

JUDICIAL COUNCIL MEETING

AGENDA

October 25, 2021

Meeting held through Webex

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of MinutesChief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:00 a.m. Oath of Office and Selection of Executive Committee for Margaret Plane.
(Information) Chief Justice Matthew B. Durrant
3. 9:05 a.m. Chair's Report.....Chief Justice Matthew B. Durrant
(Information)
4. 9:10 a.m. State Court Administrator's Report Ron Gordon
(Information)
5. 9:20 a.m. Reports: Management Committee.....Chief Justice Matthew B. Durrant
Budget & Fiscal Management Committee..... Judge Mark May
Liaison Committee Judge Kara Pettit
Policy & Planning Committee Judge Derek Pullan
Bar Commission..... Margaret Plane, esq.
(Tab 2 - Information)
6. 9:45 a.m. Board of Justice Court Judges ReportJudge Rick Romney
(Information) Jim Peters
7. 9:55 a.m. Board of Juvenile Court Judges Report.....Judge Elizabeth Knight
(Information) Neira Siaperas
8. 10:05 a.m. Senior Judge Certification Cathy Dupont
(Tab 3 - Action)
9. 10:10 a.m. Report and Recommendation on Whether to Increase Small Claims
Jurisdictional Filing Amount Michael Drechsel
(Tab 4 - Action)
- 10:25 a.m. Break

- | | | | |
|-----|------------|--|--|
| 10. | 10:35 a.m. | Judicial Performance Evaluation Commission Report..... | Dr. Jennifer Yim
Commissioner Sherrie Hayashi |
| | | (Information) | |
| 11. | 10:55 a.m. | Budget and Grants | Judge Mark May |
| | | (Tab 5 - Action) | Karl Sweeney
Alisha Johnson |
| 12. | 11:10 a.m. | Old Business/New Business | All |
| | | (Discussion) | |
| 13. | 11:30 a.m. | Executive Session | |
| 14. | 11:30 a.m. | Adjourn | |

Consent Calendar

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

1. Committee Appointments
(Tab 6)

Facilities Committee – Chris Talbot

Tab 1

Agenda

JUDICIAL COUNCIL MEETING

Minutes
September 28, 2021

Meeting conducted through Webex

12:00 p.m. – 4:15 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

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

Excused:

Hon. Paul Farr
 Justice Deno Himonas

Guests:

Emily Ashcraft, KSL News
 Scott Burnett, Zions Capital Advisors
 Sue Crismon, Office of Innovation
 Hon. Diana Hagen, Court of Appeals
 Hon. Michele Christiansen Forster, Court of Appeals
 Peter Kelson, Zions Capital Advisors
 Kristina King, OLRGC
 Hon. Barry Lawrence, Third District Court

AOC Staff:

Ron Gordon
 Cathy Dupont
 Michael Drechsel
 Lauren Andersen
 Heidi Anderson
 Shane Bahr
 Paul Barron
 Suzette Deans
 Valeria Jimenez
 Alisha Johnson
 Wayne Kidd
 Kara Mann
 Jordan Murray
 Chris Palmer
 Jim Peters
 Nini Rich
 Keri Sargent
 Neira Siaperas
 Nick Stiles
 Karl Sweeney
 Kaden Taylor
 Keisa Williams
 Jeni Wood

Guests Cont.:

Lucy Ricca, Office of Innovation
 James Teufel, Teufel Consulting
 Chris Williams, OLRGC

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. The Council held their meeting through Webex.

Motion: Judge David Connors moved to approve the August 20, 2021 Judicial Council and the August 20, 2021 Annual Budget & Planning meeting minutes, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant felt the Mental Health Initiative Summit was highly successful and thanked all of those who participated, with special appreciation to Summit coordinators, Judge Kara Pettit and Lauren Andersen. Chief Justice Durrant and other court personnel will meet with the Executive Compensation Committee next week.

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

Ron Gordon mentioned several court personnel attended the National Center for State Courts Regulatory Reform Summit where Utah's Supreme Court was recognized as a leader with regulatory reform. Mr. Gordon thanked everyone who attended the Summit. Mr. Gordon has received feedback and requests for additional information and guidance.

Mr. Gordon echoed Chief Justice Durrant's appreciation to Judge Pettit and Ms. Andersen's work on the Mental Health Summit.

Judge Richard Mrazik was interviewed by NPR regarding jury summons'. Judge Mrazik's interview went very well.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Judge Mark May stated the results of the committee meeting will be addressed later in the meeting.

Liaison Committee Report:

Judge Pettit noted that the committee will meet soon to discuss the November 18-19, 2021 Legislative Special Session.

The pretrial legislative workgroup has been meeting recently. Michael Drechsel said there are a number of topics that are being addressed, including the authority of a Sheriff to release people from jail on their own recognizance. There are discussions about using bail commissioners, as had been done in the past and if bail commissioners are hired the next step would be to determine what amounts they should be using to set bail in the absence of a bail schedule. Mr. Drechsel is encouraging those discussions to include the severity of the charge and risk of the person to the public.

Judge Shaughnessy believed reinvigorating a bail schedule without any reference to risk would be moving in the wrong direction and requested this be communicated with the decision-makers. Mr. Drechsel explained to Representative Mike Schultz that the courts have not taken an official position but this topic has been discussed with the Liaison Committee. Mr. Drechsel

stated that one of the primary concerns that gave rise to this endeavor was people being held in jail on monetary amounts that they could not afford and similarly, people with money were being released when perhaps they posed a threat to the public.

Judge Shaughnessy recognized there are a lot of policy-laden questions that the courts may not take a position on, however, with pretrial, it is only by act of a judge that a person can be held in jail. Judge Shaughnessy thought the courts should take a position on this matter. Judge Derek Pullan observed that a return to bail commissioners could invite constitutional challenges.

Pretrial release will be further discussed at the Annual Judicial Conference.

Policy and Planning Committee Report:

Judge Pullan briefly noted that the committee's work on grant guardrails is nearly complete.

Bar Commission Report:

Rob Rice said the Bar created a subcommittee to better engage rural lawyers, headed by Katie Woods, President Elect. With this being his last meeting, Mr. Rice thanked Chief Justice Durrant and Council members for the opportunity to sit on this Council.

5. EDUCATION COMMITTEE REPORT & REAUTHORIZATION: (Judge Diana Hagen and Lauren Andersen)

Chief Justice Durrant welcomed Judge Diana Hagen and Lauren Andersen. Ms. Andersen reviewed the Education Committee's work and requested the committee be reauthorized for another six-year term. The years 2020-2021 saw major changes for the department with the introduction of new tools, new people, and increased services during the pandemic.

Key performance metrics

- Over 4,825 enrollments in employee courses
- 79% of those enrollments received credit
- Launched a new Learning Management System (LMS) to 1,800 court employees. 1,785 of those users are active
- Hosted 5 virtual judicial conferences, 4 new judge orientations, 1 new employee conference and 1 justice court clerks conference

In August 2020, Kimberlee Zimmerman was hired as the Justice Court Education Coordinator. In May 2021, Libby Wadley moved from the position of Online Training Specialist to the Learning Management System Administrator. They also welcomed Ms. Andersen as the new Education Director in January, 2021.

The COVID pandemic required the department to rethink how educational content could be delivered by utilizing tools that allowed employees to learn outside of the classroom.

Tools used by the department

- The Learning Management System (LMS) allows all judicial employees to access asynchronous courses that are pre-recorded and gamified.

- Open Sesame's 25+ programs that place training into the LMS. Open Sesame courses are offered in addition to Career Track trainings and available to all court employees.
- Proof of training certifications in the LMS for Annual Court Security, PCI, Court Security Awareness (Justice Courts), and Electronic Mail Retention.
- Webex meetings, events and trainings to deliver all live courses and seminars and all virtual conferences and summits.

Chief Justice Durrant thanked Judge Hagen and Ms. Andersen.

Motion: Judge Shaughnessy moved to reauthorize the Education Committee for an additional six years. Judge Augustus Chin seconded the motion, and it passed unanimously.

6. BOARD OF APPELLATE COURT JUDGES REPORT: (Judge Michele Christiansen Forster and Nick Stiles)

Chief Justice Durrant welcomed Judge Michele Christiansen Forster and Nick Stiles. Judge Christiansen Forster reported that they recently held an appellate court conference, that included discussions on free speech, Fourth Amendment issues, and women on the bench. Judge Christiansen Forster thanked Ms. Andersen and Mr. Stiles for their work on the conference.

- The courts are working with IT and contractors to integrate audio and video in the appellate courtrooms to accommodate hybrid oral arguments.
- A financial audit of both appellate courts is nearly complete.
- Training is going well for the new law clerks in both appellate courts.
- They are updating the appellate mediation policy & procedures.

Chief Justice Durrant thanked Judge Christiansen Forster and Mr. Stiles.

7. JUDICIAL RETENTION CERTIFICATIONS: (Nick Stiles and Jim Peters)

Chief Justice Durrant welcomed Nick Stiles and Jim Peters. Judicial retention elections certified by the Council are set by JPEC Rule 597-3-4(2). CJA Rule 3-101 establishes the performance standards.

- A maximum number of cases under advisement;
- A minimum number of continuing education hours; and
- Physical and mental competence.

Supreme Court

Justice P. Petersen

Juvenile Courts

Hon. S. Bazzelle
Hon. S. Davis
Hon. M. May
Hon. R. Smith
Hon. T. Little
Hon. B. Keisel
Hon. R. Jimenez
Hon. D. Jensen
Hon. R. Evershed

District Courts

Hon. G. Harmond
Hon. D. Gibson
Hon. C. Koch
Hon. M. Kouris
Hon. B. Lawrence
Hon. A. Mettler
Hon. A. Mow
Hon. R. Mrazik
Hon. C. Neider
Hon. P. Parker

Justice Courts

Hon. S. Bradshaw
Hon. K. Christensen
Hon. D. Cox
Hon. B. Dunlap
Hon. L. Edwards
Hon. S. Fenstermaker
Hon. C. Gilmore
Hon. J. Graff
Hon. S. Graves-Robertson
Hon. L. Hazleton

Hon. R. Renstrom	Hon. R. Kunz
Hon. R. Skanchy	Hon. C. Landau
Hon. D. Torgerson	Hon. P. Larsen
Hon. V. Trease	Hon. M. Lorz
Hon. J. Wilcox	Hon. S. Magid
Hon. D. Williams	Hon. B. McCullagh
Hon. A. Fannesbeck	Hon. S. Mickelsen
Hon. M. Edwards	Hon. D. Miller
Hon. R. Faust	Hon. K. Myers
Hon. S. Chon	Hon. K. Nelson
Hon. P. Corum	Hon. K. Peters
Hon. S. Chiara	Hon. R. Richards
Hon. J. Blanch	Hon. S. Ridge
Hon. B. Cannell	Hon. J. Robinson
Hon. L. Jones	Hon. J. Robison
	Hon. V. Romney
	Hon. S. Stream
	Hon. P. Thompson
	Hon. D. Whitlock

Jim Peters explained that in addition to those who will be receiving a retention evaluation from JPEC, Judges' Paul Farr, Brook Sessions, Mark McIff, Randy Birch, and Bryan Memmott need to stand for retention in 2022. These are judges with multiple courts who are not due for a retention evaluation because JPEC is using the appointment date for one of their courts to define the controlling cycle for evaluations. But they need to stand for retention nevertheless.

There was one juvenile court judge who had a case under advisement for longer than the allowed period, however, this was addressed by the Council in the past. This was discussed in an executive session.

Chief Justice Durrant thanked Mr. Stiles and Mr. Peters.

Motion: Judge Pullan moved to certify to JPEC the above-listed judges for the 2022 election term, as amended to remove the noncompliant juvenile court judge and to certify to JPEC that the juvenile court judge is non-compliant with failure in one case to meet the six-month deadline, and send to JPEC the material relied upon by the Council in making that determination with an explanation included. Judge Shaughnessy seconded the motion, and it passed with Judge May, Judge Evershed, Judge Chiara and Judge Sessions abstaining as to their retentions.

Judge Cannell expressed concern that the rule contemplates challenging a judge when they say that they are compliant but there is credible evidence that they are not, but does not appear to contemplate what happens when a judge says they are not compliant but there is credible evidence that they are compliant. Moving forward, Judge Cannell felt there should be further discussions and training on the definition of compliance in relation to the rule.

8. FORMS COMMITTEE FORM: (Nathanael Player)

Nathanael Player was unable to attend.

9. MENTAL HEALTH INITIATIVE – NEXT STEPS: (Judge Kara Pettit and Ron Gordon)

Chief Justice Durrant welcomed Judge Kara Pettit and Ron Gordon. Mr. Gordon thanked Judge Pettit for her leadership with this program. The next steps are to have the ability to identify gaps in services and policies, organized by county and district. Groups are being created around the state to identify a team leader and staff person to address local needs. Chris Palmer will lead the project.

Judge Pettit thought the Summit was motivating and inspiring. The objective is to translate the goal into action by all districts engaging in the improvement and resources that are available. Law enforcement are typically the first people that can help identify mental health concerns.

Chief Justice Durrant thanked Judge Pettit and Mr. Gordon.

10. RULES 1-205, 3-415, 3-419, 4-206, 4-401.02, AND 7-302 FOR FINAL ACTION: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Following a 45-day comment period, Policy and Planning recommended that the following rules be approved as final with a November 1, 2021 effective date.

CJA Rule 1-205. Standing and ad hoc committees

The proposed amendments change the Standing Committee on Pretrial Release and Supervision membership.

CJA Rule 3-415. Auditing

The proposed amendments more clearly define the types of audits conducted by the Audit Department, clarify audit procedures, and identify the individuals involved at critical points.

CJA Rule 3-419. Office of Fairness and Accountability

Identifies the objectives of the Office of Fairness and Accountability and the duties of the Director of the Office of Fairness and Accountability. Mr. Gordon noted that the AOC is working on the governance structure of the Office of Fairness and Accountability.

CJA Rule 4-206. Exhibits

The rule underwent a significant revision following a 2019 audit. The proposed amendments address custody, disposal, and storage of physical and electronic evidence. This rule has been thoroughly vetted by the boards and clerks of court.

CJA Rule 4-401.02 Possession and use of portable electronic devices

The proposed amendments (lines 30-34) allow JPEC to continue to use recordings to evaluate the performance of justice court judges subject to a basic evaluation.

CJA Rule 7-302. Court reports prepared for delinquency cases

The Sentencing Commission released a new Juvenile Disposition Guide that does not provide specific recommendations for disposition, only factors that should be considered.

Chief Justice Durrant thanked Ms. Williams.

Motion: Judge Pettit moved to approve CJA Rules 1-205, 3-415, 3-419, 4-206, 4-401.02, and 7-302 with a November 1, 2021 effective date, as presented. Judge Brian Cannell seconded the motion, and it passed unanimously.

11. BUDGET AND GRANTS: (Judge Mark May, Karl Sweeney, and Jordan Murray)

Chief Justice Durrant welcomed Judge Mark May, Karl Sweeney, and Jordan Murray. Mr. Gordon and Cathy Dupont recommended the Council approve immediate expenditure of the FY21-22 American Rescue Plan Act of 2021 (ARPA) funding based on a review of the Department of the Treasury's Coronavirus State and Local Fiscal Recovery Funds Final Interim Rule; a review of the Department of the Treasury's Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions as of July 19, 2021; and conversations with staff members in the Governor's Office of Planning and Budget (GOPB) who have oversight of the distribution of ARPA funds. The FY21-22 projects were previously the Legislature. The Judicial Council requested additional assurances that the projects are eligible.

The FY21-22 projects are eligible under the category of responding to the public health emergency with respect to COVID-19. The Final Interim Rule identifies 12 non-exclusive types of expenditures under this category of eligibility, including COVID response and prevention. 31 CFR § 35.6(b)(1). The Final Interim Rule further identifies 18 non-exclusive examples of COVID response and prevention expenditures. The examples share a common purpose of implementing measures to mitigate the spread of COVID. Though the projects contained within the FY21-22 ARPA requests are not specifically identified in the non-exhaustive list of examples, the FY21-22 ARPA requests do share the common purpose of implementing measures to mitigate the spread of COVID. Specifically, the FY21-22 ARPA requests reduce the number of people present in a courthouse by implementing alternative ways to transact court business and participate in court proceedings; and decrease public health risks involved with handling evidence by implementing technology solutions. These measures are consistent with and equally important as the listed examples.

Mr. Gordon explained that the need for the funds continues to increase. Mr. Gordon will continue to review any requests to determine if they are permissible.

Electronic Access to Justice Part I FY22

\$11M

- a. Infrastructure to support continued use of video hearings.
- b. To develop a fully functional e-filing system for all litigants, including self-represented litigants.
- c. Create additional self-help kiosks for courthouses.
- d. A well-designed website that is easy to navigate and search.

Electronic Access to Justice Part II FY23

\$3.2M

Part II accompanies and completes the Part I request. Due to pricing increases on technology since the original estimate in Part I, the courts have updated the pricing on all of the requests and made a few additions/scope adjustments.

Jury Trial Backlog – District/Juvenile Courts Case Backlog Part II FY23

\$1M

Due to the effects of COVID, the courts have had difficulty conducting jury trials and hearing cases. Although the case backlog is beginning to be addressed, the courts 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.

Judge Shaughnessy perceived that the need is great and with this level of review, these items should be authorized for the commencement of expenditures. Mr. Gordon said the FY21-22 requests have been approved.

Motion: Judge Shaughnessy moved to approve the Electronic Access to Justice Part I FY22 request in the amount of \$11M, the Electronic Access to Justice Part II FY23 request in the amount of \$3.2M, and the Jury Trial Backlog – District/Juvenile Courts Case Backlog Part II FY23 request in the amount of \$1M to be submitted to GOPB and the legislature for their consideration during the FY23 budgeting process, as presented. Judge Heward seconded the motion, and it passed unanimously.

COVID-Related Supplies FY23

\$100,000

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 the courts run rate for these type of expenses (approximately \$4,000 per month) in FY22, the forecast continued need at this same rate throughout FY22 and FY23.

Office of Legal Services Innovation

\$648,778

The COVID pandemic and the related economic crisis has accelerated and exacerbated significant challenges in the civil justice system. 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. 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.

Premium Pay for Essential Workers FY23

\$2.5M

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.

Reduction of Matheson Courthouse Parking Revenue FY23

\$843,000

This request seeks recovery under ARPA's provision to cover reduced revenues due to COVID. The courts 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 FY20 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, the contract with the public parking management company was suspended. The courts reinstated the contract a few months ago, but with the resurgence of COVID due to variants, the courts terminated the contract September 2021. The courts do not see a return to profitable parking garage operations for the foreseeable future.

Public Outreach & Engagement

\$30,000

Community outreach has always been a focal point for the courts, and the COVID pandemic has disrupted a lot of regular in-person participation and presence at community events and meetings. In response to the pandemic, the courts recognize the importance of shifting outreach remotely, increasing access to justice, and gaining the trust and confidence of the public, especially among historically marginalized communities.

Self-Help Center – Helping Family Law Self-Represented Parties

\$64,000

The Self-Help Center provides services to people throughout the state who are representing themselves in Utah State Court cases. Most of the patrons are unable to afford attorneys. The courts 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.

Court Interpreters - Interpreting Equipment

\$95,760

Providing language access is essential, if not the very first step, for ensuring access to justice for limited English proficiency parties. The COVID pandemic has negatively disrupted how 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.

Motion: Judge Cannell moved to approve FY 23 ARPA requests: 1) COVID-Related Supplies FY23 in the amount of \$100,000, 2) Office of Legal Services Innovation in the amount of \$648,778, 3) Premium Pay for Essential Workers FY23 in the amount of \$2.5M, 4) Reduction of Matheson Courthouse Parking Revenue FY23 in the amount of \$843,000, 5) Public Outreach & Engagement in the amount of \$30,000, 6) Self-Help Center – Helping Family Law Self-Represented Parties in the amount of \$64,000, and 7) Court Interpreters - Interpreting Equipment in the amount of \$95,760) to be submitted to GOPB and the legislature for their consideration during the FY23 budgeting process, as presented. Judge Chin seconded the motion, and it passed unanimously.

Funding for Performance Raises – Replacing Career Ladder

\$450,000

Ongoing funds

Historically, career ladder has consumed \$450,000 of ongoing turnover savings each year. With the career ladder sun-setting this \$450,000 of ongoing funds will be dedicated to performance raises, implementing the new performance compensation strategy.

Motion: Judge Heward moved to approve the Funding for Performance Raises – Replacing Career Ladder in the amount of \$450,000, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

FY22 Career Ladder Payments

\$243,000

One-time funds

The conversion of the Courts' incentive plans from career ladder to a court wide incentive plan includes a Judicial Council approved wind-down of career ladder in FY22 using one-time turnover savings to make one-time payments. These are the final payments that will be made under the career ladder system.

Motion: Judge Connors moved to approve the FY22 Career Ladder Payments in the amount of \$243,000, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

FY22 Q1/Q2 Incentive Bonus Payments

\$275,000 cash payments

\$90,000 retirement and employer taxes

\$365,000 Total
One-time funds

Type 4 incentive bonus payments are meant to be given to employees who complete their individual performance goals as set with their manager. Not all goals will be accomplished in Q1 or Q2, but with the continued high turnover of court personnel, the courts are encouraging managers to begin paying incentive bonus payments as eligible employee's complete portions of their annual goals. The amount of the incentive bonus plan varies with some employees receiving performance raises and others incentive bonus payments. There will be a similar request for Q3 and Q4 at a future meeting. Judge Pullan wondered if this will become more of a practice in the future.

Motion: Judge Pullan moved to approve the FY22 Q1/Q2 Incentive Bonus Payments in the amount of \$365,000, as presented. Judge Connors seconded the motion, and it passed unanimously.

The Finance Department has responsibility for monitoring the difference between the interest the courts earn on trust accounts, earned surpluses retained inside the trust account, and the credit card and other fees the courts pay from the interest received. Historically, the courts either generated a cash surplus, or in years where general funds were going to lapse to the legislature, the courts moved general funds into the trust account to have on hand to cover future years expenses. Except for cash, each type of payment the court takes in has a cost associated with it. Payments by check and ACH have a nominal fee. Payments by credit card are the highest as there is both a per transaction (15 cents) and a fixed percentage charged on the payment amount (Transaction Fee). The total Transaction Fee is 2.95% and is fixed for approximately the next year. The courts had 246,000 credit card payment transactions in FY21 for a gross amount of \$32,064,968 of funds collected through credit card payments. As the society transitions more and more to "cashless" the courts expect credit card fees to increase due to both increases in the rate charged by credit card companies and volume as more court patrons shun cash in favor of credit cards.

Mr. Rice noted the courts aren't selling commodities, therefore, the burden cannot be spread to other consumers, further noting that there seemed to be no other choice than to adopt the fee. Mr. Sweeney thought the contract with Heartland was on average of what other credit card companies charge. Heidi Anderson said the courts went through a stringent process before deciding on Heartland.

Judge Connors felt adding a credit card fee is similar to increasing the filing fee. Mr. Sweeney said the courts have the option to collect the fees in criminal cases, however, they do not want to implement this until they have the authority to charge the fee on both criminal and civil cases. Ms. Anderson explained that the way the credit cards work is through trust & revenue accounts, which allow the courts to remove the fees on funds such as restitution. If the courts decide to collect both the credit card and charge fee it will take significantly longer to implement.

Judge Pullan said fines in criminal cases were used as punishment and adding fees to this obligation might create barriers.

Ms. Anderson noted PayPal may be an option but Venmo does not offer the security measures needed.

Mr. Sweeney will research additional options and how other states handle these issues then return to the Council. This may result in a statutory change. Mr. Gordon felt addressing this in October would allow time to include it with the next legislative session.

Mr. Murray presented CJA Rule 3-411, noting the revised guardrails are the product of many inputs from a variety of key stakeholders and grant professionals. In the early stages of assessment and throughout development, relationships and resource sharing opportunities were developed in partnership with additional state court jurisdictions; notable examples including Maryland and Kentucky; the National Center for State Courts (NCSC), and the National Grants Management Association (NGMA). These relationships were vital in the assessment and determination of best practices. During the rule drafting process, Accounting Manual Section 11-07.00 (special funds – grants) was concurrently revised to complement the revised rule and to provide enhanced guidance reinforcing its status as the official grant manual for the courts.

Motion: Judge Pullan moved to remove CJA Rule 3-411 from the consent calendar, revise as discussed, then send it for public comment. Judge Pettit seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Judge May, Mr. Sweeney, and Mr. Murray.

12. LEGISLATIVE AUDIT FINES & SURCHARGE IMPLEMENTATION: (Wayne Kidd, Michael Drechsel, and Paul Barron)

Chief Justice Durrant welcomed Wayne Kidd, Michael Drechsel, and Paul Barron. Recommendations from the Legislative Audit included:

- Tracking compliance with ordering statutorily required minimum fees
 - Tables were created in CORIS to identify statutes
 - There is a plan to implement warnings in CORIS & Judicial Workspace
 - There will be a district-level report on cases sentenced with fines below the mandatory minimum
- Monitor suspension of fines
 - Quarterly report of fines by district that will be sent to the presiding judges and justice court administrators. The report can be broken out by county or court.
- Track aggregate sentencing data
 - Statewide totals reported quarterly to court-level administrators
 - Totals posted on website, broken down by prison; probation; jail; and/or fine, fee or trust. Cases by prison or jail time can be broken down in ranges (0-5, 1-20, or 10-life)
 - Reporting total fines
- Track utilization of payment plans

- Quarterly report by district to presiding judges and justice court administrators including cases sentenced with fines and/or payment schedules. This would exclude traffic and parking case.

Mr. Drechsel explained that the audit was focused on tracking the minimum mandatory fine. Monitoring the suspensions is important for the courts because it identifies any fines or part of fines that judges suspend. Judge Connors said with every felony case, he is required to impose a prison sentence even though he sometimes suspends the sentence. Judge Shaughnessy clarified that judges can impose jail time over prison.

Judge Pullan wasn't sure what future purpose collecting the data would serve. Mr. Drechsel said the auditors reviewed aggregate data throughout the state, then felt the Council was better situated to address this. Judge Samuel Chiara didn't believe comparing people based on a similar charge would work well because they are in different situations. When the legislature made fines no longer a condition of probation, the collection of fines declined. Judge Pettit noted the payment plan data didn't seem accurate. Mr. Barron said the data was retrieved from the minutes. Mr. Barron will conduct a more thorough review of the data.

Judge Connors felt the mandatory fine issues should be identified in court programs, although he did not understand why the AP&P recommendations did not include mandatory fines. Mr. Bahr noted the Board of District Court Judges were also concerned about the AP&P issue, which has now been addressed with AP&P. Mr. Bahr will follow up with AP&P again and question why their recommended PSR's fines are not consistent.

Mr. Drechsel explained that the JRI Audit was more than 140 pages and included sentences for drug possession charges. In some jurisdictions, drug treatment programs in jails are more successful.

Chief Justice Durrant thanked Mr. Kidd, Mr. Drechsel, and Mr. Barron.

13. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge Barry Lawrence and Shane Bahr)

Chief Justice Durrant welcomed Judge Barry Lawrence and Shane Bahr. Judge Lawrence reported that Judge Heather Brereton will replace him as Chair on the Board. There are 11 new judges over the past year and more than two-thirds of the district bench have 8.5 or less years of experience.

The Green Phase Workgroup, lead by Judge Don Torgerson, has completed their work and will seek guidance from the Board tomorrow.

Judge Lawrence had the perception that judges are not as happy as they used to be. Judge Lawrence surveyed judges with more than 8 years on the bench. Most people love the core principles of being a judge but agreed that being a judge is less personal these days. Many judges would have preferred to hold the Annual Judicial Conference in person.

Chief Justice Durrant thanked Judge Lawrence and Mr. Bahr.

14. RECOGNITION OF OUTGOING JUDICIAL COUNCIL MEMBER – ROB RICE: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant thanked Mr. Rice for his dedication and expertise in the legal field. Judge Shaughnessy added that the Judiciary and the Council have been the beneficiaries of a lot of hours Mr. Rice has put in above and beyond the call of the Council on matters such as policies and procedures. Mr. Rice appreciated the remarks and felt this has been a real pleasure.

15. OLD BUSINESS/NEW BUSINESS

No additional business was addressed.

16. EXECUTIVE SESSION

Motion: Judge Heward moved to go into an executive session to discuss a professional competence of an individual and an issue of pending litigation. Judge Pullan seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to have Mr. Gordon and Ms. Dupont form a committee to prepare an RFP for legal representation in anticipation of pending litigation and that this committee communicate with the Council in drafting the RFP and determining who the RFP should be directed. Judge Sessions seconded, with Mr. Rice abstaining and Chief Justice Durrant abstained with the understanding that he does not have a vote.

17. CONSENT CALENDAR ITEMS

- a) Committee Appointments. Appointment of Judge Adam Mow as Chair to the ADR Committee. Appointment of Judge Teresa Welch to the MUJI – Criminal Committee. Reappointment of Judge Clemens Landau, the appointment of Judge Diana Hagen, and the appointment of Dawn Hautamaki to the Technology Committee. Approved without comment.
- b) Probation Policy 4.5. Approved without comment.
- c) CJA Rules 2-101, 3-117, 3-303, 3-401, 4-202.02, 4-208, 5-101, 6-101, 7-101, and 9-101 for Public Comment. Approved with comment removing Rule 3-411 until it can be revised. The approved motion allows the rule to be sent for public comment once changes are made.

18. ADJOURN

The meeting adjourned.

Tab 2

Agenda

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
October 12, 2021
Meeting held through Webex
12:00 p.m. – 12:48 p.m.**

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

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

Excused:

Cathy Dupont
Michael Drechsel
Shane Bahr

Guests:

Kim Brock, TCE, Third District Court
Rory Jones, Probation Chief
Angie Weeks, Probation Chief

AOC Staff:

Ron Gordon
Lucy Beecroft
Tracy Chorn
Wayne Kidd
Meredith Mannebach
Tania Mashburn
Jim Peters
Keri Sargent
Neira Siaperas
Nick Stiles
Chris Talbot
Diane Williams
Keisa Williams
Jeni Wood

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

Chief Justice Matthew B. Durrant was late to the meeting. Judge Todd Shaughnessy welcomed everyone to the meeting.

Motion: Judge Mark May moved to approve the September 14, 2021 Management Committee minutes, as presented. Judge David Mortensen seconded the motion, and it passed unanimously.

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

Ron Gordon will continue sending updates of Judicial Council meetings to all court personnel to provide better transparency and offer more communication between the AOC and the districts. Mr. Gordon is working internally to possibly shift workloads of staff in the districts who have discussed their heavy workloads or ways to acknowledge employees who excel. Mr. Gordon is reviewing ways to recognize employees on a quarterly basis. Judge Shaughnessy thanked Mr. Gordon for these efforts.

3. JUDICIAL COUNCIL COMMITTEE ASSIGNMENTS: (Ron Gordon)

This item will be addressed at a later meeting.

4. COMMITTEE APPOINTMENTS: (Chris Talbot)

Court Facility Planning Committee

Chris Talbot stated with Mark Urry's request to be released from the committee, the TCE position needed to be filled on the Court Facility Planning Committee. Chris Morgan, Sixth District Court TCE volunteered to fill this position. The committee agreed with Mr. Morgan's appointment.

Motion: Judge Mortensen moved to approve the appointment of Chris Morgan to the Court Facility Planning Committee, as presented, and place this on the Judicial Council consent calendar. Judge Paul Farr seconded the motion, and it passed unanimously.

5. PROBATION RISK PHASE RESPONSE PLAN: (Rory Jones and Angie Weeks)

Rory Jones and Angie Weeks presented changes to the Probation Risk Phase Response Plan in accordance with the recent Administrative Order. Most of the changes relate to the Yellow phase portion, including virtual home appointments when feasible. If participants are noncompliant, probation would conduct an in-person visit. Judge May noted the Plan falls in line with current practices.

Motion: Judge May moved to approve changes to the Probation Risk Phase Response Plan, as presented. Judge Farr seconded the motion, and it passed unanimously.

6. APPELLATE COURTS LIMITED AUDIT: (Wayne Kidd and Tracy Chorn)

Wayne Kidd presented the Appellate Courts Limited Audit. This audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Tracy Chorn, Internal Auditor, served as the lead auditor for this review.

Motion: Judge Farr moved to approve the Appellate Courts Limited Audit, as presented. Judge May seconded the motion, and it passed unanimously.

7. 2021 ICSA SUMMARY FOR SELECTED JUSTICE COURTS: (Diane Williams and Lucy Beecroft)

Diane Williams and Lucy Beecroft reviewed the Internal Control Self-Assessment Summary for justice courts. The assessments were conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Diane Williams and Lucy Beecroft, served as lead auditors for this review. The purpose of the ICSA is to assess the adequacy of the court's risk management and control processes. The self-assessment provides the court an opportunity to address recommendations to mitigate risks and improve controls.

Judge Mortensen thanked Ms. Williams and Ms. Beecroft for a well-written report. The summary will be provided to the Justice Court Administrator, the Board of Justice Court Judges, and the Justice Court Trainer. Mr. Gordon said the Internal Audit Department was amazing.

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

Judge Shaughnessy addressed the Judicial Council agenda. The executive committee selection item will remain on the agenda.

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

9. OLD BUSINESS/NEW BUSINESS: (All)

Judge Shaughnessy asked Mr. Kidd if the Draper City Justice Court audit issues were resolved. The city indicated they will take the necessary steps to implement the recommendations. Mr. Kidd stated the audit department will follow up to ensure the recommendations were implemented.

The committee agreed to have the Office of Innovation provide a report every six months to the Council.

Judge Mortensen has been asked, given that universities are implementing COVID vaccine requirements, if the courts will follow that same protocol. Keisa Williams will research if current law would allow the Judiciary to impose a vaccine mandate where some vaccines have only received an emergency approval, rather than a full FDA approval. One question is whether the Judiciary can mandate a specific vaccine. Judge Mortensen would like the research done now rather than to wait for additional federal guidance. Ms. Williams said if a vaccine was approved then the Judiciary can require a vaccine.

Judge Shaughnessy noted there are a lot of people who are concerned with the courts holding jury trials. Additionally, a study was released yesterday from the Netherlands finding no evidence that vaccinated people can infect other vaccinated people. Judge Mortensen said there may be scientific basis for requiring employees to be vaccinated.

Judge Shaughnessy thought this should be treated as legal advice to the Council and should be addressed in an executive session. Ms. Williams will research whether the Judiciary can require a vaccine, without listing a specific vaccine, unless Mr. Drechsel determines it is not necessary through an open legislative bill. Mr. Gordon will follow up on this issue with Mr. Drechsel and Ms. Williams.

A bailiff in the Third District Court tested positive for COVID and may have come in contact with individuals while not wearing a mask.

10. EXECUTIVE SESSION: (All)

An executive session was held.

11. ADJOURN

The meeting adjourned.

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

**Minutes
October 14, 2021
Meeting held through Webex
12:00 p.m. – 1:02 p.m.**

Members Present:

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

Excused:

Hon. Kara Pettit
Cathy Dupont
Michael Drechsel
Shane Bahr

Guests:

Kim Brock, TCE, Third District Court
Joyce Pace, TCE, Fifth District Court

AOC Staff Present:

Ron Gordon
Heidi Anderson
Alisha Johnson
Jordan Murray
Bart Olsen
Jim Peters
Jon Puente
Neira Siaperas
Nick Stiles
Karl Sweeney
Melissa Taitano
Jeni Wood

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

Judge Mark May welcomed everyone to the meeting.

Motion: Justice Deno Himonas moved to approve the September 23, 2021 minutes, as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

2. PERIOD 3 FY22 FINANCIALS AND ONE-TIME/ONGOING TURNOVER SAVINGS: (Alisha Johnson)

Alisha Johnson reviewed period 3 financials. The figures shown do not include the reimbursement of ARPA funds. As of October 8th, the ongoing savings was negative but when added to last year's carryforward, this brings the courts to a positive estimated amount of \$679,000.

#		Funding Type	Amount
1	Carried over Ongoing Savings (from FY 2021, includes unallocated ongoing appropriation)	Internal Savings	244,454
2	Current YTD Ongoing Turnover Savings FY 2022	Internal Savings	(15,186)
	TOTAL SAVINGS		229,268
Actual Turnover Savings for FY 2022 as of 10/8/2021			\$ 229,268

#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 9/17/2021)	Internal Savings	920,878
2	Est. One Time Savings for 1,632 remaining pay hours (\$2k / pay hour)	Internal Savings (Est.)	3,264,000
	TOTAL POTENTIAL SAVINGS		4,184,878
	Current Balance of One Time Savings		\$ 4,184,878

One-time Spending Plan					
Forecasted Available One-time Funds			# One-time Spending Plan Requests (blue); previously approved (orange) Previously Approved One-time Budget Requests/Current Requests in Bold	Current Requests Amount	Judicial Council Prev. Approved Amount
Description	Funding Type	Amount			
Sources of YE 2022 Funds					
* Turnover Savings as of pay period ending 09/17/2021	Turnover Savings	920,878	1 Judicial Council Room Upgrades		39,481
** Turnover savings Estimate for the rest of the year (\$2k x 1,632 pay hours)	Turnover Savings	3,264,000	2 Statewide Router Upgrades		160,000
*** From TCE / AOC Budgets	Internal Operating Savings	-	3 WiFi Access Points Upgrades		120,000
Reserve Balance (from August Judicial Council meeting and changes)	Judicial Council Reserve	466,829	4 FY 2022 Career Ladder Payments		243,000
# Total Available Forecasted Funds for FY 2022		4,651,707	5 FY 2022 Incentive Bonus Payments		365,000
Uses of YE 2022 Funds					
+ Maximum Carryforward into FY 2023	Desired Carryforward	(2,500,000)			
Total Forecasted Available YE 2022 One-time Funds		\$ 2,151,707	Current Month One-time Spending Requests	-	927,481
Less: Judicial Council Requests Previously Approved		\$ (927,481)			
Subtotal Remaining Available for YE 2021 Requests		\$ 1,224,226			

3. REQUEST FOR USE OF ONGOING SAVINGS: (Karl Sweeney)
11% Salary Cap and Associate General Counsel Starting Salary
 \$7,600
 Ongoing

In February 2020, the Judicial Council approved the use of 20% of the estimated annual Ongoing Turnover Savings, not to exceed \$110,000 in a fiscal year, by the State Court Administrator and Deputy State Court Administrator to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. One other person has been identified as being impacted by the 11% salary cap. This is an additional request for \$7,600 in ongoing turnover savings in FY22 to address this issue and a request to use up to \$35,000 to increase the salary and related benefits.

Motion: Justice Himonas moved to approve sending the 11% Cap Adjustment and Associate General Counsel position to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Proposed Authorization to Increase Delegated OTS
 \$200,000 (up to)
 Ongoing funds

The Council approved the use of 20% of the estimated annual ongoing turnover savings, not to exceed \$110,000 in a fiscal year to address departmental reorganizations. The new request is not to exceed \$200,000.

Motion: Justice Himonas moved to approve sending the Proposed Authorization to Increase Delegated OTS to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

Software to Implement Court's Portion of Clean Slate Legislation

\$19,667

One-time funds

In order to complete continuing work on the expungement Clean Slate project, the courts need Sensing in order to run auto expungements without human intervention. This will help continue the court's mission by assisting patrons with their expungements and relieving them of the burdening expungement process. Heidi Anderson will seek additional funds in 2022.

Motion: Justice Himonas moved to approve sending the Software to Implement Court's Portion of Clean Slate Legislation position to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

4. CALENDAR YEAR 2022 MEETING DATES: (Alisha Johnson)

Proposed meeting dates:

January 4 th	February 14 th	February 24 th	April 11 th
May 9 th	June 13 th	July 5 th	August 4 th
August 30 th	October 11 th	November 7 th	December 5 th

Motion: Judge Chin moved to approve the 2022 meeting schedule, as presented. Justice Himonas seconded the motion, and it passed unanimously.

The committee rescheduled the next meeting to November 12th at 12:30 p.m.

5. JUDICIAL OPERATIONS POLICY REVISIONS: (Karl Sweeney and Alisha Johnson)

Historically, the Judicial Operations budget has been funded through two sources:

- Ongoing base budget (\$500 per Judge/Senior Judge/Commissioner)
- Carryforward funding (\$400 per Judge/Senior Judge/Commissioner).

In FY21 and FY22, the carryforward funding was not granted by the Judicial Council leaving each Judge/Commissioner/Senior Judge with the \$500 base budget allocation. This allocation has not been fully utilized. In the past five years the greatest use year was FY18 and, in that year, the amount utilized was 59.31% of just the base portion of the allocation (\$51,598/\$88,000). As a portion of total allocation, for the past five years, utilization rates range from a low of 19.79% in FY 2020 to a high of 32.95% in FY18.

	FY17	FY18	FY19	FY20	FY21
Base Allocation	\$86,500	\$87,000	\$88,000	\$88,000	\$88,000
Carryforward Allocation	\$69,200	\$69,600	\$70,400	\$70,400	\$-
Total Allocation	\$155,700	\$156,600	\$158,400	\$158,400	\$88,000
Funding Utilized	\$47,789	\$51,598	\$44,940	\$31,350	\$25,028
Percent of Base Utilized	55.25%	59.31%	51.07%	35.62%	28.44%
Percent of Total Utilized	30.69%	32.95%	28.37%	19.79%	28.44%

By design, the Judicial Operations funding has very specific allowable uses as per the Accounting Manual section 13-02 00. The request is to eliminate the Judicial Operations allocation. With the elimination:

- the base allocation would be moved to court executives' budgets to control; and
- Judicial Officers will be granted the flexibility, subject to accounting manual policy and court executive approval, not afforded to them within the current scope of the Judicial Operations budget.

Implementing this change will allow judicial officers to request any necessary purchase that would be allowed within accounting manual policy including everything within a Boards request. It would also allow the court executive the ability to ensure the request is necessary, within budget, and does not adversely impact the budget or obligations of other court departments. It also allows everyone involved to evaluate the most efficient way to complete the goal of the request.

Judge May noted this has been a sensitive issue in the past and appreciated the work Mr. Sweeney and Ms. Johnson put into this effort. Judge May didn't see a point in increasing the budget to \$1,000 per person because only 28% of the judicial operations budget is currently being used.

Motion: Justice Himonas moved to approve sending the elimination of the judicial operations budget to the Judicial Council, as presented. Judge Chin seconded the motion, and it passed unanimously.

6. GRANT COORDINATOR REPORT: (Jordan Murray)

Jordan Murray reviewed the third quarter grants report. The revised draft of CJA Rule 3-411 is in the public comment period through November 12, 2021. The Judicial Council's Grant Application Proposal forms are being updated to reflect revised Rule 3-411 and Accounting Manual Section 11-07.00. The Court Improvement Program renewal application, as approved as of September 24, 2021 by the Department of Health & Human Services Children's Bureau. The Notice of Award letter is pending.

Grants Financial Dashboard Calendar Q3 2021 Preliminary as of September 30, 2021							
Unit #	Sponsoring Unit (beneficiary if different)	Funded Grant Title	Grant Award	Expenditures Life-to-Date	Expenditures Calendar Q3	Grant Balance Remaining	Source of Grant Funds
Federal Funds							
2918	Juvenile Courts	Court Improvement Program (CIP) - Data	\$ 145,564	\$ 145,564	\$ 36,182	\$ -	DHHS Children's Bureau
2919	Juvenile Courts	Court Improvement Program (CIP) - Training	\$ 145,564	\$ 136,273	\$ 50,757	\$ 9,291	DHHS Children's Bureau
2957	Juvenile Courts	Court Improvement Program (CIP) - Basic	\$ 158,976	\$ 150,033	\$ 125,163	\$ 8,943	DHHS Children's Bureau
TBD	Juvenile Courts	Pandemic-related supplement to CIP grants	\$ 147,058	\$ -	\$ -	\$ 147,058	DHHS Children's Bureau
2962	Alt Dispute Resolution	State Access & Visitation Program	\$ 100,000	\$ 21,598	\$ 21,598	\$ 78,402	DHHS Children's Bureau
2936	Justice Courts	Violence Against Women Act (VAWA) Grant	\$ 85,000	\$ 40,000	\$ 18,390	\$ 45,000	UOVVC-DOJ Office on Violence Against Women
2967	GAL-CASA	Victims of Crime Act (VOCA) State Assistance Fund	\$ 289,902	\$ 220,000	\$ 69,000	\$ 69,902	UOVVC-DOJ Office of Victims of Crime
2968	GAL-CASA	Court Appointed Special Advocates (CASA) Mentoring	\$ 26,662	\$ 7,024	\$ 5,836	\$ 19,638	DOJ-National CASA Association
2933	Appellate (Innovation Office)	Utah Innovation Office & Regulatory Sandbox	\$ 200,000	\$ 114,964	\$ 18,906	\$ 85,036	State Justice Institute
2935	Appellate (IT)	Online Dispute Resolution (ODR) Assessment	\$ 75,000	\$ -	\$ -	\$ 75,000	State Justice Institute
2940	Appellate (Innovation Office)	Sandbox Tools: Scaling & Sustaining Innovation	\$ 65,020	\$ -	\$ -	\$ 65,020	State Justice Institute
2939	General Counsel (IT)	HB206 Bail Reform & Pre-Trial Release	\$ 180,000	\$ 30,000	\$ 30,000	\$ 150,000	CCJJ-DOJ Byrne JAG
Subtotals for Federal			\$ 1,618,746	\$ 865,456	\$ 375,832	\$ 753,290	
Non-Federal Funds							
2938	Appellate (Innovation Office)	Utah Innovation Office Regulatory Sandbox	\$ 250,000	\$ -	\$ -	\$ 250,000	The Hewlett Foundation
2943	Appellate (IT)	Online Dispute Resolution (ODR) Assessment	\$ 110,000	\$ 20,250	\$ 20,250	\$ 89,750	Pew Charitable Trusts
Subototals for Non-Federal			\$ 360,000	\$ 20,250	\$ 20,250	\$ 339,750	
TOTAL (Active Grants)			\$ 1,978,746	\$ 885,706	\$ 396,082	\$ 1,093,040	
Special Funds							
N/A	Multiple	Legislature approved: Multiple IT projects (\$11M) and jury trial backlog (\$1M)	\$ 12,000,000	\$ -	\$ -	\$ -	American Rescue Plan Act (ARPA) - \$12M to be used by 12.31.2024
Pending Awards							
N/A	5th/6th/7th/8th Judicial Districts	Salary/benefits for Protective Order Prgm Coordinator (36 mo.)	\$ 253,000	\$ -	\$ -	\$ -	UT Domestic Violence Coalition (UDVC)
Grants in Closeout							
		(None in Q3)	\$ -	\$ -	\$ -	\$ -	

7. OLD BUSINESS/NEW BUSINESS: (All)

Rule 2-206 states the effective dates of rules are May 1st and November 1st of each year, unless otherwise directed by the Judicial Council. Mr. Murray will seek expedited approval of Rule 3-411 from the Judicial Council and will seek the Judicial Council's approval to end the grant moratorium.

Motion: Justice Himonas moved to approve sending the Judicial Council the request to remove the grant moratorium, as presented. Judge Chin seconded the motion, and it passed unanimously.

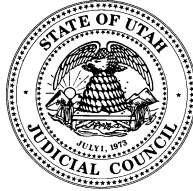
Mr. Sweeney introduced Melissa Taitano as the new Finance Manager.

Mr. Gordon thanked the committee for their work with the courts budget, especially with their detailed efforts for retaining current employees.

8. ADJOURN

The meeting adjourned.

Tab 3



Administrative Office of the Courts

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

October 7, 2021

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

MEMORANDUM

TO: Judicial Council

FROM: Cathy Dupont, Deputy State Court Administrator

RE: Senior Judge Certifications/Recertifications

I have one new active senior judge certification for your consideration. Judge Charlene Hartmann is seeking initial certification and does not have any outstanding complaints after a finding of reasonable cause with the Judicial Conduct Commission or the Utah Supreme Court. ([Code of Judicial Administration Rule 11-201\(2\)](#)) Judge Hartmann appears to meet the criteria found in Code of Judicial Administration Rule [11-203. Senior Justice Court Judges](#), with the exception of her education hours two years ago.

The National Center for State Courts does not conduct performance evaluations on justice court judges. We are working with the NCSC to determine if that is a possibility. The Board of Justice Court Judges unanimously supported Judge Hartmann's application.

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

Justice Court ACTIVE Senior Judge Application

Active senior judge status allows you to hear and determine cases and to perform weddings and oaths.

The declarations on the form reflect the qualifications established by rule 11-203 of the Utah Code of Judicial Administration. Please review them to confirm that they all apply and fill in any information requested. You should fill in your education hours based on your records or best recollection.

Your application will be considered first by the Judicial Council and then by the Supreme Court. You will receive an oath of office form if the Court approves your appointment.

PLANNED LEAVES OF ABSENCE: A judge applying for active senior judge status must elect inactive status during any planned leaves of absence if they could interfere with the judge's ability to fully comply with annual education requirements or the judge's ability to meet the judge's minimum senior judge service days.

NAME: Please provide your name below.

Charlene S. Hartmann

RETIREMENT DATE: Please provide your retirement date below.

MM DD YYYY

12 / 05 / 2021

AGE 75: Please provide the year you will, or did, turn 75. Please do NOT provide your actual birth date.

2021

QUALIFICATIONS FOR OFFICE: I hereby apply for the office of ACTIVE Senior Judge and declare as follows (check ALL that apply): *

- ☒ 1) I was retained in the last election in which I stood for election.
- ☒ 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- ☒ 3) I am physically and mentally able to perform the duties of judicial office.
- ☒ 4) I demonstrate appropriate ability and character.
- ☐ 5) I am admitted to the practice of law in Utah, but I do not practice law.
- ☐ 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- ☒ 7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- ☒ 8) I am a current resident of Utah and available to take cases.
- ☒ 9) I will satisfy the education requirements of an active judge.
- ☒ 10) I will accept assignments at least two days per calendar year, subject to being called.
- ☐ 11) (If applying for a subsequent active senior judge term) During my last term of office, I accepted assignments at least two days per calendar year.
- ☒ 12) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration, and rules of the Supreme Court.
- ☒ 13) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been recommended for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- ☒ 14) I continue to meet the requirements for certification for judicial performance evaluation as those requirements are established for active senior judges.
- ☒ 15) I was not removed from office or involuntarily retired on grounds other than disability.
- ☒ 16) I was not suspended during my final term of office or final six years in office, whichever is greater.
- ☒ 17) I did not resign as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 18) I will submit relevant information as requested by the Judicial Council.
- ☒ 19) I have not been subject to any order of discipline for conduct as a senior judge.

- ☒ 21) There is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- ☒ 22) During my current term there have been NO orders of discipline against me entered by the Supreme Court.

IF APPLICABLE, please explain why you DID NOT check any of QUALIFICATIONS the boxes above. In other words, please explain why any of the qualifications/declarations above do not apply to you. Please include the qualification/declaration number.

#5 Do not have a law degree #6 I am currently a part-time Justice Court Judge #11 This is my first time applying to be a senior judge.

IF APPLYING FOR REAPPOINTMENT, please list the court(s) where you served during your term, along with approximate dates.

JUDICIAL PERFORMANCE EVALUATION: I further declare as follows (check ALL apply): *

- ☒ A) I have held no more than three cases per calendar year under advisement more than two months after submission.
- ☒ B) I have held no cases under advisement more than 180 days after submission.
- ☒ C) I am in substantial compliance with the Code of Judicial Conduct.
- ☒ D) I am physically and mentally fit for office.

IF APPLICABLE, please explain why you DID NOT check any of the JUDICIAL PERFORMANCE EVALUATION boxes above. In other words, please explain why you HAVE NOT met any of the performance standards. Please include the standard letter(s).

YEAR 1: My education hours for the current fiscal year (July 1-June 30) are: *

30 or more ▼

YEAR 2: My education hours for the last fiscal year (July 1-June 30) were: *

30 or more ▼

YEAR 3: My education hours 2 years ago (fiscal year July 1-June 30) were: *

Fewer than 30 ▼

IF APPLICABLE, please explain why you HAVE NOT completed 30 EDUCATION HOURS during any of the three fiscal years listed above. Please include any planned courses for the current fiscal year.

Did you attend the Spring Justice Court Judges Conference during each of the three years? *

☒ Yes

☐ No

IF APPLICABLE, please explain why you DID NOT attend the Spring Justice Court Judges Conference during any of the three years.

.....

PLANNED LEAVES OF ABSENCE: Please check the box to indicate acknowledgement. *

☒ I understand that I must request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education or minimum senior judge service day requirements.

ELECTRONIC SIGNATURE: Please sign below in the following format: /s/ NAME

Charlene S. Hartmann

.....

This form was created inside of Utah State Courts.

Google Forms

Tab 4



Administrative Office of the Courts

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

Ronald B. Gordon, Jr.
State Court Administrator

Catherine J. Dupont
Deputy Court Administrator

MEMORANDUM

To: Judicial Council
From: Michael C. Drechsel, Assistant State Court Administrator
Date: Friday, October 15, 2021
Re: 78A-8-109 Report and Recommendation Concerning Maximum Amount of Small Claims Actions

Utah Code section 78A-8-109¹ states:

The Judicial Council shall present to the Judiciary Interim Committee, if requested by the committee, a report and recommendation concerning the maximum amount of small claims actions.

The Judiciary Interim Committee has requested this "report and recommendation" from the Judicial Council by November 1, 2021. Before bringing this matter to the Judicial Council, we met separately with the Board of District Court Judges and the Board of Justice Court Judges to receive input for the Judicial Council. This memo includes board recommendations and relevant data (including data tables linked at the end of the memo). Most of this data was presented to each of the boards.

QUESTIONS FOR JUDICIAL COUNCIL ACTION:

- 1) Does the Judicial Council recommend an increase to the jurisdictional limit?
 - a) If yes, why?
 - b) If yes, what should that increased amount be?
 - c) If no, why not?

Recommendation from the Board of District Court Judges:

There is no recommendation from the Board of District Court Judges to make any change to the small claims jurisdictional amount.

Recommendation from the Board of Justice Court Judges:

The Board of Justice Court Judges voted in favor of the Judicial Council recommending that the legislature increase the jurisdictional limit. The reasons for this recommendation include:

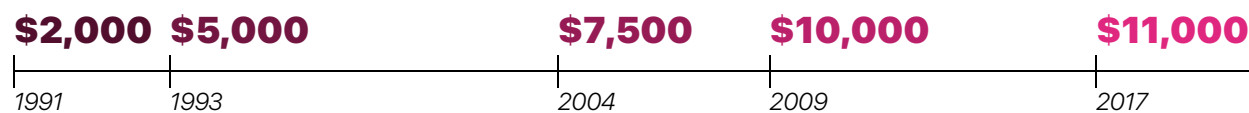
¹ https://le.utah.gov/xcode/Title78A/Chapter8/78A-8-S109.html?v=C78A-8-S109_1800010118000101

- the justice courts are qualified and capable of addressing higher-value cases;
- the jurisdictional limit should be adjusted to reflect inflation;
- the Online Dispute Resolution (ODR) program has increased case-processing capacity, allowing the justice courts to focus resources on those cases that require additional court attention; and
- a significant number of cases are instituted by a small subset of high-volume filers for relatively low-value amounts (skewing some of the data presented to the board).

The Board of Justice Court Judges is not recommending any specific amount of increase, and instead defers to the Judicial Council, and ultimately to the legislature, on what amount may be appropriate. Any increase should be reasonably designed to avoid directing more complicated cases (i.e., cases requiring extensive discovery, expert witness testimony, etc.) into the small claims venue. The board is confident that justice courts around the state are well-positioned to effectively adjudicate higher-value cases if the legislature chooses to increase the jurisdictional authority.

HISTORY OF SMALL CLAIMS JURISDICTIONAL LIMIT INCREASES

The current small claims jurisdictional limit is \$11,000 including attorney fees, but exclusive of court costs and interest.² The following timeline charts the history of increases since 1991:



NUMBER OF SMALL CLAIMS ACTIONS IN LAST 10 YEARS: JUSTICE COURT

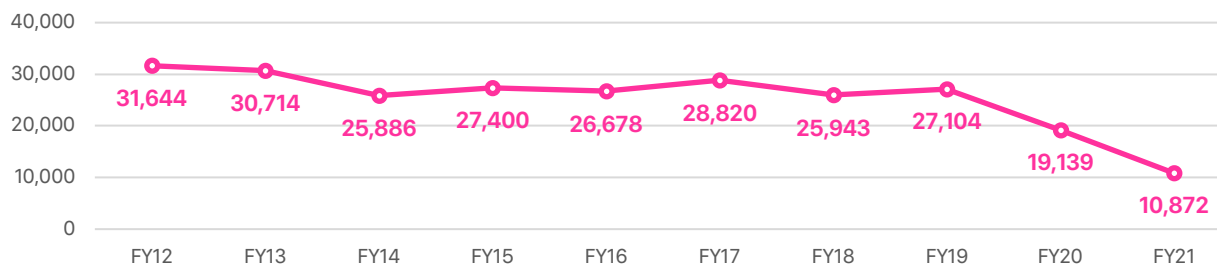


Chart 1 – Number of justice court small claims cases from FY12-FY21.

Justice court filing data for the last ten years show that justice courts received a relatively steady number of small claims cases for most of the decade (even after *Simler v. Chilel*, 2016 UT 23), but experienced a dramatic decrease in small claims cases in FY20 and again in FY21. This reduction is not attributable to the launch of the Online Dispute Resolution (ODR) program; the represented data includes all ODR cases as well as all cases filed and processed using traditional small claims processes. Collateral effects of the COVID-19 pandemic likely play a significant role in the decrease.

² https://le.utah.gov/xcode/Title78A/Chapter8/78A-8-S102.html?v=C78A-8-S102_2017050920170509

NUMBER OF SMALL CLAIMS ACTIONS (DE NOVO) IN LAST 10 YEARS: DISTRICT COURT

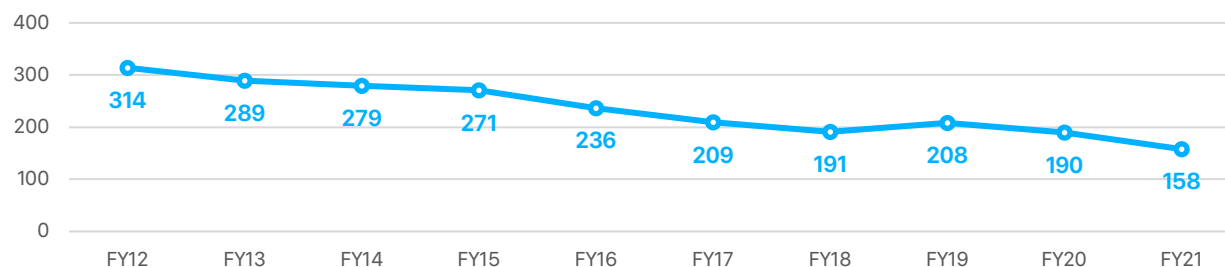


Chart 2 – Number of district court small claims (de novo) cases from FY12-FY21.

District court filing data for the last ten years show that district courts have experienced a relatively steady decline in the number of small claims (de novo) cases.

FY19-FY21 DISTRIBUTION OF SMALL CLAIMS ACTIONS BY \$ AMOUNT: JUSTICE COURT

From FY19 through FY21, there were a total of **57,115** small claims cases filed in justice courts. The three-year average distribution of justice court small claims cases is weighted heavily toward the lowest amounts in controversy, with 92% of cases filed during FY19–FY21 having an amount in controversy less than \$6,000 (see Chart 3 below).³

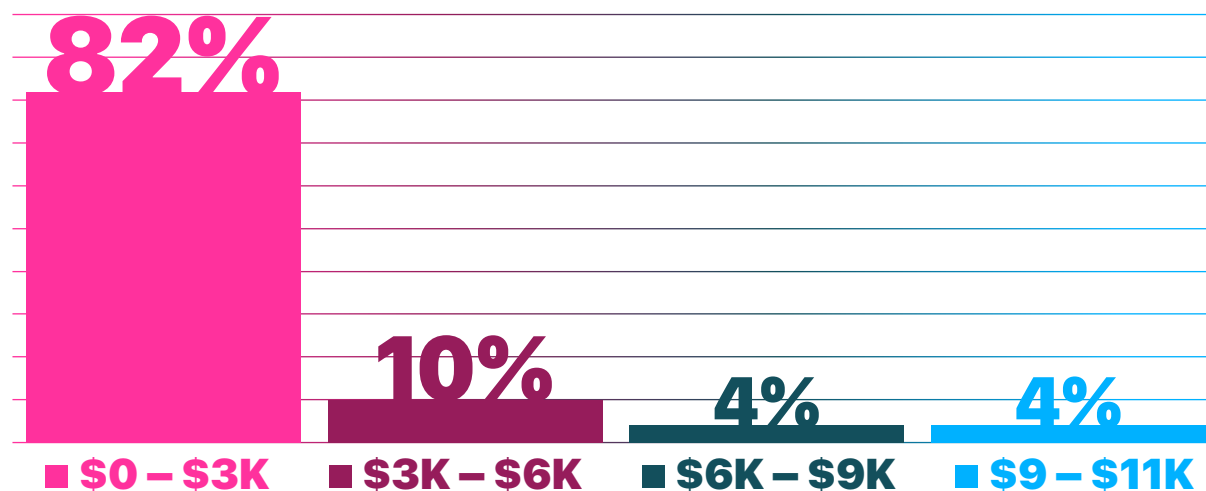


Chart 3 – Distribution of justice court small claims cases by amount in controversy for FY19-FY21.

The Board of Justice Court Judges observed that “high-volume filers”⁴ are likely responsible for a significant portion of the 82% tier. The board recommended that analysis be conducted to determine what the distribution of cases would be after taking into account the effects of high-volume filers. The data show that 80% of small claims cases were filed by less than 1% of filers from FY19-FY21.

³ Over the last three years, there has been a gradual shift in the distribution of cases toward higher amounts in controversy. For instance, in FY21, the same tiers outlined above are: 75%, 14%, 5%, 6%. This shift appears to correlate with the dramatic reduction of small claims cases in FY20, and again in FY21. One possible explanation for this shift is that, for some litigants, pandemic-related factors may have outweighed the need to litigate the lowest-value small claims cases.

⁴ “High-volume filer” is not a pre-defined term. For purposes of this memo, a “high-volume filer” is a party filing, on average, more than one small claims case per month (or ≥36 cases in the FY19-FY21 period).

TOTAL SMALL CLAIMS CASES (FY19-FY21)	TOTAL FILERS (approximate)	NUMBER OF "HIGH-VOLUME" FILERS	"HIGH-VOLUME FILER" % OF CASES
57,115	8,400	75	80%

Filtering out cases filed by the 1% of high-volume filers shifts the case distribution significantly toward the higher amounts, because high-volume-filer small claims cases tend to be for lower amounts. Even so, the three-year average distribution of justice court small claims cases remains weighted heavily toward the lower amounts in controversy, with 70% of cases filed by non-high-volume-filers from FY19–FY21 having an amount in controversy less than \$6,000 (see *Chart 4 below*).

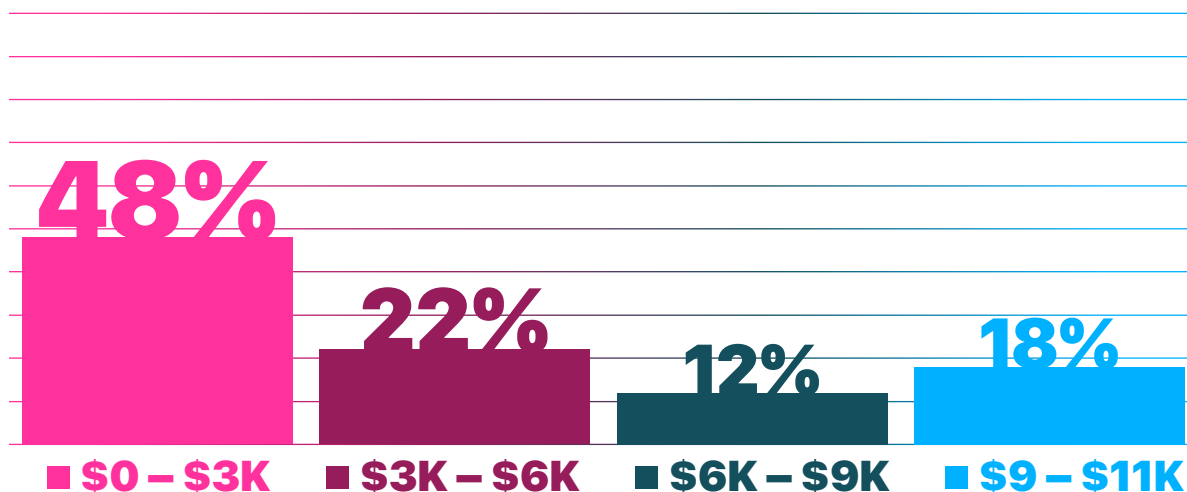


Chart 4 – Distribution of justice court non-high-volume-filer small claims cases by amount in controversy for FY19-FY21.

THE JUSTICE COURT REFORM TASK FORCE:

Completely independent of the Judiciary Interim Committee's request for a "report and recommendation" and the above-described review by the Boards, the Judicial Council has recently adopted the Justice Court Reform Task Force' recommendations, including recommendations that would restructure how small claims cases are processed. Notably, after significant study for more than a year, that task force did not include any recommendation to increase the jurisdictional limit.

LINK TO DATA TABLES:

Justice Court Small Claims Cases Data for FY2019, FY2020, and FY2021

https://docs.google.com/spreadsheets/d/1QP0uLvZFz8FyIJHuay-6Y_aUBvrU4CsT_TWcW0yY90o

To access the data, you will need to open the link in a browser that is signed into your *utcourts.gov* Google account. If after clicking the link you arrive at a page that says "You need access," then you need to ensure that you are signed into your *utcourts.gov* Google account first. Then click the link again.

Tab 5

2. FY 2022 Ongoing Turnover Savings Spending Request – 11% Salary Cap Issue

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

Date: October 7, 2021

Department or District: Administrative Office of the Courts
Requested by: Ron Gordon and Bart Olsen

Request title: Special Request for Ongoing TOS to Address 11% Salary Cap Issue

Amount requested: One-time \$ N/A
 Ongoing \$ 7,600

Purpose of funding request:

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

In February 2020, the Judicial Council approved the use of 20% of the estimated annual Ongoing Turnover Savings (“OTS”), not to exceed \$110,000 in a fiscal year, by the State Court Administrator and Deputy State Court Administrator to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests.

We previously received Judicial Council approval to expend \$50,000 of ongoing funds in FY 2021 to address the consequences of a now-repealed HR policy that limited salary increases for individuals who were internally promoted to 11% of their current salary. Over the years, this policy resulted in external hires earning larger salaries than some of our internal hires who are in the same roles and have similar years of experience. One other person has been identified as being impacted by the 11% salary cap. We request an additional \$7,600 in ongoing turnover savings in FY 2022 to address this issue.

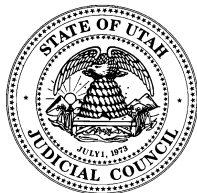
Alternative funding sources, if any:

The cost of the solution above represents almost 8% of our yearly \$110,000 hotspot allocation. We could use the hotspot funds which remain (approx. \$80,000 of the \$110,000) to address these issues.

However, doing so would leave us less able to address the personnel issues that are increasing due to the tight job market and increasing gap between Court pay rates and the market. We wish to retain all of our capabilities to respond to these issues by requesting incremental funds.

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

See prior answer.



Administrative Office of the Courts

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

October 14, 2021

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

MEMORANDUM

TO: Judge Mark May Judge Augustus Chin
Judge Kara Pettit Justice Deno Himonas

FROM: Karl Sweeney, Director of Finance
Bart Olsen, Director of Human Resources

CC: Ron Gordon Cathy Dupont

RE: Proposed Delegation of Authority from Judicial Council to Increase Authorized Use of “hot spot” Ongoing Turnover Savings¹

Request

In March 2020, we received approval from the Judicial Council for the use of 20% of the estimated annual Ongoing Turnover Savings (“OTS”), not to exceed \$110,000 in a fiscal year, to address departmental reorganizations, “hot spot” salary adjustments and other types of routine ongoing salary increase requests. We respectfully ask that this authorization be increased not to exceed \$200,000 in a fiscal year and be broadened to specifically include the making of offers, where necessary, above the salary of the person who left the position.

Prior to the March 2020 approval, these requests have been addressed ad hoc by the State Court Administrator or Deputy State Court Administrator during periods of the year that precede the annual Judicial Council review and approval of the use of OTS (typically May).² This delegation of authority to the State Court Administrator and Deputy State Court Administrator (the “Administrators”) has worked extremely well for “personnel actions” that need to be addressed within the scope of Rule 3-301³ yet retains for the Judicial Council sufficient OTS monies to address court-wide performance raises – as it did with the approval of \$450,000 of OTS to fund performance raises in September 2021.

Business Rationale

The need for managers and Administrators to address personnel pay issues has grown since the original approval for \$110,000 of OTS was approved in two major ways:

¹ Ongoing Turnover Savings (“OTS”) represent the total personnel impact (including benefits) when a position is vacated and replaced by a new hire to that position and the replacement hire has a lower total personnel cost.

² In the May 2019 Judicial Council meeting, the Judicial Council approved the use of \$537,500 in OTS which was split \$400,000 to career ladder and \$137,500 to fund market comparability adjustments.

³ Code of Judicial Administration Rule 3-301(3)(B)(v) gives the state court administrator the authority to “formulate and administer a system of personnel administration for the judiciary including but not limited to....approval of all personnel actions.”

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

1. The job market has tightened simultaneously with an increase in market wages. We are finding it difficult to hire personnel at all levels. As an example, during FY 2021 as part of our budget cuts, we agreed to leave 50 court positions open for an entire year. We averaged 60 positions open for FY 2021. For FY 2022, due to the effects noted above, we are now up to approximately 80 positions open despite our intense efforts to hire. The associate general counsel role (detailed in a separate “special request” to use ongoing turnover savings is an example of where these additional funds could be used.
2. Our experienced personnel are being lured away with offers from other employers who simply offer \$1 - \$2 an hour more. One of our rural districts recently lost 3 JAs within a week’s time from a single courthouse (50% of staff). Here is a recap on why they left:
 - a. New JA – single parent making great progress who “loves my job” is offered higher pay to work for a local utility company.
 - b. 1.5 years exp. JA – began as time limited clerk and moved up. Offered clerk job with a local medical center for higher pay and “less stress.”
 - c. 2.5 years exp. JA – came to the courts from Family Dollar where they were manager. Liked the 8 – 5 work hours instead of so many nights. Family Dollar came back to her with higher offer (between \$1 and \$2 per hour) which was too much to leave on the table.

Although we expect the \$3.9M Judicial Priority request to increase JA salaries to help retention, there are many months between now and July 1, 2022. With no action, we will continue losing some of our experienced personnel. These additional funds can be used to make counter offers where matching the offer would retain our experienced personnel. It’s a war for talent out there, and we could counter-punch more effectively with added funds.

Safeguards

As with all requests to use these “hotspot” funds, these salary adjustments are thoroughly reviewed and approved by the TCEs and District or Juvenile Court Administrators, or the appropriate AOC Director before being sent to the Administrators for final approval.

The utilization of these additional “hot spot” funds will be closely monitored by AOC Finance. AOC Finance regularly forecasts annual OTS and will advise the Administrators of the amounts of OTS that are forecasted so that only amounts in excess of the \$450,000 of performance raises are expended up to a maximum of \$200,000.

Sources and uses of OTS for the past two years are as follows:

Sources	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022 (fcst)</u>
Ongoing Turnover Savings	772,000	990,000 ⁴	680,000
Uses			
State Treasurer – Budget Cuts	(520,000)	(475,000)	
Uses per Judicial Council	(190,000)	(310,000)	(450,000) Raises
Hotspot	(36,000)	(110,000)	(200,000)
	<u>(746,000)</u>	<u>(895,000)</u>	<u>650,000</u>
Surplus (deficit)	26,000	95,000	30,000

⁴ OTS was boosted by the elimination of 2 positions in 3rd Juvenile.

We recommend the BFMC approve this increased delegation of authority not to exceed \$200,000 OTS and seek Judicial Council authorization for same.

6. FY 2022 YE Spending Request – IT– Expungement Software

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2022 are to be spent between July 1, 2021 and June 30, 2022; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2022. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2022.**

Date: 10/1/2022

Department or District: Information Technology

Requested by: Heidi Anderson

Request title: Software to Implement Court’s Portion of “Clean Slate” Legislation

Amount requested: \$ 19,667

One-time funds

Purpose of funding request:

This is a quote for the software/hardware that is needed for us to match people and comply with the Court’s portion of the clean slate legislation. This software is essential to implement the legislation.

This will be an on-going expense.

As such we will be including this expense in our Judicial Priorities FY 2024 request along with other IT ongoing priorities.

To get started on the integration and have the software ready for January 1, 2022, we request approval to make this expenditure.

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

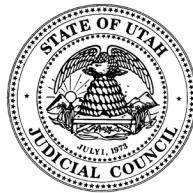
In order to complete continuing work on the expungement Clean Slate project, we need Sensing in order to run auto expungements without human intervention. This will help continue the Court's mission by assisting patrons with their expungements and relieving them of the burdening expungement process.

Alternative funding sources, if any:

None.

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

If this is not funded at this time, we would need to use much needed Judicial Assistant time to manually match defendants each month or a set numbers of days or months determined by the expungement project team.



Administrative Office of the Courts

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

October 8, 2021

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

MEMORANDUM

TO: Budget and Fiscal Management Committee

FROM: Karl Sweeney and Alisha Johnson

RE: Judicial Operations Budget and Uses

Historically, the Judicial Operations budget has been funded through two sources:

- Ongoing base budget (\$500 per Judge / Sr. Judge / Commissioner)
- Carryforward funding (\$400 per Judge / Sr. Judge / Commissioner).

In FY 2021 and FY 2022, the carryforward funding was not granted by the Judicial Council leaving each Judge / Commissioner / Sr. Judge with the \$500 base budget allocation.

This allocation has not been fully utilized. In the past five years the greatest use year was FY 18 and, in that year, the amount utilized was 59.31% of just the base portion of the allocation (\$51,598 / \$88,000). As a portion of total allocation, for the past five years, utilizations rates range from a low of 19.79% in FY 2020 to a high of 32.95% in FY 2018.

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Base Allocation	\$ 86,500	\$ 87,000	\$ 88,000	\$ 88,000	\$ 88,000
Carryforward Allocation	\$ 69,200	\$ 69,600	\$ 70,400	\$ 70,400	\$ -
Total Allocation	\$ 155,700	\$ 156,600	\$ 158,400	\$ 158,400	\$ 88,000
Funding Utilized	\$ 47,789	\$ 51,598	\$ 44,940	\$ 31,350	\$ 25,028
Percent of Base Utilized	55.25%	59.31%	51.07%	35.62%	28.44%
Percent of Total Utilized	30.69%	32.95%	28.37%	19.79%	28.44%

By design, the Judicial Operations funding has very specific allowable uses as per the Accounting Manual section 13-02 00. These guardrails were meant to address specific needs:

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

All or part of the individual allotment maybe used to attend the annual and/or mid-year Utah Bar Conferences, or in the alternative, may instead be used;

- a. to purchase law-related books, including a copy of the Utah Code, subscriptions and other professional resource materials (per existing state approved guidelines);*
- b. in support of membership in professional organizations, including optional sections of the Utah Bar, attendance at in-state court-related workshops and conferences, attendance at Utah Bar activities.*
- c. in support of other appropriate law-related interests or activities including online courses and webinars. These funds may not be used for the purchase of electronic devices or offsetting out of state education costs.*

Because of these restrictions, the Board of District Court Judges submitted a request in late 2019 to change the allowable uses for the Judicial Operations budget. The request contemplated expanding the uses as follows:

- 1. In addition to law related books, any work-related technology which would include software programs and any technological devices used for work, such as laptops, ipads and similar tablets, and cellphones not already provided by the Court.*
- 2. In addition to bar meetings and in-state workshops and conferences, costs associated with out of state travel not covered elsewhere.*
- 3. Other obvious costs of operation for a judge not included elsewhere, including for example robes and gavels.*
- 4. Any other item that has been approved by the Trial Court Executive as a legitimate work-related expense.*

That request also included a proposal to increase the Judicial Operations budget to \$1,000 per Judge / Sr. Judge / Commissioner and have it completely housed in the base budget. The request was not forwarded to Judicial Council by the Budget and Fiscal Management Committee.

As the funding is underutilized with limited uses, we are recommending the elimination of the Judicial Operations allocation. With the elimination:

- the base allocation would be moved to court executives' budgets to control; and
- Judicial Officers will be granted the flexibility, subject to accounting manual policy and court executive approval, not afforded to them within the current scope of the Judicial Operations budget.

Overall, this is a win-win situation. Implementing this change will allow judicial officers to request any necessary purchase that would be allowed within accounting manual policy including everything within the Board of District Court Judges' request. It would also allow the court executive the ability to ensure the request is necessary, within budget, and does not adversely impact the budget or obligations of other Court departments. It also allows everyone involved to evaluate the most efficient way to complete the goal of the request.

2021 QUARTERLY GRANTS REPORT

Calendar Quarter	CY-Q1	CY-Q2	CY-Q3	CY-Q4
	Jan-March	April-June	July-Sep	Oct-Dec

Drafted October 2021

Contents

<i>Quarter in Review</i>	<i>1</i>
<i>Project Staff Updates</i>	<i>2</i>
<i>Financial Dashboard</i>	<i>5</i>
<i>Exhibits</i>	<i>6</i>

Quarter in Review

This section provides a broad overview of select grant-related activities during the calendar quarter. For information about specific grant activities from project administrators and staff, please see the *Project Staff Updates* section.

1) Quarter 3 Highlights

- a) The revised draft of CJA Rule 3-411 (Grant management) is in the public comment period through November 12th 2021.
- b) The Judicial Council's Grant Application Proposal (GAP) forms are being updated to reflect revised CJA Rule 3-411 and Accounting Manual §11-07.00 (Special funds).
- c) The Court Improvement Program (CIP) renewal application, as approved by the Judicial Council in May 2021, was approved as of September 24, 2021 by the Department of Health & Human Services Children's Bureau. See *Exhibit A* for the approval letter. The Notice of Award letter is pending.

2) Grant Status Updates

GRANT	GRANTOR & PROJECT	DESCRIPTION
Pending Unit #	Utah Domestic Violence Coalition (UDVC, prime applicant) – MOU with Court Domestic Violence Program	<p>The UDVC notified the Domestic Violence Program Coordinator (Ms. Amy Hernandez) that their application to the Office of Violence Against Women (OVW) Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program grant has been awarded. Per the MOU, UDVC will provide \$253,000 to fund the salary/benefits for the Protective Order Program Coordinator for 36 months and associated travel costs to conduct training. The subrecipient award agreement is pending from UDVC and will be prepared for review by the Judicial Council prior to acceptance.</p> <p>MOU approved by the Judicial Council March 12, 2021.</p>
Pending Unit #	Pandemic-related supplement to Court Improvement Program (CIP) formula grant	Supplemental funds (\$147,058) to address needs stemming from the COVID-19 public health emergency to ensure the safety, permanence, and well-being needs of children are met in a timely and complete manner and be administered through courts and State and local child welfare agencies collaborating and jointly planning including collecting and sharing of all relevant data and information to ensure those outcomes. Funds to be expended by September 30, 2022. See <i>Exhibit B</i> for the Notice of Award.

#2940	State Justice Institute (SJI) – Innovation Office Sandbox Tools	The SJI grant proposal benefitting the Innovation Office, as approved by the Judicial Council on July 30, 2021, was awarded in the full amount (\$65,020) and in fidelity with all conditions requested in the application (namely, a full cash-match waiver). This grant is assigned Unit #2940. See <i>Exhibit C</i> for the Notice of Award.
-------	---	---

Project Staff Updates

This section includes narrative updates from project administrators or designated staff for their respective grants during this quarter.

**Staff updates are formatted and adapted for use in this report*

GRANT	TITLE	UPDATE
#2918 #2919 #2957	CIP - Data CIP - Training CIP - Basic	<i>Our CIP grant renewal application was approved on September 24, 2021. For our Hearing Quality Project, we have trained juvenile judges, attorneys, and child-welfare agency staff statewide on how to use our hearing quality bench card to improve permanency discussions in hearings and at out of court meetings.</i> – Bridget Koza, CIP Director
GRANT	TITLE	UPDATE
#2962	State Access & Visitation	<i>Per U.C.A.30-3-38 Co-Parenting Mediation received sixty referrals for mediation between 07/01/2021 and 09/30/2021. Thirty-six mediations were scheduled to be held during this same time frame.</i> – Kathleen Bowman, Program Coordinator
GRANT	TITLE	UPDATE
#2936	Domestic Violence Prevention (VAWA)	<i>The Domestic Violence Program was able to develop and finalize the criminal protective order forms. These forms will ensure that the courts collect the data required by the federal government for protective orders. The forms are passing through the Stylistics Committee and the Forms Committee currently. In preparation for the launch of these forms, I trained victim advocates from across Utah during their statewide conference and the judges during the Annual Judicial Conference. I have also been running the Protective Order Network as the administrator and making updates that have been approved by the owners. I have also provided other court training sessions which covered sexual violence, understanding trauma among court patrons, understanding secondary trauma, protective orders, and more. Finally, I have been researching various issues surrounding protective orders and domestic violence as requested by Michael Drechsel. This research aids the courts in having an informed response to legislative proposals. I served as the national VAWA point of contact for the Utah Courts and participated on behalf of the Utah Courts in national programs.</i> – Amy Hernandez, Program Coordinator
GRANT	TITLE	UPDATE
#2967 #2968	Guardian ad Litem & CASA Mentoring (VOCA)	<i>We have a smaller budget than in previous years. This quarter we have paid salary/fringe for three volunteer coordinators. As of Aug 1st, we lost one of those three coordinators. We have had to post the position a second time to try to find a qualified applicant. We hope to interview</i>

		<p><i>for the position again in about 10 days. The volunteer coordinators continue to recruit, train, and support advocates for children. During Q-1 (July and August) they trained and assigned 31 new CASA volunteers. I do not have the numbers for September yet, I get those by October 10th. That number could be higher.</i></p> <p><i>– Melanie Speechly, CASA Program Administrator</i></p>
GRANT	TITLE	UPDATE
#2933 #2938 #2940	Utah Innovation Office & Regulatory Sandbox	<p><i>The Innovation Office (IO) welcomed Ms. Sue Crismon as the new Executive Director. Ms. Lucy Ricca will continue supporting the IO as a Board Member.</i></p> <p><i>The IO was invited in July to submit a Project Grant proposal to the State Justice Institute (SJI) following submission of a concept paper that garnered the attention of the Executive Director. In addition, SJI generously offered to waive the 50% cash-match requirement associated with Project Grants. Approved for submission by the Judicial Council in July, the grant was subsequently awarded to the IO in September for the full amount requested (\$65,020) and with the full cash-match provision waived. The objective of this funded project is to contribute to the sustainable development, implementation, and nationwide scalability of a regulatory system designed to promote new legal business models and services while simultaneously protecting consumers from harm. This project will promote institutional memory and ensure success of the regulatory function of the IO in addition to increasing the likelihood of success of legal sandboxes across other states by creating tools meant to increase adoptability and efficiency of the Utah model. Deliverables include development of a regulatory data management system to facilitate the intake, integration, analysis and reporting of sandbox entity data, a “best practices handbook” to support the sustainability of the IO and for use by other states, and a “lessons learned” monograph on the Utah model for legal services regulations and the legal sandbox.</i></p> <p><i>The IO has requested \$648,778 in American Rescue Plan Act (ARPA) funds allotted to the State of Utah. The COVID pandemic and the related economic crisis has accelerated and exacerbated significant challenges in the civil justice system. 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. If awarded ARPA funds, the IO will request from SJI and the Hewlett Foundation (current funders) that ARPA funds be prioritized for spending.</i></p> <p><i>As of August, 2021:</i></p> <ul style="list-style-type: none"> ▪ <i>Total Applications Received: 51</i> ▪ <i>Applicants Recommended to Court for Authorization: 31</i> ▪ <i>Applicants Denied Recommendation from the Office: 2</i>

		<ul style="list-style-type: none"> ▪ Applicants Denied Recommendation from the Court: 0 ▪ Applicants Tabled (Referral Fees): 8 ▪ Inactive or Withdrawn Applicants Before Recommendation: 9 ▪ Currently Under Office Review: 3 ▪ Recommend to Court for Authorization Decision: 1 ▪ Authorized Entities: 30 (including 2 withdrawn) ▪ Entities Reporting Data in July 2021: 10 ▪ Entities Recommended to Exit the Sandbox: 0 ▪ Key Risks and Trends: There were no reported consumer-related complaint from reporting entities during the August activity period. <p>– Innovation Office / AOC Workgroup</p>
GRANT	TITLE	UPDATE
#2935 #2943	Online Dispute Resolution (ODR)/MyCase Assessment & Enhancements	<p><u>User Interface/Experience Improvements.</u> Added “back and continue” buttons to each screen; changed from notifications table to real-time webservice for emails; added a progress bar; added a snapshot of an example of an affidavit and summons (make sure the system is in sync if changes are made to the affidavit and/or summons; can't be hard-coded); Added paperclip and display Manage Documents all the time (also add a link to get back to messages when viewing Documents); Look into viewing PDFs in a pop-in on mobile devices; tested whether a published document automatically enters into the chat and if the user can open it to sign; look into adding verbiage and/or a checkbox that lets the user know they are entering into a legally binding document and that they have read and understand; we don't need a screen stating what the amounts owed are because it's in the settlement agreement, we already have a screen to reject or sign the agreement, and we don't need a screen saying the settlement is complete because it still has to be reviewed by the facilitator. <u>Accessibility/ADA Changes.</u> A number of updates were made to remediate ODR/MyCase compliance findings following the Essential Accessibility assessment. Examples of issues corrected include missing tooltips on focus; insufficient alternative text; and content not being announced by the screen reader. <u>ODR Enhancements for Facilitators.</u> A number of updates were made to enhance features, such as searching by case status in facilitator queues; log entries generated when reassignment occurs; updating logs to capture when facilitator modifies document(s); adding biweekly and bimonthly payment options; and adding signature events to logs.</p> <p>– Brody Arishita, Application Services Manager</p>
GRANT	TITLE	UPDATE
#2939	Bail Reform & Pre-Trial Release	<p>Added functionality to update the total bail amount on the PC Call when generating the finalized PSA; Removed individual bail amounts for each charge and removed validations. Also removed logic that before would retrieve amounts for individual charges; Removed functionality for "Original Bail Amt" and "Final Bail Amt" from charge detail screen where judges could check DV Flags; Added functionality when generating the matrix to add additional family size rows if more than max; Created new maintenance screen to maintain the matrix data for Michael Drechsel.</p> <p>– Brody Arishita, Application Services Manager</p>

Grants Financial Dashboard Calendar Q3 2021 Preliminary as of September 30, 2021							
Unit #	Sponsoring Unit (beneficiary if different)	Funded Grant Title	Grant Award	Expenditures Life-to-Date	Expenditures Calendar Q3	Grant Balance Remaining	Source of Grant Funds
Federal Funds							
2918	Juvenile Courts	Court Improvement Program (CIP) - Data	\$ 145,564	\$ 145,564	\$ 36,182	\$ -	DHHS Children's Bureau
2919	Juvenile Courts	Court Improvement Program (CIP) - Training	\$ 145,564	\$ 136,273	\$ 50,757	\$ 9,291	DHHS Children's Bureau
2957	Juvenile Courts	Court Improvement Program (CIP) - Basic	\$ 158,976	\$ 150,033	\$ 125,163	\$ 8,943	DHHS Children's Bureau
TBD	Juvenile Courts	Pandemic-related supplement to CIP grants	\$ 147,058	\$ -	\$ -	\$ 147,058	DHHS Children's Bureau
2962	Alt Dispute Resolution	State Access & Visitation Program	\$ 100,000	\$ 21,598	\$ 21,598	\$ 78,402	DHHS Children's Bureau
2936	Justice Courts	Violence Against Women Act (VAWA) Grant	\$ 85,000	\$ 40,000	\$ 18,390	\$ 45,000	UOVC-DOJ Office on Violence Against Women
2967	GAL-CASA	Victims of Crime Act (VOCA) State Assistance Fund	\$ 289,902	\$ 220,000	\$ 69,000	\$ 69,902	UOVC-DOJ Office of Victims of Crime
2968	GAL-CASA	Court Appointed Special Advocates (CASA) Mentoring	\$ 26,662	\$ 7,024	\$ 5,836	\$ 19,638	DOJ-National CASA Association
2933	Appellate (Innovation Office)	Utah Innovation Office & Regulatory Sandbox	\$ 200,000	\$ 114,964	\$ 18,906	\$ 85,036	State Justice Institute
2935	Appellate (IT)	Online Dispute Resolution (ODR) Assessment	\$ 75,000	\$ -	\$ -	\$ 75,000	State Justice Institute
2940	Appellate (Innovation Office)	Sandbox Tools: Scaling & Sustaining Innovation	\$ 65,020	\$ -	\$ -	\$ 65,020	State Justice Institute
2939	General Counsel (IT)	HB206 Bail Reform & Pre-Trial Release	\$ 180,000	\$ 30,000	\$ 30,000	\$ 150,000	CCJJ-DOJ Byrne JAG
<i>Subtotals for Federal</i>			\$ 1,618,746	\$ 865,456	\$ 375,832	\$ 753,290	
Non-Federal Funds							
2938	Appellate (Innovation Office)	Utah Innovation Office Regulatory Sandbox	\$ 250,000	\$ -	\$ -	\$ 250,000	The Hewlett Foundation
2943	Appellate (IT)	Online Dispute Resolution (ODR) Assessment	\$ 110,000	\$ 20,250	\$ 20,250	\$ 89,750	Pew Charitable Trusts
<i>Subtotals for Non-Federal</i>			\$ 360,000	\$ 20,250	\$ 20,250	\$ 339,750	
TOTAL (Active Grants)			\$ 1,978,746	\$ 885,706	\$ 396,082	\$ 1,093,040	
Special Funds							
N/A	Multiple	Legislature approved: Multiple IT projects (\$11M) and jury trial backlog (\$1M)	\$ 12,000,000	\$ -	\$ -	\$ -	American Rescue Plan Act (ARPA) - \$12M to be used by 12.31.2024
Pending Awards							
N/A	5th/6th/7th/8th Judicial Districts	Salary/benefits for Protective Order Prgm Coordinator (36 mo.)	\$ 253,000	\$ -	\$ -	\$ -	UT Domestic Violence Coalition (UDVC)
Grants in Closeout							
		(None in Q3)	\$ -	\$ -	\$ -	\$ -	
<div> <div> Portfolio Allocation </div> <div> <p>Figure A. Total Grant Funds (%) by Funding Source</p> <p>Federal 82% Non-Federal 18%</p> </div> <div> <p>Figure B. Award Amount (%) of Total by Sponsoring Unit</p> <p>Appellate (Innovation Office/IT) 34% Juvenile Courts 33% GAL-CASA 15% General Counsel (IT) 9% ADR 5% Justice Courts 4%</p> </div> </div>							
LEGEND <div> <div></div> BPMC/JC approved MOU with UDVC (prime applicant); UDVC has been awarded the funds, sub-award pending </div> <div> <div></div> Federal (ARPA) pandemic funding </div>							

**DEPARTMENT OF HEALTH & HUMAN SERVICES**

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

September 24, 2021

Bridget Koza
CIP Director
Administrative Office of the Courts
450 South State Street
PO Box 140241
Salt Lake City, Utah 84114

Dear Bridget Koza:

The Children's Bureau received your application package for fiscal year (FY) 2022 funding under the State Court Improvement Program (CIP), including an updated self-assessment and five-year strategic plan. I am pleased to inform you that your submission meets applicable requirements and is approved for funding.

Beginning with the FY 2022 grant award, funding for the State CIP, formerly provided through three separate grants (basic, data and training), has been consolidated into a single grant that can be used for all program purposes. Under the new single CIP grant, each state CIP grantee will be required to use at least 30 percent of funds for collaboration and data sharing. The Administration for Children and Families' Office of Grants Management (OGM) will issue a grant notification award letter with pertinent grant information to the email address listed in your application.

We appreciate your continued effort to strengthen court processes to improve the lives of children and families in Utah's child welfare system. We remind you that technical assistance resources are available and encourage use of our Capacity Building Center for Courts, as needed.

We look forward to our continued work together. Should you have any questions or concerns, please contact Marilyn Kennerson, Child Welfare Regional Program Manager in Region 8, at (303) 844-1163 or by e-mail at marilyn.kennerson@acf.hhs.gov. You also may contact Susan Nichols, Child and Family Program Specialist, at (720) 695-3393 or by e-mail at susan.nichols@acf.hhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Aysha E. Schomburg".

Aysha E. Schomburg, Esq.
Associate Commissioner
Children's Bureau

cc: Gail Collins, Director; CB, Division of Program Implementation; Washington, DC
Scott Trowbridge, Child Welfare Program Specialist for Court Improvement, CB;
Washington, DC
Marilyn Kennerson, Child Welfare Regional Program Manager; CB, Region 8; Denver, CO
Susan Nichols, Child and Family Program Specialist; CB, Region 8; Denver, CO



Department of Health and Human Services
Administration for Children and Families

Notice of Award
Award # 2101UTSCIC
FAIN# 2101UTSCIC
Federal Award Date: March 10, 2021

000055

Recipient Information

1. Recipient Name

Utah
450 South State Street or PO Box 140241

SALT LAKE CITY, UTAH 84114 0241

2. Congressional District of Recipient

*See Remarks

3. Payment Account Number and Type

*See Remarks

4. Employer Identification Number (EIN)

1876000545H1

5. Data Universal Numbering System (DUNS)

959347972

6. Recipient's Unique Entity Identifier

*See Remarks

7. Project Director or Principal Investigator

Bridget Koza

bridgetk@utcourts.gov

8. Authorized Official

*See Remarks

Federal Agency Information

9. Awarding Agency Contact Information

Janice Realeza
Grants Management Officer
janice.realeza@acf.hhs.gov
2158614007

10. Program Official Contact Information

Joseph Bock
Program Authorizing Official
ACYF - Children's Bureau
Bock.Joseph@acf.hhs.gov
111-111-1111

Federal Award Information

11. Award Number

2101UTSCIC

12. Unique Federal Award Identification Number (FAIN)

2101UTSCIC

13. Statutory Authority

Supporting Foster Youth and Families through the Pandemic Act, Division X of Public Law (P.L.) 116-260, the Consolidated Appropriations Act, 2021

14. Federal Award Project Title

*See Remarks

15. Catalog of Federal Domestic Assistance (CFDA) Number

93.586

16. CFDA Program Title

State Court Improvement Program

17. Award Action Type

Supplement

18. Is the Award R&D?

*See Remarks

Summary Federal Award

19. Budget Period Start Date 10-01-2020

20. Total Amount of Federal Funds Obligated by this Action

20a. Direct Cost Amount
20b. Indirect Cost Amount Administrative Offset
21. Authorized Carryover
22. Offset

23. Total Amount of Federal Funds Obligated this budget period

24. Total Approved Cost Sharing or Matching, where applicable

25. Total Federal and Non-Federal Approved

26. Project Period Start Date 10-01-2020 -

27. Total Amount of the Federal Award including Approved Cost Sharing or Matching

Financial Information

End Date 09-30-2022

\$29,029.00

*See Remarks

*See Remarks

*See Remarks

*See Remarks

\$147,058.00

*See Remarks

*See Remarks

End Date 09-30-2022

*See Remarks

28. Authorized Treatment of Program Income

*See Remarks

29. Grants Management Officer – Signature

Footnotes

Janice Realeza
Grants Management Officer

This award action adjusts the original award that was issued on March 8, 2021 that was not in compliance with Division X, Section 7(b)(2)(A) of the Consolidated Appropriations Act of 2021.

If you have any questions, please contact the Family Protection & Resilience Group, Office of Grants Management at FPRG-OGM@acf.hhs.gov.



Recipient Information

Utah
450 South State Street or PO Box 140241
SALT LAKE CITY, UTAH 84114 0241
Employer Identification Number (EIN): XXXXXXXXXXXXX
Data Universal Numbering System (DUNS): 959347972
Recipient's Unique Entity Identifier: *See Remarks
Object Class: 41.15

Financial Information

<u>Appropriation</u>	<u>CAN</u>	<u>Allotment</u>	<u>Award this action</u>	<u>Cumulative Grant</u> <u>Award to Date</u>	<u>Document Number</u>	<u>Funding Type</u>
75-21-1512	2021,G990203	\$147,058.00	\$29,029.00	\$147,058.00	2101UTSCIC	Formula

Terms and Conditions



Department of Health and Human Services
Administration for Children and Families

000057

Notice of Award

Award # 2101UTSCIC

FAIN# 2101UTSCIC

Federal Award Date: March 10, 2021

By acceptance of awards for this program, the grantee agrees to comply with the requirements included in both the General and Supplemental Terms and Conditions for this program.

The administration of this program is subject to: (1) Section 7 of Division X of the Supporting Foster Youth and Families through the Pandemic Act within the Consolidated Appropriations Act, 2021 (Pub. L. 116-260), and (2) Title IV, Part B, Subpart 2, section 438, of the Social Security Act (Act). The program is codified at 42 U.S.C. § 629h.

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards is located under 45 CFR Part 75. In accordance with 45 CFR § 75.101 Applicability, this program must comply with 45 CFR Part 75 in its entirety. No exceptions were identified.

Additional applicable regulations and requirements can be found in the General Terms and Conditions for Mandatory: Formula, Block and Entitlement Grants.

Funds for this program are awarded with a 100 percent Federal Financial Participation (FFP) rate for program costs, so there is no non-federal cost share required for this program (section 7(b)(3)(E) of Division X of the Consolidated Appropriations Act, 2021). This program does not have a Maintenance of Effort requirement.

Each grantee's fiscal and accounting procedures must be sufficient to permit the preparation of required reports and the tracing of expenditures to a level necessary to establish that Federal funds have not been used in violation of the terms and conditions.

The supplemental funds must be used to address needs stemming from the COVID-19 public health emergency to ensure the safety, permanence, and well-being needs of children are met in a timely and complete manner and be administered through courts and State and local child welfare agencies collaborating and jointly planning including collecting and sharing of all relevant data and information to ensure those outcomes. This may include technology investments to facilitate the transition to remote hearings for dependency courts when necessary as a direct result of the COVID-19 public health emergency; training for judges, attorneys, and caseworkers on facilitating and participating in remote hearings that comply with due process and all applicable laws; programs to help families address aspects of the case plan to avoid delays in legal proceedings; and other purposes to assist courts, court personnel, or related staff related to the COVID-19 public health emergency.

Funding (project) period and obligation period. This program has a 2-year project/obligation period starting the first day of the Federal Fiscal Year, October 1, for which funds were awarded and ending the last day of the following Federal Fiscal Year, September 30. Any Federal funds not obligated by the end of the respective obligation period will be recouped by this Department.

Liquidation period. In accordance with 45 CFR §§ 75.309 and .381(a), all obligated Federal funds awarded under this grant must be liquidated no later than 90 days after the end of the funding/obligation period. Any Federal funds not liquidated within the 90 days will be recouped by this Department.

The expenditure reporting form used is the SF-425 Federal Financial Report. This report is submitted annually and must be submitted no later than December 30, which is 90 days following the end of each Federal Fiscal year. Two SF-425 reports must be submitted for each grant award: an interim report covering year one of the project period and a final report (cumulative) covering the entire project period. These annual reports must be submitted electronically through the HHS Payment Management System (PMS).

In accordance with the Program Instruction (PI) ACYF-CB-20-12, to receive Court Improvement Program (CIP) funding, grantees must submit an annual application packet, including a Self-Assessment, a Strategic Plan, a budget narrative, and other assurances. These submissions are due no later than June 30 each year. These documents must be submitted to the appropriate ACF Regional Program Office and to the Central Office Federal Project Officer. Email addresses are included in the PI. No separate application is required to receive the supplemental CIP funding, but grantees receiving this supplemental CIP award will be required to report on their use of the funding in future CIP application submissions.

Real Property Reports (SF-429s). The SF-429 Real Property forms are not applicable to this program. Purchase, construction, and major renovation are not an allowable activity or expenditure under this grant.



Points of contact for additional information or questions concerning either the operation of the program or related financial or grant matters may be found on the Notice of Award.

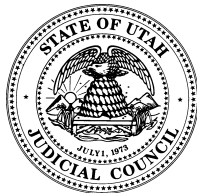
Remarks

* This field is intended to be included in the standardized Notice of Award and will be displayed in subsequent quarters.



NOTICE OF AWARD

<input checked="" type="checkbox"/> Grant <input type="checkbox"/> Contract <input type="checkbox"/> Cooperative Agreement		Page <u>1</u> of <u>15</u>
1. Grantee Name and Address Utah Supreme Court 450 S. State Street Salt Lake City, UT 84111		3. Award Number: SJI-21-N-054 4. Award Period 9/17/2021 to 3/31/2023 5. Award Date 9/17/2021
1a. Employer Identification No. 87-6000545		6. Award Amount \$65,020
2. Entity to Receive Funds Same		7. Type of Award <input checked="" type="checkbox"/> Project Grant <input type="checkbox"/> Technical Assistance (TA) Grant <input type="checkbox"/> Curriculum Adaptation & Training (CAT) Grant <input type="checkbox"/> Strategic Initiative Grant <input type="checkbox"/> Partner Grant
2a. Employer Identification No.		
8. Project Title Legal Services Regulatory Sandbox Tools for Sustaining and Scaling Innovation		
9. Conditions of Award The above project is approved subject to grantee adherence to the requirements set forth in the SJI Grant Guideline , the General Conditions of Award (attached), and such special conditions or limitations as set forth below, if applicable. N/A		
STATE JUSTICE INSTITUTE APPROVAL		GRANTEE ACCEPTANCE
10. Approving SJI Official Name: <u>John D. Minton</u> Title: <u>Chair, Board of Directors</u> Signature: <u></u> Date: 8/30/2021		11. Authorized Official of Grantee Name: _____ Title: _____ Signature: <u></u> Date: _____



Administrative Office of the Courts

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

October 14, 2021

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

MEMORANDUM

TO: The Judicial Council

FROM: Ron Gordon & Cathy Dupont

CC: Karl Sweeney & Jordan Murray

RE: Request to lift grant moratorium concurrent with final action on proposed amendments to CJA Rule 3-411

The Judicial Council established a grant moratorium in September 2020 pending 1) the hiring and successful retention of a grant coordinator for the Utah Courts, and 2) the provision and acceptance of enhanced grant governance policies (“guardrails”) as ratified in the Code of Judicial Administration (CJA) Rule 3-411 (Grant management).

Mr. Murray has capably served as the Grant Coordinator for the Courts since his hire in November 2020. The Judicial Council on September 28, 2021 moved to advance the revised draft of Rule 3-411 for public comment scheduled to conclude forty-five days hence on November 12, 2021.

Assuming no action-worthy public comments, we respectfully request that the Judicial Council invoke a provision of Rule 2-206 Effective date of rules (see Exhibit A) and at the Judicial Council meeting scheduled for November 22, 2021 specify an alternative effective date for Rule 3-411 suggested for Tuesday, November 23, 2021, or any preferred date of the Council’s choosing. If no action is taken, amended Rule 3-411 will not go into effect until May 1, 2022 which we believe to be not in the best interests of the Courts.

Accordingly, it is also requested the Judicial Council move to lift the grant moratorium concurrent with final action and upon the effective date established by the Council for amended Rule 3-411.

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

Rule 2-206. Effective date of rules.

Intent:

To assure that persons affected by Council policies have sufficient time to conform their practice to the policy.

Applicability:

This rule shall apply to all rules of the Council.

Statement of the Rule:

Except as provided by this rule and by Rule 2-205, rules adopted by the Council shall be effective on May 1 or November 1 first following final action by the Council, unless the Council specifies a different date.

Tab 6

Agenda



Administrative Office of the Courts

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

September 15, 2021

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

MEMORANDUM

TO: Judicial Council and Management Committee

FROM: Chris Talbot, Standing Committee for Facilities Planning

RE: New Member: Christopher Morgan (TCE, 6th District)
Termination of Member: Mark Urry (TCE, 4th District)

Committee: Standing Committee for Facilities Planning

Mark Urry asked for a release from his membership on the above committee, and Christopher Morgan is interested in filling the vacancy. The Committee has agreed upon these changes and we ask the Judicial Council and Management Committee to confirm them.

Current members:

Judge James Brady, Chair (4th District Court Provo)
Judge Michele Christiansen Forster (Court of Appeals)
Judge Jeff Noland (2nd District Juvenile Court Ogden)
Judge Jon Carpenter (Carbon County Justice Court)
Ron Gordon (State Court Administrator)
Archie Phillips (Architect)
Vacant (Architect)
Mark Urry (4th District Court TCE)
Chris Palmer (State Security Director)

Thank you,

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