

JUDICIAL COUNCIL MEETING

AGENDA

June 27, 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 and Fiscal Management Committee Karl Sweeney
Liaison Committee.....Michael Drechsel
Policy, Planning, and Technology Committee Judge Derek Pullan
Bar Commission.....Margaret Plane, esq.
(Tab 2 - Information)
5. 9:30 a.m. Approval of 2023 Judicial Council ScheduleRon Gordon
(Tab 3 - Action)
6. 9:35 a.m. Open and Public Meetings Act TrainingBryson King
(Tab 4 - Information)
7. 10:05 a.m. Judicial Conduct Commission Report Alex Peterson
(Tab 12 - Information)
8. 10:20 a.m. Problem Solving Court Certifications..... Judge Dennis Fuchs
(Tab 5 - Action)
- 10:35 a.m. Break
9. 10:45 a.m. Justice Court ReformJim Peters
(Tab 6 - Information) Ron Gordon
10. 11:00 a.m. Justice Court Judge CertificationsJim Peters
(Action)

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| 11. | 11:05 a.m. | Interlocal Agreement | Jim Peters |
| | | (Action) | |
| 12. | 11:10 a.m. | Proposed Allocations from JCTST Account..... | Jim Peters |
| | | (Action) | |
| 13. | 11:20 a.m. | Office of Legal Service Innovation Report..... | John Lund |
| | | (Tab 7 - Information) | Sue Crismon |
| | | | Justice Christine Durham |
| 14. | 12:05 p.m. | Office of Legal Service Innovation Grant Request..... | Jordan Murray |
| | | (Action) | Karl Sweeney |
| | 12:15 p.m. | Lunch Break | |
| 15. | 12:25 p.m. | FY 2023 Carryforward and Ongoing Turnover Savings Requests | |
| | | (Tab 8 - Action) | Judge Kara Pettit |
| | | | Karl Sweeney |
| | | | Alisha Johnson |
| 16. | 1:05 p.m. | HR Policies | Bart Olsen |
| | | (Tab 9 - Action) | Keisa Williams |
| 17. | 1:20 p.m. | Old Business/New Business | All |
| | | (Discussion) | |
| 18. | 1:30 p.m. | Executive Session | |
| 19. | 1:30 p.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 | Forms Committee – Nathanael Player |
| (Tab 10) | Committee on Judicial Outreach – Valeria Jimenez |
| 2. CJA Rule 4-206 for Public Comment | Keisa Williams |
| (Tab 11) | |

Tab 1

JUDICIAL COUNCIL MEETING
Minutes

May 23, 2022

Meeting conducted through Webex and in person
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111

9:00 a.m. – 12:56 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

Chief Justice Matthew B. Durrant, Chair
Hon. Keith Barnes
Hon. Samuel Chiara
Hon. Augustus Chin
Hon. David Connors
Hon. Ryan Evershed
Hon. Paul Farr - virtual
Hon. Michelle Heward
Hon. Elizabeth Lindsley
Hon. David Mortensen - virtual
Justice Paige Petersen - virtual
Hon. Kara Pettit - virtual
Hon. Derek Pullan - virtual

Excused:

Hon. Todd Shaughnessy, Vice Chair
Margaret Plane, esq.
Hon. Brook Sessions

Guests:

Jonathan Adams, OLRGC
Hon. Kate Appleby, Senior Judge
Lester Bird, Manager, PEW Charitable Trusts
Hon. James Brady, Fourth District Court
Hon. Heather Brereton, Third District Court
Justice Christine Durham, JPEC
Hon. Lee Edwards, Logan City Justice Court
Hon. Elizabeth Knight, Third District Court
John Mabey, Attorney
David McNeill, PEW Charitable Trusts

AOC Staff:

Ron Gordon
Cathy Dupont - virtual
Michael Drechsel - virtual
Brody Arishita - virtual
Shane Bahr - virtual
Todd Eaton - virtual
Alisha Johnson - virtual
Jeremy Marsh - virtual
Tania Mashburn - virtual
Jordan Murray - virtual
Bart Olsen - virtual
Jim Peters
Nathanael Player - virtual
Jon Puente
Nini Rich - virtual
Keri Sargent - virtual
Neira Siaperas – virtual
Stacey Snyder - virtual
Nick Stiles - virtual
Karl Sweeney - virtual
Melissa Taitano - virtual
Chris Talbot
Keisa Williams - virtual
Jeni Wood

Guests Cont.:

Kim Paulding, Executive Director, Utah Bar Foundation
Erika Rickard, Project Director, PEW Charitable Trusts
Sarah Schecter, Utah Attorney General
Hon. Bob Yeates, Guardian ad Litem
Dr. Jennifer Yim, JPEC

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting. The Council held a hybrid meeting through Webex and in-person.

Motion: Judge David Connors moved to approve the April 25, 2022 Judicial Council meeting minutes, as amended correct “effected” to “affected” in section 8, correct “driving” to “driven” in section 10, and to add “this matter” to the last sentence in section 15. Judge Keith Barnes seconded the motion, and it passed unanimously.

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

Chief Justice Durrant was thrilled with the Senate confirmation of Judge Diana Hagen to the Utah Supreme Court. Chief Justice Durrant was grateful for the opportunity to participate in a time capsule ceremony at the Utah Capital on May 19. The capsule was sealed with a letter from Governor Spencer Cox, letters from Utah’s elected leaders, license plates, coins, photos, and other memorabilia. The capsule will remain undisturbed until 2122.



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

Ron Gordon praised the Education Department for their highly successful and effective spring conferences. Mr. Gordon attended the JPE 2.0: Modernizing Judicial Performance Evaluation Conference in Colorado last week, along with Dr. Jennifer Yim. There are distinct differences between the states. Some states have a mandatory self-evaluation process, where other states have a voluntary self-evaluation. Utah does not interview every judge being evaluated, however, other states do interview each judge. A number of states assign a mentor judge for a judge going through the process for the first time. There may be opportunities where staff can be of more assistance to judges after evaluations have been completed. Utah may hold further discussions on processes in the coming months.

The AOC learned that the Board of Pardons and Parole only receives the judgment and commitment that actually sends the defendant to prison. They do not receive a judgment and commitment that resulted in the prison sentence being suspended. Therefore, they do not see any of the comments that judges make in the original judgment and commitment. The Board of Pardons and Parole also does not receive any documents from the court unless the court proactively sends them. Judge Derek Pullan understood that the Board only reviews the commitment but has access to Xchange to view other documents and felt the Board should be reviewing the sentencing report. The Board indicated that they do not conduct research into case files due to limited resources. The AOC is working with IT to identify a possible solution that would automatically send the needed information to the Board. Utah Code § 77-27-13(5)(a) requires prosecutors, in all cases, within 30 days from the date of sentence to provide the Board with “a full and complete description of the crime, a written record of any plea bargain entered into, a statement of the mitigating or aggravating circumstances or both, all investigative reports, a victim impact statement referring to physical, mental, or economic loss suffered, and any other information the prosecutor believes will be relevant to the Board of Pardons and Parole.” It is unclear how much of this information the Board currently receives.

Judge Samuel Chiara has been surprised when defendants return to his courtroom with new charges, within 60 days after he sent them to prison on multiple felony charges. Learning that the Board may not read all of the material may explain why the Board releases defendants so quickly.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Budget & Fiscal Management Committee Report:

Judge Kara Pettit has been named the new Chair of the committee.

Liaison Committee Report:

Michael Drechsel said the Judiciary Interim Committee (JIC) has an ambitious study schedule. At their last meeting, they spent more than 2 hours discussing the preliminary hearing item with various stakeholders. The JIC created an informal workgroup to further examine preliminary hearings. Mr. Drechsel explained that the preliminary hearing topic was not focused around Utah Constitution Article I, Section 12 Rights of Accused Persons, but rather the focus was on expanding the statutory basis for and the scope of the preliminary hearing.

The justice court reform update and the Utah Bar Foundations debt collection/eviction items were postponed until the JICs June meeting. The justice court reform issue was discussed with Senate President Stuart Adams.

Policy, Planning, and Technology Committee Report:

Judge Derek Pullan thanked Judge Kate Appleby for assisting the committee with water law judge rules. The committee has begun discussing the process for moving the Technology Standing Committee into the Policy and Planning Committee.

Bar Commission Report:

Margaret Plane was unable to attend.

5. COURT FACILITY PLANNING COMMITTEE REPORT: (Judge James Brady and Chris Talbot)

Chief Justice Durrant welcomed Judge James Brady and Chris Talbot. The committee reviews trends and projections in population, caseload, and other growth indicators to anticipate courthouse construction needs; reviews evaluations of courthouses and recommends the prioritized placement of construction projects; reviews recommendations from the facility coordinator (TCEs); makes recommendations to the Council regarding the committee's master prioritization plan; compares requests with the Design and Space Guidelines of the master plan; develops a timetable for construction requests; and develops procedures for committee members and facility coordinators.

Planning studies

- Heber City/Wasatch County – Add a juvenile courtroom to the county facility. The feasibility study is pending. One possible funding solution would be to use retiring bonds in FY 2023.
- Davis County Courthouses – Consolidate the Layton, Farmington & Bountiful Courthouses with a new courthouse comprising 16 courtrooms. The feasibility study should be completed in FY 2023. One possible funding solution would be to use retired bonds in FY 2026.
- Cedar City/Iron County – A courthouse expansion of three courtrooms. There is no action planned in FY 2023.

Active capital development projects

- Manti Courthouse – This new district and juvenile courthouse will consist of two courtrooms (one to be shelled). The property has been purchased and the demolition of existing structures was completed in February 2020. The Legislature funded the design process in May 2021 and the full project in March 2022. Construction will begin in July 2023 with an estimated opening in the winter 2024.

Capital improvement projects

- There are currently 71 requested projects. The list is updated annually by DFCM, Court Facilities and TCEs.
- There are 23 prioritized projects approved by Legislature in FY 2022, with a total funding of \$5.2M with 70% of projects complete year-to-date.
- Notable projects from FY 2022 include the West Jordan HVAC system replacement, the Layton Basement waterproofing, the St. George emergency battery system (UPS) replacement, and the Ogden jury assembly room tenant improvement.
- There are 31 prioritized projects approved by the Legislature for FY 2023; a total funding of \$6.9M.

Prioritization of projects for FY 2022

1st Manti Courthouse

2nd Wasatch Courthouse

- 3rd Bountiful, Farmington, and Layton Courthouses tied
- 4th Cedar City Courthouse

Five-year development plan (ranked in priority)

- 1st Wasatch County, Heber City Courthouse – proposed expansion of county-owned facility to add a new juvenile courtroom. Estimated cost \$3.8M over a new 15-year lease.
- 2nd Davis County Courthouse – proposed new courthouse with up to 14 courtrooms to consolidate the existing Farmington, Layton, and Bountiful courthouses into one facility. The feasibility study to be completed in FY 2023. Estimated cost to be determined.
- 3rd Iron County, Cedar City Courthouse – proposed expansion of the existing courthouse to add 3 courtrooms. Estimated cost to be determined.
- 4th Grand County, Moab Courthouse – proposed substantial remodel of existing leased 2 courtroom courthouse. Estimated cost to be determined.
- 5th Utah County, American Fork/Lehi Courthouse – proposed new courthouse with 4 courtrooms to replace the city-owned leased facility.

Mr. Talbot explained that a feasibility study will help determine whether to create 14 or 16 courtrooms for the proposed Davis County Courthouse. Judge Chiara appreciated being a part of the Manti Courthouse design. Chief Justice Durrant thanked Judge Brady and Mr. Talbot.

Motion: Judge Connors moved to approve the priority list as follows: 1st Wasatch County, Heber City Courthouse; 2nd Davis County Courthouse; 3rd Iron County, Cedar City Courthouse; 4th Grand County Moab Courthouse; and 5) Utah County, American Fork/Lehi Courthouse, as amended to increase the current estimate of 14 courtrooms to 16 courtrooms in the Davis County Courthouse. Judge Michelle Heward seconded the motion, and it passed unanimously.

6. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge Elizbeth Knight and Neira Siaperas)

Chief Justice Durrant welcomed Judge Elizabeth Knight and Neira Siaperas. Judge Knight briefly addressed each of the Boards undertakings.

1. Racial and Ethnic Disparities (RED) initiative

The phase I of the Board's Fairness and Accountability data project was completed in April 2021. It entailed a high level analysis of the disparities at the referral and disposition points of the juvenile justice process. Some of the key findings included that minority youth receive disproportionately more referrals to juvenile court than non-minority youth. Minority youth are also diverted at a lower rate and receive dispositions that typically include a higher level of supervision. Phase II of the project had to be paused while the juvenile court searches for a research partner with capabilities to conduct complex data analysis. As part of RED initiatives, the Board also endorsed the creation of the Judicial Racial Justice Network workgroup led by Judge Monica Diaz. The workgroup has been meeting regularly and is tasked with exploring bias and implementing an action plan to address racial and ethnic disparities in delinquency.

2. Judicial Weighted Caseload study

The Board established a standing Juvenile Judicial Workload committee which held its first meeting on May 2, 2022. The committee will select and review the workload case weights

most impacted by the pandemic or by legislative and other changes in judicial work. The selected case weights will be updated to accurately reflect the current workload of juvenile court judges. This review and update of case weights will occur on an ongoing basis to ensure that judicial workload is represented accurately on a consistent basis. The Board greatly appreciates the support of the Judicial Council with the court level Boards taking ownership of applicable workload studies.

3. Assessment of Juvenile Defense

Juvenile court judges and staff will participate in the upcoming assessment by The Gault Center (Center) to evaluate access to counsel and quality of legal representation for Utah youth in delinquency cases. The Center has conducted similar assessments in 28 states to date. There are six components to the assessment:

1. Access to Counsel and Quality of Representation
2. Indigent Defense Structural Overview
3. System Impacts to Justice and Fairness
4. Promising Practices
5. Recommendations for the State
6. Recommendations for Local Systems

The Utah assessment will involve select counties and include court observations and interviews with judges, administrators, district leadership and employees, and other stakeholders. It is anticipated that the assessment will start in August or September 2022. Judge Knight was grateful that the Legislature approved an additional Sixth District Court judge. The Board appreciated the Education Department's work on the spring conference. Judge Knight thanked Ms. Siaperas for her continued dedication to the juvenile courts and her aim to promote from within.

Chief Justice Durrant thanked Judge Knight and Ms. Siaperas.

7. BOARD OF DISTRICT COURT JUDGES REPORT: (Judge Heather Brereton and Shane Bahr)

Chief Justice Durrant welcomed Judge Heather Brereton and Shane Bahr. Judge Brereton reported that the Board continues to discuss opening the courts in the Green phase. The Board looks forward to the efforts of the Green Phase Workgroup. The Board felt the role of IT is crucial with virtual and hybrid hearings but felt that the IT Department may be understaffed with the time it takes for a response. The Board hopes for additional IT staffing to ensure the courts continue operations in a timely manner. The IT Department is reporting monthly to the Board.

Some members of the Board attended the Problem-Solving Court Conference last week. Many believe that problem-solving courts should operate in person because participants have excelled when attending in person hearings.

Judge David Williams chairs the Post-Conviction Relief Act (PCRA) workgroup. Many judges have had difficulty in getting counsel to appear pro bono on PCRA cases. That resulted in SB0210, Post-Conviction Representation Amendments, which allows the court to appoint counsel from the indigent appellate defense division.

The transition to move the judicial operations budget funds to the districts seems to have resolved the issue of those funds not being used. The Board thanked the Council for allowing this transition.

Judge Brereton thanked the Council for allowing the District Court Judges Conference to be held in person. It was well-attended and many appreciated the in person setting.

The Board formed a judicial compensation workgroup that will prioritize a request of salary increases for judicial officers.

The Board is concerned about ensuring they have a voice in with the JIC's preliminary hearing workgroup. A proposed bill's language that would expand preliminary hearings for discovery purposes is very concerning and will have a significant impact on the courts. Judge Pullan felt he couldn't overstate the impact that would have on district courts because if this is opened up to any issue, it may become ineffective assistance of counsel not to engage in a preliminary hearing in every case. Judge Pullan informed the Council that if the bill passes, the courts may need to revisit the weighted caseload formula.

Chief Justice Durrant thanked Judge Brereton and Mr. Bahr.

8. GAL OVERSIGHT COMMITTEE REPORT: (Judge Bob Yeates and Stacey Snyder)

Chief Justice Durrant welcomed Judge Bob Yeates and Stacey Snyder. The job of a Guardian ad Litem attorney is to advocate for children. In FY 2014, the Executive Offices and Criminal Justice Subcommittee approved standards and performance measures for GAL attorneys.

Private GALs

In FY 2021, the Private GAL program had 79 private attorneys, who have accepted over 448 cases, including over 93 pro bono cases. The Best Practice Guidelines were expanded significantly in the form of a Private GAL Manual so the attorneys could be better equipped to handle difficult cases.

Court-Appointed Special Advocate program (CASA)

The CASA program is a valued resource for GAL attorneys. During FY 2021, 937 volunteer advocates served 1,549 children and donated 27,275 hours. Advocates are appointed pursuant to Utah Code § 78A-2-803. CASA volunteers are assigned to an individual case and gather information for the GAL attorneys by visiting consistently with child clients, attending child and family team meetings and court hearings, and tracking the child's progress in school.

Utah Friends of CASA

Utah's Friends of CASA is a nonprofit organization that supports the CASA program by providing supplemental funding for volunteer recruitment, training and retention.

Judge Michelle Heward mentioned the GAL attorneys are an important part of the juvenile courts and appreciated their work. Chief Justice Durrant thanked Judge Yeates and Ms. Snyder.

9. BUDGET AND GRANTS: (Karl Sweeney, Alisha Johnson, Brody Arishita, Todd Eaton, and Jonathan Puente)

Chief Justice Durrant welcomed Karl Sweeney, Alisha Johnson, Brody Arishita, Todd Eaton, and Jonathan Puente. The FY 2022 year end forecasted available one-time funds is expected to be \$2,377,654. The Council previously approved \$1,814,654 in one-time spending requests.

New Edge Increased Bandwidth Firewalls (includes 5-year service contract on new servers)

\$295,000 firewalls with a 3-year service or

\$415,000 firewalls with a 5-year service

One-time funds

The courts have two different sets of firewalls in place: The Cisco edge firewalls which protect the network and the VPN firewalls which provide VPN access when outside of the courts' network. The VPN firewalls are nearing end of life. Mr. Arishita proposed moving the current Cisco edge firewalls over to handle the VPN connections (and allow us to retire the current VPN firewalls) and replacing the Cisco edge firewalls with new the Palo Alto firewalls which have increased bandwidth capacity. Judge Pullan wondered if the courts are forgoing the ability to review alternate options if the courts accept the 5-year plan. Mr. Arishita explained the money saved long-term can be used elsewhere. Judge Connors said attorneys have complained about bandwidth when holding hybrid hearings. The overall bandwidth for public wifi is an issue and will be addressed at a later time.

Google Enterprise Plus Renewal

\$148,000

One-time funds

The courts first contracted with Google in 2012. Since that time the courts have paid approximately \$109,000 annually for Google licenses. The current system is G Suite Basic, which provides email and google docs/sheets/forms etc. In FY 2022, Google notified the courts that G Suite Basic would no longer be available after July 2022, unless the courts upgrade to G Suite Enterprise. This request will enable the courts to sign a new contract in FY 2022 and pay for the increased cost for 1 year of services.

Motion: Judge Connors moved to approve a 5-year service for the New Edge Increased Bandwidth Firewalls one-time request for \$415,000 and approve the Google Enterprise Plus Renewal one-time request for \$148,000, as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

Public Outreach Coordinator

\$120,000

Ongoing funds

This request is to fund the Public Outreach Coordinator position with court-funded ongoing turnover savings. This position has been filled since May 2021 and is currently funded with Legislature-funded one-time general funds set to expire on June 30, 2022. Mr. Gordon explained that this request is being made a month before the Council considers other ongoing funding requests to provide assurance to the current employee that the job will not end on June 30th. The Public Outreach Coordinator coordinates with schools for judicial visits, partners with community-based organizations to build trust and confidence with the courts, and works with marginalized communities.

Judge Chiara proposed funding the position with one-time funds for one year then seeking legislative approval for ongoing funds next year. Judge Connors wondered where the ongoing funds being requested would come from. Mr. Gordon identified ongoing turnover savings funds as a source for this internal position.

Judge Pullan was concerned that the departure from the standard process might relay a message to others that they could secure funds from the Council early, rather than go through the normal budget process. Mr. Gordon explained that the reason for the request now was that going through the normal process would result in the Council making a decision during their June 27 meeting, leaving only three days until the position's current funding expires. Judge Pettit noted the Budget and Fiscal Management Committee addressed whether submitting a request would send the wrong message to those who are submitting budget requests but the committee learned that the courts may have more funds than anticipated requests so felt this request was an acceptable deviation from the normal process. Mr. Gordon is not aware of any other premature requests.

Judge Chin thought that the Public Outreach Coordinator has been performing so well and preferred not to wait on a decision until June 27. Judge Pettit said one possibility would be to fund with one-time funds and add this to the normal process for ongoing funds. She believed that the courts may take a step backward if they fund with ongoing money internally then ask the Legislature for funding. Judge Pettit also believed positions should not be funded with one-time funds.

Judge Chiara proposed to extend the position to July 30th to avoid the three day notice concern; consider funding the position with one-time funds for an additional year through the normal funds request process; with the understanding that the Council will prioritize the position to the Legislature this year; and that the Council not make a decision today. Judge Ryan Evershed felt the Council already made the commitment when they approved using the one-time funding from the Legislature to create this position. Judge Connors agreed with Judge Evershed's comment and felt the Council should make a decision today. Judge Pullan didn't want to make any decisions today that should be made next month during the normal budget process for ongoing funding requests, and supported the 30-day extension or even a 60-day extension. Mr. Gordon highlighted that a one-time request doesn't have the same precedent as an

ongoing request. Judge Elizabeth Lindsley felt the Council loses creditability about our commitment to public outreach by creating this position then not sending a message of support.

Motion: Judge Connors moved to approve the request to fund the Public Outreach Coordinator with ongoing funds in the amount of \$120,000, as presented. Judge Chin seconded the motion, and it passed with Judge Chiara, Judge Mortensen, and Judge Pullan opposed.

Judge Pullan clarified that he isn't opposed to merits of funding the Public Outreach Coordinator position, but rather to the process of the request, and he hoped that the Council will communicate a firm commitment to the standard processes by which budget decisions are made. Judge Chiara agreed with Judge Pullan's comment. Chief Justice Durrant said that, on the merits, it appears as though the current Public Outreach Coordinator does a great job. Judge Mortensen thought the position should be funded for one-year and not with ongoing funds so that the courts can approach the Legislature again for funding.

Chief Justice Durrant thanked Mr. Sweeney, Ms. Johnson, Mr. Arishita, Mr. Eaton, and Mr. Puente.

10. JUSTICE COURT REFORM: (Jim Peters and Ron Gordon)

This item was postponed.

11. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) REPORT: (Dr. Jennifer Yim and Justice Christine Durham)

Chief Justice Durrant welcomed Dr. Jennifer Yim and Justice Christine Durham. Dr. Yim announced that Justice Durham has accepted serving another term of office as a commissioner with JPEC. Dr. Yim presented JPEC outcome indicators from 2012-2022, showing that in 2022 there were 62 judges on the ballot for retention. Of those, 95% received a unanimous favorable grade, which meets or exceeds the retention standards (this was later corrected to 94%), 3% received a mixed favorable grade, which includes a majority favorable, and 2% received an unfavorable, no determination, insufficient grade (this was later corrected to 3%). Two judges received presumptive unfavorable, which means that those judges did not pass at least one standard.

Justice Durham found that the determination work is a complicated process but she found working with the JPEC commissioners has been thoroughly pleasant, stating that Dr. Yim has been wonderful to work with. The commissioners pay a lot of attention to the rules and policies surrounding the procedures. JPEC has been working on ensuring confidentiality of judges' names to reduce potential bias when making decisions. The commission regularly trains on implicit bias. Every commissioner must disclose any associations or contacts with the judges that are under consideration. Justice Durham emphasized that JPEC commissioners have identified judges as very hard working individuals. The message is that JPEC looks at the objective data and that the standards set by statute are met.

Justice Durham has worked on gender bias for many years and appreciates the composition of JPEC commissioners, including minority individuals and minority women. JPEC continues to work on eliminating bias in the system.

Justice Petersen felt that some comments from lawyers are gender-biased against female judges. Justice Durham said JPEC didn't find a significant discrepancy on the scores when comparing females and males.

Chief Justice Durrant thanked Dr. Yim for her presentation and thanked Justice Durham for all of her work with the courts.

12. CJA RULES 1-204, 1-205, 3-421, 4-508, 4-903, 6-104 AND HUMAN RESOURCE POLICIES FOR FINAL APPROVAL: (Keisa Williams and Bart Olsen)

Chief Justice Durrant welcomed Keisa Williams and Bart Olsen. Following a 45-day comment period, the Policy, Planning, and Technology Committee recommended that the following rules be approved as final with a November 1, 2022 effective date.

CJA 3-421. WINGS Committee.

Outlines the roles and responsibilities of the new Standing Committee on Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).

CJA 4-903. Uniform custody evaluations.

Limits the circumstances under which a custody evaluation can be ordered, outlines the training requirements of those who conduct custody evaluations, and shortens the time period in which a party must request a custody evaluation from 45 days to 28 days after the custody evaluation conference.

Motion: Judge Connors moved to approve CJA Rules 3-421 and 4-903, with a November 1, 2022 effective date, as presented. Judge Lindsley seconded the motion, and it passed unanimously.

CJA 6-104. Water law judges.

New rule creating designated water judges in district court to handle cases involving water law and the adjudication of water rights. Several recommendations would have significantly expanded the scope of the rule, resulting in an unfunded fiscal impact and potential legislative changes that would delay the appointment of water law-trained judges. The Policy, Planning, and Technology Committee recommended that the Council form an ad hoc committee with stakeholders included, one year after the adoption of Rule 6-104 to evaluate how the rule has been implemented and to recommend amendments.

Judge Kate Appleby felt this was a modest proposal to allow for education of judges. Judge Pullan thought it would be good to get the rule in place now and then conduct a study in a year. They anticipate this area of the law will become more critical due to the increasing drought in Utah.

Judge Appleby will work with the Education Department to possibly address this at the Annual Judicial Conference. From the appellate level, Justice Petersen would appreciate attending some of the courses offered to district court judges. Judge Appleby is working with Dividing the Waters to create online training for judges. This rule would require the Council to designate three district court judges who volunteer as water law judges.

Motion: Judge Connors moved to approve CJA Rule 6-104, with a November 1, 2022 effective date, as presented. Judge Barnes seconded the motion, and it passed unanimously.

The Policy, Planning, and Technology Committee recommended the following rules be approved on an expedited basis with a May 25, 2022 effective date, followed by a 45-day comment period.

CJA 4-508. Guidelines for ruling on a motion to waive fees.

The proposed amendments are in response to S.B. 0087 Court Fee Waiver Amendments, effective May 4, 2022. Among other things, S.B. 0087 amends provisions regarding affidavits of indigency and requires a court to find an individual indigent under certain circumstances.

CJA 1-204. Executive committees.

CJA 1-205. Standing and Ad Hoc Committees

Creates a Standing Committee on Working Interdisciplinary Network of Guardianship Stakeholders (WINGS). Per the Judicial Council's direction, the Policy and Planning will be renamed the "Policy, Planning, and Technology Committee." In addition to its current responsibilities, the committee will now review and recommend technology policies and priorities. The Standing Technology Committee will be dissolved.

Motion: Judge Connors moved to approve CJA Rules 4-508, 1-204, and 1-205, with an immediate effective date, as presented. Judge Lindsley seconded the motion, and it passed unanimously.

Ms. Williams requested the Council consider approving Rule 9-109 from the consent calendar.

Motion: Judge Connors moved to approve CJA Rule 9-109, with July 1, 2022 effective date, as presented. Judge Chin seconded the motion, and it passed unanimously.

Consistent with CJA Rule 3-402(5), the Human Resources Policy Review Committee meets regularly to review policy suggestions. Certain bills passed during this year's General Legislative Session require HR Policy amendments to be considered. The proposed policies were approved by the Policy, Planning, and Technology Committee.

- Proposed amendments for HR 01 and HR 07 support legislative requirements by removing the term "merit increase" and its definition and syncing leave policy with legislative language.
 - Proposed amendments to HR 07-2 include recognizing Juneteenth as a holiday.
 - HR 07-9 clarifies that management may authorize bereavement leave.
 - HR 07-21 replaces postpartum recovery leave with parental leave.
- HR 04 and HR 05 govern the filling of positions and career service status. The proposed amendments draw a line in the sand for the creation and filling of career service positions on July 1, 2022: vacant career service positions will convert to at-will positions.

- HR 04-1, 04-2, 04-3, and 04-4 are amended to address positions.
- HR 05-1, 05-2, and 05-3 propose changes that address career employees.
- The amended draft of HR 17-9 provides much needed guidance to the Grievance Review Panel on evidence and testimony to consider from grievant/appellant and from courts management, and the applicable HR policies against which the Panel should analyze the case.
- The proposed amendments to HR 09-9 governing Professional Appearance are based on the best examples gathered from other state court systems. The draft deliberately moves away from lengthy lists and photos of approved and prohibited attire. Instead, it gives overarching principles of professionalism in appearance, and a small table of examples, discretionary guidance to court executives in consultation with presiding bench leadership, and clear support of protected class rights.
- The draft of HR 09-12 restores the previous political activity policy and adds Committee recommendations on political and religious statements, displays and discussions in the workplace. The intent is to clarify that employees should always exercise caution, but prohibitions only apply when statements, displays or discussions are visible to or within earshot of the public.

Mr. Olsen explained that the current professional appearance policy may discriminate against some minorities, such as prohibitions on some visible body piercing. He also mentioned the need to respond to changes in business dress standards that relaxed during the pandemic. Mr. Olsen mentioned that the resolution of political and religious speech in the workplace, was to make these conversations a clear prohibition in areas that are visible or can be heard by the public, but allowing them, with caution, in other areas not visible to the public.

Motion: Judge Chin moved to approve the proposed changes to HR Policies 01, 07-2, 07-9, 07-21, 04-1, 04-2, 04-3, 04-4, 05-1, 05-2, 05-3, 17-9, 09-9, and 09-12, with an effective date of July 1, as presented. Judge Heward seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Williams and Mr. Olsen.

13. UTAH BAR FOUNDATION DEBT COLLECTION AND EVICTION REPORT: (Erika Rickard, Lester Bird, David McNeill, and Kim Paulding)

Chief Justice Durrant welcomed David McNeill and Kim Paulding. The Utah Bar Foundation (Foundation), in conjunction with the Pew Charitable Trusts released the Justice Gap: Addressing the Unmet Legal Needs of Lower-Income Utahns Report in April 2020. The report identified that some of the highest unmet legal needs in Utah center around debt collection in both district and justice courts, as well as the district courts eviction process.

The current project sought to understand the processes and outcomes tied to small claims debt cases in the justice courts and third-party debt collection, eviction, and eviction-related debt cases heard in the district courts. The project researchers found the following:

- About 89% of plaintiff's are represented in district court cases, while less than 5% of defendants had attorney representation.
- Some policies, statutes, and court rules, serve to disincentivize defendant participation in debt lawsuits. In some cases, policies around attorney fees and court-awarded damages

lead to worse outcomes for defendants who engage with the courts than for defendants who do not participate in their cases and receive a default judgment.

- Civil courts are primarily being used by financial institutions and their subsidiaries to collect debts. As a result, individuals and/or small business owners represent a minority of plaintiffs.
- In Utah, 6 plaintiffs account for roughly 50% of all debt collection cases filed in the district courts and 9 plaintiffs account for roughly 50% of small claims filed in the justice courts.
- The size of debt being pursued in district court is very similar to that pursued in justice court, but outcomes for defendants are very different due to contrasting policies.
- While the small claims rules in justice courts are easier to navigate for debtors, the rules for district court were written assuming both parties involved in a case would have legal representation. Defendant confusion around their rights and obligations can discourage participation with a case.
- Utah's eviction policies are among the least renter-friendly in the nation; only two other states have a three-day "pay or vacate" window coupled with treble damages, which may be assessed in addition to any back rent owed for residential evictions.

Additionally, the report identified several overarching themes related to the debt litigation process in the state:

1. Court is expensive for all parties.
2. Court processes are difficult to navigate without specialized training.
3. Court is a less efficient vehicle for resolving debt claims than upstream solutions.
4. People seldom understand their rights and obligations.
5. The length of time between case initiation to judgment is a significant factor in defendant outcomes.

Debt collection and statewide standards

Judges expressed a desire to have more judicial flexibility with treble damages in eviction cases. Kim Pauling recommended the courts set standards and guidance for handling debt collection cases throughout the state, especially with the vast amount of variations in the justice courts' procedures.

Judgments

The Report found that the satisfaction of judgments do not include dollar amounts; which could result in people paying significantly more than the judgment amount because of post-judgment interest or people are paying less than the judgment amount because the plaintiff's attorneys are writing off debt.

Subject	Debt Collection	Eviction	Small Claims
Median Amount at Filing	\$1,189	\$640	\$1,289
Median Amount at Judgment	\$1,575	\$4,070	\$1,301
Average Days to Judgment	39	26	76

Average Post-Judgment Interest	12.59%	24%	4.59%
Outcome Percentages	71% default judgment	40% default judgment	29% default judgment, 38% dismissed
Satisfaction of Judgments	\$1.94B total \$1.22B unsatisfied	\$164M total \$143M unsatisfied	\$169M total \$119M unsatisfied

The Management Committee wasn't sure the comparisons made between district and small claims courts would be useful because a plaintiff would request the same treble damages in small claims that they do in the district courts. This can be complicated because some complainants are forced to file in certain courts, whereas, defendants do not have a choice where a case is filed.

Dedicated Calendars

Dedicated calendars provide pro bono representation, which results in less people defaulting. Ms. Paulding questioned whether the courts could offer statewide jurisdiction when holding dedicated calendars.

10-Day Summons and MyCase

The next step would be to meet with the courts IT Department to identify MyCase capabilities. Stakeholder feedback showed multiple calls to the courts asking if a case has been filed when they receive a 10-day summons. Ms. Paulding wondered if a message could be added to MyCase to notify a person when a case is filed. The Management Committee identified that, at a minimum, the courts could change the misleading language about a lawsuit having been filed on the form.

Next Steps

Pew Trusts would like to meet with the IT Department to ascertain the value in the courts collecting demographic information.

Judiciary Interim Committee (JIC)

The Foundation will present the findings of this Report to the JIC at their June meeting. The Management Committee recommended that the Foundation focus on subjects that the Legislature has jurisdiction over, rather than court policies. Ms. Paulding said they are working closely with Cathy Dupont and Mr. Drechsel.

Chief Justice Durrant thanked Mr. McNeill and Ms. Paulding.

14. OLD BUSINESS/NEW BUSINESS

No additional business was discussed.

15. EXECUTIVE SESSION

An executive session was not held.

16. CONSENT CALENDAR ITEMS

- a) Committee Appointments. The appointment of Judge Marvin Bagley, Keri Sargent, David Head, AJ Torres, Judge Brent Bartholomew, and Bret Hayman to the Forms Committee; and the appointment of Mark Morris and William Eggington to the Model Utah Jury Instructions-Civil Committee. Recommend to the Governor, the appointment of Commissioner Marian Ito to the Child Support Guidelines Advisory Committee. Approved without comment.
- b) Forms Committee Forms. Consent to Petition for Minor Name or Sex Change. Approved without comment.
- c) Rules for Public Comment. CJA Rules 4-202.03, 6-501, and 9-109. Approved without comment.

17. ADJOURN

The meeting adjourned.

Tab 2

Agenda

**JUDICIAL COUNCIL'S
MANAGEMENT COMMITTEE**

**Minutes
June 14, 2022**

Meeting held through Webex and in person

12:00 p.m. – 1:50 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. David Mortensen

Excused:

Hon. Michelle Heward
Michael Drechsel

Guests:

Hon. Michele Christiansen Forster, Court of Appeals
Sue Crismon, Office of Innovation
Justice Paige Petersen, Supreme Court

AOC Staff:

Ron Gordon
Cathy Dupont
Brody Arishita
Shane Bahr
Valeria Jimenez
Tania Mashburn
Daniel Meza Rincon
Bart Olsen
Jim Peters
Neira Siaperas
Nick Stiles
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 Paul Farr moved to approve the May 10, 2022 Management Committee minutes, as presented. Judge David Mortensen seconded the motion, and it passed unanimously.

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

Ron Gordon welcomed Neira Siaperas in her transitional capacity as Deputy State Court Administrator. Mr. Gordon welcomed Daniel Meza Rincon as the Interim Juvenile Court Administrator. Ms. Siaperas will continue to work with the juvenile court as the AOC works to fill the vacant juvenile court positions within the AOC.

3. APPROVAL OF 2023 MANAGEMENT COMMITTEE AND JUDICIAL COUNCIL SCHEDULE: (Ron Gordon)

Mr. Gordon presented the 2023 Management Committee and Judicial Council schedule.

Motion: Judge Mortensen moved to approve the 2023 Management Committee schedule and to place the Judicial Council schedule on the Council agenda, as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

4. SENIOR JUDGE COURT OF APPEALS REQUEST: (Cathy Dupont and Judge Michele Christiansen Forster)

The Management Committee approved Judge Kate Appleby's appointment to serve as a senior judge in the Court of Appeals through June 30, 2022. In this capacity, Judge Appleby heard oral arguments, authored opinions, conferenced with other judges to resolve appeals, and served on cases when conflicts arose. As a result of Justice Diana Hagen's appointment to the Supreme Court, the Court of Appeals now has a vacancy and is in need of senior judge assistance. The Court requested that Judge Appleby's service be extended until June 30, 2023.

The Court anticipated that Judge Appleby will need to work 10-20 hours per week until the vacancy is filled. The Court proposed a bi-weekly budget of approximately \$3,000 for Judge Appleby's assistance for a projected budget over 6 months of \$36,000 through the use of American Rescue Plan Act (ARPA) funds.

The court expected that Judge Russell Bench will hear oral arguments at least once per month, author one opinion per month, and decide, review, and conference on at least three other opinions per month. Judge Bench will have the assistance of a law clerk while he serves as a senior judge. The court proposed a bi-weekly budget of approximately \$2,600. The projected budget impact of 6 months of coverage is \$31,200.

Motion: Judge Shaughnessy moved to approve extending Judge Appleby's service as a senior judge and to approve Judge Russell Bench's service as a senior judge until June 30, 2023, as presented. Judge Mortensen seconded the motion, and it passed unanimously.

5. COMMITTEE APPOINTMENTS: (Nathanael Player and Valeria Jimenez)

The committee decided to no longer require presentations from staff regarding committee appointments, but to have staff be available for questions.

Forms Committee

The Forms Committee sought the appointment of Professor Scott Jarvis, University of Utah to replace Kara Mann's position.

Committee on Judicial Outreach

The Committee on Judicial Outreach sought the appointment of Bryson King to fill Stacy Haacke's position.

Motion: Judge Shaughnessy moved to approve the appointment of Professor Scott Jarvis to the Forms Committee and the appointment of Bryson King to the Committee on Judicial Outreach, as presented, and place this on the Judicial Council consent calendar. Judge Mortensen seconded the motion, and it passed unanimously.

6. HR POLICIES: (Bart Olsen and Keisa Williams)

Bart Olsen explained that HB0388 Abusive Conduct Reporting Amendments passed the General Legislative Session in 2019, requiring policies, reporting mechanisms, and training on prevention of abusive conduct to begin in 2020, later adjusted to 2021. The HR policies were approved and published effective July, 2021. The investigative procedures had been designed with non-judicial officer employees in mind. The courts realized that the procedures do not sufficiently address necessary differences in investigative purpose and procedure should allegations arise against a judicial officer. Nor do they adequately articulate procedures and protections for judicial officers who advance allegations of harassment or abusive conduct. The proposed amendments to sections 15 and 16 were approved by the Policy, Planning, and Technology Committee.

The committee agreed, without motion, to add this item to the Judicial Council agenda.

7. OFFICE OF INNOVATION UPDATE: (Chief Justice Durrant and Sue Crismon)

Chief Justice Durrant stated that Utah Constitution, Article VIII, Section 4. Rulemaking Power of Supreme Court -- Judges Pro Tempore -- Regulation of Practice of Law states “the Supreme Court by rule shall govern the practice of law.” Regulatory decisions that the Supreme Court makes in exercising that authority impacts the Judicial Council funding process. Chief Justice Durrant sought to provide more information on the work of the Office so that the Council will better understand the operations. The Office is staffed by a fulltime executive director, and those in part time positions include a director of data, assistant data analyst, and a marketing and program coordinator.

Access to Justice

There are access to justice gaps because high-income individuals and large companies can afford attorneys, but medium and low-income individuals and small and moderate size companies have difficulty affording attorneys. The Utah State Bar, the Supreme Court, and the Council have done a lot of things to address this gap, but much work remains to be done. Given the magnitude of the problem, pro bono attorneys cannot be the only source for solving the access to justice gaps. The Supreme Court believes that the access to justice gap is exacerbated by the overly restrictive way in which the provision of legal services is regulated. The Supreme Court thought that relaxing certain regulations in a targeted way will allow the free market to bring benefits to the delivery of legal services to individuals with low and moderate incomes. Judge Mortensen recognized the need to address the needs of moderate and low income people, but wondered how the Office will evaluate and regulate a participant in the sandbox whose services also help high income people who do not have an access to justice issue.

Acceptance into the Sandbox

The Office accepts applications from individuals and entities who wish to structure themselves in a way not permitted by URPC Rule 5.4 Professional Independence of a Lawyer or who wish to deliver legal services in ways not permitted by this rule. If approved by the Office, applications are then forwarded to the Supreme Court for final approval. Once approved, the entity is allowed to operate in the legal sandbox. The Office tries to limit their usage of AOC and IT Department personnel. The Office developed a risk-based regulation model for entities engaged in the sandbox, which does not rely solely on consumer complaints to prevent

unnecessary harm. Instead, it relies on frequent and detailed data reporting from entities, a robust system for receiving consumer complaints, and targeted service reviews conducted by auditors.

Work of the Office

The Office now consists of 41 participants and has overseen the provision of approximately 22,000 services through both traditional legal providers using novel approaches, and nontraditional providers. The first two years of operations have focused on developing the necessary framework for entities to experiment in a closely monitored environment with the end goal of developing alternative legal services and structures as one tool to reduce the distance between the unmet legal needs and the available legal services. The initial successes of the Office are due in large part to the dedicated work of the staff, supplemented and subsidized by national and local experts who have volunteered their time as members of their advisory board. The Office realized there is a gap in assistance to small businesses.

Multiple jurisdictions outside of Utah have requested information on the Office, such as Washington and Maryland. Mr. Stiles thought there were analogous comparisons that could be made from loosening regulatory restrictions that would directly benefit the consumer.

Permanent Placement of the Office

The Supreme Court is unsure as to where the Office will ultimately be housed and is considering several alternatives. The Bar Commission convened a taskforce to study the feasibility of housing the Office at the Bar. This is complicated due to the current lawsuit against the Bar's mandatory membership. Judge Shaughnessy asked how would the Office be effected if the Bar no longer required attorney memberships. Chief Justice Durrant was sensitive to the fact that the Bar is studying the issue and would prefer the courts seek input from all stakeholders and conduct a thorough assessment before any decisions are made.

Budget Request

The Supreme Court believed the Office needs to continue their work, while finding it a permanent home. The Office requested the use of \$324,000 in American Rescue Plan Act (ARPA) funds, which were already approved by the Council, plus \$200,000 in one-time carry forward funds. The Office recognizes that they cannot continue to ask people to work for free or below marketable rates. The Office pilot program was originally presented to the Council with the understanding that it would be fully funded with grant funds. However, the program was extended from two years to seven years, leaving them now in need of additional funds. The Office will continue to seek grant funding, possibly through the Stand Together Foundation, but in order to sustain this program, they will need \$200,000 in one-time funds. Justice Paige Petersen said the Budget and Fiscal Management Committee rejected the \$200,000 budget request because they didn't have a full picture of work of the Office. The Stand Together grant is written for about \$975,000, which if approved, would cover 2 years of work for the Office. Judge Shaughnessy believed it would be helpful for the Council to have additional detail regarding the budget request and see the studies that were done to validate the purpose of the Office.

Motion: Judge Shaughnessy moved to add this item to the Judicial Council agenda. Judge Mortensen seconded the motion, and it passed unanimously.

8. JUSTICE COURT REFORM: (Jim Peters and Ron Gordon)

Jim Peters updated the committee on the efforts of the Task Force, noting that they have been meeting with legislators and have presented to the Judiciary Interim Committee (JIC). The JIC included justice court reform as one of their study items. The Task Force is seeking feedback from all respective Boards, Judicial Council, TCEs, Clerks of Court, AOC members, and outside entities as this process moves along. Judge Paul Farr and Mr. Peters were invited to meet with the Utah League of Cities and Counties to address justice court reform. The Task Force prefers having a third party meet with individual stakeholders, but they are working through logistics with the National Center for State Courts (NCSC).

The proposed division courts would be focused on misdemeanors and small claims cases, while being housed in the district courts. In addition, Class A misdemeanors and debt collection cases would be transferred from district courts to the new division courts. Justice courts would continue to be operated by local governments to adjudicate infractions. Traffic cases would remain in the justice courts, which may generate more local revenue because they do not take as much time to adjudicate.

To begin analyzing the financial impact of creating division courts, the Task Force selected one urban area, Sandy City, and one rural area, Sanpete County, to model the proposals. As a result, they found that the Sandy City Division Court would have a caseload of about 6,000 cases per year with an anticipated \$438,000 in local revenue and \$572,000 in state revenue. The Sanpete County Division Court would have a caseload of about 1,300 cases per year with an anticipated \$174,000 in local revenue and \$177,000 in state revenue. These estimates do not include administrative costs.

There is a cost for gathering the data, including hiring an economist. The Council approved the Task Force seeking grant funds from the NCSC and PEW Trusts. In order to determine a fiscal note, staffing and physical locations must be identified. Chris Talbot continues to work on identifying locations where the courts can lease space from local city and counties. The courts are also working with the Kem C. Gardner Policy Institute at the University of Utah, who develops and shares economic, demographic, and public policy data and research. They are hoping to complete a fiscal note by the fall in anticipation of a proposed bill at the next Legislative General Session. Mr. Gordon explained that funds are time-sensitive so there may be requests for funding a special budget meeting.

9. INTERLOCAL AGREEMENT: (Jim Peters)

Through an audit, the courts learned that Stockton Justice Court has not been complying with remitting surcharges to the state, haven't closed journals, and has other clerk deficiencies. The one clerk at the justice court that is familiar with the requirements will leave the court at the end of the month and the judge retired in March, leaving the court with no sitting judge. Mr. Peters noted that Stockton is 6 miles from the Tooele Court. Mr. Peters sought approval to add this to the Council agenda with an expedited effective date of July 1, 2022.

Stockton Justice Court approved an interlocal agreement with Tooele County. The agreement is being amended, therefore, the agreement will be in draft form when presented to

the Council. Stockton is not seeking dissolution of their court and will include in the agreement the option for Stockton to resume court operations at some point, with Council approval.

To ensure an interlocal agreement is effective, court services would need to have time to make the necessary programming changes, which they indicated they could do with little notice and Stockton would need to inform litigants that the cases are being held in the Tooele Justice Court.

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

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

Chief Justice Durrant addressed the Judicial Council agenda.

Motion: Judge Mortensen moved to approve the Judicial Council agenda, as amended to add the Interlocal Agreement, Justice Court Judge Certification, and Proposed Allocations from the JCTST Account. Judge Farr seconded the motion, and it passed unanimously.

11. OLD BUSINESS/NEW BUSINESS

There was no additional business discussed.

12. EXECUTIVE SESSION

An executive session was held.

13. ADJOURN

The meeting adjourned.

Agenda

JUDICIAL COUNCIL'S BUDGET & FISCAL MANAGEMENT COMMITTEE

Minutes
June 6, 2022
Meeting held through WebEx
11:00 a.m. – 1:00 p.m.

Members Present:

Hon. Kara Pettit, (Chair)
Hon. Keith Barnes
Hon. Elizabeth Lindsley
Justice Paige Petersen

Excused:

Margaret Plane, Esq.

Guests:

Mark Urry, TCE, Fourth District Court
Joyce Pace, TCE, Fifth District Court
Glen Proctor, TCE Second District Court
Keisa Williams
Jeremy Marsh

AOC Staff Present:

Ron Gordon
Cathy Dupont
Nick Stiles
Jim Peters
Neira Siaperas
Brody Arishita
Todd Eaton
Jonathan Puente
Chris Talbot
Lauren Andersen
Nathanael Player
Bart Olsen
Shane Bahr
Michael Drechsel
Jordan Murray
Karl Sweeney
Alisha Johnson
Melissa Taitano
Suzette Deans, Recording Secretary

1. WELCOME AND APPROVAL OF MINUTES (Judge Kara Pettit – “Presenter”)

Judge Kara Pettit welcomed everyone to the meeting.

Motion: Judge Elizabeth Lindsley moved to approve the May 9, 2022 minutes, as presented. Justice Paige Petersen seconded the motion, and it passed unanimously.

2. JCTST Funding Allocation (James Peters – “Presenter”)

Mr. Peters reviewed the Board Recommendations for FY 2023 Allocations from the Justice Court Technology, Security and Training Account. Mr. Peters stated that the collections that they anticipate for the current fiscal year will be about \$675,000.

The Fund is generally managed so that the allocation for the coming year (e.g., FY23) is capped at the amount of collections expected for the current year (e.g., FY22). That practice presents a challenge for FY23, however, as collections for FY22 are expected to be between \$675,000 and \$725,000. This amount is insufficient to cover the \$824,000 in requests submitted by the Board of Justice Court Judges,

To make up the difference, the Board recommends either (i) allocating more from the Fund than is expected to be collected in FY22 by spending into the Fund's \$676,000 balance or (ii) authorizing \$118,343 in carryforward funds from the Court's general fund.

Mr. Sweeney indicated that the actual spend is usually \$50,000 or so less than the requested amount and he recommended the use of the fund balance to make up the difference.

Requests for One-Time Funding

#	Requesting Entity	Description	Original Grant Request	Recommend One-Time Grant Funds	Recommend Ongoing Grant Funds	Notes
1	AOC/Information Technology	Programming and Help Desk Support for Justice Courts	\$208,806	\$208,806		Personnel costs attributable to Justice Courts for IT support
2	AOC/Information Technology	Google Accounts for Justice Court Judges and Clerks	\$51,627	\$26,010		Originally calculated as 578 licenses @ \$96.68 each, but Council covered all but \$26,010
3	AOC/Information Technology	CORIS Infrastructure for Justice Courts	\$155,647	\$155,647		CORIS Infrastructure for Justice Courts
4	AOC/Judicial Institute (Education)	Request for Justice Courts' Share of Education's Overhead Costs	\$45,080	\$45,080		Employee Classes, Annual Judicial Conference, Training Technology, Professional Memberships and Training of Education Personnel
5	AOC/Judicial Institute (Education)	Judicial Decision Making	\$8,000	\$0		Funding for an overnight program for 15 judges
6	AOC/Judicial Institute (Education)	Small Claims Training for Judges Pro Tem	\$1,000	\$1,000		Small claims training provided twice each year for judges pro tem
7	Board of Justice Court Judges	Trust and Confidence Committee	\$0	\$0		Funding for outreach/CLE presentations to build trust and confidence in Justice Courts
8	Board of Justice Court Judges	Computer Equipment for Judges	\$25,000	\$20,000		Funding for the cost of computer equipment for the judges
9	Board of Justice Court Judges	District Trainings	\$10,000	\$8,000		Funding to provide lunch at district level training for judges and clerks @ \$16 each
10	Board of Justice Court Judges	Financial Assistance for Active Senior Judges to Attend the Spring Conference	\$2,500	\$3,000		Five active senior judges @ \$600 each
11	Board of Justice Court Judges	Out-of-State Training Fund	\$20,000	\$20,000		Funding for out-of-state training and other educational opportunities
12	Board of Justice Court Judges	Stipend for Education Liaison	\$1,500	\$1,500		Education Committee members will receive \$1000 but the chair receives nothing
Total One-Time Grant Requests for FY22			\$529,160	\$489,043	\$0	

Ongoing Funding

Requesting Entity	Description	Original Grant Request	Recommend One-Time Grant Funds	Recommend Ongoing Grant Funds	Notes
AOC/Audit	Internal Audit Position Dedicated to the Justice Courts	\$78,700		\$78,700	Cost of one auditor
AOC/Information Technology	Webex Licenses and Support	\$20,000		\$20,000	Covers the partial cost of Webex licenses used by justice courts
AOC/Judicial Institute	Education Coordination Fee	\$50,000		\$50,000	Coordination of all justice court events with personnel from Education
AOC/Judicial Institute	Justice Court Education Coordinator	\$55,000		\$55,000	Funding for half of the Justice Court Education Coordinator
AOC/Judicial Institute	New Judge Orientation	\$3,500		\$3,500	Estimated cost of orientation for new justice court judges up to three times per year
AOC/Judicial Institute	Justice Court Clerks' Conference	\$16,500		\$16,500	Estimated cost of providing an in-person conference to 350 clerks
AOC/Judicial Institute	Justice Court Judges' Conference (Spring)	\$31,300		\$31,300	Estimated cost of providing an in-person conference to 77 judges in spring 2023
AOC/Judicial Institute	Annual Judicial Conference (Fall)	\$15,675		\$25,300	Estimated cost of having 77 judges attend the Annual Judicial Conference (with \$125 registration fee)
Statutory	Compensation for Presiding and Associate Presiding Judges	\$24,000		\$24,000	SB00096 requires that PJs receive \$2000 and APJs receive \$1000
Total Ongoing Grant Requests		\$294,675	\$0	\$304,300	
Totals		\$823,835			
Total One-Time Grant Funds Recommended for FY23			\$489,043		
Total Ongoing Grant Funds Recommended for FY23				\$304,300	
Recommended Budget for FY23		\$675,000		\$675,000	
Total Grant Awards		\$793,343			
Difference Between Typical Allocation and Recommended Grant Awards				-\$118,343	

Motion: Judge Keith Barnes moved to approve spending into the fund rather than authorizing carryforward funds. Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with recommendation to approve dipping into the fund by \$118,000. None opposed, motion passed unanimously.

3. Financials and Turnover Savings Update (Alisha Johnson – “Presenter”)

Ms. Johnson reviewed the period 10 financials and gave an update on turnover savings. As of 5/26/2022, the Courts generated forecasted Ongoing Turnover Savings (“Ongoing TOS”) net of uses of Ongoing TOS of \$375,490. We are still meeting our goal of \$50,000 in OngoingTOS per month. The balance of \$375,490 could be allocated to other Court needs. Forecasted ongoing turnover savings increased by \$43,595 dollars this month from last month. For 1x turnover savings, we're still on track to have \$3.2M in FY 2023 carryforward, which is the maximum amount authorized by the legislature for the Courts.



FY 2022 Ongoing Turnover Savings as of 5/26/2022

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2021, includes unallocated ongoing appropriation)	Internal Savings	244,454	244,454
2	Ongoing Turnover Savings FY 2022 (forecast includes \$50k x 1 remaining months)	Internal Savings	930,986	980,986
3	TOTAL SAVINGS		1,175,440	1,225,440
	2021 Hot Spot used (balance available at beginning of FY was \$99,950)		(99,950)	(99,950)
	2022 Hot Spot used (\$110k initially available raised to \$200k in October Judicial Council)		(200,000)	(200,000)
	2022 Additional Targeted (\$100k allocated by Judicial Council in March)		(100,000)	(100,000)
	2022 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	TOTAL USES		(399,950)	(849,950)
5	Actual Turnover Savings for FY 2022 as of 05/26/2022 and Forecast at YE 6/30/2022		\$ 775,490	\$ 375,490
Prior Report Totals			\$ 690,353	\$ 331,895



FY 2022 One Time Turnover Savings

Updated as of Pay Period Ending 05/13/2022 (1816 out of 2088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 05/13/2022)	Internal Savings	3,209,239.64
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 05/13/2022)	Reimbursements	568,599.88
3	Est. One Time Savings for 272 remaining pay hours (\$1,750 / pay hour)	Internal Savings (Est.)	476,000.00
Total Potential One Time Savings			\$ 4,253,839.52
Prior Report Totals			\$ 4,238,246.20

Ms. Johnson stated we have spent so far about \$1.7M of the \$15M of ARPA funds that were approved by the Legislature. These funds have been spent mostly on IT access to justice projects (\$1.1M) and case backlog (\$600K). We do have another \$59,000 in covid expenses that we could potentially request reimbursement for, depending on whether GOPB will allow us to reimburse ARPA expenditures that were made before July 1, 2022.



YTD ARPA Expenses as of 05/26/2022

#	Funded by Legislature	GOPB Approved	Budgeted	Actual Amount YTD	Balance Available	Activity Code	Description
1	IT Access to Justice - Response to COVID - Part I	May-21	Yes	11,000,000	1,138,019	9,861,981	ITCV Projects will extend thru 12/31/24
2	Courts Case Backlog - Part I*	May-21	Yes	1,000,000	596,010	403,990	BKLG See detail below.
	Subtotal			12,000,000	1,734,029	10,265,971	
Requests to Legislature for FY 2023 - \$3,000,000 approved by the Legislature				Requested			
1	IT Access to Justice - Response to COVID - Part II	N/A	Submitted 10/21	1,373,400			ITC2 Projects will extend thru 12/31/24
2	Courts Case Backlog - Part II	N/A	Submitted 10/21	1,000,000			BKL2 Projects case backlog will take thru 6/30/2023
3	COVID-19 Supplies	N/A	Submitted 10/21	640,000	59,303		CV19 Updated as of 5/2/2022
4	Legal Sandbox Response to COVID	N/A	Submitted 10/21	649,000			
5	Self-Help Center	N/A	Submitted 10/21	64,000			
6	Interpreter Equipment	N/A	Submitted 10/21	97,000			
7	Eviction Court	N/A	Submitted 10/21	166,000			
8	Public Outreach & Engagement	N/A	Submitted 10/21	30,000			
9	IT Access to Justice - Response to COVID - Part III	N/A	Submitted 10/21	1,881,500			
	Subtotal			5,900,900	59,303		
				\$ 17,900,900	\$ 1,793,331	\$ 10,265,971	

ARPA spending cut off date is 12/31/2024 ; ARPA cut off date for lost revenue is 12/31/2023.

* Data pulled using list of employees provided by TCEs

YTD Expenses Include

Personnel Expenses (as of PPE 5/13/22):	\$ 568,600
Mileage Expenses (as of PPE 5/13/22):	\$ 2,124
Sr. Judge Travel Expenses (as of 5/26/2022):	\$ 2,100
	\$ 572,825
COVID Testing Kit purchase:	\$ 23,185
	\$ 596,010

Ms. Johnson stated AOC Finance expects to have FY 2022 YE 1x funds that can be used to bolster various fund balances. AOC Finance will ensure that any surplus FY 2022 YE funds are not lapsed.



FY 2022 Year End Forecasted Available One-time Funds

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Current Requests Amount	Judicial Council Prev. Amount
Description	Funding Type	Amount				
Sources of YE 2022 Funds						
* Turnover Savings as of pay period ending 05/13/22 (including anticipated ARPA reimbursement)	Turnover Savings	3,777,840	1	Judicial Council Room Upgrades		39,481
** Turnover savings Estimate for the rest of the year (\$1,750 x 272 pay hours)	Turnover Savings	476,000	2	Statewide-Restroom-Upgrades		160,000
(a) Total Potential One Time Turnover Savings		4,253,840	3	WiFi Access Points Upgrades		120,000
(b) Operational Savings From TCE / AOC Budgets	Internal Operating Savings	925,492	4	FY 2022 Career Ladder Payments		243,000
(c) 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
Carryforward into FY 2023 (Maximum is \$3,200,000)	Desired Carryforward	(3,200,000)	7	My Case Account Creation Enhancements		130,000
			8	For The Record Upgrade		187,000
			9	Supplemental Secondary Language Stipend		5,200
			10	Taylorsville State Office Building AV Build-out Part 1		47,806
			11	Utah Criminal Justice Center Funding		5,000
			12	Performance Bonus Payments Q3/Q4		365,000
			13	Law Library - Delayed Subscription Payments		39,150
			14	Jury Assembly Room - Ogden		25,300
			15	SJI Grant Match for NCSC Concept Paper on Rule 26		23,050
			16	Matheson Carpeting Project		200,000
			17	Edge Firewalls w/ increased bandwidth		415,000
			18	Google Enterprise Plus Renewal		148,000
Less: Judicial Council Requests Previously Approved		\$ (2,377,654)		Current Month One-time Spending Requests	-	
Less: Judicial Council Current Month Spending Requests		\$ -		Previously Approved 1x FY 2022 YE Spending Request (net of cxd requests)		2,377,654
Remaining Forecasted Funds Available for FY 2022 YE Spending Requests		\$ 16,507				

Updated 05/26/2022

4. Ongoing & Carryforward Spending Requests (Karl Sweeney - Presenter)



FY 2023 Carryforward and Ongoing Requests - Period 11

Funding Sources

	One Time	Ongoing
Total Case Processing Amounts from 2022 General Session Fiscal Notes	\$ 247,900	\$ 818,200
Expected Carryforward Amount from Fiscal Year 2022 (as of 5/26/2022)	\$ 3,200,000	\$ -
Ongoing Turnover Savings (forecasted as of 5/26/2022 - funding for Hot Spot, Targeted, and Performance Raises already included)	\$ -	\$ 375,490
Total Available Funding	\$ 3,447,900	\$ 1,193,690

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
4 Clerk of Court Supplemental to JA Increase	N/A	\$ 59,000	N/A	\$ 59,000
5 Public Outreach Coordinator	N/A	\$ 120,000	N/A	\$ 120,000
6 Partial Restoration of FY 2021 Budget Cuts	N/A	\$ 112,500	N/A	
7 New District Court Law Clerk Attorney	N/A	\$ 95,850	N/A	
8 New Associate General Counsel - Legal Department	N/A	\$ 150,000	N/A	
9 HB 143 DULs - New Judicial Assistants	N/A	\$ 320,000	N/A	
10 New HR Compensation & Classification Manager	N/A	\$ 120,000	N/A	
11 Pre-fund Portion of Annual Performance Raises	N/A	\$ 150,000	N/A	
12 Pre-fund Portion of Hot Spot Raises	N/A	\$ 82,000	N/A	
Subtotal	\$ -	\$ 1,209,350	\$ -	\$ 179,000

One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 AALL Conference Attendance Funds - Law Library	\$ 845	N/A		
2 ODR Program Development	\$ 46,200	N/A		
3 Bountiful District Courtroom #2 Audio Upgrade	\$ 40,000	N/A		
4 Law Clerk Commitment Fulfillment	\$ 11,000	N/A		
5 IT - Delayed Delivery of Statewide Routers and WiFi Access Points	\$ 160,000	N/A		
6 TSOB Probation Office A/V System - Phase 2	\$ 61,509	N/A		
7 HR - Onboarding and Recruitment Software	\$ 19,030	N/A		
8* Education - In Person Conferences and Education Team Training	\$ 168,500	N/A		
9* Employee Incentive Awards	\$ 280,000	N/A		
10* ICI Operations Funding	\$ 21,000	N/A		
11* Education Assistance Program Funding	\$ 85,000	N/A		
12* Secondary Language Stipend	\$ 83,200	N/A		
13* Public Transportation Reimbursement Program	\$ 50,000	N/A		
14 Cisco Portal Upgrade - IT	\$ 150,000	N/A		
15 Retain Contract Developers - IT	\$ 682,000	N/A		
16 IT Replacement Inventory	\$ 250,000	N/A		
17 Seventh District Courthouse Improvements	\$ 8,840	N/A		
18 Partial Restoration of FY 2021 Budget Cuts	\$ 112,500	N/A		
19 IT Bandwidth and Webex Renewal	\$ 120,000	N/A		
20 Time-limited Law Clerks	\$ 191,200	N/A		
21 Innovation Office	\$ 200,000	N/A		
22 Pilot Program - Counseling for Court Employees and Jurors	\$ 35,000	N/A		
23 IT Staff Augmentation	\$ 270,000	N/A		
Subtotal	\$ 3,045,824	\$ -	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 3,447,900	\$ 1,014,690
*Balance Remaining Inclusive of "Presented"	\$ 402,076	\$ (15,660)		

LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

* - Items have been presented and approved in prior years.

+ - One-time balance remaining will go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

Ongoing Spend Requests Presented for Approval to forward to Judicial Council

6. Partial Restoration of FY 2021 Budget Cuts (Part I) (Karl Sweeney - Presenter)

Mr. Sweeney requested \$112,500 for Partial Restoration of the FY21 Admin Budget Cuts. In FY 2021 the Courts cut ongoing spending in all Admin areas by \$653,000. For FY 2023, we are seeking to restore \$225,000 of the cuts which the District TCEs and AOC department heads deemed as “essential” to their operating budget – 50% (\$112,500) through ongoing funds and 50% (\$112,500) through 1x carryforward funds. This request restores funds for those budget cuts that are essential to Court operations now that we are through the pandemic and are attempting to restart training, travel and other similar activities, so that there will be ongoing/1x budgets to do so. These funds will be distributed to the Districts and AOC departments that took budget cuts.

Motion: Ongoing budget items 6 through 12 were voted on together. See item 12 for motion to approve.

7. New District Court Law Clerk Attorney (Shane Bahr - Presenter)

Mr. Bahr requested \$95,850 ongoing funds for one (1) law clerk position for the Fifth Judicial District. At present, the Fourth District Court and Fifth District Court share a law clerk position. Adding one new law clerk in the Fifth District would enable the current shared law clerk FTE to be fully utilized in the Fourth District. In sum, each district will receive an additional .5 FTE law clerk. The 5th District’s new law clerk would be funded with ongoing funds, the 4th District’s law clerk would be funded with 1x time limited funds. In 2014, the Fourth District Court and Fifth District Court partnered to request one (1) FTE judicial law clerk to be split evenly 50% between the two districts—0.5 FTE for the Fourth District and 0.5 for the Fifth District. The shared position was funded with one-time turnover savings and funding has been renewed every year since then.

Motion: Ongoing budget items 6 through 12 were voted on together. See item 12 for motion to approve.

8. New Associate General Counsel – Legal Department (Keisa Williams - Presenter)

Ms. Williams requested \$15,000 in ongoing funds for an additional AOC Legal Department Associate General Counsel. The General Counsel office (“OGC”) in the Utah Courts has been understaffed for years. The prior General Counsel, and our current General Counsel and staff compensate by working an unsustainable number of hours of unpaid overtime prioritizing urgent matters. The three Court OGC attorneys (1 general counsel and 2 associate general counsels) support approximately 1,030 court employees and 239 judges, staff 9 committees, and are members of an additional 3 committees. On average, the office handles 100 requests per month. That number does not include: committee work, confidential HR matters, confidential legal opinions, training hours, or litigation. In addition, the attorneys spend approximately 10-15 hours per week in meetings.

This request seeks to properly fund the Court’s Office of General Counsel by adding a third associate general counsel position. The new attorney will be hired at market for the skills sought. This request assumes a new attorney who qualifies for Tier 2 retirement benefits is

hired at a base salary of up to \$46 per hour which is multiplied by a benefit rate of 32%. Family medical and dental coverage is assumed at \$22,000 per year. This brings the total cost to the requested \$150,000. This additional funding would increase the number of attorneys in the Court's General Counsel Office to 4 (1 General Counsel and 3 Associate General Counsel personnel) and 1 Legal Secretary.

Motion: Ongoing budget items 6 through 12 were voted on together. See item 12 for motion to approve.

9. HB 143 DUIs – New Judicial Assistants (Shane Bahr - Presenter)

Mr. Bahr requested \$320,000 of ongoing funds for additional judicial assistants to assume workload under HB143. With these funds 4 new Judicial Assistants would be hired to handle the incremental case processing at the District Court level from the passage of HB 143 – DUI Penalty Amendments. HB 143 requires that certain DUIs be elevated to a Class A misdemeanor from a Class B misdemeanor and thereby transferred to the District Court to be adjudicated. The fiscal note estimates some 1,480 cases annually would be moved to the District Court from the Justice Courts.

The circumstances that move a DUI to a Class A misdemeanor include:

- 1) Causing bodily injury to a third-party as a result of the DUI, or
- 2) Has had a prior DUI within the past 10 years, or
- 3) Had a passenger under the age of 18 in the vehicle when the DUI occurred

The Legislature attached a fiscal note of \$629,000 to this bill. Due to the +/-20 historically vacant JA positions we anticipate filling due to the higher starting wages appropriated in the March 2022 legislative session, the District Clerks of Court are aligned with adding these 4 positions as an adequate response to HB 143.

Motion: Ongoing budget items 6 through 12 were voted on together. See item 12 for motion to approve.

10. New HR Compensation & Classification Manager (Bart Olsen - Presenter)

Mr. Olsen requested \$120,000 of ongoing funds for a full-time dedicated HR employee with specialized skills in job classification and compensation. The HR staffing level in the Judicial Branch is insufficient to adopt strategic long-term compensation funding strategies with the Legislature, and insufficient even to stay compliant with FLSA & ADA regulations and EEOC guidance described above. At minimum, a full-time, dedicated HR resource with highly specialized skills in job classification and compensation is needed - which is what we find elsewhere in both local and regional government HR, including judicial branch HR in other states.

Motion: Ongoing budget items 6 through 12 were voted on together. See item 12 for motion to approve.

11. Pre-fund Portion of Annual Performance Raises (Bart Olsen & Karl Sweeney - Presenter)

Mr. Olsen and Karl Sweeney are requesting \$150,000 of ongoing funds for annual performance raises.

In FY 2022, the AOC generated approximately \$950,000 in ongoing turnover savings. These amounts were used as follows:

- \$450,000 Annual Performance raises
- \$300,000 Hot Spot Raises
- \$120,000 Public Outreach Coordinator
- \$ 60,000 Clerk of Courts pay raises

Total \$930,000

One of the primary sources of ongoing turnover savings in FY 2022 was turnover of those in a Judicial Assistant role. It was this group that formed the basis of the \$3.9M legislative ask for those in a JA role and that was funded for use beginning in FY 2023.

One of the benefits of the legislature-funded JA raises is expected to be a reduction of the turnover rate for JA roles. If this happens, it will have a negative impact on the total amount of ongoing turnover savings generated for FY 2023. To hedge against this potential decrease in ongoing turnover savings, we recommend that \$150,000 be carried over from FY 2022 into FY 2023 and used as a means to ensure the full \$450,000 of performance raises are able to be funded.

Motion: Ongoing budget items 6 through 12 were voted on together. See item 12 for motion to approve.

12. Pre-fund Portion of Hot Spot Raises (Bart Olsen & Karl Sweeney - Presenter)

Mr. Olsen and Karl Sweeney are requesting \$82,000 of ongoing funds to pre-fund hot spot raises for FY 2023. Carryforward into FY 2023 the \$82,000 of ongoing savings would fund 40% of the \$200,000 of hot spot raises which the Judicial Council has delegated to the State Court and Deputy State Court Administrators. In FY 2022, the Judicial Council increased the amount of ongoing turnover savings devoted to hot spot raises from \$110,000 to \$200,000 annually.

Motion: Judge Lindsley made a motion to approve as outlined in requests 6 through 12. Justice Paige Petersen seconded the motion and it passed unanimously. Requests 6 through 12 will be forwarded to the Judicial Council with recommendation to approve.

Carryforward Spend Requests Presented for Approval to Forward to Judicial Council

14. Cisco Portal Upgrade - IT (Brody Arishita - Presenter)

Mr. Arishita requested \$150,000 in one-time funds. This funding request is to complete some additional functionality within Cisco WebEx to improve ease of use and ease of

attendance at all virtual hearings hosted by Cisco WebEx for the public. Cisco has been working on this WebEx project for the courts' public portal since FY 2021 but did not complete the work satisfactorily by 6/30/2021 so we carried forward the budgeted but unpaid \$150,000 of project funds into FY 2022. State purchasing policy requires the Courts to not pay an invoice before the work is completed to the contract specifications. Based on work performed to date, we believe Cisco will perform some but not all of the contract-required tasks by 6/30/2022. We request approval to once again move the entire \$150,000 carryforward contract balance we brought into FY 2022 into FY 2023.

Motion: Judge Elizabeth Lindsley moved to approve, Justice Paige Peterson seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with recommendation to approve.

15. Retain Contract Developers - IT (Brody Arishita - Presenter)

Mr. Arishita requested \$682,000 in one-time funds. This request is to retain 4 experienced contract developers to assist the Sr. Project Managers/Developers (SPMs) on critical projects and development tasks. The 4 existing contractors are shown in Exhibit A with their years of experience in the Courts along with their areas of expertise and annual contract costs. Keeping these contract developers is key for us to keep delivering development projects for the courts across the following areas: CORIS Rewrite, Judicial Workspace, Xchange, Voice, OCAP, Guided Interview, Forms and Web Services.

Continuing to fund these contract developers is critical to the SPMs. Further, the contract developers are vital to the Courts promise to the Legislature to increase our code throughput when we were given the \$650,000 of funding from the legislature for 5 full time staff for FY 2022.

Motion: Justice Paige Peterson moved to approve, Judge Keith Barnes seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with recommendation to approve.

16. Computer / Printer Replacement Inventory – IT (Todd Eaton - Presenter)

Mr. Eaton requested \$250,000 in one-time funds for IT inventory of computer, printer, scanners and other peripherals replacements. IT purchases all of these items through vendors/resellers who are on state contract. Most of these contracts are multiple award contracts with many vendors to choose from. We use multiple state contracts and comparison shop for lowest price and fastest speed of delivery. The IT Division has established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. The Division has annually requested \$250,000 for the program. Due to the large one-time CARES spending we made in FY 2021 for laptops, the current year request is lower than we expect for future years. Starting in FY 2024 we anticipate the annual renewal spend to increase to approximately \$350,000 as laptops are more expensive to replace than the desktops we used to use. The \$250,000 request will be used to fund a mix of replacement equipment including: laptops, scanners, printers, notebooks, and other peripherals that

positively impact the productivity of court staff. Ongoing funding is not available for this project.

Motion: Judge Keith Barnes moved to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with recommendation to approve.

17. Seventh District Courthouse Improvements (Travis Erickson - Presenter)

Mr. Erickson is requesting \$8,840 one-time funds for seventh district storage and furniture for Carbon and Grand County courthouses. The funds would be used as follows:

- Carbon County – Secure Storage Cabinets - \$2,310
- Grand County – Counter workspace & Secure Storage for printers and office supplies - \$5,355
- Grand County – Couch for staff - \$1,175

Motion: Judge Elizabeth Lindsley moved to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with recommendation to approve.

18. Partial Restoration of FY 2021 Budget Cuts (Part II) (Karl Sweeney - Presenter)

Mr. Sweeney requested \$112,500 of one-time funds for partial restoration of FY21 admin budget cuts.

In the FY 2021 Legislature-required budget cuts, the Courts cut ongoing spending in all Admin areas by \$653,000. For FY 2023, we are seeking to restore \$225,000 of the cuts which the District TCEs and AOC department heads deemed as “essential” to their operating budget – 50% (\$112,500) through ongoing funds and 50% (\$112,500) through 1x carryforward funds. This request restores funds for those budget cuts that are essential to Court operations now that we are through the pandemic and are attempting to restart training, travel and other similar activities, so that there will be ongoing/1x budgets to do so. These funds will be distributed to the Districts and AOC departments that made the cuts in the first place.

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

19. Bandwidth & WebEx Renewal - IT (Todd Eaton - Presenter)

Mr. Arista & Mr. Eaton requested \$118,000 for 3 IT projects - WebEx, IT bandwidth and Clean Slate Software. These 3 funding requests are separately laid out below as (A) WebEx, (B) bandwidth increase and (C) clean slate. They can be approved separately for funding but are shown as a lump sum here since they are all intended to be included as part of the IT Judicial Priority request for ongoing funds for the March 2023 session.

(A) To cover the final incremental amount to provide WebEx to all remaining areas of the Court for FY 2023 - \$38,000.

(B) To provide increased bandwidth for 22 Court locations in metropolitan areas of the state through Lumen Technologies for FY 2023 - \$60,000.

(C) To provide clean slate legislation software for FY 2023 (1x funding was provided by the State legislature which was used for the original build). \$20,000 software cost for expungement.

Motion: Judge Justice Paige Petersen moved to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with recommendation to approve.

20. Time Limited Law Clerks (Shane Bahr - Presenter)

Mr. Bahr requested \$191,200 of one-time funds for two existing time-limited law clerk positions.

The Board of District Court Judges has been charged with the distribution of district court law clerk resources. As of April 1, 2022, there are thirty-one Law Clerk positions allocated in district courts across the state. Of the thirty-one law clerk positions, twenty-nine positions are funded through general funds and the equivalent of two full-time positions are funded with one-time funding. Historically, the Board has sought one-time funding, year to year, in order to maintain the number of law clerk positions until there were adequate ongoing funds to transition law clerk positions to permanent funding. We realize that this would require 1x funding for both positions until sufficient ongoing funds were available. This request does not increase the total number of district court law clerk positions. The Board of District Court Judges believes that it would be important to address these 1x funded law clerk positions concurrent with any additions to the Judiciary are sought so as not to further increase the number of 1x funded law clerk positions.

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

22. Pilot Program for Crisis Services – Court Employees & Jurors (Ron Gordon - Presenter)

Mr. Stiles and Mr. Murray requested \$35,000 one-time funds to pilot a program for crisis services. This request is to fund a pilot program whereby the Courts would offer (1) limited counseling to jurors who experience trauma during their service as a juror and (2) a video for jurors (and Court employees/judges) discussing vicarious trauma and self-care. The type of cases that would be offered counseling services are jury trials related to offenses in Utah Criminal Code Title 76 Chapter 5 – “Offenses against the Individual” - which includes murder, rape, human trafficking and assault.

Motion: Judge Elizabeth Lindsley moved to approve, Judge Keith Barnes seconded the motion, and it passed unanimously. Will be forwarded to the Judicial Council with recommendation to approve.

23. IT Staff Augmentation (Brody Arishita - Presenter)

Mr. Arishita requested \$270,000 of one-time funds for IT staff Augmentation. The purpose of this request is to augment our IT staff to perform less technical hardware installation, assembly, etc. throughout the state for various projects in IT. This will enable us to continue striving to provide a high level of service to our customers (because we would not divert our core IT support staff to these projects) and to complete what is currently a daunting list of low-tech projects. Over the past year IT has received extensive funding through both ARPA and Judicial Council. This has generated a significant amount of work that requires little technical expertise. Outsourcing some of this work will reduce strain and increase the efficiency of our current IT staff. It will allow IT to better utilize our time and efforts focusing on the more technical aspects of these projects while maintaining our ability to keep up with our regular responsibilities. It will also make more fiscally responsible use of the ARPA funding by not having to expend it on labor for these less technical projects and enable us to have a small ARPA reserve for unexpected cost increases through the course of the ARPA projects.

Below are just a few examples of how we could utilize this funding (Note: the bracketed items below show the source of the funding for the overall project; our request is to use 1x carryforward funds for the install work regardless of the source of the funds for the overall project):

- Hiring a vendor to install the 165 Wireless Access Points (WAPs) in 41 locations throughout the state - IT currently has 2 network engineers to accomplish this [Funded by: Judicial Council]
- Hiring temporary staff to build the large rolling evidence/media carts allowing us to drop ship these directly to court locations. We are deploying these to all courtrooms throughout the state and still have 30+ to complete outside of Matheson [Funded by: ARPA]
- Assist with installing the All-In-One devices in kiosks as they are built in each court location – instead of wholly relying on court staff [Funded by: ARPA]
- After hours installation of Cisco routers - IT configures and augmented staff would deliver and install after hours [Funded by: Judicial Council and ARPA]
- VOIP phones - With WebEx calling we could utilize contractors to help with redistribution/return of usable VOIP hardware throughout the state as we migrate to WebEx calling site by site [Funded by: Judicial Council]

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

21. Innovation Office (Nick Stiles - Presenter)

Mr. Stiles requested \$200,000 of carryforward funds for the innovation office funding.

Motion: Item 21 was discussed with item 5 below and was included in the motion for item 5.

5. Innovation Office Update (Nick Stiles & Jordan Murray - Presenter)

Supreme Court seeks for the Innovation Office (“Office”) (1) \$200,000 in one-time carry-forward funds, (2) \$324,500 of the previously appropriated ARPA funds, and (3) authorize the submission of a grant proposal to the Stand Together Foundation; we can keep the Office running until the Supreme Court determines the Office’s fate. If the Office got grant funding then they would use the grant funds and not the carryforward funds. Timeline on the new grant is vague as we have not received permission from the Judicial Council to pursue the larger grant. The Office still has around \$150,000 of existing grant funds that can be used.

Motion: Judge Keith Barnes moved to approve reallocation of the ARPA funding, moving forward the grant request, but does not recommend approving \$200,000 of carryforward funds or using funds to bring someone on as an employee. Judge Elizabeth Lindsley second the motion. Justice Paige Petersen opposed motion and stated that she approves of all of the Innovation Office budget requests. The first two requests will be forwarded on to the Judicial Council.

6. Grants Update (Jordan Murray - Presenter)

Ran out of time so Mr. Murray didn’t give the grants update.

7. Old Business/New Business

Meeting adjourned: 1:15 p.m.

Next meeting: Tuesday July 5, 2022 (held virtually through WebEx)

Agenda

**UTAH JUDICIAL COUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES**

Webex video conferencing
June 3, 2022: 12 pm -2 pm

DRAFT

MEMBERS:**PRESENT****EXCUSED**

Judge Derek Pullan, <i>Chair</i>	•	
Judge Augustus Chin	•	
Judge Samuel Chiara	•	
Judge David Connors	•	
Judge Michelle Heward	•	

GUESTS:

Bart Olsen
Paul Barron
Keri Sargent
Stacy Haacke

STAFF:

Bryson King
Minhvan Brimhall

(1) Welcome and approval of minutes:

Judge Derek Pullan welcomed committee members and guests. The committee considered the minutes from the June 6, 2022 meeting. With no changes, Judge Chiara moved to approve the minutes as presented. Judge Heward seconded the motion. The motion passed unanimously.

(2) CJA 4-206. Evidence:

Proposed amendments to CJA 4-206 add “biological evidence” to the list of exhibits that will remain in the custody of parties during trial in (2)(A) and a reference to Title 53, Chapter 20, Forensic Biological Evidence Preservation in (5). This amendment is in response to an inquiry from the AG’s office regarding courts’ retention of biological evidence (related to H.B. 65, effective May 4, 2022). Under (2)(A), courts may not take custody of exhibits that require law enforcement chain of custody. As such, courts should never have custody of biological evidence. Training on this issue will be provided to Judicial Assistants and clerks to ensure proper procedures, with respect to exhibits, are followed.

The committee did not express any concerns with the proposed amendments and did not recommend any changes to that which was presented.

With no further discussion, Judge Connors moved to send CJA 4-206 to the Judicial Council for approval for a 45-day public comment period. Judge Heward seconded the motion. The motion passed unanimously.

(3) CJA 4-202.02. Records classification.

Ms. Haacke presented a request on behalf of Judge Linda Jones for an amendment to CJA 4-202.02 to classify documents in sterilization cases as private. Sterilization cases can be initiated by petition under 62A-6-101 et seq., creating a separate action, or filed in an open Guardianship case under 75-5-101 et seq. Records in Title 75, Chapter 5 cases are classified as private under 4-202.02(4)(B)(iii). After reviewing a sampling of cases, it appears that sterilization cases filed under Title 62A, Chapter 6 (and associated documents) are classified as public, unless a party motions the court for a non-public classification under 4-202.04. To clarify, some records in public cases are classified as non-public (e.g., medical records), but the majority are not. The proposed amendment would classify

all records in Title 62A, Chapter 6 cases as private, except for “the case history, judgments, orders, decrees, letters of appointment, and the record of public hearings.” This would make the documents consistent with the same records in guardianship cases. Judge Jones is working with Michael Drechsel on potential legislation to make all sterilization proceedings closed to the public.

When a case is marked as public, but certain documents in the case are marked as private, a person who has access to the court’s XChange (court’s case search program) may be able to see the full case history and access any documents that are not marked as private. Documents marked as private will require a motion and approval from the court to gain access to those documents. Currently, under rule CJA 4-202.04, any interested party may file a motion to the court requesting access to records they are not authorized to access, or they can request records be marked as other than public. The court may decide upon proper findings to authorize access to records, or to mark records as other than public (private, sealed, protected).

Pursuant to CJA 4-202.02(4)(B) certain cases are marked private except for certain documents and the case history. It appears that a Petition for Sterilization could fall within the same category as other cases listed in CJA 4-202.02(4)(B).

The committee did not express concerns regarding the proposed amendments to the rule, however, they wanted to be sure individuals not a party to the case could gain access or at least find a case had been filed on the court’s XChange program. For example, would a concerned family member who did not file the petition be able to search the vulnerable person’s name on XChange to see there was an action or filings pending?

The committee recommended Ms. Haacke discuss the committee’s recommendations with Judge Jones to identify procedures that may be afforded to allow a non-party to determine whether there was a filing for a vulnerable person. The committee also recommends that the forms for these types of petitions to list the person of record, the one being sterilized, as the respondent.

No action is taken on this item. Ms. Haacke will speak with Judge Jones and return at another meeting for further discussion.

(4) HR Resource Policies.

- HR 15-3, 15-4, 15-6. Workplace Harassment.
- HR 16-2, 1-3, 16-4. Abusive Conduct.
- CJA 3-301.01. State Court Administrator – Complaints and Performance Review; Complaints Regarding Judicial Officers and State Court Employees.

The proposed amendments incorporate the Committee’s recommendations at the May 6, 2022 meeting.

Mr. Olsen stated that the HR materials in the meeting packet contain all items that were discussed and amended from last month’s meeting. HR 15-3 clarifies the complaint procedure process for judicial and non-judicial officers. HR 15-4 clarifies the investigative procedures of allegations against a non-judicial officer and HR 15-5 clarifies the preliminary inquiry procedures of allegations against a judicial officer.

HR 15-3: An employee who has been the subject of assault in the workplace will be reassigned to a different position or job responsibility to ensure they will not be in the same workplace as the assailant. Paragraph (2)(a), line 20, was amended to clarify all those to whom a court employee can report their complaint of harassment. HR 15-5: The amendments provide a procedure for the preliminary inquiry process when an allegation has been made against a judicial officer. The preliminary inquiry is completed by a member of the HR department in determining whether further investigative proceedings should be recommended to the Management Committee. The preliminary inquiry is not a fact finding process and is only intended for the purpose of providing recommendations to the Management Committee as to whether additional action is needed on the complaint. The amendments also identify the differences in the preliminary inquiry process for non-judicial personnel to that

of a judicial officer.

The committee recommended several additional amendments to the policies. The amendments clarify those who may receive a copy of the investigative report and the role of the HR department during the preliminary inquiry process. Other minor grammatical corrections were made to the rule.

HR 16-2, 16-3, and 16-4: The committee did not express concerns regarding the proposed amendments to those policies and made no recommendation for changes. The investigative and preliminary inquiry procedures outlined in 16-4 will be similar to those in 15-5.

Following further discussion, Mr. Olsen indicated he will draft a memo that summarizes the discussion and recommendations made by this committee for the Judicial Council's review. Mr. Olsen will send the draft memo via electronic communication for the committee members to review prior to submission to the Judicial Council.

With no further discussion, Judge Heward moved to forward HR 15-3, 15-4, 15-5, 16—2, 16-3, and 16-4 to the Judicial Council for final approval, with inclusion of Mr. Olsen's memorandum. Judge Connors seconded the motion. The motion passed unanimously.

CJA 3-301.01: The amendment clarifies that nothing the rule "prevents an individual from filing a complaint directly with the Judicial Conduct Commission." Because complaints and requests for investigation are made to the JCC by the Judicial Council, the committee determined that CJA 3-301.01 should be placed on hold until amendments to the HR 15 series policies have been decided by the Judicial Council, and a rule draft for investigative referrals can be presented to the JCC.

No action was taken on rule 3-301.01.

(5) Reschedule July 1 meeting to July 8.

The committee agreed to move the July meeting to July 8, 2022, due to the Independence Day weekend. Judge Connors will be out of town but may be able to call in. Judge Chiara has a trial scheduled that day and will join in when he is able.

Old Business/New Business: None

Mr. Barron noted that Brody Arishita will have new forms for review and discussion by the committee at the next meeting, and will need to be on the meeting agenda.

July's meeting will be Judge Heward's last meeting with the committee due to her retirement. Judge Heward will continue to serve as a senior judge.

Adjourn: With no further items for discussion, the meeting adjourned without a motion. The next meeting will be held on July 8, 2022 at 12 PM via Webex video conferencing.

Tab 3

Management Committee		Judicial Council		Notes
January 10	12:00 p.m.	January 17	9:00 a.m.	First day of the Legislative General Session & State of the Judiciary is January 17. Martin Luther King Holiday is January 16.
February 14	12:00 p.m.	February 27	9:00 a.m.	President's Day is February 20
February 27	Following Council mtg	March 17	12:00 p.m.	Second Management meeting held to set the March Council agenda. Council meeting is held in conjunction with the Bar Spring Convention, March 16-18 in St. George
		Alternate option would be March 27	9:00 a.m.	If the Council does not go to St. George, they may consider holding a normally scheduled Council meeting so as not to interfere with those who want to attend the Bar Convention
March 14	12:00 p.m.			The newly created March Management meeting will not include approval of the Council agenda, unless Council decides to hold their March meeting on March 27
April 11	12:00 p.m.	April 24	9:00 a.m.	Normal schedule
May 9	12:00 p.m.	May 22	9:00 a.m.	Memorial Day is May 29
June 13	12:00 p.m.	June 26	9:00 a.m.	Juneteenth is June 19
July 11	12:00 p.m.	July 17	9:00 a.m.	Council meeting needs to be moved because the fourth Monday is Pioneer Day July 24. At this time the Bar does not have their Summer Convention dates.
August 8	12:00 p.m.	August 18	8:00 a.m.	Council meeting held in conjunction with Annual Budget & Planning meeting (third Friday of August)
September 5	12:00 p.m.	September 12	12:00 p.m.	Management meeting needs to be moved up a week due to Annual Conference. Council meeting held in conjunction with the Annual Conference
October 10	12:00 p.m.	October 23	9:00 a.m.	Normal schedule
November 14	12:00 p.m.	November 20	9:00 a.m.	Council meeting moved up a week because the fourth Monday follows the Thanksgiving holiday
December 12	12:00 p.m.	December 18	9:00 a.m.	Council meeting moved up a week because the fourth Monday is Christmas

Management meetings are the second Tuesday of each month, unless otherwise noted.	Council meetings are the fourth Monday of each month, unless otherwise noted.
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Bar Spring Convention March 16-18 (St. George)

Bar Summer Convention July (TBD)

Annual Conference September 13-15

State of the Judiciary - first Tuesday after the third Monday.

CCJ Midyear February 11-15 Austin, TX

CCJ/COSCA Annual Conference July 30-August 2 New York, NY

COSCA Midyear November 29-December 2 San Diego, CA

Tab 4

OPEN AND PUBLIC MEETINGS

Key Rules and Statutes

UTAH CODE JUD. ADMIN. 2-103 and 2-104

UTAH CODE § 52-4-103(6)

UTAH CODE § 52-4-201

UTAH CODE § 52-4-202

UTAH CODE § 52-4-203

UTAH CODE § 52-4-204

UTAH CODE § 52-4-305

Key Principles

1. Meetings
 - a. Include gatherings of a quorum of the Council to discuss or act upon any matter over which the Council has jurisdiction. UTAH CODE § 52-4-103(6)(a); *see also* UTAH CODE JUD. ADMIN. 2-103(1).
 - b. Include workshops and executive sessions. UTAH CODE § 52-4-103(6)(a)
 - c. Do not include chance or social meetings. UTAH CODE § 52-4-103(6)(b); *see also* UTAH CODE JUD. ADMIN. 2-103(1).
2. Council Meetings Generally
 - a. Are open to the public unless closed by rule. UTAH CODE JUD. ADMIN. 2-103(3).
 - b. Appropriate notice must be given.
 - i. As soon as the meeting schedule is set, the AOC shall publish the date, time, and place of the Council's meetings on the court's website and on the Utah Public Notice Website. *Id.* 2-103(2)(A); *see also* UTAH CODE § 52-4-202(2).
 - ii. At least 24 hours before the meeting, the AOC shall post the meeting agenda on the website and notify at least one Utah newspaper of general circulation of the posting. UTAH CODE § 52-4-202(3)(a)(ii)(A).
 - c. A workshop or executive session held on the same day as a Council meeting must be held at the location where the Council is holding the meeting, unless the meeting is a site visit or traveling tour, in which case notice must be given. UTAH CODE § 52-4-201(2)(b).

3. Open Council Meetings

- a. May be recorded by any person, provided the recording does not interfere with the meeting. UTAH CODE JUD. ADMIN. 2-103(8); *see also* UTAH CODE § 52-4-203(5).
- b. The Council may remove any person who disrupts the meeting. UTAH CODE JUD. ADMIN. 2-103(8)
- c. The AOC shall make an audio recording and shall prepare minutes. UTAH CODE JUD. ADMIN. 2-104(1); *see also* UTAH CODE § 52-4-203.
- d. The AOC shall publish the minutes and recordings. UTAH CODE § 52-4-203(4)(e)-(f).

4. Closed Council Meetings

- a. May be held to discuss any of the following:
 - i. The character, competence, or physical or mental health of an individual;
 - ii. Collective bargaining or litigation;
 - iii. The purchase, exchange or lease of real property;
 - iv. The sale of real property;
 - v. Deployment of security personnel or devices;
 - vi. Allegations of criminal misconduct; or
 - vii. Consideration of a private, protected, sealed, juvenile court social or juvenile court legal record.

UTAH CODE § 52-4-205(1); *see also* UTAH CODE JUD. ADMIN. 2-103(4)

- b. Require a quorum. UTAH CODE JUD. ADMIN. 2-103(5)(A).
- c. Require an affirmative vote of two-thirds of the members present. *Id.*
- d. Shall be recorded. UTAH CODE JUD. ADMIN. 2-104(1).
- e. A recording and minutes shall not be made if the meeting is closed to discuss the character, competence, or physical or mental health of an individual, or to discuss the deployment of security personnel or devices. UTAH CODE JUD. ADMIN. 2-103(5)(B).

In that case, the presiding officer shall make a sworn statement affirming that the sole purpose of the meeting was to discuss one of the above issues. *Id.*

- f. No one in attendance may disclose information or distribute materials, except with others who participated in the meeting, and with Council members. UTAH CODE JUD. ADMIN. 2-103(7).
- g. No contract, appointment, rule or resolution may be approved, but one of these may be discussed for vote in an open meeting. UTAH CODE JUD. ADMIN. 2-103(6); *see also* UTAH CODE § 52-4-204(3).

5. Minutes

Shall include:

- a. The date, time, and place of the meeting;
- b. The names of members present, in person or by electronic communication, the names of members absent and the names of staff and guests who testify to the Council;
- c. The substance of all matters proposed, discussed, or decided;
- d. The substance of the testimony of guests and the reports of staff or a summary reference to such testimony or report if a copy thereof is filed with the minutes;
- e. A record of the vote taken on any question, and, if the vote is a roll call vote, a record of the vote of individual members by name;
- f. The reason for holding a closed meeting; and
- g. Any other information that any member requests be entered in the minutes.

UTAH CODE JUD. ADMIN. 2-104(1); *see also* UTAH CODE § 52-4-203 and 204.

6. Access to Meeting Records

- a. The audio recording of a closed meeting is a protected record. UTAH CODE JUD. ADMIN. 2-104(2)(A)
- b. The recording and minutes of an open meeting awaiting approval are public records. *Id.*
- c. The approved minutes of an open meeting are public records. *Id.*

7. Violations of the Open and Public Meetings Act

A knowing or intentional violation of the Open and Public Meetings Act, or knowingly or intentionally abetting a violation is a class B misdemeanor. UTAH CODE § 52-4-305.

Tab 5

Agenda

JUDICIAL COUNCIL MEETING JUNE 2022

Courts that meet all Required and Presumed Best Practices:

District 6, Sanpete County, Manti, ADC182SANPETE, Adult Drug	Judge Keisel
District 2, Weber County, Ogden, AMHC12WEBER, Adult Mental Health	Judge Hyde

Courts that do not meet all Required and Presumed Best Practices and why:

District 7, Carbon County, Price, JFDDC2CARBON, Adult Drug,	Judge Harmond
Presumed #13: Drug tests are returned within 48 hours	
District 7, Carbon County, Price, Adult Mental Health	Judge Harmond
Presumed #35: More than 15 participants	
Presumed # 37: Monitoring new arrests	
District 2, Weber County, Ogden, JDC4WEBER, Juvenile Drug	Judge Noland
Presumed #27: Monitoring of new arrests	
District 2, Weber County, Ogden, JFDDC17WEBER, Family Drug	Judge Heward
Presumed #37: Monitoring of new arrests	
District 7, Carbon County, Price, JFDDC1CARBON, Family Drug	Judge Bunnell
Presumed #30: Clients in program within 50 days of arrest	
Presumed #35: More than 15 participants	
District 4, Utah County, Provo, JFDDC12UTAH, Family Drug	Judge Bartholomew
Presumed # 31: Team members assigned for 2 years	
Presumed #35: More than 15 participants	
District 2, Weber County, Riverdale Justice Court, Adult Drug	Judge Olds
Presumed #35: More than 15 participants	

UTAH JUDICIAL COUNCIL
ADULT DRUG COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Sanpete County, Manti

COURT NUMBER: ADC182SANPETE

JUDGE NAME: Keisel

REVIEW DATE: March, 2022

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standards.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Drug Court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
			e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
MENTAL HEALTH COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Weber County, Ogden

COURT NUMBER: AMHC12WEBER

NAME: Hyde

REVIEW DATE: January, 2022

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			Court team.	
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	28	Drug testing utilized by the Mental health Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Mental health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Mental health Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Mental health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Mental health Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Mental health Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Mental health Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of mental health court.	VI.I.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Mental health Court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Mental health Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Mental health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Mental health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral	IV.I.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
			objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental health Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Mental health Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	27	All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of eligibility screening.	
X	<input type="checkbox"/>	31	Team members are assigned to Mental health Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Mental health Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental health Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Mental health Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental health Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Mental health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental health Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
ADULT DRUG COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Carbon County, Price

COURT NUMBER: JFDDC2CARBON

JUDGE NAME: Harmond

REVIEW DATE: January, 2022

Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standards.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Drug Court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
<input type="checkbox"/>	X	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	X	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
			e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	X	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	X	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	X	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
MENTAL HEALTH COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Carbon County, Price

COURT NUMBER: ???????

NAME: Harmond

REVIEW DATE: January, 2022

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Mental health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Mental health Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Mental health Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental health Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Mental health Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Mental health Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Mental health Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental health	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			Court team.	
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Mental health Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental health Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Mental health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
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X	<input type="checkbox"/>	54	The Mental health Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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X	<input type="checkbox"/>	3	Each member of the Mental health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Mental health Court judge attends current training events on legal and constitutional issues in Mental health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Mental health Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Mental health Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral	IV.I.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
			objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental health Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental health Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Mental health Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental health Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	27	All Mental health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Mental health Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of eligibility screening.	
X	<input type="checkbox"/>	31	Team members are assigned to Mental health Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Mental health Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental health Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Mental health Court model and best practices in Mental health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Mental health Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Mental health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	X	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental health Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Mental health Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Mental health Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
<input type="checkbox"/>	X	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Mental health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Mental health Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	X	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Mental health Court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	X	10	Before starting a Mental health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Mental health Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Mental health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	X	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental health Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Mental health Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Mental health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
JUVENILE DRUG COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Weber County, Ogden

COURT NUMBER: JDC4WEBER

NAME: Noland

REVIEW DATE: April, 2022

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The juvenile drug team does not apply subjective criteria or personal impressions to determine participants' suitability for the program.	I.A.
X	<input type="checkbox"/>	4	Candidates for the Juvenile Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	C
X	<input type="checkbox"/>	5	Candidates for the Juvenile Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	C
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	C
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Juvenile Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Juvenile Drug Court.	D
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Juvenile Drug Court.	D
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Juvenile Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	D
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	The Juvenile Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D	II D
X	<input type="checkbox"/>	12	Each member of the Juvenile Drug Court team attends up-to-date training events on recognizing implicit biases and correcting disparate impacts for members of historically disadvantaged groups. R BPS II F	II F
X	<input type="checkbox"/>	13	Participants ordinarily appear before the same judge throughout their enrollment in Juvenile Drug Court. R BPS III B	III B
X	<input type="checkbox"/>	14	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for the performance are discussed by the Juvenile Drug	III D

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
			Court team. R BPS III D	
X	<input type="checkbox"/>	15	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program.	III E
X	<input type="checkbox"/>	16	Status hearings are scheduled no less frequently than every four weeks until participants graduates.	III E
X	<input type="checkbox"/>	17	The judge spends an average of at least three minutes with each participant.	III F
X	<input type="checkbox"/>	18	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III G
X	<input type="checkbox"/>	19	If a participant has difficulty expressing him herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV B
X	<input type="checkbox"/>	20	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III H VIII D
X	<input type="checkbox"/>	21	The judge makes these decisions after taking into consideration the input of other Juvenile Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III H VIII D
X	<input type="checkbox"/>	22	The judge relies on the expert input of duly trained treatment professional when imposing treatment-related conditions.	III H
X	<input type="checkbox"/>	23	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV A
X	<input type="checkbox"/>	24	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and legal collateral consequences that may ensue from graduation and termination.	IV A
X	<input type="checkbox"/>	25	The Juvenile Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV A
X	<input type="checkbox"/>	26	The goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only few infractions.	IV A
X	<input type="checkbox"/>	27	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV F
X	<input type="checkbox"/>	28	Drug testing is performed at least twice a week.	VII G
X	<input type="checkbox"/>	29	Drug testing is random, and is available on weekend and holidays.	VII B
X	<input type="checkbox"/>	30	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII B

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	31	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII G
X	<input type="checkbox"/>	32	The Juvenile Drug Court utilizes scientifically and valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII G
X	<input type="checkbox"/>	33	Metabolite levels falling below industry-or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII I
X	<input type="checkbox"/>	34	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII I
X	<input type="checkbox"/>	35	The program requires at least 90 days clean to graduate.	
X	<input type="checkbox"/>	36	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	37	Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV J
X	<input type="checkbox"/>	38	Detention sanctions are definite in duration and typically last no more than three to five days.	IV J
X	<input type="checkbox"/>	39	Participants are given access to counsel and a fair hearing if a detention sanction might be imposed.	IV J
X	<input type="checkbox"/>	40	Participants are not terminated from Juvenile Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV K
X	<input type="checkbox"/>	41	If a participant is terminated from the Juvenile Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. R BPS* IV K	V.I.
X	<input type="checkbox"/>	42	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services.	V B
X	<input type="checkbox"/>	43	Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H	V H
X	<input type="checkbox"/>	44	Participants are not excluded from participation in DUI Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V J
X	<input type="checkbox"/>	46	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each staffing meeting. R BPS VII A*	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each Juvenile Drug Court session.	VII A
X	<input type="checkbox"/>	48	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case.	VIII B
X	<input type="checkbox"/>	49	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VII C

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	50	Court fees are reasonable and based on each participant's ability to pay.	
X	<input type="checkbox"/>	51	Treatment fees are based on a sliding fee schedule.	
X	<input type="checkbox"/>	52	A skilled and independent evaluator examines the drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X D
X	<input type="checkbox"/>	53	The Juvenile Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X D

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I A
X	<input type="checkbox"/>	2	The program admits only participants who are high risk need as measure by a validated risk and need assessment tool.	I B
X	<input type="checkbox"/>	3	The Juvenile Drug Court attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, and evidence-based substance abuse and mental health treatment, behavior modification and community supervision.	III A
X	<input type="checkbox"/>	4	The judge presides over the Juvenile Drug Court for no less than two consecutive years.	III B
X	<input type="checkbox"/>	5	The Juvenile Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV F
X	<input type="checkbox"/>	6	Phase promotion is predicted on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time	IV I
X	<input type="checkbox"/>	7	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV I
X	<input type="checkbox"/>	8	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII B
X	<input type="checkbox"/>	9	Drug Testing results are available within 48 hours.	VII H
X	<input type="checkbox"/>	10	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII D
X	<input type="checkbox"/>	11	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS).	VII G
X	<input type="checkbox"/>	12	Standardized patient placement criteria govern the level of care that is provided.	V A
X	<input type="checkbox"/>	13	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Juvenile Drug Court's programmatic phase structure.	V A
X	<input type="checkbox"/>	14	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V D

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	15	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V E
X	<input type="checkbox"/>	16	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V F
X	<input type="checkbox"/>	17	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V H
X	<input type="checkbox"/>	18	Participants suffering from mental illness receive mental health services beginning in the first phase of Juvenile Drug Court and continuing as needed throughout their enrollment in the program.	V I
X	<input type="checkbox"/>	19	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI L
X	<input type="checkbox"/>	20	Clients are placed in the program within 50 days of screening for eligibility.	
X	<input type="checkbox"/>	21	Team members are assigned to Juvenile Drug Court for no less than two years.	
X	<input type="checkbox"/>	22	All team members use electronic communication to contemporaneously communicate about Juvenile Drug Court issues.	
X	<input type="checkbox"/>	23	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Juvenile Drug Courts.	VIII F
X	<input type="checkbox"/>	24	New staff hires receive a formal orientation training on the Juvenile Drug Court model and best practices in DUI Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII F
X	<input type="checkbox"/>	25	The Juvenile Drug Court has more than 15 but less than 125 active participants.	IX C
X	<input type="checkbox"/>	26	The Juvenile Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X A
<input type="checkbox"/>	X	27	New referrals, new arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Juvenile Drug Court.	X C
X	<input type="checkbox"/>	28	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X G
X	<input type="checkbox"/>	29	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	X	1	The Juvenile Drug Court regularly monitor whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II B XE

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	2	The Juvenile Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, day treatment, intensive outpatient and outpatient services.	V B
X	<input type="checkbox"/>	3	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V E
X	<input type="checkbox"/>	4	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V E
X	<input type="checkbox"/>	5	Treatment providers administer behavioral or cognitive –behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the juvenile justice system.	V F
X	<input type="checkbox"/>	6	Treatment providers have substantial experience working with juvenile justice populations.	V H
X	<input type="checkbox"/>	7	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Juvenile Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), other major anxiety disorders.	VI E
X	<input type="checkbox"/>	8	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI F
X	<input type="checkbox"/>	9	Female participants receive trauma-related services in gender-specific groups.	VI F
X	<input type="checkbox"/>	10	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI F
X	<input type="checkbox"/>	11	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group, as appropriate, after their discharge from the Juvenile Drug Court.	VJ
X	<input type="checkbox"/>	12	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	VJ
X	<input type="checkbox"/>	13	Before starting a Juvenile Drug Court, team members attend a formal pre-implantation training to learn from expert faculty about best practices in Juvenile Drug Courts and develop fair and effective policies and procedures for the program.	VII F
X	<input type="checkbox"/>	14	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicted complementary services.	X
X	<input type="checkbox"/>	15	Information relating to the services provided and participant' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Juvenile Drug Court's adherence to best practices and in-program outcomes.	X F
X	<input type="checkbox"/>	16	Outcomes are examined for all eligible participants who entered the Juvenile Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H	X H

UTAH JUDICIAL COUNCIL
FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Weber County, Ogden

COURT NUMBER: JFDDC17WEBER

JUDGE NAME: Heward

REVIEW DATE: March, 2022

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high-risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Family dependency court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Family dependency court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Family dependency court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Family dependency court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Family dependency court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Family dependency court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
<input type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Family dependency court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
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X	<input type="checkbox"/>	37	If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Family dependency court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Family dependency court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Family dependency court and continuing as needed throughout their enrollment in the program.	VI.E.*
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X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each staffing meeting.	VIII.B.*

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X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Family dependency court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Family dependency court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.

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			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Family dependency court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Family dependency court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Family dependency court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Family dependency court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

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X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Family dependency courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
X	<input type="checkbox"/>	35	The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	X	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	X	4	For at least the first ninety days after discharge from the Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by	V.J.

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			telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	X	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	X	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
<input type="checkbox"/>	X	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Carbon County, Price

COURT NUMBER: JFDDC1CARBON

JUDGE NAME: Bunnell

REVIEW DATE: March, 2022

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high-risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Family dependency court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
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X	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Family dependency court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Family dependency court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Family dependency court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Family dependency court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Family dependency court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Family dependency court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Family dependency court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Family dependency court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

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X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Family dependency court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
<input type="checkbox"/>	X	30	Clients are placed in the program within 50 days of arrest. Usually not arrested	
X	<input type="checkbox"/>	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Family dependency courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Family dependency court model and best practices in Family dependency courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Family dependency court has more than 15 but less than 125 active participants. covid	IX.A.*
X	<input type="checkbox"/>	36	The Family dependency court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Family dependency court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by	V.J.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
			telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	X	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
FAMILY DEPENDENCY COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Utah County

COURT NUMBER: JFDDC12UTAH

JUDGE NAME: Bartholomew

REVIEW DATE: February 2022

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standard.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk, high-need, however, if a program is unable to target high-risk and high need offenders as measured by the RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Family dependency court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Family dependency court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Family dependency court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Family dependency court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Family dependency court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Family dependency court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Family dependency court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Family dependency court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Family dependency court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Family dependency court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Family dependency court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Family dependency court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Family dependency court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Family dependency court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Family dependency court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Family dependency court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Family dependency court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Family dependency court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of family dependency court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem and DCFS caseworker (in family dependency courts), and the judge attend each Family dependency court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Family dependency court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Family dependency court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Family dependency court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

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X	<input type="checkbox"/>	3	Each member of the Family dependency court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Family dependency court judge attends current training events on legal and constitutional issues in Family dependency courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Family dependency court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
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			to precipitate a relapse to substance use.	
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X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
<input type="checkbox"/>	X	31	Team members are assigned to Family dependency court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Family dependency court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Family dependency courts.	VIII.F.
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<input type="checkbox"/>	X	35	The Family dependency court has more than 15 but less than 125 active participants.	IX.A.*
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X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Family dependency court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Family dependency court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

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X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Family dependency court, treatment providers or clinical case managers attempt to contact previous participants periodically by	V.J.

YES	NO	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS		BPS
		#	<i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	
			telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Family dependency courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Family dependency court.	VI.I.
X	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
X	<input type="checkbox"/>	10	Before starting a Family dependency court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Family dependency courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Family dependency court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Family dependency court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Family dependency court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Family dependency court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

UTAH JUDICIAL COUNCIL
ADULT DRUG COURT CERTIFICATION CHECKLIST
 REVISED AND ADOPTED DECEMBER 7, 2020

COURT LOCATION: Weber County, Riverdale, Justice Court

COURT NUMBER: _____

JUDGE NAME: Olds

REVIEW DATE: April, 2022

*Many of the criteria enumerated in this certification checklist are restatements of the Adult Drug Court Best Practice Standards, Volume I and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the **BPS** column following the standard. An asterisk indicates a modification of the NADCP standards.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
X	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
X	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need, however if a program is unable to target high-risk and high need offenders as measured by RANT or some other approved and validated assessment tool, the program develops alternative tracks with services that are modified to meet risk and need levels of its participants.	I.B.*
X	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
X	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
X	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
X	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
X	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
X	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I.E.
X	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
X	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
X	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.
X	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.	III.E.*
X	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
X	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
X	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
X	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
X	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
X	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
X	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
X	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.E.
X	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.E.
X	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
X	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
X	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
X	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
X	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*
X	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
X	<input type="checkbox"/>	31	The program requires a period of at least 90 consecutive days drug-free to graduate.	
X	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
X	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
X	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
X	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
X	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
X	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
X	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
X	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, as required by the Department of Human Services or other relevant licensure or certification entity.	V.H.*
X	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
X	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
X	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
X	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
X	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
X	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
X	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
X	<input type="checkbox"/>	47	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each staffing meeting.	VIII.B.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
X	<input type="checkbox"/>	48	At a minimum, the prosecutor / assistant attorney general, defense counsel, treatment representative, law enforcement, a guardian ad litem (in dependency courts), and the judge attend each Drug Court session.	VIII.A.*
X	<input type="checkbox"/>	49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has good reason for a participant to attend discussions related to that participant's case.	VIII.B.
X	<input type="checkbox"/>	50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
X	<input type="checkbox"/>	51	Court fees are disclosed to each participant, are reasonable, and are based on each participant's ability to pay. Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services.	
X	<input type="checkbox"/>	52	Treatment fees are based on a sliding fee schedule and are disclosed to each participant.	
X	<input type="checkbox"/>	53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
X	<input type="checkbox"/>	54	The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).	VIII.C.*

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
X	<input type="checkbox"/>	2	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
X	<input type="checkbox"/>	3	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
X	<input type="checkbox"/>	4	The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision.	III.A.
X	<input type="checkbox"/>	5	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
X	<input type="checkbox"/>	6	The Judge spends an average of at least three minutes with each participant.	III.F.*
X	<input type="checkbox"/>	7	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.
X	<input type="checkbox"/>	8	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
X	<input type="checkbox"/>	9	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely	IV.I.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
			to precipitate a relapse to substance use.	
X	<input type="checkbox"/>	10	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
X	<input type="checkbox"/>	11	Drug test results are available within 48 hours.	VII.H.
X	<input type="checkbox"/>	12	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
X	<input type="checkbox"/>	13	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
X	<input type="checkbox"/>	14	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
X	<input type="checkbox"/>	15	Standardized patient placement criteria govern the level of care that is provided.	V.A.
X	<input type="checkbox"/>	16	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
X	<input type="checkbox"/>	17	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
X	<input type="checkbox"/>	18	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
X	<input type="checkbox"/>	19	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
X	<input type="checkbox"/>	20	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
X	<input type="checkbox"/>	21	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
X	<input type="checkbox"/>	22	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
X	<input type="checkbox"/>	23	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
X	<input type="checkbox"/>	24	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
X	<input type="checkbox"/>	25	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.
X	<input type="checkbox"/>	26	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
X	<input type="checkbox"/>	27	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
X	<input type="checkbox"/>	28	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
X	<input type="checkbox"/>	29	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
X	<input type="checkbox"/>	30	Clients are placed in the program within 50 days of arrest.	
X	<input type="checkbox"/>	31	Team members are assigned to Drug Court for no less than two years.	
X	<input type="checkbox"/>	32	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
X	<input type="checkbox"/>	33	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
X	<input type="checkbox"/>	34	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	X	35	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
X	<input type="checkbox"/>	36	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
X	<input type="checkbox"/>	37	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
X	<input type="checkbox"/>	38	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
X	<input type="checkbox"/>	39	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
X	<input type="checkbox"/>	40	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
X	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.
X	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
X	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
X	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail,	V.J.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
			e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	
X	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
X	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
X	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
X	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
<input type="checkbox"/>	X	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	X	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
X	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
X	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
X	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
X	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
X	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.
X	<input type="checkbox"/>	16	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.

Tab 6



UTAH STATE COURTS

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

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

Legislative Brief

May 16, 2022

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.

Tab 7



Nicholas Stiles
Appellate Court Administrator

Nicole J. Gray
Clerk of Court

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Matthew B. Durrant Chief Justice
Thomas R. Lee Associate Chief Justice
John A. Pearce Justice
Paige Petersen Justice
Diana Hagen Justice


To: Utah Judicial Council
From Utah Supreme Court
Re: Update on the Office of Legal Services Innovation
Date: 6/14/2022

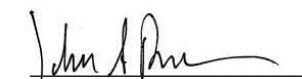
Judicial Council –

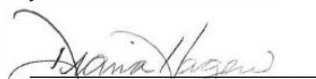
This memo will serve as an update about the ongoing operations of our Office of Legal Services Innovation. We presented this memo to the Management Committee on June 14, 2022, and a budget related memo to the Budget and Fiscal Management Committee on June 6, 2022. We look forward to discussing this informational memo and our budget related requests with the Council.


Please feel free to reach out to us individually or collectively with questions about the Innovation Office.

Thank you.


Matthew B. Durrant
Chief Justice


John A. Pearce
Justice


Diana Hagen
Justice


Thomas R. Lee
Associate Chief Justice


Paige Petersen
Justice



OFFICE OF LEGAL SERVICES INNOVATION

An Office of the Utah Supreme Court

Executive Summary

The Utah Supreme Court created the Office of Legal Services Innovation in August 2020. In the past twenty-one months, the Office has overseen the provision of nearly 20,000 services. Both traditional legal providers using novel approaches, and nontraditional providers operating under special licensure have operated under the Office's auspices to serve the people of Utah.

As a first-of-its-kind endeavor, the Office has developed safeguards and metrics for the application and approval, collection and cleaning of data, and the monitoring process. This is a time-consuming endeavor.

Our first two years of operations have focused on developing the necessary framework for entities to experiment in a closely monitored environment—with the end goal of developing alternative legal services and structures as one tool to reduce the distance between the unmet legal needs of Utahns and the available legal services.

The initial successes of the Innovation Office are due in large part to the dedicated work of the part-time staff, supplemented and subsidized by national and local experts who have volunteered their time as members of our advisory board.

This memo provides an update on the first two years of operations, the current status of our efforts, and the projected trajectory of the office in the coming years. We welcome the opportunity to present this information to you.



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Introduction

The overarching goal of the Innovation Office is to improve access to justice. The Innovation Office is guided by a single regulatory objective: ensure that consumers have access to a well-developed, high-quality, innovative, affordable, and competitive market for legal services. To this end, and as necessary to provide a space for innovation while ensuring minimal consumer harm, the Utah Supreme Court created a regulatory sandbox inside the Innovation Office.

A regulatory sandbox is a policy tool through which a government or regulatory body permits limited relaxation of applicable rules to facilitate the development and testing of innovative business models, products, or services. Once an innovative concept is proven within the Sandbox, it may be authorized to operate outside of the Sandbox. There are currently 41 entities operating in the Sandbox; no entities have been approved to exit.

If the Utah Supreme Court decides to permit an entity to exit the Sandbox, the entity could move into normal operations with reduced regulatory oversight. The entity will still be accountable to the Innovation Office, similar to how Utah attorneys are subject to regulation by the Utah State Bar and the Office of Professional Conduct.

The Innovation Office has developed a risk-based regulation model for entities engaged in the Sandbox. But the Sandbox's risk-based model does not rely solely on consumer complaints to prevent unnecessary harm. Instead, it relies on frequent and detailed data reporting from entities, a robust system for receiving consumer complaints, and targeted service reviews conducted by Innovation Office Auditors.

Developing a New Regulatory Framework

Utah is the first jurisdiction in the country to explore alternative approaches to the traditional regulation of the practice of law. Since the Innovation Office's inception, four other jurisdictions have either initiated similar pilot programs or are currently exploring the Utah model for local feasibility. The Innovation Office has also inspired pilot programs in Canada and the United Kingdom, and has been selected as a presenter at this year's World Justice Forum. While the Innovation Office has received national and international attention, we remain focused on not only developing the initial and exciting



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new framework, but testing the hypothesis that alternative legal regulation can increase access-to-justice.

The development of Innovation Office policies and regulations is guided in large part by the directives of [Utah Supreme Court Standing Order #15](#). In the first two years of operations, the Innovation Office has focused on two foundational elements of legal regulation: the application and assessment of potential providers, and ensuring minimal consumer harm. In an innovative space, this requires on-going collection and analysis of entity data.

Application and Assessment

The Office asks every applicant the same threshold question – does this service advance the regulatory objective of ensuring that consumers have access to a well-developed, high-quality, innovative, affordable, and competitive market for legal services? If the answer is no, the application fails. If the answer is yes, the application moves into the assessment/analysis phase where the staff and advisory board review and deliberate on the merits of the application. An entity's application is approved if it furthers the regulatory objective on its face or has the potential to do so once established at a certain level, with an acceptable risk of consumer harm.

The Sandbox application process focuses on three factors: the type of services that will be provided, who (lawyer, non-lawyer, technology) will be providing the services, and – perhaps most important – the level of risk of consumer harm that the authorization will create. Analogous to the attorney character and fitness review process, the Innovation Office had to develop an application process that asked the relevant questions to understand and predict whether the innovation presented a risk of consumer harm. In a traditional legal licensure review we understand that generally, criminal or civil actions against a potential attorney, or past financial issues increase the likelihood of the attorney causing harm to a consumer. Because this alternative model of regulation has never been adopted before, the Innovation Office had to understand what additional information was important for an adequate harm assessment and, put simply, how to ask the right questions to get the right information.



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The Innovation Office currently recommends to the Utah Supreme Court whether the entity will be approved to operate in the Sandbox, and if approved, how to categorize the risk that an entity might harm consumers. The level of potential risk determines the extent to which the Innovation Office requires reporting and evaluation. More innovative models are generally higher risk to the consumer and require more frequent reporting of data and oversight, while lower risk entities like alternative business structures pose fewer consumer risks and likewise require less frequent reporting and oversight. Determining what type of service model the entity will operate within the sandbox also guides this decision. There are eight main types of service models that are eligible for operation:

- Lawyers employed or managed by a nonlawyer

- Less than 50% nonlawyer ownership

- More than 50% nonlawyer ownership

- Lawyers sharing fees with non-lawyers

- Nonlawyer provider with lawyer involvement

- Nonlawyer provider without lawyer involvement

- Software provider with lawyer involvement

- Software provider without lawyer involvement

(See Appendix at 1 for the Innovation Office Application)

Understanding the Data and Monitoring Entities

When an entity is authorized to operate in the Sandbox, it is required to submit de-identified service-level data on a quarterly or monthly basis. The frequency of reporting and the required reportable data elements vary based on the risk of consumer harm posed by the entity's model of service. This risk-based consumer harm regulation considers three categories of consumer harm:

- Consumer achieves an inaccurate or inappropriate legal result.

- Consumer fails to exercise legal rights through ignorance or bad advice.

- Consumer purchases an unnecessary or inappropriate legal service.



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The Office analyzes the data sets to monitor and respond to signs that the entity is at risk of causing one of the three types of consumer harms described above. If an entity's data indicates risk of consumer harm, the Innovation Office gathers and evaluates additional qualitative and quantitative information to form a risk response plan. If subsequent findings suggest that a risk of harm actually exists, the Innovation Office implements risk mitigation strategies. An entity's authorization can be suspended or terminated due to substantial evidence of consumer harm or an entity's (or its principals') noncompliance with regulatory requirements.

The Innovation Office collects consumer data on the number and types of services, general outcomes, and consumer harms. This data certainly provides some detail about the help people are receiving, but the Sandbox does not collect data about specific benefits consumers received, alternative services available, or the kind of consumer demographic data that would usually be desired to assess any possible inequalities.

The Innovation Office has also developed an Auditor program, in which licensed attorneys specializing in the relevant area of law "audit" the work of Sandbox entities. This auditing process provides another key piece of data for the Innovation Office to consider in the on-going analysis of consumer harm.

The Innovation Office creates and posts monthly activity reports on our website: [Monthly Activity Reports](#).

Innovation Office Structure

The Innovation Office consists of a voluntary advisory board and four contracted staff. The advisory board helps to shape the overall direction of the Innovation Office and includes both local and national leaders in the field of legal regulation:

- John Lund – Board Chair, Past President, Utah State Bar
- Heather Farnsworth – Vice Chair, Immediate Past President, Utah State Bar
- Chief Justice Christine Durham (Ret.) – Utah Supreme Court
- Dr. Tom Clarke – National Center for State Courts (Ret.)
- Lucy Ricca – Director of Policy and Programs, Center on the Legal Profession at Stanford Law School
- Rick Hoffman – Utah State Bar Commissioner



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- Kate Conyers – Utah Attorney
- Dr. Arul Mishra – Professor of Marketing, Faculty Fellow, & Emerging Scholar, David Eccles School of Business, University of Utah
- Shawn Newell – Utah State Bar Commissioner
- Nathanael Player – Director, Utah State Court's Self-Help Center
- Dr. Rebecca Sandefur – Faculty, Arizona State University

The four staff members of the Innovation Office are independent contractors with time-limited contracts. They are:

- Sue Crismon, Executive Director
- Dr. James Teufel, Director of Data
- Michael Gallo, Relational Database Development, Data Analyst
- Helen Lindamood, Marketing and Outreach, Support

Executive Director - Part-time, transitioning to full-time.

Sue Crismon is a Utah attorney with over 15 years of experience in access to justice policy work and direct representation of low-income clients. Ms. Crismon was instrumental in creating the Utah State Bar's Pro Bono Commission, winning the 2012 Utah State Bar's Committee of the Year, and the 2012 Pro Bono Attorney of the Year Awards.

Ms. Crismon focuses primarily on the operational requirements of the office and developing the necessary structure to ensure adequate oversight of the regulatory process.

The operational requirements of the Innovation Office are like those of any other equally sized office—Ms. Crismon creates budgets, applies for new grants, completes grant reporting, on-boards staff and auditors, reviews contracts, responds to records requests, works with the advisory board, and conducts community outreach.

Ms. Crismon also oversees the Office's regulatory functions, which includes developing and drafting policies and recommendations to the Utah Supreme Court, researching legal questions, responding to consumer complaints, and ensuring entities comply with reporting requirements.



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Director of Data - Part-time

Dr. James Teufel, MPH, PhD, is a former tenured faculty professor with over 20 years of experience in data analysis and program evaluation. Dr. Teufel was instrumental in developing the medical legal partnership return on investment model and serves in varying capacities in multiple other legal innovation efforts across the U.S and Canada.

Dr. Teufel focuses much of his time on the collection, cleaning, and management of the Innovation Office's data. Dr. Teufel helped to create the tiered data reporting structure and risk framework, which includes among other things, using evidenced-based decision making to classify incoming entities' risk levels. After entities have been placed in the appropriate risk level, Dr. Teufel works with them on creating internal structures so the entities can meet their data reporting requirements.

Dr. Teufel also analyzes reports submitted by the Innovation Office's independent auditors in relation/comparison to the data submitted by entities. This is necessary not only to ensure compliance with data reporting, but also as another mechanism to constantly analyze the risks to consumers being served through this new regulatory model.

Relational Database Development, Data Analyst - Part-time

Michael Gallo is an incoming Schwarzman Scholar with experience working in data collection and analysis for United Nations programs in both the U.S and China.

Mr. Gallo's work for the Innovation Office focuses on the development of the Innovation Office's database. When fully developed, the database will include entity status tracking & communication support services, a data submission portal, an audit and product walkthrough system, Sandbox exit applications, and among other things, training models and tools for entities engaged in the Sandbox. Most notably, the services provided in the database alleviate the analog-style work of Innovation Office staff having to manually complete each of the above tasks with each entity. Mr. Gallo's work will decrease significantly once the database is developed. This position is funded by a restricted State Justice Institute grant that is solely dedicated to the development of the Innovation Office's database.



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Marketing and Outreach/Project Coordinator – Part-time.

Helen Lindamood has two years of graduate level legal training, and three years of community-facing marketing experience.

Ms. Lindamood handles all the administrative functions of the Innovation Office. This includes among other things, setting meetings, developing messaging, communicating about basic information to entities, and initial intake and cataloging of records requests.

Increasing Access to Justice

Historically, legal regulation has not focused on access to justice. The current national model is one based on competency and avoiding consumer harm. The last few decades, however, have seen a small shift in this focus – jurisdictions are slowly starting to move the needle with regulatory-based initiatives. In 2014 New York began requiring 50 hours of pro bono service before an attorney could be admitted; across the country, 11 states have adopted CLE credit for pro bono work rules; and locally in Utah, we allow inactive or out-of-state attorneys to provide pro-bono services under [Code of Judicial Administration 14-803](#). The concept of decreasing the access-to-justice gap through regulatory efforts is not wholly a new concept. Nevertheless, assessing the systemic impacts of these regulatory efforts is challenging.

Indeed, studying the apparent impact of New York’s pro-bono admission rule (or one of the 11 state’s CLE credit rules) is easy because it deals in an articulable metric – *pro bono hours provided*. Contrasting the work that’s being done in the Innovation Office, our focus and likewise our data, largely deals with consumer services and risk of harm. We do know for example, that the Sandbox entities have served individuals in 26 of Utah’s 29 counties, 17 of which are categorized as legal deserts for the lack of available legal services. But we do not have the baseline data to claim that these individuals would not have had access to legal services but for the Innovation Office; this claim would be objectively premature. We are, however, seeing signs that the effort is working. Timpanogos Legal Center has created nonlawyer domestic violence legal advocates that are providing legal advice and assisting with protective orders. Holy Cross Ministries is a community-based organization that through their operations in the Sandbox, is offering medical debt legal help provided by nonlawyers.



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The access to justice gap is not caused by a single issue, but by multiple issues that compound into the larger systemic problem. It follows then that more than one type of solution is needed. In our ongoing preliminary analysis of whether our innovation model is decreasing the access to justice gap, we look comparatively to the following known remedies of the issue:

Lower cost

Higher value

Trusted providers or referrers

Timely identification of legal problems

Easier identification of appropriate legal providers

Broad public awareness of alternatives

Easier access to services

Timely identification of legal problems and easier identification of appropriate legal providers are difficult remedies to achieve. Technology and social media platforms can be leveraged to increase public awareness of alternatives to traditional providers. Additionally, consumers often look to traditionally trusted community leaders or non-legal professionals when they face an issue that is either known or unknown to them as a legal issue. With adequate training, traditional community leaders and non-legal professionals can likely assist with both legal problem identification and/or providing legal referrals. Examples of community leaders include healthcare providers, social service providers, librarians, or clergy. Examples of non-legal professionals could include financial service providers, such as consumer banks, real estate brokers, and tax advisors.

Examples of Sandbox entities focusing in part on timely identification include Rocket Lawyer, Holy Cross Ministries, Sudbury Consulting, 1Law, Mountain West Legal Protective, Xira Connect, Off the Record, LawPal, and Timpanogos Legal Center. While each of these entities could impact consumer access through increased identification and leveraging nonlegal entry points, they are still very early in the development process.



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Case Study: Holy Cross Ministries

Holy Cross Ministries is a nonprofit, ecumenical community organization that is offering medical debt legal help provided by nonlawyers.

As an organization embedded in the community and connected with a trusted religious institution, its providers should be able to assist people in identifying their legal rights as related to medical debt and assist in getting to resolution, perhaps before the issue erupts into court.

Case Study: Off the Record

Off the Record is a legal technology marketplace that connects consumers dealing with traffic issues (tickets, etc.) to lawyers.

The company's technological and marketing power is leveraged to increase a consumers' ability to find and engage with a lawyer to address this discrete legal issue for a flat fee.

Easier access to legal services can be accomplished in several ways. Better online services are one possibility but require larger and a more sophisticated investment in software. Another strategy is to utilize non-legal providers already embedded in communities by training them to provide legal services.

Sandbox entities working toward easier access include LawPal, AAA Fair Credit, Holy Cross Ministries, LawGeex, Law on Call, Nuttal Brown, Sudbury Consulting, and Timpanogos Legal Center.



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Case Study: Timpanogos Legal Center

Timpanogos Legal Center is authorized to have nonlawyer domestic violence advocates offer legal advice and assistance to survivors of domestic violence or abuse seeking protective orders or stalking injunctions through their Certified Advocate Partners program.

These advocates are already connected to and embedded within the relevant communities, thereby reducing the barriers to getting help.

Case Study: Sudbury Consulting

Noella Sudbury's B Corporation is developing a software-based solution, with nonlawyer advising as needed, to help people identify eligibility for expungement and initiate the process to expunge a criminal record.

Using software enables this assistance to reach more people across Utah and offer services that are more accessible in terms of cost. Sudbury estimates that the cost of her model's services will be around \$500 compared with hourly rates charged by traditional lawyers.

Lower cost through higher productivity. Non-lawyer ownership/management can lead to incremental improvements in productivity by enabling more investment in technology or by lowering the average costs of acquiring a new client. The latter is a significant cost for most law practices, so anything that improves client acquisition has the potential to lower costs. Following this logic, we expect to see modest and incremental improvements in cost and connection to legal services for consumers from Sandbox entities with alternative business structures.



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The use of technology to obtain economies of scale also has an impact on productivity. At scale, breaking down legal processes into smaller and simpler steps with matching services offered at a fixed cost could have a significant favorable impact on both service cost and value. We may be starting to see examples of entities increasing productivity in the Sandbox through leveraging both technology and nonlawyers to perform less complex legal tasks, while reserving complex legal tasks for licensed attorneys.

Examples of Sandbox entities targeting increased productivity include Rocket Lawyer, Estate Guru, Trajector Legal, Pearson Butler, Law on Call, Hello Divorce, LawGeex, Utah Legal Advocates, GovAssist Legal, and Sudbury Consulting.

Case Study: Law on Call

Law on Call is a subsidiary of an established registered agent company and uses lawyers and nonlawyers to provide legal services to small businesses.

Because Law on Call can rely on the capital resources of its parent and leverage nonlawyers to perform basic legal practice activities, it is able to offer its services at a low monthly subscription fee and relatively low flat fees for more complex legal needs.

Case Study: Rocket Lawyer

Rocket Lawyers is a national legal technology company which serves millions of American consumers via its online legal document completion website. The company is privately held and funded through a range of investors, including private equity.

In the Sandbox, the company employs lawyers to directly assist its many consumers with discrete legal issues. Consumers have the ability to address many of their legal needs via the



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sophisticated software platform and elect to get legal advice or more complex assistance when they want from a Rocket Lawyer lawyer.

The Sandbox has not yet seen the types of participants who might have the largest impact on the access gap. These are entities that provide a wide range of sophisticated legal services online that are easily discovered and successfully used by the consumer as needed. Large investments are needed to create such software services and ensure that they operate correctly and that they can be discovered by enough consumers to recoup the initial investment and achieve lower costs through scale economies. No services of this type have yet been created using the Sandbox, but potential incubators are being designed to support such future development.

Most of the initial Sandbox entities are generally traditional law firms making small and incremental innovations. It is promising that even these small innovation models seem to be making a noticeable impact. Given sufficient time to mature, the potential of the Sandbox to close the access gap is promising.

(See Appendix at 2 for graphics relating to the increase in services provided, areas of services provided, and the geographic distribution of services.)

Next Steps & Funding

The Utah Supreme Court extended the original order creating the Innovation Office from two years to seven years after acknowledging that attracting more substantial investment and interest from firms and companies requires a larger timeframe. It is certainly true that the original messaging surrounding the Innovation Office referenced this two-year timeframe.

Consistent however with our original discussions, the Innovation Office has used close to no Utah State Court funding in the first two years of operations. The Innovation Office received \$515,000 in grant funding from the State Justice Institute and Hewlett Foundation, which as planned, provided operational funding for the original two-year window.



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We acknowledge that the Judicial Council was told that the Innovation Office would never request Utah State Court funding. But this was based upon the assumption that we would operate the Office and Sandbox as a two-year pilot project. As we approach the end of that initial two-year period, two things have changed. First, we realized that a two-year runway was too short to entice entities to make serious investment into projects that could have a larger impact on access to justice. For example, investment in software and applications need a longer runway. Because of this, the Supreme Court extended the Innovation Office and Sandbox for an additional five years. Second, the Innovation Office has identified service providers who are serving Utahns without increasing the risk of harm. The Office wants to recommend that these service providers be permitted to exit the sandbox. This will require an ongoing structure to collect license fees from these providers, maintain a system to receive and investigate consumer complaints, and to provide on-going regulatory oversight. This will require additional investment. The Innovation Office will continue to explore grant funding, but will likely need a more permanent home and stable funding source. The Utah Supreme Court is considering what that should be. In this vein, we have approached the Utah State Bar about potentially housing the Innovation Office within the Bar. The Bar Commission currently has a taskforce studying the feasibility and costs of this option. The Supreme Court also intends to continue these discussions with the Judicial Council to solicit its input on the appropriate structure and funding.

But as we work through these issues, the Innovation Office will need gap funding to make the transition from a start-up to potentially an institutional Office. As indicated above, we have concurrently submitted a funding request to the Judicial Council's Budget and Fiscal Management Committee. This request will include using \$324,500 in previously approved ARPA funding, and \$200,000 in one-time carryforward funding. These figures will fund the Innovation Office for the entirety of FY2023. We will use this funding as we explore a more permanent funding structure.

We are also seeking approval from the Council's Budget and Fiscal Management Committee to submit a new grant proposal to the Stand Together Foundation. The Foundation has expressed interest in the Innovation Office, and we have submitted a letter of intent. Our proposal for the grant will go before BFMC at its June meeting.



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Our hope is that through small proactive amendments to legal regulation we will encourage entities to experiment in areas with known access to justice impacts. This means making legal services *easier to access* by embedding limited legal advocates in communities, *lowering costs* by allowing nonlawyers to own portions of law firms, and *increasing productivity and reducing costs* by relaxing restrictions on technology. Hopefully these small proactive measures can be another instrument in reducing the distance between unmet legal needs and available legal services.

Appendix 1.



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SANDBOX PARTICIPANT APPLICATION

The Sandbox is for innovative services models that cannot otherwise be offered under the present Rules of Professional Conduct or are considered the unauthorized practice of law. There are a few qualifications to this mandate:

1. The Sandbox is for all business and service models falling under Utah Rule of Professional Conduct 5.4 and Utah Supreme Court Standing Order No. 15. **PLEASE NOTE: As of December 10, 2020, the Court has halted consideration of "bare referral fee arrangements" within the Sandbox. "Bare referral fee arrangements" are defined as "those in which payment is made by the lawyer to the nonlawyer solely to compensate the nonlawyer for referring a potential client to the lawyer; there is no other business relationship between the lawyer and nonlawyer." Proposals other than bare referral fee arrangements will continue to be considered for authorization in the Sandbox.
2. Suspended or disbarred lawyers are barred from holding an ownership interest of greater than 10% in any Sandbox entity.
3. The Sandbox is not meant to be a mechanism by which out-of-state lawyers can practice in Utah without otherwise completing the requirements imposed by the Utah State Bar.
4. The Sandbox does not and cannot impact requirements imposed by other applicable Utah or federal laws, the laws or requirements imposed by other jurisdictions, or the requirements imposed by other regulatory bodies. Authorization to practice law in Utah through the Sandbox does not release any entity or individual therein from conforming to all other applicable laws and regulations.
5. As made clear in Rule 5.4 and Standing Order No. 15, lawyers working with or in entities participating in the Sandbox are required to maintain their duties under the Rules of Professional Conduct.

Your application will be made publicly available. You will have the opportunity to make a claim of business confidentiality for specific information that would qualify for protection under GRAMA Section 63G-2-305. Making false or materially misleading statements in this application is a basis for loss of authorization to practice within the Sandbox. Other criminal and civil sanctions may also apply.

Should your answers to any of the application questions change, you are responsible for updating the information with the Innovation Office. Failure to promptly update information will be considered relevant to your regulatory status.

If you have any questions, please contact the Innovation Office at sandbox@utcourts.gov.

1. PROPOSED SERVICES

1.1. Describe your proposed legal services offering in detail.

Please include (i) who provides the legal services, (ii) how consumers will access/receive these services, and (iii) what your service will do for your customers.

1.2. Describe the entity business model you want authorized in the Sandbox, including the management structure which will oversee direct legal service providers.

1.3. Why is your proposal eligible to enter the Sandbox?

Identify the specific model, service or product innovations that are not permitted under the traditional rules governing the practice of law.

1.4. Describe your target consumer(s).

For example: single parents making <\$50,000 in a custody dispute, first generation college students in a landlord-tenant dispute; renters 40+ years planning for retirement; college educated entrepreneurs seeking legal advice in starting a business.

1.5. Which service models are you seeking to use? Select all that apply.

- ☐ Lawyers employed or managed by a nonlawyer
 - ☐ Less than 50% nonlawyer ownership
 - ☐ More than 50% nonlawyer ownership
 - ☐ Lawyers sharing fees with non lawyers
 - ☐ Nonlawyer provider¹ with lawyer involvement²
 - ☐ Nonlawyer provider without lawyer involvement³
 - ☐ Software provider with lawyer involvement
 - ☐ Software provider without lawyer involvement
 - ☐ Other:
-

1.6. Which legal service categories are you seeking to offer?

- | | | |
|---|---|--|
| <input type="checkbox"/> Accident/Injury | <input type="checkbox"/> Education | <input type="checkbox"/> Housing - Rental |
| <input type="checkbox"/> Adult Care | <input type="checkbox"/> Employment | <input type="checkbox"/> Marriage and Family |
| <input type="checkbox"/> Business | <input type="checkbox"/> End of Life Planning | <input type="checkbox"/> Military |
| <input type="checkbox"/> Criminal ⁴ - Expungement ONLY | <input type="checkbox"/> Financial Issues | <input type="checkbox"/> Native American + Tribal Issues |
| <input type="checkbox"/> Discrimination | <input type="checkbox"/> Immigration | <input type="checkbox"/> Public Benefits |
| <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Healthcare | <input type="checkbox"/> Real Estate |
| | | <input type="checkbox"/> Traffic - civil actions / citations |

¹ Provider means legal practitioner: a provider who or which is practicing law, including offering legal advice.

² Involvement denotes a range of activities, including guidance on initial development of forms, scripts, processes, software. It could mean a lawyer does sample reviews of product/service performance. It could mean a lawyer is available to advise the nonlawyer provider as needed - including via red flag trap doors in software.

³ -"Without lawyer involvement" means either (1) a Utah-licensed lawyer provides guidance and oversight at the front end of the development of the service model only but has no ongoing oversight, or (2) no Utah-licensed lawyer is involved in the development or provision of legal service at all.

⁴ **Please note** At this time nontraditional service providers (nonlawyers or software providers) will only be authorized to provide expungement-related services. Lawyer employees can provide general criminal legal services.

2. RISK ASSESSMENT

The Innovation Office must assess whether new legal service models cause consumers to get inappropriate or otherwise flawed legal results, fail to exercise legal rights through ignorance or bad advice, or purchase an unnecessary or inappropriate legal service.

- 2.1. Fully and candidly discuss the risks your customers might face if they use your proposed model, including each of the risks described above.**

2.2. Describe the specific ways you will identify, track, and mitigate the risks to consumers in your proposed model.

These efforts could include quality control measures, training, provider testing.

2.3. Please describe your consumer complaint process.

3. BENEFITS TO UTAH CONSUMERS

The Innovation Office is assessing potential benefits of proposed offerings to the Utah legal market.

- 3.1. Describe how your model will provide higher quality, more cost effective, and more accessible legal services for your target consumers.**

3.2. Does your proposal comply with applicable Utah legal requirements?

For example: staffed by UT licensed attorneys, built to complete state legal forms.

3.3. Identify which of your service models are ready to immediately implement.

The Office of Innovation is only authorized to consider proposals which are ready to begin offering legal services not currently authorized in Utah at the time of authorization.

4. CONFIRMATION OF ELIGIBILITY

- 4.1. List all persons and entities who wholly or partially direct the management or policies of your proposed entity and/or the direct provision of legal services to consumers, whether through ownership of securities, by contract, or otherwise (“controlling persons”).**
- 4.2. List all persons and entities who will wholly or partially (greater than 10%) finance the business of your proposed entity (“financing persons”).**
- 4.3. Please note that no financing person may be a disbarred or suspended lawyer. List all controlling persons who are disbarred or suspended lawyers.**
- 4.4. List all controlling persons or financing persons of your proposed entity who have a felony criminal history.**

- 4.5. List all persons who will be in a managerial role over the direct provision of legal services to consumers who are disbarred lawyers.**
- 4.6. List all persons who will be in a managerial role over the direct provision of legal services to consumers who have a felony criminal history.**
- 4.7. Please select the most accurate description: My proposed entity has a material corporate relationship and/or business partnership with:**
- ☐ A disbarred or suspended lawyer
 - ☐ An individual with a felony criminal history
 - ☐ Neither a disbarred / suspended lawyer nor an individual with a felony criminal history
- 4.8. Disclose any history of state or federal criminal (misdemeanor or felony) conviction, state or federal consent decree, or state or federal enforcement action resulting in sanctions (disgorgement, civil penalties, and/or injunction) for the entity and, if applicable, its parent and other affiliated companies.**

- 4.9. Disclose whether the entity, parent, and other affiliated companies are, to their knowledge, currently subject to a state or federal criminal investigation or state or federal enforcement action.**

I confirm that no financing persons listed in this application are disbarred or suspended lawyers.

Signature: _____

Printed Name: _____

Title: _____ Date: _____

SELLING OF CONSUMER DATA DISCLOSURE

Please indicate whether your business model includes the sharing or selling of consumer data in any form to third parties.

- ☐ Yes
☐ No

PUBLIC APPLICATION

Your application will be made publicly available. You will have the opportunity to make a claim of business confidentiality for specific information that would qualify for protection under GRAMA Section 63G-2-305. Making false or materially misleading statements in this application is a basis for loss of authorization to practice within the Sandbox. Other criminal and civil sanctions may also apply.

- ☐ I understand.

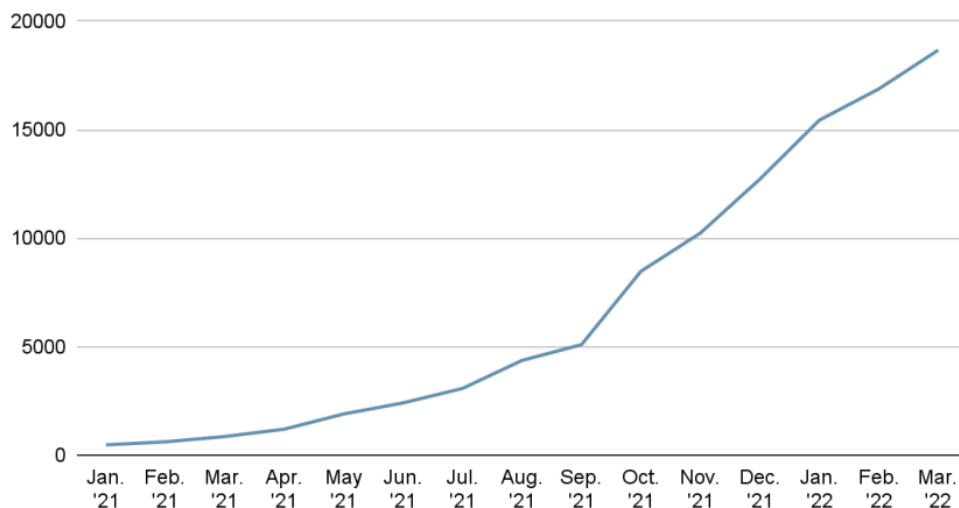
Signature: _____

Printed Name: _____

Title: _____ Date: _____

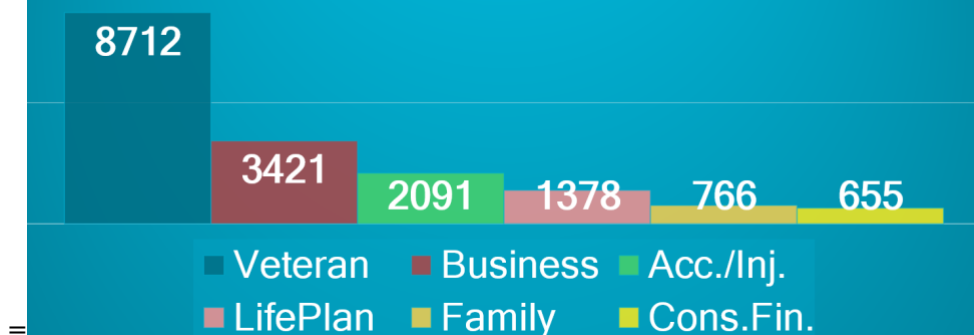
Appendix 2.

Cumulative Legal Services by Month

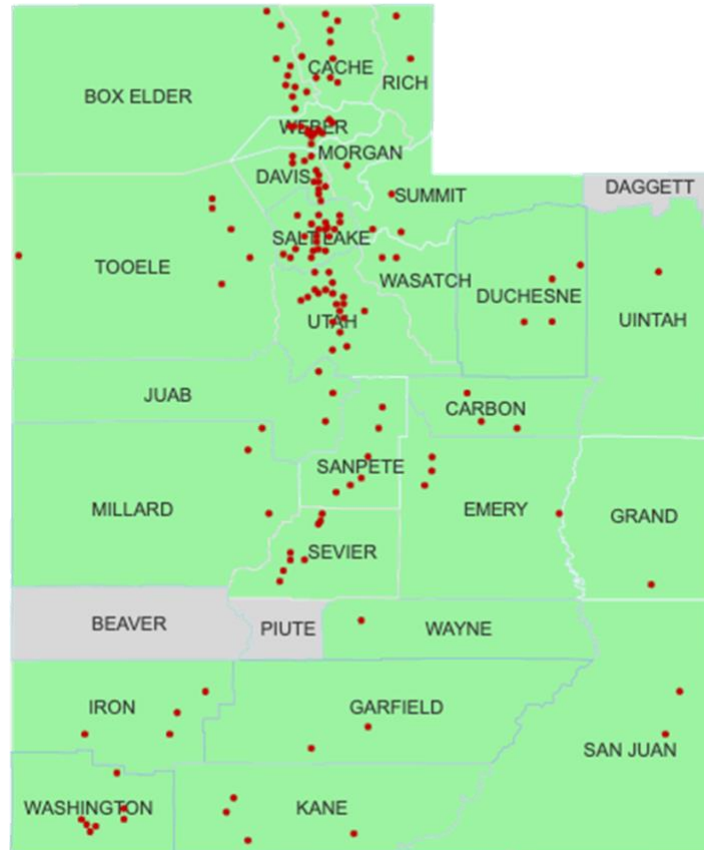


6 categories account for 91% of services

Top Legal Categories



Utah County Map - Coverage by Sandbox Services



Tab 8

Agenda

**Budget and Grants Agenda
for the June 27, 2022 Judicial Council Meeting**

1. Ongoing and Carryforward Spending Requests Judge Kara Pettit
(Tab 1 - Action) Karl Sweeney

Ongoing Spend Requests Presented for Approval by Judicial Council

Note: Requests 1-5 have already been presented and approved by the Judicial Council

6. Partial Restoration of FY 2021 Budget Cuts Karl Sweeney
7. New District Court Law Clerk Attorney Shane Bahr
8. New Associate General Counsel – Legal Department Keisa Williams
9. HB 143 DUIs – New Judicial Assistants Shane Bahr
10. New HR Compensation & Classification Manager Bart Olsen
11. Pre-fund Portion of Annual Performance Raises Bart Olsen and Karl Sweeney
12. Pre-fund Portion of Hot Spot Raises Bart Olsen and Karl Sweeney

Carryforward Spend Requests Presented for Approval by Judicial Council

1. AALL Conference Attendance Nathanael Player
 2. ODR Funding Nathanael Player
 3. Bountiful District Courtroom 2 Audio Upgrade..... Glen Proctor
 4. Law Clerk Commitment Fulfillment Nick Stiles
 5. Delayed Delivery of Statewide Routers / WAN Todd Eaton
 6. TSOB Probation Office – Phase II Chris Talbot
 7. Onboarding and Recruitment Software Bart Olsen
 8. Education – In Person Conferences & Education Team Training Lauren Anderson
 9. Employee Incentive Awards Bart Olsen
 10. ICJ Operations Funding Neira Siaperas
 11. Education Assistance Program Funding Karl Sweeney
 12. Secondary Language Stipend Jonathan Puente
 13. Public Transportation Reimbursement Program Karl Sweeney
 14. Cisco Portal Upgrade - IT Brody Arishita
 15. Retain Contract Developers - IT Brody Arishita
 16. Computer / Printer Replacement Inventory - IT..... Brody Arishita
 17. Seventh District Courthouse Improvements Travis Erickson
 18. Partial Restoration of FY 2021 Budget Cuts Karl Sweeney
 19. Bandwidth & WebEx Renewal - IT Brody Arishita
 20. Time Limited Law Clerks Shane Bahr
 21. IT Staff Augmentation..... Brody Arishita
 22. Pilot Program for Crisis Services – Court Employees & Jurors Ron Gordon
 23. Justice Court Reform Analysis Partner Ron Gordon and James Peters
2. Innovation Office Update Nick Stiles
(Tab 2 - Action)
1. ARPA Funding Redistribution Karl Sweeney
 2. Stand Together – Grant Application Proposal..... Jordan Murray

Tab 1



FY 2022 Year End Forecasted Available One-time Funds

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Current Requests	Judicial Council Prev.
Description	Funding Type	Amount			Amount	Amount
Sources of YE 2022 Funds						
* Turnover Savings as of pay period ending 05/13/22 (including anticipated ARPA reimbursement)	Turnover Savings	3,777,840	1	Judicial Council Room Upgrades		39,481
** Turnover savings Estimate for the rest of the year (\$1,750 x 272 pay hours)	Turnover Savings	476,000	2	Statewide Router Upgrades		160,000
(a) Total Potential One Time Turnover Savings		4,253,840	3	WiFi Access Points Upgrades		120,000
			4	FY 2022 Career Ladder Payments		243,000
(b) Operational Savings From TCE / AOC Budgets	Internal Operating Savings	925,492	5	FY 2022 Performance Bonus Payments Q1/Q2		365,000
(c) 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
			7	My Case Account Creation Enhancements		130,000
Uses of YE 2022 Funds			8	For The Record Upgrade		187,000
Carryforward into FY 2023 (Maximum is \$3,200,000)	Desired Carryforward	(3,200,000)	9	Supplemental Secondary Language Stipend		5,200
			10	Taylorsville State Office Building AV Build-out Part 1		47,806
			11	Utah Criminal Justice Center Funding		5,000
			12	Performance Bonus Payments Q3/Q4		365,000
Total Potential One Time Savings = (a) + (b) + (c) less Carryforward		\$ 2,394,161	13	Law Library - Delayed Subscription Payments		39,150
			14	Jury Assembly Room - Ogden		25,300
			15	SJI Grant Match for NCSC Concept Paper on Rule 26		23,050
			16	Matheson Carpeting Project		200,000
			17	Edge Firewalls w/ increased bandwidth		415,000
			18	Google Enterprise Plus Renewal		148,000
Less: Judicial Council Requests Previously Approved		\$ (2,377,654)	Current Month One-time Spending Requests			
Less: Judicial Council Current Month Spending Requests		\$ -	Previously Approved 1x FY 2022 YE Spending Request (net of cxi'd requests)			
Remaining Forecasted Funds Available for FY 2022 YE Spending Requests		\$ 16,507	2,377,654			

Updated 05/26/2022

* Actual turnover savings as calculated on a pay period basis through 05/13/2022. 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 \$1,969.52, \$17,62.65, \$1,322.47, and \$1,689.29. The average per hour turnover savings YTD is \$2,080.31. We are estimating an amount of \$1,750 per hour. As we get additional data, we will refine our estimates. These numbers do include expected ARPA reimbursements.

Many 1x hot spot bonuses were paid in the 3/18 pay period which brought its savings per hour down.

(b) This amount has been updated based on forecasts from budget managers (TCEs, AOC Directors, etc) which were received in January/February, 2022.



FY 2022 Ongoing Turnover Savings as of 5/26/2022

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2021, includes unallocated ongoing appropriation)	Internal Savings	244,454	244,454
2	Ongoing Turnover Savings FY 2022 (forecast includes \$50k x 1 remaining months)	Internal Savings	930,986	980,986
3	TOTAL SAVINGS		1,175,440	1,225,440
	2021 Hot Spot used (balance available at beginning of FY was \$99,950)		(99,950)	(99,950)
	2022 Hot Spot used (\$110k initially available raised to \$200k in October Judicial Council)		(200,000)	(200,000)
	2022 Additional Targeted (\$100k allocated by Judicial Council in March)		(100,000)	(100,000)
	2022 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	TOTAL USES		(399,950)	(849,950)
5	Actual Turnover Savings for FY 2022 as of 05/26/2022 and Forecast at YE 6/30/2022		\$ 775,490	\$ 375,490

Prior Report Totals \$ 690,353 \$ 331,895

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 23 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- * Currently, 56.5 FTE are vacant with 13.5 in process of being filled. If those fill, with no other changes, that would leave 43 FTE vacant.
- 1 Line 1 had been reduced by \$44,300 from \$244,454 to \$200,154 due to legislative action regarding the follow up of spending for HB 196 - Domestic Relations Debt. That amount has been added back in as it will be allocated along with the other fiscal note funding in May/June.
- 2 We expect the YTD OTS to increase by approx. \$50K per month for the remaining 1 periods of FY 2022 = \$50k. When added to \$931k in YTD savings (line 2), this will put the Courts at ~ \$981k 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 ~ \$1.225 million.
- 4 If all hot spot and performance raises money is expended (a total of \$849,950), the YE forecast of available ongoing OTS is reduced to ~ \$375.5k.
- 5 Actual increase of Forecasted YE Turnover Savings from last report (dated 05/02/2022) is \$43,595.75.



FY 2022 One Time Turnover Savings

Updated as of Pay Period Ending 05/13/2022 (1816 out of 2088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 05/13/2022)	Internal Savings	3,209,239.64
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 05/13/2022)	Reimbursements	568,599.88
3	Est. One Time Savings for 272 remaining pay hours (\$1,750 / pay hour)	Internal Savings (Est.)	476,000.00
Total Potential One Time Savings			\$ 4,253,839.52

Prior Report Totals \$ 4,238,246.20

- * Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,969.52, \$17,62.65, \$1,322.47, and \$1,689.29. The average per hour turnover savings YTD is \$2,080.31. We are estimating an amount of \$1,750 per hour. As we get additional data, we will refine our estimates. These numbers do include expected ARPA reimbursements.
- Many 1x hot spot bonuses were paid in the 3/18 pay period which brought its savings per hour down.

YTD ARPA Expenses as of 05/26/2022

	Funded by	GOPB	Budgeted	Actual	Balance	Activity	Description	
#	Legislature	Approved		Amount YTD	Available	Code		
1	IT Access to Justice - Response to COVID - Part I	May-21	Yes	11,000,000	1,138,019	9,861,981	ITCV	Projects will extend thru 12/31/24
2	Courts Case Backlog - Part I*	May-21	Yes	1,000,000	596,010	403,990	BKLG	See detail below.
	Subtotal			12,000,000	1,734,029	10,265,971		
	Requests to Legislature for FY 2023 - \$3,000,000 approved by the Legislature			Requested				
1	IT Access to Justice - Response to COVID - Part II	N/A	Submitted 10/21	1,373,400			ITC2	Projects will extend thru 12/31/24
2	Courts Case Backlog - Part II	N/A	Submitted 10/21	1,000,000			BKL2	Projects case backlog will take thru 6/30/2023
3	COVID-19 Supplies	N/A	Submitted 10/21	640,000	59,303		CV19	Updated as of 5/2/2022
4	Legal Sandbox Response to COVID	N/A	Submitted 10/21	649,000				
5	Self-Help Center	N/A	Submitted 10/21	64,000				
6	Interpreter Equipment	N/A	Submitted 10/21	97,000				
7	Eviction Court	N/A	Submitted 10/21	166,000				
8	Public Outreach & Engagement	N/A	Submitted 10/21	30,000				
9	IT Access to Justice - Response to COVID - Part III	N/A	Submitted 10/21	1,881,500				
	Subtotal			5,900,900	59,303			
				\$ 17,900,900	\$ 1,793,331	\$ 10,265,971		

ARPA spending cut off date is 12/31/2024 ; ARPA cut off date for lost revenue is 12/31/2023.

* Data pulled using list of employees provided by TCEs

YTD Expenses Include

Personnel Expenses (as of PPE 5/13/22):	\$	568,600
Mileage Expenses (as of PPE 5/13/22):	\$	2,124
Sr. Judge Travel Expenses (as of 5/26/2022):	\$	2,100
	\$	572,825
COVID Testing Kit purchase:	\$	23,185
	\$	596,010



FY 2023 GF Legislative Appropriations / Fiscal Notes

Appropriated (Main Line Item, General Fund Only)

Available Funding	Funding Type	Funds Go To	One Time	Ongoing
3.5% COLA, 2% targeted, Benefit increases (SB 8)	Appropriation	Various	\$ 485,400	\$ 6,043,500
<i>Judicial Assistant Recruit and Retain (SB 8)</i>	Appropriation	Various	\$ -	\$ 3,900,000
ISF adjustments (Risk, Fleet, DTS) (HB 8)	Appropriation	Various	\$ -	\$ 66,300
James B. Lee Community Legal Center (HB 2)	Appropriation	AOC	\$ 250,000	\$ -
Fleet Vehicle Audit- Vehicle Efficiencies (HB 2)	Appropriation	Various	\$ (21,000)	\$ -
Indigency Default Relief Program (HB 2)	Appropriation	?	\$ 250,000	\$ -
<i>IT Infrastructure and Development (HB 2)</i>	Appropriation	IT	\$ -	\$ 750,000
<i>New Juvenile Court Judge - 6th District (HB 3)</i>	Appropriation	6th Juvenile	\$ 25,000	\$ 449,100
<i>Court Visitor Program Coordinator (HB 2)</i>	Appropriation	District Admin	\$ -	\$ 92,100
<i>Statewide Treatment Court Coordinator (HB 2)</i>	Appropriation	District Admin	\$ -	\$ 97,700
<i>Public Outreach Coordinator</i>	NOT FUNDED	N/A	\$ -	\$ -
			One Time	Ongoing
Domestic Relations Debt Savings - 2020GS H.B. 196 (HB 2)	Fiscal Note		\$ -	\$ (44,300)
DUI Penalty Amendments - HB 143 (HB 3)	Fiscal Note		\$ -	\$ 629,000
Victim Address Confidentiality Program - HB 117 (HB 3)	Fiscal Note		\$ (8,900)	\$ 14,200
Eviction Records Amendments - HB 359 (HB 3)	Fiscal Note		\$ (31,600)	\$ 35,100
Property Theft Amendments - HB 38 (HB 3)	Fiscal Note		\$ -	\$ 5,400
Health Care Worker Protection Amendments - HB 32 (HB 3)	Fiscal Note		\$ -	\$ 27,600
DUI Amendments - HB 137 (HB 3)	Fiscal Note		\$ -	\$ 6,400
Sexual Solicitation Amendments - HB 81 (HB 3)	Fiscal Note		\$ -	\$ (12,700)
Driver Speeding Amendments - SB 53 (HB 3)	Fiscal Note		\$ -	\$ 150,900
Trespass Penalty Amendments - SB 68 (HB 3)	Fiscal Note		\$ -	\$ 2,400
Protective Order and Stalking Injunction Expungement - SB 85 (HB 3)**	Fiscal Note		\$ 368,700	\$ 77,900
Judiciary Amendments - SB 98 (HB 3)	Fiscal Note		\$ -	\$ 4,200
Small Claims Amendments - HB 107 (HB 3)	Fiscal Note		\$ (16,300)	\$ (77,900)
Expungement Fee Amendments - HB 392 (HB 3)	Fiscal Note		\$ 6,000	\$ -
*Total Funding Provided			\$ 1,307,300	\$ 12,216,900

Requested	
One Time	Ongoing
N/A	N/A
\$ -	\$ 3,900,000
N/A	N/A
N/A	N/A
N/A	N/A
N/A	N/A
\$ -	\$ 1,122,000
\$ 25,000	\$ 449,100
\$ -	\$ 92,100
\$ -	\$ 97,700
\$ -	\$ 120,000

Case Processing*	
One Time	Ongoing
	\$ (44,300)
	\$ 629,000
\$ (8,900)	\$ 14,200
\$ (31,600)	\$ 35,100
\$ -	\$ 5,400
\$ -	\$ 27,600
\$ -	\$ 6,400
\$ -	\$ (12,700)
\$ -	\$ 150,900
\$ -	\$ 2,400
\$ 298,700	\$ 77,900
\$ -	\$ 4,200
\$ (16,300)	\$ (77,900)
\$ 6,000	\$ -
\$ 247,900	\$ 818,200

*Case Processing total amounts represents Funds available for discretionary purposes - Roll to Funds Available for Council Prioritization

** Protective Order and Stalking Injunction - \$70,000 of the 1x funding is specifically directed to IT for programming.

LEGEND

Items in red represent funding identified by the Legislature for a specific purpose

Items not in red represent items that can be re-directed to other purposes



FY 2023 Carryforward and Ongoing Requests - Period 11

Funding Sources

	One Time	Ongoing
Total Case Processing Amounts from 2022 General Session Fiscal Notes	\$ 247,900	\$ 818,200
Expected Carryforward Amount from Fiscal Year 2022 (as of 5/26/2022)	\$ 3,200,000	\$ -
Ongoing Turnover Savings (forecasted as of 5/26/2022 - funding for Hot Spot, Targeted, and Performance Raises already included)	\$ -	\$ 375,490
Total Available Funding	\$ 3,447,900	\$ 1,193,690

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
4 Clerk of Court Supplemental to JA Increase	N/A	\$ 59,000	N/A	\$ 59,000
5 Public Outreach Coordinator	N/A	\$ 120,000	N/A	\$ 120,000
6 Partial Restoration of FY 2021 Budget Cuts	N/A	\$ 112,500	N/A	
7 New District Court Law Clerk Attorney	N/A	\$ 95,850	N/A	
8 New Associate General Counsel - Legal Department	N/A	\$ 150,000	N/A	
9 HB 143 DUIs - New Judicial Assistants	N/A	\$ 320,000	N/A	
10 New HR Compensation & Classification Manager	N/A	\$ 120,000	N/A	
11 Pre-fund Portion of Annual Performance Raises	N/A	\$ 150,000	N/A	
12 Pre-fund Portion of Hot Spot Raises	N/A	\$ 82,000	N/A	
Subtotal	\$ -	\$ 1,209,350	\$ -	\$ 179,000

One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 AALL Conference Attendance Funds - Law Library	\$ 845	N/A		
2* ODR Program Development	\$ 46,200	N/A		
3 Bountiful District Courtroom #2 Audio Upgrade	\$ 40,000	N/A		
4 Law Clerk Commitment Fulfillment	\$ 11,000	N/A		
5 IT - Delayed Delivery of Statewide Routers and WiFi Access Points	\$ 160,000	N/A		
6 TSOB Probation Office A/V System - Phase 2	\$ 61,509	N/A		
7* HR - Onboarding and Recruitment Software	\$ 19,030	N/A		
8* Education - In Person Conferences and Education Team Training	\$ 168,500	N/A		
9* Employee Incentive Awards	\$ 280,000	N/A		
10* ICL Operations Funding	\$ 21,000	N/A		
11* Education Assistance Program Funding	\$ 85,000	N/A		
12* Secondary Language Stipend	\$ 83,200	N/A		
13* Public Transportation Reimbursement Program	\$ 50,000	N/A		
14 Cisco Portal Upgrade - IT	\$ 150,000	N/A		
15* Retain Contract Developers - IT	\$ 682,000	N/A		
16* IT Replacement Inventory	\$ 250,000	N/A		
17 Seventh District Courthouse Improvements	\$ 8,840	N/A		
18 Partial Restoration of FY 2021 Budget Cuts	\$ 112,500	N/A		
19 IT Bandwidth and Webex Renewal	\$ 120,000	N/A		
20* Time-limited Law Clerks	\$ 191,200	N/A		
21 IT Staff Augmentation	\$ 270,000	N/A		
22 Pilot Program - Counseling for Court Employees and Jurors	\$ 35,000	N/A		
23 Justice Court Reform Analysis Partner	\$ 50,000	N/A		
24 Innovation Office ¹ (not in subtotal)	\$ 200,000	N/A		
Subtotal	\$ 2,895,824	\$ -	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 3,447,900	\$ 1,014,690
+ Balance Remaining Inclusive of "Presented"	\$ 552,076	\$ (15,660)		

LEGEND

¹ The BFMC approved the reallocation of \$324,500 of ARPA funds to the Innovation Office but voted to delay any funding of carryforward until determination of whether any funds from the Stand Together grant are received and can be utilized for FY 2023.

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

* - items have been presented and approved in prior years.

+ - One-time balance remaining will go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

BFMC approval to submit request to Judicial Council does not imply Judicial Council must approve the recommendation.
If more funds are available than the total of requests received, prioritization is optional.

6. FY 2023 Ongoing Turnover Savings Request – Partial Restoration of FY21 Budget Cuts (Pt I)

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings that will be utilized in FY 2023.

Date: 5/27/2022

Department or District: AOC - Finance

Requested by: Karl Sweeney and Melissa Taitano

Request title: Partial Restoration of FY 2021 Admin Budget Cuts (Part I)

Amount requested: Ongoing \$ 112,500

Purpose of funding request: In the FY2021 Legislature-required budget cuts, the Courts cut ongoing spending in all Admin areas by \$653,000. For FY 2023, we are seeking to restore \$225,000 of the cuts which the District TCEs and AOC department heads deemed as “essential” to their operating budget – 50% (\$112,500) through ongoing funds and 50% (\$112,500) through 1x carryforward funds. This request restores funds for those budget cuts that are essential to Court operations now that we are through the pandemic and are attempting to restart training, travel and other similar activities, so that there will be ongoing/1x budgets to do so. These funds will be distributed to the Districts and AOC departments that made the cuts in the first place.

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

As part of the budget cutting process for FY2021, the Courts took the approach of taking cuts by tiers – with those that involved Non-Personnel expenditure cuts being the first cuts made. These cuts were to “Administrative” areas which included all Districts and AOC departmental budgets and reduced non-personnel budgets for accounts like travel, postage, meals, office supplies, training, equipment, subscriptions, motor pool, membership dues, etc. (see Exhibit A for detail of cuts). The largest single cut was \$124,500 to eliminate ongoing funds for the UTA Eco-Pass subscription. The law library cut 100% of their training and travel budget – which resulted in a carryforward request this year for \$845 to attend a seminar (see FY 2023 carryforward request #1). Cuts this deep, if not restored, mean the BFMC will be involved in the minutiae of budget management rather than the high-level governance role intended. This request will fix this issue.

The Education department also cut \$24,000 of their budget in FY 2021 which also resulted in a separate carryforward request for FY 2023 (see carryforward request #8). This request will partially fix this issue.

AOC Finance sought input from each TCE and AOC Director who made budget cuts and asked them to determine the amount of budget cuts that were essential to be restored. Through process changes (e.g., more virtual meetings) and innovations in how work is accomplished, the amount requested to be restored was \$225,000 of the original \$653,000 that was cut. This leaves a balance of \$428,000 (66%) that has been permanently eliminated.

6. FY 2023 Ongoing Turnover Savings Request – Partial Restoration of FY21 Budget Cuts (Pt I)

Due to other competing ongoing budget needs, we were only able to submit an Ongoing Turnover Savings Request for \$112,500 of the \$225,000 requested by the TCEs and AOC Directors which is shown as “Part I” and is combined with “Part II” which is a request for 1x Carryforward Funds. Combined, the total is \$225,000 of either ongoing or 1x funds which is sufficient to supply funds for all “essential” needs.

We anticipate going back with a second request for ongoing funds in a coming year(s) to restore the remaining \$112,500 of ongoing funds needed.

Here is a recap of the restoration requests by district or AOC Department:

Units not seeking any restoration funds:

1st District/ 1st Juvenile
 2nd Juvenile
 3rd Juvenile
 Appellate
 AOC OFA
 AOC IS
 AOC Interpreter

The following Units are requesting partial/full restoration of their budget cuts:¹

	Amounts \$
2 nd District is requesting 100% restoration of their budget cut	18,800
3 rd District is requesting 59% restoration of their budget cut	17,600
4 th District is requesting 48% restoration of their budget cut	22,300
4 th Juvenile is requesting 24% restoration of their budget cut	3,220
5 th District/5 th Juvenile is requesting 53% restoration of their budget cut	19,000
7 th District/7 th Juvenile is requesting 22% restoration of their budget cut	3,000
8 th District/8 th Juvenile is requesting 3% restoration of their budget cut	1,000
Law Library is requesting 48% restoration of their budget cut	11,200
AOC District Court Admin is requesting 64% restoration of their budget cut	44,500
AOC Juvenile Court Admin is requesting 50% restoration of their budget cut	28,000
AOC Admin is requesting 100% restoration of their budget cut	40,950
AOC Audit is requesting 100% restoration of their budget cut	630
AOC Public Information is requesting 100% restoration of their budget cut	2,320
AOC Facilities is requesting 4% restoration of their budget cut	5,000
AOC Legal is requesting 100% restoration of their budget cut	5,000
AOC HR is requesting 100% restoration of their budget cut	2,500
Total	\$225,020

¹ Generally, the smaller units had small discretionary budgets (Ex. Internal Audit, HR, PIO) and so they are asking for 100% restoration but of very small amounts.

6. FY 2023 Ongoing Turnover Savings Request – Partial Restoration of FY21 Budget Cuts (Pt I)

See Exhibit A for detail of amounts requested for restoration.

See Exhibit B for the uses the Districts/Departments will make of the restored funds.

Alternative funding sources, if any:

We can request these funds through a Judicial Priority request.

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

BFMC and JC have numerous small requests that must be addressed through carryforward and YE requests.

6. FY 2023 Ongoing Turnover Savings Request – Partial Restoration of FY21 Budget Cuts (Pt I)

EXHIBIT A		= Eliminated		= requested to be restored			Line Description
Priority Order	District / Division	Original Amount Cut	Restoration Amount Requested by TCE/Director	50% Restoration Amount Limit	Restoration Amount As Spread by Budget Owner	Future Amount to be Restored	
	1st / 1st Juvenile	\$ 4,000					Turn in Work Crew van
	Sub Total	\$ 4,000	\$ -				
1	2nd District	\$ 4,000	\$ 4,000	\$ 2,000	\$ 2,400	\$ 1,600	Reduction in Postage Budget
2	2nd District	\$ 1,000	\$ 1,000	\$ 500	\$ 1,000	\$ -	Reduction in In State Travel
3	2nd District	\$ 3,700	\$ 3,700	\$ 1,850	\$ 500	\$ 3,200	Reduction in Rental / Repair of Motor Pool Vehicles
4	2nd District	\$ 4,600	\$ 4,600	\$ 2,300	\$ 2,500	\$ 2,100	Reduction in Telecommunication Charges
5	2nd District	\$ 3,500	\$ 3,500	\$ 1,750	\$ 2,000	\$ 1,500	Reduction in Professional and Technical Services
6	2nd District	\$ 1,000	\$ 1,000	\$ 500	\$ 500	\$ 500	Reduction in Books and Subscriptions
7	2nd District	\$ 1,000	\$ 1,000	\$ 500	\$ 500	\$ 500	Reduction in Visual Media & Associated Materials
	Sub Total	\$ 18,800	\$ 18,800	\$ 9,400	\$ 9,400	\$ 9,400	
	2nd Juvenile	\$ 10,000					Unit 1230 - Reduce travel, office supplies, other
	Sub Total	\$ 10,000	\$ -				
	3rd District	\$ 3,242					Reduction of fleet vehicles
1	3rd District	\$ 8,800	\$ 8,800	\$ 4,400	\$ 4,400	\$ 4,400	Reduction in Office Furnishings
	3rd District	\$ 8,800					Reductions in Receptions / Trainings
2	3rd District	\$ 8,800	\$ 8,800	\$ 4,400	\$ 4,400	\$ 4,400	Reduction in computer equipment
	Sub Total	\$ 29,642	\$ 17,600	\$ 8,800	\$ 8,800	\$ 8,800	
	3rd Juvenile	\$ 10,000					Reduction in Travel Costs
	3rd Juvenile	\$ 15,000					Reduction in Office Supplies
	3rd Juvenile	\$ 10,000					Reduction in Communication Services
	3rd Juvenile	\$ 5,000					Reduction in Other Equipment
	Sub Total	\$ 40,000	\$ -	\$ -	\$ -	\$ -	
1	4th District	\$ 12,400	\$ 9,000	\$ 4,500	\$ 4,500	\$ 4,500	Reduction in office supplies, water service, printing and binding
2	4th District	\$ 4,500	\$ 4,500	\$ 2,250	\$ 2,250	\$ 2,250	Reduction in Postage Budget
3	4th District	\$ 8,000	\$ 8,000	\$ 1,500	\$ 1,500	\$ 1,500	Reduction in Travel Costs
4	4th District	\$ 3,000	\$ 3,000	\$ 1,500	\$ 1,500	\$ 1,500	reduction in all other current expense
5	4th District	\$ 1,200	\$ 1,200	\$ 600	\$ 600	\$ 600	reduction in technology services
6	4th District	\$ 800	\$ 800	\$ 400	\$ 400	\$ 400	Reduction in Wireless Communication
7	4th District	\$ 800	\$ 800	\$ 400	\$ 400	\$ 400	reduction in training, conventions, seminars
	4th District	\$ 9,400					Reduction in Communication Services
	4th District	\$ 900					Reduction of rental equipment (except data processing and photocopy)
	4th District	\$ 100					Reduction in other equipment supplies and maintenance
	4th District	\$ 2,000					Reduction in motor pool vehicle
	4th District	\$ 900					reduction in photocopy expense
	4th District	\$ 2,200					reduction in membership dues
	Sub Total	\$ 46,200	\$ 22,300	\$ 11,150	\$ 11,150	\$ 11,150	
1	4th Juvenile	\$ 1,000	\$ 1,000	\$ 500	\$ 500	\$ 500	Reduction in Reception/Food
2	4th Juvenile	\$ 1,500	\$ 1,500	\$ 750	\$ 750	\$ 750	Reduction in Conferences
3	4th Juvenile	\$ 1,200	\$ 720	\$ 360	\$ 360	\$ 360	DTIS elimination of Delta internet and phone line
	4th Juvenile	\$ 2,500					Reduction in Wireless Communication
	4th Juvenile	\$ 3,000					Fleet Vehicle Eliminate 1 work crew van- turn back into fleet
	4th Juvenile	\$ 3,000					Fleet Vehicle Eliminate 2 cars- turn back into fleet
	4th Juvenile	\$ 1,000					Water coolers (4 @250.00 a year)
	Sub Total	\$ 13,200	\$ 3,220	\$ 1,610	\$ 1,610	\$ 1,610	
1	5th / 5th Juvenile	\$ 1,000	\$ 1,000	\$ 500	\$ 500	\$ 500	Travel (In-State)
2	5th / 5th Juvenile	\$ 1,000	\$ 1,000	\$ 500	\$ 500	\$ 500	Meals
3	5th / 5th Juvenile	\$ 2,000	\$ 2,000	\$ 1,000	\$ 1,000	\$ 1,000	Supplies
4	5th / 5th Juvenile	\$ 30,000	\$ 15,000	\$ 7,500	\$ 7,500	\$ 7,500	Reduction in Workshops and Conferences
	5th / 5th Juvenile	\$ 2,000					Reduction in Postage Budget
	Sub Total	\$ 36,000	\$ 19,000	\$ 9,500	\$ 9,500	\$ 9,500	
1	7th / 7th Juvenile	\$ 8,000	\$ 3,000	\$ 1,500	\$ 1,500	\$ 1,500	Reduce Furniture, Fixtures, Equipment Spend
	7th / 7th Juvenile	\$ 1,400					Stop drinking water service
	7th / 7th Juvenile	\$ 2,000					Reduce Food Purchases for Group Meetings
	7th / 7th Juvenile	\$ 2,000					Enhanced Austerity in Office Supply Purchases
	Sub Total	\$ 13,400	\$ 3,000	\$ 1,500	\$ 1,500	\$ 1,500	
	8th / 8th Juvenile	\$ 33,800					Closure of Roosevelt Court House
1	8th / 8th Juvenile	\$ 1,000	\$ 1,000	\$ 500	\$ 500	\$ 500	Reduction in 0813 6181 - office supplies
	Sub Total	\$ 34,800	\$ 1,000	\$ 500	\$ 500	\$ 500	
	Appellate	\$ 545					Cancel Newspaper
	Appellate	\$ 589					Stop Drinking Water Service
	Appellate	\$ 1,020					Stop Plant Service
	Sub Total	\$ 2,154	\$ -	\$ -	\$ -	\$ -	
1	Law Library	\$ 7,000	\$ 7,000	\$ 3,500	\$ 3,600	\$ 3,600	2260 - SHC travel
2	Law Library	\$ 2,000	\$ 2,000	\$ 1,000	\$ 1,000	\$ 1,000	2210 - Law Library travel
3	Law Library	\$ 2,000	\$ 2,000	\$ 1,000	\$ 1,000	\$ 1,000	2210 - Law Library conference attendance
4	Law Library	\$ 200	\$ 200	\$ 100	\$ -	\$ -	2210 - office supplies
	Law Library	\$ 12,068					2210 - books
	Sub Total	\$ 23,268	\$ 11,200	\$ 5,600	\$ 5,600	\$ 5,600	

6. FY 2023 Ongoing Turnover Savings Request – Partial Restoration of FY21 Budget Cuts (Pt I)

EXHIBIT A		= Eliminated		= requested to be restored			
Priority Order	District / Division	Original Amount Cut	Restoration Amount Requested by TCE/Director	50% Restoration Amount Limit	Restoration Amount As Spread by Budget Owner	Future Amount to be Restored	Line Description
1	AOC District Admin	\$ 4,500	\$ 4,500	\$ 2,250	\$ 2,250	\$ 2,250	Out of State Travel reduction (4110)
2	AOC District Admin	16250	\$ 10,000	\$ 5,000	\$ 2,500	\$ 7,500	Small Office Equipment (6187)
3	AOC District Admin	16250	\$ 10,000	\$ 5,000	\$ 5,000	\$ 5,000	Conventions, Seminars, Workshops & Committees (6276)
4	AOC District Admin	16250	\$ 10,000	\$ 5,000	\$ 10,000	\$ -	Membership Dues (6274)
5	AOC District Admin	16250	\$ 10,000	\$ 5,000	\$ 2,500	\$ 7,500	Data Processing Hardware (6467)
2	Sub Total	\$ 69,500	\$ 44,500	\$ 22,250	\$ 22,250	\$ 22,250	
1	AOC Juvenile Admin	\$ 20,000	\$ 20,000	\$ 10,000	\$ 10,000	\$ 10,000	Reduction in training and travel
2	AOC Juvenile Admin	\$ 20,000	\$ 8,000	\$ 4,000	\$ 4,000	\$ 4,000	Reduction in current expenses
2	AOC Juvenile Admin	\$ 16,000					Eliminate courts portion of DHS Education specialist
2	Sub Total	\$ 56,000	\$ 28,000	\$ 14,000	\$ 14,000	\$ 14,000	
1	AOC - admin	\$ 6,950	\$ 6,950	\$ 3,475	\$ 3,475	\$ 3,475	Half non-motor pool travel budget
2	AOC - admin	\$ 10,000	\$ 10,000	\$ 5,000	\$ 5,000	\$ 5,000	Reduce Postage / Mailing budget (\$18,000 to \$8,000)
3	AOC - admin	\$ 14,000	\$ 14,000	\$ 7,000	\$ 7,000	\$ 7,000	Reduce Office Supplies budget (\$44,000 to \$30,000)
4	AOC - admin	\$ 10,000	\$ 10,000	\$ 5,000	\$ 5,000	\$ 5,000	Reduce Photocopy expense budget (\$21,700 to \$11,700)
2	Sub Total	\$ 40,950	\$ 40,950	\$ 20,475	\$ 20,475	\$ 20,475	
1	AOC - Audit	\$ 100	\$ 100	\$ 50	\$ -		Reduce Supplies (6181)
2	AOC - Audit	\$ 300	\$ 300	\$ 150	\$ -		Reduce Books and Subscriptions (6185)
3	AOC - Audit	\$ 230	\$ 230	\$ 115	\$ -		Reduce Unclassified Other (6287)
2	AOC - Audit	\$ -	\$ -	\$ -	\$ 315	\$ 315	Conventions, Seminars, Workshops, Comm. (6276)
2	Sub Total	\$ 630	\$ 630	\$ 315	\$ 315	\$ 315	
1	AOC - Public Info	\$ 1,820	\$ 1,820	\$ 910	\$ 910	\$ 910	Reduction in Lunches for Meetings (13 meetings @ \$140)
2	AOC - Public Info	\$ 500	\$ 500	\$ 250	\$ 250	\$ 250	Eliminate Photography for Annual Judicial Awards
2	Sub Total	\$ 2,320	\$ 2,320	\$ 1,160	\$ 1,160	\$ 1,160	
2	AOC - Education	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ -	Per discussion with Kim Free the morning of 5/8/2020
2	Sub Total	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	\$ -	
2	AOC - Access & Fairness	\$ 30,400					Eliminate Access and Fairness Survey ongoing funding
2	Sub Total	\$ 30,400	\$ -	\$ -	\$ -	\$ -	
2	AOC - Facilities	\$ 5,000	\$ 5,000	\$ 2,500	\$ 2,500	\$ 2,500	Reduce travel by \$5,000
2	AOC - Facilities	\$ 124,000					Eliminate UTA Eco passes
2	Sub Total	\$ 129,000	\$ 5,000	\$ 2,500	\$ 2,500	\$ 2,500	
2	AOC - Legal	\$ 5,000	\$ 5,000	\$ 2,500	\$ 2,500	\$ 2,500	Travel and Current Expense Budget Reduction
2	Sub Total	\$ 5,000	\$ 5,000	\$ 2,500	\$ 2,500	\$ 2,500	
2	AOC - HR	\$ 2,500	\$ 2,500	\$ 1,250	\$ 1,250	\$ 1,250	Reduce current expenses / travel
2	Sub Total	\$ 2,500	\$ 2,500	\$ 1,250	\$ 1,250	\$ 1,250	
2	AOC - IS	\$ 700					In state travel
2	AOC - IS	\$ 200					postage
2	AOC - IS	\$ 4,300					professional services
2	AOC - IS	\$ 1,300					office supplies
2	AOC - IS	\$ 600					books and subscriptions
2	AOC - IS	\$ 1,500					office equipment
2	AOC - IS	\$ 200					office furnishings
2	AOC - IS	\$ 1,500					visual media and materials
2	AOC - IS	\$ 3,500					DP hardware
2	AOC - IS	\$ 2,600					DP training
2	AOC - IS	\$ 400					DP Processing
2	Sub Total	\$ 16,800	\$ -	\$ -	\$ -	\$ -	
2	AOC - Interpreter	\$ 4,950					Remote interpretation savings
2	Sub Total	\$ 4,950	\$ -	\$ -	\$ -	\$ -	
TOTAL		\$ 653,514	\$ 249,020	\$ 136,510	\$ 136,510	\$ 112,510	
Less Education			\$ (24,000)	\$ (24,000.00)	\$ (24,000.00)		See Separate Request for Education
Subtotal			\$ 225,020	\$ 112,510	\$ 112,510		
Reduction of Request			50%				
			\$ 112,510				

6. FY 2023 Ongoing Turnover Savings Request – Partial Restoration of FY21 Budget Cuts (Pt I)

Exhibit B

Uses of the Partial Restoration by Select Districts/Departments

District

7th District / 7th Juvenile will benefit from a partial restoration of funds that they use to replace damaged and aging equipment and attend to other facility needs.

AOC Department

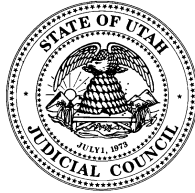
For both the **Law Library** and the **Self-Help Center**, the ability to make meaningful connections and to build community is important. Before the pandemic, we used to travel throughout Utah to meet with court employees, county libraries, and community-based organizations. This was an important part of our work because it built trust and relationships and allowed us to learn what challenges and barriers people face. Gaining this perspective is critical so that we can understand what rural communities need and adapt our programs and services appropriately. Also, being able to attend conferences allowed us to learn what best practices are in place, to share what we are working on, and to approach our work with a fresh perspective. Although it is painful to sacrifice our book budget, the reality is that every single year we face price increases and our budget for books does not grow. The reality of the Utah State Law Library is that more and more people are coming to us looking for help finding information online and not looking at physical books. We anticipate an increased need for subscriptions to online resources and less of a need for paper-based resources. During this transitional period we expect to realize some small cost savings because online subscriptions are less expensive than books. In the long run we will likely need to ask the Council for more funds, but we will leave that crisis for another year.

Since the Budget cuts in FY 2021, the **AOC District Admin.** Team has grown by two employees and will have an additional two employees (as approved by the legislature) join the team starting July 1, 2022. These new employees have doubled the number of staff on our team and we anticipate needing more funds to cover travel and general office needs.

For **AOC Juvenile Admin:** Due to the pandemic, our travel and training expenses decreased. Things are starting to pick up with various national and in-state trainings and conferences. If the pandemic cooperates, we fully anticipate needing these funds to meet the demand of training and travel for the large juvenile court team and to meet the needs of the districts. Similar to training and travel, our current expenses were also reduced during the pandemic as we did not have expenses for in-person meetings, food, per diems, etc. In the juvenile court, we have numerous meetings with community partners and statewide meetings. We anticipate that some of those would continue remotely on a permanent basis. As such, we would request that a portion of the original budget be restored.

For **AOC Legal:** We anticipate more travel now that COVID restrictions are easing.

For HR: We request this money back as we already attended a very helpful conference, and hope to attend more trainings and conferences in the future. Because our small department has a smaller budget, we cut our travel expenses for FY21 to help the courts attain the needed percentage reduction. We did not need to travel during the pandemic and realized it was an easy and necessary cut to make. Although virtual conferences have become more acceptable, in-person training provides a necessary interpersonal and relationship building value that is necessary for HR and its role in fulfilling the mission of the courts.



Administrative Office of the Courts

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

June 1, 2022

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

MEMORANDUM

TO: Budget and Fiscal Management Committee

FROM: Board of District Court Judges

RE: FY 2023 Ongoing Turnover Savings – District Court Law Clerk Attorney

Presiding judges from the fourth and fifth districts submitted a FY 2023 Ongoing Turnover Savings request to the Board of District Court Judges on May 20, 2022 seeking support from the Board to seek funding for one new law clerk for the Fifth Judicial District. As a result of adding one new law clerk to the Fifth District, the Fourth District will assume a law clerk position that is currently shared between the two districts.

Board of District Court Judges supports the request to fund one additional law clerk position. Adding one more law clerk to the ranks will equal 32 law clerks to work with 77 district court judges. The aspirational recommended number of judges to law clerks has been set at two judges for every one law clerk for several years. At present, the judge to law clerk ratio is 2.5:1.

The District Board is responsible for allocating new law clerk resources to districts as new positions are available. The District Board recognizes the need for additional law clerk resources and will work with the presiding judges and TCEs in each district to review the need for law clerks before allocations are made.

Thank you for your consideration.

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

7. FY 2023 Ongoing Turnover Savings – District Court Admin – New Law Clerk Attorney

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings that will be utilized in FY 2023.

Date: 05/17/2022

Department or District: 4th District Court and 5th District Court

Requested by: Shane Bahr, Judge Jennifer A. Brown, Presiding Judge and Judge G. Michael Westfall, Presiding Judge

Request title: New Judicial Law Clerk Attorney

Amount requested: Ongoing \$ 95,850

Purpose of funding request:

The purpose of this request is to acquire \$95,850 in ongoing funding for one (1) law clerk position for the Fifth Judicial District. At present, the Fourth District Court and Fifth District Court share a law clerk position. Adding one new law clerk in the Fifth District would enable the current shared law clerk FTE to be fully utilized in the Fourth District. In sum, each district will receive an additional .5 FTE law clerk. The 5th District's new law clerk would be funded with ongoing funds, the 4th District's law clerk would be funded with 1x time limited funds.

In 2014, the Fourth District Court and Fifth District Court partnered to request one (1) FTE judicial law clerk to be split evenly 50% between the two districts—0.5 FTE for the Fourth District and 0.5 for the Fifth District. The shared position was funded with one-time turnover savings and funding has been renewed every year since then.

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

Since 2014, the Fifth District Court has continued to grow at unprecedented rates. Along with the growth came an increase in workload and complexity of cases being heard. To meet the demands of the increased workload, one new district court judge was appointed in 2017, and a second additional district court judge was appointed in 2020. Since these two new district court judge appointments, no correlating adjustments have been made in the law clerk position to accommodate the increase in judges and workload. Currently, the Fifth District is budgeted for 2.5 FTE law clerks for 7 judges in 3 counties.

Since 2014, the Fourth District Court has seen tremendous growth, particularly in Wasatch County, which has seen a population growth of 33.6% over the past 8 years, with a correlating increase in workload and complexity of cases being heard. With its population growth, Wasatch County is the 9th fastest growing county in Utah. Juab County has also seen a significant growth of 26.6% and is the 15th fastest growing county. Currently, the Fourth District Court is budgeted for 5.5 FTE law clerks for 13 judges in 4 counties.

Current law clerks report being overwhelmed and find it difficult to keep up with the assignments they are given. Also, the current shared law clerk position has been vacant for 3 months, with minimal interest amongst qualified applicants partially due to the vastness of the assignment between the two judicial districts.

The recommended ratio for judges to law clerks is 2:1.

7. FY 2023 Ongoing Turnover Savings – District Court Admin – New Law Clerk Attorney

The Fourth District currently has 13 judges and 5.5 law clerks— a ratio of 2.4 judges to 1 law clerk, and the Fifth District currently has 7 judges and 2.5 law clerks— a ratio of 2.8 judges to 1 law clerk.

Adding a new law clerk FTE will result in the Fourth District having 13 judges and 6 law clerks—a ratio of 2.2 judges to 1 law clerk and the Fifth district would have 7 judges and 3 law clerks—a ratio of 2.3 judges to 1 law clerk.

Alternative funding sources, if any: This position could be funded with 1x funds but we do not recommend this course of action as we intend to seek the elimination of the other 2 time-limited, 1x funded law clerk attorney positions with a Judicial Priority request for the 2023 legislative session. We want to eliminate all 1x funded law clerk attorney positions as soon as ongoing funds are available.

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 at this time, both the Fourth District and Fifth Districts will continue to struggle to fill this position and as a result, judges will not have the assistance they need and remaining law clerks will continue to be overwhelmed.

8. FY 2023 Ongoing Turnover Savings – Legal Dept. – New Associate General Counsel

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings that will be utilized in FY 2023.

Date: 05/17/2022

Department or District: Legal Department

Requested by: Keisa Williams and Ron Gordon

Request title: Additional AOC Legal Department Associate General Counsel

Amount requested: Ongoing \$ 150,000

Purpose of funding request:

The General Counsel office (“OGC”) in the Utah Courts has been understaffed for years. The *prior* General Counsel, and our current General Counsel and staff compensate by working an unsustainable number of hours of unpaid overtime prioritizing urgent matters.

The three Court OGC attorneys (1 general counsel and 2 associate general counsels) support approximately 1,030 court employees and 239 judges, staff 9 committees, and are members of an additional 3 committees. On average, the office handles 100 requests per month. That number does not include: committee work, confidential HR matters, confidential legal opinions, training hours, or litigation. In addition, the attorneys spend approximately 10-15 hours per week in meetings.

This request seeks to add one associate general counsel¹ position.

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

The OGC serves as the Judicial Branch’s chief attorney advising the Supreme Court, the Judicial Council, and all other judges. The OGC also provides legal advice to all AOC staff and every court employee across the state. Presently, the OGC has 3 full time attorneys and 1 legal secretary. This request would increase the attorneys on staff to 4.

For comparison purposes, the Executive Branch’s OGC employs 2 attorneys who support the Governor, Lt. Governor and 57 staff and cabinet members. The Legislative Branch’s OGC employs 24 attorneys, 2 law clerks, and 2 research assistants. The Attorney General’s office handles all litigation for the Executive Branch’s OGC while the Court’s OGC handles litigation internally.

The three Court OGC attorneys support approximately 1,030 court employees and 239 judges, staff 9 committees, and are members of an additional 3 committees. On average, the office handles 100 requests per month. That number does not include: committee work, confidential HR matters, confidential legal opinions, training hours, or litigation. In addition, the attorneys spend approximately 10-15 hours per week in meetings.

Duties handled by the OGC include:

- General legal advice and counsel

¹ Associate general counsel position has base pay of up to \$46 per hour + retirement and taxes + family medical coverage.

8. FY 2023 Ongoing Turnover Savings – Legal Dept. – New Associate General Counsel

- Training
- Negotiation, drafting, and review of contracts, leases, MOUs, and Data Sharing Agreements
- Consultation, drafting, and review of judicial policies and procedures
- Court records requests
- Written legal opinions
- Litigation
- EEOC complaints and DOJ investigations
- Statewide ADA Coordinator
- Provide counsel to HR and districts on all employee discipline
- Provide counsel to the Management Committee and Judicial Council on internal complaints against judicial officers.

Since August 2021, a part-time retired attorney has been handling most of the litigation for the Court's OGC. That support is currently scheduled to end on June 15, 2022, at which time those responsibilities will shift to the three attorneys. Upon Cathy Dupont's retirement, responsibility for drafting the COVID Administrative Orders and Risk Phase Response Plan will be added to the Department's duties.

At current staffing levels, the Department is unable to address important legal issues or engage in projects that would allow the Department to provide a higher level of support to employees, districts, and the judiciary as a whole. Below are a few examples of those issues and projects:

- General Counsel "opinions" (sometimes a 2-sentence email) going back to the mid-1990s have been posted on the Intranet. Court employees (particularly the finance and audit departments) rely on those "opinions," but they are not monitored by the General Counsel's Office and have never been reviewed or updated.
- The Annotated Code of Judicial Conduct and Ethics Advisory Opinion document posted on the courts' webpage is the primary source of information for judges. It hasn't been updated since 2015 and would benefit from restructuring and the addition of notations regarding outdated or related opinions.
- A recent investigation has revealed potential gaps in training, particularly on the ADA. The judiciary would benefit from a legal review of the complete judicial and employee training curriculum to ensure critical legal issues are adequately addressed. The OGC could also develop and provide customized training for judges and districts on a variety of legal issues upon request.
- The Judiciary would benefit from an OGC Intranet webpage with customized content as a resource for judges and employees. The webpage could include FAQs, education, legal opinions, and how-to's. For example: What to do if you get a subpoena? What to do if you get a records request?

Another important issue is work-life balance and retention in the Department.

This request seeks to properly fund the Court's Office of General Counsel by adding a third associate general counsel position. The new attorney will be hired at market for the skills sought. This request assumes a new attorney who qualifies for Tier 2 retirement benefits is hired at a base salary of up to \$46 per hour which is multiplied by a benefit rate of 32%. Family medical and dental coverage is assumed at \$22,000 per year. This brings the total cost to the requested \$150,000. This additional funding would increase the number of attorneys in the Court's General Counsel Office to 4 (1 General Counsel and 3 Associate General Counsel personnel) and 1 Legal Secretary.

8. FY 2023 Ongoing Turnover Savings – Legal Dept. – New Associate General Counsel

Alternative funding sources, if any: This position could be funded with 1x funds but we do not recommend this course of action since we have ongoing funds available.

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 at this time, the OGC will continue to be under-staffed and the personnel in the OGC will be at increased risk of fatigue, burnout and ultimately turnover.

This will also impact the ability of the OGC to support the mission of the Court.

9. FY 2023 Ongoing Turnover Savings – HB 143 Funded– New Judicial Assistants

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings that will be utilized in FY 2023.

Date: 05/17/2022

Department or District: District Court Administration

Requested by: Shane Bahr and District Clerks of Court

Request title: Additional Judicial Assistants to Assume Workload under HB 143

Amount requested: Ongoing \$ 320,000

Purpose of funding request:

After consultation with the District Clerks of Court, we are requesting 4 new Judicial Assistants be hired to handle the incremental case processing at the District Court level from the passage of HB 143 – DUI Penalty Amendments.

HB 143 requires that certain DUIs be elevated to a Class A misdemeanor from a Class B misdemeanor and thereby transferred to the District Court to be adjudicated. The fiscal note estimates some 1,480 cases annually would be moved to the District Court from the Justice Courts.

The circumstances that move a DUI to a Class A misdemeanor include:

- 1) Causing bodily injury to a third-party as a result of the DUI, or
- 2) Has had a prior DUI within the past 10 years, or
- 3) Had a passenger under the age of 18 in the vehicle when the DUI occurred

The Legislature attached a fiscal note of \$629,000 to this bill. Due to the +/-20 historically vacant JA positions we anticipate filling due to the higher starting wages appropriated in the March 2022 legislative session, the District Clerks of Court are aligned with adding these 4 positions as an adequate response to HB 143.

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

The legislature provides “case processing” funds for bills that may require a variety of work in the Courts to implement the bill. This leaves it up to the Court’s discretion how to best allocate the ongoing funds to accomplish the work that will be required. Historically, the Courts have used these funds to address a variety of needs in the Courts – both direct and indirect impacts. This is true for these funds as well.

The estimated starting salary for these 4 new positions is assumed to be \$20.60 – which with the standard retirement and SS taxes + family and dental medical = \$80,000 per hire x 4 = \$320,000.

Other uses of the case processing funds this year include the new HR Compensation/Classification Manager and the new Associate General Counsel position. Should the 4 new JAs combined with filling the vacant JA positions prove insufficient to accomplish the incremental work, we will request additional ongoing funds for new JA positions as necessary.

9. FY 2023 Ongoing Turnover Savings – HB 143 Funded– New Judicial Assistants

Alternative funding sources, if any: This position could be funded with 1x funds but we do not recommend this course of action since we have ongoing funds available.

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 at this time, the Judicial Assistant role will continue to be under-staffed.

The job classification system and function at the Judicial Branch is broken. Job descriptions are woefully outdated and often reveal large gulfs between existing job descriptions and work

10. FY 2023 Ongoing Turnover Savings Request – HR Compensation & Classification Manager

actually performed. This results in similarly massive disconnects between the salary ranges of Judicial Branch jobs in comparison to the local job market, leading to widespread and systematic compensation dysfunction.

This year's successful bid to fund a salary increase for the Judicial Assistant function is extremely fortunate, and simultaneously helps illustrate some long-term challenges. The salary range for the Judicial Assistant did not suddenly fall below the job market in dramatic fashion. In years past, legislative funding requests from the Courts for staffing may have relied too heavily on broad data such as Consumer Price Index (CPI) trends and general turnover trends. Data presented to the Legislature this year showed there were signs of market misalignment more than a decade ago that continued to worsen until we found ourselves facing a full-fledged crisis with turnover rates that threatened the success of the entire branch and its mission. In the long-term, the Judicial Branch will be much better off finding ways to achieve more frequent, incremental funding and avoid dramatic market misalignment crises.

The Judicial Branch has not yet adopted a practice employed by Executive Branch agencies relating to legislative funding requests for staff. Executive Branch HR continually keeps a finger on the pulse of job market data compared to the salary ranges of state agency jobs and the actual wages of employees in those jobs, compiling and reporting that data both internally and to the Legislature annually. They accompany the annual report with requests to fund remedies for market disparities that agencies cannot afford to address with internal turnover savings. As expected, they do not receive full funding for every request or recommendation every year. However, this consistent practice has paid off and is evident when comparing salary ranges and actual salaries of comparable jobs between the branches.

Judicial Branch HR Resource Allocation/Staffing Levels

Simply put, the HR staffing level in the Judicial Branch is insufficient to adopt strategic long-term compensation funding strategies with the Legislature, and insufficient even to stay compliant with FLSA & ADA regulations and EEOC guidance described above. At minimum, a full-time, dedicated HR resource with highly specialized skills in job classification and compensation is needed - which is what we find elsewhere in both local and regional government HR, including judicial branch HR in other states.

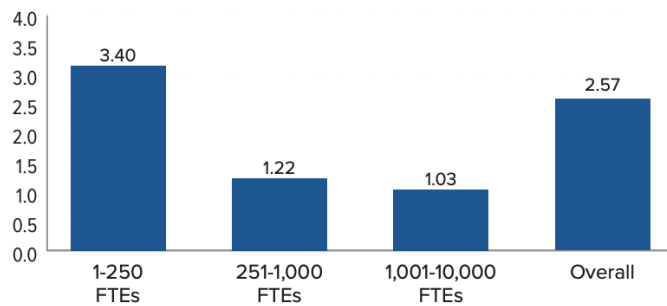
Current HR Department staff DO already have both the experience and the skill sets needed to accomplish the classification/compensation function described, but the team's bandwidth is already spread troublingly thin due to an unsustainable staffing level.

Industry standard HR staffing levels are expressed as an average "employee to HR" ratio by staff size – calculated by dividing the number of employees in an HR team by the number of employees in the organization, and multiplying that figure by 100. [This 2019 report of workforce analytics](#) in the United States by the Society of Human Resource Management (SHRM) showed that for organizations employing between 1,000 and 10,000 employees, the average HR to employee ratio is 1.03.¹ The overall average ratio across all organizations was 2.57.

¹ HR ratio means % of HR headcount to total employees in the organization. A 1.03 ratio = 1.03% of HR staff is present to support the remaining 98.97% of the organization. The Utah Judicial Branch HR ratio = .33%.

10. FY 2023 Ongoing Turnover Savings Request – HR Compensation & Classification Manager

AVERAGE EMPLOYEE-
TO-HR RATIO, BY
STAFF SIZE



Source: Workforce Analytics: A Critical Evaluation: How Organizational Staff Size Influences HR Metrics (SHRM, 2015)

In government, the ratio tends to be a bit lower than the 1.03 average, especially in fiscally conservative states. Still, a few relevant government comparisons paint a clear picture of our unsustainable HR staffing level:

Organization	FTE count	HR staff	Ratio	HR staff per EE
AZ Maricopa County Courts	3,000	37	1.23	1 HR staff per 81 EEs
Colorado Judicial Branch	3,900	24	0.62	1 HR staff per 163 EEs
Utah Exec Branch	24,000	130	0.54	1 HR staff per 185 EEs
Salt Lake City Corp	3,600	25	0.72	1 HR staff per 144 EEs
Utah Judicial Branch	1,200	4	0.33	1 HR staff per 300 EEs

Expected Outcomes

Funding for a Compensation/Classification Manager² in the HR Department will provide the needed full-time resource to establish the annual practice previously described for optimal legislative funding outcomes, successful compensation strategies, and compliance with FLSA/ADA regulations and EEOC guidance. Even with the new hire, Court's HR will only be at .42 but it will be a 27% increase from where we are today.

Alternative funding sources, if any:

Not aware of any alternative sources at this time except for a potential Judicial Priority request.

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

HR will stay the course – we are committed to do our best regardless of the outcome of this request. But the consequence is the decreased likelihood of needed success in legislative funding based on timely,

² Compensation/Classification Mgr funding assumes up to \$35-\$37 per hour + retirement and taxes + family medical

10. FY 2023 Ongoing Turnover Savings Request – HR Compensation & Classification Manager

annual long-term compensation updates, and steadily increasing risks associated with deficiencies in FLSA/ADA and EEOC practices as previously described.

11. FY 2023 Ongoing Turnover Savings – Pre-Fund Annual Performance Raises \$450K

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2023.

Date: May 26, 2022

Department or District: Human Resources & Finance

Requested by: Bart Olsen and Karl Sweeney

Request title: Pre-Fund Annual Performance Raises for FY 2023

Amount requested: Ongoing \$ 150,000

Purpose of funding request: Carryforward into FY 2023 \$150,000 of ongoing savings to fund 1/3 of the \$450,000 Annual Performance raises which will be requested in FY 2023.

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

In FY 2021 and prior, the AOC funded annual “career ladder” payments of \$450,000 which were used to pay new POs and JAs for their first 3 – 6 years of employment. Career ladder was replaced by \$450,000 in performance raises for FY 2022 which provided the opportunity for all Court non-judicial officer personnel to be given performance-based raises.

In FY 2022, the AOC generated approximately \$950,000 in ongoing turnover savings. These amounts were used as follows:

• \$450,000	Annual Performance raises
• \$300,000	Hot Spot Raises (given to employees whose retention was key to court success and were either underpaid vs market/peers or actively recruited for jobs outside the courts)
• \$120,000	Public Outreach Coordinator
• <u>\$60,000</u>	Clerk of Courts pay raises
Total	\$930,000

One of the primary sources of ongoing turnover savings in FY 2022 was turnover of those in a Judicial Assistant role. It was this group that formed the basis of the \$3.9M legislative ask for those in a JA role and that was funded for use beginning in FY 2023.

One of the benefits of the legislature-funded JA raises is expected to be a reduction of the turnover rate for JA roles. If this happens, it will have a negative impact on the total amount of ongoing turnover savings generated for FY 2023.

To hedge against this potential decrease in ongoing turnover savings, we recommend that \$150,000 be carried over from FY 2022 into FY 2023 and used as a means to ensure the full \$450,000 of performance

11. FY 2023 Ongoing Turnover Savings – Pre-Fund Annual Performance Raises \$450K

raises are able to be funded. One of the learnings from FY 2022 is that \$450,000 spread over an organization of 900+ eligible employees does not result in large performance increases. If 25% of the 900 employees (225 employees) were given a performance raise every 4th year, the performance raises would average \$1360 per employee after retirement and taxes. We want to ensure at least the full \$450,000 is available – and this “pre-funding” is designed to do that. This keeps faith with our employees.

If ongoing turnover savings for FY 2023 allows us to fund the \$450,000 and at least \$200,000 in hot spot raises, it will give management the tools to continue to reward performance and make pay adjustments for those in critical roles who might otherwise be drawn away from the Courts as their preferred employer.

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?

It increases the risk that the full \$450,000 of performance raises will not be achieved.

12. FY 2023 Ongoing Turnover Savings – Pre-Fund Portion of Hot Spot Raises

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2023.

Date: May 26, 2022

Department or District: Human Resources & Finance

Requested by: Bart Olsen and Karl Sweeney

Request title: Pre-Fund Portion of Hot Spot Raises for FY 2023

Amount requested: Ongoing \$ 82,000

Purpose of funding request: Carryforward into FY 2023 \$82,000 of ongoing savings to fund 40% of the \$200,000 of hot spot raises which the Judicial Council has delegated to the State Court and Deputy State Court Administrators.

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

In FY 2022, the Judicial Council increased the amount of ongoing turnover savings devoted to hot spot raises from \$110,000 to \$200,000 annually. To quote from the October 2021 request memo:

Business Rationale

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

1. The job market has tightened simultaneously with an increase in market wages. We are finding it difficult to hire personnel at all levels. As an example, during FY 2021 as part of our budget cuts, we agreed to leave 50 court positions open for an entire year. We averaged 60 positions open for FY 2021. [we are still at +/-60 open positions]
2. Our experienced personnel are being lured away with offers from other employers who simply offer \$1 - \$2 an hour more. One of our rural districts recently lost 3 JAs within a week's time from a single courthouse (50% of staff).

With no action, we will continue losing some of our experienced personnel. These additional funds can be used to make counter offers where matching the offer would retain our experienced personnel. It's a war for talent out there, and we could counter-punch more effectively with added funds.

One of the primary sources of ongoing turnover savings in FY 2022 was turnover of those in a Judicial Assistant role. It was this group that formed the basis of the \$3.9M legislative ask for those in a JA role and that was funded for use beginning in FY 2023.

12. FY 2023 Ongoing Turnover Savings – Pre-Fund Portion of Hot Spot Raises

One of the benefits of the legislature-funded JA raises is expected to be a reduction of the turnover rate for JA roles. If this happens, it will have a negative impact on the total amount of ongoing turnover savings generated for FY 2023.

Similar to the request to pre-fund performance raises, to hedge against this potential decrease in ongoing turnover savings, we recommend that \$82,000 be carried over from FY 2022 into FY 2023 and used as a means to ensure the full \$200,000 of hot spot raises are able to be funded.

If ongoing turnover savings for FY 2023 allows us to fund at least \$200,000 in hot spot raises, it will give management the tools to continue to make pay adjustments for those in critical roles who might otherwise be drawn away from the Courts as their preferred employer.

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?

It increases the risk that the full \$200,000 of hot spot raises will not be achieved.

1. FY 2023 Carryforward Request – Law Library – Attend AALL Conference

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 02/28/2022

Department or District: AOC, Law Library

Requested by: Nathanael Player

Request title: AALL Conference Attendance Funds

Amount requested: One-time \$ 845

Purpose of funding request: To provide travel and conference funds to the State Law Library to allow Kaden Taylor, our State Law Librarian, to attend and present at the American Association of Law Library's (AALL) Annual Conference in Denver, Colorado July 16-19, 2022.

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

The AALL conference is an important educational and networking opportunity for law librarians. The first day of the conference consists of The Conference of Newer Law Librarians, which provides training on AALL and guidance on law librarianship (see attachments). Additionally, Kaden plans to present on a project we have been collaborating on with the Faust Law Library at the University of Utah regarding plain language and access to justice. By presenting, Kaden is almost assured some meaningful networking opportunities – such connections can be an important source of support as Kaden looks to manage the courts' collection in the face of limited funds and ever increasing costs.

Due to the budget cuts the court made in FY 2021, the Law Library gave up \$2,000 of its conference budget and also gave up \$2,000 of its travel budget. This request asks that \$2,172 of the cuts be restored for FY 2023 as 1x funds to be used for these actual conference expenses:

- \$695 for conference registration
- \$996 for lodging
- \$260 for airline tickets
- \$21 for travel to the conference center from the airport, and
- \$200 for meals.

Kaden has received a scholarship for this conference which brings the total need down to \$845.

Alternative funding sources, if any: The Law Library has already received a partial scholarship for this event.

The University of Utah has told us that a third party has said there might be funds available, but we do not know how much funding would be available or if we would be successful in receiving those funds.

1. FY 2023 Carryforward Request – Law Library – Attend AALL Conference

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

Our law librarian will miss out on an important opportunity to learn and develop his librarianship skills, meaning less development for our law library and, in the long run, raising concerns regarding employee retention.

ATTACHMENT

AALL 2022 / ADVANCING JUSTICE FOR ALL

Mark your calendar—the 2022 AALL Annual Meeting & Conference is happening in person July 16-19 in Denver. We are excited to convene in person again!

AALL 2022 will bring together collaborators from across the legal information profession for three days of innovation, tailored learning, and networking. It's where the legal information community goes for the latest, cutting-edge professional development, peer-to-peer connections, and a place to gather and exchange ideas and best practices. You'll find educational programming, important announcements and updates, and discussions that directly impact law libraries, their roles, and their ongoing transformation. Stay tuned—registration will open soon!

Interested in exhibiting? [Learn more](#) about how your booth will help you reach an audience of 1200+ legal information professionals, contact Ron Mathews at exhibits@AALLconference.org.

PROGRAMMING UPDATE

The [2022 Annual Meeting Program Committee's](#) team leaders met in Chicago at the end of January to select and schedule programs for this summer's Annual Meeting & Conference—Advancing Justice for All. Program proposers will be notified in February, and the program lineup will be announced in the spring. Stay tuned, registration is scheduled to open later this winter.

WHAT'S IN IT FOR YOU?

- Dozens of must-have education programs tailored to law librarians and legal information professionals
- Tips, tools, and tested strategies to stay on the leading edge of your career
- Priceless perspective from your community of thought leaders
- The opportunity to explore the latest technologies and innovations coming to the legal information market

TOP REASONS TO ATTEND

- **Access** must-have education tailored to legal information professionals.
- **Explore** the latest technologies and innovations coming to the legal information market in the Exhibit Hall.
- **Network** and collaborate with colleagues and legal information experts from around the country.
- **Discover** the latest research, exchange knowledge, and find solutions to the problems you face every day.
- **Celebrate** your legal information colleagues and recognize key accomplishments.
- **Share** key takeaways and tips with your legal information peers.

#AALL22

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Watch all 2021 Virtual Conference recordings.

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[AALL SITES](#) / [AALL ANNUAL MEETING & CONFERENCE](#) / [AGENDA](#) / [SCHEDULE AT-A-GLANCE](#) /

SCHEDULE AT-A-GLANCE



SCHEDULE AT-A- GLANCE

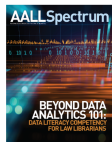
CONFERENCE OF NEWER LAW LIBRARIANS (CONELL)

PROGRAMS & WORKSHOPS

SATURDAY, JULY 16

All Day	Preconference Workshops
8:00 a.m.–1:45 p.m.	Leadership Training for Chapters
8:00 a.m.–2:30 p.m.	Leadership Training for SISs
8:00 a.m.–3:00 p.m.	CONELL (Conference of Newer Law Librarians)
1:30 p.m.–2:30 p.m.	SIS Meeting Open Scheduling
2:45 p.m.–5:00 p.m.	AALL Committee Meetings (2:45 p.m. –3:45 p.m. and 4:00 p.m. –5:00 p.m.)
5:00 p.m.–6:30 p.m.	Opening Reception in Exhibit Hall (No Conflict Time)
6:45 p.m.→	Open Scheduling (Reception Opportunities)

**VOLUNTEER TO SERVE AS
EDITOR FOR AALL SPECTRUM**

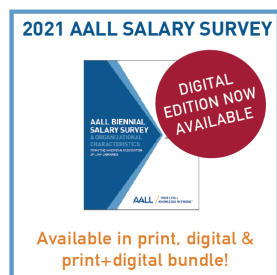


Apply by Monday,
February 28, 2022



SUNDAY, JULY 17

7:30 a.m.–8:45 a.m.	Open Scheduling (SIS Breakfasts/Business Meetings)
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9:00 a.m.–10:15 a.m.	Opening General Session/Keynote Speaker (No Conflict Time)
10:15 a.m.	Exhibit Hall Opens (closes at 4:00 p.m.)
10:15 a.m.–11:15 a.m.	Exhibit Hall Refreshment Break (No Conflict Time)
11:30 a.m.–12:30 p.m.	Annual Meeting Programs
12:45 p.m.–2:15 p.m.	Open Scheduling (SIS, chapter, and caucus meetings)
2:30 p.m.–3:30 p.m.	Annual Meeting Programs
4:00 p.m.–5:00 p.m.	Annual Meeting Programs
4:00 p.m.–6:00 p.m.	Diversity & Inclusion Symposium & Reception
5:15 p.m.→	Open Scheduling (SIS, chapter, and caucus meetings/receptions)

MONDAY, JULY 18

7:00 a.m.–8:00 a.m.	Open Scheduling (SIS, chapter, and caucus meetings)
8:00 a.m.	Exhibit Hall Opens (closes at 4:00 p.m.)
8:00 a.m.–9:30 a.m.	Exhibit Hall Breakfast Break (No Conflict Time)
9:30 a.m.–10:30 a.m.	Annual Meeting Programs
11:00 a.m.–12:00 p.m.	Annual Meeting Programs
12:15 p.m.–1:30 p.m.	Open Scheduling (SIS, chapter, and caucus meetings)

1:30 p.m.–2:45 p.m.

AALL Business Meeting/Members Open Forum (No Conflict Time)

3:00 p.m.–4:00 p.m.

Annual Meeting Programs

4:30 p.m.–5:30 p.m.

Annual Meeting Programs

5:30 p.m.→

Open Scheduling (SIS, chapter, and caucus meetings/receptions)

TUESDAY, JULY 19

9:00 a.m.

Exhibit Hall Opens (closes at 12:00 p.m.)

7:00 a.m.–8:15 a.m.

Open Scheduling (SIS, chapter, and caucus meetings)

8:30 a.m.–9:30 a.m.

Annual Meeting Programs

9:30 a.m.–11:00 a.m.

Exhibit Hall Refreshment Break
(No Conflict Time)

11:15 a.m.–12:15 p.m.

Annual Meeting Programs

12:45 p.m.–2:15 p.m.

Association Luncheon

**** Ticketed Event ****

12:45 p.m.→

Open Scheduling (SIS, chapter, and caucus meetings)

Meetings will not be scheduled during the Opening Reception, Opening General Session, AALL Business Meeting/Members Open Forum, exhibit hall no-conflict times, or formal educational programs.

2. FY 2023 Carryforward Spending Request – ODR Program Development

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 4/18/2022

Department or District: AOC, Online Dispute Resolution
Requested by: Nathanael Player and Judge McCullaugh

Request title: ODR Program Development

Amount requested: One-time \$ \$46,200

Purpose of funding request:

\$43,200 would pay for Nancy McGahey's time to further develop the Online Dispute Resolution (ODR) program as follows:

1. Recruitment, retention, training, and support of ODR facilitators (55%);
2. ODR facilitation (10%);
3. Consulting with IT to make software changes to enable management of larger caseloads (10%);
4. Assessing stakeholder needs in anticipation of expanding ODR into more case types (15%); and
5. Assisting in creating a framework and definition for a full-time position to assume these responsibilities in the future (10%).

\$3,000 would pay for:

1. Volunteer incentives to help with volunteer retention.

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

Background

This is a request to fund the ODR program as it matures from a pilot to an integrated part of the courts' system for resolving disputes. The Council has previously funded the following ODR initiatives:

- \$5,000 in FY 2020 for an ODR facilitator manual;
- \$15,000 in FY 2021 for training and recruitment of ODR facilitators; and
- \$20,000 in FY 2022 for recruitment, training, and oversight of ODR facilitators.

All of this contract work was done by Nancy McGahey. Additionally, in FY 2016, the courts received an SJI grant of \$48,000, which required a cash match of \$5,000, to support the development of the ODR platform.

The use of ODR has grown, as indicated in the table below.

ODR Volume by Calendar Year				
Calendar year	Total cases through ODR	Cases facilitated	% of cases facilitated	# Courts using ODR at year end
2018	486	69	14%	1
2019	2,176	397	18%	3
2020	1,879	283	15%	3
2021	3,058	658	22%	20

Here is some high level data about ODR:

2. FY 2023 Carryforward Spending Request – ODR Program Development

- it is close to being statewide for all small claims cases;
- currently there are 37 justice courts using ODR;
- while this represents a minority of justice court locations, it includes some of the busiest, including Ogden, West Valley City, Provo, Salt Lake City, Salt Lake County, and Taylorsville;
- about 67% of small claims cases are now processed through ODR, based on estimates from FY 2021.

In courts using ODR, in cases where the parties are not excused from ODR and there is no default, the parties are assisted by an ODR facilitator. Utah Supreme Court Standing Order 13, paragraph 6, describes the facilitator role. Facilitators help parties to: evaluate claims or defenses, explore settlement possibilities; and if needed, help the parties and the court prepare for trial. They also provide light technical support to parties. Facilitation is built into the fabric of the program. All of our facilitators are volunteers.

The time for a facilitator to complete a case in ODR can vary widely from 0.5 hours to 2.0 hours. Based upon facilitator self-report and caseload numbers, an overall average time per case is estimated to be about 0.825 hours. There have been 1,407 cases facilitated between FY 2018 and 2021. This means volunteers have given 1,161 hours to the courts since ODR's inception.

Detail of Requested Funds

1. Recruitment, retention, training and support of ODR Facilitators (55%)

In most ODR cases, facilitators are the only human interaction parties have with the court. In this way, ODR facilitators *are* the human aspect of the court in ODR. Facilitators report that communication in ODR tends to be less formal, and sometimes coarser, than communication that would happen inside a mediation room at a courthouse. It is thus important for facilitators to provide helpful, professional, and accurate information.

Most of our volunteers have been recruited by Ms. McGahey. She reports that she spends about 50% of her time recruiting, training, supporting, and monitoring ODR facilitators. We currently have 19 volunteer facilitators. On average, volunteers spend about three hours and 20 minutes on ODR per week. This translates to about 63 hours per week of time given in service to the courts.

Additionally, Ms. McGahey coordinates with all of the facilitators about their availability and changes ODR system settings to not route cases to someone who is unavailable. This funding would provide for all aspects of facilitator support.

2. ODR Facilitation (10%)

This funding contemplates Ms. McGahey conducting some ODR facilitation. This will be important to ensure that cases are covered and there is even coverage of facilitators when someone

How many facilitators are needed?

What we know:

- ODR handles about 2/3 of all small claims cases
- We currently have 19 facilitators

What we extrapolate:

- Based on informal surveys, volunteers give about 3.3 hours per week to the courts
- We likely need 33% more facilitators (25 total) to handle all small claims cases
→ This would yield over 80 hours/week of volunteer time

Assumptions:

- We can continue to recruit volunteers
- FY 2021 court data will not dramatically change – we might need 3 times the number of volunteers if volume rises to pre-pandemic levels
- High rates of default will remain constant

We are trying to lower the default rate – we added a QR code to the ODR summons, added a short URL, and are working on more comprehensive form revisions

2. FY 2023 Carryforward Spending Request – ODR Program Development

is absent. It will also ensure that Ms. McGahey understands the ongoing issues volunteers face and can nimbly anticipate and respond to management challenges.

3. Consulting with IT to make software changes to enable management of larger caseloads (10%)

In addition to supporting ODR facilitators, we hope to use this funding to develop ODR into a sustainable part of the court system. We plan to work with IT to build tools for queue management and alerts for facilitators. We expect these tools to maximize efficiency from our volunteers.

4. Assessing stakeholder needs in anticipation of expanding ODR into more case types (15%)

In the face of a possible restructuring of justice courts, and the potential for our most voluminous civil case type – debt collection – to be moved to a new court division, we anticipate pressure to send more cases through ODR. This will take intentional focus and someone with time to carefully consider the implications of this significant shift. We also anticipate using this funding to pay for engagement with stakeholders to consider possible ODR expansion, to understand needs, manage expectations, and eventually develop a framework to evaluate how different matters can and should proceed in ODR.

5. Assisting in creating a framework and definition for a full-time position to assume these responsibilities in the future (10%)

We plan to ask for permanent funding for a position to support this online aspect of how litigants engage with the court going forward. We will ask Nancy McGahey to help with documenting her work, think through a management plan, a position description and requirements, and otherwise develop a framework for the proposed position.

6. Volunteer incentives to help with recruitment and retention

We have also asked for a small amount of funds (\$3,000) to acknowledge and honor our volunteers. In contrast to live mediation where mediators receive feedback and appreciation from the court and the parties involved, ODR volunteer work is done in isolation, often without acknowledgement from the court or the parties. There is no consistent opportunity for our facilitators to receive any recognition or acknowledgement for their efforts. Such feedback is important for volunteers so that they feel valued and remain committed to their volunteer work. Inexperienced volunteers can require intensive support, sometimes this involves daily or weekly coaching, and more careful review of their work. More experienced volunteers are much more autonomous and less time-intensive. Retaining volunteers increases quality and efficiency in the ODR program.

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?

Without this funding we will not have anyone to recruit, retain, train, and support ODR facilitators. Current funding will lapse when the program is statewide for small claims cases. Without anyone to provide this support for volunteers, it is unclear how the ODR program will be sustained. We will also be hindered in considering any ODR expansion.

3. FY 2023 Carryforward Spending Request – Second District – Bountiful Courtroom #2 Audio Upgrade

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 4/18/2022

Department or District: Second District

Requested by: Glen Proctor, TCE, Second District Court

Request title: Bountiful District Courtroom #2 Audio Upgrade

Amount requested: \$ 40,000

One-time funds

Purpose of funding request: Upgrade the audio system in Bountiful Courtroom #2 it was last updated in 2007 and lacks the current audio technology to best support hybrid/remote hearings.

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

Over that last few years, all of the audio systems in courtrooms in the second district have been upgraded, except for courtroom #2 in Bountiful. Courtroom #2 is actually used more than courtroom #1 because (1) the Bountiful city calendars are conducted there as is (2) the mental health court. Now the judge assigned to Courtroom #2 is trying to do jury trials on the Bountiful city cases, but cannot do so because the audio of the proceedings cannot be streamed to the public. The only way jury trials can be done is to displace the other judge and use courtroom #1.

A senior judge is on board to help with jury trials for the city calendars, but this resource also cannot be fully utilized as long as so little courtroom time in Bountiful is available.

Bountiful Courtroom #2 was last updated 15 years ago. The audio technology necessary to handle today's virtual and hybrid hearings and jury trials is not present in the courtroom and the current system does not have the minimum specifications necessary to consider a lesser system revamp.

Details:

A new system will bring the courtroom in line with current Court A/V standards, this includes, but is not limited to, the following:

- Audio Digital Signal Processor - improved recording, local sound, and control
- Teleconference Phone System - tied directly into the sound and recording system
- Touch Panel Control System - Simple, flexible user interface
- Whole room, Secure Hearing Impaired System
- In-room sound reinforcement
- Direct Web Conferencing Audio
- USB Recording enabled to Digital Recording PC
- Wireless Microphones
- Side-bar Privacy mode

3. FY 2023 Carryforward Spending Request – Second District – Bountiful Courtroom #2 Audio Upgrade**Alternative funding sources, if any:**

We have no alternative funding sources. Although an ARPA eligible expense, it was not submitted timely for consideration. There is no IT or DFCM funding available for FY23 for audio system upgrades.

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 must wait until the IT department has sufficient resources to do this work.

4. FY 2023 Carryforward Spending Request – Law Clerk Commitment Fulfillment

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 01/26/2022

Department or District: Utah Supreme Court

Requested by: Nick Stiles, Appellate Court Administrator

Request title: Law Clerk Commitment Fulfillment

Amount requested: One-time \$11,000

Purpose of funding request:

To fund the final seven weeks of salary and benefits for one of Justice Himonas' law clerks in the event the new Justice immediately hires their own law clerks.

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

Associate Justices of the Supreme Court have two law clerks. Generally, these law clerks are hired for one-year terms beginning and ending in August. In March 2022, Justice Himonas and one of his law clerks will be leaving the employment of the Supreme Court (#1); one law clerk will remain employed at the Courts through mid-August 2022 (#2).

Initial estimates are that a new Justice will be seated between 2-3 months after Justice Himonas' departure. This results in the new Justice and potentially two new law clerks beginning in late May or June. Due to the Supreme Court's 1x turnover savings in March and April after the departure of clerk #1, there will be adequate 1x turnover savings to offset the additional costs of potentially having three law clerks for the final month of FY22. So, no funds are sought for FY 2022.

This request is to fund law clerk #2 between July 1, 2022 and August 19, 2022 if the new Justice brings on two new law clerks effective July 1, 2022 resulting in 3 law clerks for a 7 week timeframe. The total cost of having law clerk #2 stay on for 7 weeks will be approximately \$11,000 including salary, benefits and insurance. Again, this funding is contingent upon the new Justice immediately hires both of their new law clerks.

Alternative funding sources, if any:

The only alternative funding source would be the operational budget of the Supreme Court. Most of these funds are already dedicated to anticipated expenses in FY23.

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

The alternative strategy if this funding is not received is to address this issue with the incoming Justice, and request they do not hire one of their clerks until August 2022.

5. FY 2023 Carryforward Request – IT – Delayed Delivery of Statewide Routers

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 5/5/2022

Department or District: IT
Requested by: Todd Eaton

Request title: Delayed Delivery of Statewide Routers

Amount requested: \$ 160,000

One-time funds

Purpose of funding request:

In July 2021, IT requested and received approval from the Judicial Council to purchase 25 Statewide Routers @ \$160K. These routers are approaching end of life and need to be replaced to avoid security/vulnerability issues that will arise once vendor patch support stops. Due to supply chain issues, none of the routers ordered are expected to be received prior to June 30, 2022. At the present time, it is not uncommon to find some orders taking 12 months or longer to be delivered.

The amount we request from FY 2023 carryforward is \$160,000 and we will be releasing the \$160,000 originally requested as FYE 2022 funds to be used for other Court needs (see exhibit on p.2).

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

The original requests contained the following documentation:

- Statewide Routers (\$160K)

“We have 25 Cisco 2900 routers in our network that have reached End of Life. This means that Cisco will stop releasing security/vulnerability updates for this hardware. This would put our network at risk. We are recommending replacing these with Cisco 8300 routers. The 8300 routers will have a minimum 12 year life span and accommodate bandwidth of up to 2GB. This is Cisco’s year-end and we have leveraged our relationship to obtain this current pricing which includes a substantial promo/discount of \$96,494.74 (1/3rd off) that is good for 30 days only.”

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? We will lose substantial discounted pricing achieved in the original order and it will jeopardize the Court’s ability to implement the ARPA projects.

The original request to fund this item using FY 2022 YE Funds is shown below:

5. FY 2023 Carryforward Request – IT – Delayed Delivery of Statewide Routers

FY 2022 Year End Forecasted Available One-time Funds

#	One-time Spending Plan Requests	Current Requests	Judicial Council Prev.
		Amount	Amount
1	Judicial Council Room Upgrades		39,481
2	Statewide Router Upgrades		160,000
3	WiFi Access Points Upgrades		120,000
4	FY 2022 Career Ladder Payments		243,000
5	FY 2022 Performance Bonus Payments Q1/Q2		365,000
6	Software for Clean Slate Legislation		19,667
7	My Case Account Creation Enhancements		130,000
8	For The Record Upgrade		187,000
9	Supplemental Secondary Language Stipend		5,200
10	Taylorsville State Office Building AV Build-out Part 1		47,806
11	IT Support for the State Office Building		5,000

6. FY 2023 Carryforward Request – Facilities – TSOB Probation Office AV System Phase 2

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 3/19/22

Department or District: AOC - Facilities

Requested by: Chris Talbot

Request title: New 3rd District Juvenile Taylorsville State Office Building (TSOB) Probation Office AV System – Phase 2

Amount requested: \$ 61,509

One-time funds

Purpose of funding request:

To fund the second phase of AV equipment and installation at the new TSOB offices scheduled to open in April of 2022. The first phase was already funded through a FY 2022 YE spending request in January 2022 for \$ 47,806 (net of 3rd District Juvenile funding of \$30,000). The second phase budget is \$61,509, which will bring the total expenditure to \$139, 315 for the complete AV system

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

Information provided for the first phase funding in January:

DFCM approached the Courts several years ago (before BFMC was formed so this request was reviewed by Management Committee) 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

6. FY 2023 Carryforward Request – Facilities – TSOB Probation Office AV System Phase 2

and 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 propose to install the second phase of AV equipment in the remaining 2 conference rooms and 7 individual small public meeting rooms in FY 2023 which will allow us time to receive the technology purchases.

A summary budget of phase 2 is attached as Exhibit A.

Alternative funding sources, if any: The spaces could still be used without the AV system. However, the public meeting spaces would not be efficiently utilized without the AV system installed as designed. If not funded with 2023 carryforward funds, we would seek FY 2023 YE spending later in FY 2023 as 1x turnover savings funds are accumulated.

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

6. FY 2023 Carryforward Request – Facilities – TSOB Probation Office AV System Phase 2

Exhibit A

Equipment Summary:

- DSP (Digital Signal Processor)/Mixer – including Network switches with programming labor
- Touch panels or other controls – with programming
- Amplifiers
- Loudspeakers
- Powered sound-bar with mounting
- Video displays – with any control programming included
- Acoustical treatment panels for the Video - conference room
- Video conferencing camera
- Video-over-IP equipment
- Standard Training of up to 2 hours is included for all locations requiring instruction

Pricing Summary:

• Equipment:	\$47,377.39
• Rough-In Labor:	\$ 1,530.00
• Installation Labor:	\$ 4,559.92
• Pre-Build Labor:	\$ 3,204.00
• Programming/Configuration Labor:	\$ 3,638.40
• <u>Commissioning/Training Labor:</u>	<u>\$ 1,200.00</u>

Grand Total Phase 2	\$61,509.71
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7. FY 2023 Carryforward Request – HR – Onboarding and Recruitment Software

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however, **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time or ongoing projects that will be delivered in FY 2023.**

Date: 04/07/2022

Department or District: Human Resources

Requested by: Bart Olsen and Jeremy Marsh

Request title: Applicant Tracking (ATS) and Onboarding System Request

Amount requested: One-time \$19,029.54

Purpose of funding request:

Allow one more year of funding for ApplicantPRO - a more secure and independent Onboarding and Recruitment software application and process.

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

Providing an open, fair, efficient, and independent system for the advancement of justice requires people with the best possible talent filling our positions, equipped with the best possible tools to succeed. The HR Department aims to provide cutting-edge personnel tools and strategies that build an environment where the Judicial Council, its committees, management, and employees *thrive* by advancing the mission of the Courts.

Last year, with the approval of the council, HR implemented new Onboarding and Recruitment systems. These systems have drastically reduced the time HR staff spent on recruitment and onboarding. Additionally, these systems empower Court management with more control and more agility in recruitment and onboarding practices, and provide new hires a smooth, efficient, and secure onboarding system. These systems are unprecedented to the Courts and created efficiency gains throughout the Courts.

The invoice for the coming fiscal year to maintain ApplicantPRO's Applicant Tracking System (ATS) and Onboarding system is \$19,029.54. We prefer to keep this as a one-time request for now, because we learned from our contacts in the Executive Branch's Department of Human Resource Management (DHRM) about their purchase of a new off-the-shelf Human Resource

7. FY 2023 Carryforward Request – HR – Onboarding and Recruitment Software

Information System (HRIS). Over the coming year or two, if we learn their new system could deliver what our branch needs in recruitment and onboarding systems, we may want the ability to transition. One-time funding will allow us the agility to decide if we want to jump on DHRM's system or maintain our current system long-term.

Meanwhile, we promised the BFMC and the JC last year that we would return this year with data to demonstrate the return on investment. The charts in Exhibit A contain ratings from current users on just how impactful ApplicantPRO has been on various aspects (all answers are on a scale of 1 to 5 with 1 being “worst” and 5 being “best.”

Employee Friendly

The previous ATS was cumbersome and difficult for management, employees, and candidates to use. To see if the new system was serving its purpose we sent out a survey to 73 employees who had gone through both the recruitment and onboarding system. Unfortunately, we did not collect survey data on the previous systems and the previous onboarding process was not a system. Rather, the onboarding system consisted of physical paperwork and a few digital forms. Additionally, the previous system required employees to send sensitive information like Social Security Numbers and Identification documents through unsecure methods like email.

Of the 73 employees that received the survey, 20 responded. 95% of those respondents rated our ATS and onboarding system as “satisfied” or “very satisfied.” (See [Exhibit A](#) ratings 4 and 5) In fact, one respondent said the systems were, “...overall very easy, I was a bit worried I missed something cause of how easy it was” and another stated “The process and information was clear and accessible and the application part was not redundant.”

Efficiency

In FY21, HR staff processed 160 recruitments. In just 9 months of FY22, HR has already processed 215 recruitments. On pace for almost double the amount of recruitments from FY21. Additionally, in 2021, HR processed nearly double (240) the amount of new/rehires than in 2020 (127).

Each recruitment and onboarding process requires time and energy from HR staff. Without the system in place, our team would have not been able to keep up with the demands laid out by the recruiting market. Because of the new systems, more capacity opened up for our HR team and we were able to keep up with the increased pace of hiring without adding staff.

In our previous system, the time to finish a recruitment was 37.5 days, our new system has dropped that average to around 28 days. This is despite nearly double the number of recruitments and the market creating difficulties in hiring.

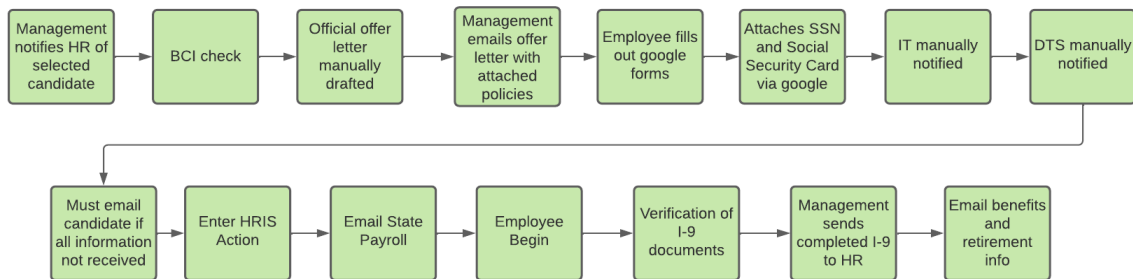
One problem in particular arose when many managers reported that applicants would turn down offers because they had already found a job by the time the offer came. HR came up with a proactive and strategic solution to create an open ended (no closing date) recruitment for time-limited positions. If management was in desperate need of a candidate, they could look at this open recruitment and immediately offer candidates a time-limited position. Once the candidates

7. FY 2023 Carryforward Request – HR – Onboarding and Recruitment Software

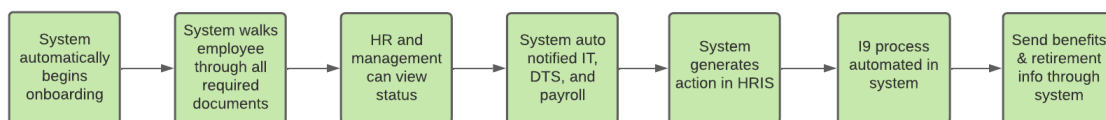
were in the door, they could apply in a competitive recruitment and then become a full-time career service employee. This specific recruitment has helped to fill several vacant jobs, provided management a strategic solution to an internal problem, and helped alleviate the never-ending staff shortage for management.

These systems are so effective and efficient that HR has been able to handle nearly double the workload, while also finding strategic solutions to recruitment problems. The figures below show the drastic impacts these systems had on our processes.

Previous Onboarding Process

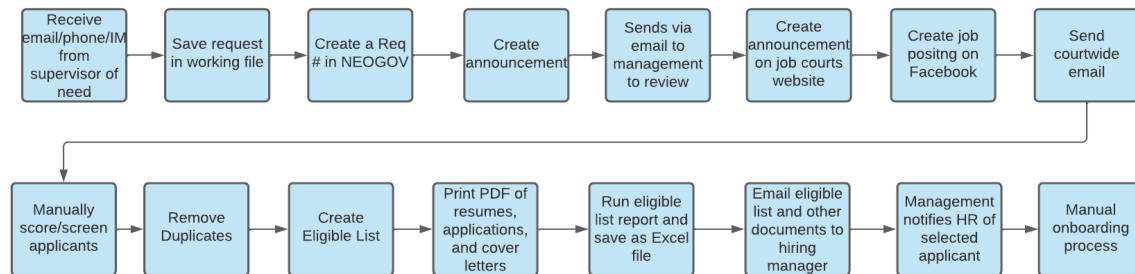


Current Onboarding Process

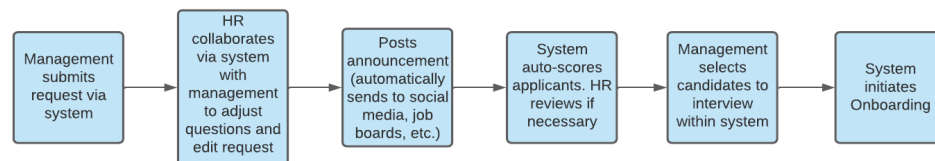


7. FY 2023 Carryforward Request – HR – Onboarding and Recruitment Software

Previous Recruitment Process



Current Recruitment Process



Security

Previously, we utilized home-grown processes that relied on Google Sheets, Google Forms, and Gmail. Candidates used those platforms to send highly sensitive information which placed great security risks on information we use in the onboarding process. Additionally, the inherently tedious and liability prone E-Verify I-9 process had the potential to create liability for the courts.

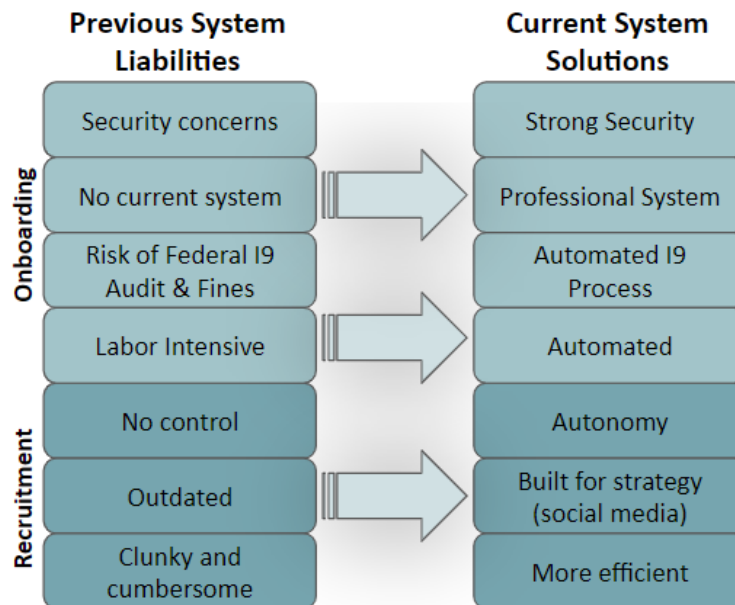
Our new onboarding system has all but eliminated security risks because it uses an encrypted site and connects directly with the federal government's E-Verify system. HR and management can use the onboarding system to process and update I-9 documents. Further, the onboarding system automatically updates the required forms and ensures compliance with all E-Verify and I-9 laws, policies, and procedures.

Conclusion

Recruitment and onboarding are crucial components to attracting, retaining, and promoting a diverse and sustainable employee workforce. The potential work efficiencies already gained have exceeded and will continue to exceed the \$19,029.54 cost of the request. Additionally, the ATS has provided needed autonomy to manage the content in job postings. Furthermore, it has provided better access for management to view, score, and select the most qualified applicant.

The below image was provided last year in the original proposal. HR wanted to keep this image for the current proposal to show that the current system has met each and every solution we hoped it would.

7. FY 2023 Carryforward Request – HR – Onboarding and Recruitment Software



In conclusion, we respectfully request \$19,029.54 of one-time money to continue our subscription from ApplicantPro (via SHI State contract) for an ATS and onboarding system. Because these two systems are designed to work cohesively, we are requesting funds sufficient to purchase both. Maintaining our current systems will ensure the courts have a modern system with autonomy, efficiency, and security. Finally, it will position the judicial branch to be more strategic in attracting, retaining, and improving its workforce to better fulfill the mission of the Courts.

Alternative funding sources, if any:

Ongoing funds are an alternate source, but not logical or desirable due to the existing agreement parameters of using DHRM systems. DHRM may move to a different vendor for recruitment and onboarding at any time. Because they charge a flat rate for using their HR software platforms, we could opt-in if at some point they adopt systems better suited to our needs. The ability to evaluate effectiveness of our recruitment and onboarding systems each year and change direction if needed gives us better strategic positioning to address fluctuating needs of the job market while keeping operations more efficient and cost effective.

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

7. FY 2023 Carryforward Request – HR – Onboarding and Recruitment Software

HR would be forced to go back to the antiquated recruitment system provided by DHRM and return to the cumbersome paper process for onboarding. However, the consequences of not moving forward would be a severe loss in productivity, risk of errors in the meticulous E-Verify I-9 process, potential for security breaches, missing out on potentially more diverse applicant pools, not prepared for strategic growth, and a need for additional HR staff dedicated to onboarding and recruitment.

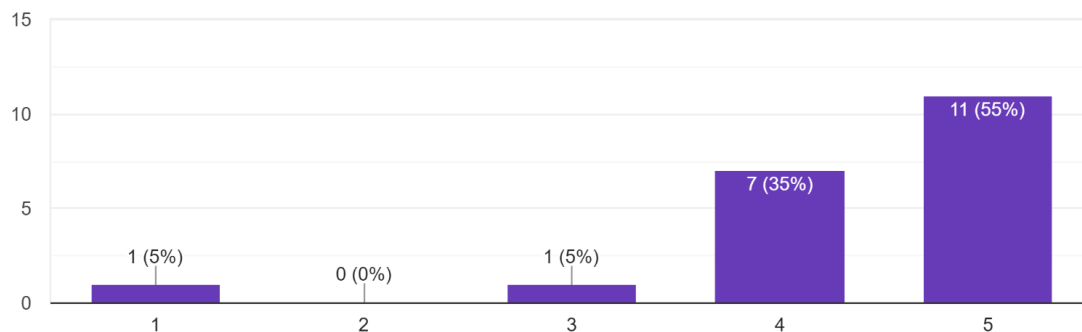
7. FY 2023 Carryforward Request – HR – Onboarding and Recruitment Software

Exhibit A

Figure 4

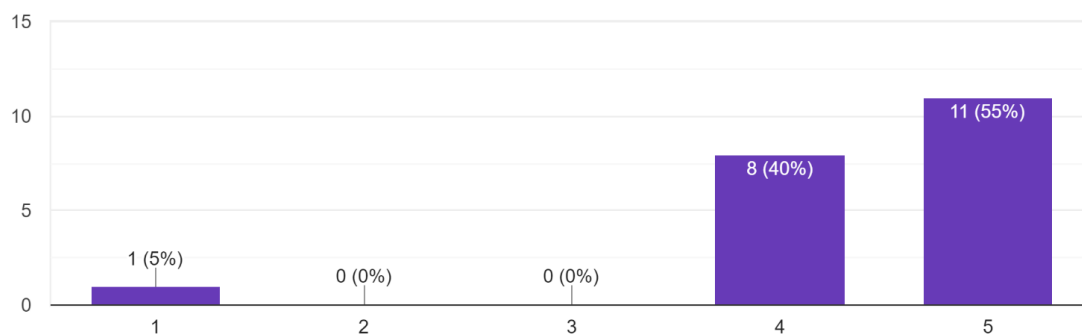
How easy was it to navigate through our recruitment system, ApplicantPro?

20 responses



Overall, how satisfied are you with our new recruitment (ApplicantPro) and onboarding (HireForms) systems?

20 responses

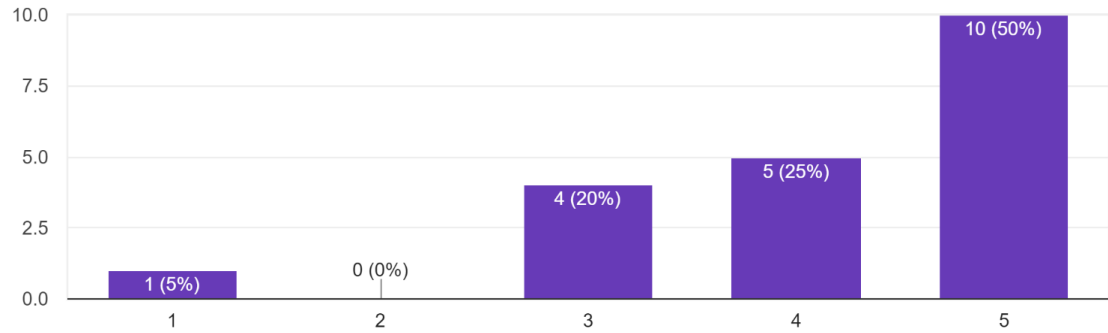


7. FY 2023 Carryforward Request – HR – Onboarding and Recruitment Software

Figure 3

How easy was it to navigate through our onboarding system, HireForms?

20 responses



8. FY 2023 Carryforward Spending Request – Education Dept Budget Shortfall

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 3/30/2022

Department or District: Education

Requested by: Lauren Andersen

Request title: Support for in-person conferences, Education team training and employee manager training

Amount requested: One-time \$168,500 (last year's request was \$127,500)

Purpose of funding request: This request seeks to fund the shortfall in Education's budget for FY 2023 to enable Education to be responsive to the requests of the various Boards of Judges to continue to offer in-person and hybrid (or streaming) conferences, as well as additional professional development needs for court employees. Education is requesting that \$143,000 in one-time funding be allocated to support three hybrid conferences (All Judicial, District and Juvenile), \$10,500 in one-time funding to allocate for Education teams' professional development, and \$15,000 to be used to continue developing performance-based, soft-skilled, mid-level manager courses for all districts – made necessary to transition away from Career Ladder toward a performance-based rewards system.

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

This request has been many years in the making. General funds (which do not increase for inflation) to support judicial education operating expenses (non-personnel) have remained flat for many years while Education operating expenses increased each year. For example, state per diem rates for lodging and meals have increased making mileage to a conference/training location, lodging and meals more expensive. Education's training budget does not go as far as it used to.

FY 2021 was the tipping point. FY 2021 was when the Education department (along with every other unit in the Courts) made ongoing general fund budget cuts for FY 2021 of \$24,000 and also reduced its funding from the JCTST fund (vs 2019) by \$94,000 to recognize lower JCTST fund revenues over time (exacerbated by the pandemic). Both of these cuts were permanent.

Fortunately, a carryforward request of \$127,500 was granted in FY22 to allow Education to restore in-person conferences. Unfortunately, due to inflation and new demands for hybrid conferences (conferences that can be streamed from an office location and attended in-person) have increased expenses for offering in-person conferences. Education foresees a 12% increase in the cost of hybrid conferences to \$143,000 due to the cost of technology (enhanced internet connectivity, rented sound boards and additional screens and microphones) and the increased cost of meeting space venues with reliable high-speed internet.

8. FY 2023 Carryforward Spending Request – Education Dept Budget Shortfall

The FY22 carryforward request also allowed Education to invest in new courses for managers and supervisors that taught employee goal setting, change management, having difficult conversation and giving constructive feedback. This has helped create a strong foundation for more advanced supervisor training.

Current Year Request – Part 1 – Conferences (\$143,000)

For FY 2023, Education is planning on continuing with in-person conferences, and would like to respond to Board of Judges' and judges requests to offer hybrid/streaming options for our in-person conferences. Hybrid conferences will come with increased technology and conference venue requirements. Meeting rooms must have reliable high-speed internet in each conference space with a hardwire connection and we must rent sound boards, microphones and screens from the venue to accommodate the requests. In some venues, these requests can increase AV expenses by \$8,000 per event.

In addition to increased technology costs, we are finding that venues with reliable high speed internet are charging more for their meeting spaces. Not every conference venue in the state has reliable internet and connectivity and those that do are in-demand. They are charging a premium for the meeting space.

Given budget cuts that occurred in FY 2021, and increasing costs of in-person conferences with hybrid options, we have a budget "gap" of \$143,000 for conferences for FY 2023 that requires one-time funding to bridge. This gap could potentially be reduced by not offering hybrid conferences locating the conferences in lower-cost venues.

Current Year Request – Part 2 – Education Dept. Professional Development (\$10,500)

The Education team has put its professional development on the backburner in FY 2021 and FY 2022. Education's funds were dedicated to judicial and employee conferences and redeveloping Judicial Assistant, Probation Officer and Manager/Supervisor training. The decision was made to serve the judiciary's education needs before we served our own. Education requests \$10,500 in FY 2023 (or \$1,500 per Education employee) to pursue our own professional development. This includes Adobe Certification programs for our LMS Administrator, a local Arbinger Institute training to for our Employee Education Coordinator, and trainings offered by the National Association of Judicial Educators for the other five members of the Education team.

Current Year Request – Part 3 – Manager Training (\$15,000)

FY 2022 brought new requests from new TCEs and managers to offer trainings that help build highly functioning teams and improve professional communication. Most of these trainings are targeted at mid-level managers and supervisors. We have also received multiple requests to offer trainings on conflict management, bystander training, cultural sensitivity, change management and business writing. We have been able to deliver some of these trainings while maintaining our standard education offerings, but we are requesting an additional \$15,000 to continue to grow these programs. Some of these trainings will be facilitated by Education staff but require materials purchased from third-party content providers. Others, like business writing need to be facilitated by outside trainers. Classes that help improve professional communication and build highly functioning teams will need to be delivered in-person.

8. FY 2023 Carryforward Spending Request – Education Dept Budget Shortfall**Alternative funding sources, if any:**

None. This shortfall could be addressed through a Judicial Priority request of the legislature.

If this request is not funded at this time, what are the consequences or is there an alternative strategy? Education would eliminate the Judicial Scholarship program for FY 2023 and reduce our spring bench conferences to one overnight stay in a location. Virtual conference sessions will occur to help meet hourly education requirements. We would offer fewer supervisor/manager-training courses. We would also direct funds for Education team members' professional development to judicial conferences and scale back our supervisor training to two online trainings that help build highly functioning teams.

9 . FY 2023 Carryforward Spending Request – Employee Incentive Awards

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 4/22/2022

Department or District: AOC Incentive Team
Presented by: Bart Olsen

Request title: Employee Incentive Awards

Amount requested: One time: \$280,000 (LY request was \$280,000)

Purpose of funding request:

The Courts have established a program to provide on-the-spot recognition for outstanding service as well as a formal nomination process to reward employees for their service in the following ways:

- An innovative idea or suggestion, implemented by the courts, which improves operations or results in cost savings
- The exercise of leadership beyond that normally expected in the employee's assignment
- An action which brings favorable public or professional attention to the courts
- Successful completion of an approved special individual or team project
- Continually outstanding performance of normal responsibilities.

The incentive can be issued in cash or a gift card. If deserved, a single employee can receive multiple incentive awards in a given year.

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

Note: Prior to FY 2019, employees who received these awards were not "grossed up" for the impact of payroll taxes (FICA, Federal and State Withholding) on the awards. This lessened the value to the recipient. The Executive branch's incentive policy adds 30% to the incentive award to mitigate the impact of withholding taxes on the recipient. The Courts matched the Executive Branch's policy starting in FY 2019.

The FY 2023 request is identical to the FY 2022 request and provides:

- \$200,000 for cash or gift card awards +
- \$60,000 for the funds required to cover assumed personal taxes at 30% +
- \$20,000 for the funds required to cover retirement costs and employer FICA (32%) for cash incentive payments. Incentive awards issued as gift cards do not incur the retirement fund contribution. The extra \$20,000 covers up to \$60,000 of incentive awards given out as cash payments.

Alternative funding sources, if any:

9 . FY 2023 Carryforward Spending Request – Employee Incentive Awards

This funding has always been carved out of carry forward funds from the prior fiscal year. If we do not fund this amount, there will be no funds available to fund employee incentive awards.

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

This has been a benefit that has been provided for employee awards every year except during years of budget restrictions. It would have a detrimental impact on employee morale to eliminate this program in a year without a budget restriction.

10. FY 2023 Carryforward Spending Request – ICJ Annual Funding

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: April 29, 2022

Department or District: Juvenile Court

Requested by: Neira Siaperas, Juvenile Court Administrator

Request title: Interstate Compact for Juveniles (ICJ) Operations Funding

Amount requested: One-time \$21,000 (Detail below) (prior year's request was \$21,000)

- \$17,000--Annual Dues
- \$3,000--Extradition Expenses
- \$1,000 – Training/Annual Business meeting

Ongoing \$0

Purpose of funding request: Funding for mandatory Interstate Compact for Juveniles (ICJ) annual dues and other expenses related to administration of the ICJ office.

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

In past years, Federal JABG funds supported the payment of national ICJ dues, but JABG funding is no longer available. Therefore, other funding is necessary to support ICJ dues which are currently assessed at \$17,000/year. This amount is calculated based on the criteria outlined in ICJ Rule 2-101 (attached) and the calculations for each state are revised every five years. ICJ dues recalculation was postponed to FY23, and will go into effect in FY24. The recalculated amount of ICJ dues will be known after the 2022 Annual Business Meeting in October 2022.

As a member of the Interstate Compact for Juveniles, the state of Utah is responsible for working with other states to return runaway/absconded youth to his/her home state, including home to Utah. Although the financial obligation rests with the parents, in some instances parents are unable to pay for the child's return. The request for \$3,000 enables Utah to comply with return timeline requirements when other logistical or financial return options are unavailable.

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? Utah's ICJ dues are obligated by Utah statute 55-12-108(2), and if unpaid, Utah would default on the ICJ and additional fines may be levied. If extradition funds are not approved, it would hinder Utah's ability to comply with the ICJ in cases where a Utah family cannot pay for the return of their child.

10. FY 2023 Carryforward Spending Request – ICJ Annual Funding**Attachment (ICJ Rule 2-101):**

Section 200 General Provisions

Rule 2-101: Dues Formula

1. The Commission shall determine the formula to be used in calculating the annual assessments to be paid by states. Public notice of any proposed revision to the approved dues formula shall be given at least thirty (30) days prior to the Commission meeting at which the proposed revision will be considered.
2. The Commission shall consider the population of the states and the volume of juvenile transfers between states in determining and adjusting the assessment formula.
3. The approved formula and resulting assessments for all member states shall be distributed by the Commission to each member state annually.
4. The dues formula shall be — $\frac{\text{Population of the state}}{\text{Population of the United States}} + \frac{\text{Number of juveniles sent from and received by a state}}{\text{total number of offenders sent from and received by all states}}$ divided by two.

History: *Adopted December 2, 2009, effective March 1, 2010*

11. FY 2023 Carryforward Spending Request – Educational Assistance

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 4/22/2022

Department or District: AOC Finance

Requested by: Alisha Johnson

Request title: Educational Assistance Program Funding for FY 2023

Amount requested: One-time \$ 85,000 (prior year request was \$75,000; actual spend for FY 2022 was approximately \$66,000).

Ongoing \$ 0

Purpose of funding request:

The Utah Courts encourage employees to seek further education in order to perform their jobs more effectively and to enhance their professional development. These requests are tracked by AOC Finance which evaluates all requests and thereby assists employee in the pursuit of educational goals by granting a reimbursement of educational expenses to Court employees under specified circumstances. This request will subsidize education assistance for court employees for FY 2023. The amount requested is \$10,000 higher than FY 2022. We are increasing the request for FY 2023 due to increases in tuition and our desire to provide a higher level of reimbursement to each person who applies.

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

All benefitted Court employees are eligible to apply for this benefit. HR policy currently in effect specifies the educational pursuit must be an evident benefit to the Courts and have approval of the Court Executive or Director. The employee enters into an Education Assistance Contract prior to the beginning of the course and may be reimbursed for their costs (tuition and fees) at the successful conclusion of the course (successful means a final GPA of 2.0 or better). If the employee leaves the Courts within 12 months of receiving an Educational Assistance reimbursement, HR policy allows the Courts to ask that the departed employee repay any education assistance money received within a 12-month period after departure. The policy also aligns with the code 127 of section 127 IRS limit code which limits reimbursements to any person at \$5,250 per calendar year per employee as a tax-free benefit. Our average reimbursement per applicant for FY 2022 was \$2,600 which was approximately 80% of the amount of Education expense incurred. With the extra \$10,000 we hope to be able to reimburse at least 90% of Education expenses incurred by our Court associates.

Alternative funding sources, if any:

This funding is not included in our base budget and the courts have traditionally used carry forward funds to provide this benefit.

11. FY 2023 Carryforward Spending Request – Educational Assistance

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

Employees will not receive a reimbursement for their educational pursuits. This will place the Courts at a competitive disadvantage in the pursuit of the best talent.

12. FY 2023 Carryforward Spending Request – Secondary Language Skills

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 4/29/2021

Department or District: OFA

Presented by: Jon Puente

Request title: Secondary Language Stipend

Amount requested: One-time \$ 83,200 (amount funded last year = \$74,100 including a mid-year request for \$5,200 of additional funds)
Ongoing \$ 0

Purpose of funding request:

There is a great diversity in languages spoken by court patrons. In order to facilitate court proceedings for non-English speaking patrons, the Utah Courts (1) employs court interpreters [for in-court interpreting] or (2) utilizes the foreign language talents of current court employees [for front-counter interpreting].

This request deals with the front-counter interpreting which involves qualified employees receiving \$50 per pay period for being available as needed. This is a very cost-effective use of our current court employees who use their language skills in the service of court patrons in situations for which a certified, registered or approved interpreter is not required. The Court's pay \$50 per pay period to our court interpreters or \$1,300 per year.

There are 64 slots available to receive this stipend. In FY 2022, the Courts did a better job at filling all of the slots therefore we are requesting the amount needed if all 64 of the slots were filled (\$83,200) for the entire year.

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

Any court employee may apply for a second language stipend by demonstrating a required level of proficiency for a non-English language. In order to qualify for this benefit, employees must complete the following process:

- Complete the Second Language Stipend application and Agreement with the appropriate information and approving signatures and submit to the Court Interpreter Program Coordinator; and
- Complete and pass the Oral Proficiency Exam.

Second language stipends are currently \$50 per pay period. Employees are required to recertify their skills no less than once every three years. A stipend recipient is subject to the following guidelines:

12. FY 2023 Carryforward Spending Request – Secondary Language Skills

- The employee must be reasonably available and use the second language skills on a regular basis.
- The employee shall provide interpreting in a Court proceeding only as outlined in Rule 3-306(11).

The maximum payment is 64 slots x 26 pay periods per year x \$50 per pay period = \$83,200.

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?

This funding is not included in our base budget and the courts have traditionally used carryforward funds to provide this stipend. If this request is not funded, the number of qualified interpreters would decline and interpretation services to court patrons would suffer.

13. FY 2023 Carryforward Spending Request – Public Transit Reimbursement Program

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: April 29, 2022

Department or District: AOC – Facilities & Finance

Requested by: Chris Talbot and Karl Sweeney

Request title: FY 2023 Public Transit Partial Reimbursement Program

Amount requested: One-time \$ 50,000

Ongoing \$ _____

Purpose of funding request:

To provide Court employees state-wide with an opportunity to receive a 75% reimbursement of the costs paid for utilizing public transit until the funds are depleted.

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

Background

In December 2013, the Courts entered into a State of Utah contract with UTA to provide EcoPasses to court employees within the UTA service areas (Districts 1-4). Most all employees obtained an EcoPass since they were free to employees. Many did not use their pass or used it infrequently. At the end of 2019, the Courts had over 800 UTA EcoPasses issued, but only a 10% frequent usage ('frequent' is defined as 50+ uses per year) at an ongoing cost of \$124,000 per year.

In 2020, the State of Utah entered into a new contract that included charging per-pass rather than a blanket cost to the Courts. The Courts evaluated usage and determined the program was not financially feasible given the budget reductions compounded by higher cost and extra time required to administer the program under the new State contract.

Effective August 2021 in connection with an improved UTA EcoPass plan, the Courts instituted a reimbursement program which paid 50% of the monthly cost of commuting on public transportation throughout the state. The reimbursement program offers a \$59 monthly EcoPass that allows unlimited Trax, bus and Front Runner usage. This plan was changed effective May 2022 to increase the reimbursement rate to 75%. The utilization rate has increased with this latest reimbursement % increase to almost 50 passes in May 2022 from 32 in April 2022. Given the different work dynamics today versus pre-pandemic 2020, we are encouraged by the 50 person take up rate.

We are not in a financial position to have every court employee participate due to the different program offered by UTA today (no fixed costs, but higher monthly costs). If all 800 former EcoPass holders decided to enroll in today's UTA plan, the annual cost to reimburse participants would be $800 \times \$59 \times .75 \times 12 \text{ months} = \$424,800$. So, we plan to maintain some minimum co-payment requirement which provides Court employees who regularly commute with a very affordable monthly payment. Going to a

13. FY 2023 Carryforward Spending Request – Public Transit Reimbursement Program

zero required co-payment would potentially draw non-work-related users into the EcoPass program to the disadvantage of those who have a business related use.

At 50 EcoPass participants, the annual utilization of carryforward funds at a 75% reimbursement rate would be:

$$50 \times \$59 \times .75 \times 12 \text{ months} = \$26,550.$$

At 100 EcoPass participants, the annual utilization of carryforward funds at a 75% reimbursement rate would be maxed at \$50,000. AOC Finance will bring back to BFMC and Judicial Council a stub-year request to fund the plan should the program go through its allotted carryforward request. If not approved, the plan would be terminated for the balance of the fiscal year.

Request

We request \$50,000 in one-time carryforward funds to continue a public transit program that is (1) open to all employees but targeted to benefit those who use public transportation most, (2) state-wide (not just UTA), and (3) has a manageable administrative cost. The onus is on the UTA EcoPass participants to pay for their portion of the transit pass via credit card. For non-UTA users (there are none at present) to provide a receipt and request reimbursement through an expense report.

Here is a comparison of the old program to the new:

Description	Old Plan	New Plan
Cost	\$124,000 in ongoing funds	\$50,000 in 1x funds
Service Area	UTA (Districts 1-4)	Statewide - any public transit system
Employee cost to participate	None	25% paid by employee; 100% paid by employee after \$50K cap has been reached. Monthly UTA EcoPass is \$59.
Administrative cost	Minimal - purchase and distribute eco-pass which was for entire year	Minimal - court employees provide credit card to EcoPass Administrator
Who oversees reimbursements?	N/A	AOC Finance
Who monitors the fund balance?	N/A	AOC Finance

AOC Finance monitors the fund balance and will (1) seek additional 1x funds should the funds approved in this request appear to be in danger of maxing out; if no additional funds are approved, AOC Finance will issue an all-Judicial email if/when the funds reach a point of closing the program for the remainder of the fiscal year.

13. FY 2023 Carryforward Spending Request – Public Transit Reimbursement Program**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?

The Courts' benefits have historically offset somewhat lower wage scales. This is a benefit that supports other benefits (retirement, medical, etc.) in attracting candidates to the Courts. There will be negative consequences to those employees who use public transit as they would continue to assume the costs with no reimbursement.

14. FY 2023 Carryforward Request – IT – Cisco Webex Portal Project

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 05/18/2022

Department or District: AOC Information Technology
Requested by: Brody Arishita

Request title: IT WebEx Virtual Hearing Improvement Project

Amount requested: One-time \$150,000

Purpose of funding request: This funding request is to complete some additional functionality within Cisco WebEx to improve ease of use and ease of attendance at all virtual hearings hosted by Cisco Webex for the public. Cisco has been working on this Webex project for the courts' public portal since FY 2021 but did not complete the work satisfactorily by 6/30/2021 so we carried forward the budgeted but unpaid \$150,000 of project funds into FY 2022 (see Exhibit A). State purchasing policy requires the Courts to not pay an invoice before the work is completed to the contract specifications. Based on work performed to date, we believe Cisco will perform some but not all of the contract-required tasks by 6/30/2022. We request approval to once again move the entire \$150,000 carryforward contract balance we brought into FY 2022 into a new fiscal year (FY 2023).

Approving this as a carryforward expense allows us to match the expense (which waits until project completion) with the available funds which have been carried forward from FY 2021 to FY 2022 to FY2023. Due to Cisco's importance to our ARPA-funded IT requests, paying this promptly upon completion of the work is essential. However waiting to pay the invoice until project completion ensures we keep pressure on the vendor to perform.

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

This project will allow Judges to have a public portal for the people who want to view court proceedings but are not a participant of the hearing. Funding was allocated in FY 2022 for Cisco's assistance working with the development team at the courts to build our public facing portal with Webex integration. We originally anticipated the project to be complete by June 30, 2022. It was not and this is a pay upon completion project. We now expect the project to be completed in FY2023 because we had to find an option that would meet our needs for the public and court staff. We respectfully request approval to carryforward IT funds into FY 2023 and pay when the project is completed.

Alternative funding sources, if any: We have been given a grant from SL County to cover \$100,000 of the expense of this project. This request is only asking for the remaining balance. FY 2023 YE Spending will be available should FY 2023 carryforward funds not be available.

14. FY 2023 Carryforward Request – IT – Cisco Webex Portal Project

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

The development on the public portal with regards to Webex integration will stop.

Exhibit A

FY 2022 Carryforward Requests Approved – Cisco Webex Portal Request Highlighted
6/30/2021

	Grand Total Request to Use Carryforward Funds (See Note 1 Below) - Revised June 30, 2021	\$ 2,126,450			2,126,450
23	Third District Media Carts (Chris Davies and Tracy Walker) - may be eligible for ARPA reimbursement				-
24	Court of Appeals – WebEx Technology (Nick Stiles) - may be eligible for ARPA reimbursement - \$148K - \$210K range				-
25	Cisco WebEx Work Fixes - FY 2022 Expense and Payment (Heidi Anderson)				150,000
26/1	Combo 2022 CF and 2022 YE Judicial Council Room Upgrades (Heidi Anderson)				10,519
2	2022 YE Statewide Router Upgrades (Heidi Anderson) - Year End 2022 Spend				
3	2022 YE WiFi Access Points Upgrades (Heidi Anderson) - Year End 2022 Spend				
	Excess of Available Carryforward Funds to Transfer to Reserve				316,829
	Grand Total of Requests and Reserve to Date				2,603,798

15. FY 2023 Carryforward Request to Judicial Council – IT – Contract Developers

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carry forward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 6/1/2022

Department or District: AOC Information Technology

Requested by: Brody Arishita

Request title: Contractor Support for Senior Project Manager/Developer training and Critical IT projects in 2023

Amount requested: One-time \$ 682,000 (prior year request was also for \$682,000)

Purpose of funding request:

This request is to retain 4 experienced contract developers to assist the Sr. Project Managers/Developers (SPMs) on critical projects and development tasks. The 4 existing contractors are shown in Exhibit A with their years of experience in the Courts along with their areas of expertise and annual contract costs. Keeping these contract developers is key for us to keep delivering development projects for the courts across the following areas: Coris Rewrite, Judicial Workspace, Xchange, Voice, OCAP, Guided Interview, Forms and Web Services.

Continuing to fund these contract developers is critical to the SPMs. Further, the contract developers are vital to the Courts promise to the Legislature to increase our code throughput when we were given the \$650,000 of funding from the legislature for 5 full time staff for FY 2022. In our FY 2022 \$650,000 request we stated:

We anticipate a 60% increase in application development hours....The important advancements which the courts have launched in recent years to improve access to justice including e-filing, OCAP, and ODR require an investment in IT resources. Without this investment the critical functions of the courts will be compromised.

We maintain the same business proposition for this year's carryforward request that we set forth last year: hiring the 5 new SPMs with the \$650,000 in legislative funding while simultaneously laying off our 4 most experienced contract developers who are funded exclusively with carryforward funds will essentially result in a trade-off of resources with little if any net increase in development hours. Adding the new SPMs while retaining our experienced contract resources will maximize both the up-skilling of the new resources while simultaneously increasing code output.

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

In the 2021 Legislative session, the legislature approved \$650,000 of ongoing funds to bolster the Court's IT staff by hiring 5 more FT senior managers/developers. With the critical necessity of supporting efforts to adapt courtroom proceedings from physical to virtual settings, these 5 new hires

15. FY 2023 Carryforward Request to Judicial Council – IT – Contract Developers

were hired to (1) provide senior leadership for ongoing projects such as Judicial workspace, Windows 10 upgrade, court data redundancy project, MyCase Pro se e-filing, and CORIS re-write and (2) to shadow and supervise these 4 contract developers (see Exhibit A) who have been supporting these projects for years in order to provide maximum growth and effectiveness.

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?

The projects will not get the needed support and will necessarily be slowed.

Exhibit A

Additional Funding - Carryforward Request - Retain Current Contractors to work with SPMs/Devs			
Current Contractors	Court experience	Annual Cost	
Troy 10 years with the courts (Judicial Workspace, Voice, CorisWeb, CorisMobilize, Inter Agency WebServices)	Critical Experience	206,000	Included in this carryforward ask
Rohan 7 years with the courts, Chief OCAP developer, MyCase, ODR, Forms, Guided Interview, PC/PSA	Critical Experience	206,000	Included in this carryforward ask
Anup 3 years with the courts (CorisWeb, Expungements, eFiling)	Critical Experience	135,000	Included in this carryforward ask
Abhi 3 years with the courts (CorisWeb, CorisMobilize)	Critical Experience	135,000	Included in this carryforward ask
Total Carryforward Request		682,000	

16. FY 2023 Carryforward Request – IT – PCs, Printers, Peripherals Replacement Inventory

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 5/15/2022

Department or District: AOC Information Technology

Requested by: Todd Eaton

Request title: IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements

Amount requested: One-time \$250,000 (prior year request \$250,000)

Purchasing Process Followed: IT purchases all of these items through vendors/resellers who are on state contract. Most of these contracts are multiple award contracts with many vendors to choose from. We use multiple state contracts and comparison shop for lowest price and fastest speed of delivery.

Purpose of funding request:

The IT Division has established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. The Division has annually requested \$250,000 for the program. Due to the large one-time CARES spending we made in FY 2021 for laptops, the current year request is lower than we expect for future years. Starting in FY 2024 we anticipate the renewal spend to increase to approximately \$350,000 as laptops are more expensive to replace than the desktops we used to use.

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

The \$250,000 request will be used to fund a mix of replacement equipment including: laptops, scanners, printers, notebooks, and other peripherals that positively impact the productivity of court staff. Ongoing funding is not available for this project.

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? When laptops, printers or scanners break individuals will have to go without or use an older computer that may still be working.

17. FY 2023 Carryforward Spending Request – 7th District Refurbishments

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 05/11/2022

Department or District: Seventh District

Requested by: Travis Erickson, Trial Court Executive

Request title: Seventh District Storage and Furniture for Carbon and Grand County Courthouses

Amount requested: One-time \$ 8,840

Purchasing Process Followed: The Districts use Utah Correctional Industries for this type of purchase (cabinetry, countertops, etc.). Being a state agency run at the prison, UCI is a preferred state vendor who has a right of first refusal on products they manufacture for other state entities. The bids are attached.

Purpose of funding request:

- Carbon County – Secure Storage Cabinets - \$2,310
- Grand County – Counter workspace & Secure Storage for printers and office supplies - \$5,355
- Grand County – Couch for staff - \$1,175

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

- Carbon County (Price) Courthouse: The Price Courthouse purchased locking storage cabinets to provide secure storage as a replacement for storage space which was previously transitioned into an office suite for the Guardian ad Litem office. With the addition of COVID supplies, web cameras and other equipment needed for remote court appearances, the district has found that its storage needs exceed the available space. An expenditure of \$2,310 will increase the available storage by one third and satisfy this need in the Price Courthouse.
- Grand County (Moab) Courthouse: The Clerk of Court's office in the Moab Courthouse is situated so that the JA staff who work there are directly facing the public counter. Although the clerks' office does not have a printing area a vacant workstation has been improvised such that it can house the office's shared printer, copier, designated printer for writing court checks, and other office supplies. An expenditure of \$5,355 will provide furniture designed and built by UCI to meet the spatial requirements and functional needs of the printer and office supply area. An additional \$1,175 will provide a couch for staff so that they may periodically be briefly removed from the view of the public and remain aware of and respond to patrons who enter or call the clerks' office.

Utah Correctional Industries (UCI) bids for these purchases were solicited on State Contract during FY 22, however, owing to the affects of COVID and the prison relocation to the UCI program, services have been substantially delayed.

17. FY 2023 Carryforward Spending Request – 7th District Refurbishments

Alternative funding sources, if any: None available, in the absence of approval for this request, we will seek to find Seventh District funds in the new fiscal year.

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

Depending on Seventh District budget priorities in the new fiscal year, this project may need to be reprioritized and may be delayed.



UTAH CORRECTIONAL INDUSTRIES

14072 So. Pony Express Rd.

Draper, Utah 84020-0250

Phone: (801) 576-7700

uci.utah.gov

Quote Sheet

No: 230043B

Prepared By: Inmate Streeper

Date: 5/16/2022

Representative: Doug Schut

000229

Customer: Moab Courthouse

Street Address: 125 E Center St

City, State, Zip: Moab , UT 84532

Phone: (435) 636-3401

Fax:

Contact: Travis Erickson

Ship To Contact: Travis Erickson

Customer: Moab Courthouse

Street Address: 125 E Center St

City, State, Zip: Moab , UT 84532

travise@utcourts.gov

LINE ITEMS

Quantity	Catalog #	Description	Material/Finish	Unit Price	Total
1	Lam Edge	Laminated Surface, 24" x 66"	Laminate	\$223.00	\$223.00
1	Lam Edge	Laminated Surface, 24" x 84"	Laminate	\$245.00	\$245.00
2	Custom	2-Dr, 1-Dwr Cabinet, 1 Adj Shelf, 22" x 32" x 35"	Laminate/Melamine	\$615.00	\$1,230.00
1	Custom	2-Dr, 1-Dwr Cabinet, 1 Adj Shelf, 22" x 30" x 35"	Laminate/Melamine	\$590.00	\$590.00
2	Custom	3-Dwr Cabinet, w/2 Lat File Dwrs, 22" x 26" x 35"	Laminate/Melamine	\$665.00	\$1,330.00
1	Custom	2-Dr Storage Cabinet, 12" x 36" x 72"	Laminate/Melamine	\$1,104.00	\$1,104.00
		Melamine: Fog Grey, G2S (All Cabinet Interiors)			
	7942K-07	Laminate: Wilsonart, Cocobala (All Cabinet Exteriors)			
	P3-5962P-24	15/16" 3mil PVC Edgebanding, Cocobala			
1		Park City Sofa, w/power and USB in each Arm	Vinyl	\$1,175.00	\$1,175.00
		Vinyl: Caressa			
		Color: Cadet			
2	COV-2U-4-1-B	2 Power/2 USB Charging Ports	Black	\$196.00	\$392.00
1	42-20AP1-M-72	72" Single Circuit Power Infeed		\$96.00	\$96.00
2	42-FF-42	42" Female/Female Interconnecting Cable		\$43.00	\$86.00
1	DAISY-T	Daisy T Connector for DaisyLink System		\$59.00	\$59.00

Accounting Person: Travis Erickson

Email: travise@utcourts.gov

Phone #: (435) 636-3401

Fax #:

Sub Total \$6,530.00

Delivery & Installation

Taxes

Total \$6,530.00

Billing Information

PO #:

Fund:

Agency:

Unit:

Approp:

Object:

Program:

Activity:

CUSTOMER APPROVAL

Please initial each of the following to verify that they are correct BEFORE signing this quote for approval:

_____ ALL Customer Information (Name, Address, Etc)

_____ ALL Line Item Information (Quantity, Description, Material/Finish, Price)

_____ ALL Billing Information (at Left)

_____ ALL Drawings/Renders (subsequent pages of this quote)

Approved By: _____

Date: _____

Any changes requested after signed approval is received are subject to the following:
additional signature for approval, additional time being added to the estimated
completion date, and additional charges.

Account #: _____

ALL prices are good for 14 days from the date the quote was received by the customer!

18. FY 2023 Carryforward Spending Request – Partial Restoration of FY21 Budget Cuts (Part II)

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 5/27/2022

Department or District: AOC Finance

Requested by: Karl Sweeney and Melissa Taitano

Request title: Partial Restoration of FY 2021 Admin Budget Cuts (Part II)

Amount requested: One-time \$ 112,500

Purpose of funding request: In the FY2021 Legislature-required budget cuts, the Courts cut ongoing spending in all Admin areas by \$653,000. For FY 2023, we are seeking to restore \$225,000 of the cuts which the District TCEs and AOC department heads deemed as “essential” to their operating budget – 50% (\$112,500) through ongoing funds and 50% (\$112,500) through 1x carryforward funds. This request restores funds for those budget cuts that are essential to Court operations now that we are through the pandemic and are attempting to restart training, travel and other similar activities, so that there will be ongoing/1x budgets to do so. These funds will be distributed to the Districts and AOC departments that made the cuts in the first place.

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

As part of the budget cutting process for FY2021, the Courts took the approach of taking cuts by tiers – with those that involved Non-Personnel expenditure cuts being the first cuts made. These cuts were to “Administrative” areas which included all Districts and AOC departmental budgets and reduced non-personnel budgets for accounts like travel, postage, meals, office supplies, training, equipment, subscriptions, motor pool, membership dues, etc. The largest single cut was \$124,500 to eliminate ongoing funds for the UTA Eco-Pass subscription. The law library cut 100% of their training and travel budget – which resulted in a carryforward request this year for \$845 to attend a seminar (see FY 2023 carryforward request #1). Cuts this deep, if not restored, mean the BFMC will be involved in the minutiae of budget management rather than the high-level governance role intended. This request will fix this issue.

The Education department also cut \$24,000 of their budget in FY 2021 which also resulted in a separate carryforward request for FY 2023 (see carryforward request #8). This request will partially fix this issue.

AOC Finance sought input from each TCE and AOC Director who made budget cuts and asked them to determine the amount of budget cuts that were essential to be restored. Through process changes (e.g., more virtual meetings) and innovations in how work is accomplished, the amount requested to be

18. FY 2023 Carryforward Spending Request – Partial Restoration of FY21 Budget Cuts (Part II)

restored was \$225,000 of the original \$653,000 that was cut. This leaves a balance of \$428,000 (66%) that has been permanently eliminated.

Due to other competing ongoing budget needs, we were only able to submit an Ongoing Turnover Savings Request for \$112,500 of the \$225,000 requested by the TCEs and AOC Directors which is shown as “Part I” and is combined with “Part II” which is a request for 1x Carryforward Funds. Combined, the total is \$225,000 of either ongoing or 1x funds which is sufficient to supply funds for all “essential” needs.

We anticipate going back with a second request for ongoing funds in a coming year(s) to restore the remaining \$112,500 which will eliminate this carryforward request should it be approved.

Please see ongoing request “*6. FY 2023 Ongoing Turnover Savings Request – Partial Restoration of FY21 Budget Cuts*” for the following supplemental documents:

Exhibit A for detail of amounts requested for restoration.

Alternative funding sources, if any:

We can request these funds through a future Ongoing Turnover Savings Request.

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

BFMC and JC have numerous small requests that must be addressed through carryforward and YE requests.

18. FY 2023 Carryforward Spending Request – Partial Restoration of FY21 Budget Cuts (Part II)

Uses of the Partial Restoration by Select Districts/Departments

District

7th District / 7th Juvenile will benefit from a partial restoration of funds that they use to replace damaged and aging equipment and attend to other facility needs.

AOC Department

For both the **Law Library** and the **Self-Help Center**, the ability to make meaningful connections and to build community is important. Before the pandemic, we used to travel throughout Utah to meet with court employees, county libraries, and community-based organizations. This was an important part of our work because it built trust and relationships and allowed us to learn what challenges and barriers people face. Gaining this perspective is critical so that we can understand what rural communities need and adapt our programs and services appropriately. Also, being able to attend conferences allowed us to learn what best practices are in place, to share what we are working on, and to approach our work with a fresh perspective. Although it is painful to sacrifice our book budget, the reality is that every single year we face price increases and our budget for books does not grow. The reality of the Utah State Law Library is that more and more people are coming to us looking for help finding information online and not looking at physical books. We anticipate an increased need for subscriptions to online resources and less of a need for paper-based resources. During this transitional period we expect to realize some small cost savings because online subscriptions are less expensive than books. In the long run we will likely need to ask the Council for more funds, but we will leave that crisis for another year.

Since the Budget cuts in FY 2021, the **AOC District Admin.** Team has grown by two employees and will have an additional two employees (as approved by the legislature) join the team starting July 1, 2022. These new employees have doubled the number of staff on our team and we anticipate needing more funds to cover travel and general office needs.

For **AOC Juvenile Admin**: Due to the pandemic, our travel and training expenses decreased. Things are starting to pick up with various national and in-state trainings and conferences. If the pandemic cooperates, we fully anticipate needing these funds to meet the demand of training and travel for the large juvenile court team and to meet the needs of the districts. Similar to training and travel, our current expenses were also reduced during the pandemic as we did not have expenses for in-person meetings, food, per diems, etc. In the juvenile court, we have numerous meetings with community partners and statewide meetings. We anticipate that some of those would continue remotely on a permanent basis. As such, we would request that a portion of the original budget be restored.

For **AOC Legal**: We anticipate more travel now that COVID restrictions are easing.

For HR: We request this money back as we already attended a very helpful conference, and hope to attend more trainings and conferences in the future. Because our small department has a smaller budget, we cut our travel expenses for FY21 to help the courts attain the needed percentage reduction. We did not need to travel during the pandemic and realized it was an easy and necessary cut to make. Although virtual conferences have become more acceptable, in-person training provides a necessary interpersonal and relationship building value that is necessary for HR and its role in fulfilling the mission of the courts.

19. FY 2023 Carryforward Request – IT – Webex, Bandwidth Increase and Clean Slate

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 05/31/2022

Department or District: IT

Requested by: Todd Erickson and Brody Arishita

Request title: 3 IT Projects – Webex, IT Bandwidth and Clean Slate Software

Amount requested: One-Time \$ 118,000

Purchasing Process Followed: Cisco Webex and Lumen are both on state contracts and we are negotiating prices even below the state contract where possible. Agencies may negotiate pricing below the state contract pricing but vendors may never charge above the state negotiated contract rate.

The Senzing software long-term contract will be solicited through multiple vendors on the State of Utah SVAR (reseller) contract. The first contract was awarded to SHI (reseller) on state contract MA096.

Purpose of funding request: These 3 funding requests are separately laid out below as (A) webex, (B) bandwidth increase and (C) clean slate. They can be approved separately for funding but are shown as a lump sum here since they are all intended to be included as part of the IT Judicial Priority request for ongoing funds for the March 2023 session.

- (A) To cover the final incremental amount to provide Webex to all remaining areas of the Court for FY 2023.
- (B) To provide increased bandwidth for 22 Court locations in metropolitan areas of the state through Lumen Technologies for FY 2023.
- (C) To provide clean slate legislation software for FY 2023 (1x funding was provided by the State legislature which was used for the original build).

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

- (A) Webex Licenses - \$38,000

IT has renegotiated a contract with Webex (which is a Cisco product) including the features listed below. The contract was negotiated to run concurrently with our 5-year Cisco Security renewal which was done in Dec. 2021. Because of this, the first year was partially pre-paid with the unamortized balance of the current Webex contract and only had a balance due of \$24,810

19. FY 2023 Carryforward Request – IT – Webex, Bandwidth Increase and Clean Slate

at the time of signing our new 5 year contract. This 1x funding was covered out of the IT budget.

Benefits of renegotiated contract:

- Full Webex hosting accounts for all employees (previously only covered 180 licenses)
- Webex calling is included – which is a less expensive provider of phone services and is what we are moving our phone system to
- New Webex Events and Webinar licenses for all users

Our annual renewal for year 2 will come due in December 2022 and we are requesting this \$38,000 to cover the annual renewal charges. We will submit a separate ongoing request for this increase to cover the years 3-5 of the contract as part of the IT 2023 Legislative Judicial Priority.

(B) Lumen Technologies - \$60,000.

This \$60,000 request provides increased bandwidth for 22 Utah Court locations. Throughout the pandemic IT has closely monitored bandwidth utilization at all 41 court locations. Part of this has included increasing bandwidth in sites as they approach maximum capacity. (Note: Webex and other meeting platforms utilize bandwidth at a much higher rate and put a much higher burden on our network than we have ever seen before the pandemic.)

This request will not only cover increases which have already been completed (see list below), it will also allow us the flexibility to continue doing increases quickly when one of the 22 metropolitan court locations approaches the current bandwidth limit. It will also be utilized to cover redundant internet connections in a few test locations when we begin rolling out our new SDWAN infrastructure. Billing is monthly against the Lumen contract with the State of Utah AR3318 and this is the annualized amount for existing increases and expected increases in bandwidth to be taken this year.

These are the sites in which we have already increased bandwidth through Lumen: Provo, WJ, Silver Summit, Logan, Richfield, Cedar City, Heber, Tooele, Ogden Juv, Spanish Fork, Ogden Dist, Layton, Bountiful, and Farmington.

We will submit a separate ongoing request for this increase to cover future years as part of the IT 2023 Legislative Judicial Priority.

(C) Senzing Software - \$20,000

The clean slate original programming was performed in partnership with court IT and Code for America. We used the Senzing software to assist with the name matching. We are requesting funds for a one-year extension of the Senzing software. The key advantages of the Senzing solution were (1) a name matching system that incorporated common sense and culturally aware name matching techniques on top of (2) the standard machine learning algorithms best suited for handling spelling errors. Another key consideration was how the software handled

19. FY 2023 Carryforward Request – IT – Webex, Bandwidth Increase and Clean Slate

clerical errors. We wanted to make sure the software was able to accommodate the inconsistencies inherent in long lifecycle data sources.

Through testing of the software we observed several key factors of the Senzing software that yielded the best results:

- a. The software was clearly focused around matching individuals and all of our key identifiers: name, dob, address, ssn, driver's license, phone and email.
- b. The software was pre-trained against comparable data sets and able to recognize widely differing formats for names, addresses and dates of birth.
- c. The software handled data entry, transcription and optical character recognition errors flawlessly.
- d. The software was particularly impressive when it came to address matching. There were many non-obvious address formats the software was able to match.
- e. The software went beyond traditional machine learning approaches in data matching, particularly with names. Under the hood, it leveraged IBM's Global Name Management for culturally-aware name matching of compound surnames and nicknames.

This will be solicited through multiple vendors on the State of Utah SVAR contract. The previous contract for purchase was awarded to SHI on contract MA096.

We will submit a separate ongoing request for this annual cost as part of the IT 2023 Legislative Judicial Priority.

Alternative funding sources, if any: None at this time.

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

Sub-optimizes our IT strategy and the accomplishment of the Courts' mission. In the case of the Senzing contract, all of the logic and algorithms are based on using Senzing software to help with the name matching, without this we cannot move forward with clean slate project.

20. FY 2023 Carryforward Request – Time-Limited Law Clerks

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 4/29/2022

Department or District: Board of District Court Judges

Requested by: Shane Bahr, District Court Administrator

Request title: District Court - 2 Time-Limited Law Clerks (Continuation of Funding)

Amount requested: One-Time \$ 191,200¹ (last year request was \$191,200 of 1x carryforward \$)

Purpose of funding request: FY 2023 funding for two existing time-limited law clerk positions.

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

The Board of District Court Judges has been charged with the distribution of district court law clerk resources. As of April 1, 2022, there are thirty-one Law Clerk positions allocated in district courts across the state. Attached you will find a document showing where law clerk positions are located and the law clerk to judge ratio in each district. Of the thirty-one law clerk positions, twenty-nine positions are funded through general funds and the equivalent of two full-time positions are funded with one-time funding.

Historically, the Board has sought one-time funding, year to year, in order to maintain the number of law clerk positions until there were adequate ongoing funds to transition law clerk positions to permanent funding. We realize that this would require 1x funding for both positions until sufficient ongoing funds were available. This request does not increase the total number of district court law clerk positions.

The Board of District Court Judges believes that it would be important to address these 1x funded law clerk positions concurrent with any additions to the Judiciary are sought so as not to further increase the number of 1x funded law clerk positions.

Alternative funding sources, if any: This request may be presented for consideration as a legislative priority for FY 2024.

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, two existing law clerk positions will be eliminated effective June 30, 2022 and the ratio will increase from 1 law clerk for every 2.5 judges to 1 law clerk for every 2.7 judges.

¹ These 2 positions have been one-time funded since 2015.

20. FY 2023 Carryforward Request – Time-Limited Law Clerks

Law Clerk to District Judge Ratio

4/15/2022

Actual LC to Judge Ratio FY2022			
District	# Law Clerk	# Judges	Ratio
1	2	4	1 : 2
2	6	14	1 : 2.3
3	12	31	1 : 2.6
4	5.5	13	1 : 2.4
5	2.5	7	1 : 2.8
6	1	2	1 : 3
7	1	3	1 : 3
8	1	3	1 : 3
State	31*	77	1 : 2.5

*Includes two positions that are funded on a one-time basis effective FY 2015. Regardless of whether they are supported by permanent or one-time funds, all law clerk positions are considered time-limited for purposes of posting. The Board does not designate positions as either time-limited or permanent. See May 2011 Board meeting minutes.

21. FY 2023 Carryforward Spending Request – IT Staff Augmentation

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 6/2/2022

Department or District: IT

Requested by: Brody Arishita

Request title: IT Staff Augmentation

Amount requested: One-time \$ 270,000

Purpose of funding request: The purpose of this request is to augment our IT staff with vendors on state contract supplemented by independent contractors/temps at \$20 - \$25 per hour to perform less technical hardware installation, assembly, etc. throughout the state for various projects in IT. This will enable us to continue striving to provide a high level of service to our customers (because we would not divert our core IT support staff to these projects) and to complete what is currently a daunting list of low-tech projects.

Over the past year IT has received extensive funding through both ARPA and Judicial Council. This has generated a significant amount of work that requires little technical expertise. Outsourcing some of this work will reduce strain and increase the efficiency of our current IT staff. It will allow IT to better utilize our time and efforts focusing on the more technical aspects of these projects while maintaining our ability to keep up with our regular responsibilities. It will also make more fiscally responsible use of the ARPA funding by not having to expend it on labor for these less technical projects and enable us to have a small ARPA reserve for unexpected cost increases through the course of the ARPA projects.

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

The purpose of this request is to augment our IT staff with state contract vendors supplemented by independent contractors/temps (who are available at \$20 - \$25 per hour) to perform hardware installations, assembly and delivery throughout the state for various projects in IT. Below are just a few examples of how we could utilize this funding (Note: the bracketed items below show the source of the funding for the overall project; our request is to use 1x carryforward funds for the install work regardless of the source of the funds for the overall project):

- Hiring a vendor to install the 165 Wireless Access Points (WAPs) in 41 locations throughout the state - IT currently has 2 network engineers to accomplish this [Funded by: Judicial Council]
- Hiring temporary staff to build the large rolling evidence/media carts allowing us to drop ship these directly to court locations. We are deploying these to all courtrooms throughout the state and still have 30+ to complete outside of Matheson [Funded by: ARPA]
- Assist with installing the All-In-One devices in kiosks as they are built in each court location – instead of wholly relying on court staff [Funded by: ARPA]

21. FY 2023 Carryforward Spending Request – IT Staff Augmentation

- After hours installation of Cisco routers - IT configures and augmented staff would deliver and install after hours [Funded by: Judicial Council and ARPA]
- VOIP phones - With Webex calling we could utilize contractors to help with redistribution/return of usable VOIP hardware throughout the state as we migrate to Webex calling site by site [Funded by: Judicial Council]

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 approved we will continue utilizing existing IT staff. This will negatively impact our capacity for regular IT responsibilities and will likely further impair our ability to provide timely support services and response across the Help Desk, network and audio/video teams.

22. FY 2023 Carryforward Request – Administration – Crisis Services Pilot

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 05/31/2022

Department or District: State Court Administrator

Requested by: Ron Gordon

Request title: Pilot Program for Crisis Services –Jurors

Amount requested: One-time \$ 35,000 (depending on the use, these funds could come from either JWI carryforward or General Fund carryforward)

Purchasing Process Followed: Will seek sole source or competitive bids if there are multiple suppliers for the Juror crisis services and the video production services. Video production will likely benefit both jurors and employee/judge groups. The employee/judge portion of the mental health services will be provided primarily by Blomquist Hale who already cover employee mental health services as part of our employee benefits. This request includes the potential use of carryforward general funds to cover incremental employee/judge services beyond that which Blomquist Hale provides for free.

Purpose of funding request: This request is to fund a pilot program whereby the Courts would offer (1) limited counseling to jurors who experience trauma during their service as a juror and (2) a video for jurors (and Court employees/judges) discussing vicarious trauma and self-care. The type of cases that would be offered counseling services are jury trials related to offenses in Utah Criminal Code Title 76 Chapter 5 – “Offenses against the Individual” - which includes murder, rape, human trafficking and assault.

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

Crises Services – Jurors. The anticipated maximum number of hours of counseling provided to jurors during the pilot will be 6 hours per case. We will consider adjusting this if feedback indicates a longer period is needed. We would contract with an entity that will provide the counseling for a set rate. The provider would need to be able to offer telehealth so they can provide services to jurors anywhere in the state.

We anticipate creating a video (and a digital brochure that has the same information) that serves as a juror debriefing and provides information about signs of trauma, how to care for it, and explains the counseling available to jurors through the judiciary (this pilot). We would post the video on our website and provide jurors with QR codes. We plan to include links in the survey email sent to jurors after a qualifying trial to allow access to the provider.

22. FY 2023 Carryforward Request – Administration – Crisis Services Pilot

Crises Services – Court employees and judges. Similar to the video for jurors (and we will investigate combining the two), we would create a video for staff and judges discussing signs of vicarious trauma and how to self-care. We would also create a brochure. We would provide training for supervisors on how to recognize and respond when employees are experiencing work-related and non-work-related trauma/crisis. We would encourage districts to have a wellness room for employees who are experiencing trauma/crisis. The AOC recently created a wellness room in the Matheson Courthouse. Funds for wellness rooms are to be locally provided.

We would publicize the crisis counseling available to employees and judges through Blomquist Hale. Blomquist Hale currently sets aside time for crisis counseling every day. This is a free service for state employees. If our surveys indicate employees/judges need something different from the benefits available through employee health insurance, we would work with Blomquist Hale on an alternative that was more immediate than counseling through health benefits and a little longer term than one-time crisis counseling (likely limited to the 6 sessions noted earlier for jurors).

Alternative funding sources, if any: This need as related to jurors is specifically the type of expenditure that could be funded with the juror, witness and interpreter funds the legislature provides. We currently have approx. \$1.5M in carryforward JWI funds with would easily pay for these incremental costs.

If this request is not funded at this time, what are the consequences or is there an alternative strategy? We would likely have an unknown need for these types of services but not really know the depth of the need. We could explore portions of the pilot which can be done without incremental funds.

23. FY 2023 Carryforward Request – Justice Court Reform – Kem C. Gardner Policy Institute

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 6/14/2022

Department or District: AOC Administration

Requested by: Ron Gordon and Jim Peters

Request title: Partner with Kem C. Gardner Policy Institute on Impacts of Justice Court Reform

Amount requested: One-time - up to \$50,000

Purpose of funding request: Pursuant to the instruction from the Judicial Council in the April 2022 Judicial Council meeting to communicate with the legislature on the Justice Court Reform recommendations and seek legislative support for completing the analysis of this initiative, we have communicated with several legislators and are proceeding with the analysis (see Exhibit for the talking points with the legislature).

One of the partners we'd like to engage in our pursuit of measuring the impacts on both Justice Courts and the State of Utah is the U of U's Kem C. Gardner Policy Institute ("Institute") which has broad experience in dealing with these types of policy impact issues. See the Institute website [here](#). As a state agency we are able to quickly enter into a contract. As an entity with a mission to "*Develop and share economic, demographic, and public policy research that sheds light and helps people make INFORMED DECISIONS*" we are comfortable with their independence and professionalism.

The Court's senior team had a phone call with Phil Dean of the Institute on June 14th and through our call we learned they have some tools that we can use to speed up the analysis process. Because we would lose a month of the 6 months total time we have to be ready for the November legislative interim meetings by waiting until July to make this request, we are asking for this special BFMC meeting to seek authorization to proceed with contracting. We will simultaneously begin discussions with the legislature to seek \$50,000 in 1x FY 2023 funds to reimburse the Courts.

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

See above.

Alternative funding sources, if any: Seeking reimbursement from the legislature as noted above.

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

Difficulty in completing the analysis by November 2022 in time for the Jan. – March 2023 session.



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

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

UTAH STATE COURTS

Legislative Brief

May 16, 2022

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.

Tab 2



Nicholas Stiles
Appellate Court Administrator

Supreme Court of Utah

450 South State Street
P.O. Box 140210
Salt Lake City, Utah 84114-0210
Telephone 801-578-3834

000247

MEMORANDUM

To: Judicial Council
From Utah Supreme Court
Re: Supplemental Information – Budget Request
Date: June 14, 2022

We presented the following budget request to BFMC at their June 6 meeting. Our budget request includes three items. BFMC voted to recommend two of our three budget items. Our request for \$200,000 in one-time carryforward funding was not recommended to be approved by the Council. Our understanding of the concern raised by BFMC is that the cost associated with the Innovation Office might be too high, and BFMC would like to see a further breakdown of the Office's costs.

In providing our request to BFMC we aimed to meet the standard level of information submitted when requesting one-time carryforward funding. We understand the messaging surrounding the Innovation Office's budget has changed, so we're glad to provide additional information. We believe the amounts requested for the Innovation Office are comparable to other one-time funding requests submitted during this budget cycle. We worked with both AOC Finance in creating our budget, and AOC HR in determining the appropriate compensation levels for Office contractors.

On the next page please find a table of our Innovation Office's projected annual budget. We hope this breakdown, in addition to both the Budget Request Memo, and the Informational Memo, will satisfy the concerns about the Office's operational costs.

We request that the Judicial Council approve all three of our budget items.

Position	Employee Rate	Yearly w/Benefits	Contractor Rate ¹	Hours	Yearly
Executive Director ² JD	\$55	\$159,300	\$85/hr.	2080	\$176,800
Senior Research Analyst ³ (Not yet hired)	\$47	\$151,200	\$70/hr.	2080	\$145,600
Program Coordinator ⁴ / Communications Consultant	\$33	\$112,800 (if full-time)	\$50/hr.	1040	\$52,000
Senior Data & Eval Consultant PhD.	\$83	\$249,700 (if full-time)	\$125/hr.	1000	\$125,000
Assoc. Data & Eval Consultant/ Relational Database Developer	\$53	\$153,700 (if full-time)	\$80/hr.	800	\$64,000
Total Personnel Costs					\$563,400
Data: Equipment and Website					\$4,300
Quickbase Licenses (Database)					\$36,000
Administrative: Supplies & Conferences					\$17,500
Regulatory Tools: Attorney Auditors & Walk Throughs					\$37,500
Total Office Costs					\$658,700

¹ Contractor rates are approximately 50% higher to account for benefits (insurance, retirement, paid leave), employment taxes, etc.

² AOC HR analysis provided: Executive Director: \$36.44 - \$61.80 (\$75,795.20 - \$128,544.00) Employee rate.

³ AOC HR analysis provided: Senior Research Analyst: \$28.88 - \$47.07 (\$60,070.40 - \$97,905.60) Employee rate.

⁴ AOC HR analysis provided: Program Coordinator: \$21.25- \$40.91 (\$44,200.00 - \$85,092.80) Employee rate.



Supreme Court of Utah

450 South State Street
P.O. Box 140210
Salt Lake City, Utah 84114-0210

Telephone 801-578-3900

Email: supremecourt@utcourts.gov

Nicholas Stiles
Appellate Court Administrator

Nicole J. Gray
Clerk of Court

Matthew B. Durrant	Chief Justice
Thomas R. Lee	Associate Chief Justice
John A. Pearce	Justice
Paige Petersen	Justice
Diana Hagen	Justice

To: Budget and Fiscal Management Committee, Utah Judicial Council
From Utah Supreme Court
Re: Update on the Office of Legal Services Innovation

Budget and Fiscal Management Committee –

We submit this memo for your consideration of three budget related items. We have additionally submitted an informational memo to the Judicial Council's Management Committee with the intention of presenting it to the full Judicial Council on June 27, 2022. If one or more of our budget-related requests are approved by this body, we will present them to the Judicial Council concurrently with our informational memo. We understand that this body generally does not receive a memorandum in addition to the one-page funding request documents provided by AOC Finance. We have submitted this memo to answer questions surrounding the Innovation Office.

We welcome the opportunity to engage with members of the Judicial Council about the ongoing efforts of our Innovation Office. Please feel free to reach out to us individually or collectively with questions about the Innovation Office.

Included:

Spend Request – Previously Approved ARPA Funds
Grant Proposal – Stand Together Foundation
One-time Carry Forward Funding Request

Thank you.

Matthew B. Durrant
Chief Justice

Thomas R. Lee
Associate Chief Justice

John A. Pearce
Justice

Paige Petersen
Justice

Diana Hagen
Justice

Brief Innovation Office Budget Update

The Innovation Office began as a two-year pilot project that we intended to fund entirely by grants. We are on the cusp of completing the initial two years and are pleased to report that we will complete this initial two-year window having only used grants to fund the Office. At present, the grants from the State Justice Institute and the Hewlett Foundation fund the Innovation Office.

We are aware that even grant-funded programs have an impact on the Administrative Office of the Court's (AOC) resources. The Innovation Office, under the Supreme Court's guidance, has tried to walk the delicate balance of not increasing the workload of AOC employees, but using AOC resources when AOC expertise and increased coordination is more efficient. As an example, the Innovation Office used grant funding and an independent contractor to develop its website and online application. But the Innovation Office has utilized the expertise of Karl Sweeney and Jordan Murray as necessary for grant management and funding applications.

We acknowledge that the Judicial Council was told that the Innovation Office would never request Utah State Court funding. It has always been the intention of this Court to conduct this pilot project with minimal impacts on the operations of the Judicial Council and Administrative Office of the Courts. To this end, we have solicited and received over a half-million dollars in grant funding, which had financed the Innovation Office pilot as we initially envisioned.

The Supreme Court extended the Innovation Office authorization by five years for two main reasons. First, this was done to encourage technology-based entities to invest the time in software and project development. The Innovation Office received reports that the two-year window was inadequate to justify the investment from larger companies. Second, the Innovation Office and the Supreme Court are developing the process to allow entities that have proven themselves within the Sandbox to exit into a more normal, less restrictive, operations scheme. This requires a longer time frame.

The Supreme Court is studying whether to continue the Innovation Office, and, if so, where it should be housed and how it should be funded. For example, the Court has approached the Utah State Bar Commission which has convened a task force to study placing the Innovation Office within the Bar structure—much like the Office of Professional Conduct. The Innovation Office is also seeking additional grants. In fact, included in this memorandum is a request to approve a new grant proposal. And, while not under immediate consideration, we may explore the potential of a future legislative funding request.

But the Office needs gap funding to keep the Office operating until the Supreme Court decides whether to continue it, and, if so, where to house it and how to permanently fund it. Although we understand that we are providing more information in the memorandum than normally accompanies a budget request, we wanted to provide you a detailed look at how we have arrived at this point, how funds are currently spent, and the short-term plans for the office. We appreciate your willingness to understand the past, present, and hopeful future of the Office and its funding needs.

The Innovation Office is currently funded by these grants:

Award Date	Amount	Primary Uses	Grantor
4/27/20	\$200,000	Personnel / Operating costs	State Justice Institute (SJI 1)
4/19/21	\$250,000	Personnel / Operating costs	Hewlett Foundation
9/17/21	\$65,020	Sandbox Database	State Justice Institute (SJI 2)
Total:	\$515,020		

The Innovation Office has spent approximately \$220,000 of the \$450,000 in personnel grant funds. The average monthly usage of personnel grant funds from inception through March 2022 has been \$11,200 (\$212,000/19 months). The burn rate of personnel grant funds forecasted for Q4 of FY 2022 is running higher than the average. We forecast a Q4 monthly burn rate of between \$20,000 and \$30,000 per month. The increase in monthly expenses is due to the increased entity participation in the Sandbox, and the needed salary adjustments for staff to reflect market values.

Below is a quarterly breakdown of Innovation Office expenses.

Quarter	Personnel Costs	Expenses	Balance
			\$450,000
FY 2021	-\$ 69,847	-\$26,211	\$353,942
FY 2022 Q1 Actual (Jul. - Sep.)	-\$ 18,906	-	\$335,066
FY 2022 Q2 Actual (Oct. - Dec.)	-\$ 23,697	-\$4,14	\$303,686
FY 2022 Q3 Actual (Jan. - Mar.)	-\$ 35,951	-\$26,658	\$241,077
FY 2022 April Actual	-\$ 14,177	-	\$226,899
FY 2022 Q4 Forecasted (May & June)	-\$ 63,899	-\$2,900	\$160,100

As you can see, the Innovation Office's annual budget has increased. Initial funding requests for the Office during the first two years of operations (including the ARPA request) were based on individuals volunteering their time and contracted staff being willing to work for significantly less than their market rate in exchange for the opportunity to work on a novel and highly innovative project. And while that assumption has largely held true, it is no longer realistic or fair to rely on these subsidies.

The Innovation Office has also enjoyed a high-level of interest and applications for entry into the Sandbox which, because we are staffed by independent contractors, means we pay hourly to process these applications. There are currently 41 entities operating in the Sandbox, with more applying each month. The current estimated annual budget need for the Innovation Office is roughly \$658,000. This figure includes approximately \$558,000 for four contracted staff members, and \$100,000 for operational expenses including on-going database development.

The current contracted staff include an Executive Director, Director of Data, Relational Database Developer, and a Marketing/Office Coordinator. We hope that if the Judicial Council can award the Office \$200,000 in one-time carry-forward funds, authorize the use of \$324,500 of the previously appropriated ARPA funds, and authorize the submission of a grant proposal to the Stand Together Foundation, we can keep the Office running until the Supreme Court determines the Office's fate.

24. FY 2023 Carryforward Spending Request – Supreme Court – Innovation Office

The Judicial Branch receives budget funds annually through the Legislative appropriations process. Funds appropriated for FY 2022 are normally to be spent between July 1, 2021 and June 30, 2022; however **the Legislature has approved the Judicial Branch to carryforward up to \$3.2M in unspent FY 2022 funds into FY 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these FY 2023 carryforward funds for one-time projects that will be delivered in FY 2023.**

Date: 05/26/2022

Department or District: Utah Supreme Court

Requested by: Nick Stiles

Request title: FY 2023 Office of Legal Services Innovation Funding

Amount requested: One-time \$ 200,000

Purchasing Process Followed: N/A

Purpose of funding request:

This one-time funding request is necessary gap funding for the Office of Legal Services Innovation. It is being submitted in conjunction with an ARPA funding request to fund the operations of the Office for FY2023. We have also submitted a proposal for additional grant funding and are actively exploring alternative funding sources.

Going into FY2023 the Innovation Office has roughly \$160,000 remaining from its original grant funding. The Office is requesting the use of \$324,000 in ARPA funds and the assignment of \$200,000 in carryforward funds. The minimal viable annual budget for the Innovation Office is \$658,000. These appropriations will fund the Office at its minimal level, while providing a slight buffer for unexpected expenses.

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

The Office of Legal Services Innovation has been operating for almost two years with grant funding from both the State Justice Institute and the Hewlett Foundation. The Innovation Office was created with the primary goal of increasing access to justice through modifications to Utah's legal regulatory scheme. The regulation of the practice of law is a risk-based approach and likewise, in addition to developing a new legal framework, the Innovation Office has created mechanisms to track the necessary data to ensure no harm is being done to the consumer.

Alternative funding sources, if any: The Innovation Office is pursuing additional grant funds. It is not known at this time if additional grant funds will be available and to what uses those funds can be put.

24. FY 2023 Carryforward Spending Request – Supreme Court – Innovation Office

If this request is not funded at this time, what are the consequences or is there an alternative strategy? The Innovation Office operations will be substantially impacted.

1. FY 2023 ARPA Spending Request – Reprioritization to Innovation Office

The Judicial Branch received \$3M in ARPA funding for use starting in FY 2023 through 12/31/2024.. The Judicial Council in January 2022 prioritized the uses of these ARPA funds. This request seeks to reallocate ARPA funds from higher priority areas where our current forecast of ARPA spending shows we have surplus towards other ARPA requests. There is no current year general fund budget impact if this reallocation is approved.

Date: 04/29/2022

Department or District: Utah Supreme Court

Requested by: Nick Stiles

Request title: Reallocation of \$324,500 in ARPA Funds

Amount requested: ARPA Funds \$324,500

Purpose of funding request:

As shown in Exhibit A (column O, yellow highlighted amounts), the original legislative allocation of \$3.0M in ARPA funds was fully utilized by our top 3 ARPA requests. The forecasted use of ARPA funds has been updated by AOC Finance based on spending patterns since the original list was created in January 2022. We seek Judicial Council approval to reallocate \$324,500 of ARPA funds from COVID19 Supplies to the next priority (Innovation Office or the “Office”) based on this revised forecast. ARPA funds must be spent by 12.31.2024.

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

The Innovation Office was part of the Courts’ ARPA request to the legislature for a total of \$649,000. In the 2022 legislative session, the Courts were appropriated \$3.0M of ARPA funds to be spent on any of the 9 ARPA requests the Judicial Council submitted to the legislature. The Judicial Council prioritized the 9 ARPA spending requests in February 2022 as shown in Exhibit A. Here are the top 4 shown as submitted with the cumulative expenditures clearly exceeding the amount approved by the Legislature to be spent by some \$662,000.

	<u>Budget</u>	<u>Cumulative</u>
1. ARPA Access to Justice – IT part II	\$1,373,000	\$1,373,000
2. ARPA Case Backlog – Part II	\$1,000,000	\$2,373,000
3. ARPA COVID 19 Supplies	\$640,000	\$3,013,000
4. ARPA Legal Sandbox	\$649,000	\$3,662,000

As noted in the prioritized list above, unless savings to the budget are realized for the top 3 items, ARPA funding will be insufficient to fund the Innovation Office any of the requested \$649,000.

1. FY 2023 ARPA Spending Request – Reprioritization to Innovation Office

Fortunately, there are expected ARPA savings to budget as follows (see highlighted row):

	Budget	Forecast Use	Cumulative Use	Surplus Funds
1. ARPA Access to Justice – IT part II	\$1,373,400	\$1,373,400	\$1,373,400	0
2. ARPA Case Backlog – Part II ¹	\$1,000,000	\$1,000,000	\$2,373,400	0
3. ARPA COVID 19 Supplies	\$640,000	\$200,000	\$2,573,400	\$440,000
4. ARPA Legal Sandbox (the Office)	\$649,000	\$324,500	\$2,897,900	

The forecasted use of ARPA funds for the first 2 priorities has not changed. Both the IT and the case backlog requests are proceeding along trend lines that show they will not have material savings.

ARPA COVID 19 Supplies was budgeted assuming COVID 19 test kits would be needed for in-courtroom use. This assumption now appears to be unlikely. Based on current use trends which show minor usage of test kits and supplies to date, the AOC expects at least \$440,000 of the \$640,000 in COVID 19 Supplies funds to be available for Innovation Office use. The Office requests \$324,500 of ARPA funds to fund its FY 2023 operations.

Because ARPA savings become more certain as time passes, and as the actual spend needed for the three higher-ranked ARPA requests becomes clearer, we will assess the need to make a second request for ARPA funds for use by the Innovation Office in Q4 of FY 2023 when both the Office funding needs and the ARPA funds available are more accurate.

¹ Per AOC Finance, the Courts are spending approximately \$60,000 per month for Sr. Judge and JA time to reduce case criminal case backlogs. The Courts have shown a criminal case backlog reduction trend of approximately 500 cases per month since Sr. Judges began to devote substantial time in September 2021. To reach pre-pandemic levels of 13,500 criminal cases open from the +/-20,000 cases open at Feb. 28, 2022, it will take approximately 13 additional months (through March 2023) if current trends continue. However, early results for March 2022 show a slowdown in criminal case backlog clearance. With \$300,000 of the \$1.0M in ARPA Case Backlog – Part I funds expected to be carried forward into FY 2023 this will leave \$1.3M in combined part I and II funds/\$60K per month = 21 months of funding starting July 1, 2022 = remaining (which would go through March 2024). Based on the unclear trend line, we recommend NO ARPA case backlog funds be transferred to a lower priority ARPA request until we have more time to assess future trend lines and whether the criminal case backlog can be accomplished before March 2024.



FY 2023 - \$3M ARPA Funds Reallocation Worksheet

Description	ARPA Priority Ranking	1x ARPA Amount	Revised Forecast 6.2022	Change in Forecast	Requested ARPA Reallocation	Cumulative Forecasted Expenditures
Total ARPA FY 2023 Budget Available						\$3,000,000
ARPA Access to Justice - IT Part II	1	\$1,373,400	\$1,373,400	\$0		\$1,373,400
<i>Appellate eFiling</i>		\$593,400	\$593,400			
<i>ePayments Revamp</i>		\$475,000	\$475,000			
<i>Xchange</i>		\$125,000	\$125,000			
<i>MyCase (Payments)</i>		\$180,000	\$180,000			
ARPA Case Backlog Part II	2	\$1,000,000	\$1,000,000	\$0		\$2,373,400
ARPA COVID-19 Supplies	3	\$640,000	\$200,000	(\$440,000)		\$2,573,400
ARPA Legal Sandbox	4	\$649,000	\$649,000	\$0	324,500	\$2,897,900
ARPA Self Help Forms	5	\$64,000	\$64,000	\$0		
ARPA Interpreter Equipment	6	\$97,000	\$97,000	\$0		
ARPA Eviction Court	7	\$166,000	\$166,000	\$0		
ARPA Public Outreach	8	\$30,000	\$30,000	\$0		
ARPA Access to Justice - IT Part III	9	\$1,881,500	\$1,881,500	\$0		
<i>Juvenile ProSe eFiling including Digital Signatures</i>		\$125,000	\$125,000			
<i>Modernize CARE to a responsive design/ADA compatability improvements</i>		\$650,000	\$650,000			
<i>Adapt workspaces for COVID safety</i>		\$826,500	\$826,500			
<i>QR Codes embedded on court documents</i>		\$160,000	\$160,000			
<i>Public Portal for Hearings (website for public to view)</i>		\$120,000	\$120,000			
Total Judicial Priority Requests	\$45	\$5,900,900	\$5,460,900	(\$440,000)		
Unallocated Balance - Reserve for Future Requests						\$102,100
Deficit to be funded by savings					(\$13,400)	\$3,000,000
Unallocated Balance - Reserve for Future Requests					\$102,100	

Sum of Top 3 ARPA Requests

Funding Provided

Deficit to be funded by savings

\$3,013,400

\$3,000,000

\$13,400

New Top 4 Requests

\$2,897,900



Administrative Office of the Courts

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

June 2, 2022

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

RE: GRANT PROPOSAL – SUPPORTING UTAH’S OFFICE OF LEGAL SERVICES INNOVATION & REGULATORY SANDBOX

Applicant: The Office of Legal Services Innovation

Grantor: “Stand Together” 501(c)(3) (Non-Federal)

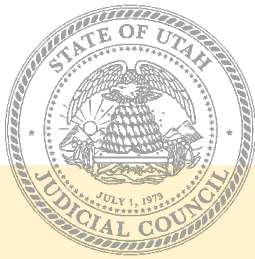
Amount Requested: \$975,000

Match Requirement: None

Grant Term: 24 months

1. **Background.** The Utah Supreme Court’s Office of Legal Services Innovation (the “Office”) and regulatory sandbox was initiated with grant funding provided by the State Justice Institute (SJI) and The William & Flora Hewlett Foundation (“Hewlett”). The SJI grant successfully concluded in April 2022 and the Hewlett grant is in its final year scheduled to conclude April 2023. One of the revenue sources to sustain the operation of the Office continues to be grant funding provided by external partners. “Stand Together” is one such philanthropic organization signaling interest to support this innovative access to justice project.
2. **Purpose of Funds.** The funding provided by Stand Together will support the ongoing operational expenses of the Office over a two-year term. Funding these expenses allows for the efficient review of sandbox applications, refining and delivering of the risk-based regulatory framework (the first of its kind in North America), founding legal sandbox policies and procedures, documenting the regulatory framework for transparency and scale, automating and routinizing sandbox entity evaluation, and communicating the regulatory methods of the sandbox to stakeholders across the public, for-profit, and nonprofit sectors.
3. **Significance & Alternatives.** With the initial “seed” grants concluded (SJI) or in their final year (Hewlett), the Office must procure additional operating funds to retain three full-time staff members. Alternative revenue streams outside of grant funds remain unrealized or uncertain. These potential sources include allocation of American Rescue Plan Act (ARPA) funds appropriated through the state budgeting process (uncertain) and eventual fees collected from the regulated entities participating in the sandbox (prospective).
4. **Resource Assessment.** The regulatory sandbox’s seven-year pilot period is well underway. For the Office to remain faithful in its mandate, it must secure and safeguard foundational operating capacity. As proposed, this request for grant funding seeks to provide for ongoing standard operating expenses of the Office and does not impose incremental costs (monetarily or in-kind) on the Courts. With grant funding, the Office remains a financially independent entity under the jurisdiction and authority of the Utah Supreme Court.

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



Judicial Council
Grant Application Proposal (GAP)
for
NON-FEDERAL FUNDS

☒ Primary Applicant

☐ Subrecipient

☐ Urgent

Date: 6/1/2022

Contact Person: Mr. Nicholas Stiles

Phone: 801-578-3834

Judicial District or Location: Utah Supreme Court's Office of Legal Services Innovation

Project Title: Stand Together Regulatory Sandbox Proposal

Grantor: "Stand Together"

Funding Amount: \$975,000

Application Deadline: None (submitted at will)

Grant Type: ☒ New

☐ Renewal

☐ Amendment

Grant Tier:¹

☐ 1-Low

☒ 2-Medium

☐ 3-High

CJA 3-411 (4)(E)

1. Explain (a) the issues to be addressed by this project and describe how the grant funds will contribute to their resolution; also describe (b) how the grant will assist the Utah Courts to solve problems and promote innovations that cannot be accomplished with existing resources:

If awarded, the funding provided by Stand Together will support the ongoing operational expenses of the Office over a two-year term. Funding these expenses allows for the efficient review of sandbox applications, refining and delivering of the risk-based regulatory framework (the first of its kind in North America), founding legal sandbox policies and procedures, documenting the regulatory framework for transparency and scale, automating and routinizing sandbox entity evaluation, and communicating the regulatory methods of the sandbox to stakeholders across the public, for-profit, and nonprofit sectors.

1. Tier 1: At least \$10k but less than \$50k per year, and no new permanent full or part time employees; and no new state monies for match.

Tier 2: Greater than \$50k but less than \$1M per year; or adds more than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match. **Tier 3:** Greater than \$1M per year; or adds more than 11 permanent full or part time employees; or requires state to expend greater than \$1M per year in new state monies as match. (*Accounting Manual §11-07.00 Exhibit A (II)(a-c) & UCA 63J-7-202*)

CJA 3-411 (4)(E)

2. Describe (a) how this grant will support the mission of the Utah Courts to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law, and (b) how this grant provides measurable benefits to marginalized, minority, pro se, or similar underserved individuals or

The Utah Supreme Court undertook the regulatory reform project with the goal of meaningfully addressing the access-to-justice crisis through innovation and increased market influence on what has traditionally been a tightly restricted and limited industry. One driving force behind the access-to-justice crisis is how states currently regulate the practice of law. Outmoded regulations severely constrain courts, nonprofits, and for-profit organizations from innovating in ways that would significantly increase both the availability and affordability of legal services and reduce demands on the courts. Lawyers themselves, who have a monopoly on legal-service delivery, face numerous capital restrictions, advertising, and marketing restrictions, expensive training requirements, and other rules that keep them from testing innovations that might provide significant access-to-justice benefits. Beyond this restrictiveness, the current regulatory approach imagines hypothetical harms to consumers that have not been empirically verified. The legal services market could and should support providers who can innovate new models to serve in more efficient and engaging ways the millions of people needing legal help. True access to justice will come from market freedoms reflected in permitting and monitoring new business structures and provider types as well as linking companies, communities, and technology. Changing existing regulations can make this possible for millions who currently receive no help.

CJA 3-411 (4)(E)

3. Describe the court resources required to carry out the project in the post-award phase and subsequent to grant closeout once funds are expended:

Mr. Karl Sweeney (AOC Director of Finance) and Mr. Jordan Murray (AOC Grant Coordinator) serve as resources in alignment with their routine roles and responsibilities. This includes various administrative tasks associated with grant management.

UCA 637J-7-202

4. Complete the following tables as applicable with estimated expenditures for up to three state fiscal years. If no matching contributions required complete only Table (C).

(C) No Match							
State Fiscal Year		Funds Disbursed	Matching State Dollars (None)				
			General Fund	Dedicated Credits	Restricted Funds	Other (describe)	Maintenance of Effort
FY	2023	\$200,000					
FY	2024	\$775,000					
FY							

Explain any special circumstances concerning the no matching status ("N/A" if matching is required):

No matching requirements anticipated.

CJA Rule 3-411 (4)(E)(vi)

5. Will additional state funding be required to maintain or continue this program or its infrastructure when the grant concludes?

☐ Yes ☒ No

Explain:

The Supreme Court is assessing the future of the Innovation Office and has approached the Utah State Bar Commission which has subsequently convened a task force to study placement of the Innovation Office within the Bar structure (similar to the Office of Professional Conduct). Additional grant funding will be pursued dependent on the Office's future needs. There is no obligation nor expectation for the provision of additional state funds to continue the regulatory sandbox pilot in the absence of grant support; however, while not presently under consideration the option of a legislative funding request may be explored in the future.

Will funds required to continue this program come from within your existing budget?

☐ Yes ☒ No

[UCA 63J-7-203](#)

6. How many additional **permanent** full or part-time FTEs are required for the grant project at peak levels of grant-funded employment? If none write "N/A."

Full-Time FTEs	N/A
Part-Time FTEs	N/A

7. How many additional **temporary** full or part-time FTEs are required for the grant project at peak levels of grant-funded employment? If none write "N/A."

Full-Time FTEs	3.0
Part-Time FTEs	N/A

[Accounting Manual 11-07.00 \(2\)\(C\)\(iii-v\)](#)

Assurances

1. General Counsel has reviewed and approved the terms and conditions of the application.

☐ Yes

☒ N/A

If N/A, explain: The grantor has not requested a formal application at this time. If produced, applicant will seek General Counsel review.

2. Court IT has approved all technology, software, and services included in the budget.

☐ Yes

☒ N/A

If N/A, explain: Not applicable.

3. Court Purchasing has approved all vendors included in the budget.

☐ Yes

☒ N/A

If N/A, explain: Not applicable.

This Section Completed by AOC Grant Coordinator

This proposal has been reviewed and approved by the following (as applicable):

- [CJA Rule 3-411 \(4\)\(A\)](#)
- | | |
|--|---|
| <input type="checkbox"/> Trial Court Executives | <input type="checkbox"/> Grant Coordinator |
| <input type="checkbox"/> Court-level Administrator | <input type="checkbox"/> Director of Finance |
| <input type="checkbox"/> Board of Judges in affected Districts (list): | <input type="checkbox"/> Budget & Fiscal Management Committee |
| <input type="checkbox"/> Court committees (list): | |

OR

- [CJA Rule 3-105](#)
- ☒ Utah Supreme Court

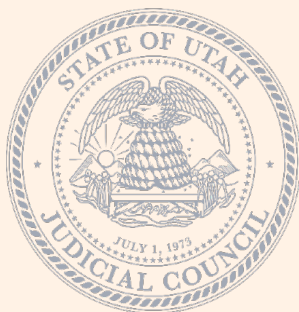
Approved by the Judicial Council:

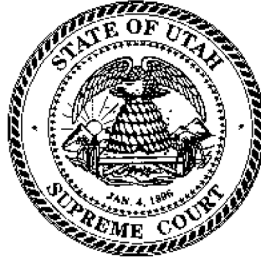
Date

Certified by

State Court Administrator

Signature





Grant Proposal:

Supporting Utah's Office of Legal Services Innovation and Regulatory Sandbox

Project Abstract

The Utah Supreme Court respectfully requests support for its effort to pilot a “regulatory sandbox” for legal services. The sandbox is an innovative policy tool that will allow new players in the legal market to test cutting-edge products and services in a safe and controlled environment, with the ultimate goal of leveraging new technologies and business models to increase access to justice. The Court has also created a new regulatory entity – the Office of Legal Services Innovation (“Innovation Office”) – to oversee the sandbox and ensure the project’s success. With Stand Together’s help, the Court believes this new regulatory strategy will make significant progress toward freeing the market for legal services in Utah, increasing Utahns’ access to legal help, and serving as a model of reform for other states.

Project Narrative

Introduction

The United States currently is in the midst of a well-documented “access-to-justice” crisis. Based on the 2021 World Justice Forum Rule of Law Index, the United States ranks 126th out of 139 countries measures of civil justice accessibility and affordability.¹ This ranking has tumbled down from 65th out of 102 countries in 2015,² and 94th out of 112 countries in 2016, 2017, and 2018.³

¹ WORLD JUSTICE PROJECT, *Rule of Law Index 2021*, <https://www.worldjusticeproject.org/rule-of-law-index/factors/2021/United%20States/Civil%20Justice> (last visited Apr. 11, 2022).

² WORLD JUSTICE PROJECT, *Rule of Law Index 2015*, https://worldjusticeproject.org/sites/default/files/documents/roli_2015_0.pdf (last visited Aug. 12, 2019).

³ WORLD JUSTICE PROJECT, *Rule of Law Index 2016*, https://worldjusticeproject.org/sites/default/files/documents/RoLI_Final-Digital_0.pdf (last visited Aug. 12, 2019); WORLD JUSTICE PROJECT, *Rule of Law Index 2017–2018*,

Many Americans must “go it alone without legal representation in disputes where they risk losing their job, their livelihood, their home, or children, or seek a restraining order against an abuser.”⁴ Data from Utah’s third judicial district suggest that Utah’s courts follow the national pattern. In 2018, at least one party was unrepresented throughout the entirety of their lawsuit in 93% of all civil and family law disputes.⁵

To address this crisis, the Utah Supreme Court formed a task force to explore optimizing the regulatory structure for the practice of law. As part of its mandate, the task force studied the possibility of loosening certain regulations to allow for new, innovative, and cost-effective legal services. And in August 2019, the task force ultimately proposed creating a new regulatory entity for legal services in Utah – the Innovation Office – and directing it to run a “regulatory sandbox” to pilot innovative new offerings. Since that time, the Innovation Office successfully launched the sandbox, the first of its kind in the United States legal industry, and has authorized almost 50 new legal service entities across a range of models and areas of law.

The Court respectfully requests assistance from Stand Together to expand the staffing and oversight capabilities of the Innovation Office to ensure success of the project and enable regulatory reform of the legal services industry.

Project Objective

The Utah Supreme Court undertook the regulatory reform project with the goal of meaningfully addressing the access-to-justice crisis through innovation and increased market influence on what has traditionally been a tightly restricted and limited industry.

One driving force behind the access-to-justice crisis is how states currently regulate the practice of law. Outmoded regulations severely constrain courts, nonprofits, and for-profit organizations from innovating in ways that would significantly increase both the availability and affordability of legal services and reduce demands on the courts. Lawyers themselves, who have a monopoly on legal-service delivery, face numerous capital restrictions, advertising, and marketing restrictions, expensive training requirements, and other rules that keep them from testing innovations that might provide significant access-to-justice benefits. Beyond this restrictiveness, the current regulatory approach imagines hypothetical harms to consumers that have not been empirically verified.

https://worldjusticeproject.org/sites/default/files/documents/WJP-ROLI-2018-June-Online-Edition_0.pdf (last visited Aug. 12, 2019).

⁴ LEGAL SERVICES CORPORATION, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans* (June 2017), <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf> (last visited Aug. 12, 2019).

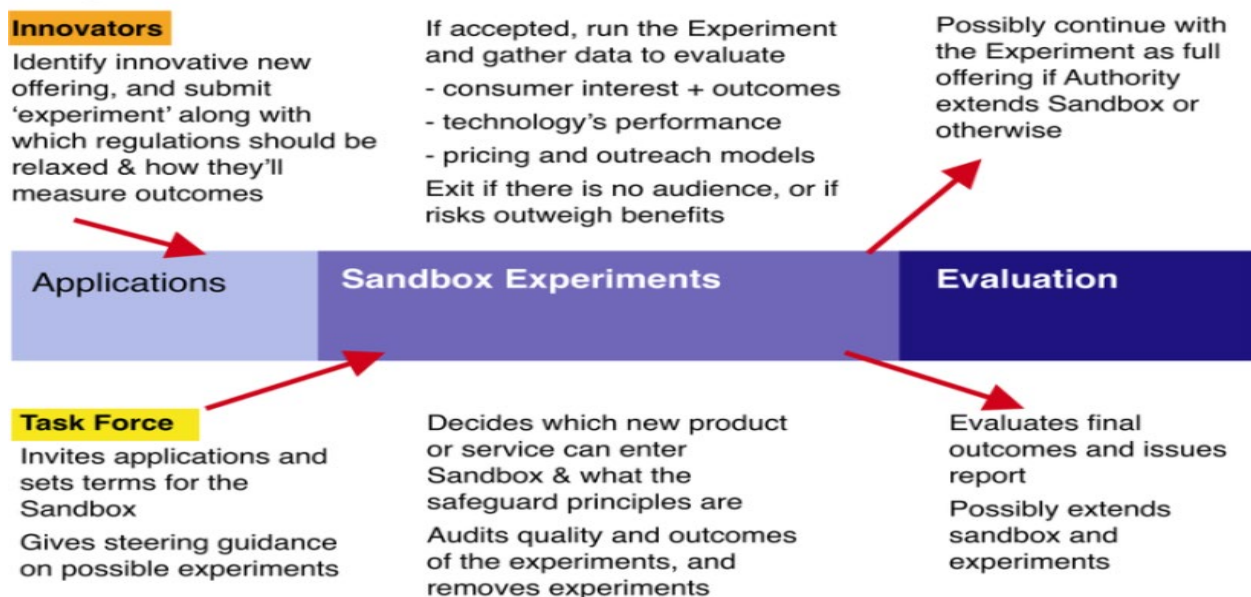
⁵ For purposes of this statistic, the Third District Court for the State of Utah includes all adult courts, including justice courts, in Salt Lake, Summit, and Tooele Counties.

These regulations no longer make sense in an age where disruptive technological innovation happens with regularity and outcomes-based accountability informs service delivery models. They also reflect the inertia of an incumbent profession, convinced that it alone knows the legal solutions American consumers need and has limited consumer choice and options. The impact of this inertia has been powerful. The precipitous increase in self-represented litigants and the unaffordability of lawyers has driven a new market for groundbreaking, cost-effective legal services. And the potential access-to-justice benefits from these new services are significant. The legal services market could and should support providers who can innovate new models to serve in more efficient and engaging ways the millions of people needing legal help. True access to justice will come from market freedoms reflected in permitting and monitoring new business structures and provider types as well as linking companies, communities, and technology. Changing existing regulations can make this possible for millions who currently receive no help.

Project Description

With this opportunity in mind, Utah has undertaken significant regulatory reform in its legal-services industry. At the heart of this reform is a cutting-edge policy tool known as a “regulatory sandbox,” which will allow new players in the legal market to test new products and services while ensuring they are consistent, cost-effective, and safe. To ensure its success, the Court has established a new regulatory entity to run the sandbox – the Innovation Office – that will, at least during the seven-year pilot period, function alongside the Utah State Bar as a regulator of the practice of law in Utah.

Legal Innovation Sandbox



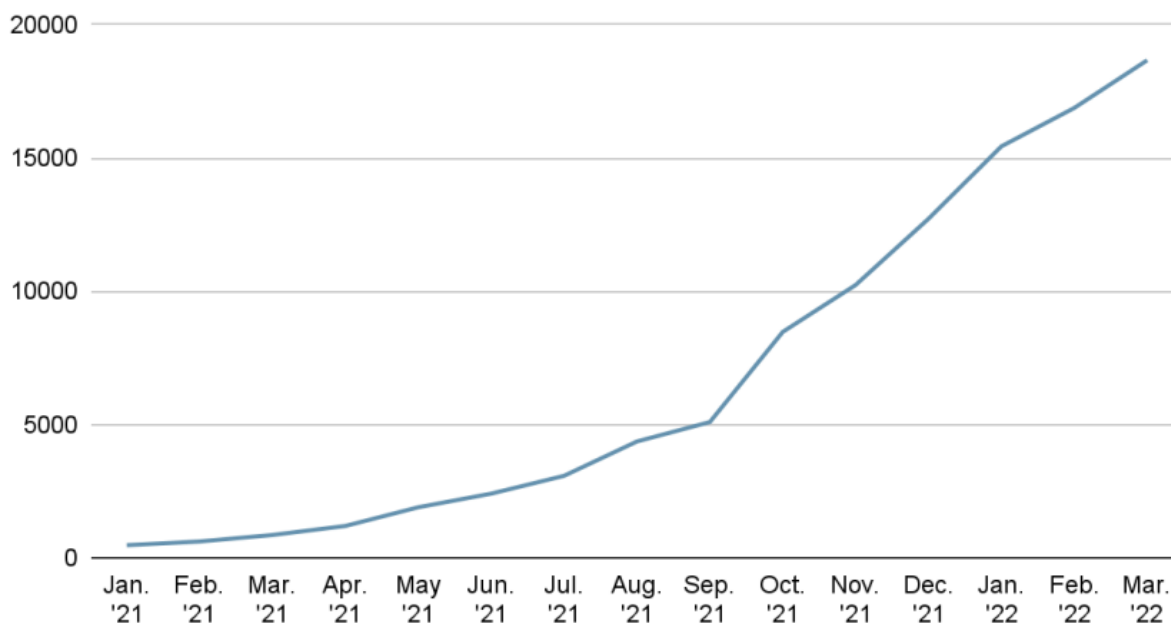
The Innovation Office and Sandbox launched in late August 2020 – the first legal regulatory sandbox in the United States. The Office currently oversees more than 40 [authorized entities](#) providing legal services through innovative business models and services. Sandbox entities include:

- Estate Guru - a company partnering with lawyers and using a sophisticated technology platform to scale end of life services for individuals.
- Timpanogos Legal Center - a nonprofit organization training lay domestic violence advocates to give survivors legal advice and assistance with filing for orders of protection.
- Law on Call - a company hiring lawyers to offer small businesses subscription-based legal services.
- Trajector Legal - a company employing lawyers to offer lower-cost legal services to veterans.
- Hello Divorce - a company offering consumers a range of family law services at a range of price points, leveraging technology, trained nonlawyers, and lawyers.

Beyond simply opening the market for legal services, the Office has developed and is implementing the first risk-based, data-driven regulatory framework for legal services in the world. Although there are almost no barriers to enter the Sandbox, entities in the Sandbox must submit regular reports to the Office on services offered to consumers. These data are collected to inform regulatory decision-making and the Court's future policy making around rule changes. The Office [reports](#) data to the public and the Court each month.

Because the Office collects data, we know that these reforms are beginning to have some impact for Utah consumers. Entities in the sandbox have provided over 20,000 services to more than 10,000 unique consumers.

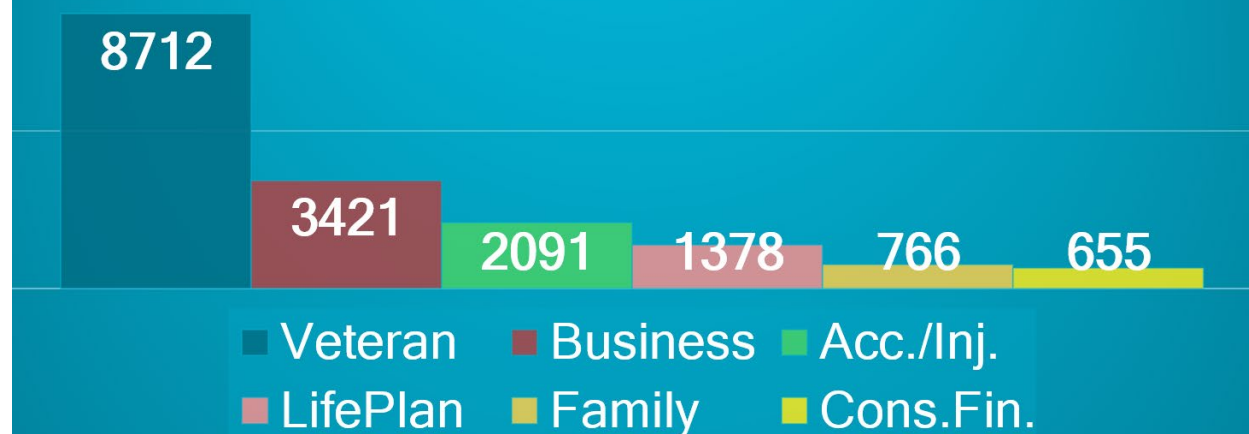
Cumulative Legal Services by Month



Services span across the legal spectrum, but a majority are provided to individual consumers with everyday legal problems (for example, accessing veterans' benefits, end of life planning, and small business needs).

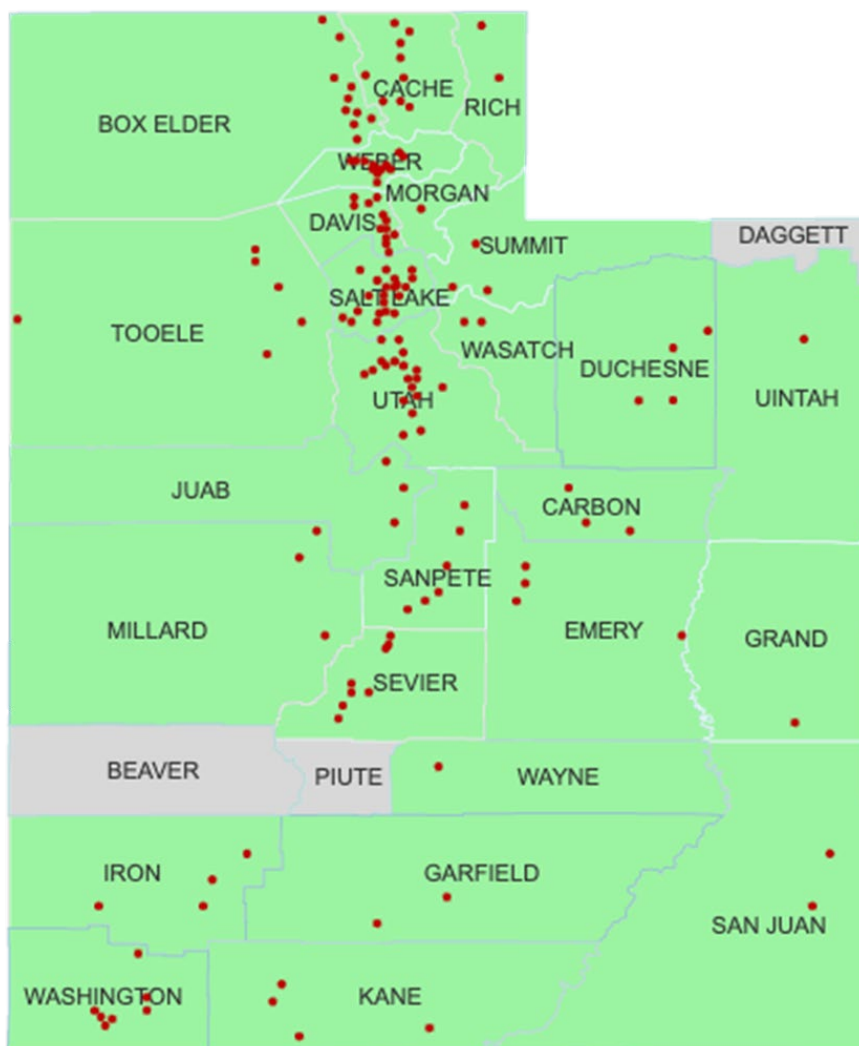
6 categories account for 91% of services

Top Legal Categories



We are also seeing services provided across the state of Utah, including in areas categorized as “legal deserts.” Sandbox services to date have touched 26 of 29 Utah counties in more than 150 unique cities or towns. Seventeen of the 29 counties in Utah are ‘legal deserts.’ The Sandbox has touched 15 of these 17 deserts with services.

Utah County Map - Coverage by Sandbox Services



The Utah Sandbox model is inspiring reform in other states, including California, North Carolina, Washington, and Michigan.

Funding Request

The Utah Supreme Court requests funding support from Stand Together to ensure the sustainability, growth, and success of the Office of Legal Services Innovation and the legal regulatory sandbox. The Court, while fully committed to the project and to securing the government funding necessary, has faced challenges influenced both by history and politics. Historically, the regulation of legal services has been delegated to the Bar, which implements an oversight system by creating high and expensive barriers to entry and little ongoing oversight. The direct cost to the government has been almost nothing; though the costs of the professional monopoly on the citizens of Utah are likely significant. In taking on this regulatory reform project, a state supreme court, perhaps for the first time in this country, is actively embracing its regulatory responsibility in what has, in some sectors, been perceived as a challenge to the professional monopoly. Perhaps not surprisingly, funding this effort requires creative thinking, political courage, and strong allies. The success of this project has already started to shift these challenges into opportunities. It is the Court's strong belief that as benefits of the sandbox continue to manifest shift will continue. However, in the short term, the Court needs additional financial support to normalize and diffuse the feasibility and impact of legal reform in the public sector.

The Office launched with “seed funding” from the State Justice Institute and the Hewlett Foundation, and the Court is currently seeking sustained operational funds through the state budget process. The Court also expects the Innovation Office to collect fees from regulated entities to support its operational needs in the future. Expenses are relatively low for a regulatory body, with only three proposed full-time staff members.⁶ At this time, the initial grants are winding down, state funding is uncertain in the near term, and licensing fees are not yet realized. The survival of this extraordinarily successful project, which acts a unique gateway for legal service development and access, is in jeopardy, and the Court seeks funding from Stand Together to ensure that the Court can bridge the likely gap in funding and maintain the Office and its sandbox through the next two years.⁷

The sandbox approach enables organizations in the nonprofit and for-profit sector to innovate and partner to develop unique business structures and service delivery models. Sandboxes allow for the freedom to test structures and models while also reasonably protecting consumers from harm. The funds provided by Stand Together will support the efficient reviewing of sandbox applications, refining and delivering the risk-based regulatory framework (the first of its kind in

⁶ The sandbox and the Innovation Office itself are entirely virtual, existing primarily through a website (www.sandbox.utcourts.gov), a staff working remotely, and a volunteer Board which meets virtually.

⁷ The Office does not charge entities to participate in the Sandbox, but only upon exiting the Sandbox as a fully authorized legal services entity. This is intentional so as to reduce barriers to entry and drive participation.

North America), founding legal sandbox policies and procedures, documenting the framework for transparency and scale, automating and routinizing entity evaluation, developing a post-sandbox regulatory framework, and communicating the regulatory methods of the sandbox to stakeholders across the public, for-profit, and nonprofit sectors. Given the unique nature of ex-post regulation of legal services, the Office aims to adapt and tailor its ongoing data reporting and auditing functions to ease reporting burdens across the various entity structures and models. As part of an entity post-sandbox transition, the Office plans to develop procedures to engage in product walkthroughs prior to sandbox exit. The Office believes that a transparent, efficient, and effective sandbox approach can guide legal practice policies in Utah and other states and, as a result, establish a safe and outcomes-based legal market that allows for freedom in business development and consumer choice.

The Court respectfully requests that the Stand Together grant term be for 24 months with the funds paid up front at the start of the term. The Court requests \$975,000 to fund the Office's needs and ensure the success of this extraordinary and unique endeavor to rethink the regulation of legal services for the benefit of ordinary consumers.

Tab 9



The Utah Judicial Branch
Department of Human Resources



Agenda

Memorandum

From: Bart Olsen, Director of Human Resources, Administrative Office of the Courts
To: Management Committee & Judicial Council
Re: Amendments to HR policy governing investigation procedures

BACKGROUND

HB 388 (Abusive Conduct Reporting Amendments) passed Utah's General Legislative Session in 2019, requiring policies, reporting mechanisms, and training on prevention of abusive conduct to begin in 2020. In a special session, that effective date was later adjusted to 2021. Judicial Branch HR policies were approved and published effective last July along with updated investigative procedures for allegations of both workplace harassment and abusive conduct.

This was a good step forward, but the investigative procedures were designed with non-judicial officer employees in mind. We learned quickly the procedures do not sufficiently address necessary differences in investigative purpose and procedure when allegations arise against a judicial officer. Nor do they adequately articulate procedures and protections for judicial officers who themselves advance allegations of harassment or abusive conduct. The attached amendments to sections 15 and 16 of HR policy met the approval of the Policy & Planning Committee, and seek to remedy all of these concerns.

SEPARATION OF PURPOSES AND PROCEDURES

The amended HR15-4 now solely addresses investigative procedures for allegations against non-judicial officer employees. Amendments further explain general procedures of an investigation. It also clarifies that investigators act only in a fact-finding capacity and are not authorized to make employment decisions for management.

HR15-5 is a new and separate subsection identifying procedures when allegations arise against judicial officers. The addition explains a differing purpose of fact-finding and uses the term "preliminary inquiry" to highlight the difference.

ORGANIZATIONAL CLEANUP

Amendments to HR16 (abusive conduct) eliminates duplicate language by pointing applicable investigative and preliminary inquiry procedures to those presented in HR15 (workplace harassment).

HR15-3, HR15-4, HR15-5, HR15-6

Redline from current HR Policy effective July 1, 2021

Section 15 – Workplace Harassment Prevention

HR15-3. Complaint Procedure.

~~Management shall permit employees~~ Employees or judicial officers who allege workplace harassment, ~~discrimination, or retaliation, or both shall be permitted~~ to file complaints and engage in a review process free from bias, collusion, intimidation or retaliation. Complainants shall be provided a reasonable amount of work time to prepare for and participate in internal complaint processes.

- 1) ~~Any employee~~ Employees or judicial officers who believe they have been subject to, have witnessed, or are aware of discrimination, harassment, or retaliation, by any employee, commissioner, judge or justice, individual or entity ~~is strongly encouraged to report the incident as described in this policy. Additionally, the employee~~ should do the following:
 - a) Document the occurrence;
 - b) Continue to report to work as directed; and
 - c) Identify a witness or witnesses, if applicable.
- 2) All employees and judicial officers can report discrimination, harassment, or retaliation verbally or in writing by any of the following methods:
 - a) By contacting directly any supervisor or member of management with whom ~~the employee is~~ they are comfortable reporting such matters.
 - b) By contacting any member of the Human Resources Department.
 - c) By contacting directly, any member of AOC management, including any court-level administrator.
 - d) By contacting the State Court Administrator, Deputy State Court Administrator, or Assistant State Court Administrator.
 - e) By contacting any commissioner, judge or justice.
 - f) By contacting any member of the ~~Management Committee~~ Judicial Council, who shall immediately report the complaint to the Council's Management Committee.
- 3) Commissioners, judges, justices, court executives and administrators, supervisors and managers must report any complaints or misconduct under this policy promptly to the State Court Administrator, a member of the Management Committee, an appropriate authority, including or a Human Resources representative for further action.
- 4) ~~Upon receipt,~~ Human Resources ~~must shall~~ promptly respond to ~~any complaint~~ complaints of discrimination, harassment, or retaliation ~~by non-judicial officer employees~~ in compliance with investigative procedures and records requirements under HR15-4 and HR15-5 this section.
 - a) The HR Director or HR Manager shall review the complaint to determine whether the allegation(s) potentially violate(s) prohibited behavior under HR15-4 and/or HR15-2 this section.
 - i) If potential violations of HR15-1 or HR15-2 this section are found, the HR Director or HR Manager shall seek authorization for a formal investigation as described in HR15-4.
 - ii) If potential violations of HR15-1 or HR15-2 this section are not found, the HR Director or HR Manager shall notify the complainant and refer the matter to management for additional fact-finding administrative review as described in HR09-2(7)(a).

b) A complainant may submit a request to the State Court Administrator or Deputy State Court Administrator to independently review the complaint if the complainant disagrees with the HR notice that potential violations of HR15-1 or HR15-2 this section were not found.

5) Complaints against judicial officers of discrimination, harassment, or retaliation shall be referred promptly to the Management Committee of the Judicial Council, to be handled according to Council policies.

6) Information will be disclosed only on a need-to-know basis for the purpose of responding to the complaint. Participants in any workplace harassment, discrimination or retaliation investigation shall treat all information pertaining to the case as confidential.

4)7) At the conclusion of the response to the complaint, all relevant parties will be notified.

HR15-4. Investigative Procedure-s for Allegations against Non-Judicial Officer Employees

1) ~~When allegations~~ Investigations of workplace harassment, discrimination, or retaliation in violation of HR15-1 or HR15-2 this section against a non-judicial officer employee are submitted as described in HR15-3, ~~an investigation~~ allegations shall be conducted by the HR Department, Legal Department, or an external third party as follows: ~~by the HR Department and/or others designated by the HR Director based on HR standards and business practices.~~

a) ~~The HR Director may authorize an investigation in consultation with the State Court Administrator, Deputy Court Administrator, and/or General Counsel.~~ Investigations shall be authorized by the State Court Administrator, Deputy Court Administrator, or General Counsel.

b) Investigators shall normally be appointed by the Director or Manager of Human Resources, but may alternatively be appointed by the State Court Administrator, Deputy Court Administrator, and/or General Counsel as needed.

c) External third-party investigators may include but are not limited to personnel from the Utah Department of Government Operations, Divisions of Risk Management and Human Resource Management.

d) Cost for third party investigations are the responsibility of the judicial branch.

e) Management may place the accused on reassignment, under special instructions, and/or on paid administrative leave pending an investigation.

f) Investigators shall perform investigative procedures as neutral parties in a fact-finding capacity.

i) Basic investigative procedures may include, but are not limited to, the following:

(1) Conducting an intake interview with the complainant(s);

(2) Gathering names and contact information of potential witnesses;

(3) Conducting interviews or gathering statements from witnesses;

(4) Collecting any other form of available evidence from complainant(s) and witnesses;

(5) Conducting an interview with the accused and collecting any evidence provided by the accused;

(6) Analyzing allegations and evidence against policy;

(7) Producing a written report of findings and conclusions.

~~Investigators shall report findings and analyses of potential policy violations to appropriate parties as identified in HR15-4(3) and HR15-4(4) at the conclusion of the investigation process.~~

- ii) Investigators are authorized only to conduct fact-finding procedures related to the allegations. Investigators are not authorized to determine specific administrative or employment action against the accused, but may offer recommendations if requested by the party or parties holding decision-making authority.

2) Results of investigations shall be handled as follows:

- a) A written report shall be provided in writing to management.
 b) If the investigators find the allegations to be substantiated, management shall take appropriate administrative action in consultation with the Human Resources Department or Legal Department.
 c) If an investigation reveals evidence of criminal conduct in workplace harassment allegations, the court executive or court level administrator may refer the matter to the appropriate law enforcement agency.
 d) At the conclusion of the investigation, the appropriate parties shall be notified that the investigation is complete.

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HR15-5. Preliminary Inquiry Procedures for Allegations against Judicial Officers

- 1) When allegations of workplace harassment, discrimination or retaliation in violation of ~~HR15-4 or HR15-2~~ this section against a judicial officer are submitted as described in HR15-3, a preliminary inquiry shall be conducted by the HR Department, Legal Department, or an external third party as follows:

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- a) The purpose of a preliminary inquiry is to assist the Judicial Council and its Management Committee to determine whether substantial evidence exists to support a conclusion that judicial officer misconduct, in violation of this policy, occurred. ~~is sufficiently likely to warrant a referral to the Judicial Conduct Commission (JCC), the Court Commissioner Conduct Committee (CCCC), or another appropriate party for further investigation.~~

i. Investigators shall not substantiate misconduct of a judicial officer in a preliminary inquiry.

ii. Investigators shall not make conclusions of judicial officer policy violations under this policy in a preliminary inquiry.

- b) Inquiries shall be authorized by the Judicial Council or its Management Committee if timely authorization is feasible, but may alternatively be authorized by the Chair or Vice Chair of the Management Committee.

- c) Inquiries are normally assigned to investigators by the Director or Manager of Human Resources, but may be assigned by the State Court Administrator, Deputy State Court Administrator, or General Counsel as designated by the party authorizing the inquiry under HR15-5(1)(b).

- d) External third-party investigators may include but are not limited to personnel from the Utah Department of Government Operations, Divisions of Risk Management and Human Resource Management.

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e) Costs for inquiries conducted by third party investigators are the responsibility of the judicial branch.

f) Investigators conducting preliminary inquiries shall be neutral parties in a limited fact-finding capacity. Investigators rarely conduct interviews of judicial officers. Investigators shall only interview a judicial officer if authorized to do so in writing by the Chair or Vice Chair of the Management Committee.

i) The preliminary inquiry process may include but is not limited to;

(1) Conducting an intake interview with the complainant(s);

(2) Gathering names and contact information of potential witnesses;

(3) Conducting interviews or gathering statements from witnesses;

(4) Collecting any other form of available evidence from complainant(s) and witnesses;

(5) Analyzing allegations and evidence against policy;

(6) Producing a written report of findings.

2) Results of preliminary inquiries shall be handled as follows:

a) A written report shall be provided in writing to the judicial officer's Presiding Judge (or to the Chief Justice if the accused is a Presiding Judge), the State Court Administrator, and the party authorizing the preliminary inquiry under HR15-5(1)(b). ~~unless otherwise directed by the party authorizing the inquiry.~~

b) If investigators find substantial evidence as described in HR15-5(1)(a), the report shall be submitted to the Judicial Council's Management Committee for further consideration.

i) For logistical and practical purposes in absence of a traditional management structure, it is recommended that the Management Committee designate a representative from the Judicial Council to act as managing spokesperson between the Management Committee or Judicial Council and the accused judicial officer for the duration of the case until it is completely resolved.

ii) Notwithstanding the above recommendation, the Judicial Council and its Management Committee operate in accordance with their own policies and procedures.

HR15-65. Interview Procedures for Preliminary Inquiries and Investigations.

1) Interviewees are required to answer truthfully to all questions asked by the authorized investigators.

a. Employees are allowed to have a representative present during an interview if desired. The employee is responsible to request representation. The representative may be another employee that has no involvement in the alleged conduct, a private attorney retained by the employee, or a representative from an employee association.

i. If representation is requested, an interview may be paused until representation arrives or postponed up to 48 hours to allow the representative to be present.

ii. If representation is requested, an interview may be paused until representation arrives or postponed up to 48 hours to allow the representative to be present.

iii. ~~The representative or employee may record the interview after giving notice~~

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~~to the interviewer that the interview is being recorded. In general, interviews are not recorded. However, the representative or employee may record the interview(s) pursuant to UCA §77-23a-4(7).~~

- iv. The representative may assist the employee by consulting with the employee prior to the interview and may assist the employee during the interview by asking the interviewer to clarify a question. The representative may not tell an employee what to say in response to a question nor unduly interrupt or otherwise interfere with the ~~investigator's~~ interviewer's ability to conduct the interview.
- v. If the investigator ~~believes~~ determines the representative is interfering with the integrity of the interview and/or the investigator's ability to conduct the interview, the ~~representative investigator may be removed from~~ pause or terminate the interview to consult with administration or legal counsel on next steps.
- b. When necessary to protect the integrity of the investigation, an investigator may order an employee not to disclose the contents or matters discussed in an investigative interview. Disregarding this order may be grounds for disciplinary action.
- c. When requested by the investigator, employees must provide evidence (testimonial or non-testimonial) related to the incident being investigated. Refusal to do so may be grounds for disciplinary action.

HR15-~~76~~. Harassment, Discrimination, and Retaliation Prevention Training.

1. The Human Resources Department shall provide ~~employees training on the prevention of workplace harassment, discrimination, and retaliation to employees, management, and judicial officers. including additional training for supervisors, on the prevention of workplace harassment.~~
 - a) The curriculum shall be approved by the Division of Risk Management and/or General Counsel of the Administrative Office of the Courts.
 - ~~b) Management shall ensure employees~~ Employees shall complete workplace harassment prevention prevention training for employees within a reasonable time upon hire and ~~at least every two~~ calendar years thereafter.
 - ~~c) Employees in supervisory positions shall complete prevention training for supervisors upon first-time placement in a supervisory position and every calendar year thereafter.~~
 - ~~d) Judicial officers shall complete training within a reasonable time upon appointment to the bench and every calendar year thereafter.~~
 - ~~e) Training records shall be submitted to the Judicial Institute and the HR Department including the name(s) of training facilitator(s), names of attendees, and the date of training completion.~~
 - ~~b) Training records shall be submitted to the Education Department and/or to the HR Department including who provided the training, who attended the training, and when they attended it.~~

HR16-2, HR16-3, HR 16-4
2021

Redline from current HR Policy effective July 1,

Section 16 – Abusive Conduct Prevention

HR16-2. Complaint Procedure.

~~Management shall permit an employee who alleges~~Employees or judicial officers who allege
abusive conduct ~~shall be permitted~~ to file a complaint and engage in a review process free from
bias, collusion, intimidation or retaliation.

- 1) ~~An employee~~Employees or judicial officers who believes they are being subjected to
abusive conduct should do the following:
 - a) Document the occurrence;
 - b) Continue to report to work; and
 - c) Identify a witness or witnesses, if applicable.

- 2) A non-judicial officer employee ~~shall file-submit~~ a written complaint of abusive conduct
with the immediate supervisor, any person in a supervisory or management position in the
judicial branch regardless of reporting relationship, any commissioner, judge, or justice, or
anyone in the [Human Resources Department](#).
 - a) Complaints may be submitted by any employee, witness, volunteer or other
individual.
 - b) Any supervisor who has knowledge of abusive conduct shall take immediate,
appropriate action in consultation with the HR Department and document the
action.

- 3) A judicial officer who believes they are being subjected to abusive conduct shall ~~file-submit~~
a written complaint directly to any member of the Judicial Council, who shall immediately
report the complaint to the Management Committee.

- 4) ~~Human Resources shall promptly respond to complaints of abusive conduct by non-
judicial officer employees in compliance with investigative procedures and records
requirements under this section.~~
 - a) ~~The HR Director or HR Manager shall review the complaint to determine whether
the allegation(s) potentially violate prohibited behavior under [HR16-4 this section](#).~~
 - i) ~~If potential violations are found, the HR Director or HR Manager shall
seek authorization for a formal investigation as described in HR16-3.~~
 - ii) ~~If potential violations are not found, the HR Director or HR Manager shall
notify the complainant and refer the matter to management for additional
fact-finding administrative review as described in HR09-2(7)(a).~~
 - b) ~~A complainant may submit a request to the State Court Administrator or Deputy
State Court Administrator to independently review the complaint if the
complainant disagrees with the HR notice that potential violations were not
found.~~

- 5) ~~Complaints of abusive conduct by judicial officers shall be referred promptly to the
Management Committee of the Judicial Council, to be handled according to Council
policies.~~

- 4)6) ~~Information will be disclosed only on a need-to-know basis for the purpose of
responding to the complaint. At the conclusion of the response to the complaint, all
relevant parties will be notified.~~

Commented [B01]: This differs from the harassment policy because requirements in code are different. Harassment laws require employers to allow verbal and written complaints. Utah's abusive conduct code defines an abusive conduct complaint as a complaint submitted in writing.

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HR16-2, HR16-3, HR 16-4
2021

Redline from current HR Policy effective July 1,

HR16-3. Investigative and Preliminary Inquiry Procedures.

- 1) ~~When warranted due to~~ allegations of abusive conduct in violation of HR16-4 this section against a non-judicial officer employee are submitted as described in HR16-2, investigations ~~an investigation~~ shall be conducted by the HR Department, Legal Department, or an external third party consistent with provisions set forth in HR15-4 governing procedures for allegations against non-judicial officer employees.
- 2) ~~When allegations of abusive conduct in violation of HR16-4 this section~~ against judicial officers are submitted as described in HR16-2, a preliminary inquiry shall be conducted by the HR Department, Legal Department, or an external third party consistent with provisions set forth in HR15-5 governing preliminary inquiry procedures for allegations against judicial officers.
- 4) ~~based on HR standards and business practices.~~
- i) ~~Allegations of abusive conduct by non-judicial officer employees shall be conducted by investigators in the HR Department,~~
- 2) ~~Allegations of abusive conduct by judicial officers shall be referred immediately to the Judicial Council and handled in accordance with policies of the Judicial Council. An investigation may be conducted by the HR Department if specifically requested by the Judicial Council.~~

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Investigation Results

- 3) ~~Results of investigations conducted by the HR Department shall be handled as follows:~~
- a) ~~A written report shall be produced and given to management or to the Judicial Council as appropriate, with an analysis of evidence gathered and a determination of whether allegations of abusive conduct are sustained or not sustained.~~
- i) ~~If the allegations of abusive conduct are sustained for non-judicial officer employees, appropriate administrative action will be taken by management.~~
- ii) ~~If the allegations of abusive conduct are sustained for judicial officers, the Judicial Council will proceed in accordance with its policies.~~
- b) ~~If an investigation reveals evidence of criminal conduct in abusive conduct allegations, the court executive, court level administrator, or presiding officer of the Judicial Council may refer the matter to the appropriate law enforcement agency.~~
- c) ~~At the conclusion of the investigation, the appropriate parties shall be notified of investigative findings and the procedure to request an administrative review of findings through the Grievance Review Panel under HR17.~~
- 4) ~~Participants in any abusive conduct investigation shall treat all information pertaining to the case as confidential.~~

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Interviews

- 5) ~~Interview procedures shall be handled as follows:~~
- a) ~~Interviewees are required to answer truthfully to all questions related to their job performance and functions or possible violations of policies, procedures, and/or regulations.~~
- b) ~~Employees are allowed to have a representative present during an interview if desired. The employee is responsible to request representation. The representative may be another employee that has no involvement in the alleged conduct, a private attorney retained by the employee, or a representative from an employee association.~~

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HR16-2, HR16-3, HR 16-4
2021

Redline from current HR Policy effective July 1,

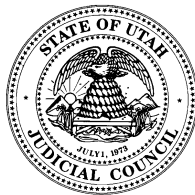
- i) ~~If representation is requested, an interview may be paused until representation arrives or postponed up to 48 hours to allow the representative to be present.~~
- ii) ~~The representative or employee may record the interview after giving notice to the interviewer that the interview is being recorded.~~
- iii) ~~The representative may assist the employee by consulting with the employee prior to the interview and may assist the employee during the interview by asking the interviewer to clarify a question. The representative may not tell an employee what to say in response to a question nor unduly interrupt or otherwise interfere with the interviewer's ability to conduct the interview.~~
- iv) ~~If the investigator determines the representative is interfering with the integrity of the interview and/or the investigator's ability to conduct the interview, the representative may be removed from the interview.~~
- e) ~~When necessary to protect the integrity of the investigation, an investigator may order an employee not to disclose the contents or matters discussed in an investigative interview. Disregarding this order may be grounds for disciplinary action.~~
- d) ~~When requested by the investigator, employees must provide evidence (testimonial or non-testimonial) related to the incident being investigated. Refusal to do so may be grounds for disciplinary action.~~
- 6)3) ~~The subject of an interview may make a written request for records of the interview in accordance with HR16-5 and UCJA 4-202.02.~~

HR16-4. Abusive Conduct Prevention Training.

1. The Human Resources Department shall provide ~~employees and supervisors~~ training on the prevention of abusive conduct ~~to employees, management, and judicial officers.~~
 - a) Training shall include information regarding what constitutes abusive conduct, how to prevent it, options available under this policy, and grievance procedures provided by [HR17](#).
 - b) ~~Management shall ensure employees~~ Employees shall complete prevention training for employees within a reasonable time ~~after~~ upon hire and at least every calendar year thereafter.
 - c) Employees in supervisory positions shall complete prevention training for supervisors upon first-time placement in a supervisory position and every calendar year thereafter.
 - d) Judicial officers shall complete training within a reasonable time upon appointment to the bench and every calendar year thereafter.
 - e) Training records shall be submitted to the Judicial Institute and the HR Department including the name(s) of training facilitator(s), names of attendees, and the date of training completion.
 - b)f) ~~Training records shall be submitted to the Education Department and/or to the HR Department including who provided the training, who attended the training, and when they attended it.~~
 - e)g) ~~Training records shall be submitted to the Education Department and/or to the HR Department including who provided the training, who attended the training, and when they attended it.~~

Tab 10

Agenda



Administrative Office of the Courts

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

May 17, 2022

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 Forms Committee

RE: Forms Committee membership

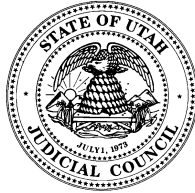
Code of Judicial Administration 1-205(1)(B)(xiv) delineates the composition of the Forms Committee. University of Utah Professor Scott Jarvis, an expert in linguistics, is submitted for approval to serve on the committee as a person "skilled in linguistics or communication." His seat was previously occupied by Kara Mann.

Below is the current and proposed composition of the committee.

Name	Position	Comment
Randy Dryer	Chair, and educator from a paralegal program or law school	
Judge Chon	One of two district court judges	
Judge Bagley	One of two district court judges	
Commissioner Minas	Court commissioner	
Judge Bartholomew	Juvenile court judge	
Judge Birch	Justice court judge	
Guy Galli	Court clerk	
Bret Hayman	Appellate court staff attorney	
Nathanael Player	Self-Help Center representative	
Kaden Taylor	State Law Librarian	
Keri Sargent	District court administrator	
Stewart Ralphs	Legal services org. that serves low-income clients	
Amber Alleman	Paralegal	
Professor Scott Jarvis	One person skilled in linguistics or communication	Pending approval
David Head	Representative from the Utah State Bar	
AJ Torres	LPP Administrator	

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

Agenda



Administrative Office of the Courts

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

May 27, 2022

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

MEMORANDUM

TO: Management Committee – Utah Judicial Council

FROM: Valeria Jimenez, Standing Committee on Judicial Outreach Staff Liaison

RE: Judicial Outreach Committee Appointment of Bryson King

Currently, there is a vacancy on the Judicial Outreach Committee, which must be filled by a State Level Administrator in accordance with CJA Rule 1-205(1)(B)(ix). Stacy Haacke was serving in that position; however, she will be stepping down from the committee and replaced by Bryson King. On behalf of the Standing Committee on Judicial Outreach and the Chair, Judge Elizabeth Hruby-Mills, we would respectfully request the approval of Bryson King.

At this time the Judicial Outreach Committee is comprised of the following members:

- Judge Elizabeth Hruby-Mills, Chair, Third District Court
- Judge Bryan Memmott, Plain City Municipal Justice Court
- Krista Airam, Second District Juvenile Court TCE
- Melinda Bowen, Civic Community Representative
- Michael Anderson, Communication Representative
- Michelle Oldroyd, Utah State Bar
- Benjamin Carrier, Utah State Board of Education
- Judge Tupakk Renteria, Third District Juvenile Court
- Judge Jill Pohlman, Bench-Media Subcommittee Chair, Utah Court of Appeals
- Judge Laura Scott, Divorce Education for Children Program Subcommittee Chair, Third District Court
- Judge Shauna Graves-Robertson, Community Relations Subcommittee Chair, Salt Lake County Justice Court
- Lauren Andersen, Director of Utah Judicial Institute
- Nathanael Player, Law Library Director
- Jonathan Puente, Ex officio member, Director of Office Fairness and Accountability
- Tania Mashburn, Ex officio member, Communications Director

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

- Anna Anderson, Ex officio member, Deputy District Attorney

The Judicial Outreach Committee is a standing committee that is tasked with fostering a greater role for judges in service to the community, providing leadership and resources for outreach, and improving public trust and confidence in the judiciary. The committee meets on a Friday every 3 months.

Tab 11



Administrative Office of the Courts

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

June 15, 2022

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

MEMORANDUM

TO: Management Committee / Judicial Council
FROM: Keisa Williams
RE: Rule for Public Comment

The Policy, Planning, and Technology Committee recommends that the following rule be approved for a 45-day public comment period:

CJA 4-206. Exhibits. (AMEND)

The proposed amendments to CJA rule 4-206 are in response to an inquiry from the AG's office regarding courts' retention of biological evidence (related to [H.B. 65](#), effective May 4, 2022). Under paragraph (2)(A), courts may not take custody of exhibits that require law enforcement chain of custody. As such, courts should never have custody of biological evidence. To alleviate confusion, "biological evidence" has been added to the non-exhaustive list of exhibits that will remain in the custody of parties during trial (line 32). A reference to Title 53, Chapter 20, Forensic Biological Evidence Preservation, has been added to paragraph (5) to draw parties' attention to their responsibilities regarding disposal of biological evidence under that new section of the Code (lines 114-115). Biological evidence will be added to existing Judicial Assistant and clerk exhibit training to ensure proper procedures are followed.

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

Rule 4-206. Exhibits.**Intent:**

To establish a uniform procedure for the receipt, maintenance and release of exhibits.

Applicability:

This rule shall apply to all trial in courts of record and not of record, except small claims court. In the discretion of the court, this rule may apply to any proceeding in which exhibits are introduced.

Statement of the Rule:**(1) Marking exhibits.**

(1)(A) **Marking Exhibits.** Prior to trial, or at a time specified by the judge, each party must mark all exhibits it intends to introduce by utilizing exhibit labels in the format prescribed by the clerk of court. Labels or tags must include, at a minimum, a case number, exhibit number/letter, and an appropriate party designation. With approval of the court, a photograph may be offered by the submitting party as a representation of the original exhibit.

(1)(B) **Digital Exhibits.** Digital exhibits must be marked as provided in paragraph (1)(A) and submitted to the court as prescribed by the clerk of court. Exhibits should not be eFiled.

(1)(C) **Courts not of record.** Courts not of record may exempt parties from the requirements outlined in paragraphs (1)(A) and (1)(B) and prescribe an alternative process for marking exhibits.

(2) Exhibit custody during trial.

(2)(A) **Custody of the Parties.** During the trial, bulky and sensitive exhibits, and exhibits that require law enforcement chain of custody, will remain in the custody of the party offering the exhibit. Such exhibits include, but are not limited to: biological evidence, biohazards, controlled substances, paraphernalia, firearms, ammunition, explosive devices, pornographic materials, jewelry, poisonous or dangerous chemicals, intoxicating liquors, money or articles of high monetary value, counterfeit money, original digital storage media such as a hard drive or computer, and documents or physical exhibits of unusual bulk or weight. The clerk of court or designee must list these exhibits in the exhibit list and note that the original exhibit is in the custody of the party.

(2)(B) **Custody of the Court.** Physical exhibits received during trial, other than those in paragraph (2)(A), must be placed in the custody of the clerk of court or designee. Digital exhibits received as evidence by the court during the trial shall be stored electronically or on digital media such as a thumb drive and stored in accordance with paragraph (2)(C). The clerk of court or designee must list all exhibits in the exhibit list, and the list shall be made a part of the court record. An exhibit list may be the court's designated case management system or a form approved by the Judicial Council.

(2)(C) **Secured Storage.**

(2)(C)(i) Upon daily adjournment, the clerk of court or designee must compare the exhibit list with the exhibits received that day. Digital exhibits received under paragraph (2)(B) shall be stored electronically in a manner meeting the requirements outlined in paragraph (3)(A)(ii). Physical exhibits received under paragraph (2)(B) must be stored in an envelope or container, marked with the case number, and stored in a secured storage location that meets the requirements outlined in paragraph (3)(A)(ii).

(2)(C)(ii) Exhibits may be stored in a temporary secured location for no more than 72 hours, provided the temporary location is sufficient to prevent access by unauthorized persons, and the location is secured with a key lock, combination lock, or electronic lock. Access to the temporary storage location shall be limited to the clerk of court, judge, or a designee.

(3) Exhibit custody prior to disposition.

(3)(A) **Pending Disposition.** Exhibits in the court's custody pursuant to paragraph (2)(B) may not be taken from the custody of the clerk of court or designee until final disposition of the case, except upon order of the court and execution of a receipt that identifies the material, the party to whom the exhibit is released, and the date and time of the release. The receipt shall be made a part of the court record.

(3)(A)(i) **Exhibit Manager.** The clerk of court shall appoint an exhibit manager with responsibility for the security, maintenance, documentation of the chain of custody, and disposition of exhibits. The clerk of court may also appoint a person to act as exhibit manager during periods when the primary exhibit manager is absent. Unaccompanied or unauthorized access to secured storage locations by anyone other than the exhibit manager, acting exhibit manager, or the clerk of court is prohibited without a court order.

(3)(A)(ii) **Secured Storage Location.** Each court must provide physical and electronic secured storage locations within their facility for storing exhibits retained by the court under subsection (2)(B), and shall maintain a current inventory list of all exhibits in the court's custody. The physical secured storage location must be sufficient to prevent access from unauthorized persons, secured with a key lock, combination lock, or electronic lock, and protected from theft or damage. The electronic secured storage location should be sufficient to prevent access from unauthorized persons. Prior to use, physical and electronic secured storage locations must be certified by the Court Security Director. Requests for certification must be made in writing and shall fully describe the secured storage location, local access procedures, and security controls. Any changes to the location, access procedures, or security controls require recertification by the Court Security Director.

(3)(B) **Exhibit custody post disposition.** In courts of record, upon final disposition of the case, exhibits in the court's custody shall be disposed of or returned to the offering parties pursuant to paragraph (5). The clerk of court, exhibit manager, or designee shall execute a receipt identifying the material taken, the party to whom the exhibit is released, and the date and time of the release. The receipt shall be made a part of the court record. In courts not of record, upon final disposition of the case, all exhibits shall be returned to the parties.

(3)(C) **Exhibits in the custody of the parties.** Unless otherwise ordered by the court, exhibits identified in paragraph (2)(A) shall remain in the custody of the parties until they are eligible for disposal pursuant to paragraph (5). Parties are responsible for preserving exhibits in the same condition as when they were first admitted into evidence.

(3)(D) **Access to exhibits by parties.** Parties may file a motion requesting access to an exhibit in the custody of the court or another party. Upon order of the court, the clerk of court, exhibit manager or designee, or party with custody of the exhibits shall promptly make available for examination exhibits, or original or true copies of the exhibits.

(4) **Appeals.** Exhibits and exhibit lists shall be provided upon appeal in accordance with the Utah Rules of Appellate Procedure.

(5) **Disposal of exhibits.** Parties with custody of biological evidence must comply with Title 53, Chapter 20, Forensic Biological Evidence Preservation. Parties may dispose of, and exhibit managers, clerks of court, or designees shall dispose of any other exhibits in their custody 90 days after the time for appeal has expired, or the statute of limitations for post-conviction relief, including the time for appeal from post-conviction relief has expired, whichever is later. Exhibits in the court's custody shall be disposed of as follows:

(5)(A) Property having no monetary value shall be destroyed by the exhibit manager, clerk of court, or designee. The exhibit manager shall create a certificate of destruction including a description of the exhibit, the case and exhibit numbers, and the date and time of the destruction. The certificate of destruction shall be made a part of the court record.

(5)(B) Property having monetary value shall be returned to its owner or, if unclaimed, shall be given to the prosecuting agency, sheriff of the county, or other law enforcement agency to be sold in accordance with Utah Code. The receiving agency shall furnish the court with a receipt identifying the receiving agency, the exhibit received, and the date and time the exhibit was received. The receipt shall be made a part of the court record.

Effective: November 1, 202~~2~~⁴

Tab 12



Alex G. Peterson
Executive Director

State of Utah

JUDICIAL CONDUCT COMMISSION

1385 S. State St., Suite #143
Salt Lake City, Utah 84115
Telephone: (801) 468-0021

TO Judicial Council

FROM Alex G. Peterson, Executive Director

DATE June 16, 2022

RE Biannual JCC Update

MESSAGE

1. JCC Membership Update
 - a. New Members: None.
 - b. Missing Members: None.
 - c. Current Members (11): Ms. Cheylynn Hayman, Chair, Ms. Michelle Ballantyne, Judge David Mortensen, Judge Todd Shaughnessy, Rep. Elizabeth Weight, Rep. Steve Waldrip, Senator Mike McKell, Senator Jani Iwamoto, Mr. Stephen Studdert, Mr. Mark Raymond, Ms. Georgia Thompson.
 - d. SCt renewed Ms. Hayman appointment in April for four more years. Next scheduled SCt appointments are in 2024 (for judges and attorney members).
2. JCC Caseload update and analysis
 - a. Currently, we are at 78 cases in FY22 (80 in FY21, 51 in FY 20, 64 in FY19, 58 in FY18).
 - b. To date in FY22, we have had 0 public dispositions, DWW disposition and 7 reconsideration requests. No cases are before Utah Supreme Court.
3. Misc. Activities of JCC (over the last six months)
 - a. We supported the Justice Court Conference in April.
 - b. JCC continues to meet in person at anchor location.
 - c. Our electronic complaint form submission was initiated in January with 25 complaints to date (52/25/27). We will assess this process in July.
 - d. All DWWs through FY2004 are published online.