

# JUDICIAL COUNCIL MEETING

## AGENDA

**March 16, 2023**

**Meeting held through Webex  
and in person**

**Hyatt Place  
1819 S. 120 E.  
St. George, Utah 84790**

***Chief Justice Matthew B. Durrant, Presiding***

1. 1:00 p.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 1:05 p.m. Oath of Office - Judge Michael DiReda . Chief Justice Matthew B. Durrant  
(Information)
3. 1:15 p.m. Judicial Council Executive Committee Assignment.....Ron Gordon  
(Tab 2 - Action)
4. 1:20 p.m. Chair's Report ..... Chief Justice Matthew B. Durrant  
(Information)
5. 1:25 p.m. State Court Administrator's Report.....Ron Gordon  
(Information)
6. 1:30 p.m. Reports: Management Committee ..... Chief Justice Matthew B. Durrant  
Budget and Fiscal Management Committee ..... Judge Kara Pettit  
Liaison Committee..... Justice Paige Petersen  
Policy, Planning, and Technology Committee ..... Judge Samuel Chiara  
Bar Commission.....Margaret Plane, esq.  
(Tab 3 - Information)
7. 1:40 p.m. Legislative Update..... Michael Drechsel  
(Information)
- 2:25 p.m. Break
8. 2:35 p.m. Fifth District Court Report.....Judge Michael Westfall  
(Tab 4 - Information) Cade Stubbs

- |     |           |  |   |
|-----|-----------|--|---|
| 9.  | 2:45 p.m. | TCE Report .....                               | Russ Pearson<br>Travis Erickson                 |
| 10. | 3:00 p.m. | Utah State Bar Report .....                    | Katie Woods<br>Elizabeth Wright                 |
| 11. | 3:15 p.m. | Utah State Bar Wellbeing Services.....         | Martha Knudson<br>(Tab 5 - Information)         |
| 12. | 3:25 p.m. | Rules for Final Approval and HR Policies ..... | Keisa Williams<br>Bart Olsen                    |
| 13. | 3:30 p.m. | Budget and Grants.....                         | Karl Sweeney<br>Alisha Johnson<br>Jordan Murray |
| 14. | 3:45 p.m. | Old Business/New Business .....                | All<br>(Discussion)                             |
| 15. | 3:55 p.m. | Executive Session                              |   |
| 16. | 3:55 p.m. | Adjourn  |   |

### **Consent Calendar**

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

- 1) Rules for Public Comment  
(Tab 8)

Keisa Williams

# Tab 1

## Agenda

**JUDICIAL COUNCIL MEETING  
Minutes**

**February 27, 2023**

**Meeting held through Webex  
and in person  
Matheson Courthouse  
Council Room  
450 S. State St.  
Salt Lake City, Utah 84111**

**9:00 a.m. – 2:00 p.m.**

***Chief Justice Matthew B. Durrant, Presiding***

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair  
Hon. Keith Barnes  
Hon. Suchada Bazzelle  
Hon. Brian Brower  
Hon. Samuel Chiara  
Hon. Augustus Chin  
Hon. David Connors  
Hon. Ryan Evershed  
Hon. Paul Farr  
Hon. James Gardner  
Hon. Elizabeth Lindsley  
Hon. Thomas Low  
Justice Paige Petersen  
Hon. Kara Pettit  
Margaret Plane, esq.

**Excused:****Guests:**

Hon. Michael DiReda, Second District Court  
FOX 13 News  
Hon. Dennis Fuchs, Senior Judge  
Justice Diana Hagen, Supreme Court  
Hon. Ryan Harris, Court of Appeals  
Hon. Keith Kelly, Third District Court  
Hon. Adam Mow, Third District Court  
Glen Proctor, TCE Second District Court

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Michael Drechsel  
Lauren Andersen  
Brody Arishita  
Shane Bahr  
Katy Burke  
Alisha Johnson  
Jessica Leavitt  
Meredith Mannebach  
Blake Murdoch  
Jordan Murray  
Bart Olsen  
Jim Peters  
Jon Puente  
Nini Rich  
Keri Sargent  
Nick Stiles  
Karl Sweeney  
Sonia Sweeney  
Chris Talbot  
Shonna Thomas  
Keisa Williams  
Jeni Wood

**Guests Cont.:**

Carlos Sabuco, Chief Probation Officer, Third  
District Juvenile Court  
Elizabeth Wright, Utah State Bar



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

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

**Motion:** Judge Paul Farr moved to approve the January 17, 2023 Judicial Council meeting minutes, as presented. Judge Keith Barnes seconded the motion. Judge Connors amended the minutes to remove the word “and” from section five. The motion passed unanimously.

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

Chief Justice Durrant, Ron Gordon, and Michael Drechsel spoke with Stuart Adams, President of the Senate and Brad Wilson, Speaker of the House about various bills. Speaker Wilson expressed his appreciation for the courts and judges. Chief Justice Durrant was thankful for the relationship the Courts have with the Legislature.

Chief Justice Durrant announced that Judge Regnal W. Garff, Jr. passed away. Judge Garff was the first judge to begin working in the Utah juvenile court in 1959. He served for a combined 34 years as a juvenile court judge in what is now the Third District Juvenile Court, and as a founding member of the Utah Court of Appeals, until his retirement in 1993.

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

Mr. Gordon reviewed the Executive Appropriations Committee (EAC) prioritization results from their last meeting, noting that nothing has been finalized at this point.

- 1<sup>st</sup> – Legal expertise \$5,090,000
  - For judges \$3,475,000/\$1,737,500
  - For court-employee attorneys \$1,615,000 (not including a COLA)
- 2<sup>nd</sup> – Fourth District Juvenile Court Judge \$475,000
- 3<sup>rd</sup> – Self-Help Center Attorney \$127,000
- 4<sup>th</sup> – Wasatch County Courtroom \$163,300
- 5<sup>th</sup> – Domestic Violence Manager \$110,000
- 6<sup>th</sup> – Essential Court Operations Software \$987,000
- 7<sup>th</sup> – District Court Judicial Law Clerks \$1,020,700
- 8<sup>th</sup> – Tribal Outreach Program Coordinator \$64,900
- 9<sup>th</sup> – Third District Jury Selection Assistants \$233,100
- 10<sup>th</sup> – Online Dispute Resolution Admin. \$120,000

Based on the EAC’s prioritized funding list, the Courts should get the funding for the Fourth District Juvenile Court Judge, Self-Help Center Attorney, Wasatch County Courtroom, Domestic Violence Manager, one-time funds for the Essential Court Operations Software, Tribal Outreach Program Coordinator, and the Online Dispute Resolution Administrator. There are also indicators that District Court Judicial Law Clerks (9 FTEs) and the Third District Jury Selection Assistants may be funded. If the Law Clerks request is funded, the district court judges would then have one law clerk for every two judges.

Targeted compensation funds in the amount of \$4,097,700 are being considered for the Courts. A portion of these funds may be used to fund the salary increases for court positions requiring a J.D. degree. The remaining funds would be used for other court employees.

The Legislature is considering a 10% judicial increase, which includes a 5% COLA. Mr. Gordon said the Courts do not have the authority to give judges any monetary amounts over what the Legislature provides, such as through discretionary funds. Chief Justice Durrant felt the Legislature was receptive to judicial and attorney increases.

#### **4. COMMITTEE REPORTS:**

##### **Management Committee Report:**

The work of this committee is reflected in the minutes.

##### **Budget & Fiscal Management Committee Report:**

The work of the committee will be discussed later in the meeting.

##### **Liaison Committee Report:**

Justice Paige Petersen said the committee is addressing their position with legislators in regards to SB0129 Judiciary Amendments. She noted that the redistricting of the Courts and the geographical requirement have been removed. Chief Justice Durrant thanked Justice Petersen for her leadership on this committee.

##### **Policy, Planning, and Technology Committee Report:**

The work of the committee will be addressed later in the meeting.

##### **Bar Commission Report:**

Margaret Plane said the Bar has been working on various bills. The Bar is pleased with their wellbeing initiative, finding success with the new free app. The Supreme Court and Bar have had a wellbeing partnership for about five years. There is an IP Summit with more than 300 attorneys that participated. The Bar's Spring Convention is scheduled for next month. The Summer Convention will be held virtually recognizing that attendance has been decreasing over the past several years.

#### **5. PROBLEM SOLVING COURTS RECERTIFICATIONS: (Judge Dennis Fuchs)**

Chief Justice Durrant welcomed Judge Dennis Fuchs. Judge Fuchs presented several problem solving courts for recertification consideration.

**Second District Court, Davis County, Farmington, Judge Robert Neill, Family Dependency Court** - This court meets all the required best practices and all of the presumed best practices except for #35 which states the court should have between 15-125 participants. The Court has now moved back to in-person hearings and has a number of new participants going through orientation.

**Second District Court, Weber County, Ogden, Judge Camille Neider, Adult Drug Court** – This court meets all the required best practices and all of the presumed best practices.

**Second District Court, Weber County, Ogden, Judge Tasha Williams, Family Dependency Court** – this court meets all required best practices and all presumed best practices except #35 which states the court should have between 15-125 participants. The Court believes that the numbers will increase now that they have gone back to in-person sessions.

**Third District Juvenile Court, Salt Lake County, Salt Lake City, Judge Elizabeth Knight, Juvenile Mental Health Court (“Care Court”)** - The court meets all required best practices except for #31, #32, #41, and #42. Most of the participants do not have a substance abuse issue. In addition, the juvenile court statutes do not allow for a significant amount of time to reunify a family or have sufficient time to maintain jurisdiction over a juvenile. So, the requirement of 90 days clean and the program being a minimum of 12 months do not apply. And, the juvenile court does not require juveniles to attend a 12-step program which in the case of mental health clients is not warranted.

This court meets all presumed best practices except the following: #20, #23, #25, #28, #35, and #37. Number 20 requires manualized treatment. When a juvenile has a substance abuse issue the treatment is manualized and documented. However, this treatment is not provided in all cases because most of the participants do not have a substance abuse issue. Number 23 requires participants to go through a preparatory intervention before referral to a 12-step program. Most mental health participants do not get referred to a 12-step program in the juvenile court. Numbers 25 and 28 require referrals from the court for safe housing and job preparation. These participants are juveniles and most still live at home and are not old enough to seek employment. Number 35 requires more than 15 and less than 125 participants. In the juvenile court they are capping most of these programs at 12 participants. Number 37 requires tracking of new arrests and convictions. These are not tracked in the juvenile mental health court. It should be noted that both the team and the judge were fully engaged with the participants and in most cases one of the parents of the participants. The judge showed a tremendous amount of understanding and patience with the participants. The judge spent a considerable amount of time with the participants and the parents.

The Council recognized that there needed to be a checklist specific to the mental health court and requested Judge Fuchs create one for their approval.

**Fourth District Court, Wasatch County, Heber, Judge Jennifer Brown, Adult Drug Court** – The court meets all required best practices. The Court meets all presumed best practices except for #35 which states the court should have between 15-125 participants. Judge Brown reported this is because of the pandemic and that the team is hoping now that the court is back to in-person sessions that the number of participants will increase.

**Fifth District Court, Family Court, Judge Michael Leavitt**

Judge Leavitt, Fifth District Court, informed Judge Fuchs that the last participant of their Family Court has graduated. The Fifth District Court requested the Council suspend the Family Court until they reacquire participants.

### **Second District Court, Family Court, Judge Sharon Sipes**

Judge Sipes received permission from the Judicial Council approximately a year ago to start a new Family Court in Davis County. Those plans were put on hold during the pandemic. The judge had a planning meeting with treatment, prosecution, defense, and family services to discuss the startup of the court.

### **Third District Court, Adult Drug Court, Judge Todd Shaughnessy**

Judge Fuchs informed the Council that Judge Shaughnessy's Third District Adult Drug Court was observed in 2022. There were no problems detected during the observation. It is a well-functioning Adult Drug Court.

**Motion:** Judge Kara Pettit moved to approve recertifying Judge Neill's Second District Family Dependency Court; Judge Neider's Second District Adult Drug Court; Judge Williams' Second District Family Dependency Court; Judge Brown's Fourth District Adult Drug Court; defer certification for 60 days until Council can create a checklist for Judge Knight's Third District Juvenile Mental Health Court; suspend Judge Leavitt's Fifth District Family Court until such time where they have reacquired participants; remove the hold from Judge Sipes Second District Family Court; and approve Judge Shaughnessy's Third District Adult Drug Court. Judge Connors seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Judge Fuchs.

### **6. ADR COMMITTEE REPORT: (Judge Adam Mow and Nini Rich)**

Chief Justice Durrant welcomed Judge Adam Mow and Nini Rich. Beginning in May 2022, the ADR programs offered both online and in-person mediation services. Private ADR providers on the Utah Court Roster report conducting 75% of their mediations online in FY 2022. Ms. Rich explained that they have been taking advantage of new technology platforms, resulting in the reduction of paper.

Ms. Rich said when it comes to deciding whether to hold a mediation in person or virtual juvenile court judges make orders as to mediations, however, private providers conduct divorce mediations. If it is not identified in a judicial order, the default mediation style is virtual. Ms. Rich informed the Council that there are no rules on virtual mediations but stated that she is the decision-maker when parties disagree on how they prefer to hold mediations.

#### **ADR Programs**

- Child Welfare Mediation Statewide (juvenile court cases involving abuse or neglect)
- Co-Parenting Mediation Third District (Utah Code § 30-3-38)
- Divorce Mediation Statewide (Utah Code § 30-3-39)
- General Civil Referrals Statewide (Mediation or Arbitration) (UCJA Rule 4-510.05)
- Restorative Justice Statewide (Juvenile Victim/Offender and Truancy Mediation)
- Probate Mediation Statewide (UCJA Rule 6-506)
- Small Claims Mediation Various Justice Courts
- Small Claims Appeals Second and Third District Courts

### ADR Programs Structure and Rationale

The Utah Court ADR Programs are structured in various ways. In general, if the program is mandatory, there is more interest in quality assurance and require more training, oversight, and evaluation.

- For **General Civil and Probate case referrals** the department administers a Court Roster of private mediators and arbitrators who have met specific education, experience and ethical requirements as outlined in UCJA 4-510.03 and who requalify annually. Parties select their own mediator in these cases.
- For **Mandatory Divorce Mediation** the department has a sub roster of Divorce Mediators who have received additional specialized training and mentoring.
- For **Co-parenting Mediation** referrals, which are required to be mediated within 15 days of filing, the department screens cases, contacts parties, and assigns mediations to a closed roster of private providers with specialized experience and training.
- For **Child Welfare Mediation** cases which are court-ordered and subject to very tight statutory timelines, the department provides court staff mediators hired and trained specifically for these cases.
- For **Juvenile Court Victim/Offender and Truancy** cases, the department provides court staff mediators hired and trained specifically for these case types.
- **Small Claims Mediation** programs utilize trained volunteer mediators and are administered through collaborations with universities and nonprofit community mediation organizations.

### FY 2022 Statistics

- 2,065 cases were referred to ADR Programs that are directly administered by the ADR Office. In addition, more than 5,600 cases were mediated by private mediators and arbitrators, selected by parties.
- 6 ADR staff mediators (5 FTE) were assigned 1,650 Child Welfare mediations statewide. Of those cases mediated, 87% were resolved. (Since 1998, the Child Welfare Mediation Program has conducted over 21,500 mediations for the Utah State Juvenile Courts.)
- 3 Juvenile Justice Mediators (2.5 FTE) were assigned 69 Victim/Offender mediations and 20 Truancy mediations statewide.
- ADR staff arranged 133 *pro bono* Divorce and Co-parenting mediations.
- More than 650 *pro bono* mediations were provided through ADR Program collaborations with nonprofit community mediation organizations and educational institutions.
- The Utah Court Roster lists 188 ADR Providers who reported mediating 5,574 cases and arbitrating 48 cases in FY22. A total of 814 *pro bono* mediations and 44 *pro bono* arbitrations were provided by members of the Court Roster. Thirty-eight new applications and 185 roster re-qualifications were processed by the ADR Office.
- The ADR Committee provides ethics outreach and education through the Utah Mediation Best Practice Guide created by the Committee in 2016. The Committee reviews and updates the Best Practice Guide based on input from outreach efforts, developments in the field of ADR and changes in communications technologies. The Committee has recently drafted a new section of the Guide which covers Best Practice for Online Mediation.

- The ADR Committee continues to review court roster requirements in light of the increase in online mediation and online mediation training.
- In January 2023, the ADR Committee provided Judicial Settlement Conference Training to 18 District Court Judges. The live training was provided in person and via Webex. A second training is scheduled for June 2023.
- ADR Training and information are provided to court personnel through New Judge Orientation and other specialized training sessions arranged for judges, court staff and supervisors.
- ADR Office public outreach and education efforts are ongoing and provided through annual reports, seminar and conference presentations and the ADR Program website.

Chief Justice Durrant thanked Judge Mow and Ms. Rich, noting that he appreciated their work on this program.

## **7. LEGISLATIVE UPDATES: (Michael Drechsel)**

Chief Justice Durrant welcomed Michael Drechsel. Mr. Drechsel said the feedback from the Courts on SB0129 has been carefully considered.

Mr. Drechsel recognized that legislators are trying to solve problems with bill proposals, even when the Courts can't see the problem directly. He noted that their work is sincere in their efforts to make the State a better place.

- The Fourth District Juvenile Court Judge bill is in committee this afternoon and may be in a good position to be funded.
- The credit card transaction fees bill is also in committee this afternoon and may be in a good position to pass.
- The justice court changes bill will narrow justice court judges' pay range to fall more in line with district court judges; recognize that justice courts are part of the Judiciary; will require a law degree under certain circumstances; and create a taskforce. A substitute bill is expected to better identify the members of a taskforce that will consider justice court reform.
- Part II of the Criminal Code Recodification includes property crimes and pyramid scheme crimes.

Mr. Drechsel briefly reviewed the child welfare bills. SB0163 would require the court to make specific findings about parent time. There are three bills addressing school safety and weapons in schools. A state ICWA bill was introduced in line with federal ICWA laws, however, amendments to the state bill now shows substantive changes from the federal ICWA laws.

The business chancery court bill includes a large fiscal note and is set with one judge. If it passes, the bill's effective date will be October 2024 because the sponsor understood the need for the Courts to transition and revise rules as needed. The new court is expected to be housed in Salt Lake County.

Mr. Drechsel will be providing legislative updates to judges and court personnel this spring. Chief Justice Durrant thanked Mr. Drechsel and noted that he has been in many meetings with Mr. Drechsel and felt he is extraordinarily skilled when advocating for the Courts.

## 8. **OFFICE OF INNOVATION: (Justice Diana Hagen)**

Chief Justice Durrant welcomed Justice Diana Hagen. Justice Hagen discussed the matters of the Office's budget, long-term housing of the Office, and a possible fee structure for participants. The Office has met with many entities including the Bar to solicit ideas that will help create an Office that everyone can support.

They are hoping to move the Office into the Bar by July 1. If that happens, the Bar would hire one fulltime Program Director, who would also staff the Innovative Court Committee. Data has been automated so the Office does not need an employee for that service. The backup plan would be to keep the Office in the Supreme Court (Court) who would dedicate one existing law clerk attorney position to fill the Director position. If the Office was housed in the Court, they may need to eventually seek funding from the Council.

The Office's budget has decreased dramatically with the completion of the initial work, such as the creation of a database and they are now using volunteer attorneys. The Office expects to have approximately \$130,000 left over by July 1. Previously allocated but unspent ARPA funds could be transferred to the Bar, if the Office was moved there.

They are looking at narrowing the categories of entities that can enter the sandbox. One model would carve out the entities that are not helping consumers. Another option would be to have the entity propose a business plan that identifies more legal services to underserved communities. They may require non-lawyer managers to follow the same Code of Conduct that attorneys abide by. The Office would like to ensure their attorneys are consumer-facing and considering lowering the amount of committee members. The Office will add the full applications with confidential information redacted to their website. They will also post agendas and minutes from their committee meetings on their website.

There is a new fee structure where for-profit entities would pay 1/2% of gross revenue. At some point they may consider adding a licensing fee. The entities would also pay for periodic audits or, alternatively, the Bar would seek volunteer attorneys to conduct the audit.

Currently, the Court is focusing on harms through consumer complaints. They are sending exit surveys to consumers to gather data.

The Innovative Court Committee will include members of the public, attorneys, and a member from the AOC.

Chief Justice Durrant thought the Utah Courts do a phenomenal job with access to justice. He noted that the work of the sandbox is largely done outside of a courtroom. He said the Courts need to identify a balance to ensure protection of consumers while still allowing the legal market to operate as it has. The Office more closely regulates entities in the sandbox than the Court regulates Utah attorneys. Chief Justice Durrant thanked Justice Hagen for her fresh perspective to the Office.

**9. WINGS COMMITTEE REPORT: (Judge Keith Kelly and Shonna Thomas)**

Chief Justice Durrant welcomed Judge Keith Kelly and Shonna Thomas. The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) committee is a problem-solving body that relies on court-community partnerships to oversee guardianship practice in the Courts; improve the handling of guardianship cases; engage in outreach/education; and enhance the quality of care and quality of life of vulnerable adults.

**WINGS Projects**

- WINGS and the Probate subcommittee are working to finalize revisions to UCJA Rule 6-501 and Rule 6-507.
- WINGS developed a new form “Order on Review of Guardianship and Conservatorship reports” which is now being used.
- WINGS has partnered with the Forms Committee to create a subgroup tasked with updating guardianship and conservatorship forms.
- WINGS reviewed and revised several guardianship forms, in conjunction with the adoption of Utah Code § 75-5-301.5 following the 2022 legislative session.
- WINGS continued its work on improving the language of Utah Code § 75-5-303. Revisions included updating the medical criteria, clarifying language on the requirement for an attorney to represent a respondent, and adding language to emphasize when a Court Visitor is required.

The Committee will follow the guidelines set in UCJA Rule 1-205 as to their membership. Judge Gardner thought they could stagger terms without amending the rule since they are a new committee. However, if they want to change the committee composition, they would need Council approval.

Chief Justice Durrant thanked Judge Kelly and Ms. Thomas.

**10. JUVENILE PROBATION PRESENTATION: (Sonia Sweeney, Blake Murdoch, and Carlos Sabuco)**

Chief Justice Durrant welcomed Sonia Sweeney, Blake Murdoch, and Carlos Sabuco. Mr. Gordon explained that juvenile probation is not well-understood so he asked for this presentation. Since the establishment of juvenile probation officers shortly after the turn of the 20th century, probation work has experienced substantial changes. The most notable, recent change was the Legislature’s juvenile justice reform effort arising from its 2017 enactment of HB0239, which established standards by which youth may be placed in secure care and for pre-court diversions, capped fines and fees, limited school-based court referrals, and set limits on the amount of time youth can spend in detention centers or under court ordered probation supervision.

Mr. Sabuco noted that juvenile probation has 200 employees, including 13 Probation Chiefs, 29 supervisors, and 146 probation and deputy probation officers. In FY 2022, juvenile probation worked with 9,115 youth and their families, some of whom were referred on multiple occasions. There were 3,651 delinquency petitions filed, and 1,354 youth placed on formal or intake probation.



Many juvenile offenses can be resolved without the youth seeing a judge through a process called a non-judicial agreement. Juvenile probation officers manage these agreements. In FY 2022, non-judicial agreements were offered to resolve 7,832 delinquency referrals, 92% of which were completed successfully by referred youth.

Probation officers participated in 21,472 delinquency hearings, and worked with youth to complete 17,821 community service hours. Adjudicated youth paid nearly \$450,000 in restitution to the victims they had harmed. The delinquency offenses that probation handled included:

- 1,792 acts that would be felonies if committed by an adult;
- 9,890 acts that would be misdemeanors if committed by an adult;
- 457 infractions; and
- 560 status offenses.

Probation officers made nearly 100 referrals to an intensive in-home family intervention program through which critical family support was offered. Additionally, hundreds of referrals were made to other intervention services, most of which were for youth determined to be moderate or high risk. Probation officers use evidence-based practices to prioritize public safety and reduce the risk of recidivism.

The Commission on Criminal and Juvenile Justice' Utah Pathways Study, conducted by the Sorenson Impact Center published in November of 2022, studied the number of juvenile justice-involved youth who reach the adult criminal justice system. According to the Utah Pathways Study, an overwhelming number of the youth with whom probation officers come into contact do not become involved in the criminal justice system.

Judge Barnes asked if the juvenile justice reform has been a success. Mr. Sabuco said it has been a success in regards to non-judicial youth. Judge Elizabeth Lindsley said opinions differ about the success of the reform because judges have more limitations but there are several positive results from the reform. She said judges appreciate the hard work of probation officers.

Chief Justice Durrant thanked Ms. Sweeney, Mr. Murdoch, and Mr. Sabuco and recognized the critical long-term work and impact of probation officers.

# **11. BUDGET AND GRANTS: (Karl Sweeney, Alisha Johnson, and Jordan Murray)**

Chief Justice Durrant welcomed Karl Sweeney, Alisha Johnson, and Jordan Murray.

## **FY 2023 Ongoing Turnover Savings**

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	496,135	746,135
3	TOTAL SAVINGS		746,527	996,527
	2023 Hot Spot Raises		(154,583)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	TOTAL USES before YE Requests		(154,583)	(650,000)
Actual Turnover Savings for FY 2023 as of 02/03/2023			\$ 591,944	\$ 346,527

### FY 2023 One-Time Turnover Savings

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 01/20/2023)	Internal Savings	2,400,746.96
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 01/20/2023)	Reimbursements	508,567.96
3	Est. One Time Savings for 920 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	1,840,000.00
<b>Total Potential One Time Savings</b>			<b>4,749,314.92</b>

### ARPA Expenses

	A	B	C	D	A - D
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Total Expended (B + C)	Balance Available
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	2,535,697.97	5,578,165.64	6,795,234.36
Courts Case Backlog - Part I + II	2,000,000	707,963.11	507,266.46	1,215,229.57	784,770.43
COVID-19 Supplies	302,100	-	-	-	302,100.00
Legal Sandbox Response to COVID	324,500	-	37,918.80	37,918.80	286,581.20
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>3,080,883.23</b>	<b>6,831,314.01</b>	<b>8,168,685.99</b>

### FY 2023 Year End Forecasted Available One-time Funds

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Current Requests Amount	Judicial Council Approved Amount
Description	Funding Type	Amount				
<b>Sources of YE 2023 Funds</b>			1	Q1 / Q2 Performance Bonus Payments		\$ 450,000
* Turnover Savings as of PPE 1/20/2023 (including anticipated ARPA reimbursement)	Turnover Savings	2,909,314.92	2	St. George Courtroom Audio		\$ 141,000
** Turnover savings Estimate for the rest of the year (\$2,000 x 920 pay hours)	Turnover Savings	1,840,000.00	3	Adobe E-Signatures		\$ 260,000
(a) <b>Total Potential One Time Turnover Savings</b>		<b>4,749,314.92</b>	4	IT Equipment for new JA Clerks		\$ 5,872
(b) <b>Operational Savings From TCE / AOC Budgets</b>	Internal Operating Savings	405,170.00	5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
(c) <b>Reserve Balance (balance from FY 2022 Carryforward)</b>	Judicial Council Reserve	500,075.00	6	Online Water Law Curriculum for Judges		\$ 40,000
<b>Anticipated Reserve Uses - including previously approved and pending requests</b>	Judicial Council Reserve Uses	<b>(152,000.00)</b>	7	Transcription Training Production		\$ 900
			8	Q3 / Q4 Performance Bonus Payments		\$ 450,000
			9	Out of State Employee Set Up Fees		\$ 3,400
<b>Uses of YE 2023 Funds</b>			10	Supplemental - Secondary Language Skills	27,200	
Carryforward into FY 2024 (Request has been made for up to \$3,200,000)	Historical Carryforward	(3,200,000.00)	11	Summit Jury Deliberation Room Improvements	150,000	
			12	American Fork Courthouse Lease Increases	156,050	
			13	Matheson Carpet Replacement - Phase 3	100,000	
			14	Mobile AED Kit	2,300	
			15	Education Room A/V Upgrade to Hybrid Use	10,000	
<b>Total Potential One Time Savings = (a) + (b) + (c) less Carryforward</b>		<b>2,302,560.92</b>				
<b>Less: Judicial Council Requests Previously Approved</b>		<b>(1,391,172.00)</b>				
<b>Less: Judicial Council Current Month Spending Requests</b>		<b>(445,550.00)</b>				
<b>Remaining Forecasted Funds Available for FY 2023 YE Spending Requests</b>		<b>465,838.92</b>				
				<b>Current Month One-time Spending Requests</b>	<b>445,550</b>	
				<b>Previously Approved 1x FY 2023 YE Spending Request</b>		<b>1,391,172</b>

### Supplemental Secondary Language Stipends

\$27,200 one-time funds

Jessica Leavitt explained that each district has a certain number of second language stipends available; a total of 64 slots for court employees who act as interpreters in non-court situations, such as assisting at the front counter or for conversations with court patrons outside of proceedings. This is a very cost effective use of employees who use their language skills in the service of court patrons in situations for which a certified, registered or approved interpreter is not required. The Court's pay of \$50 per pay period has been tested against the market. The OFA recommended an increase to \$100 per pay period, effective March 1, 2023. Judge Pettit understood that the stipend amount is the same for everyone that receives it, regardless of whether they use their second language or not. Ms. Leavitt is gathering data to determine how often employees are using their second language. Judge Lindsley stated that she often uses an employee who has a second language stipend for brief and non-substantive court matters such as rescheduling a hearing.

**Motion:** Judge Connors moved to approve the Supplemental Secondary Language Stipends one-time budget request of \$27,200, as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

**Summit Courthouse Jury Deliberation Room Improvements**  
\$150,000 one-time funds

The two courtroom facility in Summit County is leased and has only one jury deliberation room. The existing jury assembly room is no longer needed due to the virtual jury selection process so they sought to convert the assembly room into a second deliberation room. This is a preliminary estimate that will be adjusted, if necessary, as the project bids come back. The total anticipated bid is approximately \$300,000 for which \$150,000 of the funds will be expended in FY 2023. The second half of the expenditure will come from FY 2024 carryforward funds.

**Motion:** Judge David Mortensen moved to approve the Summit Courthouse Jury Deliberation Room Improvements one-time budget request of \$150,000, as presented. Judge Lindsley seconded the motion, and it passed unanimously.

**American Fork Courthouse Rent Increase**  
\$156,050 one-time funds

The original 20-year lease expired in September 2022 and rent increases were required by the City of American Fork as part of the new lease. This request will cover the rent increases for the remaining 6 months of FY23 (January – June). The monthly rent for year 1 of the new lease increased by \$26,000 amounting to an increase of \$312,000 annually. There are additional rent increases of approximately 8% annually over the next several years.

**Motion:** Judge Barnes moved to approve the American Fork Courthouse Rent Increase one-time budget request of \$156,050, as presented. Judge Farr seconded the motion, and it passed unanimously.

**Matheson Carpet Replacement – Phase 3**  
\$100,000 one-time funds

Matheson still has many areas of 23-year-old carpet that must be replaced. In the past, they decided to do the replacement in phases to eliminate any safety issues and also spread out the cost. This request is to fund the next phase of installation that will cover some courtrooms, chambers, conference rooms and offices. Mr. Talbot has replaced over 101,000 square feet of carpet so far, which is about 40% of the building.

**Motion:** Judge Connors moved to approve the Matheson Carpet Replacement – Phase 3 one-time budget request of \$100,000, as presented. Judge Chin seconded the motion, and it passed unanimously.

**Mobile Automated External Defibrillator (AED) and Trauma Kit**  
\$2,300 one-time funds

This AED and trauma kit would be present at all court conferences to mitigate gaps in response time especially at rural sites. Advanced AED/trauma kits are recommended as a best practice when there is a threat of active killers, a population susceptible to industrial accidents or a group with high medical risk for cardiac events. This request also includes an AED trainer to ensure familiarity with the actual AED for onsite staff.

**Motion:** Judge Pettit moved to approve the Mobile Automated External Defibrillator (AED) and trauma kit one-time budget request of \$2,300, as presented. Judge Gardner seconded the motion, and it passed unanimously.

### **Matheson Education Room A/V Upgrade**

\$10,000 one-time funds

In line with current and future in-person and hybrid meeting needs, following the same standard set in recent conference room installations, including Matheson's Conference Room A and the Judicial Council Room, the Education Department is requesting \$10,000 to supplement the \$23,398.40 that IT has committed to upgrade Matheson's Education Room so that it may serve as a hybrid meeting and training space.

**Motion:** Judge Lindsley moved to approve the Matheson Education Room A/V Upgrade one-time budget request of \$10,000, as presented. Judge Chin seconded the motion, and it passed unanimously.

Mr. Murray presented an update of grants. As of December 31, 2022, the AOC holds nine active grants comprised of three federally awarded and six non-federally awarded grants. The Stand Together Foundation grant requesting \$975,000 in support of the Office of Innovation remains pending grantor response.

The FY 2022 Internal Control Self-Assessment (ICSA) for court grants provided guidance and recommendations about grant-related internal controls with the mission of strengthening internal controls and ensuring compliance with all policies, procedures, rules, and statutes. There were three ICSA recommendations for the program.

Chief Justice Durrant thanked Mr. Sweeney, Ms. Johnson, and Mr. Murray.

## **12. COURT COMMISSIONER CONDUCT COMMITTEE REPORT: (Judge Ryan Harris and Keisa Williams)**

Chief Justice Durrant welcomed Judge Ryan Harris and Keisa Williams. Judge Harris reviewed a 3-year summary of complaints. Judge Pettit asked about commissioners requiring in-person attendance at hearings. Judge Harris and Ms. Williams did not recall any complaints about in-person hearing versus virtual hearing requirements.

Year	Total Complaints	Number of Commissioners Receiving Complaints	Complaints Resolved by Chair Dismissal	Complaints Resolved by Committee Dismissal	Hearings Held	Sanctions Entered
2020	8	5	6	1	1	1
2021	5	4	4	0	1	1
2022	12	5	12	0	0	0
3-year total	25	8	22	1	2	2

Chief Justice Durrant thanked Judge Harris and Ms. Williams.

### 13. **RULES FOR FINAL APPROVAL: (Keisa Williams and Jon Puente)**

Chief Justice Durrant welcomed Keisa Williams and Jon Puente. The Policy, Planning, and Technology Committee recommended that the following rules be approved with a May 1, 2023 effective date, followed by a 45-day public comment period.

**UCJA Rule 1-205. Standing and Ad Hoc Committees** - The Committee on Fairness and Accountability requests the addition of 5 new committee member positions, including 2 sitting judges, 1 current or former judicial officer, 1 representative of the community, and the Director of Data and Research.

Judge Pettit sought clarification on the difference between a sitting judge and a current judge and suggested the rule be clear. Mr. Puente explained that they are the same. Justice Petersen also thought the rule should be consistent when using the words “judge” and “judicial officer.” Judge Lindsley asked if the rule should differentiate court levels for the seven judges being requested as committee members. The Council agreed the rule should be clear as to which court levels they are seeking judges from. Judge Chiara recommended that the committee follow the established process for seeking volunteer members as found in rule 1-205.

Mr. Puente preferred to have a Supreme Court justice Chair the committee. Justice Jill Pohlman agreed to Chair the committee. The Council agreed that the committee can have volunteers who are not voting members work on projects.

Policy, Planning, and Technology Committee will revise the rule before it goes for public comment. Without motion, the Council agreed to return UCJA Rule 1-205 to Policy, Planning and Technology Committee to address the proposed changes as discussed.

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

### 14. **REQUEST FOR WAIVER OF JUSTICE COURT OPERATING STANDARDS: (Jim Peters)**

Chief Justice Durrant welcomed Jim Peters. Justice courts are classified according to the average number of cases filed each month per Utah Code § 78A-7-101(2) Creation of justice court -- Not of record -- Classes of Justice, which provides that a Class I Court averages 501 or more case filings per month; a Class II Court averages 201-500 case filings per month; a Class III Court averages 61-200 case filings per month; and a Class IV Court averages 60 or fewer case filings per month. The frequency with which court must be held varies depending on the average

number of cases filed in a given court each month. Garfield County Justice Court is a Class III justice court because they received an average of 171 cases per month last year. As such, the operating standards require them to hold court at least every other week. As this requirement is not statutory, the Judicial Council has authority to waive it.

There were 2,052 cases filed in the Garfield County Justice Court in 2022. Nearly 92% (1,886) of the cases adjudicated by that court last year were traffic cases and of those, less than 9% (160) were contested in court. Criminal cases accounted for another 8% (162) of total filings. These cases, together with the 4 small claims cases filed last year, indicate that less than 16% (326) of the cases filed in the Garfield County Justice Court require a court appearance. That equates to about 27 cases per month.

The Data and Research Department researched cases filed pursuant to Chapter 36 of Title 77 (Cohabitant Abuse Procedures Act). It found that only 2 of the court's 130 misdemeanors last year were explicitly tagged as Domestic Violence (DV) cases. The court indicated that it handles special circumstances, like DV and other urgent matters, by working around the courtroom calendars (shared by three judges) and by scheduling hearings outside their regularly scheduled day as soon as possible. That was only necessary twice in 2022, but the court is willing to do it as often as may be necessary. The Board of Justice Court Judges continued to support a waiver for the Garfield County Justice Court.

Chief Justice Durrant thanked Mr. Peters.

**Motion:** Judge Chin moved to approve the Garfield County Justice Court's waiver of the requirement that court be held at least every other week, as presented. Judge Pettit seconded the motion, and it passed unanimously.

#### **15. OLD BUSINESS/NEW BUSINESS: (All)**

Chief Justice Durrant said that some countries are using artificial intelligence to produce recommendations for cases such as divorces. Their data has shown 98% accuracy with the AI recommendations as compared with judicial orders.

Judge Pettit said the retirement form for judges should be clearer. Judge Connors thought there was a clear problem with the annual self-certification that states judges will get up to seven years of insurance, because the coverage is based on someone's age and dental is not covered for those retiring after the age of 65. Judge Connors has spoken to Human Resources about the process and form. Neira Siaperas confirmed that the form is accurate for those judges who retire under the age of 65. Ms. Siaperas will work with the HR department on revising the form and gathering data on potential costs of insurance coverage for judges retiring after the age of 65.

#### **16. SENIOR JUDGE CERTIFICATION: (Neira Siaperas)**

Chief Justice Durrant welcomed Neira Siaperas. Ms. Siaperas requested the Council go into an executive session.

After the executive session was held, the Council made the following motion.

**Motion:** Judge Connors moved to approve recommending to the Supreme Court that Judge Lee (L.A.) Dever be appointed as an Inactive Senior Judge, as presented. Judge Gardner seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Siaperas.

**17. EXECUTIVE SESSION**

**Motion:** Judge Mortensen moved to go into an executive session for the purpose of discussing the character, competence, or physical or mental health of an individual. Judge Chin seconded the motion, and it passed unanimously.

**18. RECOGNITION OF JUDGE DAVID CONNORS: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant thanked Judge Connors for his service on the Council.

**19. CONSENT CALENDAR ITEMS**

- a) Grants renewals for the VAWA Grant and SAFG Grant. Approved without comment.
- b) Committee appointment of Judge Teresa Welch as Chair of the Model Utah Criminal Jury Instructions Committee. Approved without comment.
- c) Forms Committee Order of Eviction and Notice That You Must Move (Order of Restitution) and Notice of Disclosure Requirements. Approved without comment.
- b) Rules for Public Comment. UCJA Rule 6-507 Court Visitors and UCJA Rule 3-414 Court Security. Approved without comment.

**20. ADJOURN**

The meeting adjourned.

# Tab 2



## Agenda

**Executive Committee Assignments**  
**For Consideration by the Management Committee and Judicial Council**  
**March 2023**

<b>Management</b>	<b>Policy, Planning, and Technology</b>	<b>Liaison</b>	<b>Budget and Fiscal Management</b>
Chief Justice Durrant Judge Pettit Judge Mortensen Judge Farr Judge Lindsley	<del>Judge Connors</del> <u>Judge Michael DiReda</u> Judge Chiara Judge Chin Judge Gardner Judge Bazzelle	Justice Petersen Judge Brower Judge Evershed Judge Low	Judge Pettit Justice Petersen Judge Barnes Margaret Plane Judge Lindsley

# Tab 3

## Agenda

**JUDICIAL COUNCIL'S  
BUDGET & FISCAL MANAGEMENT COMMITTEE ("BFMC")**

**Minutes  
February 13, 2023  
Meeting held virtually through WebEx  
12:00 a.m. – 12:40 p.m.**

**Members Present:**

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

**Excused:**

Margaret Plane, Esq.

**Guests:**

Mark Urry, TCE, Fourth District Court  
Brett Folkman, TCE, First District Courts  
Katy Burke  
Amy Hernandez

**AOC Staff Present:**

Nick Stiles  
Shane Bahr  
Neira Siaperas  
Chris Talbot  
Chris Palmer  
Brody Arishita  
Bart Olsen  
Tina Sweet  
Jordan Murray  
Karl Sweeney  
Alisha Johnson  
Melissa Taitano  
Suzette Deans, Recording Secretary

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

Judge Kara Pettit welcomed everyone to the meeting and called for a motion to approve the minutes from the last meeting.

**Motion:** Judge Elizabeth Lindsley moved to approve the January 6, 2023 minutes, as presented. Judge Keith Barnes seconded the motion, and it passed unanimously.

**2. FY 2023 Financials / Turnover Savings / ARPA Update (Alisha Johnson – “Presenter”)**

**Ongoing Turnover Savings (“OTS”)** – Alisha Johnson reviewed the period 7 financials and gave an update on OTS. At the end of FY22 we ended with \$250,392 of OTS that have been carried forward into FY23. Most of these ongoing turnover savings carried forward were from reserves of FY22 OTS set aside in June 2022 by the Judicial Council. So far in FY23 we have earned \$496,135 of ongoing turnover savings – which includes a current month correction to the model.

Forecasted current year OTS is \$746,135 and when combined with the \$250,392 carried over from FY22 the forecasted YE 2023 OTS is conservatively estimated to be \$996,527.

As of 02/13/2023, the OTS schedule shows \$200,000 of hot spot raises as uses that have been pre-authorized by delegated authority from the Judicial Council to the State Court Administrator and Deputy. The \$450,000 in 2023 performance-based raises were authorized by the Judicial Council and will be used by the end of FY23. AOC Finance is forecasting that we will end FY23 with \$346,527 in OTS available for discretionary use.



#### FY 2023 Ongoing Turnover Savings as of 02/13/2023

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	496,135	746,135
3	<b>TOTAL SAVINGS</b>		<b>746,527</b>	<b>996,527</b>
	2023 Hot Spot Raises		(154,583)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	<b>TOTAL USES before YE Requests</b>		<b>(154,583)</b>	<b>(650,000)</b>
	<b>Actual Turnover Savings for FY 2023 as of 02/03/2023</b>		<b>\$ 591,944</b>	<b>\$ 346,527</b>

5

Prior Report Totals \$ 418,854 \$ 202,511

One-Time Turnover Savings - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds. Our forecast of one-time TOS before any uses are deducted is estimated to be \$4.7M.



#### FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 01/20/2023 (1,168 out of 2,088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 01/20/2023)	Internal Savings	2,400,746.96
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 01/20/2023)	Reimbursements	508,567.96
3	Est. One Time Savings for 920 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	1,840,000.00
	<b>Total Potential One Time Savings</b>		<b>4,749,314.92</b>

Prior Report Totals \$ 4,854,602.18

ARPA Expenditures – We have expended \$6,831,314 of ARPA funds as of January 31, 2023. This leaves an available balance of \$8,168,586 of the \$15 million that was awarded the courts.

	A	B	C	D	A - D		
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Total Expended (B + C) Amount	Balance Available	Activity Code	Description
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	2,535,697.97	5,578,165.64	6,795,234.36	ITCV + ITC2	Projects will extend thru 12/31/24
Courts Case Backlog - Part I + II	2,000,000	707,963.11	507,266.46	1,215,229.57	784,770.43	BKLG	See detail below.
COVID-19 Supplies	302,100	-	-	-	302,100.00	CV19	
Legal Sandbox Response to COVID	324,500	-	37,918.80	37,918.80	286,581.20	LSCV	
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>3,080,883.23</b>	<b>6,831,314.01</b>	<b>8,168,685.99</b>		
Prior Report Totals- Dated 12/23/22					\$ 8,691,006.50		

### BKLG FY 2023 Details

Personnel Expenses:	\$ 483,108.72
Mileage Expenses:	\$ 1,364.72
Sr. Judge Travel Expenses:	\$ 495.62
	\$ 484,969.06
COVID Testing Kit purchase:	\$ 22,297.40
	<u>\$ 507,266.46</u>

12/9/2022	12/23/2022	1/6/2023
\$ 40,812.86	\$ 45,522.21	\$ 31,254.20

**Historical Trends (period 7 closed)**

Period 5	Period 6	Period 7
\$ 266,969.88	\$ 206,420.00	\$ 463,518.94

Period 5	Period 6	Period 7
\$ 90,424.07	\$ 74,259.89	\$ 76,776.41

Period 5	Period 6	Period 7
\$ -	\$ 4,138.75	\$ 38,209.40

- 

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Current Requests	Judicial Council Approved
Description	Funding Type	Amount			Amount	Amount
Sources of YE 2023 Funds						
** Turnover Savings as of PPE 1/20/2023 (including anticipated ARPA reimbursement)	Turnover Savings	2,909,314.92	1	Q1 / Q2 Performance Bonus Payments		\$ 450,000
** Turnover savings Estimate for the rest of the year (\$2,000 x 920 pay hours)	Turnover Savings	1,840,000.00	2	St. George Courtroom Audio		\$ 141,000
(a) <b>Total Potential One Time Turnover Savings</b>		<b>4,749,314.92</b>	3	Adobe E-Signatures		\$ 260,000
			4	IT Equipment for new JA Clerks		\$ 5,872
(b) <b>Operational Savings From TCE / AOC Budgets</b>	<b>Internal Operating Savings</b>	<b>405,170.00</b>	5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
(c) <b>Reserve Balance (balance from FY 2022 Carryforward)</b>	<b>Judicial Council Reserve</b>	<b>500,076.00</b>	6	Online Water Law Curriculum for Judges		\$ 40,000
<b>Anticipated Reserve Uses - including previously approved and pending requests</b>	<b>Judicial Council Reserve Uses</b>	<b>(152,000.00)</b>	7	Transcription Training Production		\$ 900
			8	Q3 / Q4 Performance Bonus Payments		\$ 450,000
			9	Out of State Employee Set Up Fees		\$ 3,400
			10	Supplemental - Secondary Language Skills	27,200	
Uses of YE 2023 Funds			11	Summit Jury Deliberation Room Improvements	150,000	
Carryforward into FY 2024 (Request has been made for up to \$3,200,000)	Historical Carryforward	(3,200,000.00)	12	American Fork Courthouse Lease Increases	156,050	
			13	Matheson Carpet Replacement - Phase 3	100,000	
			14	Mobile AED Kit	2,300	
<b>Total Potential One Time Savings = (a) + (b) + (c) less Carryforward</b>		<b>2,302,560.92</b>	15	Education Room A/V Upgrade to Hybrid Use	10,000	
<b>Less: Judicial Council Requests Previously Approved</b>		<b>(1,391,172.00)</b>				
<b>Less: Judicial Council Current Month Spending Requests</b>		<b>(445,550.00)</b>				
<b>Remaining Forecasted Funds Available for FY 2023 YE Spending Requests</b>		<b>465,838.92</b>		<b>Current Month One-time Spending Requests</b>	<b>445,550</b>	
				<b>Previously Approved 1x FY 2023 YE Spending Request</b>		<b>1,391,172</b>

## **Year End Spend Requests Presented for Approval to Forward to Judicial Council**

### **10. Supplemental Secondary Language Stipends (Jonathan Puente – “Presenter”)**

Jonathan Puente is requesting \$27,200 in one-time funds for Secondary Language Stipends.

The Office of Fairness and Accountability (“OFA”) has 64 slots for court employees who act as interpreters in non-court situations, such as assisting at the front counter or for conversations with court staff outside of proceedings. This is a very cost-effective use of our current court employees who use their language skills in the service of court patrons in situations for which a certified, registered or approved interpreter is not required. The Court’s pay of \$50 per pay period (which has not been increased since at least 2012) to our court interpreters has been tested against the market and OFA recommends an increase to \$100 per pay period. We recommend this increase go into effect March 1, 2023. The incremental impact will be 8.5 pay periods x 64 x \$50 increase = \$27,200 for FY 2023.

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

### **11. Summit Jury Deliberation Room Improvements (Chris Talbot – “Presenter”)**

Chris Talbot is requesting \$150,000 (estimated total cost of \$300,000 split between 2 fiscal years) in one-time turnover savings to convert the assembly room into a much-needed second deliberation room.

The existing jury assembly room is being used 3 – 4 times a month as a second deliberation room. The room lacks basic deliberation room features that need to be added for both privacy and security. The entry door to the existing room is off the main lobby and does not have a sound vestibule to block out sounds from the public lobby. The space also lacks a secure entry door for the jurors from the courtroom and a separate restroom inside.

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

### **12. American Fork Courthouse Lease Increases (Chris Talbot – “Presenter”)**

Chris Talbot is requesting \$156,050 in one-time turnover savings to cover the increased cost for a new lease for the remaining 6 months of FY23. The new lease was necessary to allow our District Court to remain for another 3 years and Juvenile Court / Probation to remain for up to 10 years.

Our original 20-year lease expired in September 2022 and rent increases were required by the City of American Fork as part of the new lease. This request will cover the rent increases for the remaining 6 months of FY23 (January – June). The monthly rent for year 1 of the new lease

increased by \$26,000 amounting to an increase of \$312,000 annually. There are additional rent increases of approximately 8% annually over the next several years. The city allowed us to pay the old rent amount from October – December, so there is not a request for additional funding for the 3 months after the lease expired and the total year 1 increase is \$156,050.

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

### **13. Matheson Carpet Replacement – Phase 3 (Chris Talbot – “Presenter”)**

Chris Talbot is requesting \$100,000 in one-time turnover savings for the cost of Phase 3 replacement of old carpets.

Matheson still has many areas of 23-year-old carpet that must be replaced. In the past, we have decided to do the replacement in phases to eliminate any safety issues and also spread out the cost. This request is to fund the next phase of installation that will cover some courtrooms, chambers, conference rooms and offices. We have replaced over 101,000 SF of carpet so far, which is about 40% of the building.

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

### **14. Court Security – Mobile AED Kit (Chris Palmer– “Presenter”)**

Chris Palmer is requesting \$2,300 in one-time turnover savings to purchase a Mobile Automated External Defibrillator (AED) Kit.

As part of security site assessment for any court conference, AOC Security performs a review of (1) medical response capabilities of the venues, (2) local medical support and (3) response protocols and response time. Based on our reviews, most of the rural venues and even a few of the urban locations do not have AEDs (or advanced AED with automated rescue steps) within the facility.

Most facilities lack advanced bleeding kits (hemostatic bandages and tourniquets) which are not standard with most first aid kits. AEDs and bleed kits are readily available at all UT Courts facilities.

To meet the same level of care that is provided at our court facilities for our court conferences, AOC Security requests approval to purchase the following components:

1. A mobile advanced AED (capable of automated assessment), and
2. A mobile trauma kit to be used to treat and stabilize trauma victims until advanced medical support can arrive.

This AED and trauma kit would be present at all court conferences to mitigate gaps in response time especially at rural sites. Advanced AED/trauma kits are recommended as a best practice

when there is a threat of active killers, a population susceptible to industrial accidents or a group with high medical risk for cardiac events. This request also includes an AED trainer to ensure familiarity with the actual AED for onsite staff.

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

#### **15. Education Room A/V Upgrade to Hybrid Use (Lauren Andersen– “Presenter”)**

Lauren Andersen is requesting \$10,000 in one-time turnover savings to upgrade Matheson’s Education Room and A/V equipment for hybrid use.

In line with current and future in-person and hybrid meeting needs, following the same standard set in recent conference room installations, including Matheson’s Conference Room A and the Judicial Council Room, the Education Department is requesting \$10,000 to supplement the \$23,398.40 that IT has committed to upgrade Matheson’s Education Room so that it may serve as a hybrid meeting and training space. The hybrid space will serve, and be available to, all court employees.

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

#### **4. Grant Approval – HB 359 (Jordan Murray – “Presenter”)**

Jordan Murray gave a quarterly update on grants for FY 2023 Q2 October through December 2022 period. He noted that the court improvement program (CIP) funds have been consolidated. So, the previously 3 distinct grants have now been collapsed into one. The amount of funding stayed the same. We have also set aside a specific tracking unit for the 30% data sharing and collaboration requirement that the CIP funding requires.

Office of Legal Services Innovation Office has shifted from using their grant funds to utilizing the \$324,000 of ARPA funding. Jordan is working with Nick Stiles and Sue Crismon to track and reconcile those funds.

Jordan gave a brief summary of the FY 2022 Internal Control Self-Assessment (“ICSA”). Going forward the ICSA will be a yearly report and will provide a self-assessment on the internal controls surrounding court grants. The FY 2022 ICSA had 3 recommendations for improvement and 3 areas of commendable performance.

The first grant request is for a renewal of the Violence Against Women Act grant. This is a long-standing grant that is issued as a subaward formula grant from the Utah Office for Victims of Crime. This request for renewal follows the revised Rule 3-411. For grant renewals Rule 3-411 requires us to make this request to the budget committee and then depending on the



recommendation today, advance the request to the Management Committee for their recommendation to be put on the Judicial Council's consent calendar.

**Motion:** Judge Keith Barnes made a motion to approve. Judge Elizabeth Lindsley seconded the motion. Will be forwarded on to the Management Committee.

The second renewal request comes from Shane Bahr and Katy Burke. These funds are the State Asset Forfeiture ("SAF") grant funds. They are delivered to us by the Commission on Criminal and Juvenile Justice ("CCJJ") formula funding. They will typically set aside \$25,000 a year to send staff and judges from the treatment courts to outside trainings or to host a training conference. This request is to pursue SAF grant funds of \$25,000 to support travel and training costs associated with the June 2023 Rise 23 Conference in Houston. This renewal request is under the same parameters as the first request to advance it on to the Management Committee for their recommendation to be put on the Judicial Council's consent calendar.

**Motion:** Judge Keith Barnes made a motion to approve. Judge Elizabeth Lindsley seconded the motion. Will be forwarded on to the Management Committee.

Mr. Sweeney went over the changes that were made to Rule 3-406 since the January Judicial Council meeting. Changes helped to clarify the language. Judge Pettit suggested several additional changes to the rule. Mr. Sweeney will make the changes and will email the corrected version to the BFMC and then take it back to the Policy, Planning and Technology Committee.

## **5. Old Business/New Business**

Brody asked if he has the committee approval to allow him to reallocate some ARPA IT funds from one ARPA IT project to another as some projects have come in under the estimated budget and some will come in over the estimated budget. BFMC agreed that he has permission to move around IT funds to complete other ARPA projects as long as it is within the scope of the projects that were part of the ARPA requests that were approved.

Meeting adjourned 12:40 p.m.

Next meeting via WebEx March 7, 2023.

## Agenda

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

Webex video conferencing  
February 3, 2023: 12 pm

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Samuel Chiara, <i>Chair</i>	•		Paul Barron Keri Sargent
Judge Suchada Bazzelle		•	Allison Barger Shonna Thomas
Judge Augustus Chin	•		Jon Puente Todd Eaton
Judge David Connors	•		Chris Palmer
Judge James Gardner	•		
			<b>STAFF:</b> Keisa Williams Minhvan Brimhall

#### (1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the January 6, 2022 meeting. With no changes, Judge Chin moved to approve the minutes as presented. Judge Chiara seconded the motion. The motion passed unanimously.

#### (2) Rules back from public comment:

- **CJA 4-503. Mandatory electronic filing in civil and probate cases**
- **CJA 4-603. Mandatory electronic filing in criminal cases**
- **CJA 4-801. Filing small claims cases**
- **CJA 4-901. Mandatory filing in juvenile court**
- **CJA 9-302. Mandatory electronic filing in justice court**

The rules were approved on an expedited basis and posted for public comment. One public comment was received from Judge Hyde and it is applicable to all five rules. The committee discussed the three recommendations made by Judge Hyde, summarized as follows:

1. Pro se email filings should be restricted to a specific email address for each jurisdiction (preferably to be "as directed by each jurisdiction").
2. Court staff should not be expected or required to forward, redirect, or correct emailed documents that are improperly submitted.
3. Pro se email filings should be prohibited for any documents for which a filing fee is required.

Keri Sargent noted that most jurisdictions already have dedicated email addresses to which email filings are being directed. Judicial Assistants (JAs) are assisting court patrons with email filings, including working with patrons to correct filings that are improperly submitted and opening accounts and receipting payments in CORIS, just as they would for court patrons submitting filings at the front counter. The committee discussed Rule 10 of the Utah Rules of Civil Procedure, noting that it governs a clerk's actions when they receive a non-conforming filing. Any changes to that practice would likely need to be modified through Rule 10.

***Following additional discussion, the committee asked Keri Sargent to meet with the clerks of court to clarify the electronic filing process, address the public comment, and seek feedback about whether an amendment is needed to Rule 10 of the Rules of Civil Procedure or any other rule in the Code of Judicial Administration. Ms. Sargent will report back at a future meeting. No motion was made.***

### **(3) CJA 6-507. Court visitors**

The Probate Subcommittee presented proposed amendments to CJA 6-507 to PP&T in November 2021. PP&T provided feedback and sent the rule back to the subcommittee for further consideration. The proposed amendments:

1. replace “protected person” and “ward” with “respondent” where applicable;
2. clarify who may receive a court visitor report or notice;
3. require court visitors to use a Council-approved Order on Review form;
4. delete paragraph (5) because language access is addressed elsewhere in the CJA; and
5. provide the court with broad discretion in taking action on a court visitor report.

***Following a discussion, Judge Connors moved to forward CJA 6-507 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.***

### **(4) CJA 3-414. Court security**

Chris Palmer, Court Security Director, proposed the following amendments to rule 3-414:

1. Currently, some law enforcement officers are entering courthouses in plain clothes and carrying unconcealed weapons. When challenged, the officers state that they are in compliance with their agency duty uniform for plain clothes officers or detectives. In addition, many are not using duty-rated holsters. The proposed amendment would require officers in plain clothes to wear something that identifies them as law enforcement officers. Such identification must be visible from at least three directions. Visible firearms would need to be in a duty-rated holster with a user-operated restraint device to prevent unauthorized access. Alternatively, officers, or others authorized to possess firearms, could use a concealment garment to prevent the public from seeing their weapon. A duty-rated holster would not be required, but the holster would need a retention feature.
2. “Law enforcement official” is defined differently in Utah Code §53-5-711 and §53-13-103. The first includes prosecutors, the second does not. In accordance with §78A-2-203, the Judicial Council has established its own rules and policies regarding court security and determined that prosecutors are not allowed to carry firearms in courthouses. Including the term “law enforcement official” in this paragraph has caused confusion. The proposed amendment provides clarification of an existing policy.
3. Both judge and court commissioner requirements are clearly outlined in §53-5-711, making a separate paragraph unnecessary. Court commissioners have been added to what is now (8)(B)(ii).
4. The proposed amendment would give TCEs the ability to authorize key card access to court staff not assigned to a particular courthouse.
5. All other amendments are non-substantive, intended to streamline the rule or provide clarification.

The committee discussed the proposed amendments and recommended minor language modifications. Line 60 was modified to read “...district court judge, juvenile court and all justice court judges who occupy the courthouse.”

***With no further discussion, Judge Connors moved to forward CJA 3-414 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Chin seconded the motion. The motion passed unanimously.***

## **(5) CJA 1-205. Standing and ad hoc committees**

The proposed amendments to CJA 1-205(1)(B)(xiv) would expand the membership of the Committee on Judicial Fairness and Accountability (CJFA). The proposal would increase the number of judicial officers from four to seven, add a member from the community, and add the Director of Data and Research. The CJFA feels that it needs input from more sitting judges and several individuals have been attending CJFA meetings that have not been officially appointed. Those individuals are very experienced and provide invaluable feedback. The CJFA would like those individuals to fill some of the new positions and has other individuals in mind to fill the remaining positions. Mr. Puente noted that the work of the CJFA has picked up significantly. The committee needs guidance and direction from key members to move certain projects along.

The committee noted that rules should be amended based on the needs of a committee, rather than a desire to include a particular person or group. Following further discussion, the committee supported adding the proposed membership positions, but expressed concern that individuals are serving without Council appointment. The committee recommended that the proposed rule amendment be forwarded to the Judicial Council for approval on an expedited basis and that Mr. Puente present the individuals the CJFA would like to appoint at the same time to address the committee's concern.

***With no further discussion, Judge Gardner moved to forward CJA 1-205 to the Judicial Council with a recommendation that it be approved on an expedited basis, followed by a 45-day comment period, and that Mr. Puente present the Council with the names of the proposed members at the same time. Judge Chin seconded the motion. The motion passed unanimously.***

### **Technology report/proposals:**

The Advisory Subcommittee membership is now complete:

Justice Jill Pohlman – Appellate Court  
 Judge Don Torgerson – District Court, Seventh District  
 Judge Rick Westmoreland – Juvenile Court, Second District  
 Judge Barbara Finlinson – Justice Court, Fourth District  
 Chris Morgan – TCE, Sixth District  
 Shelly Waite – TCE, Fourth District  
 Tracy Walker – CoC, Third District  
 Linda Ekker – CoC, Sixth District  
 Nick Stiles – Administrator, Appellate Court  
 Shane Bahr – Administrator, District Court  
 Sonia Sweeney – Administrator, Juvenile Court  
 Jim Peters – Administrator, Justice Court  
 Derick Veater – Chief Probation Officer, Fifth District  
 Brody Arishita – Chief Information Officer  
 Chris Palmer – Court Security Director  
 Judge Derek Pullan – current or former member of the Policy, Planning, and Technology Committee

The subcommittee will be discussing readjusting audio request fees and forms, updating the court's email retention policy, bandwidth usage at courthouses, filtering and putting together a device standard for court employees. Mr. Arishita will provide an update on the subcommittee's progress at a future meeting.

**Old Business/New Business:** None

**Adjourn:** With no further items for discussion, the meeting adjourned. The next meeting will be held on March 3, 2023 at 12 PM via Webex video conferencing, unless otherwise noted.

# Tab 4

# 5th District Report to Board of District Court Judges

Agenda

March 16, 2023

## 2022 Case Filings and Caseloads

In 2022, the Fifth District Court had a total of 14,990 case filings; 11,364 in Washington County, 3,090 in Iron County, and 536 in Beaver County. This total is comparable to past years; 2021 saw 15,402 total case filings while 2020 saw 14,890 case filings. As of February 1, 2023, the Fifth District Court has seen a total of 1,486 case filings for 2023.



## District Growth

Washington County recently broke ground on a new Receiving Center. Located in Hurricane, Utah, this center will be a short-term crisis-care facility for individuals dealing with mental health or substance abuse crises. The Center is expected to open in late 2023.

In late 2022, the Fifth District Court was allotted a third Law Clerk Attorney position and that position was filled in February of 2023. We now have three Law Clerk Attorneys to assist our seven District Court Judges.

Meanwhile, the southwest corner of Utah continues to be fast-growing. Nearly 7,000 people moved into Washington and Iron Counties from July of 2021 to July of 2022.

## Federal Court on the Move?

The Southwest Utah branch of the federal court has been housed in our St. George Courthouse since 2009. As our district continues to grow, the federal court is looking for a new home. Considered options include both a new building and the Washington County Boulevard Office Building.

## New District Court Judge

After 10 years on the bench, the Honorable Judge Jeffrey C. Wilcox retired in February of 2023. The Honorable Jay T. Winward was sworn in on February 21, 2023 and assumed his role on the bench in Washington County.



# Tab 5



Agenda



000036

# Get started with your free online therapy benefit

**Get back to feeling like you!** Your psychological well-being can affect your physical health, relationships, and work performance. Tava's network of vetted therapists helps you step out of the fog and get back to a happier, more fulfilled you.

Tava is a free, confidential mental health benefit available to all members and employees of the Utah State Bar and their dependents (spouses/domestic partners and children ages 13-25). The benefit provides up to 6 free sessions annually with licensed clinicians through Tava's secure, web-based technology platform. All you need for a live, video-based session is reliable internet access and a connected device with a camera (smartphone, computer, or tablet).

#### Free to Use

No claims, no co-pays, no deductibles. You and your dependents will have 6 sessions (per person per year) completely covered.

#### Convenient

Self-scheduled online video sessions means you get care whenever works best for you: days, nights, or weekends.

#### Confidential

We don't tell your sponsoring org who used the service. Your identity and anything you discuss is confidential.

#### Top Quality

Quality care from quality therapists. Tava's clinicians are licensed, vetted, and use evidence-based treatments.

**Whether you're feeling stressed, stuck, or burdened with something else, Tava can help. Support is available for a range of issues such as:**

Addiction  
Anxiety  
Depression  
Eating disorders  
Family issues

Grief and loss  
LGBTQ+ issues  
Life changes  
Postpartum issues  
PTSD

Trauma  
Relationship issues  
Work pressure  
Stress  
and more...

Schedule your first appointment today at

[care.tavahealth.com](https://care.tavahealth.com)



# FAQ

Frequently Asked  
Questions

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## Is this service really free?

Yes! The costs of the first 6 sessions for you and each of your eligible dependents will be completely covered by the Utah State Bar.

## What if I would like more sessions?

Once an individual has used their covered sessions, they can continue therapy by paying for it out of pocket at a rate of \$125 per session (this rate is valid for eligible members through 1/31/24).

## Do I need to file a claim with my insurance?

No. Payment has been taken care of by the Utah State Bar, so you don't have to do anything. No claims, no copays, and no deductibles. In other words, no hassle.

## Does this count toward my insurance plan's deductible or out-of-pocket maximum?

No. Use of and payment for Tava sessions do not impact your deductible nor out-of-pocket maximum associated with your employer's health plan.

## Who is eligible to use this service?

The Tava Health benefit is available to all members of the Utah State Bar and their dependents including Spouse/partner and children ages 13–25. Eligible members include Utah State Bar licensed attorneys, licensed paralegal practitioners, and paralegals.

## Is this service confidential?

Yes. Written records of all services are kept private and are unavailable to sponsoring organizations or others without the written consent of the identified patient (or legal guardian) unless disclosure of information is required by law or court order.

## Can the Utah State Bar see who is using Tava?

No. Tava does not allow sponsoring organizations to view individual usage data. Any usage data that Tava shares with your employer or Utah State Bar is always de-identified and aggregated, protecting confidentiality and the identities of our individual clients.

## Will my personal information be kept safely?

Yes. All personally identifiable information is stored in a secure, HIPAA-compliant database and will never be sold, shared, or transmitted for any reason.

## Is this service available after business hours?

Yes. Tava's therapists have availability that extends beyond normal business hours. For current appointment availability, please visit [care.tavahealth.com](https://care.tavahealth.com).

## What if I need help immediately?

If you have an emergency or urgent matter, call the suicide hotline at 988, go to [www.suicidepreventionlifeline.org](https://www.suicidepreventionlifeline.org), visit your nearest emergency room, or call 911.

## How will I talk with my therapist?

Therapy sessions are delivered via video chat through Tava's online portal. All you need is a connected device with a camera (e.g., computer, smartphone, tablet). This means your sessions can take place wherever is most convenient and comfortable for you. We recommend choosing a quiet, private location with reliable, high-speed Wi-Fi for your visits.

## What are the qualifications of my therapist?

Therapy sessions are provided by licensed masters-level or doctoral-level mental health professionals. Licensure requirements and specific titles vary by state. We verify each clinician's credentials and require their licensure be maintained in good standing.

## What kind of therapy does Tava provide?

Tava's therapists provide talk therapy (i.e. psychotherapy) to help you identify ways to understand, manage, and resolve problems, including unhealthy thought patterns and behaviors. Therapists cannot prescribe medications.

## What issues does Tava help resolve?

Tava has therapists who understand and treat many types of issues. See a comprehensive list of issues our therapists often address on the previous page of this document. If you are wondering whether Tava can help you, schedule a free, initial consultation at [care.tavahealth.com](https://care.tavahealth.com).

## Will my therapist and I be a good match?

Before your first visit, you will fill out a questionnaire that will help Tava suggest therapists for you. If at any time you feel your therapist is not a great fit, it's easy to change therapists. This relationship is a key determinant to the success of therapy.

## Is online, video-based therapy effective?

Yes. Research has shown that online, video-based therapy is equivalent to in-person care in diagnostic accuracy, treatment effectiveness, quality of care, and patient satisfaction. In 2018, the American Psychiatric Association issued the following statement in support of telemental health: "Telemedicine in psychiatry, using video conferencing, is a validated and effective practice of medicine that increases access to care. The American Psychiatric Association supports the use of telemedicine as a legitimate component of a mental health delivery system to the extent that its use is for the benefit of the patient, protects patient autonomy, confidentiality, and privacy; and when used consistent with APA policies on medical ethics and applicable governing law."

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[care.tavahealth.com](https://care.tavahealth.com)

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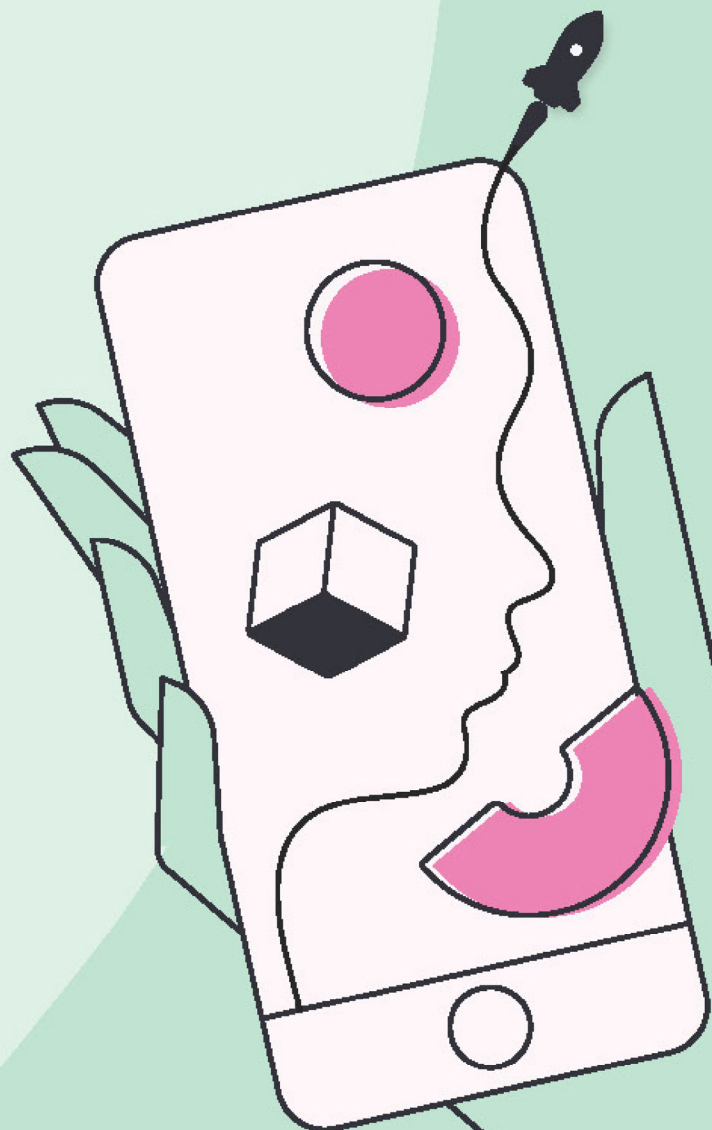
000038

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# Tab 6

Agenda



## Administrative Office of the Courts

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

March 8, 2023

Ronald Gordon, Jr.  
State Court Administrator  
Neira Saiperas  
Deputy State Court Administrator

### MEMORANDUM

**TO: Management Committee / Judicial Council**  
**FROM: Keisa Williams**  
**RE: Rule for Final Approval**

---

The Policy, Planning and Technology Committee recommends that the following rule be approved with a **May 1, 2023** effective date.

#### **CJA 3-403. Judicial education**

Proposed amendments require judicial officers and court employees to complete annual training on harassment and abusive conduct, ethics, inclusion, and elimination of bias. Other amendments are intended to streamline the rule and reflect current onboarding and orientation practices.

Two public comments were received (attached). Both object to the policy decision behind requiring training on harassment, abusive conduct, inclusion, and elimination of bias. The Policy, Planning and Technology Committee does not recommend any amendments in response to the public comments.

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

## UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

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Posted: January 17, 2023

### Utah Courts

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#### Code of Judicial Administration – Comment Period Closes March 3, 2023

**CJA03-0403. Judicial branch education (AMEND).** Proposed amendments require judicial officers and court employees to complete annual training on harassment and abusive conduct, ethics, inclusion, and elimination of bias. Other amendments are intended to streamline the rule and reflect current onboarding and orientation practices.

This entry was posted in [-Code of Judicial Administration, CJA03-0403.](#)

« [Rules of Juvenile Procedure – Comment Period Closes March 4, 2023](#)

[Code of Judicial Administration – Comment Period Closed February 3, 2023](#) »

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

### CATEGORIES

- [-Alternate Dispute Resolution](#)
- [-Code of Judicial Administration](#)
- [-Code of Judicial Conduct](#)
- [-Fourth District Court Local Rules](#)
- [-Licensed Paralegal Practitioners Rules of Professional Conduct](#)
- [-Rules Governing Licensed Paralegal Practitioner](#)
- [-Rules Governing the State Bar](#)

UTAH COURTS

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## 2 thoughts on “Code of Judicial Administration – Comment Period Closes March 3, 2023”

**Eric K. Johnson**  
January 17, 2023 at 1:24 pm

While sensible people agree that some sincere (as opposed to virtue-signaling, guilt-inducing, reality-distorting, or power grabbing), concise instruction on reasonable and appropriate workplace etiquette and conduct is worthwhile, in all sincerity it is just as worthwhile (perhaps even more so) to teach about proper interaction between superior and subordinate co-workers in the workplace (they are not equals on the job, and for good reason) and the value of emotional toughness and maturity in realizing one’s feelings are one’s own responsibility. It’s ludicrously easy to play the “I feel abused/harassed/excluded/discriminated against/otherwise wronged” card in the workplace with innocent, decent people. The incentives to play those cards for self-serving and illegitimate ends in the workplace with both co-workers and with the consumer must end.

[Reply](#)

**J. Michael Coombs**  
January 20, 2023 at 4:06 pm

Why should “judicial officers and court employees” be “required to complete annual training on harassment and abusive conduct, ethics, inclusion, and elimination of bias?” For what reason?

Are such people systematically harassing and abusing others?  
No, they are not.

And why do they need training on “ethics”? Are they inherently unethical people by virtue of their jobs? No, they are not.

And why would they need training on “inclusion,” whatever that means? Inclusion of what exactly? And for what reason? How does that word relate to carrying out their jobs in the court system?

- [-Rules of Appellate Procedure](#)
- [-Rules of Civil Procedure](#)
- [-Rules of Criminal Procedure](#)
- [-Rules of Evidence](#)
- [-Rules of Juvenile Procedure](#)
- [-Rules of Professional Conduct](#)
- [-Rules of Professional Practice](#)
- [-Rules of Small Claims Procedure](#)
- [ADR101](#)
- [ADR103](#)
- [Appendix B](#)
- [Appendix F](#)
- [CJA Appendix F](#)
- [CJA01-0201](#)
- [CJA01-0204](#)
- [CJA01-0205](#)
- [CJA01-0205](#)
- [CJA01-0302](#)
- [CJA01-0303](#)
- [CJA01-0304](#)
- [CJA01-0305](#)
- [CJA010-01-0404](#)
- [CJA010-1-020](#)
- [CJA02-0101](#)
- [CJA02-0103](#)
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- [CJA03-0111](#)
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000042

And why would they need training on “eliminating bias”? Are these particular state employees inherently biased about something that we do not know about? How does the Utah State Bar or the Utah Supreme Court define or measure “bias” and who exactly is qualified to define or measure it?

The fact is that this proposed rule does not address any identifiable problem, other than what might be in the imagination of its proponents, nor does it achieve any benefit that is measurable or quantifiable.

More importantly, it is not the job of the Bar or the Utah Supreme Court to engage in political indoctrination of anyone, let alone public employees.

The Utah State Bar and Utah Supreme Court have promoted this Diversity and Inclusion gobbledygook for 25 years now. It is delivered in Code so most of us do not understand what is being done or why. The lack of clarity is intentional. We now have a Woman’s Bar Section, a [Racial] Minority Bar Section, a Gay or LGBTQXYZ Bar Section. When I have attended their functions, which I have done on occasion over the years, I do not feel “included” at all. I am perceived as an outsider and intruder. These groups serve to segregate and carve everyone up and put them into distinct and disparate categories or cubbyholes. The pursuit of this highly political segregation model is anything but “inclusive.”

As a member of the Bar for over 40 years, I object to this proposed rule and those like it. It treats grownups as little children and packages such a regressive agenda as “progress.” When I use the court system as a lawyer, I would like to think that I am relying on responsible, rational adults, not little children who have been politically brainwashed, via mandated “annual training,” into believing that individual feelings are more important than truth, facts, accuracy, efficiency, and competency.

On Jan. 13, the Bar sponsored a 1½ hour CLE Webinar on the upcoming legislative session. It was interesting to hear various legislators speak directly on bills coming before the legislature. Towards the end, however, an employee of the Utah State Bar issued a directive during the online streaming reminding everyone to “be civil” to one another. The fact is that no one was being the least uncivil. When no one is being uncivil, there is no reason to have a Speech and Thought Policewoman from the Utah State Bar chime in to demand that everyone be “civil” to one another. Such silliness is not just offensive to intelligent, rational adults but is itself juvenile and immature.

The foregoing is not to ignore that the proposed rule, and others like it, is also illegal because the Utah State Bar and the Utah Supreme Court have not been empowered by the legislature to engage in the political indoctrination of public employees. Nowhere is that permitted in Utah or federal law. Moreover, the proposed rule is also unconstitutional because nowhere in the Utah or federal constitutions can someone be forced to submit to regular “social justice warrior” political indoctrinations as a

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- CJA03-0113
- CJA03-0114
- CJA03-0115
- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01
- CJA03-0302
- CJA03-0303
- CJA03-0304
- CJA03-0304.01
- CJA03-0305
- CJA03-0306
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- CJA04-0202.06

000043



condition to getting—and keeping—a job with state government. What surprises me here is that no one on the Bar Rules Committee realizes the obvious illegality of what they are proposing. To be sure, if this proposed rule is approved and implemented, it will most assuredly give rise to a class action lawsuit by state employees under 42 USC § 1983, namely, for violating their civil and constitutional rights “under color of state law.” Such statute also provides for an award of costs and attorney’s fees to a successful plaintiff, not to mention damages. Is the Bar or are its employees or the people on the Rules Committee going to foot those 1983 fees and costs personally if they are imposed by a federal court? What about any damages? Who will pay for those?

Reply

Leave a Reply

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POST COMMENT

- CJA04-0202.07
- CJA04-0202.08
- CJA04-0202.09
- CJA04-0202.10
- CJA04-0202.12
- CJA04-0203
- CJA04-0205
- CJA04-0206
- CJA04-0208
- CJA04-0302
- CJA04-0401
- CJA04-0401.01
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- CJA04-0609
- CJA04-0610
- CJA04-0613
- CJA04-0701
- CJA04-0702
- CJA04-0704
- CJA04-0801
- CJA04-0901
- CJA04-0902
- CJA04-0903
- CJA04-0904
- CJA04-0905
- CJA04-0906
- CJA04-0907
- CJA05-0101
- CJA05-201
- CJA06-0101
- CJA06-0102
- CJA06-0104

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**Rule 3-403. Judicial branch education.****Intent:**

To establish the Judicial Branch Education Committee's ("Committee") responsibility to develop and evaluate a comprehensive education program for all ~~judges, commissioners~~ **judicial officers** and court staff.

To establish education standards for ~~judges, commissioners~~ **judicial officers** and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

**Applicability:**

This rule shall apply to all ~~judges, commissioners~~ **judicial officers** and court staff, except seasonal employees and law clerks.

**Statement of the Rule:****(1) Organization.**

(1)(A) **Judicial branch education committee.** The ~~Judicial Branch Education~~ Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) **Committee meetings.**

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

## (2) Administration.

**Judicial Education Officer.** The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

## (3) ~~Education Standards for judges and court commissioners~~ **judicial officers.**

### (3)(A) ~~Program r~~**Requirements for judicial officers (judges, court commissioners, active senior judges and active senior justice court judges).**

~~(3)(A)(i) All judges and court commissioners~~ **new judicial officers** shall participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

All ~~judges, court commissioners, active senior judges, and active senior justice court judges~~ **judicial officers** shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. ~~To satisfy annual program requirements judicial officers will complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.~~

~~Judges of courts of record and court commissioners~~ **Judicial officers** may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual ~~Utah Judicial~~ **c**Conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(A)(ii) **Active senior judge.** If an active senior judge applies to be reappointed and will have completed at least 60 total education hours in the two years preceding the effective date of reappointment, the Management Committee may, for good cause shown, excuse the judge from having to complete the annual 30 hour education requirement.

(3)(A)(iii) **Inactive senior judges and retired judges.** If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that:

(3)(A)(iii)(a) less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge;

(3)(A)(iii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least three years before the application;

(3)(A)(iii)(c) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(iii)(d) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B) **Program components.** Education programs for ~~judges and court commissioners~~ **judicial officers** shall include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of ~~judges and court commissioners over the long term.~~ **judicial officers.**

(3)(C) **Annual conferences.** Justice court judges and active senior justice court judges shall attend the annual justice court conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, ~~judges, active senior judges and court commissioners of the courts of record~~ **judicial officers** are strongly encouraged to attend that conference.

#### (4) **Standards for court staff.**

##### (4)(A) **State employees.**

(4)(A)(i) **Program requirements.** All court staff employed by the state shall complete 20 hours of approved coursework annually. ~~To satisfy annual program requirements state employees must complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.~~

(4)(A)(ii) **Program components.** Education programs for court staff employed by the state shall include: ~~on-the-job orientation onboarding~~ for new employees as well as ~~semi-annual Orientation Academies~~ **new employee orientation**; skill

development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

**(4)(B) Local government employees.**

(4)(B)(i) **Program requirements.** All court staff employed by the justice courts shall complete 10 hours of approved coursework annually. ~~All other court staff employed by local government shall complete 20 hours of approved coursework annually.~~

(4)(B)(ii) **Program components.** Education programs for court staff employed by local government shall include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth. ~~Professional and personal development programs may include training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.~~

**(5) Reporting.**

(5)(A) ~~Judges, commissioners~~ **Judicial officers** and court staff governed by these standards shall report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards shall be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

**(6) Credit.** Judicial education procedures shall include guidelines for determining which programs qualify as approved education within the meaning of these standards.

**(7) Funding.**

(7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council shall receive and consider recommendations from the Committee. The Committee's

annual education plan shall be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial education shall first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs.** To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan shall include out-of-state education opportunities. The Committee shall approve national education providers and shall include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel.** The Committee shall develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

**(8) Mentoring.**

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge shall appoint a mentor to the new judge.

(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge shall meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, shall provide the completed Mentor's Checklist to the Judicial Education Officer.

Effective: ~~May~~November 1, 2023

# Tab 7

## Agenda

### **Budget and Grants Agenda for the March 16, 2023 Judicial Council Meeting 1:00pm**

1. Turnover Savings / ARPA Update .....Alisha Johnson  
(Tab 1 - Discussion)
2. Year End Spending Requests .....Karl Sweeney  
(Tab 2 – Action)

#### **Year End Spending Requests Presented for Judicial Council Approval**

12. REVISION – American Fork Lease ..... Chris Talbot
16. Windows 10 Upgrades .....Brody Arishita
17. Google Licensing for Enterprise Plus ..... Brody Arishita
18. Adobe Pro Licenses for All Staff ..... Brody Arishita
19. Microsoft M365 – 630 Additional Licenses ..... Brody Arishita
20. SurveyMonkey Subscription ..... Brody Arishita
3. Grant Reporting and Requests .....Jordan Murray  
(Tab 3 – Action)
  - NCSC Grant – Eviction Diversion Initiative GAP .....Jordan Murray  

& Nathanael Player

# Tab 1





### FY 2023 Ongoing Turnover Savings as of 03/01/2023

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	545,568	745,568
3	TOTAL SAVINGS		795,960	995,960
	2023 Hot Spot Raises		(163,003)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	TOTAL USES before YE Requests		(163,003)	(650,000)
<b>Actual Turnover Savings for FY 2023 as of 03/01/2023</b>			<b>\$ 632,958</b>	<b>\$ 345,960</b>

Prior Report Totals (dated 2/13/23) \$ 591,944 \$ 346,527

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- \* There are currently 30 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- \* Currently, 59.1 FTE are vacant.
- 1 Line 1 includes the previously allocated \$150,000 set aside for performance raises and the \$82,000 set aside for hot-spot (listed in the uses section)
- 2 We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
- 3 When the carried over and appropriated amount (line 1) with the YE forecast (line 2), the grand total for YE 2023 increases to ~\$995,960
- 4 With all hot spot and performance raises money is expended (a total of \$650,000), the YE available ongoing OTS is reduced to ~\$345,960



### FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 02/03/2023 (1,248 out of 2,088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 02/03/2023)	Internal Savings	2,518,624.64
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 02/03/2023)	Reimbursements	578,536.35
3	Est. One Time Savings for 840 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	1,680,000.00
<b>Total Potential One Time Savings</b>			<b>4,777,160.99</b>

Prior Report Totals \$ 4,749,314.92

- \* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,176.08, \$2,580.07, \$1,681.16, and \$2,228.70. The average per hour turnover savings YTD was \$2,481.72. These numbers do include ARPA reimbursements.

## Ongoing Turnover Savings Analysis by Fiscal Period

[illegible]



## ARPA Expenses as of 3/1/2023 (prior to the close of period 8)

	A	B	C	D	A - D		
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Total Expended (B + C) Amount	Balance Available	Activity Code	Description
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	2,970,285.99	6,012,753.66	6,360,646.34	ITCV + ITC2	Projects will extend thru 12/31/24
Courts Case Backlog - Part I + II	2,000,000	707,963.11	602,821.81	1,310,784.92	689,215.08	BKLG	See detail below.
COVID-19 Supplies	302,100	-	-	-	302,100.00	CV19	
Legal Sandbox Response to COVID	324,500	-	61,880.29	61,880.29	262,619.71	LSCV	
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>3,634,988.09</b>	<b>7,385,418.87</b>	<b>7,614,581.13</b>		

Prior Report Totals- Dated 1/31/2023

\$ 8,168,685.99

ARPA spending cut off date is 12/31/2024.

### BKLG FY 2023 Details

FY 2023 Expenses Include as of PPE 2/3/2023

Personnel Expenses:	\$ 578,536.35
Mileage Expenses:	\$ 1,492.44
Sr. Judge Travel Expenses:	\$ 495.62
	\$ 580,524.41
COVID Testing Kit purchase:	\$ 22,297.40
<b>Total</b>	<b>\$ 602,821.81</b>

### BKLG Run Rate Calculation

#### Usage for Last 3 Pay Periods

1/6/2023	1/20/2023	2/3/2023
\$ 31,254.23	\$ 30,718.19	\$ 53,568.97

Average last 3 Pay Periods:	\$ 38,513.80
Balance Available (from table above):	\$ 689,215.08
Remaining Pay Periods at Last 3 Average:	18
Anticipated Last Pay Period End Date:	10/13/2023
Prior report anticipated last pay period:	10/13/2023

### Historical Trends (period 8 not yet closed)

#### IT Access to Justice Use - Last 3 Periods

Period 6	Period 7	Period 8
\$ 206,420.00	\$ 463,518.94	\$ 317,126.92

#### BKLG - Last 3 Periods

Period 6	Period 7	Period 8
\$ 74,259.89	\$ 76,776.44	\$ 84,287.16

#### Legal Sandbox - Last 3 Periods

Period 6	Period 7	Period 8
\$ 4,138.75	\$ 13,105.65	\$ 44,635.89

# Tab 2

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
	<b>Sources of YE 2023 Funds</b>		
*	Turnover Savings as of PPE 2/03/2023 (including anticipated ARPA reimbursement)	Turnover Savings	<b>3,097,161</b>
**	Turnover savings Estimate for the rest of the year (\$2,000 x 840 pay hours)	Turnover Savings	<b>1,680,000</b>
(a)	<b>Total Potential One Time Turnover Savings</b>		<b>4,777,161</b>
(b)	<b>Operational Savings From TCE / AOC Budgets</b>	<b>Internal Operating Savings</b>	<b>455,170</b>
(c)	<b>Reserve Balance (balance from FY 2022 Carryforward)</b>	<b>Judicial Council Reserve</b>	<b>500,076</b>
(d)	<b>Anticipated Reserve Uses - including previously approved and pending requests</b>	<b>Judicial Council Reserve Uses</b>	<b>(152,000)</b>
	<b>Uses of YE 2023 Funds</b>		
	<b>Carryforward into FY 2024 (Request has been made to Legislature for \$3,200,000)</b>	<b>Historical Carryforward</b>	<b>(3,200,000)</b>
<b>Total Potential One Time Savings = (a) + (b) + (c) less Carryforward</b>			<b>2,380,407</b>
<b>Less: Judicial Council Requests Previously Approved</b>			<b>(1,836,722)</b>
<b>Less: Judicial Council Current Month Spending Requests</b>			<b>(554,855)</b>
<b>Remaining Forecasted Funds Available for FY 2023 YE Spending Requests</b>			<b>(11,170)</b>

\* Actual turnover savings as calculated on a pay period basis through 02/03/2023. Data can be found in the Budget Summary Excel workbook on the Personnel tab.

\*\* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$2,874.03, \$2,112.72, \$2,517.54, and \$1,688.69. The average per hour turnover savings YTD was \$2,282.04. These numbers do include ARPA reimbursements.

(b) This amount includes updated forecasts from budget managers (TCEs, AOC Directors, etc) received in January/February, 2023.

(d) The actual fiscal year 2023 YTD use of the reserves is under \$40,000 leaving \$112,000 in reserves available.

# One-time Spending Plan Requests		Current Requests	Judicial Council Approved
		Amount	Amount
1	Q1 / Q2 Performance Bonus Payments		\$ 450,000
2	St. George Courtroom Audio		\$ 141,000
3	Adobe E-Signatures		\$ 260,000
4	IT Equipment for new JA Clerks		\$ 5,872
5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
6	Online Water Law Curriculum for Judges		\$ 40,000
7	Transcription Training Production		\$ 900
8	Q3 / Q4 Performance Bonus Payments		\$ 450,000
9	Out of State Employee Set Up Fees		\$ 3,400
10	Supplemental - Secondary Language Skills		\$ 27,200
11	Summit Jury Deliberation Room Improvements		\$ 150,000
12	<b>American Fork Courthouse Lease Increases (revision)</b>	<b>16,855</b>	\$ 156,050
13	Matheson Carpet Replacement - Phase 3		\$ 100,000
14	Mobile AED Kit		\$ 2,300
15	Education Room A/V Upgrade to Hybrid Use		\$ 10,000
16	<b>IT Windows 10 Enterprise Upgrades and Software Assurance</b>	<b>135,000</b>	
17	<b>IT Google Licensing for Enterprise Plus</b>	<b>148,000</b>	
18	<b>IT Adobe Pro Licenses for all Staff</b>	<b>120,000</b>	
19	<b>IT Microsoft M365 Additional 630 Licenses</b>	<b>90,000</b>	
20	<b>IT Survey Monkey Subscription</b>	<b>45,000</b>	
<b>Current Month One-time Spending Requests</b>		<b>554,855</b>	
<b>Previously Approved 1x FY 2023 YE Spending Request</b>			<b>1,836,722</b>

## 12. FY 2023 YE Spending Request – American Fork Courthouse Rent Increase **REVISED**

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** ~~1/19/23~~ 3/1/2023

**Department or District:** Facilities

**Requested by:** Chris Talbot

**Request title:** American Fork (AF) Courthouse Rent Increase **REVISED**

**Amount requested:** ~~\$172,905~~ ~~156,050~~ incremental \$16,855

**One-time Turnover Savings funds**

**UPDATE** - Since this request was originally submitted, the City of American Fork has added one more change to the new lease. Several years ago at the Court's request, approximately 1,250 square feet of shell space for an additional courtroom was completed. The old lease was not updated to account for this space. The shell space was never completed but since it is available for the Courts to use should we need it, the City decided they will add that to the square feet under lease in the new lease which increased the annual rent by approximately \$34,400 in year 1 (1,250 incremental sf x (\$24 base + \$3.5 O&M) = \$34,400). Note: the impact for FY 2023 is 50% of that amount since it covers Jan – June 2023. The revised rental amounts are shown on the REVISED Exhibit A on page 3. The total year 1 increase is \$172,905 with an annualized first year impact of \$346,000. We will need a carryforward request for FY 2024 of \$389,000 and will seek a \$446,500 1x request from the Legislature for FY 2025. Starting in FY 2026 we will seek ongoing legislative funding of \$602,300 for the remaining 7 years of the lease.

### **Purpose of funding request:**

Our original 20 year lease expired in September 2022 and rent increases were required by the City of American Fork as part of the new lease. This request will cover the rent increases for the remaining 6 months of FY23 (January – June). The monthly rent for year 1 of the new lease increased by \$26,000 amounting to an increase of \$312,000 annually. There are additional rent increases of approximately 8% annually over the next several years. The City allowed us to pay the old rent amount from October – December, so there is not a request for additional funding for the 3 months after the lease expired and the total year 1 increase is \$156,050. (See Exhibit A)

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

A new lease has been negotiated with AF to extend our presence in this AF-owned facility shared with the AF Police Department. The new lease will allow our District Court to remain for another 3 years and Juvenile Court / Probation to remain for up to 10 years.

## 12. FY 2023 YE Spending Request – American Fork Courthouse Rent Increase **REVISED**

Due to the rent increases required by AF, we will be moving the two district courtrooms to Provo after we build out the shelled courtrooms in Provo over the next 2.5 years. This will allow us to give back approximately 40% of our tenant space and reduce rent payments starting in October 2025.

A FY24 legislative on-going funding request was not submitted for consideration due to the negotiations not being finalized until December 2022. In addition to this request, a FY2024 carryover request will need to be submitted to cover \$353,400 for rent increases in FY24 (See Exhibit A). We also plan to submit a request to the legislature for \$408K of 1x funds for FY 2025 (July 2024 – June 2025). Starting in FY 2026 we will be able to submit an ongoing legislative funding request for the final 7 years of the lease based on the reduced square footage that will require less additional rent.

### Alternative funding sources, if any:

Due to a decrease in the revenues coming into the Court Complex Account (which is funded by dedicated credits coming from civil filings) which has declined since COVID by approximately \$350,000 annually and the complete loss of revenues from the Matheson parking garage which is an additional \$250,000 in annual lost revenue, the Facilities budget is currently projected to be underfunded approximately \$620K by the Court Complex Account, so Facilities is unable to cover this expense.

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

Cuts would need to be made to the Facilities budget for the remainder of the year to cover the expense. This would affect the ability to cover unforeseen small projects and repairs statewide with the facilities budget. Examples of projects / repairs that would need to be eliminated are: Repairs / upgrades to building security systems (cameras and access controls), furniture replacement / reconfiguration, security screening equipment replacement (magnetometers / x-ray) when a unit no longer works, and Matheson paint / carpet requests.

### Exhibit A - Schedule of Payments

	Year	Rent PSF	Leased SF	Annual Payment - Lease Year	Annual Payment - Fiscal Year	Fiscal Year Increase	Cumulative	Rental Monthly Payment
	Original Lease	\$ 12.68	27,558	\$ 349,298				\$ 29,108
1	1/23 - 9/23	\$ 24.00	27,558	\$ 661,392	\$ 505,345	\$ 156,047		\$ 55,116
2	10/23 - 9/24	\$ 26.00	27,558	\$ 716,508	\$ 702,729	\$ 197,384	\$ 353,431	\$ 59,709
3	10/24 - 9/25	\$ 28.00	27,558	\$ 771,624	\$ 757,845	\$ 55,116	\$ 408,547	\$ 64,302
4	10/25 - 9/26	\$ 30.00	17,315	\$ 519,450	\$ 582,494	\$ (175,352)		\$ 43,288
5	10/26 - 9/27	\$ 30.90	17,315	\$ 535,034	\$ 531,138	\$ (51,356)		\$ 44,586
6	10/27 - 9/28	\$ 31.83	17,315	\$ 551,085	\$ 547,072	\$ 15,934		\$ 45,924
7	10/28 - 9/29	\$ 32.78	17,315	\$ 567,617	\$ 563,484	\$ 16,412		\$ 47,301
8	10/29 - 9/30	\$ 33.77	17,315	\$ 584,646	\$ 580,388	\$ 16,905		\$ 48,720
9	10/30 - 9/31	\$ 34.78	17,315	\$ 602,185	\$ 597,800	\$ 17,412		\$ 50,182
10	10/31 - 9/32	\$ 35.82	17,315	\$ 620,250	\$ 615,734	\$ 17,934		\$ 51,688

## 12. FY 2023 YE Spending Request – American Fork Courthouse Rent Increase **REVISED**

Exhibit A - Schedule of Payments - REVISED											Fiscal Year	
	Year	Rent PSF	O&M PSF	Leased SF	Annual Rental Payment - Lease Year	Annual Rental Payment - Fiscal Year	Fiscal Year Rental Increase	O&M Fiscal Year Increase	FY Cumulative Rental & O&M Increase	Rental Monthly Payment	Annual O&M Payment	Total Rent and O&M
	Original Lease	\$ 12.675		27,558	\$ 349,298					\$ 29,108		
1	1/23 - 9/23	\$ 24.00	\$ 3.50	28,784	\$ 690,816	\$ 520,057	\$ 170,759	\$ 2,146	\$ 172,905	\$ 57,568		
2	10/23 - 9/24	\$ 26.00	\$ 3.50	28,784	\$ 748,384	\$ 733,992	\$ 213,935	\$ 2,146	\$ 388,985	\$ 62,365		
3	10/24 - 9/25	\$ 28.00	\$ 3.50	28,784	\$ 805,952	\$ 791,560	\$ 57,568	\$ -	\$ 446,553	\$ 67,163		
4	10/25 - 9/26	\$ 30.00	\$ 3.50	16,358	\$ 490,740	\$ 569,543	\$ (22,017)			\$ 40,895	\$ 57,253	\$ 626,796
5	10/26 - 9/27	\$ 30.90	\$ 3.50	16,358	\$ 505,462	\$ 501,782	\$ (67,761)			\$ 42,122	\$ 57,253	\$ 559,035
6	10/27 - 9/28	\$ 31.83	\$ 3.50	16,358	\$ 520,626	\$ 516,835	\$ 15,053			\$ 43,386	\$ 57,253	\$ 574,088
7	10/28 - 9/29	\$ 32.78	\$ 3.50	16,358	\$ 536,245	\$ 532,340	\$ 15,505			\$ 44,687	\$ 57,253	\$ 589,593
8	10/29 - 9/30	\$ 33.77	\$ 3.50	16,358	\$ 552,332	\$ 548,310	\$ 15,970			\$ 46,028	\$ 57,253	\$ 605,563
9	10/30 - 9/31	\$ 34.78	\$ 3.50	16,358	\$ 568,902	\$ 564,760	\$ 16,449			\$ 47,409	\$ 57,253	\$ 622,013
10	10/31 - 9/32	\$ 35.82	\$ 3.50	16,358	\$ 585,969	\$ 581,702	\$ 16,943			\$ 48,831	\$ 57,253	\$ 638,955
												\$ 4,216,043
											Average	\$ 602,292



## 16. FY 2023 YE Spending Request – Windows 10 Enterprise Upgrades & Software Assurance

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** 2/17/2023

**Department or District:** Information Technology

**Requested by:** Brody Arishita

**Request title:** Windows 10 Enterprise Upgrades and Software Assurance

**Amount requested:** \$135,000

**One-time Turnover Savings funds**

**Purpose of funding request:**

To continue payment for Windows 10 Enterprise licenses for court computers.

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

In 2020 using one-time funds, the courts purchased 1,400 licenses for Windows 10 Enterprise including 3 years of Software Assurance for \$401,674 (\$133,891 per year). Software Assurance ensures 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 to renew our agreement for 3 years at \$403,648 (\$134,549 paid annually).

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. The legislature funded this item with 1x fund as one part of the 6 items in our IT Legislative request (ranked #6 out of 10). We will not need to use the Court's funds to pay for the payment due May 2024 for FY 2025. Excerpted below is the list of items in the IT legislative request with this request highlighted:

The \$978,000 in one-time general fund will be used as follows:

A. Continued licensing for 1,400 Windows Enterprise (desktop operating system) -	\$135,000
B. Increased cost of Google licensing for Enterprise Plus -	\$148,000
C. Continued support of Clean Slate legislation software -	\$25,000
D. FTR migration to cloud platform -	\$220,000
E. AEM (Adobe Experience Manager) -	\$150,000
F. Adobe eSignatures -	\$300,000
Total.....	\$978,000

**16. FY 2023 YE Spending Request – Windows 10 Enterprise Upgrades & Software Assurance****Alternative funding sources, if any:**

There is no alternative funding source at this time.

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

If we do not renew our 3-year bundle package licensing that we have today for our desktop software we will be out of compliance with Microsoft and no longer have licensed access to utilize Windows OS on our computers. We would be forced into a non-package Windows license situation where we would have to take retail pricing for each of our 1,400 licenses. Based on an industry standard price increase of 5-15% annually for retail customers, we expect our cost to be \$461,925 to \$582,427 for a 3-year period which equals \$153,975 to \$194,142 annually. Continuing our existing multi-year agreement for an additional 3 years using one-time or ongoing funds saves us no less than \$60,000 and ensures the courts remain on a secure and updated version of our desktop operating system.

## 17. FY 2023 YE Spending Request – Google Licensing for Enterprise Plus – 2<sup>nd</sup> Year

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** 2/17/2023

**Department or District:** Information Technology

**Requested by:** Brody Arishita

**Request title:** Google Licensing for Enterprise Plus

**Amount requested:** \$148,000

**One-time Turnover Savings funds**

**Purpose of funding request:**

Cover increased cost of Google renewal for this year of \$148,000

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

The courts migrated to Google in 2012. For the next 10 years we paid the same amount annually (\$110,000) from ongoing funds for the use of Google licenses (the original system was G Suite Basic and we were grandfathered on pricing). In FY 2022 Google notified us that our licensing for G Suite Basic was no longer available and would be shut down in July 2022 if we did not upgrade to G Suite Enterprise Plus. The courts utilized one time YE 2022 funding of \$148,000 to cover a one-year extension of the G Suite (total cost now \$258,000 per year composed of \$110,000 ongoing and \$148,000 one-time funds) contract for the last 2 months of FY2022 and the first 10 months of FY 2023.

Due to the extended number of years our costs were flat, we anticipated costs for our Google platform to increase by up to 400% over the cost of our current payment. After aggressive negotiations in FY 2023, IT was able to avoid any increase and extend the term of the Google contract by 4 years by adding the Courts to the State Contract. This request will enable us to maintain the \$248,000 annual pricing during the next 4 years.

We have requested this amount as one part of the 6 items in our IT Legislative request (ranked #6 out of 10). The legislature has funded this with one-time funds as part of the 2023 legislative session. We will not need to use the Court's funds to pay for the payment due May 2024 for FY 2025. Excerpted below is the list of items in the IT legislative request with this request highlighted:

The \$978,000 in 1x general funds will be used as follows:

A.	Continued licensing for 1,400 Windows Enterprise (desktop operating system) -	\$135,000
B.	Increased cost of Google licensing for Enterprise -	\$148,000
C.	Continued support of Clean Slate legislation software -	\$25,000
D.	FTR migration to cloud platform -	\$220,000
E.	AEM (Adobe Experience Manager) -	\$150,000
F.	Adobe eSignatures -	\$300,000
Total.....		\$978,000

**17. FY 2023 YE Spending Request – Google Licensing for Enterprise Plus – 2<sup>nd</sup> Year****Alternative funding sources, if any:**

There is no alternative funding source at this time.

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

We will lose the ability to access our Google system (Gmail, Drive, Calendar, etc) and the back end system for digital signatures through Court eFiling will no longer be available.

## 18. FY 2023 YE Spending Request – Adobe Pro Licenses for All Staff

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** 2/17/2023

**Department or District:** Information Technology

**Requested by:** Brody Arishita

**Request title:** Adobe Pro Licenses for all Staff

**Amount requested:** \$120,000

**One-time Turnover Savings funds**

**Purpose of funding request:**

To cover the first year cost to migrate court staff from perpetual licenses for Adobe Acrobat Pro into the Adobe Pro Cloud version.

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

The courts currently have 526 employee licenses for Adobe Pro 2017. That version of the software is now at the end of life. The current cost for single Adobe Pro licenses is \$430 per device for a total cost of \$226,180 to upgrade all 430 licenses to the current Adobe Pro Cloud version. These licenses are a per-device cost and are only paid once, but are no longer valid when the software support from Adobe ends, which is the case we are in at the moment.

IT has aggressively negotiated with Adobe to move from perpetual licenses to annual cloud licenses. Adobe has agreed to the price which will allow us to license **ALL 1210 court employees** at a cost of \$120,000 per year. This is a first-year savings of \$106,180. We are requesting \$120,000 to cover the first year of licensing and will include this request in the IT ask from the legislature in the 2024 session for ongoing funding.

The Acrobat Professional software has become a part of the court process for combining files for Appeals, modifying .pdf files for purchasing and other integral court programs. Purchasing licenses for all employees will allow the flexibility of now allowing multiple people to perform these functions rather than limiting it to less than half of court staff. The cloud version will also ensure that everyone remains on the most current and secure version of this software. Going forward, this also eliminates the process of removing old software and installing new software every 4 years, saving a huge amount of time for both IT and local court staff.

**Alternative funding sources, if any:**

There is no alternative funding source at this time. We will try to secure ongoing funding from the Legislature in the 2024 session to fund these costs in future years.

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

**18. FY 2023 YE Spending Request – Adobe Pro Licenses for All Staff**

The current version on 526 computers is no longer supported for getting security updates and will need to be removed.

## 19. FY 2023 YE Spending Request – Microsoft M365 – 630 Additional Licenses for Court Employees

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** 2/17/2023

**Department or District:** Information Technology

**Requested by:** Brody Arishita

**Request title:** Microsoft M365 – 630 Additional Licenses for Court Employees

**Amount requested:** \$90,000

**One-time Turnover Savings funds**

**Purpose of funding request:**

To cover the cost of an additional 630 licenses of Microsoft M365 for the remaining court staff still using the perpetual Microsoft Office licenses.

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

In FY23 the courts received \$65,000 of the \$72,000 requested in ongoing funds from the legislature to move 580 users from the existing perpetual Microsoft Office licenses into the newer and more secure **M365 cloud version**. This new request is for the **additional funding needed to move the remainder of our user base** to this new platform as well. There are currently 630 court staff without licenses that would have access to this software.

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.

**Alternative funding sources, if any:**

The M365 Enterprise Agreement (EA) requires us to add our users one time per year to avoid having to separate EAs (which could also impact pricing) and management consoles. If we do not add the users at the time of our renewal this spring we will have to wait until our 2024 renewal. So this request cannot be delayed until July 1, 2023.

We will also try to secure ongoing funding from the Legislature in the 2024 session to fund these costs in future years.

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

If not funded we will remain with 630 out of 1,210 court staff not having access to this software.

## 20. FY 2023 YE Spending Request – SurveyMonkey Subscription

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** 2/17/2023

**Department or District:** Information Technology

**Requested by:** Brody Arishita

**Request title:** SurveyMonkey Subscription

**Amount requested:** \$45,000

**One-time Turnover Savings funds**

**Purpose of funding request:**

To cover the cost of the SurveyMonkey tool - used statewide for jury selection questionnaires.

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

SurveyMonkey is a cloud-based survey tool that helps users create, send and analyze professional online surveys. Users can email surveys to respondents and use responses as needed.

Jury trials were put on hold due to the pandemic in March 2020. The backlog of cases was substantial and getting jury trials moving again was critical to the public service required of the courts.

**SurveyMonkey** was purchased to use in sending out jury surveys. We paid \$34,750 in FY21 and \$37,182 in FY22. The increased cost of \$45,000 for FY23 is due to the increase in users. It has now been in place well over 2 years and has now become an integral part of our internal process for jury selection, being utilized on a daily basis throughout the state. Prospective jurors are asked to complete a Jury Questionnaire in advance of their scheduled jury duty.

For the last couple years, IT has been covering this cost, but due to other increased costs we are requesting this statewide program to be covered by one-time turnover savings for FY 2023. We will include this request in our legislative ask in the 2024 session for ongoing funding.

**Alternative funding sources, if any:**

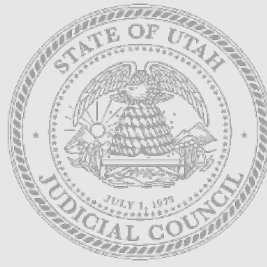
There is no alternative funding source at this time. We will try to secure ongoing funding from the Legislature in the 2024 session to fund these costs in future years.

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

No alternative strategy. If not funded districts would be forced to revert back to previous methods for jury questionnaires utilized pre-pandemic



# Tab 3



# Administrative Office of the Courts

## Grant Application Proposal (GAP) Non-Federal Grant

February 24, 2023

A. Contact Information	
AOC Contact:	Nathanael Player
Phone:	801-238-7921
Grant Administering Unit:	Utah State Courts Self-Help Center (SHC)

B. Grant Details			
Grantor:	National Center for State Courts (NCSC)		
Title of Grant:	NCSC Eviction Diversion Initiative (EDI)		
Application Deadline:	April 21, 2023		
Amount Requested:	Year 1: \$90,000 Year 2: \$45,000 Year 3: <u>\$22,000</u> *if NCSC extends grant an additional year Total: <b>\$157,000</b>		
Grant Period Begins:	9/1/2023	Ends:	8/31/2025 (possible extension 8/31/2026)
Award Type:	<input checked="" type="checkbox"/> Recipient	<input type="checkbox"/> Subrecipient	

C. Legislative Reporting: Statutory Grant Impact <sup>1</sup>	
Tier 1 – Low	<input type="checkbox"/>
At least \$10k but less than \$50k per year, and no new permanent full or part time employees; and no new state monies required as match (report GAP with Judicial Council approval to LFA and EAC only).	
Tier 2 – Med	<input checked="" type="checkbox"/>
Greater than \$50k but less than \$1M per year; or adds more than zero but less than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match (submit GAP with Judicial Council approval to EAC for review and recommendations).	
Tier 3 – High	<input type="checkbox"/>
Greater than \$1M per year; or adds more than 11 permanent full or part time employees; or requires state to expend greater than \$1M per year in new state monies as match (submit GAP with Judicial Council approval to the Legislature for review to approve or reject the grant).	

Reference: Accounting Manual §11-07.00 Exhibit A(II)(a-c) & UCA 63J-7-§202 & §203

<sup>1</sup> Grant funds awarded through the Commission on Criminal & Juvenile Justice (CCJJ), Utah Office for Victims of Crime (UOVC), or other authorized State Administering Agency, are appropriated by the legislature prior to the issuing of subawards; accordingly, subawards are not reported by the recipient to the LFA for EAC/EOCJ review. "Impact Tier" may still be assigned for completeness and purposes of GAP assessment.

**D. GAP Narrative**

UCJA Rule 3-411 (5)

1. Explain **(a)** the issues to be addressed by this project and describe how the grant funds will contribute to their resolution, and **(b)** how the grant will assist the Utah Courts to solve problems and promote innovations that cannot be accomplished with existing resources.

Court data show that 94% of all defendants in eviction cases are self-represented. Fifty-six percent of those cases are filed in Salt Lake County, which has a consolidated calendar for all occupancy hearings filed therein. Previously, self-represented defendants were provided representation at these hearings. This was supported by a Pro Bono Commission Signature Program through the Utah State Bar's Access to Justice (ATJ) Office, and for the past two and a half years, from People's Legal Aid (PLA), a legal services organization focused on helping defendants in eviction cases.

Due to resource constraints for both entities and a data-focused approach to analyze the impact of providing representation to pro se defendants, the Pro Bono Commission paused this Signature Program. Data collection and analysis of the past seven months shows that with the provision of volunteer attorneys, only 7% of tenancies are retained, 31% of tenants breach their settled agreements within six months, and while defendants gained a total of 3,185 additional days, this came at the cost of about \$145 per night, or an extra \$461,825 in judgements against defendants. Contrasted with tenant-friendly states like New York, which have a 70% tenancy retention rate post-occupancy hearing, Utah outcomes are suboptimal. The previous model appears to have increased financial burdens on tenants with little other positive impact. The ATJ Office and PLA are collaborating on a proposal for a joint Signature Program to provide legal services to tenants, prepare them to represent themselves in their occupancy hearings, and connect them to other vital resources in the community. The goal is to stabilize tenants post-eviction. The initial proposal is to implement this signature program in Salt Lake County, evaluate the impact, and consider expansion. The ATJ Office and PLA anticipate that there is more potential to scale this program than there was to expand the previous model. This approach will likely have a greater impact on tenants across the entire state, not just Salt Lake County. Although 56% of evictions are filed in Salt Lake County, 44% of Utah's tenants potentially have unmet legal needs related to their status as tenants. Evictions have a direct causal effect on homelessness and have been shown to worsen health outcomes, particularly mental health, and substantially increase emergency room use (Rob Collison and Davin Kristopher Reed, *The Effects of Eviction on Low-Income Households*. 2018, p. 26. Available at: [https://www.law.nyu.edu/sites/default/files/upload\\_documents/evictions\\_collinson\\_reed.pdf](https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf)).

Funding for this project would help support the creation of a new program promoting the provision of education and brief advice for tenants further upstream in the process. This project would focus on reaching tenants one week before occupancy hearings. If funding were approved, the court would revise their boilerplate notice of occupancy hearing to tell defendants about this resource. Goals for this project include:

1. Educating parties on the basics of landlord-tenant/evictions and/or debt collection law;
2. Earlier intervention and direct access for financial assistance and community services;
3. Conducting triage and establishing realistic expectations;
4. Increasing time and ability to file disclosures;
5. Improving the quality of exhibits and witness testimony/affidavits;
6. Provide better mentorship and improved quality of services for volunteers; and
7. Expanding the reach of ATJ services to include statewide assistance.

This project would be a bar signature program, supported by both by the ATJ Office and PLA. The funds would pay for a coordinator, employed by PLA, to orchestrate intakes, educate defendants, and connect them with volunteers who can provide brief legal advice, other legal services as appropriate, and social services that can help with rental and housing assistance.

- 2.** Describe **(a)** how this grant will support the mission of the Utah Courts to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law; and **(b)** how this grant provides measurable benefits to marginalized, minority, pro se, or similar underserved individuals or communities.

The grant funding would allow the courts to obtain resources, which they can provide to PLA. PLA would orchestrate the provision of legal and social services to help self-represented litigants in eviction cases who are facing the threat of homelessness. This will make the courts more open, fair, and efficient. This will make the courts more open because the project will educate defendants on what to expect during occupancy hearings. It will make the courts fairer because it will help to correct the significant power imbalance between defendants in eviction cases (who are almost always self-represented) and plaintiffs (who are almost always represented). It will make the courts more efficient because litigants who come to court oriented about court processes, understanding their rights and obligations, and empowered with an understanding of how negotiation works are more able to efficiently engage in the court process.

This grant will bring much needed resources to marginalized communities. Sixty percent of PLA's clients identify as non-white, so these funds will provide services to people who are racially marginalized. The majority of PLA's clients also spend more than 30% of their income on housing - they are housing-cost burdened and have fewer financial resources to secure legal counsel. Implementing the proposed signature program will empower tenants with the tools they need to navigate complicated court processes, engage in their hearings as self-represented litigants, and better understand the implications of being evicted.

- 3.** Describe the court resources required to carry out the project in the post-award phase and subsequent to grant closeout once funds are expended.

The proposal is for the Self-Help Center to work closely with the ATJ Office and PLA to implement this grant. There would be no ongoing obligation on the courts after the grant funds are expended. After a discussion with the NCSC's grant coordinator, it appears this project is a very good fit, even though the intent is to place this funding with an outside entity (PLA) and not the courts. The Self-Help Center, the ATJ Office, and PLA will collaborate to secure additional funding to make up the balance.

- 4.** Explain whether additional state funding shall be required to maintain or continue this program, or its infrastructure, when the grants concludes. **If yes**, will the funds required to continue this program come from within your existing budget?

Funding will be required to sustain the program, but at this time we are working to secure that funding from private sources. The grant will pay for a position at 100% of the cost the first year and 50% the second year, with the hope that ongoing funding can be secured. The grant was announced 2/8/2023. In just two weeks we have been able to gather all affected

stakeholders providing assistance to defendants facing eviction in Salt Lake County, and Judge Parker, and establish consensus on a plan for applying for this grant. Identifying a source for ongoing funding is our next step. PLA and the ATJ Office are working to set up a meeting with the Utah State Bar Foundation to explore funding opportunities, but we have not been able to do so before needing to obtain permission to proceed from the Council. We anticipate that funding will be available but cannot guarantee that at this time. Accordingly, we seek permission to apply for the NCSC funding by the April 21, 2023 deadline with the caveat that additional funds are being explored as a requirement of the grant application; if these funds are not identified by the submission deadline, the application will not be submitted to NCSC.

5. How many **new permanent** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

N/A<sup>2</sup> (see footnote)

6. How many **new temporary** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

N/A

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<sup>2</sup> 1.0 FTE employed by People's Legal Aid (PLA) – not an employee of the court

## E. Anticipated Budget Tables & Narrative

Complete the following tables as applicable with estimated expenditures for up to three state fiscal years. **If no matching contributions are required, complete only Table (C).**

**Table A. Cash Match**

Check box if not applicable ☒

State Fiscal Year		Funds Disbursed	Matching State Dollars (Cash)					
			General Fund	Dedicated Credits	Restricted Funds	Other (describe)	Maintenance of Effort	Totals
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
Provide details below for each match, or "N/A" if no match is required								
N/A								

**Table B. In-Kind Match**

Check box if not applicable ☒

State Fiscal Year		Funds Disbursed	Matching State Dollars (In-Kind)					
			General Fund	Dedicated Credits	Restricted Funds	Other (describe)	Maintenance of Effort	Totals
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
Provide details below for each match ("N/A" if no match is required)								
N/A								

**Table C. No Match Requirement**

Check box if not applicable ☐

State Fiscal Year	Funds Disbursed	Totals
FY 2024	\$ 90,000	\$90,000
FY 2025	\$ 45,000	\$45,000
FY 2026	\$ 22,000	\$22,000 <i>*if NCSC extends grant an additional year</i>
<b>Total</b>	<b>\$157,000</b>	<b>\$157,000</b>

**F.****Resource Impact Assessment***This section completed by Grant Coordinator*

UCJA Rule 3-411 (4)

Title of Grant:	Eviction Diversion Initiative (EDI) Program		
Grantor:	National Center for State Courts (NCSC)		
Source of Funds:	Non-federal	Match Requirement:	None
Application Deadline:	April 21, 2023	Awards Announced:	Summer 2023
Grant Begins:	9/1/2023	Grant Concludes:	8/31/2025 8/31/2026 (with extension)
Applicant Name:	Nathanael Player		
Grant Administering Unit:	Self-Help Center		
Court Resource Areas:	Self-Help Center / Third District Court		
Collaborators:	1. Utah State Bar Access to Justice Office (ATJ) 2. People's Legal Aid (PLA) 3. Utah State Bar Foundation		

**Recommendation**

**This assessment concludes existing Third District resources are adequate to achieve the stated grant objectives. Incremental resource needs from the courts (impacts) are mitigated through collaboration and resource development with non-profit partners.**

Existing court resources are adequate to accomplish the stated objectives. No incremental impacts to IT or other court resources are identified following assessment of the request. Sustainability of this program will be sought through collaboration among the Self-Help Center and stated non-profit collaborators. If additional private funds are not secured for year two (a condition of the award), the application will not be submitted (due April 21, 2023). If awarded, the AOC will serve as a pass-through of NCSC funds to support PLA's hiring of a dedicated Eviction Diversion Facilitator, and "notice of occupancy hearing" boilerplate will be updated to refer defendants to this resource embedded within PLA.

**Assessment**

1. Capacity of impacted court areas to successfully support the grant at current staffing levels.  
(UCJA Rule 3-411 (4)(a)(i))

**Response:** EDI funds would support the hiring of a dedicated Eviction Diversion Facilitator working as an employee of People's Legal Aid (PLA). This position will not be that of a court employee. Court resources that are reasonably expected to be rendered are clerical support within Third District to update the boilerplate "notice of occupancy hearing" form to inform and refer defendants about this community resource. Existing Self-Help Center resources are adequate to support completion of this objective. No additional court resources are required, and no requests are made of IT resources.

2. Anticipated incremental impacts to AOC resources once grant funds are expended.  
(UCJA Rule 3-411 (4)(a)(ii))

**Response:** Local and state courts are the only entities permitted to apply for grant funds with the NCSC EDI program. If awarded, these funds may be used as a pass-through to support the hiring of a full-time Eviction Diversion Facilitator by a community partner, rather than an employee of the court. The grantor will provide 100% of the budgeted costs in year one of the program and 50% in year two. The Self-Help Center, participating non-profit collaborators, and ATJ Office will seek additional private funds to secure the remaining half of year two costs and beyond. If additional private funds are not secured for year two (a condition of the award) the application will not be submitted (due April 21, 2023).

This proposal has been reviewed and approved by the following (select all that apply):

- ☐ Applicable Board of Judges & Court-Level Administrator  
Titles & Dates: [Click or tap here to enter text.](#)
- ☒ AOC Grant Coordinator & Finance Director
- ☐ Utah Supreme Court (UCJA Rule 3-105)

[Click or tap to enter a date.](#)

**Date Approved by the Judicial Council**

State Court Administrator Signature:



# Tab 8

## Agenda



# Administrative Office of the Courts

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

March 8, 2023

Ronald Gordon, Jr.  
State Court Administrator  
Neira Siaperas  
Deputy State Court Administrator

## MEMORANDUM

**TO: Management Committee / Judicial Council**  
**FROM: Keisa Williams**  
**RE: Rules for Public Comment**

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The Policy, Planning, and Technology Committee recommends that the following rules be approved for a 45-day public comment period.

### **CJA 1-205. Standing and ad hoc committees**

On February 27, 2023, the Judicial Council declined to adopt proposed amendments to CJA rule 1-205 on an expedited basis and sent the rule back to the PP&T committee with the following directives:

1. Add a judge from each court level.
2. Fix the following terminology: “sitting” vs. “current” and “judge or justice” vs. “judicial officer.”
3. Seek feedback from the Committee on Judicial Fairness and Accountability on the revised amendments.
4. Bring the rule back to the Judicial Council. The rule needs to go out for public comment and committee staff should follow the member solicitation and appointment process outlined in 1-205(3)(A).

With input from the Committee on Judicial Fairness and Accountability, the revised amendments (lines 204-214) add a judge from each court level, include two former judges from any court level, and allow for the appointment of up to two additional qualified individuals.

### **CJA 3-117. Committee on Court Forms**

The Committee on Court Forms recommends the following proposed amendments:

1. Remove the requirement that the General Counsel conduct a legal review of every form prior to committee approval. The Court Forms Committee is made up of experienced judges and attorneys that are more than capable of ensuring court forms

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

- are legally correct. Adding an extra step is unnecessary and slows progress. The General Counsel's Office may be consulted as needed.
2. Acknowledge the Committee's responsibility to review existing forms and assess the need for new court forms.
  3. Add new form requirements, including user-testing where practicable.

**CJA 3-406. Budget and fiscal management**

In January, the Judicial Council pulled CJA rule 3-406 from the Council's consent calendar at the request of the Budget and Fiscal Management Committee (BFMC) chair. BFMC made a few minor amendments, primarily to terminology (i.e., changing "judicial priorities" to "budget requests," etc.). Following further review by PP&T, the rule is ready to be published for comment.

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

**Rule 1-205. Standing and Ad Hoc Committees.****Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

**Applicability:**

This rule shall apply to the internal operation of the Council.

**Statement of the Rule:****(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Uniform Fine Committee;

(1)(A)(ii) Ethics Advisory Committee;

(1)(A)(iii) Judicial Branch Education Committee;

(1)(A)(iv) Court Facility Planning Committee;

(1)(A)(v) Committee on Children and Family Law;

(1)(A)(vi) Committee on Judicial Outreach;

(1)(A)(vii) Committee on Resources for Self-represented Parties;

(1)(A)(viii) Language Access Committee;

(1)(A)(ix) Guardian ad Litem Oversight Committee;

(1)(A)(x) Committee on Model Utah Civil Jury Instructions;

(1)(A)(xi) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xii) Committee on Pretrial Release and Supervision; and

(1)(A)(xiii) Committee on Court Forms;

(1)(A)(xiv) Committee on Judicial Fairness and Accountability; and

(1)(A)(xv) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

**(1)(B) Composition.**

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-302 and shall consist of:

(1)(B)(i)(a) one district court judge who has experience with a felony docket;

(1)(B)(i)(b) three district court judges who have experience with a misdemeanor docket; and

(1)(B)(i)(c) four justice court judges.

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and shall consist of:

(1)(B)(ii)(a) one judge from the Court of Appeals;

(1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(ii)(d) one juvenile court judge;

(1)(B)(ii)(e) one justice court judge; and

(1)(B)(ii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 shall consist of:

(1)(B)(iii)(a) one judge from an appellate court;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iii)(f) one state level administrator;

(1)(B)(iii)(g) the Human Resource Management Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and shall consist of:

- (1)(B)(iv)(a) one judge from each level of trial court;
- (1)(B)(iv)(b) one appellate court judge;
- (1)(B)(iv)(c) the state court administrator;
- (1)(B)(iv)(d) a trial court executive;
- (1)(B)(iv)(e) two business people with experience in the construction or financing of facilities; and
- (1)(B)(iv)(f) the court security director.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and shall consist of:

- (1)(B)(v)(a) one Senator appointed by the President of the Senate;
- (1)(B)(v)(b) the Director of the Department of Human Services or designee;
- (1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;
- (1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;
- (1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;
- (1)(B)(v)(f) one representative of a child advocacy organization;
- (1)(B)(v)(g) the ADR Program Director or designee;
- (1)(B)(v)(h) one professional in the area of child development;
- (1)(B)(v)(i) one mental health professional;
- (1)(B)(v)(j) one representative of the community;
- (1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;
- (1)(B)(v)(l) one court commissioner;
- (1)(B)(v)(m) two district court judges; and
- (1)(B)(v)(n) two juvenile court judges.
- (1)(B)(v)(o) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vi) The **Committee on Judicial Outreach** performs the duties described in rule 3-114 and shall consist of:

(1)(B)(vi)(a) one appellate court judge;  
(1)(B)(vi)(b) one district court judge;  
(1)(B)(vi)(c) one juvenile court judge;  
(1)(B)(vi)(d) one justice court judge; one state level administrator;  
(1)(B)(vi)(e) a state level judicial education representative;  
(1)(B)(vi)(f) one court executive;  
(1)(B)(vi)(g) one Utah State Bar representative;  
(1)(B)(vi)(h) one communication representative;  
(1)(B)(vi)(i) one law library representative;  
(1)(B)(vi)(j) one civic community representative; and  
(1)(B)(vi)(k) one state education representative.  
(1)(B)(vi)(l) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(vii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and shall consist of:

(1)(B)(vii)(a) two district court judges;  
(1)(B)(vii)(b) one juvenile court judge;  
(1)(B)(vii)(c) two justice court judges;  
(1)(B)(vii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;  
(1)(B)(vii)(e) one representative from a social services organization providing direct services to underserved communities;  
(1)(B)(vii)(f) one representative from the Utah State Bar;  
(1)(B)(vii)(g) two representatives from legal service organizations that serve low-income clients;  
(1)(B)(vii)(h) one private attorney experienced in providing services to self-represented parties;  
(1)(B)(vii)(i) two law school representatives;  
(1)(B)(vii)(j) the state law librarian; and  
(1)(B)(vii)(k) two community representatives.

(1)(B)(viii) The **Language Access Committee** performs the duties described in rule 3-306.02 and shall consist of:

- (1)(B)(viii)(a) one district court judge;
- (1)(B)(viii)(b) one juvenile court judge;
- (1)(B)(viii)(c) one justice court judge;
- (1)(B)(viii)(d) one trial court executive;
- (1)(B)(viii)(e) one court clerk;
- (1)(B)(viii)(f) one interpreter coordinator;
- (1)(B)(viii)(g) one probation officer;
- (1)(B)(viii)(h) one prosecuting attorney;
- (1)(B)(viii)(i) one defense attorney;
- (1)(B)(viii)(j) two certified interpreters;
- (1)(B)(viii)(k) one approved interpreter;
- (1)(B)(viii)(l) one expert in the field of linguistics; and
- (1)(B)(viii)(m) one American Sign Language representative.

(1)(B)(ix) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and shall consist of:

- (1)(B)(ix)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(x) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(x)(a) two district court judges;
- (1)(B)(x)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(x)(c) four lawyers who primarily represent defendants; and
- (1)(B)(x)(d) one person skilled in linguistics or communication.

(1)(B)(xi) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(xi)(a) two district court judges;
- (1)(B)(xi)(b) one justice court judge;
- (1)(B)(xi)(c) four prosecutors;
- (1)(B)(xi)(d) four defense counsel; and
- (1)(B)(xi)(e) one person skilled in linguistics or communication.



(1)(B)(xii) The **Committee on Pretrial Release and Supervision** performs the duties described in rule 3-116 and shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) two justice court judges;
- (1)(B)(xii)(c) one prosecutor;
- (1)(B)(xii)(d) one defense attorney;
- (1)(B)(xii)(e) one county sheriff;
- (1)(B)(xii)(f) one representative of counties;
- (1)(B)(xii)(g) one representative of a county pretrial services agency;
- (1)(B)(xii)(h) one representative of the Utah Commission on Criminal and Juvenile Justice;
- (1)(B)(xii)(i) one commercial surety agent;
- (1)(B)(xii)(j) one state senator;
- (1)(B)(xii)(k) one state representative;
- (1)(B)(xii)(l) the Director of the Indigent Defense Commission or designee;
- (1)(B)(xii)(m) one representative of the Utah Victims' Council;
- (1)(B)(xii)(n) one representative of a community organization actively engaged in pretrial justice issues;
- (1)(B)(xii)(o) one chief of police; and
- (1)(B)(xii)(p) the court's general counsel or designee.

(1)(B)(xiii) The **Committee on Court Forms** performs the duties described in rule 3-117 and shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) one court commissioner;
- (1)(B)(xiii)(c) one juvenile court judge;
- (1)(B)(xiii)(d) one justice court judge;
- (1)(B)(xiii)(e) one court clerk;
- (1)(B)(xiii)(f) one appellate court staff attorney;
- (1)(B)(xiii)(g) one representative from the Self-Help Center;
- (1)(B)(xiii)(h) the State Law Librarian;
- (1)(B)(xiii)(i) the district court administrator or designee;

(1)(B)(xiii)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiii)(k) one paralegal;

(1)(B)(xiii)(l) one educator from a paralegal program or law school;

(1)(B)(xiii)(m) one person skilled in linguistics or communication;

(1)(B)(xiii)(n) one representative from the Utah State Bar; and

(1)(B)(xiii)(o) the LPP administrator.

(1)(B)(xiv) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee shall include members who demonstrate an interest in, or who have experience with, issues of diversity, equity, and inclusion and shall consist of:

(1)(B)(xiv)(a) one ~~sitting~~ district court judge;

(1)(B)(xiv)(b) one juvenile court judge;

(1)(B)(xiv)(c) one justice court judge;

(1)(B)(xiv)(d) one appellate court judge;

(1)(B)(xiv)(~~eb~~) ~~twothree current or former judicial officers~~ judges from any court level;

(1)(B)(xiv)(~~fe~~) the General Counsel or designee; ~~and~~

~~(1)(B)(xiv)(g) one representative of the community;~~

(1)(B)(xiv)(~~hd~~) the Director of the Office of Fairness and Accountability;~~;~~

(1)(B)(xiv)(i) the Director of Data and Research or designee; and

(1)(B)(xiv)(j) up to two additional qualified individuals.

(1)(B)(xv) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and shall consist of:

(1)(B)(xv)(a) **Judiciary** representatives:

(1)(B)(xv)(a)(i) two or more district court judges;

(1)(B)(xv)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;

(1)(B)(xv)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP)

(1)(B)(xv)(a)(iv) one representative from the Court Visitor Program; and

(1)(B)(xv)(a)(v) the General Counsel or designee.

(1)(B)(xv)(b) **Community stakeholder** representatives:

(1)(B)(xv)(b)(i) one representative from Adult Protective Services;

(1)(B)(xv)(b)(ii) one representative from Disability Law Center;

(1)(B)(xv)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xv)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xv)(b)(v) one representative from the Utah State Bar;

(1)(B)(xv)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xv)(b)(vii) one representative from the Utah legislature;

(1)(B)(xv)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xv)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xv)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xv)(c) **Individual community** representatives. Three or more community stakeholders representing:

(1)(B)(xv)(c)(i) mental health community;

(1)(B)(xv)(c)(ii) medical community;

(1)(B)(xv)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xv)(c)(iv) aging-adult services community;

(1)(B)(xv)(c)(v) educator from a legal program or law school;

(1)(B)(xv)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xv)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(xv)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's committees.

*Effective May/November ~~123~~, 202~~32~~*

**Rule 3-117. Committee on Court Forms****Intent:**

To establish a committee to determine the need for forms and to create forms for use by litigants in all court levels.

**Applicability:**

This rule shall apply to the judiciary.

**Statement of the Rule:**

(1) The committee shall ~~conduct a comprehensive~~ review of current court forms and assess the need for new court forms to assist parties and practitioners in all court levels.

(2) The committee shall create forms as it deems necessary for use by parties and practitioners, including forms for the Online Court Assistance Program.

**(3) Process for form creation.**

(3)(a) The committee shall adopt procedures for creating new forms or making substantive amendments to existing forms, procedures for eliminating obsolete and outdated forms, procedures for recommending which forms should be translated into other languages, and procedures for expediting technical or non-substantive amendments to forms.

(3)(b) Forms should be:

(3)(b)(i) written in plain language and reference the statutes and rules to which the forms apply;

(3)(b)(ii) reviewed for legal correctness;

(3)(b)(iii) standardized across the state where practicable;

(3)(b)(iv) developed to promote and expand access to justice;

(3)(b)(v) structured to eliminate redundancy and unnecessary steps; and

(3)(b)(vi) user-tested when practicable.

(3)(c) The committee shall solicit input from other interested groups as it deems appropriate. The committee may establish subcommittees using non-committee members to facilitate its work.

(3)(d) The committee may recommend to the Judicial Council mandatory use of particular forms. However the Judicial Council's designation of a form as mandatory is not binding on a decision-maker asked to review the legal correctness of the form.

~~(3)(e) The Office of General Counsel shall staff the committee and shall review all forms for legal correctness before final approval by the committee.~~

(4) The State Law Librarian shall be responsible for maintaining and archiving the forms.

*Effective: May ~~122~~, 2023~~17~~*

**Rule 3-406. Budget and fiscal management.****Intent:**

To ~~develop and maintain~~accomplish the ~~policies and programs~~mission of the judiciary through sound fiscal management.

To provide ~~for~~ sound fiscal management ~~through the coordinated and cooperative effort of central and local authorities within the judiciary.~~ by financially supporting both existing programs and creating new programs that enable the Courts to effectively provide an open, fair, efficient and independent system for advancement of justice under the law.

To maintain accountability for appropriated funds, and to maintain a balanced budget.

To cooperate with the Governor and the Legislature in managing the fiscal resources of the state.

**Applicability:**

This rule shall apply to the management of all funds appropriated by the state to the judiciary, as well as grant funds used by the judiciary.

**Statement of the Rule:**

(1) ~~Fiscal offices and programs and program directors established.~~ For purposes of fiscal management, the judiciary is divided into offices (which generally provide services to other areas within the judiciary) and programs (which generally provide services to court patrons). Each office and program budget is managed by a ~~program director~~budget manager who has approval authority from the Administrative Office's finance group ("AOC Finance") to authorize disbursements. This approval authority is granted based on AOC Finance's periodic review to ensure adequate separation of duties (as defined by generally accepted accounting principles) for each budget manager. The budget manager is designated by the state court administrator and approved by their designee. AOC Finance periodically reports to the Budget and Fiscal Management Committee- ("BFMC") on the adequacy of separation of duties. The budget of a geographic division shall be managed by the court executive subject to the general supervision of the program director.

**(2) Budget management.**

(2)(A) **Responsibility of the ~~council~~Council.** The responsibility of the Council is to:

(2)(A)(i) cooperate with the Governor and the Legislature in managing the fiscal resources of the state;

(2)(A)(ii) assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature; and

(2)(A)(iii) allocate funds as required to maintain approved programs and to assure a balanced judicial budget.

**(2)(B) Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(2)(B)(i) implement the directives of the Council;

(2)(B)(ii) ~~direct the management of~~manage the judiciary's budget, ~~including recommendations to reduce or redirect allocations~~; and

(2)(B)(iii) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches.

**(2)(C) Responsibility of ~~the administrative office.~~AOC Finance.** It is the responsibility of ~~the administrative office~~AOC Finance to:

(2)(C)(i) ~~clear all warrants and other authorizations for the~~ensure timely payment of all accounts payable ~~for the availability of funds~~;

(2)(C)(ii) monitor all expenditures and collections versus budget;

(2)(C)(iii) provide monthly ~~expenditure financial~~ reports ~~by court to court executives, program directors to budget managers~~, the state court administrator, ~~Boards of Judges~~the BPMC and the Council; and

(2)(C)(iv) develop a manual of procedures ("Accounting Manual") to govern ~~the payment of accounts receivable~~, accounts payable, trust accounts, the audit thereof, and the audit ~~thereof of administrative procedures generally~~. The procedures shall be in conformity with generally accepted principles of budgeting and accounting and budget management shall, at a minimum, conform to the requirements of this rule and state law.

**(2)(D) Responsibility of the ~~program directors.~~budget managers.** Within their respective ~~programs~~areas of responsibility, it is the responsibility of the ~~program directors~~budget managers to:

(2)(D)(i) comply with the directives of the Council and the state court administrator;

(2)(D)(ii) administer the reduction or redirection of allocations;

(2)(D)(iii) monitor all expenditures and collections versus budget;



(2)(D)(iv) supervise and manage ~~court~~ budgets in accordance with the ~~manual of procedures~~ Accounting Manual; and

(2)(D)(v) develop recommendations for ~~fiscal priorities, budget requests to be funded by the allocation of funds, and the reduction~~ Legislature and changes to programs or ~~redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(E) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(2)(E)(i) comply with the directives of the Council, the state court administrator, ~~and the program director or designee~~, and to consult with the presiding judge and the individual judges of that jurisdiction concerning budget management;

(2)(E)(ii) develop work programs that encumber no more funds than may be allocated, including any reduction in allocation;

(2)(E)(iii) amend work programs as necessary to reflect changes in priorities, spending patterns, or allocation;

(2)(E)(iv) credit and debit accounts that most accurately reflect the nature of the planned expenditure;

(2)(E)(v) authorize expenditures;

(2)(E)(vi) prepare warrants and other authorizations for payment of accounts payable for submission to the ~~Administrative Office~~ AOC Finance;

(2)(E)(vii) monitor all expenditures; and revenues to budget for variances; and

(2)(E)(viii) develop recommendations for ~~fiscal priorities, budget requests to be funded by the allocation of funds, Legislature and the reduction~~ changes to programs or ~~redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(F) **Process.** After the legislative general session the ~~BFMC and~~ state court administrator shall consider all sources of funds and all obligated funds and develop a recommended spending plan that most closely achieves the priorities established by the Council at the prior annual planning meeting. The ~~state court administrator~~ BFMC shall ~~review~~ present the recommended spending plan ~~with the Management Committee and present it~~ to the ~~Judicial~~ Council for approval.

### (3) Budget development.

(3)(A) **Responsibility of the Council.** It is the responsibility of the Council to:

(3)(A)(i) establish responsible ~~fiscal priorities~~ budget requests to be funded by the Legislature that best enable the judiciary to achieve the goals of its policies;

(3)(A)(ii) develop the budget of the judiciary based upon the needs of organizations and the priorities established by the Council;

(3)(A)(iii) communicate the budget of the judiciary to the executive and legislative branches; and

(3)(A)(iv) allocate funds to the ~~geographic divisions of courts~~ budget managers in accordance with priorities established by the Council.

(3)(B) **Responsibility of the juvenile, district, and appellate boards ("Boards").** It is the responsibility of the Boards to:

(3)(B)(i) develop recommendations for ~~funding priorities~~ budget requests to be funded by the Legislature; and

(3)(B)(ii) review, modify, and approve program and office budgets for submission to the ~~Council-BFMC~~.

(3)(C) **Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(3)(C)(i) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches; ~~and~~

(3)(C)(ii) implement the Council's fiscal priorities and allocation of funds; ~~and~~

(3)(C)(iii) ~~work with the BFMC and the Boards of judges to manage the judiciary's budget, including recommending (1) budget requests to be funded by the Legislature and (2) changes to programs or offices that create efficiencies that reduce or redirect allocations.~~

(3)(D) **Responsibility of ~~the administrative office~~-AOC Finance.** It is the responsibility of ~~the Administrative Office~~ AOC Finance to:

(3)(D)(i) develop a schedule for the timely completion of the budget process, including the completion of all intermediate tasks;

(3)(D)(ii) assist ~~program directors~~ budget managers and court executives in the preparation of budget requests, including those funded by the Legislature; and

(3)(D)(iii) compile the budget of the judiciary.

(3)(E) **Responsibility of the ~~program-directors-budget managers~~.** Within their respective ~~programs~~areas of responsibility, it is the responsibility of ~~program directors~~budget managers to review, modify, and approve budget requests.

(3)(F) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(3)(F)(i) work closely with presiding judges, judges, and staff to determine the needs of the organization; and

(3)(F)(ii) develop arecommendations for budget requestss that adequately and appropriately meets those needs.

**(3)(G) Process.**

(3)(G)(i) Each Board~~-of Judges~~, each court and committee and each department of the Aadministrative Office ~~of the courts~~ may develop, prioritize and justify a budget request to be funded by the Legislature. The courts shall submit their requests to the appropriate Board~~-of Judges~~. The committees and the departments of the Administrative Office~~AOC~~ shall submit their requests to the state court administrator.

(3)(G)(ii) The state court administrator shall deliver to the Boards the Administrative Office requests and the Boards shall consolidate and prioritize the requests from the courts~~-and the requests originated by the Board. The state court administrator shall consolidate and prioritize the requests from the,~~ committees and departments. AOC Finance shall consolidate all of the Boards' prioritized lists for review by the BFMC.

(3)(G)(iii) The ~~state court administrator~~BFMC shall review and analyze all prioritized budget requests and develop a recommended budget request and funding plan. The ~~state court administrator~~BFMC shall review the analysis and the recommended budget request and funding plan with the Council.

(3)(G)(iv) At its annual planning meeting the Council shall consider all prioritized requests and the analysis and recommendations of the ~~state court administrator~~BFMC and approve a prioritized budget request and funding plan for submission to the governor and the legislature.

**(4) General provisions.**

(4)(A) Appropriations dedicated by the Legislature or allocations dedicated by the Council shall be expended in accordance with the stated intent.

(4)(B) All courts and the Administrative Office shall comply with the provisions of state law and the ~~manual of procedures~~Accounting Manual.

213  
|214       (4)(C) Reductions in allocations, reductions in force, and furloughs may be ordered by  
215       the state court administrator with notice to the Council. In amending the work program to  
216       reflect a budget cut, reductions in force and furloughs shall be used only when  
217       absolutely necessary to maintain a balanced budget. If reductions in force are  
218       necessary, they shall be made in accordance with approved personnel procedures. If  
219       furloughs are necessary, they should occur for no more than two days per pay period.

220  
|221       **Effective:** ~~5/1/2020~~ May 1, 2023