

**JUDICIAL COUNCIL MEETING
Minutes**

June 26, 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. – 12:06 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. Michael DiReda
Hon. Paul Farr
Hon. James Gardner
Justice Paige Petersen
Hon. Kara Pettit
Margaret Plane, esq.

Excused:

Hon. Ryan Evershed
Hon. Elizabeth Lindsley
Hon. Thomas Low

Guests:

Judge Kate Appleby, Senior Judge
Ryan Eldredge, Probation Supervisor Third District
Juvenile Court
Travis Erickson, TCE Seventh District Court
Judge Dennis Fuchs, Senior Judge
Hon. Elizabeth Hruby-Mills, Third District Court
Mikelle Ostler, Clerk of Court, Fourth District Juvenile
Court
Mark Paradise, TCE Third District Court

AOC Staff:

Ron Gordon
Neira Siaperas
Michael Drechsel
Lauren Andersen
Brody Arishita
Shane Bahr
Suzette Deans
Todd Eaton
Amy Hernandez
Alisha Johnson
Jeremy Marsh
Blake Murdoch
Jordan Murray
Bart Olsen
Jim Peters
Nathanael Player
Jon Puente
Nini Rich
Tucker Samuelsen
Nick Stiles
Karl Sweeney
Sonia Sweeney
Melissa Taitano
Chris Talbot
Keisa Williams
Jeni Wood

Guests Cont.:

Mark Urry, TCE Fourth District Court

Alex Peterson, Judicial Conduct Commission
Hon. Rick Romney, Provo Justice Court
Hon. Laura Scott, Third District Court

Hon. Jennifer Valencia, Second District
Court

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

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

Motion: Judge Augustus Chin moved to approve the May 22, 2023 Judicial Council meeting minutes, as presented. Judge Keith Barnes seconded the motion, and it passed unanimously.

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

Chief Justice Durrant said the Courts are in the process of setting up local meetings across the state with legislators. Judge David Connors has been appointed to the Elected Officials and Judicial Compensation Commission.

3. RECOGNITION OF JUDGE DENNIS FUCHS: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant presented Judge Dennis Fuchs with an award for creating Utah's first treatment court in 1996 and his continued work on treatment courts for the past 27 years. Judge Fuchs was appointed as a judge in 1986 by Governor Norman H. Bangerter. Chief Justice Durrant wished Judge Fuchs well with his retirement from the Treatment Courts Program, noting that Judge Fuchs will remain as an Active Senior Judge.

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

Ron Gordon is working with TCEs to schedule the legislative meetings, which will include local TCEs, judges, and a small number of staff. They are hoping to have them all completed through this fall. Additionally, members of the Courts will meet with local businesses and Chambers of Commerce. Mr. Gordon and other members of the AOC attended the Navajo Nation Summit. He found the Summit informative and interesting and felt this was a step in the right direction in establishing a relationship between the Navajo Nation and the Utah Courts.

The introduction of virtual hearings across the country has caused issues with ensuring the Courts have adequate interpreter coverage. There continue to be discussions and potential solutions proposed to address these issues.

5. 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:

The committee has not met recently.

Policy, Planning, and Technology Committee Report:

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

Bar Commission Report:

Margaret Plane mentioned the Bar will hold their annual meeting this Thursday, which will include food trucks and a CLE. Elizabeth Wright and her team hired Andrea Donahue as the new Director of the Office of Innovation. The Bar’s Finance Director has been hired and will start soon.

6. APPROVAL OF 2024 JUDICIAL COUNCIL SCHEDULE: (Ron Gordon)

Chief Justice Durrant welcomed Ron Gordon. Mr. Gordon presented the proposed 2024 Judicial Council schedule. Some of the Council meetings fall outside of the normally scheduled fourth Monday of each month to be held in conjunction with other meetings or conferences or to avoid conflicts or holidays.

Chief Justice Durrant thanked Mr. Gordon.

Motion: Judge Paul Farr moved to approve the 2024 proposed Judicial Council schedule, as presented. Justice Paige Petersen seconded the motion, and it passed unanimously.

7. PROBLEM-SOLVING COURTS RECERTIFICATIONS: (Judge Dennis Fuchs)

Chief Justice Durrant welcomed Judge Dennis Fuchs. The following courts meet all Required and Presumed Best Practices:

- Davis County, Farmington, Family (Recovery) Dependency, Judge Sharon Sipes;
- Utah County, Provo, Veterans, Judge Kraig Powell;
- Tooele County, Tooele, Adult Drug, Judge Teresa Welch;
- Utah County, Provo, Adult Drug, Judge Anthony Howell;
- Juab County, Nephi, Adult Drug. Judge Anthony Howell; and
- Millard County, Fillmore, Adult Drug, Judge Anthony Howell.

The Summit County, Park City, Adult Drug Court, Judge Richard Mrazik meets all Required and all Presumed Best Practices except #35, which requires more than 15 participants. The court states that due to the dearth of affordable housing in Summit County and the number of recent and upcoming graduations from the program, the court currently has 10-12 participants. The drug court team continues to discuss how best to address and mitigate this issue.

Motion: Justice Petersen moved to approve the Davis County, Farmington, Family (Recovery) Dependency, Judge Sharon Sipes; Utah County, Provo, Veterans, Judge Kraig Powell; Tooele County, Tooele, Adult Drug, Judge Teresa Welch; Utah County, Provo, Adult Drug, Judge Anthony Howell; Juab County, Nephi, Adult Drug, Judge Anthony Howell; Millard County, Fillmore, Adult Drug, Judge Anthony Howell, and the Summit County, Park City, Adult Drug Court, Judge Richard Mrazik problem-solving courts, as presented. Judge Chin seconded the motion, and it passed unanimously.

The Council reviewed changes, approved by the Policy, Planning, and Technology Committee to the checklist for the Adult, Veteran, and Mental Health Courts. The proposal will

move #30 in the Presumed Section to # 17 in the non-certified section. The language was also changed to read “Clients are placed in the program within 50 days after change of plea, sentencing, or a finding that a probation violation has occurred, or within a short period of time thereafter. The earlier treatment begins the better the outcomes.” Judge Samuel Chiara explained that the change was needed to allow time to move cases through the system. Judge Fuchs replied that this is a national best practice in many states that use diversion. Utah does not offer diversions but rather the Courts require the plea. By requiring a plea, the Courts can put off the 50 days requirement to enter the program.

Motion: Judge James Gardner moved to approve the proposed checklist language change in the Adult, Mental Health and Veteran problem-solving courts as addressed above, as presented. Judge Chin seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Judge Fuchs.

8. RULES FOR FINAL APPROVAL: (Keisa Williams)

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

- UCJA Rule 6-507. Court Visitors. No public comments were received for this revision. This amendment makes minor changes.
- UCJA Rule 3-414. Court Security. There were seven comments received. Six comments were from prosecutors or law enforcement officers objecting to the removal of “law enforcement official” from lines 199-200 (now lines 202-203). Currently, local courts have the discretion to permit or prohibit prosecutors from carrying firearms in courthouses through their local court security plans. According to the Court Security Director, thus far the Courts have not encountered any significant security issues with this practice. The Committee recommended leaving “law enforcement official” in the rule, allowing prosecutors to carry if possession is permitted by the presiding judge in a local court security plan.

Motion: Judge Chin moved to approve UCJA Rules 6-507 and 3-414, as presented with an effective date of November 1, 2023. Justice Petersen seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Williams.

9. JUDICIAL CONDUCT COMMISSION (JCC) REPORT: (Alex Peterson)

Chief Justice Durrant welcomed Alex Peterson. Mr. Peterson provided the Council with the JCC membership including new members Senator Jen Plumb, Representative Brady Brammer, and Representative Doug Owens. Current members include Cheylynn Hayman, Chair, Michelle Ballantyne, Judge David Mortensen, Judge Todd Shaughnessy, Representative Brady Brammer, Representative Doug Owens, Senator Mike McKell, Senator Jen Plumb, Stephen Studdert, Mark Raymond, and Georgia Thompson.

JCC Caseload update and analysis

- Currently, they have 160 cases in FY 2023 (85 in FY 2022, 80 in FY 2021, 51 in FY 2020, 64 in FY 2019, 58 in FY 2018).
- To date in FY 2023, they have had 0 public dispositions (in FY 2022, they had one Dismissal with Warning). They currently have three cases before the Supreme Court.

Activities of the JCC

- JCC continues to meet in person.
- Their electronic complaint form submission was initiated in January 2022 with 260 submissions to date.
- The JCC approved a staffing structural change for which they will seek legislative appropriation. New staffing structure will include 1 FTE Executive Director, 1 FTE Judicial Investigator, 1 PTE Judicial Investigator, and 1 PTE Administrative Assistant.

Many complaints the JCC receives are from litigants who believe their judge made an incorrect decision. Mr. Peterson explained that the JCC tries to ensure the message is relayed that the Courts have an appeal process that should be considered, especially with limits on the amount of time a litigant must file an appeal.

Chief Justice Durrant thanked Mr. Peterson.

10. JUDICIAL RETENTION ELECTION DECLARATION FORM: (Nick Stiles and Brody Arishita)

Chief Justice Durrant welcomed Nick Stiles and Brody Arishita. Mr. Stiles explained that court level administrators and AOC leadership have been studying the retention election process to improve efficiencies and lessen the burden on judges. Historically, the General Counsel's Office handled the process for all court levels. Due to employee turnover and workload, court level administrators assumed this responsibility for their respective courts. Moving forward, Jim Peters volunteered to serve as the retention election lead with support from the other court level administrators.

One area of the retention process that provides an opportunity for improvement is the self-declaration form. While Google forms have many benefits, they are web-based forms that do not translate well to being downloaded and provided to other parties. Last year's retention certification packet to JPEC totaled over 400 pages. Working collectively with Mr. Arishita, they created a better solution using Adobe Sign, which allows the Courts to automate much of the process on the front end, making it easier for judges.

Judges will receive a copy of the completed form and can also retrieve a copy from their Adobe Sign account. Mr. Arishita said these forms will work on any device. The Council briefly discussed the requirements found in [UCJA Rule 3-101 Judicial Performance Standards](#). Tracking of cases under advisement would continue as normal. This form is strictly used for retention elections only. Mr. Stiles sought the Council's support in using this new form, which would then be sent to judges within the next few weeks.

Motion: Judge Barnes moved to approve using the new Judicial Retention Election Declaration Form, as presented. Judge Gardner seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Mr. Stiles and Mr. Arishita.

11. BOARD OF SENIOR JUDGES REPORT: (Judge Kate Appleby and Neira Siaperas)

Chief Justice Durrant welcomed Judge Kate Appleby and Neira Siaperas. The Board of Senior Judges represents senior judges from all levels of courts of record and is comprised of five active senior judges, as defined in [UCJA Rule 1-305 Board of Senior Judges](#). Current members include Judge Appleby (Chair), Judge Gordon Low (Vice Chair), Judge Russell Bench, and Judge Michelle Heward. The fifth member of the Board will be elected during the Board's meeting at the annual judicial conference.

Active (33 total) and Inactive (27 total) Senior Judges

- 2 active and 1 inactive senior judge in the Court of Appeals
- 20 active and 6 inactive senior judges in the District Court
- 6 active and 9 inactive senior judges in the Juvenile Court
- 5 active and 11 inactive senior judges in the Justice Court

An active senior judge, during an assignment, has the same authority of the office of a judge of the court to which the assignment is made. An inactive senior judge may only solemnize marriages.

Senior Judge Budget

Active senior judges continue to assist with reducing the backlog of cases in district courts. A portion of the \$12 million in ARPA funds for the Courts was allocated to reduce the case backlog. This funding has been used for senior judge coverage and for temporary judicial assistants. It is projected that ARPA funds dedicated to the case backlog will be expended by September 2023. The Courts' administrative leadership and the finance team are exploring options to provide the current levels of expenses at approximately \$80,000 per month, through FY 2024 by re-allocating unspent ARPA funds and requesting one-time funding from internal sources.

Aside from the ARPA funding, the annual senior judge budget is \$168,100. This funding is used for senior judge work other than covering cases that contribute to reducing the pandemic-related case backlog. As the backlog of cases diminishes, the Courts will evaluate whether the standard senior judge budget is sufficient to meet the needs. The Board of District Court Judges will be seeking additional unspent ARPA funds and possibly additional requests for funds to address the backlog of cases.

Judge Chiara wondered if the senior judge's usage might equate to a full-time new judge. Karl Sweeney reminded the Council that the senior judge budget includes the use of two judicial assistant's time when senior judges are on the bench.

Senior Judge Assignments

From January 1, 2023, to May 25, 2023, 22 active senior judges worked 29 days in the Court of Appeals; 197 days in the District Court; and 15 days in the Juvenile Court. This information does not include cases that were settled, cancelled, or are still pending, nor does it include justice courts.

Coverage of cases as of May 25, 2023, per district		
First District Court: 26 days	Second District Court: 52 days	Third District Court: 28 days
Third District Juvenile Court: 11 days	Fourth District Court: 47.5 days	Fourth District Juvenile Court: 4 days
Fifth District Court: 36.5 days	Sixth District Court: 3 days	Seventh District Court: 1 day
Eighth District Court: 3 days		

For historical context, active senior judges worked:

- 486 days in the calendar year 2022
- 268 days in the calendar year 2021
- 63 days in the calendar year 2020
- 42 days in the calendar year 2019

Current initiatives and goals

The Board will review and recommend changes to Court rules relevant to senior judges as well as to the processes and structure of the senior judge program. Some of the potential changes involve allowing inactive senior judges to administer oaths; clarifying and aligning the existing rules; establishing an accurate system to track acceptance of assignments; establishing standards for performance and performance improvement plans; and evaluating the minimum standard of work per year.

Chief Justice Durrant thanked Judge Appleby and Ms. Siaperas.

12. UNIFORM FINE COMMITTEE REPORT AND UNIFORM FINE SCHEDULE AMENDMENTS RE: HB0030 WILDLIFE RESOURCES CODE RECODIFICATION: (Judge Jennifer Valencia and Michael Drechsel)

Chief Justice Durrant welcomed Michael Drechsel who presented on behalf of Judge Jennifer Valencia. The legislature recently passed [HB0030, Wildlife Resources Code Recodification](#) currently located in Title 23 of the Utah Code. After recodification, these statutes will reside in a new Title 23A. Effective July 1, 2023, the bill will result in 65 changes to the Shared Master Offense Table (SMOT). The Uniform Fine Committee recommended that 53 of these SMOT changes be reflected in the Uniform Fine Schedule (Schedule), as follows:

- 28 Schedule offenses renumbered;
- 13 existing statutory offenses added, including recommended fine amounts suggested by the Division of Wildlife Resources (DWR); and
- 12 offenses removed from the Schedule due to renumbering/more specific replacement entries.

In addition to these changes, the Committee also recommended changes to the 189 “WR” offense entries included in the Schedule on the Wildlife Resources Rule Entries table. These offenses exist as part of the Schedule to provide the DWR a more nuanced ability to track the violation of specific subsections of Utah Code. Committee staff and DWR agreed to the following changes:

- 142 WR offense entries edited so the “description” incorporates the recodified statutory reference and for stylistic consistency between offense descriptions;
- 22 WR offense entries removed from the Schedule as entirely duplicative of other existing entries;
- 23 WR offense entries with outdated \$680 recommended fines increased \$10 for consistency to the typical \$690 for class B misdemeanors;
- 6 WR offense entries with outdated \$1,950 recommended fines increased \$10 for consistency to the typical \$1,960 for class A misdemeanors; and
- 5 WR offense entries (WR1600, WR2650, WR2660, WR4401, and WR4801) suggest increased recommended fines of \$690 (up from \$290, \$290, \$240, \$290, and \$360, respectively), per the DWR’s recommendations.

The DWR explained that the variation in recommended fine amounts for Title 23A offenses/WR offense entries reflects the relative seriousness of the offenses from a wildlife management/enforcement policy perspective. Because the Utah Code structures most wildlife offenses as either class B misdemeanors or infractions using generalized level of offense statutes, this is one meaningful way to differentiate between the gravity of the various offenses and hopefully provides a more refined method of assessing an appropriate fine commensurate with the underlying conduct.

The Committee sought to adopt the recommended UFS changes to all Title 23A-related offenses, necessitated by the HB0030 recodification; to adopt the associated recommended changes to the Wildlife Resources Rule Entries table, and to authorize the AOC to incorporate the adopted changes into a revised version of the 2023 Schedule and publish that document effective July 1, 2023.

Chief Justice Durrant thanked Mr. Drechsel. Judge Mortensen appreciated the work of the Committee.

Motion: Ms. Plane moved to approve the Uniform Fine Committee Schedule, as presented. Judge Farr seconded the motion, and it passed unanimously.

13. PROPOSED ALLOCATIONS FROM THE JCTST ACCOUNT: (Jim Peters)

Chief Justice Durrant welcomed Judge Rick Romney and Jim Peters. [Utah Code § 78A-7-301 Justice Court Technology, Security, and Training Account established -- Funding -- Uses](#) and [UCJA Rule 9-107 Justice Court Technology, Security, and Training Account](#) describe a fund known as the Justice Court Technology, Security and Training Account (Fund). The Fund balance increases with the collection of the security surcharge assessed on moving violations and certain other offenses. The Fund balance decreases as money is allocated to local government and state entities involved in operating or supporting one or more justice courts. Typically, applications are solicited each year for audit, technology, security, and training needs in justice

courts throughout the state. The Board of Justice Court Judges (Board) then reviews the requests and makes recommendations to the Council. Because the services provided by the AOC benefit all justice courts, the AOC receives most of each year's allocation.

Historically, the Fund has generally been managed so that the allocation for the coming year is capped at the amount of collections expected for the current year. Collections for the current year are expected to be between \$780,000 and \$800,000. This amount is significantly higher than revenue collected last year. But it is insufficient to cover the \$893,000 in budget requests. As such, the Board did not invite the justice courts to submit requests for funding. Even so, there remains a difference between the funding needed to serve the justice courts and the amount that would typically be allocated from the Fund. To cover the difference, the Board recommended spending into the Fund's \$510,000 balance to the extent necessary to fund the proposals.

Budget Requests

Requesting Entity	Description	Requested	Recommended	Notes
AOC/Audit	Internal Audit Position Dedicated to the Justice Courts	\$77,000	\$77,000	Cost of one auditor
AOC/Information Technology	Programming and Help Desk Support for Justice Courts	\$208,806	\$208,806	Personnel costs attributable to Justice Courts for IT support
AOC/Information Technology	Google Accounts for Justice Court Judges and Clerks	\$51,820	\$24,120	For 536 licenses @ \$45 each (legislative funding covered the increase to \$96.68)
AOC/Information Technology	CORIS Infrastructure for Justice Courts	\$164,165	\$164,165	CORIS Infrastructure for Justice Courts
AOC/Information Technology	Webex Licenses and Support	\$20,000	\$20,000	Covers the partial cost of Webex licenses used by Justice Courts
AOC/Judicial Institute (Education)	Request for Justice Courts' Share of Education's Overhead Costs	\$48,454	\$48,454	Learning Management System, Professional Memberships and Training of Education Personnel
AOC/Judicial Institute (Education)	Judicial Decision Making	\$9,000	\$9,000	Funding for an overnight program for 15 judges
AOC/Judicial Institute (Education)	Small Claims Training for Judges Pro Tem	\$1,000	\$1,000	Three hours of small claims training provided each year for judge's pro tem
AOC/Judicial Institute	Education Coordination Fee	\$50,000	\$50,000	Coordination of all Justice Court events with personnel from Education
AOC/Judicial Institute	Justice Court Education Coordinator	\$55,000	\$55,000	Funding for half of the Justice Court Education Coordinator
AOC/Judicial Institute	New Judge Orientation	\$2,000	\$2,000	Estimated cost of orientation for new justice court judges up to three times per year
AOC/Judicial Institute	Justice Court Clerks' Conference	\$16,500	\$16,500	Estimated cost of providing an in-person conference to 350 clerks (with a registration fee of \$125 per clerk)

AOC/Judicial Institute	Justice Court Judges' Conference (Spring)	\$28,450	\$28,450	Estimated cost of providing an in-person conference to 73 judges in spring 2024 (with a registration fee of \$175 per judge)
AOC/Judicial Institute	Annual Judicial Conference (Fall)	\$25,625	\$25,625	Estimated cost of having 73 judges attend the Annual Judicial Conference (with no registration fee)
Board of Justice Court Judges	Trust and Confidence Committee	\$0	\$0	Funding for outreach/CLE presentations to build trust and confidence in Justice Courts (fund from 2711 instead)
Board of Justice Court Judges	Computer Equipment for Judges	\$20,000	\$20,000	Funding for the cost of computer equipment for the judges
Board of Justice Court Judges	District Trainings	\$9,000	\$9,000	Funding to provide lunch at district level training for judges and clerks @ \$18 each
Board of Justice Court Judges	Financial Assistance for Active Senior Judges to Attend the Spring Conference	\$3,000	\$3,000	Five active senior judges @ \$600 each
Board of Justice Court Judges	Out-of-State Training Fund	\$20,000	\$20,000	Funding for out-of-state training and other educational opportunities
Board of Justice Court Judges	Stipend for Education Liaison	\$1,500	\$1,500	Education Committee members will receive \$1000 but the chair would otherwise receive nothing
Board of Justice Court Judges	Westlaw Access	\$15,000	\$15,000	Access to Legal Research for Justice Court Judges
Statutory	Compensation for Presiding and Associate Presiding Judges	\$24,000	\$24,000	Section 78A-7-209.5 requires that PJs receive \$2,000 and APJs receive \$1,000
Statutory	Develop Electronic Notification of Completion of Traffic School to DPS	\$70,500	\$70,500	HB 192 used the JCTST as its funding source for the development of electronic notification

AOC Position Request

Judge Romney requested that the Council approve an additional request for converting a Part-time AOC justice court team position to fulltime. The justice court team works with more than 100 justice courts, 68 judges, and 400 clerks throughout the state. Justice courts do not have trial court executives, clerks of court or training coordinators for support. Additionally, the team works with mayors, city managers, city council members, and local attorneys to address questions or concerns. Currently, the department has a justice court administrator (Mr. Peters), an administrative assistant, and two Part-time employees.

Judge Kara Pettit was concerned about using temporary funds for an ongoing position. Judge Farr noted that the Board felt strongly that this position would help and mentioned that future funding would come from surcharges. The Board may consider removing some other budget requests to fund this position. Mr. Peters understood that this may seem like temporary funding because it varies year to year but has continued to be consistent but didn't believe this would be putting personnel at risk. Judge Brian Brower stated that the Legislature acquired some of the JCTST funds for deferred prosecution. By not using these funds, he thought the Courts

could be at risk of losing them. Mr. Sweeney said the revenue did decrease during COVID but is now on an up-trend. He wasn't sure why the Legislature chose to use these funds for other purposes. Michael Drechsel explained that the Legislature structured the deferred prosecution with an administrative fee set by the Council. The \$5 deferred traffic prosecution fee is directed into the Justice Court Security and Training Account to recoup the cost of initial development to institute that program and to pay for the cost of administering that program without ever becoming a revenue-generator beyond those costs.

Chief Justice Durrant thanked Judge Romney and Mr. Peters.

Motion: Judge Suchada Bazzelle moved to accept the recommendations of the Board, as presented. Judge Chin seconded the motion, and it passed unanimously.

14. OLD BUSINESS/NEW BUSINESS: (All)

Chief Justice Durrant updated the Council that the Office of Innovation entities have provided about 50,000 services to 24,000 customers. He thanked Ms. Plane and the Bar for their work on the Office. The Office will be imposing an application and annual fee, which will be tied to revenue. Chief Justice Durrant was thankful for the ARPA funds made available to the Office. The Courts will independently evaluate the Office's data through the AOC's Data and Research Department.

Concerns about the scope of work for LPPs should be sent to Mr. Stiles who will address them with the LPP Committee. Education to judges, possibly through conferences, to ensure consistency should be considered.

15. BUDGET AND GRANTS: (Karl Sweeney and Alisha Johnson)

Chief Justice Durrant welcomed Karl Sweeney and Alisha Johnson. The Courts have \$6,384,607 remaining ARPA funds: IT Access to Justice (\$5,540,759); Case Backlog (\$372,084); COVID Supplies (\$302,100); and Office of Innovation/Legal Sandbox (\$169,663).

Motion: Judge Mortensen moved to go into an executive session for the purposes of receiving legal counsel. Judge Farr seconded the motion, and it passed unanimously.

After the executive session was held, this agenda item continued.

FY 2023 One-Time Turnover Savings

#		Funding Type	Actual Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 05/12/2023)	Internal Savings	2,937,521.97
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 03/17/2023)	Reimbursements	891,983.07
3	Est. One Time Savings for 280 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	560,000.00
Total Potential One Time Savings			4,389,505.04

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	929,719	979,719
3	TOTAL SAVINGS		1,180,111	1,230,111
	2023 Hot Spot Raises		(198,027)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(635,000)
4	TOTAL USES before YE Requests		(198,027)	(835,000)
Actual Turnover Savings for FY 2023 as of 06/07/2023			\$ 982,084	\$ 395,111

2023 Juvenile Bills Appropriations

\$8,562 one-time funds and \$241,180 ongoing funds

This request for unobligated one-time and ongoing fiscal notes would provide the resources needed to effectively address added workload to juvenile court clerical and probation employees statewide resulting from the juvenile court specific legislation that was enacted this past session. Sonia Sweeney proposed centralizing 2.5 FTEs in the AOC to address the additional workload created by these bills.

Motion: Judge Gardner moved to approve the 2023 Juvenile Bills Appropriations request for \$8,562 one-time funds and \$241,180 ongoing funds, as presented. Judge Bazzelle seconded the motion, and it passed unanimously.

Criminal Court Commissioner

\$263,150 ongoing funds

According to the most recent Judicial Caseload Survey, the Third District Court needs an additional 4.3 judges to perform critical work. They have appreciated the Council's efforts to obtain legislative approval and funding for additional judges. But this process takes a very long time, and the Court is in need of immediate assistance with their heavy caseloads. For the past several years, they have attempted to find creative solutions to the problem by focusing on ways to relieve the burden of "signing week." During this week, judges are responsible for covering the daily First Appearance Court calendar, which is the State's highest volume court with approximately 10,000 to 13,000 cases each year. Judge Laura Scott confirmed that the Third District Court would follow guidelines for what duties this commissioner position can fulfill. Judge Scott noted that the district does not have an additional courtroom or chambers for a new judge at this time with the approval of the Chancery Court.

Judge DiReda asked how the amount would be affected if justice court judges were utilized. Judge Farr thought using justice court judges on a contracted basis may result in a lower cost because there wouldn't be any benefits associated. The Council understood that, if approved, the Third District Court would not exceed the approved amount and may use a lesser amount if they find a less costly option than a full time Commissioner.

Motion: Judge Pettit moved to have the Policy, Planning, and Technology Committee review the court commissioner rules. Judge Barnes seconded the motion, and it passed unanimously.

Child Welfare Mediator – Increase Benefited Part-time Position to Full-time

\$39,000 ongoing funds

Over the last 2 years, referrals to the Child Welfare Mediation Program have increased by 16%, from an annual average of 1,416 mediations to 1,646. Nini Rich requested additional funding for the incremental cost to move a benefitted half-time position to a full-time position to meet the increased demand for mediation services in juvenile court cases involving child abuse and neglect allegations. Over 70% of their referrals are pre-adjudication, which helps parents be part of the collaborative effort. Ms. Rich thanked the Council for their faith and dedication to the ADR program as it enters its 25th year.

**Appellate Mediation Office Expansion
\$4,000 in one-time funds and \$164,400 in ongoing funds**

This request would provide the necessary funding to increase the staffing of the Appellate Mediation Office from 1.5 FTE to 2.75 FTE. Currently, the Office is staffed by one Chief Appellate Mediator, and one .5 FTE support staff. This request would add one full-time mediator and move the support staff from Part-time to three-quarter time. Mr. Stiles said they conducted a sample of 100 cases to determine how many would benefit from mediation, of which, more than half would benefit.

**Financial Manager I – AOC Finance
\$123,800 ongoing funds**

The Finance Department requested funding for one new FTE to enable them to have the capacity to manage their increased workload and simultaneously build the capacity to proactively respond to special requests and business demands from its customers. Mr. Gordon noted that as the Courts grow, the need for additional staff in the Finance Department grows as well. Mr. Sweeney stated the department has not increased their FTEs since 1984. Judge Pettit believed that it would be helpful to have work study data available when a department is requesting additional FTEs.

**Part-time (20 hours per week) Admin Assistant
\$53,200 ongoing funds**

The Seventh District Court identified a need for additional administrative personnel to accomplish the following ongoing duties: payroll processing, revenue reports processing, daily journal reviews, meeting agendas & minutes, district calendar management, and fleet management. In absence of an administrative assistant, these duties have been completed by the support services coordinator. Travis Erickson reviewed the workload for this position.

Motion: Judge Barnes moved to approve the Criminal Court Commissioner request for \$263,150 with ongoing funds; the Child Welfare Mediator – Increase Benefitted Part-time Position to Fulltime for \$39,000 with ongoing funds; the Appellate Mediation Office Expansion for \$4,000 in one-time funds and \$164,400 in ongoing funds; the Financial Manager I – AOC Finance for \$123,800 with ongoing funds; and the Part-time (20 hours per week) Admin Assistant for \$53,200 with ongoing funds, as presented. Judge Bazzelle seconded the motion, and it passed with Judge Mortensen abstaining.

**Pilot Program for Crisis Services – Jurors
\$35,000 one-time funds**

This request was originally submitted last fiscal year and the money has not been spent. Mr. Gordon renewed the request for \$35,000 to be spent in FY 2024 to fund a pilot program whereby the Courts would offer limited counseling to jurors who experience trauma during their service as a juror and a video for jurors and court employees/judges discussing vicarious trauma and self-care.

Support for In-person Conferences, Education Team Training and Employee Manager Training
\$224,700 one-time funds

This request sought to fund the shortfall in Education's budget for FY 2024 to enable education to be responsive to the requests of the various Boards of Judges to continue to offer in-person and hybrid (or streaming) conferences, as well as additional professional development needs for court employees.

Educational Assistance Program Funding for FY 2024
\$85,000 one-time funds

This request will subsidize education assistance for court employees for FY 2024.

Contract Court Sites – Adjustment Funds
\$10,000 one-time funds

This carryforward funding would supplement the base budget which funds office expenses and supplies, equipment supplies and maintenance, telephone, postage, copier operating expenses, other miscellaneous expenses, credit card fees, salaries, and benefits.

Interstate Compact for Juveniles Operations Funding
\$26,950 one-time funds

This funding is for mandatory Interstate Compact for Juveniles annual dues and other expenses related to administration of the ICJ office.

Employee Incentive Awards
\$280,000 one-time funds

The Courts have established a program to provide on-the-spot recognition for outstanding service as well as a formal nomination process to reward employees for their service.

Applicant Tracking (ATS) and Onboarding Software (ApplicantPRO)
\$24,000 one-time funds

This proposal will provide one more year of funding for the ApplicantPRO subscription, a more secure and independent ATS/Onboarding software application and process. Because these two apps are designed to work cohesively, they requested funds sufficient to continue with an additional year's license for both.

FY 2024 Public Transit Partial Reimbursement Program
\$60,000 one-time funds

This request will provide up to 94 Court employees state-wide with an opportunity to receive a 90% reimbursement of the costs paid for utilizing public transit until the funds are depleted. The Court's current total participants are approximately 75.

AOC Second Floor Upgrade to Usable Workspace
\$135,000 one-time funds

The Matheson AOC cubicle area on the second floor needs to be replaced with new furniture that provides a more open environment with greater flexibility for hoteling space staff usage.

Summit Deliberation Room 2nd Request
\$204,000 one-time funds

An initial budget surplus request of \$150,000 was approved in February 2023 to get this renovation project started with the county while acknowledging that it would only fund a portion of the overall cost. This second funding request will allow the completion of the project by the fall of 2023.

American Fork Courthouse Rent Increase
\$389,000 one-time funds

The prior request for \$173,000 covered the rent increases for the last 6 months of FY 2023 (January-June). This new request will cover the rent increases for FY 2024.

Network/System Maintenance – Staff Augmentation
\$50,000 one-time funds

In this final 18 months of ARPA-focused IT work with approximately 40% of ARPA IT funds left, this request establishes a fund for maintenance/repairs and other non-technical work throughout the State that optimizes the use of IT employees by providing funds for this work to be done by vendors on state contract. These funds will cover labor costs, travel and any hardware required for this work.

IT Stipend for Tech Subject Matter Expertise (TSME)
\$78,000 one-time funds

IT was given approval in May 2023 to designate up to 30 court employees as TSMEs who can assist throughout the state in district and juvenile courts with a specific set of IT skills/functions. The stipend was set at \$100 per pay period for the 26 pay periods in FY 2024. (Total is 26 pay periods x 30 employees x \$100 = \$78,000).

IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements
\$364,000 one-time funds

The IT Department has established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. Starting in FY 2024, they anticipate the cost will increase to approximately \$364,000 as laptops are more expensive to replace than the desktops that were previously used.

IT Webex Virtual Hearing Improvement Project
\$150,000 one-time funds

Approving this as a carryforward expense allows the Courts to match the expense (which waits until project completion) with the available funds which have been carried forward from FY 2021 to FY 2022 to FY2023 and now to FY2024. Due to Cisco's importance to the Courts ARPA-funded IT requests, paying this promptly upon completion of the work is essential.

Contractor Support for Senior Project Manager/Developer training and Critical IT Projects in 2023

\$682,000 one-time funds

This request is to retain the current experienced contract developers to assist the project managers/developers on critical projects and development tasks.

Continuing OCAP Support Pending MyCase Transition

\$52,000 one-time funds

This request is to retain the OCAP contractor for another year to effectively maintain the OCAP program, ensuring it functions correctly from both a legal and technical perspective, while increasing the Courts ability to optimally develop MyCase so it is as helpful as possible to self-represented litigants.

Ensuring Ongoing Support for ODR Facilitators

\$18,000 one-time funds

The request is to retain the ODR contractor, Nancy McGahey, temporarily to ensure continuity of ODR operations, preserve institutional knowledge, increase ODR volunteer facilitator retention, and ensure that new ODR facilitators are appropriately trained while the new ODR administrator learns the intricacies of the position.

Secondary Language Stipend

\$166,400 one-time funds

This is a very cost-effective use of the Courts' 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 current annual bonus pay for court patron interpreters is \$100 x 26 pay periods = \$2,600 per year. There are 64 slots available to receive this bonus. The annualized cost is 64 x \$2,600 = \$166,400 for FY 2024.

Seventh District – Courtroom Furniture and Webex Booth Patron Document Stations

\$7,200 one-time funds

Castle Dale Courthouse – provide a small counsel table for use in juvenile court hearings for \$1,200; Price Courthouse – counsel table for use in hearings that include additional attorneys or parties in the district courtrooms for \$1,200; Monticello Courthouse – small document processing/submission workstation for Webex booth patrons for \$800; and Castle Dale and Monticello Courthouses – two monitors and A/V carts for use with room kit meeting devices for \$4,000.

Provo Courthouse Conference Rooms A & B Upgrade to Hybrid Capability

\$99,000 one-time funds

The Provo Courthouse is the second largest courthouse in the state. Conference rooms A and B in that courthouse were not originally built to be hybrid capable. Since the pandemic and looking ahead at all the opportunities to incorporate hybrid training and meetings, it would benefit the Judiciary to upgrade these conference rooms to better facilitate statewide hybrid meetings and trainings.

**Training for Replacement Internal Auditor
\$37,500 one-time funds**

The Internal Audit Department (IAD) requested \$37,500 to hire and begin training a new auditor before their existing auditor retires in December 2023. This would allow IAD to fill the replacement auditor position in the fall of 2023 so the new auditor can be trained by the experienced auditor that is retiring.

Motion: Judge Chin moved to approve the Pilot Program for Crisis Services – Jurors for \$35,000 with one-time funds, the Support for In-person Conferences, Education Team Training and Employee Manager Training for \$224,700 with one-time funds, the Educational Assistance Program Funding for FY 2024 for \$85,000 with one-time funds, the Contract Court Sites – Adjustment Funds for \$10,000 with one-time funds, the Interstate Compact for Juveniles Operations Funding for \$26,950 with one-time funds, the Employee Incentive Awards for \$280,000 with one-time funds, the Applicant Tracking (ATS) and Onboarding Software (ApplicantPRO) for \$24,000 with one-time funds, the FY 2024 Public Transit Partial Reimbursement Program for \$60,000 with one-time funds, the AOC Second Floor Upgrade to Usable Workspace for \$135,000 with one-time funds, the Summit Deliberation Room 2nd Request for \$204,000 with one-time funds, the American Fork Courthouse Rent Increase for \$389,000 with one-time funds, the Network/System Maintenance – Staff Augmentation for \$50,000 with one-time funds, the IT Stipend for Tech Subject Matter Expertise (TSME) for \$78,000 with one-time funds, the IT Inventory for Computer, Printer, Scanner and other Peripherals Replacements for \$364,000 with one-time funds, the IT WebEx Virtual Hearing Improvement Project for \$150,000 with one-time funds, the Contractor Support for Senior Project Manager/Developer training and Critical IT Projects in 2023 for \$682,000 with one-time funds, the Continuing OCAP Support Pending MyCase Transition for \$52,000 with one-time funds, the Ensuring Ongoing Support for ODR Facilitators for \$18,000 with one-time funds, the Secondary Language Stipend for \$166,400 with one-time funds, the Seventh District – Courtroom Furniture and Webex Booth Patron Document Stations for \$7,200 with one-time funds, the Provo Courthouse Conference Rooms A & B Upgrade to Hybrid Capability for \$99,000 with one-time funds, the Training for Replacement Internal Auditor for \$37,500 with one-time funds, as presented. Judge Bazzelle seconded the motion, and it passed unanimously.

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

16. COMMITTEE ON JUDICIAL OUTREACH REPORT: (Judge Elizabeth Hruby-Mills and Jon Puente)

Chief Justice Durrant welcomed Judge Elizabeth Hruby-Mills and Jon Puente. Judge Hruby-Mills reviewed the committee membership. The Committee conducted more than 50 judicial school visits; tabled at more than 15 community events; organized community speaking opportunities for judges including a Hinckley Institute Huntsman Seminar; expanded the divorce education for children program; created a teen website for divorce education; and held monthly meetings with the Mexican Consulate. They hired a new Public Outreach Coordinator, compiled an easy access sheet of community-based resources for legal support on immigration, and have received 200 media pool requests. Judge Hruby-Mills encouraged the Council to contact the Committee for the courthouse tours curriculum.

Tania Mashburn, Communications Director, is working on the program for journalists.

Chief Justice Durrant thanked Judge Hruby-Mills and Mr. Puente.

17. EXECUTIVE SESSION

An executive session was held during agenda item #15.

18. CONSENT CALENDAR ITEMS

a) Committee Appointments: Appointment of Senior Judge Michelle Heward and Ray Wahl to the GAL Oversight Committee. Approved without comment.

b) UCJA Rule 4-202.11 for Public Comment. Approved without comment.

c) Probation Policy. Court Report Probation Policy. Approved without comment.

d) Tax Judge Appointment. Appointment of Judge Rita Cornish. Approved without comment.

e) Forms Committee Forms. Request to Safeguard Contact Information from Other Parties and Request to No Longer Safeguard Contact Information. Approved without comment.

19. ADJOURN

The meeting adjourned.