

JUDICIAL COUNCIL MEETING

AGENDA

January 18, 2022

Meeting held through Webex

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. Chief Justice Matthew B. Durrant
(Information)
3. 9:10 a.m. State Court Administrator's Report.....Ron Gordon
(Information)
4. 9:20 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget & Fiscal Management Committee..... Judge Mark May
Liaison Committee..... Judge Kara Pettit
Policy & Planning Committee Judge Derek Pullan
Bar Commission.....Margaret Plane, esq.
(Tab 2 - Information)
5. 9:45 a.m. Legislative Updates..... Michael Drechsel
(Information)
6. 9:55 a.m. Judicial Performance Evaluation Commission Report Dr. Jennifer Yim
(Tab 3 - Information) Commissioner James C. Jenkins
7. 10:15 a.m. Draft Legislation on Presiding Judges' CompensationRon Gordon
(Tab 4 - Action)
- 10:30 a.m. Break
8. 10:40 a.m. Committee on Resources for Self-Represented Parties Report and Request
for Reauthorization Judge Richard Mrazik
(Tab 5 - Action) Nathanael Player
9. 10:50 a.m. Certification of Justice Court Judges Jim Peters
(Action)

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| 10. | 10:55 a.m. | Budget and Grants.....
(Tab 6 - Action) | Judge Mark May
Karl Sweeney
Cathy Dupont
Chris Talbot
Jordan Murray |
| 11. | 11:05 a.m. | Automated Expungement Update
(Tab 7 - Action) | Heidi Anderson
Marianne Perry |
| 12. | 11:20 a.m. | Old Business/New Business
(Discussion) | All |
| 13. | 11:40 a.m. | Executive Session - There will be an executive session | |
| 14. | 11:55 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.

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| 1. Committee Appointments
Resources for Self-Represented Parties Committee – Nathanael Player
(Tab 8) | |
| 2. Forms Committee Forms
(Tab 9) | Kaden Taylor |

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

**December 20, 2021
Meeting conducted through Webex**

9:00 a.m. – 12:30 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Todd Shaughnessy, Vice Chair
Hon. Keith Barnes
Hon. Samuel Chiara
Hon. Augustus Chin
Hon. David Connors
Hon. Ryan Evershed
Hon. Paul Farr
Hon. Michelle Heward
Hon. Mark May
Hon. David Mortensen
Justice Paige Petersen
Hon. Kara Pettit
Hon. Brook Sessions

Excused:

Margaret Plane, esq.
Hon. Derek Pullan

Guests:

Hon. James Blanch, Third District Court
Sue Crismon, Office of Innovation

AOC Staff:

Ron Gordon
Cathy Dupont
Michael Drechsel
Heidi Anderson
Shane Bahr
Amanda Herman
Amy Hernandez
Kara Mann
Jordan Murray
Bart Olsen
Jim Peters
Jon Puente
Neira Siaperas
Nick Stiles
Karl Sweeney
Melissa Taitano
Keisa Williams

Guests Cont.:

Hon. Dennis Fuchs, Senior Judge
Alex Peterson, Judicial Conduct Commission

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 December 1, 2021 Judicial Council meeting minutes, as amended to correct grammar errors and to approve the November 22, 2021 Judicial Council meeting minutes, as amended to correct grammar errors. Judge Augustus Chin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant reported that he, Ron Gordon, Cathy Dupont, and Michael Drechsel will meet with legislative leadership. Justice Durrant will provide an update at the next Council meeting.

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

Ron Gordon attended the Conference of State Court Administrators (COSCA), where cyber security, crisis communications, and mental health services were areas of focus. Mr. Gordon noted that though the COVID cases have decreased; health officials are bracing for a potential surge of the Omicron variant over the holidays. Hospital ICU bed usage remains quite high at 93% capacity. This is particularly important because staff levels are exceeded when the 85% threshold of ICU bed capacity is reached.

Mr. Gordon noted that the 2022 general session begins in January. Mr. Drechsel continues to work closely with the Liaison Committee on reviewing bills. Mr. Gordon thanked the Council for their approval of the quarterly bonus funds to recognize employees of the Judiciary.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Judge Mark May mentioned the committee will address several items later in the meeting.

Liaison Committee Report:

Judge Kara Pettit reported that legislative bills are starting to be numbered. The committee's weekly meetings will start in January. Judge Pettit will send a reminder to court personnel on the methods of communication on legislation.

Policy and Planning Committee Report:

Judge Derek Pullan was unable to attend.

Bar Commission Report:

Margaret Plane was unable to attend.

5. JUDICIAL CONDUCT COMMISSION (JCC): (Alex Peterson)

Chief Justice Durrant welcomed Alex Peterson. Although it existed previously as a legislative-created body, the JCC was constitutionally established in 1984. The JCC currently has 32 cases in FY22 (80 in FY21, 51 in FY20, 64 in FY19, and 58 in FY18). In FY22 there have been no public dispositions, 1 dismissal with a warning disposition and 2 reconsideration requests. There are no cases pending before the Supreme Court.

Of the 80 FY21 cases, 60 complaints were received about the district court, 10 complaints about the justice courts, 4 complaints about the appellate courts, 4 complaints about the juvenile court, and 2 complaints about active senior judges.

Representative Steve Waldrip joined the JCC. Current members from the court include Judge Shaughnessy and Judge Mortensen, as required by Utah Code § 78A-11-103(e). All meetings of the JCC are being held in person. The JCC continues their work on updating their website.

Chief Justice Durrant thanked Mr. Peterson.

6. REGULATORY REFORM INNOVATION OFFICE REPORT: (Sue Crismon)

Chief Justice Durrant welcomed Sue Crismon, Executive Director of the Office of Reform Innovation. Ms. Crismon highlighted that the Office currently has 31 operating entities, 8 tabled entities with referral fees, and 2 denied entities. Approximately 97% of the approved entities are offering low to moderate risk services. Of the 8,475 legal services provided, 93% of them involve a lawyer. There have been 3 new complaints since June, 2021, which equates to 1 complaint for every 2,119 services offered. They continue to work with entities seeking approval.

The Office created an outreach plan for 2022 to gather more business and tech interest. Three of the Office members sit on other states' committees, including California, Delaware, North Carolina, and Florida. There is additional interest from Wyoming, Washington, and London.

Chief Justice Durrant thanked Ms. Crismon.

7. MODEL UTAH CRIMINAL JURY INSTRUCTIONS COMMITTEE: (Judge James Blanch and Michael Drechsel)

Chief Justice Durrant welcomed Judge James Blanch and Michael Drechsel. During 2021, the committee met eight times. The committee spent most of its time on formulating instructions regarding mitigation defenses, including imperfect self-defense mitigation, battered person mitigation, mental illness mitigation, and extreme emotional distress mitigation. Instructions on these issues have been the subject of numerous appeals over the years. The committee is committed to providing model instructions that are useful to practitioners and that assist courts to instruct juries appropriately when these defenses are at issue. The primary inquiry has been how to best structure the instructions. One approach is to address the defense(s) in the elements instruction. This approach has proven to be problematic in numerous appeals. Another approach is to rely upon special verdict forms to address the findings necessary to support the jury's verdict. The committee prefers the latter approach and anticipates publishing a set of mitigation defense instructions in the first part of 2022.

Once the mitigation defense and jury unanimity instructions are completed, the committee will continue and finalize its partially completed work on the Driving Under the Influence and Related Traffic instructions.

Judge Blanch stated that his understanding was that the committee used to be under the auspices of the Supreme Court, but are now under the auspices of the Council. He further noted that the committee is proud of their work specifically when instructions are used in appellate cases. There have been a couple of cases over the years where parties have altered jury instructions that resulted in reversals or errors. The appellate courts have encouraged litigants to follow the instructions as written. Judge Pettit thought the committee's work was valuable.

Chief Justice Durrant thanked Judge Blanch and Mr. Drechsel.

8. PROBLEM-SOLVING COURTS CERTIFICATION AND REVISED CHECKLIST: (Judge Dennis Fuchs, Judge Brody Keisel, and Keisa Williams)

Chief Justice Durrant welcomed Judge Dennis Fuchs, Judge Brody Keisel, and Keisa Williams. The Sixth Juvenile Court requested a new drug court for Sanpete, Sevier, Piute, Wayne, Garfield, and Kane Counties.

Judge Keisel requested renaming his Adult Drug Court to Adult Recovery Court. Judge Fuchs would like to see uniformity in the name of the courts across the states, noting that there are a lot of states calling their drug courts recovery courts. There is a similar request to change the Third District Drug Courts and Mental Health Courts to Treatment Courts. Judge Shaughnessy agreed with having a consistent name across the state.

Judge Fuchs noted that they are planning to have a statewide PSC conference next May. His inclination was to let the judges decide if they would like to change the names of the PSCs. Judge May and Judge Heward reported that about a year ago they changed their PSC court names. The Council agreed to allow Judge Fuchs to hold a discussion with the PSC judges before making a decision on any name changes.

Motion: Judge Heward moved to approve the creation of a drug court in the Sixth Juvenile Court, as presented. Judge Chin seconded the motion, and it passed unanimously.

The Policy and Planning Committee reviewed possible amendments to the Best Practices standards in the problem-solving courts checklist. Required Best Practice #3 previously stated the program admits only participants who are high-risk, high-need. The proposed new version is amended to allow the program to develop alternative tracks with services that are modified to meet risk and need levels of its participants, if the program is unable to target high-risk, high-need individuals. With the change of the checklist, the Policy and Planning Committee recommended the Council approve Judge Clint Gilmore's Mental Health Court.

Chief Justice Durrant thanked Judge Fuchs, Judge Keisel, and Ms. Williams.

Motion: Judge Heward moved to approve the proposed amendments to the Best Practices standards, as presented and to certify Judge Gilmore's Mental Health Court. Judge Chin seconded the motion, and it passed unanimously.

9. CJA RULES 1-303, 2-101, 3-303, 3-401, 4-202.02, 4-208, 5-101, 6-101, 6-303, 7-101, AND 9-101 FOR FINAL ACTION: (Keisa Williams)

Chief Justice Durrant welcomed Keisa Williams. Following a 45-day comment period, the Policy and Planning Committee recommended that the following rules be approved as final. CJA Rules 3-303 and 6-303 are amended to require annual certification of justice court clerks. CJA 1-303 is amended to require the Boards to report to the Council twice a year, rather than quarterly. CJA Rules 2-101, 5-101, 6-101, 7-101, and 9-101 are being revised to remove the requirement to follow Robert's Rules, bringing the Boards and Council inline with current practices. CJA Rule 3-401 defines secretariats to the Council's executive committees. CJA Rule 4-208 is a new rule that governs the expungement process. CJA Rule 4-202.02 is amended to clarify that a minor's name is only public in criminal cases.

Effective January 1, 2022

CJA Rule 3-303	CJA Rule 6-303
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Effective May 1, 2022

CJA Rule 1-303	CJA Rule 4-208
CJA Rule 2-101	CJA Rule 5-101
CJA Rule 3-401	CJA Rule 6-101
CJA Rule 4-202.02	CJA Rule 7-101
CJA Rule 9-101	

Chief Justice Durrant thanked Ms. Williams.

Motion: Judge Mortensen moved to approve CJA Rules 3-303 and 6-303, with an effective date of January 1, 2022 and approve CJA Rules 1-303, 2-101, 3-401, 4-202.02, 4-208, 5-101, 6-101, 7-101, and 9-101, with an effective date of May 1, 2022, as presented. Judge Connors seconded the motion, and it passed unanimously.

10. COMMITTEE ON JUDICIAL FAIRNESS: (Jon Puente)

Chief Justice Durrant welcomed Jon Puente. Mr. Puente presented proposed edits to CJA Rule 1-205 Standing and Ad Hoc Committees adding the Committee on Judicial Fairness and Accountability. The new committee would include one judge, three current or former judicial officers, and the General Counsel or designee. The proposal allows for a Council member to serve on the committee.

Mr. Puente next presented proposed new rule, CJA Rule 3-420 Committee on Fairness and Accountability. This rule establishes a committee to provide support and guidance to the Office and Fairness and Accountability. Rule 3-420 has been vetted by the Policy and Planning Committee.

Judge Pettit recalled the plan was to create an ad hoc committee for the development of the strategic plan that included external members; however, the rule presented to the Council has internal workgroups working on the strategic plan. Mr. Puente explained that several Council members had a group in mind that would primarily be outside members who could insulate and support the work, instead of a group that can help with forming a strategic plan. Mr. Puente had

to balance an integrated committee to help the OFA and having a committee that was independent enough that can deliver tough messages to the Judiciary. Ms. Dupont noticed the proposed rule instructs the committee to form workgroups that will develop a strategic plan. Ms. Dupont anticipated that the Council can instruct the OFA to involve outside stakeholders. Judge Pettit clarified that ad hoc committees can involve stakeholders as they deem necessary, whereas, standing committees are composed of only Council members. Ms. Dupont asked if the Council would prefer an ad hoc committee to create a strategic plan and then create a standing committee as advisory to the OFA. Judge Pettit noted an ad hoc committee did not need to be included in the rule.

Judge Shaughnessy agreed with the need to move forward quickly but was not as concerned with the rule defining the role of external stakeholders. Mr. Gordon commented that sometimes external stakeholder groups can be entangled in issues that become less about the Judiciary and more about politics, as seen in other states.

Judge Connors believed the requirement in the rule that states branch efforts in this regard must include ensuring that the courts are free from both bias and the appearance of bias is a standard that cannot be met. While he understood that, in theory, this is the goal, he struggled with the language. Justice Paige Petersen thought the point of the statement in the rule was that everyone should realize their own biases. Judge Connors didn't believe this section was useful. Judge Samuel Chiara said this section got past the Policy and Planning Committee without discussion and thought the language could be amended to include "efforts" or "reduce" or "minimize" bias and the appearance of bias. Judge Chiara said the courts cannot ensure anything, including an elimination of bias. The goal should be to reduce or minimize bias. Judge Shaughnessy proposed replacing the words "include ensuring" with "strive to ensure." Judge Chiara recommended changing the wording to "strive to eliminate."

Judge Pettit suggested changing the wording in the proposed rule on line 151 to "assist the director with monitoring court progress and implementing this strategic plan and developing metrics to measure progress." Judge Connors agreed with the proposed edit.

Judge Connors mentioned that the Policy and Planning Committee addressed but did not favor one direction or another as to adding a Council member to the newly proposed committee. Judge Ryan Evershed noticed that no other committees of the Council include a Council member. Judge Heward explained that the Policy and Planning Committee did not specify which court level judge should be appointed. Judge Chiara asked if a Council member would need to leave a current committee assignment to be on the proposed committee. Mr. Puente suggested that if a Council member serves, the Council member should keep other committee assignments. He said that he has seen judges in other states get labeled as the diversity judge and it is not helpful when that happens. Judge Chiara clarified that the rule doesn't require a Council member, it only allows a Council member to apply to be on the committee if they choose.

Judge Chiara also noticed there are no other committees that include a demonstrated interest and felt a demonstrated interest would limit people who haven't worked in a large law firm or another area where they could have been on a committee to show that they had a demonstrated interest. Judge Chin expressed support for the language that requires a

demonstrated interest. Judge Shaughnessy thought there were many ways someone could show their demonstrated interest and that the language was sufficiently broad.

Chief Justice Durrant thanked Mr. Puente.

Motion: Judge Chiara moved to approve CJA Rule 3-420, as amended with editing line 28 and 29 to replace the words “include ensuring” with “strive to eliminate bias and the appearance of bias” and changing the remainder of the sentence to be grammatically correct. Judge Shaughnessy seconded the motion, including Judge Pettit’s recommended change on line 151 to “assist the director with monitoring court progress and implementing this strategic plan and developing metrics to measure progress.” Judge Heward suggested the motion include an amendment to CJA Rule 1-205 to correct line 210 and 211 to state that the committee shall include members who are able to demonstrate an interest in the committee. The motion passed with Judge Pettit voting neh.

11. SENIOR JUDGE CERTIFICATION: (Cathy Dupont)

Chief Justice Durrant welcomed Cathy Dupont. Justice Michael Wilkins sought initial certification as an inactive senior judge. CJA Rule 11-201 defines the requirements for inactive senior judge status. Justice Wilkins has been retired since 2010 and appears to meet all of the criteria in the rule. Justice Wilkins does not have any outstanding complaints after a finding of reasonable cause with the Judicial Conduct Commission or the Utah Supreme Court.

CJA Rule 11-201 describes the terms. Justice Wilkins term would begin the date that the Supreme Court approves his certification and would expire on “December 31st of the second year following appointment.” “A subsequent term of office of an inactive senior judge is for three years.”

Chief Justice Durrant thanked Ms. Dupont.

Motion: Judge Mortensen moved to recommend Justice Michael Wilkins’ inactive senior judge status be sent to the Supreme Court for consideration of certification, as presented. Judge May seconded the motion, and it passed unanimously.

12. CREATING A RECORD AND TRANSCRIPTS: (Nick Stiles)

Chief Justice Durrant welcomed Nick Stiles. Nick Stiles explained authority for the recording process is found in CJA Rule 4-201, stating “A video or audio recording system shall maintain the verbatim record of all court proceedings.” Now that court proceedings are being recorded in FTR and Webex, there is no clear authority on which recording process is the official record. Because of this ambiguity, court staff are hesitant to deviate from the pre-COVID practice of the FTR recording being the official recording. There are three common recording scenarios.

Recording Scenario	Description of Process
FTR – when all parties are present in a courtroom.	FTR has been used since 2010 and is the best process for creating a recording, rarely resulting in problems.

Webex and FTR – when remote hearings recorded on Webex are transferred to FTR.	This scenario provides the biggest opportunity for technological improvements.
Hybrid hearings – where some parties appear in a courtroom and some appear remotely.	There are no clear policies or practices on how staff should record the hearings in these situations. This scenario provides the biggest opportunity for staff training centered improvements.

The complicating factor is represented in recording scenarios #2 and #3, where there is, or should be, a Webex and an FTR recording. Absent a formal policy on which recording is official, court staff are left to discern for themselves what the appropriate practices are concerning duplicate recordings. Conventional knowledge instructs that if an FTR recording exists, there is no need for a Webex recording. Webex recordings have proven to be a valuable supplement in the transcription process where the FTR recording is lower quality.

Potential Solutions

Technology. Over the last 21 months Webex has made significant improvements. However, the software still doesn't record multiple user inputs on separate channels. Because of this, transcribers are not able to isolate a speaker's audio input. The result is poorer recordings and transcripts. It would be beneficial to work with Cisco in pushing for an upgrade to allow multiple user inputs.

Formal Policy. Establish formal policies surrounding recordings. The Transcription Office should have full access to recordings of hearings, including any video recording. Court staff should be instructed to record over both FTR and Webex, when possible. There is not a formal policy that instructs whether the public should have access to FTR or Webex, and whether that access should include video or not.

Training. It would be very beneficial for the Transcription Office, in coordination with the Clerks of Court to prepare a training session for court staff and judges to ensure trial courts are creating a record that can be transcribed and understood by the public. The Education Department is able to help prepare the training and offer it in the LMS system.

Mr. Stiles noted that this issue has been presented to the District and Juvenile Court Administrators, Clerk of Court, IT, and the General Counsel's Office. The procedures are currently out to the stakeholders for a second review.

Judge Shaughnessy stated that in the Third District Court, a memorandum was received instructing the JAs to dual record all proceedings on FTR and Webex. He isn't sure how widely aware the judges are of issues that have come up with the appellate records, but believes there is value in making sure judges are aware and in reemphasizing it with the COC as well.

Judge Pettit asked for confirmation that there will be interim guidance until administrative rules can incorporate these policies and get approval through the Policy and Planning Committee. Mr. Stiles confirmed, but stated they are still in the early stages because both the Code of Judicial Administration Rules and appellate rules apply. Judge Pettit stated that there is the need for consistency across the state regarding which version of recordings the transcriptionists for appeal receive. Judge Mortenson stated that getting interim policies in place

is a critical need. At the moment they are aware of at least 100 proceedings with significant transcription issues.

Mr. Stiles requested approval to create long-term policies. Until these are complete, Mr. Stiles will seek approval for interim guidance.

Chief Justice Durrant thanked Mr. Stiles.

Motion: Judge Shaughnessy moved to have the interim guidelines approved by either the Management Committee or Council as soon as possible, via email, as presented. Judge Pettit seconded the motion noting an email approval through the Management Committee would be more expeditious and to include that the Policy and Planning Committee would assist in developing permanent rules as part of the Code of Judicial Administration, and it passed unanimously.

13. BUDGET & GRANTS: (Judge Mark May, Karl Sweeney, Shane Bahr, Neira Siaperas, Heidi Anderson, Kara Mann, Jordan Murray, Amy Hernandez, and Melissa Taitano)

Chief Justice Durrant welcomed Judge Mark May, Karl Sweeney, Shane Bahr, Neira Siaperas, Heidi Anderson, Kara Mann, Jordan Murray, Amy Hernandez, and Melissa Taitano. The Finance Department forecasted a remaining available balance of one-time funds for year-end of \$837,127. The Council has approved \$1,077,148 in one-time year end requests.

Upgrade of FTR Software

\$187,000

One-time funds

All 167 district and juvenile courts use “For the Record” (FTR) software as the official record of the court. This software is currently hosted on PCs in each courtroom. In its present configuration, FTR does not interface with WebEx and all hearings must be downloaded from Webex onto FTR which is a labor-intensive process. Further, the server costs to store the data (with redundancy) with this configuration are substantial.

Motion: Judge May moved to approve the Upgrade of FTR Software request for \$187,000 in one-time funds, as presented. Judge Connor seconded the motion, and it passed unanimously.

Supplemental – Secondary Language Stipends

\$5,200

One-time funds

Because of a lack of second language capable candidates in the courts, historically, all 64 available second language slots have not been filled. The program typically spends only about 80% of the potential budget (\$1,300 x 64 = \$83,200 is the potential budget); they used the actual average expenditures of \$68,900 as this year’s carryforward budget request (will fund approximately 53 interpreters).

Motion: Judge Connors moved to approve the Supplemental – Secondary Language Stipend request for \$5,200 in one-time funds, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

The Utah Domestic Violence Coalition (UDVC) approached the Domestic Violence Program (DVP) with an opportunity to collaborate on a grant application which the Council approved. The UDVC and the DVP outlined a three-year plan to resolve two issues that compromise safety and access to justice within the courts. The first issue highlights the courts' rate of compliance with the National Crime Information Center's (NCIC) protective order data requirements. Approximately 12% of protective orders issued each month have data errors and fail to successfully transmit to NCIC. As a result, individuals who should be prohibited from purchasing firearms according to federal law, are able to purchase firearms. Currently, the DVP does not have enough staff to address these needs.

The second issue outlined in the grant proposal examines the lack of access to justice for Native Americans experiencing domestic violence. It is estimated that 39% of Native American women have experienced intimate partner violence during their lifetimes, significantly higher than domestic violence rates for women from different ethnicities and racial backgrounds. The courts typically oversee domestic violence cases with non-native defendants and Native American victims. Despite the courts adjudicating over these cases, Native American court patrons report that they do not feel able to seek justice with the courts.

Ms. Hernandez requested the Council approve the Office on Violence Against Women (OVW) Year 2021 Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program Grant. The courts would not have any matching funds and would not need to hire any new employees.

Judge May stated that what had generated the most discussion in the Budget and Fiscal Management Committee was the importance of understanding that once a Tribal Liaison position was created, if the court ever loses the grant funding, a request for ongoing funds would need to be made to the legislature because the courts would never want to look like they were eliminating a tribal liaison position. Judge Shaughnessy wondered where the funding would come from if not approved by the legislature. Ms. Hernandez stated that part of the funding would be provided by the Court Improvement Program (CIP) grant. Judge May voiced concerns that the CIP grant must be used explicitly for child welfare. Ms. Hernandez reassured the Council that the position would involve 20 hours of domestic violence work and 20 hours of the Indian Child Welfare Act (ICWA). The Council questioned if there were any other grants available to continue to pay for the position in the future. Ms. Hernandez feels confident in their ability to continue receiving the grants. If grant money was not available, the legislative request would be \$80,000 to \$100,000, including salary and benefits.

Motion: Judge May moved to approve the Office on Violence Against Women (OVW) Year 2021 Rural Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program Grant for \$750,000, as presented. Judge Connors seconded the motion, and it passed unanimously.

Mr. Murray provided a brief update on the grants funding of the online dispute resolution project. The project encompasses updates to the usability and accessibility of the online disputes resolutions platform. With approval from the funding sources, they received a six-month extension which will carry through to June 30, 2022. Mr. Murray informed the Council that the grant application proposal form has been updated and provided with Ms. Hernandez's budget request.

Chief Justice Durrant thanked Judge May, Mr. Sweeney, Mr. Bahr, Ms. Siaperas, Ms. Anderson, Ms. Mann, Mr. Murray, Ms. Hernandez, and Ms. Taitano.

14. OLD BUSINESS/NEW BUSINESS

No old or new business was discussed at this time.

15. EXECUTIVE SESSION

Motion: Judge Shaughnessy moved to go into an executive session to discuss a personnel matter. Judge Sessions seconded the motion, and it passed unanimously.

The Council returned from their executive session.

Motion: Judge Shaughnessy moved to approve the expenditure of the \$52,000 for the matters discussed in an executive session. Judge Chin seconded the motion, and it passed unanimously.

16. CONSENT CALENDAR ITEMS

a) Committee Appointments. Appointment of Lara Swenson to the Ethics Advisory Committee. Appointment of Judge Ann Marie McIff Allen to the Committee on Resources for Self-Represented Parties. Appointment of Judge Angela Fonnesbeck and Judge Denise Porter to the Uniform Fine Committee. Approved without comment.

b) CJA Rules 1-205, 2-103, 3-420, and 4-903 for Public Comment. Approved without comment.

c) Forms Committee Forms. Notice of Pronouns; COVID Eviction Declaration; OCAP Child Support Language Changes; Notice of Disclosure Requirements in Domestic Relations Cases; Financial Declaration; Non-public Information - Safeguarded Contact Information; Motion for Default Judgment; Motion to ____ ; and Petition to Modify Child Custody, Parent-time and Child Support

17. ADJOURN

The meeting adjourned.

Tab 2

Agenda

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
January 11, 2022
Meeting held through Webex
12:00 p.m. – 2:05 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:

Michael Drechsel

Guests:

Krista Airam, JTCE Second District Court
Kim Brock, TCE Third District Court
Travis Erickson, TCE Seventh District Court
Brett Folkman, TCE First District Court
Chris Morgan, TCE Sixth District Court
Hon. Richard Mrazik, Third District Court
Joyce Pace, TCE Fifth District Court
Shannon Treseder, Clerk of Court, Second District Court
Mark Urry, TCE Fourth District Court
Shelly Waite, JTCE Fourth District Court

AOC Staff:

Ron Gordon
Cathy Dupont
Heidi Anderson
Shane Bahr
Meredith Mannebach
Tania Mashburn
Jeremy Marsh
Bart Olsen
Sarah Osmund
Jim Peters
Nathanael Player
Keri Sargent
Neira Siaperas
Nick Stiles
Karl Sweeney
Keisa Williams
Jeni Wood

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

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

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

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

Ron Gordon reviewed the agenda items, noting the committee scheduled an additional hour tomorrow at noon in case this meeting exceeds the time allotted.

3. **DRAFT LEGISLATION ON PRESIDING JUDGES' COMPENSATION: (Ron Gordon)**

In October 2021, the committee discussed draft legislation that would establish uniform compensation for presiding and associate presiding judges. Those amounts are set in statute and are currently not consistent for district, juvenile, and appellate courts. The committee supported draft legislation that would clearly state that presiding judges receive an additional \$2,000 per year and associate presiding judges receive an additional \$1,000 per year. The Liaison Committee supported the proposal.

Mr. Gordon explained the only remaining policy question is whether the draft legislation should apply to justice court judges as well. Boards and committees that have considered the draft legislation are comfortable having it apply to justice court judges; with the understanding that there is currently no funding for additional compensation for presiding and associate presiding judges in justice courts. Therefore, if the draft legislation applies to justice court judges, it would need to specify the funding source for the additional compensation.

There are at least three approaches.

1. The legislation could require local governments to provide the additional compensation. That approach would place an additional fiscal burden on local governments and would likely not be supported by local governments.
2. The legislation could identify an existing restricted account and expand the permitted uses of the restricted account to include additional compensation for presiding and associate presiding judges in justice courts. The Finance Department has an idea for an existing account that could be expanded for this use.
3. The legislation could request that the expenses be covered through the general fund. This approach would involve somewhat complicated legislation that appropriates funds to the state courts and directs the state courts to provide those funds to the local governments employing the presiding and associate presiding justice court judges. This could create some complicated accounting scenarios, especially if the justice court judge presides in more than one jurisdiction.

Judge Shaughnessy and Judge Paul Farr preferred the second option as listed above and believed justice court judges should be included. There are eight presiding justice court judges and about four associate presiding justice court judges. Judge May wondered this change would incentivize other justice court districts to assign a presiding judge. Judge May and Judge Farr thought the Finance Department should be consulted to ensure there will be enough funding. Judge Farr explained that eventually justice courts will run out of money.

Motion: Judge Shaughnessy moved to approve in concept, option two as shown above, as amended to have Mr. Gordon work with the Finance Department to identify the unit, then email the information to the committee for a final vote. Judge Farr seconded the motion, and it passed unanimously.

4. OSHA VACCINATION AND TESTING REQUIREMENTS: (Cathy Dupont, Bart Olsen, and Keisa Williams)

Cathy Dupont informed the committee of the Centers for Disease Control (CDC) quarantine recommendations. The CDC's reduction from 10 days to 5 days isolation is found in guidance it gives to the general public. Similarly, Utah's guidance was recently updated with the 5-day isolation period - but it specifically states that the updates do not apply to people who “work in congregate settings” such as homeless shelters or correctional facilities. The CDC defines fully vaccinated as either less than 6 months since the two doses of Pfizer or Moderna, less than 2 months since the Johnson and Johnson vaccine, or having received the booster shot. The CDC also recommends well fitted masks.

Dr. Jeannine Mayer from the University of Utah explained to Ms. Dupont that if the courts can practice a 10-day quarantine, that would be best. Dr. Sarah Dupont explained that those who quarantine have been exposed but have not tested positive; whereas, those who isolate have tested positive.

The state has until January 24th to submit a plan to OSHA. In the meantime, the state is waiting for the Supreme Court decision on this issue. Ms. Dupont requested the committee address this now because once a plan is set, the courts will have 30 days to enact the plan. Mr. Gordon explained the courts are in a holding pattern at this time, without any repercussions.

5. REVISIONS TO THE RISK PHASE RESPONSE PLAN: (Cathy Dupont)

Ms. Dupont reviewed potential amendment considerations of the Plan for the committee. Ms. Dupont found that the Department of Health prioritizes the need of the court for COVID testing but they are short on the tests. The TCEs met on Friday and discussed the issues at length.

A summary of their comments is:

1. **Jury trials.** The TCEs reported that their judges are interested in holding jury trials as long as they have the flexibility to continue a particular case if there are COVID concerns. Several TCEs mentioned that the local jails were experiencing significant COVID outbreaks with inmates and jail staff and there is limited ability to transport prisoners. In addition, there has been concern among some senior judges and judicial assistants who are not comfortable with unvaccinated jurors. The JAs can be reassigned if there are health concerns that need to be accommodated.
2. **COVID testing for jurors.** The Seventh District Court and a couple rural Fourth District Courts have been able to get the assistance of their local health departments to test jurors. However, the rest of the state has not been able to get the assistance of local or state health department. During the jury pilot program, the Fifth and Second District Courts got certified under CLIA to administer juror COVID tests. Court administered tests were labor intensive and required the dedication of multiple staff members. The TCEs are very concerned about placing the testing burden on court staff. Many districts said they did not have enough staff to administer tests, particularly when a court is located in a contract site that has no court employees.
3. **PCR vs antigen testing.** The best test for COVID for asymptomatic individuals is the PCR test, which our Risk Phase Response Plan (Plan) requires. These tests are very difficult to find right now. The TCEs recommend that PCR be preferred but if not

available, the courts should accept the rapid antigen test, but only if it is used as directed, which is a repeat test within 24 to 36 hours.

4. **Change in isolation/quarantine period.** This discussion was the most robust. The TCEs are concerned that the omicron variant seems to affect the vaccinated as well as unvaccinated. The TCEs recommend that the Plan be amended to follow the CDC guidelines for the shorter quarantine period, but strongly encourage a person who has been exposed, regardless of vaccination status, to work from home for 10 days following the date of exposure, as long as critical staffing levels at the Court can be maintained.
5. **Should jury trials be suspended for a period of time?** If so, should the suspension of jury trials be effective for jury trials started on or after Wednesday – so that jury trials in progress can continue? If jury trials are not suspended, should the courts remind judges that they have the discretion to continue a particular case if there are COVID safety concerns for that particular case.

Mr. Gordon said there are concerns about staffing courts throughout the state as more employees are out of the office. Judge David Mortensen didn't believe that a large-scale decision needed to be made because trial judges should be able to directly address issues. Judge May didn't feel that the Plan should be amended. Judge Shaughnessy didn't think the committee should cancel jury trials across the board. Having gone through the experience of halting jury trials then restarting them, he feared that trials could be cancelled for a considerable amount of time.

Judge Shaughnessy talked to Judge Clemons Landau, Salt Lake City Justice Court, who said his trials could be easily cancelled due to their nature. The courts have been trying to handle their current backlog from the last requirement to stop jury trials. Judge May understood the Omicron variant isn't as bad as the Delta variant, however, the Omicron variant is highly contagious.

Judge May thought there are situations where judges in the same courthouse are making different decisions that could be problematic. Judge Mortensen expects to have different judges in the same building operate differently because of staffing and was concerned that it appears that peoples vaccination status is driven by ideology. There isn't a constitutionally significant issue in requiring the vaccination or removing a juror. Judge Shaughnessy said this could be an issue for an appeal.

Judge Farr cancelled a jury trial because of staffing issues due to COVID.

Chief Justice Durrant provided that this is not ideal but thought judges going in different directions is tolerable. He would leave the decisions to individual judges and allow each judge to limit jury panels. Chief Justice Durrant thought it's key that anyone can opt out of being a juror. Judge Farr and Ms. Dupont have been receiving questions and thought the committee should provide communication. Judge Shaughnessy clarified that the communication would be that the committee will not change the policy with respect to jury trials but leave it to the discretion of individual judges and ask the judges to consider certain things when they proceed with jury trials, such as adequate staffing and seating vaccinated only jurors. Ms. Dupont said this could be

worded generally. Judge Shaughnessy and Ms. Dupont will prepare communication that will be sent.

Ms. Dupont mentioned there are a few districts that are not using remote jury selection. Judge Mortensen felt judges should be conducting remote jury selection, however, questioned if judges are following safety protocols when bringing jurors to the courthouse. Judge Mortensen thought this should be left up to the districts to decide, in consultation with local health departments. The current Plan allows for in-person jury selection with considerations. Judge Shaughnessy didn't believe the Plan needed to be amended for this subject.

Mr. Gordon thought it would be helpful to remind employees when they are ill to stay home. There are concerns that employees may feel like they need to go to work when ill so that a jury trial is not postponed. Chief Justice Durrant explained the courts expect delays. The committee agreed to include this in the communication that will be sent.

Does the committee want to revise the Plan to follow the CDC guidelines to isolate for at least 5 days if tested positive and quarantine for 5 days when exposed, if fully vaccinated? If so, should the courts reference the CDC guidelines rather than repeat them in the Plan?

Judge Farr anticipated CDC guidelines will change and thought it would be easier to have the Plan refer to the CDC guidelines. Judge Shaughnessy agreed and added that employees can be notified when the CDC changes their guidance. Ms. Dupont said if the courts wanted to follow the CDC guidelines, the committee has to decide on whether to follow the general guidelines or the guidelines set for entities, such as jails or homeless shelters. Judge Shaughnessy asked if the courts in this respect were more like a private business because of staffing needs. He thought when discussing a criminal jury trial, the more stringent standard should be followed because there could be an inmate in the courtroom. Ms. Dupont suggested incorporating with the communication for a judge to consider factors, such as an in-custody defendant or a staff member who was recently exposed.

The committee agreed to revise the Plan to adopt the CDC guidelines, by reference.

Do the courts still require a PCR test rather than an antigen test? Is the limited availability of testing an issue to consider?

Ms. Dupont explained PCR tests are very difficult to obtain, especially in rural areas, however, they are more accurate than an antigen test. The question is posed for employees who are exposed or who have tested positive. Judge Farr said employees are getting whichever test they can get. Ms. Dupont said the over-the-counter test relies on a person to identify their own results, whereas, the proctored tests are more accurate and read by trained professionals. Judge Shaughnessy said the self-tests are pretty simple and may be more manageable for the courts.

Do the courts need to revise the mask mandate such as requiring “well fitted masks”, requiring all to be masked even when at a personal workspace?

Ms. Dupont noted the courts order allows employees to remove their masks at their desks and are not specific about the type of mask. The committee could require a well-fitted mask. Three-ply masks are required for patrons but not employees. Mr. Gordon anticipates at some point, someone will ask the courts if they are complying to a court order or the county order. The county order defines masks differently than the courts. In Salt Lake and Summit County, employees must wear masks whether a member of the public is near or not. The courts allow employees to remove masks when not around the public and judges can allow witnesses to remove their masks.

Judge May preferred to leave the current policy in place so as not to change it too many times causing confusion. Chief Justice Durrant agreed with Judge May. Judge Shaughnessy was more concerned about employees having the ability to remove their mask. The committee decided if anyone questioned the courts requirements on masks, the committee can readdress this issue, otherwise, no change is needed.

Should the Plan remove the reference to Yellow phase and Red phase and instead describe operations during COVID? (what is the purpose of talking about a Red phase when the courts are not likely to go back to red phase operations?)

The committee recognized that there may be variants that cause the courts to move to a more restrictive phase. The committee felt the Plan should remain as is for the purposes of this question.

6. COMMITTEE APPOINTMENTS: (Nathanael Player)
Committee on Resources for Self-Represented Parties

The Committee on Resources for Self-Represented Parties sought the reappointment of Charles Stormont, Peter Strand, Leslie Francis, Shawn Newell, Nicole Gray, and Janet Thorpe, and the appointment of Judge Jan, Judge Welch-O'Donnal, Shannon Treseder, Marcus Degen, Alison Satterlee, Bethany Jennings, and Brooke Robinson.

Motion: Judge May moved to approve the reappointment of Charles Stormont, Peter Strand, Leslie Francis, Shawn Newell, Nicole Gray, and Janet Thorpe, and the appointment of Judge Jan, Judge Welch-O'Donnal, Shannon Treseder, Marcus Degen, Alison Satterlee, Bethany Jennings, and Brooke Robinson to the Committee on Resources for Self-Represented Parties, as presented, and place this on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

7. COMMITTEE ON RESOURCES FOR SELF-REPRESENTED PARTIES
REAUTHORIZATION: (Nathanael Player)

The Committee on Resources for Self-Represented Parties is guided by CJA Rule 3-115. The committee is charged with studying the needs of self-represented parties within the Utah Judiciary; propose policy recommendations; assess available services and forms; ensure court programs for self-represented parties are integrated into statewide and community planning for

legal services to low- and middle-income individuals; and recommend measures to the Judicial Council, State Bar, and other appropriate entities for improving the legal system. The committee also develops action plans for the management of cases involving self-represented parties.

In the past year, the committee worked on the following:

- E-filing for self-represented parties through MyCase;
- Outreach to marginalized communities with the Office of Fairness and Accountability;
- Expansion of pro se calendars, however, logistical hurdles and lack of volume presented challenges;
- Maintaining the option of remote hearings, working with the Access to Justice Commission and the Utah State Bar;
- Developing a wage theft clinic, encouraging community partners work together on this issue; and
- CLE credit for court-referred pro bono service through a proposed rule for a two-year pilot program.

The work of the committee has been somewhat reactive to the challenges and opportunities presented by the pandemic. Looking prospectively to calendar year 2022, the committee hopes to work with new committee members to develop a strategic plan to move forward, focusing on initiatives that center the needs of self-represented litigants to make the courts more open, fair, efficient, and independent.

Motion: Judge May moved to approve adding the reauthorization of the Committee on Resources for Self-Represented Parties to the Council agenda, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant addressed the Judicial Council agenda.

Motion: Judge Shaughnessy moved to approve the Judicial Council agenda, as amended to remove the Board of Justice Court Judges report. Judge Farr seconded the motion, and it passed unanimously.

9. OLD BUSINESS/NEW BUSINESS: (All)

Karl Sweeney reviewed the American Rescue Plan Act (ARPA) funds with the committee, noting that the cut off date for ARPA spending is December 31, 2024 and the cut off for ARPA lost revenue is December 31, 2023.

Item	Legislative Funded	Budgeted	Actual	Balance Available	Notes
IT Access to Justice Part I	May, 2021	\$11M	\$62,532	\$10.9M	Projects will extend through 2024
Backlog of Cases Part I	May, 2021	\$1M	\$248,846	\$751,154	Includes PPE
IT Access to Justice Part II	Will request	\$3.2M			Projects will extend through 2024

Backlog of Cases Part II	Will request	\$1M			Projects will extend through June 30, 2023
COVID Supplies	Will request	\$100K			
Legal Sandbox Response to COVID	Will request	\$648,778			
Premium Pay for Essential Workers	Will request	\$2.5M			
Public Parking Garage Lost Revenue	Will request	\$843K			Project losses through December 31, 2023
Public Outreach	Will request	\$30K			
Self-Help Center	Will request	\$64K			
Interpreter Equipment	Will request	\$95,760			

10. EXECUTIVE SESSION: (All)

An executive session was held.

11. ADJOURN

The meeting adjourned.

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

**Minutes
January 4, 2022
Meeting held through WebEx
12:00 p.m. – 1:30 p.m.**

Members Present:

Hon. Mark May, Chair
Justice Paige Petersen
Hon. Kara Pettit
Hon. Keith Barnes
Margaret Plane, esq.

Excused:

Michael Drechsel
Jim Peters
Neira Siaperas
Jordan Murray

AOC Staff Present:

Ron Gordon
Cathy Dupont
Shane Bahr
Nick Stiles
Bart Olsen
Chris Talbot
Karl Sweeney
Heidi Anderson
Alisha Johnson
Melissa Taitano
Suzette Deans

Guests:

Mark Urry, TCE, Fourth District Court
Joyce Pace, TCE, Fifth District Court

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

Judge Mark May welcomed everyone to the meeting.

Motion: Justice Paige Petersen moved to approve the December 9, 2021 minutes, as presented. Judge Keith Barnes seconded the motion, and it passed unanimously.

2. PERIOD 4 FINANCIALS & TURNOVER SAVINGS UPDATE (Alisha Johnson)

Ms. Johnson reviewed the period 5 financials and gave an update on turnover savings. As of 12/14/2021, the Courts generated forecasted Ongoing Turnover Savings ("Ongoing TOS") net of uses of Ongoing TOS of \$163,633. We are just finishing up period 6. Everything's looking good right now. We will be requesting information from the TCEs and AOC directors about their forecasts for FY 2022. We will incorporate updated forecasts for FY 2022 for our 1x TOS forecast for the next BFMC meeting. Finance will be watching very carefully and will alert BFMC if we drift lower than our target of \$50,000 dollars per month in Ongoing TOS.



FY 2022 Ongoing Turnover Savings - Update as of 12/14/2021

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2021, includes unallocated ongoing appropriation)	Internal Savings	200,154	200,154
2	Ongoing Turnover Savings FY 2022 (forecast includes \$50k x 6.5 remaining months)	Internal Savings	388,428	713,428
3	TOTAL SAVINGS		588,583	913,583
	2021 Hot Spot used (balance available at beginning of FY was \$99,950)	Savings Usage	(99,950)	(99,950)
	2022 Hot Spot used (\$110k initially available raised to \$200k in October Judicial Council)	Savings Usage	(88,450)	(200,000)
	2022 Authorized Ongoing for Performance Based Raises	Savings Usage	-	(450,000)
4	TOTAL USES		(188,400)	(749,950)
5	Actual Turnover Savings for FY 2022 as of 12/14/2021 and Forecast at YE 6/30/2022		\$ 400,183	\$ 163,633
Prior Report Totals			\$ 383,076	\$ 171,526

One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds. Our forecast of onetime TOS before any uses are deducted was not updated from the forecast presented last month at \$4.2M but we believe past trends continued.



FY 2022 One Time Turnover Savings

Updated as of Pay Period Ending 11/26/2021 (856 out of 2088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/26/2021)	Internal Savings	1,530,558
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding	Reimbursements	198,135
3	Est. One Time Savings for 1,232 remaining pay hours (\$2k / pay hour)	Internal Savings (Est.)	2,464,000
	TOTAL POTENTIAL SAVINGS		4,192,693
	Total Potential One Time Savings		\$ 4,192,693

3. YEAR END 2022 SPENDING REQUESTS (Karl Sweeney)

Mr. Sweeney reviewed the year end 2022 forecasted available One-time TOS and Reserve funds. After approval of the current month requested items 10 and 11, the amount remaining available for YE 2022 is forecasted at \$785,368 (assuming the full \$2.5M of authorized carryforward spending is funded). Amounts already approved by the Judicial Council total \$1,269,348. Current request for "Taylorsville State Office Building AV Build-Out" and "Utah Criminal Justice Center Consulting" of one time spending is \$52,806.



FY 2022 Year End Forecasted Available One-time Funds

One-time Spending Plan				Current Requests		Judicial Council Prev. Approved
Forecasted Available One-time Funds				# One-time Spending Plan Requests (blue); previously approved (orange)	Amount	Amount
Description	Funding Type	Amount	Previously Approved One-time Budget Requests/Current Requests in Bold			
Sources of YE 2022 Funds						
* Turnover Savings as of pay period ending 11/26/2021 (including anticipated ARPA reimbursement)	Turnover Savings	1,728,693	1 Judicial Council Room Upgrades			39,481
** Turnover savings Estimate for the rest of the year (\$2k x 1,232 pay hours)	Turnover Savings	2,464,000	2 Statewide Router Upgrades			160,000
(a) Total Potential One Time Savings		4,192,693	3 WIFI Access Points Upgrades			120,000
Uses of YE 2022 Funds				4 FY 2022 Career Ladder Payments		243,000
*** From TCE / AOC Budgets	Internal Operating Savings	-	5 FY 2022 Performance Bonus Payments Q1/Q2			365,000
(b) Reserve Balance (from August Judicial Council meeting net of approved reserve uses)	Judicial Council Reserve	414,829	6 Software for Clean Slate Legislation			19,667
Uses of YE 2022 Funds				7 My Case Account Creation Enhancements		130,000
(c) Maximum Carryforward into FY 2023	Desired Carryforward	(2,500,000)	8 For The Record Upgrade			187,000
			9 Supplemental Secondary Language Stipend			5,200
Total Potential One Time Savings + Reserve Balance (a) + (b) + (c) for use in FY 2022 YE Spending				10 Taylorsville State Office Building AV Build-out Part 1	47,806	
		\$ 2,107,522	11 Utah Criminal Justice Center Funding	5,000		
Less: Judicial Council Requests Previously Approved				+ Current Month One-time Spending Requests	52,806	
Less: Judicial Council Current Month Spending Requests				Previously Approved 1x FY 2022 YE Spending Request		1,269,348
Remaining Forecasted Funds Available for FY 2022 YE Spending Requests				\$ 785,368		

+ Expect to request a second half of the year Performance Bonus in March 2022; estimated request will be same as Q1/Q2 request (#5 above) of \$365,000

YE 2022 SPENDING REQUEST PRESENTED FOR APPROVAL TO FORWARD TO JUDICIAL COUNCIL

#10. Taylorsville State Office Building AV Build-Out – Phase 1 (Chris Talbot - “Presenter”)

Mr. Talbot is requesting \$47,806 to fund the first phase of AV equipment and installation at the new TSOB offices scheduled to open in March of 2022. The second phase will follow through a FY 2022 carryforward request later in FY 2022 to be expended in FY 2023. The second phase budget is \$61,508 for a phase 1 and 2 total expenditure of \$139,314.

DFCM approached the Courts several years ago with an offer to allow the courts to move from our aging Juvenile and Adult Probation offices in “City Probation” (on Redwood Road) and West Valley City and provide newly renovated offices in the TSOB. This offer condensed our space from 34,612 to 23,650 square feet. It further provided a much more versatile footprint as cramped individual offices were replaced with multiple interview rooms and conference rooms that provided much more flexibility to meet in larger groups in “hoteling” type scenarios as well as for group training. The new design was done pre-COVID but it ideally meets our COVID requirements as it offers a much safer/larger setting for meetings when they have to be in-person. Because the new facilities are owned by the State, no rent is charged for the renovated space.

The offer also included to fully furnishing the space with the new tables, chairs, desks, cabinets, etc. – an estimated value to the Courts of \$400,000 that is normally considered the responsibility of the agency/branch. The Court agreed to fund typical agency provided technology equipment, such as the new AV equipment for the new space. Chris Talbot did not pursue 100% funding of the FF&E and AV with DFCM during negotiations feeling the deal was more than fair to the Courts as-is. The new AV system was also not expected to be \$139K, but the new spaces that were created (different than anything we have done in the past for probation offices) required more equipment.

We need to install the first phase of AV equipment in both sides of the large training room and in two conference rooms before Probation occupies the space in March of 2022. This would allow for Probation training / juvenile meetings to happen both in-person and virtually with the AV technology already in place upon occupancy.

If not funded now, the space could be occupied without the new AV system. However, the space would not be efficiently utilized without the new AV system and a request could be added to the FY 2022 carryforward requests to be funded in FY 2023.

Exhibit A

Equipment Summary:

- DSP (Digital Signal Processor)/Mixer
- Touch panels or other controls – with programming
- Amplifiers
- Loudspeakers with mounting
- Microphones
- Wireless Microphone Systems – with frequency coordination
- Racks – wall mount
- Video displays – with any control programming included
- Standard Training of up to 4 hours is included for all locations requiring instruction

Pricing Summary:

• Equipment:	\$56,563.48
• Rough-In Labor:	\$ 1,190.00
• Installation Labor:	\$ 5,573.82
• Pre-Build Labor:	\$ 3,162.00
• Programming/Configuration Labor:	\$ 9,166.80
• <u>Commissioning/Training Labor:</u>	<u>\$ 2,150.00</u>
Grand Total:	\$77,806.10

Motion: Judge Kara Pettit moved to approve. Judge Keith Barnes and Justice Paige Petersen seconded the motion, and it passed unanimously to be sent to the Judicial Council with recommendation to approve.

#11. Utah Criminal Justice Center Consulting (Ron Gordon and Cathy Dupont – “Presenters”)

Mr. Gordon and Ms. Dupont are requesting \$5,000 to enter into a memorandum of understanding (MOU) with Utah Criminal Justice (UCJC). The Courts have a long-standing relationship with UCJC. UCJC is a collaborative partnership between the University of Utah and the Utah Commission on Criminal and Juvenile Justice that supports interdisciplinary research, teaching, and training in the areas of criminal and juvenile justice. The Center works toward reducing crime and victimization, inspiring sound public policy and fair treatment in the criminal and juvenile justice systems, and providing a model of higher education that promotes good governance through independent, non-partisan research and innovative programs.

UCJC is proposing the AOC enter into a memorandum of understanding (“MOU”- which is in draft today) to provide consulting services to each of the branches/agencies that are part of its Board of Directors. The requested amount is \$5,000. The MOU term is one year and the funding we are seeking is therefore 1x funds. The MOU would provide some stability to UCJC’s finances and in return provide expertise from their U of U staff on various Court initiatives.

The Judiciary has received considerable benefit from UCJC consulting services in the past and we anticipate being able to continue receiving benefit from those services. We would evaluate renewing the contract for an additional year based upon the value received during the initial year.

Motion: Margaret Plane moved to approve Judge Kara Pettit seconded the motion, and it passed unanimously to be sent to the Judicial Council with recommendation to approve.

GRANT COORDINATOR REPORT

Mr. Murray was absent, so Mr. Sweeney gave the grant update. In the middle of December there was a grant opportunity from the National Center for State Courts (NCSC), and they were seeking applications for ways to mitigate the damage that comes from COVID-related evictions. Unfortunately, the length of time they were enabling us to apply was too short. They wanted everything in their hands all approved by the end of January 2022 and we realized that given our new Grant policies and the holidays, that would not be sufficient time. We did have a discussion with the NCSC team and encouraged them to lengthen the application period for future grants.

There will need to be some more work done internally to see if there's a real need for the funds. The 3rd district would be hearing most of these eviction cases. If the judges are supportive of it and the additional help is needed then we would proceed with an ARPA request and seek approval from BFMC and Judicial Council to add 1 more request to the 9 ARPA requests already before the legislature. This request would be approximately \$160,000.

5. Old Business/New Business

Judicial Operations budget of \$500 per judge was discussed. At the request of the Judicial Council, a proposal was given to the TCEs in November 2021 to do away with Judicial Operations separate budget and simultaneously lift restrictions on what judges could request from their TCEs for their use. The funds would be placed in the TCE’s budget and it would still be used for judge’s needs, education, technology, etc. The TCE would act as stewards for that money. A new object code would be created to track the amount used. This proposal was presented to the Board of District Court Judges (who had originally asked for some changes) also in November 2021. There were concerns from judge’s that they would be losing control of the funds and had no alternative. The BDCJ asked for an “appeal” process to address requests from Judges that were denied by the TCE. Finance created an appeals process which is now on its way back to the TCEs. If the TCEs accept it, the proposal will be taken to the Juvenile and Appeals boards for approval. Once approval from all 3 Boards is obtained it will be brought back to the BFMC.

6. ADJOURN

The meeting was adjourned at 1:20 pm.

Next Meeting Scheduled for February 14, 2022

DRAFT

Tab 3



2022 JPEC REPORT TO THE COMMUNITY

WHAT IS JPEC?

The Judicial Performance Evaluation Commission (JPEC) was established by state statute in 2008. Its goals are:

- To provide voters with valid information about each judge's performance so they may make informed decisions in judicial retention elections;
- To provide judges with useful feedback about their performance so they may become better judges and thereby improve the quality of the judiciary; and
- To promote public accountability of the judiciary while ensuring that it continues to operate as an independent branch of government.

LEGISLATIVE UPDATE - H.B. 40

The proposed changes in H.B. 40, Judicial Performance Evaluation Commission Amendments, recognize the independence of voters to use the information that JPEC provides without being told how to vote.

Supported by research and similar changes made in neighboring states, JPEC proposes to change its reporting language from "recommends retention" to "passes minimum performance standards." Voters are more likely to engage when provided adequate information about

judges but without a recommendation about how to vote. When the decision of how to vote is left expressly to voters, there is increased consistency between the judge's performance evaluation result and voter choice, as demonstrated by other states.

H.B. 40 was unanimously approved by the Government Operations Interim Committee. If passed by the Utah Legislature, the change would first affect those judges on the ballot in November 2022. H.B. 40 is sponsored by Rep. Nelson Abbott and Sen. Jani Iwamoto.

WHO ARE THE JPEC COMMISSIONERS?

- JPEC's 13 volunteer commissioners are social workers, accountants, retired educators, lawyers, community leaders, and "baseball moms" who donate their time to a careful evaluation of the data collected on each judge.
- Commissioners are appointed by Governor Spencer J. Cox, the Utah Legislature, and the Utah Supreme Court.
- By law, about half of the membership may be attorneys. Partisan balance is required.

WHAT IS COURTROOM OBSERVATION?

Courtroom observation is a key component of the evaluations completed for full-time, non-appellate judges. Trained community volunteers observe a judge for two to four hours, with observations taking place in one or multiple sittings. A JPEC staff member coordinates observations to avoid duplication and allow for observation of a range of case types, including criminal and civil matters, such as arraignments, small claims, traffic, family law, collections, and probate.

Each observation report evaluates the judge's procedural fairness by assessing three main criteria:

- **Neutrality** Does the judge apply rules consistently across people and over time?
- **Respect** Are court participants taken seriously and treated with dignity?
- **Voice** Within the rules of court, do people receive an opportunity to participate in the hearing before a decision is made?

Observers are invited to make additional comments about the judge's ability to inspire trust and toward improving the overall experience in that court. Finally, observers estimate whether they would be comfortable appearing before the judge as a litigant.

As part of the judge's midterm evaluation, JPEC conducts at least four observations in the first half of the judge's six-year term. During the second half of a judge's term, JPEC conducts at least four more observations, which are summarized and considered for the judge's retention evaluation.

VOLUNTEER OBSERVERS

JPEC has 31 active volunteers that are regularly dispatched to observe judges. Each volunteer has attended training on court procedures, evaluation criteria, report writing, and has participated in guided observations. Those that observe juvenile court also receive additional training. In-service training covers special topics such as implicit bias, procedural fairness updates, and specific proceeding types.

OPINION: WEBEX OBSERVATIONS

Historically, all courtroom observers completed their observations in person. However in the spring of 2020, all Utah courtrooms moved to a virtual setting using WebEx due to the ongoing Covid-19 pandemic. At that time, JPEC made a change to its administrative rule allowing observations to be completed over WebEx. Since then 95% of observations have been completed virtually.

THE PROS AND CONS

Observers frequently express their opinions and experiences with WebEx observations. Positive comments discuss generally quieter, orderly proceedings and an appreciation for the ability to see and hear everything as a litigant does. Negative comments bemoan things such as disruptive users, connection issues, and poorly placed cameras.

“

...When properly implemented, this is an area where Webex actually exceeds the "audio neutrality"...since I can hear exactly what the judges and defendants hear. ”

--- a JPEC Courtroom Observer

“

...Several occasions where litigants were responding to the Judge, while neither [litigant nor judge] recognized for extended periods that they were still muted...That was one of the most noise-plagued hearings I've observed, probably because two litigants were appearing over cell phones, one from a bad location. ”

--- a JPEC Courtroom Observer

STUDENT OBSERVERS

JPEC partners with the University of Utah's College of Social Work (CSW). In a yearly forensic social work course, graduate students receive training and observe judges.

- As with its regular cadre of observers, JPEC holds training sessions with students, including practice observations. It screens all students for conflicts of interest and ensures that they meet eligibility criteria.
- Once students are ready to observe on their own, JPEC assigns each a judge to observe. Staff members work closely with students to ensure a successful observation. Students then submit their assessment of the judge.
- Students benefit from the training experience and receive credit in class.
- JPEC benefits from increased diversity in its observer pool and assistance in meeting its observation caseloads.
- Some CSW students continue as volunteers after their classroom participation ends.

VOLUNTEER SPOTLIGHT

JPEC'S WORLDWIDE COURT WATCHER



JPEC has been fortunate to have Bob Grant as a volunteer observer for the last eight years. Trained as a mechanical engineer and in technical sales, Bob's career included work in the space industry, oil and gas, and other industries. His extensive worldwide travels included "a ring-side seat to observe the collapse of the eastern European communistic regimes" as well as a more recent opportunity to observe court in New Zealand. Bob has visited Utah courts over 80 times and produced at least 50 reports. He volunteered additional time as part of a pilot effort to evaluate Utah's judges with the smallest caseloads (see *Did You Know?* below). Bob is a thoughtful, articulate observer whose skillful reports have provided constructive criticism and praise to many Utah judges. JPEC is grateful for his continued service.

“Simply for curiosity, I also observe courts during my domestic and worldwide travels. If you really want to understand a country, set the guidebooks down and visit their criminal courts. I have not yet experienced a greater sense of judicial fairness than I have in Utah, and I think Utah's court system is on the right path.”

--- Bob Grant

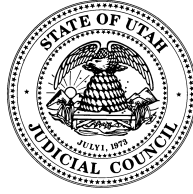
OBSERVATIONS BY THE NUMBERS

- **229** observer visits since the start of 2021 (virtual and in-person)
- **31** ongoing courtroom volunteers.
- **149** observation reports submitted.
- **24** student volunteers trained in 2021
- **293** volunteer observers with JPEC (past and present)
- JPEC's longest-standing volunteer started in September **2012** and has completed over **45** observation reports
- **4+** observations per judge's midterm evaluation
- **4+** observations per judge's retention evaluation

DID YOU KNOW?

JPEC conducted a pilot project to study the use of virtual courtroom observations for judges with very low caseloads. These judges are often located in rural areas. The combination of these conditions makes it challenging for JPEC to conduct robust and cost-effective judicial evaluations. JPEC is now working to assist these municipal and county courts to acquire the technology infrastructure to enable virtual courtroom observation. The judiciary has expressed support for the expanded evaluations.

Tab 4



Administrative Office of the Courts

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

January 3, 2022

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

MEMORANDUM

TO: Management Committee

FROM: Ron Gordon

RE: Presiding Judge and Associate Presiding Judge Compensation

In October 2021, the Management Committee discussed draft legislation that would establish uniform compensation for presiding judges and associate presiding judges. Those amounts are set in statute and are currently not consistent for district, juvenile, and appellate courts. The Management Committee supported draft legislation that would clearly state that presiding judges receive an additional \$2,000 per year and associate presiding judges receive an additional \$1,000 per year. The Management Committee referred the issue to the Liaison Committee for additional discussion.

The Liaison Committee discussed the draft legislation on November 12, 2021 and expressed support as long as the Board of District Court Judges and the Board of Juvenile Court Judges did not have any concerns. I presented the draft legislation to those boards and neither expressed any concerns.

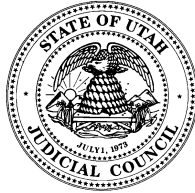
The draft legislation is now before the Management Committee again for final consideration. The only remaining policy question is whether the draft legislation should apply to justice court judges and state court judges or only to state court judges. All committees and boards that have considered the draft legislation are comfortable having it apply to justice court judges; however, they all also understand that there is currently no funding for additional compensation for presiding and associate presiding judges in justice courts.

If the draft legislation applies to justice court judges, it would need to specify the funding source for the additional compensation. There are at least three approaches.

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 legislation could require local governments to provide the additional compensation. That approach would place an additional fiscal burden on local governments and would likely not be supported by local governments.
2. The legislation could identify an existing restricted account and expand the permitted uses of the restricted account to include additional compensation for presiding and associate presiding judges in justice courts.
3. The legislation could request that the expenses be covered through the general fund. This approach would involve somewhat complicated legislation that appropriates funds to the state courts and directs the state courts to provide those funds to the local governments employing the presiding and associate presiding justice court judges. This could create some complicated accounting scenarios, especially if the justice court judge presides in more than one jurisdiction.

Tab 5



Administrative Office of the Courts

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

January 2, 2022

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

MEMORANDUM

TO: Management Committee of the Judicial Council

FROM: Judge Rich Mrazik and Nathanael Player, on behalf of the Standing Committee on Resources for Self-represented parties

RE: Annual Report and Request for Reauthorization of Standing Committee on Resources for Self-represented Parties

The Standing Committee on Resources for Self-Represented Parties (the Self-Rep Committee) requests that the Management Committee:

1. review of the work of the Self-Rep Committee in the past year, pursuant to CJA 1-205(1)(c), and;
2. determine that the Self-Rep Committee continues to serve its purpose and recommend to the Judicial Council that the Self-Rep Committee continue, pursuant to CJA 1-205(1)(D).

The Self-Rep Committee is authorized and guided by CJA 3-115, which says (in relevant part):

- (1) The committee shall study the needs of self-represented parties within the Utah State Courts, and propose policy recommendations concerning those needs to the Judicial Council.
- (2) Duties of the committee. The committee shall:
 - (2)(A) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;
 - (2)(B) assess available services and forms for self-represented parties and gaps in those services and forms;
 - (2)(C) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;
 - (2)(D) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and

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

(2)(E) develop an action plan for the management of cases involving self-represented parties.

The Self-Rep Committee is currently comprised of the following members, as dictated by CJA 1-205(1)(B)(viii):

Name	Position
Honorable Rich Mrazik	District court judge and chair
Honorable Ann Marie Mciff Allen	District court judge
Honorable Annette Jan*	Juvenile court judge
Honorable Katherine Peters	Justice court judge
Honorable Danalee Welch-O'Donnal*	Justice court judge
Nicole Gray	Appellate clerk of court
Shannon Treseder*	Urban clerk of court
Janet Thorpe	Rural clerk of court
Nathanael Player	Self-Help Center representative
Charles Stormont	Utah State Bar
Peter Strand, Utah @ease	Legal services organization that serves low-income clients
Marcus Degen,* People's Legal Aid	Legal services organization that serves low-income clients
Alison Satterlee,* Law Offices of Virginia Sudbury	Private attorney
Professor Leslie Francis, University of Utah	Law school representative
Bethany Jennings,* University of Utah	Law school representative
Kaden Taylor	State law librarian
Shawn Newell	Community representative
Brooke Robinson,* Timpanogos Legal Center	Community representative
Amy Hernandez	Ex Officio Domestic Violence Coordinator
Kara Mann	Ex Officio Language Access Coordinator
Pamela Beatse	Ex Officio Utah State Bar Access to Justice Office

* Pending approval by Management Committee and the Council

Last year the Self-Rep Committee had the following priorities, and has made progress on these priorities, as noted:

Priority	Progress
E-filing for self-represented parties	Through MyCase, e-filing is online for self-represented parties in eviction, debt collection, and small claims cases, thanks largely to our IT staff. MyCase allows for access to view dockets and filed documents is available to parties many case types, thanks to our IT staff and the Self-Help Center.
Outreach to marginalized communities	The Office of Fairness and Accountability has hired an outreach coordinator, who has presented to several partner agencies – she presents on self-help resources, including

	MyCase, the Self-Help Center, OCAP and our online resources.
Expansion of pro se calendars	We have sought to support the expansion of pro se calendars, but logistical hurdles, and a lack of volume in some areas have presented challenges.
Maintaining the option of remote hearings	We have worked with the Access to Justice Commission and the Utah State Bar to support surveys of self-represented litigants to gather data about the utility and efficacy of remote hearings, and plan to continue to help support efforts to gather data on this important question.
Developing a wage theft clinic	We have encouraged community partners to come together on this issue, as it continues to be a community concern, but we have not yet found a partner who is available to support this endeavor.
CLE credit for court-referred pro bono service	A proposed rule for a two-year pilot program to offer self-study CLE credit for pro bono services is slowly making its way through the approval process.

The work of the Self-Rep Committee has been somewhat reactive to the challenges and opportunities presented by the pandemic. Looking prospectively to calendar year 2022, we hope to work with our new committee members to develop a strategic plan to move forward, focusing on initiatives that center the needs of self-represented litigants to make the courts more open, fair, efficient, and independent.

Tab 6

**Budget and Grants Agenda
for January 18, 2022 Judicial Council Meeting**

1. YE 2022 Spending Requests Judge Mark May and Karl Sweeney
(Information)
 10. Taylorsville State Office Building AV Build-Out -- Phase 1 Chris Talbot
(Action)
 11. Utah Criminal Justice Center Consulting Ron Gordon
(Action) Cathy Dupont
2. Grant Coordinator Report Jordan Murray
(Information)

**FY 2022 Ongoing Turnover Savings - Update as of 12/14/2021**

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2021, includes unallocated ongoing appropriation)	Internal Savings	200,154	200,154
2	Ongoing Turnover Savings FY 2022 (forecast includes \$50k x 6.5 remaining months)	Internal Savings	388,428	713,428
3	TOTAL SAVINGS		588,583	913,583
	2021 Hot Spot used (balance available at beginning of FY was \$99,950)	Savings Usage	(99,950)	(99,950)
	2022 Hot Spot used (\$110k initially available raised to \$200k in October Judicial Council)	Savings Usage	(88,450)	(200,000)
	2022 Authorized Ongoing for Performance Based Raises	Savings Usage	-	(450,000)
4	TOTAL USES		(188,400)	(749,950)
5	Actual Turnover Savings for FY 2022 as of 12/14/2021 and Forecast at YE 6/30/2022		\$ 400,183	\$ 163,633
	Prior Report Totals		\$ 383,076	\$ 171,526

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 38 positions that have turned over within the past 90 days that are currently listed as having family benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- * Currently, 68.25 FTE are vacant with 22.75 in process of being filled. If those fill, with no other changes, that would leave 45.5 FTE vacant.
- 1 Line 1 has been reduced by \$44,300 from \$244,454 to \$200,154 due to potential legislative action regarding the follow up of spending for HB 196 - Domestic Relations Debt.
- 2 We expect the YTD OTS to increase by approx. \$50K per month for the remaining 6.5 periods of FY 2022 = \$325k. When added to \$388k in YTD savings (line 2), this will put the Courts at ~ \$713k in ongoing turnover savings for the year.
- 3 When the carried over and appropriated amount (line 1) with the YE forecast (line 2), the grand total for YE 2022 increases to ~ \$913k.
- 4 If all hot spot and authorized money is expended (a total of \$749,950), the YE forecast of available ongoing OTS is reduced to ~ \$163k.
- 5 Last report's (dated 12/02/21) Forecast YE Turnover Savings number was \$171,526. Decrease of ~\$8,000 is normal variation due to timing of backfills which is slower during the YE holidays.

**FY 2022 One Time Turnover Savings****Updated as of Pay Period Ending 11/26/2021 (856 out of 2088 hours)**

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 11/26/2021)	Internal Savings	1,530,558
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding	Reimbursements	198,135
3	Est. One Time Savings for 1,232 remaining pay hours (\$2k / pay hour)	Internal Savings (Est.)	2,464,000
	TOTAL POTENTIAL SAVINGS		4,192,693
	Total Potential One Time Savings		\$ 4,192,693

- * Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,764.98, \$1,793.49, \$1,870.33, and \$2,027.42. The average per hour turnover savings YTD is \$2,019.50. We are estimating an amount of \$2,000 per hour. As we get additional data, we will refine our estimates. These numbers do include expected ARPA reimbursements.



FY 2022 Year End Forecasted Available One-time Funds

One-time Spending Plan						
Forecasted Available One-time Funds				# One-time Spending Plan Requests (blue); previously approved (orange)	Current Requests	Judicial Council Prev. Approved
Description	Funding Type	Amount		Previously Approved One-time Budget Requests/Current Requests in Bold	Amount	Amount
Sources of YE 2022 Funds						
* Turnover Savings as of pay period ending 11/26/2021 (including anticipated ARPA reimbursement)	Turnover Savings	1,728,693		1 Judicial Council Room Upgrades		39,481
** Turnover savings Estimate for the rest of the year (\$2k x 1,232 pay hours)	Turnover Savings	2,464,000		2 Statewide Router Upgrades		160,000
(a) Total Potential One Time Savings		4,192,693		3 WiFi Access Points Upgrades		120,000
*** From TCE / AOC Budgets	Internal Operating Savings	-		4 FY 2022 Career Ladder Payments		243,000
(b) Reserve Balance (from August Judicial Council meeting net of approved reserve uses)	Judicial Council Reserve	414,829		5 FY 2022 Performance Bonus Payments Q1/Q2		365,000
Uses of YE 2022 Funds				6 Software for Clean Slate Legislation		19,667
(c) Maximum Carryforward into FY 2023	Desired Carryforward	(2,500,000)		7 My Case Account Creation Enhancements		130,000
				8 For The Record Upgrade		187,000
				9 Supplemental Secondary Language Stipend		5,200
Total Potential One Time Savings + Reserve Balance (a) + (b) + (c) for use in FY 2022 YE Spending			\$ 2,107,522	10 Taylorsville State Office Building AV Build-out Part 1	47,806	
				11 Utah Criminal Justice Center Funding	5,000	
				+ Current Month One-time Spending Requests	52,806	
				Previously Approved 1x FY 2022 YE Spending Request		1,269,348
Less: Judicial Council Requests Previously Approved			\$ (1,269,348)			
Less: Judicial Council Current Month Spending Requests			\$ (52,806)			
Remaining Forecasted Funds Available for FY 2022 YE Spending Requests			\$ 785,368			

Updated 12/17/2021

- * Actual turnover savings as calculated on a pay period basis through 11/26/2021. Data can be found in the Budget Summary Excel workbook on the Personnel tab.
- ** Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,764.98, \$1,793.49, \$1,870.33, and \$2,027.42. The average per hour turnover savings YTD is \$2,019.50. We are estimating an amount of \$2,000 per hour. As we get additional data, we will refine our estimates. These numbers do include expected ARPA reimbursements.
- *** Based on updated forecasts from budget managers (TCEs, AOC Directors, etc) to be received in January 2022.

- + Expect to request a second half of the year Performance Bonus in March 2022; estimated request will be same as Q1/Q2 request (#5 above) of \$365,000

10. FY 2022 YE Spending Request – Juvenile Courts – TSOB Probation Office AV System

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: 12/20/21

Department or District: AOC - Facilities

Requested by: Chris Talbot

Request title: New 3rd District Juvenile Taylorsville State Office Building (TSOB) Probation Office AV System

Amount requested: \$ 47,806 (net of 3rd District Juvenile funding of \$30,000)¹

One-time funds

Purpose of funding request:

To fund the first phase of AV equipment and installation at the new TSOB offices scheduled to open in March of 2022. The second phase will follow through a FY 2022 carryforward request later in FY 2022 to be expended in FY 2023. The second phase budget is \$61,508 for a phase 1 and 2 total expenditure of \$139,314

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

DFCM approached the Courts several years ago (before BFMC was formed so this request was reviewed by Management Committee in August 2019) with an offer to allow the courts to move from our aging Juvenile and Adult Probation offices in “City Probation” (on Redwood Road) and West Valley City and provide newly renovated offices in the TSOB. This offer condensed our space from 34,612 to 23,650 square feet. It further provided a much more versatile footprint as cramped individual offices were replaced with multiple interview rooms and conference rooms that provided much more flexibility to meet in larger groups in “hoteling” type scenarios as well as for group training. The new design was done pre-COVID but it ideally meets our COVID requirements as it offers a much safer/larger setting for meetings when they have to be in-person. Because the new facilities are owned by the State, no rent is charged for the renovated space (which was also true of the vacated space).

The final sweetener for the project was the offer to fully furnish (except for Server, computer and AV equipment) the new space including tables, chairs, desks, cabinets, etc. – an estimated value to the Courts of \$400,000 that is normally considered the responsibility of the agency/branch. Many of the furnishings in the “old” office buildings were approaching end of life so this offer essentially removed from our financial obligations the \$400,000 of FF&E purchases that we would have had to do to replace the FF&E in the existing space (likely done \$40,000 per year over 10 years) as DFCM volunteered to pick up these costs in the renovated space.

The Court agreed to fund typical agency provided technology equipment, such as the new AV equipment for the new space. By comparison, the total cost of \$139,314 for the AV equipment and

¹ The total cost of the first phase is \$77,806. Third District Juvenile has committed to contribute \$30,000 towards the total cost of phase 1 from their FY 2022 operating budgets, leaving the amount requested appropriately reduced to \$47,806.

10. FY 2022 YE Spending Request – Juvenile Courts – TSOB Probation Office AV System

cabling in the new TSOB is only 25% of the \$539,400 in total costs (FF&E plus AV equipment) – of which the state is picking up \$400,000 in providing the furniture at no cost to the Court. Chris Talbot did not pursue 100% funding of the FF&E and AV with DFCM during negotiations feeling the deal was more than fair to the Courts as-is. The new AV system was also not expected to be \$139K, but the new spaces that were created (different than anything we have done in the past for probation offices) required more equipment.

We need to install the first phase of AV equipment in both sides of the large training room and in two conference rooms before Probation occupies the space in March of 2022. This would allow for Probation training / juvenile meetings to happen both in-person and virtually with the AV technology already in place upon occupancy.

A summary budget of phase 1 is attached as Exhibit A.

Alternative funding sources, if any: The space could be occupied without the new AV system. However, the space would not be efficiently utilized without the new AV system. This request could also be added to the FY 2022 carryforward requests to be funded in FY 2023, however some critical training and meeting functions would not be available at the TSOB until this AV technology is installed.

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

10. FY 2022 YE Spending Request – Juvenile Courts – TSOB Probation Office AV System

Exhibit A

Equipment Summary:

- DSP (Digital Signal Processor)/Mixer
- Touch panels or other controls – with programming
- Amplifiers
- Loudspeakers with mounting
- Microphones
- Wireless Microphone Systems – with frequency coordination
- Racks – wall mount
- Video displays – with any control programming included
- Standard Training of up to 4 hours is included for all locations requiring instruction

Pricing Summary:

• Equipment:	\$56,563.48
• Rough-In Labor:	\$ 1,190.00
• Installation Labor:	\$ 5,573.82
• Pre-Build Labor:	\$ 3,162.00
• Programming/Configuration Labor:	\$ 9,166.80
• <u>Commissioning/Training Labor:</u>	<u>\$ 2,150.00</u>

Grand Total Phase 1	\$77,806.10
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11. FY 2022 YE Spending Request – Utah Criminal Justice Center (UCJC) Consulting

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: 12/29/2021

Department or District: AOC Administration

Requested by: Cathy Dupont and Ron Gordon

Request title: Supplemental – Utah Criminal Justice Center (U of U College of Social Work) Consulting

Amount requested: \$5,000

One-time funds

Purpose of funding request:

The Courts have a long-standing relationship with UCJC. What is UCJC? From the UCJC [website](#):

UCJC is a collaborative partnership between the University of Utah and the Utah Commission on Criminal and Juvenile Justice that supports interdisciplinary research, teaching, and training in the areas of criminal and juvenile justice. The Center works toward reducing crime and victimization, inspiring sound public policy and fair treatment in the criminal and juvenile justice systems, and providing a model of higher education that promotes good governance through independent, non-partisan research and innovative programs.

Ron Gordon serves on the UCJC Board of Directors along with several state agencies including the Executive Director of CCJJ, the Executive Director of the Department of Corrections, the Director of the Utah Division of Mental Health and Substance Abuse, and the Commissioner of the Utah Department of Public Safety. The Dean of the U of U Law School and several other U of U personnel also serve on the Board.

UCJC is proposing the AOC enter into a memorandum of understanding (“MOU” - which is in draft today) to provide consulting services to each of the branches/agencies that are part of its Board of Directors. The requested amount is \$5,000. The MOU term is one year and the funding we are seeking is therefore 1x funds. The MOU would provide some stability to UCJC’s finances and in return provide expertise from their U of U staff on various Court initiatives.

The Judiciary has received considerable benefit from UCJC consulting services in the past and we anticipate being able to continue receiving benefit from those services. We would evaluate renewing the contract for an additional year based upon the value received during the initial year.

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

11. FY 2022 YE Spending Request – Utah Criminal Justice Center (UCJC) Consulting

We feel UCJC is a valuable but underutilized resource. We believe these MOUs would provide a sound footing for the UCJC relationship to grow. From the draft MOU, the following types of services are contemplated:

“Specific consultation services will be determined by the individual agencies and may include the following:

- a) Thought-partnering on the front end of emerging agency initiatives to consider possible research and funding opportunities.
- b) Assist with writing grant applications for larger-scale, federal funding (or similarly scoped RFPs) where UCJC is named as the research or evaluation partner.
- c) Attend, and provide expertise to, various agency committees and subcommittees.
- d) Deliver presentations to various agency committees and subcommittees, as needed where UCJC is not represented on the (sub) committee.
- e) Respond to small-scale research and statistical inquiries that emerge among agencies.”

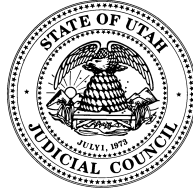
Alternative funding sources, if any:

None

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

If this request is not funded, we would need to find another way to compensate UCJC for consulting services or do without the benefit of those services. We believe the current opportunity to jump-start this collaboration with other state agencies presents a unique opportunity that should not be passed up.

Tab 7



Administrative Office of the Courts

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

January 6, 2022

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

MEMORANDUM

TO: Judicial Council

FROM: Administrative Office of the Courts IT CIO, Heidi Anderson

RE: Auto Expungement Update and Request for Approval

The Courts IT department is ready to start Automatically Expunging Acquittals and Dismissals with Prejudice and Clean Slate cases in an interim phase. We have identified ~218,000 acquittals and dismissals with prejudice cases and ~600,000 clean slate cases to be expunged. Acquittals and Dismissals with prejudice will be started as a micro pilot within the next few weeks as part of continuous testing with BCI. The system will send an email to prosecutors with a list of expunged cases. Once we have finished testing, we will increase the amount of cases that will be expunged and make our way through the backlog.

We have set February 7, 2022 as the date we will start our production runs of Auto-Expungements, to include Clean Slate cases. For Acquittals and Dismissals, the system will continue to send out an email to prosecutors with a list of case numbers expunged. For Clean Slate cases, the system will email a preliminary list of cases and provide 35 days for objection. Once that 35 days have passed, the cases without an objection will be Auto Expunged. For all cases being expunged, an order will automatically be added to the cases in CORIS. The Judge signature stamp will be added to the orders; a maintenance app has been set up in CORISWeb that will be monitored by the district and justice court administration teams (Shane Bahr and James Peters).

Currently the Judge Signature Maintenance app in CORISWeb is separated by location rather than by Presiding Judge. The Rule for using the Presiding Judge will not be effective until May 1, 2022. We are seeking approval to start this with the interim process detailed above prior to the rule being approved. The Courts IT Department is very excited to start expunging these cases. We will continue to work with BCI to make sure everything is working on both ends. We will also start work on the next phase to include Xchange Prosecutor Portal and the Traffic Deletion process.

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

Tab 8



Administrative Office of the Courts

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

December 28, 2021

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

MEMORANDUM

TO: Management Committee of the Judicial Council

FROM: Nathanael Player, on behalf of the Committee on Resources for Self-Represented Parties

RE: Committee membership

Code of Judicial Administration 1-205(1)(B)(viii) details who should be a member of the Committee on Resources for Self-Represented Parties. There are a number of renewals and new members on the committee submitted for the Management Committee's consideration.

The following members seek reappointment pursuant to CJA 1-205(3)(A)(i)(c):

- Charles Stormont, serving as the representative of the Utah State Bar;
- Peter Strand, serving as one of the two representatives from a legal services organization serving low-income clients;
- Leslie Francis, serving as one of the two representatives from a law school;
- Shawn Newell, serving as one of two community representatives;
- Nicole Gray, serving as appellate clerk of court (new term would expire Jan., 2025);
- Janet Thorpe, serving as rural clerk of court (new term would expire Feb. 2025).

All of these members have been engaged participants and have regularly attended meetings. Unless otherwise noted, if they are reappointed, their terms would expire in December, 2024.

The table below details the current, and proposed, composition of the committee— individuals marked in yellow are submitted for this group's approval as new members. We are requesting approval to add Judge Jan, Judge Welch-O'Donnal, Shannon Treseder, Marcus Degen, Alison Satterlee, and Brooke Robinson as new members.

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

Name	Position	Comment
Honorable Rich Mrazik	District court judge and chair	
Honorable Ann Marie Mciff Allen	District court judge	
Honorable Annette Jan	Juvenile court judge	Chosen by the Board of Juvenile Court Judges
Honorable Katherine Peters	Justice court judge	
Honorable Danalee Welch-O'Donnal	Justice court judge	Chosen by the Board of Justice Court Judges
Nicole Gray	Appellate clerk of court	Requesting reappointment
Shannon Treseder	Urban clerk of court	Volunteered to join the committee
Janet Thorpe	Rural clerk of court	Requesting reappointment
Nathanael Player	Self-Help Center representative	
Charles Stormont	Utah State Bar	Requesting reappointment
Peter Strand	Legal services organization that serves low-income clients	Requesting reappointment
Marcus Degen	Legal services organization that serves low-income clients	Works for People's Legal Aid, resume attached (not serving on other court committees)
Alison Satterlee	Private attorney	Works for Law Offices of Virginia Sudbury, resume attached (not serving on other court committees)
Professor Leslie Francis	Law school representative	Requesting reappointment
Bethany Jennings	Law school representative	Works at Faust Law Library at S.J. Quinney College of Law, resume attached (not serving on other court committees)
Kaden Taylor	State law librarian	
Shawn Newell	Community representative	Requesting reappointment
Brooke Robinson	Community representative	Works for Timpanogos Legal Center, resume attached (not serving on other court committees)
Amy Hernandez	Ex Officio Domestic Violence Coordinator	
Kara Mann	Ex Officio Language Access Coordinator	
Pamela Beatse	Ex Officio Utah State Bar Access to Justice Office	

Tab 9

Agenda

Name (and any aliases)

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

**Declaration of Financial Status
(Criminal)**

(Utah Code 78B-22-201.5)

☐ **Hearing Requested**

Case Number

Judge

I request a court appointed lawyer. My date of birth is _____.

Dependents															
Your marital status:	Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/>														
Total number of dependents/children: _____	For each person you are legally required to support, list their age and your relationship to them: <table border="1"> <thead> <tr> <th>Age</th> <th>Relationship</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>	Age	Relationship												
Age	Relationship														

Income		
Employment	Are you employed: YES [] NO [] Self-employed [] Employer: _____ Full time [] Part time [] Average hours per week: _____ Hourly rate: _____	
Spouse	If married, is your spouse employed: YES [] NO [] Employer: _____ Full time [] Part time [] Average hours per week: _____ Hourly rate: _____	
Other income If not employed, do you have income from another source	Retirement	\$
	Alimony	\$
	Child support	\$
	SSI/Disability	\$
	Public assistance (not including food stamps)	\$
	Unemployment	\$
	Other	\$
Total Income:	Total pay from all sources during the last 6 months	\$
Assets:		
(In any location/state)	Total cash (savings or checking)	\$
	Total value of land, house(s), or real property in your name (include assets held for your benefit)	\$
	Total market value of vehicles Make/Model	\$
	Total retirement accounts	\$
	Stocks, bonds, notes	\$
	Any other items (list)	\$
Total Assets:		\$

Debts			
Creditors (to whom you owe money)	Total owed:	Monthly payment:	Collateral (auto, house, etc.)
	\$	\$	
	\$	\$	
	\$	\$	
Monthly Expenses			
	Housing	\$	
	Food	\$	
	Utilities	\$	
	Transportation	\$	
	Debt payments	\$	
	Medical	\$	
	School	\$	
	Clothing	\$	
	Necessities (list)	\$	
	Child support	\$	
	Alimony	\$	
	Other (include any fines, fees, or restitution you are required to pay)	\$	
	Attorney fees you are required to pay from other cases	\$	
Total Expenses		\$	

I have these extraordinary financial conditions that prevent me from hiring a private lawyer (explain):

I may be subject to criminal penalties for making any false statements in this declaration. I authorize the government agency that is responsible for providing lawyers to people who cannot pay in criminal cases to contact me or request information from me or a third party to verify whether I can afford a private lawyer. I may be ordered to pay the cost of my court appointed lawyer if the court later determines that I am able to pay. I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Plaintiff</p> <p>v.</p> <p>_____</p> <p>Defendant</p>	<p>Order on Declaration of Financial Status (Criminal) (Utah Code 78B-22-201.5)</p> <p><input type="checkbox"/> Hearing Requested</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p>
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The court finds:

Based upon the facts in the Declaration of Financial Status (Criminal) and other testimony presented on the record, the court finds:

☐ The Defendant is indigent

☐ The Defendant is NOT indigent

☐

Other: _____

The court orders:

☐ A lawyer is appointed to represent the Defendant in this case.

☐ The Defendant is NOT entitled to an appointed lawyer.

This order is subject to modification in the event the financial circumstances of the Defendant changes during the time that this case is being actively litigated in this court.

(Judge's signature may instead appear at the top of the first page of this document.)

_____ Signature ► _____

Date _____ Judge _____