



UTAH STATE COURTS

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Legislative Brief

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The Judicial Council's Task Force made recommendations for Justice Court Reform based on the following guiding principles:

- **Law Trained Judges**
- **On-the-Record Appeals**
- **Right to Counsel**
- **State Operated Courts**
- **Access to Substance Abuse and Mental Health Services**

Implementing this proposal would transfer the justice courts' most complex cases, along with the majority of the workload, to the division courts.

Justice Court Reform

Purpose

For courts to be effective, public trust and confidence in the judiciary is critical. To improve public trust and confidence in the judiciary, a Task Force was created in 2019 to make recommendations for justice court reform. In 2021, the Task Force presented a comprehensive list of recommended changes. While there are other proposals being discussed, this Legislative Brief addresses only those recommendations proposed by the Task Force.

Those recommendations are based on guiding principles that are necessary to protect judicial independence, ensure parties' constitutional rights, provide transparency and adequate oversight of judges and courts, and increase public trust and confidence. They propose creating a new "division court" with state support and oversight, where misdemeanors and small claims cases would be heard "on the record" by law-trained judges. Justice courts would continue to be operated by local government to adjudicate infractions.

This approach would transfer all small claims and misdemeanor cases from locally operated justice courts to state-operated division courts. In addition, Class A misdemeanors and debt collection cases would be transferred from district courts to the new division courts. While many of these cases are less serious in nature, it is with these types of cases that the majority of Utahns interact with the court system. As such, justice court reform is an opportunity to improve trust and confidence in the courts and strengthen public perception of government as a whole.

Analysis Shows Funding Will Be Needed

To begin analyzing the financial impact of creating division courts, we selected one urban area, Sandy City, and one rural area, Sanpete County, to model the proposals. As a result, we found that the Sandy City Division Court would have a caseload of about 6,000 cases per year, and the Sanpete County Division Court would have a caseload of about 1,300 cases per year. The financial estimates in Figures 1 and 2 are based on these caseloads and facility considerations.

To create the division courts, both one-time and ongoing funding will be needed. Figures 1 and 2 show examples of selected significant costs.

For a division court with 6,000 cases, staffing and facility expenses exceed potential revenue by about \$250,000.

For a division court with 1,300 cases per year, staffing and facility expenses exceed potential revenue by about \$50,000.

We estimate about 50 division courts will need to be created statewide. The smaller number of courts will help to promote consistency.

Figure 1. Revenue and Selected Costs for Sandy City Division Court

Category	Amount	Total Amount
Revenue Kept Locally	\$ 438,000	
State Revenue	572,000	
Total Potential Revenue		\$ 1,010,000
Staffing and Facility Expenses ¹	1,262,000	
Administrative Costs	TBD	
Total Expenses		TBD

¹Lease two courtrooms in the Sandy City Justice Court. The figure does not include setup costs for the leased space which totals \$457,000 for A/V, IT, and furniture.

Figure 1 shows the estimated annual costs for staffing (\$1,175,000) and a leased space (\$87,000). However, if new courtrooms were utilized, the estimated build-out costs would be \$3.3 million for construction, audio/visual (A/V), information technology (IT), and furniture.

Figure 2. Revenue and Selected Costs for Sanpete County Division Court

Category	Amount	Total Amount
Revenue Kept Locally	\$ 174,000	
State Revenue	177,000	
Total Potential Revenue		\$ 351,000
Staffing and Facility Expenses ¹	403,000	
Administrative Costs	TBD	
Total Expenses		TBD

¹Lease one courtroom in the county courthouse building. The figure does not include setup costs for the leased space which totals \$87,000 for A/V, IT, and furniture.

Figure 2 shows the estimated annual costs for staffing (\$395,000) and a leased space (\$8,000). However, if a new courtroom were utilized, the estimated build-out costs would be \$1.7 million for construction, audio/visual (A/V), information technology (IT), and furniture. When creating division courts, it is important to consider build-out costs for new courtrooms because it will likely not be possible to lease in all locations.

There are significant administrative costs that are not included in Figures 1 or 2. Transferring cases from 120 justice courts to division courts will require the state to assume costs for things such as court facilities, managing the division courts, training, support staff, IT, HR, general counsel services, and increases in appellate cases. Justice court reform will add value to the judiciary, but it will need substantial funding.

AOC Is Utilizing Resources for Statewide Study

We cannot use these two estimates to project costs statewide. Each division court area has unique characteristics. To determine statewide costs for justice court reform will be a large undertaking. The AOC will need to utilize assistance from the National Center of State Courts (NCSC), and other resources.