

**JUDICIAL COUNCIL****MEETING****AGENDA****January 31, 2022****Meeting held through Webex*****Chief Justice Matthew B. Durrant, Presiding***

1. 12:00 p.m. Welcome ..... Chief Justice Matthew B. Durrant  
(Information)
2. 12:00 p.m. Budget Priorities .....Ron Gordon  
(Tab 1 - Action)
3. 1:00 p.m. Stakeholder Presentations to the Judicial Council .....Ron Gordon  
(Tab 2 - Action)
4. 2:00 p.m. Adjourn

# Tab 1

## JUDICIAL BRANCH

### FY2023 Budget Priorities and Building Block Information

*Ongoing and one-time funding requests as established by the Judicial Council (listed in order of priority)*

\* = fully funded one-time for FY2022    † = mostly funded one-time for FY2022

	ONGOING	ONE-TIME
#1 <b>Judicial Assistants – Recruit &amp; Retain</b>	<b>\$3,900,000</b>	
#2 <b>Information Technology – Development &amp; Security</b>	<b>\$1,122,000 †</b>	
<ul style="list-style-type: none"> <li>• Online Court Assistance Program (OCAP) • <b>\$210,000 *</b></li> <li>• Microsoft Licensing • <b>\$72,000 *</b></li> <li>• Rural Courthouse Bandwidth Increases • <b>\$25,000 *</b></li> <li>• Webex Licensing • <b>\$45,000 *</b></li> <li>• Cybersecurity Infrastructure • <b>\$450,000 *</b></li> <li>• Cybersecurity Ransomware Insurance • <b>\$320,000</b></li> </ul>		
#3 <b>Public Outreach Coordinator</b>	<b>\$120,000 *</b>	
#4 <b>New Juvenile Court Judge – Sixth District</b>	<b>\$449,100</b>	<b>\$25,000</b>
#5 <b>Court Visitor Program Coordinator</b>	<b>\$92,100</b>	
#6 <b>Statewide Treatment Court Coordinator</b>	<b>\$97,700</b>	
	<b>\$5,780,900</b>	<b>\$25,000</b>

#### #1: **Judicial Assistants: Recruit & Retain — \$3,900,000**

**PURPOSE • stabilize unacceptable Judicial Assistant (JA) turnover rates by correcting inadequate compensation**

- More than 40% of judicial branch FTEs are JAs (455 FTEs), each of whom serves a critical core function in court operations. Courts simply cannot reliably operate without well-trained, dedicated judicial assistants.
- Over the last decade, the three-year average JA turnover rate has increased from a manageable 8.65% to a completely unsustainable 25% in 2021. After careful review, this appears to be primarily attributable to inadequate compensation:
  - in 2011, JA compensation was 80% of the average Utah non-farm rate — by 2021, that had slipped to only 70%;
  - in 2016, JA compensation was \$1.92 (or 10%) less than comparable private sector employment — by 2020, that gap widened to \$4.51 (or 20%).
- The judicial branch is doing everything possible to internally address this issue, but the challenge requires legislative assistance and budget prioritization.

#### #2: **Information Technology: Development & Security — \$1,122,000 †**

**\$210,000 \*** — Online Court Assistance Program (OCAP)

**PURPOSE • hire two dedicated OCAP technical support staff**

OCAP is a computer system that helps self-represented parties generate necessary legal forms. For many individuals, OCAP is the only method for them to prepare documents to file or respond in a court case. The system requires continual maintenance and technical support to update for statute changes, security best-practices, and to expand to new case types.

**\$72,000 \*** — Microsoft Licensing

**PURPOSE • maintain upgraded Microsoft software**

The courts rely on Microsoft Office as the standard for documents in the legal field. The licensing model for this software is now subscription-based, requiring ongoing annual renewal to maintain necessary access for judges and relevant staff.

**\$25,000 \*** — Rural Court Location Bandwidth Increases

**PURPOSE • provide parties, attorneys, judges, and court staff with sufficient bandwidth at rural courthouses**

Internet bandwidth is limited in rural Utah. In our current technology-based legal landscape where web-based video is often used for official court business, insufficient bandwidth artificially constrains what can be accomplished in rural courthouses, limiting efficiency for patrons and for the courts that serve them.

**\$45,000 \*** — *Webex Licensing***PURPOSE • continued access to remote meeting software for court hearings**

Remote court hearings are proving to be advantageous for parties and attorneys for many hearing types. The judiciary anticipates these types of remote hearings will continue in the future, and needs funding to pay for necessary licensing.

**\$450,000 \*** — *Cybersecurity Infrastructure***PURPOSE • maintain a robust cybersecurity platform equal to modern-day challenges**

The judiciary's cybersecurity software protects court systems and data from cyberattack. This software is operationally necessary, blocking hundreds of thousands of potential threats every month. The software platform must be renewed in May 2022 to maintain existing protections.

**\$320,000** — *Cybersecurity Ransomware Insurance***PURPOSE • obtain insurance to offset potential costs associated with any future successful ransomware attack**

Though rare, government entities (including courts) have been victims of successful ransomware attacks over the last several years (e.g., Atlanta, Texas, Louisiana). Coupled with the "\$450,000 Cybersecurity Infrastructure" request above, this is a belt-and-suspenders approach to insuring court operations without risking a potentially paralyzing fiscal impact.

**#3: Public Outreach Coordinator — \$120,000 \*****PURPOSE • establish consistent, sustainable bridges with the public, including marginalized communities**

Previously paid for with one-time funding, this coordinator is currently providing critical support for public outreach and education in all of Utah's communities, with a special focus on those communities that have expressed perceived bias due to race and gender. These efforts are increasing public trust and confidence in the courts and should be funded ongoing.

**#4: New Juvenile Court Judge – Sixth District — \$449,100 + \$25,000 one-time****PURPOSE • increase juvenile court capacity in six Utah counties to match demand**

The Sixth Juvenile District includes Sanpete, Sevier, Piute, Wayne, Garfield, and Kane counties. Currently a single juvenile court judge serves nearly 70,000 residents spanning across nearly 16,000 square miles. This regularly requires significant travel time, often resulting in unfortunate, but necessary, delay. This single juvenile court judge is carrying the caseload of 1.6 judges. An additional judge will allow the juvenile court to more promptly serve the child welfare needs and the juvenile delinquency challenges of the citizens of these rural counties.

**#5: Court Visitor Program Coordinator — \$92,100****PURPOSE • improve ability to promptly provide reliable, verified guardianship information to judges**

Since 2012, the Court Visitor Program has delivered an essential service to the courts by monitoring guardianships and conservatorships, providing reliable and verified information to judges through careful coordination with trained volunteers to investigate the circumstances and well-being of protected persons, locate guardians who do not keep the court updated, and audit records. Guardianship case filings have increased more than 30% over the last five years. Lacking sufficient resources, the program is unable to address existing needs promptly and adequately, taking up to 12 weeks (instead of the typical 6–8 weeks) to provide responsive information to the court. This new coordinator will allow the program to work with additional volunteers to convey information more effectively to the court.

**#6: Statewide Treatment Court Coordinator — \$97,700****PURPOSE • provide support for the 65 district and juvenile problem-solving treatment courts operating across Utah**

Problem-solving courts (like drug court, mental health court, and veterans treatment court) are dedicated court calendars staffed by a multi-disciplinary team of trained professionals to serve a specific population of individuals who receive treatment, community supervision, regular court appearances, and program support in order to help these individuals successfully exit the criminal justice system and enter lives of recovery and stability. Currently, these problem-solving courts operate without the benefit of a full-time statewide coordinator to provide operational and technical support, and to streamline education, certification, and evaluation efforts for delivery of effective services, including statewide performance-based data tracking.

For any questions regarding these budget priorities, please contact **Michael Drechsel**, Assistant State Court Administrator / Legislative Liaison: (385) 421-7366 or [michaelcd@utcourts.gov](mailto:michaelcd@utcourts.gov)



# Tab 2

## SUMMARY OF FY2023 ARPA REQUESTS

ARPA Requests (submitted in no priority order) – ALL ARPA Funds are 1x. They will need to be expended by 12/31/2024

### **Requested ARPA Funding for FY 2022/23 – Combined Total = \$9,189,000**

#### **In priority order**

#### **1. *IT Access to Justice – Response to COVID-19 – Part II - \$3.2M***

The COVID-19 pandemic has required courts to shift away from in-person to virtual proceedings, accelerating a movement towards access to justice as a process and not a place. By increasing virtual access and proceedings the courts not only resolve the COVID-19 issues but lay the groundwork for virtual access and proceedings (including attendant technical, educational, and translation services) which will expand access to justice, particularly for our self-represented and marginalized communities. **Items included in this request include:**

- Appellate e-filing of cases replaces hand-delivery of case materials to the Appellate Court or email to Appellate court staff - \$594,000
- ePayment revamp provides ability to pay Court fines, fees etc. at places convenient to the payer (e.g. walk-in retail locations, after-hour kiosks, etc) creating ways for the unbanked to make payments without taking time off from work - \$475,000
- Juvenile case pro se e-filing with digital signatures - \$125,000
- Court workspace transformation from separate offices and cubes through creating “hoteling” workspaces where employees can maintain social distancing while maintaining team efficiencies for projects and daily work - \$825,000
- Expand Xchange access to include free one-time use as well as access by tablet and phone - \$125,000
- Grow MyCase payment options from PC only to tablet and phone which exponentially increases access for marginalized communities - \$180,000
- Update CARE (Juvenile court system of record) to be accessible by phone and tablet as well as offer ADA access - \$650,000
- Add QR codes to MyCase to allow greater access for e-filing, documents and notifications, - \$160,000
- Phase 2 of enhancements to public portal to view hearings - \$120,000

#### **2. *Case Backlog – Response to COVID-19 – Part II - \$1.540M***

This continues funding for senior judges, judicial assistants and other costs to reduce the backlog of cases including jury trials to pre-pandemic numbers. The amount requested was boosted \$540,000 to include proctored COVID rapid tests to protect jurors, witnesses and other court participants during jury trials. Efforts to reduce the backlog during FY 2022 have taken more time than anticipated. This request extends the extra staffing through 6.30.2023.

#### **3. *Interpreter Equipment - \$97K***

Funding \$95,760 will permit the courts to purchase 72 sets of multi-person interpreting equipment; ensuring all courts beyond Salt Lake County can provide language access in a safe manner that does not require the interpreter and limited English proficiency party to be next to each other.

#### **4. *Eviction Court Facilitators - \$166K***

Funding will provide help for parties facing occupancy hearings – by hiring two time-limited eviction court facilitators based in Salt Lake County who would help to reduce homelessness for those impacted by COVID-19 by:

- whenever possible, contacting defendants when eviction lawsuits are filed against them to explain their options;
- educating parties about rental assistance as soon as the occupancy hearing is scheduled;
- working with parties to apply for rental assistance;
- reminding parties to attend their hearings to hopefully increase attendance;
- connecting defendants with social services agencies and housing providers;

**5. *Self Help Center - \$64K***

Hire, for a period of one year, a family law attorney who will work with the Court's IT department to create entirely new family law forms that can be created, filed and retrieved on MyCase, the program currently in development that allows court patrons to access their cases remotely, without having to come to the court. MyCase can also be accessed through phones, something that our current OCAP Program does not allow. The forms the family law attorney will create will be a major change from the existing OCAP forms. They will more closely resemble California's family law forms, which require the patron to very clearly choose what they are asking the court for (eliminating writing out their own wishes), and will result in very clear, enforceable language in their court orders

**6. *COVID-19 Supplies - \$100K***

Represents the ongoing expenditures for masks, sanitizer and other supplies (filters) to reduce the spread of COVID-19. This request seeks funding from 7/1/2021 through the end of FY 2023.

**7. *Public Outreach and Engagement - \$30K***

This appropriation will fund incremental efforts by the Utah State Courts Office of Fairness and Accountability's digital public outreach and engagement to ensure students are outreached through virtual (1) Constitution Day and (2) Law Day, and (3) historically marginalized communities are outreached to be aware of court resources and processes, especially as it relates to the state's Clean Slate Law. The Utah State Courts OFA is also requesting funds to (4) produce and distribute educational/promotional videos and targeted social media ads about court resources and processes, and (5) hire a temporary Graphic Design/Content Creator Intern.

**8. *Legal Sandbox - \$649K***

Represents 2 years of funding for the Supreme Court's Office of Legal Services Innovation. The Utah Supreme Court, as the government branch with the constitutional authority for the administration of justice, has made "combating the access to justice crisis confronting Utahns of all socioeconomic levels a top priority." In this vein, the Court created the Office of Legal Services Innovation and the Utah Legal Sandbox, seeking to use regulatory reform to enable and incentivize private and nonprofit sector innovation, diversification, and competition in the legal services industry while ensuring that vulnerable consumers are protected from harm.

**9. *Premium Pay for Essential Workers - \$2.5M***

Premium Pay is part of the defined eligible ARPA areas. 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. We seek a \$1.00 per hour premium pay amount for all days where a Court field employee (primarily

JAs and POs) regularly performed in-person services or handled documents that were handled by others in the performance of their regular court duties.

**10. Loss of Revenues – Public Parking Garage - \$843K**

This request seeks recovery under ARPAs provision to cover reduced revenues due to COVID-19. The Courts were the recipients of parking garage fees for the public parking areas below the Matheson Courthouse which were used for all types of repairs and maintenance items (carpet, remodel of space, repairs). Due to COVID, the usage of the public parking went below the cost of retaining an operator so parking is now free. We are asking for recovery of our past and forecasted losses through 12/31/2023.