incentives for FY 2022

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

This has been a benefit that has been provided for employee awards every year except during years of budget restrictions. It would have a detrimental impact on employee morale to eliminate this program in a year without a budget restriction.

5. FY 2022 Carryforward Spending Request – Juvenile Court - ICJ Annual Funding

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: April 15, 2021

Department or District: Juvenile Court

Requested by: Neira Siaperas, Juvenile Court Administrator

Request title: Interstate Compact for Juveniles (ICJ) Operations Funding

Amount requested: One-time \$21,000 (Detail below)

- \$17,000--Annual Dues
- \$3,000--Extradition Expenses
- \$1,000 - Training

Ongoing \$0

Purpose of funding request: Funding for mandatory Interstate Compact for Juveniles (ICJ) annual dues and other expenses related to administration of the ICJ office.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

In past years, Federal JABG funds supported the payment of national ICJ dues, but JABG funding is no longer available. Therefore, other funding is necessary to support ICJ dues which are currently assessed at \$17,000/year. This amount is calculated based on the criteria outlined in ICJ Rule 2-101 (attached) and the calculations for each state are revised every five years. Next calculation will occur at the end of FY21 and new dues, if any, will go into effect for FY23.

As a member of the Interstate Compact for Juveniles, the state of Utah is responsible for working with other states to return runaway/absconded youth to his/her home state, including home to Utah. Although the financial obligation rests with the parents, in some instances parents are unable to pay for the child's return. The request for \$3,000 enables Utah to comply with return timeline requirements when other logistical or financial return options are unavailable.

Alternative funding sources, if any: None

If this request is not funded at this time, what are the consequences or is there an alternative strategy? Utah's ICJ dues are obligated by Utah statute 55-12-108(2), and if unpaid, Utah would default on the ICJ and additional fines may be levied. If extradition funds are not approved, it would hinder Utah's ability to comply with the ICJ in cases where a Utah family cannot pay for the return of their child.

5. FY 2022 Carryforward Spending Request – Juvenile Court - ICJ Annual Funding

Attachment (ICJ Rule 2-101):

Section 200 General Provisions

Rule 2-101: Dues Formula

1. The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least thirty (30) days prior to the Commission meeting at which the proposed revision will be considered.
2. The Commission shall consider the population of the states and the volume of juvenile transfers between states in determining and adjusting the assessment formula.
3. The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.
4. The dues formula shall be —
$$\frac{(\text{Population of the state} / \text{Population of the United States}) + (\text{Number of juveniles sent from and received by a state} / \text{total number of offenders sent from and received by all states})}{2}$$

History: *Adopted December 2, 2009, effective March 1, 2010*

6. FY 2022 Carryforward Spending Request – Educational Assistance for FY 2022

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 4/15/2021

Department or District: AOC Finance and HR

Requested by: Karl Sweeney and Bart Olsen

Request title: Educational Assistance for FY 2022

Amount requested: One-time \$ 75,000

Ongoing \$ 0

Purpose of funding request:

One Time: \$75,000 (\$0 was approved for FY 2021 Budget due to budget cuts; actual spend for FY 2020 was approximately \$60,000). The Utah Courts encourage employees to seek further education in order to perform their jobs more effectively and to enhance their professional development. The Human Resources Department may assist an employee in the pursuit of educational goals by granting a subsidy of educational expenses to Court employees under specified circumstances. This request will subsidize education assistance for court employees for FY 2022. Courses completed during FY 2021 are not eligible for reimbursement. The amount requested is slightly higher than FY 2020 actual due to expected pent-up demand for this benefit.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

All benefitted Court employees are eligible to apply for this benefit. HR policy in effect for FY 2022 specifies the educational pursuit must be an evident benefit to the Courts and have approval of the Court Executive or Director. The employee enters into an Education Assistance Contract prior to the beginning of the course and may be reimbursed for their costs (tuition and fees) at the successful conclusion of the course (meaning a final GPA of 2.0 or better). If the employee leaves the Courts within 12 months of receiving an Educational Assistance reimbursement, HR policy allows the Courts to ask that the departed employee repay any education assistance money received within a 12-month period after departure. The policy also aligns with the IRS limit of \$5,250 per calendar year per employee as a tax-free benefit.

Alternative funding sources, if any:

This funding is not included in our base budget and the courts has traditionally used carry forward funds to provide this benefit.

6. FY 2022 Carryforward Spending Request – Educational Assistance for FY 2022

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

Employees will not receive a reimbursement for their educational pursuits. This will place the Courts at a competitive disadvantage in the pursuit of the best talent.

7. FY 2022 Carryforward Spending Request – 7th District Equipment and Courtroom Impr.

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 6/10/2021

Department or District: Seventh District

Requested by: Travis Erickson, Trial Court Executive

Request title: Seventh District Equipment and Courtroom Improvements

Amount requested: One-time \$ 17,350

Ongoing \$ _____

Purpose of funding request: Purchase (1) new laptops for District Court Judges, (2) Monticello Courtroom Podium, (3) Price Courthouse storage cabinets, (4) All-In-One WebEx-Enabled Computer for Court Patrons, and (5) Castle Dale Courthouse Improvements.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

- (1) **New Laptops for Judges:** The members of the Seventh District Court Bench each use a single court issued device for their work on the bench, in their chambers, from remote locations, and for meeting attendance. During FY 21 the District succeeded in providing updated laptops for 2 of the 5 members of the bench.

The devices currently in need of replacement are Microsoft Surfaces. Some of these have started demonstrating challenges during WebEx hearings and in some cases requiring that judges adapt their use of the devices to ensure that they maintain battery power, connectivity, and do not overheat during court.

After consultation with Courts IT, the district ordered a new dragonfly laptop to begin purchasing needed replacements. In addition to the dragonfly laptop, new power cables and docking stations for work the bench and chambers were also ordered. Unfortunately, only a limited number of these devices are available and owing to slow supply chains, vendors have notified the courts that the delivery date will fall outside of the fiscal year.

These funds will allow the district to purchase replacement devices for the members of the bench with FY 21 funding.

- (2) **Monticello Courtroom Podium:** The Monticello Courtroom is shared by the District, Juvenile, and Justice Court. The podium currently in use is antiquated and does not provide adequate

7. FY 2022 Carryforward Spending Request – 7th District Equipment and Courtroom Impr.

space for the use of a laptop during presentations. The courtroom is equipped with a basic electronic evidence presentation system with large monitor for gallery and Jury viewing. A more capable podium will more readily allow for evidence presentation as jury trials resume in San Juan County.

The Seventh District has successfully purchased similar podiums for Courtroom use in Grand County from UCI earlier in FY 21 and found them to meet our needs for function and form. Unfortunately, it was necessary for UCI to close for new orders somewhat earlier than expected this fiscal year. This request will allow the district to utilize the funds already set aside from the district budget to accomplish the intended update to the courtroom.

- (3) **Price Courthouse Storage Cabinets:** The Seventh District Courthouse in Price has undergone recent remodeling in order to provide a permanent office suite to the local office of the Guardian ad Litem. The Price Courthouse storage room was the area that GAL moved into. As a result, there is a need to generate additional storage space for the court.

The district worked with UCI to design and build storage cabinets that will suit our needs. However, due to workflow challenges, UCI is unable to make delivery prior to the close of the fiscal year. This request will allow the district to utilize the funds already set aside from the district budget to accomplish the intended update to the courtroom.

- (4) **WebEx-enabled Computer for Court Patrons:** The Seventh District has found that continued remote court hearings allow for more responsive scheduling, more efficient use of judges' time and greater convenience for court patrons. In order to enhance the availability of remote services, the district purchased and installed a WebEx Booth for patrons in the Moab Courthouse.

The booth is intended to be used with a touch screen All-In-One Computer that is secured and well suited for WebEx appearances. Unfortunately, the All-in-One WebEx computer that the district ordered during FY 21 arrived damaged. The Vendor was unable to replace the device prior to the close of FY 21 and returned payment to the Courts. The booth is currently in use with a standard WebEx laptop. The device is functional, but not as well suited to the booth, nor as secure as the all-in-one device which can be mounted directly to the wall. This request will allow the district to utilize the funds already set aside from the district budget to accomplish the intended update to the courtroom.

- (5) **Castle Dale Courthouse Improvements:**

Castle Dale / Emery County Courthouse Enhancements:

- \$3,000 to make security enhancements to the Clerk's front counter.
- \$3,000 to improve the staff evacuation pathway.

Background:

- The Castle Dale building is owned and maintained by Emery County. The Court's agreement with Emery County makes the Court responsible for non-maintenance new construction.
- The building contains two courtrooms which are used for Juvenile, District, and Justice Courts.

7. FY 2022 Carryforward Spending Request – 7th District Equipment and Courtroom Impr.

- Court hearings have typically been conducted in one or more courtrooms on 3 to 4 days of each week. Deputies conduct screenings for patrons entering the building during court times only.

Counter Enhancement:

- The Castle Dale Clerks' Counter design incorporates two patron stations, one at standing height and one at ADA height. The glass at these windows is not shatter resistant and comes to a height of about 6 and 5 feet respectively. This results in an opening of about 3 feet between the top of the glass and the ceiling. At times, patrons delivering paperwork simply reach above the glass to hand things to clerical staff.
- Through this enhancement, we hope to provide new shatter resistant glass and extend the height to within about 6 inches of the ceiling. We will also plan to mount a public facing monitor for better patron communication.

Evacuation Pathway:

- Staff and Judicial areas are located on the West end of the building.
- Staff and Judicial Parking and secure entrances are exterior to the building on the West and are encompassed by a six foot chain link fence. An automatic vehicle gate faces the front of the building. There are two "man" gates to allow exit, but these are secured with chains and padlocks because they are not integrated into the building security system.
- The current evacuation route for staff and Judges requires that they either pass through public portions of the building or by-pass two staff exits that are located within twenty feet of the court room and chambers and instead traverse a long hallway to the opposite (East) side of the building prior to exiting.

Alternative funding sources, if any:

Funds from the FY 22 budget year.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

These expenses would pass to the new fiscal year and may impact available funds for other district needs.

8. FY 2022 Carryforward Spending Request – BDCJ Request for Two District Court Law Clerks

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 4/15/2021

Department or District: Board of District Court Judges

Requested by: Shane Bahr, District Court Administrator

Request title: District Court Two Time-Limited Law Clerks (Continuation of Funding)

Amount requested: One-time \$ 191,200 The Board of District Court Judges recommends approving one-time funds¹ to fund these positions for FY 2022.

Ongoing \$ 0

Purpose of funding request: FY 2022 funding for two existing time-limited law clerk positions.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

The Board of District Court Judges has been charged with the distribution of district court law clerk resources. As of February 1, 2021 there are thirty-one Law Clerk positions allocated in district courts across the state. Attached you will find a document showing where law clerk positions are located and the law clerk to judge ratio in each district. Of the thirty-one law clerk positions, twenty-nine positions are funded through general funds and the equivalent of two full-time positions are funded with one-time funding.

Historically, the Board has sought one-time funding, year to year, in order to maintain the number of law clerk positions until there were adequate ongoing funds to transition law clerk positions to permanent funding. Now that we are coming up on 7 years of 1x funding, we ask the BFMC and Judicial Council to consider funding at least one of the 2 Law Clerk positions with ongoing funds some time in FY 2022. We realize that this would require 1x funding for both positions until sufficient ongoing funds were available. This request does not increase the total number of district court law clerk positions.

The Board of District Court Judges believes that it would be important to address these 1x funded law clerk positions before any additions to the Judiciary are sought so as not to further increase the number of 1x funded law clerk positions.

Alternative funding sources, if any: None

¹ These 2 positions have been one-time funded since 2015. In the future, we would look forward to submitting a request to the Judicial Council to fund at least one of the two 1x funded Law Clerk positions through ongoing turnover savings.

8. FY 2022 Carryforward Spending Request – BDCJ Request for Two District Court Law Clerks

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

The Board of District Court Judges is not aware of any alternative funding strategies. If this request is not funded two existing law clerk positions will be eliminated effective June 30, 2021 and the ratio will increase from 1 law clerk for every 2.5 judges to 1 law clerk for every 2.65 judges.

8. FY 2022 Carryforward Spending Request – BDCJ Request for Two District Court Law Clerks

Law Clerk to Judge Ratio

4/15/2021

Actual LC to Judge Ratio FY2021			
District	# Law Clerk	# Judges	Ratio
1	2	4	1 : 2
2	6	14	1 : 2.3
3	12	31	1 : 2.6
4	5.5	13	1 : 2.4
5	2.5	7**	1 : 2.8
6	1	2	1 : 2
7	1	3	1 : 3
8	1	3	1 : 3
State	31*	77	1 : 2.5

*Includes two positions that are funded on a one-time basis effective FY 2015. Regardless of whether they are supported by permanent or one-time funds, all law clerk positions are considered time-limited for purposes of posting. The Board does not designate positions as either time-limited or permanent. See May 2011 Board meeting minutes.

** Reflects the transition of one third district juvenile court judge position, upon retirement, to the fifth district court as approved by the FY2020 legislature.

9. FY 2022 Carryforward Spending Request – Secondary Language Stipend

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 4/9/2021

Department or District: OFA

Presented by: Kara Mann

Request title: Secondary Language Stipend

Amount requested: One-time \$ 68,900

Ongoing \$ 0

Purpose of funding request:

There is a great diversity in languages spoken by court patrons. In order to facilitate court proceedings for non-English speaking patrons, the Utah Courts employs court interpreters or utilizes the foreign language talents of current court employees. There are 64 slots available for this stipend. However, not all slots are filled so we are requesting the historical average spend (\$68,900), not the maximum theoretical spend (\$83,200) if all slot are filled for the entire year. For FY 2021 and FY 2020 the request was for \$65,000.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Any court employee may apply for a second language stipend by demonstrating a required level of proficiency for a non-English language. In order to qualify for this benefit, employees must complete the following process:

- Complete the Second Language Stipend application and Agreement with the appropriate information and approving signatures and submit to the Court Interpreter Program Coordinator; and
- Complete and pass the Oral Proficiency Exam.

Second language stipends are currently \$50 per pay period. Employees are required to recertify their skills no less than once every three years. A stipend recipient is subject to the following guidelines:

- The employee must be reasonably available and use the second language skills on a regular basis.
- The employee shall provide interpreting in a Court proceeding only as outlined in Rule 3-306(11).

Alternative funding sources, if any. If this request is not funded at this time, what are the consequences or is there an alternative strategy?

This funding is not included in our base budget and the courts have traditionally used carry forward funds to provide this stipend. If this request is not funded, interpretation services to court patrons could decline as fewer qualified interpreters are available.

10. FY 2022 Carryforward Request – Technology Improvements Appellate Courts

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: May 7, 2021

Department or District: Appellate Courts

Requested by: Nick Stiles, Appellate Court Administrator

Request title: Technology Improvements – Utah Supreme Court and Court of Appeals Benches

Amount requested: One-time \$5,320

Ongoing \$

Purpose of funding request: Technology Improvements - Utah Supreme Court and Court of Appeals

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

The Supreme Court and Court of Appeals do not have any computers or monitors in their courtrooms. Prior to the COVID-19 pandemic, there was not a realized need for computers/monitors on the benches. That need has now been realized, and we respectfully submit this request for funding to place monitors and docking stations on the appellate benches.

There are three justifications for this request. The first justification is the Judiciary's commitment to expanding access to the courts. As we move out of the pandemic the Appellate Courts will very likely offer in some form, when necessary, remote oral arguments. This technology is necessary to enable both courts to hold hearings with potentially one or both parties being remote.

The second justification is the Appellate Court's quick response to our IT department's device consolidation efforts. Most appellate judges and justices only have one device assigned to them, and as stated above, do not have a computer in their courtrooms. We are requesting monitors and docking stations in place of courtroom computers as both a cost-effective way of accomplishing the above justification (remote access to the courts), and in compliance with IT's device consolidation efforts.

Finally, the third justification is the on-going efforts to transition the Appellate Courts to an electronic filings system. We are actively working on building an e-filing platform that will reduce the number of paper briefs and documents. With this reduction, comes the obvious increase in files that judges and justices should enjoy easy access to during oral arguments.

10. FY 2022 Carryforward Request – Technology Improvements Appellate Courts

The cost breakdown provided by IT: \$665 per unit.

Monitor \$200

Universal Docking Station \$300

Mouse/Keyboard \$65

Monitor Stand \$100

We are requesting funding for eight units – five for the Supreme Court, three for the Court of Appeals.

Alternative funding sources, if any:

We have explored two possible other funding sources. The first was year-end monies. In consultation with IT it was determined that with state purchasing vendors unable to get technology absent a multi-month waiting period, we would not be able to receive the equipment and begin the project by June 30, 2021.

The other funding source is one that may in the end lower our request. This funding is in collaboration with IT, and is linked to the ARPA funds. IT has indicated they requested some funds that could go to this project and are awaiting whether those have been approved or not. If those funds are approved, we will see a reduction in the actual cost of this request.

Note: We explored two alternatives to using monitor stands on top of the benches. The first was a flip up monitor and the second was a monitor recessed under the bench with a glass top over it. Both models would require extensive modification to the benches, increasing the cost exponentially. This current request before you is the most cost-effective way of accomplishing our stated goal.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

If this project is not funded, the outcome will be that our appellate judges/justices are forced to use their laptops while they are on the bench. The complication with this is that in compliance with IT's device consolidation efforts most judges/justices have one very transportable small laptop that might be difficult to use in the courtroom without a bigger monitor.

11. FY 2022 Carryforward Spending Request – Public Transit Partial Reimbursement

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: April 20, 2021

Department or District: AOC - Facilities

Requested by: Chris Talbot and Holly Albrecht

Request title: Public Transit Partial Reimbursement Program

Amount requested: One-time \$ 25,000

Ongoing \$ _____

Purpose of funding request:

To provide Court employees state-wide with an opportunity to receive a 50% reimbursement of the costs paid for utilizing public transit until the funds are depleted. One-time funds are requested to evaluate the response from employees and determine if this plan is well-utilized.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Background

In December 2013, the Courts entered into the State of Utah contract with UTA to provide EcoPasses to court employees within the UTA service areas (Districts 1-4). Most all employees wished to have an EcoPass, although many did not use their pass or used it infrequently. In [insert month] 2020, the State entered into a new contract that included charging per-pass rather than a blanket cost to the Courts. The Courts evaluated usage and determined the program was not feasible given the budget reductions compounded by higher cost and extra time required to administer the program under the new State contract. At termination, the Courts had over 800 UTA EcoPasses issued, but with only a 10% frequent usage ('frequent' is determined as 50+ uses per year) at an ongoing cost of \$124,000 per year.

Expected Outcomes

We request \$25,000 in one-time funds to test a public transit program that is (1) targeted to benefit those who use public transportation most, (2) state-wide (not just UTA), and (3) has a manageable administrative cost. The onus is on the employee to pay for the transit pass and request reimbursement, which is incentive for the employee to use the transit pass. The reimbursement will have the requirement of proof of purchase from the transit company. The previous program issued passes to employees in hopes they would use them.

There is no expectation of an overwhelming response to use this benefit and those employees who economically must or environmentally desire to consistently use public transit will benefit the most from the reimbursement program.

11. FY 2022 Carryforward Spending Request – Public Transit Partial Reimbursement

Here is a comparison of the old program to the new:

Description	Old Plan	New Plan
Cost	\$124,000 in ongoing funds	\$25,000 in 1x funds
Service Area	UTA (Districts 1-4)	Statewide - any public transit system
Employee cost to participate	None	50% paid by employee; 100% paid by employee after \$25,000 cap has been reached
Administrative cost	Minimal - purchase and distribute eco-pass which was for entire year	Minimal - reimburse court employees up to 50% of cost through expense report
Who oversees reimbursements?	N/A	Facilities/AOC Finance
Who monitors the fund balance?	N/A	Facilities/AOC Finance

The transit reimbursement program would be open to all Courts employees with no special enrollment process. The employee would purchase the transit pass (up to a 2-month term), then submit the receipt and reimbursement request form to Facilities for approval and fund tracking; Facilities will forward the approved and coded request to Finance for processing the reimbursement. Facilities will monitor the fund balance and issue an all-Judicial email if/when the funds reach a point of closing the program for the remainder of the fiscal year.

Alternative funding sources, if any:

None

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

The Courts' benefits have historically offset somewhat lower wage scales. This is a benefit that supports other benefits (retirement, medical, etc.) in attracting candidates to the Courts. Further, this test could inform Court management as to the usefulness of this benefit and whether the amount was adequate.

There will be negative consequences to those employees who use public transit as they would continue to assume the costs with no reimbursement.

12. FY 2022 Carryforward Spending Request – 3rd District – Courtroom Media Carts

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: June 8, 2021

Department or District: Third District Court

Requested by: Peyton Smith

Request title: Third District Media Carts

Amount requested: \$50,000

One-time funds

Purpose of funding request:

This request is for two media carts for the Matheson Courthouse. The carts will be used for virtual jury selection and evidence presentations during jury trials. The cart includes separate monitors for the judge, witness, attorneys and the jury. The cart will allow the judge to turn off the jury monitor until the evidence has been admitted by the judge. The carts are portable which will allow us to move them throughout the courthouse.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Over the course of a few years, Third District had three media carts constructed for the Matheson Courthouse. Since most of the evidence that is now presented comes in an electronic format, it was important to develop a way that evidence could be presented electronically in the courtroom. Since it was cost prohibitive to put new technology into every courtroom, we instead came up with a mobile solution. We now have the capability of moving media carts into any courtroom for a jury trial.

The carts have worked out very well. Both attorneys and judges have liked the way evidence can now be presented.

In addition to using the media carts for evidence, we now also use them for virtual jury selection which we will continue to do for the rest of this year and probably into the future. Currently we have two master criminal calendars and two dedicated courtrooms for the master calendars. Each week we have one jury trial in each of the dedicated master calendar courtrooms that usually lasts 1 to 4 days. A media cart has been dedicated to the two courtrooms to be used for virtual jury selection and evidence.

In addition to the two criminal trials held each week, we are now allowing at least two longer criminal or civil jury trials to be held. This means we need additional media carts for jury selection and for presenting evidence during a jury trial.

Beginning in August, we are going to add a third master calendar which will also requires a media cart for jury selection and evidence during the trial.

The media carts are more than just a few monitors and a TV. The technology that is required allows us to set up the monitors and TV anywhere in the courtroom by using Bluetooth. It gives us audio control, reliable video feeds, video mute options and a separate wireless judge controller. Any device can be plugged into the media cart allowing attorneys to present evidence. The mobile cart also allows us to

12. FY 2022 Carryforward Spending Request – 3rd District – Courtroom Media Carts

move the media cart into the jury deliberation room which allows the jury to review evidence on the same screen they saw it on in the courtroom.

Alternative funding sources, if any:

The only alternative funding source is to do what we have done in the past and that is to save our District funds and purchase pieces as we can afford to.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

We have recognized resource and time savings by doing jury selection electronically. Prior to Covid our juror no show rate was around 40%. Since we have begun doing jury selection electronically, our no show rate has been around 7%. Jurors are more comfortable staying home, they are willing to participate and they don't have to take all day off of work. Prior to Covid our jury selection took anywhere from 4 to 6 hours. Doing it virtually, has allowed us to choose juries in two hours or less. By not having media carts our jury selection process will dramatically slow down and it will become much more cumbersome to present evidence. Third District is responsible for approximately 60% of all jury trials held in the State. As a result, it is important that we be as efficient as possible. Media carts contribute to our efficiency.

13. FY 2022 Carryforward Request to the Judicial Council – New TSOB Probation Offices IT

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature is expected to approve that the Judicial Branch carryforward approx. \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 5/6/21

Department or District: AOC Facilities

Requested by: Chris Talbot

Request title: New Taylorsville State Office Building (TSOB) Probation Offices Cabling/Network Spend

Amount requested: One-time \$ 25,000

Ongoing \$ _____

Purpose of funding request:

New Court owned IT equipment cost not covered by DFCM in the new Taylorsville State Office Building (TSOB) offices for Probation.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

3rd District Juvenile is relocating / combining the West Valley and City Probation offices into a new space in the TSOB around January 2022. The State (DFCM) and City of West Valley are covering the cost of the construction and a new furniture package. The Court still needs to provide a new network circuit, data fiber runs and hardware (router, WAN access points, etc.) for functionality in the new space. This does not include computers, printers, phones and copiers that will be relocated for use in the new space from the offices we are vacating. Facilities has typically funded these IT costs in new office space.

Alternative funding sources, if any:

None

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

The annual Facilities budget will not have the funding to carryover for payment in FY22. Because this funding is essential to using the new space, if this funding is not approved, Facilities will reduce its standard contingency budget for FY 2022 which is designed to meet unforeseen critical issues that come up during the FY.

14. FY 2022 Carryforward Request to the Judicial Council – Price GAL Office Build Out

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature is expected to approve that the Judicial Branch carryforward approx. \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 5/6/2021

Department or District: AOC Facilities

Requested by: Chris Talbot

Request title: Price, Utah GAL Office Lease Termination, Relocation and New Space Build Out

Amount requested: One-time \$ 24,800

Ongoing \$ _____

Purpose of funding request:

County reimbursement for tenant improvement construction costs to build out the existing second floor storage space into two GAL offices in the Price Courthouse.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Carbon County informed us in April that they needed to terminate our GAL lease in the old courthouse building in order to move forward with the County Health department renovations that include our space in the facility. The best alternative for replacement office space is to build out two GAL offices inside the secured Price Courthouse, which is a County owned facility.

The County has obtained two bids and will start construction in May 2021 with a completion / occupancy date in July 2021.

Alternative funding sources, if any:

None

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

The annual Facilities budget will not have the funding to carryover for payment in FY22. Because this funding is essential to obtaining the new space, if this funding is not approved, Facilities will further reduce its standard contingency budget for FY 2022 which is designed to meet unforeseen critical issues that come up during the FY.

15. FY 2022 Carryforward Spending Request – Divorce Education Teen Website (Bar Grant)

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature is expected to approve that the Judicial Branch carryforward approx. \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 5/15/2021

Department or District: Divorce Education for Children (2441)

Requested by: Public Information Office (Jon Puente)

Request title: Carryforward Bar Foundation Grant for Teen Website Development

Amount requested: **One-time** \$18,000

Ongoing \$ 0

Purpose of funding request: Carryforward remaining Bar Foundation grant balance of \$18,000 to FY2022.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

The Bar Foundation supplied the Divorce Education for Children Program \$20,000 to develop an educational website for teens experiencing parental separation. Attempts to develop this website have been delayed due to staff turnover and COVID-19 although \$2,000 has been spent to date. Development of a teen curriculum and a curriculum for children 5-8 will begin development in late May of FY2021 and is expected to be delivered in August FY2022 (approx. 4 months).

Alternative funding sources, if any:

The grant provides the funds and this request is merely to carryforward the grant monies into FY 2022. If not used, the grant monies will be returned.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

If the request is not granted, we will have to report back to the Bar Foundation that the money was allocated for purposes other than originally intended. This will result in the Courts giving the money back to the Bar Foundation.

16. FY 2022 Carryforward Request – Sexual Violence Program Coordinator

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 6/16/2021

Department or District: Domestic Violence Program

Requested by: Amy Hernandez (Domestic Violence Program Coordinator)

Request title: Sexual Violence Program Coordinator

Amount requested: One-time \$ 57,000

Ongoing \$ 0

Purpose of funding request:

The issue of sexual violence frequently arises in the district courts and appellate courts. Statute, judicial rule, and case law surrounding sexual violence typically require a nuanced and detailed judicial approach. Due to the varied nature of sexual violence and the courts' role in addressing it, stakeholders across Utah requested the development of a sexual violence bench book and training for judges and court staff. This bench book addresses emerging case law in sexual violence cases, best practices in sentencing, working with marginalized populations, understanding the civil law impacts of sexual violence, and other critical educational needs.

From mid-July, 2020 to June 30, 2021, Jonathan Love has been developing the sexual violence bench book and corresponding training for the courts. Jonathan Love's time-limited, part-time position is funded by grant funds from the Office of Violence Against Women (OVW) STOP Abuse Program until June 30, 2021. In 2020, OVW approved additional, one-time grant funding for the Domestic Violence Program to use during this fiscal year. From the additional funding, I was able to fund Mr. Love's position (20 hours on a weekly basis at \$38.46 an hour with no benefits). Mr. Love is compensated at \$38.46 an hour because he is a time-limited employee with no benefits (similar to a contract position). When I was preparing to hire him, I was advised that the pay rate should counter the lack of benefits and the temporary nature of the position. In further addressing Mr. Love's hourly rate, I factored in his education and work experience with sexual violence cases. Mr. Love was the District Attorney in Seattle for 12 years before building a specialized, coordinated domestic violence program in Spokane. This specialized program brought prosecutors, law enforcement, and victim advocates together to improve outcomes in domestic violence and sexual violence cases. After running this program for several years, Mr. Love then advised the Department of Justice and the Department of Homeland Security on immigration matters for many years before coming to the courts. He is highly educated and brings valuable expertise about sexual violence to the courts.

I have been able to fund Mr. Love's position with that one-time, additional funding, but now the funds have been depleted and OVW has returned to previous funding levels. We are requesting funds to extend Mr. Love's time-limited, part-time position for another year. This funding would cover 1,352 hours (part-time hours for July 1, 2021 to June 30, 2022) and the federally-mandated contributions to

16. FY 2022 Carryforward Request – Sexual Violence Program Coordinator

unemployment and social security (\$38.46 per hour for 1,352 hours is approximately \$52,000; includes an additional \$5,000 to cover the unemployment and social security required costs). If funded, Mr. Love could complete the sexual violence bench book, provide valuable training, and possibly assist with revisions to the Model Utah Jury Instructions for sexual offenses.

To fund this position, I considered applying for a new grant, but that was not feasible due to the grant moratorium. I had also considered requesting this funding from the Budget and Fiscal Management Committee (BFMC) in March, but I was advised (in error) that the BFMC would not grant my request. I was told by individuals outside of the Finance Department that the BFMC was only considering requests for critical needs such as IT equipment or pandemic related response equipment. Karl Sweeney (Director of Finance) corrected this error and explained that the BFMC would consider my request.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

At the end of the 2019 calendar year, a group of stakeholders (i.e. the Utah Commission on Criminal and Juvenile Justice, the Utah Prosecution Council, the Utah Coalition Against Sexual Assault, the Salt Lake Legal Defender Association, and the Legal Aid Society of Salt Lake) met with Brent Johnson (prior General Counsel) and me. They requested that the Administrative Office of the Courts develop and publish a sexual violence bench book. At the time of the request, Brent Johnson did not have the capacity to develop a sexual violence bench book and the stakeholders requested that the Domestic Violence Program begin developing the bench book. I began working on the bench book, but by that time, the courts had to adapt to the pandemic. I shifted my priorities to address domestic violence issues arising from the pandemic (e.g. access to protective orders for pro se litigants, domestic violence case calendaring, the increase in domestic violence homicides, etc). At the time, the Office of Violence Against Women STOP Abuse Program awarded the courts additional grants funds, and I hired Jonathan Love (July, 2020; 20 hours a week) to develop the sexual violence bench book, work with stakeholders, and develop training for judicial officers. During his time in the position, Mr. Love has drafted four chapters of the bench book (i.e. an introduction to sexual violence, sexual violence statute and case law, marginalized communities and sexual violence, and best practices for the courts in these cases). He has been working with stakeholders to refine these drafts and meet judicial ethical needs (i.e. neutral and balanced information).

Alternative funding sources, if any:

There are no alternative funding sources available at this time. The grant funding for Mr. Love's position will be depleted by June 30, 2021.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

If this request is not funded at this time, the Domestic Violence Program will continue developing the sexual violence bench book. However, the workload required to complete the bench book will be onerous in addition to my other duties. I am only funded for twenty hours a week for the Domestic Violence Program. The sexual violence bench book could only be completed in a piecemeal fashion

16. FY 2022 Carryforward Request – Sexual Violence Program Coordinator

slowly over a long period of time and judicial officers would not receive the benefit of Mr. Love's expertise and legal background in cases involving sexual violence.

17. FY 2022 Carryforward Spending Request – Computer Replacement Request

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 5/15/2021

Department or District: AOC Information Technology
Requested by: Heidi Anderson

Request title: IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements

Amount requested: **One-time** \$250,000

Ongoing \$ 0

Purpose of funding request:

The IT Division has established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. The Division has annually requested \$250,000 for the program—although last year’s request was reduced to \$150,000 which took into account that an inventory of laptops was funded through CARES funds in FY 2021, and thus reduced the need for laptop replacements.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

The \$250,000 request will be used to fund a mix of replacement equipment including: laptops, scanners, printers, notebooks, and other peripherals affect the productivity of court staff. Ongoing funding is not available for this project.

Alternative funding sources, if any: None

If this request is not funded at this time, what are the consequences or is there an alternative strategy? When laptops, printers or scanners break individuals will have to go without or use an older computer that may still be working.

18. FY 2022 Carryforward Spending Request – Facilities Unforeseen Projects / Repairs

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2020 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature is expected to approve that the Judicial Branch carryforward approx. \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 5/18/21

Department or District: AOC Facilities

Requested by: Chris Talbot

Request title: Court Facilities – Contingency Request for Unforeseen Projects

Amount requested: One-time \$ 200,000

Ongoing \$ _____

Purpose of funding request:

Facilities funds unforeseen / unbudgeted projects and repairs statewide every year. Due to funding reductions in the Court Complex fees and parking revenue in FY21, Facilities will not have any reserve funds left to draw from carryover funding for these projects in FY22. ARPA funding may yet be obtained as the Courts made a \$350,000 request for ARPA funding in April 2021 along with the 2 approved requests, but to date the legislature has chosen to not address this request in its first pass for funding. The earliest this request could be considered is the General Session in January - March 2022.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Facilities has the authority to carry over up to \$500K in the facilities budget every year. Unforeseen / unbudgeted facilities needs arise in all districts during the fiscal year and are typically covered by the carryover funds for contingent project. These unforeseen projects / repairs totaled \$423K in FY20 and are trending around \$450K for the year just now concluding (FY21). Facilities is asking for \$200K in FY22 to cover the most critical needs that could affect courthouse functionality if not addressed immediately.

Alternative funding sources, if any:

None

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

The annual Facilities budget will not have the funding to carryover for payment in FY22. If this funding is not approved, Facilities will have to defer projects until funding is acquired or have the Districts fund their own repairs.

19. FY 2022 Carryforward Request – HR – Onboarding and Recruitment Software Trial

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 5/24/2021

Department or District: Human Resources

Requested by: Bart Olson and Jeremy Marsh

Request title: Applicant Tracking (ATS) and Onboarding System Request

Amount requested: One-time \$20,000

Ongoing \$

Purpose of funding request:

Fund a more secure and independent Onboarding and Recruitment software application and process.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Providing an open, fair, efficient, and independent system for the advancement of justice requires people with the best possible talent filling our positions, equipped with the best possible tools to succeed. The HR Department aims to provide cutting-edge personnel tools and strategies that build an environment where the Judicial Council, its committees, management, and employees *thrive* by advancing the mission of the Courts.

HR's current recruitment system (NEOGOV) not only misses the "cutting-edge" mark, but it actually interferes with the mission of Courts far too often. In addition, the judicial branch lags woefully behind industry standards in its current manual onboarding process. Not only is there a high potential for devastating effects in the future, but the current opportunity cost of manual onboarding is already too high. The interferences with the Courts mission and the opportunity costs will be explained in more detail in the body of this request.

For these reasons we respectfully request \$20,000 for the judicial branch to contract a new Applicant Tracking System (ATS) and onboarding system. If funded, data will be gathered and reported back to this Committee and to the Judicial Council next year comparing current baseline efficiencies and impacts against what we believe will be significantly improved efficiencies and impacts. This will help determine whether to pursue a different and/or more permanent request next year.

19. FY 2022 Carryforward Request – HR – Onboarding and Recruitment Software Trial

Background

Recruitment and onboarding are the two functions where the majority of HR staff time is currently spent. The success of the Courts depends on improved results using resources that give much better autonomy, efficiency, and information security than what we have in place today.

The recruitment function advances the mission of the judicial branch by attracting, finding, selecting and hiring employees. Being efficient and strategic in the recruitment function is essential to attract and retain the highest caliber of employees.

Onboarding is a broad term to describe all that needs to happen in the period of time between a selection decision and a new employee becoming fully acclimated to their role at the Courts. It involves filling out all the legally required and sometimes extremely tedious I-9 paperwork in compliance with federal regulations. It also educates new employees on the structure and governance of the Courts, how their individual roles fit in to advancing the Courts' mission, and explains pay, benefits, and retirement and a variety of other items to help employees be ready to start on day 1.

For onboarding, we utilize an entirely home-grown process that relies on Google Sheets, Google Forms, and Gmail. Candidates use those platforms to send highly sensitive information which places great security risks on information we use in the onboarding process.

Our current recruitment and onboarding processes interfere far too often with the mission of the judiciary because of (1) dependence rather than autonomy, (2) current system and process inefficiency, (3) high opportunity costs, and (4) high potential for information security breaches.

Autonomy

The judicial branch has always relied on the executive branch HR department (DHRM) for HR systems like the human resources information system (HRIS) and Applicant Tracking Software (NEOGOV). DHRM charges a flat rate of \$12 per FTE per year for access to use what they deem as "core" HR software systems. There are many advantages to this agreement. For example, their HRIS is already programmed to interface with State Finance's payroll system, which is also the system our Finance Department uses. Another advantage is the extremely low cost at around \$16,000 per year.

However, DHRM's ATS and onboarding systems bring inherent and debilitating limitations. For example, we have no control over many "standard" fields of language in job postings. Among the many problems this creates, applicants are erroneously directed to call DHRM's office if they need assistance applying for our jobs. Additionally, if we wish to emphasize perquisites unique to working at the judicial branch, we have no way of doing so due to system restrictions in using "standard" job posting language. Such nuances are not deemed necessary by DHRM because they would impact the language in job announcements for other state agencies. While understandable, this clearly interferes with the judicial branch's need to operate independently and advertise job openings in ways most likely to attract the best talent.

Equally as frustrating is the fact that DHRM's automated onboarding system is part of the "core" HR systems package for which the Courts pay a flat rate, yet the Courts have no way of using that onboarding system without considerable application coding that must be requested by DHRM and approved for programming by the executive branch Department of Technology Services (DTS). The

19. FY 2022 Carryforward Request – HR – Onboarding and Recruitment Software Trial

assumption that we would receive high enough priority to move such a project forward in a separate branch of government is extremely unrealistic, if not impossible. Why is this so? DHRM's onboarding system was purchased and implemented just over a decade ago through a third-party vendor. Research has made it unclear whether the judicial branch was invited but declined to opt-in to the onboarding system at that time, or if the invitation was never extended. Regardless, the window of opportunity was closed long ago and prioritization of this future project with executive branch resources is extremely unlikely.

Despite diligent efforts to conform our processes and policies of recruiting and onboarding to a system not designed for us, our reliance on executive branch recruitment and onboarding software simply creates a direct interference with the independent nature of work crucial to our branch's success.

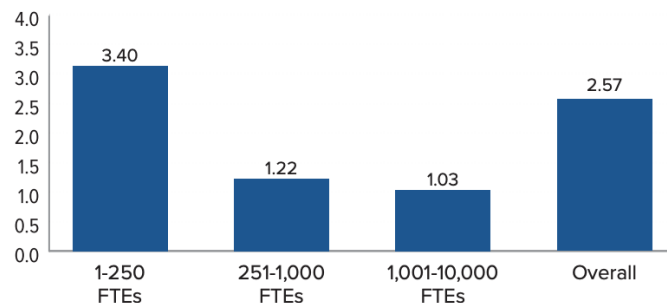
Efficiency

Understaffing Context

The urgent need to find efficiencies is much more apparent in the context of staffing level. The judicial branch's HR Department appears to be woefully understaffed in comparison to industry standards and even state government standards. While this funding request does not seek to hire additional HR staff, understanding the challenges we face due to our staffing level is essential to understanding the urgent need to find recruitment & onboarding efficiencies.

A 2015 [report of workforce analytics](#) in the United States by the Society of Human Resource Management (SHRM) showed that for organizations with staffing levels between 1,000 and 10,000, the average HR to employee ratio is 1.03. The overall average ratio across all organizations was 2.57.

AVERAGE EMPLOYEE-
TO-HR RATIO, BY
STAFF SIZE



Source: Workforce Analytics: A Critical Evaluation: How Organizational Staff Size Influences HR Metrics (SHRM, 2015)

The ratio is calculated by dividing the number of employees in an HR team by the number of employees in the organization, and multiplying that figure by 100. In government, the ratio tends to be a bit lower than the 1.03 average, especially in fiscally conservative states. Still, a couple of relevant comparisons paint a sobering picture:

19. FY 2022 Carryforward Request – HR – Onboarding and Recruitment Software Trial

The neighboring state of Colorado's judicial branch HR Department of 24 supports approximately 3,900 staff and judicial officers, for a ratio of **0.62** (about 1 HR staff member for every **163** employees).

Utah's executive branch HR Department of 130 supports approximately 24,000 FTEs for a ratio of about **0.54** (about 1 HR staff member for every **185** employees).

Utah's judicial branch HR Department of 4 supports approximately 1,200 staff and judicial officers, for a ratio of **0.33** (about 1 HR staff member for every **300** employees).

Recruitment: Current Efficiencies Baseline Data

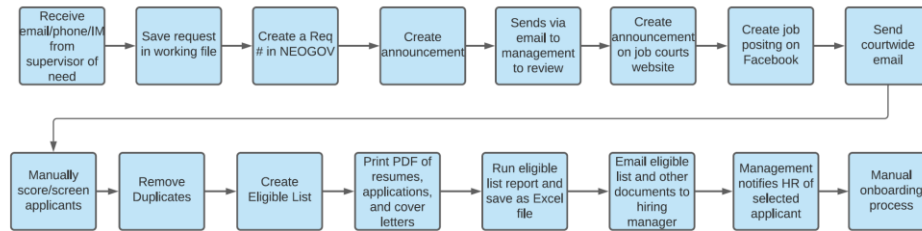
As of June 4, 2021, HR had completed 146 recruitments during FY21. The data indicates our recruitment levels will continue to accelerate: the past six months of recruiting doubled the pace of the previous six months, and as the job market continues to heat up, our turnover rate will likely continue to increase. These trends are not new. In FY19 we completed over 180 recruitments.

Each job posting requires an average of 3-4 hours of uninterrupted HR Generalist work (more is required with frequent interruptions) to draft an announcement, post, screen applicants, conduct background checks, and otherwise facilitate the selection process. Oftentimes, our hiring supervisors indicate both willingness and available time to help screen applicants and/or track applicant progress, but unnecessary system restrictions prohibit us from considering such efficiencies.

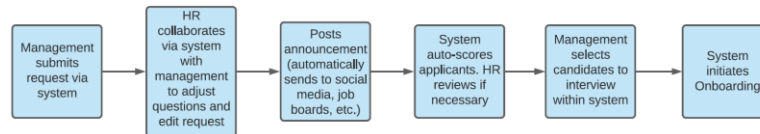
From start to finish, it takes an average of 37.5 days for an HR Generalist to complete the recruitment process to fill a position. From start to finish, that process could be much shorter but the current system simply does not give needed flexibility to accomplish a shorter timeline. If technology solutions better met our business needs, the recruitment process could be streamlined to reduce processing steps by about 60% as illustrated below:

19. FY 2022 Carryforward Request – HR – Onboarding and Recruitment Software Trial

Current Recruitment Process



Future Recruitment Process



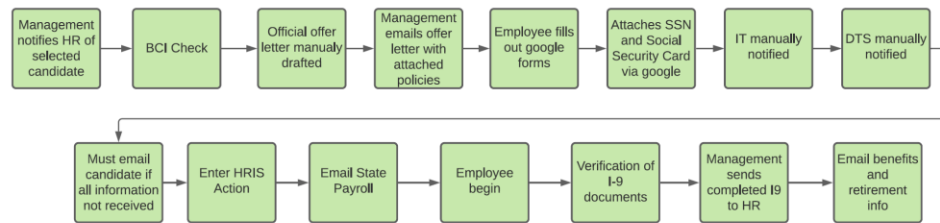
Onboarding: Current Efficiencies Baseline Data

On average, the HR Department onboards around 150 employees per year (around 13 new hires per month). It takes an average of 3 hours of uninterrupted HR Generalist work to process each selected job candidate through to a new hire, active in payroll and in IT systems.

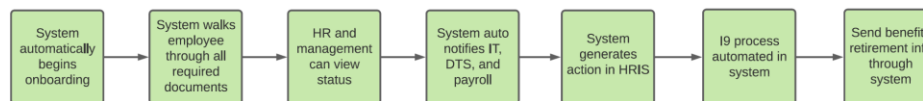
One major missing link causing frequent back-and-forth checks and questions and potential for miscommunication is that the current recruitment system is completely closed to non-HR Department users due entirely to system restrictions. If hiring supervisors had the ability to monitor job postings, applicant progress, onboarding status for selected candidates, and so on, the time-consuming and manual communication process could all but disappear. If technology solutions better met our business needs, the onboarding process could also be streamlined to reduce processing steps by about 60% as illustrated below:

19. FY 2022 Carryforward Request – HR – Onboarding and Recruitment Software Trial

Current Onboarding Process



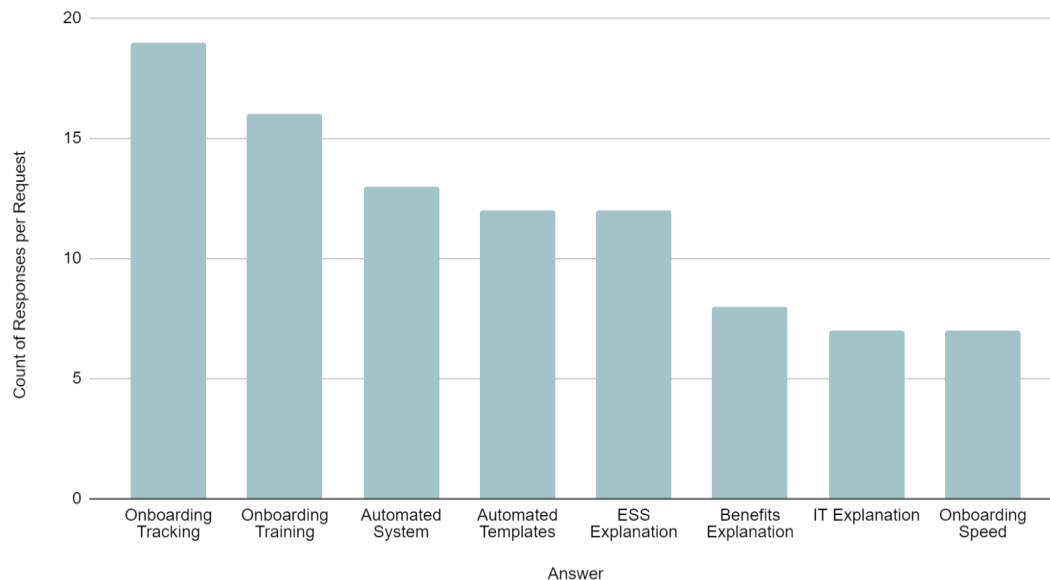
Future Onboarding Process



Onboarding: Prioritization of Business Needs from Management

Recently, HR sent a survey to Chief Probation Officers, Clerks of Court, Admin Assistants and Support Service Coordinators who utilize the onboarding process to learn what elements of an onboarding system would be most helpful in improving their work. The survey showed that the vast majority of respondents wanted a system that allowed tracking and automation of the manual onboarding process. Detailed graph data from that survey is found below:

Onboarding Process Improvement Requests (District Court Employees)



Although the cost of the new systems would be \$20,000, we conservatively estimate a savings of at least 5-6 hours work per candidate – and with over 180 hires per year, this is equivalent to ½ of an FTE which more than pays for the cost of the new system in efficiency gains.

19. FY 2022 Carryforward Request – HR – Onboarding and Recruitment Software Trial

Opportunity Costs

Many needed strategy gaps and personnel tools are missing from today's toolbelt, including a broken compensation structure and a lack of strategic compensation planning resources from HR, nearly nonexistent management training from HR on personnel matters, many organizational structure problems that contribute to business inefficiencies, and a lack of capacity for strategic problem-solving & consultation on employee relations matters, to mention just a few.

The potential efficiency gains in recruitment and onboarding should provide more capacity for forward-thinking and strategic solutions and ideas, as well as increased HR availability for management and employee consultation and training. This should also help reduce employment-related liabilities to the judicial branch and help create a more positive work culture.

Information Security Risks

For onboarding, we utilize an entirely home-grown process that relies on Google Sheets, Google Forms, and Gmail. Candidates use those platforms to send highly sensitive information which places great security risks on information we use in the onboarding process. A new system would provide the needed encryption and secure transfer of documents needed, which have also become industry-standard.

Coupled to the onboarding process is the inherently tedious and liability prone E-Verify I-9 process. The I-9 process verifies that potential employees are legally authorized to work in the United States. This process has become so cumbersome and error prone over the past two decades that most employers of our size already use some sort of automation to complete this legally mandated process. Despite meticulous efforts to ensure compliance, a manual process is innately subject to some inevitable human error in comparison to a vetted and automated onboarding system. Both private and government organizations have learned that audit findings by Homeland Security of any human error are virtually unforgivable: fines of up to \$1,000 per error, per page are assessed for every I-9 worksheet processed on a new hire. With an average annual number of new hires at around 150 and with around 70 separate fields of information needing manual data entry for every new hire, it is no wonder most employers have hurried to automate their onboarding processes.

Recruitment and onboarding are crucial components to attracting, retaining, and promoting a diverse and sustainable employee workforce. This request for \$20,000 is not only a tiny fraction of the liability we would face in an I-9 audit, but would also go toward the subscription, installation, and training of a new and fully customizable ATS and new hire onboarding system IN ONE, to replace NEOGOV and our entirely home-grown manual onboarding process.

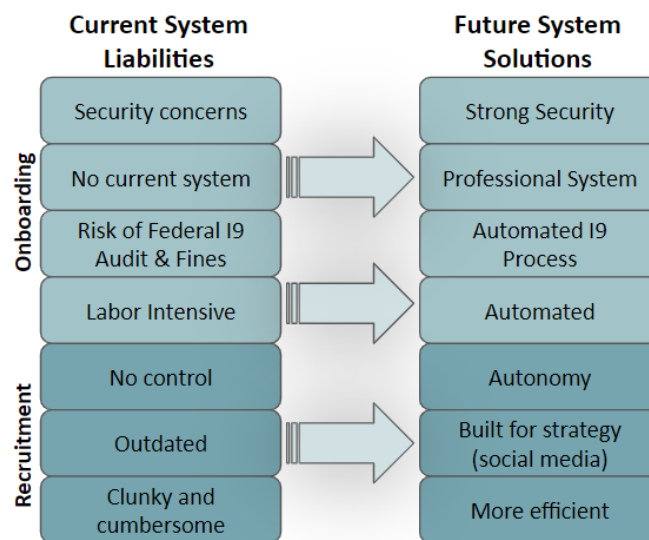
Conclusion

Recruitment and onboarding are crucial components to attracting, retaining, and promoting a diverse and sustainable employee workforce. The potential work efficiencies gained will exceed the \$20,000

19. FY 2022 Carryforward Request – HR – Onboarding and Recruitment Software Trial

cost of the request. Additionally, the ATS will give needed autonomy to manage the content in job postings. Furthermore, it will provide better access for management to view, score, and select the most qualified applicant. Finally, the new system will automatically post job announcements to social media platforms, common job websites, and specific multicultural job boards, increasing the likelihood of attracting a more diverse workforce.

The onboarding system will connect to the ATS and provide automatic transition from applicant selection to job offer to start date. This new onboarding system will be secure, easy to navigate, and provide a great first impression to the candidates coming to the judicial branch. Furthermore, this onboarding system will allow us to automate a variety of template letters and track the progress of candidates as they navigate the benefits, salary, culture, policies, and other essentials of starting employment with the courts. Finally, as part of the cost, the E-Verify/ I-9 process will be automated.



In conclusion, we respectfully request \$20,000 of one-time money to purchase a subscription from ApplicantPro (via SHI State contract) for an ATS and onboarding system. Because these two systems are designed to work cohesively, we are requesting funds sufficient to purchase both. Obtaining a new system will ensure the courts have a modern system with autonomy, efficiency, and security. Finally, it will position the judicial branch to be more strategic in attracting, retaining, and improving its workforce to better fulfill the mission of the Courts.

Alternative funding sources, if any:

Ongoing funds are an alternate source, but not logical or desirable due to the existing agreement parameters of using DHRM systems. DHRM may move to a different vendor for recruitment and onboarding at any time. Because they charge a flat rate for using their HR software platforms, we could opt-in if at some point they adopt systems better suited to our needs. The ability to evaluate effectiveness of our recruitment and onboarding systems each year and change direction if needed gives

19. FY 2022 Carryforward Request – HR – Onboarding and Recruitment Software Trial

us better strategic positioning to address fluctuating needs of the job market while keeping operations more efficient and cost effective.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

We are currently maintaining the recruitment and onboarding functions we have. However, the consequences of not moving forward would be continued lost productivity, risk of errors in the meticulous E-Verify I-9 process, potential for security breaches, missing out on potentially more diverse applicant pools, and not prepared for strategic growth.

20. Carryforward Spending Request – Education – FY 2022 Judicial Conferences

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 6/11/2021

Department or District: Education

Requested by: Lauren Andersen

Request title: Support for in-person conference and employee manager training

Amount requested: One-time \$ 127,500

Ongoing \$ _____

Purpose of funding request: This request seeks to fund the shortfall in Education’s budget for FY 2022 to enable Education to be responsive to the requests of the various Boards of Judges to return to in-person trainings, including judge and employee conferences for FY 2022. Education is requesting that \$113,500 in one-time funding be allocated to support four in-person conferences (All Judicial, District, Juvenile and Employee), and \$14,000 in one-time funding to be used to develop performance based, soft-skilled, mid-level manager courses for Probation Officers and Judicial Assistants – made necessary to transition away from Career Ladder toward a performance-based rewards system.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

Background

This request has been many years in the making. General funds (which do not increase for inflation) to support judicial education operating expenses (non-personnel) have remained flat for many years while Education operating expenses increased each year. For example, state per diem rates for lodging and meals have increased making mileage to a conference/training location, lodging and meals more expensive. Education’s training budget does not go as far as it used to. FY 2021 was the tipping point.

The Education department (along with every other unit in the Courts) made ongoing general fund budget cuts for FY 2021 of \$24,000 and also reduced its funding from the JCTST fund (vs 2019) by \$94,000 to recognize lower JCTST fund revenues over time (exacerbated by the pandemic). These two cuts total \$118,000 and reduced Education’s capacity to provide in-person training for FY 2021, but fortunately for FY 2021, we received Judicial Council approval in FY 2020 to purchase the Infor Learning Management System (LMS) at a discounted rate which allowed us to replace in-person learning protocols with our robust online learning library and trainings that are available at any time and in any place where Wi-Fi is available. The LMS expense has helped us store recorded lectures and build employee trainings that are available at any time – which is of particular use for hands-on learners mastering new technological tools. This has increased employee efficiency, reduced the need for venues

20. Carryforward Spending Request – Education – FY 2022 Judicial Conferences

or travel for in-person training and reduced the Education team's hours in tracking Education credit hours.

This transition away from in-person learning allowed the Judiciary to continue to offer judicial education throughout the pandemic. We were able to hold conferences virtually and all FY 2021 trainings were delivered within our reduced budget.

Current Year Request – Part 1

For FY 2022, Education has been approached by multiple boards to restore some level of in-person learning. As noted earlier, each board has requested at least a one-year return to an in-person conference reflecting the comments of the judges they represent.

We know from our virtual spring conferences that while judges are willing to attend virtual conferences, there is a strong preference to return to in-person conferences. Some comments from our District and Juvenile Conference reflect this desire:

- “[Virtual] if required, but in person interaction for judges is very helpful, particularly for those in smaller districts.”
- “The online conferences have been a necessary evil of the pandemic, but we would lose a great deal, long term, by moving to online conferences as the norm.”
- “I would attend because I consider it essential; however, I strongly prefer an in-person format.”
- “I miss socializing with other judges. Being a judge is a very solitary occupation. I feel like I am losing connections with judges from other districts, appellate judges, and even judges in my own district that work in other buildings. We need in-person conferences to maintain those connections...”

Given the reductions made in FY 2021, we have a budget “gap” of \$113,500 for conference for FY 2022 that requires one-time funding to bridge. This gap could potentially be reduced by locating the conferences in lower-cost venues.

Current Year Request – Part 2

The nature of judicial assistant, clerk, and probation officer courses will also change as employees move from a Career Ladder program to a performance-based advancement program. This move gives managers more control over setting education and skill goals for their clerks, judicial assistants and probation officers. Education would like to invest in new courses that help managers feel comfortable using these performance-based tools with their employees. We propose to do this by creating courses that teach listening, setting employee goals, receiving and giving constructive feedback, delegation and managing diverse teams. We are asking for \$14,000 to offer these courses in FY 2022. We would prefer to hold them in-person and we anticipate that we will need to hire outside trainers to teach some of these skills.

Alternative funding sources, if any: Education could use the \$96,400 that we have historically used for judicial scholarships for travel to out-of-state conferences to cover a portion of the conferences. This alternative source falls short of meeting our entire need. If we eliminated 100% of the out-of-state conference and travel support, we would still need \$17,100 to fully support in-person conferences. In addition, we would be losing a developing resource for training. We have been asking judges attending

20. Carryforward Spending Request – Education – FY 2022 Judicial Conferences

out-of-state conferences to lead breakout sessions on the subject matter presented at the conference. The fund is becoming a tool to encourage judges to share the knowledge they gain at national conferences with their peers. Education will lose this opportunity if we eliminate the fund.

If this request is not funded at this time, what are the consequences or is there an alternative strategy? Education would eliminate the Judicial Scholarship program for FY 2022 and reduce our spring bench conferences to one overnight stay in a location. Virtual conference sessions will occur to help meet hourly education requirements. We would offer the Employee Conference online and would offer fewer manager-training courses. We could not eliminate the courses that are required for the Career Ladder program as those are necessary for judicial assistants and probation officers that wish to complete their advancements before June 30, 2022.

21. FY 2022 Carryforward Request to Judicial Council – ODR Facilitator Training

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: June 9, 2021

Department or District: AOC

Requested by: Nini Rich and Jim Peters

Request title:

Amount requested: One-time \$20,000

Ongoing \$

Purpose of funding request: Recruitment, Training and oversight of 18 additional volunteer Online Dispute Resolution (ODR) Facilitators in order to accommodate a statewide rollout of the ODR Program for small claims cases.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

In September 2020, the Judicial Council approved a request for \$15,000 in funds to recruit and train 18 new ODR Facilitators in anticipation of the expansion of ODR to additional Justice Courts. (all ODR Facilitators are volunteers) Due to delays related to Covid-19, the project started slowly in December 2020 and was fully operational in March, April and May 2021. Eight new facilitators were trained and a total of 14 facilitators were monitored (6 were previously trained) for a total expenditure of \$7,117.50 through May 2021. An estimated total of \$8,700 maximum will be spent by the end of FY2021.

We are asking to carry over \$6,300 in unspent funds and add an additional 13,700 for a total of \$20,000. Based on current ODR Facilitator caseload capacity, we estimate the need for 20 additional ODR Facilitators for a total of 34 in order to accommodate a statewide expansion of the ODR program in small claims as well as expected turnover of ODR Facilitators. We are requesting funds to recruit and train 20 new volunteers and monitor a total of 34 ODR Facilitators in FY2022.

Alternative funding sources, if any: None Known

If this request is not funded at this time, what are the consequences or is there an alternative strategy? At this time, volunteer ODR Facilitators are the limiting resource for a statewide expansion of Small Claims ODR. The ODR computer application is ready, the Justice Court Clerks are already in place and only need some additional training to be able to use the ODR platform for small claims cases.

22. FY 2022 Carryforward Spending Request – Judicial Council Reserve for FY 2022

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2021 are normally to be spent between July 1, 2020 and June 30, 2021; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.5M in unspent FY 2021 funds into FY 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2022 carryforward funds for one-time or ongoing projects that will be delivered in FY 2022.**

Date: 6/10/2021

Department or District: AOC Finance

Presented by: Karl Sweeney

Request title: Reserve

Amount requested: One time: \$150,000 (Last year's request was \$150,000 initially but increased to \$381,000 in September 2020 due to available but unclaimed carryforward funds).

Purpose of funding request:

This is a request for one-time funds which will be available to pay for unexpected/unplanned one-time expenditures at the discretion of the Judicial Council. Funds not spent can be re-purposed at YE 2022 for other one-time spending priorities including FY 2023 carryforward requests.

Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.

The Judicial Council has historically maintained a reserve for contingency spending requests. The \$150,000 amount is on par with reserves for most recent years.

Alternative funding sources, if any:

None.

If this request is not funded at this time, what are the consequences or is there an alternative strategy?

Risk of unexpected/unplanned expenditures cause a budget miss.

Tab 7



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

June 5, 2021

Ronald B. Gordon, Jr.
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

TO: The Judicial Council

FROM: The Policy and Planning Committee

RE: Proposed Amendments to Senior Judge Rules

In the fall of 2019 the Board of Senior Judges created a work group to amend senior judge rules. At the same time, the Trial Court Executives and the Judicial Council's Management Committee identified language in the senior judge rules that was not clear. In October of 2020, the senior judges presented proposed amendments to the Policy and Planning Committee. The Policy and Planning Committee appointed a work group to review and make recommendations about the proposed amendments to the senior judge rules. The work group included Judge David Connors, Chair, Judge Derek Pullan, Cathy Dupont, staff, Judge Atherton, active senior judge, Peyton Smith, TCE of the 3rd District Court, and Joyce Pace, TCE for the 5th District and Juvenile Courts.

The workgroup accepted the proposed amendments to the Senior Judge Rules presented by the Senior Judges at the October 2020 Policy and Planning Committee meeting, except for Rules 3-108 and 11-201. The workgroup added language to Rule 3-108 that permits some flexibility for appointing a senior judge when there are exigent circumstances. Rule 11-201 was modified at the request of the Supreme Court to give the Management Committee the authority to recommend the appointment of a senior judge.

The Board of Senior Judges approved the workgroup's changes, with the understanding that Policy and Planning will work to establish guidelines for evaluating how to determine the need for senior judges in Rule 11-201, and that the language will be reviewed in 2 to 3 years. Judges Pullan and Connors are willing to engage in the evaluation, but question whether it is possible to develop those standards. The working group has not yet been able to articulate clear standards for need. On June 4, 2021, the Policy and Planning Committee approved the amendments to the senior judge rules.

The following is a brief description of the amendments:

- Three different rules addressed the appointment of senior judges, Rule 3-104(3)(c), Rule 3-108 and Rule 11-201(6). The amendments move all of the appointment language to

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

Rule 3-108, and clarify the authority to appoint, and when permission for appointment is needed from the Management Committee.

- Rule 1-305 amendments reduce the number of Board members from 7 to 5, and reduce the required meetings to once a year.
- Rule 3-113 is amended to permit a senior judge to be compensated for mentoring a new judge. This amendment was added at the request of the Judicial Institute. The amendments to this rule also increase the amount paid for non-courtroom duties such as Board meetings, conferences, and education from \$25 to \$50 for a half day, and from \$50 to \$100 for a full day.
- Rule 3-501 provides reimbursement of 50% of the cost of health insurance for an active senior judge and the judge's spouse, if the active senior judge has exhausted earned and automatic accumulated health benefits, and the active senior judge performs case work, subject to being called, during the active senior judge's term of appointment. An active senior judge must show good cause to the Judicial Council why the active senior judge should not be disqualified for the incentive benefit if the active senior judge has turned down case assignments and has not performed case work for two or more fiscal years. The rule also requires an active senior judge to inform the deputy state court administrator if the judge moves to inactive status so that the health insurance benefit can be adjusted appropriately.
- Rule 11-201 require a senior judge to maintain familiarity with court case management systems, such as Coris and Care; require an applicant to disclose if any criminal charges, other than infractions, are pending at the time of application; authorize the Management Committee to recommend (or not) the appointment of an active senior judge, and clarify the process for appealing a recommendation from the Management Committee to the Supreme Court.

The amendments are attached to this memorandum. The Policy and Planning Committee requests that you approve the proposed amendments for publication. The committee also requests that the rules be given an immediate effective date so the selection of senior judges can be expedited in order to address the case backlog caused by the pandemic.

Rule 1-305. Board of Senior Judges.**Intent:**

To establish a Board of Senior Judges consisting of senior justices and senior judges of courts of record.

To prescribe the composition of the Board's membership, the method of selection of Board members, the members' terms of office, the Board's officers, the procedures to be followed in the event of vacancies, the frequency of Board meetings, and the procedures to be followed in the conduct of Board meetings.

To increase the level of participation of senior justices and senior judges in the development of policy for the judiciary.

To improve communication between the Council and senior justices and senior judges.

Applicability:

This rule shall apply to the Board of Senior Judges.

Statement of the Rule:

(1) For purposes of this rule, "senior judge" means active senior justice or active senior judge.

(2) Board of senior judges.

(2)(A) Establishment. There is established a Board of Senior Judges.

(2)(B) Membership. The Board shall be comprised of ~~seven~~ five active senior judges, elected at the annual judicial conference senior judge business meeting, by all senior judges who are in attendance ~~at the meeting~~.

(2)(C) Election. The senior judges present at the business meeting shall constitute a quorum. Nominations for Board positions may be made by any senior judge. All senior judges present at the meeting shall be entitled to vote for ~~all~~ members of the Board.

(2)(D) Terms. The terms of the ~~initial~~ Board members shall be ~~determined by lot, with four~~ three ~~members selected to serve two-year terms and three members selected to serve one-year terms.~~ Successors shall be elected for two-years terms. A Board member shall not serve more than two consecutive terms and the remainder of a predecessor's term.

(2)(E) Vacancies. If a vacancy occurs for any reason on the Board, the Board shall elect a replacement for the unexpired term of the vacancy.

(3) Board officers.

(3)(A) Establishment. There shall be a chair and vice-chair of the Board. Both the chair and vice chair shall be active senior judges.

(3)(~~B~~) Election. The chair and vice chair shall be elected by the Board members.

(3)(~~B~~)(C) Chair and vice chair's term. The chair and vice-chair shall be elected to serve a one-year term, effective ~~The chair shall serve a one-year term beginning~~ immediately after the annual

judicial conference. ~~in the~~ The year following election as ~~the~~ vice chair shall assume the chair position. A new vice chair shall be appointed each year.

(3)(C)(D) Chair and vice chair's responsibilities. The chair shall preside over all meetings of the Board and the annual judicial conference senior judge business meeting, and shall perform other duties as set forth in this Code and as directed by the Board. The vice-chair shall serve as chair in the absence of the chair or at the request of the chair.

(3)(D)(E) Vacancy in office of chair or vice chair. In the event that the chair resigns or leaves the Board for any reason, the vice-chair shall become chair, serving both the unexpired term of the chair and the full term as chair. In the event that the vice-chair resigns from the Board for any reason, a new vice-chair shall be elected by the Board from among its members to serve the unexpired term of the vice-chair and to succeed as chair as otherwise provided in this rule.

Voting and replacement of the vice chair may be conducted by e-mail if a replacement is needed before the next annual judicial conference.

~~(3)(E) Election. The vice chair shall be elected by the Board members at the commencement of the first year of the vice chair's two-year term on the Board.~~

~~(3)(F) Vice chair's responsibilities. The vice chair shall serve as chair in the absence of the chair or at the request of the chair.~~

~~(3)(G) Vacancy in office of vice chair. In the event that the vice chair resigns from the Board for any reason, a new vice chair shall be elected by the Board from among its members to serve the unexpired term of the vice chair and to succeed as chair as otherwise provided in this rule.~~

~~(3)(H)(F) Secretariat services. The Administrative Office shall serve as secretariat to the Board.~~

~~(3)(H)(G) Board responsibility. The Board shall exercise such authority and assume such responsibility as delegated by the Council.~~

(4) Meetings of the ~~b~~Board.

(4)(A) The Board shall meet not less than ~~twice~~ once a year to transact any and all business that is within its jurisdiction.

(4)(B) The Board shall rule by majority vote. All Board members have the right to vote. ~~Four~~ Three members of the Board constitute a quorum.

~~(4)(C) Board meetings shall be conducted in accordance with Robert's Rules of Order and this Code.~~

Rule 3-104. Presiding judges.**Intent:**

To establish the procedure for election, term of office, role, responsibilities and authority of presiding judges and associate presiding judges.

Applicability:

This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile Courts.

Statement of the Rule:**(1) Election and term of office.**

(1)(A) **Presiding judge.** The presiding judge in multi-judge courts shall be elected by a majority vote of the judges of the court. The presiding judge's term of office shall be at least two years. A district, by majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the presiding officer of the Council to serve for two years.

(1)(B) Associate presiding judge.

(1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A).

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge or by the court.

(1)(C) **Removal.** A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

(2) Court organization.**(2)(A) Court en banc.**

(2)(A)(i) Multi-judge courts shall have regular court en banc meetings, including all judges of the court and the court executive, to discuss and decide court business. The presiding judge has the discretion to excuse the attendance of the court executive from court en banc meetings called for the purpose of discussing the performance of the court executive. In single-judge courts, the judge shall meet with the court executive to discuss and decide court business.

(2)(A)(ii) The presiding judge shall call and preside over court meetings. If neither the presiding judge nor associate presiding judge, if any, is present, the presiding judge's designee shall preside.

(2)(A)(iii) Each court shall have a minimum of four meetings each year.

(2)(A)(iv) An agenda shall be circulated among the judges in advance of the meeting with a known method on how matters may be placed on the agenda.

(2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a majority of the judges may call additional meetings as necessary.

(2)(A)(vi) Minutes of each meeting shall be taken and preserved.

(2)(A)(vii) Other than judges and court executives, those attending the meeting shall be by court invitation only.

(2)(A)(viii) The issues on which judges should vote shall be left to the sound discretion and judgment of each court and the applicable sections of the Utah Constitution, statutes, and this Code.

(2)(B) **Absence of presiding judge.** When the presiding judge and the associate presiding judge, if any, are absent from the court, an acting presiding judge shall be appointed. The method of designating an acting presiding judge shall be at the discretion of the presiding judge.

51 All parties that must necessarily be informed shall be notified of the judge acting as presiding
52 judge.

53 **(3) Administrative responsibilities and authority of presiding judge.**

54 (3)(A)(i) Generally. The presiding judge is charged with the responsibility for the effective
55 operation of the court. He or she is responsible for the implementation and enforcement of
56 statutes, rules, policies and directives of the Council as they pertain to the administration of the
57 courts, orders of the court en banc and supplementary rules. The presiding judge has the
58 authority to delegate the performance of non-judicial duties to the court executive. When the
59 presiding judge acts within the scope of these responsibilities, the presiding judge is acting
60 within the judge's judicial office.

61 (3)(A)(ii) Caseload. Unless the presiding judge determines it to be impractical, there is a
62 presumption that the judicial caseload of the presiding judge shall be adjusted to provide the
63 presiding judge sufficient time to devote to the management and administrative duties of the
64 office. The extent of the caseload reduction shall be determined by each district.

65 (3)(A)(iii) Appeals. Any judge of the judicial district may ask the Chief Justice or Judicial
66 Council to review any administrative decision made by the presiding judge of that district.

67 **(3)(B) Coordination of judicial schedules.**

68 (3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of
69 judges and be responsible for an orderly plan of judicial absences from court duties.

70 (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to the
71 presiding judge consistent with Rule 3-103(4).

72 **(3)(C) Authority to appoint senior judges.**

73 (3)(C)(i) The presiding judge is authorized to ~~use senior judge coverage~~ assign a senior
74 judge for judicial assistance consistent with RRule 3-108. for up to 14 judicial days if a judicial
75 position is vacant or if a judge is absent due to illness, accident, or disability. Before assigning a
76 senior judge, the presiding judge will consider the priorities for requesting judicial assistance
77 established in Rule 3-108. The presiding judge may not assign a senior judge beyond the limits
78 established in Rule 11-201(6).

79 (3)(C)(ii) The presiding judge will notify the State Court Administrator o designee when a
80 senior judge assignment has been made.

81 ~~(3)(C)(iii) If more than 14 judicial days of coverage will be required, the presiding judge will~~
82 ~~promptly present to the State Court Administrator a plan for meeting the needs of the court for~~
83 ~~the anticipated duration of the vacancy or absence and a budget to implement that plan. The~~
84 ~~plan should describe the calendars to be covered by judges of the district, judges of other~~
85 ~~districts, and senior judges. The budget should estimate the funds needed for travel by judges~~
86 ~~and for time and travel by senior judges.~~

87 ~~(3)(C)(iv) If any part of the proposed plan is contested by the State Court Administrator, the~~
88 ~~plan will be reviewed by the Management Committee of the Judicial Council for final~~
89 ~~determination.~~

90 (3)(D) **Court committees.** The presiding judge shall, where appropriate, make use of court
91 committees composed of other judges and court personnel to investigate problem areas, handle
92 court business and report to the presiding judge and/or the court en banc.

93 **(3)(E) Outside agencies and the media.**

94 (3)(E)(i) The presiding judge or court executive shall be available to meet with outside
95 agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police
96 chief, bar association leaders, probation and parole officers, county governmental officials, civic
97 organizations and other state agencies. The presiding judge shall be the primary representative
98 of the court.

99 (3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the court
100 executive shall represent the court and make statements to the media on matters pertaining to

the total court and provide general information about the court and the law, and about court procedures, practices and rulings where ethics permit.

(3)(F) **Docket management and case and judge assignments.**

(3)(F)(i) The presiding judge shall monitor the status of the dockets in the court and implement improved methods and systems of managing dockets.

(3)(F)(ii) The presiding judge shall assign cases and judges in accordance with supplemental court rules to provide for an equitable distribution of the workload and the prompt disposition of cases.

(3)(F)(iii) Individual judges of the court shall convey needs for assistance to the presiding judge. The presiding judge shall, through the State Court Administrator, request assistance of visiting judges or other appropriate resources when needed to handle the workload of the court.

(3)(F)(iv) The presiding judge shall discuss problems of delay with other judges and offer necessary assistance to expedite the disposition of cases.

(3)(G) **Court executives.**

(3)(G)(i) The presiding judge shall review the proposed appointment of the court executive made by the State Court Administrator and must concur in the appointment before it will be effective. The presiding judge shall obtain the approval of a majority of the judges in that jurisdiction prior to concurring in the appointment of a court executive.

(3)(G)(ii) The presiding judge for the respective court level and the state level administrator shall jointly develop an annual performance plan for the court executive.

(3)(G)(iii) Annually, the state level administrator shall consult with the presiding judge in the preparation of an evaluation of the court executive's performance for the previous year, also taking into account input from all judges in the district.

(3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive, including coordination of annual leave.

(3)(G)(v) Pursuant to Council policy and the direction of the state level administrator, the court executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects, intergovernmental relations and other administrative responsibilities as determined by the presiding judge and the state level administrator.

(3)(H) **Courtrooms and facilities.** The presiding judge shall direct the assignment of courtrooms and facilities.

(3)(I) **Recordkeeping.** Consistently with Council policies, the court executive, in consultation with the presiding judge, shall:

(3)(I)(i) coordinate the compilation of management and statistical information necessary for the administration of the court;

(3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of these policies;

(3)(I)(iii) approve proposals for automation within the court in compliance with administrative rules.

(3)(J) **Budgets.** The court executive, in consultation with the presiding judge, shall oversee the development of the budget for the court. In contract sites, the court executive shall supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

(3)(K) **Judicial officers.** In the event that another judge or commissioner of the court fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment or violates the Code of Judicial Conduct, the presiding judge may:

(3)(K)(i) Meet with and explain to the judge or commissioner the reasons for the directive given or the position taken and consult with the judge or commissioner.

(3)(K)(ii) Discuss the position with other judges and reevaluate the position.

(3)(K)(iii) Present the problem to the court en banc or a committee of judges for input.

(3)(K)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy, education or treatment.

(3)(K)(v) Reassign the judge or commissioner to a different location within the district or to a different case assignment.

(3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.

(3)(K)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem to the Council or the Judicial Conduct Commission.

(3)(L) **Cases under advisement.**

(3)(L)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination. For purposes of this rule, "submitted to the judge" is defined as follows:

(3)(L)(i)(a) When a matter requiring attention is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent;

(3)(L)(i)(b) If a hearing or oral argument is set, at the conclusion of all hearings or oral argument held on the specific motion or matter; or

(3)(L)(i)(c) If further briefing is required after a hearing or oral argument, when all permitted briefing is completed, a request to submit is filed, if required, and the matter is placed by staff in the judge's personal electronic queue, inbox, personal possession, or equivalent.

A case is no longer under advisement when the judge makes a decision on the issue that is under advisement or on the entire case.

The final determination occurs when the judge resolves the pending issue by announcing the decision on the record or by issuing a written decision, regardless of whether the parties are required to subsequently submit for the judge's signature a final order memorializing the decision.

(3)(L)(ii) Once a month each judge shall submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate state level administrator and indicate the reasons why the case or issue continues to be held under advisement.

(3)(L)(iv) If a case or issue is held under advisement for an additional 30 days, the state level administrator shall report that fact to the Council.

(3)(M) **Board of judges.** The presiding judge shall serve as a liaison between the court and the Board for the respective court level.

(3)(N) **Supervision and evaluation of court commissioners.** The presiding judge is responsible for the development of a performance plan for the Court Commissioner serving in that court and shall prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and evaluation shall be maintained in the official personnel file in the Administrative Office.

(3)(O) **Magistrate availability.** The presiding judge in a district court shall consult with the justice court administrator to develop a rotation of magistrates that ensures regular availability of magistrates within the district. The rotation shall take into account each magistrate's caseload, location, and willingness to serve.

202
203

1 Rule 3-108. Judicial assistance.**2 Intent:**

3 To establish the authority, procedure and criteria for judicial assistance.

4 Applicability:

5 This rule shall apply to judicial assistance provided by active senior judges and judges of courts
6 of record.

7 Statement of the Rule:

8 **(1) Criteria for requesting assistance.** Judicial assistance shall be provided only for the
9 following reasons:

10 (1)(A) ~~to prevent the occurrence of a backlog in the court's calendar when assistance is~~
11 ~~needed because of a judicial vacancy or an absence due to an illness, accident, or~~
12 ~~disability;~~

13 (1)(B) to ~~prevent the occurrence of or to~~ reduce a critical accumulated backlog;

14 (1)(C) to handle a particular case involving complex issues and extensive time which
15 would have a substantial impact on the court's calendar;

16 (1)(D) to replace a sitting judge who is absent because of assignment as a tax judge,
17 illness or to replace the judges in that location because of disqualification in a particular
18 case;

19 (1)(E) to ~~handle essential cases when there is a vacant judicial position~~ mentor a newly
20 appointed judge;

21 (1)(F) to handle ~~high-priority~~ cases during vacation periods or during attendance at
22 education programs by the sitting judge, following every effort by that judge to adjust the
23 calendar to minimize the need for assistance and only to handle those matters which
24 cannot be accommodated by the other judges of the court during the absence;

25 (1)(G) to provide education and training opportunities to judges of one court level in the
26 disposition of cases in another court level;

27 (1)(H) in district court, to handle cases involving taxation, as defined in Rule 6-103(4) of
28 the Utah Code of Judicial Administration; ~~and~~

29 (1)(I) to handle automatic expungement cases; and

30 (1)(J) to serve on a grand jury panel.

31 **(2) Assigning a senior judge for judicial assistance.**

32 (2)(A) Unless exigent circumstances occur, a presiding judge shall seek assistance
33 under the priorities listed in paragraph (3) before assigning a senior judge.

34 (2)(B) If the assignment of a senior judge shall be for more than 14 judicial days, the
35 presiding judge shall seek approval from the Management Committee, and present to
36 the Management Committee a plan for meeting the needs of the court and a budget to
37 implement the plan. The plan should describe the calendars to be covered by judges of

the district, judges of other districts, and senior judges. The budget should estimate the funds needed for travel by the judges and senior judges.

(3) Criteria for transferring or assigning judges. The transfer or assignment of judges for judicial assistance under this rule, shall, in general, be based upon the following priorities:

~~(2)(3)~~ (A) experience and familiarity with the subject matter, including, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, knowledge of the theory and practice of ad valorem, excise, income, sales and use, and corporate taxation;

~~(2)(3)~~ (B) active judges before active senior judges with consideration of the following:

~~(2)(3)~~ (B)(i) active judges from a court of equal jurisdiction in a different geographical division than the court in need, and who are ~~physically situated nearest and are most convenient in close proximity~~ to that court;

~~(2)(3)~~ (B)(ii) active senior judges from a court of equal jurisdiction to the court in need and who are ~~physically situated nearest and are most convenient in close proximity~~ to that court;

~~(2)(3)~~ (B)(iii) active judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is most closely related to that court and who are in close proximity to ~~it that court~~;

~~(2)(3)~~ (B)(iv) active judges from a court of equal jurisdiction in a different geographical division than the court in need who are far removed from that court;

~~(2)(3)~~ (B)(v) active or active senior judges from a court of different jurisdiction than the court in need whose subject matter jurisdiction is similar to that court and who are not in close proximity to that court;

~~(2)(3)~~ (C) availability;

~~(2)(3)~~ (D) expenses and budget.

~~(3)(4)~~ Assignment of active judges.

~~(3)(4)~~ (A) Any active judge of a court of record may serve temporarily as the judge of a court with equal jurisdiction in a different judicial district upon assignment by the presiding judge of the district in which the judge to be assigned normally sits or, in district court cases involving taxation, as defined in Rule 6-103(4) of the Utah Code of Judicial Administration, assignment by the supervising tax judge with the approval of the presiding officer of the Council.

~~(3)(4)~~ (B) Any active judge of a court of record may serve temporarily as the judge of a court with different jurisdiction in the same or a different judicial district upon assignment by the presiding officer of the Council or assignment by the state court administrator or designee with the approval of the presiding officer of the Council.

~~(3)(4)~~ (C) The presiding officer of the Council may appoint a district court presiding judge as the signing judge for automatic expungements in all district courts within the presiding judge's district. The length of the assignment may coincide with the judge's term as presiding judge.

79 | ~~(3)(4)~~ (D) The assignment shall be made only after consideration of the judge's calendar.
80 | The assignment may be for a special or general assignment in a specific court or
81 | generally within that level of court and shall be for a specific period of time, or for the
82 | duration of a specific case. Full time assignments in excess of 30 days in a calendar
83 | year shall require the concurrence of the assigned judge. The state court administrator
84 | or designee shall report all assignments to the Council on an annual basis.

85 | ~~(3)(4)~~ (E) Requests for the assignment of a judge shall be conveyed, through the
86 | presiding judge, to the person with authority to make the assignment under paragraphs
87 | (A) and (B). A judge who is assigned temporarily to another court shall have the same
88 | powers as a judge of that court.

89 | ~~(4)(5)~~ **Notice of assignments.** Notice of assignments made under this rule shall be made in
90 | writing, a copy of which shall be sent to the state court administrator or designee.

91 | ~~(5)(6)~~ **Schedule of trials or court sessions.** The state court administrator or designee, under
92 | the supervision of the presiding officer of the Council, may schedule trials or court sessions and
93 | designate a judge to preside, assign judges within courts and throughout the state, reassign
94 | cases to judges, and change the county for trial of any case if no party to the litigation files
95 | timely objections to the change.

96 | ~~Effective: May 1, 2021~~

97 |

Rule 3-113. Senior judges.**Intent:**

To establish the responsibility to provide for support services for active senior judges.
To provide for the compensation of active senior judges.

Applicability:

This rule shall apply to judicial employees and to senior judges and active senior judges of courts of record.

Statement of the Rule:**(1) Support services.**

(1)(A) ~~The court executive of the court in which an active senior judge is serving shall make available clerical and bailiff services as would normally be needed in the performance of the a judge's official duties. The court executive of the court in which an active senior judge is serving shall make available court reporting equipment and personnel in accordance with Rule 3-305 and Rule 4-201.~~

(1)(B) The court executive of the court in which an active senior judge is serving shall execute the necessary notice of appointment for the case or matters to which the judge has been assigned. The order of assignment shall include the district the judge will serve, the court location, the assignment for which service is needed, and the signature and date of the presiding judge or the presiding judge's designee. The order shall be sent to the state court administrator or designee.

(1)(C) The court executive of the district in which an active senior judge resides serves shall provide the following assistance as needed:

- (i) administrative services;
- (ii) mail services;
- (iii) files and court documents;
- (iv) travel arrangements; and
- (v) preparation of reimbursement vouchers.

(D) ~~Active senior judges shall be provided with a current set of the soft cover edition of the Utah Code and a subscription to Utah Advance Reports and Annotations as provided by Rule 3-413.~~

(2) Compensation. Active senior judges shall be compensated at the rate and for the services and duties as set forth herein.

(2)(A) Compensation for the performance of judicial duties related to the assignment of cases , service on a grand jury panel, or the mentoring of a new judge shall be at an hourly rate equal to the hourly rate of a district judge, and shall be paid in half-day increments.

- 39 (2)(B) Compensation for all other duties, such as attendance at Board meetings, committee
40 meetings, and educational functions required by this Code shall be paid at the rate of
41 \$50.00 per half day (1-4 hours) and \$100.00 per full day (over 4 hours).
- 42 (2)(C) For travel required in the performance of judicial duties related to ~~the assignment of~~
43 ~~assigned~~ cases, senior judges shall be compensated for travel time in excess of one
44 and one-half hours round trip at the hourly rate of a district judge, and for expenses,
45 e.g., per diem, mileage, and lodging, at the rates allowed for state employees Active
46 senior judges are required, as court employees, to complete the Defensive Driver
47 Training every two years.
- 48 (2)(D) For travel required in the performance of judicial duties not related to ~~the assignment~~
49 ~~of cases~~, an assigned case, senior judges shall be compensated for round-trip travel
50 time as follows:
51 0 - 1.5 hours No payment
52 1.5 - 5.5 hours \$25.00
53 More than 5.5 hours \$50.00
54 and for expenses, e.g., per diem, mileage, and lodging, at the rates allowed for state
55 employees. Because senior judges do not have access to state vehicles, mileage
56 shall be paid at the higher rate for state employees.
- 57 (2)(E) Except for the incentive benefit in Rule 3-501, compensation shall not include any
58 form of benefits, i.e., state retirement contributions, medical or life insurance
59 premiums, etc.

1 Rule 3-501. Insurance Benefits Upon Retirement.**2 Intent:**

3 To establish uniform policies regarding sick leave for justices, judges, and court commissioners
4 and conversion of sick leave to paid up medical, dental and life insurance at the time of
5 retirement.

7 Applicability:

8 This rule shall apply to all justices, judges, and court commissioners of courts of record.

10 Statement of the Rule:**11 (1) Earned benefits.**

12 (1)(A) For each year of full-time employment that a justice, judge, or court commissioner
13 uses less than four days of sick leave in a calendar year, the judge, justice, or court
14 commissioner will be eligible for and accumulate eight months of paid up medical
15 insurance, dental insurance, prescription drug insurance and life insurance benefits
16 at the time of retirement. Upon retirement, the submission of an annual application
17 and a showing that the judge, justice, or court commissioner is not otherwise covered
18 by a comparable medical insurance policy, the judge, justice, or court commissioner
19 shall be eligible for and receive the insurance benefits which have accrued.

20 (1)(B) Maternity leave and parental leave is considered sick leave for determining benefits
21 under this rule.

22 (1)(C) Medical and dental insurance coverage provided will be the same as that carried by
23 the justice, judge, or court commissioner at retirement, i.e., family, two party, single.

24 (2) **Automatic benefits.** Notwithstanding the provisions of paragraph (1), a justice, judge, or
25 court commissioner who retires and who is eligible for retirement benefits at the time of
26 retirement shall receive a maximum of five years medical insurance, dental insurance,
27 prescription drug insurance and life insurance .

28 (3) Duration of benefits.

29 (3)(A) The duration of benefits shall be calculated from the effective date of the justice's,
30 judge's or court commissioner's retirement. Earned benefits shall not exceed seven
31 years. Automatic benefits shall not exceed five years. Earned benefits and automatic
32 benefits shall not exceed seven years.

33 (3)(B) Earned benefits and automatic benefits shall terminate when the justice, judge, or
34 commissioner is eligible for Medicare, except that prescription drug insurance and
35 supplemental Medicare insurance shall continue for the balance of the term of
36 earned or automatic benefits.

37 (3)(C) If the spouse of the justice, judge, or court commissioner qualifies for medical
38 insurance, prescription drug insurance or dental insurance under subsection (1)(C),
39 such insurance shall continue for the period of earned or automatic benefits or until

the spouse becomes eligible for Medicare, whichever is earlier, except that prescription drug insurance and supplemental Medicare insurance for the spouse shall continue for the balance of the term of earned or automatic benefits.

(3)(D) Earned or automatic Bbenefits for dependents, other than a spouse, of the justice, judge, or court commissioner terminate when the justice, judge, or court commissioner reaches age 65.

(4) As authorized by Utah Code Section § 78A-2-107(9), the state Ccourt Aadministrator or or designee will develop methods for recording sick leave use by justices, judges, and court commissioners and for recording sick leave conversion to paid up medical, dental and life insurance benefits.

(5) Active Ssenior Jjudge incentive benefit.

(5)(A) The judiciary will pay 50% of the cost of medical and dental insurance premiums for a qualifying active senior judge and spouse until the qualifying active senior judge is age 65. The judiciary will pay 50% of the cost of supplemental Medicare insurance and prescription drugs for a qualifying active senior judge and spouse if the active senior judge is age 65 or older.

(5)(B) To qualify for the incentive benefit the active senior judge must:

(5)(B)(i) qualify as an active senior judge pursuant to Rule 11-201;

(5)(B)(ii) have exhausted the earned and automatic other benefits provided for by this rule;

(5)(B)(iii) submit to the state court administrator or their designee on or before July 1 of each year a letter expressing an intent to participate in the incentive benefit program;

(5)(B)(iv) perform case work, subject to being called, for at least 6 days per during the active senior judge's term of appointment fiscal year; and

(5)(B)(v) show good cause to the Judicial Council why he or she the active senior judge should not be disqualified for the incentive benefit upon declining three times within any fiscal year to accept case work if the active senior judge has turned down case assignments and has not performed case work for two or more fiscal years.

(5)(C) The State Retirement Office shall deduct from the active senior judge's retirement benefit the portion of the cost payable by the active senior judge.

(6) If an active senior judge who receives the incentive benefit changes to inactive status, the senior judge shall notify the state court administrator or designee in writing that the active senior judge has converted to inactive status and is receiving the incentive benefit. The state court administrator or designee shall notify Human Resources and URS of the change in status.

(7) This policy will be implemented subject to availability of funds.

Draft March 29, 2021**Rule 11-201. Senior Judges.****Intent:**

To establish the qualifications, term, authority, appointment and assignment for senior judges.

Applicability:

This rule shall apply to judges of courts of record.

The term "judge" includes justices of the Supreme Court.

Statement of the Rule:**(1) Qualifications.**

(1)(A) A judge may apply to become a senior judge, on either inactive or active status.

(1)(B) ~~Inactive Senior Judge. To be an inactive senior judge, a judge shall~~ A judge is qualified to be an inactive senior judge if the judge:

(1)(B)(i) ~~have been was~~ retained in the last election for which the judge stood for election;

(1)(B)(ii) ~~have~~ voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, ~~shall have~~ recovered from or ~~shall have~~ accommodated that disability;

(1)(B)(iii) demonstrates appropriate ability and character;

(1)(B)(iv) ~~be is~~ admitted to the practice of law in Utah, but ~~shall~~ does not practice law; ~~and~~

(1)(B)(v) ~~be is~~ eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age; and

(1)(B)(vi) is appointed by the Supreme Court.

(1)(C) ~~Active Senior Judge. To be an active senior judge, a judge shall~~ A judge is qualified to be an active senior judge if the judge:

(1)(C)(i) meets the qualifications of an inactive senior judge;

(1)(C)(ii) ~~be is~~ a current resident of Utah and ~~be is~~ available to take cases;

(1)(C)(iii) ~~be is~~ physically and mentally able to perform the duties of judicial office;

(1)(C)(iv) maintains familiarity with current statutes, rules, - case law, court case management systems, such as CORIS for district courts, and CARE for juvenile courts, Workspace and remote hearing technology;

(1)(C)(v) ~~satisfy~~ satisfies the education requirements of an active judge set forth in Rule 3-403;

(1)(C)(vi) attends the annual judicial conference;

(1)(C)(vii) accepts assignments, subject to being called, at least two days per calendar year;

(1)(C)(viii) conforms to the Code of Judicial Conduct, the Code of Judicial Administration and rules of the Supreme Court;

(1)(C)(ix) ~~have obtained~~ obtains results on the most recent judicial performance evaluation prior to termination of service sufficient to have been recommended for retention regardless of whether the evaluation was conducted for self-improvement or certification;

(1)(C)(x) continues to meet the requirements for judicial retention as those requirements are determined by the Judicial Council to be applicable to active senior judges;

(1)(C)(xi) undergoes a performance evaluation every eighteen months following an initial term as an active senior judge; ~~and~~

(1)(C)(xii) takes and subscribes an oath of office to be maintained by the state court administrator or the administrator's designee; and

(1)(C)(xiii) is appointed by the Supreme Court as an active senior judge-

(2) **Disqualifications.** ~~To be an active senior judge, a~~ A judge is not qualified to be an active senior judge if the judge:

(2)(A) ~~shall not have been was~~ removed from office or involuntarily retired on grounds other than disability;

(2)(B) ~~shall not have been was~~ suspended during the judge's final term of office or final six years in office, whichever is greater;

(2)(C) ~~shall not have~~ has resigned from office as a result of negotiations with the Judicial Conduct Commission or while a complaint against the applicant was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause; and

(2)(D) ~~shall not have~~ has been subject to any order of discipline for conduct as a senior judge.

(3) Term of Office.

(3)(A) The initial term of office of an inactive senior judge is until December 31 of the second year following appointment. The initial term of office of an active senior judge less than age 75 years is until December 31 of the second year following appointment or until December 31 of the year in which the judge reaches age 75, whichever is shorter. The initial term of office of an active senior judge age 75 years or more is until December 31 of the year following appointment.

(3)(B) A subsequent term of office of an inactive senior judge is for three years. A subsequent term of office of an active senior judge is three years or until December 31 of the year in which the judge reaches age 75, whichever is shorter. The subsequent term of office of an active senior judge age 75 years or more is for one year.

(3)(C) All subsequent appointments begin on January 1.

(3)(D) The Supreme Court ~~or Judicial Council~~ may withdraw an appointment with or without cause.

(4) **Authority.** An active or inactive senior judge may solemnize marriages. An active senior judge, during an assignment, has all the authority of the office of a judge of the court to which the assignment is made.

(5) Application and Appointment.

(5)(A) To be appointed a senior judge a judge shall apply to the Judicial Council for either inactive or active status and shall submit relevant information as requested by the Judicial Council.

(5)(B) The applicant shall:

(5)(B)(i) provide the Judicial Council with the record of all orders of discipline entered by the Supreme Court; ~~and~~

(5)(B)(ii) declare whether at the time of the application there is any complaint against the applicant pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause; ~~and~~

(5)(B)(iii) declare whether at the time of the application there is any criminal charge, other than an infraction, pending against the applicant.

(5)(B)(iv) Judges who decline to participate in an attorney survey in anticipation of retirement may use the results of an earlier survey to satisfy paragraph (1)(C)(ix).

(5)(C)(i) After considering all information, including any performance evaluation conducted under rule 3-111, the most recent Judicial Performance Evaluation Commission evaluations, and the need for senior judges, the Judicial Council ~~may certify to~~ shall notify the Supreme Court that:

(5)(C)(ii) the applicant meets the qualifications ~~of~~ for appointment as an inactive senior judge or active senior judge, and the Council recommends the appointment of the applicant as an inactive or active senior judge;

(5)(C)(iii) the applicant meets the qualifications for appointment as an inactive or active senior judge, but based on the need for senior judges at the time of application, the Council does not recommend appointment of the applicant; or

(5)(C)(iv) the applicant does not meet the qualifications for appointment as an inactive or active senior judge.

(6)(A) The Judicial Council shall inform an applicant, in writing, if the Judicial Council notifies the Supreme Court that the applicant does not meet qualifications for appointment or if the Council does not recommend appointment. ~~forward to, and the Supreme Court shall review, information on all applicants.~~

(6)(B) Any An applicant who ~~is not certified by~~ receives notice from the Judicial Council under paragraph (6)(A), may, within 14 days of the date the Judicial Council sent the notice, ~~may~~ submit to the Supreme Court a written explanation on why the applicant should be appointed as an inactive senior judge or active senior judge.:

(6)(C) The Supreme Court shall review each applicant's information and the recommendation of the Judicial Council. With the concurrence of a majority of the members of the Supreme Court, the Chief Justice may appoint the judge as an inactive senior judge or active senior judge.

Judges who declined, under former Rule 3-111, to participate in an attorney survey in anticipation of retirement may use the results of an earlier survey to satisfy Subsection (1)(B)(ix).

~~(6) Assignment.~~ ~~(6)(A)~~ With the consent of the active senior judge, the presiding judge may assign an active senior judge to a case or for a specified period of time. Cumulative assignments under this subsection shall not exceed 60 days per calendar year except as necessary to complete an assigned case.

~~(6)(B)~~ In extraordinary circumstances and with the consent of the active senior judge, the chief justice may assign an active senior judge to address the extraordinary circumstances for a specified period of time not to exceed 60 days per calendar year, which may be in addition to assignments under subsection (6)(A). To request an assignment under this subsection, the presiding judge shall certify that there is an extraordinary need. The state court administrator shall certify whether there are funds available to support the assignment.

~~(6)(C)~~ (7) Assignment.

~~(7)(A)~~ An active senior judge may be assigned to any court other than the Supreme Court.

~~(6)(D)~~ ~~(7)(B)~~ The state court administrator or the administrator's designee shall provide such assistance to the presiding judge and chief justice as requested and shall exercise such authority in making assignments as delegated by the presiding judge and chief justice.

~~(6)(E)~~ ~~(7)(C)~~ Notice of an assignment made under this rule shall be in writing and maintained by the state court administrator or the administrator's designee.

(8) Changes to senior judge status.

(8)(A)(i) An active senior judge may convert to inactive status during the term of appointment if the senior judge sends written notice of the change in status to the chief justice of the Supreme Court and the state court administrator or the administrator's designee. An active senior judge who converts to inactive status may not receive an incentive benefit under Rule 3-501 while on inactive status.

(8)(A)(ii) A senior judge who converts to inactive status under (8)(A)(i) may return to active status for the remainder of the senior judge's unexpired term if the senior judge sends written notice of the judge's intent to return to active status to the chief justice of the Supreme Court and to the state court administrator or the administrator's designee.

(8)(B) A senior judge who resigns from senior judge service during the term of appointment shall send written notice to the chief justice of the Supreme Court and to the state court administrator or the administrator's designee.

Tab 8

Management Committee		Judicial Council		Notes
January 11	12:00 p.m.	January 18	9:00 a.m.	Council meeting falls on the same day as the State of the Judiciary. January 17th is Martin Luther King, Jr. holiday.
February 8	12:00 p.m.	February 28	9:00 a.m.	President's Day is February 21.
February 28	Following Council mtg			Second Management meeting held to set the March Council agenda.
March – no meeting		March 11	12:00 p.m.	Council meeting is held in conjunction with the Bar Spring Convention.
		Alternate option for Council: March 28	9:00 a.m.	If the Council does not go to St. George, they may consider holding a normally scheduled Council meeting so as not to interfere with those who want to attend the Bar Convention.
April 12	12:00 p.m.	April 25	9:00 a.m.	Normal schedule.
May 10	12:00 p.m.	May 23	9:00 a.m.	Memorial Day is May 30.
June 14	12:00 p.m.	June 27	9:00 a.m.	Normal schedule.
July 12	12:00 p.m.	July 18	12:00 p.m.	Council meeting moved up a week because the fourth Monday is Pioneer Day July 25 (observed).
August 9	12:00 p.m.	August 19	8:00 a.m.	Council meeting held in conjunction with Annual Budget & Planning meeting (third Friday of August).
September 6	12:00 p.m.	September 13	12:00 p.m.	Council meeting held in conjunction with the Annual Conference.
October 11	12:00 p.m.	October 24	9:00 a.m.	Normal schedule.
November 8	12:00 p.m.	November 21	9:00 a.m.	Council meeting moved up a week because the fourth Monday follows the Thanksgiving holiday.
December 13	12:00 p.m.	December 19	9:00 a.m.	Council meeting moved up a week because the fourth Monday is December 26.

Management meetings are the second Tuesday of each month, unless otherwise noted.	Council meetings are the fourth Monday of each month, unless otherwise noted.
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Bar Spring Convention March 10-12 (St. George)
 Bar Summer Convention July 6-9 (San Diego)
 Annual Conference September 13-16 (Zermatt)
 State of the Judiciary - first Tuesday after the third Monday.

CCJ Midyear Meeting (TBD)
 CCJ Annual Meeting July 23-27 (location TBD)
 COSCA Annual Meeting July 20-28 (location TBD)
 COSCA Midyear Meeting Dec. 6-10 (location TBD)