

**JUDICIAL COUNCIL
FY 2024 BUDGET PLANNING MEETING**

**AGENDA
Friday, August 19, 2022
Meeting will be held through Webex**

Chief Justice Matthew B. Durrant, Presiding

8:00 a.m.	Welcome	Chief Justice Matthew B. Durrant
8:05 a.m.	Overview	Ron Gordon <i>State Court Administrator</i>
8:10 a.m.	Utah Economic Outlook	Nate Talley <i>GOPB Deputy Dir. and Chief Economist</i>
8:30 a.m.	Legislature’s Approach to FY 2024 Budget	Jonathan Ball <i>Director of Office of Legislative Fiscal Analyst</i>
8:50 a.m.	FY 22 Filings and Disposition Count – District/Juvenile/Appellate (Information) (Tab1)	Paul Barron <i>AOC Application Services Manager</i> Shane Bahr <i>District Court Administrator</i> Daniel A. Meza Rincón <i>Interim Juvnile Court Administrator</i>
9:15 a.m.	Break	
9:25 a.m.	Supreme Court Funding (Action) (Tab 2)	Judge Pullan <i>4th District Court Judge</i>
9:55 a.m.	Jud. Council Budget Approval Process/ BFMC Prioritization Process (Tab 3)	Judge Kara Pettit <i>BFMC Chair</i> Karl Sweeney <i>AOC Director of Finance</i>

FY 2024 Budget Request Presentations in BFMC Priority Order

1. Fourth District Additional Juvenile Court Judge (Tab 4)Shelly Waite
4th District Juvenile Trial Court Executive
Judge Doug Nielsen
Presiding Judge 4th District Juvenile Court
 2. Non-Judicial Legal Recruit and Retain (Tab 5) Bart Olsen
HR Director
 3. Self-Help Center New Forms Attorney (Tab 6) Nathanael Player
Director Self-Help Center and Law Library
 4. Wasatch County Courtroom Addition (Lease) (Tab 7) Chris Talbot
Facilities Director
 5. Domestic Violence Program Manager (Tab 8).....Ron Gordon
State Court Administrator
Amy Hernandez
Domestic Violence Program Coordinator
 6. Information Technology Essential Software (Tab 9).....Brody Arishita
Chief Information Officer
 7. 3rd District Judicial Assistants – Jury Department (Tab 10).....Kim Brock
3rd District Trial Court Executive
Judge Laura Scott
Associate Presiding Judge 3rd District Court
 8. Tribal Outreach Program Coordinator (Tab 11) Jon Puente
Director of the Office of Fairness, Equity and Accountability
Amy Hernandez
 9. District Court Law Clerk Attorneys (Tab 12)..... Meredith Mannebach
Assistant District Court Administrator
 10. Online Dispute Resolution Administrator (Tab 13) Nathanael Player
Director Self-Help Center and Law Library
 11. Matheson 2nd Floor Workspace Update (Tab 14)..... Chris Talbot
Facilities Director
Associate Presiding Judge 3rd District Court
- 11:30 a.m. Break
- 11:40 a.m. Finalize FY 2024 Judicial Council Priorities (Tab 15)..... Judge Kara Pettit
Karl Sweeney and Melissa Taitano, AOC Finance
- 12:45 p.m. Adjourn. Judicial Council meeting to follow.

Tab 1



**Utah
State
Courts**



Caseload Overview

Fiscal Year 2022

Judicial Council
Budget Planning Meeting
August 19, 2022



**Utah
State
Courts**



Caseload Overview

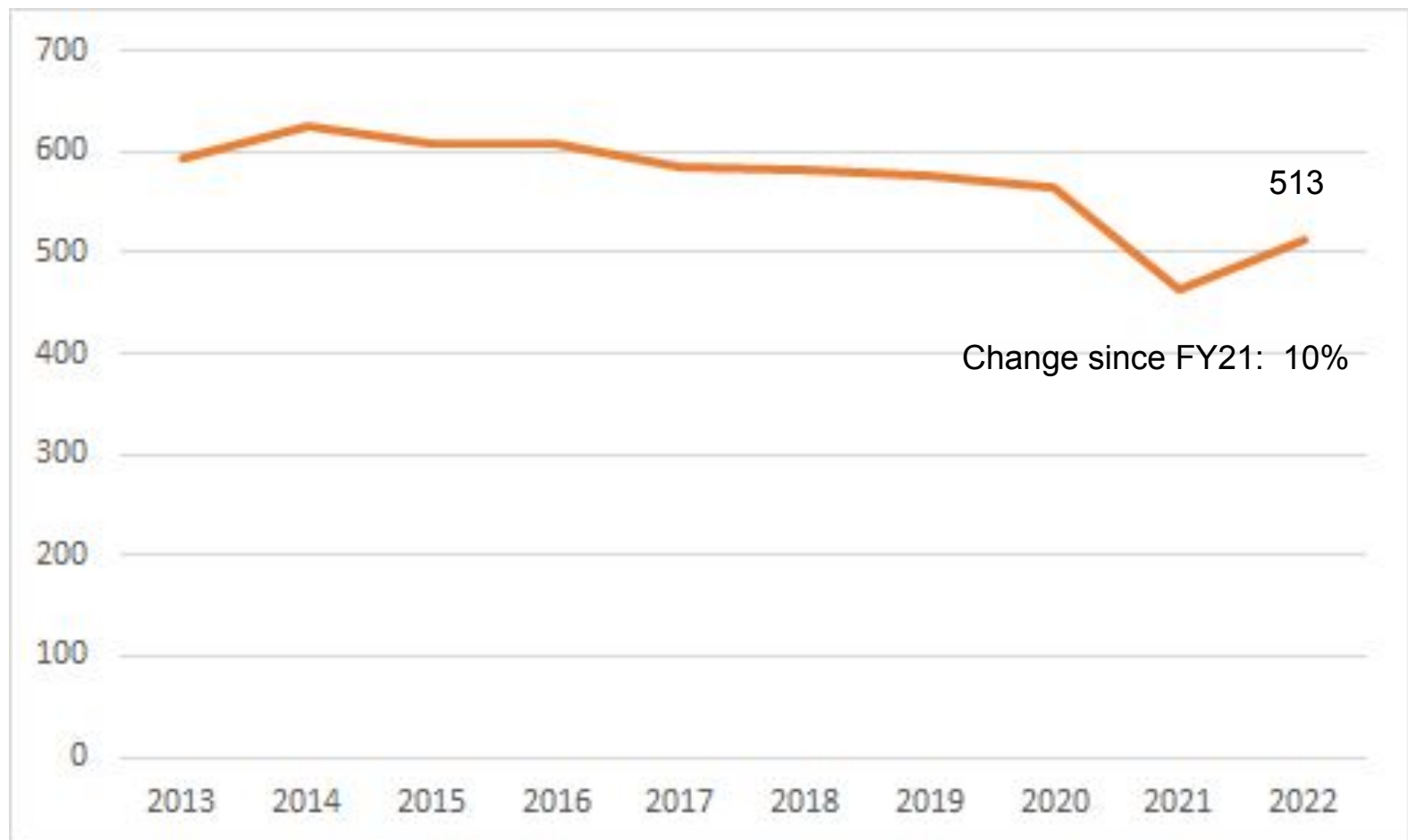
- Supreme and Appellate Court Filings
- District Courts
 - Filing Statistics
 - Pending and Time to Disposition
 - Jury Trial Statistics
- Justice Courts
 - Filing Statistics
 - Pending and Time to Disposition
- Juvenile Courts
 - Filing Statistics
 - Time to Disposition



**Utah
State
Courts**



Supreme Court Filings FY13-FY22

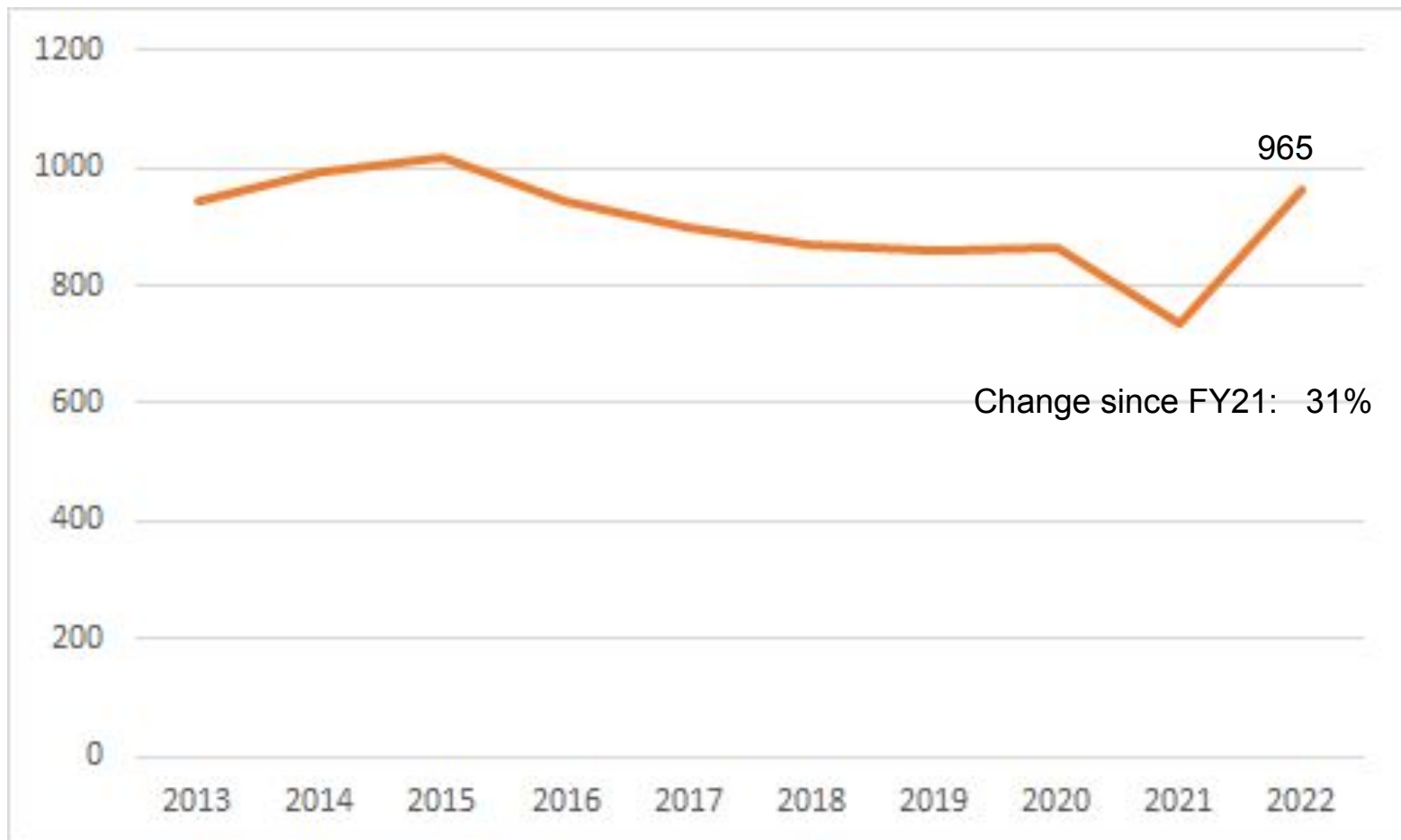




**Utah
State
Courts**



Court of Appeals Filings FY13-FY22

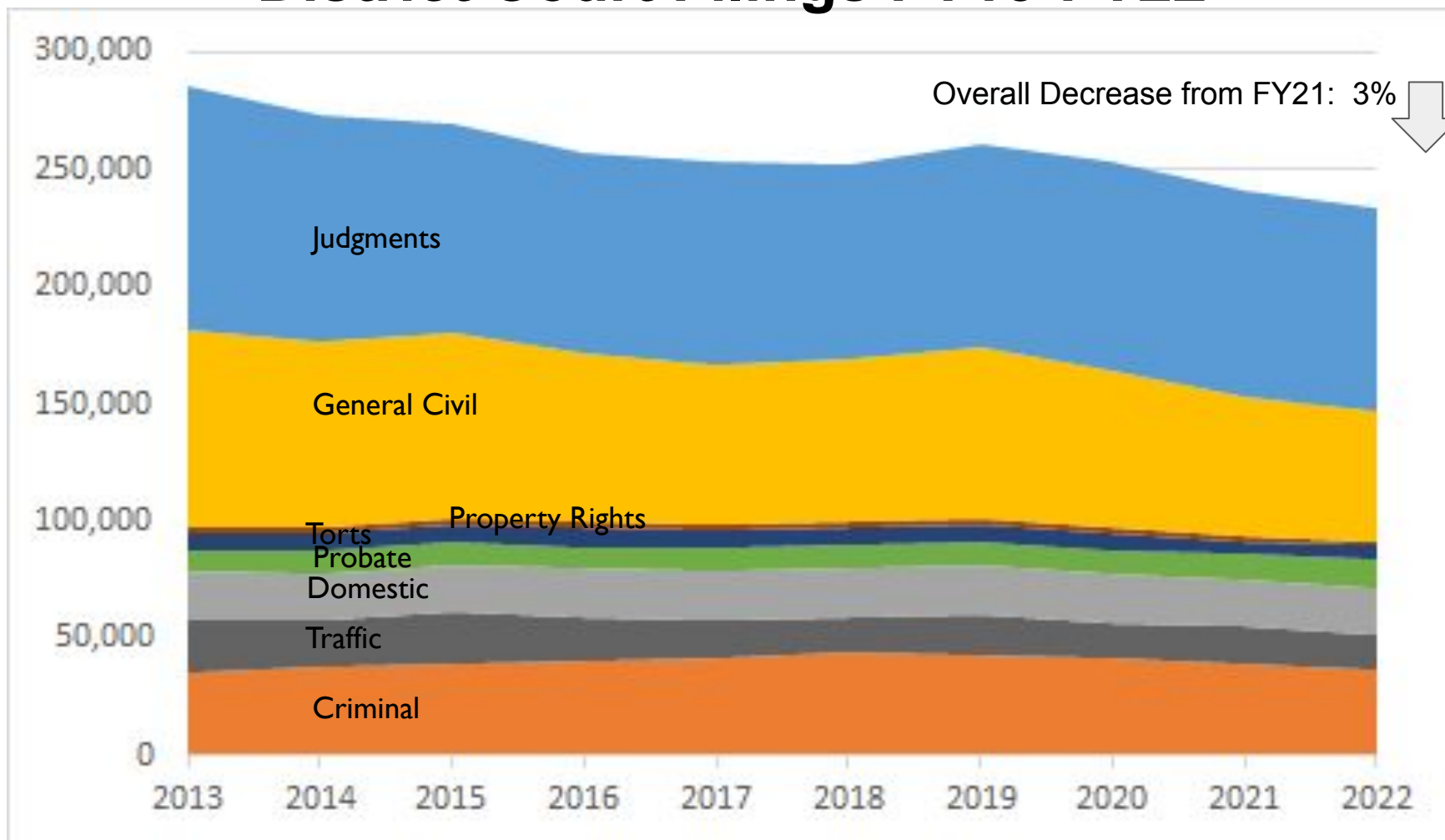




Utah
State
Courts



District Court Filings FY13-FY22



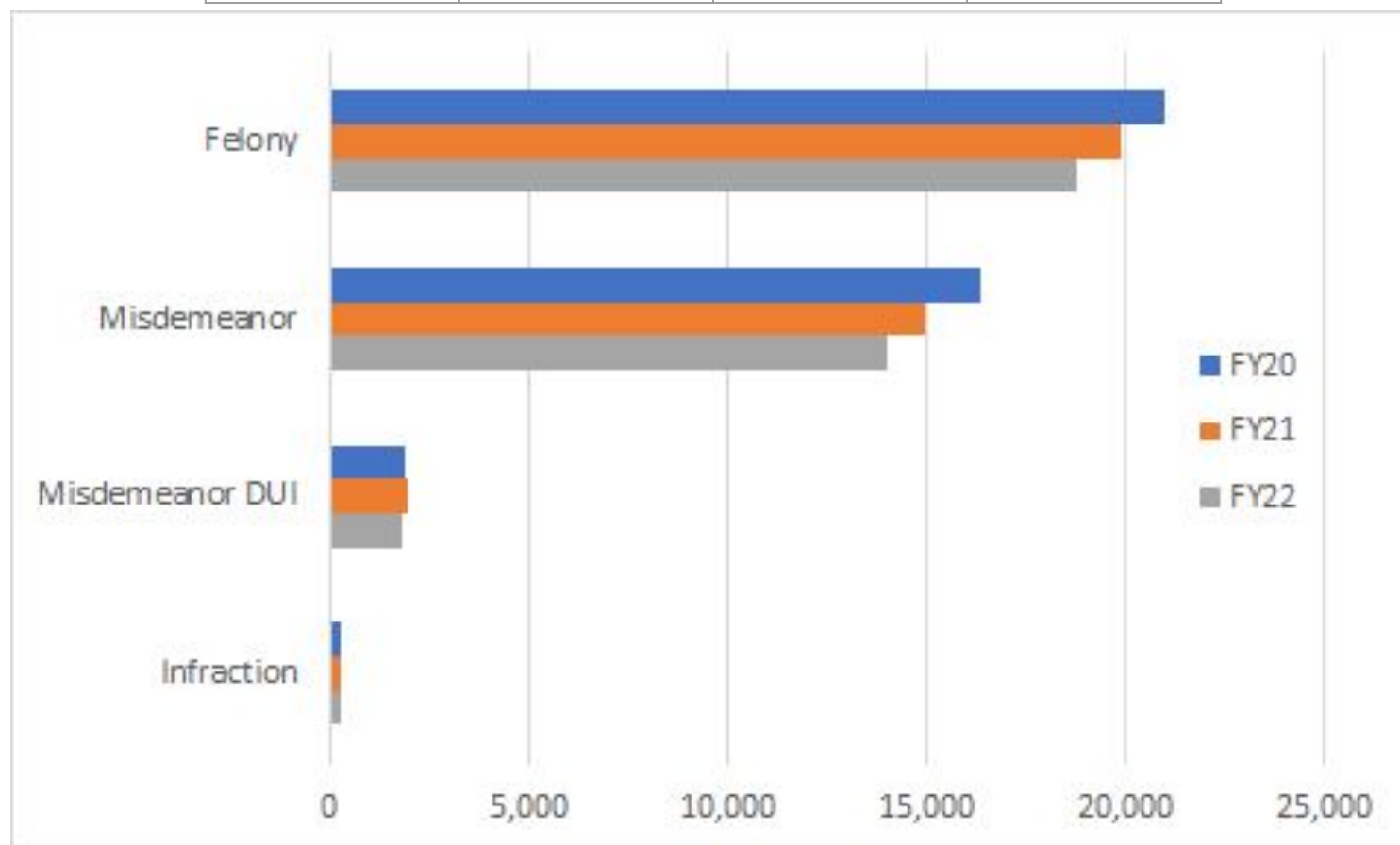


Utah State Courts



District Court Criminal Filings

FY20	FY21	FY22	% change
41,605	39,053	36,747	-6%

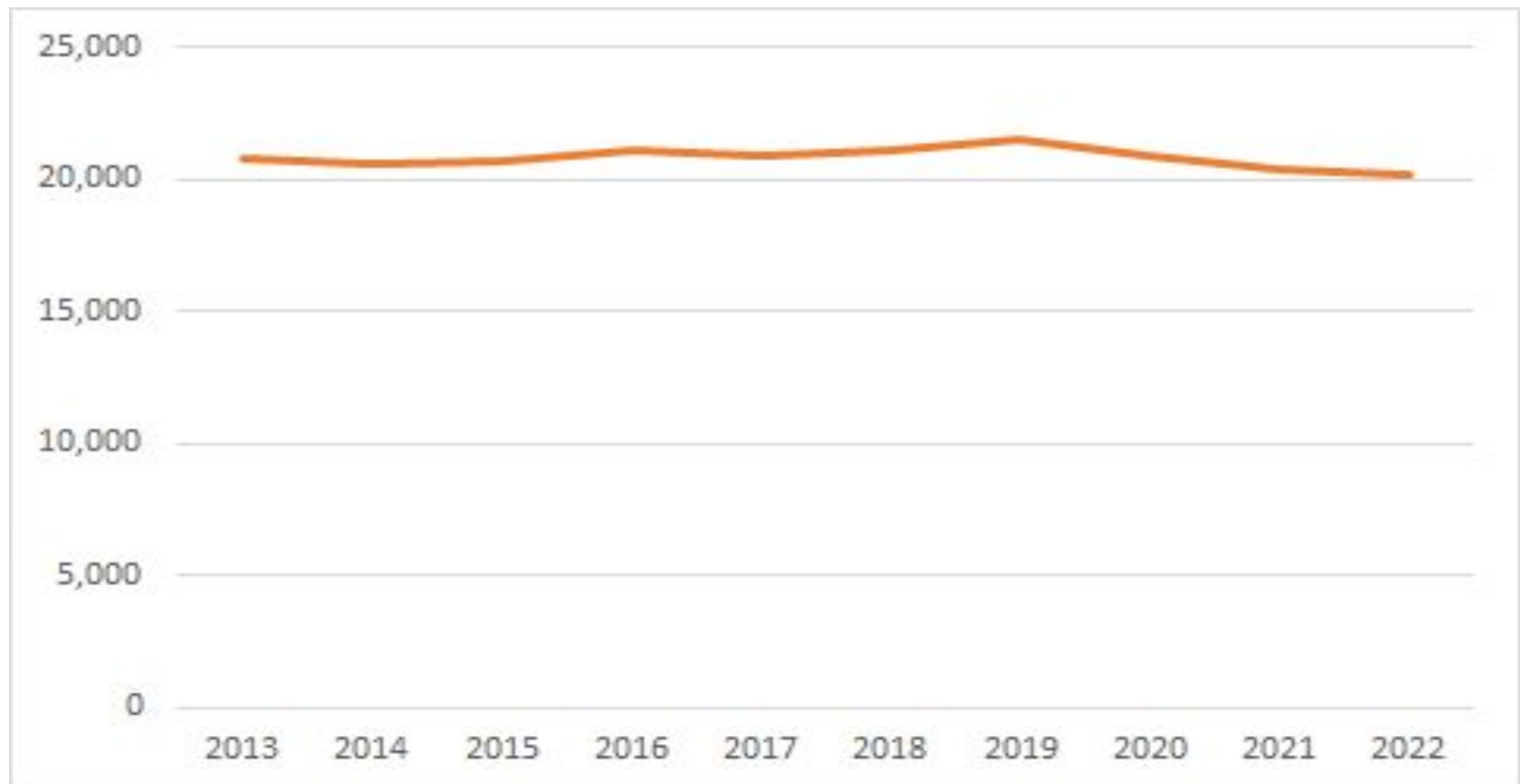




**Utah
State
Courts**



Domestic Relations Cases FY13-FY22



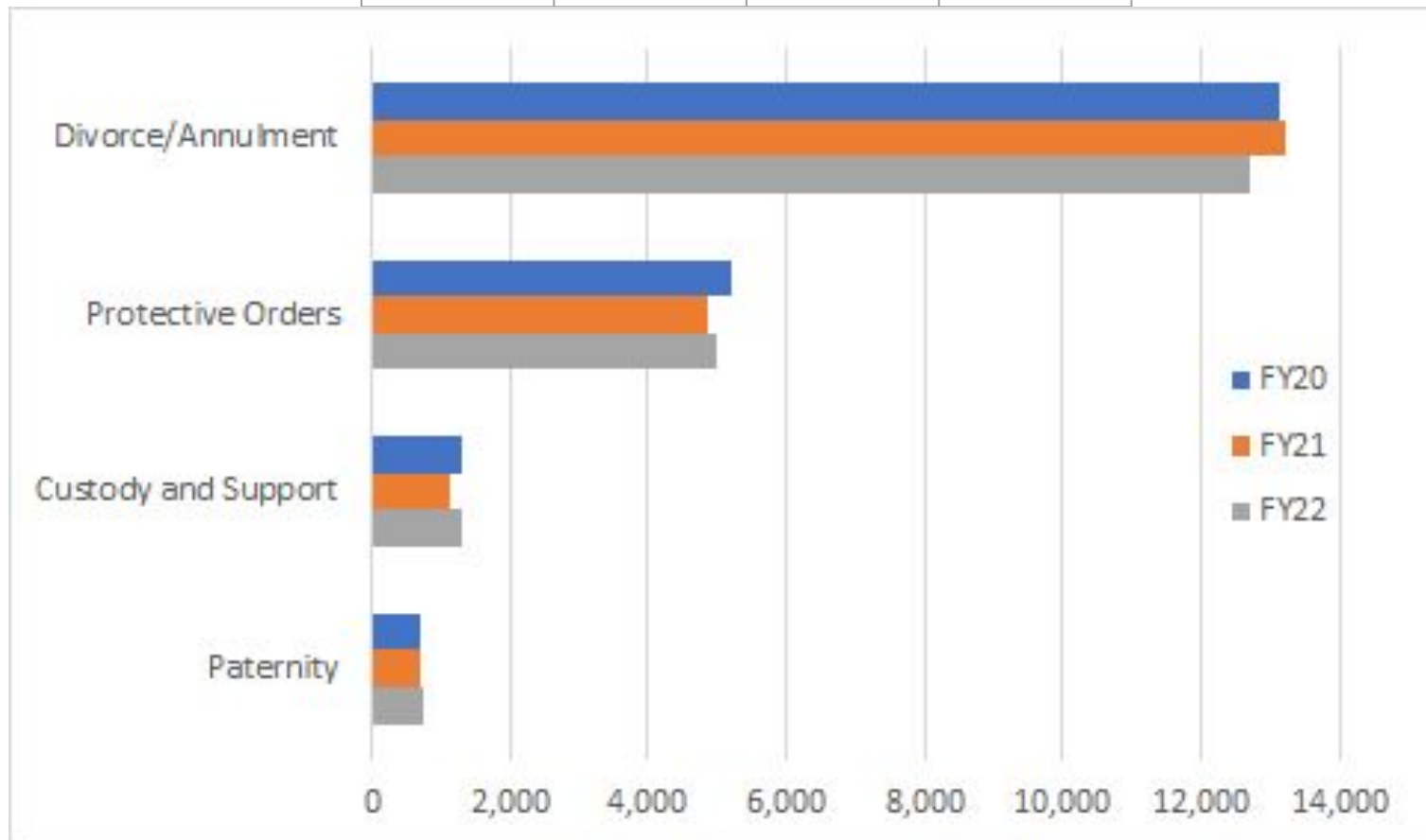


Utah State Courts



Category: Domestic Relations

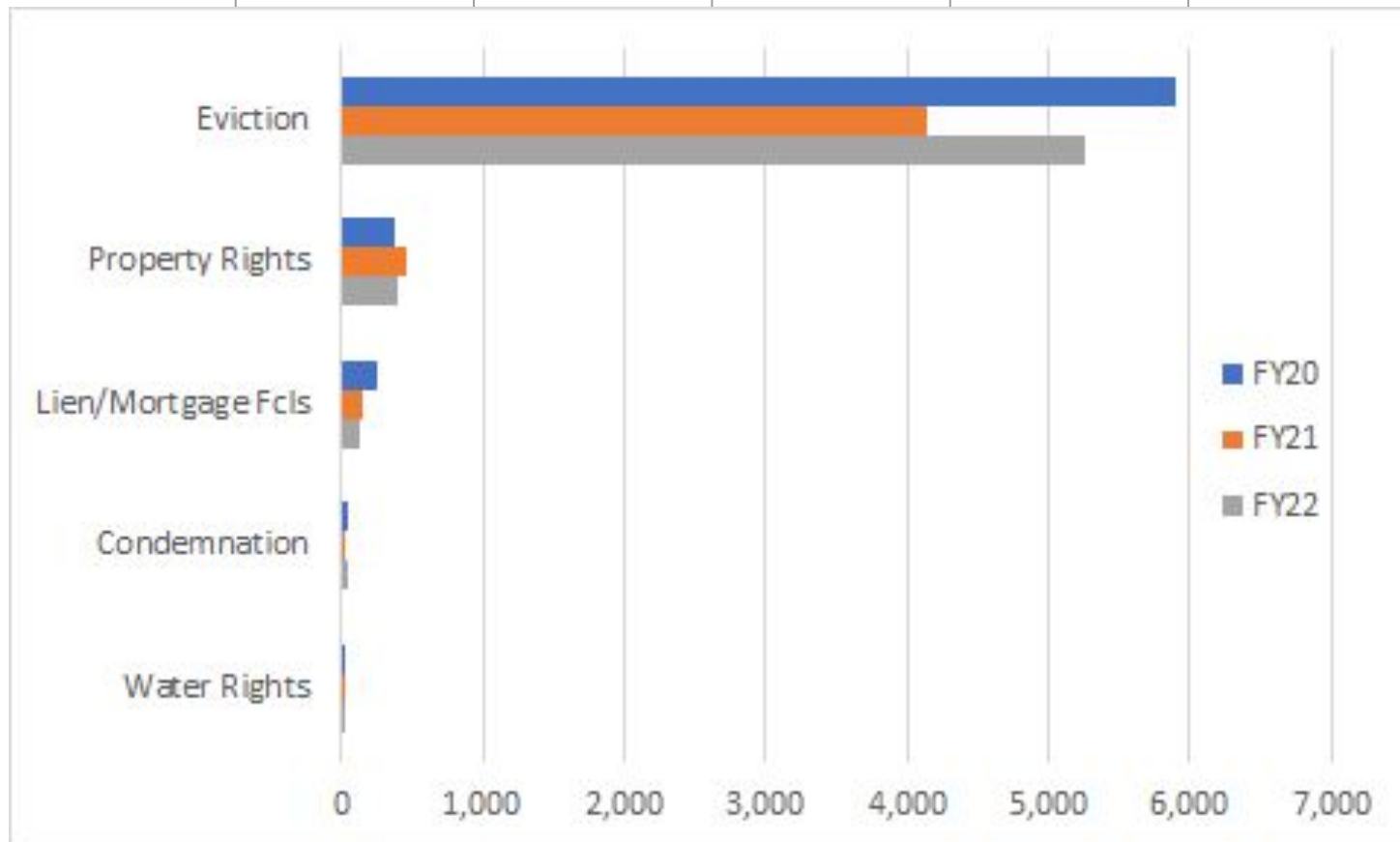
FY20	FY21	FY22	% change
20,845	20,376	20,167	-1%





Category: Property Rights

FY20	FY21	FY22	% change
6,609	4,782	5,867	23%

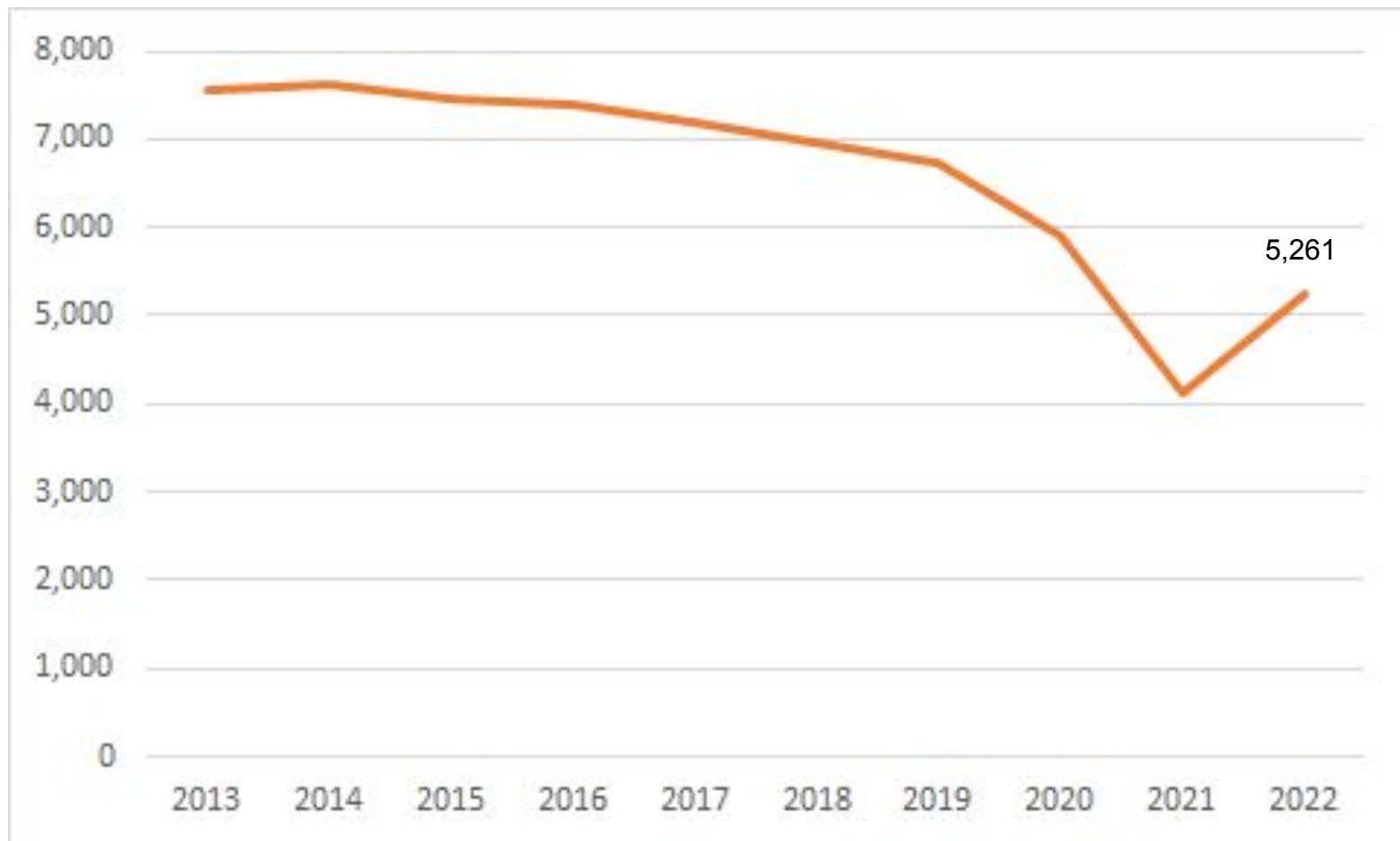




**Utah
State
Courts**



Eviction Filings FY13-FY22

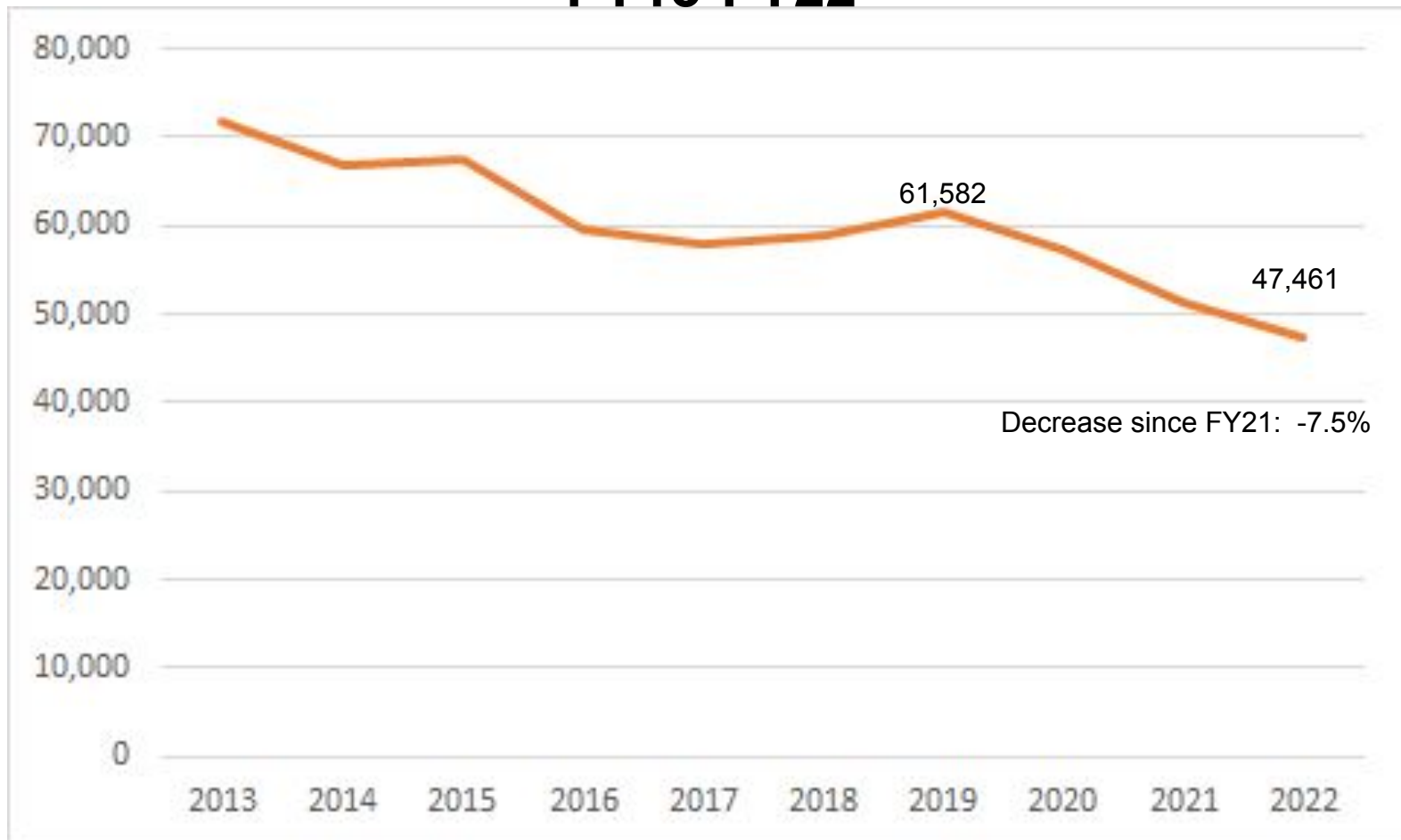




**Utah
State
Courts**



General Civil: Debt Collection Filings FY13-FY22



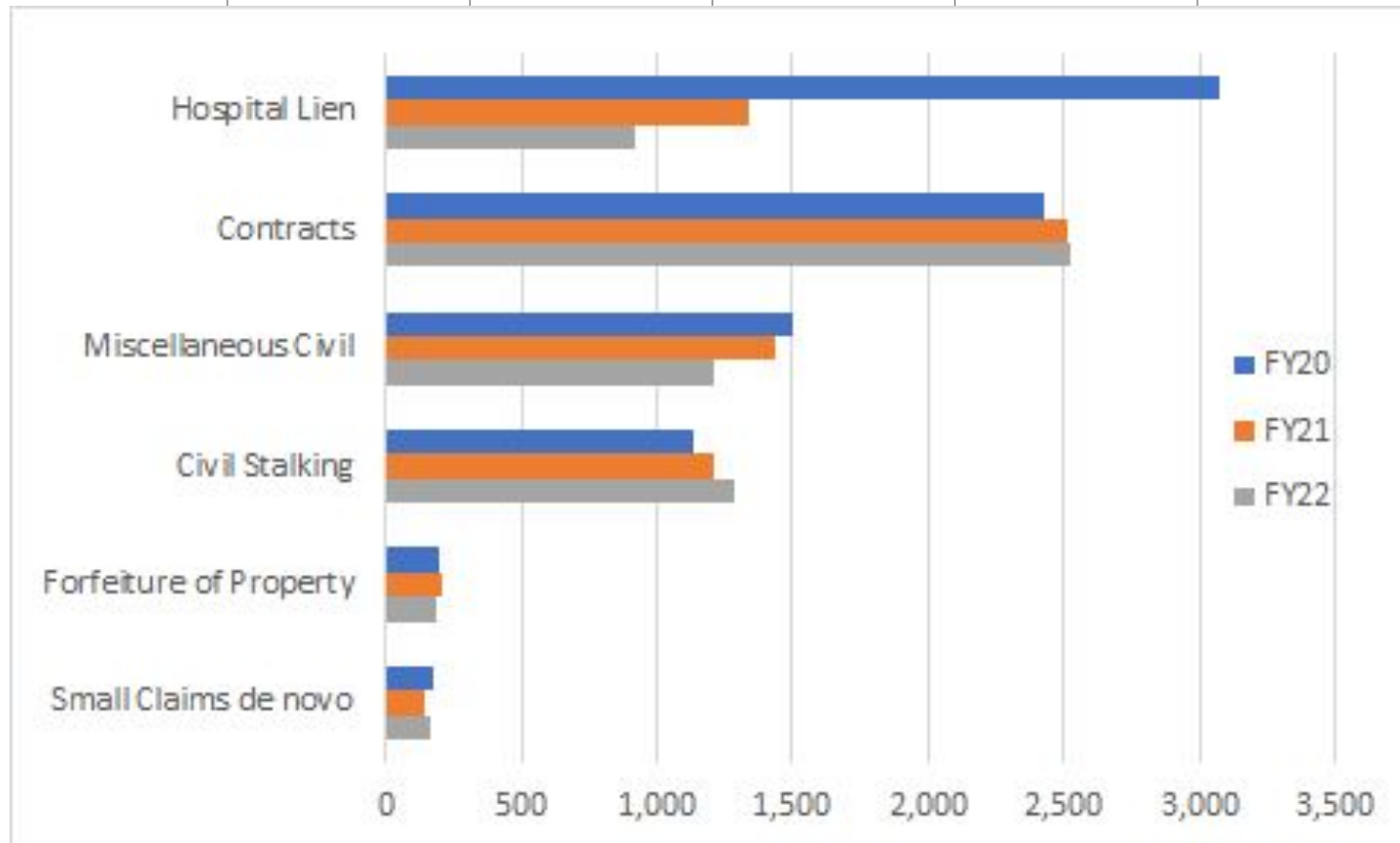


**Utah
State
Courts**



Category: General Civil

FY20	FY21	FY22	% change
66,675	59,027	54,660	-7%

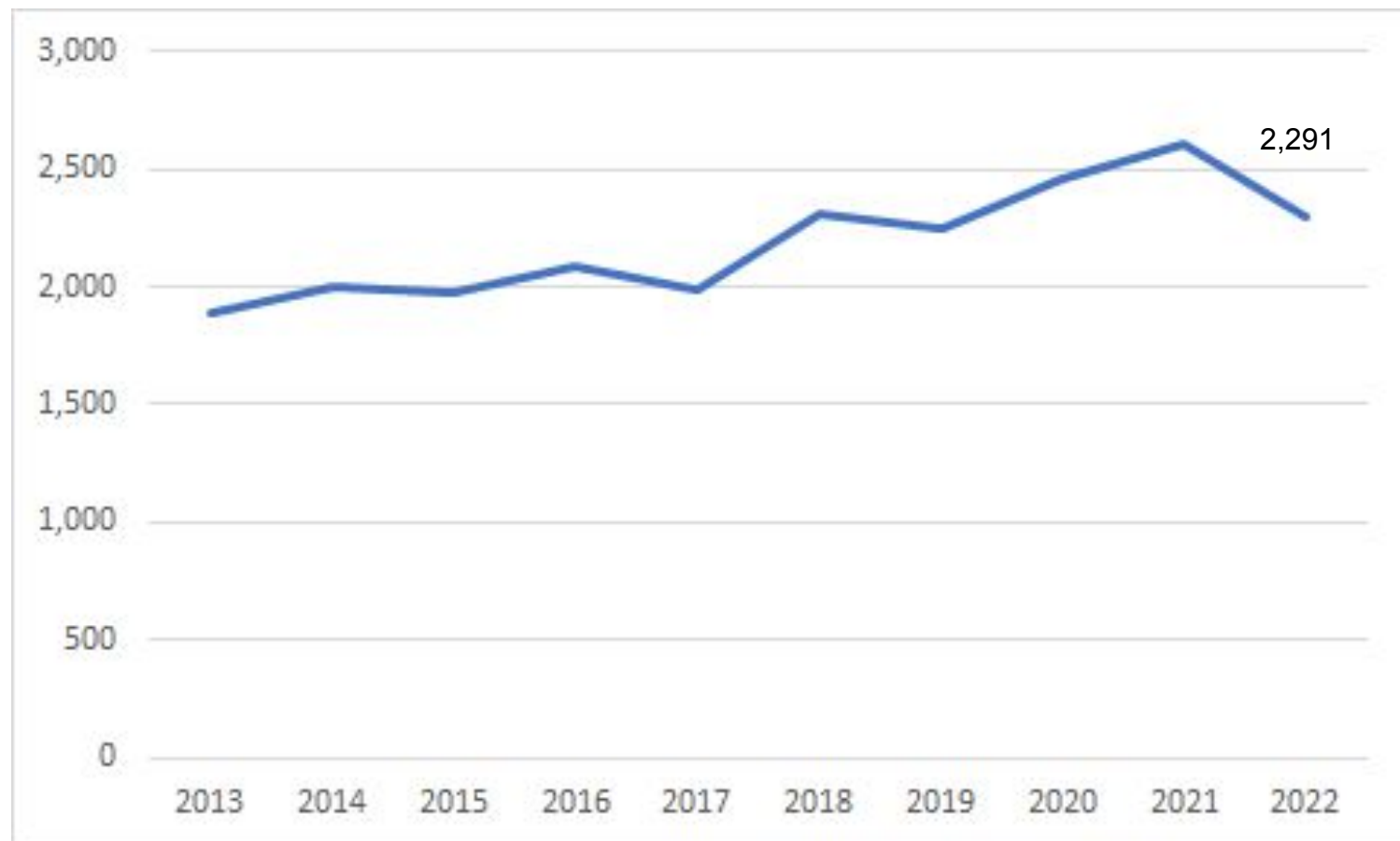




**Utah
State
Courts**



Tort Filings FY13-FY22



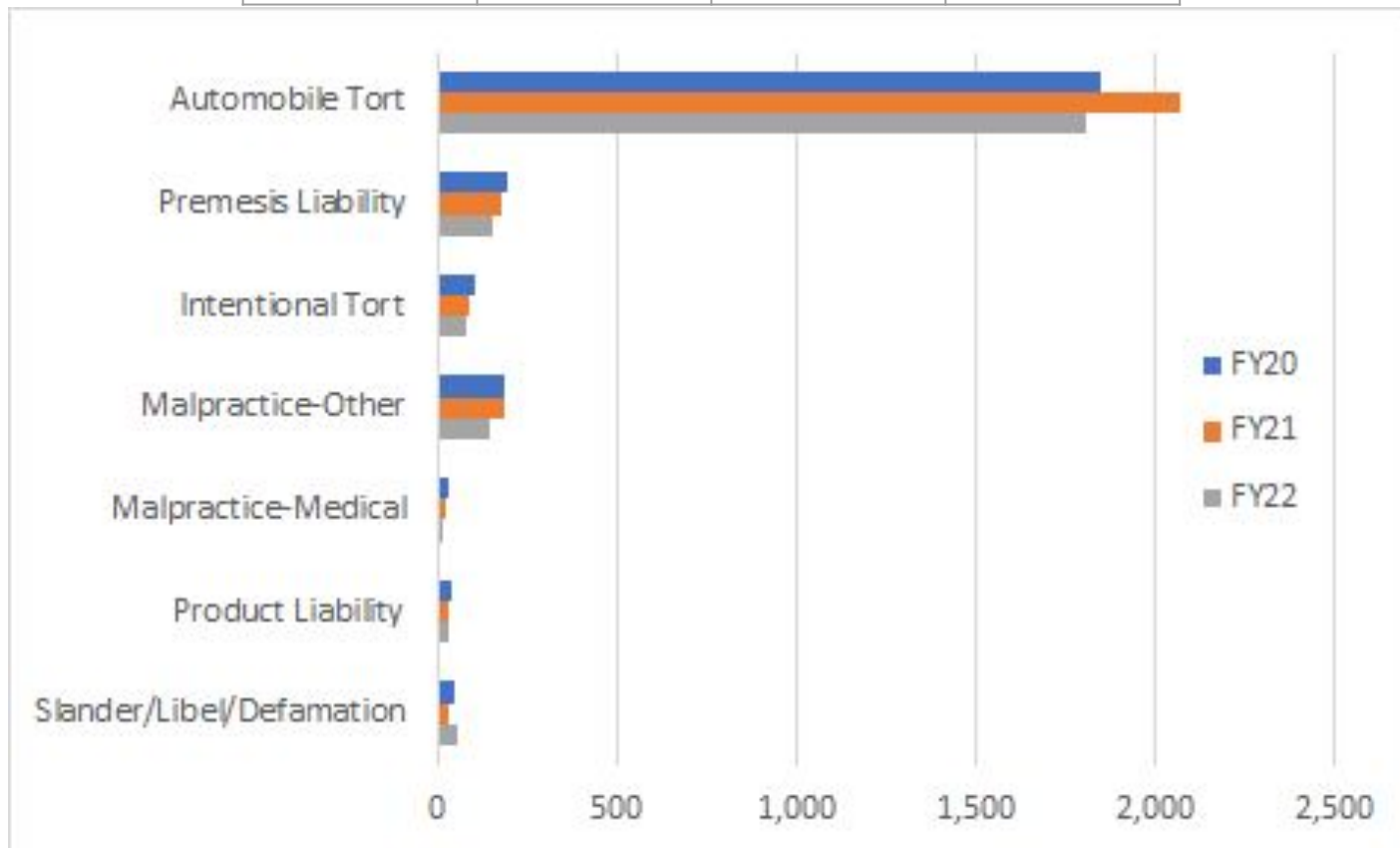


Utah State Courts



Category: Torts

FY20	FY21	FY22	% change
2,453	2,608	2,291	-12%

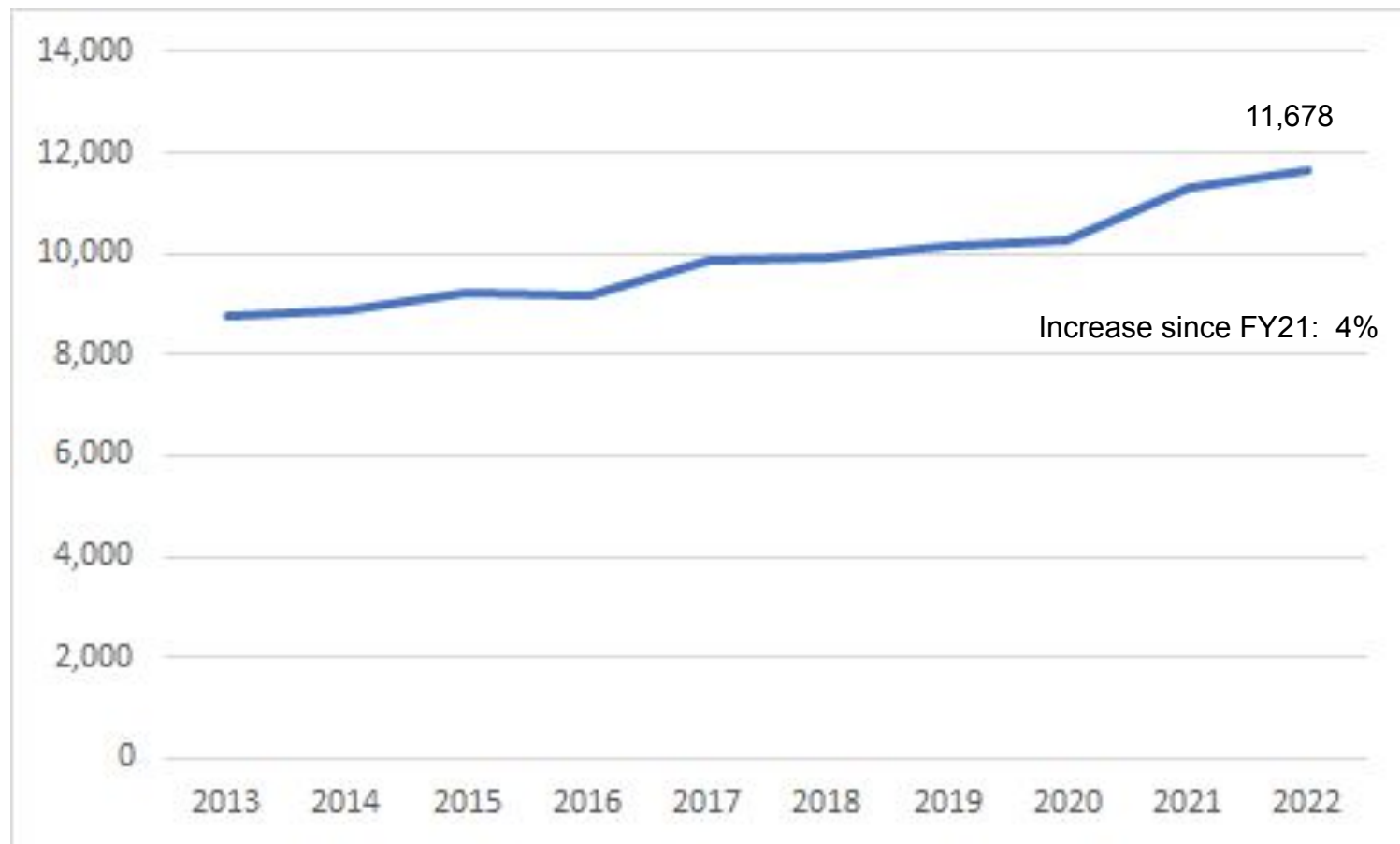




**Utah
State
Courts**



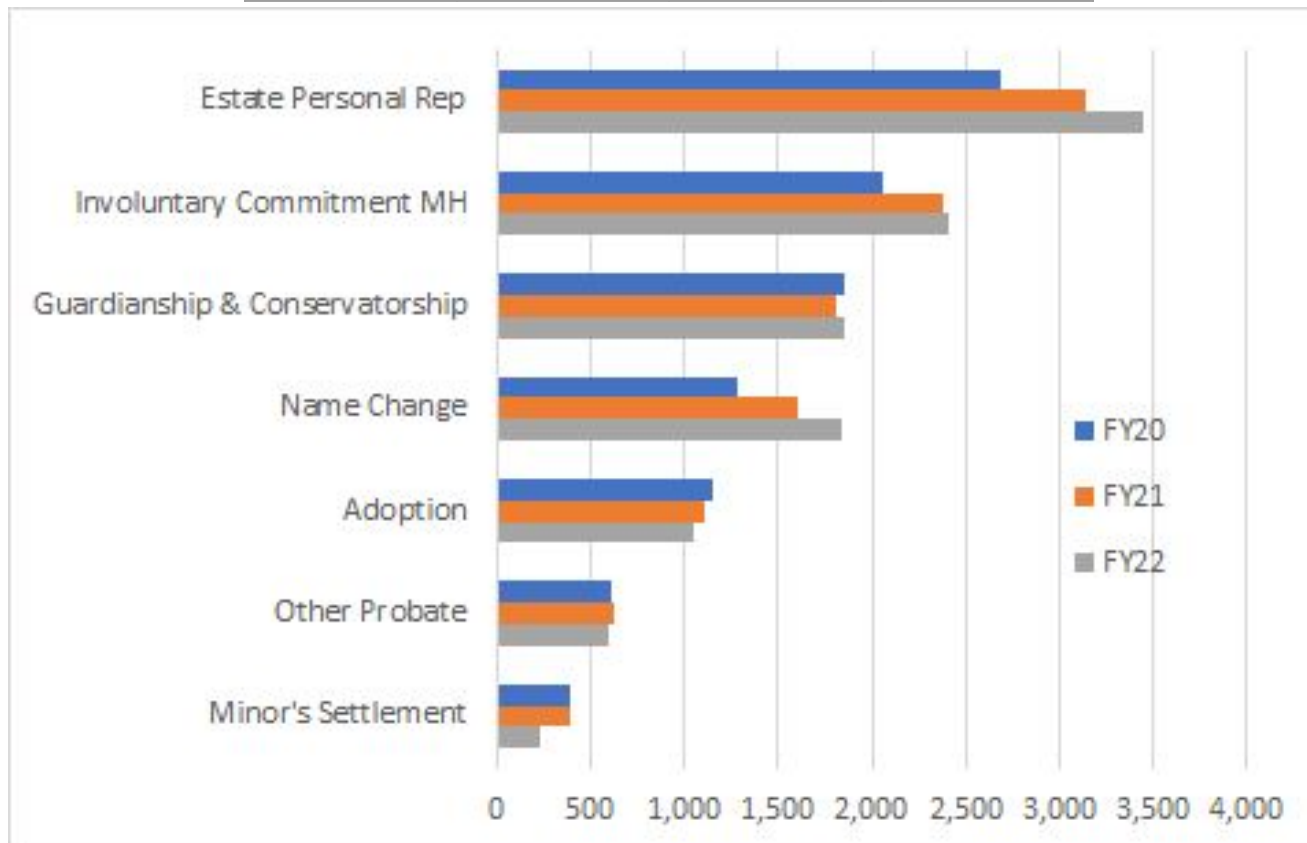
Probate Filings FY13-FY22





Category: Probate

FY20	FY21	FY22	% change
10,295	11,279	11,678	4%

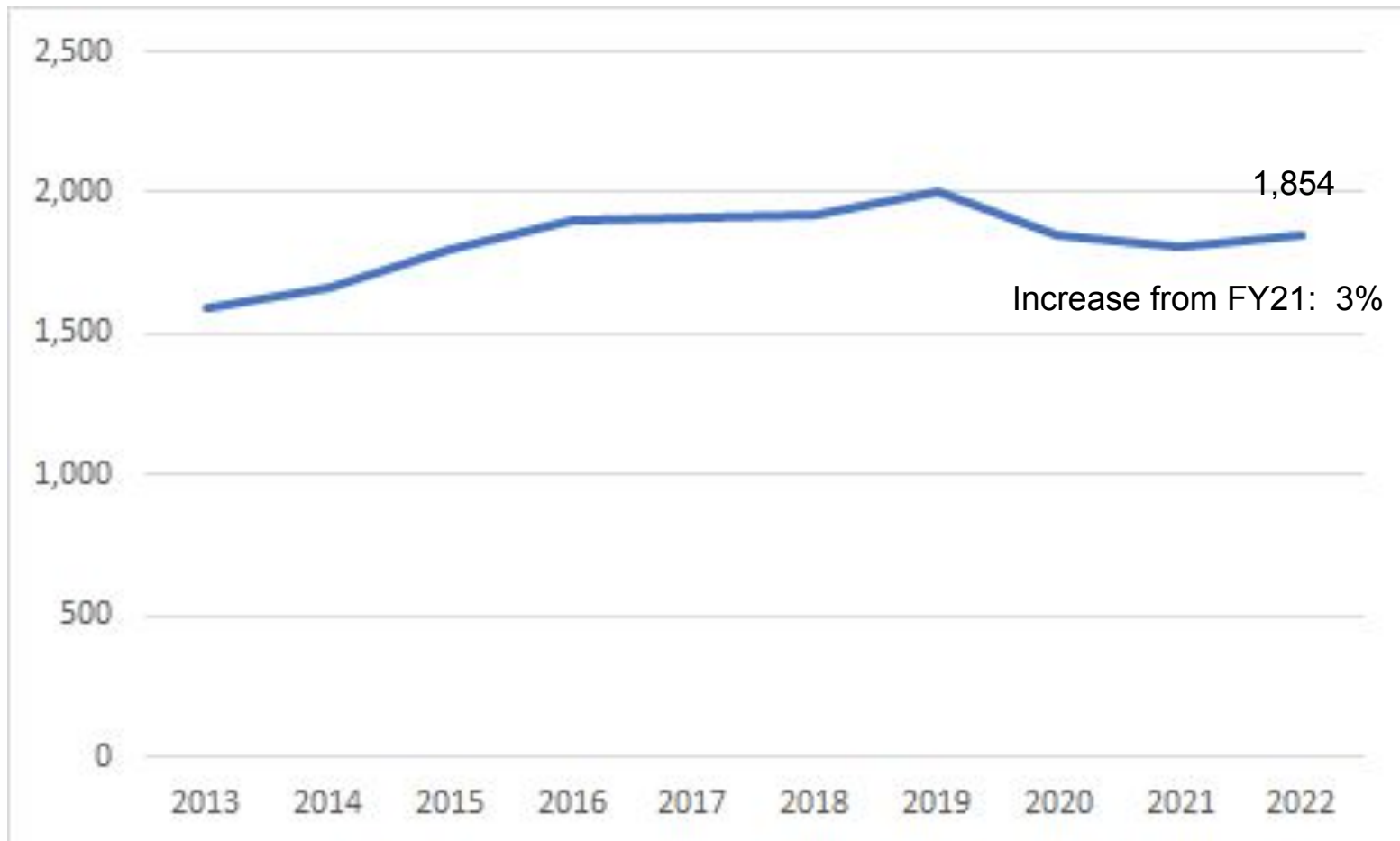




**Utah
State
Courts**



Guardian and Conservatorship Filings FY13-FY22

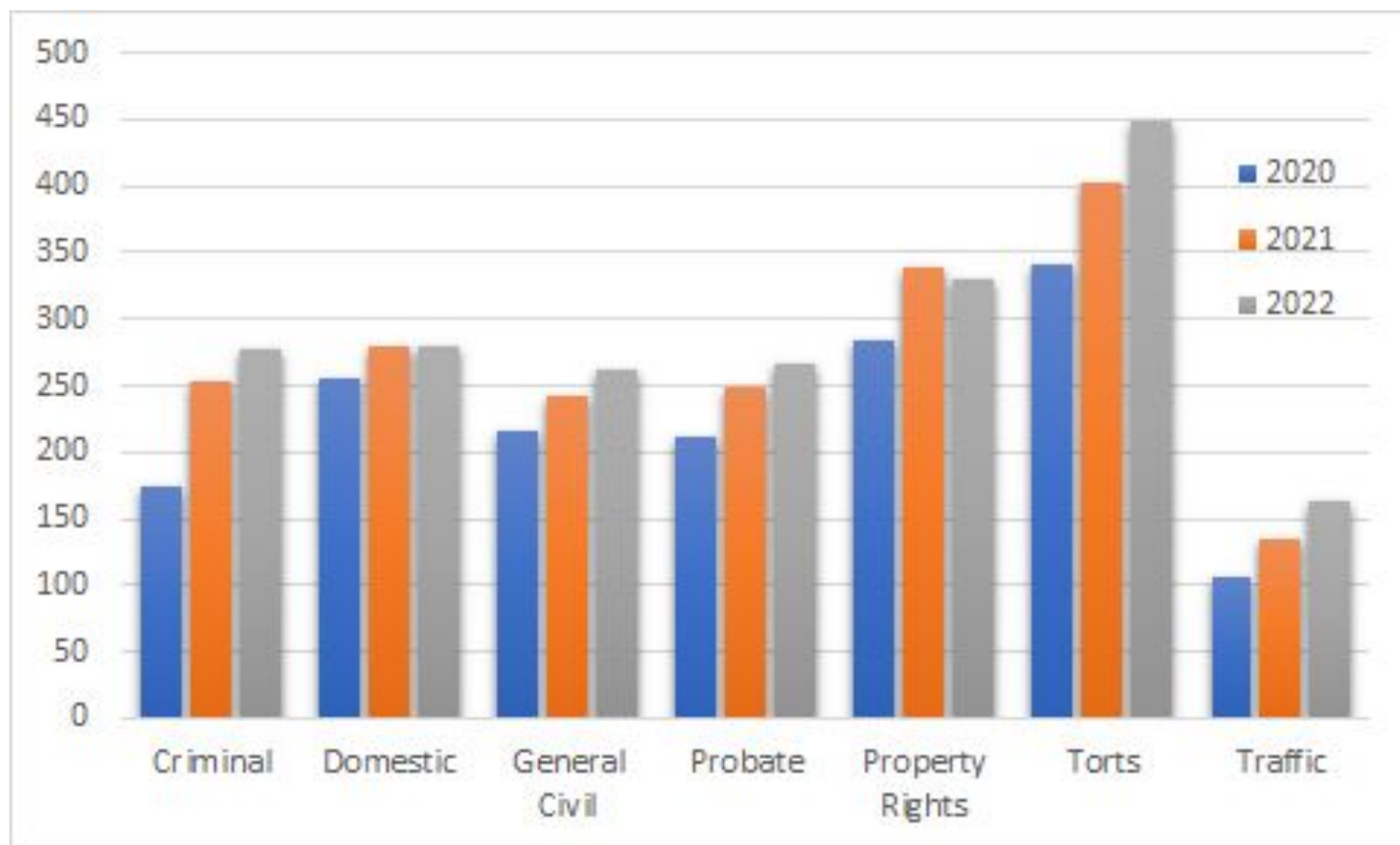




**Utah
State
Courts**



Average Age of Active Pending Cases District Courts FY20-22





**Utah
State
Courts**



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
Criminal	Felonies and Misdemeanors	95%	12 m	84%
Civil	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%
Domestic	Divorce, Paternity, Custody and Support	95%	18 m	90%
	Domestic Modifications	95%	12 m	71%
	Temporary Protective Orders	95%	10 d	99%
Probate	Administration of Estates	95%	12 m	99%
	Guardian/Conservatorship: Protected Persons	95%	90 d	79%
	Involuntary Civil Commitment	95%	15 d	91%



Utah State Courts



District Court Time to Disposition

Comparison to Pre-Pandemic Percentages of Cases Meeting Time Goal

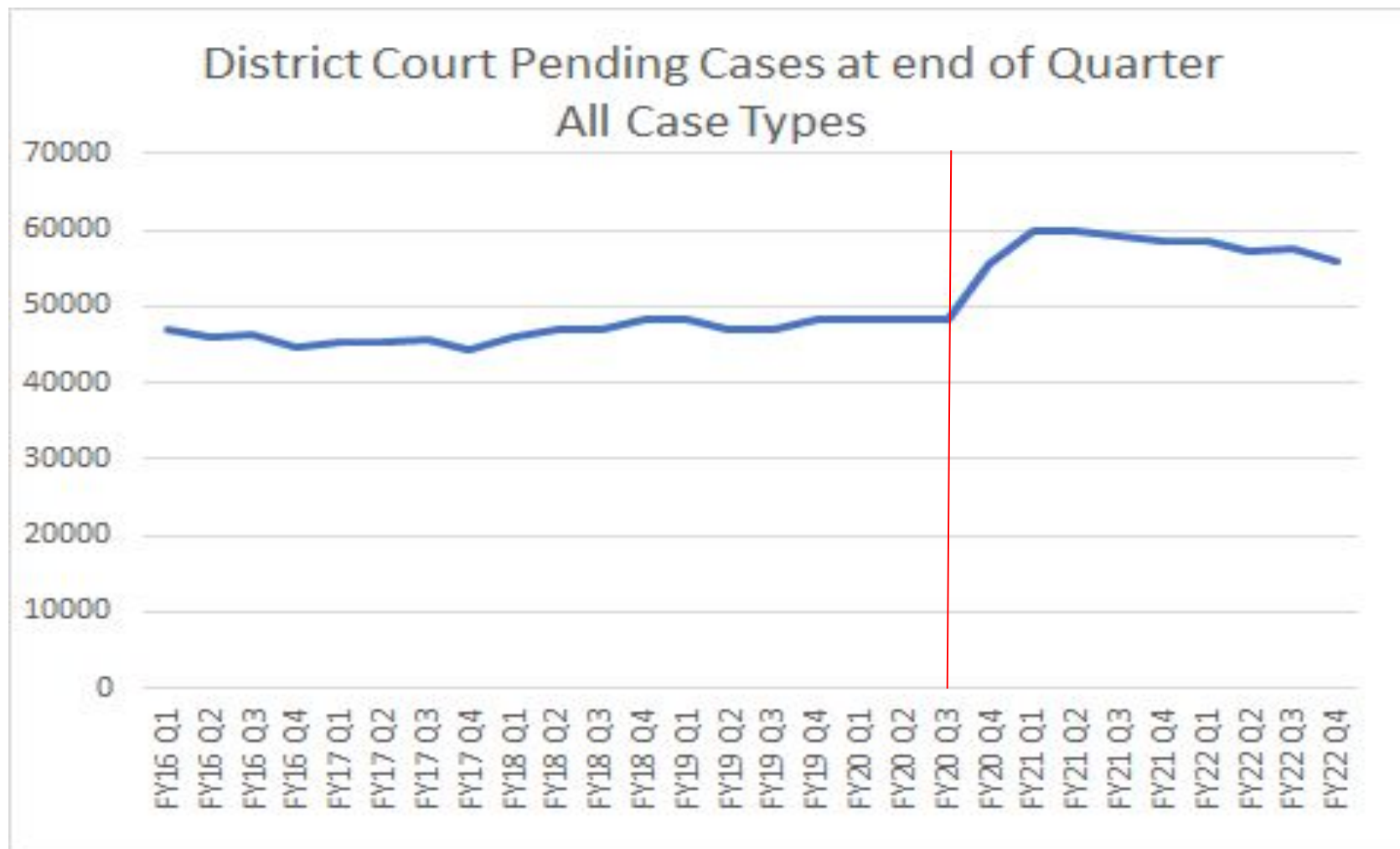
Case Category	Case Type	FY19	FY22
Criminal	Felonies and Misdemeanors	95%	84%
Civil	All Civil except Eviction, Small Claims	96%	95%
	- Debt Collection	98%	97%
	- General Civil	94%	89%
	- Torts	88%	84%
	Eviction	94%	90%
Domestic	Divorce, Paternity, Custody and Support	93%	90%
	Domestic Modifications	74%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



**Utah
State
Courts**



Cases Pending FY16-FY22

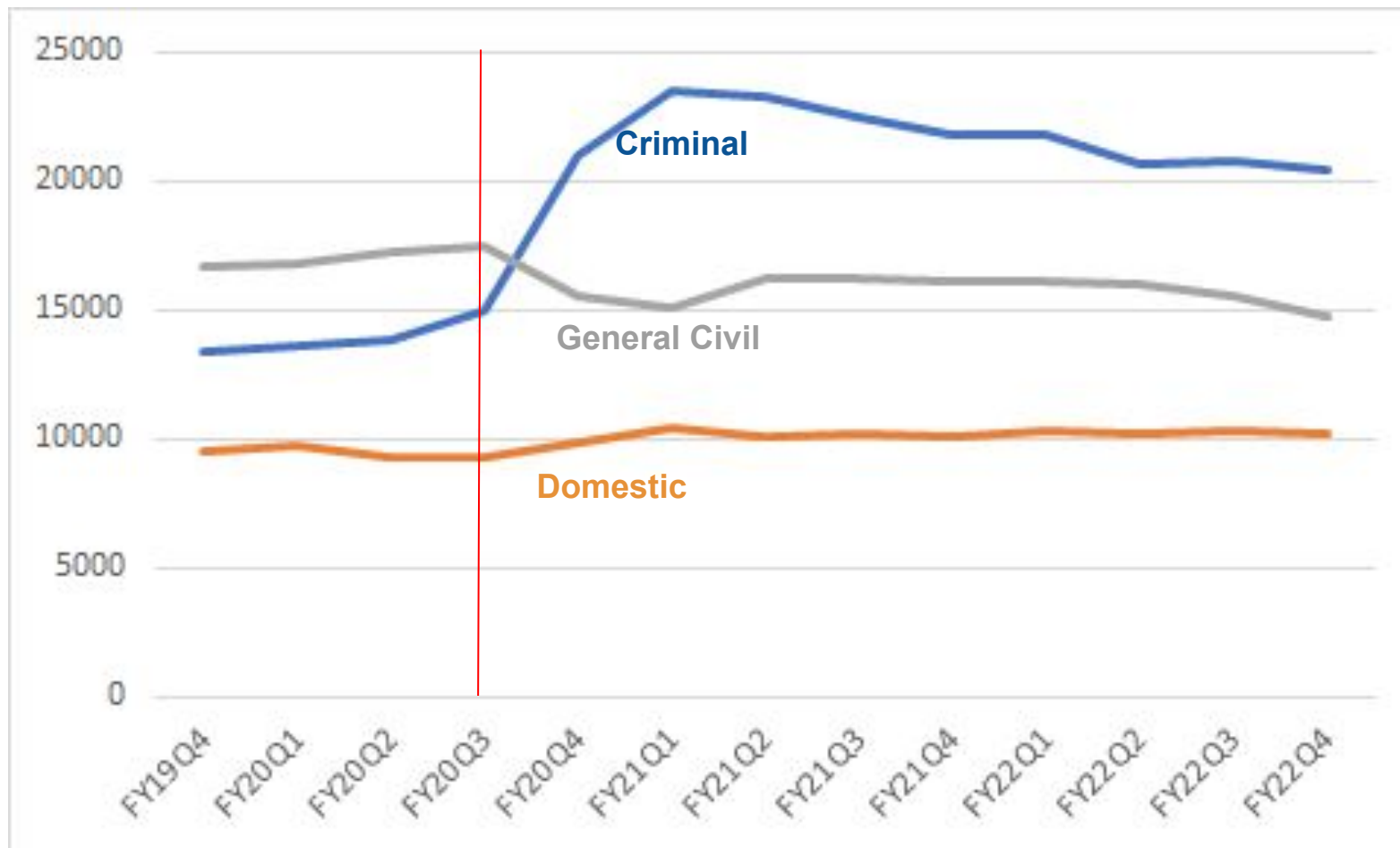




**Utah
State
Courts**



Cases Pending - Effect of Pandemic

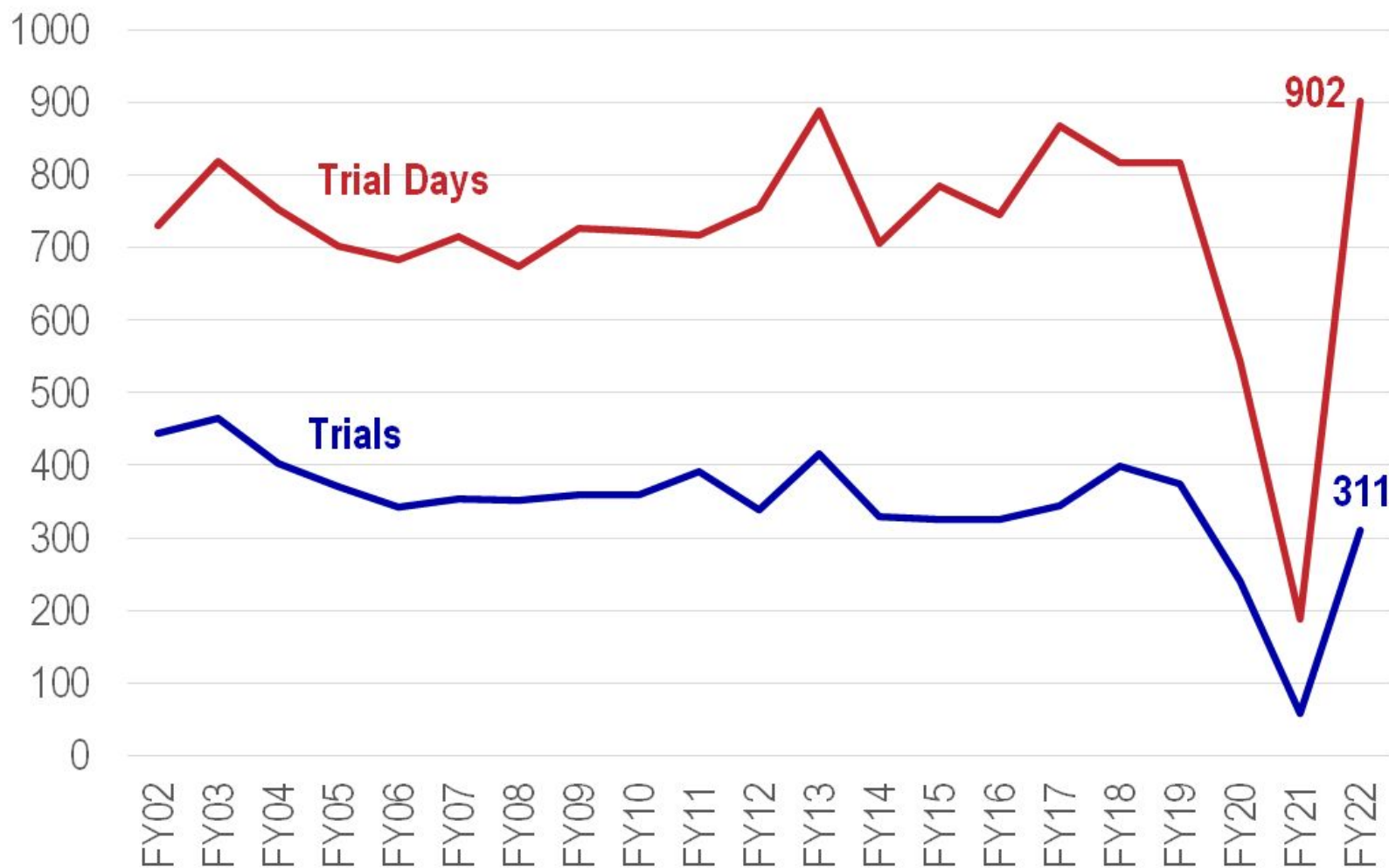




Utah State Courts



District Court Jury Trials FY02-FY22

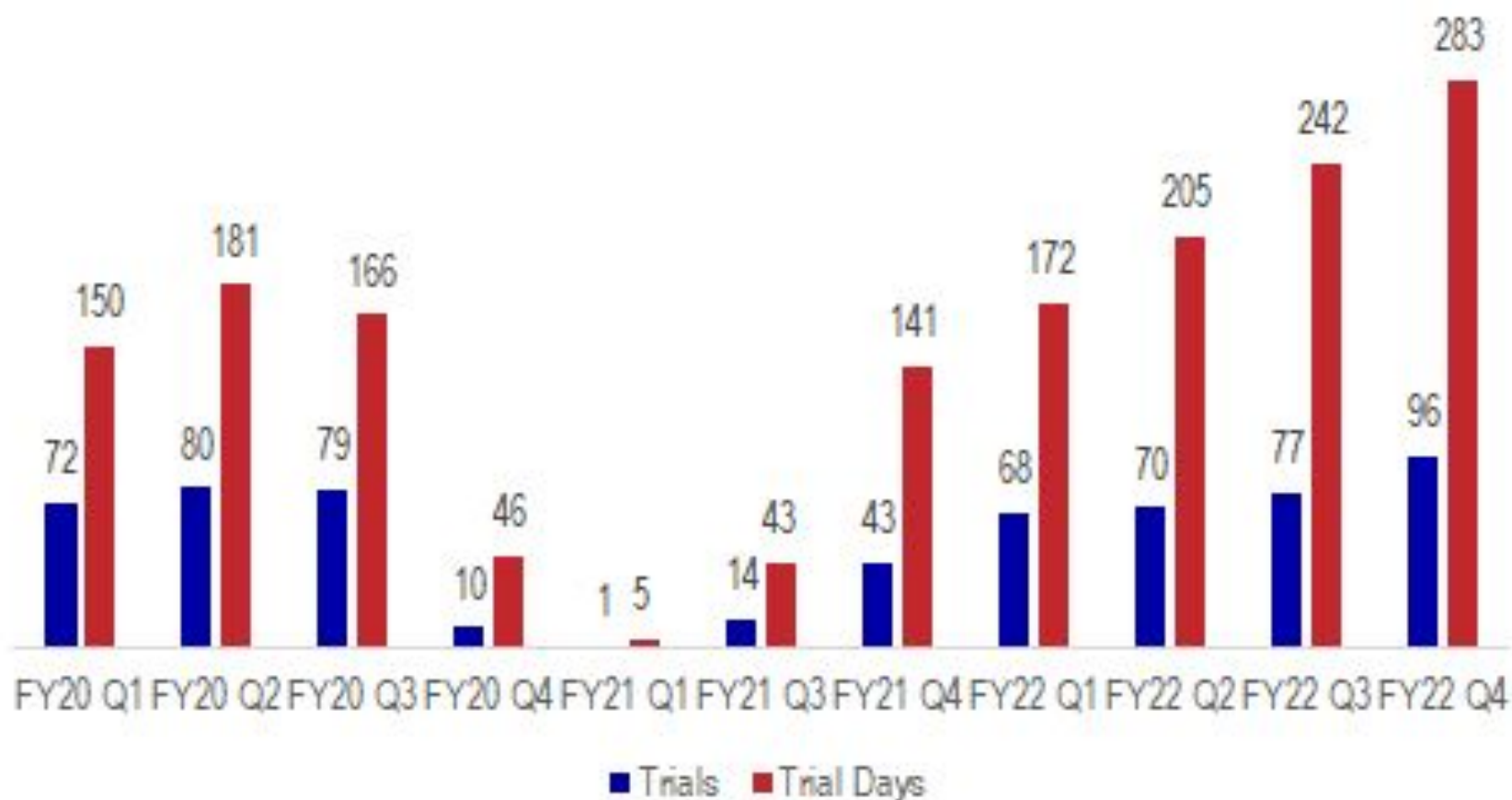




Utah State Courts



District Court Jury Trials FY20-FY22

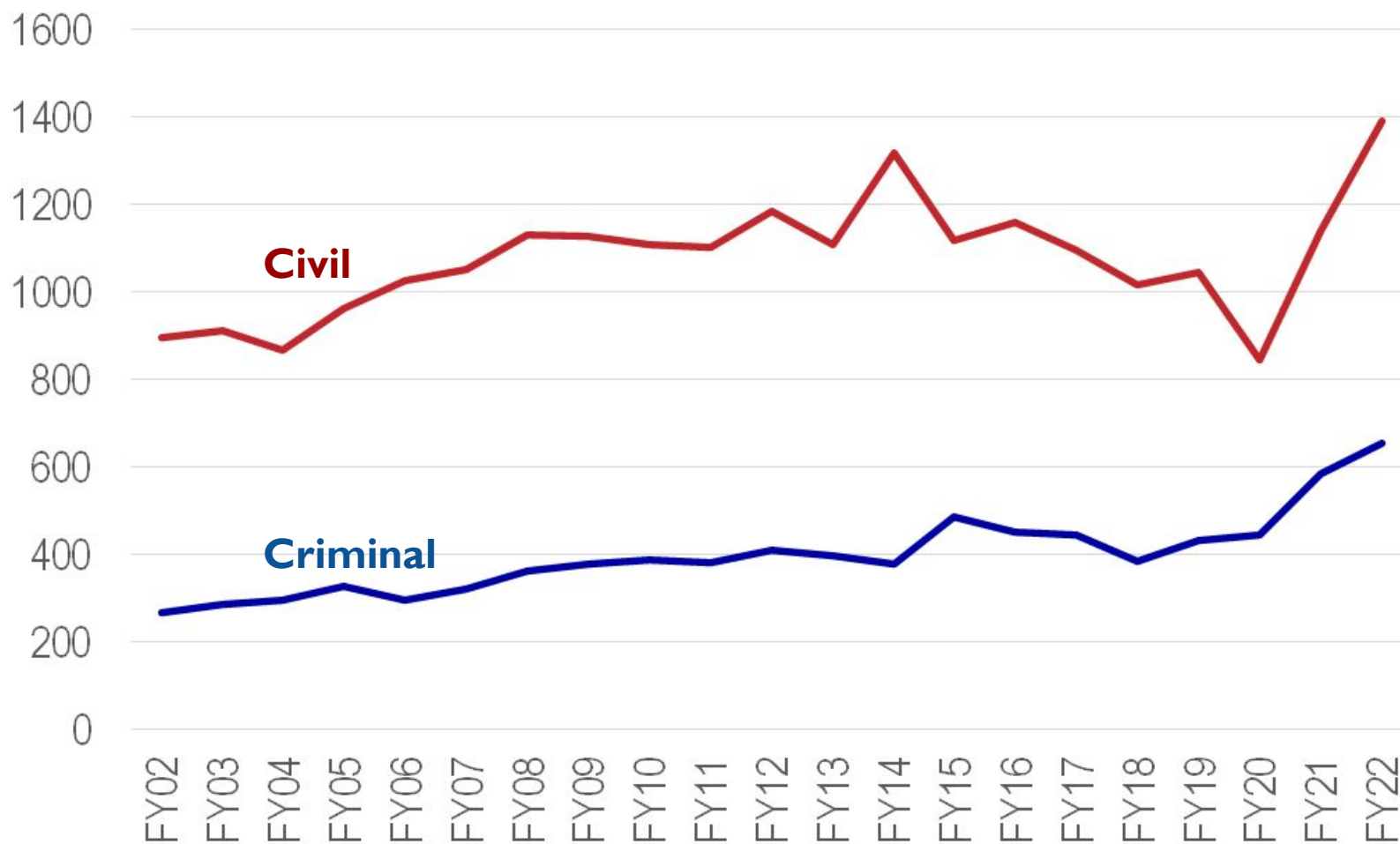




Utah State Courts



District Court Average Days between Case Filing & Jury Trial Date

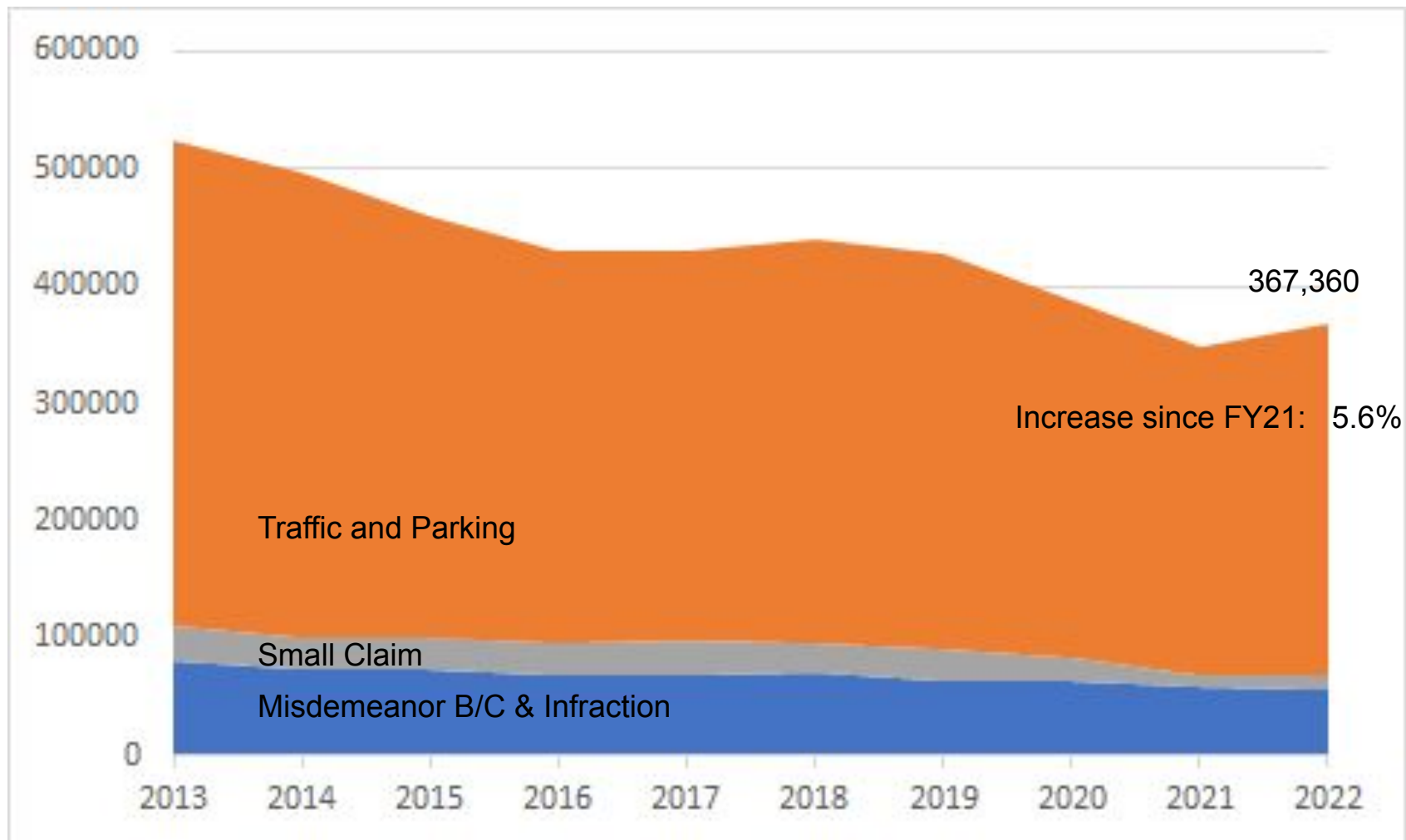




Utah
State
Courts



Justice Court Filings FY13-FY22





**Utah
State
Courts**



Justice Court Time to Disposition

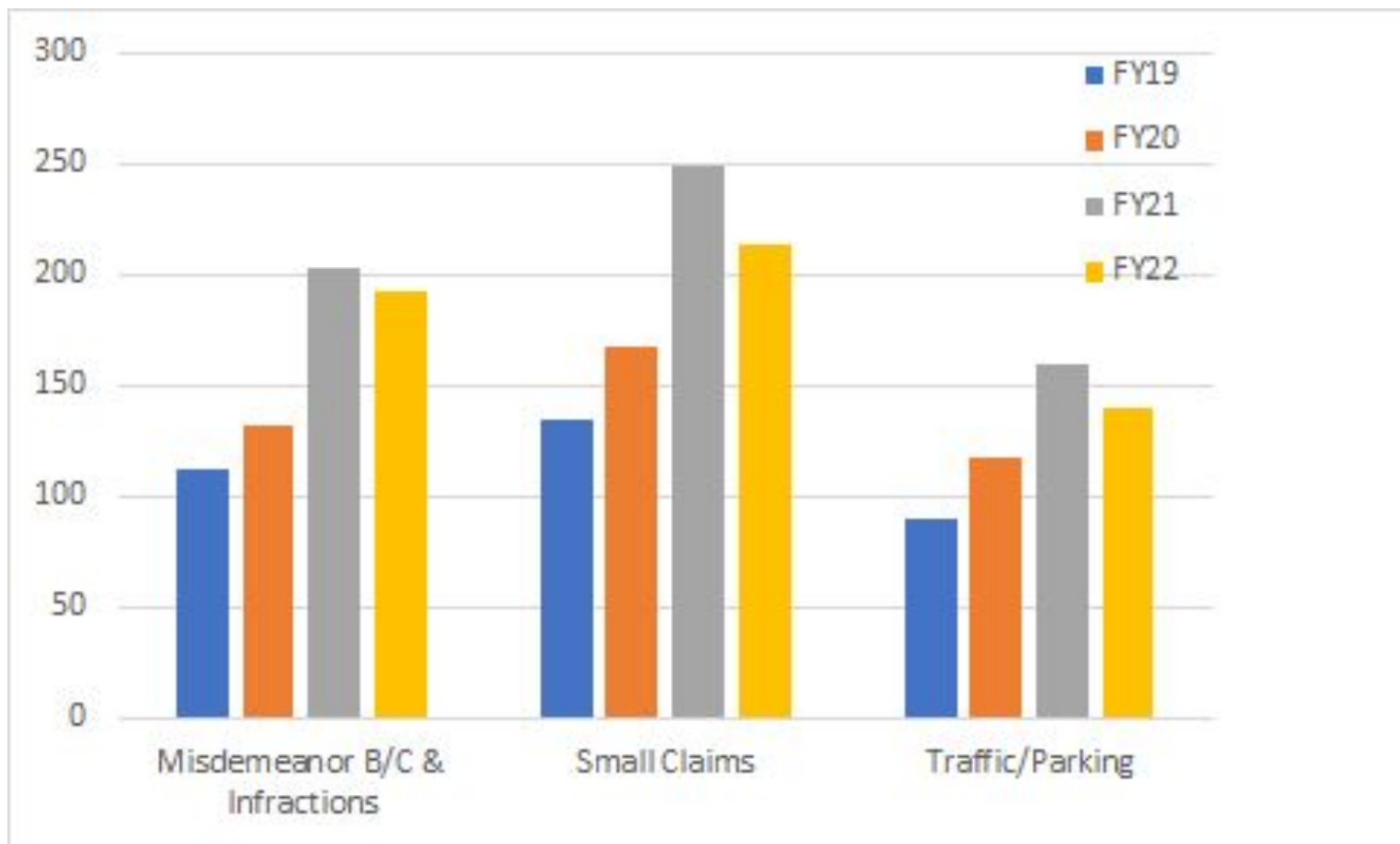
Case Type	% Goal	Time Goal	% Disposed Within Time Goal
Misdemeanor B/C & Infractions	95%	6 m	73%
Small Claims	95%	9 m	90%
Traffic	95%	90 d	91%



**Utah
State
Courts**



Average Age of Active Pending Cases Justice Courts FY19-FY22





**Utah
State
Courts**



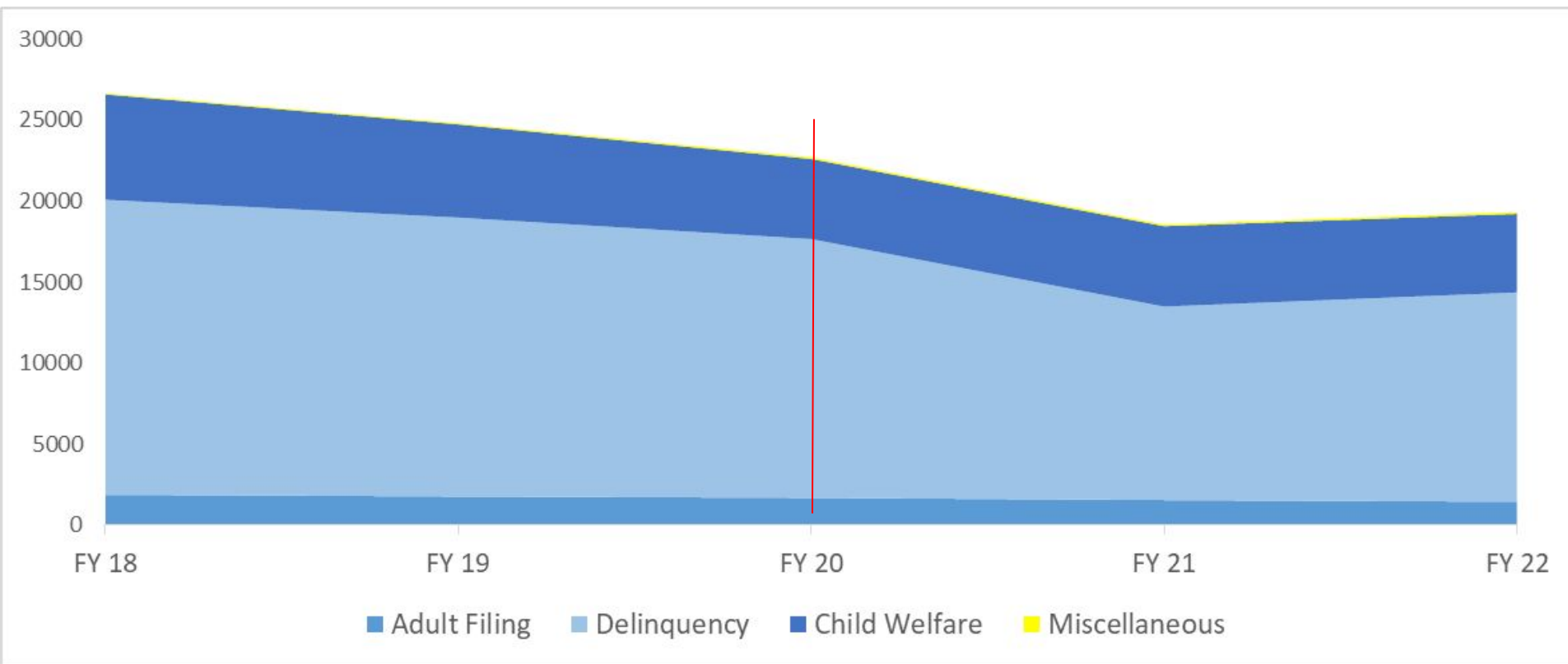
Juvenile Court Referrals Summary



**Utah
State
Courts**



Juvenile Court Referral Trend FY18-FY22

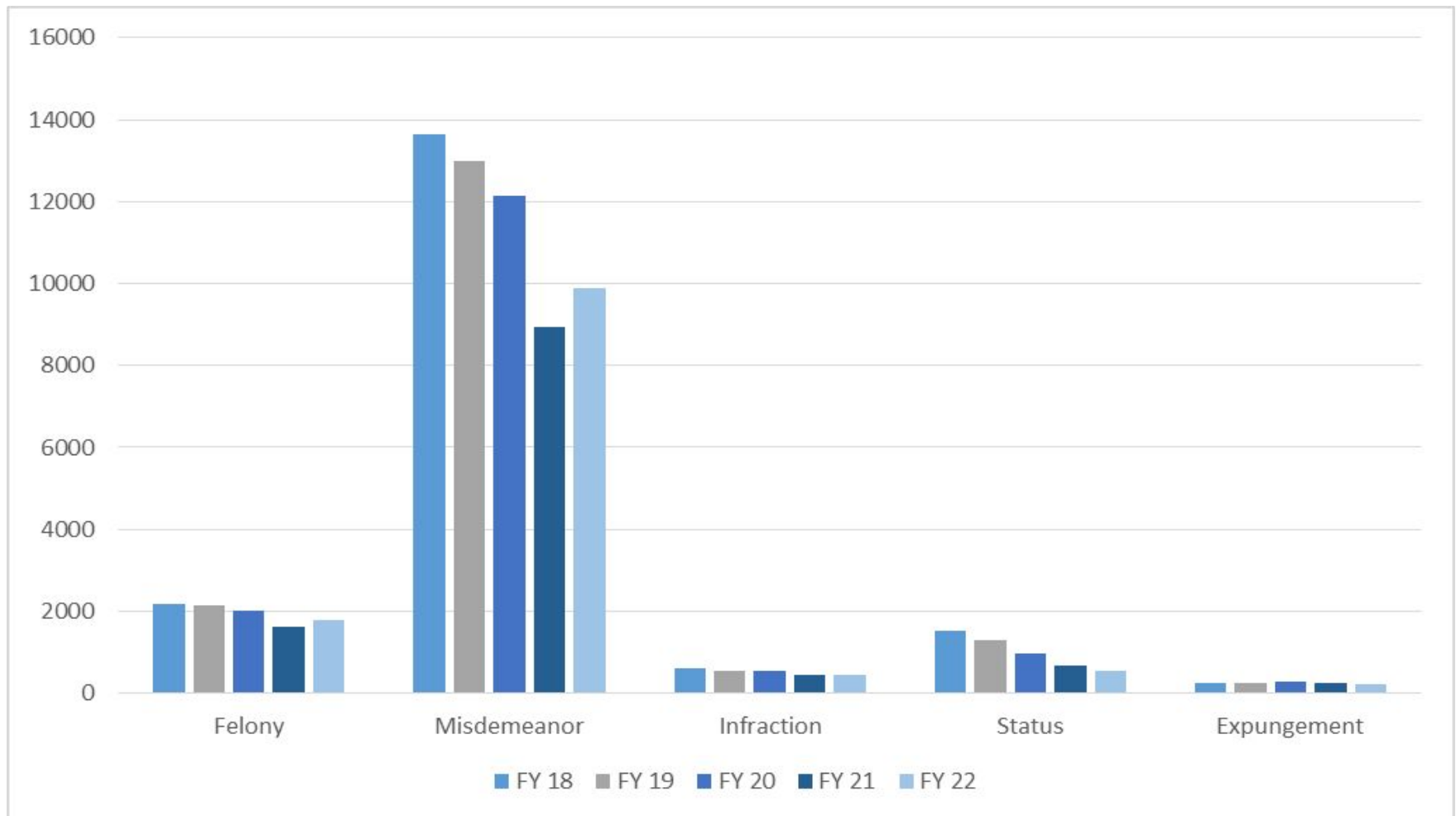




**Utah
State
Courts**



Juvenile Referrals: Delinquency

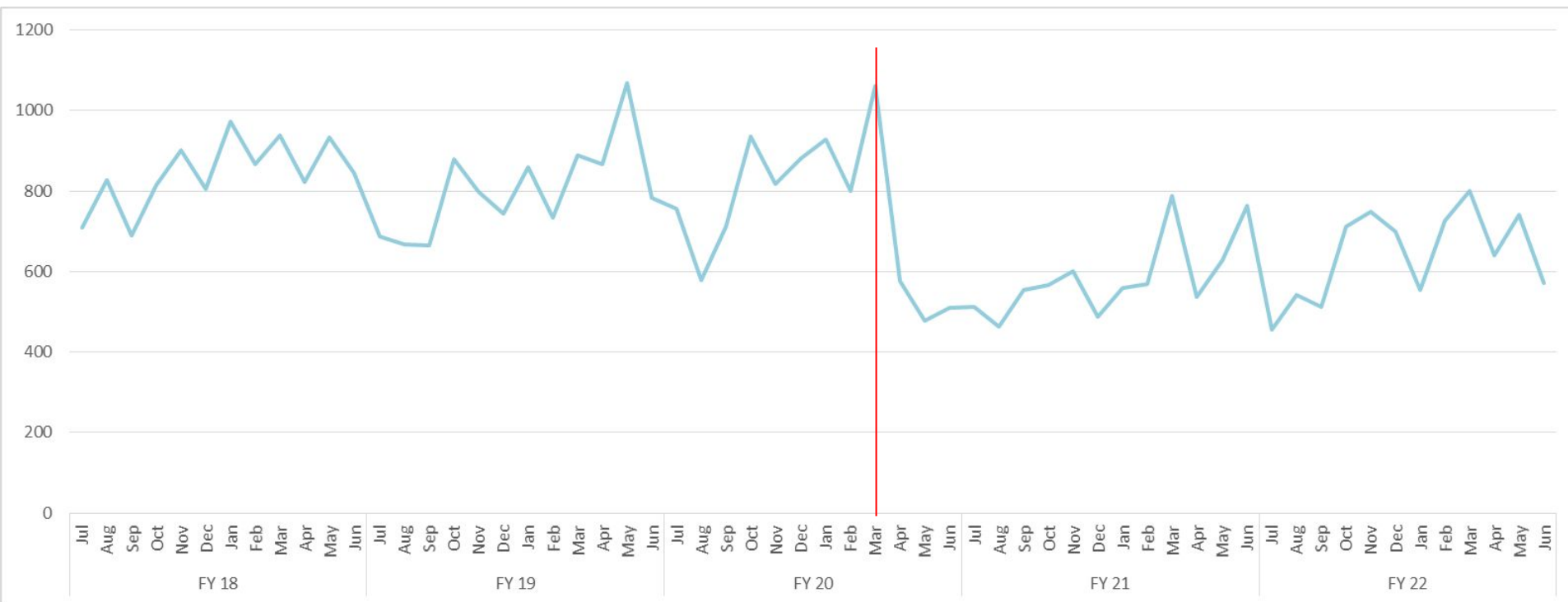




**Utah
State
Courts**



Juvenile Court: Non-Judicial Intake Decisions

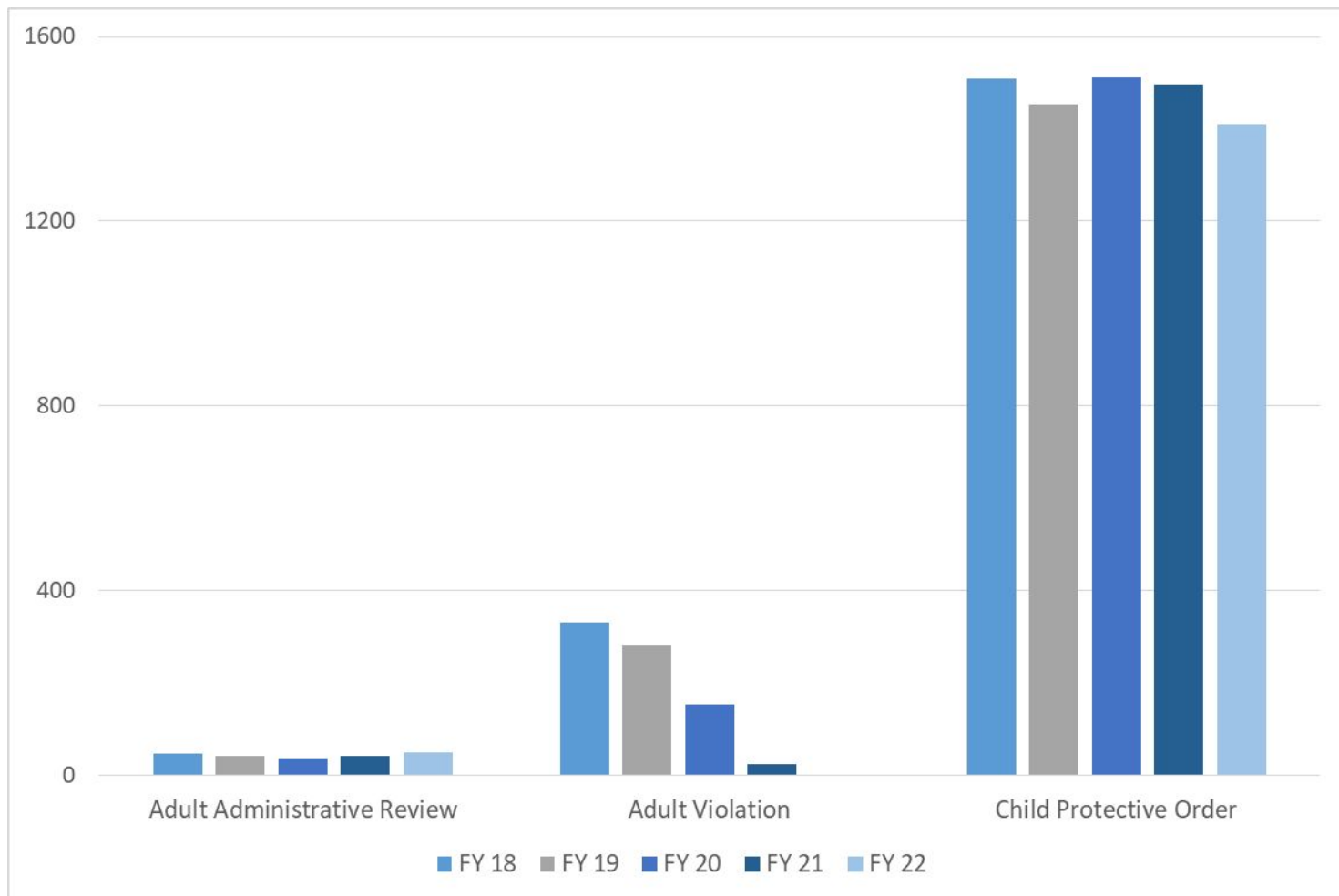




**Utah
State
Courts**



Juvenile Referrals: Adult Filings

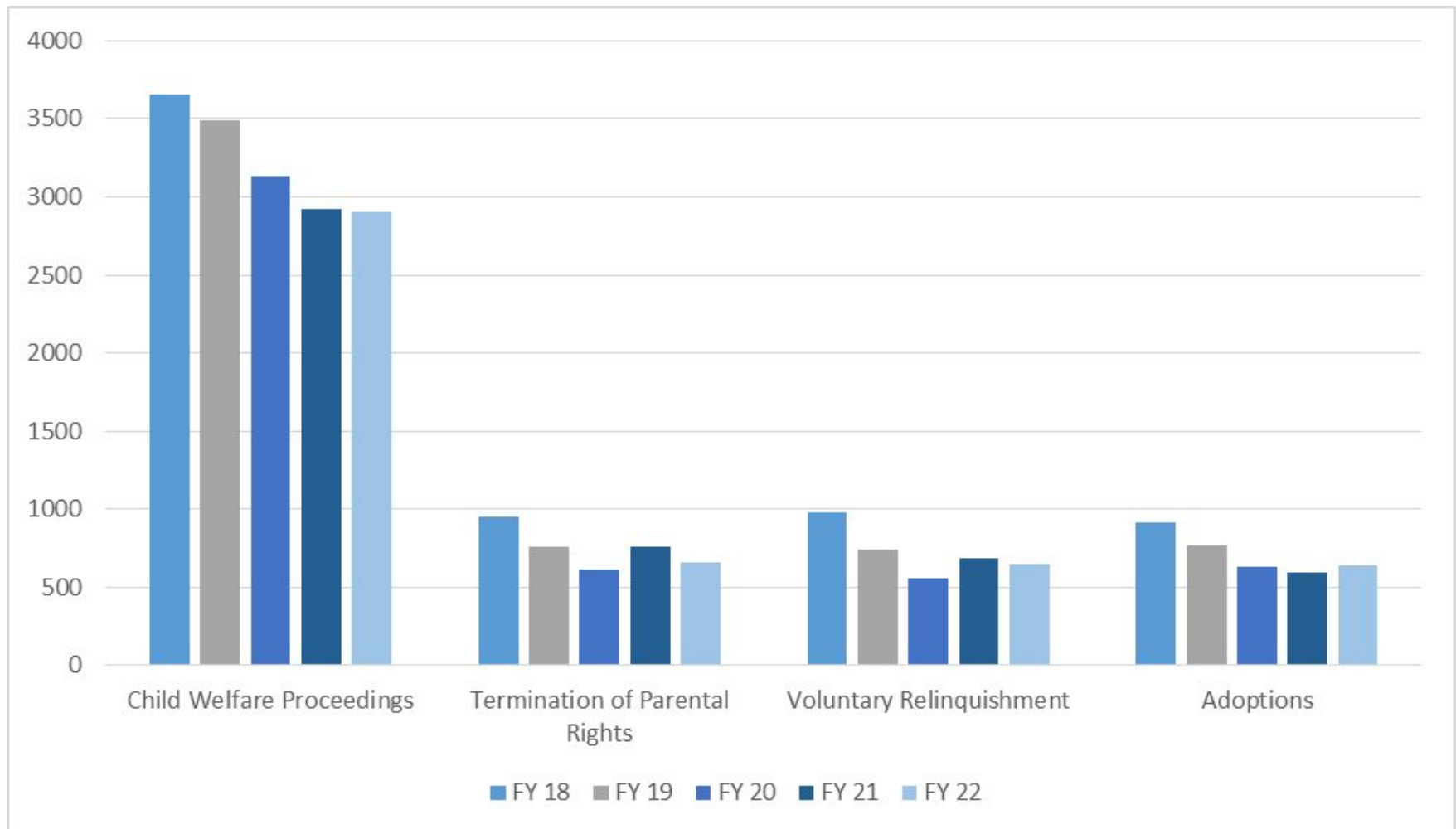




**Utah
State
Courts**



Juvenile Referrals: Child Welfare

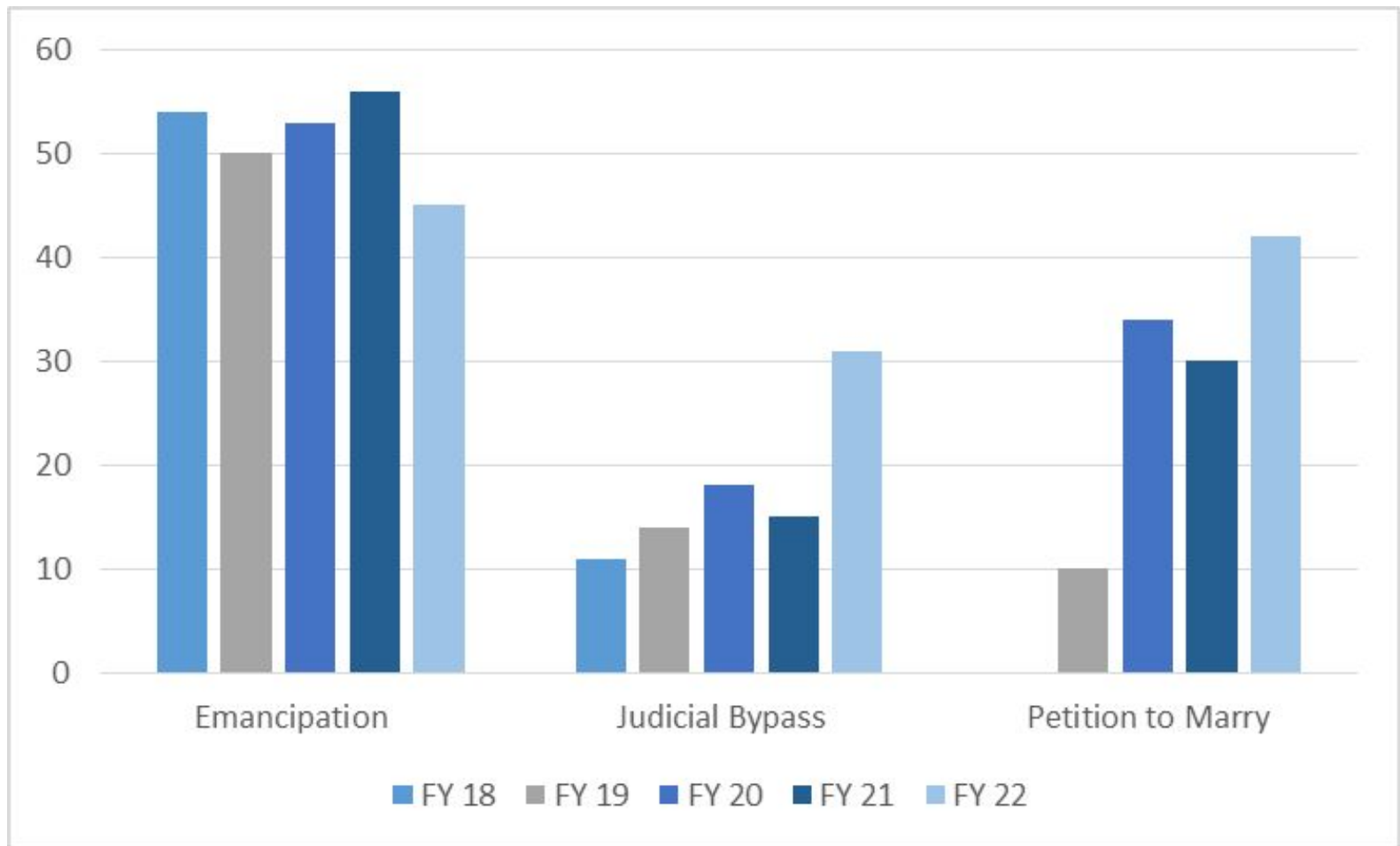




**Utah
State
Courts**



Juvenile Referrals: Miscellaneous





**Utah
State
Courts**



Juvenile Court Time to Disposition

Case Category	Case Type	% Goal	Time Goal	Statewide
Juvenile	Delinquency and Status Offenses	95%	90 d	86%
	Child Welfare: Shelter Hearing to Adjudication	95%	60 d	89%
	Child Welfare: Adjudication to Disposition Hearing	95%	30 d	95%



**Utah
State
Courts**



Questions and Comments

Tab 2

MEMORANDUM

DATE: August 10, 2022

RE: *Motion to Approve an Internal Budget Line Item for Supreme Court's Article VIII, Section IV Duties*

Dear Fellow Council Members,

I wanted to discuss with each of you the idea that the Judicial Council coordinate with the Supreme Court to fund, by annual internal line item, the Court's obligations under Article VIII, Section 4 of the Utah Constitution.

The purpose of this memo is to set out in general terms the proposal and the reasons why I believe it is necessary. I wanted to do this before our upcoming budget meeting so that you would have time to consider the merits of the idea.

The proposal impacts the Supreme Court and would require some preparation on its part before the August budget meeting. For these reasons, I have discussed the idea with the Chief and other members of the Court. While I cannot speak for the Court, my sense is that the Court agrees with the proposal in concept, recognizing that there is work to be done in defining more clearly the Court's and the Council's respective roles in the process. The proposal has also been presented to the Management Committee.

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

Both the Supreme Court and the Judicial Council are constitutionally created. Utah Const., Art. VIII, Sections 2 and 12. Each institution has constitutionally defined roles. The Court 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. Utah Const., Article VIII, Sec. 4. The Judicial Council is responsible for adopting rules for the administration of the judiciary. The chief justice, as chief administrative officer of the courts, is constitutionally charged with implementing these rules. One such rule tasks the Council with "exclusive authority for administration of the judiciary, including authority to establish and manage the budget." Utah Code Jud. Admin. 3-105(3)(A). Thus, there exists within the judiciary a separation of powers.

A Coordinated Process to Fund the Court's Article XIII, Section 4 Duties By Internal Line Item

In my view, 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 in

determining its Article VIII, Section IV priorities. To not fund these duties would render the Court powerless to do what it is constitutionally obligated to do.

For these reasons, I propose that the Court prepare an Article VIII, Section 4 budget and submit it to the Council during the August budget meeting. The Council could then coordinate with the Court to allocate funds, designated by internal line item, for the Court's Article VIII, Section 4 responsibilities.

At least for this budget year—given the fast-approaching budget meeting—this would occur in the standard budget process. But in the future, a process independent of and preceding the annual budget meeting would be more appropriate.

Certainly, the Court must 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. But when it comes to 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. For this reason, I suggest that over the next year the Policy, Planning, and Technology Committee—together with the Court—draft a rule establishing the procedures for an independent budgetary process which recognizes the Court's constitutional status and exclusive Article VIII, Section 4 duties.

Reasons for the Proposal

Over the past several years serving on the Judicial Council, I have come to believe strongly that this independent budgetary process is a necessary to:

- Preserve the separation of powers between the Court and the Council;
- Promote early and substantive communication between the Court and the Council about the Court's Article VIII, Section 4 initiatives, and what impact those initiatives might have on the budget; and
- Prevent the Court and the Council from stumbling each year into the dangerous institutional space of constitutional crisis, where overlapping responsibilities can sometimes be ill-defined or conflicted.

At the August budget meeting, I intend to make a motion that the Council proceed in the manner outlined in this memorandum. I would be happy to discuss the motion with you individually. I welcome your thoughts and questions. On a personal note, my second Judicial Council term will end at the September meeting. I am deeply grateful for the opportunity to have served with you as friends and colleagues.

Sincerely,

/s/ Derek P. Pullan

Derek P. Pullan

Tab 3

INTRODUCTION TO JUDICIAL COUNCIL BUDGET MEETING

Annually, the Courts submit requests to the Legislative Fiscal Analyst office (LFA) for legislative ongoing and one-time funding for new initiatives. Before these requests are submitted to the LFA, the Judicial Council reviews the requests and determines if they should go forward through the legislative process. The final prioritized list is called the Annual Budget Plan. FY 2024's Annual Budget Plan contains 11 requests¹ totalling \$4.7M in ongoing and \$235,000 in one-time funds.

Requests that are approved by the Judicial Council to forward to the Legislature will be addressed in the 2023 General Session. If approved by the legislature, the requests will then be added to the Court's FY 2024 base budget.

BASE BUDGET

The Court's base general fund budget for FY 2023 is \$131.5M. The appropriated budget (which includes contracts and leases, Guardian Ad Litem, JWI, grand jury, and special funds (e.g., non-judicial, court security, state court complex)) is \$190.8M for FY 2023.

Presiding Judges, State Level Administrators, Court Executives and others should use the principles laid out in CJA 3-406 to craft the annual budget for approval by the Judicial Council. These same professionals manage and are responsible for day-to-day operations of the budget. The efficiency of the Judicial System as a whole depends in large part upon their involvement. The merits of the decisions made by the Judicial Council, the Governor, and the Legislature depend upon the integrity and reliability of the information provided by those who work with Court budget issues on a daily basis.

Participation in the budget process carries with it substantial responsibility. The continued good health of the organization depends upon the sound management of local budgets. Sound budget management requires cooperation and self-reliance, precise information, and effective communication.

The Budget and Fiscal Management Committee was formed in 2019 by the Judicial Council to "review court budget proposals, recommend fiscal priorities and the allocation of funds, and make recommendations to the Council regarding budget management and budget development." (CJA Rule 1-204)

BACKGROUND - CARRYFORWARD AND YEAR-END 1X TURNOVER SAVINGS

1. Carryforward Funds (1x)

Carryforward funds are unused 1x funds from the prior fiscal year that will be carried into the next fiscal year by virtue of Legislative authorization to do so. The Courts have typically received at least \$2.5M in 1x carryforward authority. In recent years due to supply chain issues, the authorized carryforward amount has been increased to \$3.2M.

¹ Requests to the legislature are termed Judicial Priorities within the Courts. The Legislature may also refer to these requests as building blocks, budget requests, or business cases.

2. Fiscal Year-End 1x Funds

During January/February of each fiscal year, AOC Finance will work with districts, administrators, and directors to create a forecast to determine if carryforward funds will exceed our allowed carryforward amounts. If the forecasted amount of available funds at the end of the year exceeds the allowed carryforward funds, AOC 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. Some budget owners use savings in one area to offset extra expenses in another area. AOC Finance asks budget owners to think of the “greater good” as they forecast what non-personnel savings they can generate for use by other areas of the Courts. Typically, the Courts have generated approximately \$2.0M in year-end 1x spending amounts in addition to the \$2.5M - \$3.2M in carryforward funds.

BACKGROUND - REQUESTING 1X OR ONGOING TURNOVER SAVINGS

Savings to budget arise from two primary sources – (1) personnel turnover and (2) program spending less than budget.

Two types of turnover savings occur each fiscal year:

- I. One-time turnover savings (1xTOS) occurs when a position is vacant for a period of time. 1xTOS can be used for both year-end (the current fiscal year) and carryforward (the next fiscal year) purposes.
- II. Ongoing turnover savings (Ongoing TOS) occurs when a position that has been vacated is filled with a new hire at a lower rate than budgeted. Budgets typically represent the base pay of the person currently in the role inclusive of retirement and medical coverage. Only general funds generate turnover savings; personnel paid out of specialty funds (ex., NJA) or grants do not generate turnover savings.

1xTOS are used for the “greater good” of the Courts and are combined with 1x non-personnel savings (caused by spending less than the budget on non-personnel items - see further description below) to determine the total 1x carryforward and year end funds available. Turnover savings originate in every budgetary unit in the Courts and are used to fund various requests that are reviewed by the BFMC and approved by the Judicial Council who act as the final budgetary authority for the Courts.

In an average year, between \$4.5M and \$5.0M of combined 1xTOS + 1x non-personnel savings and between \$500K and \$750K of ongoing TOS are generated by the Courts.

1xTOS + 1x non-personnel savings can be requested to fund operational or personnel requests. Ongoing TOS are almost always used to fund personnel requests including performance raises and promotions. AOC Finance serves as the central point for requests to use either 1xTOS or Ongoing TOS as YE, Carryforward or ongoing requests. Annually, AOC Finance invites executive management, Boards and committees to submit requests to utilize the turnover and other savings. These submission documents are standardized and can be requested by emailing the Court’s Director of Finance or Deputy Director of Finance.

Requests for the use of year-end 1x funds typically happen in February and March. The BFMC recommends and the Judicial Council approves a revised spending plan for these funds, typically, at the March or April Judicial Council meeting.

Requests for the use of carryforward and ongoing funding typically happen in late spring for the following fiscal year. The estimated amount available and the requests are typically presented at the April, May, or June BFMC and June Judicial Council meetings where the BFMC prioritizes and recommends and the Judicial Council approves a spending plan for those funds in the next fiscal year.

Requests to use 1xTOS and 1x Other Savings - for Non-personnel Items

1xTOS and 1x non-personnel savings have been used to fund various types of expenses including the following (bold = personnel items further discussed below):

- IT special projects
- **employee bonuses and employee incentives** (payments for outstanding performance against annual performance goals, incentive awards (typically gift cards)) (see 19-02.00 Employee Bonuses and 19-01.00 Employee Incentives).
- employee educational assistance reimbursements
- Court property refurbishments
- employee public transportation reimbursements
- IT replacement laptops, building furnishings replacements, etc.

Ongoing TOS have been used to fund the following items:

- **employee raises** (see 19-03.00 Employee Raises)
- **special adjustments** (e.g. when an employee is hired above entry level)
- **new positions**

For all non-bolded requests, a standard YE or Carryforward template can be used to request funds.

JUDICIAL COUNCIL ANNUAL BUDGET APPROVAL PROCESS

- 1) Judicial Priorities can be requested by any individual or group within the Courts. Most often requests come from AOC Departments (ex, IT, Education), Committees, TCEs, or Boards of District, Juvenile or Appellate Court Judges (*completed*)
- 2) Judicial Priorities are sent to and vetted by AOC Finance to ensure the request is complete and addresses common questions in the write-up (*completed*).
- 3) AOC Finance circulates Judicial Priorities to the Boards of District, Juvenile, and Appellate Court Judges (the Boards). The Boards also send their recommended prioritizations to the BFMC via AOC Finance (*completed*).
- 4) AOC Finance forwards Judicial Priority requests to the BFMC for their review and approval. Requestors present and answer questions (*completed*).
- 5) The BFMC considers the Boards prioritizations and then fulfills the requirements of the Code of Judicial Administration (CJA) Rule 1-204 and “review(s) court budget proposals (and) recommend(s) fiscal priorities...” (*completed*).
- 6) Budget requests are presented to the Judicial Council by requestors (*to be completed at August 19, 2022 Judicial Council Budget Planning meeting*).
- 7) Preliminary prioritization of requests is presented by the BFMC to the Judicial Council (*to be completed at August 19, 2022 Judicial Council Budget Planning meeting*).
- 8) Council members discuss the relative merits of the requests. They may, by motion and vote, amend requested amounts (*to be completed at August 19, 2022 Judicial Council Budget Planning meeting*).
- 9) Council members, by motion and vote, finalize prioritization of requests that will be advanced during the 2023 Legislative process. The Council does not perform the same detailed analysis as the BFMC, but, after listening to the presentation by the requesters, may recommend adjustments to (1) the request itself, (2) the requested amount, and/or (3) BFMC prioritization.

The requests approved for advancement to the Legislature will fall into one of the following two categories²:

² There are two additional prioritization categories; none of this year’s requests fit into either category.

- a) Supplemental—Items for which there are insufficient funds for the current fiscal year. Funding will be requested through the legislative appropriations process. Some items may be one-time expenditures. Other items may require continued funding in successive years, in which case a building block is listed for the request year. Generally, these requests would first go through the carryforward funding process and would only reach this stage if carryforward funding was not available.
- b) Obligations—Items for which the judiciary has an existing obligation. Funding will be requested through the legislative appropriations process, but mandatory obligations will not be prioritized with other building blocks because they are required by statute (i.e. funding for a previously unfunded mandate).

- a) **Judicial Priorities/Building Blocks**—Items requested that the Judicial Council elects to pursue through the legislative appropriations process. Building block requests are submitted to the Legislature and to the Governor.
- b) **Legislative Fiscal Note**—Items requested by a Board or Committee that the Judicial Council elects to pursue through legislation and an accompanying fiscal note (i.e. the addition of a new Judge requires legislation and, therefore, cannot be submitted via a building block and would be required to go through the legislative fiscal note process).

(To be completed at August 19, 2022 Judicial Council Budget Planning meeting.)

10) Council members, by motion and vote, 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 2023 General Session and will be brought back to the Council in the spring or summer of 2023 for reconsideration of funding through (1) submission as a 2024 General Session Judicial Priority, (2) FY 2023 year-end surplus funds (1x funds), (3) carryforward funds into FY 2024 (1x 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) in “Deferral” above.

- b) **Elimination**—Items requested that the Judicial Council elects not to pursue during the 2023 Legislative session are removed from consideration for general fund money and will not be automatically considered again.

(To be completed at August 19, 2022 Judicial Council Budget Planning meeting.)

2022 LEGISLATIVE SESSION BUDGET RESULTS FOR FY 2023

During the 2022 General Session, the Legislature:

- Funded 3.5% COLA and 2.0% Targeted pay increases (see Exhibit A).
- Funded \$5.3M of ongoing funds for 5 of 6 Judicial Priorities (including \$3.9M for Judicial Assistant pay increases) (see Exhibit A)
- Provided \$818K of case processing funds that have now been used by the Judicial Council to fund various Judicial Branch needs (see Exhibit B)



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>	Judicial Priority	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	TBD	\$ 250,000	\$ -
<i>IT Infrastructure and Development (HB 2)</i>	Judicial Priority	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>	Judicial Priority	District Admin	\$ -	\$ 92,100
<i>Statewide Treatment Court Coordinator (HB 2)</i>	Judicial Priority	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

Exhibit B

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	\$ 112,500
7 New District Court Law Clerk Attorney	N/A	\$ 95,850	N/A	\$ 95,850
8 New Associate General Counsel - Legal Department	N/A	\$ 150,000	N/A	\$ 150,000
9 HB 143 DULs - New Judicial Assistants	N/A	\$ 320,000	N/A	\$ 320,000
10 New HR Compensation & Classification Manager	N/A	\$ 120,000	N/A	\$ 120,000
11 Pre-fund Portion of Annual Performance Raises	N/A	\$ 150,000	N/A	\$ 150,000
12 Pre-fund Portion of Hot Spot Raises	N/A	\$ 82,000	N/A	\$ 82,000
Subtotal	\$ -	\$ 1,209,350	\$ -	\$ 1,209,350

Balance Remaining After Judicial Council Approvals	\$ 3,447,900	\$ (15,660)
⁺ 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.

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.



FY 2024 - Judicial Priorities Scoring Worksheet

BFMC Ranking Recommendation to Judicial Council - August 4, 2022

Comment

									Maximum Score for each Factor = 10 before weighting			BFMC Final Priority Recommendations
#	Description	Boards Used 1 - 11 Ranking with #1 Being Top Priority				Ongoing	One-time	Additional Description	Evaluation Factor 1	Evaluation Factor 2	Total	
BFMC Ranked Priority			Board of District Court Judges	Board of Juvenile Court Judges	Board of Appellate Court Judges							
		Presenter(s)	Ranking	Ranking	Ranking	Amount	Amount		Weighting - 2x	Weighting - 1x		
1	Fourth District Juvenile Court Judge	Shelly Waite/Judge Doug Nielsen	8	1	4	\$475,000	\$0	Addition of one Juvenile Court Judge in the 4th Juvenile District (Requires statutory change).	10	9	29	1
2	Non-Judicial Legal Expertise - Recruit and Retain	Bart Olsen	1	7	1	\$1,513,100	\$0	Additional funding for positions within the Court that require a Juris Doctor degree to allow for better recruitment and retention.	9	10	28	2
3	Self-Help Center New Forms Attorney	Nathanael Player	7	6	2	\$127,000	\$0	Add an additional staff attorney in the Self-Help Center to assist with drafting and revising court forms.	9	9	27	3
4	Wasatch County Courtroom Addition (Lease)	Chris Talbot	3	2	4	\$163,300	\$0	Funding for a new capital lease with Wasatch County to expand and improve the Court space within the County owned facility.	9	7	25	4
5	Domestic Violence Program Manager	Ron Gordon / Amy Hernandez	4	4	4	\$110,000	\$0	Funding for a full-time Domestic Violence Program Manager. Currently funded as pert time through a VAWA grant.	8	8	24	5
6	Information Technology Essential Software Funding	Brody Arishita	2	3	2	\$1,096,000	\$0	Funding for essential software needs for the Court.	8	7	23	6
6	3rd District Judicial Assistants - Jury Department	Kim Brock/Judge Laura Scott	6	5	4	\$233,100	\$0	Permanent funding for three JA positions for the 3rd District - currently funded with ARPA funding.	8	7	23	6
8	Tribal Outreach Program Coordinator	Amy Hernandez / Jon Puente	10	10	3	\$64,900	\$0	Permanent funding for a Tribal Outreach Program Coordinator.	7	8	22	8
9	District Court Law Clerk Attorneys	Meredith Mannenbach	5	8	2	\$961,200	\$0	Ongoing funding for 9 District Law Clerk Attorneys. Add a program administraton for the Online Dispute	6	6	18	9
10	Online Dispute Resolution Administrator	Nathanael Player	9	9	2	\$120,000	\$0	Resolution program (to be housed in the Self-Help Center)	5	6	16	10
11	Matheson 2nd Floor Workspace Update	Chris Talbot	11	11	4	\$0	\$235,000	Reconfiguration of the IT cubicle area on the 2nd floor of the Matheson Courthouse.	1	1	3	11
NR	Judicial Officer Compensation through EOJCC Comm.		Overall # 1	Overall # 4	Overall # 1							Overall # 1 Ranked Priority
Total Judicial Priority Requests												

Judicial Priority is of the size that could be funded in June 2023 from Courts' Ongoing Turnover Savings

Note: All Boards use Scoring methodology of a simple ranking with #1 the highest score.

Mission - The mission of the Utah Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

Factor 1 - How essential to accomplishing Courts' mission

Factor 2 - Expenditure provides good return on investment

Scoring Rules

(1) Must award one submission with a "10" score for each factor

(2) Only one submission can earn a "10" for each factor

(3) After "10" score is awarded, multiple submissions can earn the same score.

1x funds will have different pool to draw from and will not compete directly with other Courts' requests

1x funds will have different pool to draw from and will not compete directly with other Courts' requests

Tab 4



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: 4th District Additional Juvenile Court Judge
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$475,000	\$475,000

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

The Fourth District Juvenile Court requests funding for an additional juvenile court judge and two judicial assistant (JAs) positions in order to meet the needs of the community.

FTEs Requested: 3.00

Personal Services (Judge) \$309,050

Personal Services (JA) \$77,400

Personal Services (JA) \$77,400

Travel and Expenses \$11,150

Total \$475,000

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

The current Fourth District Juvenile Court general fund budget does not have the internal funds available for a new judicial officer and two JAs.

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

One of the objectives of the Juvenile Court is to provide judicial services to patrons and allied agencies in an expeditious and timely manner. Over the last three years, our district has shown large increases in caseload, particularly in the critical and demanding area of child welfare. The increases in caseloads are impacting the court calendars of each current judicial officer. Each officer has increased calendaring time on the bench to avoid delays and keep within the timelines. If the increase caseload continues with no relief there will be delays. Delays directly impact public trust. According to the National Center for State Courts, “unnecessary delay causes injustice and hardship. It is a primary cause of diminished public trust and confidence in the court.”

Based on the FY22 Interim Judicial Weighted Caseload statistics, the average workload for a judge in the Fourth District Juvenile Court has increased from 116% of standard three years ago to a present day 136% of standard. From FY21 to FY22 we have experienced a 14% increase. While we have thus far been able to meet appropriate timelines, it has not been without a cost. 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 size and increase in travel for our judges also directly impacts the time on calendars.¹

The last time Fourth District Juvenile Court requested a judge in 2016, it was estimated that, even with the additional judge, our Bench would continue to operate at 105% of a typical caseload. As we can see from the current 136% caseload, the Fourth District Juvenile Court bench has been operating at above capacity for close to a decade. In comparison to FY21 to FY22 we had a 14% increase in the caseload percentage of standard bringing us to 136% of the standard. According to the Judicial Weighted Caseload, this would result in the need for an additional 1.8 judicial officers. Even if we are able to obtain additional assistance, Fourth District Juvenile Court will still have a need for 0.8 judicial officers.

The counties and cities that Fourth District Juvenile Court serves continue to grow. According to a report released by the US Census in March 2022, Utah County was number 10 in the nation for population growth. The Kem Gardner Institute at the U of U predicts that by 2060 the population of Utah County will double, to 1.33 million. The growth in Fourth District is going to continue to impact caseloads. With the exception of Millard county, all other Fourth District counties are experiencing an annual 2.5% to 3.5% growth rate since 2019. Millard County has seen an annual growth rate of 1.5%.

Top 10 Counties in Numeric Growth: July 1, 2020 to July 1, 2021

Rank	State	County	April 1, 2020 (Estimates Base)	July 1, 2020	July 1, 2021	Numeric Growth
1	Arizona	Maricopa County	4,420,568	4,438,342	4,496,588	58,246
2	Texas	Collin County	1,064,465	1,073,149	1,109,462	36,313
3	California	Riverside County	2,418,185	2,422,764	2,458,395	35,631
4	Texas	Fort Bend County	822,779	828,632	858,527	29,895
5	Texas	Williamson County	609,017	615,266	643,026	27,760
6	Texas	Denton County	906,422	913,900	941,647	27,747
7	Florida	Polk County	725,046	729,233	753,520	24,287
8	Texas	Montgomery County	620,443	624,938	648,886	23,948
9	Florida	Lee County	760,822	764,679	787,976	23,297
10	Utah	Utah County	659,399	663,143	684,986	21,843

¹ To put the travel into perspective, if the judge leaves the Provo office to travel to Fillmore for court, the drive is just over 100 miles, which takes an hour and a half one way.

Judicial Weighed Caseload Findings. The Juvenile Judicial Weighted Caseload (JWCL) shows significant changes from the report prepared in 2019. This is due to a significant overhaul to the case weights that was conducted in 2020 to accurately capture the workload of juvenile judges and account for statutory changes, juvenile justice reform, problem solving courts, and other significant changes in judicial work. Prior to 2020, the last update of the JWCL methodology was conducted in 2010.

Juvenile Court Judicial Weighted Caseload

3 year average for April 1, 2018 - June 30, 2020 and July 1, 2021 - March 31, 2022

Weighted Case - Total Hours Needed (Sum of (Wghts x Refrfs. & Events))			
District	FY21	FY22 (i)	% Change
1	3,284	3,325	1%
2	9,028	8,891	-2%
3	14,596	15,197	4%
4	9,151	9,261	1%
5	3,560	3,495	-2%
6	1,663	1,580	-5%
7	1,476	1,472	0%
8	1,948	2,034	4%
State	44,705	45,255	1%

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)			
District	FY21	FY22 (i)	% Change
1	112%	116%	4%
2	100%	99%	0%
3	96%	112%	17%
4	119%	136%	14%
5	79%	84%	7%
6	141%	150%	7%
7	55%	55%	1%
8	80%	81%	0%
State	98%	106%	9%

Judicial Officers Needed (Total Hrs.Needed / Avail.Hrs. per Judicial Officer)				
District	FY21	FY22 (i)	Authorized Positions (Jdg & Commis)	Difference Authorized & Needed
1	2.3	2.3	2.0	-0.3
2	6.0	6.0	6.0	0.0
3	9.7	10.1	9.0	-1.1
4	6.7	6.8	5.0	-1.8
5	2.6	2.5	3.0	0.5
6	1.6	1.5	1.0	-0.5
7	1.1	1.1	2.0	0.9
8	1.5	1.6	2.0	0.4
State	31.6	31.9	30.0	-1.9

* As of July 1, 2022, the 6th District Juvenile Court will have 2 juvenile judges authorized

* The Juvenile Judicial Weighted Caseload is calculated on work that juvenile court judges do in juvenile court only.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

- **Cost detail of requested amount:**

Ongoing Expenses for New Judge	Cost
Judge	\$ 309,050
2 JAs (75,800 each)	\$154,800
Travel rural calendar	\$6,000
Current expenses	\$5,150
Total	\$475,000

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

Juvenile Courts are different, the approach is rehabilitative, not punitive. A judge establishing a rapport and relationship with juveniles and their families, in both delinquency and child welfare cases, is a key component to positive outcomes. This is the basis for the one-family-one-judge rule, established as a best practice standard by the National Council of Juvenile and Family Court Judges, and adopted by the Utah juvenile courts. Juvenile Judges caseload sizes need to be such that they can implement this practice effectively to the benefit of the youth and families they serve. Having an additional Judge in the Fourth District Juvenile court would;

- Reduce caseloads. With an additional juvenile court judge the average caseload for each juvenile judge in the District would be reduced by 16.8% going from a monthly average of 273 cases each to 227.
- Offer additional court times in all counties. Currently several judges only hear court cases a couple of times a month in two of the four counties. Court dates in those underserved counties could double, if needed.
- A sense of relief, an additional judge has been something that the Fourth District has needed for years. If an additional judge and JAs are approved there will be a great sense of relief felt across the entire district both in the judiciary and the families served by the juvenile court.
- Court emergency cases and trials could be calendared to be held in a much more timely fashion.
- The wait time for a patron to see the Judge would be reduced.
- Time spent with the youth and families in establishing a rapport would increase in every case type.

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

See graphs above related to weighted caseload studies.

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

No.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

The purpose of this request is to obtain funding for a new necessary juvenile court judge (and two JAs) for the Fourth District Juvenile Court. The Fourth District Juvenile Court is currently the highest need juvenile judicial district for a juvenile court judge. With the addition of a judge and clerical assistance, the Fourth District Juvenile Court would be better able to meet the mission of the court, which is to provide an open, fair, efficient and independent system for

the advancement of justice under the law. This new judge position will ensure that the Fourth District Juvenile Court is able to provide necessary juvenile court services with fairness and efficiency.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

The juvenile courts are courts of record, created by statute, as authorized by Utah Constitution, Art. VIII, Sec. 1. The legislature has tasked the juvenile courts with the responsibility of adjudicating cases primarily related to child welfare, parental rights, juvenile delinquency, and other similar matters. These responsibilities are outlined in Utah Code Title 78A, Chapter 6 and Utah Code Title 80. Judges are necessary to adjudicate the cases and meet all other statutory obligations. The state's eight judicial districts are outlined in statute (Utah Code § 78A-1-102). The number of juvenile court judges appointed and confirmed to serve in each judicial district are also outlined in statute (Utah Code § 78A-1-104). For this funding request to be effectuated, Utah Code section 78A-1-104(1)(f) must be modified from "five juvenile judges in the Fourth District Juvenile Court" to "six juvenile judges in the Fourth District Juvenile Court."

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

The Judicial Council is making this request, which originated with the Fourth District Juvenile Court, in coordination with the Administrative Office of the Courts. Other agencies have not been directly involved, but there are several other State and local agencies that would benefit from the addition of a new juvenile court judge, allowing cases to be heard in a more responsive manner and avoiding scheduling conflicts among the various counties.

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

This request is for ongoing funding. There is no O&M or any multi-year scale up component related to this request.

What is the long-term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

The new judge and judicial assistants are ongoing funding. The expectation is that these positions would be funded for as long as the case filings and judicial workload studies indicate the positions are necessary for effective operation of the juvenile court. The Administrative Office of the Courts will continue to conduct regular judicial weighted workload studies to determine the need for the number of judges across the state.

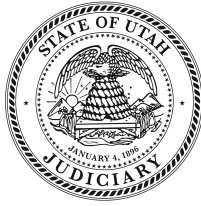
Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

Funding for this request will benefit all Utahns who have any involvement, directly or indirectly, with the Utah State Courts. Additionally, the Fourth District Juvenile Court will be better able to meet the needs of youth and families in access to justice in the ever-growing population in Wasatch, Utah, Juab and Millard counties.

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

There are no known potential inequities. The funds for these new positions would go towards salaries and benefits that are clearly defined, which eliminate any unintended distributional consequences.



SEVENTH JUDICIAL DISTRICT

Judge Mary L. Manley
Juvenile Court

Judge Craig M. Bunnell
Juvenile Court

June 29, 2022

MEMORANDUM

TO: Neira Siaperas Juvenile Court Administrator and Daniel Meza Rincon, Assistant Juvenile Court Administrator

FROM: Seventh District Juvenile Bench

RE: Seventh District Juvenile Bench Resources & Availability to support the Fourth District Juvenile Bench

- 1) This memorandum responds to the Juvenile Court Administration's inquiry as to the Seventh District Juvenile Bench's availability to assist with the Fourth District Juvenile workload. The response is we are ready, willing, and able to assist any district to the extent that it can be sustainably achieved. Both Juvenile Judges in Seventh District routinely assist other jurisdictions when there is a need. There are some logistical and perceptual limitations that should be considered beyond the raw numbers set forth in the Juvenile Court Judicial Weighted Caseload that impact sustainability long term.
- 2) Perceptual limitations:
 - a) The work of a juvenile judge is a specialty which demands more than stepping into a hearing and opening a folder. Delinquency jurisdiction incrementally expands each year to include minors over 18. Concepts of judicial fairness (those who come in contact with the court form perceptions of fairness from the proceedings, from the surroundings, and from the treatment people get) are difficult to quantify. Yet every juvenile judge is astutely aware that judicial fairness impacts not only perceptions but outcomes. There is a growing need to operate fully integrated child welfare courts which include trauma informed services, equity and cultural humility, family engagement, safety-driven decision making, quality hearings, reunification focused care, giving voice to children and families, ICWA informed practices, and the list goes on. These practices at the onset of a case set the tone for the outcomes in the case, and they deserve a sitting judge that is knowledgeable of local services, who has community familiarity and investment.
 - b) The Juvenile Judges in Seventh District are able to offer short term, incidental judicial coverage, however, a long term ongoing coverage arrangement may introduce concerns about whether Utah's retention standards are fairly applied, if the specific needs and interests of Utah county residents would have been sufficiently similar to those that were represented as part of the judicial selection process which Judges Manley and Bunnell underwent in the Seventh District,

and specifically how to mitigate challenges to the one judge / one family standard that Juvenile Courts throughout the State of Utah adhere to.

3) Logistical limitations:

- a) Future predictions of courtroom expectations for in-person, virtual or hybrid hearings remain as uncertain as the pandemic. We address sustainability from each of these perspectives.
- b) The legal community and court staff in the Seventh District are shared resources among the district and juvenile benches. It is necessary for attorneys and court support staff to fulfill duties in multiple court locations. This typically means that court staff, and to varying degrees prosecution and defense attorneys, have responsibilities in two Juvenile and three District Benches throughout four counties within the Seventh District. In addition, both the Guardian ad Litem and the Assistant Attorney General provide assistance in other districts on a routine basis. The addition of long-term ongoing coverage responsibilities for the Fourth District Juvenile workload would likely require changes to the Seventh District operations that will impact the balance of the staff and attorney resources currently shared by the Seventh District and Juvenile court operations and may negatively impact current immutable timelines for Juvenile Judges. Juvenile Court is timeline driven, many hearings are of an emergency nature and necessitate a hearing within 24 to 72 hours.
- c) Each member of the Seventh District Juvenile bench has primary responsibility for caseloads in two counties / court locations and provides ongoing support to the Seventh District Court.
 - i) Judge Manley presides over the felony problem solving court for Grand County
 - ii) Both members of the Seventh District Juvenile Bench are included in the Seventh District on-call rotation for eWarrants
 - iii) Judicial Coverage is provided as needed for district matters in which conflicts exist for the District Bench
- d) Specialty court duties – Judge Bunnell presides in family drug courts for Carbon County and Judge Manley presides in the Grand County family drug court and the Grand County adult problem solving court. Ongoing service to the Fourth District Juvenile workload is likely to disrupt local calendaring and may impact the Seventh District Juvenile Bench's availability to support problem-solving courts which include time intensive administrative duties and best practices required for certification aside from the more frequent court hearings.
- e) In addition to caseload specific duties, members of the Seventh District Juvenile Bench represent an experienced Bench with a rural perspective which is often called upon to fulfill statewide administrative duties within the Board of Juvenile Judges and the Court Improvement Program, along with additional committee work in various areas. Given the limited size of the Seventh District Juvenile Bench, each judge also performs community outreach and organizational duties for local partner agencies within their primary counties and serves an important leadership role within the district. These administrative tasks as represented in the statewide Juvenile Judicial Caseload survey account for approximately 35 hours per judge, per month (nearly 25% of each judge's time).
- f) Given current caseloads and the constraints of the Seventh District master calendar for shared legal and staff resources each member of the bench conducts an average of three standing court calendars per week to ensure room in their schedule to accommodate special settings for evidentiary hearings, detention, shelter, and other emerging matters, as well as judicial time spent when not on the bench. Court in Seventh District continues to be primarily remote through Webex, however, there are matters of exigence and certain evidentiary matters for which their weight warrants in-person appearances when they are permitted under pandemic safety standards.

4) Virtual Hearings:

- a) The Seventh District has facilitated its workload and the complexities of a master schedule which allows for legal practitioners to appear as primary, secondary, and conflict counsel before multiple judges in both juvenile and district court multiple days a week, and often multiple courts within the same day, through careful planning and coordination of technology, calendaring, and cross-trained court staff. A complex system that is prone to setting off a domino effect when emergency hearings, evidentiary hearings, trials, and mediation settings are factored in the schedule within a district and outside of the district when offering assistance in other jurisdictions. The coordination of calendars in two simultaneous districts will require input from Judicial Support teams in each affected district. The technological necessities of remote hearings will often require active participation for judicial support staff from both districts to facilitate WebEx and maintain the court record.
- 5) Hybrid Hearings:
 - a) Balancing master calendars with the demand for hybrid options will continue as we move through different phases of the pandemic. It is anticipated that hybrid hearings will become much more prevalent, require the in-person presence of the judge and courtroom staff (while allowing certain parties and witnesses to appear virtually), and demand additional time and tasks for the judge and staff.
- 6) In Person Hearings:
 - a) In considering support for the Fourth District Juvenile Caseload for matters that warrant in person court appearances, the following round-trip distances and estimated travel times should be contemplated for their impacts on judicial case time lost due to travel.
 - i) Price to Provo – 148 Miles (approx. 2.5 to 3 hours)
 - ii) Moab to Provo – 380 Miles (approx. 6.5 hours)
 - (a) Or should Judge Bunnell need to travel to Fourth District for coverage and Judge Manley subsequently travels to Price to cover for Judge Bunnell.
 - iii) Moab to Price – 230 Miles (approx. 4.5 hours) & Price to Provo – 148 Miles (approx. 2.5 to 3 hours)
 - (a) A morning calendar may require overnight stays, travel, and hotel costs.
 - b) The geography of the Seventh District renders coverage of the district's Juvenile Judicial Caseload unsustainable for a single judicial officer. Although many court proceedings can now be conducted remotely, certain activities warrant in person appearances. Historical data collected by Judge Torgerson when he traveled regularly to fulfill caseload duties in Carbon, Grand, and SanJuan counties indicate his travel for weekly visits throughout the district to account for 520 hours per year. In the event that a single juvenile judge was to provide service to the entire district, an additional approximately 400 to 500 hours of travel would likely need to be applied against the judge's bench time. The Judicial Officer hours reported for the district is presently 1,472 the addition of additional travel time would expand the need to a range of 1,827 to 1,972 and correspondingly increase the need for a judicial officer to approximately 1.5-1.7.
- 7) Remote coverage opportunities are most likely to provide meaningful support to the Fourth District Juvenile workload while minimizing otherwise productive time lost due to travel and the corresponding disruption to Seventh District Juvenile timelines and the overall balance of shared legal and staff resources throughout the Seventh District and Juvenile Courts.
- 8) Duties that likely lend themselves to remote out of district coverage will be matters that are not long-term assignments, can be scheduled flexibly so as to not result in large disruptions of the Seventh District master calendar, require little judicial preparation time, involve less engagement with parties and are unlikely to contradict the one judge/ one family standard. We recognize our colleagues are in the best position to know what hearing types our assistance would benefit and what hearing types they prefer to oversee. We defer to their needs.

Tab 5



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: Recruit & Retain Non-Judicial Legal Expertise
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$1,513,100	\$1,513,100

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

Recruit & Retain Non-Judicial Legal Expertise.

The mission of the Courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law. Judicial officers (judges, justices and court commissioners) render judicial decisions that they are solely authorized to make in courtroom proceedings. They rely heavily upon non-judicial officers with legal expertise to handle essential but legal ancillary matters tied to the daily judicial decisions that must be reached fairly and efficiently. These non-judicial officers must, at a minimum, hold a Juris Doctorate in order to possess the legal expertise necessary to provide adequate support needed by judicial officers.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

The current budget for positions that require a JD degree is approximately \$7.2 million.

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

Problem 1: Non-competitive starting salary. The entry salary rate for the majority of the Court's jobs requiring a Juris Doctorate is \$26.81 per hour (approximately \$55,800 annual). This rate may have been competitive in the job market for legal jobs a decade or more ago, but is no longer the case today.

Problem 2: Average attorney salary cannot compete with Utah's private sector. The average rate of actual pay for jobs requiring a Juris Doctorate in the judicial branch is currently just over \$35 per hour (around \$70K annual). Although a private sector attorney salary match is not the goal, the sector's skyrocketing salaries are still relevant in context - some private law firms in the Salt Lake valley are now offering over \$200K annual in starting salary to new associates fresh out of law school.

Problem 3: Average attorney salary no longer competes with Utah's public sector. The Utah Attorney General's (AG) Office gave a compelling presentation in 2022 to the Executive Offices & Criminal Justice (EOCJ) subcommittee, illustrating their need to provide more competitive attorney pay. The AG's Office base annual salary for attorneys based on years of service was lower than all of its most significant public sector competitors (Davis, Salt Lake, and Utah Counties) in every years-of-service bracket data comparison (1-5 years, 6-10 years, and 10-15 years of service).

Significantly, last year's average annual attorney salary at the AG's office for staff in their *first five years of service* (\$69,579) is almost an exact match to today's average attorney pay statewide *for all years of service* in the Judicial Branch (\$72,945).

Similar to other state agencies, the Judicial Branch also relies upon internal turnover savings to reinvest in staff when turnover occurs; but when the rate of pay for legal experts is already too low, the resulting turnover savings from legal expert attrition falls painfully short, and the branch is unable to meaningfully reinvest savings sufficient to confidently retain existing legal experts.

Solution to Problems: The requested funding should equip the branch 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 of the Utah Judicial Institute, Assistant State Court Administrator, Self-Help Center Attorney, and Central Staff Attorney.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

This funding will be 100% allocated to personnel expenditures.

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

Consistency and strength in legal expertise from non-judicial legal staff resources. Value may be measured by the anticipated decrease in length of time to fill vacancies, a reduction in turnover, and increased length of retention.

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

1. Human Resource Information System (HRIS) data reports indicate that the only job with a minimum qualification of Juris Doctorate that currently pays employees less than \$32 per hour in any state agency or branch (including Executive, Legislative and Judicial Branch jobs) is the Judicial Branch Law Clerk Attorney.
2. Human Resource Information System (HRIS) data reports indicate the Judicial Branch pays less, on average, to staff in jobs requiring a JD than any other state agency or branch of Utah government.
3. HR Recruitment Data: Law Clerk Attorney job announcements from past year with 1-2 week window accepting applications.
 - a. Total job announcements: 10
 - b. Total applicants meeting minimum qualifications: 44
 - c. Total hired: 7

- d. Average length posted: 10.5 days
- e. Average number qualified applicants per job announcement: 4
- f. Average hire per job announcement: 0.7
- 4. HR Recruitment Data: Law Clerk Attorney job announcements from past year with indefinite post end dates, or “open until filled” results.
 - a. Total open-ended job announcements: 2
 - b. Average length posted: 112 days
 - c. Total applicants meeting minimum qualifications: 21
 - d. Total hired: 2
 - e. Average number qualified applicants per job announcement: 10.5
 - f. Average hire per job announcement: 1
- 5. LawSchoolTransparency.com showing trends of annual law school tuition over the years.
 - a. Tuition increase from 2010 to 2020 at the SJ Quinney College of Law (University of Utah): 15.5%
 - b. Tuition increase from 2010 to 2020 at the J Reuben Clark Law School (BYU): 35%

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

Purpose of project: The “Recruit & Retain Non-judicial Legal Expertise” project’s purpose is to address a crisis the branch faces in its ability to attract qualified candidates to fill positions requiring legal expertise and retain existing personnel who possess the expertise essential to branch success. In order to so do, the branch would:

1. Raise the minimum/entry salary for positions requiring a Juris Doctorate from the current \$27 per hour to \$32 per hour (cost to fix \$336,000),
2. Make other salary adjustments for existing personnel to avoid compression resulting in undesirable turnover (cost to fix \$145,400), and
3. Increase the average salary for attorney jobs in the branch to more closely align with other local public sector attorney salary data (cost to fix \$1,031,700).

Total is \$1,513,100.

Alignment with core mission: The mission of the Courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law. Judicial officers (judges, justices and court commissioners) render judicial decisions that they are solely authorized to make in courtroom proceedings. Every year, judicial decisions that must be made by a court become more voluminous and more complex. Judicial officers must therefore rely more and more heavily upon non-judicial officers with legal expertise to handle essential but legal ancillary matters tied to the daily judicial decisions that must be reached fairly and efficiently. These non-judicial officer legal experts must, at a minimum, hold a Juris Doctorate for the expertise necessary to give adequate judicial officer support.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

[UCA §78A-2-108\(2\)](#) authorizes appointment of “necessary support personnel including ... research clerks ... and other persons required to carry out the work of the court.” The Courts do not see any need this request would create to require statutory changes.

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

See Background and Budgetary Details (specifically, problem 3)

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

No, the requested funding amount contemplates and avoids unnecessary salary compression issues, enabling the Judicial Branch to reinvest turnover savings to existing staff when turnover increases with low local unemployment.

What are the long term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

There will be implications in regards to future COLAs and other Legislative provided salary increases (due simply to this being a request for ongoing funds for salary needs rather than a one-time funding request).

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

Access to court services has historically been more difficult for communities physically distanced from a courthouse or financially distanced from the ability to retain legal counsel, a need which has been addressed in many ways by the Legislature, such as the Online Court Assistance Program (OCAP) established in [UCA §78A-2-501](#). Programs such as these rely not just on the mere presence of non-judicial legal staff, but the level of strength/expertise from those staff. The Courts need to both achieve and preserve sufficient stability in staffing levels of non-judicial legal expertise.

This request would also result in benefits for all Utahns because all have access to the Court system. Utahns need to know they can rely on the increased stability and legal expertise this request is expected to bring.

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

Internally, the distribution plan is designed to impact non-judicial legal staffing at all levels, but with the greatest impacts on the lowest paid staff. Not only is this an ideal impact in terms of employee morale, but it results in the greatest impact to the public patrons of a court who are likely to interact most frequently with “front-line” legal experts at the Courts.

Although the intent is for the greatest impact at the lowest level, ignoring compression problems would create real inequities. The internal distribution plan contemplates compression adjustments sufficient to avoid such inequities and retain the legal expertise needed at all levels of Courts operations.

Tab 6



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: Self-Help Center Forms Attorney
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$127,000	\$0

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

Self-Help Center (SHC) Forms Attorney, to be housed under the SHC.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

This is a request for ongoing funding to add one additional staff attorney at the SHC to help with drafting and revising court forms. This would be in addition to helping with SHC inquiries. The Self-Help Center currently has funding for five full-time staff attorneys, who focus on helping patrons contacting the SHC for legal assistance. These positions are paid for out of the general fund.

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

What problem would be solved with additional funding?

This funding would pay for one staff attorney to split their time drafting court forms and conducting user testing, while also answering SHC inquiries during peak hours. This would provide capacity to focus on the needs of the Forms Committee.

In district court, 74% of cases involve one party who is self-represented and 15% of cases involve both self-represented plaintiffs/petitioners and self-represented defendants/respondents. Stated another way, only 10% of cases in district court involve attorneys on both sides of a case. Self-represented litigants (SRLs)

represent the overwhelming majority of our court users. Court forms are the bridges and roads these users travel along to resolve their legal needs. Without a court form, the road is closed. Well-drafted court forms provide a smooth journey that makes the law and legal processes accessible and comprehensible, signposting legal requirements and prompting the user for relevant information. Forms also save court employee time by removing both the need to explain processes and the difficulties associated with struggling to understand SRL filings when no forms are available. Court forms help SRLs get to decisions on the merits. In this way, they are critical to ensuring access to justice and helping to make the courts more open, fair, efficient, and independent for the majority of our court users.

What has been done or considered to address this problem with existing resources?

The Judicial Council created the Forms Committee in April 2017. The Committee is, for the most part, comprised of volunteers. They are not able to handle the initial drafting of forms. Supporting the Forms Committee involves:

- drafting forms in response to requests from various groups within the judiciary, the needs of self-represented litigants, operational needs within the courts, and mandates from the legislature;
- updating and revising forms based on changes in court rule, statute, and case law – not an insignificant undertaking after each legislative session;
- coordinating with other departments to ensure that the form will not be rejected by clerks and can be processed as required by court staff and judicial officers;
- formatting court forms to ensure that they have a consistent look and style that is accessible, by providing sufficient white space and room for responses, while ensuring that the forms comply with the requirements of Utah Rule of Civil Procedure 10;
- cataloging and organizing court forms so that they can be processed effectively by the Forms Committee, court staff, and be found readily by self-represented litigants and others who use them.

Additionally, the National Association for Court Management admonishes courts to conduct user testing on court forms. They identify this as a best practice.¹ Many other jurisdictions, such as California, New York, Colorado, Minnesota, and Washington, conduct user testing. User testing is an evidence-based practice that involves engaging with people situated similarly to those using court forms to ask questions and observe their behavior to ensure that forms are comprehensible, making revisions when needed. Because of insufficient staff, we do not do this.

At present staffing levels, we do not have the resources to fully support the work of the Forms Committee. We have tried to recruit law students to help with forms work, however, for three consecutive semesters we have been unsuccessful in finding anyone to help. The SHC and Law Library do not have time to fully support the Forms Committee. SHC staff attorneys spend six hours each day answering inquiries (two more hours than the ABA recommends). They also meet weekly on Fridays to review changes in the law, changes in legal resources, and for training. When not actively responding to inquiries, SHC staff attorneys follow up on previous inquiries (sending emails or text messages with detailed instructions and resources), work with limited-English-proficiency patrons to provide language access through interpreters, attend other meetings, review changes in the law, test and support OCAP and MyCase, and provide feedback and suggested revisions to our self-help webpages. We asked Law Library staff to help with user testing, but they do not have the time. They remain busy answering patron questions at the front counter, which consumes about 50% of their time; when not at the counter, they are responding to letters from people who are incarcerated, processing payments, cataloging new library resources, updating treatises (new arrivals and updates arrive at least twice a week), handling cash accounting duties, and helping people over the phone. Both the law librarian and the SHC/Law Library director have other duties. For example, the law librarian is responsible for administering the Law Library, developing a collection policy, managing and organizing access to legal resources for both the courts (such as the Supreme Court, the Court of Appeals, and judges and law clerks throughout the state), and the public, ensuring our collection is current and paid for, and coordinating with other libraries throughout the state. As the only public law library in Utah, many other libraries look to us for

¹ NACM Plain Language Guide, 2019, page 23, available at: <https://nacmnet.org/resources/publications/guides/plain-language-guide/> (last visited May 20, 2022).

guidance with legal issues. These duties limit the time and availability of the law librarian to focus on Forms Committee work. Our previous law librarian estimated that she spent about 50% of her time supporting the Forms Committee. The SHC/Law Library director is responsible for managing the SHC, maintaining relationships with partners throughout the state to ensure that the SHC is aware of all available legal resources in Utah, ensuring that all of our self-help resources are legally accurate and as accessible as possible to those without legal training, overseeing the department, coordinating operational concerns and self-help efforts with other organs of the court, and generally educating the public and the courts about the realities and needs of SRLs. With existing staffing, there are only a few hours each week to potentially devote to supporting the Forms Committee. It is not enough.

As a result, the work of the Forms Committee is not all being completed. In addition to a lack of user testing, there is a backlog of forms the Self-Help Center has identified as being important and needed, but we do not have the capacity to process these. This includes forms such as a complaint for the return of a security deposit, forms for asset forfeiture when property is seized by law enforcement, revisions to the debt collection answer, a statement of discovery issues, a defendant's request for release of bail, and annulment forms. The Forms Committee used to meet monthly, but now meets only every other month because we cannot cope with the demands of monthly meetings.

Additionally, the SHC still misses far more calls than it answers. Numbers for FY 2022 show that the SHC missed an average of four calls for every one that we answered. We also had our busiest year ever with 25,012 contacts (our previous record was 23,466).

This position would address both the high rate of missed calls at the SHC and the need for support for the Forms Committee. We plan to deploy this attorney to answer SHC calls during our busiest times and to use the rest of their hours to support the work of the Forms Committee. We anticipate that the forms work would be devoted to drafting forms, coordinating with other departments regarding forms, managing requests for new forms, updating forms when statutes, case law, and court rules change, and conducting user testing for all future forms.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

The entirety of these funds would pay for one additional staff attorney at the SHC. Given the current labor market, we anticipate needing to hire toward at least the upper-middle range for a SHC staff attorney position. Paying a staff attorney \$38 per hour would cost, with all employee benefits, \$127,000.

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

This position would advance the mission of the judiciary to create an open, fair, efficient, and independent system for the advancement of justice under law by:

- providing additional resources to explain legal processes for SRLs to navigate the legal system, reducing the missed call rate at the SHC, helping those users to more effectively access the courts;
- drafting forms that are needed and requested by SHC patrons;
- ensuring court forms are accessible by conducting user testing on forms and using evidence-based practices to refine forms.

All of this will help SRLs to navigate the legal system, which will make the courts more open. It will help SRLs to achieve decisions based on the merits, making the courts fairer. And it will reduce strain for court staff and judicial officers who will not have to struggle to explain or understand SRLs in their efforts to access the courts, making the courts more efficient.

We will be able to measure the missed call rate at the SHC, the number of contacts at the SHC, and the number of forms drafted. We will also be able to evaluate the efficacy of our user testing because it is

inherently evidence-based. We expect to be able to demonstrably show improvements in forms and accessibility with this additional resource.

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

Statistics on SRLs are based on court data. The missed call rate for the SHC is based upon data collected and tabulated by the SHC. Recommendations for needed forms are based on observations of requests for assistance from SHC patrons. Citations to published works are footnoted.

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

This request streamlines the courts for the same reason it makes the courts more open, fair, and efficient.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

The statewide purpose of this request is to meaningfully expand access to justice for the people of Utah.

This is squarely in line with the courts' mission, as explained above. It is also consistent with the legislative command in Utah Code 9-7-313, which calls for the establishment of a Self-Help Center (housed within the Utah State Law Library – a part of the courts) that helps people by providing forms and legal help.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

Several statutory provisions require the courts to draft forms, such as Utah Code 9-7-313 (commanding the SHC to provide forms), 38-9a-201 (wrongful liens), 75-5-417 (guardianship reports), 78B-6-812 (order of restitution and request for hearing), 78B-7-105 (protective orders), 78B-7-105.5 (protective orders), 78B-7-207 (protective orders), 78B-7-116 (protective orders), and 78B-12-114 (wage assignment for child support). The Utah Judicial Council has delegated the drafting of court forms to the Forms Committee pursuant to Code of Judicial Admin. 3-117, which further requires the Committee to “conduct a comprehensive review of the need for court forms to assists parties and practitioners in all court levels... [and] create forms as it deems necessary.”

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

The statutory citations above and CJA 3-117 make clear that the forms contemplated here are within the domain of the courts, and the Forms Committee. The work of the Forms Committee is handled by the Law Librarian and the SHC/Law Library director.

The Committee on Resources for Self-Represented Parties and the Committee on Court Forms both support this request and it has been reviewed by the chairs of both committees (Judge Mrazik and Professor Randy Dryer).

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

No.

What are the long term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

We expect that one additional staff attorney for the SHC should be sufficient to cope with the work of the Forms Committee. There continues to be more demand for SHC services than we can provide. We hope that with some of the coming improvements to MyCase, and the improvements to our forms using evidence-base practices, the overwhelming need for our services will be reduced.

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

This will help SRLs – and because it will enable us to conduct user testing, it will be a dramatic improvement to our current forms. SRLs are encountered at every court location. The SHC does not ask for detailed demographic data from our patrons. What we know based on national data is that most SRLs are “low-income and, in many cases... members of historically marginalized groups.”² Problems related to generational poverty and issues tied to “underlying social problems, including substance use, domestic violence, and mental illness” are also factors driving self-represented litigants to the courts.³

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

This position will be managed by the SHC/Law Library director, an attorney with 13 years of legal experience. The entire purpose of the position is to expand access to justice. The SHC works collaboratively with several court departments and closely with the Courts’ Office of Fairness and Accountability, so we expect to receive feedback from within the courts if this work becomes problematic – and for the first time, we will proactively seek feedback from our court users when drafting forms.

² Steinberg, Jessica, Demand Side Reform in the Poor People’s Court (2015). 47 Conn. L. Rev 741, 754; available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2613648 (last visited May 20, 2022).

³ Dina E. Fein, Access to Justice: A Call for Progress, 39 W. New Eng. L. Rev. 211, 212 (2017).

Tab 7



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: New Capital Lease for District / Juvenile Courts at the Wasatch County Justice Center
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$163,301	\$163,301

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

The objective of this request is to obtain ongoing funding for a new capital lease with Wasatch County that will expand and improve the Court leased spaces within the County owned facility. The existing shared facility has only one courtroom dedicated for State Court use. Sharing a single courtroom between district and juvenile court with the increasing Wasatch County caseload has been problematic since in 2012. The existing facility needs to be expanded to provide another courtroom and additional support staff space.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

The Court has leased space at this location since 1996 and has funded rent payments through the Facilities budget at \$95,413 annually at a fixed rate over the last 9 years. We anticipate applying the \$95,413 towards the new lease in addition to the recently reallocated annual bond payments from the retired Richfield Courthouse bond of \$219,155. The new lease, which will include construction costs, is estimated at \$477,869 annually. This leaves an annual shortfall of \$163,301 after the credits from our existing budget amounts are subtracted. Please refer to the spreadsheet on the following page for additional information.

Wasatch Justice Center New Lease Budget

	Rent	Construction Cost	Total Annually
Current Lease through June 2025			
10,044 SF	\$ 90,396		\$ 90,396
\$9 psf rent / O&M			
Cap Improvement fund that will not be renewed		\$ 5,017	\$ 5,017
Total existing lease			\$ 95,413
New Proposed Lease for 15 years			
New Space = 23,183 SF	\$ 215,602		\$ 215,602
(existing + 13,139 SF new)			
\$9.30 psf rent / O&M			
Estimated future annual 3% escalation			
Annual average escalation based on life of lease			\$ 7,894
Estimated Cost of new Courthouse Construction			
13,139 SF			
\$3,565,981 / 15 years		\$ 237,732	\$ 237,732
Cost includes 15% contingency, but no escalation			
Estimated Courts portion of A&E service fees			
7% of Const Cost = \$249,618 / 15		\$ 16,641	\$ 16,641
Total Estimated Annual Lease Payment			\$ 477,869

Summary of Wasatch Lease Credits and Costs

Current Lease Payment in Budget plus Improvement Fee	\$ (95,413)
Reallocated Richfield bond Staying in Budget	\$ (219,155)
Estimated Cost of New Lease / Const	\$ 477,869
Estimated New Annual Increase to Budget	\$ 163,301

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

Caseloads continue to increase in both the District and Juvenile Courts that require more courtroom time. It is no longer possible to effectively manage both workloads with only one shared courtroom. The FY 2022 Judicial Weighted Caseload #'s 1.12 judicial officers in Wasatch County (including 0.71 judges for District Court and 0.41 judges for Juvenile Court).

This need does not translate directly into the number of courtrooms that could be effectively utilized in Wasatch County. However, as indicated above, filings in both District and Juvenile Court have evolved over time to where they now require more time in the courtroom. In addition, there are logistical complications that result from District Court and Juvenile Court having to share the same courtroom. And finally, there are additional Juvenile Court services that cannot be provided given the current limitations of courtroom availability.

Composition of District Hearings

Hearings are a more realistic guide to case volume and actual courtroom use. Hearings held by District Court in Wasatch County have increased by almost 50% between CY 2019 and CY 2021, before the COVID pandemic began, as shown in the below data. This dramatic increase stems from rapid population growth in Wasatch County and includes all of the case complexity that comes to the District Court including:

- Criminal hearings, which are courtroom time intensive, increased 37.5%: from 2,695 in FY19 to 3,699 in CY21.
- Domestic Divorce /Annulment hearings, which are courtroom time intensive especially with the increase of pro se litigants, increased a dramatic 190.8%: from 294 in CY19 to 855 in CY21.
- Property rights hearings, which will continue to increase with the dramatic increase in building permits in Wasatch County, increased 56.3%: from 32 in CY19 to 50 in CY21.

Because the types of cases that require the most courtroom time have increased, courtroom availability is being affected even though total filings are slightly lower over the past three years. As a result, District Court has had to double and triple set jury trials six months out.

District Court Hearings

				CY21/CY19
Hearing Type	CY21	CY20	CY 19	Diff (+/-)
Criminal	3,699	2,787	2,695	37.3%
Domestic	855	234	294	190.8%
Gen'l Civil	140	126	144	-2.8%
Judgments	10	6	11	-9.1%
Probate	53	53	44	20.5%
Property Rights	50	40	32	56.3%
Torts	10	2	13	-23.1%
Traffic	22	14	25	-12.0%
TOTAL	4,839	3,262	3,258	48.5%

Composition of Juvenile filings

Overall from FY 18 to FY21 Juvenile Court has seen an increase of 111 cases for child welfare and 76 for delinquency that is roughly a 98% increase in child welfare cases and 60% for delinquency from FY 18 to FY21. The data clearly shows an increase and an immediate need for additional Juvenile courtroom time.

The chart below is a graphical representation of the change in juvenile case filing by type.

Case Type	FY21	FY20	FY19	FY18
Delinquency Felony	15	13	6	12
Delinquency Misdemeanor	199	112	95	115
Delinquency Infraction	28	1	2	4
Totals	242	126	103	131

Case Type	FY21	FY20	FY19	FY18
Child Welfare	83	35	48	34
Domestic Probate	7	2	1	0
Adult Violations / Other	25	16	6	5
Totals	115	53	55	39

Child Welfare cases require the most courtroom time and since these have increased, courtroom availability is being affected even though delinquency filings are slightly lower.

Courtroom Availability Issue with a Shared Courtroom

The District court utilizes the single courtroom the majority of the time except for when Juvenile Court is scheduled to use the courtroom every Thursday for a full day, every other Tuesday afternoon, and one Friday per month. (6 days a mo. on average) These 6 days are necessary to comply with the child welfare timelines imposed by law and address most delinquency referrals in a timely manner, but they provide little time for any trials that may be necessary. As such, this amount of time is proving to be inadequate for Juvenile Court. To schedule consecutive days for a trial takes months' notice to get consecutive days, thus impacting District Court time.

While courtroom availability has not been adequate for Juvenile Court's needs (as further described below), the time it gets is often more than District Court can spare. One of the greatest challenges for District Court is scheduling consecutive days in the courtroom to conduct its jury trials and multi-day court hearings, which are common with complex criminal, civil and domestic cases. It is not uncommon for a complex matter in District Court to be scheduled sporadically over a 2-3 week period of time in order to get the required number of days of courtroom time because of the assigned dates for the Juvenile Court to have access to the courtroom. Interrupting its calendar every Thursday complicates matters when District Court needs to set a jury trial for more than three days, but losing every other Tuesday afternoon in addition limits its ability to have even a two-day jury trial to twice per month since every Wednesday is allocated to the court's criminal law and motion calendar.

Another significant challenge is accommodating matters that require expedited hearing dates. Because the District Court is limited in its ability to use the only courtroom in Wasatch County, and has scheduled heavily on the days that are available, it can be difficult to add urgent matters into the mix. For example, protective orders require hearings to be held within 21 days of issuance, occupancy hearings in eviction matters should be held within 10 days. If an

occupancy order is issued and a tenant objects to the manner in which it is enforced, the tenant can request a hearing, which should be held within 10 days. Often, domestic cases have circumstances which warrant expedited hearings, and there are other case types that have a required (and often expedited) timeframe within which to schedule hearings. All of those matters are extremely difficult to calendar because of the limitation on access to the courtroom. WebEx has helped alleviate some of the scheduling issues, but the types of hearings that are discussed herein are often most efficiently handled in an in-person hearing, making the availability of the courtroom crucial.

Since July 1, 2013, it has been a fairly regular necessity for District Court to schedule matters on Juvenile Court days and, when doing so was not an option, it resorted to using the courtroom for Wasatch County Justice Court on several other occasions. Of course, the justice courtroom is not always available, making it necessary on at least one occasion for District Court to move a hearing to Utah County. And because none of the foregoing alternatives presented a feasible option for a four-week trial that concluded last year, District Court used the courtroom of the Heber City Justice Court. While this accommodation by Heber City was very much appreciated, as are those that have been provided by the Wasatch County Justice Court, these accommodations do not constitute an acceptable solution over the long term.

Services Not Provided Due to Lack of Juvenile Courtroom Time

Finally, because courtroom time in Heber is limited, Juvenile Court is unable to provide certain services to its patrons that they might otherwise receive in Utah County. Problem-solving courts like juvenile drug court, family drug court and other problem-solving courts require more courtroom time than is available in Wasatch County. In addition, if another courtroom were available during business hours, Probation could teach classes like NCTI to youth who struggle with substance abuse, and other issues.

Because "justice delayed is justice denied," it is critical that courtrooms operate as efficiently as possible and provide the public access to justice in a reasonable period of time. This has become particularly challenging in Wasatch County. The nature of filings in District Court, the logistical challenges associated with sharing one courtroom between two courts with unmet needs, and the services that cannot be provided to patrons all support the proposal that another courtroom be added to the Wasatch County Justice Center.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

See following page

Wasatch Justice Center New Lease Budget

	Rent	Construction Cost	Total Annually
Current Lease through June 2025			
10,044 SF	\$ 90,396		\$ 90,396
\$9 psf rent / O&M			
Cap Improvement fund that will not be renewed		\$ 5,017	\$ 5,017
Total existing lease			\$ 95,413
New Proposed Lease for 15 years			
New Space = 23,183 SF	\$ 215,602		\$ 215,602
(existing + 13,139 SF new)			
\$9.30 psf rent / O&M			
Estimated future annual 3% escalation			
Annual average escalation based on life of lease			\$ 7,894
Estimated Cost of new Courthouse Construction			
13,139 SF			
\$3,565,981 / 15 years		\$ 237,732	\$ 237,732
Cost includes 15% contingency, but no escalation			
Estimated Courts portion of A&E service fees			
7% of Const Cost = \$249,618 / 15		\$ 16,641	\$ 16,641
Total Estimated Annual Lease Payment			\$ 477,869

Summary of Wasatch Lease Credits and Costs

Current Lease Payment in Budget plus Improvement Fee	\$ (95,413)
Reallocated Richfield bond Staying in Budget	\$ (219,155)
Estimated Cost of New Lease / Const	\$ 477,869
Estimated New Annual Increase to Budget	\$ 163,301

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

Juvenile Court

- Will allow for Juvenile Court to be at a higher rate of adherence with Child Welfare timelines
- Will help foster public confidence that cases can heard in a timely manner
- Will allow for Juvenile Court to hold multi day trials on consecutive days
- Will provide an opportunity to expand services through the possible development of a problem solving court
- Will allow for Child Welfare Meditations to happen on site

District Court

- Without having to schedule multiple calendars/hearings between District Court and Juvenile Court availability in a single courtroom facility, an additional courtroom will greatly enhance timely disposition. Cases will be adjudicated within a timelier manner, rather than being spread out over multiple days because the courtroom may not be available for consecutive days.

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

See graphs above related to weighted caseload studies and the increase in hearings.

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

No.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

The purpose of this request is to obtain funding for a new capital lease for the 4th District and Juvenile Courts to remain in the County leased facility with expanded space. With the addition of another courtroom, the 4th District operations in Wasatch County would be better able to meet the mission of the court, which is to provide an open, fair, efficient and independent system for the advancement of justice under the law as caseloads continue to increase in the future.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

The juvenile courts are courts of record, created by statute, as authorized by Utah Constitution, Art. VIII, Sec. 1. The legislature has tasked the juvenile courts with the responsibility of adjudicating cases primarily related to child welfare, parental rights, juvenile delinquency, and other similar matters. These responsibilities are outlined in Utah Code Title 78A, Chapter 6 and Utah Code Title 80. Judges are necessary to adjudicate the cases and meet all other statutory obligations. The state's eight judicial districts are outlined in statute (Utah Code § 78A-1-102). The number of juvenile court judges appointed and confirmed to serve in each judicial district are also outlined in statute (Utah Code § 78A-1-104).

There are numerous statutory and rule-driven deadlines with which the district court must comply, making the ability to schedule hearings crucial. Examples include (but are not limited to):

Evictions: See U.C.A. 78B-6-810, generally

Protective Orders: U.C.A. 78B-7-604

Temporary restraining orders/preliminary injunction: Rule 65A of the Utah Rules of Civil Procedure

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

The Judicial Council is making this request, which originated with the Fourth District, in coordination with the Administrative Office of the Courts. Other agencies have not been directly involved, but there are several other State and local agencies that would benefit from the addition of another courtroom, which would allow cases to be heard in a more responsive manner by avoiding scheduling conflicts or delays.

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

This request is for ongoing annual funding over 15 years. O&M is included in the base rent and an estimated annual escalation of 3% over the life of the lease has been added to the request. See the spreadsheet on the second page for additional information.

What are the long term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

An industry standard 3% annual escalation for the term of the 15 year lease is included in the total payment schedule.

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

Funding for this request will benefit all Utahans who have any involvement, directly or indirectly, with the Utah State Courts.

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

There are no known potential inequities. The funds for the new 15 year lease are clearly defined, which eliminate any unintended distributional consequences.

Tab 8



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: Domestic Violence Program Manager Position
Request Priority:

Requesters: Ron Gordon

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$110,000	\$110,000

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

This budget request seeks ongoing funding for a full-time Domestic Violence Program Manager (DVPM) position to address domestic violence, sexual violence, dating violence, stalking, and protective order needs for patrons of the Utah Courts. In particular, a full-time DVPM will have capacity to ensure compliance with state and federal data requirements for the Statewide Domestic Violence Network (otherwise known as the protective order network). The DVPM will also ensure the use of best practices in domestic violence, sexual violence, and protective order cases as domestic violence incidents increase across Utah.

Overall, domestic violence represents a significant threat to the health, safety, and well-being of Utah's residents. Without intervention, domestic violence increases and intensifies in a cyclical nature, often leading to lethal outcomes for victims and their communities. Prior to the COVID-19 pandemic, nearly a quarter of homicide victims in Utah died because of domestic violence.¹ Unfortunately, the COVID-19 pandemic has only exacerbated the issue of domestic violence. The Utah Department of Public Safety reported a nearly 10% increase in domestic violence incidents

¹ Violence and Injury Prevention Program. (2020). Intimate partner and domestic violence fatalities report 2020. Published by the Utah Department of Health: Salt Lake City, Utah. Retrieved from <https://vipp.health.utah.gov/wp-content/uploads/IP-DV-Fatalities-2020.pdf>

since 2019.² The rise in domestic violence incidents has prompted safety concerns not only for domestic violence victims, but for Utah's communities as well.³

The courts play a significant role in addressing and reducing further incidents of domestic violence. To support the judiciary's role in addressing domestic violence, a part-time, grant funded DVPC provides the services listed in Exhibit A to the judiciary and Utah as a whole.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

Currently, the DVPC is funded for twenty hours a week (50% FTE) through the VAWA Stop Abuse Program grant (hereafter referred to as the VAWA grant). In total, the AOC receives \$75,000 each calendar year in VAWA funding of which \$50,862 is used to fund the salary/benefits of the DVPC. The VAWA grant also pays for a portion of the Tribal Outreach Program Coordinator's position (salary: \$9,053; benefits: \$5,666; total cost: \$14,719). The remaining \$9,418 is used for travel costs for both positions and resources for court patrons.

Despite having the authority to manage the DV program, the part-time nature of the funding of this position does not provide adequate hours to complete the long list of assigned tasks.

This request seeks to:

- 1.) Hire a highly-skilled FT DV program manager with legislative funding
- 2.) Repurpose the \$50,862 in current grant funding that has covered the PT DVPC salary/benefits and utilize it to hire a part-time process re-engineer contractor similar to the one formerly utilized by the DV program to create solutions to process gaps.⁴
- 3.) Join with IT to seek annual carryforward funds to pay for protective order network maintenance and equipment. The courts' protective order network requires frequent maintenance to ensure compliance with federal and state statute, ensure effective data transmission to other agencies (e.g., law enforcement, NCIC, and BCI), and reduce the workload of judicial officers and staff. The maintenance requires changes each year depending on policy updates, changes in federal data requirements, and input from judicial officers, court staff, court patrons and agency stakeholders.

Because neither request 2 nor 3 utilizes legislative funds, they are not included in the total request.

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

² Utah Department of Public Safety. (2022). Domestic Violence Analysis. Crime in Utah Dashboard. Retrieved April 15, 2022, from <https://public.domo.com/embed/pages/31PzA>

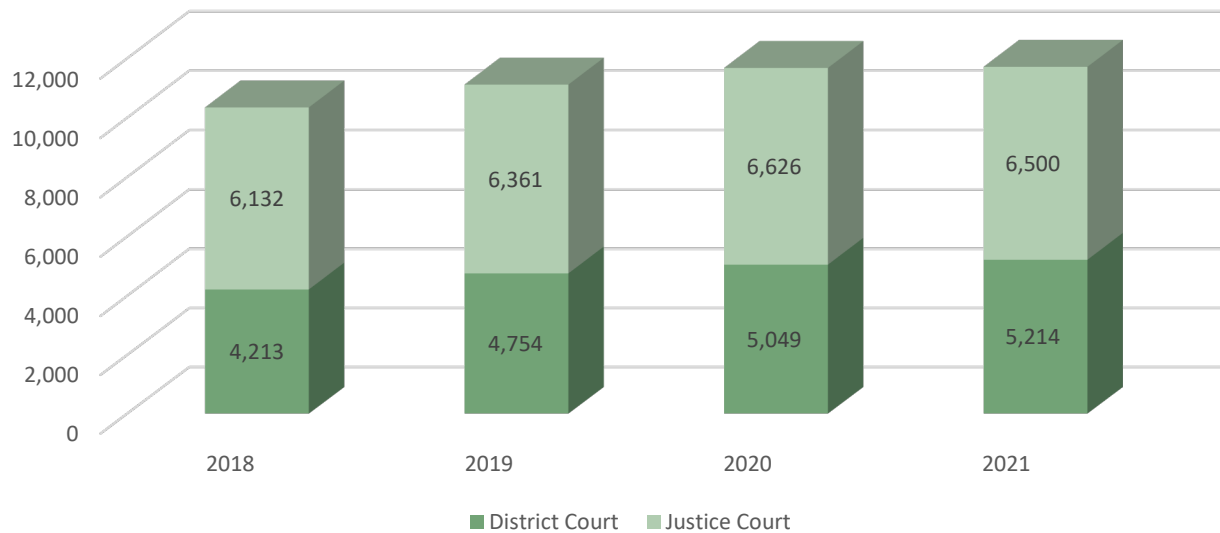
³ Research has consistently demonstrated that mass shootings have a connection to domestic violence. Often intimate partners or family members of the mass shooters are among the first victims in these shootings.

Issa, Y. (2019). "A profoundly masculine act": Mass shootings, violence against women, and the amendment that could forge a path forward. California Law Review. <https://doi.org/10.15779/Z382V2C98F>

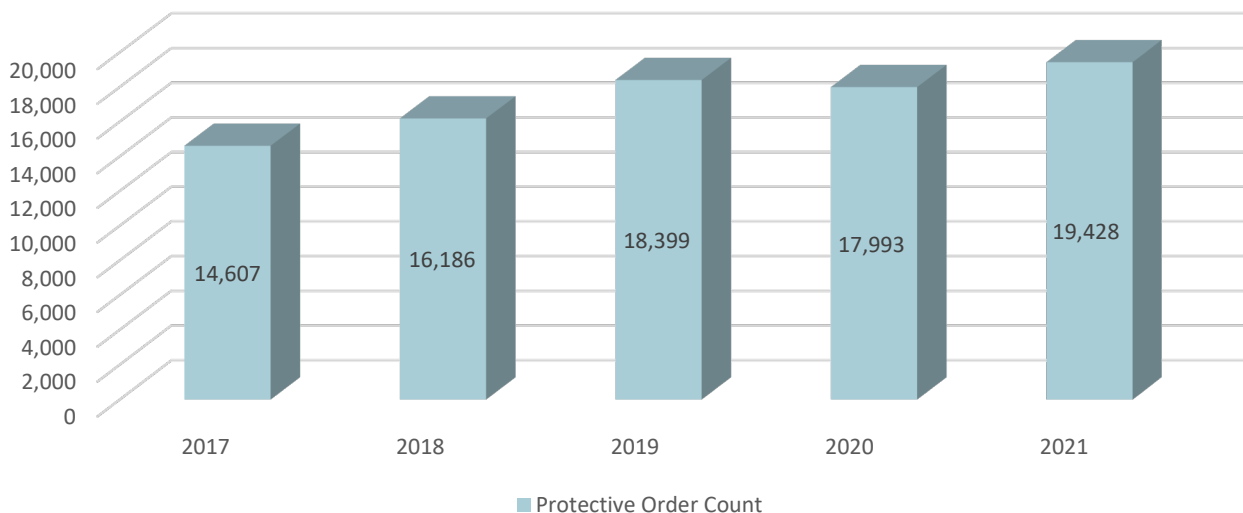
⁴ Prior to seeking ongoing funds, the DVPC applied for and received one-time carryforward funding to hire a time-limited position to assist with the protective order network issues. The Protective Order Program Coordinator (time-limited position) was able to implement some short-term and long-term solutions with the DVPC, but funding ended before all the solutions could be implemented.

As the number of domestic violence incidents have increased in Utah over the past five years, the courts' workload has increased correspondingly across all court levels. As demonstrated in the charts below, domestic violence case filings and protective orders have steadily increased. In particular, the number of protective orders (i.e., issued and amended protective orders) increased 33% from 14,607 protective orders issued in CY17 to 19,428 protective orders issued in CY21.

Case Filings with Domestic Violence by Year



Protective Order Count by Year



The Domestic Violence Program anticipates the protective order count will continue to increase as the rate of domestic violence incidents increases and more court patrons utilize the expanded protective order types.⁵

Unfortunately, as the rate of protective orders has increased, the Utah Courts have struggled to comply with NCIC and BCI data transmission requirements. Each month, approximately 10% to 15% of protective orders issued by the courts are rejected by the NCIC and BCI due to incomplete or incorrect data. As a result, respondents or defendants who should be restricted from purchasing firearms may be able to purchase firearms from licensed vendors (i.e., the background check will not list them as prohibited individuals). This gap in data transmission represents a serious public safety issue and the courts could be held liable for failing to transmit this data.⁶ This is a sufficiently serious risk management issue that the chief risk officer of the Courts (State Court Administrator) is making this request.

The combination of FT focus by the DVPM, stable grant funds to attack the process breaks through a part time contractor and carryforward funds to address CORIS/CARE issues will enable permanent resolutions of these issues. One of the ongoing processes will be a self-assessment by the DV team of a sample from the protective order network to ensure the PO system has up-to-date and correct information, legislative updates have been timely completed (i.e., additions made through new legislation), there is correct data transmission to the Utah Criminal Justice Information System (UCJIS) and there is successful data transmission to community partner. If the DVPC's position is made full-time through ongoing funding, the DVPM will have the capacity to ensure the protective order network operates effectively and efficiently.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

The DVPC is requesting a total of \$110,000 in ongoing funds for personnel costs. A portion of this amount will cover the hourly costs of the DVPM position (up to \$31 per hour) and the remainder will cover the anticipated cost of retirement, taxes, and medical benefits for this position.

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

It is anticipated that funding the DVPM full-time will create many benefits for the Utah Courts and the state of Utah as a whole. If funded full-time, the DVPM will:

- fix the data transmission issues within the protective order network and bring the courts into compliance with federal and state requirements;
- provide ongoing maintenance to the protective order network;

⁵ Over the past four years, the legislature has expanded protective order types and who can qualify for a protective order. The continuous protective order and sexual violence protective order were added in 2018 and 2019, respectively. Additionally, criminal protective orders were expanded to include juvenile adjudications and offenses other than domestic violence in the district and juvenile courts. Finally, the definition of "cohabitant" was expanded to incorporate individuals in consensual sexual relationships, aunts, uncles, nieces, and nephews.

⁶ In 2021, U.S. District Judge Xavier Rodriguez ruled that the Air Force was 60% responsible for the 2017 mass shooting committed by Devin Kelley. The Air Force failed to transmit Kelley's data to the NCIC database regarding his 2012 domestic violence conviction and he was able to purchase a gun, despite being a restricted individual. Judge Rodriguez wrote that "moreover, the evidence shows that—had the Government done its job and properly reported Kelley's information into the background check system—it is more likely than not that Kelley would have been deterred from carrying out the Church shooting."

Frasier, 2021. Federal judge rules Air Force is mainly responsible for Texas church shooting. Retrieved June 2, 2022.

<https://www.axios.com/federal-judge-air-force-2017-texas-church-mass-shooting-2a1d39aa-df66-48d0-a354-fc8e1a5c4700.html>

- improve access to the courts for court patrons seeking or already party to a protective order (e.g., developing trauma-informed protective order forms, recommending policy changes, working with innovative programs such as MyCase to include protective order case types, etc.)
- implement evidence-based procedures to improve the judiciary's response to protective orders, domestic violence cases, and sexual violence cases;
- increase interagency collaboration to address protective order issues (e.g., solicit feedback from attorneys, victim advocates, treatment providers, law enforcement and many other agencies to improve the courts' response to protective orders); and
- provide protective order, domestic violence, and sexual violence training resources to the judiciary to improve the judiciary's response to these case types.

If approved for funding, the DVPM plans to demonstrate results of the new funding through monthly audit reports. Each month, the DVPM receives a report from BCI which details the number of protective orders rejected due to data transmission errors. Currently, the rate of rejected protective orders ranges from 10% to 15% each month. The DVPM will be able to demonstrate a reduced rate of rejected protective orders over time as the DVPM implements temporary and permanent solutions to fix the protective order network issues.

Additionally, the DVPM will be tracking and reporting audit outcomes of the ongoing protective order network maintenance.

To track improvements such as access to justice for court patrons involved in the protective order process, interagency collaboration, or judiciary needs, the DVPM plans to administer community needs assessments to court patrons, agency stakeholders, and court staff. These community needs assessments would gather data to ascertain:

- court patron, stakeholder agency, and judiciary needs,
- program strengths,
- gaps in training, communication, and resources, and
- impacts of previously implemented solutions.

The DVPM will track and report data from the community needs assessments and any interventions that arise in response to issues reported in the community needs assessments.

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

The DVPM currently receives monthly reports from BCI and NCIC detailing rejected protective orders and the rate of rejected protective orders. The DVPM then uses The *NCIC Operating Manual: Protection Order File* which outlines federal and state protective order data requirements to fix rejected protective orders where possible. These documents demonstrate the need for personnel to address the data transmission issues and provide ongoing maintenance for the protective order network.

Based upon initial assessments, the anticipated personnel costs for the DVPM position will result in lower costs compared to other options proposed to address this issue. To manage the ongoing maintenance requirements, NCIC and BCI initially proposed having judicial assistants manually check each protective order one year after issuance to ensure the protective order record included the most up-to-date and correct information. The district court and juvenile court administration estimated that this proposal would require several additional FTE judicial assistant positions throughout Utah.

Instead, the full-time DVPM position would likely satisfy NCIC's and BCI's needs because the DVPM could audit a sample of protective orders each month to determine compliance. If the audit of the protective order sample demonstrates compliance, the DVPM would report that compliance to the Clerks of Court and the AOC's court administrators. If the sample demonstrates a lack of compliance, the DVPM can make changes to the protective order network to ensure compliance, train court staff on compliance requirements, and work with AOC leadership to address the compliance issues.

This request for funding remains significantly lower than the budgetary impacts of adding several judicial assistant positions to provide ongoing maintenance.

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

This request will streamline and modernize state government by streamlining and modernizing the protective order network. The DVPM will improve and track the following program outputs:

- data quality (i.e., entering the most up-to-date information into the protective order network where possible),
- data collection (i.e., implementing mandatory data fields in the protective order network and protective order forms for complete data),
- data transmission (i.e., ensuring stakeholders can access protective order details such as respondent information and judicial orders), and
- data accuracy (i.e., ensuring the correct expiration dates and judicial orders are entered into the protective order network).

By improving these program outputs, communication between agencies in the Statewide Domestic Violence Network will be streamlined. It will also become a more efficient system for users. As a result, the State of Utah can expect to experience the following outcomes:

- improved enforcement of active protective orders,
- reduced misidentification of respondents by law enforcement due to incomplete information (e.g., James R. Smith vs. James B. Smith),
- reduced domestic violence homicides,
- reduced perpetration of domestic violence, stalking, and dating violence,
- improved removal of expired or expunged protective orders, and
- improved compliance with federal and state protective order statutes.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

This request, if funded, will improve the management and maintenance of the protective order network. In accordance with the Utah Courts' mission, a dedicated position to manage and maintain the protective order network will ensure a more fair and efficient system for the advancement of justice under the law. This request improves fairness and efficiency by:

- increasing compliance with federal and state protective order statutes,
- increasing compliance with judicial rules regarding protective orders,
- streamlining communication between the courts, law enforcement, the Department of Public Safety, BCI, and other stakeholders,
- ensuring enforcement of protective orders, and

- providing holistic protective order management and maintenance. The DVPM provides both the technical needs of the protective order network (e.g., required data for NCIC compliance) and the human needs of the protective order network (e.g., easy to understand and trauma-informed protective order forms). The DVPM can also train staff on protective order data requirements while training them on how to work with court patrons experiencing domestic violence in a trauma-informed manner.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

The AOC is required by statute to manage their portion of the protective order network (UCA § 78B-7-113(1)(b)). This request does not require any statutory changes.

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

The DVPM has coordinated with other areas of court administration, BCI, NCIC, various law enforcement agencies, prosecutors, defense attorneys, victim advocates, and various non-profits about the protective order issues.

Management of the protective order network on behalf of the courts cannot be executed by another other agency per UCA § 78B-7-113(1)(b). Other departments within the AOC do not have the capacity, nor the knowledge to manage the protective order network effectively.

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

None.

What are the long term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

The Domestic Violence Program anticipates that additional resources will be needed to address the increasing wave of domestic violence incidents resulting from the COVID-19 pandemic. Court patrons experiencing domestic violence need and will continue to need access to court services. Some of these court services include:

- access to temporary protective orders during non-traditional court hours (i.e., at night and over the weekend),
- increased access to the courts in order to seek or respond to a protective order (particularly for rural areas or marginalized communities encountering access to justice barriers),
- increased resources to guide court patrons through court process involving domestic violence (e.g., Self-Help Center assistance, MyCase assistance, and Utah Law Library access), and
- improved court policies regarding domestic violence (e.g., utilizing domestic violence assessment data, implementing specialized dockets for cases involving domestic violence, linking civil and criminal protective orders to avoid conflicting orders, and more).

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

All Utahns will benefit from this request because it will significantly improve public safety. Currently, there is a risk that restricted individuals will be able to purchase firearms (won't be blocked in the background check) and commit acts of domestic violence or far worse. In 2017, this incident occurred in Texas when Devin Kelley shot and killed 26 individuals in a mass shooting. Kelley, convicted of misdemeanor domestic violence in 2012, should not have been able to legally purchase a firearm. However, the Air Force failed to transmit the NCIC data for his misdemeanor conviction properly and Kelley's firearm background check did not reflect his restricted status.

This request seeks to prevent these gaps in data transmission by setting up a steward over the protective order network to ensure the correct transmission of data. As a result, all Utahns will benefit from this request.

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

This request should not result in any inequities. In contrast, this request should prevent and reduce existing inequities. Through audits and maintenance of the protective order network, the DVPM can ensure that active protective orders protect petitioners while expired protective orders are removed, so respondents are not arrested or detained unfairly.

Exhibit A

Current Duties of Part-time Domestic Violence Program Coordinator Role

1. serves as the intermediary between the judiciary and other stakeholders including, but not limited to law enforcement, prosecutors, defense attorneys, victim advocates, medical professionals, and public health officials;
2. manages the protective order network (required by [UCA § 78B-7-113\(1\)\(b\)](#)) on behalf of the Utah Courts in a holistic manner. The DVPC ensures that the protective order network adheres to federal and state legislative requirements, data requirements from the National Crime Information Center (NCIC) and the Utah Bureau of Criminal Identification (BCI), and judicial requirements such as changes to rules and forms. The DVPC also works with judicial officers, court staff, and other stakeholders to ensure the protective order network maintains correct and up to date information (e.g., audits protective orders to ensure the correct expiration dates);
3. serves as the Administrative Office of the Courts' (AOC) representation on the Domestic Violence Offender Treatment Board (required by [UCA § 63M-7-702\(h\)](#)) and many other boards (e.g. Domestic Violence Fatality Review Board, Domestic Violence Advisory Council, Trauma-Informed Commission, VAWA Committee, Sexual Violence Council, etc.);
4. provides training to court staff, judicial officers, and other stakeholders (the DVPC trained nearly 1,400 individuals during CY21 on domestic violence, sexual violence, dating violence, protective orders, stalking, sexual human-trafficking, and trauma-informed care). The DVPC's training efforts have assisted the AOC's Education Department during legislative audits and legislative cycles where the legislature has inquired about the judiciary's domestic violence and sexual violence training;
5. implements best practices and procedures for cases involving domestic violence, sexual violence, dating violence, stalking, protective orders, and sex-trafficking. These best practices include the Domestic Violence Compliance Docket Pilot Program, domestic violence assessments, trauma-informed protective order forms, and more;
6. develops and maintains resources for court patrons experiencing domestic violence and sexual violence (e.g., domestic violence resource book, escape button for protective order webpage, etc.);
7. develops and maintains resources for the judiciary to address domestic violence, sexual violence, and trauma (e.g., domestic violence offender treatment provider list, sexual violence bench book, etc.);
8. manages the VAWA STOP Abuse Program grant and OVW Rural Domestic Violence, Dating Violence, Sexual Assault and Stalking Program grant;
9. serves as the national point of contact on behalf of the Utah Courts for domestic violence, sexual violence, dating violence, protective orders, and stalking; and
10. conducts other activities related to domestic violence, sexual assault, and trauma.

Tab 9



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: Information Technology – Essential Software Funding
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$1,096,000.00	\$1,096,000.00

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

To advance access to justice in Utah by improving & maintaining the Courts' information technology 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. All of these requests will enable the Courts to move forward in our efforts to serve the people of the state of Utah in a way that protects them as they interact with the Courts.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

A. Windows 10 Enterprise Upgrades and Software Assurance - \$135,000

In 2020 the courts signed an Enterprise Agreement 1,400 licenses for Windows Enterprise including 3 years of Software Assurance. That purchase was \$401,674 (\$133,891 per year) Software Assurance continues our licensing for the Windows operating system ensuring we can continue to upgrade to the latest and most secure version. As this is a subscription service, should we not renew, we would have to purchase 1,400 licenses on a different agreement. Keeping our desktop operating system up to date is a key piece of ensuring the security of our computing environment.

Our original 3 years of Software Assurance ends in May of 2023 and we have the option to renew our EA (Enterprise Agreement) for 3 years at \$403,648 (~\$135,000 paid annually).

B. Increased cost of Google licensing for Enterprise Plus - \$148,000

The courts migrated to Google in 2012. Since that time we have paid the same amount annually for Google Basic licenses. There have been no cost increases for 10 years. This year Google notified

us that G Suite Basic is no longer available and will be shut down in July 2022 and we must upgrade to G Suite Enterprise Plus. The courts utilized one time funding to cover the first year of this increased cost. This request is to cover the ongoing funding.

Since 2019 we have been prepared and notified the AOC we anticipated costs on Google to increase by up to four times the cost of our current amount. After aggressive negotiations IT was able to come to a 4 year agreement on our Google renewal adding us to the State Contract getting the cost down to \$257,278 per year.

C. Increased cost of Webex licenses for Courts - \$38,000

Over the course of the last 2 years video conferencing, specifically Webex, has become an integral part of the judicial branch. Providing enhanced access to justice and reducing travel costs state wide. In early 2022 the Courts' renegotiated a contract with Cisco for Webex expanding licensing to all employees and adding Webex 5000 and Webex Calling. The contract was negotiated to run concurrently with our Cisco Security renewal in Dec. This request for ongoing funding will cover the additional annual amount of the new contract.

This request ties into the \$11M IT received for Access to Justice through ARPA approved in the FY2021 Special Session. The portion of the ARPA funding granted for courtroom/technology upgrades for hybrid hearings, remote interpretation, remote appearance and evidence presentation rely on adequate Webex licensing for court staff for Meetings, Events, Webex 5000 and Simultaneous interpretation. Without the appropriate software licensing the hardware will not function as designed.

D. Continued software licensing for Clean Slate Legislation (Senzing) - \$25,000

The clean slate programming was performed in partnership with Court IT and Code for America. We use the Senzing software to assist with the name matching. The key advantages of the Senzing solution was the name matching system that incorporated common sense and culturally aware name matching techniques on top of the standard machine learning algorithms best suited for handling spelling errors. Another key consideration was how the software handled clerical errors. We wanted to make sure the software was able to accommodate the inconsistencies inherent in long lifecycle data sources. This request is for ongoing funding to continue utilization of this valuable software.

E. FTR - \$220,000

Currently the courts utilize the desktop version of FTR (For the Record) software to capture digital recordings of court procedures for 167 courtrooms. The individual desktops in the courtrooms are backed up to a local server in our Storage Area Network (SAN). This is the official court record. We have a 9 year retention policy for the court recordings. Maintenance of the desktop software places a high demand on time for our support staff as does maintaining the 25+ TB of storage for historical recordings. Any court proceedings currently captured via Webex recording require local court staff to perform a manual process to convert and upload those recordings to the official repository.

This request is for ongoing funds to cover the increased cost associated with migrating to the FTR cloud platform. This transition offers multiple benefits to the current process. With this becoming a web interface rather than locally installed software the local support staff will no longer have to maintain versioning/patching of local software. The server costs to store the data (with redundancy) with our fat client configuration are substantial, migrating this storage to the cloud will eliminate future costs encumbered in maintaining current hardware for this storage need.

F. Add licenses for remaining 560 court employees to Microsoft M365 - \$80,000

In FY23 the courts received \$65,000 of the \$72,000 requested in ongoing funds from the legislature to move 580 users from perpetual Microsoft Office licenses into the M365 cloud. This request is for the additional ongoing funding to move the remainder of our user base to this platform.

In addition to a significant ongoing cost savings for the courts moving away from perpetual licensing,

this also ensures that all employees remain on the most current and most secure version of this software.

G. AEM (Adobe Experience Manager) - \$150,000

We are requesting funds for our ongoing cost for the courts website and forms for the public, which is going through a redesign. This request ties into the \$11M IT received for Access to Justice through ARPA approved in the FY2021 Special Session. The Court website is an important communication tool for the public for access to the courts. Court users frequently report difficulty finding the information they need on the website. Our aging website needs a comprehensive rebuild in order to meaningfully serve the public. We anticipate a thorough process that identifies stakeholders, conducts user research to identify the most important information-seeking tasks, and simplifies the public navigation of our site.

We are planning an inclusive design to ensure that users accessing our online resources from their mobile devices have the same experience as users connecting from a laptop or desktop. Our website serves different stakeholders, including self-represented litigants, court staff, attorneys, the media and the general public. What we are building is a new design for the website that has an optimized user experience, improved search results, improved accessibility, ADA accommodations, responsiveness, improved consistency and content quality. Regardless of who visits our website, we want them to be able to quickly find helpful and relevant information to meet their needs.

H. Adobe eSignatures - \$300,000

The request is to cover ongoing costs for AdobeSign. The Courts IT has been busy building tools to bring the courts to the public, providing access to Justice, accessibility and leaving a lasting impact. Tools like Mycase offer the ability for ProSe in District, Justice and Juvenile court to be able eFile documents that would go to a clerical queue to review and accept or revise. With the ability to efile documents we also need to include an efficient workflow for digitally signing. The ability to efficiently improve the workflow for signing of documents digitally across all of the different case types and documents types and the various permutations of users on the documents from Judges, Commissions, Clerical, Attorneys, and the Public.

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

The mission of the Utah State Courts is to provide an open, fair, efficient, and independent system for the advancement of justice under the law. The Utah Courts' are recognized nationally and internationally as a leader in both access to justice and use of technology to meet this mandate..

The Utah State Courts lead in many efforts to advance access to justice through a variety of initiatives. These initiatives include e-filing in the district and juvenile courts, the Online Court Assistance Program (OCAP), the Self-Help Center, and Online Dispute Resolution (ODR). The ongoing funding being requested will allow us to maintain and increase our current level of both productivity and security ensuring we are good stewards of the information provided to us and needed from us by the citizens of Utah.

- A. Renew EA licensing for Windows desktop operating system - \$135,000**
- B. Forced upgrade to court Google licenses. First price increase since 2012. - \$148,000**
- C. Cover increased costs of licensing for Webex for the courts - \$38,000**
- D. Clean Slate - Senzing Software continued costs - \$25,000**
- E. Cover increase costs migrating court recordings (FTR - For the record) to the cloud - \$220,000**

- F. Migrate remaining staff from unsupportable/end of life Microsoft Office 2010 software and cover deficit created on previous funding to fully cover all court employees. - **\$80,000**
- G. Covers yearly costs for **AEM (Adobe Experience Manager)** website and forms - **\$150,000**
- H. Cover costs for **Adobe eSignatures** - **\$300,000**

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

The \$1,096,000 ongoing general fund will be used as follows:

Continued software licensing for Clean Slate Legislation (Senzing) - \$25,000

- A. Continued licensing for 1,400 Windows Enterprise (desktop operating system) - \$135,000
- B. Increased cost of Google licensing for Enterprise - \$148,000
- C. Increased cost of Webex licenses for Courts - \$38,000
- D. Continued support for Clean Slate legislation software Senzing \$25,000
- E. FTR migration to cloud platform - \$220,000
- F. Add renaming 560 court employees to Microsoft M365 - \$80,000
- G. AEM (Adobe Experience Manager) - \$150,000
- H. Adobe eSignatures - \$300,000

See previous response for detail.

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

All requests are either to address costs encumbered by the courts through one time funding for initiation, increased costs due to expanded utilization, or price increases encountered this year. The Windows licensing and Google are expenses to maintain the courts current license levels and allow us to continue providing value to the citizens of Utah. These resources (e.g. Webex, Senzing, AEM, Adobe eSignatures, FTR) allow the Court to continue to create new value and increased efficiencies for the public, the legal community and Court staff.

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

A. Renew 1,400 Windows 10 Enterprise licenses \$135,000.00

In 2020 the courts purchased 1,400 licenses for Windows 10 Enterprise including 3 years of Software Assurance. That agreement was \$401,674 (\$133,891 per year) Software Assurance continues our licensing for the Windows operating system ensuring we can continue to upgrade to the latest and most secure version. Our original 3 year agreement ends in May of 2023 and we have the option for a new EA for 3 years at \$403,648 (\$134,549.30 paid annually). If we do not renew we will no longer have Windows licenses and will have to purchase 1,400 licenses.

We have visited with Microsoft and should we choose not to renew, we do not own the existing licenses as this is a subscription. We would be forced to find funding to start a new agreement. Based on an industry standard price increase of 5-15% annually we can expect our cost to be \$461,925.10 to \$582,427.30.. That would be \$153,975.03 to \$194,142.43. For fiscal responsibility continuing our existing agreement an additional 3 years is a substantial cost savings and ensures the courts remain on a secure and updated version of our desktop operating system.

B. Increased cost of Google licensing for Enterprise - \$148,000

The courts migrated to Google along with the state in the spring of 2012. Since that time we have been paying the same amount for our annual renewal of Google licenses. We were notified this year by Google that our grandfather licensing for G Suite Basic would no longer be available and we have to move to G Suite Enterprise based on us having more than 300 users. One time funding was approved by the Judicial Council to cover this cost increase for FY22. We are requesting ongoing funding to cover this cost increase.

C. Increased cost of Webex licenses for Courts - \$38,000

Prior to the pandemic, the Courts were holding video hearings in some portions of the state for things like first appearance and law and motion. In December of 2019 the Courts migrated from a legacy video conferencing system (Vidyo) to the Webex platform with licensing for 180 users. When COVID hit, the Courts had to react quickly to the need to conduct as many hearings via video to ensure we met our patrons' constitutional right to speedy access to justice. With the need to do this more broadly we used one-time money to expand our footprint with WebEx to all Judges, Justices and critical court staff. In early 2022 we renegotiated our contract with Cisco for Webex increasing licensing to cover all users and adding new features listed above. We need to maintain this capability and seek ongoing funds to do so.

D. Continued software licensing for Clean Slate Legislation (Senzing) - \$25,000

This specific software was selected after careful analysis of competing packages because of several key factors of the Senzing software that yielded the best results:

1. The software was clearly focused around matching individuals and all of our key identifiers: name, dob, address, ssn, driver's license, phone and email.
2. The software was pre-trained against comparable data sets and able to recognize widely differing formats for names, addresses and dates of birth.
3. The software handled data entry, transcription and optical character recognition errors flawlessly.
4. The software was particularly impressive when it came to address matching. There were many non-obvious address formats the software was able to match.
5. 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.

E. FTR - \$220,000.00

The courts have relied on FTR for the last two decades for our recording of hearings. FTR Cloud software accomplishes multiple objectives. Additionally on the cloud platform court recordings can go automatically from WebEx to the FTR cloud saving considerable Judicial Assistant time with what is currently a manual process. We can transfer all prior FTR recordings into the cloud, freeing up current server space and eliminating the need to purchase more server space for FTR in the future or replace the current hardware when it is no longer viable. Provides the capability for customers seeking court audio recordings to access the court recording they want by payment. Those recordings stay accessible for the future. This eliminates the need for sending audio recordings via a thumb drive and reduces out of pocket postage and material costs.

F. Add licensing for remaining 560 court employees to Microsoft M365 - \$80,000.00

The courts have relied on Microsoft Office products because it is the standard for documents in the legal field. To support the work of the courts we need Microsoft software. Previously we received \$65,000 in ongoing funding which allowed us to move 580 users to the subscription platform (courts had to cover \$7,000 out of one time monies). There are still over 700 devices across the state that have MS Office 2010 installed. This version of Microsoft ended support for this package in October 2020 so it is no longer patched for security. This puts the courts at higher risk of cybersecurity attacks. This \$80,000 request is to begin to complete our migration of licensing for our remaining

user base to the MS Office 365 subscription.

G. AEM (Adobe Experience Manager) - \$150,000.00

The courts current website is noticeably outdated and difficult to navigate in both form and function. Utilizing the Adobe Experience Manager as we resign our site will provide a vastly enhanced experience accessing court information online. This resource will advance access to justice addressing ADA Accessibility, mobile navigation and a more streamlined online experience for the public, attorneys and employees utilizing our online resources.

H. Adobe eSignatures - \$300,000.00

Expedited process for signing documents, enhanced security over current signing methodology, improved workflow across various user groups and highly competitive pricing based on utilization of other Adobe products.

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

All requests are either to address costs encumbered by the courts through one time funding for initiation, increased costs due to expanded utilization, or price increases encountered this year. These requests (Windows, Google, M365) are to cover ongoing costs to maintain core technology needs within the courts. The remaining resources (e.g. Webex, Senzing, AEM, Adobe eSignatures, FTR) allow the Courts to continue to create enhanced access to justice, increased efficiency, and maintaining our ability to fulfill the core mission of the courts.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

The statewide purpose is to continue and enhance and maintain our current systems in pursuit of access to justice. The mission of the courts is to provide an open, fair, efficient and independent system for the advancement of justice under the law. Insufficient attention to core IT requirements places every key element of this mission at risk: the open nature of the legal system, its ability to conduct business in a fair manner, its efficiency, and its ability to operate successfully as an independent branch of government.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

Utah Constitution, Article V, Section 1 and Article VIII, Section 12.

Utah Code, Title 78A, Title 78B, and Title 80.

No statutory changes are necessary in connection with this request.

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

This request has been vetted and approved by the judiciary's Budget & Fiscal Management Committee, and the Judicial Council. As an independent branch of government, no other entity but the judicial branch should be expected to submit this request nor execute implementation of outcomes.
The judiciary has also consulted with DTS to ensure it aligns with their strategy and approach.

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

None

What are the long term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

This is an ongoing funding request and will continue past the 2 year budget window.

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

This request will benefit all court locations throughout the state. The Webex in particular will benefit smaller more geographically dispersed locations reducing time and travel costs between locations.

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

The Budget and Fiscal Management Committee and the Courts Finance group will ensure funds are expended as requested.

Tab 10



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH –Third District Court
Request Title: Jury Department FTE Request
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$233,100	\$233,100

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

Funding for this request will support the 31 judges and thousands of prospective jurors in the Third District. The Third District has the largest volume of cases statewide with approximately 50% of the district level cases in the state being assigned to the Third District. Each month, the Third District jury team distributes approximately, 10,000 qualifications forms to prospective jurors.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

Currently, there are three time-limited judicial assistants assigned to the Third District Court Jury Department. These positions have been funded with ARPA dollars since July 1, 2021 and are approved through FY23.

The purpose of this request is to obtain ongoing funding for three FTEs which will replace the three time-limited judicial assistant positions currently being funded by ARPA.

The cost for each of these positions is approximately \$77,700, with the total annual cost of \$233,100 for three full-time permanent (FTE) judicial assistant positions.

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a

General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

Since January, 2021, the Third District Court has been conducting virtual jury selections for all jury trials, both criminal and civil. Virtual jury selection has proven to be an efficient and tremendously successful process and will continue to be used in the Third District Court regardless of COVID-19.

As we have discovered after conducting approximately 300 virtual jury selections since January 2021, it is more efficient and convenient, results in fewer failures to appear (FTAs), and protects the health and safety of the jurors and trial participants. The virtual selection process eliminates the need for large groups of people to be in a courtroom together for extended periods of time. In addition to efficiency and safety, the virtual selection process offers a great convenience to jurors, attorneys, parties, and to the courts. By appearing virtually, prospective jurors are not required to travel to their respective court sites for selection, locate parking, and for many, do not have to obtain childcare. Improving the juror experience increases individual willingness to serve as a juror, which may help to instill greater public confidence. Attorneys prefer virtual jury selection because it is a uniform process (instead of 31 different processes based on nuances with each judge), they are provided the juror questionnaires in advance, have the opportunity to interact with jurors in their own homes or work environments, and are able to participate in virtual jury selection from their own offices. Judges prefer this virtual process because it is more efficient and less work for their judicial assistants and bailiffs. Most importantly, virtual jury selection reduces the foot traffic in the building and the potential of exposure to COVID-19.

Currently, the Matheson (Salt Lake) jury department is the “hub” for all Third District Court sites (Salt Lake, West Jordan, Tooele and Silver Summit). All Third District jury selections are facilitated by the Matheson jury team and once selected, jurors report to their respective court sites for the trial. By centralizing the virtual jury selection and using well-trained judicial assistants, the Third District Court is able to conduct up to seven jury selections per day. Since January, 2021, the Third District has facilitated approximately 300 jury trials. The ability to facilitate this large number of jury trials has positively impacted the backlog of cases created by the pandemic. Due to the convenience and efficiency, most jurors, judges, attorneys, and parties are supportive of continuing virtual jury selection indefinitely.

The implementation of the virtual selection process has resulted in a significant decrease in the number of FTAs. In the six months preceding the pandemic, the average number of FTAs per month was 141. The full Third District Court bench resumed jury trials in January, 2021. Since that time, the average FTAs have dropped approximately 70% to an average of only 43 FTAs per month.

The jury team consists of a case manager and six judicial assistants, with three of the six judicial assistants being classified as time-limited positions. These time-limited positions are critical to the operations of the jury department and to the virtual jury selection process. Without these positions, the court would no longer have adequate staffing to continue virtual jury selection. This reduction in staff would directly impact the efficiency of the process and would result in a significant decrease in the number of jury selections that could be facilitated on a given day.

Currently, these positions are classified as time-limited and the experience in recruiting and retention for these positions has proven to be difficult. Recruitment for time-limited positions has proven to be more difficult because many qualified candidates desire the security of a permanent position. Due to the uncertainty of ongoing funding for time-limited positions, many hired into these types of positions ultimately choose to transfer to permanent positions when an opportunity arises. One of the court's goals is to have an experienced group of jury clerks who are able to improve and expand the jury selection process, particularly as it relates to underrepresented groups.

In addition, the creation of permanent positions will allow the court to continue to refine and improve the virtual jury selection process and share the knowledge and experience we have gained over the past 18 months with other districts throughout the state. We expect future improvements to include updating the website and making it more juror friendly, revising jury communications, exploring ways to expand juror participation by underrepresented groups, and providing training and other assistance to other districts in the state.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

Cost per full-time position:

- \$42,200 annually (\$20.19 hourly)
- \$35,500 benefits
- Total: \$77,700 per position

Total annual request for three positions: \$233,100

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

The value of funding these three positions with ongoing instead of ARPA funds will be the certainty of continuing the virtual selection process. Ongoing funding will ensure the court's ability to provide a convenience to the citizens of the Third District as well as directly impacting the mission of the court in providing people with an open, fair, efficient and independent system for the advancement of justice under the law.

The value may be measured by:

- Time savings and convenience in facilitating jury selection virtually versus in person.
- The 70% decrease in the number of FTAs and the associated administrative work required for notices and calendaring.
- A reduction in the cost of parking and public transportation that is charged to the State through Jury, Witness and Interpreter funds.
- The value to the community of those who were previously summoned and failed to appear because of the inability to miss hours of work or to secure child care.
- The virtual process will significantly reduce the carbon footprint by limiting the number of people required to drive to their respective court site appear in person.
- Jurors, parties, attorneys, judges, and staff satisfaction with the virtual jury process.
- Hiring for permanent positions versus time-limited positions directly impacts the rate of staff turnover. Lower staff turnover results in more seasoned staff being available to assist with the jury process as well as a reduction in time and resources for training new employees.
- Improvement in the juror selection process, including expanding participation by underrepresented groups.
- Increased juror participation in JPEC evaluations.
- Assist other districts with virtual jury selection as needed.

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

In March 2021, the Chief Supreme Court Justice of California appointed an Ad Hoc Workgroup on Post-Pandemic Initiatives. The purpose of the workgroup was to identify, refine, and enhance successful court practices that emerged during the COVID-19 pandemic to increase access to justice, modernize services,

and promote uniformity and consistency in these practices going forward. The following is a brief summary of their report on virtual jury selection:

The use of technology and innovative best practices for jury operations has been instrumental in enabling courts to continue to serve the public and provide access to justice during the pandemic. The courts have been successful in these efforts, as indicated by the widespread innovation they have exhibited and creative strategies they have utilized to adapt their day-to-day operations and hold jury trials for various case types.

Virtual jury selection provides new paths to modernize and improve upon existing technology that can eliminate the need for most prospective jurors to appear in person, expedite voir dire, and lessen the disruption caused by jury service on jurors' daily lives. During the pandemic, several courts developed or expanded the use of virtual tools to select jurors using remote technology. Presenters to the workgroup described the ways that implementing or enhancing virtual juror selection has helped to save valuable time and resources for jurors, attorneys, and the court. These tools have allowed courts to convene juries in a timely manner, which has helped substantially in easing the backlog of cases many courts continue to face due to the pandemic. Virtual jury selection platforms also act as a uniquely and particularly powerful tool in handling challenges for cause, peremptory challenges, and any subsequent motions made regarding the exercise of such challenges.

The innovative practices in jury selection mentioned above were reported to have substantially eased burdens on prospective jurors and assisted courts in lessening their growing case backlogs during the pandemic. Continued use of these practices may result in further efficiencies, increased access to the public, and greater diversity in juries across the state

https://www.courts.ca.gov/documents/Ad-Hoc-Workgroup-on-Post-Pandemic-Initiatives_Improving-the-Juror-Experience-Report.pdf

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

The virtual jury selection process has streamlined and modernized the selection process. For years, hundreds of jurors would be summoned each week to appear in person and be at the court for hours waiting to be selected and/or released. Prior to the pandemic, an alternative way of juror selection had never been explored. Now, the Third District along with other courts around the country are functioning and thriving in the modern age of technology. This innovative process has increased the overall efficiency of jury selection in the Third District Court and allowed Third District to conduct more than 300 virtual jury selections since January 2021, which has greatly impacted the COVID-19 backlog of jury trials.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

The statewide purpose of this project is to increase efficiency and accessibility in the jury selection process. Virtual jury selection meets all of the criteria of the court's mission by providing an open, fair and efficient process.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

Utah Code 78B-1 Jury and Witness Act. This request does not require any statute changes.

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

The Court has coordinated with the District Attorney's Office, Attorney General, Legal Defenders Association, the Utah State Bar (including the Litigation Section), and attorneys from large and small law firms as well as solo practitioners. These attorneys have been almost universal in their desire to continue virtual jury selection indefinitely for almost all types of criminal and civil cases.

Jury selection is unique to court operations. By authorizing another agency, local government entity or third party to provide jury services would potentially compromise the fairness of the process.

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

This request is to reclassify the three time-limited judicial assistants assigned to the Jury Department to permanent full-time FTE positions. This will require an ongoing funding obligation for salaries and benefits.

What are the long term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

The three time-limited judicial assistants are critical to the Third District jury department operations and the virtual jury selection process. This request is for ongoing funding for these positions.

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

All prospective jurors in the Third District (Salt Lake, Toole, and Summit counties), prosecutors, defense counsel, local bar members and the judiciary will benefit from this request.

In addition, as we are able to solidify the jury department with experienced permanent employees, we will continue to explore ways to improve the jury selection process and expand participation by underrepresented groups.

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

By centralizing virtual jury selection with one jury team instead of jury selection being facilitated by the judges' individual judicial assistants, the Third District Court will be able to gather and analyze data regarding the efficiency and effectiveness of virtual selection. This will ensure the virtual jury selection process is not creating inequities and unintended distributional consequences.

Tab 11



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: Tribal Outreach Program Coordinator
Request Priority:
Requesters: Amy Hernandez

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$64,900.00	\$64,900.00

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

This budget request seeks ongoing general funds funding for a 50% portion of the Tribal Outreach Program Coordinator's (TOPC) position so that the TOPC can serve with the 50% of their time not already pledged to the uses of time required under the three grants as the liaison to Utah's eight Native American Nations on matters outside of grant-funded activities (grant-funded activities include domestic violence projects and Indian Child Welfare Act projects). The TOPC works towards developing and improving relationships between Utah's Native American Nations and the Utah State Courts. By funding a 50% portion of the TOPC's position, the TOPC will have the flexibility to address matters outside of grant funding that judicial leadership and Nation leadership highlight for intervention. This flexibility will allow the TOPC to develop and strengthen the Utah judiciary's relationship with the Nations. The amount of funding for 50% of the TOPC is \$64,900.

In 2019, the Administrative Office of the Courts (AOC) created the TOPC position to lay the foundation for relationships between the Utah State Courts and the eight Tribal Nations within Utah. Court personnel and community stakeholders highlighted critical issues such as the Missing and Murder Indigenous Women's Crisis (MMIWC) and the Indian Child Welfare Act (ICWA) that impact both the state courts and the Native American Nations. Fortunately, grant funding supported the courts' efforts to establish new relationships and strengthen existing relationships with Utah's Native American Nations. As a result, the TOPC:

1. serves as the liaison between the judiciary, the eight Native American Nations, the Utah Division of Indian Affairs (established by the Utah State Legislature to promote a government-to-government relationship between the state of Utah and the eight Nations), Restoring Ancestral Winds (Utah's statewide tribal coalition; a non-governmental agency that advocates on behalf of the Nations and Native Americans), and other stakeholders on matters related to domestic violence, sexual violence, MMIWC, and ICWA;
2. works with the Domestic Violence Program Coordinator to ensure compliance with the Full Faith and Credit provision of the Violence Against Women Act (i.e., working with judicial assistants to enter tribal protective orders into the Statewide Domestic Violence Network correctly as required by [UCA § 78B-7-116](#));
3. provides training to court staff, judicial officers, and other stakeholders on best practices for working with tribal courts and Native American court patrons;
4. implements best practices and procedures for cases involving ICWA, MMIWC, and domestic violence and sexual violence cases involving Native American court patrons and tribal courts;
5. develops and maintains resources for Native American court patrons experiencing domestic violence and sexual violence;
6. develops and maintains resources for the judiciary to facilitate communication and collaboration with tribal courts; and
7. develops and maintains resources for the judiciary to increase access to justice for Native American court patrons involved in state court cases.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

Currently, the TOPC is funded full-time by three grants:

- (1) the VAWA Stop Abuse Program grant (referred to as the VAWA grant),
- (2) the Court Improvement Program grant (CIP grant), and
- (3) the OVW Rural Domestic Violence, Dating Violence, Sexual Assault and Stalking Program grant (OVW grant).

We seek to reduce the \$121,000 in grants that fund the TOPC position to only 50% of total TOPC costs and replace the grant funds with general funds.

The VAWA grant currently supports both the TOPC position and the Domestic Violence Program Coordinator (DVPC) position. In total, the AOC receives \$75,000 each calendar year in VAWA funding. The VAWA grant currently pays for 12.5% of the TOPC's position (salary and benefits of \$14,719). This funding also pays for the hourly costs and benefits of the DVPC (total cost to grant: \$50,862). The remaining \$9,418 is used for travel costs for both positions and printed resources for court patrons.

The AOC also receives approximately \$450,000 each calendar year in CIP funding.² The CIP grant pays 25% of the TOPC's position (salary and benefits of \$29,438).

The AOC also receives funding from the OVW grant to support 62.5% of the TOPC's position (salary and benefits of approximately \$77,000). Unlike the VAWA and CIP grants, this grant is time-limited and will expire in September, 2024.

Although grant funding is available to support the TOPC's position, the TOPC's scope of work is limited by grant constraints. Through these three funding sources, the TOPC may only work on

issues related to ICWA and VAWA (i.e., domestic violence, dating violence, stalking, sexual violence, sex-trafficking, and protective orders) when working with Utah's Native American Nations. These areas are not sufficient to meet the needs of Utah's state judiciary, the Native American Nations, and Native American court patrons. **Often state judicial leadership and Nation leadership request services from the TOPC such as training materials, project management, intermediary services, and more for a vast range of judicial topics. Unfortunately, the TOPC cannot provide these resources due to grant limitations.**

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

Currently, there are eight tribal nations spread across Utah.¹ These sovereign nations maintain their own laws, jurisdictions, and sometimes tribal courts. Although these Nations remain separate from Utah's state government, many Native and non-Native residents cross between reservation land and state land (e.g., may live on the reservation, but their place of employment is on state land or vice-versa). This movement may occur more frequently in areas such as Duchesne County and Uintah County, where state lands interweave with the Ute Indian Tribe of the Uintah and Ouray Reservation land (graphic below).



As a result, court patrons across Utah may have cases that arise in both the state courts and tribal courts. These cases may have orders that overlap or conflict due to the lack of communication between state and tribal courts. Additionally, orders issued in state courts may impact operations within the Native American Nations and vice-versa. The state courts may issue a protective order based upon an incident that occurred on state land for a Native American petitioner which is later enforced by the Nation's law enforcement on the reservation. In contrast, a tribal court may issue a protective order which a petitioner brings to the state courts for registration on the Statewide

¹ Utah Division of Indian Affairs. (2022). Tribal Nations. Retrieved from <https://indian.utah.gov/tribal-nations/>

² Id.

Domestic Violence Network. Despite being in separate jurisdictions and maintaining sovereignty, the actions of the Nations impact the state courts and vice-versa.

Due to these effects, the state courts need to increase and improve communication with the Nations. To increase and improve tribal-state communication, the Center for Court Innovation³ recommends the creation and maintenance of a tribal-state forum. This forum must be supported by a dedicated staff member (i.e., a tribal liaison).⁴ This forum becomes a dedicated space for judicial leaders and Nation leaders to collaborate and build best practices together while the dedicated staff member provides program support (e.g., drafts recommended policy changes, develop materials, manages proposed projects, etc.). State courts in Arizona, Idaho, California, New Mexico, and many other locations have implemented this model and reported great success in collaborating with the Nations in their states.

In addition to other state courts, the executive branch and legislative branch of Utah have adopted similar approaches to collaborating with Utah's Native American Nations. In 2014, Governor Hebert issued his Executive Order on Tribal Consultations which required state agencies to develop formal tribal consultation policies, designate agency officials to serve as the point of contact for intergovernmental work with the Nations and engage in "regular and meaningful" consultation with the Nations.⁵ As a result, each state agency under the executive branch maintains a designated tribal liaison.⁶

Similarly, the Utah State Legislature has developed and maintained the Native American Legislative Liaison Committee (NALLC) in accordance with [UCA § 36-22-2](#). The NALLC serves as the liaison on behalf of the Utah State Legislature and works with the Nations to propose legislation that supports both the interests of the state of Utah and Utah's Native American Nations. Overall, both branches have recognized the need for meaningful communication with the Nations and have appointed dedicated liaisons to establish and continue communication with Utah's Native American Nations.

Recognizing this communication gap within the Utah Courts, the AOC created the TOPC position in 2019 through grant funding. Initially, grant funding only supported a part-time position (five hours a week), but AOC staff secured additional grant funding over time and increased the position's hours to full-time in 2021. From 2019 to now, the TOPC has served as the liaison between the judiciary and the eight Native American Nations on grant-funded issues such as domestic violence, sexual violence, MMIWC, and ICWA. As a result, the TOPC has established meaningful and regular communication with the Nations regarding these issues.

As the TOPC has increased and improved communication with the eight Native American Nations about grant-funded matters, the Nations have approached the TOPC on other issues, including requesting TOPC participation on various committees (ex., Governors Native American Summit Planning Committee, attend monthly State Agency Liaison Meetings) which is outside the stated uses grant funding. Due to grant limitations, the TOPC cannot address these issues and has

³ The Center for Court Innovation is a nationally-accredited agency which provides expertise to courts for policies, programs, and administration. <https://www.courtinnovation.org/about>

⁴ Arnold, A. F., Reckess, S. C., & Wolf, R. V. (2011). State and tribal courts: Strategies for bridging the divide. *Center for Court Innovation*. Retrieved from <https://www.courtinnovation.org/publications/state-and-tribal-court-strategies-bridging-divide>

⁵ Utah Governor's Office. (2014). Executive Order on Tribal Consultations. *The Office of Administrative Rules*. Retrieved from <https://rules.utah.gov/execdoks/2014/ExecDoc155570.htm>

⁶ The Utah Division of Indian Affairs posts the list of designated tribal liaisons on their website. It can be found here: <https://indian.utah.gov/resources/state-agency-liaisons/>

turned some of these issues over to the Public Outreach Coordinator (POC) to address. Unfortunately, the POC does not have the established relationships and liaison experience with the Nations to address various matters which has led to missteps with Nations in the past. As a result, this lack of flexibility in the TOPC's position has caused a lack of consistency in communication (i.e., went from one designated person to multiple individuals) and is confusing for the Nations. It has slightly damaged the courts' relationship with the Nations.

Ongoing funding to support a portion of the TOPC's position would correct this issue as it would give the TOPC enough flexibility to address other issues important to the Nations and state judicial leadership. The funding would also provide consistent communication to the Nations (i.e., one point of contact; one liaison). With ongoing funding, the TOPC could serve as the liaison between the state judiciary and tribal governments for all judicial matters.

The Courts would redeploy the grant funding spent on the TOPC position to other grant eligible expenditures.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

In total, the Tribal Outreach Program is requesting \$64,900 to fund 50% of the TOPC's position costs and travel costs. For the TOPC's position costs, \$59,000 will support the hourly costs (1040 hours x \$34.82= \$36,200) and cost of benefits (\$22,800). The Tribal Outreach Program anticipates that the travel costs for the program will be \$5,900 for the year. The travel costs are as follows:

- mileage costs: 5,000 miles x \$0.56 (higher rate) = \$2,800,
- hotel costs: 20 nights x \$110 (the highest hotel rate in Utah) = \$2,200, and
- per diem costs: 20 days x \$45 (includes breakfast, lunch, and dinner) = \$900.

These travel costs are required to visit Utah's Native American Nations in their locations.

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

It is anticipated that ongoing general funding for a portion of the TOPC's position will create many benefits for the Utah Courts and the state of Utah as a whole. If funded, the TOPC will:

- develop a tribal consultation policy for the Utah State Courts;
- improve access to the courts for Native American court patrons seeking or already party to state court services;
- identify and assess areas where conflicting orders may occur between the state courts and tribal courts;
- develop and maintain a tribal-state court forum in accordance with best practices;
- implement evidence-based procedures to improve the judiciary's communication and collaboration with the Nations;
- increase interagency collaboration to determine if modifications to judicial rules, policies, and procedures would be in the best interest of the state of Utah and Utah's Native American Nations; and
- provide training resources to the state judiciary to promote trauma-informed and culturally-informed state court services.

If approved for funding, the TOPC would submit a quarterly report to the Judicial Council on program outcomes. This report would be similar to the consultation reports submitted by other state

agencies as required by Governor Herbert's Executive Order on Tribal Consultations.⁷ The quarterly report would detail the following outcomes:

- efforts for continued collaboration (i.e., meeting dates, agencies present, and reasons for meeting),
- any changes to rules, policies, and procedures that could impact the Native American Nations,
- any documented feedback from the Native American Nations and/or state judges for the program,
- resources provided to the Nations or the state judiciary,
- program successes,
- program barriers, and
- any other information deemed necessary by the Judicial Council.

To track improvements such as access to justice for court patrons involved in court processes, interagency collaboration, or judiciary needs, the TOPC will administer community needs assessments to court patrons, agency stakeholders, Nation leadership, and court personnel. These community needs assessments would gather data to ascertain:

- needs for the Nations, court patrons, stakeholder agencies, and the state judiciary,
- program strengths,
- gaps in training, communication, and resources, and
- impacts of previously implemented solutions.

The TOPC will track and report data from the community needs assessments and any interventions that arise in response to issues reported in the community needs assessments.

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

In their guide "State and Tribal Courts: Strategies for Bridging the Divide," the Center for Court Innovation compiles best practices for collaborating with Native American Nations.⁸ They strongly recommend implementing a tribal-state forum with a dedicated staff member to serve as a tribal liaison. The National Council of Juvenile and Family Court Judges (NCJFCJ) also argues that authentic and organized tribal collaboration and partnership is critical when providing any services that may overlap with tribal court or Nation jurisdiction.⁹ Both agencies have provided guidebooks on how to establish effective tribal collaboration models such as forums or joint hearings.

Several state courts have implemented these tribal collaboration models with dedicated liaisons. These states include Arizona, Idaho, Kansas, Michigan, Nebraska, New Mexico, Washington, and more.¹⁰ Upon speaking with Arizona's and Washington's Tribal Liaisons and Forum Chairs, they reported several anecdotal measures of success ranging from improved tribal-state judicial collaboration on justice initiatives to reports of improved state court services for Native American

⁷ Utah Governor's Office. (2014). Executive Order on Tribal Consultations. The Office of Administrative Rules. Retrieved from <https://rules.utah.gov/execdoks/2014/ExecDoc155570.htm>

⁸ Arnold, A. F., Reckess, S. C., & Wolf, R. V. (2011). State and tribal courts: Strategies for bridging the divide. Center for Court Innovation. Retrieved from <https://www.courtinnovation.org/publications/state-and-tribal-court-strategies-bridging-divide>

⁹ NCJFCJ. (2022). Tribal stakeholder collaboration. In *About ICWA Courts*. Retrieved from <https://www.ncjfcj.org/child-welfare-and-juvenile-law/icwa-courts/>

¹⁰ Walking on Common Ground. (2021). Tribal-State Court Forums: Intergovernmental Collaborative Strategies to Improve Public Safety. *Office of Justice Programs*. Retrieved from <https://www.ojp.gov/ncjrs/virtual-library/abstracts/tribal-state-court-forums-policy-brief>

court patrons. The Office of Justice Programs through the U.S. Department of Justice completed an analysis of these dedicated tribal collaboration models with liaisons and their findings corroborate the reported successful outcomes from Arizona's and Washington's Tribal Liaisons.¹¹

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

This request will streamline and modernize state government by establishing meaningful and regular communication with the Nations in all areas of judicial oversight. This request also ensures that the judicial branch mirrors tribal liaison efforts made by the executive and legislative branches. Overall, the request will ensure that the Utah State government, in its entirety, provides consistent, holistic, and effective communication with the Nations.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

If funded, this request will increase and improve communication between the state courts and Utah's Native American Nations. In accordance with the Utah Courts' mission, a dedicated tribal liaison (with the flexibility to address a variety of issues, not just grant-funded topics) will ensure an open, fair, and efficient system for the advancement of justice under the law. This request improves openness, fairness, and efficiency by:

- soliciting input from the Nations to create informed and fair state court policies;
- streamlining communication between the state courts and the Nations (i.e., one person representing the courts with one voice instead of having multiple, possibly conflicting voices representing the state courts to the Nations);
- reducing the number of conflicting orders issued for a court patron involved in both the tribal courts and state courts;
- creating a forum to develop new and innovative approaches to justice (e.g., joint hearings, smudging¹² by appropriate tribal representatives in state court hearings for Native American court patrons, etc.);
- increasing access to justice for Native American court patrons (particularly in rural areas),
- training court personnel on trauma-informed and culturally-informed state court services; and
- providing consistent, holistic, and effective communication from the Utah State government (all three branches) to the Nations.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

This request does not require any statutory changes.

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

The TOPC has coordinated with representatives from each of the eight Native American Nations, Restoring Ancestral Winds, tribal court representatives, state court administration, civil attorneys, prosecutors, defense attorneys, victim advocates, and various non-profits about areas of concern that impact both the state courts and the Native American Nations.

¹¹ Id.

¹² Smudging is a cultural ritual practiced in some Native American Nations that purifies a space and/or person. This ritual promotes healing. Some state courts allow smudging in their courts as part of their tribal-state forum initiatives.

Due to the separation of powers, it would be inappropriate for another agency to serve as a tribal liaison on behalf of the state courts. Other departments within the AOC do not have the capacity, nor the knowledge to serve as the tribal liaison effectively.

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

None.

What is the long-term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

The AOC anticipates the follow resources and policy changes will be needed to increase and improve collaboration with the Nations in Utah:

- the development of a formal tribal consultation policy,
- the creation of a tribal-state court forum,
- funding to secure transportation and accommodations for Nation leadership to attend collaboration meetings,
- funding for state judges to visit tribal nations,
- funding to implement innovative approaches to justice (e.g., joint hearings),
- funding to expand the program if additional needs are identified,
- funding for judges and staff to attend nationwide training events pertaining to Native American issues outside of grant focused areas, and
- funding to host joint tribal court and state court conferences.

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

All Utahns (Native and non-Native) will benefit from this request. As the state courts establish meaningful communication with Utah's Native American Nations on all matters (not just grant-funded areas of concern), court patrons will see:

- fewer conflicting orders between the state courts and the tribal courts,
- trauma-informed and culturally-informed state court policies and procedures,
- increased access to services (particularly in rural areas), and
- innovative approaches to providing court services (e.g., joint tribal and state court hearings; court patrons may only need to attend one location if they have cases in both jurisdictions).

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

This request should not result in any inequities. In contrast, this request should prevent and reduce existing inequities. Through regular communication and project management, the TOPC can ensure that:

- meaningful consultation with Nations about the impacts of all state court policies and procedures occurs;
- active state court and tribal court orders do not conflict (will prevent agency and court patron confusion over which order to follow);
- the best interests of the state courts and the Native American Nations are represented and executed where possible; and

- Native American court patrons can access state court services, particularly in rural areas or areas with many access to justice barriers.

Tab 12



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: District Court Law Clerk Attorneys
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$961,200	\$961,200

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

The **District Court Law Clerk Attorney** request is seeking ongoing funding for nine (9) District Court Law Clerk Attorneys. One of the nine Law Clerk Attorneys will be assigned to work with the newly appointed water law Judges and the remaining eight (8) Law Clerk Attorney positions will be allocated equitably to the eight judicial districts to provide one Law Clerk Attorney for every two District Court Judges.

The Law Clerk Attorney plays a crucial role in providing an open, fair, efficient, and independent system for the advancement of justice under the law. Under direction of a Court Executive, a Law Clerk Attorney directly assists Judges by performing delegated judicial activities to ensure fair and efficient court proceedings. Such work may include conducting in-depth legal research, drafting legal case opinions, and creating trial briefings. A Law Clerk Attorney may also manage evidence, draft schedules, communicate with Attorneys and clients about the progress of their case, record statements from witnesses, assist in a courtroom during a trial, and other similar activities so that courtroom decisions may be guided by well-informed, principled analysis.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

There are currently 32 Law Clerk Attorneys serving 77 District Court Judges. 30 of the existing positions are funded with ongoing general fund and two positions are funded with one-time turnover dollars. In addition to funding seven new Law Clerk Attorney positions, this request will convert two positions currently funded with one-time funding to ongoing funds.

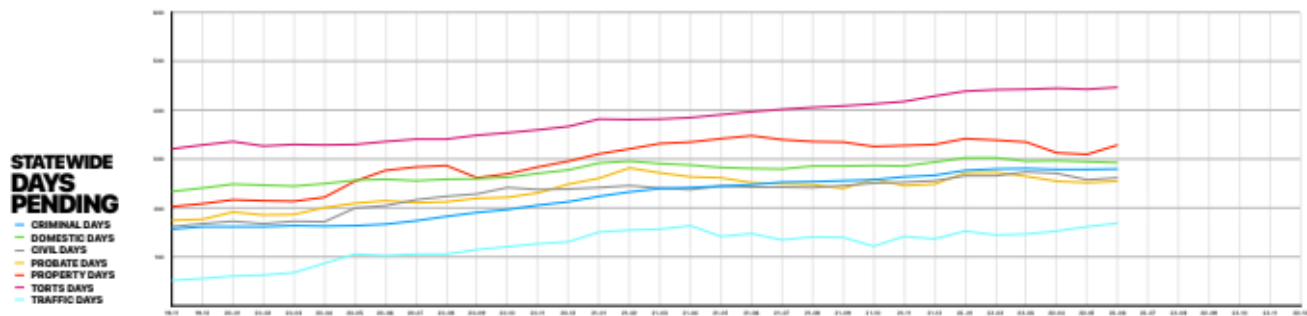
What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

District Court Judge caseloads keep increasing year to year. On May 11, 2021, a memorandum went out to the members of the Management Committee of the Judicial Council highlighting some of the recent interim weighted caseload studies that were undertaken by the Administrative Office of the Courts. Some of the findings, in the District Court Judicial Weighted Caseload show Judges across the state have been working at 100% and above of the standard workload for the last 6 years. Law Clerk Attorneys are not meant to replace Judges, but adding more Law Clerk Attorneys would help bridge the gap between Judge hours needed and Judge hours available. In essence, the new Law Clerk Attorneys would alleviate some of the workload for Judges.

Caseload as % of Standard (Total Hrs.Needed / Total Avail. Hrs.)						
District	FY17 (1-yr)	FY18 (1-yr)	FY19 (1-yr)	FY21 (3-yr)	FY22* (2-yr)	% Change
1	91%	104%	97%	93%	96%	2%
2	93%	96%	97%	96%	99%	4%
3	117%	120%	110%	105%	109%	4%
4	105%	108%	106%	101%	106%	5%
5	109%	119%	117%	101%	104%	3%
6	103%	105%	108%	109%	110%	1%
7	69%	70%	78%	77%	81%	5%
8	111%	111%	99%	101%	104%	3%
State	106%	110%	105%	101%	105%	4%

Adding more Law Clerk Attorneys could have a positive impact on time to disposition for Judges because a Judge could spend less time with research and writing and more time in the courtroom. The data below shows the number of days pending continues to increase, which indicates Judges would benefit from more help from Law Clerk

Attorneys to process cases through the system in a more effective and efficient manner.



As of July 1, 2022 there are thirty-two Law Clerk Attorney positions allocated in District Courts across the state to support 77 District Court Judges. A recent survey of District Court Judges and Law Clerk Attorneys indicates that:

- Typically, three Judges share one Law Clerk. When fully staffed, the average statewide ratio is one Law Clerk Attorney to every 2.4 Judges. Several Judges report sharing a single Law Clerk Attorney with five or more Judges.
- Judges spend considerable time conducting legal research and writing that could be done by a Law Clerk Attorney.
- Judges report that having adequate Law Clerk Attorney resources to conduct research and prepare bench briefs would help them better prepare for complicated hearings.
- Because dockets are so full, Judges report not having enough time to complete in-depth research that they would like to have completed.
- Adequate Law Clerk Attorney resources would help Judges be better prepared to rule from the bench and take fewer cases under advisement.
- Because Judges do not have adequate Law Clerk Attorney resources, Judges often complete work that could be completed by Law Clerk Attorneys.

It has been a goal for several years to fund enough Law Clerk Attorneys to give one Law Clerk Attorney to every two District Court Judges. At present, an average of 2.4 Judges shares one Law Clerk. Other states, such as Colorado and Georgia, have one Law Clerk for every District Court Judge. Funding from this request for six new Law Clerk Attorneys will allow the courts to assign one Law Clerk to every two Judges, which is conservative compared to other states.

The Judicial Council recently adopted a new rule (CJA Rule 6-104) to provide a mechanism for assigning certain water law cases to Judges who have agreed to develop expertise in water law. One of the FTE Law Clerk Attorney positions would be designated as a water Law Clerk Attorney, similar to the position dedicated to capital litigation research. This would be an efficient approach to closing the knowledge gap—most of our Law Clerk Attorneys do not have the necessary expertise for addressing complex water law cases. Moreover, because this is a specialized area of the law with cases that sometimes continue for decades, the most efficient way to assist our water law Judges would be to have a dedicated water Law Clerk Attorney. The efficacy of the courts' capital litigation specialist demonstrates the merits of an approach that would allow for the development of specialized knowledge and promote higher quality decisions.

Of the thirty-two Law Clerk Attorney positions, thirty positions are funded through general funds and the equivalent of two full-time positions are funded with one-time funding. These two positions have been paid by one-time funding since 2015.

We are asking for nine (9) Law Clerk Attorneys. Seven (7) District Court Law Clerk Attorney, of which, one (1) water Law Clerk Attorney that would be a dedicated Law Clerk Attorney / research specialist for the new water law Judges. Additionally, we are asking that two (2) of the current 32 Law Clerk Attorneys that are currently with judicial branch one-time funding needs to be converted to general funding.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

The objective of this request is to obtain ongoing funding for seven (7) District Law Clerk Attorneys.

The cost for each Law Clerk Attorney at \$32 / hour is \$110,000 per position, for a total of \$770,000

The conversion of one-time funding for two (2) Law Clerk Attorneys to ongoing funds will cost a total of \$191,200

Total request = \$961,200

Creating Value

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

District Court Judicial Weighted Caseload studies for the last several years show that the number of hours needed for Judges across the state to accomplish their work exceeds the number of hours available. Adding more Law Clerk Attorneys would help bridge the gap between Judge hours needed and Judge hours available and alleviate some of the workload for Judges while providing much needed assistance.

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

With an adequate number of Law Clerk Attorneys we can help reduce workload for Judges. Judges spending less time researching can spend more time in consultation with the Law Clerk Attorney and more time in the court room.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

Judge caseloads keep increasing, as per the data above. On May 11, 2021, a memorandum went out to the members of the Management Committee of the Judicial Council highlighting some of the recent interim weighted caseload studies that were undertaken by the Administrative Office of the Courts. Some of the findings, in the District Court Judicial Weighted Caseload, show Judges across the state have been working at 100% of the standard for several years. Adding more Law Clerk Attorneys would help alleviate some of the workload for Judges. While Law Clerk Attorneys are not a replacement for judicial officers, providing Law Clerk Attorney support for Judges is more cost effective than adding additional Judges.

Adding more Law Clerk Attorneys could have an impact on time to disposition for Judges because a Judge could spend less time with research and writing and more time on the bench.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

NA

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

The Administrative Offices of the courts is making this request. Other agencies have not been involved.

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

This request is for ongoing funding. There is no O&M or any multi-year scale up component related to this request.

What are the long-term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

The expectation is that these positions would be permanent or at least funded for as long as the case filing, and judicial workload studies indicate the positions are necessary for effective operation of the court. The Administrative Office of the Courts will continue to conduct regular judicial weighted workload studies to determine the number of Law Clerk Attorneys needed to support Judges across the State.

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

District Court Judges and Attorneys, but ultimately court patrons who are involved directly with the Utah State Court

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

There are no known potential inequities. The funds for these new positions would go towards salaries and benefits that are clearly defined, which eliminate any unintended distributional consequences.

Tab 13



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: ODR Program Administrator
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$0	\$120,000	\$120,000

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

Online Dispute Resolution (ODR) Program Administrator, to be housed under the Self-Help Center.

ODR is a system of resolving legal disputes using an online platform, removing the need for parties to physically come to the courthouse. It has been euphemistically called "pajama court" because it allows parties to handle their cases from the comfort of their home, in their pajamas if they wish. Our ODR program has come very far – we need a dedicated employee to focus on the program to take our operations to the next level.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

This is a request for ongoing funding to pay for one program administrator for the ODR program. The request for ongoing funding is new, but ODR has been operating on a shoestring budget since 2018. The process requirements for the ODR system were developed using funds from an SJI grant. The ODR program is currently administered by a contractor, Nancy McGahey. Ms. McGahey has been working under a series of one-year contracts since fiscal year 2020. She is the only person paid by the courts who focuses on ODR. Her current contract is for \$43,200, which is paid for using Court's one-time funds. Ms. McGahey is seeking to retire and does not intend to renew her contract for another year, but she has indicated a willingness to extend her contract on a short-term basis to train her replacement and pass along her knowledge and expertise.

Utah Supreme Court Standing Order No. 13¹ details the nature of the ODR program. Paragraph one of the Order says that the objective of the ODR program is to improve access to justice, with a goal of dispensing speedy justice between parties. This is aligned with the mission of the Self-Help Center (SHC), which also focuses on improving access to justice and works to assist self-represented litigants achieve fair and efficient resolution of their cases.² The SHC has six full-time employees: five staff attorneys and one self-represented litigant patron coordinator (responsible for administering OCAP and transitioning the courts out of OCAP and into MyCase). All of these positions are paid for with general funds.

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

What problem would be solved with additional funding?

ODR has begun to revolutionize how all courts operate. Utah is on the cutting edge of this revolution. Our courts were the first in the nation to implement ODR. We have been operating without many costs to the state until now, but if we want our program to continue to flourish, we need a dedicated employee to help take ODR to the next level, which looks like:

- Addressing how to scale the program, which is run using volunteer facilitators
- Managing the system and developing metrics for success
- Working with community partners and social services agencies to engage them with the process and leverage their resources to maximize fairness and access to justice
- Coordinating with other organs in the judiciary to ensure that as the program grows it continues to operate seamlessly

ODR has been operating since 2018 and has been considered by the Judicial Council since 2015. The Council approved preliminary work on ODR on September 22, 2015. An ODR workgroup was formed (current membership includes justice court judges, representatives from IT, justice court administration, district court administration, the Alternative Dispute Resolution (ADR) program, and the SHC). The program began operating in a pilot phase in the fall of 2018. Based on promising results during the pilot, the Board of Justice Court Judges voted to expand ODR statewide, and the Council sanctioned the expansion on June 22, 2020. The ODR Workgroup has endeavored to fulfill this objective. As of February 2022, about two-thirds of all small claims are processed through ODR, including the busiest justice court locations in the state (Ogden, West Valley City, Provo, Salt Lake City, Salt Lake County, and Taylorsville).

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

Our performance and growth with ODR on a shoestring budget has been impressive. Processing cases through ODR saves time. Because defaults are handled through the system, the number of small claims cases that need to be scheduled for trial has dramatically reduced. Data shows that about 50% of cases settle through ODR, further reducing the number of scheduled trials. Hearings that do occur proceed more quickly, and anecdotal observation suggests that parties are more prepared for trial and bring more evidence to trial because they have meaningfully discussed the dispute and have focused on the factual points of disagreement. Because of all this, judges and judicial assistants handling these cases are saving time. We could do much more with a dedicated employee focusing on ODR.

¹ Available at: <https://www.utcourts.gov/rules/urapdocs/13.pdf>.

² See Utah Code 9-7-313.

Addressing how to scale

We need someone to support our volunteer facilitators, think carefully about how our program can run within the existing model, or to develop a new model and help the courts pivot in that direction.

There are challenges with scaling our program using volunteers. Expanding requires facilitator capacity to work the cases.³ Facilitators are volunteers, receiving no compensation for their work. New cases are assigned to facilitators automatically in the ODR system, based on a ratio for each facilitator compared to the total volume of new cases. When a facilitator quits or goes on hiatus, there is a greater shared workload for the rest of the volunteers and the system automatically assigns more cases to the other facilitators. This means that, without constant vigilance by an administrator, if there is a dramatic uptick in case filings or a dramatic decrease in facilitator availability, the work of the other facilitators can become overwhelming, which can in turn lead to facilitators quitting, leading to ever increasing work for an ever-shrinking number of facilitators. When this happens, the administrator (or in this case our ODR contractor, Ms. McGahey) must function as a release valve, absorbing the extra work of the cases to not overwhelm the facilitators; sometimes this means manually reassigning several cases. Facilitators are asked to check on all their assigned cases at least once per 24-hour period Monday through Friday and at least once every 48-hour period over a weekend. Facilitators might request to be on hiatus while they take a vacation or are otherwise unable to monitor their cases daily. Two facilitators have quit this year and four others have requested to be placed on hiatus. We previously had 19, but now only have 13 active facilitators. These volunteers handle an average of about nine cases at any one time. We cannot expand to any other court locations without recruiting more volunteers. Recruitment efforts have targeted mediators, small claims pro tem judges, and other people working in allied professions. We have also contacted the paralegal program at Salt Lake Community College and have posted the volunteer opportunity on the utcourts.gov website.

Facilitators play an important role in helping parties to understand their rights, obligations, and options. They also function as light technical support for parties who are not tech savvy. Columbia Law School's Community Advocacy Lab evaluated our ODR program with an eye toward possible expansion into district court debt collection and eviction cases.⁴ Their deep dive into the system involved a review of the existing publications regarding Utah's ODR system, a comparison of other court systems that have implemented ODR, court rules, and interviews with stakeholders affected by, or potentially affected by, the program. Columbia's report underscored the importance of facilitators and contemplated further empowering them to provide robust evaluative information to help level the playing field in ODR.

A dedicated employee can help us thread the needle regarding growth and facilitators. There are a number of possible solutions to this challenge, some of which might have funding implications (such as paying for facilitators), but others do not. Other possible solutions could involve restructuring how the program operates, pulling in community partners for more engagement, or building frameworks to evaluate when a case should or should not be facilitated, or how much facilitation a case should receive. In short, the ODR workgroup has ideas on how to solve this problem, but needs a dedicated resource to further develop and test these ideas so that we can keep moving forward.

Managing the system and developing metrics for success

ODR is new – a dedicated employee can monitor emerging best practices and help us identify and incorporate those best practices and help us develop clear metrics of success.

Since the courts started using ODR, the International Council for Online Dispute Resolution⁵ (ICODR) articulated standards for all forms of online dispute resolution, such as accessibility, accountability, equality (ensuring that offline privileges and disadvantages are not replicated online), security, and transparency.⁶

³ See Supreme Court Standing Order No. 13, paragraph 6 (requiring that an ODR facilitator be assigned to a case “no later than 7 days after at least 2 parties have registered for an ODR account”).

⁴ The analysis from Columbia Law School is on file with the SHC/Law Library director.

⁵ A nonprofit consortium developed by the National Center for Technology and Dispute Resolution to promote standards for technology-assisted dispute resolution.

⁶ The complete list of standards is available at: <https://icodr.org/standards/>.

Additionally, the American Bar Association has an ODR taskforce and is working on promulgating its own model ODR standards, but they have not been released yet. The dynamic nature of ODR requires intentional focus and attention to these new developments to analyze the implications of new standards and emerging best practices for our program and identify where our program can improve. A dedicated employee can help us to be our best.

One area for improvement is to articulate clear metrics for success. Our contractor, Ms. McGahey, is working with our data team to begin work on measuring outcomes and other measures of success for facilitators. The National Center for State Courts (NCSC) evaluated our ODR system, releasing a report titled “Impact of the Utah Online Dispute Resolution (ODR) Pilot Program: Final Report,” dated December 10, 2020. The report articulated a few different measurements, such as the manner of disposition, settlement rates, default judgment rates, and community engagement. Another report from the University of Arizona evaluated our ODR program and looked to user testing, framing success around the user’s comfort with technology and the ODR process.⁷ Some of ODR administrator’s time would be focused on gathering information that is more cumbersome to collect, but critical to optimizing the program, such as user testing. We need an employee to help us decide which metrics are the most appropriate measures of success, build tools to gather information on these metrics, and then monitor the measurements regularly.

Because Utah is on the leading edge of ODR, we can expect that more best practices will emerge, and new innovations might indicate the need for us to pivot in our approach. Additionally, many scholars are writing about state courts right now and developing new theories about how courts can and should respond to the ballooning access to justice crisis.⁸ Many of these ideas will involve deploying technology in novel ways that implicate ODR. We need a dedicated employee to think deeply about ODR and help us to wield this new technology to operationalize the best ideas out there and make our courts more open, fair, efficient, and independent.

Working with community partners

As courts move online, the services that were available in physical locations near the courthouse also need to be moved online. This can include access to legal services, social services, and other community-based organizations. Engaging such organizations to support ODR and providing pathways for our users to connect with these services will take time to develop relationships, build trust and buy-in for ODR, and then to grapple with what implementation looks like. This will require a dedicated staff member.

Engaging with community partners is fundamental to taking our ODR to the next level and was implied when ODR was first considered by the Judicial Council. Minutes from the Judicial Council meeting on September 22, 2015, show that ODR was hoped to provide:

1. individualized assistance for self-represented litigants,
2. a collaborative approach to resolution among parties,
3. a level playing field for self-represented litigants, and low-income individuals, and
4. asynchronous communication between the parties.

Building asynchronous communication was relatively easy but building a level playing field or individualized assistance will be hard, and we probably can’t do that alone. The report from the NCSC and the evaluation from Columbia Law School both recommend that we do not try to do this alone, but work with communities

⁷ Stacy Butler, Sarah Mauet, Christopher Griffin, Jr. & Mackenzie S. Pish, “The Utah Online Dispute Resolution Platform: A Usability Evaluation and Report,” September 8, 2020, available at: https://law.arizona.edu/sites/default/files/i4J_Utah_ODR_Report.pdf.

⁸ See e.g. Daniel Wilf-Townsend, Assembly-Line Plaintiffs, 135 Harv.L. Rev. 1704, May 10, 2022, available at: <https://harvardlawreview.org/wp-content/uploads/2022/04/135-Harv.-L.-Rev.-1704.pdf> (proposing that courts take a more inquisitorial approach instead of an adversarial approach to high volume claims, and suggesting “batch processing” of high-volume claims); Colleen Shanahan and Jessica Steinberg, Alyx Mark, and Anna Carpenter, the Institutional Mismatch of State Civil Courts, 122 Colum. L. Rev. 1471, 2022, available at: https://columbialawreview.org/wp-content/uploads/2022/06/Shanahan-Steinberg-Mark-Carpenter-The_Institutional_Mismatch.pdf (documenting how state courts have become “emergency rooms” and articulating the need for state courts to evolve as democratic institutions).

engaged in the work of helping people so that we can refine our system and support litigants. Building the next iteration of the system with community partners can help us to surface issues debtors have, help to increase buy-in for the program, and help us understand how best to incorporate self-help resources. Co-designing the system with community members at the table can help fulfill all of the original goals of ODR and move the needle on access to justice, but it will take time and resources in the form of a dedicated employee to do this important work.

Coordinating with other organs in the judiciary

ODR impacts several other areas within the judiciary. The pilot rules are written by the Supreme Court, and when the system is statewide, the Advisory Committee on the Rules of Civil Procedure will consider any needed changes to the newly revised Rules of Small Claims Procedure. Whenever ODR expands to new justice court locations, careful coordination is required with the Judicial Institute and justice court administration. When ODR was first launched, general counsel was involved; that is not the case now, and if significant changes are contemplated in the system, counsel will need to be re-engaged to ensure that the system operates consistently with our policies. The ADR program will need to continue to provide guidance and assistance, as ODR is a form of alternative dispute resolution. We might need more grant funding and will need to coordinate any spending with our finance department. And, of course, any recommended or needed changes in the system will have to be coordinated with Courts' IT. If we are to engage community-based organizations to work with us to improve ODR, and if we are to monitor and evaluate whether our system comports with best practices, we can expect to need more system refinements and help from our IT department. We anticipate that we will need to implement technical, rule, and process changes as the system grows and evolves and as society learns how to use ODR in ways that comport with concerns regarding fairness and neutrality. We need a dedicated employee to pay attention to all aspects of ODR and to coordinate efforts to address issues within the existing organs of the judiciary, whether they be rulemaking bodies, counsel, court administrators, or IT.

What has been done or considered to address this problem with existing resources?

Each member of the ODR Workgroup has other responsibilities and works on the program in-between other duties. We have largely relied on Ms. McGahey to pay careful attention to problems and issues as they have arisen, but funding for her contract expires in one year. The NCSC report was paid for out of an SJI grant. The University of Arizona usability report was paid for by the Pew Charitable Trust. The report from Columbia Law School was free to the courts. In 2021 the Administrative Office of the Courts placed responsibility for ODR with the SHC/Law Library director. The SHC/Law Library director is able to help identify access to justice issues but does not have the time to give ODR the full attention it needs and deserves.

MyCase is an analogous resource but is different in nature and much smaller in scope. The courts received funding, starting July 1, 2022, to hire a dedicated employee to focus on MyCase. For the next few years this employee's focus will be to help get MyCase operational and then to help the courts move away from OCAP; without a dedicated focus on that project, the courts could end up needing to renew a contract with Abacus (formerly known as HotDocs), meaning we would be straddling two system and paying to maintain both of them. Once the transition from OCAP to MyCase is complete, we do plan to implement some user testing within MyCase, but only for guided interviews and some functionality within the system. With the depth of each interview, the need to add more interviews to the system, the need to keep our interviews and pleadings current and address bugs within the system as they arise, this employee will not have capacity to take on more duties. Additionally, metrics for success within MyCase will be different than metrics for success within ODR (looking at user engagement and abandonment rates, not outcomes or rates of settlement). Expansion within MyCase will be focused on adding additional features and functionality, which will not have the significant impacts on court operations that ODR will. We do hope that MyCase will be able to help expand some self-help resources and to improve user engagement somewhat, but those changes are anticipated to be more cosmetic and less substantive. MyCase is different from ODR. ODR needs its own dedicated employee.

What were the results, including any efficiencies or savings that were identified or could be redirected?

ODR makes the courts more efficient. There are fewer hearings scheduled, but anecdotal evidence from West Valley City Justice Court (the court using ODR the longest) is that JAs are still busy. We anticipate that litigants will be able to file documents electronically in small claims cases in calendar year 2023; when that happens, we expect to see extra capacity with clerical resources in our justice courts. At this time, we do not know whether the justice court clerical resources could help with ODR facilitation or with some other aspect of the program, or whether they will be needed to address some other need at the justice court level. Further, any cost savings at the justice court level would not translate to savings for the state, because justice court employees are paid for with municipal funds while state court employees are paid for with state funds. For administrative purposes, the ODR administrator should be housed within the Administrative Office of the Courts to enable them to manage ODR with an eye on the entire state.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

The entirety of these funds would pay for one program administrator for ODR. Given the current labor market, we anticipate needing to hire toward at least the upper-middle range for a program administrator position. Paying \$34 per hour would cost, with all employee benefits, \$120,000.

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

Funding an ODR program administrator will bring intentional, consistent, and dedicated focus to ODR. The system has been implemented for most small claims cases throughout the state. We have come very far in our journey to implement ODR, but we cannot travel farther without a dedicated employee to chart a course forward. ODR adds efficiency for courts and helps parties to access the court more conveniently. We also expect the position to allow for more community engagement and to focus on litigant needs, further expanding access to justice.

The administrator will articulate goals for the program that can be measured and monitored. The administrator will also bring a focus on implementing ODR in a way that advances openness, fairness, efficiency, and independence within the judiciary. We anticipate that the people of Utah will be able to engage with ODR in a way that is more open, fairer and helps to level the playing field for first-time users of the Court system.

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

Citations to published works are footnoted throughout. Court data is based on information obtained from the courts' data team.

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

This request streamlines and modernizes the courts. ODR is likely the future of how courts will operate. It allows court users to engage with the courts from anywhere they have internet connectivity. Since the start of the pandemic, numerous operations went remote. ODR also makes courts dramatically more efficient, allows parties to engage with their case remotely at times when it is convenient for them, and still holds the promise of leveling the playing field and expanding access to justice. It seems inconceivable that we will be moving away from remote options for engagement with all aspects of government. Utah has been on the cutting edge in this arena, and other states look to how we have and will implement ODR when they consider their own possible ODR initiatives. In the ODR context, one would be hard pressed to find a court system that is more modern than the Utah State Courts. But we won't stay effective in this area without a dedicated employee to steward the program into the future.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

This is squarely in line with the courts' mission, to make the courts more open, fair and efficient. It is also consistent with the legislative command in Utah Code 9-7-313, which calls for the establishment of a Self-Help Center that helps people fairly and efficiently resolve their cases.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

Article VIII, Section 4 of the Utah Constitution directs the Utah Supreme Court to adopt rules of procedure to be used in courts of the state. Utah Code Title 78A, Chapter 8 creates small claims courts. Utah Supreme Court Standing Order No. 13 creates the Small Claims Online Dispute Resolution Pilot Project and rules for how ODR cases will proceed. Utah Code 78A-2-104 tasks the Judicial Council with the development of uniform administrative policy for the courts and for establishing standards of operation of the courts. The Judicial Council approved ODR for statewide implementation at its regularly scheduled meeting on June 20, 2020.

Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.

The role of the judiciary is to resolve disputes. There is an ODR workgroup with members from justice court administration, district court administration, the Judicial Institute, the courts' IT department, the courts' alternative dispute resolution program, and justice court judges. They are briefed regularly on the ODR program and are aware and supportive of this request.

Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?

ODR is new. We cannot articulate the need for additional funds at this time, but part of the reason we need a dedicated employee to focus on this is to help us identify needs and priorities for the system. Solving the issues regarding facilitator capacity will need to be addressed and could implicate funding needs. Depending on how the courts and the legislature proceed with justice court reform, there could be more needed funding in the future to cope with this not insignificant change.

What are the long term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?

We expect needs to change with ODR, but cannot say how at this time. ODR is a combination of operations, processes and technology that is new to courts across the globe. There are still emerging best practices. We anticipate that needs will evolve as our understanding of this powerful new tool increases. A primary concern in the short-term is to address how the courts will approach facilitation within ODR. Currently, the system relies on volunteer facilitators. We need someone to help identify a way to address that concern. One possibility is to pay facilitators for their time. It is possible that justice court capacity at the clerical level will increase once small claims cases can be initiated online, but we cannot yet say what impact that will have on court staff and their time or availability. We also expect that the Supreme Court will revise the current rules governing small claims procedures, which could have an impact on ODR. If justice court reform proceeds as anticipated, the definition of small claims cases will be dramatically expanded, meaning many more cases will flow through the system, and more resources will be needed to support ODR. We can be more ready to cope with this expected change if we have a dedicated resource focused on anticipating and coping with changes that affect ODR.

Expanding Access and Opportunity

Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?

This will help anyone coming to court in a small claims action across the state. They will be helped by being able to interact with the courts from their home or wherever they choose and having access to a live facilitator to help them understand their options in the case. On the defendant side, that will overwhelmingly be self-represented litigants. Because the ODR program coordinator will focus on user testing and stakeholder engagement, we expect the work of the position to yield a more comprehensively helpful system for court users. Based on national data, we know that most self-represented litigants are “low-income and, in many cases... members of historically marginalized groups.”⁹ Problems related to generational poverty and issues tied to “underlying social problems, including substance use, domestic violence, and mental illness” are also factors driving self-represented litigants to the courts.¹⁰

What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?

This position will be managed by the SHC/Law Library director, an attorney with 13 years of legal experience. The entire purpose of the position is to expand access to justice. The SHC works collaboratively with several court departments and closely with the Courts’ Office of Fairness and Accountability, so we expect to receive feedback from within the courts if this work becomes problematic. The nature of the position is that it will need to regularly engage with all stakeholders affected by ODR and use their feedback to steer the program accordingly.

⁹ Steinberg, Jessica, Demand Side Reform in the Poor People’s Court (2015). 47 Conn. L. Rev 741, 754; available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2613648 (last visited May 20, 2022).

¹⁰ Dina E. Fein, Access to Justice: A Call for Progress, 39 W. New Eng. L. Rev. 211, 212 (2017).

Tab 14



GOVERNOR'S OFFICE OF Planning & Budget

FY 2023 / FY 2024 Budget Request

Agency: JUDICIAL BRANCH (courts)
Request Title: New furniture configuration for Matheson 2nd Floor IT areas
Request Priority:

Amount Requested:

FY 2023 One-time	FY 2024 One-time	FY 2024 Ongoing	Total Request
\$0	\$235,000	\$0	\$235,000

Funding Sources*:

* Additional details on funding sources, timing, and appropriation units will be provided in [Budget Prep](#).
A different form should be submitted for American Rescue Plan Act (ARPA) funding requests.

Background & Budgetary Details

Name and describe the project or program that will utilize the requested resources.

The objective of this request is to obtain funding to reconfigure the IT cubicle area with new furniture in the Matheson AOC second floor area. As we respond to the COVID-19 impact on workers causing more to stay home and "visit" the office, we need to create flexible work locations that provide socially distanced space for employees to attach their device to a docking mechanism that can plug into external monitors, keyboard and mouse. This allows us to replace crowded cubes with safe temporary workspaces. It also will assist an employee or judge that travels to plug in a mobile device and work. As a side benefit, this allows us to add employees without having to add new buildings. This description also incorporates the bold COVID-19 benefit (1) noted above.

Summarize the current budget for the project or program that is being funded. If this is a new project or program, please summarize resources that are available for like-objectives within the agency.

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. This could possibly include reducing the number of individual workstations to 20 and creating flexible collaboration spaces where teams could meet. There may also be an opportunity to build a few modular offices for AOC general use hoteling offices.

The estimated budget is a one-time cost of \$235,000

What problem would be solved with additional funding? What has been done or considered to address this problem with existing resources (including non-General Fund and Education Fund resources if this is a General Fund/Education Fund request) instead of requesting this additional funding? What were the results, including any efficiencies or savings that were identified and have been or could be redirected?

The purpose of this project is to create a more functional work environment based on current trends in office space utilization. The existing +25-year-old systems furniture is too tall and confining in an interior office space that does not have access to natural light. It is time to update the space to maximize the flexibility for team collaboration meetings and eliminate dedicated workspaces that are not used to their full capacity.

Provide an itemized budget, including revenue and expenditure sources, for how the funding will be utilized.

The estimated budget breaks down as follows:

20 workstations at \$8K each = \$160,000

3 modular offices at \$15K each = \$45,000

Flexible use furniture = \$30,000

Total estimated cost = \$235,000

The funding would go towards removal / surplus of the old cubicles, design of the new space, purchase through a State approved vendor and installation of the new furniture / modular offices.

Creating Value

What value will these additional resources create for Utah and how will that value be measured?

- Will allow for flexibility in team meeting scenarios
- Will add a few new hoteling offices that have been reduced over the last year as staff has returned.
- Will create a more pleasant and collaborative work environment for AOC employees
- Improves and supports the remote working experience
- Encourages teamwork and collaboration
- Optimizes office space management
- Increases morale
- Ensures equal access to office resources
- Improves guest managing,
- Productive work environment

Please provide details and sources on any research or analysis that supports the evidence-basis for this request or the associated program (e.g., cost benefit analysis, program evaluation, results from pilot program, etc.).

N/A

Is this request related to an effort to streamline, modernize, or innovate state government? If so, please describe how this request furthers those efforts.

No.

Strategic Planning, Coordination & Thinking Outside the Budget Window

What is the statewide purpose of the project or program funded by this request? How does the request align with the agency's core mission?

This project will only affect the AOC employees at the Matheson Courthouse by providing an updated and modern workspace.

Please provide statutory references that allow or require the activity for which funding is requested and indicate if this request requires any statute changes.

N/A

<p><i>Which other agencies or stakeholders have you coordinated with during the development of this request? Please describe why this activity should be executed by the requesting agency and not a different agency, local government entity or third party.</i></p> <p>The Judicial Council is making this request, which originated with Court Facilities Director, in coordination with the Administrative Office of the Courts. Other agencies have not been involved as it does not impact them.</p>
<p><i>Are there any future funding obligations (operations and maintenance, multi-year scale up, etc.) created by this request?</i></p> <p>No</p>
<p><i>What are the long term funding or policy needs for this project or program outside the current budget window of two years? How should the state prepare to address those longer-term needs?</i></p> <p>None</p>
<p>Expanding Access and Opportunity</p>
<p><i>Which populations or geographic areas will benefit most from this request (e.g., users of a new state park, those eligible for enrollment in a given social service program, rural or urban communities, or all Utahns)?</i></p> <p>Funding for this request will only benefit the AOC employees at the Matheson Courthouse.</p>
<p><i>What safeguards will be implemented to prevent inequities or other unintended distributional consequences as it relates to this request?</i></p> <p>There are no known potential inequities.</p>

Exhibit – Sample Workspaces





Tab 15



FY 2024 - Judicial Priorities Scoring Worksheet

BFMC Ranking Recommendation to Judicial Council - August 4, 2022

Comment

									Maximum Score for each Factor = 10 before weighting			BFMC Final Priority Recommendations
#	Description	Boards Used 1 - 11 Ranking with #1 Being Top Priority				Ongoing	One-time	Additional Description	Evaluation Factor 1	Evaluation Factor 2	Total	
BFMC Ranked Priority			Board of District Court Judges Ranking	Board of Juvenile Court Judges Ranking	Board of Appellate Court Judges Ranking							
		Presenter(s)				Amount	Amount		Weighting - 2x	Weighting - 1x		
1	Fourth District Juvenile Court Judge	Shelly Waite/Judge Doug Nielsen	8	1	4	\$475,000	\$0	Addition of one Juvenile Court Judge in the 4th Juvenile District (Requires statutory change).	10	9	29	1
2	Non-Judicial Legal Expertise - Recruit and Retain	Bart Olsen	1	7	1	\$1,513,100	\$0	Additional funding for positions within the Court that require a Juris Doctor degree to allow for better recruitment and retention.	9	10	28	2
3	Self-Help Center New Forms Attorney	Nathanael Player	7	6	2	\$127,000	\$0	Add an additional staff attorney in the Self-Help Center to assist with drafting and revising court forms.	9	9	27	3
4	Wasatch County Courtroom Addition (Lease)	Chris Talbot	3	2	4	\$163,300	\$0	Funding for a new capital lease with Wasatch County to expand and improve the Court space within the County owned facility.	9	7	25	4
5	Domestic Violence Program Manager	Ron Gordon / Amy Hernandez	4	4	4	\$110,000	\$0	Funding for a full-time Domestic Violence Program Manager. Currently funded as pert time through a VAWA grant.	8	8	24	5
6	Information Technology Essential Software Funding	Brody Arishita	2	3	2	\$1,096,000	\$0	Funding for essential software needs for the Court.	8	7	23	6
6	3rd District Judicial Assistants - Jury Department	Kim Brock/Judge Laura Scott	6	5	4	\$233,100	\$0	Permanent funding for three JA positions for the 3rd District - currently funded with ARPA funding.	8	7	23	6
8	Tribal Outreach Program Coordinator	Amy Hernandez / Jon Puente	10	10	3	\$64,900	\$0	Permanent funding for a Tribal Outreach Program Coordinator.	7	8	22	8
9	District Court Law Clerk Attorneys	Meredith Mannenbach	5	8	2	\$961,200	\$0	Ongoing funding for 9 District Law Clerk Attorneys. Add a program administraton for the Online Dispute	6	6	18	9
10	Online Dispute Resolution Administrator	Nathanael Player	9	9	2	\$120,000	\$0	Resolution program (to be housed in the Self-Help Center)	5	6	16	10
11	Matheson 2nd Floor Workspace Update	Chris Talbot	11	11	4	\$0	\$235,000	Reconfiguration of the IT cubicle area on the 2nd floor of the Matheson Courthouse.	1	1	3	11
NR	Judicial Officer Compensation through EOJCC Comm.		Overall # 1	Overall # 4	Overall # 1							Overall # 1 Ranked Priority

Judicial Priority is of the size that could be funded in June 2023 from Courts' Ongoing Turnover Savings

Note: All Boards use Scoring methodology of a simple ranking with #1 the highest score.

Mission - The mission of the Utah Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

Factor 1 - How essential to accomplishing Courts' mission

Factor 2 - Expenditure provides good return on investment

Scoring Rules

(1) Must award one submission with a "10" score for each factor

(2) Only one submission can earn a "10" for each factor

(3) After "10" score is awarded, multiple submissions can earn the same score.

1x funds will have different pool to draw from and will not compete directly with other Courts' requests

1x funds will have different pool to draw from and will not compete directly with other Courts' requests