

**JUDICIAL COUNCIL  
ANNUAL BUDGET AND PLANNING MEETING**

**Minutes  
August 19, 2022**

**Meeting held through Webex**

**8:00 a.m. – 12:07 p.m.**

*Chief Justice Matthew B. Durrant, Presiding*

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. Todd Shaughnessy, Vice Chair  
Hon. Keith Barnes  
Hon. Brian Brower  
Hon. Samuel Chiara  
Hon. Augustus Chin  
Hon. David Connors  
Hon. Ryan Evershed  
Hon. Paul Farr  
Hon. Elizabeth Lindsley  
Hon. David Mortensen  
Justice Paige Petersen  
Hon. Kara Pettit  
Margaret Plane, esq.  
Hon. Derek Pullan

**Excused:**

**Guests:**

Jonathan Ball, Legislative Fiscal Analyst  
Kim Brock, TCE Third District Court  
Holly Langton, GOPB  
Hon. Brendan McCullagh, West Valley Justice Court  
Hon. Doug Nielsen, Fourth District Juvenile Court  
Hon. Laura Scott, Third District Court  
Alissa Swart, Case Manager, Third District Court  
Gary Syphus, Legislative Fiscal Analyst  
Nate Talley, Deputy Director, GOPB  
Mark Urry, TCE Fourth District Court

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Michael Drechsel  
Brody Arishita  
Shane Bahr  
Paul Barron  
Suzette Deans  
Amy Hernandez  
Meredith Mannebach  
Heather Marshall  
Daniel Meza Rincon  
Blake Murdoch  
Jordan Murray  
Bart Olsen  
Zerina Ocanovic  
Jim Peters  
Nathanael Player  
Nini Rich  
Nick Stiles  
Karl Sweeney  
Melissa Taitano  
Chris Talbot  
Keisa Williams  
Jeni Wood

**Guests Cont.:**

Shelly Waite, JTCE Fourth District Juvenile Court  
Elizabeth Wright, Executive Director, Utah State Bar

**1. WELCOME: (Chief Justice Matthew B. Durrant)**

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

**2. OVERVIEW: (Ron Gordon)**

Ron Gordon explained that the Council will review budget requests from throughout the state after being reviewed by the Boards of Judges and the Budget and Fiscal Management Committee. After presentations are made, the Council will have the responsibility of determining whether to advance and prioritize, defer or eliminate budget requests. The courts have been working on a judicial compensation increase recommendation with the Elected Officials and Judicial Compensation Commission, who will present the request to the Legislature.

**3. UTAH ECONOMIC OUTLOOK: (Nate Talley)**

Chief Justice Durrant welcomed Nate Talley, Deputy Director and Chief Economist for the Governor’s Office of Planning and Budget. Mr. Talley defined a “soft landing” as it refers to federal reserve monetary policy and the prospects for being able to raise interest rates to address inflation while not triggering a recession. Mr. Talley’s office will partner with the Legislative Fiscal Analyst to conduct a stress-test and consensus to gauge the state’s budget reserves against revenue losses and expenditure demands.

Utah’s job growth is trending moderately at 3.5%, which is higher than the state’s long term average. Historically, Utah’s job growth rate has been higher than other states in the nation. This may be due to other states’ reliance on natural resource extraction. Utah continues to lead the nation in recovered jobs since pre-pandemic levels. Utah’s labor force participation rate of 68.1% matches the state’s pre-pandemic levels and is markedly higher than the nation. Utah private wage growth is trending moderately at 7.5%. Utah’s wage growth ranks 7<sup>th</sup> highest in the nation. Utah state government revenue is trending moderately at 24%. Utah unemployment rate is trending even at 2%. Utah job openings are trending even at 6.5%. There are three job openings for every one Utahn, actively seeking employment. Utah housing prices and Utah confidence are suffering as a response to high inflation. The nationwide consumer price index is 8.5%.

Chief Justice Durrant thanked Mr. Talley.

**4. LEGISLATURE’S APPROACH TO FY 2024 BUDGET: (Jonathan Ball)**

Chief Justice Durrant welcomed Jonathan Ball, Legislative Fiscal Analyst. Mr. Ball informed the Council that they can find information on Utah’s budget on Utah’s government website: <https://budget.utah.gov/>. The nation is still in a period where there is a lot of federal and personal stimulus working its way through the economy. Utah has already seen a downturn in recession in reference to revenue estimates, as FY 2023 revenue estimates are lower than FY 2022.

Mr. Ball felt the state was going to have to stay the course on fiscal discipline when considering its current large surplus. Fiscal discipline can be treated as a temporary fix to a crisis, however, Utah has to exercise fiscal discipline each year. One-time money must be invested in ways that will help the economy long term. Such as through forward funding capital

infrastructure, which means considerations for buildings for the next 10-15 years, rather than short-term uses. Or, using the funds for transit or roads.

Mr. Ball informed the Council that the state does not oversee property taxes, although they do have the authority to raise them. Homeowners may see a hike in property taxes due to the differential growth rate between residences and commercial property. The value of primary and secondary residences is growing exponentially, especially in Washington County. Commercial property is not growing as quickly, therefore is causing concern that there may be excess unused office space. The states ongoing budget will be lower next year; hence they anticipate a modest increase in ongoing revenue.

Mr. Ball explained that large salary employee increases can lead to a recession. This happened last between 2001-2008, shortly before the 2008-2010 recession. Even so, the Legislature understands the impact wage growth is having on the labor market and is considering wage increases for state employees.

Chief Justice Durrant thanked Mr. Ball.

**5. FY 2022 FILINGS AND DISPOSITION COUNTY – DISTRICT, JUVENILE, AND APPELLATE: (Paul Barron, Shane Bahr, and Daniel Meza Rincon)**

Chief Justice Durrant welcomed Paul Barron, Shane Bahr, Daniel Meza Rincon, Heather Marshall, and Zerina Ocanovic.

**Statistics over the past fiscal year.**

- Supreme Court filings have increased 10%
- Court of Appeals filings have increased 31%
- District court judgments, general civil, property rights, probate, domestic, traffic, and criminal cases have an overall 3% decrease
- Criminal cases have resulted in a decline of 6%
- Property rights cases have resulted in an increase of 23%
- Eviction filings have increased
- Debt collection filings have continued to decline since 2019 at a 7.5% rate
- General civil cases have resulted in a decrease of 7%
- Tort case filings have resulted in a decrease of 12%
- Probate case filings have resulted in an increase of 4%
- Guardianship and conservatorship filings have seen an overall increase of 3%
- The average age of pending cases has increased from 2020 to 2022

## District court time to disposition

District Court Time to Disposition 12-Month Summary July 1, 2021 to June 30, 2022				
Case Category	Case Type	% Goal	Time Goal	% Disposed Within Time Goal
<b>Criminal</b>	Felonies and Misdemeanors	95%	12 m	84%
<b>Civil</b>	All Civil except Eviction, Small Claims	95%	24 m	95%
	- Debt Collection	95%	12 m	97%
	- General Civil	95%	24 m	89%
	- Torts	95%	24 m	84%
	Eviction	95%	9 m	90%
<b>Domestic</b>	Divorce, Paternity, Custody and Support	95%	18 m	90%
	Domestic Modifications	95%	12 m	71%
	Temporary Protective Orders	95%	10 d	99%
<b>Probate</b>	Administration of Estates	95%	12 m	99%
	Guardian/Conservatorship: Protected Persons	95%	90 d	79%
	Involuntary Civil Commitment	95%	15 d	91%

District Court Time to Disposition Comparison to Pre-Pandemic Percentages of Cases Meeting Time Goal				
Case Category	Case Type	FY19	FY22	
<b>Criminal</b>	Felonies and Misdemeanors	95%	84%	
<b>Civil</b>	All Civil except Eviction, Small Claims	96%	95%	
	- Debt Collection	98%	97%	
	- General Civil	94%	89%	
	- Torts	88%	84%	
	Eviction	94%	90%	
<b>Domestic</b>	Divorce, Paternity, Custody and Support	93%	90%	
	Domestic Modifications	74%	71%	
	Temporary Protective Orders	100%	99%	
<b>Probate</b>	Administration of Estates	99%	99%	
	Guardian/Conservatorship: Protected Persons	82%	79%	
	Involuntary Civil Commitment	97%	91%	

## Justice courts time to disposition

Case type	Goal percentage	Goal time	Percentage disposed within goal time
Misdemeanor B/C and infractions	95%	6 months	73%
Small claims	95%	9 months	90%
Traffic	95%	90 days	91%

Between FY 2021 and FY 2022, juvenile court referral trends had a 4% increase, delinquency referrals had a 9% increase, juvenile referral adult filings had a 7% decrease, child welfare had a 2% decrease, and miscellaneous referrals had a 17% increase.

## Juvenile court time to disposition

Case type	Goal percentage	Goal time	Percentage disposed within goal time
Delinquency and status offenses	95%	90 days	86%
Child welfare – Shelter hearing to adjudication	95%	60 days	89%

Child welfare – Adjudication to disposition hearing	95%	30 days	95%
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Judge Kara Pettit asked why the courts collect data on hospital liens. Mr. Barron was uncertain but will address this with his committee.

Chief Justice Durrant thanked Mr. Barron, Mr. Bahr, Mr. Meza Rincon, Ms. Marshall, and Ms. Ocanovic.

**6. SUPREME COURT FUNDING: (Judge Derek Pullan)**

Chief Justice Durrant welcomed Judge Derek Pullan. Judge Pullan explained that while his observations of the past communications between the Supreme Court (Court) and the Council regarding the Office of Innovation (Office) were warranted and necessary to an informed debate, in making them he never intended to suggest that members of the Court made intentional misrepresentations to the Council or acted in bad faith.

**Judge Pullan presented the following.**

**Separation of Powers Between the Supreme Court and the Judicial Council**

Both the Council and Court are constitutionally created with defined roles through Utah Constitution Article VIII Judicial Department, Section 2 Supreme Court -- Chief Justice -- Declaring Law Unconstitutional -- Justice Unable to Participate and Section 12 Judicial Council -- Chief Justice as Administrative Officer -- Legal Counsel. The Court, as found in Section 4, has exclusive authority for rule-making, governing the practice of law, authorizing retired judges and judges pro tempore to perform judicial duties, and managing the appellate process. The Council is responsible for adopting rules for the administration of the Judiciary. CJA Rule 3-105(3)(A) tasks the Council with “exclusive authority for administration of the judiciary, including authority to establish and manage the budget.”

**A Coordinated Process to Fund the Court’s Article VIII, Section 4 Duties by Internal Line Item**

Judge Pullan believed that the Council has a constitutional responsibility to ensure that the Court’s Article VIII, Section 4 duties are adequately funded, and to do so in a manner that allows the Court sole discretion. He proposed that the Council coordinate with the Court to allocate funds, designated by internal line item, for the Court’s Article VIII, Section 4 responsibilities.

For future requests, Judge Pullan proposed a process independent of and preceding the Annual Budget meeting, asking that the Court recognize that available one-time and on-going funds are limited, and that these limited funds are applied each year to a variety of important and competing budgetary needs. As to the funds required to perform its Article VIII, Section 4 duties, the Court does not stand in the same position as any other department within the Judiciary. He suggested that over the next year the Policy, Planning, and Technology Committee work together with the Court to draft a rule establishing the procedures for an independent budgetary process which would recognize the Court’s constitutional status and exclusive Article VIII, Section 4 duties.

### **Supreme Court response**

In response, the Court noted that they do not differentiate in their budget between Article VIII, Section 4 expenses and other operational expenses. Because of their delegation of authority to the Utah State Bar (Bar), including the authority to collect licensing fees, the Judiciary has borne only a small portion of the overall cost of these constitutional responsibilities.

All relevant expenses, with the exception of their funding request for the Office, are covered within their existing budget or within the licensing fee structure of the Bar. The Office's funding request, which was previously reviewed by the Council, included three requests: 1) that they be allowed to file a grant application with the Stand Together Foundation (approved by the Council), 2) that they be permitted to access ARPA funding not being used by higher ranked ARPA priorities (approved by the Council), and 3) that they be granted a one-time carryforward request for \$200,000 (deferred by the Council). Currently, there are no other competing requests for this one-time funding.

The Court spends roughly \$3,500 annually on the attorney admission process. This cost is offset by the Bar's \$50 admission fee. Due to this fee, the Judiciary does not realize any cost relating to admissions. The Court spends roughly \$3,600 annually on their committees, and roughly \$800 on related travel expenses. Over the last two years they have spent roughly \$15,000 of their internal budget on the Office.

If the Court and the Council elect to pursue this funding format, the Court will be glad to work with AOC Finance and the relevant departments over the next year to determine an appropriate level of funding concerning these constitutional responsibilities. Of course, the most significant item to be addressed will not be the relatively small matters, but may be the future funding of the Office.

Chief Justice Durrant appreciated Judge Pullan's proposal and sensitivity to the issues. He recognized that there is no constitutional, statutory or rule authority for the Council to oversee the Court's performance of Article VIII, Section 4 responsibilities. Chief Justice Durrant suggested the Council and Court coordinate funding requests together. He didn't believe the Court's request should fall within the same categories as other budget requests because of their constitutional requirements.

Judge Pettit thought the timeline would be similar to the current timeline. An administrative rule in the accounting manual could highlight the details. Mr. Sweeney thought this was feasible and mentioned that the Court's budget is almost all personnel. Judge Connors supported Judge Pullan's proposal but was concerned that the an increased need for funding the Court would result in a decrease of funding for the Council to distribute.

**Motion:** Judge Pullan moved to approve that over the next year, Policy, Planning, and Technology Committee together with the Supreme Court, draft a proposed rule establishing procedures for an independent budgetary process, which recognizes the Courts constitutional status and exclusive Article VIII, Section 4 duties. And, that this be presented to the Council so that it might be implemented in the next budgetary cycle. Judge Pettit seconded the motion, and it passed unanimously.

Judge David Mortensen asked for clarification on the status of the \$200,000. Chief Justice Durrant confirmed that this budget request was deferred.

Chief Justice Durrant thanked Judge Pullan.

**7. JUDICIAL COUNCIL BUDGET APPROVAL PROCESS, BUDGET AND FISCAL MANAGEMENT COMMITTEE PROCESS: (Judge Kara Pettit, Ron Gordon, Shelly Waite, Judge Doug Nielsen, Chris Talbot, Nathanael Player, Bart Olsen, Amy Hernandez, Brody Arishita, Meredith Mannebach, Kim Brock, and Judge Laura Scott)**

Chief Justice Durrant welcomed the presenters. The Annual Budget Plan is a process where the Council determines which budget requests will be submitted to the Legislative Fiscal Analyst Office through a prioritization process. Legislative approved items are added to the courts FY 2024 base budget. The court’s base general fund budget for FY 2023 is \$131.5 million.

**Carryforward**

Carryforward funds are unused one-time funds from the prior fiscal year that will be carried into the next fiscal year. The Legislature has typically authorized at least \$2.5 million in one-time carryforward. In recent years due to supply chain issues, the authorized carryforward amount has been increased to \$3.2 million.

**Fiscal Year-End One-Time Funds**

The Finance Department works with districts, administrators, and directors to create a forecast to determine if carryforward funds will exceed the allowed carryforward amounts. If the forecasted amount will exceed the allowed carryforward funds, Finance will seek requests from districts, administrators, and directors to spend the “excess” one-time funds prior to the end of the fiscal year so that they do not lapse. Typically, the courts have generated approximately \$2.0 million in year-end one-time spending amounts in addition to the \$2.5 million – \$3.2 million in carryforward funds.

**One-Time or Ongoing Turnover Savings**

Savings to budget arise from personnel turnover and program spending less than budgeted.

1. One-time turnover savings occurs when a position is vacant for a period of time. These funds can be used for both year-end (the current fiscal year) and carryforward (the next fiscal year) purposes.
2. Ongoing turnover savings occurs when a vacant position is filled at a lower rate than budgeted. Only general fund positions generate turnover savings; personnel paid out of specialty funds or grants do not generate turnover savings.

One-time turnover savings are used for the “greater good” of the courts and are combined with one-time non-personnel savings to determine the total one-time carryforward and year-end funds available. Turnover savings originate in every budgetary unit in the courts and are used to fund various Council approved requests.

### **Annual Budget Approval Process**

1. Any individual or group within the courts can submit a judicial priority request.
2. The requests are circulated to the Board of District Court Judges, Board of Juvenile Court Judges, and Board of Appellate Court Judges.
3. The Boards submit their prioritization of the requests to the BFMC.
4. Presenters attend the BFMC meeting to discuss their requests.
5. BFMC prioritizes the requests and then sends the requests to the Council for consideration.

### **Fourth District Court Additional Juvenile Court Judge**

\$475,000

Ongoing funds

Based on the FY 2022 Interim Judicial Weighted Caseload statistics, the average workload for a judge in the Fourth District Juvenile Court has increased from 116% (3 years ago) to 136% of standard (2022). From FY 2021 to FY 2022 the court has experienced a 14% increase. Hearings are double-booked, emergency hearings are frequently set during the lunch hour leaving minimal breaks for both judicial officers and their judicial assistants. Judicial officers' time is largely spent on the bench; there is little time for work in the chambers. The duties of reviewing warrants, preparing for cases, issuing orders, and working on committee assignments is done either after hours or squeezed in between hearings. The Fourth District Juvenile Court has five judges. These judges serve Wasatch, Utah, Juab and Millard Counties. Three of the judges travel to serve the rural counties of Wasatch, Juab and Millard. The increase in travel directly impacts the time on calendars.

Judge Douglas Nielsen noted the juvenile court had a "one family, one judge" philosophy to ensure each family in the juvenile court is taken care of in a professional and caring manner. Judge Pullan wondered if the court has sought assistance from other juvenile court judges. Judge Nielsen said they do not typically request coverage. Judge Samuel Chiara recognized that the Seventh District Juvenile Court has enough judicial support to help the Fourth District Juvenile Court and wondered what the feasibility would be to utilize assistance from them. Judge Nielsen didn't believe this was feasible because they are working towards in person hearings, which would make it very difficult for judges to travel. Plus, ensuring there is sufficient staff would cause problems. Judge Nielsen referred the Council to the supplemental document explaining limitations with the Seventh District Court bench providing assistance to the Fourth District Court bench.

Judge Chiara asked if the Council faced any risks of the Legislature moving a judge from the Seventh District to the Fourth District. Judge Elizabeth Lindsley reminded the Council that the Third District Juvenile Court lost a judicial position, which resulted in the judges taking on more work and now needed a judicial officer in the Third District Juvenile Court. She thought judges assisting from other districts is temporary and thought this request was needed. Mr. Gordon appreciated Council members asking these questions because they are what the Legislature would ask as well. He felt comfortable in the explanation that he would be able to give the Legislature regarding the impression of the Seventh District Juvenile Court being over staffed.



## **Recruit & Retain Non-Judicial Legal Expertise**

\$1,513,100

Ongoing funds

The average rate of actual annual pay for jobs requiring a Juris Doctorate in the judicial branch is currently about \$55,800. Entry-level attorneys are being hired at a few law firms with \$200,000 starting pay. The requested funding would equip the courts to successfully recruit and retain essential supportive legal expertise for many years to come. Salary increases would impact approximately 75 existing branch attorneys, including the following jobs: General Counsel, Associate General Counsel, Capital Litigation Research Attorney, Appellate Court Administrator, Appellate Mediator, Law Clerk Attorney, Directors of Self-Help Center, Law Library, and Utah Judicial Institute, Assistant State Court Administrator, Self-Help Center Attorney, and Central Staff Attorney.

Judge Todd Shaughnessy shared that the Third District Court has two law clerk positions open, one of which has been opened for six months and has undergone two hiring cycles, which resulted in a total of eight applicants. Every applicant that was offered the job declined. Judge Mortensen and Judge Connors said this has also affected their respective courts. Judge Pullan wanted to make sure the amount requested was enough. Mr. Gordon explained that the Attorney General's Office reported that they were grateful to the Legislature for their recently received \$2 million recruitment and retention funding for attorneys but believed it didn't make a big difference. Mr. Gordon said the judiciary has seen a difference in recruitment and retention after increasing the pay for judicial assistant positions by 14%.

Judge Chiara asked if current law clerks would also receive a \$5-7 per hour pay increase. Mr. Olsen stated that all current positions that require a Juris Doctorate will receive a pay increase, but the amounts may vary. He further noted, federal court law clerks are paid a bit higher than the state courts. Judge Pettit asked if the Council could match a 20% increase for law clerks. Mr. Gordon was not concerned about increasing in this request if that is what is needed to impact recruitment and retention. Mr. Olsen provided estimates: \$26.91 hourly is about \$56,000 annual. 20% salary increase = \$32.29 or about \$67,000 annual. 30% increase = \$34.98 or about \$73,000 annual.

Mr. Sweeney said Guardian ad Litem attorneys received ongoing federal funding for raises. Chief Justice Durrant learned that the Tenth Circuit Court pays law clerks right out of law school approximately \$66,400 and law clerks with experience approximately \$79,684.

Judge Augustus Chin wondered if increasing this request would also increase the other law clerk request. It was confirmed that if this request amount was increased, then it would also increase the other request.

**Motion:** Judge Connors moved to have Mr. Olsen recalculate the proposed rate for law clerks from \$32 an hour to \$35 an hour and adjust the other law clerk item amount as well. Judge Shaughnessy seconded, and it passed unanimously.

**Self-Help Center Forms Attorney**

\$127,000

Ongoing funds

This is a request for one additional staff attorney at the Self-Help Center to help with drafting and revising court forms. This would be in addition to helping with inquiries. The Self-Help Center currently has funding for five full-time staff attorneys.

**Wasatch County Justice Center**

\$163,301

Ongoing funds

The court has leased space at the Wasatch County Justice Center since 1996 and has funded rent payments through the Facilities budget at \$95,413 annually at a fixed rate over the last 9 years. They anticipate applying the rent towards a new lease, in addition to the recently reallocated annual bond payments from the retired Richfield Courthouse bond of \$219,155. The judiciary needs an additional courtroom in the Wasatch facility. The new lease, which will include construction costs, is estimated at \$477,869 annually. This leaves an annual shortfall of \$163,301. Chris Talbot requested the Council give him permission to ask the EOCJ if they believe this request would be funded so he could begin the design, which would cost \$250,000.

**Motion:** Judge Connors moved to support Mr. Talbot’s request to hold a discussion with the EOCJ. Judge Shaughnessy seconded, and it passed unanimously.

**Domestic Violence Program Manager Position**

\$110,000

Ongoing funds

This budget request sought ongoing funding for a full-time Domestic Violence Program Manager position to address domestic violence, sexual violence, dating violence, stalking, and protective order needs. In particular, a full-time manager will have capacity to ensure compliance with state and federal data requirements for the Statewide Domestic Violence Network (protective order network). The manager will also ensure the use of best practices in domestic violence, sexual violence, and protective order cases as domestic violence incidents increase across Utah. Mr. Gordon noted that the best case scenario is that one FTE is funded by the Legislature and the .5 FTE grant funds are retained. If general funds are not sufficient, the courts would limit the position to one FTE. Mr. Gordon explained, that grant funds are wonderful and allow the courts to do work they may not be able to do otherwise but the grant funds also limit the scope of the position.

**Information Technology – Essential Software Funding**

\$1,096,000

Ongoing funds

To advance access to justice in Utah by improving and maintaining the courts’ IT infrastructure and development through continued licensing of software ensuring ongoing

funding for critical software and expanding coverage. That urgency has only increased with the issues surrounding access to justice in a post-COVID court system. If Adobe eSignatures is approved, additional one-time funding will be requested. Mr. Arishita explained that they are working on a roadmap to convert Webex to FTR recordings, through working with each district to determine their backlog.

Judge Pettit asked if there were any concerns for requesting ongoing funds. Mr. Sweeney explained that the Legislature will review each item and has the authority to remove any, should they choose. Judge Pullan wondered if it would make sense to internally fund the smaller requests. If the smaller requests were removed, Mr. Arishita would ask the Council for one-time funding for these.

This prioritized request includes

- Windows 10 Enterprise Upgrades and Software Assurance - \$135,000
- Increased cost of Google licensing for Enterprise Plus - \$148,000
- Increased cost of Webex licenses for Courts - \$38,000
- Continued software licensing for Clean Slate Legislation (Senzing) - \$25,000
- FTR - \$220,000
- Add licenses for remaining 560 court employees to Microsoft M365 - \$80,000
- Adobe Experience Manager - \$150,000
- Adobe eSignatures - \$300,000

**Jury Department FTE Request**

\$233,100

Ongoing funds

Currently, there are three time-limited judicial assistants assigned to the Third District Court Jury Department who support 31 judges. These positions have been funded with ARPA dollars since July 1, 2021 and are approved through FY 2023. This request is to make those three positions permanent.

**Tribal Outreach Program Coordinator**

\$64,900

Ongoing funds

In 2019, the AOC created this position to lay the foundation for relationships between the Utah State Courts and the eight Utah Tribal Nations. Court personnel and community stakeholders highlighted critical issues such as the Missing and Murdered Indigenous Women's Crisis and the Indian Child Welfare Act that impact both the state courts and the Native American Nations. If approved, this request would fund 50% of the Tribal Outreach Coordinator's position.

**District Court Law Clerk Attorneys**

\$961,200

Ongoing funds

This request is for nine district court law clerk attorneys. The request will fund seven new law clerk attorney positions and convert two positions currently funded with one-time funding to ongoing funds. One of the clerks will be assigned to support the newly created Water Law program. The other eight positions will be allocated equitably throughout the districts to provide one law clerk attorney for every two district court judges. There are currently 32 law clerk attorneys serving 77 district court judges. Thirty of the existing positions are funded with ongoing general fund and two positions are funded with one-time turnover dollars. If approved, this will move the courts to two judges to every one law clerk. This request is based on the higher, \$32 an hour rate. If the earlier proposal passes, this amount will need to be adjusted to increase to the Council approved \$35 an hour rate. Judge Lindsley noted that the juvenile court has two law clerks for thirty judges.

**ODR Program Administrator**

\$120,000

Ongoing funds

This request will pay for one program administrator for the ODR program. The ODR program is currently administered through one-time funds. Judge Brendan McCullagh, who has been running the ODR program in his court longer than any other court, believed this position will expand as the ODR platform's demand increases.

**New Furniture Configuration for Matheson Second Floor IT Areas**

\$235,000

One-time funds

The existing IT cubicle area has 35 workstations that create a maze and visual obstruction in the open office space on the second floor. The Facilities and IT departments need to transform the area into a modern, socially distanced and flexible work area that could be used by all AOC departments.

**Judicial Compensation Increase**

Mr. Gordon updated the Council that the courts presentation of a requested 20% salary increase (about \$7 million) to the EJCC went very well. The Commission will decide how much an increase to request and will make the recommendation to the Legislature. Mr. Gordon recommended having the Council go on the record to support this effort and include it as a priority. Judge Lindsley said the Board of Juvenile Court Judges thought the request for a new juvenile court judge was more important than a salary increase. The Board of Juvenile Court Judges also ranked the IT and Wasatch County requests higher than the judicial salary request.

Chief Justice Durrant thanked the presenters.

**b. FINALIZE JUDICIAL COUNCIL PRIORITIES: (Judge Kara Pettit, Karl Sweeney, and Melissa Taitano)**

Chief Justice Durrant welcomed Judge Kara Pettit, Karl Sweeney, and Melissa Taitano. The process is for the Council members to assign any requests not advanced as a Judicial Priority/Building Block or Legislative Fiscal Note into one the following two categories:

**a) Deferral or Alternative Funding**

**i. Deferral** – Items which are removed from consideration for general fund money in the general session and will be brought back to the Council in the spring or summer for reconsideration of funding through 1) submission as a general session judicial priority for the next year; 2) year-end surplus funds (one-time funds); 3) carryforward funds (one-time funds) or 4) ongoing turnover savings (ongoing funds generally used for personnel matters).

**ii. Alternative funding**—Items requested for which funding may be available from sources other than the legislature including grants and items (2), (3) or (4) above.

**b) Elimination** – Items that are requested that the Council elects not to pursue during the legislative general session are removed from consideration for general fund money and will not be automatically considered again.

Judge Pullan recognized that the Supreme Court lost two justices recently to the private industry and felt the Council needed to diminish the incentive for judges to leave the courts. Chief Justice Durrant mentioned there were different factors for the recent departure of two justices and that salary was a factor for both.

Judge Pullan requested the Council consider removing some of the IT Department’s smaller requests (Webex (\$38,000), Clean Slate (\$25,000), and Microsoft M365 (\$80,000)) before considering the priority of the other requests, reducing the IT request to \$953,000. Judge Brian Brower wondered if the Council should leave the Clean Slate request on, because the amount requested would still be under \$1 million at \$978,000. He further noted that the clean slate program was legislative-enacted.

**Motion:** Judge Pettit moved to remove Webex licenses for \$38,000 and Microsoft M365 for \$80,000 from the IT request. Judge Brower seconded the motion, and it passed unanimously.

Judge Pullan had grave concerns that virtual jury selection will become the standard for the courts and until the Green Phase Workgroup finishes their work, he didn’t believe the Council should fund any new jury FTE positions on this. He was concerned at how the rights of the accused might be affected.

**Motion:** Judge Shaughnessy moved to make the Non-Judicial Legal Recruit and Retain request to the second priority, following judicial compensation. Judge Lindsley amended the motion to make this to the first priority position, after the judicial compensation position and to make the Fourth District Juvenile Court Judge request the second priority after judicial compensation. Judge Shaughnessy accepted the amendment. Judge Mortensen seconded the motion, and it passed unanimously.

**Motion:** Judge Connors moved to move the District Court Law Clerk Attorneys item after the Information Technology – Essential Software Funding item. Judge Shaughnessy seconded the motion, and it passed unanimously.

**Motion:** Judge Mortensen moved to place the Tribal Outreach Program Coordinator request above the Jury Department FTE request. Judge Farr seconded the motion. The motion passed

with eight members voting in favor of and six members voting nay: Judges Shaughnessy, Barnes, Pettit, Pullan, Connors, and Chiara voted nay.

The Council completed the prioritized list. The results of the voting are as follows:

Rank	Amount	Ongoing or One-time	Item
Highest	Appx \$7 million	Ongoing	Judicial Compensation Increase
1 <sup>st</sup>	\$1,513,100 (will be revised)	Ongoing	Recruit & Retain Non-Judicial Legal Expertise
2 <sup>nd</sup>	\$475,000	Ongoing	Fourth District Additional Juvenile Court Judge
3 <sup>rd</sup>	\$127,000	Ongoing	Self-Help Center Forms Attorney
4 <sup>th</sup>	\$163,301	Ongoing	Wasatch County Justice Center
5 <sup>th</sup>	\$110,000	Ongoing	Domestic Violence Program Manager Position
6 <sup>th</sup>	\$978,000	Ongoing	Information Technology – Essential Software Funding
7 <sup>th</sup>	\$961,200 (will be revised)	Ongoing	District Court Law Clerk Attorneys
8 <sup>th</sup>	\$64,900	Ongoing	Tribal Outreach Program Coordinator
9 <sup>th</sup>	\$233,100	Ongoing	Jury Department FTE
10 <sup>th</sup>	\$120,000	Ongoing	ODR Program Administrator
11 <sup>th</sup>	\$235,000	One-time	New Furniture Configuration for Matheson Second Floor IT Areas

**Motion:** Judge Connors moved to approve the list as prioritized as listed above. Judge Mortensen seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Judge Pettit, Mr. Sweeney, and Ms. Taitano.

**8. ADJOURN**

The meeting adjourned.