



GOVERNOR'S OFFICE OF PLANNING AND BUDGET

AMERICAN RESCUE PLAN ACT OF 2021

APPROPRIATION TRACKING AND DOCUMENTATION FORM

This request has been revised by AOC Finance to remove 3 of the original 24 projects with marginal ARPA eligibility. We also added amounts to several of the original projects to account for changes in scope or price increases caused by the chip shortage. Last, several 2022 carryforward requests were added to the list.

Please read the following information, populate the second page, and return this form via email to Duncan Evans (devans@utah.gov) and Taylor Kauffman (tkauffman@utah.gov).

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund. Although the legislature is responsible for appropriating these funds to state agencies for use on various projects, agencies need to work with the Governor's Office of Planning and Budget (GOPB) and the Division of Finance to ensure all documentation is in place before spending ARPA funds. Please complete the attached form for each ARPA-funded project in your agency.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. Because the legislature appropriated ARPA funds before the U.S. Department of the Treasury (Treasury) finalized their rule governing these funds (public comment closes July 16, 2021 and the final rule is expected in August or September), the state needs to be cautious regarding preliminary spending.

The Treasury has identified five main eligible uses for ARPA funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Project Name:	Electronic Access to Justice – Response to COVID19 – Part I
Project Amount:	\$11,000,000 (REVISED LIST ATTACHED; there will be a supplemental request for FY 2022/2023 for amounts over \$11M)
Agency:	Judicial Branch
Contact Name:	Karl Sweeney
Contact Email:	karls@utcourts.gov
FINET Tracking Codes:	ITCV (activity code)
Intent language from SB1001 (if applicable):	The Legislature intends that funds appropriated by this item for Courts Technology/Electronic Access to Justice may only be expended or distributed for purposes that comply with the legal requirements and federal guidelines under the American Rescue Plan
Funding Timeline	<ul style="list-style-type: none">○ Urgent (I need to begin obligating/expending the funds by October 15, 2021)○ <u>Not urgent</u> (I will need to begin obligating/expending the funds by November 2021)

1. Please provide a detailed description of the project that this appropriation funds.

A. Here is a sample of what we hope to use ARPA/Coronavirus Capital Projects funding for:

- a. Infrastructure to support continued use of video hearings. We expect our judges will embrace a range of courtroom management practices, opting for some hearings to continue to be held remotely and requiring others to be in-person, and at other times allowing for a blend of the two. As indicated, there are some potential savings for the right deployment of technologies, but we cannot use them if our network doesn't work and our courtrooms are not adequately equipped. That is why we need:
 - i. A software-defined, wide-area network. We realized the need for this when our reliance on WebEx for video hearings caused network delays, impeding the important work of our judges and court staff.
 - ii. Courtroom software and hardware upgrades, to allow for witnesses and interpreters to appear remotely (add dual-channel software capability plus screens and cameras hardware) and to install additional cameras so that our courts can remain open by allowing the public to observe courtroom proceedings remotely.
- b. We also need funding to develop a fully functional e-filing system for ALL litigants, including self-represented litigants. Our current accommodation, in an effort to reduce risk, has been to allow people to email their documents for filing. This model is not scalable. Our proposal for MyCase¹ funding would address all of these concerns. It would:
 - i. Provide a secure portal to allow self-represented litigants to interact with the court from anywhere to:

¹ MyCase would perform the functionality that many health care companies provide insureds today via a personal health care portal that shows patient records, prescriptions, test results, appointments, etc.

1. Allow ALL litigants to access their case history;
 2. Allow ALL litigants to view all documents filed in their case;
 3. Allow ALL litigants to file documents (and get guidance on how to file those documents); and
 4. Allow ALL litigants to make payments.
 5. MyCase will allow more people to engage with the court process and also make it easier for them to stay organized. They will no longer need to keep folders full of documents because all of the filings will all be available online.
 6. For similar reasons, we also expect this will make it easier for people to get legal help as pro bono lawyers can quickly get up to speed on someone's legal situation.
- ii. Allow clerks to process electronic filings in a secure environment, with clear workflows, making their work more efficient.
- c. The self-help kiosks that we deployed to select courthouses last fall through CARES funding have been a resounding success. We need to replicate the success of our self-help kiosks throughout the state. We refuse to leave anyone behind. Our courts serve everyone - even those without internet access at home. These kiosks will allow people without internet access to connect with all of our self-help resources, including MyCase, OCAP and our website.
 - d. During the pandemic we realized how much we rely on our website to communicate with the public about the availability of our services. We consider a well-designed website that is easy to navigate and search a vital part of our 21st century basic infrastructure. The powerful self-help tools we have online and MyCase will only be helpful if people can find them. That is why we need funding for a major upgrade to our web resources so that anyone interfacing with the courts can find the help and information they need.

2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?

- A. The COVID-19 pandemic has required courts to rapidly shift away from in-person to virtual proceedings, effectively accelerating a growing movement to promote access to justice by reimagining and promoting justice as a thing and not a place. By increasing virtual access and proceedings the courts will not only resolve the COVID-19 issues but lay the groundwork for virtual access and proceedings (including attendant technical, educational, and translation services) which will expand access to justice, particularly for our self-represented and marginalized communities.

These new systems will provide complete relief from the effects on access to justice caused by COVID-19. But further, they form an ecosystem of online and in-person tools that provide availability, flexibility and efficiency with a very human touch. All of our funding proposals reflect a similar focus on the future. Our hope is to use one-time federal funds to retool our systems and processes to ensure that we are wringing the most efficiency out of technology and making the courts safe and accessible to everyone.

3. How does this project fit under the allowable uses of these federal funds as described in the Treasury's [Interim Final Rule](#)? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.*
- A. The Interim Final Rule gives plenty of support for the use of ARPA funds to “respond to the negative impact of the public health emergency” – and in this case our response would build our IT virtual infrastructure. We believe this is a permitted use since it is a direct response to the COVID-19 public health emergency.

Page 10 of the interim final rules says “Accordingly, to assess whether a program or service is included in this category of eligible uses, a recipient should consider whether and how the use would respond to the COVID- 19 public health emergency. Assessing whether a program or service “responds to” the COVID-19 public health emergency requires the recipient to, first, identify a need or negative impact of the COVID-19 public health emergency and, second, identify how the program, service, or other intervention addresses the identified need or impact. While the COVID-19 public health emergency affected many aspects of American life, eligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency.”

We believe this excerpt of the interim rule supports the use of ARPA funds as this is also the basis for our IT spend request as it builds a court system that is responsive to the COVID-19 pandemic by building a court virtual infrastructure that maintains access to justice while keeping both patrons and court employees safe. The fact that it delivers these benefits in non-COVID times as well is a secondary benefit and does not negate the primary reason.

Increasing Electronic Access to Justice to be Responsive to COVID								
Priority	Internal Judicial Goals	ARPA Category	Project Name (New Requests in Yellow)	Description	Original Amount Requested	Revised Amount Requested (if different, due to actual bids, refined estimates, or	Cumulative Spend Requested	
1	COVID-responsive expenditures that keep Courts safely operating during pandemic.	These requests respond to the COVID-19 public health emergency by building a court infrastructure that maintains access to justice while keeping both patron and court employees safe.	MyCase Phase 2	We need to accelerate our current efforts to develop MyCase, a web-based program that will allow self-represented litigants to interact with the courts from anywhere. The system will allow users to access their case information, make payments, and file documents in their cases. Examples of some of the functions to be added in the phase include - expand guided Interviews, add common components (filer, Header, case descriptor), add ability to file more document types, and schedule their own hearing time. (1) The COVID-19 pandemic has required courts to rapidly shift away from in-person to virtual proceedings, effectively accelerating a growing movement to promote access to justice by reimagining and promoting justice as a thing and not a place. By increasing virtual access and proceedings, courts have been able to avoid mass courthouse gatherings, helping to limit the spread of pathogens. Increasing--and solidifying--virtual access and proceedings (including attendant technical, educational, and translation services) will also continue the important move to expanding access to justice, particularly for our self-represented and marginalized communities.	\$1,500,000	\$1,500,000	\$1,500,000	
2	Same as above	Same as Priority #1 above	Evidence presentation for all courtrooms in the state	Ability to display electronic evidence to multiple strategically located displays in the courtroom.		\$1,000,000	\$2,500,000	
3	COVID-responsive Courtrooms - 3rd District Media Carts	Same as Priority #1 above	3rd District Media Carts - Carryforward Requests #12 and #23	This request was funded through FY 2022 Carryforward but meets ARPA eligibility; 2 carts requested in June 2021 and 2 carts requested in August. 2021; both requests were approved.		\$100,000	\$2,600,000	
4	COVID-responsive Courtrooms - Juvenile Courts	Same as Priority #1 above	Additional Funding for COVID-responsive Courtrooms	Requested by Neira Siaperas in email dated 1 September 2021 - 22 carts for juvenile courts. The pricing will be determined by IT. The pricing shown in Column L should be adjusted depending on the final configuration decided by Neira and IT. The current amount is based on \$10,000 per cart.		\$220,000	\$2,820,000	
5	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	Remote Interpretation	Ability to have simultaneous interpretation done remotely in the courtroom, hybrid or fully virtual. This technology infrastructure will require dual-channel capable software and potentially new hardware. Potential for WebEx to provide an integrated solution. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$1,101,600	\$1,487,160	\$4,307,160	
6	Same as above	Same as Priority #1 above	Webex Edge Connect	During the pandemic, the courts are providing remote hearings through Webex. The system needs some upgrades to perform better during the virtual proceedings, for the public, for jails (rather than transporting from the jails) and other settings. The Edge routing will take all webex traffic from a court location directly to webex and bypass any internet providers latency. Webex QoS-enabled peering connection for the court network. Improved quality and routing. 3 year project. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$94,000	\$163,000	\$4,470,160	
7	Same as above	Same as Priority #1 above	Remote Witness/appearance	Ability to provide remote appearance for in-courtroom hybrid procedures, enhance ADA accessibility, simplify the ability to find access to justice for the individual appearing in court. This solution will need hardware (screens and cameras) and software (potential new software for courtroom PCs). Potential for WebEx to provide an integrated solution. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$1,071,000	\$1,445,850	\$5,916,010	
8	COVID-responsive Courtrooms - District Courts	Same as Priority #1 above	Additional Funding for COVID-responsive Courtrooms	Approved in September Management Committee Meeting - minutes say these carts" cost about \$50,000 and are needed because the present number of carts are "reserved weeks out." This request would purchase "up to 10 carts." This description also incorporates the bold COVID-19 benefit (1) noted above.		\$500,000	\$6,416,010	

9	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	Kiosks	Kiosks for court sites or other government agency locations for access to court - Booths provides access to virtual court, OCAP, Exchange, Payments for people without technology. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$600,000	\$720,000	\$7,136,010
10	COVID-responsive Courtrooms - 7th District patron kiosk	Same as Priority #1 above	Courthouse Patron kiosk - Carryforward Request # 7	This request was funded through FY 2022 Carryforward but meets ARPA eligibility; courthouse kiosk is a way to participate in court hearings. This description also incorporates the bold COVID-19 benefit (1) noted above.		\$1,500	\$7,137,510
11	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	WebSite	The Court website is an important communication tool for the public for access to the courts during the pandemic. Court users frequently report difficulty finding the information they need on the website. MyCase alone will help no one if our court users cannot find the system on our website. Our site serves different stakeholders, including self-represented litigants, court staff, attorneys, the media and the general public. Regardless of who visits our website, we want them to be able to quickly find helpful and relevant information to meet their needs. Our aging website needs a comprehensive rebuild in order to meaningfully serve the public. We anticipate a thorough process that identifies stakeholders, conducts user research to identify the most important information-seeking tasks, builds strong "information scent" which convinces users they will find what they're looking for at the end of their journey, as they follow links that bring them closer to their end goal. There should be nothing alarming, disjointed or confusing for a user as they move throughout a conversion funnel., wayfinding, mega menus, and navigation hubs. We also plan to include inclusive design, to ensure that users accessing our online resources from their mobile devices have the same access as users connecting from a laptop or desktop. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$500,000	\$590,000	\$7,727,510
Removed TBD		TBD - still determining if eligible	Historically Marginalized Demographic data gathering	To address the racial disparities in the Judicial branch we need the ability to gather self reported demographic information on all court patrons. This will allow us to improve our court processes, instill trust in all communities that the Judicial branch is fair and just for all. We will allow for self reporting or an opt out including update capabilities and changes. We will expand out demographic information beyond federal standards to ensure Utah's specific demographics are represented.	\$130,000	\$0	\$7,727,510
12	Same as above	Same as Priority #1 above	Chat Bot	Integrate a standalone Chat bot on the website and in mycase to assist users (including the public) with court information and enhance user access to justice. This allows users to get answers without going to a self help center rep. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$250,000	\$250,000	\$7,977,510
13	Same as above	Same as Priority #1 above	Education and outreach information and vidoes on how to access courts including remote and in-person.	These videos will be used to provide meaningful information to the public about how to use the justice system and how to access the courts virtually and in person . It is an important tool for non-lawyers to access justice and will be multi-lingual. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$420,000	\$420,000	\$8,397,510
14	COVID-responsive Courtrooms - Appellate Courtrooms	Same as Priority #1 above	Court of Appeals COVID-responsive technology - Carryforward Request #24	This request was funded through FY 2022 Carryforward but meets ARPA eligibility; items requested in August 2021. This funding request will enable both Appellate courts to conduct hybrid in-person/remote oral arguments allowing for example, one party to appear remotely from St. George and one party to appear in-person in Salt Lake City. With this upgrade the appellate courts have the same COVID-responsive Courtrooms that the District and Juvenile Courtrooms have. This description also incorporates the bold COVID-19 benefit (1) noted above.		\$210,000	\$8,607,510
15	COVID-responsive Courtrooms - Appellate Courtrooms	Same as Priority #1 above	Appellate Courtroom docking stations- Carryforward Request #10	This request was funded through FY 2022 Carryforward but meets ARPA eligibility; monitors and docking stations on the appellate bench. This description also incorporates the bold COVID-19 benefit (1) noted above.		\$5,329	\$8,612,839

16	Same as above	Same as Priority #1 above	MyCase (CARE)	Enhance Juvenile MyCase by expanding the types of devices it can be accessed from. Currently it is PC only, this enhancement will allow MyCase CARE to be easily accessible on all devices (Computer, tablet and phone) to access documents, webex links, and payments. The added access is important for virtual access during the pandemic and after for access to justice. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$250,000	\$250,000	\$8,862,839
17	Same as above	Same as Priority #1 above	Public Courtroom view for all courtrooms in the state.	Public viewing access to hearings which needs cameras which will be linked to a public viewing portal. This brings the courtroom to the public. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$918,000	\$1,239,300	\$10,102,139
18	Same as above	Same as Priority #1 above	SD Wan	During the pandemic, the courts are providing remote hearings through Webex. The system needs some upgrades to perform better during the virtual proceedings, for the public, for jails (rather than transporting from the jails) and other settings. Webex QoS-enabled peering connection for the court network. Improved quality and routing. 3 year project. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$351,000	\$600,000	\$10,702,139
19	Same as above	Same as Priority #1 above	ODR Citations	Adding the ability to allow court patrons to negotiate their non-mandatory appearance citations without having to come into the courthouse. They will be given the ability to negotiate with the prosecutor asynchronously any hour of the day if they need a plea in abeyance or need a fine reduction consideration. The prosecutor will then have the ability to fill out the agreement, utilize digital signatures and file the plea form into the case management system or ask for a hearing. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$185,000	\$185,000	\$10,887,139
20	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	Appellate eFiling	Throughout the COVID-19 pandemic the need for an appellate electronic filing system (e-filing) became abundantly clear. Currently, in order to file anything in the Utah Appellate Courts one has to deliver documents to the Appellate Clerk's Office in Salt Lake City, or email copies to court staff. Noting that 64% of Utahns live outside the Salt Lake metro area, physical delivery is unduly burdensome; and patrons submitting documents via email create delays in updating case records, unnecessary clerical work, and potential for error. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$593,400	\$593,400	\$11,480,539
21	Same as above	Same as Priority #1 above	ePayments Revamp	ePayments for all levels of courts. The payment capability needs to be revamped to allow for flexibility in payment types and locations. In marginalized communities there can be patrons who are unbanked. Allowing them to make a cash payment outside of the courthouse(s) creates flexibility. Revamping payments and adding the ability to overhaul and take payments in any location in the state and apply it to one or multiple cases across. Also need to expand our current methods of payment to include options like Smiths, Maverick, WalMart, ApplePay, etc. Adding this capability means someone who is unbanked would not have to take time off of work to go to the courthouse during business hours to pay a fine or fee. Improvements will also include responsive design and ADA compatability improvements. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$475,000	\$475,000	\$11,955,539
23	Same as above	Same as Priority #1 above	Juvenile ProSe eFiling including Digital Signatures	Ability for ProSe in Juvenile court to be able eFile documents that would go to a clerical queue to review and accept or revise. If accepted this document gets automatically docketed in CARE including the ability to do Digital Signatures. Integration for documents that are prepared within CARE to be submitted for a signature (like a Non-Judicial Agreement by youth and/or parents) where the user would receive a notification. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$125,000	\$125,000	\$12,080,539
24	Same as above	Same as Priority #1 above	Adapt workspaces for COVID safety	As we respond to the COVID-19 impact on workers causing more to stay home and "visit" the office, we need to create flexible work locations that provides socially distanced space for employees to attach their device to a docking mechanism can plug into external monitors, keyboard and mouse. This allows us to replace crowded cubes with safe temporary workspaces. It also will assist an employee or judge that travels to plug in a mobile device and work. As a side benefit, this allows us to add employees without having to add new buildings. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$826,500	\$826,500	\$12,907,039
25		Same as Priority #1 above	Xchange	Current legislation gave us the ability to give access for one-time use accounts. This website also needs to be more intuitive for general users. It also needs to be updated to a responsive design so it is easily accessible by computer, tablet and phone. This access is very important during the pandemic because without it, patrons need to come into the courthouse and often need assistance. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$125,000	\$125,000	\$13,032,039

Removed	TBD	TBD - still determining if eligible	State Board of	Create an interface with the State Board of Education for Courts, JJS and DCFS using the	\$175,000	\$0	\$13,032,039
26	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	MyCase (Payments)	Payments - the pandemic has also increased the need for better online payment options and functionality for non represented parties and marginalized communities. MyCase currently accesses a legacy payment app which can only be accessed from a PC. This enhancement will allow MyCase payments to be made from all devices (Computer, tablet and phone) through this responsive design change. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$180,000	\$180,000	\$13,212,039
Removed	TBD	TBD - still determining if eligible	Mail Log overhaul	Currently the receiving of mail and documenting is a very manual paper process that requires	\$110,000	\$0	\$13,212,039
26	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	Modernize CARE to a responsive design/ADA compatability improvements	CARE (the system of record for Juvenile Courts) was written in the 2000s and the technology is becoming obsolete. Revamping of CARE to an ADA Compatibility compliance and a responsive design allows CARE to be used on multiple devices, all users and keeping up with current technology. CARE serves a wide audience from Courts, Probation, Attorney General, JJS, DCFS, ORS and Attorneys. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$650,000	\$650,000	\$13,862,039
27	Same as above	Same as Priority #1 above	QR Codes embedded on court documents	Adding QR codes increases the visibility and use for the public to start using MyCase for efilng, documents and notifications. Due to this we need to start embedding QR Codes and the URL(Clickable) on notices and court orders to direct the public to MyCase for Juvenile, District and Justice Courts. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$160,000	\$160,000	\$14,022,039
28	Same as above	Same as Priority #1 above	Public Portal for Hearings (website for public to view)	Phase 2 Enhancements to Public portal for Viewing of Hearings. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$120,000	\$120,000	\$14,142,039
Original Total					<u>\$10,910,500</u>		
Revised Total 9/10/2021					<u>\$14,142,039</u>		

clear linkage as COVID-responsive; will be reconsidered in light of final regs

Original

Self-	TBD - still determining if eligible	Historically	To address the racial disparities in the Judicial branch we need the ability to gather self	\$130,000	\$130,000
Efficiencies in achieving	TBD - still determining if eligible	State Board of	Create an interface with the State Board of Education for Courts, JJS and DCFS using the	\$175,000	\$175,000
Standardization &	TBD - still determining if eligible	Mail Log overhaul	Currently the receiving of mail and documenting is a very manual paper process that requires	\$110,000	\$110,000
				<u>\$415,000</u>	



GOVERNOR'S OFFICE OF Planning & Budget

FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #1 IT Electronic Access to Justice – Response to COVID – Part II

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

VISION:

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Agency:	Judicial Branch
Project Name:	Electronic Access to Justice – Response to COVID19 - Part II
Project Amount:	\$3,200,000 (see Priorities #20 through #28 on attached)

1. Please provide a detailed description and timeline of the project that this appropriation will fund. How does this project support the state's vision and guiding principles for using ARPA funding?
 - A. This "Part II" is meant to accompany and complete the "Part I" request that has been forwarded to you previously. Due to pricing increases on technology since our May 2021 \$11.0M estimate, we have updated our pricing on all of our requests and made a few additions/scope adjustments as well. All items on the attached detail list through Priority #19 are now included in the \$11.0M request the legislature previously approved and have been submitted to GOPB as "Part I". Priorities # 20 through # 28 are submitted in this request as a FY 2022/2023 request for \$3.2M. We expect to obtain Judicial Council approval to request an additional \$3.2M in ARPA funds by late September. This will make the total expenditure request \$14.2M for IT Electronic Access to Justice - Response to COVID included in 2 different requests.

Consistent with Part I, here is a sample of what we hope to use ARPA/Coronavirus Capital Projects funding for:

- a. Infrastructure to support continued use of video hearings. We expect our judges will embrace a range of courtroom management practices, opting for some hearings to continue to be held remotely and requiring others to be in-person, and at other times allowing for a blend of the two. As indicated, there are some potential savings for the right deployment of technologies, but we cannot use them if our network doesn't work and our courtrooms are not adequately equipped. That is why we need:

- i. A software-defined, wide-area network. We realized the need for this when our reliance on WebEx for video hearings caused network delays, impeding the important work of our judges and court staff.
 - ii. Courtroom software and hardware upgrades, to allow for witnesses and interpreters to appear remotely (add dual-channel software capability plus screens and cameras hardware) and to install additional cameras so that our courts can remain open by allowing the public to observe courtroom proceedings remotely.
- b. We also need funding to develop a fully functional e-filing system for ALL litigants, including self-represented litigants. Our current accommodation, in an effort to reduce risk, has been to allow people to email their documents for filing. This model is not scalable. Our proposal for MyCase¹ funding would address all of these concerns. It would:
 - i. Provide a secure portal to allow self-represented litigants to interact with the court from anywhere to:
 - 1. Allow ALL litigants to access their case history;
 - 2. Allow ALL litigants to view all documents filed in their case;
 - 3. Allow ALL litigants to file documents (and get guidance on how to file those documents); and
 - 4. Allow ALL litigants to make payments.
 - 5. MyCase will allow more people to engage with the court process and also make it easier for them to stay organized. They will no longer need to keep folders full of documents because all of the filings will all be available online.
 - 6. For similar reasons, we also expect this will make it easier for people to get legal help as pro bono lawyers can quickly get up to speed on someone's legal situation.
 - ii. Allow clerks to process electronic filings in a secure environment, with clear workflows, making their work more efficient.
- c. The self-help kiosks that we deployed to select courthouses last fall through CARES funding have been a resounding success. We need to replicate the success of our self-help kiosks throughout the state. We refuse to leave anyone behind. Our courts serve everyone - even those without internet access at home. These kiosks will allow people without internet access to connect with all of our self-help resources, including MyCase, OCAP and our website.
- d. During the pandemic we realized how much we rely on our website to communicate with the public about the availability of our services. We consider a well-designed website that is easy to navigate and search a vital part of our 21st century basic infrastructure. The powerful self-help tools we have online and MyCase will only be helpful if people can find them. That is why we need funding for a major upgrade to our web resources so that anyone interfacing with the courts can find the help and information they need.

2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?

- A. The COVID-19 pandemic has required courts to rapidly shift away from in-person to virtual proceedings, effectively accelerating a growing movement to promote access to justice by reimagining and promoting justice as a thing and not a place. By increasing virtual access and proceedings the courts will not only resolve the COVID-19 issues but lay the groundwork for virtual access and proceedings (including attendant technical, educational, and translation services) which will expand access to justice, particularly for our self-represented and marginalized communities.

¹ MyCase would perform the functionality that many health care companies provide insureds today via a personal health care portal that shows patient records, prescriptions, test results, appointments, etc.

These new systems will provide complete relief from the effects on access to justice caused by COVID-19. But further, they form an ecosystem of online and in-person tools that provide availability, flexibility and efficiency with a very human touch. All of our funding proposals reflect a similar focus on the future. Our hope is to use one-time federal funds to retool our systems and processes to ensure that we are wringing the most efficiency out of technology and making the courts safe and accessible to everyone.

Although not quantified, we remain optimistic that this self-serve Court model will increase efficiency in our current manual processes such that existing staff will be able to accomplish more work enabling (1) existing hires to do more work in the same number of hours, (2) fewer new hires as caseloads increase and (3) higher patron and court employee satisfaction.

3. How does this project fit under the allowable uses of these federal funds as described in the Treasury's Interim Final Rule? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.*
 - A. The Interim Final Rule gives plenty of support for the use of ARPA funds to "respond to the negative impact of the public health emergency" – and in this case our response would build our IT virtual infrastructure. We believe this is a permitted use since it is a direct response to the COVID-19 public health emergency.

Page 10 of the interim final rules says "*Accordingly, to assess whether a program or service is included in this category of eligible uses, a recipient should consider whether and how the use would respond to the COVID- 19 public health emergency. Assessing whether a program or service "responds to" the COVID-19 public health emergency requires the recipient to, first, identify a need or negative impact of the COVID-19 public health emergency and, second, identify how the program, service, or other intervention addresses the identified need or impact. While the COVID-19 public health emergency affected many aspects of American life, eligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency.*"

We believe this excerpt of the interim rule supports the use of ARPA funds as this is also the basis for our IT spend request as it builds a court system that is responsive to the COVID-19 pandemic by building a court virtual infrastructure that maintains access to justice while keeping both patrons and court employees safe. The fact that it delivers these benefits in non-COVID times as well is a secondary benefit and does not negate the primary reason.

Increasing Electronic Access to Justice to be Responsive to COVID								
Priority	Internal Judicial Goals	ARPA Category	Project Name (New Requests in Yellow)	Description	Original Amount Requested	Revised Amount Requested (if different, due to actual bids, refined estimates, or	Cumulative Spend Requested	
1	COVID-responsive expenditures that keep Courts safely operating during pandemic.	These requests respond to the COVID-19 public health emergency by building a court infrastructure that maintains access to justice while keeping both patron and court employees safe.	MyCase Phase 2	We need to accelerate our current efforts to develop MyCase, a web-based program that will allow self-represented litigants to interact with the courts from anywhere. The system will allow users to access their case information, make payments, and file documents in their cases. Examples of some of the functions to be added in the phase include - expand guided Interviews, add common components (filer, Header, case descriptor), add ability to file more document types, and schedule their own hearing time. (1) The COVID-19 pandemic has required courts to rapidly shift away from in-person to virtual proceedings, effectively accelerating a growing movement to promote access to justice by reimagining and promoting justice as a thing and not a place. By increasing virtual access and proceedings, courts have been able to avoid mass courthouse gatherings, helping to limit the spread of pathogens. Increasing--and solidifying--virtual access and proceedings (including attendant technical, educational, and translation services) will also continue the important move to expanding access to justice, particularly for our self-represented and marginalized communities.	\$1,500,000	\$1,500,000	\$1,500,000	
2	Same as above	Same as Priority #1 above	Evidence presentation for all courtrooms in the state	Ability to display electronic evidence to multiple strategically located displays in the courtroom.		\$1,000,000	\$2,500,000	
3	COVID-responsive Courtrooms - 3rd District Media Carts	Same as Priority #1 above	3rd District Media Carts - Carryforward Requests #12 and #23	This request was funded through FY 2022 Carryforward but meets ARPA eligibility; 2 carts requested in June 2021 and 2 carts requested in August. 2021; both requests were approved.		\$100,000	\$2,600,000	
4	COVID-responsive Courtrooms - Juvenile Courts	Same as Priority #1 above	Additional Funding for COVID-responsive Courtrooms	Requested by Neira Siaperas in email dated 1 September 2021 - 22 carts for juvenile courts. The pricing will be determined by IT. The pricing shown in Column L should be adjusted depending on the final configuration decided by Neira and IT. The current amount is based on \$10,000 per cart.		\$220,000	\$2,820,000	
5	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	Remote Interpretation	Ability to have simultaneous interpretation done remotely in the courtroom, hybrid or fully virtual. This technology infrastructure will require dual-channel capable software and potentially new hardware. Potential for WebEx to provide an integrated solution. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$1,101,600	\$1,487,160	\$4,307,160	
6	Same as above	Same as Priority #1 above	Webex Edge Connect	During the pandemic, the courts are providing remote hearings through Webex. The system needs some upgrades to perform better during the virtual proceedings, for the public, for jails (rather than transporting from the jails) and other settings. The Edge routing will take all webex traffic from a court location directly to webex and bypass any internet providers latency. Webex QoS-enabled peering connection for the court network. Improved quality and routing. 3 year project. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$94,000	\$163,000	\$4,470,160	
7	Same as above	Same as Priority #1 above	Remote Witness/appearance	Ability to provide remote appearance for in-courtroom hybrid procedures, enhance ADA accessibility, simplify the ability to find access to justice for the individual appearing in court. This solution will need hardware (screens and cameras) and software (potential new software for courtroom PCs). Potential for WebEx to provide an integrated solution. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$1,071,000	\$1,445,850	\$5,916,010	
8	COVID-responsive Courtrooms - District Courts	Same as Priority #1 above	Additional Funding for COVID-responsive Courtrooms	Approved in September Management Committee Meeting - minutes say these carts" cost about \$50,000 and are needed because the present number of carts are "reserved weeks out." This request would purchase "up to 10 carts." This description also incorporates the bold COVID-19 benefit (1) noted above.		\$500,000	\$6,416,010	

9	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	Kiosks	Kiosks for court sites or other government agency locations for access to court - Booths provides access to virtual court, OCAP, Exchange, Payments for people without technology. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$600,000	\$720,000	\$7,136,010
10	COVID-responsive Courtrooms - 7th District patron kiosk	Same as Priority #1 above	Courthouse Patron kiosk - Carryforward Request # 7	This request was funded through FY 2022 Carryforward but meets ARPA eligibility; courthouse kiosk is a way to participate in court hearings. This description also incorporates the bold COVID-19 benefit (1) noted above.		\$1,500	\$7,137,510
11	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	WebSite	The Court website is an important communication tool for the public for access to the courts during the pandemic. Court users frequently report difficulty finding the information they need on the website. MyCase alone will help no one if our court users cannot find the system on our website. Our site serves different stakeholders, including self-represented litigants, court staff, attorneys, the media and the general public. Regardless of who visits our website, we want them to be able to quickly find helpful and relevant information to meet their needs. Our aging website needs a comprehensive rebuild in order to meaningfully serve the public. We anticipate a thorough process that identifies stakeholders, conducts user research to identify the most important information-seeking tasks, builds strong "information scent" which convinces users they will find what they're looking for at the end of their journey, as they follow links that bring them closer to their end goal. There should be nothing alarming, disjointed or confusing for a user as they move throughout a conversion funnel., wayfinding, mega menus, and navigation hubs. We also plan to include inclusive design, to ensure that users accessing our online resources from their mobile devices have the same access as users connecting from a laptop or desktop. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$500,000	\$590,000	\$7,727,510
Removed TBD		TBD - still determining if eligible	Historically Marginalized Demographic data gathering	To address the racial disparities in the Judicial branch we need the ability to gather self reported demographic information on all court patrons. This will allow us to improve our court processes, instill trust in all communities that the Judicial branch is fair and just for all. We will allow for self reporting or an opt out including update capabilities and changes. We will expand out demographic information beyond federal standards to ensure Utah's specific demographics are represented.	\$130,000	\$0	\$7,727,510
12	Same as above	Same as Priority #1 above	Chat Bot	Integrate a standalone Chat bot on the website and in mycase to assist users (including the public) with court information and enhance user access to justice. This allows users to get answers without going to a self help center rep. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$250,000	\$250,000	\$7,977,510
13	Same as above	Same as Priority #1 above	Education and outreach information and vidoes on how to access courts including remote and in-person.	These videos will be used to provide meaningful information to the public about how to use the justice system and how to access the courts virtually and in person . It is an important tool for non-lawyers to access justice and will be multi-lingual. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$420,000	\$420,000	\$8,397,510
14	COVID-responsive Courtrooms - Appellate Courtrooms	Same as Priority #1 above	Court of Appeals COVID-responsive technology - Carryforward Request #24	This request was funded through FY 2022 Carryforward but meets ARPA eligibility; items requested in August 2021. This funding request will enable both Appellate courts to conduct hybrid in-person/remote oral arguments allowing for example, one party to appear remotely from St. George and one party to appear in-person in Salt Lake City. With this upgrade the appellate courts have the same COVID-responsive Courtrooms that the District and Juvenile Courtrooms have. This description also incorporates the bold COVID-19 benefit (1) noted above.		\$210,000	\$8,607,510
15	COVID-responsive Courtrooms - Appellate Courtrooms	Same as Priority #1 above	Appellate Courtroom docking stations- Carryforward Request #10	This request was funded through FY 2022 Carryforward but meets ARPA eligibility; monitors and docking stations on the appellate bench. This description also incorporates the bold COVID-19 benefit (1) noted above.		\$5,329	\$8,612,839

16	Same as above	Same as Priority #1 above	MyCase (CARE)	Enhance Juvenile MyCase by expanding the types of devices it can be accessed from. Currently it is PC only, this enhancement will allow MyCase CARE to be easily accessible on all devices (Computer, tablet and phone) to access documents, webex links, and payments. The added access is important for virtual access during the pandemic and after for access to justice. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$250,000	\$250,000	\$8,862,839
17	Same as above	Same as Priority #1 above	Public Courtroom view for all courtrooms in the state.	Public viewing access to hearings which needs cameras which will be linked to a public viewing portal. This brings the courtroom to the public. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$918,000	\$1,239,300	\$10,102,139
18	Same as above	Same as Priority #1 above	SD Wan	During the pandemic, the courts are providing remote hearings through Webex. The system needs some upgrades to perform better during the virtual proceedings, for the public, for jails (rather than transporting from the jails) and other settings. Webex QoS-enabled peering connection for the court network. Improved quality and routing. 3 year project. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$351,000	\$600,000	\$10,702,139
19	Same as above	Same as Priority #1 above	ODR Citations	Adding the ability to allow court patrons to negotiate their non-mandatory appearance citations without having to come into the courthouse. They will be given the ability to negotiate with the prosecutor asynchronously any hour of the day if they need a plea in abeyance or need a fine reduction consideration. The prosecutor will then have the ability to fill out the agreement, utilize digital signatures and file the plea form into the case management system or ask for a hearing. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$185,000	\$185,000	\$10,887,139
20	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	Appellate eFiling	Throughout the COVID-19 pandemic the need for an appellate electronic filing system (e-filing) became abundantly clear. Currently, in order to file anything in the Utah Appellate Courts one has to deliver documents to the Appellate Clerk's Office in Salt Lake City, or email copies to court staff. Noting that 64% of Utahns live outside the Salt Lake metro area, physical delivery is unduly burdensome; and patrons submitting documents via email create delays in updating case records, unnecessary clerical work, and potential for error. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$593,400	\$593,400	\$11,480,539
21	Same as above	Same as Priority #1 above	ePayments Revamp	ePayments for all levels of courts. The payment capability needs to be revamped to allow for flexibility in payment types and locations. In marginalized communities there can be patrons who are unbanked. Allowing them to make a cash payment outside of the courthouse(s) creates flexibility. Revamping payments and adding the ability to overhaul and take payments in any location in the state and apply it to one or multiple cases across. Also need to expand our current methods of payment to include options like Smiths, Maverick, WalMart, ApplePay, etc. Adding this capability means someone who is unbanked would not have to take time off of work to go to the courthouse during business hours to pay a fine or fee. Improvements will also include responsive design and ADA compatability improvements. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$475,000	\$475,000	\$11,955,539
23	Same as above	Same as Priority #1 above	Juvenile ProSe eFiling including Digital Signatures	Ability for ProSe in Juvenile court to be able eFile documents that would go to a clerical queue to review and accept or revise. If accepted this document gets automatically docketed in CARE including the ability to do Digital Signatures. Integration for documents that are prepared within CARE to be submitted for a signature (like a Non-Judicial Agreement by youth and/or parents) where the user would receive a notification. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$125,000	\$125,000	\$12,080,539
24	Same as above	Same as Priority #1 above	Adapt workspaces for COVID safety	As we respond to the COVID-19 impact on workers causing more to stay home and "visit" the office, we need to create flexible work locations that provides socially distanced space for employees to attach their device to a docking mechanism can plug into external monitors, keyboard and mouse. This allows us to replace crowded cubes with safe temporary workspaces. It also will assist an employee or judge that travels to plug in a mobile device and work. As a side benefit, this allows us to add employees without having to add new buildings. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$826,500	\$826,500	\$12,907,039
25		Same as Priority #1 above	Xchange	Current legislation gave us the ability to give access for one-time use accounts. This website also needs to be more intuitive for general users. It also needs to be updated to a responsive design so it is easily accessible by computer, tablet and phone. This access is very important during the pandemic because without it, patrons need to come into the courthouse and often need assistance. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$125,000	\$125,000	\$13,032,039

Removed	TBD	TBD - still determining if eligible	State Board of	Create an interface with the State Board of Education for Courts, JJS and DCFS using the	\$175,000	\$0	\$13,032,039
26	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	MyCase (Payments)	Payments - the pandemic has also increased the need for better online payment options and functionality for non represented parties and marginalized communities. MyCase currently accesses a legacy payment app which can only be accessed from a PC. This enhancement will allow MyCase payments to be made from all devices (Computer, tablet and phone) through this responsive design change. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$180,000	\$180,000	\$13,212,039
Removed	TBD	TBD - still determining if eligible	Mail Log overhaul	Currently the receiving of mail and documenting is a very manual paper process that requires	\$110,000	\$0	\$13,212,039
26	COVID-responsive expenditures that keep Courts safely operating during pandemic.	Same as Priority #1 above	Modernize CARE to a responsive design/ADA compatability improvements	CARE (the system of record for Juvenile Courts) was written in the 2000s and the technology is becoming obsolete. Revamping of CARE to an ADA Compatibility compliance and a responsive design allows CARE to be used on multiple devices, all users and keeping up with current technology. CARE serves a wide audience from Courts, Probation, Attorney General, JJS, DCFS, ORS and Attorneys. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$650,000	\$650,000	\$13,862,039
27	Same as above	Same as Priority #1 above	QR Codes embedded on court documents	Adding QR codes increases the visibility and use for the public to start using MyCase for efilng, documents and notifications. Due to this we need to start embedding QR Codes and the URL(Clickable) on notices and court orders to direct the public to MyCase for Juvenile, District and Justice Courts. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$160,000	\$160,000	\$14,022,039
28	Same as above	Same as Priority #1 above	Public Portal for Hearings (website for public to view)	Phase 2 Enhancements to Public portal for Viewing of Hearings. This description also incorporates the bold COVID-19 benefit (1) noted above.	\$120,000	\$120,000	\$14,142,039
Original Total					<u>\$10,910,500</u>		
Revised Total 9/10/2021					<u>\$14,142,039</u>		

clear linkage as COVID-responsive; will be reconsidered in light of final regs

Original

Self-	TBD - still determining if eligible	Historically	To address the racial disparities in the Judicial branch we need the ability to gather self	\$130,000	\$130,000
Efficiencies in achieving	TBD - still determining if eligible	State Board of	Create an interface with the State Board of Education for Courts, JJS and DCFS using the	\$175,000	\$175,000
Standardization &	TBD - still determining if eligible	Mail Log overhaul	Currently the receiving of mail and documenting is a very manual paper process that requires	\$110,000	\$110,000
				<u>\$415,000</u>	



GOVERNOR'S OFFICE OF Planning & Budget

FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding – #2 Court Operations – Case Backlog Part II

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

VISION:

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Agency:	Judicial Branch
Project Name:	Jury Trial Backlog – District/Juvenile Courts Case Backlog – Part II
Project Amount:	\$1,000,000 (from 7/1/2022 through 6/30/2023)

1. Please provide a detailed description and timeline of the project that this appropriation will fund. How does this project support the state's vision and guiding principles for using ARPA funding?
 - A. Due to the effects of COVID-19, the Courts have had difficulty conducting jury trials and hearing cases. Although the case backlog is beginning to be addressed, we are finding that getting the parties together including scheduling dates acceptable to attorneys on both sides is taking twice as long as anticipated and those cases that do go to trial are lasting twice as long as estimated. Therefore the actual case backlog is taking longer to work down than estimated a few months ago when the cost required to clear backlogged cases and jury trials was estimated. Because temporary Judicial Assistants are hired to free up the time of other JAs to devote to the case backlog and jury trials, the ongoing costs of these time-limited JAs now appear to be double what was estimated, meaning we expect the case backlog to take up to another full year to complete.
2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?
 - A. Elimination of the jury trial and case backlog by June 30, 2023.

3. How does this project fit under the allowable uses of these federal funds as described in the Treasury's Interim Final Rule? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.*

A. The June 24, 2021 FAQs (see link above) contained the following pertinent language on the use of ARPA funds to increase staffing to work through jury trial backlogs:

“2.19. Would expenses to address a COVID-related backlog in court cases be an eligible use of funds as a response to the public health emergency? [6/23]

The Interim Final Rule recognizes that “decrease[s to] a state or local government’s ability to effectively administer services,” such as cuts to public sector staffing levels, can constitute a negative economic impact of the pandemic. During the COVID-19 public health emergency, many courts were unable to operate safely during the pandemic and, as a result, now face significant backlogs. Court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic decreased the government’s ability to administer services. Therefore, steps to reduce these backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case resolution, and other expenses to expedite case resolution are eligible uses. 2.20.” (Coronavirus State and Local Fiscal Recovery Funds – Frequently Asked Questions – as of June 24, 2021)



GOVERNOR'S OFFICE OF Planning & Budget

FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #3 COVID Supplies

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

VISION:

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's

ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Agency:	Judicial Branch
Project Name:	COVID Related Supplies - Response to COVID-19
Project Amount:	\$100,000 (from 7/1/2022 through 6/30/2023)

1. Please provide a detailed description and timeline of the project that this appropriation will fund. How does this project support the state's vision and guiding principles for using ARPA funding?
 - A. This request seeks recovery under ARPAs provision to cover COVID supplies used by the Court for patrons and employees in all areas of the Courts including public areas and courtrooms. Based on our run rate for these type of expenses (approximately \$4,000 per month) in FY 2022, we forecast continued need at this same rate throughout FY 2022 and FY 2023.
2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?
 - A. These expenditures are to safeguard the health of Utah citizens who utilize the services of the Courts as well as the health of Court employees.

Historically, Courts did not have significant need for things like hand sanitizer, disinfecting wipes, HEPA filters, disposable masks and specialized signs for virus mitigation and social distancing. With the virus, the Courts have had to put funding into these items to safely maintain operations for Court employees and patrons.

Although we do anticipate needs for these items to decrease in the next 3.5 years, we have forecasted them to continue for the next two years at the same run rate as FY 2022 has shown to date. This request is for expenditures from July 1, 2022 through June 30, 2023.

3. How does this project fit under the allowable uses of these federal funds as described in the Treasury's Interim Final Rule? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.*
 - A. The Interim Final Rule gives support for the use of ARPA funds for "response to COVID public health emergency."

Page 10 of the interim final rules says "*Accordingly, to assess whether a program or service is included in this category of eligible uses, a recipient should consider whether and how the use would respond to the COVID- 19 public health emergency. Assessing whether a program or service "responds to" the COVID-19 public health emergency requires the recipient to, first, identify a need or negative impact of the COVID-19 public health emergency and, second, identify how the program, service, or other intervention addresses the identified need or impact. While the COVID-19 public health emergency affected many aspects of American life, eligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency.*"

We believe this excerpt of the interim rule supports the use of ARPA funds as this is also the basis for our COVID supplies spend because it seeks to maintain access to justice during the pandemic while keeping both patrons and court employees safe.



GOVERNOR'S OFFICE OF Planning & Budget

FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #4 Legal Sandbox

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

VISION:

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Agency:	Judicial Branch
Project Name:	Utah Supreme Court - Office of Legal Services Innovation
Project Amount:	\$648,778

- 1. Please provide a detailed description and timeline of the project that this appropriation will fund.
How does this project support the state's vision and guiding principles for using ARPA funding.**

The Fiscal Recovery Funds Fact Sheet related to Coronavirus State and Local Fiscal Recovery Funds identifies the following purposes to the funding: "Replace lost public sector revenue to strengthen support for vital public services and help retain jobs; Support immediate economic stabilization for households and businesses; and, Address systemic public health and economic challenges that have contributed to the inequal impact of the pandemic on certain populations." It further supports the need to "meet present need, and build the foundation for a strong recovery." Utah's legal services Sandbox of Utah Supreme Court's Office of Legal Services Innovation addresses these goals in addition to the State's stated vision for American Rescue Act Plan (ARPA) funding, as discussed below.

The Covid-19 pandemic and the related economic crisis has accelerated and exacerbated significant challenges in the civil justice system. Interim Rule 31 CFR Part 35 1.A. recognizes that "[d]uring this time, a significant

share of households have faced food and housing insecurity. Economic disruptions impaired the flow of credit to households, State and local governments, and businesses of all sizes. As businesses weathered closures and sharp declines in revenue, many were forced to shut down, especially small businesses.” These problems often have legal solutions. The rule of law and legal practice allows a business to form or dissolve, a family to receive unemployment benefits or food stamps, challenge an eviction or inhabitable housing, fight wage theft or a denial for healthcare, get out of a violent situation, or challenge unsafe work conditions. Legal services offer important opportunity to respond to the economic fallout of the pandemic as well address social determinants of health linked to the pandemic (e.g., income, employment, health insurance, and housing). Like the court’s investment in technology, the Office of Legal Services Innovation allows individuals, businesses, and non-profits to adjust to during (the immediate and intermediate pandemic periods) and after (post pandemic period) COVID-19 through providing new modalities and structures for legal service provision in order to meet increasing demand and create new jobs and revenue streams to replace those lost during the pandemic¹.

Even before the pandemic, the American legal system stagnated in the grips of an access to justice crisis. In roughly three-quarters of filed civil cases, one side lacks a lawyer and so must attempt to navigate the legal system alone. Utah is not exempt from the impact of this crisis. In 2019, there were over 100,000 civil cases in the Utah state court system. In many of these cases, one or both parties are without legal representation. Indeed, in the area of consumer debt (the strong majority of civil cases - 62,436 in 2019), only 2% of respondents were represented by an attorney while almost all of the plaintiffs were represented.² Similarly, in 2019 eviction cases only 5% of tenants had legal representation; 90% of landlords were represented. These numbers are representative of the Utah crisis in access to justice and reflect similar disastrous scenarios in the areas of children and families’ legal needs, domestic violence, and access to public benefits. People with unresolved legal problems end up in court, causing a serious strain on the capacity and capability of the institution and threatening both the economic and social recovery of the state. Courts backlogged by eviction cases, consumer debt cases, divorces, guardianships, and custody cases are unable to provide timely legal resolution to anyone. As the Utah Bar Foundation stated clearly in its Justice Gap Report, “the data in this report were collected between November 2019 and February 2020. Please note that as a result of the COVID-19 pandemic, certain types of the legal needs estimated in the report have or will likely become much more prevalent and more acute, such as civil legal needs issues related to finances, employment, public benefits, landlord/tenant, domestic violence and others.”

The Utah Supreme Court, as the government branch with the constitutional authority for the administration of justice, has made “combating the access to justice crisis confronting Utahns of all socioeconomic levels a top priority.”³ In this vein, the Court created the Office of Legal Services Innovation and the Utah Legal Sandbox, seeking to use regulatory reform to enable and incentivize private and nonprofit sector innovation, diversification, and competition in the legal services industry while ensuring that vulnerable consumers are protected from harm. Specifically, the Court is using “market-based, far-reaching reform focused on opening up the legal market to new providers, business models, and service options.”⁴ Though this reform effort was

¹ Interim Rule, p.6 states, “[s]mall businesses make up nearly half of U.S. private-sector employment and play a key role in supporting the overall economic recovery as they are responsible for two-thirds of net new jobs.” Additionally, “Non-profits, which provide vital services to communities, have similarly faced economic and financial challenges due to the pandemic.”

² Utah Bar Foundation, Justice Gap Report (April 2020), available at https://www.utahbarfoundation.org/images/pdfs-doc/UBF_Justice_Gap_-_Full_Report.pdf.

³ <https://utahinnovationoffice.org/wp-content/uploads/2021/07/Signed-Utah-Supreme-Court-Standing-Order-No.-15-Amended-June-3-2021.pdf>

⁴ Id.

conceived before the onset of the pandemic, the Court immediately recognized that the access to justice implications of the pandemic and economic crisis gave further urgency to the reforms and accelerated the project timeline. It is the Court’s vision that these reforms will enable Utahns facing both major and minor legal challenges to get help when and where they need it, through a variety of providers including software, community and religious leaders, public servants, and social workers. Enabling a vibrant market of upstream legal solutions—i.e., solutions that identify and treat the legal problem before it becomes acute-- should have a measurable positive impact on the access to justice crisis and Utahns social and economic well-being

Funded with two initial grants from the State Justice Institute and the Hewlett Foundation, the Office administers the Legal Sandbox to meet the regulatory objective: “To ensure consumers have access to a well-developed, high-quality, innovative, affordable, and competitive market for legal services.” The Sandbox has met with initial success - there are currently almost thirty entities, both for profit and nonprofit, offering legal services to Utahns. Applications for admission to the Sandbox continue to be filed regularly. Entities in the Sandbox must conform with disclosure and data reporting requirements to identify potential consumer harm and to describe type of legal service provision. No evidence of material consumer harm has yet been observed. It is the express expectation of the Court that the data collected and analyzed by the Office will inform ongoing policy development toward increasing market diversification and competition, ensuring Utah’s legal services market is “stronger and more equitable” in the post-pandemic era⁵.

The Court has authorized the Sandbox through the end of August 2027. Pre-pandemic initial seeding funding has allowed for the conceptual and initial operational development of the Utah Sandbox. The requested ARPA funding enables the Utah Sandbox to strategically extend its operations while adapting the Sandbox approach to meet civil justice service needs during the immediate pandemic (2019-2021) and the intermediate pandemic period (2022-2024). Public health experts support that the awareness and urgency of social and economic crises will continue to surface during the period of 2022-2024. The Sandbox began operating during the pandemic in 2020 and is perfectly situated to address the increase of legal needs through innovative solutions now. Research on innovations and entrepreneurship support that the first 2 to 5 years are essential to the success of solutions to address an unmet need. With success in the first 2 to 5 years nascent projects tend to sustain after year 5. The Court seeks \$648,778 to fully fund the operations of the Office for years 3 and 4, which will be key to addressing negative economic impacts of the intermediate pandemic and maximize sustainable success of the legal services Sandbox approach in Utah thus enabling it to “solve existing problems with enduring benefits”. ARPA funds would greatly offset administration and regulation costs of the Legal Sandbox for the years 2022 and 2023. Funding is needed to support a fully functional regulator of the Legal Sandbox to ensure that the regulatory reforms meet the Court’s consumer protection goals. The funding also enables communicating the value in engaging in legal services to private and nonprofit entrants into the reformed legal services market, which will be integral to decreasing the civil justice access gap in Utah and address negative economic impacts of the pandemic.

This proposal meets the state’s vision for projects supported by ARPA funding.

ARPA eligibility:

Interim Rule I.B. grants “State, local and Tribal governments ... flexibility to determine how best to use payments from the Fiscal Recovery Funds to meet the needs of their communities and populations. [And] takes

⁵ Stated objective in Interim Rule 31 CFR Part 35 1.B.

into consideration [the] disproportionate impacts by recognizing a broad range of eligible uses to help ... governments support the families, businesses, and communities hardest hit by the COVID-19 public health emergency.”⁶ Furthermore, the Rule encourages States to spend the funds in ways which “catalyze broader economic recovery and rebuilding”. The Sandbox is ARPA eligible as it directly targets “the negative economic impacts caused by the public health emergency” through increasing the supply of affordable, high-quality legal services for Utahns in the areas of medical debt, access to public benefits (including veterans’ benefits), marriage and family, domestic violence, estate planning, small business, and housing. Institutionalizing the sandbox will enable the courts to better meet the demand for legal services created by layoffs, evictions, and consumer debt caused by pandemic-related economic hardships. Health research also supports that social and economic distress is both a cause and consequence of the COVID pandemic. Prior to the pandemic, diseases of despair, such as suicide and drug overdose, decreased the life expectancy of the nation 4 of 5 years (2014-2018). It is expected that suicide will continue to increase during and after the pandemic without relieving despair. Access to legal services decreases despair by increasing material (income, employment, and benefits) and psychosocial (personal control and confidence) empowerment. Improving access to legal services has the opportunity to improve the economic and health position of Utahns, especially small businesses, non-English speakers, people living at or near poverty, communities of color, rural communities, and those with language access difficulties. This is especially timely, since the eviction moratorium just lifted, unemployment benefits have lapsed, and the economic recovery is starting to stagger a bit as the Delta variant causes more people to shy away from certain settings. The Sandbox will allow legal services to link people and communities to legal services.

Fiscally prudent:

The Sandbox project is meant to enable the development of a functional market for consumer legal services, to allow the market to work to solve the access to justice gap, rather than rely on government support or pro bono legal services. Recognizing, however, that the law is too important of an area to be unregulated, the Court has used a regulatory framework that permits the targeted use of regulatory resources (risk-based regulation) and has limited the regulatory mandate to consumer protection from harm, thereby avoiding regulatory overreach. Indeed, the benefits of a sandbox approach are well-recognized in Utah: the Legal Sandbox is one of four currently operational in the state. The Sandbox approach is also fiscally prudent since it attempts to harness intersectoral resources of the public, private, and nonprofit sectors to improve the efficiency and size of the legal services market. Research supports that intersectoral approaches allow for not only more financial resources but also sector specific strengths to complement each other.

Enduring:

As described, the access to justice gap precedes the pandemic and economic crisis and will, almost certainly, remain a significant challenge. Interim Rule pg. 8 states, “The COVID-19 public health emergency may have lasting negative effects on economic outcomes, particularly in exacerbating disparities that existed prior to the pandemic.” The Court recognizes that such an enduring problem requires a systemic reform to lay the foundation for an entirely new era of legal services in Utah, one in which consumers are active participants in the legal services market and their choices actually inform the direction of legal service provision. The Utah Sandbox is in a unique position to not only address disparities that existed before the pandemic, but to allow the market to meet the exacerbated acute lack of access issues that the pandemic has created. The Sandbox currently has Court authorization through 2027 in its nascent phase. The ARPA funds will support the Sandbox

in the intermediate pandemic period (2022-2023) and in a critical period in this development (years 3 and 4 of the sandbox). Furthermore, the market of legal services will endure and enable Utah to rebuild “a stronger more equitable economy” as we recover from the pandemic and make legal service available for people and small businesses.

Targeted:

Although much of the coverage of the pandemic and its fallout has focused on the health and economic repercussions, the legal impacts are, and will continue to be immense. Whether from small businesses facing bankruptcy or employment challenges, families dealing with debt or domestic violence, or people facing eviction, the legal consequences of the pandemic are immense. The reforms implemented through the Sandbox project are directly targeted at enabling affordable, high-quality solutions for those people and those problems. The Utah Sandbox gives space for new business models to be developed and implemented to deliver legal services thereby providing jobs for more individuals and economic recovery for families.

Non-state resources:

The Court’s vision for the economic sustainability of the Office includes continuing grant funding and funding through fees imposed on regulated entities. Further, the Office’s Legal Sandbox by its structure leverages private and nonprofit sector resources to increase legal services. The Sandbox enables private and nonprofit sectors to engage in legal services in new ways and those entities identify resources to support their effort before, during, and after the Sandbox.

Accountable:

Transparency and accountability are high priorities for the Court. The Office issues a [monthly public report](#) on the activities of the entities in the Sandbox, focused on risk of consumer harm. The Sandbox project is also being evaluated by multiple independent research teams which will issue reports at the conclusion of their work.

2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?

The Utah Sandbox allows for nonlawyer owned law firms and other legal service entities, lawyer fee sharing, and nonlawyer provision of legal services. The Utah Supreme Court authorizes entities to provide services within the legal services sandbox. The Sandbox allows for the creation of new businesses models to provide legal services. The Sandbox not only increases the number of legal services in Utah but also increases business model engagement with legal services in the state. Authorized entities are required to submit service-level data to the Office of Legal Service Innovation on a regular basis. The number and type of legal services and business models produced through the Utah Legal Sandbox will therefore be monitored on a monthly basis. The outcomes of this project are threefold: 1) increase the number of businesses engaged in the provision of legal services; 2) increase the number of legal services produced through the Utah Sandbox; 3) monitor services for markers of consumer harm and respond to prevent harm. Moreover, several existing research and evaluation reports support that experiencing legal services increases positive externalities (e.g., income and housing) and decrease negative economic externalities (e.g., poverty and homelessness) meaning that legal services improve the financial position of people and decrease avoidable costs to communities.

3. How does this project fit under the allowable uses of these federal funds as described in the Treasury’s [Interim Final Rule](#)? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state’s ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.*

“Assessing whether a program or service ‘responds to’ the COVID-19 public health emergency requires the recipient to, first, identify a need or negative impact of the COVID-19 public health emergency and, second, identify how the program, service, or other intervention addresses the identified need or impact. ... Eligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency” (Interim Rules II.A. at pg. 10). Furthermore, while the Rule specifies several approved uses for the Fiscal Recovery Funds it also acknowledges that the approved list is non-exclusive (see pg. 17).

The proposed project responds to several negative social and economic impacts related to COVID-19 as detailed elsewhere in this proposal (Eligibility criteria 2: Responding to the Economic Impact of COVID). The project prevents or intervenes in social and economic problems impacting individuals, households, small businesses, and state government. The project focuses on augmenting a state legal regulatory reform sandbox to improve access to legal services, especially in civil justice events and among communities largely underserved and disproportionately impacted by the pandemic. Increasing access to legal services is essential to improve income, education, employment, housing, and family outcomes during the COVID-19 pandemic. Eligible uses under Interim Rule 35.6 include a “program, service, or other assistance that is provided ... to households, ... businesses, or populations disproportionately impacted by the COVID-19 public health emergency, such as: (i) Programs or services that facilitate access to health and social services, including: (A) Assistance accessing or applying for public benefits or services; (B) Remediation of lead paint or other lead hazards; and (C) Community violence intervention programs; (ii) Programs or services that address housing insecurity, lack of affordable housing, or homelessness, including: (A) Supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless...”.

All of these concerns can be addressed through legal means if the access to such services is developed and made accessible to communities of color, non-English speakers, and rural communities. Legal reform through a regulatory sandbox allows for innovative business structures and legal service providers by partnering the public, nonprofit, and private sectors while also increasing the monitoring of potential harm. Legal services reduce the social and economic impact of life issues that fall within the rule of law. The fact that it delivers these benefits in non-COVID times as well, is a secondary benefit and does not negate the qualifying nature of this proposal.

Household and Individuals

Interim Rule pg. 9 states, “[a]ssistance to households or populations facing negative economic impacts due to COVID-19 is also an eligible use. This includes: Food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance ...” Justice events, especially civil justice events, impact the lives of most Americans, and those experiences have amplified during the pandemic. Improving access to legal services is an essential part of addressing housing insecurity, domestic violence, employment issues, veteran’s benefits, end of life planning (e.g., wills and powers of attorney), public benefits,

small business contracts, and consumer problems. Two-thirds of Americans will experience civil legal needs between 2021 and 2024, with most being civil as opposed to criminal matters. Without innovation in the supply of legal services, most of these legal needs go partially or completely unresolved. Justice events are the social and economic issues impacted by COVID—family, employment, violence, business, and housing—under the rule of law. However, the legal services currently available do not meet the number of civil justice events. In the state of Utah, it was estimated, during 2021, that legal services must significantly increase to meet the justice needs of people, which have increased due to the economic and social impact of COVID. To meet legal needs, legal services for low-income households must increase fifteen-fold; middle-income households two-fold; and small businesses three-fold. The proposed project establishes a unique opportunity in the state of Utah to enable alternative business structures and nontraditional providers to increase the supply of legal services. The Utah Office of Legal Services Innovation Sandbox alleviates COVID-related life events by improving access to legal services for households and small businesses as a result of regulated legal reform. Research supports that improving access to legal services improves the economic and social position of people receiving legal services. In other words, legal services reduce the number of people who are poor and feel poor.

Small Businesses

Beyond reducing the household social and economic impact of COVID by improving access to civil justice within the rule of law, the Utah Sandbox improves legal services for small businesses as well. Similar to households, the demand for legal services of small businesses exceeds supply. Research in Utah supports that legal services must increase at least three-fold to meet the needs of small businesses. Legal services for small businesses must be offered in more convenient ways at a lower price point. Technology, allied legal professionals, and alternative business structures hold opportunities to improve access to legal services for small businesses, especially regarding contracts and incorporation.

In addition to easing legal service engagement of small businesses, the Utah Sandbox acts as a business incubator by promoting entrepreneurship in the delivery of legal services. Interim Rule pg. 9 states, “governments may provide assistance to small businesses to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID-19 public health emergency.” The regulatory reform project helps to create new businesses as well as improving the efficiency of existing small businesses to help mitigate financial hardships caused by pandemic closures. The Utah legal services sandbox enables entrepreneurship to ease the management of legal service provision as well as growing the number of legal services, especially virtual services which can operate even when the brick-and-mortar businesses remain closed. The regulatory reforms overseen by the Office of Legal Services Innovation allow for establishing new businesses and new partnerships. The Utah Sandbox permits new resources and assets from inside and outside of the state to develop new businesses to provide legal services that meet COVID-related legal needs of people and small businesses. The legal services Sandbox reforms rules while increasing productivity and outcomes-based regulation. The Utah Sandbox is affiliated with the Utah Supreme Court and encourages private and nonprofit investment in new legal services businesses, similar to a regulated business incubator.

State Government and Exacerbating Disparities

The Office of Legal Services Innovation’s Sandbox is affiliated with the Utah Supreme Court. The Utah Sandbox is the first legal sandbox in the United States to allow for developing alternative business structures and new providers of legal services. The Sandbox reforms regulations to increase innovative business models to increase legal services. The Sandbox also enables intersectoral approaches to legal services. Public, private,

and nonprofit entities collaborate to increase access to legal services. By harnessing the private and nonprofit sectors along with the judiciary in the public sector, the Sandbox reduces the impact of justiciable events in communities and the courts. The supply of legal services for low- and middle-income people and small businesses have remained stable or diminished across the last 30 years. During COVID-19, excepting discussions focused on legal services to prevent evictions, little has changed with regard to the systemic supply of legal services. However, the number of justiciable events is expected to increase between 2021 and 2024. Due to the lack of legal services for households and the number of life events being resolved in the civil justice system, the state courts now face a self-represented litigant crisis. For example, the proportion of unrepresented litigants in state courts shifted from the minority in the 1990s to the majority in recent years. More justiciable events with less legal help will amplify the social and economic impacts of COVID. Increasing civil justice events as a result of COVID along with inadequate legal service supply will negatively impact protecting consumers, income, housing, education, employment, and family under the rule of law. Lacking legal representation in housing and family law matters results in worse legal outcomes compared to a litigant who has legal representation. Worse access to legal services results in poorer justice outcomes, which are linked to negative externalities in the public sector. For example, evaluations have supported that legal representation reduces evictions, which in turn reduces the public costs in health, human, and social services. Additionally, increased legal services through the innovation of the Sandbox has the potential to greatly reduce COVID related civil justice events in disadvantaged communities. The Interim Rule recognizes that,

“although the pandemic’s impacts have been widespread, both the public health and economic impacts of the pandemic have fallen most severely on communities and populations disadvantaged before it began. Low-income communities, people of color, and Tribal communities have faced higher rates of infection, hospitalization, and death as well as higher rates of unemployment and lack of basic necessities like food and housing. Pre-existing social vulnerabilities magnified the pandemic in these communities, where a reduced ability to work from home and, frequently, denser housing amplified the risk of infection. Similarly, communities or households facing economic insecurity before the pandemic were less able to weather business closures, job losses, or declines in earning and were less able to participate in remote work or education due to the inequities in access to reliable and affordable broadband infrastructure.” (see pg. 2).

Furthermore, “given the concentration of low- and moderate- income families within certain communities, raise a substantial risk that the effects of the COVID-19 public health emergency will be amplified within these communities. ... Given the disproportionate impact of COVID-19 on low-income households discussed above, there is a risk that the current pandemic-induced recession could further increase concentrated poverty and cause long-term damage to economic prospects in neighborhoods of concentrated poverty.” (see pg. 8).

Legal service innovation is also likely to be “amplified” in these communities where innovation among non-lawyers is most likely, such as rural communities with few lawyers and predominately non-English communities. There is arguably no other project or service currently positioned to tackle this large access problem the way the Sandbox is set up to do. The Sandbox can help keep the “pandemic-induce recession” from “further increas[ing] concentrated poverty” by providing access to legal services to address the negative economic effects of COVID-19 as well as providing a path for small businesses to innovate and remain in business while providing needed jobs and revenue to the private sector. Thereby the Sandbox “support[s] immediate economic stabilization for households and businesses”. Additionally, the Sandbox can help alleviate the burden facing the courts, who provide a “vital public service”, by providing direct assistance to self-

represented litigants. The Sandbox addresses the immediate and long-term negative legal effects of COVID-19 and can provide adequate equal access to justice for all Utahans moving into the intermediate and post pandemic economic recovery.



GOVERNOR'S OFFICE OF Planning & Budget

FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #5 Essential Workers Premium Pay

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

VISION:

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,

3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Agency:	Judicial Branch
Project Name:	Premium Pay for Essential Workers (including Employer Taxes and Retirement Benefits)
Project Amount:	\$2,500,000

1. Please provide a detailed description and timeline of the project that this appropriation will fund. How does this project support the state's vision and guiding principles for using ARPA funding?
 - A. This request seeks to provide a modest amount of premium pay for essential Court workers who provided the services to the public during the pandemic. Courts had to remain open and functioning during the pandemic. Payments had to be processed. Court orders issued. Hearings held. Questions answered. New virtual IT services rolled out to the Courts. Essential business only, but it went forward with the help of the Court's Essential Workers.

Essential workers consisted of the following Court personnel:

- District and Juvenile Court personnel
- IT service managers and techs (e.g., people installing court hardware for virtual court sessions)
- Law Library

Included in the above are approximately 500 Judicial Assistants and Probation Officers who are paid between \$17 - \$20 per hour to start and are our most vulnerable workers for being hired into higher paying jobs elsewhere. This premium pay would provide recognition of their importance to the Courts. Given that the pandemic continues to extend risk to these roles now well into the second year, we would be open to a higher amount should the legislature be inclined to increase this amount.

The amount requested is based on premium pay during the pandemic which started March 2020 and is assumed for this request to end March 2022 and only when the Court personnel were performing “essential” work as defined in the Interim Final Rule and excerpted in Q3 below. The amount per hour in premium pay is \$1.00.

2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?
 - A. The COVID-19 pandemic has required courts to rapidly shift away from in-person to virtual proceedings, effectively accelerating a growing movement to promote access to justice by reimagining and promoting justice as a thing a not a place.
3. How does this project fit under the allowable uses of these federal funds as described in the Treasury’s Interim Final Rule? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state’s ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.*
 - A. The Interim Final Rule gives plenty of support for the use of ARPA funds for “premium pay for essential workers”.

Page 7 of the interim final rules says premium pay is “to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers.” Page 45 of the interim final rules says essential workers are “These are workers who have been and continue to be relied on to maintain continuity of operations of essential critical infrastructure sectors, including those who are critical to protecting the health and wellbeing of their communities.”

Page 45 of the interim final rule says essential workers are “workers who have been and continue to be relied on to maintain continuity of operations of essential critical infrastructure sectors, including those who are critical to protecting the health and wellbeing of their communities.” The interim final rule lists

meat packing workers and transportation workers as examples of “essential workers.” Page 46 of the interim final rules gives a non-inclusive list of essential workers:

“Such workers include:

- Staff at nursing homes, hospitals, and home care settings;
- Workers at farms, food production facilities, grocery stores, and restaurants;
- Janitors and sanitation workers;
- Truck drivers, transit staff, and warehouse workers;
- Public health and safety staff;
- Childcare workers, educators, and other school staff; and
- Social service and human services staff.”

Page 47 of the interim final rule provides this restriction on “essential workers”:

“To ensure that premium pay is targeted to workers that faced or face heightened risks due to the character of their work, the Interim Final Rule defines essential work as work involving regular in-person interactions or regular physical handling of items that were also handled by others. A worker would not be engaged in essential work and, accordingly may not receive premium pay, for telework performed from a residence.”

Page 80 of the interim final rule provides this definition of pay:

“Accordingly, if an employee’s wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee’s covered benefits as an eligible use of Fiscal Recovery Funds. For purposes of the Fiscal Recovery Funds, covered benefits include costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (Federal and State), workers’ compensation insurance, and Federal Insurance Contributions Act taxes (which includes Social Security and Medicare taxes).”

The inclusion of retirement costs in the calculation of pay is appropriate.

We believe these excerpts of the interim rule supports the use of ARPA funds for Courts essential personnel.



GOVERNOR'S OFFICE OF Planning & Budget

FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #6 Facilities Matheson Parking Garage Revenue Losses

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

VISION:

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Agency:	Judicial Branch
Project Name:	Matheson Parking Garage – Reduction in Revenues due to COVID-19
Project Amount:	\$843,000

1. Please provide a detailed description and timeline of the project that this appropriation will fund. How does this project support the state's vision and guiding principles for using ARPA funding?
 - A. This request seeks recovery under ARPAs provision to cover reduced revenues due to COVID-19. The Court's were the recipients of parking garage fees for the public parking areas below the Matheson Courthouse. Due to the in-court sessions, court patrons, visitors, witnesses and the general public used the public parking facilities. In our last full fiscal year of operations (FY 2020) the Court's received parking garage revenues (net of amounts paid to the Parking Garage manager) of \$301,000.

With the lack of in-person court sessions since COVID, we ran most of FY 2021 with our contract with the public parking Management Company suspended. We reinstated the contract a few months ago, but with the resurgence of COVID due to variants, the Courts terminated our contract with our public parking Management Company in September 2021. We do not see a return to profitable parking garage operations for the foreseeable future. Our request is to cover the lost revenues for the following years:

FY21 losses : \$301,635 - \$212,488 (collected before shut down) = \$89,147

FY22 losses = \$301,635

FY23 losses = \$301,635

FY24 losses = \$150,818 (ARPA Expires 12/31/2024 = ½ year of recovery)

These revenues have been used by Court Facilities to cover the cost of various types of Repair and Maintenance projects (everything from replacing broken furniture to repairing ripped carpet) that otherwise have no source of funding.

2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?
 - A. Enable the Courthouse to continue operating without asking the legislature for funding to replace the lost parking revenues.
3. How does this project fit under the allowable uses of these federal funds as described in the Treasury's Interim Final Rule? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.*
 - A. The Interim Final Rule gives support for the use of ARPA funds for "loss of revenues."

Pages 51/52 of the interim final rule says "Recipients may use payments from the Fiscal Recovery Funds for the provision of government services to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency. Pursuant to sections 602(c)(1)(C) and 603(c)(1)(C) of the Act, a recipient's reduction in revenue is measured relative to the revenue collected in the most recent full fiscal year prior to the emergency."

Per our conversation with GOPB (Taylor Kauffman), this clause applies to the state as a whole as "Recipient" and not just the Courts. Per GOPB, for FY 2020, the reduction in revenue is \$1.1 billion as compared to the baseline fiscal year of 2019.

Based on this information, we believe this excerpt of the interim rule supports the use of ARPA funds for Courts revenue losses from the Matheson public parking facility.



GOVERNOR'S OFFICE OF Planning & Budget

FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #7 Office of Fairness & Accountability Public Outreach

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

VISION:

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Agency:	Judicial Branch
Project Name:	Utah State Courts Office of Fairness and Accountability (OFA) - Public Outreach & Engagement
Project Amount:	\$30,000

1. Please provide a detailed description and timeline of the project that this appropriation will fund. How does this project support the state's vision and guiding principles for using ARPA funding?

Community outreach has always been a focal point for the Utah State Courts, and the COVID-19 public health emergency has disrupted a lot of regular in-person participation and presence at community events and meetings. In response to the COVID-19 public health emergency, the Utah State Courts recognize the importance of shifting their outreach remotely, increasing access to justice, and gaining the trust and confidence of the public, especially among historically marginalized communities. State data shows that historically marginalized communities continue to suffer the greatest impact due to the COVID-19 public health emergency, and the Utah State Courts want to serve as a resource to them during these unprecedented times. This appropriation will fund incremental efforts by the Utah State Courts Office of Fairness and Accountability's digital public outreach and engagement to ensure students are outreached through virtual (1) Constitution Day and (2) Law Day, and (3) historically marginalized communities are outreached to be aware of court resources and processes, especially as it relates to the state's Clean Slate Law. The Utah State Courts OFA is also requesting funds to (4) produce and distribute educational/promotional videos and targeted social media ads about court resources and processes, and (5) hire a temporary Graphic Design/Content Creator Intern. This request supports the state's vision of focusing on people, industries, and locations that continue to suffer the greatest impact and supporting the public health response by providing resources. A detailed description and timeline of the five initiatives are included below:

1. Educational/promotional videos and targeted social media ads about court resources and processes for Utah students and historically marginalized communities.

- a. **Constitution Day:** In partnership with the Utah State Bar, the Utah Judiciary brings two middle school classrooms to the Matheson Courthouse and celebrates Constitution Day annually in September. Students participate in mock trials, hear from the Chief Justice of the Utah Supreme Court, and have the opportunity to come to the Matheson Courthouse. Due to the negative impact of the COVID-19 public health emergency, Constitution Day did not happen in the year 2020 and is not happening in-person this year. The Utah Judiciary has made it a priority to recognize Constitution Day every year and provide Utah students with an opportunity to learn more about the courts system. As the Utah State Courts strive to gain public trust and confidence, the need to engage students academically must continue to happen. The funds would help the Public Outreach Coordinator produce (1) an engaging video and (2) related lesson plan to send to Utah schools and virtually celebrate Constitution Day across the state. The video would be produced through a third-party source and these funds would ensure a professionally produced and effective video that engages all Utah students. In turn, the new Constitution Day lesson plan would contribute to the academic education of Utah students, encourage them to engage with the Utah Judiciary and help students better understand how the Constitution and the Judiciary are integrally linked. (See ARPA Interim Final Rule Section 35.6 Eligible Uses (b)(12)(iii) “Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education”)
- b. **Law Day:** The “Judge for a Day” program historically provided select Utah high school students the opportunity to spend time with a judge and experience the legal system. Students had an opportunity to shadow a judge for a day from April through May. This program is offered in conjunction with national Law Day. Due to the COVID-19 public health emergency, Utah high school students did not get the opportunity to spend time with a judge and come to the Matheson Courthouse last year. With increasing COVID-19 rates, the “Judge for a Day” program will need to be converted to a virtual “shadowing” to make it safely happen in the future. The new virtual shadowing will include video mentoring sessions with a judge about what a career on the bench entails, discussing what types of preparation are needed to become a judge and, viewing courtroom proceedings remotely. To maintain student interest in a virtual “Judge for a Day” program, we will use ARPA funds to create an educational-based incentive structure for several years to encourage student participation. This incentive structure will provide technology or educational rewards to the students for completing the curriculum. Once established as a virtual program these incentive funds will be discontinued. The ARPA funds would virtually address the need of the Utah State Courts to provide a virtual “Judge for a Day” experience for select high school students and encourage them to pursue a law-related career. (See ARPA Interim Final Rule Section 35.6 Eligible Uses (b)(12)(iii) “Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education”)
- c. **Community Outreach:** The most common legal needs the Office of Fairness and Accountability has heard through virtual meetings with community-based organizations and community stakeholders are family law, eviction, expungements, and simply navigating the courts system. For example, it is necessary for the Utah State Courts to have these videos and targeted ads because the COVID-19 public health emergency has led to many evictions, and the public needs to be aware of court resources and processes when approaching an eviction notice. Through remote outreach, which would be new for the courts, the courts would also receive feedback and comments from the community as they normally would have through in-person events and meetings. The office wants to ensure community members and organizations know about the office through multiple platforms, especially when in-person events have been negatively impacted by COVID-19. This remote community outreach, which includes educational videos and targeted ads, would help populations disproportionately impacted by the COVID-19 public

health emergency, such as receiving access to public services and awareness of the types of assistance available. (See ARPA Interim Final Rule Section 35.6 (b)(12) “A program, service, or other assistance ...that is provided to other households, businesses, or populations disproportionately impacted by the COVID-19 public health emergency, such as (i) “Programs or services that facilitate access to...social services, including: (A) Assistance accessing or applying for public benefits or services” and (ii)) Programs or services that address housing insecurity)

- d. **Clean Slate Law:** The Clean Slate Law was passed in 2019 by the Utah State Legislature and its implementation was delayed due to the COVID-19 public health emergency. Since the Clean Slate Law does not have an automatic notification component, the Office of Fairness and Accountability will take on the efforts to inform historically marginalized communities about the Clean Slate Law and what effect it may have on an individual’s criminal record. Efforts will include public radio campaigns, social media ads, and short instructional videos, which will be available in multiple languages. Similar to the remote community outreach, these efforts will assist historically marginalized communities in gaining access to public services and becoming aware of what they need to do. While there are multiple entities rolling out the Clean Slate initiative across the state, the Office of Fairness and Accountability wants to ensure historically marginalized communities are aware of the Clean Slate Law. The Office of Fairness and Accountability would use the funds to address the need of informing historically marginalized communities about the Clean Slate Law and its potential impact through virtual methods since COVID-19 has disrupted genuine in-person marketing efforts. The office will also work with community organizations that directly support diverse and marginalized communities. The office recognizes that these community organizations have been negatively impacted by COVID-19 and may not have the resources readily available to carry on this important public information campaign. (See ARPA Interim Final Rule Section 35.6 (b)(12) “A program, service, or other assistance ...that is provided to other households, businesses, or populations disproportionately impacted by the COVID-19 public health emergency, such as (i) Programs or services that facilitate access to...social services, including: (A) Assistance accessing or applying for public benefits or services”)

2. Hire a Graphic Design/Content Creator Intern

- a. As the office shifts its outreach more remotely and digitally due to the COVID-19 disruption, a Graphic Design/Content Creator Intern is needed to create consistent online posts, flyers, and infographics. With people heavily relying on digital media to access information, the promotional materials need to be easy to understand and follow, and available in multiple languages. A Graphic Design/Content Creator Intern would address these digital needs and help the courts develop a consistent marketing brand and online presence. The Intern would create the posts to boost them as targeted ads on social media. The Graphic Design Intern would work to reach Utah students and populations disproportionately impacted by the COVID-19 public health emergency through digital media. (See ARPA Interim Final Rule Section 35.6 Eligible Uses (b)(12) “A program, service, or other assistance ...that is provided to other households, businesses, or populations disproportionately impacted by the COVID-19 public health emergency”)

2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?

The COVID-19 public health emergency disrupted the Utah State Courts outreach just when the public needed more access due to the disruption of normal court processes and services. The anticipated results or outcomes of the Utah State Courts public outreach and engagement project are virtual and digital awareness of the Utah State Courts resources and processes among Utah students and historically marginalized communities. Through this public outreach and engagement ARPA-funded project, the Utah State Courts also anticipate having a resource-rich online presence which will help (1) increase access to justice and (2) re-establish public trust and confidence in the Utah

Courts. The output and outcome measures that will be used to measure the success of this project will be the Courts' Public Trust and Confidence Survey and social media analytics, such as views, likes, comments, reach, impressions, etc. Additionally, community testimonials and feedback will be used and highlighted.

3. How does this project fit under the allowable uses of these federal funds as described in the Treasury's [Interim Final Rule](#)? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.*

Page 17 of the Interim Final Rule says "To facilitate implementation and use of payments from the Fiscal Recovery Funds, the Interim Final Rule identifies a non-exclusive list of eligible uses of funding to respond to the COVID-19 public health emergency¹.....To assess whether additional uses would be eligible under this category, recipients should identify an effect of COVID-19 on public health, including either or both of immediate effects or effects that may manifest over months or years, and assess how the use would respond to or address the identified need.

Under Section 35.6, "Eligible Uses" (b)(12) Disproportionately Impacted Populations and Communities. "A program, service, or other assistance that is provided in a Qualified Census Tract, that is provided to households and populations living in a Qualified Census Tract, that is provided by a Tribal government, or that is provided to other households, businesses, or populations disproportionately impacted by the COVID-19 public health emergency, such as:

- (i) Programs or services that facilitate access to health and social services, including: (A) Assistance accessing or applying for public benefits or services; (B) Remediation of lead paint or other lead hazards; and (C) Community violence intervention programs;
- (ii) Programs or services that address housing insecurity, lack of affordable housing, or homelessness, including: (A) Supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless;...and
- (iii) Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education, including: (A) New or expanded early learning services; (B) Assistance to high-poverty school districts to advance equitable funding across districts and geographies; and (C) Educational and evidence-based services to address the academic, social, emotional, and mental health needs of students."

We note in the individual requests above the section(s) in the Interim Final Rule which support the project requests.

¹ See Section 35.6 "Eligible Uses" in the interim final rule



GOVERNOR'S OFFICE OF Planning & Budget

FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #8 Self-Help Center

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

VISION:

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's

ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Agency:	Judicial Branch
Project Name:	Self-Help Center - Helping Family Law Self-Represented Parties (Nathanael Player)
Project Amount:	\$64,000

1. Please provide a detailed description and timeline of the project that this appropriation will fund. How does this project support the state's vision and guiding principles for using ARPA funding.

The Utah State Court Self-Help Center provides services to people throughout the State of Utah who are representing themselves in Utah State Court cases. Most of our patrons are unable to afford attorneys. Our service model came out of Alaska's – to provide all services via phone, email and text, reaching our entire state from an office in Salt Lake City. This was of great value when the pandemic hit as we did not have to change how we operate. We have experienced greater demand, especially in the area of family law where self-represented parties are a growing segment of court patrons, with 47% of family law cases having both parties self-represented.

The Covid health crisis has presented serious and unforeseen consequences in the area of family law. (See ABA COVID-19 and Family Law Issues: https://www.americanbar.org/groups/family_law/resources/covid-19/) The need to establish a court order has increased as domestic violence and separations during the pandemic have occurred. Also, parents with existing court orders have found that these orders do not address the challenges they are encountering due to the pandemic. No one could have foreseen that custody arrangements would be disrupted by parents having to home school their children, that parties would be without jobs for extended periods, and that they would lose the assistance of family members, neighbors, and child care centers. While families have faced more demanding needs due to COVID, some with no law in place to address them, the wait to get issues resolved has been extended due to the court getting technology and training for remote hearings in place, which it has done admirably.

Attorneys have adapted quickly, but our self-represented court patrons have faced the often daunting task of having to rely on remote services from all aspects of the court system often without the technology (many cannot afford it) or familiarity with the existing programs and apps required. Self-represented parties (pro se) need in-person help to understand what all of the documents created by the current computer program (“On-line Court Assistance Program” or OCAP) that we have to assist them in creating their court documents actually do. Receiving this type of help is harder in a pandemic, whether it is because of service providers doing everything virtually (which many do not have the ability to do) or the risk they take in going to a courthouse in person during a pandemic. In addition, their documents are often deficient, and rejected because of extraneous and unenforceable provisions they seek, which are often not understandable due to patrons’ difficulty with legal language or writing clearly in English. This results in additional trips to the court for help or for hearings on crowded court calendars. The Court’s Office of Fairness and Accountability has reported that these are problems reported by community-based organizations throughout the state that assist pro se parties, including in minority communities.

Our proposal is one that will assist a majority of our pro se patrons who are involved in family law cases by making the forms easier to complete and file, without needing to come to the court for help, and making them more understandable, less likely to be rejected, and enforceable, thereby also reducing the need for additional court hearings. New forms can also specifically address how to handle pandemic situations in family cases, including parent-time issues (ex., if one parent is high risk and one isn’t), and if one household has COVID and the other doesn’t. Pro se litigants do not know how to navigate all these situations themselves and often cannot get a hearing to have the court decide. New forms can address these issues. This ends up benefitting our COVID response with benefits that continue in the post-COVID world as well.

We seek ARPA funds to hire, for a period of one year, a family law attorney who will work with the Court’s IT department to create entirely new family law forms that can be created, filed and retrieved on MyCase, the program currently in development that allows court patrons to access their cases remotely, without having to come to the court. MyCase can also be accessed through phones, something that our current OCAP Program does not allow. The forms the family law attorney will create will be a major change from the existing OCAP forms. They will more closely resemble California’s family law forms, which require the patron to very clearly choose what they are asking the court for (eliminating writing out their own wishes), and will result in very clear, enforceable language in their court orders. The attorney will also provide guidance on updating the existing forms to address current COVID realities like homeschooling, vaccination/medical decisions, parent-time during a pandemic, dispute resolution alternatives, and other issues that may arise. The contract family law attorney’s duties would involve researching the law, identifying what provisions are necessary, and then reducing those provisions to their essence. This contract family law attorney would propose forms for us and write memos justifying their use.

2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?

Most self-represented parties in family law cases are low income. They are already facing challenges due to being involved in a family law case, and as mentioned above, many involve unprecedented issues and issues that need to be resolved quickly, like housing when a parent has lost a job and local options are unaffordable, custody when a parent cannot homeschool, and others.

This project will help reduce spread of COVID-19 and the pandemic’s adverse effects by reducing patron trips to the court, and their having to take time off work or school and find child care to come to court and get assistance with documents or their cases, which can put their jobs and schooling at risk. It will do this by: 1) allowing parties to better understand and create their court documents remotely. 2) having family law forms that are standardized, clear and are not rejected by the court, which often requires attending multiple court hearings to address the issues, whether these are in person or virtual. The forms will also be updated to better address new issues that arose (or were exacerbated) from

COVID such as parent-time during the pandemic, homeschooling, vaccination/medical decisions, and dispute resolution alternatives.

After this one year project the attorney will provide to the Self-Help Center the attorney's recommendations for new forms or processes in the form of memoranda along with samples of forms if time permits. These recommendations will then be taken through the forms committee, where the committee can decide whether to create/adopt and approve new family law forms for use by patrons using the MyCase program.

There are statistics we can measure to determine the success of these new forms. We can monitor the time it takes from when a case is filed to when there is a disposition to see if case lengths are decreasing due to more efficient forms. We can look at the number of cases dismissed because parties fail to file final documents in a case because they did not understand the process. We can also monitor cases where documents have been rejected, whether that is through analysis of dockets or if possible setting up MyCase to track that information. We will compare these statistics to previous years to see if there is a positive trend.

3. How does this project fit under the allowable uses of these federal funds as described in the Treasury's [Interim Final Rule](#)? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.*

Page 10 of the Interim Final Rule says ARPA is meant to respond to the public health and economic impacts of COVID-19. "To assess whether a program or service is included in this category of eligible uses, a recipient should consider whether and how the use would respond to the COVID- 19 public health emergency. Assessing whether a program or service "responds to" the COVID-19 public health emergency requires the recipient to, first, identify a need or negative impact of the COVID-19 public health emergency and, second, identify how the program, service, or other intervention addresses the identified need or impact. While the COVID-19 public health emergency affected many aspects of American life, eligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency.

Section 35.6 Eligible Uses (b)(12) says "Disproportionately Impacted Populations and Communities. A program, service, or other assistance that is provided in a Qualified Census Tract, that is provided to households and populations living in a Qualified Census Tract, that is provided by a Tribal government, or that is provided to other households, businesses, or populations disproportionately impacted by the COVID-19 public health emergency, such as: (i) Programs or services that facilitate access to health and social services, including: (A) Assistance accessing or applying for public benefits or services;

We believe the work we have outlined above is an eligible use of ARPA funds in that it gives households and populations disproportionately impacted by the impacts of the COVID-19 public health emergency (pro se parties) new forms for Court filings that address COVID-related/caused issues resulting in more efficient access to justice for pro se parties.



GOVERNOR'S OFFICE OF Planning & Budget

FY 2022 / FY 2023 Agency Request for American Rescue Act Plan Funding - #9 Interpreter Services

The state of Utah will receive nearly \$1.4 billion from the American Rescue Plan Act (ARPA) Coronavirus State Fiscal Relief Fund and approximately \$136 million from the Coronavirus Capital Projects Fund. While the Utah State Legislature appropriated roughly \$570 million of first-tranche ARPA funding during the 2021 First Special Session, a significant share of Utah's ARPA resources will be prioritized in the Governor's FY 2022/FY 2023 Budget Recommendation Book. Agencies requesting ARPA appropriations should populate and upload this form to the Governor's Budget Recommendations website prior to September 24. Note that these stimulus funds are one-time, and as such, all requests must be for one-time uses that do not result in a structural imbalance of ongoing expenditures against one-time resources.

VISION:

The vision for these funds is to make multi-generational investments that safeguard and fortify public health, and create the most inclusive, resilient, and prosperous economy in the nation. Agencies should follow these guiding principles for prioritizing preparing funding requests:

- Meets ARPA eligibility criteria.
- Fiscally prudent – Uphold Utah's stellar reputation for fiscal responsibility, maximize return on investment, maintain structural balance of ongoing revenues with ongoing spending, invest in the future economy, and avoid inflationary pressure.
- Enduring – Favor investments that solve an existing problem and provide an enduring benefit, considering the full cost of ownership.
- Targeted – Focus on people, industries, and locations that continue to suffer the greatest impact.
- Leverages non-state resources by partnering financially with other levels of government.
- Accountable – Measure and account through a publicly available scorecard.

ESTABLISHING ELIGIBILITY:

The state must establish eligibility for each ARPA appropriation prior to spending ARPA funds. The Treasury has identified five main eligible uses for ARPA State Fiscal Relief Funds:

1. Supporting the public health response,
2. Addressing the negative economic impacts caused by the public health emergency,
3. Providing premium pay for essential workers,
4. Investing in water, sewer, and broadband infrastructure, and
5. Replacing lost public sector revenue.

Agencies should take the time to review Treasury resources (linked below) to identify which eligibility category each appropriation falls under, and develop sound reasoning for why the appropriation fits eligibility criteria. Since the state's

ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.

While the Treasury has not yet released details on the process for applying for ARPA Capital Projects Funds, we believe proposals will be accepted by the Treasury Department for critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the COVID-19 public health emergency.

TREASURY RESOURCES:

For more information on these funds please see the currently available resources from the Treasury's main page for [Coronavirus State and Local Fiscal Recovery Funds](#):

- [Treasury's Interim Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds Fact Sheet](#)
- [Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions](#)
- [Compliance and Reporting Guidance](#)

PROJECT OUTCOMES:

Major projects must establish key performance measures. These measures will be reported annually to the federal government. Agencies should thoughtfully consider measurable project outcomes for each major project and work with their GOPB analyst to establish meaningful measures.

APPROPRIATION INFORMATION AND ELIGIBILITY JUSTIFICATION:

Agency:	Judicial Branch
Project Name:	Court Interpreters - Interpreting Equipment – (Requester Kara Mann)
Project Amount:	\$95,760

1. Please provide a detailed description and timeline of the project that this appropriation will fund. How does this project support the state's vision and guiding principles for using ARPA funding.

Providing language access is essential, if not the very first step, for ensuring access to justice for limited English proficiency parties. The COVID-19 pandemic has negatively disrupted how Utah State Courts can provide language access while keeping court interpreters and limited English proficiency parties safe. As defined by the Department of Justice, limited English proficiency individuals are persons who do not speak English as their primary language and who may have a limited ability to read, write, speak, or understand English. Utah State Courts are federally required to provide language access for these individuals who come to court in order to place them on equal footing as someone who can read, write, speak or understand English.

Prior to the pandemic, the court interpreter would stand beside or slightly behind the party and render the interpretation. This allowed the interpreter to interpret at a low enough volume so as not to disrupt the court while still allowing for the party to hear the interpretation. Due to the pandemic, however, this standard practice cannot be used as it requires two individuals to stand close to each other and does not allow for social distancing. Additionally, court interpreters are allowed to remove their face masks while actively interpreting if it affects the rendering of the interpretation, which could increase the likelihood of transmitting the SARS-CoV-2 virus. And, to compound the issue, courts can compel individuals, including those with a limited English proficiency, to appear in court. As the courts must continue to provide language access, reconsideration on how to provide language access while safeguarding the public's health is necessary.

Purchasing interpreting equipment, called multi-person listening devices, for each district and juvenile judge's courtroom in the state would allow the courts to ensure language access is provided in a safer environment. The equipment would help protect from the transmission of COVID-19 as it allows the court interpreter to simultaneously interpret directly to the limited English proficiency party through headsets while standing anywhere in the courtroom. Essentially, the equipment allows for social distancing to be maintained while still providing meaningful language access to the party.

In the fall of 2020, the courts received grant money from the Utah Bar Foundation that was earmarked specifically for Salt Lake County. Through that grant funding, interpreting equipment was purchased for each judge and commissioner in Matheson and West Jordan Courthouse. However, the COVID-19 pandemic has greatly affected all courts in each county of the state. Additional ARPA funding now would allow the courts to expand this project to ensure there is a statewide response to providing language access in a manner that supports the health and wellbeing of the limited English proficiency population in Utah.

Funding \$95,760 will permit the courts to purchase 72 sets of interpreting equipment; ensuring all courts beyond Salt Lake County can provide language access in a safe manner. Once this project is approved, the equipment will be ordered and it is expected delivery will take approximately six weeks. Utah State Courts' IT department will then program each of the 72 sets before handing them off to Kara Mann, the courts' Language Access Program Coordinator. Ms. Mann will assign each set to a courtroom, include instructions on how to use the equipment for each set, and arrange for the delivery of the equipment to each courthouse. In all, once this project is approved, the timeline is expected to take approximately eight to nine weeks before the equipment is available in courtrooms across the state.

While this project enhances the state's support of a public health response during the pandemic, it also provides enduring benefits for the limited English proficiency parties who go to court. In looking past the pandemic and the "new normal" that will arise afterwards, this project has numerous long-term benefits for both court interpreters and limited English proficiency parties. The interpreting equipment technology offers the long-term benefits of (1) allowing opposing parties to stay away from each other; (2) providing better conditions for hard of hearing limited English proficiency parties; (3) allowing a clearer interpretation for the limited English proficiency party as courtrooms can be noisy and interpreters now interpret in a low volume as not to disrupt the court; (4) allowing multiple limited English proficiency parties to hear the full interpretation at once; (5) lowering the personal safety risks for court interpreters from aggressive or volatile limited English proficiency parties; and (6) lessening the reliance the limited English proficiency party has on the court interpreter.

2. What are the anticipated results or outcomes of this project? What are the output and outcome measures that will be used to measure the success of this project?

Courts never know when a case may require a court interpreter because a party, witness, or victim has a limited English proficiency. As the courts begin in-person hearings and to address the backlog of jury trials, this equipment will be essential to safely providing language access across the state in district and juvenile courtrooms. Funding this project means a limited English proficiency party will receive the same caliber of language access no matter where in the state their case is heard. The interpreting equipment will ensure that district and juvenile courtrooms in the state will all have the capacity to offer safe language access whenever and wherever necessary for Utah's limited English proficiency population.

While measuring the safeguard of the public's health may be difficult, the courts can track the usage of the equipment as a marker to measure the effectiveness of this project. A log will be kept by each courthouse location to track the number of times each set of equipment is used for in-person proceedings. Although measuring the success of this

project may be difficult, it is a vital project to provide limited English proficiency individuals meaningful and safe access to Utah State Courts.

- 3. How does this project fit under the allowable uses of these federal funds as described in the Treasury's [Interim Final Rule](#)? Please be specific when explaining your reasoning, including direct text citations and other references from Treasury guidelines that support the justification that this project is eligible. *Note: Since the state's ability to replace lost public sector revenue will be limited, the project should be tied to other specific eligibility criteria whenever possible.***

Page 8 of the Interim Final Rule says "Payments from the Fiscal Recovery Funds may also be used by recipients to provide support for costs incurred in addressing public health and economic challenges resulting from the pandemic." This general guidance is supplemented by the specific use cases in Section 35.6 Eligible Uses (b) (1) (v) where it says "Expenses of...capital investments in public facilities to meet COVID-19-related operational needs;"

We believe the description provided in Q1 above provides a perfect match to the "capital investments in public facilities to meet COVID-19-related operational needs" eligible use case.