

**Judicial Council Planning
Session
Minutes**

August 26, 1998

Park City, Utah

Chief Justice Richard C. Howe, Presiding

Members Present:

Chief Justice Richard C. Howe
Hon. Pamela T. Greenwood
Hon. Stan Truman
Hon. Kent Nielsen
Hon. Robert Braithwaite
Hon. Anne M. Stirba
Hon. Anthony W. Schofield
Hon. Stephen Van Dyke
Hon. Leonard H. Russon
Hon. John Sandberg
Hon. Kay A. Lindsay
Hon. Michael Glasmann
Hon. Michael Burton
James C. Jenkins, Esq.

Staff Present:

Daniel J. Becker
Myron K. March
Tim Shea
Eric Leeson
Holly M. Bullen
Fred Jayne
Raymond H. Wahl
Marilyn Branch
Richard H. Schwermer
D. Mark Jones
Gordon Bissegger
Gary Wilson
Rolen Yoshinaga
Kristin Brewer
Blake Swain
Cindy Williamson

Guests:

David Walsh, CCJJ
Bill Dinehart, Leg. Fiscal Analyst
Hon. Michael Lyon
Hon. Michael Wilkins
Hon. Jeril Wilson
Hon. Hans Q. Chamberlain

Welcome:

Chief Justice Howe welcomed guests, members and staff to the Judicial Council's Annual Planning Session.

Overview of Planning Session:

Dan Becker provided an overview of the planning session which included segments on the following: a) trends and projections; b) building block presentations; c) discussion and debate; d) review of substantive legislation; and e) creating the budget plan/voting.

On behalf of Ted Stuart and Lynne Koga, David Walsh extended an apology to members of the Judicial Council for Mr. Stuart's and Ms. Koga's absence. Mr. Walsh said he has had numerous discussions with Dan Becker and those conversations have been helpful in understanding the Judiciary's budget needs.

Next, Mr. Walsh said that state surplus funds have not yet been determined. Mr. Walsh explained that the Governor's budget guidelines this year do not include match requirements. Mr. Walsh shared information on the new Juvenile Justice Block Grant which is estimated at \$2.8. Mr. Walsh stated that funds from the \$2.8 million will require a 10% match.

Mr. Walsh indicated that the judiciary competes with budgetary requests from other agencies, i.e., Public Safety and the Utah Dept. of Corrections. There are a number of difficult budget choices to be made on behalf of each of these entities.

Leo Memmott, Legislative Fiscal Analyst, has announced his retirement. John Massey will replace Mr. Memmott.

Placing the Budget Proposal in Context:

Eric Leeson provided an overview on workload data and trends which included: a) FY1996-FY1998 state court workload summary; b) district and juvenile court changes in criminal/delinquency filings; c) average annual growth in filings; and d) top ten fastest growing counties. Mr. Leeson indicated that the detailed presentation is made possible through the Data Warehouse Program. Information from the Data Warehouse Program will be available to judges on the Internet next month.

A sample of Mr. Leeson's presentation indicates the following:

District court filings 1997-1998	4.45%
Juvenile court referrals 1997-1998	-8.26%
Justice court filings 1997-1998	-9.59%
Total state court filings 1997-1998	2.50%

Top ten fastest growing counties:
Grand County
Tooele County

Washington County
Utah County
Wasatch County
Wayne County
Kane County
Summit County
Sevier County
Iron County

Fiscal Data and Trends:

Dan Becker stated that the courts budget is \$90,730,800 and 1.5% of the state's total budget. The Juvenile Court, Guardian ad Litem, Security, Leases, and Justice Courts have received large increases relative to other areas, shifting the pro-rata share per program the last five years. The Juvenile Court has received additional funding because of the continued emphasis on juvenile crime.

Summarization of new building block requests total \$5,292,500. The \$5,292,500 has been reduced from approximately \$9,000,000 in requests considered by boards and committees. Mr. Becker noted that the boards and committees have been much more disciplined in advancing their budgets to the Council this year. The FY1999 General Fund budget for the courts is \$83,495,700 and 2% of that amount equals \$1,669,914.

Discussion/Consideration of the District Court Board Request:

Judge Michael Lyon was present on behalf of the Board of District Court Judges and accompanied by D. Mark Jones, District Court Administrator. Judge Lyon indicated that the District Board set three priorities totaling \$751,500: a) twenty new clerks; b) capital law clerk; and c) five new law clerks.

Judge Lyon indicated that district judges are concerned about the recruitment of new clerks and retention of a qualified work force. Currently, clerks are facing complex work loads that are overwhelming because of onerous work assignments. Next, Judge Lyon stated that the shortage of clerks is only part of the problem and that there should also be an increase in salaries for clerks. A request was made by Judge Lyon that the Administrative Office of the Courts review clerk classifications.

The Board's second priority is for a capital law clerk. The capital law clerk position presently exists and is funded through a grant from the State Justice Institute (SJI). The grant expires in October of 1999. The Board feels that the service provided to the bench by this position is invaluable and should not lapse.

The third priority of the Board is for five law clerks. Judge Lyon stated that judges have a

high workload and the use of law clerks would allow a judge to be more effective with his/her time.

Discussion/Consideration of the Request from the Appellate Court:

Judge Michael Wilkins was present to make a request on behalf of the Appellate Court. The Judicial Council approved the Court of Appeals Mediation Program as their 16th priority for FY1997. The legislation was submitted, initially supported by both houses, but not funded by the Legislature. Judge Wilkins requested current funding for the program in the amount of \$180,100.

The Court of Appeals temporarily reallocated internal resources to fund a pilot program that began in January of 1998. Karin Hobbs is the program director and the program functions under the supervision of the Presiding Judge of the Court of Appeals. Settlement of appeals has two primary benefits. First, it is good public policy and provides an improved level of service to litigants, attorneys, and the public at large. Second, it assists the court in the management of its caseload.

Discussion/Consideration of the Base Budget Request:

Myron K. March, Deputy State Court Administrator, was present and requested that the base budget be increased by 0.6% which totals \$500,000. The base budget covers a number of items, some of which include: a) communications; b) postage; c) security; and d) office supplies.

Discussion/Consideration of the Technology Committee Request:

Judge Michael Wilkins, Chair of the Technology Committee, along with Rolan Yoshinaga, Director of Data Processing, were present on behalf of the Committee.

Judge Wilkins explained that the Legislature in years past reduced the data processing base capital budget. The impact of the reduction is being felt and the data processing function is operating at simple maintenance levels. Judge Wilkins stated that the CORIS program has been hampered because of lack of funds. In addition, the data processing department is not able to upgrade major servers at three different levels, i.e., database servers, desktop computers, and desktop operating systems. Expansion of existing programs is also impossible at the current funding level. On behalf of the Technology Committee, Judge Wilkins requested funding in the amount of \$400,000 to improve performance for court users.

Discussion/Consideration of Supplemental Requests:

Fred Jayne, Director of Finance, explained that supplemental requests are funds that are appropriated during the current fiscal year to cover budget shortages. Mr. Jayne requested funds in the amount of \$380,600 for juror, witness and interpreter costs.

Discussion/Consideration of the Request from the Security Committee:

Myron K. March, Deputy State Court Administrator, stated that the security request is a standard request. The Security Committee previously prepared a report and recommendations stating that the courts should retain the current service providers and provide adequate funding. Mr. March requested funding in the amount of \$328,350. Mr. March noted that to fully implement the recommendations of the Committee the cost would be approximately \$2 million.

Discussion/Consideration of the Request from the Board of Juvenile Court Judges:

Judge Hans Q. Chamberlain, Juvenile Court Board Chair, Judge Jeril Wilson, Juvenile Court Board Chair-Elect, and Raymond H. Wahl, Juvenile Court Administrator were present to make budgetary requests on behalf of the Board of Juvenile Court Judges. The Board of Juvenile Court Judges requested a Juvenile Court Judge in the Seventh Judicial District; a Juvenile Court Judge in the First District; eight deputy court clerks; a mediation grant replacement; three deputy court clerks; drug court grant replacement; and funds for security. The total request from the Board is \$1,157,725.

Judge Chamberlain recognized that Dan Becker's recommendations for funding of the juvenile court requests differed from those of the Board's. Mr. Becker recommended that the Juvenile Drug Court grant continue and be funded by continuation of the Byrne Grant, that pro-tem Juvenile Court Judges be appointed, and that Juvenile automation be funded.

Discussion/Consideration of the Request from the Facilities Committee:

Judge Hans Q. Chamberlain and Gordon Bissegger presented an overview of facilities statewide. On behalf of the Facilities Committee, Judge Chamberlain requested that the Council consider the Vernal Eighth District Court Project as the first priority, the Third District, Summit County: Coalville, Silver Summit and Park City as the second priority and Cache County First District Hall of Justice the third priority. The total budgetary request from the Committee is \$1,214,800.

Discussion/Consideration of the Request from the Dept. of the Guardian ad Litem:

Kristin Brewer, Director of the Guardian ad Litem Program, requested funding in the amount of \$632,900. The funding would allow the department to obtain additional attorneys, CASA coordinators, and computer equipment to better serve child clients. Ms. Brewer stated that because of the lack of attorneys the office may not be able to meet statutory requirements. Alternative funding mechanisms were discussed, i.e., tax check off boxes, license plate decals, and employees' charitable funds.

Discussion/Consideration of a Request for Judicial Compensation:

Myron March, Deputy State Court Administrator, reported that there is nothing listed under this category as of yet. A citizens' committee will meet to discuss the matter and report their recommendations to the Legislative Committee.

Adjourn:

There being no further business, Chief Justice Howe adjourned the meeting.