

JUDICIAL COUNCIL MEETING

AGENDA

July 17, 2023

**Meeting held through Webex
and in person**

**Matheson Courthouse
Council Room
450 S. State St.
Salt Lake City, Utah 84111**

Chief Justice Matthew B. Durrant, Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report Chief Justice Matthew B. Durrant
(Information)
3. 9:10 a.m. State Court Administrator's Report.....Ron Gordon
(Information)
4. 9:15 a.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 2 - Information)
5. 9:20 a.m. Judicial Performance Evaluation Commission Report
(Tab 3 - Information) Mary Margaret Pingree
Commissioner Christine Durham
Shanna Jaggers
Cameron Carter
Angela McGuire
6. 9:45 a.m. Open and Public Meetings Act Training Bryson King
(Information)
7. 10:15 a.m. Budget and Grants..... Karl Sweeney
(Tab 4 - Action) Alisha Johnson

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|-----|------------|---|--------------------------------|
| | 10:30 a.m. | Break | |
| 8. | 10:40 a.m. | Crime and Justice Institute Presentation
(Tab 5 - Information) | Will Isenberg
Maja Vljajnic |
| 9. | 11:25 a.m. | Rules for Final Approval
(Tab 6 - Action) | Keisa Williams |
| 10. | 11:30 a.m. | Indigent Defense Commission Report
(Information) | Matthew Barraza |
| 11. | 11:45 a.m. | Judicial Council Approved Funding Summary
(Tab 7 - Information) | Ron Gordon
Neira Siaperas |
| | 12:00 p.m. | Lunch Break | |
| 12. | 12:10 p.m. | Domestic Commissioner Annual Evaluation and Retention
(Tab 8 - Action) | Shane Bahr |
| 13. | 12:20 p.m. | Senior Judge Recertifications
(Tab 9 - Action) | Neira Siaperas |
| 14. | 12:30 p.m. | Old Business/New Business
(Discussion) | All |
| 15. | 12:40 p.m. | Executive Session - There will be an executive session | |
| 16. | 1:25 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.

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| 1) Committee Appointments | Committee on Judicial Outreach – Jon Puente |
| (Tab 10) | Office of Fairness and Accountability Committee – Jon Puente |

Tab 1

**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 $\$100 \times 26 \text{ pay periods} = \$2,600$ per year. There are 64 slots available to receive this bonus. The annualized cost is $64 \times \$2,600 = \$166,400$ 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.

Tab 2

JUDICIAL COUNCIL'S MANAGEMENT COMMITTEE

Minutes

June 13, 2023

12:06 p.m. – 1:06 p.m.

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

Chief Justice Matthew B. Durrant, Presiding

Committee Members:

Chief Justice Matthew B. Durrant, Chair
Hon. David Mortensen, Vice Chair
Hon. Paul Farr
Hon. Elizabeth Lindsley
Hon. Kara Pettit

AOC Staff:

Ron Gordon
Neira Siaperas
Michael Drechsel
Brody Arishita
Shane Bahr
Wayne Kidd
Meredith Mannebach
Jim Peters
Nick Stiles
Sonia Sweeney
Janet Thorpe
Keisa Williams
Jeni Wood

Excused:

Guests:

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

Judge David Mortensen welcomed everyone to the meeting.

Motion: Judge Paul Farr moved to approve the May 9, 2023 Management Committee minutes, as presented. Judge Elizabeth Lindsley seconded the motion, and it passed unanimously.

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

Ron Gordon mentioned that he, along with various court personnel, attended the Navajo Nation Summit, which devoted some time to introduce various departments within the Navajo Nation and included discussions on Indian Child Welfare Act (ICWA). Mr. Gordon and Lucy Beecroft are discussing the possibility of creating a council that would include state judges and tribal nation judges. Most western states have similar councils and find them very productive.

3. APPROVAL OF 2024 MANAGEMENT COMMITTEE AND JUDICIAL COUNCIL SCHEDULE: (Ron Gordon)

Mr. Gordon presented proposed 2024 meeting schedules for the Management Committee and Judicial Council. He sought approval of the Management Committee schedule and approval to add the Council schedule to the Council agenda.

Motion: Judge Farr moved to approve the 2024 Management Committee schedule, as presented, and to place the 2024 Council schedule on the Council agenda. Judge Kara Pettit seconded the motion, and it passed unanimously.

4. COMMITTEE APPOINTMENTS: (Jeni Wood)

The GAL Oversight Committee recommended the appointment of Judge Michelle Heward, Senior Judge, and Ray Wahl to fill Judge Robert Yeates and Cathy Bounous' position.

Motion: Judge Lindsley moved to approve the appointment of Judge Michelle Heward and Ray Wahl to the GAL Oversight Committee, as presented and to place this item on the Council's consent calendar. Judge Farr seconded the motion, and it passed unanimously.

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

Nick 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 has 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 letter to JPEC totaled over 400 pages. Working collectively with Brody 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.

Mr. Stiles sought the Committees support in using this new form and to place this item on the Council agenda. Judge Lindsley asked if the judges will receive a copy of the form once they complete it. Brody Arishita confirmed that judges will receive a copy of the completed form and can also retrieve a copy from their Adobe Sign account.

6. SENIOR JUDGE ASSIGNMENT REQUEST: (Nick Stiles)

Over the last two years the Court of Appeals has replaced three out of its seven members. During that time, the Court of Appeals has been the gracious recipient of the assistance of Senior Judge Kate Appleby, and Senior Judge Russel Bench. Their assistance to the Court of Appeals during this transitional time cannot be overstated. Their current authorizations are set to expire on June 30, 2023.

Their work for the Court of Appeals is largely complete. There are, however, still a small number of cases where Judge Bench and/or Judge Appleby sat on the oral argument panel that

are awaiting the final completion of the opinion from another member of the appellate bench. They anticipated Judge Appleby and Judge Bench will be able to finish their responsibilities to the cases within 40 hours. Mr. Stiles understood that senior judges are currently paid \$81.32/hour. He anticipated the cost of \$3,253 for Judge Appleby, and \$3,253 for Judge Bench, totaling \$6,506. He requested that the Committee extend their assignment until December 31, 2023.

Motion: Judge Farr moved to approve extending the senior judge assignments for Judge Kate Appleby and Judge Russell Bench until December 31, 2023, as presented. Judge Lindsley seconded the motion, and it passed unanimously.

7. AUDIT REQUEST OF UTAH STATE BAR LICENSING FEES: (Wayne Kidd)

Wayne Kidd reminded the Committee that Utah State Constitution Article VIII Section 4 provides that the Utah Supreme Court shall govern the practice of law. The Supreme Court has requested an audit of how attorney licensing fees are used and whether the fees are reasonable. The AOC Internal Audit Department will consider the purpose and mission of the Utah State Bar. They will review the Bar's budgets, financial audits, and other necessary financial documents. They will also review the Bar's financial reserves. If this audit request is approved, the Supreme Court requested the Department seek the assistance of the Office of the Utah State Auditor for this review. The audit begins in September 2023 after the Bar's financial audit for fiscal year 2023 is completed. Judge Pettit asked if this audit was a regular cycle. Mr. Kidd explained that it is not a regular audit.

Motion: Judge Pettit moved to approve the audit of the Utah State Bar Licensing fees, as presented. Judge Farr seconded the motion, and it passed unanimously.

8. HILDALE CITY JUSTICE COURT AUDIT REPORT: (Wayne Kidd and Janet Thorpe)

The Hildale City Justice Court audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing. Janet Thorpe, Internal Auditor, served as the lead auditor for this review. Mr. Kidd appreciated the assistance extended by the court. The audit identified accounting and operational strengths, as noted in the Executive Summary. This report includes recommendations to strengthen controls and procedures. A follow up is scheduled to be held within 12 months. Judge Farr wondered if a follow up sooner was warranted. Mr. Kidd noted that they will continue working with the justice court to implement these recommendations and can follow up sooner. Judge Farr also asked if the presiding judge should discuss the findings of this audit with the justice court judge. Judge Pettit expressed her gratitude to the Audit Department for their work.

Motion: Judge Farr moved to approve the Hildale City Justice Court audit, as amended to hold a follow up meeting within six months and to have the local presiding judge discuss the audit findings with the Hildale Justice Court judge to ensure the recommendations are being met. Judge Pettit seconded the motion, and it passed unanimously.

9. TAX JUDGE APPOINTMENT: (Meredith Mannebach)

Judge Keith Kelly, administrative judge for the Tax Judges, recommended Judge Rita Cornish be appointed as a tax judge. Judge Cornish has a background in civil litigation, focusing on construction and real estate.

Motion: Judge Pettit moved to approve the appointment of Judge Rita Cornish as a tax judge, as presented, and to place this on the Council consent calendar. Judge Lindsley seconded the motion, and it passed unanimously.

10. PROBATION POLICY: (Sonia Sweeney)

The Board of Juvenile Court Judges proposed a revision of the Court Report Probation Policy. Sonia Sweeney sought the Committees approval of the policy and to place it on the Council's consent calendar. The Court Report Policy was last updated on August 17, 2018. The policy provides direction to probation officers in preparing written court reports. The requested change is to align the policy with the existing rule. The policy states that probation officers shall include the "delinquency history and prior court involvement" in a court report. UCJA Rule 7-302 states that the court report shall include "the minor's prior history, including prior actions taken by the probation department."

Motion: Judge Lindsley moved to approve the Court Report Probation Policy and to place it on the Council's consent calendar. Judge Farr seconded the motion, and it passed unanimously.

11. APPROVAL OF THE JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant addressed the Judicial Council agenda.

Motion: Judge Farr moved to approve the Judicial Council agenda, as amended to add Forms Committee Forms on the consent calendar and Recognition of Judge Dennis Fuchs after the Chair's Report. Judge Pettit seconded the motion, and it passed unanimously.

12. OLD BUSINESS/NEW BUSINESS

Neira Siaperas found that there is one active and several inactive senior judges that are not compliant with UCJA Rule 11-201 requirement to maintain an active State Bar license. The Management Committee felt discussions and a reminder of the rule should be held with those out of compliance.

13. EXECUTIVE SESSION

An executive session was held.

Motion: Judge Farr moved to approve the settlement agreement as discussed in the executive session. Judge Lindsley seconded the motion, and it passed unanimously.

14. ADJOURN

The meeting adjourned.

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

**Minutes
June 12, 2023
Meeting held virtually through WebEx
12:00 p.m. – 1:10 p.m.**

Members Present:

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

Excused:

Margaret Plane, Esq.
Mark Urry, TCE, Fourth District Court

Guests:

Brett Folkman, TCE, First District Courts
Judge Laura Scott
Mark Paradise
Kim Zimmerman

AOC Staff Present:

Ron Gordon
Sonia Sweeney
Shane Bahr
Lauren Andersen
Bart Olsen
Brody Arishita
Todd Eaton
Jace Kinder
Chris Talbot
Nick Stiles
Tina Sweet
Nini Rich
James Peters
Travis Erickson
Jeremy Marsh
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 May 8, 2023 minutes, as presented. Judge Pettit seconded the motion, and it passed unanimously.

2. FY 2023 Financials / Turnover Savings / ARPA Update (Melissa Taitano – “Presenter”)

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 \$4.4M.



FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 05/12/2023 (1,808 out of 2,088 hours)

#		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

Prior Report Totals (as of PPE 04/14/23) \$ 4,513,913.32

Ongoing Turnover Savings (“OTS”) – Melissa Taitano reviewed the period 11 financials and gave an update on OTS. At the end of FY22 we ended with \$250,392 of OTS that has been carried forward into FY23. These ongoing turnover savings carried forward into FY23 were to hedge against risks of lower turnover in FY23. So far in FY23 we have earned \$929,719 of ongoing turnover savings. Forecasted FY23 OTS is \$979,719 and when combined with the \$250,392 carried over from FY22, the forecasted YE 2023 OTS is conservatively estimated to be \$1,230,111.

As of 06/7/2023, the OTS schedule shows \$200,000 of hot spot raises as used with the balance expected to be used by the end of FY 2023. The \$635,000 in 2023 performance-based raises were authorized by the Judicial Council and will also be used by the end of FY23. AOC Finance is forecasting that we will have \$395,111 in OTS available for discretionary use.



FY 2023 Ongoing Turnover Savings as of 06/07/2023

#		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	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

Prior Report Totals (dated 05/01/23) \$ 891,992 \$ 529,069

Melissa Taitano walked the committee through the Ongoing Turnover Savings Analysis Worksheet. This sheet is a snapshot in time showing the breakdown of where our OTS is coming from and also serves as a proof point that our calculations are correct. New hires have 90 days to select benefits. That means the salary component of OTS can be included in our OTS calculation several weeks/months before the benefits component of OTS is known. Thus, the numbers shown below are a “point in time” calculation. Our forecast is \$50,000 per period of ongoing savings. This number comes from a historical trend of 25 positions being filled and each of those positions saving about \$2000. This period we were lower at (-\$77,539) so we came in below the forecasted amount.

Ongoing Turnover Savings Analysis by Fiscal Period												
	July Period 1	August Period 2	September Period 3	October Period 4	November Period 5	December Period 6	January Period 7	February Period 8	March Period 9	April Period 10	May Period 11	TOTAL
Total TOS Amount	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$55,629	-\$72,757	\$178,715	\$238,696	\$133,593	-\$77,539	\$929,719
Cumulative TOS	94,157	211,487	348,576	450,894	473,383	529,012	456,255	634,970	873,665	1,007,258	929,719	
Forecast \$ TOS Amount/Mo.	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Forecast Headcount Actions	25	25	25	25	25	25	25	25	25	25	25	
Forecast TOS Amount / Action	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
Volume Variance (Actions)												
Forecast	25	25	25	25	25	25	25	25	25	25	25	
Actual	32	37	22	23	14	25	40	21	62	23	28	
Variance	7	12	-3	-2	-11	0	15	-4	37	-2	3	
x Forecast TOS Amount	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
= Volume Variance	\$14,000	\$24,000	-\$6,000	-\$4,000	-\$22,000	\$0	\$30,000	-\$8,000	\$74,000	-\$4,000	\$6,000	
Rate Variance (\$ TOS/Action)												
Forecast Savings/Action	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
Actual TOS/Action	\$2,942	\$3,171	\$6,231	\$4,449	\$1,606	\$2,225	-\$1,819	\$8,510	\$3,850	\$5,808	-\$2,769	
Variance	\$942	\$1,171	\$4,231	\$2,449	-\$394	\$225	-\$3,819	\$6,510	\$1,850	\$3,808	-\$4,769	
x Actual Actions	32	37	22	23	14	25	40	21	62	23	28	
= Rate Variance	\$30,157	\$43,331	\$93,089	\$56,318	-\$5,511	\$5,629	-\$152,757	\$136,715	\$114,696	\$87,593	-\$133,539	
Total TOS Variance to Forecast (Rate + Volume)	\$44,157	\$67,331	\$87,089	\$52,318	-\$27,511	\$5,629	-\$122,757	\$128,715	\$188,696	\$83,593	-\$127,539	
Check to Total TOS												
Forecast	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Actual for the Period	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$55,629	-\$72,757	\$178,715	\$238,696	\$133,593	-\$77,539	
Check (should be 0)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
NOTE: The basis upon which this analysis is prepared assumes actions are posted in the month when the vacant position is filled.												
Any subsequent changes due to medical plan choices for an action will revise the ongoing turnover savings of the original month the Action was first shown.												
Based on historical actual trends, the forecast for each period is \$50,000 of ongoing savings. This number is calculated by the assumption of 25 actions saving, on average, \$2,000 each.												
For period 11, we had 28 actions causing a POSITIVE Volume variance of \$6,000. The average COST for those actions was -\$2,769 due primarily to people selecting higher cost medical plans than the incumbent person, causing a NEGATIVE Rate variance of \$133,539. Overall, period 11 ended at -\$77,649 TOS which was \$127,539 below of our \$50,000 forecast												

ARPA Expenditures – We have expended \$8,615,393 of ARPA funds as of May 30, 2023. This leaves an available balance of \$6,384,607.47 of the \$15 million that was awarded to the courts.



ARPA Expenses as of 5/30/2023 (prior to the close of period 11)

	A Judicial Council Approved Amount	B Actual FY 2022 Expended Amount	C Actual FY 2023 Expended Amount	D Expended Amount (B + C)	E Balance Available (A - D)	Activity Code	Description
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	3,790,172.90	6,832,640.57	5,540,759.43	ITCV + ITC2	Projects will extend thru 12/31/24
Courts Case Backlog - Part I + II	2,000,000	707,963.11	919,952.37	1,627,915.48	372,084.52	BKLG	See detail below.
COVID-19 Supplies	302,100	-	-	-	302,100.00	CV19	
Legal Sandbox Response to COVID	324,500	-	154,836.48	154,836.48	169,663.52	LSCV	
TOTAL	15,000,000	3,750,430.78	4,864,961.75	8,615,392.53	6,384,607.47		

Expenditures added since last report: \$ 282,750.87

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

BKLG FY 2023 Details

FY 2023 Expenses Include as of PPE 5/12/2023

Personnel Expenses:	\$ 892,547.62
Mileage Expenses:	\$ 2,676.64
Sr. Judge Travel Expenses:	\$ 2,430.71
	\$ 897,654.97
COVID Testing Kit purchase:	\$ 22,297.40
	\$ 919,952.37

BKLG Run Rate Calculation

Usage for Last 3 Pay Periods

	4/14/2023	4/28/2023	5/12/2023
\$	43,891.94	\$ 49,253.97	\$ 49,102.94
Average last 3 Pay Periods:	\$	47,416.28	
Balance Available (from table above):	\$	372,084.52	
Remaining Pay Periods at Last 3 Average:		8	
Anticipated Last Pay Period End Date:		9/1/2023	
Prior report anticipated last pay period:		9/1/2023	

Historical Trends (period 11 not yet closed)

IT Access to Justice Use - Last 3 Periods

	Period 9	Period 10	Period 11
\$	307,908.35	\$ 328,775.92	\$ 156,535.62

BKLG - Last 3 Periods

	Period 9	Period 10	Period 11
\$	117,881.38	\$ 98,705.79	\$ 98,356.91

Legal Sandbox - Last 3 Periods

	Period 9	Period 10	Period 11
\$	31,533.49	\$ 27,376.45	\$ 27,241.15

	\$ 282,133.68
True Up for Period 10:	\$ 617.19
TOTAL INCREASE FROM PRIOR:	\$ 282,750.87

3. Carryforward and Ongoing Spending Requests (Karl Sweeney – “Presenter”)

The total available funding for carryforward and ongoing turnover savings uses as of May 30, 2023 was one-time \$3.22 million and ongoing \$658,311.



FY 2024 Carryforward and Ongoing Requests - Period 11 Forecast 2023 Year End

6/7/2023

Funding Sources

	One Time	Ongoing
OTS carried over from FY 2022		\$ 250,392
Current YTD OTS from FY 2023		\$ 979,719
Subtotal		\$ 1,230,111
Unobligated Fiscal Note Funds - District Court	\$ 6,500	\$ 20,000
Unobligated Fiscal Note Funds - Juvenile Court	\$ 14,800	\$ 243,200
Expected Carryforward Amount from Fiscal Year 2023	\$ 3,200,000	\$ -
Total Available Funding	\$ 3,221,300	\$ 1,493,311
Less: Judicial Council Delegated to State Court Admin for discretionary use		\$ 200,000
1 Performance Raises Approved in September 2022		\$ 450,000
2 Increase Performance Raise Pool - Bart Olsen & Karl Sweeney		\$ 185,000
Net Ongoing TOS Available for Use		\$ 658,311

Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
3 Child Welfare Mediator - Nini Rich		\$ 39,000		
4 Reduce Education Budget Deficit - Lauren Andersen (would be removed if one-time request is approved)		\$ 100,000		
5 7th District Administrative Assistant - Travis Erickson		\$ 53,200		\$ 185,000
6 Juvenile Bills Appropriations - Sonia Sweeney	\$ 8,562	\$ 241,180		
7 Financial Manager I - Ron Gordon & Karl Sweeney		\$ 123,800		
8 Appellate Mediation Office Expansion - Nick Stiles		\$ 168,400		
9 3rd District Criminal Court Commissioners - Judge Laura Scott & Mark Paradise		\$ 526,300		
10 Assistant Justice Court Administrator - James Peters		\$ 74,000		
Subtotal	\$ 8,562	\$ 1,325,880	\$ -	\$ 185,000
Balance Remaining Inclusive of Presented		\$ (667,569)		

One Time Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
1 Secondary Language Bonus - Jonathan Puente	\$ 166,400			
2 ICI Annual Funding - Sonia Sweeney	\$ 26,950			
3 Mathematics Public Relations Director - Chris Talbot Moved to a Year End request	\$ -			
4 Summit Deliberation Room - 2nd Request - Chris Talbot	\$ 204,000			
5 Employee Incentive Awards - Bart Olsen	\$ 280,000			
6 Education Assistance - Alsha Johnson	\$ 85,000			
7 Provo Conference Room Hybrid Upgrade - Mark Urry & Shelly Waite	\$ 99,000			
8 Courts EcoPass Program - Chris Talbot & Melissa Taltano	\$ 60,000			
9 Contract Court Sites - Shane Bahr	\$ 10,000			
10 Applicant Tracking/Onboarding Software - Jeremy Marsh (pricing update received)	\$ 24,000			
11 IT Replacement Inventory - Todd Eaton	\$ 364,000			
12 American Fork Courthouse Rent Increase - Chris Talbot & Karl Sweeney	\$ 389,000			
13 Education Budget Shortfall - Lauren Andersen (-\$100,000 if request approved above in ongoing)	\$ 224,700			
14 Crisis Services - Pilot Program - Ron Gordon	\$ 35,000			
15 IT - Retain Contract Developers Support - Brody Arshita	\$ 682,000			
16 AOC 2nd Floor Upgrade to Usable Workspace - Chris Talbot - REVISED (reduced by \$100,000)	\$ 135,000			
17 IT Staff Augmentation - Todd Eaton & Chris Talbot	\$ 50,000			
18 Internal Audit Department - Employee Training Overlap - Wayne Kidd	\$ 37,500			
19 OCAP Support for MyCase Transition - Nathanael Player	\$ 52,000			
20 ODR Contractor Transition Support - Nathanael Player	\$ 18,000			
21 IT Stipend for Technology Subject Matter Experts - Todd Eaton, Jaco Kinder	\$ 78,000			
22 CSCO WebEx Virtual Hearing Improvement - Brody Arshita	\$ 150,000			
23 7th District - Courtroom Furniture & WebEx Booth Patron Document Stations - Travis Erickson	\$ 7,200			
Subtotal	\$ 3,177,750	\$ -	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 3,221,300	\$ 1,308,311
+ Balance Remaining Inclusive of "Presented"	\$ 34,988	\$ (667,569)		

3. Child Welfare Mediator (Nini Rich – Presenter)

Nini Rich is requesting \$39,000 of ongoing funds for a Child Welfare Mediator to increase the current benefitted part-time position to a full-time position. Referrals to the Child Welfare Mediation Program have increased by 16%, from an annual average of 1,416 mediations to 1,646. Additional funding is being requested for the incremental cost to move a benefitted half-time position to a full-time position in order to meet the increased demand for mediation services in Juvenile Court cases involving child abuse and neglect allegations.

Motion: The Committee set the priority of this request as #2. 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.

4. Reduce Education Budget Deficit (Lauren Andersen – Presenter)

Lauren Andersen is requesting \$100,000 of ongoing funds to cover the Education Department's budget deficit. Beginning in FY 2021 when the Education Department made ongoing general

fund budget cuts of \$24,000 and also reduced its funding from the JCTST fund by \$94,000 to recognize lower JCTST fund revenues over time (exacerbated by the pandemic), the Education Department has been operating at a deficit which was funded through carryforward funds, as follows:

Education Carryforward \$

FY 2021	\$127,000
FY 2022	\$168,500
FY 2023	\$224,700

Although part of the deficit was intended to be offset through the purchase and use of the Learning Management System (LMS), since the ending of the COVID restrictions, the direction of the Boards of Judges and the Judicial Council has been to hold in-person conferences while offering hybrid participation to those who desire to participate virtually. This means that the all-in costs for conferences have not been reduced – and inflation on lodging, meal and hotel connectivity expenses (which are not subject to state per diems) have increased to the point that obtaining conference lodging at state per diem rates is increasingly difficult. There are indications that state per diem rates will rise substantially in FY 2024, but without more ongoing funds, Education will be faced with ever growing deficits.

Motion: The Committee set the priority of this request as #7. 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.

5. 7th District Administrative Assistant (Travis Erickson – Presenter)

Travis Erickson is requesting \$53,200 of ongoing funds for a part-time Administrative Assistant. Seventh District has 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
- Fleet Management

Historically these duties have been completed by the Support Services Coordinator (SSC) because the district does not have an Administrative Assistant (AA). In recent years the Support Services Coordinator has assumed additional duties to facilitate important internal audit processes. A part-time (20 hours per week, benefitted) Administrative Assistant to perform some of the AA duties previously assigned to the Support Services Coordinator will ensure proper time and attention is available for the Audit, Budget, Purchasing, and other important duties of the SSC.

Motion: The Committee set the priority of this request as #6. 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.

6. Juvenile Bills Appropriation Proposal (Sonia Sweeney – Presenter)

Sonia Sweeney is requesting \$8,562 of one-time funds and \$241,180 of ongoing funds. This ongoing funding request will 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.

As a result of juvenile specific bills, the juvenile court received appropriations that total \$242,900 in ongoing funds and \$14,800 in one-time funds, excluding \$475,000 allotted for a new Juvenile Court Judge position and two Judicial Assistant positions in Fourth District. The appropriations include the following:

- \$72,000 (ongoing) for juvenile court workload related to HB60, plus an additional \$1,900 for ongoing postage. This appropriation is to address additional work required by juvenile court employees, primarily related to new expungement notifications. HB60 codified an automatic expungement process for any person whose referred offenses are solely episodes that were successfully addressed non-judicially. Statute will mandate that notice be sent for each of these expungements.
- \$33,000 (ongoing) for juvenile probation officer's participation in multidisciplinary reintegration meetings mandated by HB304. Additionally, the bill enhances requirements to send notification letters to law enforcement and school officials by adding a requirement to send notice for each youth who is placed on intake or formal probation.
- \$121,100 (ongoing) for juvenile court workload related to SB163, which will require additional time for clerical employees and judges to make findings related to parent-time.
- \$14,900 (ongoing) and \$14,800 (one-time) for juvenile court workload related to SB290, which will require additional work from clerical employees to process petitions for special findings for at-risk noncitizen children.
- \$8,562 (One-time) for equipment

Motion: The committee requested this be taken out of the prioritization list since the amount allocated is coming from the legislature. 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.

7. Finance Manager I – AOC Finance (Ron Gordon and Karl Sweeney – Presenters)

Ron Gordon and Karl Sweeney are requesting \$123,800 of ongoing funds for one new FTE to enable Finance to have the capacity to manage its increased workload and simultaneously build the capacity to proactively respond to special requests and business demands from its customers.

Currently, the AOC core Finance staff consists of 9 professionals including a Grants Coordinator. Deducting the Grants Coordinator, the core Finance position count has remained 8 since at least 1994. Notwithstanding new and more versatile software, growth in the Court's budget \$, number of Court employees, the administration of performance and hot spot bonuses/raises, on top of the requirements of the BFMC and budget managers for accurate, timely data, and special reporting has resulted in the workload on Finance staff not staying the same. The number of requests for Finance assistance is ever-growing. A new requirement for an

annual review of Court fees in HB 531 will require significant first year and ongoing resources from Finance. We have come to the point where we need an additional FTE to assist and provide support for monthly financial statement analysis and sub-ledger reconciliation (as well as special projects) to allow us to be proactive in meeting our customer's expectations.

Judge Pettit suggested having a cost analysis done for administration positions.

Motion: The Committee set the priority of this request as #4. 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.

8. Appellate Mediation Office Expansion (Nick Stiles – Presenters)

Nick Stiles is requesting \$168,400 of ongoing funds for the Appellate Mediation Office (“AMO”) Expansion. The AMO 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 half-time to three-quarter time. The AMO handles 65-70 cases per year and resolves approximately half of those. Assuming a direct doubling of the numbers with an additional mediator, this would mean approximately 70 cases per year would be disposed of through mediation, or approximately 8-10% of the Court of Appeals' cases. In addition to the increase in cases settled through mediation, there is potentially some time savings for judges and court staff by selectively ordering into mediation cases that are known to take a disproportionate amount of time – pro se matters.

Motion: The Committee set the priority of this request as #3. 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.

9. Criminal Court Commissioners (Mark Paradise and Judge Laura Scott – Presenters)

Mark Paradise and Judge Laura Scott are requesting \$526,300 of ongoing funds for two Criminal Court Commissioners. According to the most recent Judicial Caseload Survey, the Third District Court needs an additional 2.3 judicial officers to perform our critical work. We have appreciated the Judicial Council's efforts to obtain legislative approval and funding for additional judges. But this process takes a very long time and the Third District Court is in need of immediate assistance with our heavy caseloads. Judges are responsible for reviewing paper search warrants and eWarrants, reviewing probable cause statements and deciding whether to hold or release a suspect, reviewing arrest warrants, reviewing petitions for expungement, reviewing petitions for temporary protective orders and civil stalking injunctions, and reviewing petitions for involuntary civil commitments. Because of the sheer volume and 24/7 nature of the signing week work, judges are unable to schedule any hearings or other matters during their signing weeks. And with the significant increase in warrants and petitions for protective orders and stalking injunctions, it has become almost impossible for one judge to handle all signing duties and FAC. While the duties could be split – e.g., two judges assigned for each week with one handling FAC and one handling signing – that would result in judges having to block out an additional one or two weeks a year, resulting in even greater delays in setting hearings and trials and other matters.

Motion: The Committee set the priority of this request as #1. 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.

10. Assistant Justice Court Administrator (James Peters – Presenters)

James Peters is requesting \$74,000 of ongoing funds for an Assistant Justice Court Administrator. The purpose of this request is to obtain the funding necessary to convert a soon-to-be vacant, part-time Justice Court Program Coordinator to a full-time Assistant Justice Court Administrator. Presently, administrative support for Utah’s Justice Courts is provided by:

- a full-time Justice Court Administrator,
- a part-time Justice Court Program Coordinator,
- a part-time Justice Court Education Coordinator, and
- an Administrative Assistant.

Without an infrastructure of Trial Court Executives, Clerks of Court and Training Coordinators to provide assistance at the district level, these three FTEs are insufficient to support more than 100 courts, 68 judges and approximately 400 clerks. An additional 20 hours would be helpful for that reason alone. But to continue developing and implementing reforms that will improve the “Face of Utah’s Judiciary,” creating an Assistant Justice Court Administrator position is critical.

Motion: The Committee set the priority of this request as #6. 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.

Carryforward Requests Presented for Approval to Forward to the Judicial Council

9. FY 2024 Carryforward Spending Request – Contract Court Sites - Adjustment Funds – Resubmission (Shane Bahr – Presenter)

Shane Bahr is requesting \$10,000 of one-time funds to provide supplemental funding for 6 contract court sites. These court sites are funded from our district court base budget, however certain miscellaneous expenses for “travel, books and subscriptions, misc. & equipment” can be reimbursed by AOC as requested by the counties. The most common type of expense to be reimbursed is related to new photocopier machines. This carryforward funding supplements the base budget which funds office expenses and supplies, equipment supplies & maintenance, telephone, postage, copier operating expenses, other miscellaneous expenses, credit card fees, salaries and benefits.

Motion: Carryforward requests 9, 10, 16, 21, 22, and 23 were voted on and approved as a group. Judge Elizabeth Lindsley made a motion to approve, Keith Barnes seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

10. Applicant Tracking & Onboarding (Bart Olsen and Jeremy Marsh – Presenters)

Bart Olsen and Jeremy Marsh are requesting one-time funds of \$24,000 to 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, we are requesting funds sufficient to continue with an additional year's license for both.

The following recaps efficiencies of ApplicantPRO over the previous system that this subscription renewal will allow HR to maintain:

- Allows HR to process much quicker, reducing our recruitment days from 37.5 to 25 which is 33% faster for standard recruitments,
- Enables HR to handle nearly double the recruitment workload,
- Provides a 100% solution to the security risk we formerly had from having to send sensitive information using Google Sheets, Google Forms, and Gmail,
- Allows direct encrypted connection to the government E-Verify website for I-9 processing,
- Provides needed autonomy to manage the content in job postings and,
- Provides better access for management to view, score, and select the most qualified applicant.

Motion: Carryforward requests 9, 10, 16, 21, 22, and 23 were voted on and approved as a group. Judge Elizabeth Lindsley made a motion to approve, Keith Barnes seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

16. AOC 2nd Floor Upgrade to Usable Workspace - Revised (Chris Talbot – Presenter)

Chris Talbot is requesting \$135,000 of one-time funds to remodel the 2nd floor IT space. The existing cubicle area has 28 workstations that create a maze and visual obstruction in the open office space on the second floor. The space has been underutilized since telework started for the IT team due to Covid. The old cubicles need to be removed completely and the space redesigned into modern and flexible work area with new furniture that could be used by all AOC departments. This would include reducing the number of individual workstations to 16 and creating flexible collaboration spaces where teams could meet. The build out of the 3 modular offices along the east wall for additional hoteling offices will now be covered by Court Complex funding.

Motion: Carryforward requests 9, 10, 16, 21, 22, and 23 were voted on and approved as a group. Judge Elizabeth Lindsley made a motion to approve, Keith Barnes seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

21. IT Stipend for Tech Subject Matter Experts (Todd Eaton and Jace Kinder – Presenters)

Todd Eaton is requesting \$78,000 of one-time funds for the IT stipend for tech subject matter expertise (TSME). IT would 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. This is a cost-effective use of our current court employees who can use their technical skills to assist with providing basic IT services where we do not have an IT remote technician or IT staff onsite.

The need ranges from assisting with login and setup of our newer cloud apps, to making sure the correct cables for peripherals are properly seated in a dock or desktop. It also includes activating a network jack and assisting with mapping a printer. This change will also enable new hires to be up and running much faster with the help of a TSME who can get a workspace set up properly. Addressing simple issues requiring hands-on support by TSMEs will result in a notable reduction in time required for resolution. Less downtime for court staff will help to keep daily activities in line with the needs of the court's mission.

Motion: Carryforward requests 9, 10, 16, 21, 22, and 23 were voted on and approved as a group. Judge Elizabeth Lindsley made a motion to approve, Keith Barnes seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

22. Cisco WebEx Virtual Hearing Improvement Project (Brody Arishita “Presenter”)

Brody Arishita is requesting \$150,000 of one-time funds. This funding request was approved last year by the Budget & Fiscal Management Committee and the Judicial Council to complete some additional functionality within Cisco WebEx to improve ease of use and ease of attendance at all virtual hearings hosted by Cisco WebEx for the public. Cisco has been working on this WebEx project for the courts' public portal since FY 2021 but did not complete the work satisfactorily by 6/30/2021 so we carried forward the budgeted but unpaid \$150,000 of project funds into FY 2022 and then into FY 2023 (see Exhibit A). During this current year, we realized that the initial proposed solution wasn't going to work and we've been creating solutions to make everything work as originally intended, still within the same scope and with the same budgeted money. State purchasing policy requires the Courts to not pay an invoice before the work is completed to the contract specifications. Based on work performed to date, we believe Cisco will perform some but not all of the contract-required tasks by 6/30/2023. We request approval to once again move the entire \$150,000 carryforward contract balance, we brought into FY 2023 into a new fiscal year (FY 2024).

Motion: Carryforward requests 9, 10, 16, 21, 22, and 23 were voted on and approved as a group. Judge Elizabeth Lindsley made a motion to approve, Keith Barnes seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

23. 7th District – Courtroom Furniture and WebEx Stations (Travis Erickson “Presenter”)

Travis Erickson is requesting \$7,200 of one-time funds to purchase courtroom furniture and equipment. The funding will be spent as follows:

- Castle Dale Courthouse – Provide a small Counsel Table for use in Juvenile Court hearings - \$1,200
- Price Courthouse – Counsel Table for use in hearings that include additional attorneys or parties in the District Courtrooms - \$1,200
- Monticello Courthouse – Small document processing / submission workstation for WebEx booth patrons - \$800
- Castle Dale & Monticello Courthouses – Two monitors and a/v carts for use with Room Kit Meeting Devices - \$4,000

Motion: Carryforward requests 9, 10, 16, 21, 22, and 23 were voted on and approved as a group. Judge Elizabeth Lindsley made a motion to approve, Keith Barnes seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

4. JCTST Requests / Allocation of Funding for FY2024 (James Peters “Presenter”)

Section 78A-7-301 of the Utah Code and Rule 9-107 of the Code of Judicial Administration 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.

The Fund has generally been managed so that the allocation for the coming year (e.g. FY24) is capped at the amount of collections expected for the current year (e.g. FY23). That practice presents a challenge for FY24, however, as collections for FY23 are only 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 requests. To cover the difference, the Board recommends spending into the Fund’s \$510,000 balance to the extent necessary.

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

5. Accounting Manual Updates (Sheri Knighton and Karl Sweeney “Presenters”)

- 01-02.00 Payroll & Time Sheets. Added two forms to the Resources section, Attendance and Absences Types (commonly used) and Wage Types.
- 01-03.00 Safeguarding of Assets. Requirement for dual-control key box and safe need to be secured to a wall.

- 02-01.00 Receipting Payments. Included wording for use of endorsement stamp upon receipt of check/money order which says “Utah State Courts-For Deposit Only”
- 02-02.00 Hand Receipts. Changed wording on number 13 by taking out the word annual and left in semiannual reviews. Also updated Separation of Duties to match the policy.
- 02-03.00 Mail Payments. New mail payment log that includes a line for the cashier signature. Included wording for use of endorsement stamps upon receipt of check/money order which says “Utah State Courts-For Deposit Only” for checks received by mail.
- 02-10.09 Miscellaneous Payments. Updated electronic copy of audio or video record of court proceedings to match Rule 4-202.08.
- 02-18.01 AOC Payment Receipting. Updated policy to match practice.
- 03-02.00 Deposit Preparation. Clarifies the 3 business days to make a deposit.
- 03-02.04 Validation of Revenue Deposit Slip. Clarifies the 3 business days to make a deposit
- 06-01.00 Trust Check Writing. Updated the wording to match Utah Code Annotated (UCA) 77-38b-304 that says restitution shall be released within 60 days if the amount of the check is at least \$25.00
- 06-09.00 Juvenile Court Restitution Work Fund. Added new resources and took out the Procedures section to conform to the rest of the accounting manual.
- 07-00.00 Purchasing Overview and General Information. Clarifying wording on purchases in section 3(d).
- 07-00.03 Non-Contract Vendor. Updated wording to match the purchasing section.
- 07-03.00 Group Gatherings. Added wording to give more latitude to finding a vendor if you meet the small purchasing rules. Added more flexibility to larger group gathering per diems for both food and lodging. This was approved and added to the manual 4/14/2023
- 07-03.02 Employee Recognition and Training Event Meals. Added clarifying language for group gatherings that recognize court employees in larger districts.
- 07-07.00 State Owned IT Devices. Added a sentence/link to surplus property.
- 10-01.00 Jury Payments. Added updated Jury & Witness GAX prefix codes to include manual and computer-generated prefix codes. Added wording for meals while jurors are deliberating.
- 10-03.00 Reconciliation of Jury & Witness Payments. Clarifying language under Witness Payment Reconciliation Results. Added updated Jury & Witness GAX prefix codes to include manual and computer-generated prefix codes.
- 11-00.00 Special Funds (Alternative Funding) Overview. Clarification
- 11-08.00 Law Library Non-Lapsing Account. Clarified where the \$50.00 fee is dispersed and who is to ensure that the payment is received.
- 11-09.00 Special Dedicated Credit Accounts. Clarification
- 12-00.00 General Travel Policies. New wording for airline ticket purchases. New wording on personal time before/after traveling on official state business.
- 12-01.00 Travel Per Diem Rates. New wording for per diem lodging rates.
- 12-02.00 Meal Reimbursement. Clarification on per diem times.
- 12-05.01 Business Use of State Vehicles. For state insurance fund purposes, all travel using state vehicles must be within the “course and scope” of the Court employee’s job,

- 12-07.00 Business Use of Private Vehicles. Wording clarification for using your personal vehicle for state business.
- 12-08.00 Requirements for Use of State Vehicles. Changed the title from Gas Card to Requirements for Use of State Vehicles. Includes instructions to use a state vehicle.
- 18-00.00 Education Department Mission and Education Fund Overview Changed name of policy from Education Fund Overview to Education Department Mission and Education Fund overview. Added wording in policy to include duties of AOC Education.
- 19-01.00 Employee Incentive Award. Added statement regarding purchasing gift cards from Amazon.

Motion: Judge Elizabeth Lindsley made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously.

6. Old Business/New Business/Additional Information

Court's 4 Year History of Credit Card Fees versus Interest Earned was presented to the committee. Interest rates have been increasing and we have been able to cover the fees.

FY2021														
	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY21 (Banking/Credit Card Fees)		(49,307.90)	(53,501.75)	(56,901.00)	(55,213.29)	(63,269.73)	(50,818.60)	(61,936.79)	(60,055.70)	(57,099.56)	(68,801.67)	(65,644.45)	(62,252.88)	(704,803.32)
Dividends Earned (Gross Earnings)		33,351.80	25,675.24	26,719.25	24,480.78	22,906.50	22,126.07	33,169.00	19,655.30	20,089.94	19,237.74	19,265.52	18,780.11	285,457.25
Interest Earned (Acct 006)		115.30	33.74	19.03	18.89	22.33	20.59	33.97	22.28	23.06	22.41	28.28	24.16	384.04
Cash Deposits by Courts Using General Funds (Budget Surplus)														0.00
Carry Over From FY20	2,839,750.36													2,839,750.36
Grand Total	2,839,750.36	(15,840.80)	(27,792.77)	(30,162.72)	(30,713.62)	(40,340.90)	(28,671.94)	(28,733.82)	(40,378.12)	(36,986.56)	(49,541.52)	(46,360.65)	(43,448.61)	2,420,788.33
												Per the balance sheet		2,420,788.33

FY2022														
	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY22 (Banking/Credit Card Fees)		(74,054.48)	(78,167.71)	(76,903.80)	(75,489.44)	(74,799.13)	(70,733.74)	(69,886.00)	(72,346.04)	(71,338.26)	(87,702.14)	(73,787.42)	(77,863.70)	(903,071.86)
Dividends Earned (Gross Earnings)		14,944.22	14,129.82	13,478.08	14,213.42	14,353.94	15,444.48	16,091.19	18,163.01	27,901.32	31,617.60	27,901.32	43,451.20	251,689.60
Interest Earned (Acct 006)		22.26	24.39	18.40	20.82	29.94	35.04	40.98	42.06	346.12	922.01	3,508.08	7,859.94	12,870.04
Cash Deposits by Courts Using General Funds (Budget Surplus)														0.00
250,000 fixing a adjustment that was made to cc fees in 2020 Book transfer was included in calculation.	(250,000.00)													(250,000.00)
-19453.25 was a deposit from July '18 that was entered twice in the carryforward amount. 250,000 was a book entry that shouldn't have been included	(419,453.25)													(419,453.25)
Expenses from FY2019 and beginning of 2019 that should have been included in the Analysis Fee calculation.	(8,089.84)													(8,089.84)
Carry Over From FY21	2,420,788.33													2,420,788.33
Grand Total	1,743,245.24	(59,088.00)	(64,013.50)	(63,407.32)	(61,255.20)	(60,415.25)	(55,254.22)	(53,753.83)	(54,140.97)	(43,090.82)	(55,162.53)	(42,378.02)	(26,552.56)	1,104,733.02
												Per the balance sheet		1,104,733.02

FY2023														
	Carry Forward	July	August	September	October	November	December	January	February	March	April	May	June	Grand Total
Analysis Fees FY23 (Banking/Credit Card Fees)		(86,827.95)	(86,114.07)	(94,548.89)	(93,482.71)	(90,789.10)	(85,541.46)	(86,960.33)	(92,995.72)	(87,383.67)	(69,965.59)	0.00	0.00	(874,609.49)
Non Cash Funding Court Trust Support Fund (fund 1451)														0.00
Dividends Earned (Gross Earnings)		57,134.34	85,252.87	110,063.66	116,587.52	122,696.46	130,238.61	139,173.85	140,890.47	159,271.01	187,290.18			1,248,598.97
Interest Earned (Acct 006)		18,804.14	11,173.58	5,470.56	6,614.36	3,823.99	3,565.94	4,633.80	11,693.29	18,629.48	9,875.91			94,285.05
Cash Deposits by Courts Using General Funds (Budget Surplus)				300,000.00										300,000.00
Non Cash Book Entry														0.00
Carry Over From FY22	1,104,733.02													1,104,733.02
Grand Total	1,104,733.02	(10,889.47)	310,312.38	20,985.33	29,719.17	35,731.35	48,263.09	56,847.32	59,588.04	90,516.82	127,200.50	0.00	0.00	1,873,007.55
Available funds not allocated to a district or juvenile court.														1,873,007.55

ADDENDUM:

None

Meeting adjourned 1:10 p.m.

Next meeting via WebEx July 5, 2023.

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

Webex video conferencing
June 2, 2023: 12:00 p.m.

MEMBERS:	PRESENT	EXCUSED	GUESTS:
Judge Samuel Chiara, <i>Chair</i>	•		Keri Sargent
Judge Suchada Bazzelle	•		Paul Barron
Judge Augustus Chin	•		Judge Fuchs
Judge Michael DiReda	•		Chris Palmer
Judge James Gardner	•		

STAFF:

Keisa Williams
Brody Arishita
Minhvan Thach

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the May 5, 2023 meeting. With no changes, Judge Gardner moved to approve the minutes as presented. Judge Chin seconded the motion. The motion passed unanimously.

(2) Adult Drug & MH court certification checklists

Judge Fuchs proposed amendments to presumed certification criteria #30 in all checklists that deal with adult drug and mental health courts. Judge Fuchs states in part, "The reason for the change would be that in Utah, by Statute, we require a plea before a participant may be put in a Problem-Solving Court. In most cases by the time a participant has an attorney appointed and discovery completed, more than 50 days have passed. In addition, in Utah we take individuals into the programs as a condition of a probation violation."

Judge Fuchs proposed the following language: "Clients are placed in the program as soon after an arrest, a plea, sentencing, or a probation violation as possible. It is understood that the sooner treatment starts the better the outcomes."

Judge Fuchs presented the proposed amendments to the Council in May. The Council recommended that the amendments be brought to the committee for discussion. Judge Fuchs noted that Utah cannot meet the '50 days after arrest' criteria and further recommended that the requirement be moved from the "Presumed Certification Criteria" section to the "Non-Certification-Related Best Practice Standards" section.

The committee discussed and recommended the following proposed amendments:

- Move item #30 from the "Presumed Certification Criteria" section and make it new item #17 in the "Non-Certification-Related Best Practice Standards" section.
- Renumber the items in the "Presumed Certification Criteria" section.

- Amend the language in the new #17 to read as follows: “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.”

With no further discussion, Judge DiReda moved to recommend to the Council that the amended language be changed from a “Presumed Certification Criteria” requirement to a “Non-Certification-Related Best Practice Standards” item. Judge Gardner seconded the motion. The motion passed unanimously. Judge Fuchs will present the proposed amendments to the Council.

(3) Back from public comment:

- **CJA 6-507. Court visitors**
- **CJA 3-414. Court security**

CJA 6-507:

No public comments were received. Below is a summary of the proposed amendments. No additional amendments were recommended.

1. replace “protected person” and “ward” with “respondent” where applicable;
2. clarify who may receive a court visitor report or notice (lines 68-75);
3. require the court visitor to file a Council-approved Order on Review form (lines 85-87);
4. delete the reference to language access because language access is addressed elsewhere in the Code of Judicial Administration (lines 59-62); and
5. provide the court with broad discretion in taking action on a report (lines 101-109).

The committee discussed and did not recommend additional amendments. With no further discussion, Judge Gardner moved to recommend to the Council that CJA 6-507 be approved as final with a November 1, 2023 effective date. Judge Chin seconded the motion. The motion passed unanimously.

CJA 3-414:

Of the 7 public comments received, 6 were from prosecutors or law enforcement officers objecting to the removal of “law enforcement official” from lines 199-200. When the committee discussed the rule draft in February, it was the understanding of the Office of General Counsel that the Judicial Council issued a statewide policy several years ago preventing prosecutors from carrying firearms in courthouses and that the Council’s policy was captured and enforced via local court security plans. With that understanding in mind, the Office of General Counsel did not intend for the removal of “law enforcement official” to have a substantive effect, but rather to provide clarification of existing policy.

The Office of General Counsel has since learned that, while the issue was discussed with the Judicial Council several years ago, the Council did not issue a statewide policy. Currently, local courts have the discretion to permit or prohibit the possession of firearms by prosecutors through their local court security plans and practices vary across the state. With that in mind, the Security Director and Office of General Counsel recommended leaving “law enforcement official” in the rule, allowing prosecutors to carry if possession is permitted by their local court security plans.

To Judge Brady’s point in his public comment, “court staff” and “court personnel” are used throughout the rule and are not necessarily intended to encompass the same people in each section. Following a discussion, the committee made the following amendments:

- (lines 68-70) amended to read: “(4)(C) The court executive shall make available a copy of the current local security plan to all judges, commissioners, court employees, volunteers, and security personnel.”

- (lines 71-72) amended to read: “(4)(D) The local plan shall clearly delineate the responsibilities between court employees, judges, court commissioners, and any individual issue court identification (“court personnel”) and law enforcement personnel for all areas and activities in and about the courthouse.”
- (line 276) change “court staff” to “court employees”
- (line 287) change “court personnel” to “court employees”
- (lines 300-304) amended to read: “Court personnel with a valid court-issued identification card may bypass security screening at any facility where they have been granted access.
- (line 305) change “will” to “shall”.

With no further discussion, Judge Gardner moved to recommend to the Council that CJA 3-414 be approved as final with a November 1, 2023 effective date. Judge DiReda seconded the motion. The motion passed unanimously.

(4) CJA 4-202.11. Vexatious record requester (NEW)

During the last session (S.B. 231), the legislature created a new code section (63G-2-209) under GRAMA that outlines a detailed process for government entities to petition the State Records Committee for relief from a person the government entity deems a “vexatious requester.” Under 63G-2-702(5), the section governing applicability of GRAMA to the judicial branch, the Judicial Council may now:

- (a) establish a process for an administrative unit of the judicial branch to petition for relief from a person that the administrative unit claims is a vexatious requester; and
- (b) establish an appellate board to hear a petition for relief from a person that an administrative unit of the judicial branch claims is a vexatious requester.

The court has its share of what may be considered vexatious requesters that utilize a considerable amount of staff time. As such, the Office of General Counsel is proposing a new rule. The Management Committee already hears records access appeals in accordance with Rule 4-202.07. It makes sense to follow a similar process by designating the Management Committee the “appellate board” to hear vexatious requester petitions and the Office of General Counsel the “administrative unit” authorized to petition for relief.

The rule draft is very similar to 63G-2-209, but the process is intended to be less formal, in keeping with how the Management Committee handles records access appeal hearings under 4-202.07.

The committee discussed and recommended the following amendments:

- Replace “petitioner” with “Office of General Counsel” throughout
- (line 16) replace “Management Committee” with “Committee”
- Replace “Judicial Council” with “Council”
- In (7)(B), if allowed under the code, remove the one-year limit on the Management Committee’s ability to waive response requirements.

With no further discussion, Judge Chin moved to send new rule CJA 4-202.11 to the Council, with a recommendation that it be published for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

Technology report/proposals:

Judge Pullan and Brody Arishita believe the Tech Advisory group will need to meet more frequently than quarterly due to the increase in workload. That topic will be discussed at the next advisory subcommittee meeting in June.

The subcommittee will be working on the following projects:

- Email Retention
- Reviewing 5 Draft Policies
 - [Acceptable Use Draft Policy](#)

- [Information Security Draft Policy](#)
- [IT Information Security Risk Management Draft Policy](#)
- [IT Policies, Standards & Practices](#)
- [Software Development Draft Policy](#)
- Statewide Form for Audio Requests

IT is still working on updating the strategic plan and developing training on CyberSecurity. Both will go to the advisory subcommittee for review.

Old Business/New Business:

The committee will have a quorum at the July 7 meeting.

Adjourn: With no further items for discussion, the meeting adjourned at 1:15 pm. The next meeting will be held on July 7, 2023 at 12 PM via Webex video conferencing.

Tab 3

Utah's Judicial Performance Evaluation Commission

PROGRAM OUTCOME EVALUATION



PRESENTATION AGENDA

- 01 JPEC's objectives
- 02 Evaluation questions
- 03 Methodology
- 04 Results
- 05 Recommendations

UTAH'S JUDICIAL PERFORMANCE EVALUATION COMMISSION

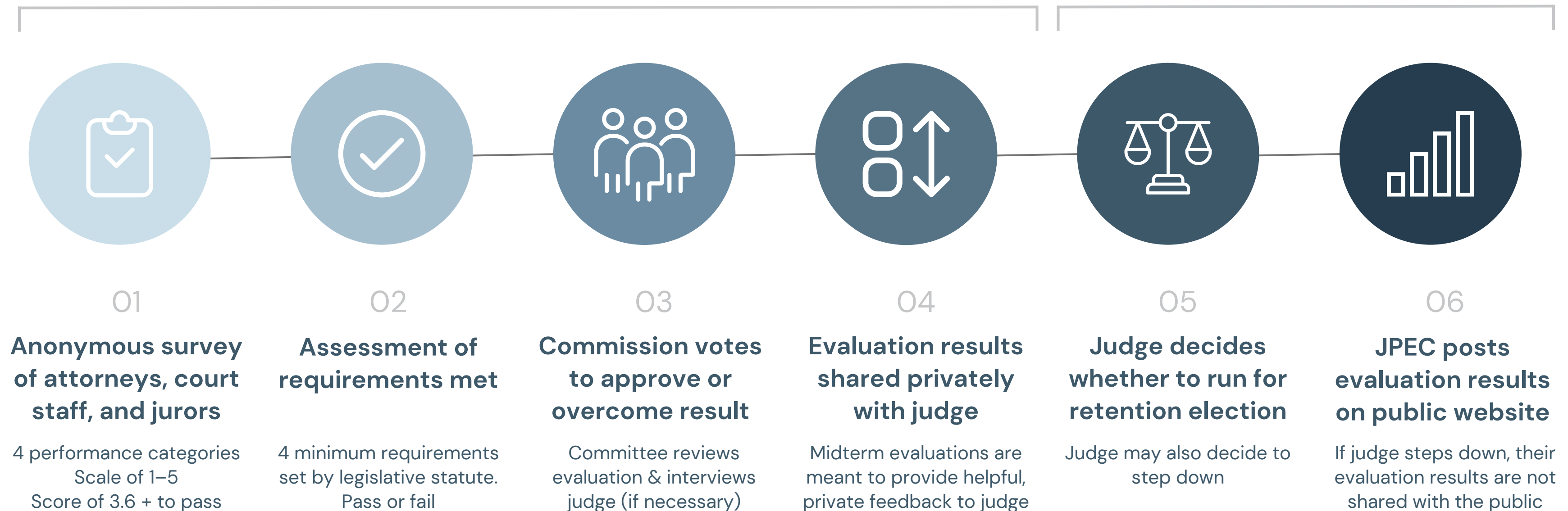
Strategic objectives

- To **collect and disseminate valid information** about each judge's performance so that voters may make informed decisions about whether or not to retain that judge in office;
- To **provide judges with useful feedback** about their performance so that they may become better judges and to thereby improve the quality of the judiciary as a whole; and
- To **promote public accountability** of the judiciary while ensuring that the judiciary continues to operate as an independent branch of government.

JPEC'S EVALUATION PROCESS

Midterm (third year) and retention (fifth year) evaluations

Retention (fifth year) evaluations only



OUR EVALUATION QUESTIONS

01

Is JPEC's work associated with improved judicial quality?

02

Are lower evaluation results associated with the likelihood of judges stepping down at the end of the term?

RESEARCH METHODS

SURVEY DATA

Longitudinal data from JPEC's instrument measuring **judicial performance**

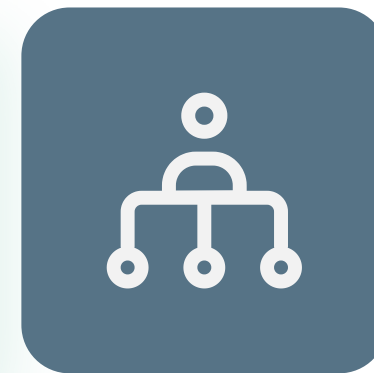


231

judges evaluated over
379 judicial terms

FULL EVALUATIONS

We only analyzed survey data in which all **eight** judicial standards were assessed



BOTH

midterm & retention
evaluation results were
analyzed

OF 379 TERMS

79 ended in the judge
stepping down at the
end of the term

Variable name	Definition in code
Evaluation type	MT = midterm (third year evaluation) R = retention (fifth year evaluation)
Judicial performance categories	1–5 (based on aggregate survey results)
Legal ability	<i>Note: any score lower than a 3.6 results in a "fail" designation and flagged evaluation</i>
Integrity & temperament	
Administrative skill	
Procedural fairness	
Flagged evaluation	0 = "pass" or "no concern" in all categories 1 = "fail" or "concern" in any category
Class year	2012, 2014, 2016, 2018, 2020, 2022
Stepped down	0 = stood for retention election 1 = stood down or retired
Judicial experience	0 = less than 10 years on the bench 1 = 10 or more years on the bench

MEASURES &
CODING DETAILS

RESULTS

Evaluation question 1:

Q: Is JPEC's work associated with improved judicial quality?

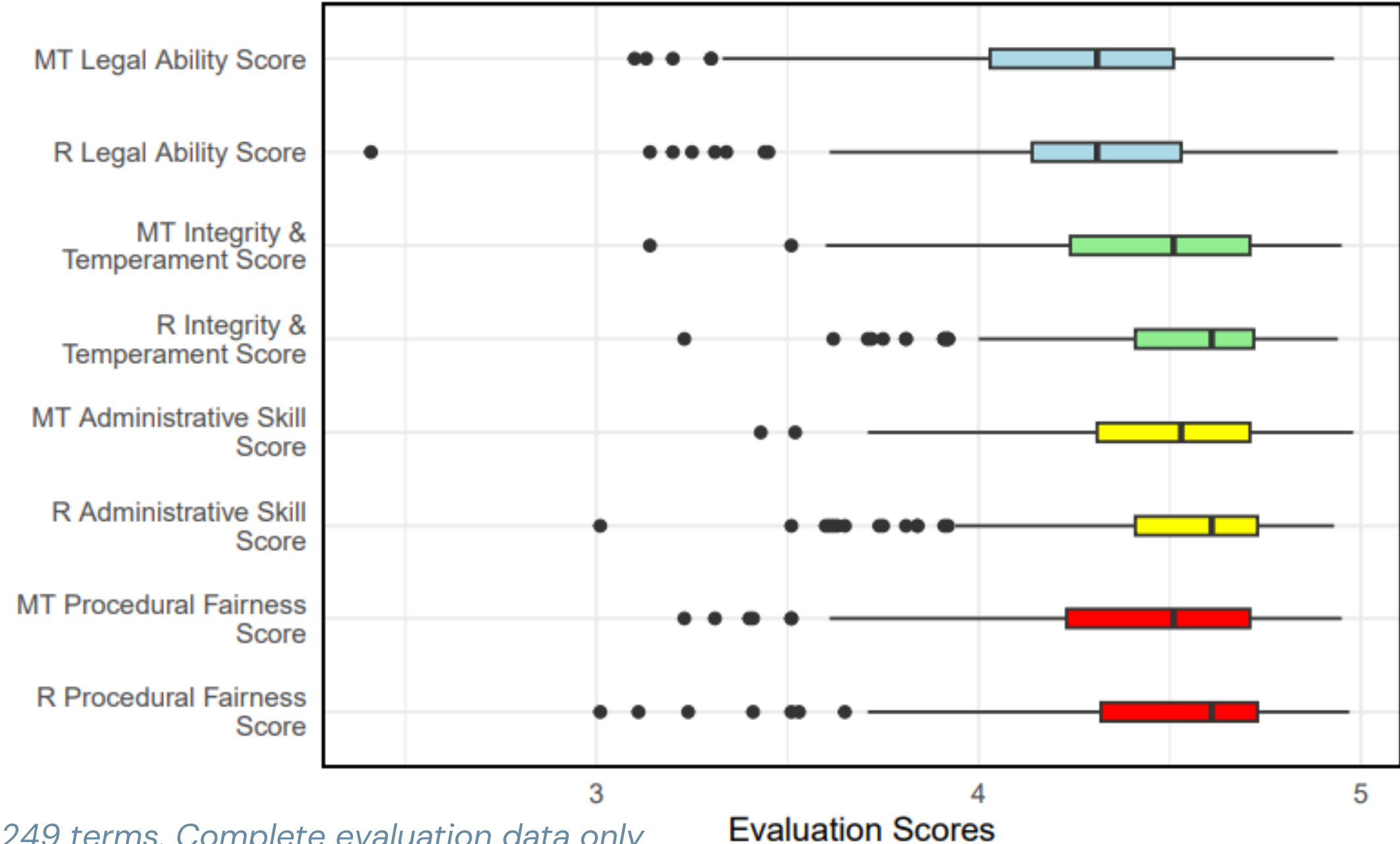
A: We found **a positive association** between JPEC's evaluation results and improved judicial performance (1) in the aggregate, (2) over time, and (3) across more than one evaluation cycle.

Boxplot of average evaluation results by category

The boxes below represent the interquartile range (IQR), or the range between the category's 25th and 75th score percentiles. The vertical lines inside the boxes represent the median score. Whiskers extending from the box on either side identify the highest and lowest values that are within 1.5x the IQR. Values outside this range are considered outliers and are represented by points beyond the whiskers.

Figure 2: Midterm & Retention Evaluation Scores

Complete evaluations only. Scores from 1 to 5.



Note: n = 249 terms. Complete evaluation data only

1.1

How do
judges score
on average?

*Between 4.25
& 4.75 on all
performance
categories.*

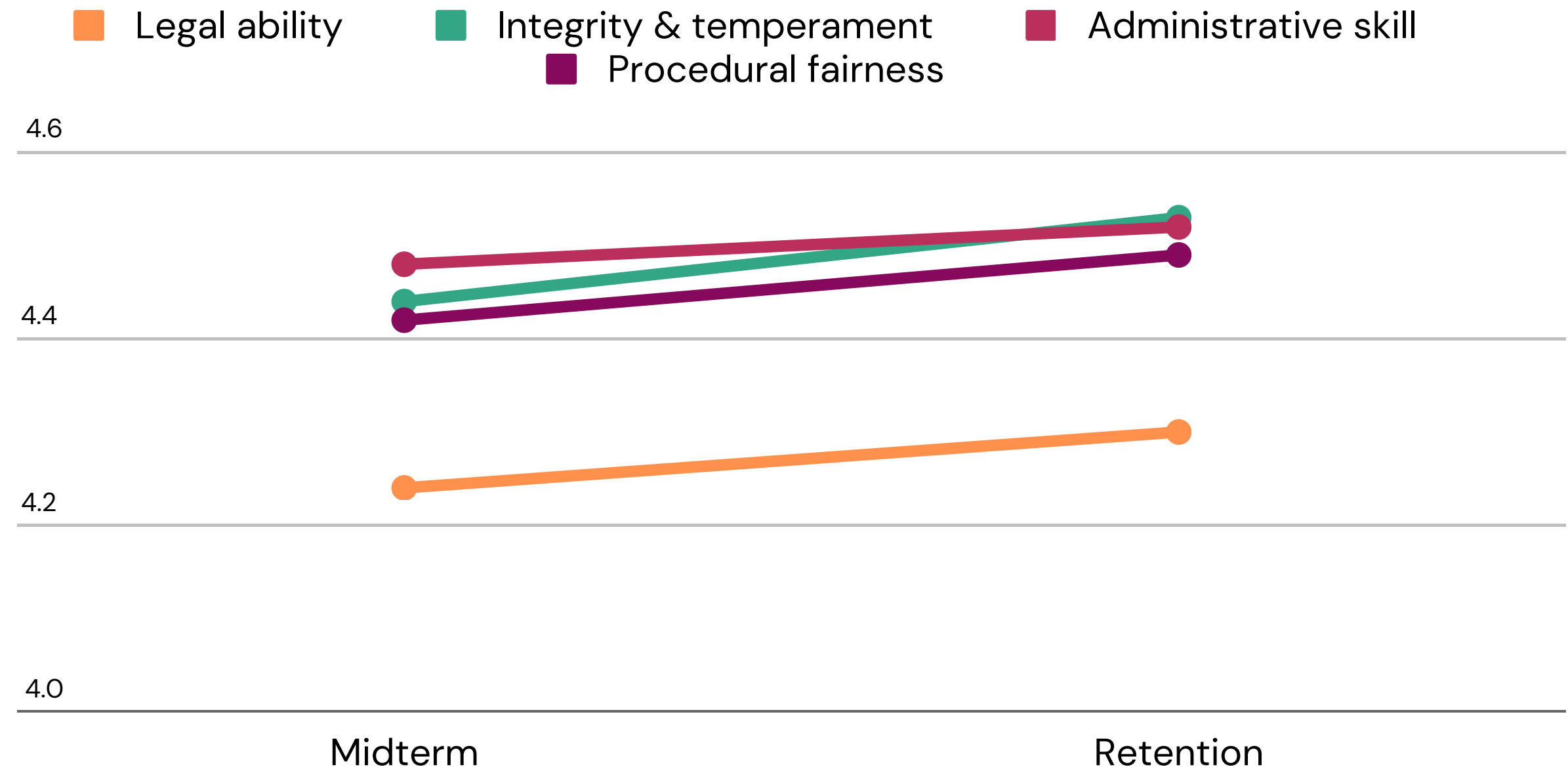
1.2

Do judges
improve their
performance
after
receiving
their midterm
evaluation
results?

Yes!

Change in average evaluation results by category

The increase in score from midterm to retention evaluation is statistically significant for each judicial performance category.



Note: n = 249 terms. Complete evaluation data only

1.3

Have average
evaluation
results

improved over
time?

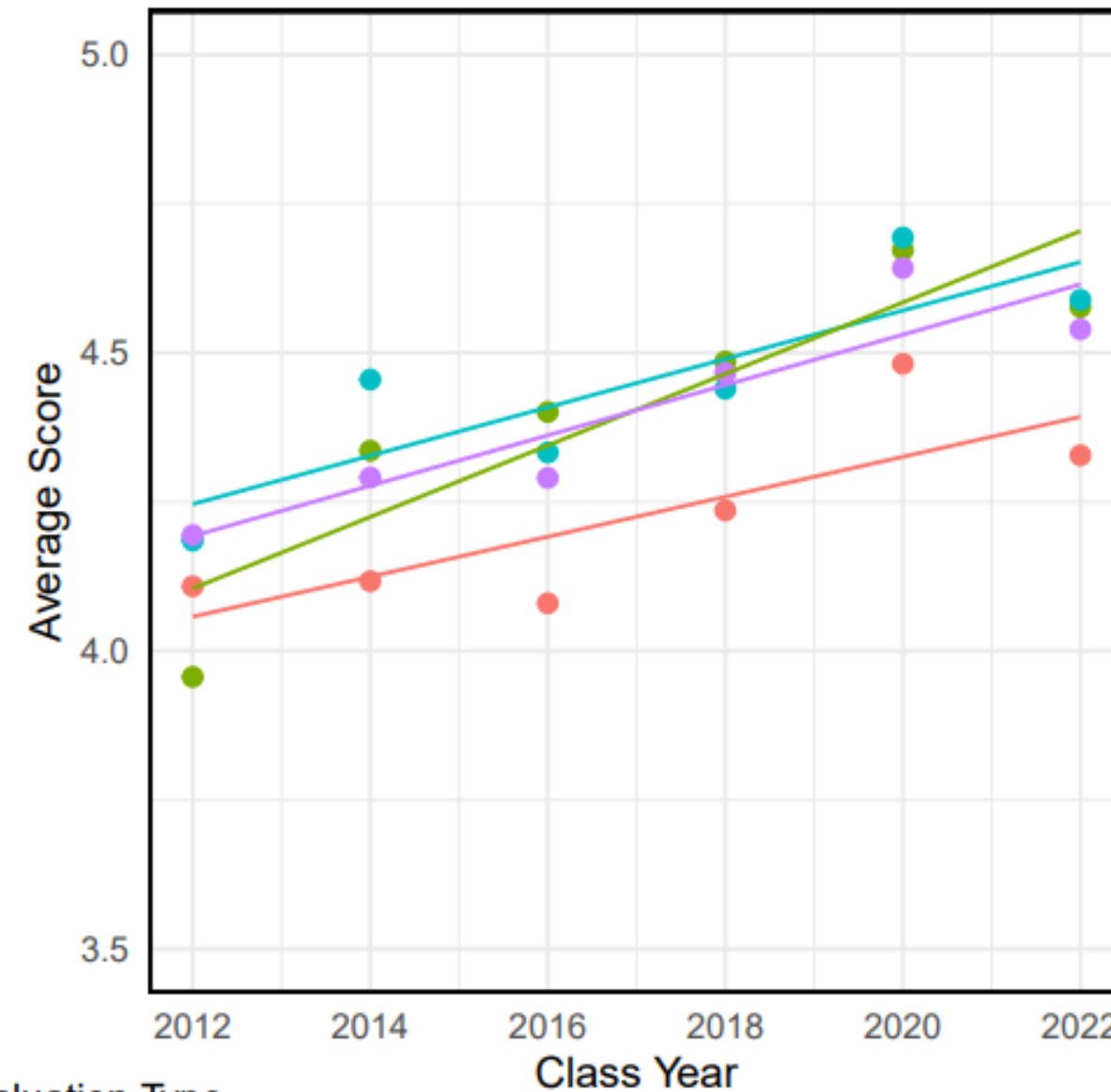
Yes!

Aggregate performance trends over time

Average midterm evaluation results (left) and average retention evaluation results (right) by performance category and class year. All recorded Improvements are statistically significant.

Figure 4: Average Midterm Evaluation Scores Over Time

Complete evaluation data only.

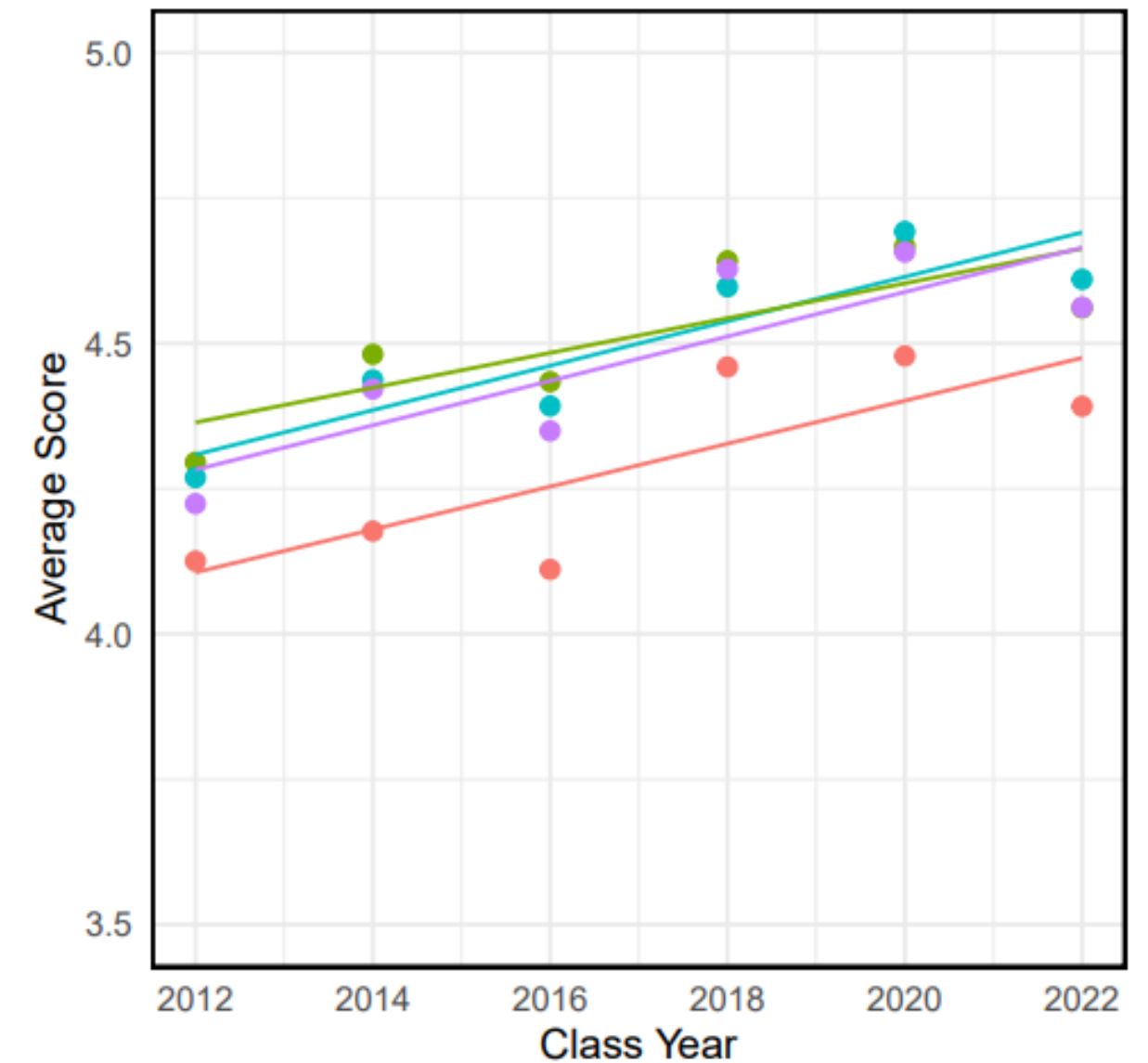


Evaluation Type

- MT Legal Ability Score
- MT Integrity Temperament Score
- MT Administrative Skill Score
- MT Procedural Fairness Score

Figure 5: Average Retention Evaluation Scores Over Time

Complete evaluation data only.



Evaluation Type

- R Legal Ability Score
- R Integrity Temperament Score
- R Administrative Skill Score
- R Procedural Fairness Score

Note: $n = 249$ terms. Complete evaluation data only

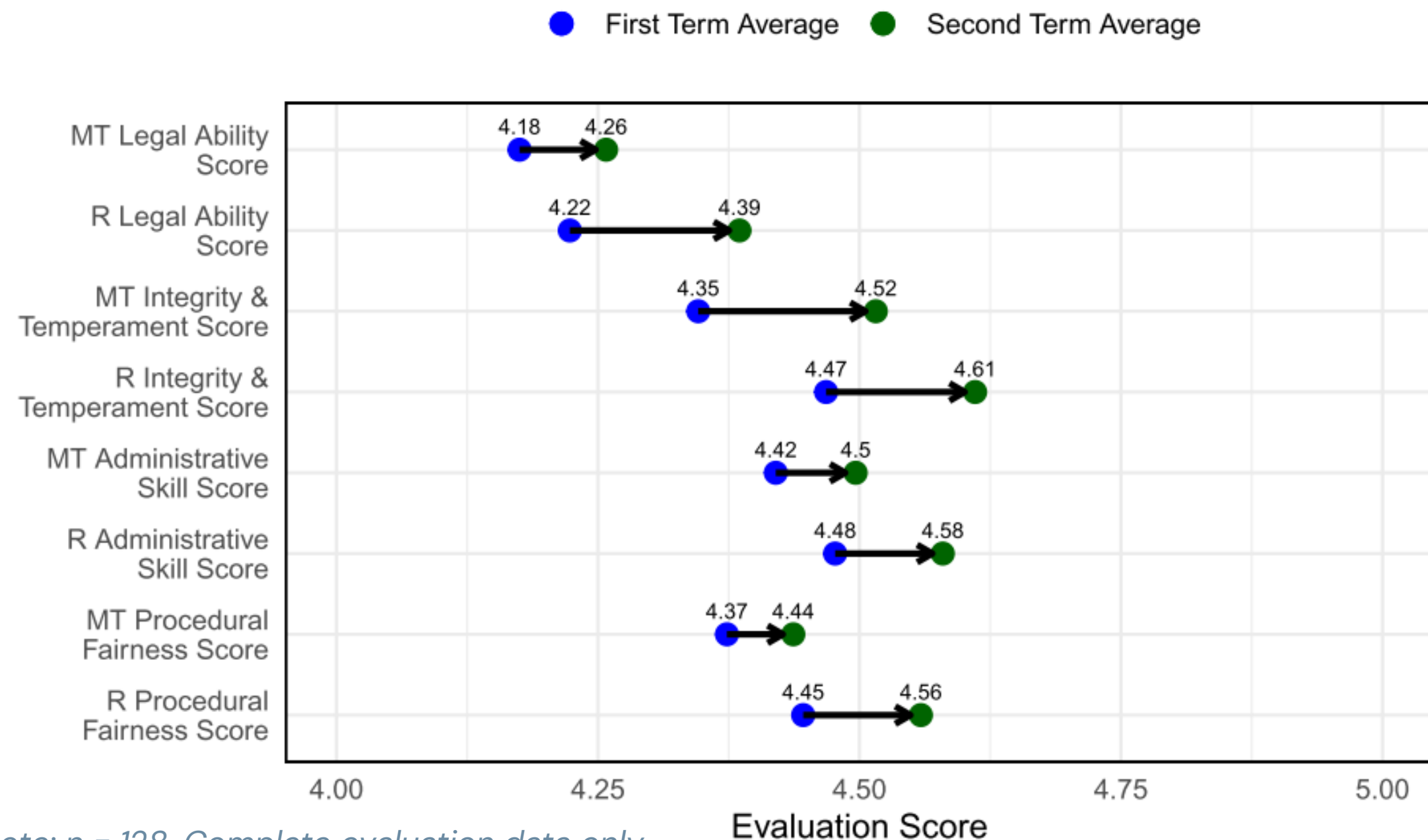
1.4

Is prolonged participation in JPEC's evaluation process associated with improved performance across cycles?
Yes!

Average change in first and second evaluation term scores

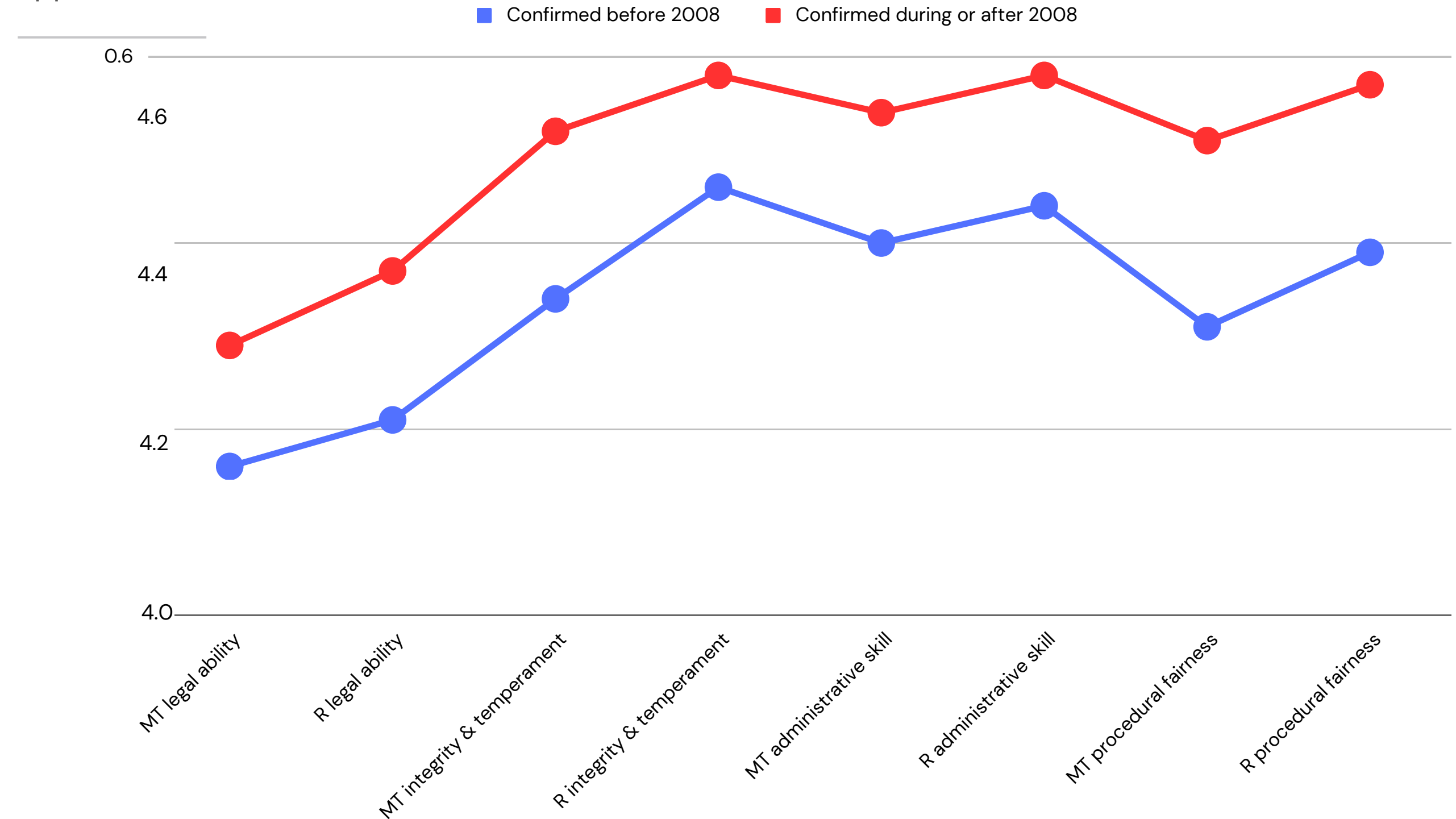
A t-test of mean differences indicates that most measured improvements are statistically significant (with p-values less than 0.01).

Figure 6: Average First and Second Term Scores
Data includes only judges w/ two+ terms



Average difference between judges appointed before and after 2008 (when JPEC was established)

We observe a statistically significant difference in average evaluation scores between judges appointed before and after 2008.



Note: Complete evaluation data only

1.5

Is there a
difference in
performance
trends
between
judges
appointed
before and
after 2008?

Yes!

Evaluation question 2:

Q: Are lower evaluation results associated with the likelihood of judges stepping down at the end of the term?

A: We found **a positive association** between low evaluation results and judges stepping down at the end of the term. Receipt of a flagged evaluation is also associated with stepping down.

2.1

Are judges
who receive
flagged
evaluations
more likely to
step down at
the end of
term?

Yes.

Association of flagged evaluation with stepping down

We controlled for professional age (10+ years on the bench) under the assumption that older judges are more likely to step down for reasons unrelated to evaluation results.

	COEFFICIENT	STD. ERROR	T-VALUE	P-VALUE
(Intercept)	-0.008	0.032	-0.258	0.797
Flagged evaluation	0.226	0.044	5.125	< 0.001
Judicial experience	0.076	0.038	2.004	0.046

Note: n = 249 terms. Complete evaluation data only.

The odds ratio of this model reveals that judges who have received a flagged evaluation are **25% more likely** to step down than other judges.

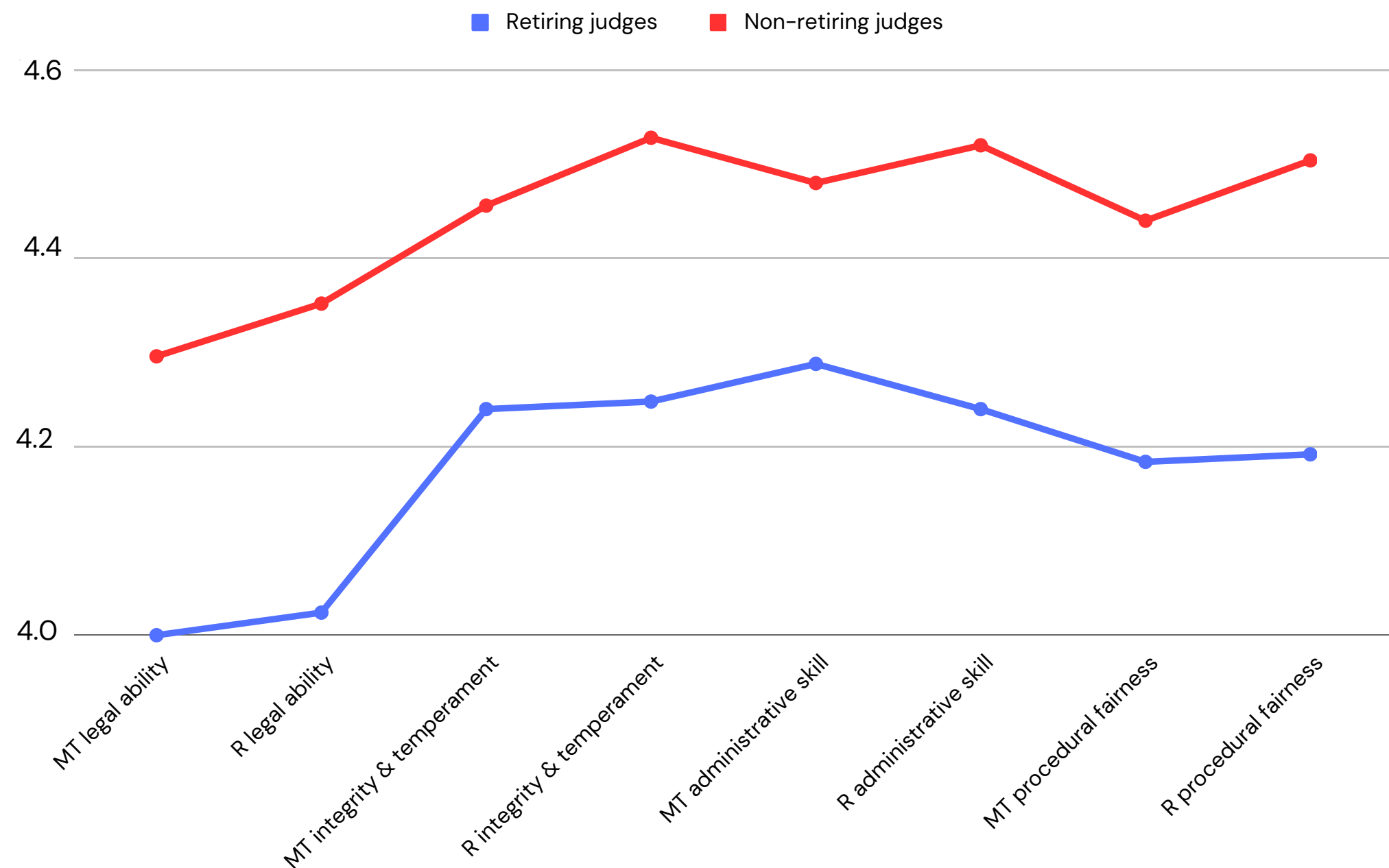
2.2

Is there a difference in evaluation results between judges who step down and judges who stand for retention election?

Yes.

Average scores of judges stepping down and judges standing for retention election

Judges who stepped down had lower evaluation results than those who ran for retention election in every measurable category (p-value < 0.01) [see Table 5 on page 19 of the written report].



Note: n = 249 terms. Complete evaluation data only

2.3

Are lower evaluation results associated with the decision to step down?

Yes.

Association between evaluation results and stepping down

We found statistically significant association between performance category scores and the likelihood of stepping down at the end of the term (while controlling for judicial experience and class year) ($p < 0.001$).

By calculating the odds ratio, we found that **a 1-point decrease in judicial performance evaluation score is associated with a 15–30% increase in the likelihood of stepping down** (with the variance of odds dependent on the evaluation category).

	COEFFICIENT	STD. ERROR	P-VALUE	ODDS RATIO
MT Legal ability	−0.225	0.053	< 0.001	−0.201
R Legal ability	−0.274	0.055	< 0.001	−0.240
MT Integrity & temperment	−0.237	0.064	< 0.001	−0.211
R Integrity & temperment	−0.358	0.065	< 0.001	−0.301
MT Administrative ability	−0.169	0.062	0.007	−0.155
R Administrative ability	−0.297	0.061	< 0.001	−0.257
MT Procedural fairness	−0.221	0.056	< 0.001	−0.198
R Procedural fairness	−0.264	0.054	< 0.001	−0.233

Note: n = 249 terms. Complete evaluation data only

CONCLUSIONS

Performance

JPEC's evaluations are positively associated with improved performance

Overall

Judges' performance improves between midterm and retention evaluations

Over time

Between 2012 and 2022, evaluation results have improved relatively steadily

Across cycles

As judges participate in more evaluations, their performance improves

Stepping down

Evaluation results are positively associated with standing for retention

Flags

Judges with flagged evaluations are 25% more likely to step down than their peers

Performance

Judges who step down at the end of term have lower evaluation scores than those who stand for retention election

Odds

With each one-point decrease in performance scores, the likelihood of stepping down increases 15–30%

LIMITATIONS OF THIS STUDY

CAUSALITY

Because we analyzed survey data, we can't speculate about **impact** or **causality**—only association.

RETIREMENT

We cannot assume that each instance of retirement is directly associated with the judge's evaluation results (rather than age, etc.)

SUBGROUPS

We don't have a large enough sample size to conduct analyses regarding the relationships between some subgroups.

Although we found associations between JPEC's evaluation process and the quality of Utah's judiciary, more information is needed to understand that association. We recommend these next steps:

- 01 Collect additional information about **why judges with high evaluation results choose to step down.**
- 02 Collect data on **judges' perception of the utility of JPEC's processes**, as well as what other professional development tools they use.
- 03 Develop and administer **self-evaluation surveys** for individual judges.
- 04 Consider including an **additional, objective variable** to enhance the validity of the "Legal Ability" measurement or overall "Procedural Fairness" determination.
- 05 **Continue collecting data and providing feedback.** The association between JPEC's work and improved judicial quality is encouraging!

THANK
YOU!



Statement of Purpose

This is an independent evaluation
in partnership with JPEC.

It was conducted by graduate
students at the University of Utah
under the direction of Dr David
Curtis, PhD.

The authors have no personal or
financial obligations to JPEC.

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Tab 4

**Budget and Grants Agenda
for the July 17, 2023
Judicial Council Meeting**

- 1. Turnover Savings / ARPA UpdateMelissa Taitano
(Tab 1 - Discussion)
- 2. FY 2024 Year End Spending Requests Alisha Johnson
(Tab 2 – Action)

FY 2024 Year End Spending Requests Presented for Judicial Council Approval

- 1. Employee Wellness ResourcesRon Gordon
 - 2. JWI Centralized Scheduling Software Jonathan Puente
 - 3. JWI Media Outreach Interpreter Recruiting..... Jonathan Puente
 - 4. JWI Interpreter Trainer..... Jonathan Puente
 - 5. OFA Racial and Ethnic Disparity Data Project..... Jonathan Puente
-
- 3. ARPA Funding – District Court Case Backlog Shane Bahr, Karl Sweeney
(Tab 3 – Discussion/Action)
 - 4. Grant - Approved by Utah Bar Foundation Nick Stiles, Jordan Murray
(Tab 4 – Discussion/Action)

Tab 1



FY 2024 One Time Turnover Savings
Updated as of Pay Period Ending -- (0 out of 2,080 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE --)	Internal Savings	-
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE --)	Reimbursements	-
3	Est. One Time Savings for 2080 remaining pay hours (\$1,800 / pay hour)	Internal Savings (Est.)	3,744,000.00
Total Potential One Time Savings			3,744,000.00

Prior Report Totals (as of --)



FY 2024 Ongoing Turnover Savings as of 7/6/2023

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
	Carried over Ongoing Savings - reported at 6-26-2023 Judicial Council Meeting	Internal Savings	(300,419)	
	Add back: "Assistant Justice Court Administrator" request to be funded by JCTST funds	Internal Savings	74,000	
	Add back: "7th District Administrative Assistant" request withdrawn		53,200	
	Carried over Ongoing Savings (from FY 2023, includes unallocated ongoing appropriation)	Internal Savings	(173,219)	(173,219)
1	Ongoing Turnover Savings FY 2024	Internal Savings	-	600,000
2	TOTAL SAVINGS		(173,219)	426,781
3	2024 Hot Spot Raises Authorized - renews annually until revoked		-	(200,000)
	2024 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	-
	TOTAL USES		-	(200,000)
Actual Turnover Savings for FY 2024 as of 07/06/2023			\$ (173,219)	\$ 226,781

Prior Report Totals (--) \$ - \$ -

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * Currently, 46 FTE are vacant.
- 1 We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
- 2 When the carried over and appropriated amount (line 1) with the YE forecast (line 2) are combined, the grand total forecasted for YE 2024 is ~ \$426,781
- 3 Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually.



ARPA Expenses as of 6/27/2023 (prior to the close of period 12)

	A	B	C	D	E	F		
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Actual FY 2024 Expended Amount	Total Expended Amount (B + C + D)	Balance Available (A - E)	Activity Code	Description
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,402,052.31	-	7,444,519.98	4,928,880.02	ITCV + ITC2	Projects will extend thru 12/31/24
Courts Case Backlog - Part I + II	2,000,000	707,963.11	923,388.37	-	1,631,351.48	368,648.52	BKLG	See detail below.
COVID-19 Supplies	302,100	-	-	-	-	302,100.00	CV19	
Legal Sandbox Response to COVID	324,500	-	166,036.48	-	166,036.48	158,463.52	LSCV	
TOTAL	15,000,000	3,750,430.78	5,491,477.16	-	9,241,907.94	5,758,092.06		

Expenditures added since last report: \$ 626,515.41

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

BKLG FY 2023 Details

FY 2023 Expenses Include as of PPE 6/09/2023

Personnel Expenses:	\$ 895,878.69
Mileage Expenses:	\$ 2,756.00
Sr. Judge Travel Expenses:	\$ 2,456.28
	\$ 901,090.97
COVID Testing Kit purchase:	\$ 22,297.40
	\$ 923,388.37

BKLG Run Rate Calculation

1

Usage for Last 3 Pay Periods

5/12/2023	5/26/2023	6/9/2023	
\$ 49,102.94	\$ 53,086.44	\$ 40,349.56	1

Average last 3 Pay Periods:	\$ 47,512.98
Balance Available (from table above):	\$ 368,648.52
Remaining Pay Periods at Last 3 Average:	8
Anticipated Last Pay Period End Date:	9/29/2023
Prior report anticipated last pay period:	9/1/2023

Historical Trends (period 12 not yet closed)

IT Access to Justice Use - Last 3 Periods

Period 10	Period 11	Period 12
\$ 328,775.92	\$ 232,066.22	\$ 536,348.81

BKLG - Last 3 Periods

Period 10	Period 11	Period 12
\$ 98,705.79	\$ 98,356.91	\$ 3,436.00

Legal Sandbox - Last 3 Periods

Period 10	Period 11	Period 12
\$ 27,376.45	\$ 32,841.15	\$ 5,600.00

	\$ 545,384.81
True Up for Period 11	\$ 81,130.60
TOTAL INCREASE FROM PRIOR:	\$ 626,515.41

1 During this period, not as many senior judges turned in their assignment invoices. Senior judges are not required to turn in their invoices at any specific time. Then on June 23rd the amount expended skyrocketed to \$65,000. Also, there was 1 fewer JA.

Tab 2

FY 2024 Year End Requests Presented for Judicial Council Approval

Forecasted Available One-time Funds			
	Description	Funding Type	Amount
	Sources of YE 2024 Funds		
*	Turnover Savings as of PPE - (including anticipated ARPA reimbursement)	Turnover Savings	-
**	Turnover savings Estimate for the rest of the year (\$1,800 x 2080 pay hours)	Turnover Savings	3,744,000
(a)	Total Potential One Time Turnover Savings		3,744,000
	<i>Operational Savings From TCE / AOC Budgets</i>	<i>Internal Operating Savings</i>	-
	<i>Reserve Balance (balance from FY 2023 Carryforward)</i>	<i>Judicial Council Reserve</i>	30,988
	<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	-
(b)	Total Operational Savings and Reserve		30,988
(c)	Total of Turnover Savings & Operational Savings = (a) + (b)		3,774,988
	Uses of YE 2023 Funds		
(d)	Carryforward into FY 2024 (Request has been made to Legislature for \$3,200,000)	<i>Historical Carryforward</i>	(3,200,000)
Total Potential One Time Savings = (c) + (d) less Carryforward			574,988
Less: Judicial Council Requests Previously Approved			-
Less: Judicial Council Current Month Spending Requests			(232,450)
Remaining Forecasted Funds Available for FY 2024 YE Spending Requests			342,538

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

(b) Information about Operational Savings from TCE / AOC Budgets will be entered in January / February 2024.

1. FY 2024 YE Spending Request – Administration – Employee Wellness Resources

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2024 are to be spent between July 1, 2023 and June 30, 2024; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2024. 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, 2024.**

Date: 06/28/2023

Department or District: State Court Administrator

Requested by: Ron Gordon

Request title: Employee Wellness Resources

Amount requested: \$ 107,450 One-time funds

Purchasing Process Followed:

Will seek sole source so that employees and judicial officers will have access to the same resources. (Judicial officers already have access to these resources through the Utah State Bar, as do all other members of the Utah State Bar.)

Purpose of funding request:

The AOC established a Statewide Wellness Steering Committee (the “Committee”) to make recommendations regarding employee wellness. The Committee recommends that state court employees have access to the same wellness resources (Tava Health and Unmind Wellbeing) recently offered by the Utah State Bar to all members of the Bar (meaning that judicial officers and all court employees who are members of the Utah State Bar already have access to these resources). These resources include six free online therapy sessions per year (with some in-person session availability) and an app that provides access to daily wellness tracking and evaluation, recommendations, and wellness education.

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

Mental health resources are difficult to find and wait times for an appointment with a therapist are often long. These two obstacles mean that many people do not access mental health resources when they need them most. The need for mental health resources is important for everyone and is especially acute for people whose jobs expose them to traumatic events. All court employees may be exposed to traumatic events, some firsthand and some secondhand through the cases we handle.

Tava offers easy-to-use, confidential, online and in-person therapy. Tava matches clients with a therapist based on the client need and helps the client see the therapist within a few days. This proposal would provide every state court employee and their dependents with six free counseling sessions per year. After the six free sessions, employees can use PEHP benefits to help pay for the cost of additional sessions (\$105/session).

1. FY 2024 YE Spending Request – Administration – Employee Wellness Resources

The online platform would allow our employees to access the services without the additional time and expense of traveling to a therapist's office. Tava therapists also offer appointments during non-traditional hours making it easier for employees to find time to access the benefit. The quick turnaround for appointments reduces the risk of employees deciding against mental health care because of the long waiting times. The ease of access will result in more employees using the benefit which will subsequently result in a happier, healthier, more productive workforce.

The cost for Tava is \$87,450 per year if we enter into a three-year agreement. That amount covers set-up costs and pre-paid therapy sessions. If our employees use less than the estimated number of therapy sessions, Tava will refund the balance or roll the amount over to the next year.

The cost for Unmind Wellbeing is \$20,000 per year. Unmind Wellbeing is an app that allows users to assess their wellness at any time through a brief, confidential series of questions. Those questions help identify particular areas of focus. The app provides access to educational resources and wellness exercises that can be completed in a few minutes. Users can choose to engage with the app daily or at any other frequency of their choosing. Users can choose to access the resources with or without completing the wellness assessment.

This proposal recognizes that the demanding nature of the work of the courts can create or add to mental health difficulties for our employees. It also recognizes that our work exposes employees to potentially traumatic situations. Providing these resources is a way for the state courts to be proactive in helping our employees manage their wellbeing,

Alternative funding sources, if any:

State court employees do have access to mental health benefits through our health insurance. However, navigating the mental health system is often frustrating enough that people do not use that benefit. State insurance provides access to limited and temporary mental health resources through Blomquist Hale. Many users of that resource report difficulty in obtaining an appointment or dissatisfaction with the service.

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

The mental health needs of many employees would continue to go unmet. The state courts would miss the opportunity to improve the wellbeing and productivity of our workforce.



Administrative Office of the Courts

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

June 29, 2023

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

MEMORANDUM

TO: Budget & Fiscal Management Committee/Judicial Council

FROM: Language Access Committee

RE: Juror, Witness, Interpreter ("JWI") Funds Status Report – June 2023 and Various Requests to Address JWI Issues in FY 2024/2025

Background

The Jury and Witness Fees Line Item (JWI) in the Court's budget is authorized under UCA 78B-1-117 Jurors and Witnesses (see Exhibit A). As stated in this legislation:

The state is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs in criminal actions in the courts of record and actions in the juvenile court. The state is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record. For these payments, the Judicial Council shall receive an annual appropriation contained in a separate line item appropriation. (UCA 87B-1-117 (1))

As stated in the Utah Legislature's Compendium of Budget Information (COBI) for the JWI [Background](#), section, between 2014 and 2018 the JWI received annual ongoing general fund appropriations of \$1.6M but ran an annual deficit of between \$814,000 and \$920,000 (which was funded by a special one-time appropriation by the Legislature in each fiscal year). To address the deficit, in FY 2018 the Legislature authorized an increase in the ongoing general fund of \$1.0M to approximately \$2.6M and also funded \$2M of non-lapsing 1x funds. This increased funding was more than adequate for FY 2019 through FY 2021.

COVID Impact on JWI

In FY 2022 as the Courts began to address the backlog caused by not holding trials due to COVID and began to increase the number of remote hearings and even remote trials as a way to safely conduct judicial proceedings, court contract interpreters living in Utah were approached by – or reached out to – other states to

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

perform remote interpretation. The change in process to remote hearings meant that each contract interpreter was employable by ANY state court system and could seek and accept the highest priced offers for their interpretation services. This change in the contract interpreter environment was noted by the AOC Language Access team in spring 2021. They conducted a survey of contract interpreters in nearby states and determined that Utah State Courts had one of the lowest hourly rates of all the states surveyed as shown below:

State	Credentailing	Hourly Rate
Arizona	Certified	\$95*†
Colorado	Certified	\$45-\$55† (pay depends on the language)
Idaho	Certified	\$39 - \$44† (pay depends on their exam scores)
New Mexico	Certified	\$50
Utah	Certified	\$39.80
Wyoming	Certified	\$55

*Arizona is a nonunified court system, with the rates decided by the local courts. This is the data available for the largest jurisdiction in the state.

† Denotes two hour minimums

Based on the survey, the Language Access Committee recommended that the Judicial Council approve an increase to stay competitive with other states. On July 19, 2021 the Judicial Council approved a 25% increase in pay for certified contract interpreters, bringing their pay from \$39.80/hour to \$50/hour and 20% - 23% pay increases for all other interpreter levels, as shown below:

Credential	Current 2021 Contract Rate	Proposed 2021 Contract Rate	Approved 2021 Contract Rate	% g increase
Certified	\$39.80	\$47.76	\$50.00	25.6 %
Approved	\$34.11	\$40.93	\$41.00	20.2%
Registered	\$34.11	\$40.93	\$41.00	20.2%
Conditionally-Approved	\$18.57	\$22.28	\$23.00	23.9%

The July 2021 pay increase slowed but did not stop the certified interpreters from seeking and being pursued by other state courts. Further, inflation in 2022 caused the Courts to once again seek a modest pay increase of \$2.00 per hour for certified interpreters to try and stay current with the market. On October 24, 2022 the Judicial Council approved a \$2 pay increase from \$50 to \$52 for Certified Interpreters while the other levels remained flat (see chart below).

Credential	Current 2022 Contract Rate	Approved 2022 Contract Rate	% g increase
Certified	\$50.00	\$52.00	4.0 %
Approved	\$41.00	\$41.00	
Registered	\$41.00	\$41.00	
Conditionally-Approved	\$23.00	\$23.00	

In FY 2023, despite the pay raises, the Language Access program managers are having difficulty finding sufficient certified interpreters to supply all of the needs of the Utah Courts. Attached are several requests to boost the supply of certified interpreters. See Exhibits B, C, D and E.

JWI Fund History and Forecast

Table 1 shows the actual results of JWI Fund activity from FY2018 through period 10 FY2023 and adds trended data for periods 11 and 12 to show the forecasted FY 2023 results. The FY 2024 base forecast is also shown. Here are some important facts and trends shown in Table 1:

1. In FY 2018 the Legislature fixed the deficit in the JWI fund by appropriating \$2.0M of 1x funding

for FY 2018 (see General Fund 1x below) and adding \$1.0M in incremental ongoing funding starting in FY 2019.

2. The increase in ongoing funding allowed the non-lapsing fund to grow from \$90K at the beginning of FY 2019 to \$1.26M at the beginning of FY 2022.¹
3. During the first year of COVID (FY 2021), the JWI fund expenses declined due to a decrease in the number of court hearings which reduced the demand for interpreter services. The Legislature took back “excess” 1x funds of \$420K in FY 2021 and \$74K in FY 2022 which reduced the amount of non-lapsing funds the Courts now have to use.
4. Starting in FY 2022, the increase in certified interpreter pay from \$40 an hour to \$50 an hour increased annual JWI expenses by approximately \$185K. Also starting in FY 2022, the number of total hours worked by contract interpreters spiked by around 3,000 hours which increase annual JWI expenses by approximately \$150K (3,000 hours @ \$50 per hour).
5. In FY 2023, two court FT interpreter positions (which had gone unfilled for multiple years) were converted to positions which managed the language access program which increased the JWI expenditures by approximately \$250K. The JWI fund also saved approximately \$100K in travel and postage costs in this year leaving the net increase in expenses from the base year 2018 of \$435K. These net increases have caused expenses to exceed revenue by approximately \$400K in FY 2023 and an expected \$440K in FY 2024. The non-lapsing balance is steadily declining. Additional funding from the Legislature is needed for FY 2025 or we risk running out of funds.

Table 1

JWI Financial History & Forecast							
	Actual					Forecast	Forecast
Revenues	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
General Fund	\$1,596,100	\$2,616,600	\$2,628,300	\$2,526,000	\$2,535,400	\$2,561,600	\$2,604,900
General Fund 1x	\$2,007,900	\$1,900	\$2,600	-\$420,000	-\$73,800	\$3,400	\$2,000
Collections	\$10,000	\$9,269	\$4,003	\$3,447	\$3,194	\$4,264	\$10,000
Non lapsing Beginning Balance	-\$1,009,604	\$90,498	\$280,269	\$723,341	\$1,261,423	\$1,087,342	\$695,324
TOTAL AVAILABLE	\$2,604,396	\$2,718,267	\$2,915,172	\$2,832,788	\$3,726,217	\$3,656,606	\$3,312,224
Expenses (see detail below)	\$2,513,898	\$2,437,998	\$2,191,831	\$1,571,365	\$2,638,875	\$2,961,282	\$3,043,786
Non lapsing Ending Balance	\$90,498	\$280,269	\$723,341	\$1,261,423	\$1,087,342	\$695,324	\$268,439
Expense detail							
Language Access Personnel	\$448,220	\$431,909	\$365,619	\$423,455	\$381,141	\$638,817	\$681,395
Travel - Admin & Interpreters	\$105,690	\$119,504	\$117,366	\$7,153	\$48,337	\$70,685	\$70,685
Current Expenses (summons postage)	\$350,321	\$277,335	\$311,550	\$200,486	\$335,242	\$269,147	\$269,147
Data Processing	-\$19	\$0	\$11,249	\$0	\$2,407	\$1,233	\$1,233
Contract Interpreter Fees	\$729,333	\$780,761	\$753,589	\$739,910	\$1,068,482	\$1,092,416	\$1,103,025
Jury and Witness Meals	\$30,991	\$36,745	\$22,752	\$14,706	\$37,534	\$43,175	\$47,493
Jury and Witness Mileage and per diem	\$849,361	\$791,745	\$609,706	\$185,654	\$765,731	\$845,808	\$845,808
Contingency							\$25,000
	\$2,513,898	\$2,437,998	\$2,191,831	\$1,571,365	\$2,638,875	\$2,961,281	\$3,043,786
Specific to Interpreters*	\$728,770	\$778,070	\$753,438	\$739,910	\$1,068,021	\$1,092,416	\$1,103,025
Certified Interpreter Rate	\$40	\$40	\$40	\$40	\$50	\$52	\$52
Estimated Interpreter "Hours"	18,311	19,549	18,931	18,591	21,360	21,218	21,212
Denotes Legislature/LFA actions due to reduced jury trials during COVID							

¹ The legislature established a cap of \$2.0M of non-lapsing JWI funds. We have never exceeded that cap.

JWI Issues and Funding Requests

Due to the combination of (1) increased contract interpreter hourly rates (2) increased contract interpreter hours and (3) filling two vacant positions, the JWI fund is now burning through \$400,000+ of its non-lapsing balance every year with FY 2024 being the year supplemental one-time or ongoing funds must be requested for FY 2025.

Equally important, the contract interpreter model – once viewed as being a cost and operationally efficient “just-in-time” way to staff hearings and trials – is now increasingly costly and inefficient as the demand for qualified interpreter talent can come from anywhere in the US, causing most states to engage in continuous efforts to incentivize contract interpreters so that supply equals demand while remaining within budget. We must find multiple new ways to keep the Utah judiciary well-supplied with interpreter talent while regaining cost and operational efficiencies.

Attached are various YE 2024 Court 1x funds and FY 2025 Legislative requests that address the JWI issues outlined above.

Exhibit A

Utah Code

Effective 5/8/2018

78B-1-117 Jurors and witnesses -- State payment for jurors and subpoenaed persons -- Appropriations and costs -- Expenses in justice court.

- (1) The state is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs in criminal actions in the courts of record and actions in the juvenile court. The state is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record. For these payments, the Judicial Council shall receive an annual appropriation contained in a separate line item appropriation.
- (2) If expenses, for the purposes of this section, exceed the line item appropriation, the state court administrator shall submit a claim against the state to the Board of Examiners and request the board to recommend and submit a supplemental appropriation request to the Legislature for the deficit incurred.
- (3) In the justice courts, the fees, mileage, and other expenses authorized by law for jurors, prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs shall be paid by the municipality if the action is prosecuted by the city attorney, and by the county if the action is prosecuted by the county attorney or district attorney.
- (4) Beginning July 1, 2014, the state court administrator shall provide a report during each interim to the Executive Offices and Criminal Justice Appropriations Subcommittee detailing expenses, trends, and efforts made to minimize expenses and maximize performance of the costs under this section.
- (5) The funding of additional full-time equivalent employees shall be authorized by the Legislature through specific intent language.

Amended by Chapter 25, 2018 General Session

2. FY 2024 YE Spending Request – JWI – Centralized Scheduler

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2024 are to be spent between July 1, 2023 and June 30, 2024; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2024. 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, 2024.**

Date: 7/1/2023

Department or District: JWI Fund

Requested by: Language Access Committee, Jon Puente

Request title: Centralized Scheduler

Amount requested: \$20,000 One-time funds

Purpose of funding request:

Historically, interpreter coordinators in every district help schedule interpreters for all proceedings involving patrons with limited English proficiency. With the exception of the third district, all interpreter coordinators are generally administrative staff with multiple roles within their position. The monthly average for encounters involving patrons with limited English proficiency throughout the state is approximately 1,880. Coordination of interpreters takes up a significant amount of the coordinators' time. To ease the burden of coordination and to make the process more efficient, we are seeking to centralize scheduling.

Due to constraints in the JWI fund in FY 2024 (which we are seeking to rectify for FY 2025 through a Legislative request), we are requesting 2024 YE 1x funds as a way to accomplish some needed support of the court interpreter program. Although we believe that there will be sufficient funds in the JWI fund at YE 2024 to fund this request, in order to avoid the issues surrounding deficit spending in the JWI account, we are seeking Court funds which we expect to reimburse in Q4 2024.

Due to the COVID pandemic and a nationwide competition for Spanish interpreters, interpreters are not only seeing competitive wages nationwide but availability to interpret in other states. Interpreters have a tendency to double book their availability within the state and simultaneously schedule out-of-state appointments. Because there is no centralized scheduling, districts often end up competing over interpreters. This practice often leaves our courts without available interpreters or having interpreters arrive late or leave early from proceedings to make it to all their appointments. We are also seeing errors in submitted invoices, delays in invoice submission, and dissatisfaction with payments due to a payment process that is interpreted differently by each individual contractor.

In order to address the burden of scheduling on interpreter coordinators, double bookings, inter district competition, and faulty invoicing, we propose purchasing a scheduling system to centralize assigning appointments, ease invoice submission, and expedite payment processing.

We have obtained an estimate from a vendor ([Boostlingo](#)) to license to the Courts software that will provide this service at an annual cost of approximately \$20,000. Other jurisdictions like New Mexico, Colorado, and Kentucky use this scheduling software to aid in addressing the issues we have listed. This system can be utilized for coordination of both contract and employee interpreters. The software can be customized according to the court's needs. Not only does the system schedule but also tracks assignments completed and time tracks them start to finish. If an assignment is cancelled or the

2. FY 2024 YE Spending Request – JWI – Centralized Scheduler

interpreter becomes unavailable, the software can open up the assignment for other interpreters to pick it up and cover it. It also can be programmed with our business rules to generate invoices and billings. Because this is a specialized court interpreter scheduling software, included in the software service is access to 4,000 minutes (66 hours) of on-demand virtual interpretation services per year in over 300 languages at no additional cost. The contract length is a minimum of 12 months. We will decide year by year whether to renew.

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

The Utah Courts are currently experiencing a shortage of Certified Spanish Interpreters. There are many causes of this shortage, national competition, case backlog created by the COVID pandemic, and changes in the demographic makeup of the state. For all of these reasons our Spanish interpreter roster has not kept up with the needs of the Judiciary. This shortage has caused frustration with judges, litigants, staff, and the public because proceedings are having to be rescheduled due to lack of Certified Spanish Interpreters. This shortage is a great impediment in the Courts meeting its mission to be open, fair, and efficient. Not having a centralized scheduling system has amplified the Courts Spanish interpreter shortage. Without a centralized scheduling system, contract interpreters double book assignments causing them to leave assignments early or show up late and districts compete with each other over available interpreters.

Alternative funding sources, if any:

The JWI fund could be used to fund this request. However, we recommend leaving the forecasted “cushion” of +/- \$250,000 of non-lapsing JWI funds (as shown in Table 1) rather than risk triggering the following:

According to Utah Code *78B-1-117- Jurors and witnesses – State payment for jurors and subpoenaed persons*, states:

(1) The state is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs in criminal actions in the courts of record and actions in the juvenile court. The state is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record. For these payments, the Judicial Council shall receive an annual appropriation contained in a separate line item appropriation.¹

(2) If expenses, for purposes of this section, exceed the line item appropriation, the state court administrator shall submit a claim against the state to the Board of Examiners and request the board to recommend and submit a supplemental appropriation request to the Legislature for the deficit incurred.²

¹ Link: <https://le.utah.gov/xcode/Title78B/Chapter1/78B-1-S117.html>

² The Board of Examiners referred to in Utah Code outlines that the Board of Examiners is comprised of the governor, the state auditor, and the attorney general. See [Utah Code § 63G-9-201\(2\)](https://le.utah.gov/xcode/Title63G/Chapter9/63G-9-S201.html?v=C63G-9-S201_2023022720230227).
https://le.utah.gov/xcode/Title63G/Chapter9/63G-9-S201.html?v=C63G-9-S201_2023022720230227

2. FY 2024 YE Spending Request – JWI – Centralized Scheduler

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

Contract interpreters will continue double booking assignments, districts will continue competing with each other over interpreters, and this problem will continue to add to our interpreter shortage.

3. FY 2024 YE Spending Request – Media Outreach Interpreter Recruiting

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2024 are to be spent between July 1, 2023 and June 30, 2024; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2024. 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, 2024.**

Date: 7/1/2023

Department or District: JWI Fund

Requested by: Language Access Committee, Jon Puente

Request title: Media Outreach Interpreter Recruiting

Amount requested: \$10,000 One-time funds

Purpose of funding request:

Historically, ongoing contract interpreter recruitment was very limited in the Courts. Lack of ongoing recruitment, along with national trends, are some of the main reasons for the Spanish contract interpreter shortage. This shortage has recently also been magnified due to the COVID pandemic and a nationwide competition for Spanish interpreters. In order to address this shortage, the Language Access Program has begun a massive recruitment drive which includes partnering with community organizations, interpreter associations, university language departments, and local consulates. A big component of this recruitment drive is outreach to Utah's Spanish speaking population via Spanish media including TV and radio. This funding request will pay for Spanish radio and TV recruitment ads. The TV station we will be working with is Univision, their signal reaches the whole state which might help us find interpreters not just in the Wasatch Front but also in rural parts of the state. Spanish radio station markets are mostly along the Wasatch Front and are an incredibly effective way to reach the Spanish speaking community.

Due to constraints in the JWI fund in FY 2024 (which we are seeking to rectify for FY 2025 through a Legislative request), we are requesting 2024 YE 1x funds as a way to accomplish some needed support of the court interpreter program. Although we believe that there will be sufficient funds in the JWI fund at YE 2024 to fund this request, in order to avoid the issues surrounding deficit spending in the JWI account, we are seeking Court funds which we expect to reimburse in Q4 2024.

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

Historically, due to the understaffing of the Language Access Program, contract interpreter recruitment activities were limited to announcements on the court's public website and word of mouth invitations from interpreters.

Due to national competition, lack of ongoing recruitment, case backlog created by the COVID pandemic, and changes in the demographic makeup of the state, the Spanish interpreter roster has not kept up with the needs of the Judiciary. This shortage has caused frustration for judges, litigants, staff, and the

3. FY 2024 YE Spending Request – Media Outreach Interpreter Recruiting

public because proceedings are having to be rescheduled due to lack of Certified Spanish Interpreters. The Spanish interpreter shortage is a huge impediment in the Courts meeting its mission to be an open, fair, efficient, and independent system for the advancement of justice under the law because contract court interpreters provide a constitutionally-required service in the judicial process. While they are not court employees, they are language access professionals who are essential to ensuring due process for those with limited English proficiency.

Other state judiciaries like Maryland, have seen great success in their interpreter recruitment through Spanish TV and radio.

Alternative funding sources, if any:

The JWI fund could be used to fund this request. However, we recommend leaving the forecasted “cushion” of +/- \$250,000 of non-lapsing JWI funds (as shown in Table 1) rather than risk triggering the following:

According to Utah Code *78B-1-117- Jurors and witnesses – State payment for jurors and subpoenaed persons*, states:

(1) The state is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs in criminal actions in the courts of record and actions in the juvenile court. The state is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record. For these payments, the Judicial Council shall receive an annual appropriation contained in a separate line item appropriation.¹

(2) If expenses, for purposes of this section, exceed the line item appropriation, the state court administrator shall submit a claim against the state to the Board of Examiners and request the board to recommend and submit a supplemental appropriation request to the Legislature for the deficit incurred.²

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

The Language Access Program will continue recruitment efforts through community tabling and partnerships, with limited reach.

¹ Link: <https://le.utah.gov/xcode/Title78B/Chapter1/78B-1-S117.html>

² The Board of Examiners referred to in Utah Code outlines that the Board of Examiners is comprised of the governor, the state auditor, and the attorney general. See [Utah Code § 63G-9-201\(2\)](https://le.utah.gov/xcode/Title63G/Chapter9/63G-9-S201.html?v=C63G-9-S201_2023022720230227).
https://le.utah.gov/xcode/Title63G/Chapter9/63G-9-S201.html?v=C63G-9-S201_2023022720230227

4. FY 2024 YE Spending Request – JWI – Interpreter Trainer

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2024 are to be spent between July 1, 2023 and June 30, 2024; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2024. 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, 2024.**

Date: 7/1/2023

Department or District: JWI Fund

Requested by: Language Access Committee, Jon Puente

Request title: Interpreter Trainer/ Interpreter Certification Specialist

Amount requested: \$65,000 One-time funds

Purpose of funding request:

The purpose of this request is to fund a contractor who will assist potential contract interpreters obtain interpreter certification. This contractor will assist with recruitment, training, and proctoring certification examinations. The purpose of this contractor will be to aid the Language Access Program's training efforts and thereby help grow the courts interpreter roster. A robust roster will aid the courts in meeting its mission.

Due to constraints in the JWI fund in FY 2024 (which we are seeking to rectify for FY 2025 through a Legislative request), we are requesting 2024 YE 1x funds as a way to accomplish some needed support of the court interpreter program. Although we believe that there will be sufficient funds in the JWI fund at YE 2024 to fund this request, in order to avoid the issues surrounding deficit spending in the JWI account, we are seeking Court funds which we expect to reimburse in Q4 2024.

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

Historically, staffing of the Language Access Program has limited the amount of times interpreter certification training takes place due to staff bandwidth. The interpreter certification process is lengthy (12 months +) and requires continual follow-up. Currently we outsource to a vendor that travels to Utah from Florida for the training sessions. At this time, the number of individuals that apply to become an interpreter is low. With our training cohorts being small, we are not making much forward progress in interpreters continuing and moving along the certification process.

The Language Access Program's goal is to increase the number of cohort participants. The Language Access Program has launched an intensive recruitment drive (See Request #2 – Media Outreach) . The plan is to increase the size of the cohorts preparing to certify as interpreters. By increasing the size of the cohorts we will increase the likelihood of individuals passing and certifying as interpreters. The exam material is provided by the National Center for State Courts. The written exam is handled by the states whereas the oral exam is administered by the NCSC. The oral exam has a national pass rate of 6%. Current department bandwidth does not allow for mentoring, follow-up, or continuing education to raise the percentage of passing scores. As the Spanish interpreter roster has not kept up with the needs

4. FY 2024 YE Spending Request – JWI – Interpreter Trainer

of the Judiciary, it is critical that along with our recruiting efforts, we provide education, follow-up, and mentoring to help potential contract interpreters so that we may be more intentional about growing our contract interpreter roster. Having a robust contract interpreter roster will solve the shortage that has caused frustration for our Judges, litigants, staff, and the public because proceedings are often rescheduled due to lack of Certified Interpreters.

Alternative funding sources, if any:

The JWI fund could be used to fund this request. However, we recommend leaving the forecasted “cushion” of +/- \$250,000 of non-lapsing JWI funds (as shown in Table 1) rather than risk triggering the following:

According to Utah Code 78B-1-117- *Jurors and witnesses – State payment for jurors and subpoenaed persons*, states:

(1) The state is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs in criminal actions in the courts of record and actions in the juvenile court. The state is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record. For these payments, the Judicial Council shall receive an annual appropriation contained in a separate line item appropriation.¹

(2) If expenses, for purposes of this section, exceed the line item appropriation, the state court administrator shall submit a claim against the state to the Board of Examiners and request the board to recommend and submit a supplemental appropriation request to the Legislature for the deficit incurred.²

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

The Language Access Program will continue to handle the training and certification for potential interpreter candidates with limited bandwidth and limited follow-up and continuing education.

¹ Link: <https://le.utah.gov/xcode/Title78B/Chapter1/78B-1-S117.html>

² The Board of Examiners referred to in Utah Code outlines that the Board of Examiners is comprised of the governor, the state auditor, and the attorney general. See [Utah Code § 63G-9-201\(2\)](https://le.utah.gov/xcode/Title63G/Chapter9/63G-9-S201.html?v=C63G-9-S201_2023022720230227).
https://le.utah.gov/xcode/Title63G/Chapter9/63G-9-S201.html?v=C63G-9-S201_2023022720230227

5. FY 2024 YE Spending Request – Racial and Ethnic Disparity Data Project

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2024 are to be spent between July 1, 2023 and June 30, 2024; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2024. 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, 2024.**

Date: 7/1/2023

Department or District: OFA

Requested by: Committee on Fairness and Accountability,
Jon Puente

Request title: Racial and Ethnic Disparity Data Project

Amount requested: \$30,000 One-time funds

Purpose of funding request:

A primary objective of the Office of Fairness and Accountability (OFA) is supporting the judicial branch's efforts to identify and eliminate bias from court operations. See UCJA 3-419(2). The duties of the OFA include conducting data collection and research through collaboration with national experts and thought leaders to identify, gather, and analyze relevant data. See UCJA 3-419(3)(A)(ii). To those ends, OFA is partnering with Georgetown's Massive Data Institute. The Massive Data Institute will analyze the Court's data for any racial and ethnic disparity. This request will cover the cost of services performed by the Massive Data Institute.

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

By way of context: in its final report, issued twenty-two years ago, the Utah Judicial Council's Task Force on Racial and Ethnic Fairness in the Legal System noted "the fact that minorities are disproportionately represented at each stage of the justice system". Importantly, overrepresentation increases incrementally as one progresses through the system, resulting in greater disproportionality at incarceration than at arrest." Notably, phase one of the Racial and Ethnic Disparity analysis recently performed by the Utah Juvenile Courts shows this condition of increasing disparity continues today.

While the Task Force aimed "to determine whether the cause of this overrepresentation can be ascertained with certainty," it was ultimately unable to do so because "the lack of consistently collected comparable and relevant data made any such analysis very difficult." The Racial and Ethnic Disparity Data Project aims to overcome the data challenges that frustrated the Task Force twenty years ago by designing and implementing a data gathering and analysis project that will provide a statistically valid answer to a fundamental question: Are there disparities in judicial decision-making that contribute to racial and ethnic disparities in the criminal justice system?

This project will target touchpoints in the criminal justice system that involve both (1) judicial decision-making and (2) sufficient data variability. Decisions regarding pretrial release, sentencing, and probation violations are examples of touchpoints that involve both of these areas.

5. FY 2024 YE Spending Request – Racial and Ethnic Disparity Data Project

The project will gather a scope of data broad enough to control for possible biases of non-judicial actors and systems. Although the project recommends focusing the analysis on pretrial release, sentencing, and probation violations, it acknowledges that to perform a true apples-to-apples comparison of judicial decision-making in those areas, the project must also gather data regarding a broad scope of other conditions, including but certainly not limited to custody status, pretrial risk assessment scores, initial charges, recommendations made by counsel, presentence investigation report recommendations, and probation violation report recommendations.

Because the courts have not historically collected data on the race and ethnicity of the defendants who appear before us, we do not have the necessary data to perform this analysis. Thus, to overcome this deficiency, we are partnering with the Massive Data Institute who will go to a sensitive compartmented information facility (SCIF) in the US Census Bureau and do a 1 to 1 matching to identify the race and/or ethnicity of defendants. Once that matching is complete, we will be able to examine our data to evaluate whether different racial or ethnic groups are disparately affected in judicial decision making. Once this analysis is complete, the Committee on Fairness and Accountability will provide data-informed recommendations to the Judicial Council to address any found disparities.

Alternative funding sources, if any:

We could partner with a foundation who could be interested in funding this type of project.

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

Any racial and ethnic disparity in the Utah Courts will continue to go unresolved. These disparities will add to the lack of public trust and confidence in the Utah Courts.

Tab 3



Administrative Office of the Courts

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

July 5, 2023

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

MEMORANDUM

TO: Budget and Finance Management Committee

FROM: Board of District Court Judges (BDCJ)

RE: Analysis to Support BDCJ Request to Seek \$300,000 of ARPA Funds for District Court Case Backlog

Overview

AOC Finance prepared a request for the Budget and Fiscal Management Committee (BFMC) in January 2023 which recommended the remaining \$300,000 in ARPA funds which have not been spent on COVID supplies be transferred to the case backlog ARPA fund. The goal is to seek funding needed to lower the District Court case backlog¹ to its pre-COVID level – or another target as determined by Court leadership.

The BFMC asked for additional analysis as noted in the January 2023 BFMC minutes:

After discussion the BFMC asked Karl to add more analysis to the request (Ron Gordon suggested we give this to the new Data Services team) to see what factors are driving the increase and the slow decline and each factor could potentially be addressed. For example, it could be that adding new judges would be a better solution than continued use of senior judges. The additional analysis should answer the question of whether this is a backlog issue, an increase in new judges' issue, or some combination of these factors and changes to judicial processes.

The Judicial Council approved \$2,000,000 in ARPA funding for senior judge and time-limited judicial assistants to help reduce the case backlog. As of May 1, 2023, \$1,528,941.38 ARPA funds have been expended, leaving \$471,058.62 ARPA funds to help reduce the case backlog. AOC Finance will add to this balance \$90,000 of FY 2023 senior judge funding that has not been

¹ The National Center for State Courts (NCSC) defines backlog as any case that has exceeded the expected time goal for that type of case and has not been resolved.

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efficient, and independent system for the advancement of justice under the law.

spent boosting the available ARPA funds for case backlog to \$561,058. On average the court expends \$45,000 per pay period and at this rate all ARPA funds currently approved to address the case backlog will be spent by the end of September 2023.

The following table reflects the number of full days of coverage by senior judges in the district court for the past two and a half years.

District	CY 2023 (as of May 23, 2023)	CY 2022	CY 2021
First	26	9	9
Second	52	36	13
Third	28	58	45
Fourth	47.5	74	51
Fifth	36.5	25	13
Sixth	3	8	5
Seventh	1	0	0
Eighth	3	12	14

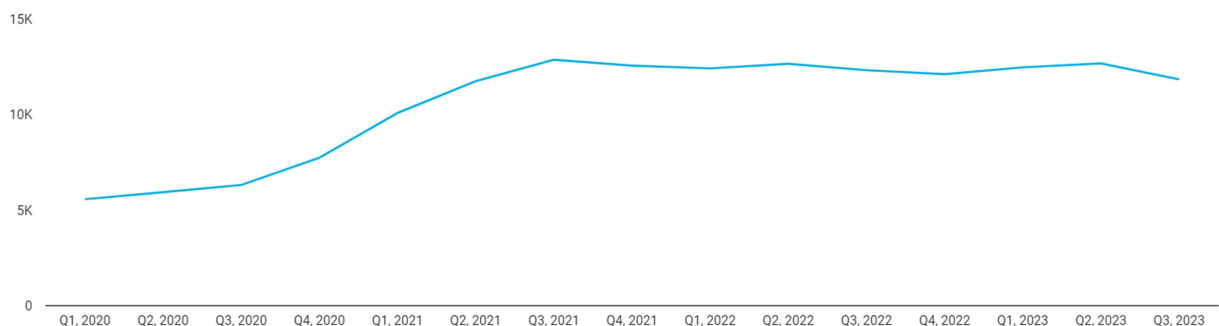
What follows is additional analysis that Tucker Samuelsen, Director of Judicial Data and Research (JDR), and his team have performed. **If this analysis is acceptable, the BDCJ recommends the \$300,000 in unspent ARPA supplies funds be shifted to District Court case backlog and consider making a request of the Legislature for the Spring 2024 session as noted below.**

Case Backlog Analysis

The overall case backlog peaked for the state in FY21 Q3 at 12,874 cases. Progress at reducing the backlog has been slow, with the number only dropping to 12,677 in FY23 Q2 (almost 2 full years later). However, backlog reduction accelerated in FY23 Q3, as shown by the chart 1 below. Near the end of the FY23 Q3, case reduction continues and the backlog number has dropped to 11,845.

Chart 1

Backlog by Fiscal Quarter



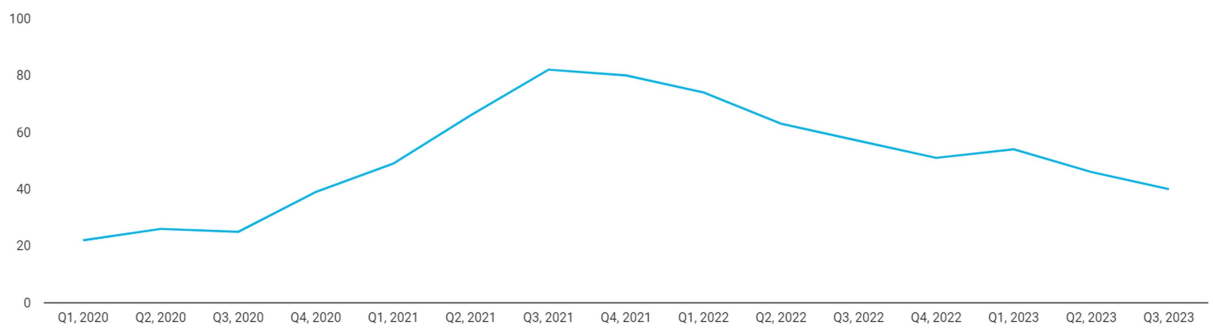
Should the trend shown over the past quarter continue, the backlog will reach its FY2020 Q3 level in 18-24 months. However, complicating the analysis is the district-by-district variation in backlog reduction, as well as the long time that the backlog was stagnant.

For instance, District 7 has nearly reduced the backlog to its pre-COVID level and has utilized one senior judge day. According to the FY23 Judicial Weighted Caseload Study the 7th District has .4 more judicial officers than is needed to complete the work in this district. The extra judicial resources have likely offset the need for senior judge days while providing adequate resources to manage the backlog.

District 7 only:

Chart 2

Backlog by Fiscal Quarter

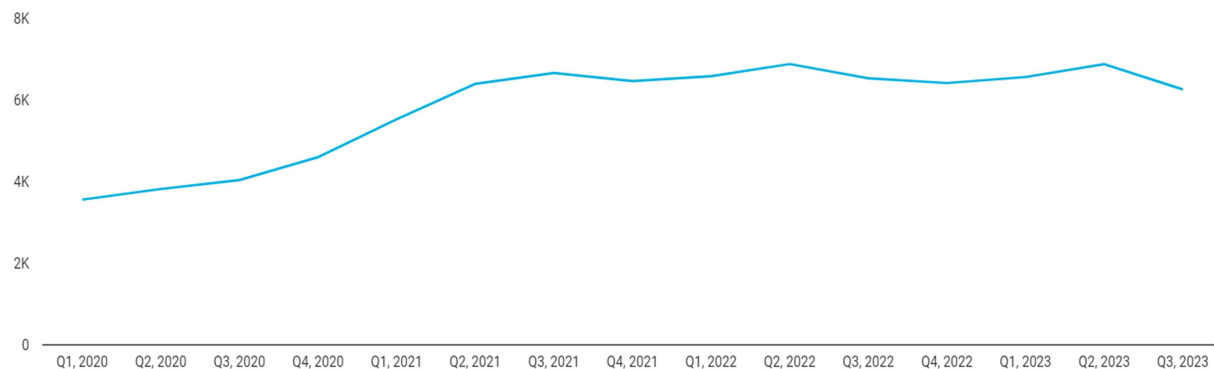


Whereas District 3 has only recently shown any reduction in backlog, and would be projected to need an additional 3-4 years if the most recent quarterly drop was maintained. The 3rd District has used a number of senior judge days and has also been down one judge for most of FY2023 due to judicial officer turnover. The FY23 Weighted Caseload Study shows that the 3rd District Court has a need of 4.3 judicial officers. **Until such time that additional judicial officers can be secured in the 3rd District Court, and in other districts needing more judicial resources, reducing the backlog will be practically impossible without the assistance of Senior Judges.**

District 3 only:

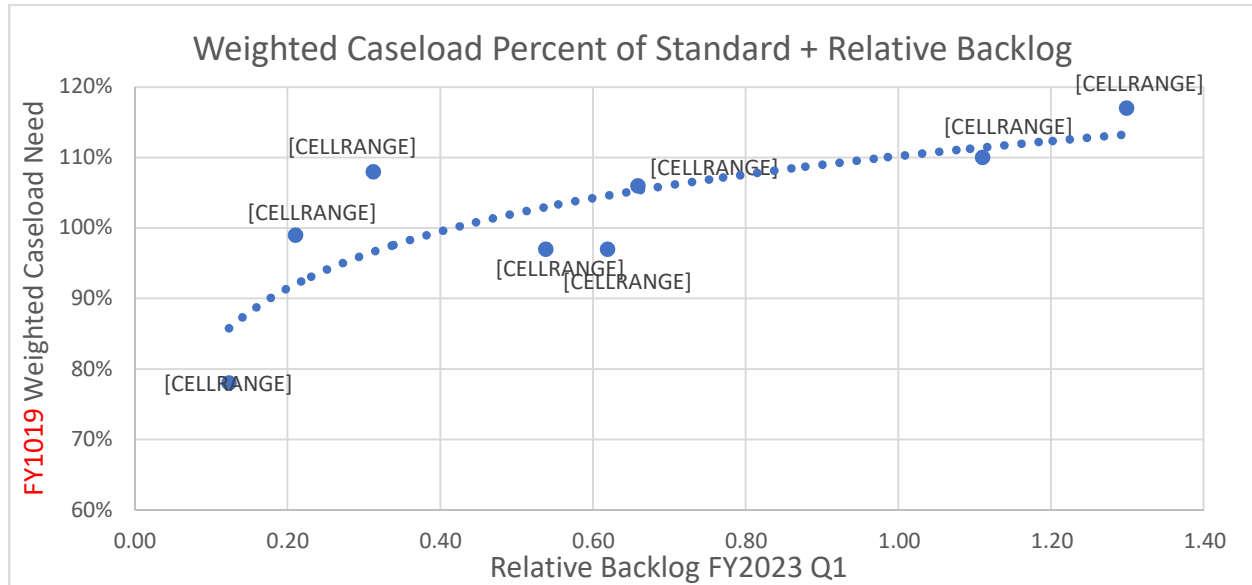
Chart 3

Backlog by Fiscal Quarter



Causes of Backlog

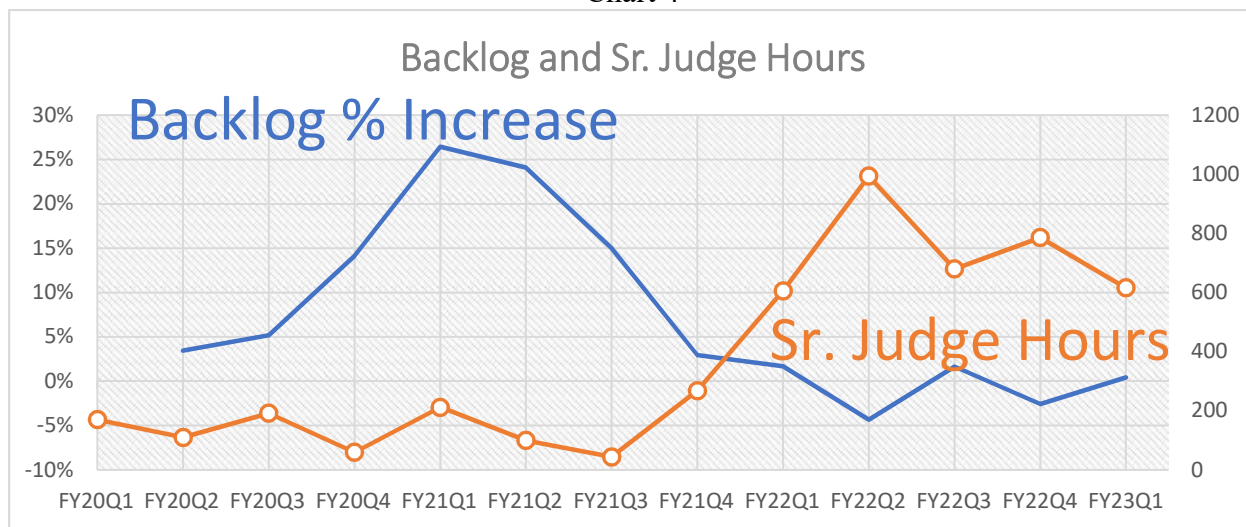
JDR prepared charts showing the correlation between judicial hours and backlog on a district by district basis. JDR calculated a relative backlog by district, showing the ratio between that district's backlog and their quarterly filing counts, and found a strong correlation between the relative backlog and their Judicial Weighted Caseload need.



While the Judicial Weighted Caseload does not take in to account senior judge hours, this analysis does point to the broad correlation between backlog reduction and judicial hours worked.

In addition, Senior Judge hours appear to have played a key stabilizing role. While Senior Judge hours have not eliminated the backlog by themselves, we do believe that they played a role in stemming the increase of the backlog.

Chart 4



As senior judge hours increased, the backlog stabilized and stagnated, instead of increasing further.

From the data above, it is clear Senior Judge time reduces the case backlog. It is also clear that Senior Judge time at the present rate of delivery will likely take 3+ years to materially reduce the case backlog in the 3rd District. JDR acknowledges more analysis work needs to be done and will continue to engage the BDJC and other district court judges in developing plans to reduce the backlog. These plans will form the basis of potential 1x funds Legislative Requests for FY 2024 and FY 2025.

FY 2024 and FY 2025 Potential Funding of Case Backlog

The \$2M in appropriated ARPA funding is forecasted to be exhausted by the end of September 2023 and new sources of funds must be obtained. The monthly case backlog run-rate has risen in the past several months to approximately \$47,000 every 2 weeks = \$94,000 every 28 days. When divided into the balance of ARPA funds from the original \$2M (\$471,000) as of 5.1.2023, we forecast the current ARPA funds will be used in 10 pay periods = 20 weeks = early September 2023. AOC Finance will add to this balance \$90,000 of FY 2023 senior judge funding that has not been spent boosting the available ARPA funds for case backlog to \$561,058. This addition should extend the current allocated funds through the end of September 2023.

Table 1 lays out the forecasted need for additional case backlog funds and possible sources of additional funds to continue case backlog work beginning with the \$300,000 of reallocated ARPA funds². The potential future sources of funds as shown will require Legislative requests

² Based on the prioritization of ARPA funds the Judicial Council set forth in Q1 2022, case backlog was prioritized behind IT Access to Justice but ahead of the Office of Innovation as a funding need. IT has sufficient ARPA funds to meet its promised deliverables. ARPA funds next priority for use is case backlog.

for FY 2024 1x funds and FY 2025 1x funds to be submitted for the August 2023 Judicial Council Annual Budget Meeting. It is likely the Legislature will want detailed plans on the resources needed and goals to reduce the case backlog.

Table 1

Potential Case Backlog Funding Sources FY 2024 and FY 2025				
<u>Sources</u>				
<u>Existing ARPA</u>				
	\$471,058	Will be spent by 1st week of Sept		
<u>Unspent FY23 SR. Judge Funds</u>				
	\$90,000	Unspent FY23 Senior Judge funds will be added to the Backlog. Extends funding through 9/30/23		
	<u>ARPA</u>	<u>Submit by/Funds Thru</u>	<u>Requested by</u>	<u>Approved by</u>
1st Source	\$ 300,000	July 2023 BFMC/end of Dec. 2023 \$47K run rate every 2 weeks * 1.1 for raises = \$51.7K = 5.8 pay periods round to: 12 weeks	Shane Bahr and BDCJ	BFMC/JC
<u>YE 2024 1x</u>				
2nd Source	\$ 375,000	September 2023 BFMC/1st week April 2024 \$51.7K run rate every 2 weeks = 7.2 pay periods round to: 14 weeks	Shane Bahr and BDCJ	BFMC/JC
<u>Legislative Request 2024 1x Funds</u>				
3rd Source	**\$850,000	July 2023 BFMC/ June 30, 2024 Reimburse \$375K of 2nd Source + \$51.7K run rate every 2 weeks through June 30 is 17 weeks = 8.5 pay periods = \$440K for \$815K rounded to \$850K	Shane Bahr and BDCJ	BFMC/JC/Legislature
<u>Legislative Request 2025 1x Funds</u>				
4th Source	**\$2,000,000	July 2023/FY 2025	Shane Bahr and BDCJ	BFMC/JC/Legislature
**Estimate only				

As shown in Table 1, we recommend the funding requests be submitted approximately 3 months ahead of additional funds being needed so TCEs can have assurances that the JAs they have hired to support the Senior Judges will be funded without interruption.

The “3rd Source” request shown in Table 1 would (1) reimburse the Courts for the \$375,000 funded with Court funds (2nd Source in Table 1) and (2) the estimated \$440,000 to fund case backlog for the balance of FY 2024 along with a small contingency amount.

The “4th Source” would be a one-time funding request to the legislature for \$2,000,000. Once again, these funds will be used for Senior Judge help to continue reducing the backlog. The amount of this request is an estimate based on current projections and may increase or decrease based on the current status of case backlog.

In addition to requesting one-time funding for Senior Judges to help reduce the backlog, the BDCJ intend to request new judges and/or commissioner positions based on the need indicated in the FY23 weighted caseload study. While it is clear that while Senior Judges will help reduce the case backlog in the near-term, new judges and/or commissioners will be needed as part of the long-term solution to the backlog and ongoing case management.

Tab 4



Administrative Office of the Courts

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

June 28, 2023

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

MEMORANDUM

TO: The Budget & Fiscal Management Committee (BFMC)

FROM: Nick Stiles, Appellate Court Administrator
Jordan Murray, Grant Coordinator

RE: Awarded – Utah Bar Foundation Grant Application Proposal (\$10,000)

Dear Budget & Fiscal Management Committee:

The BFMC and Judicial Council approved in May 2023 a grant application proposal (GAP) for submission to the Utah Bar Foundation in support of the Appellate Courts' Pilot Pro Bono Program. The Utah Bar Foundation has awarded the grant in the amount requested (\$10,000 – *award letter attached*). For reference, a summary of the GAP narrative is provided below:

This grant will provide initial funding for the Appellate Courts' Pilot Pro Bono Program. The aim of the program during the initial one-year pilot is to develop a roster of pro bono counsel, conduct training sessions through free CLE's, and serve 20 pro se parties on appeal. There are currently over 200 pro se parties with cases on appeal. This accounts for roughly 20% of the Appellate Courts' caseload. The purpose of this initial trial period is to test whether providing pro bono attorneys to pro se parties increases access to justice while decreasing the administrative burden that staff and judges face in dealing with unrepresented parties.

Providing counsel to unrepresented parties will increase court efficiency. Additionally, this program will directly impact pro se parties on appeal as they will potentially receive a pro bono attorney. During the grant period the majority of the work will be handled by the Appellate Court Administrator. After the grant period, the Appellate Courts will evaluate the impact of the program, and if favorable, look to hiring a Pro Bono Coordinator or Pro Se Law Clerk to help with the administration. If that is not possible at the time, the program may still be able to operate but will be limited in capacity.

Thank you.

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

Tab 5

CJI Staff Bios**Maja Valjnic****Data and Policy Specialist**

Maja Vljajnic joined CJI's data team in 2019 and works primarily with adult corrections and community supervision. She brings to the role an extensive background in scholarly research on criminal justice, as well as interdisciplinary experience in analytical work. In addition to her academic experience, she has worked on projects exploring the impact of forensic evidence on sexual assault case progression, investigating commodity misinvoicing in international trade data, and collecting and analyzing qualitative data on hate crimes. Maja is currently a doctoral candidate at Northeastern University's School of Criminology and Criminal Justice. She graduated from the University of Maryland, College Park with a BA in English and a BA and MA in Criminology and Criminal Justice.

Will Isenberg, Esq.**Policy Specialist**

Will began his career as legislative assistant in the United States Congress, specializing in appropriations. Subsequently, he was an attorney in Boston, primarily representing indigent criminal defendants as a public defender. He is the author of numerous op eds and commentaries, and has been published in the Boston Globe, the Appeal, and elsewhere. Will works on a variety of projects in his current role at CJI, primarily focusing on jail and pretrial policy. Will is committed to finding data-driven methods to reduce incarceration and make the criminal legal system more humane. He holds a bachelor's degree in history from American University and a juris doctorate from New England Law Boston.

Sustainability of Justice Reinvestment Initiative in Utah

Abbreviated Presentation for Judicial Council July Meeting

Presenters: Will Isenberg, Esq. and Maja Vlajnic

July 17, 2023

Agenda

- Introduction
- Data Overview of Utah's Criminal Justice Trends
- Specific Research Question Findings
 - Recidivism Drivers
 - Misdemeanor Possession
 - Community Supervision Challenges
 - Behavioral Health Gaps

About CJI

- The Crime and Justice Institute (CJI) works with local, state, and national criminal justice organizations to assist them in developing data-driven solutions to criminal justice policy problems
- CJI provides non-partisan analysis, research, technical assistance, program evaluation, and training to jurisdictions throughout the country

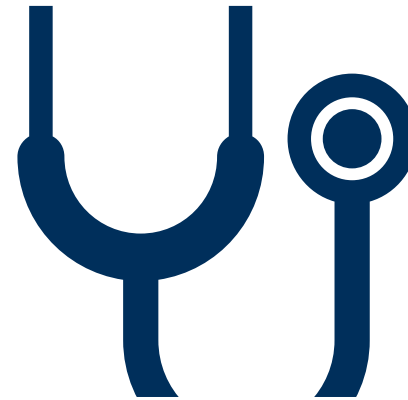
Issues Raised in 2020 Legislative Audit on JRI



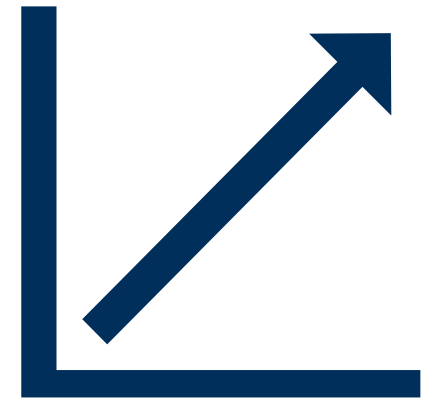
High
Recidivism
Rates



Drug
Possession
Impacts



Behavioral
Health
Gaps



Community
Supervision
Challenges

Quantitative Sources

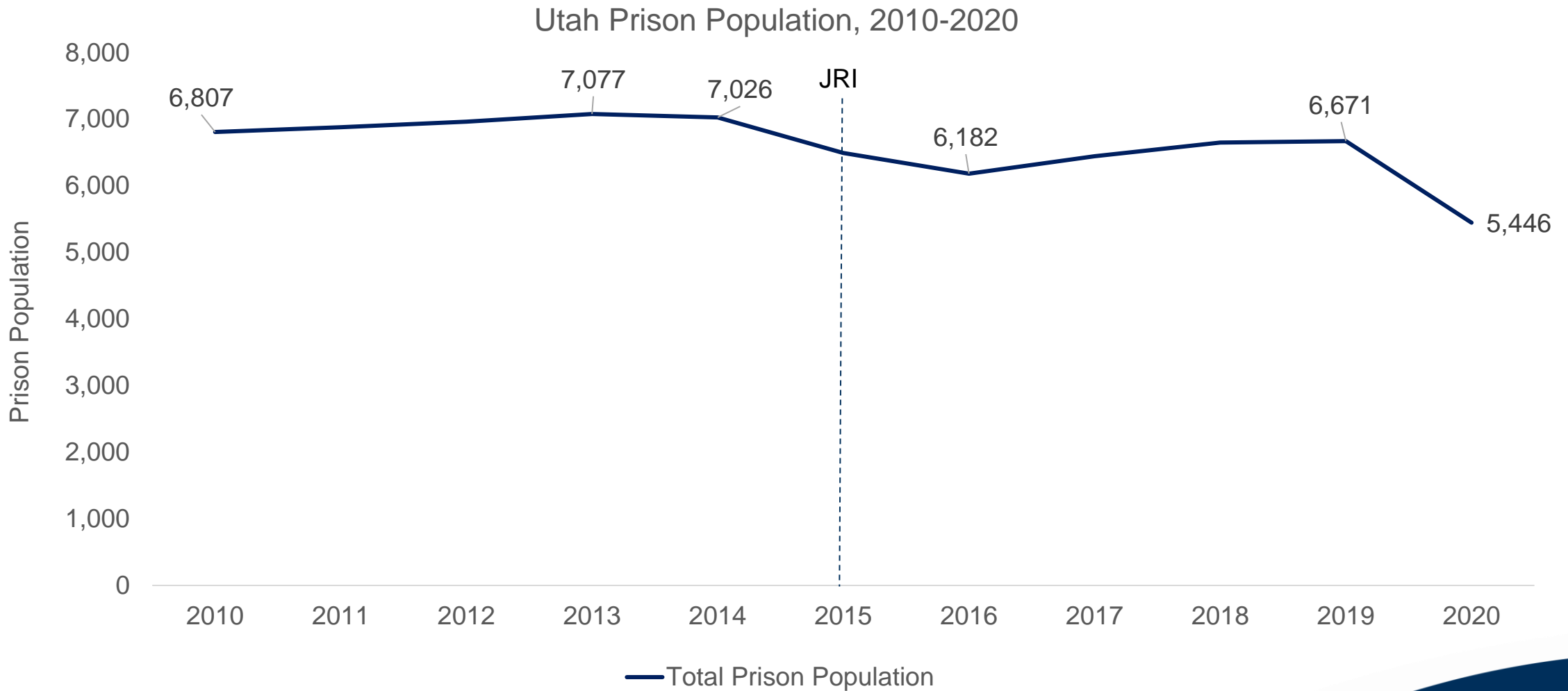
- Utah Department of Corrections (UDC)
 - Prison Admissions & Releases, 2013-2021
 - Violations data, 2017-2021
- Publicly available data:
 - Bureau of Justice Statistics:
 - *Prisoners* series, 2010-2020
 - *Probation and Parole in the United States* series, 2013-2020
 - FBI, *Crime in the United States* series, 2010-2020
 - Utah Legislative Auditor General 2020 Performance Audit, jail population snapshot

Qualitative Sources

Interviews	Documents Reviewed
<ul style="list-style-type: none">• Judges• District Attorneys• Public Defenders• Utah Department of Corrections• Adult Probation & Parole• Department of Mental Health and Substance Abuse Services• Board of Pardons and Parole• Law Enforcement• Mental Health Practitioners• Prisoner Advocates• Reentry Groups	<ul style="list-style-type: none">• Utah State Statutes• Utah Sentencing Guidelines• 2020 Auditor's Report• Utah Court Rules, Rules of Criminal Procedure

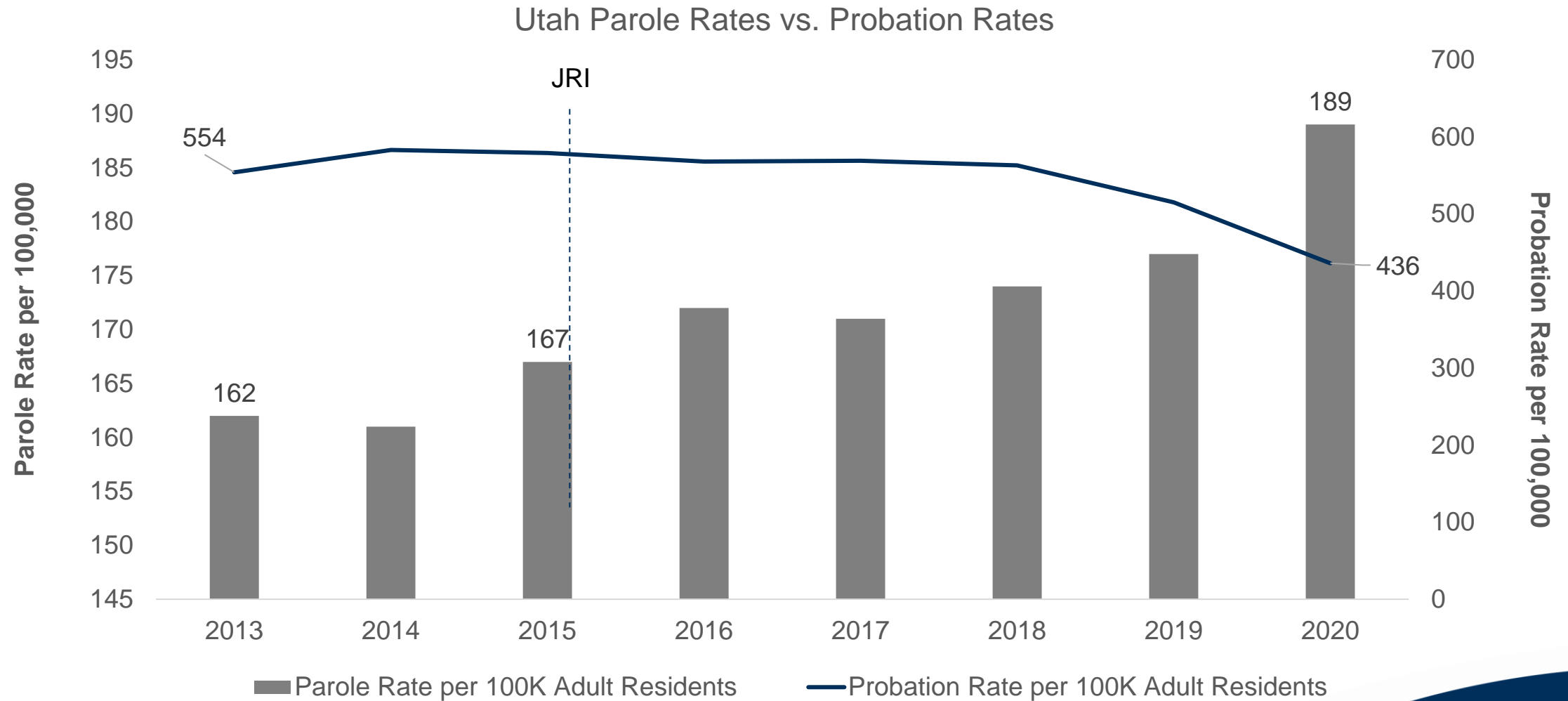
Utah's Criminal Justice System General Overview

Utah's Prison Population Down 16% Since JRI



Data Source: Bureau of Justice Statistics, *Prisoners* series.
https://bjs.ojp.gov/library/publications/list?series_filter=Prisoners

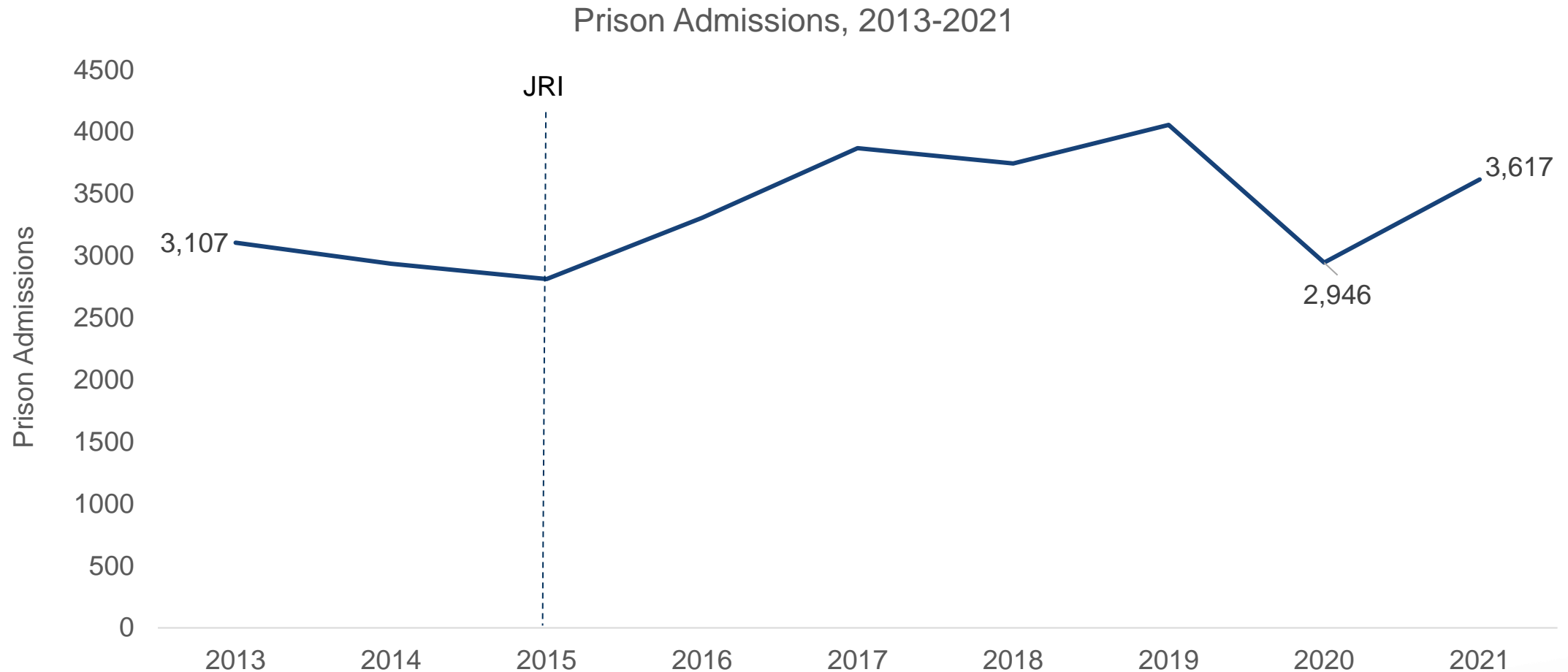
While Probation Rates Decline, Parole Rates Increase



Data Source: Bureau of Justice Statistics, Probation and Parole in the United States, annual reports.
https://bjs.ojp.gov/library/publications/list?series_filter=Probation%20and%20Parole%20Populations

Prison Admissions

Prison Admissions Increased 30% Since JRI



Data Source: Utah Department of Corrections

Trends in Prison Admissions Demographics and Classifications



Sex: Prison admissions are predominantly and increasingly male



Race: Prison admissions are comprised mostly of white individuals but admissions for BIPOC increasing at a faster rate than white individuals



Age: Prison admissions are dropping for people under 35 but growing for people age 35+



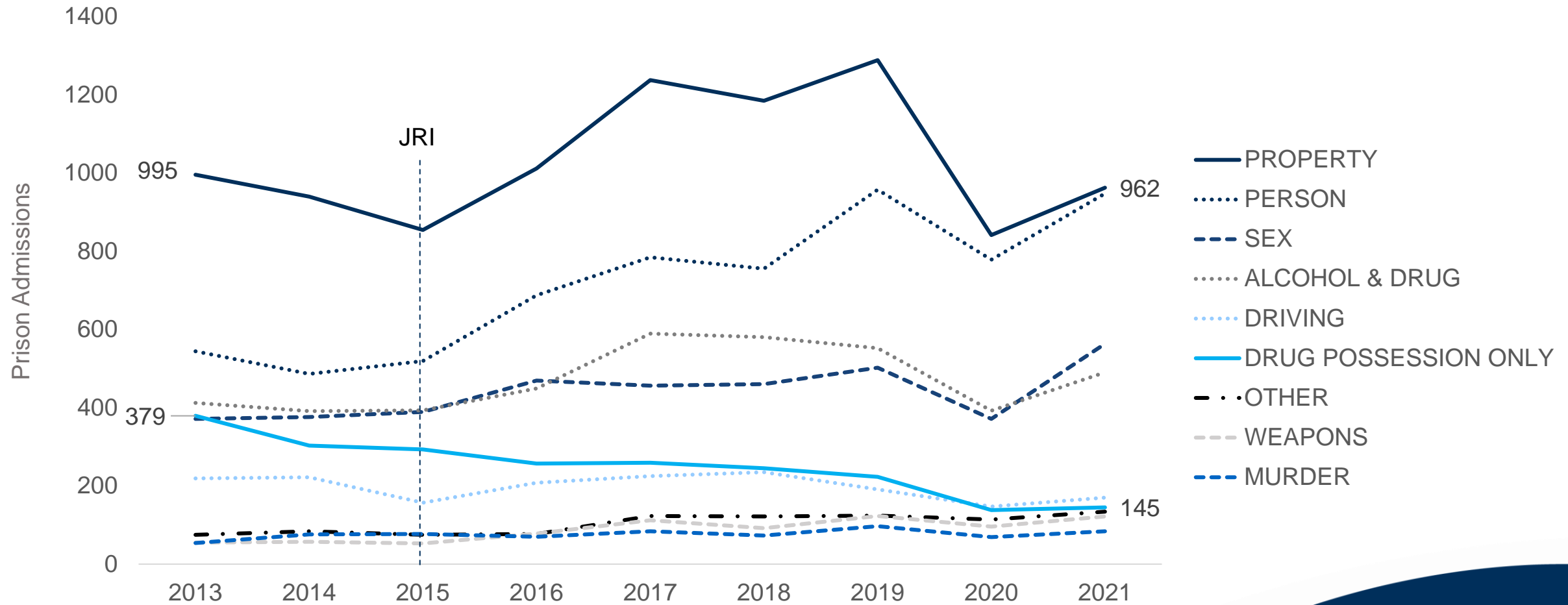
Severity: Class III felonies comprise most prison admissions but Class I and Class II felony admissions are growing



Risk Level: Growing admissions for individuals assessed as intensive risk

Property Consistently Most Common Offense at Admission

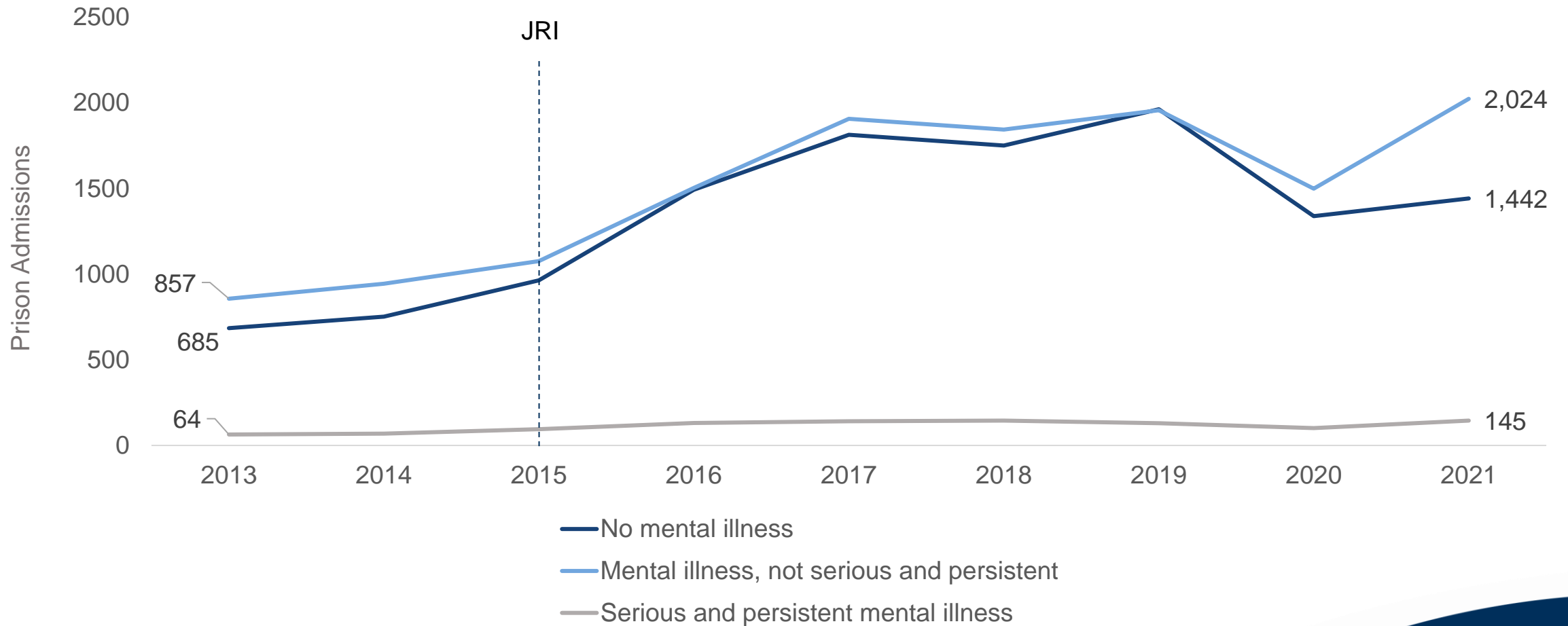
Prison Admissions by Most Serious Offense Category, 2013-2021



Data Source: Utah Department of Corrections

Increased Prevalence of Mental Health Needs in Admissions

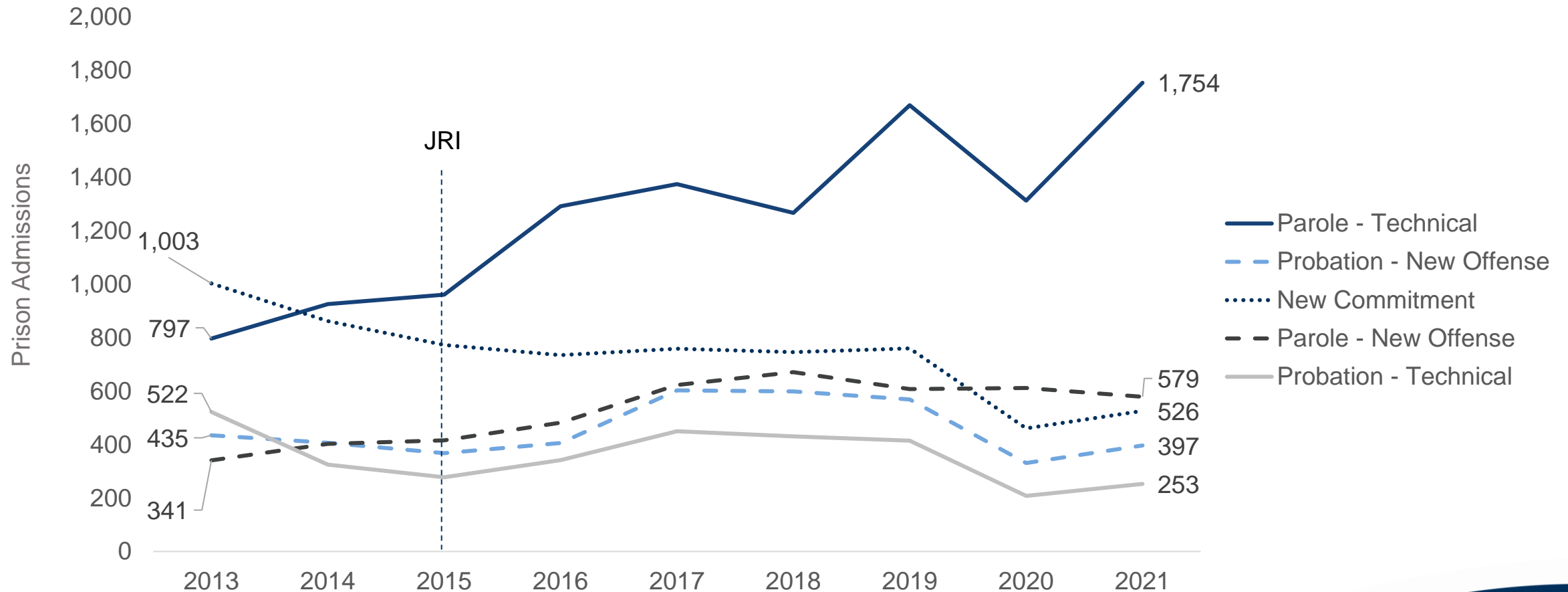
Prison Admissions by Mental Illness, 2013-2021



Data Source: Utah Department of Corrections

Revocations from Parole Grow as New Commitments Drop

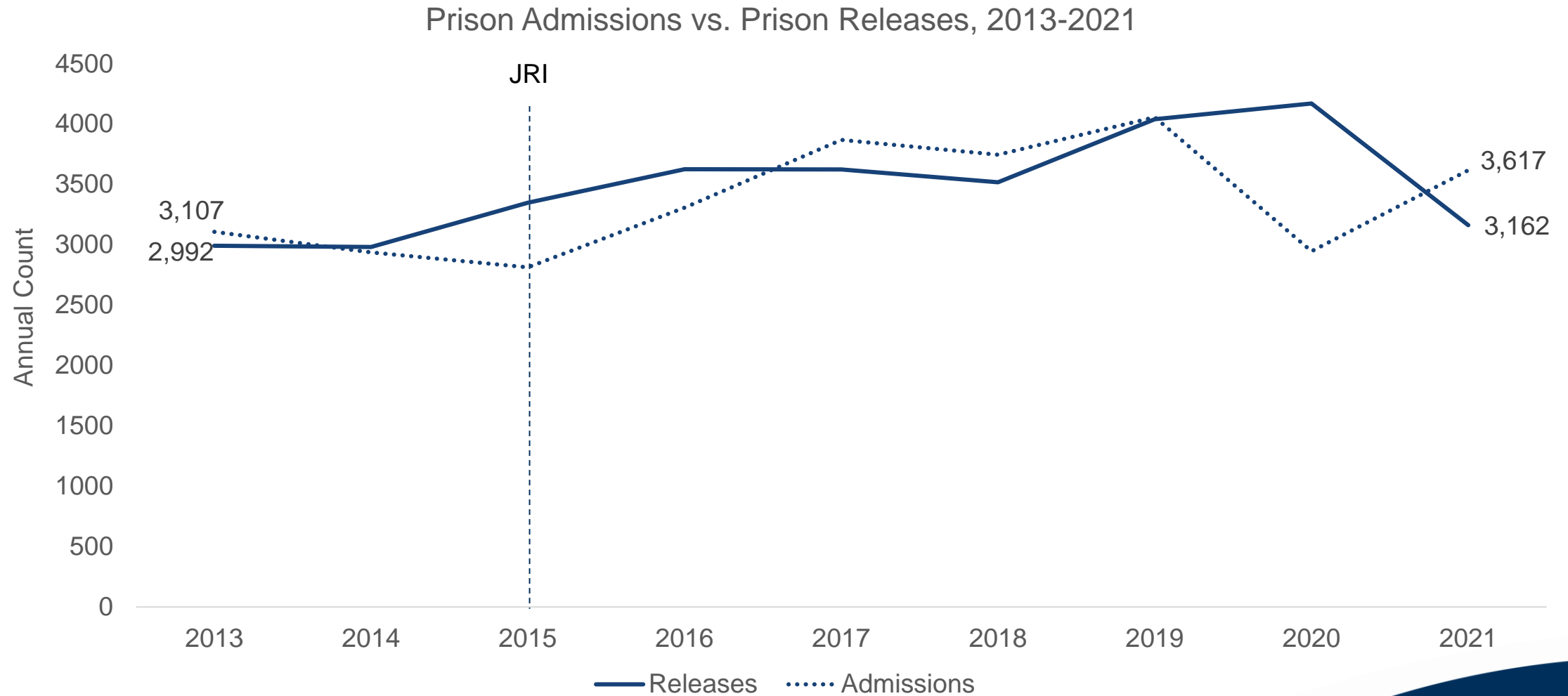
All Prison Admissions by Admission Type, 2013-2021



Data Source: Utah Department of Corrections

Prison Releases & Length of Stay

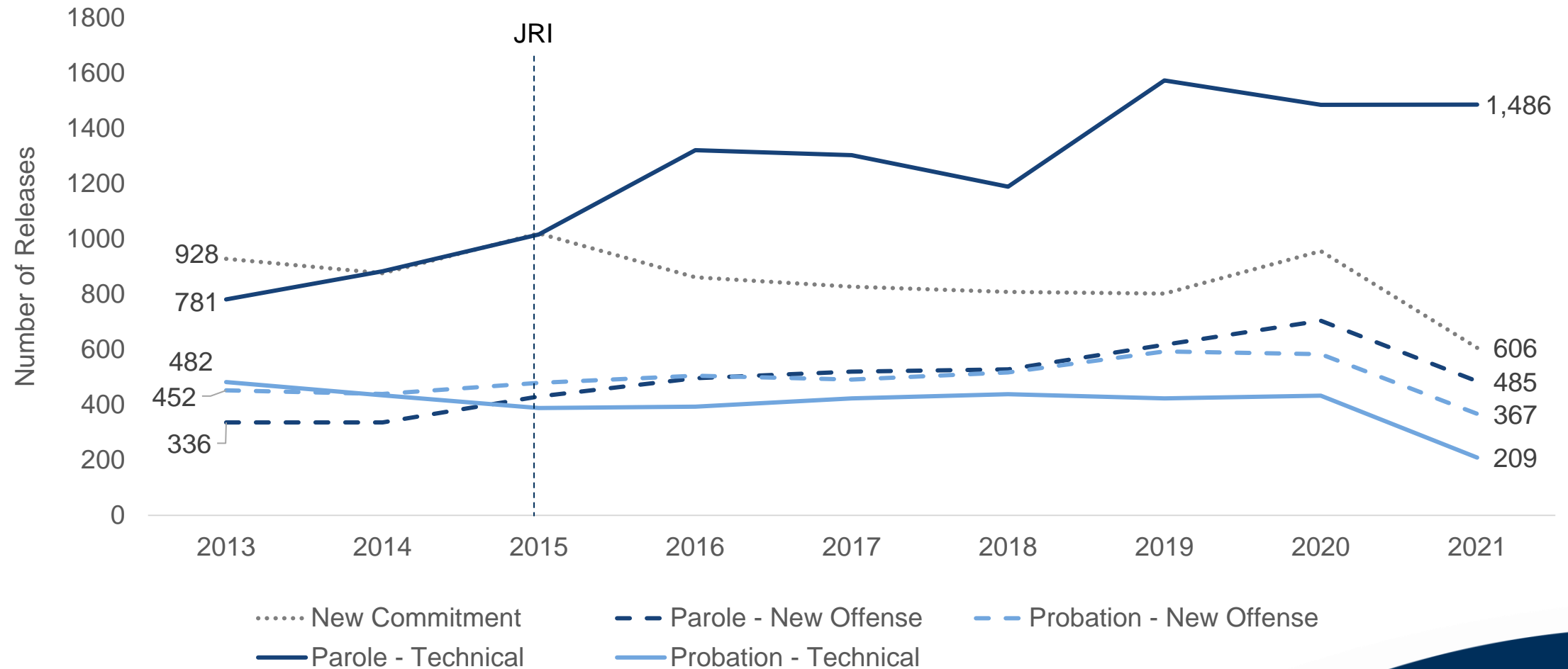
Releases Trending Upward Until 2021



Data Source: Utah Department of Corrections

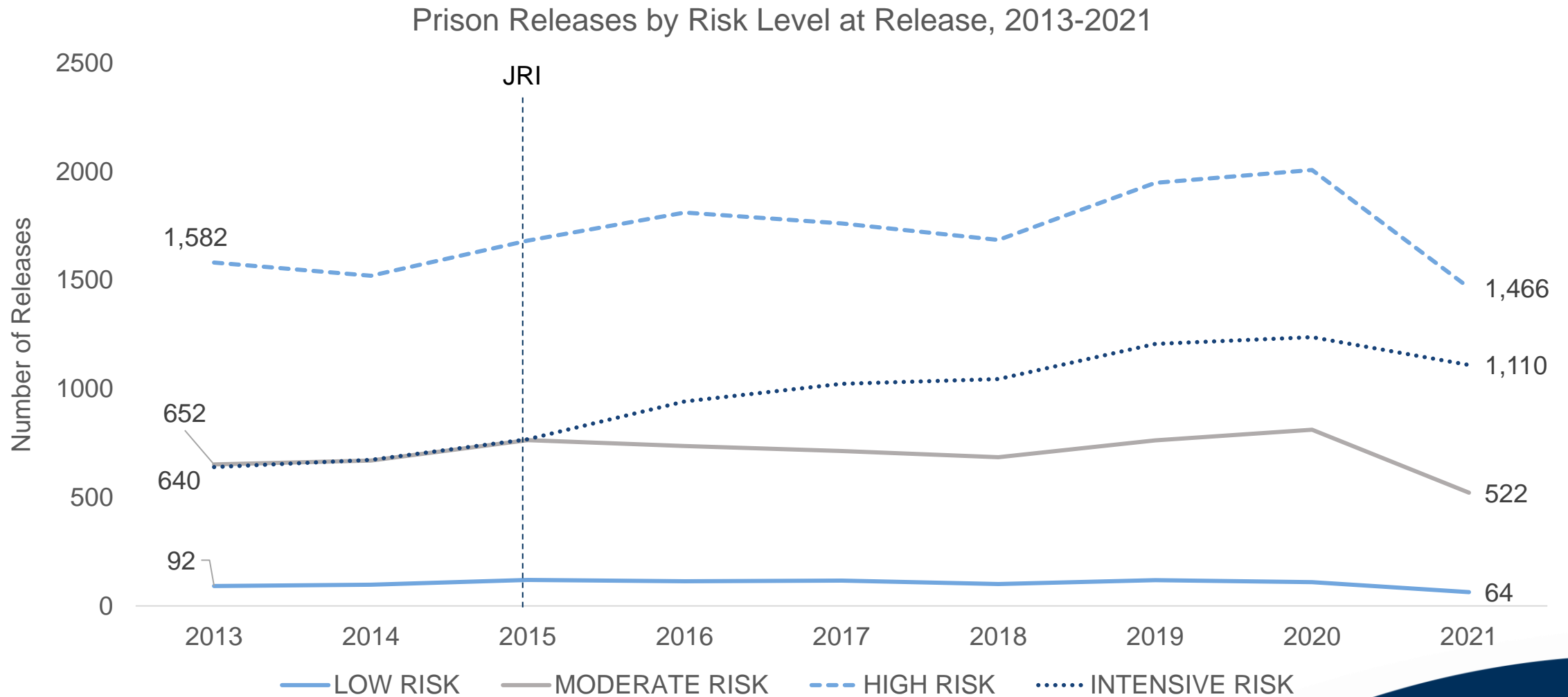
Growth in Releases for Parole Technical Violators

Prison Releases by Admission Type, 2013-2021



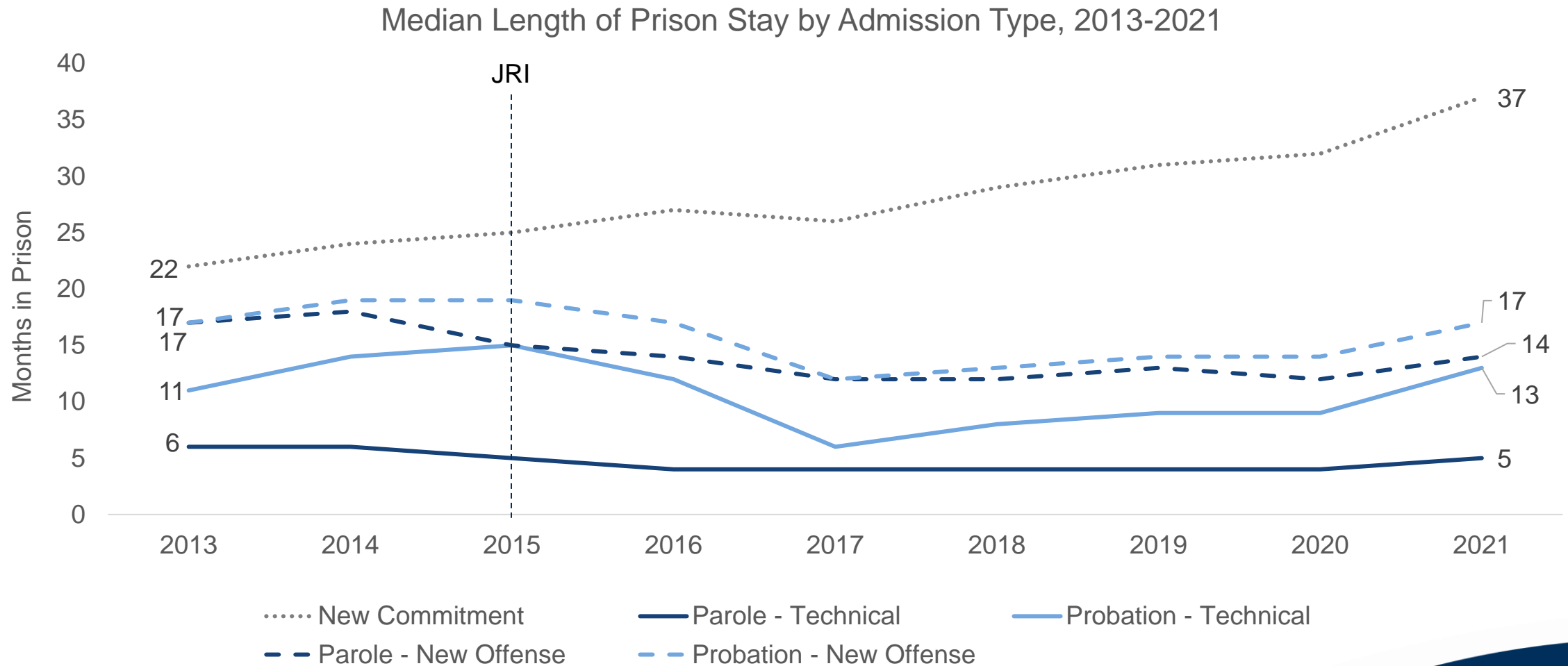
Data Source: Utah Department of Corrections

Releases Decrease for All Risk Levels Except Intensive



Data Source: Utah Department of Corrections

Length of Stay Longest for New Offense Admissions



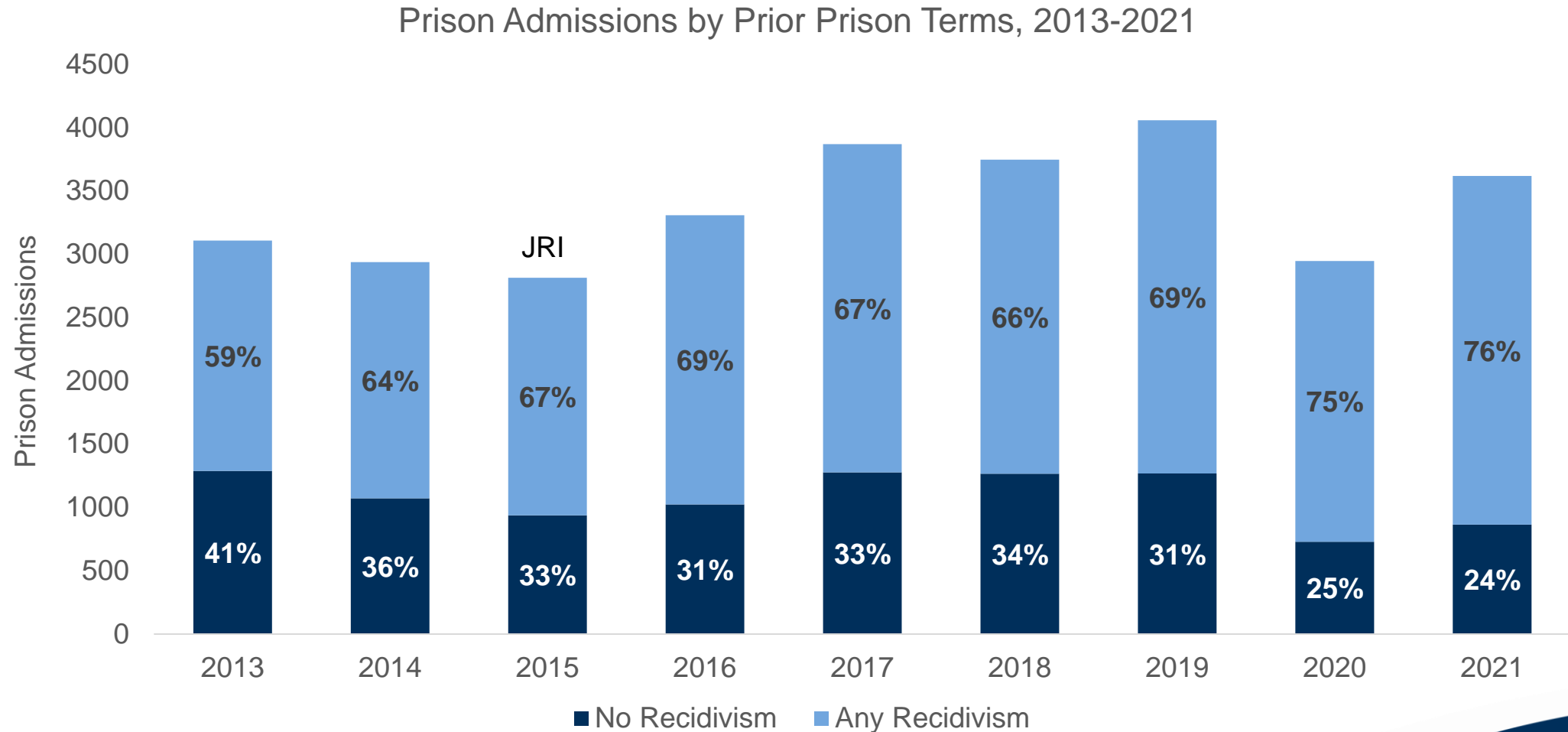
Data Source: Utah Department of Corrections

Criminal Justice Overview Key Takeaways

- Prison **admissions** increased by 30 percent since JRI; however, the prison **population** decreased by 16 percent during the same period due to drop in releases
- Property offenses are a driver of prison admissions
- Revocations from parole, especially for technical violations, increasingly drive prison admissions as new commitments and probation revocations decrease

Research Question #1: Is Recidivism Increasing?

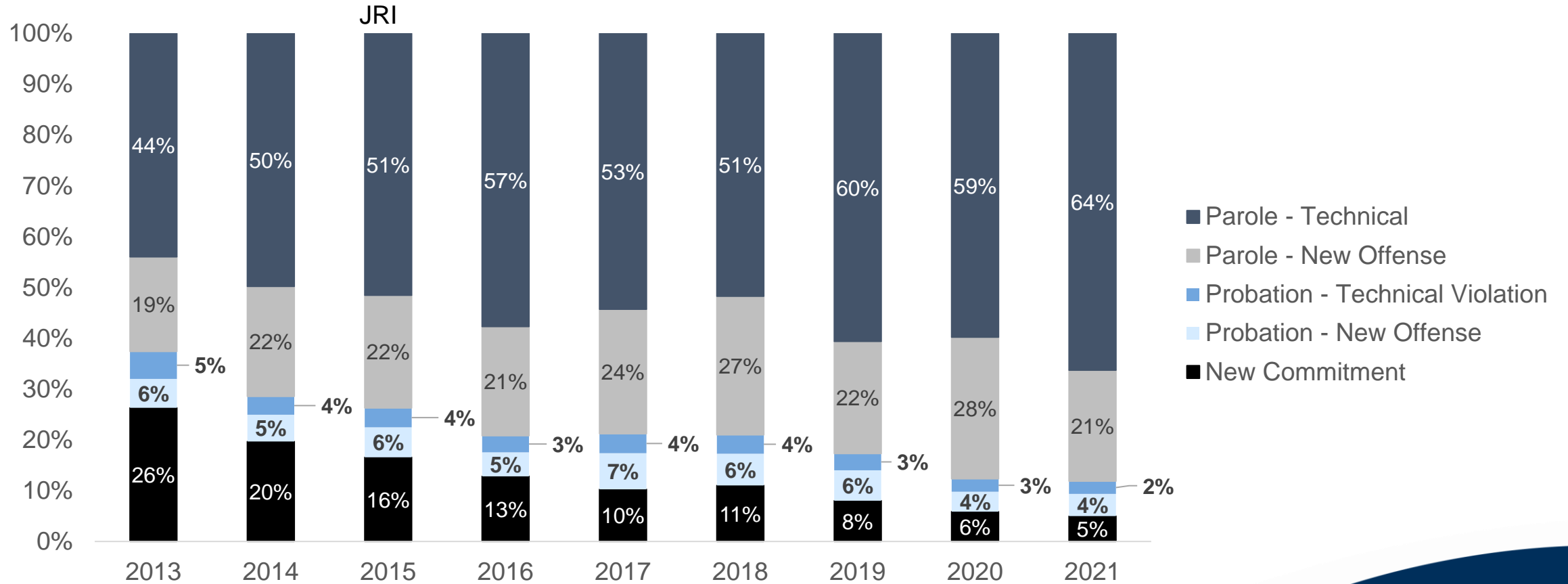
Over Half of All Admissions Have Consistently Recidivated



Data Source: Utah Department of Corrections

Parole Technical Violations Drive Prison Admissions for Recidivist Population

Admission Types for Prison Admissions Recidivists, 2013-2021



Data Source: Utah Department of Corrections

Stakeholder Interviews Regarding Recidivism

Findings:

- Recidivism is largely driven by individuals with unmet behavioral health needs and gaps in community services.
- The property crimes driving admissions are often intertwined with and driven by addiction.
- Reentry barriers such as housing, treatment, and transportation also significantly contribute to recidivism.

Research Question #2:

What is the impact of possession becoming a misdemeanor?

Changes To Drug Laws Resulting From JRI Process

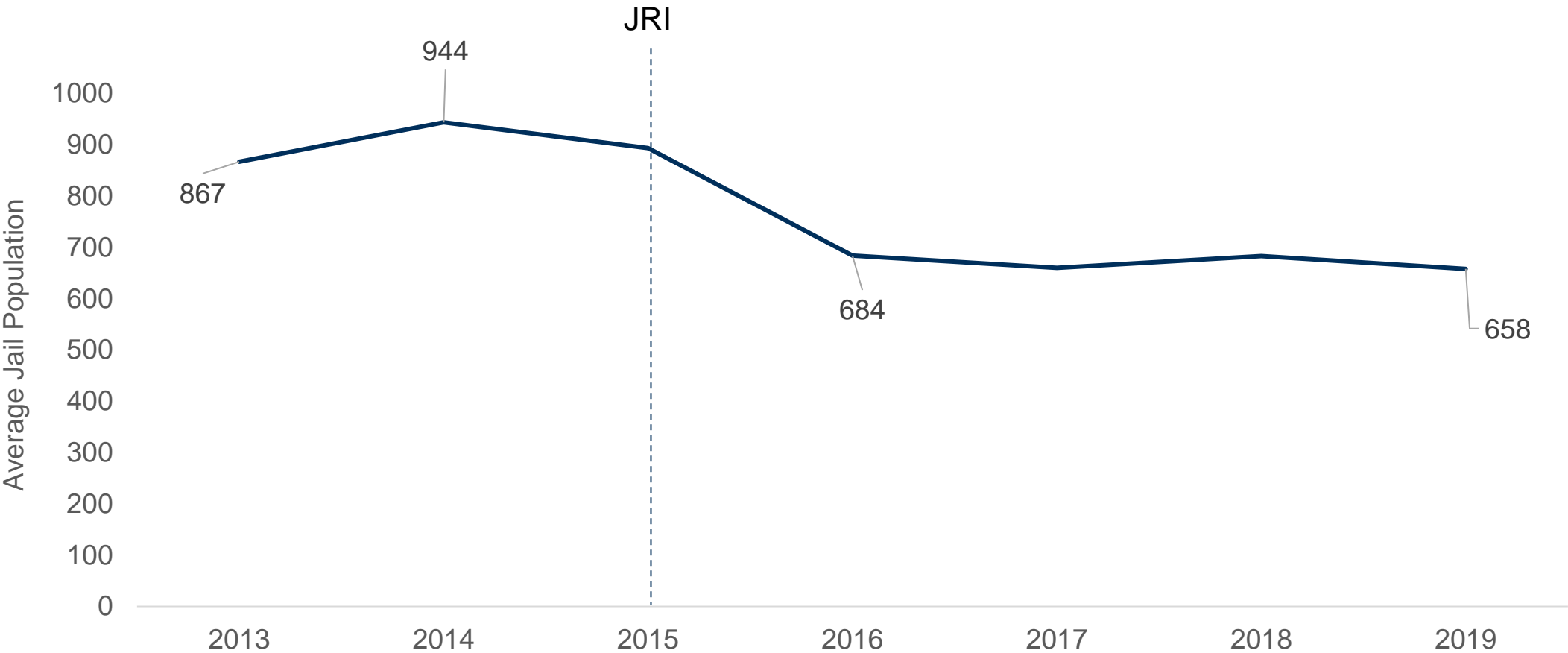
Possession of a Schedule I or II drugs is downgraded from a felony to a misdemeanor for the first two convictions.

Possession of fewer than 100 lbs. of Marijuana is downgraded from a Class A misdemeanor to a Class B misdemeanor for the first two convictions.

Reduction of the radius size in “drug-free zones” from 1,000 feet to 100 feet.

Jail Populations for Drug Offenses Decline Post-JRI

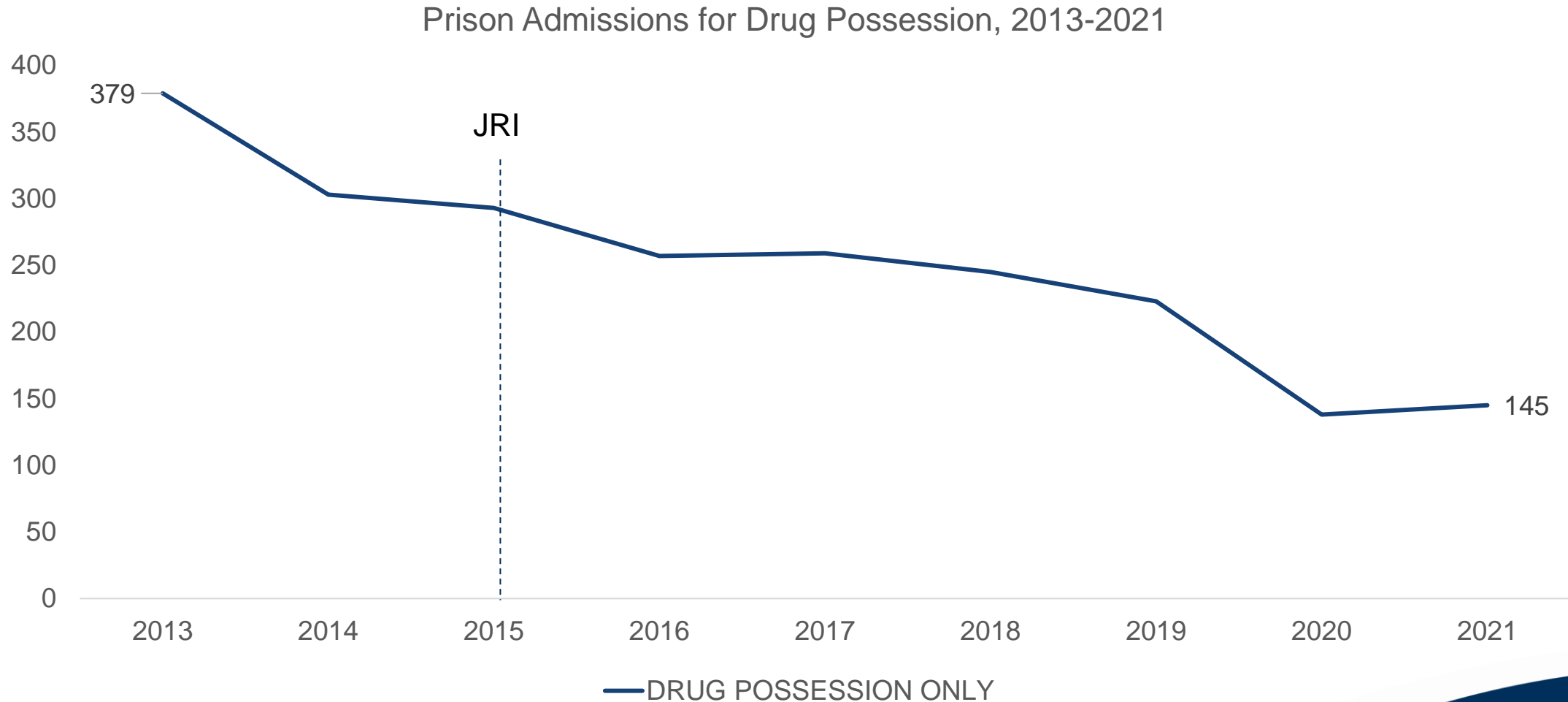
County Jail Trends for Drug Offenses across 6 Utah Counties, 2013-2019



Data Source: Utah Legislative Auditor General, 2020 Performance Audit Tableau Viz.
<https://public.tableau.com/app/profile/utah.legislative.auditor.general.s.office/viz>



Prison Admissions for Drug Possession Down 51% Since JRI⁰⁰⁰¹³²



Data Source: Utah Department of Corrections

Stakeholder Interviews Regarding Misdemeanor Possession

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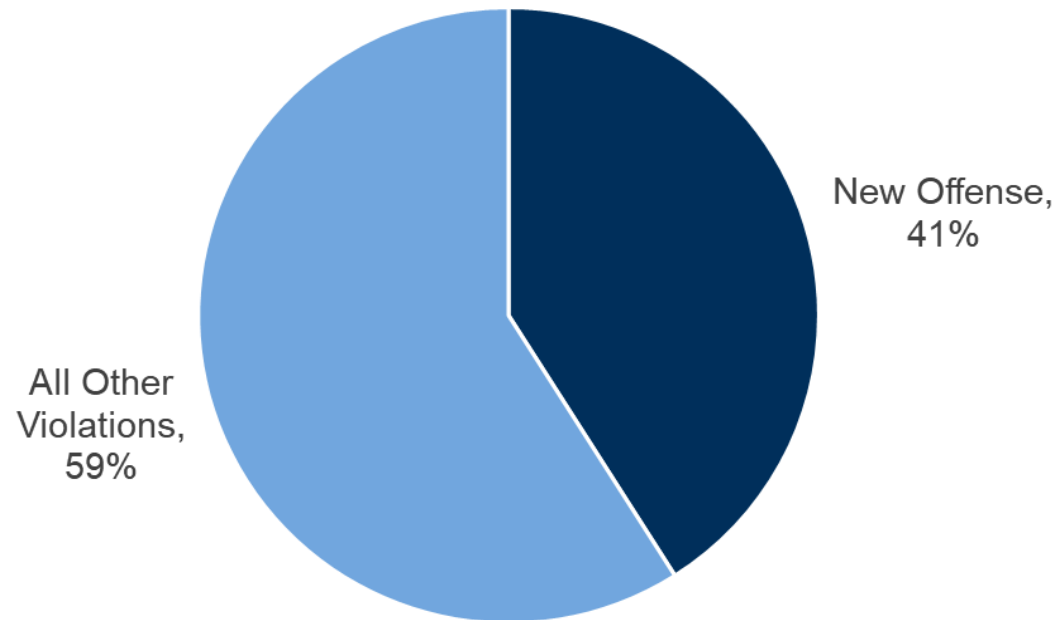
Findings:

- There was no post JRI subsequent surge to jail population.
- Interviews noted the JRI changes limited accountability for drug use and resulted in more re-arrests.
- The reclassification has led to concerns about jail resources and reduced state funding because individuals now serving misdemeanor time without any state reimbursement.
- There is limited misdemeanor supervision and support.

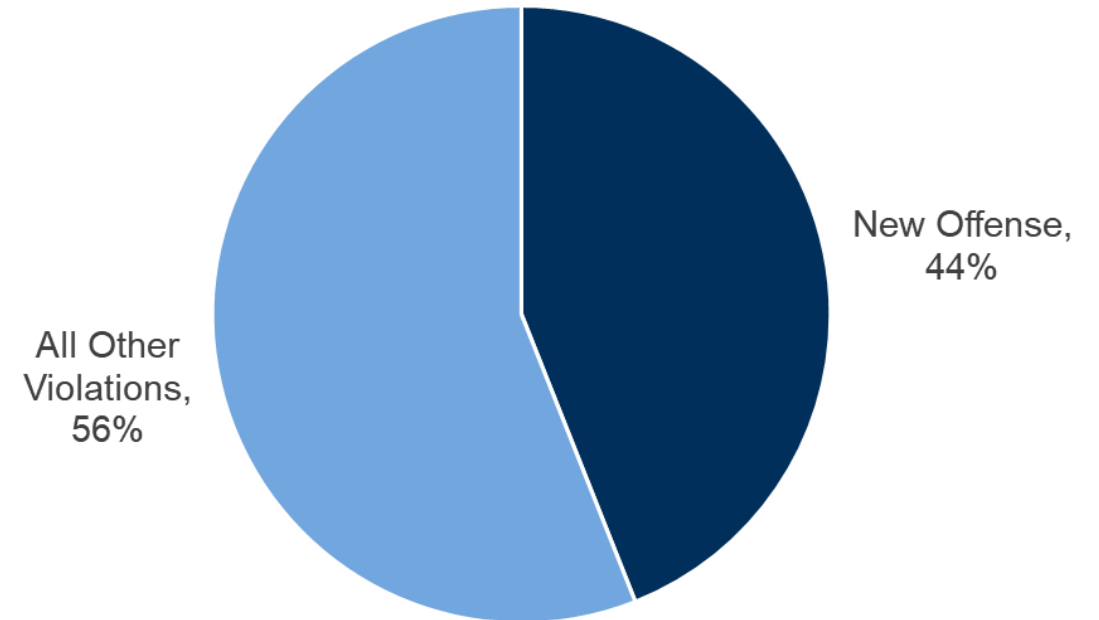
Research Question #3: What is driving community supervision revocations?

Majority of Parole Violations Are Not for New Offenses

Parole Violations, 2017



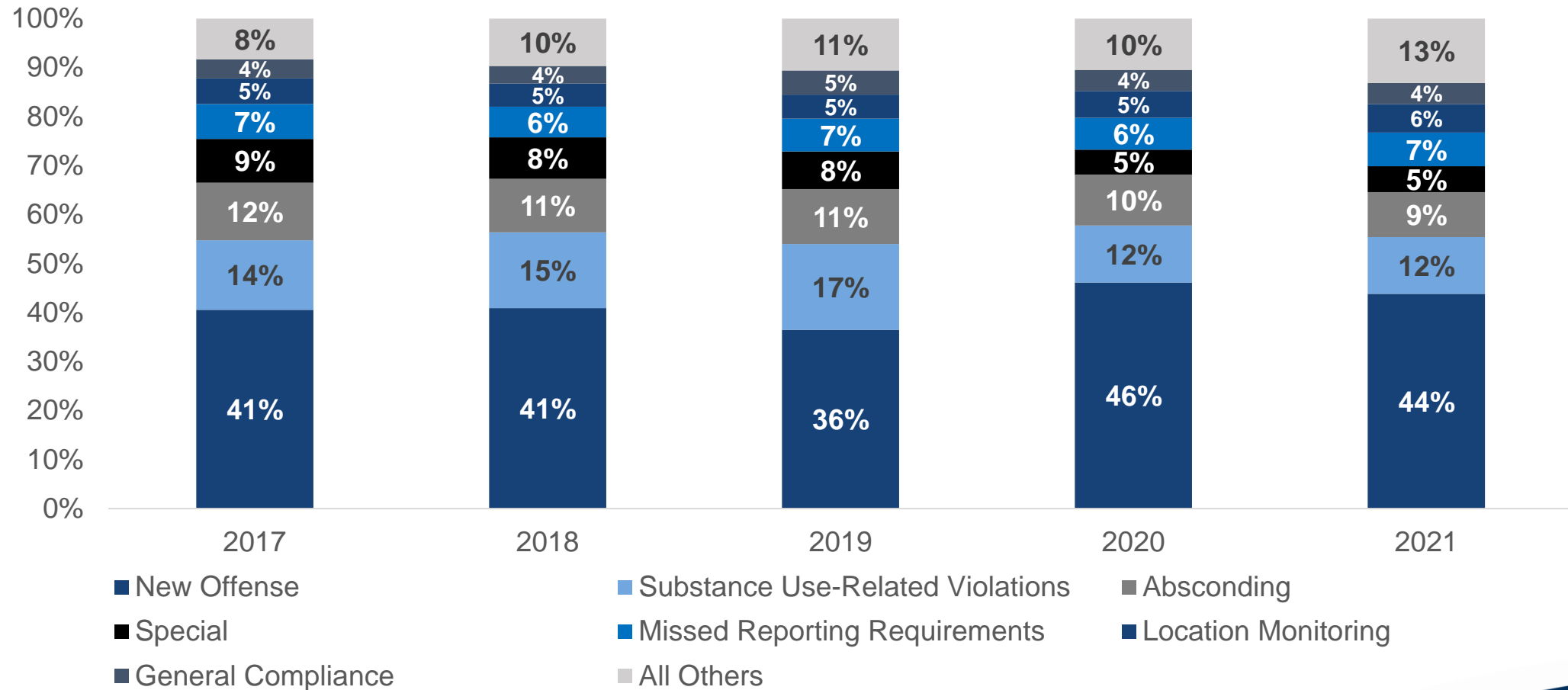
Parole Violations, 2021



Data Source: Utah Department of Corrections

Majority of Parole Violations Are Not for New Offenses

Most Frequently Cited Violation Categories - Parole, 2017-2021



Data Source: Utah Department of Corrections

Stakeholder Interviews on Community Supervision

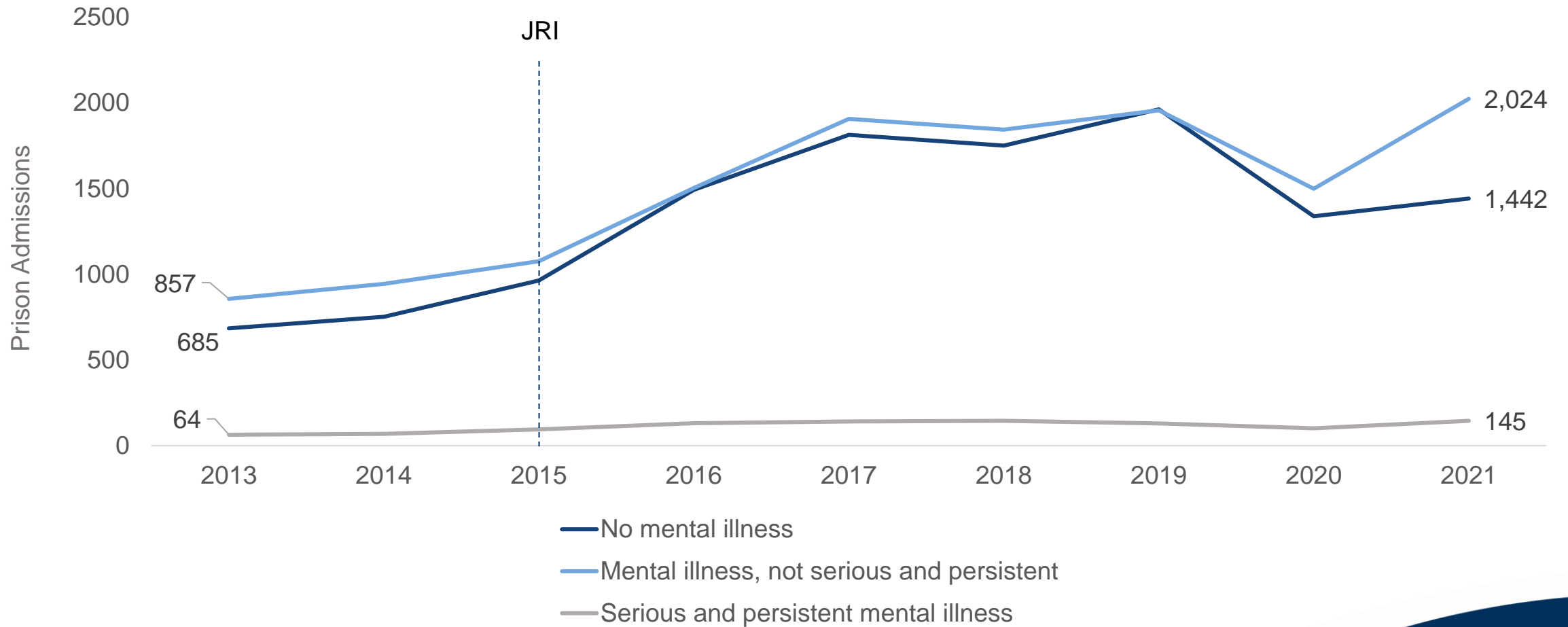
Findings:

- **Unmet treatment needs drive community supervision revocations.**
- **AP&P has evidence-based practices in policy but lacks quality control measures and fidelity monitoring.**
- **Response & Incentive Matrix (RIM) lacks guidance on steps agents can take to modify behaviors other than providing responses to misconduct.**
- **Lack of transitional housing is a major barrier to supervision success.**

Research Question #4: What are the behavioral health gaps?

Increased Prevalence of Mental Health Needs in Admissions

Prison Admissions by Mental Illness, 2013-2021



Data Source: Utah Department of Corrections

Pre-justice Involvement in the Community

Findings:

- There is a need for more targeted reinvestment of JRI savings into community treatment.
- Severe workforce shortages across the state are creating barriers to accessing care.
- There is a need for a range of services in each community, including detox facilities, outpatient, inpatient, and wraparound care. Some areas of the state have sufficient options in one of these types but not all.
- Interviews noted that treatment options need to address specific cultural barriers.

Contact with Law Enforcement and Emergency Services

Findings:

- There are limited partnerships between law enforcement and behavioral health specialists across the state, as well as a lack of training opportunities and resources to respond to individuals with a behavioral health need.
- Mobile Crisis Outreach Teams (MCOTS) are currently underutilized and not always accessible in rural areas of the state.
- Receiving Centers have proven to be a successful resource for stabilizing individuals in crisis, however they are only available for 24 hours and not accessible across the state.

Post Arrest Diversion Options

Findings:

- Other than Specialty Courts, there are limited alternatives to incarceration following an arrest for individuals with a behavioral health need across the state.
- There is no required training for the judiciary on interacting with individuals with behavioral health needs.
- While helpful to ensure a standard of care, some interviews noted that the existence of the JRI Provider List can create barriers to access to some providers.

Treatment in Jails and Prisons

Findings:

- Prisons and jails need more programming that targets all ranges of behavioral health needs, not just those with serious mental illnesses.
- Limited communication between supervision agents, the Prison Reentry Team, and case managers creates gaps for successful reentry.
- Lack of housing is a critical barrier for individuals with behavioral health needs, and significantly can prevent an approved release. Interviews noted a need to expand the bed capacity and locations of Community Correctional Centers to address this.

Support Once Released and on Supervision

Findings:

- **Community supervision agents have limited training on understanding and interacting with individuals who have behavioral health needs.**
- **Utah's Adult Probation and Parole (AP&P) agents inconsistently apply their role as case managers and their duty to address individuals' behavioral health needs.**
- **While helpful to avoid returns to prison for violations, Community Correctional Centers have limited bed space and are not located across the state.**

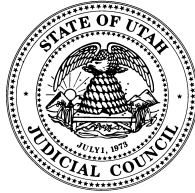
Overall Summary & Key Takeaways

- **RQ#1:** Returns to prison have not increased following JRI, but have increased since the pandemic
 - Returns to prison are predominantly parole technical violators and individuals convicted of property offenses
- **RQ#2:** Utah's jail populations have not experienced a significant population shift post-JRI
- **RQ#3:** The majority of returns to prison for parole violations are not for new offenses.
 - Of those technical violations, the majority stem from substance-use related conduct
- **RQ#4:** Significant gaps exist across the state to intervene, divert, and support individuals with a behavioral health need.

Questions?

This project was supported by Grant No. 2019-ZB-BX-K003 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Tab 6



Administrative Office of the Courts

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

July 7, 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

Following a 45-day public comment period, no public comments were received. The Policy, Planning and Technology Committee recommends that the following rules be approved as final with a *November 1, 2023* effective date.

CJA 4-202.03. Records access

CJA 4-202.05. Request to access an administrative record; research; request to classify an administrative record; request to create an index

The proposed amendments align the rules with Utah Code Sections [77-40a-403\(2\)\(b\)](#) and [77-40a-404](#), identifying individuals and entities who may access expunged records. Other amendments are non-substantive and intended to streamline the rules.

CJA 4-404. Jury selection and service

The proposed amendments add the option to email juror qualification forms and summonses to prospective jurors. If a qualification form is returned by the email provider as “undeliverable,” the form would then be mailed.

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 4-202.03. Records Access.**Intent:**

To identify who may access court records.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Public Court Records.** Any person may access a public court record.

(2) **Sealed Court Records.** ~~Otherwise, n~~No one may access a sealed court record except as authorized under (2)(A) and (2)(B) or by order of the court. A judge may review a sealed record when the circumstances warrant.

(2)(A) Adoption decree. An adoptive parent or adult adoptee may obtain a certified copy of the adoption decree upon request and presentation of positive identification.

(2)(B) Expunged records.

(2)(B)(i) The following may obtain certified copies of the expungement order and the case history upon request and in-person presentation of positive identification:

(2)(B)(i)(a) theA petitioner ~~in an expunged case or an individual who receives an automatic expungement under Utah Code Chapter 40a or Section 77-27-5.1;-~~

(2)(B)(i)(b) a law enforcement officer involved in the case, for use solely in the officer's defense of a civil action arising out of the officer's involvement with the petitioner in that particular case; and

(2)(B)(i)(c) parties to a civil action arising out of the expunged incident, if the information is kept confidential and utilized only in the action.

(2)(B)(ii) Information contained in expunged records may be accessed by qualifying individuals and agencies under Utah Code Section 77-40a-403 upon written request and approval by the state court administrator in accordance with Rule 4-202.05. Requests must include documentation proving that the requester meets the conditions for access and a statement that the requester will comply with all confidentiality requirements in Rule 4-202.05 and Utah Code.

(3) **Private Court Records.** The following may access a private court record:

(3)(A) the subject of the record;

(3)(B) the parent or guardian of the subject of the record if the subject is an unemancipated minor or under a legal incapacity;

(3)(C) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(3)(D) an interested person to an action under the Uniform Probate Code;

(3)(E) the person who submitted the record;

(3)(F) the attorney or licensed paralegal practitioner for a person who may access the private record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(3)(G) an individual with a release from a person who may access the private record signed and notarized no more than 90 days before the date the request is made;

(3)(H) anyone by court order;

(3)(I) court personnel, but only to achieve the purpose for which the record was submitted;

(3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(3)(K) a governmental entity with which the record is shared under Rule 4-202.10.

(4) Protected Court Records. The following may access a protected court record:

(4)(A) the person or governmental entity whose interests are protected by closure;

(4)(B) the parent or guardian of the person whose interests are protected by closure if the person is an unemancipated minor or under a legal incapacity;

(4)(C) the person who submitted the record;

(4)(D) the attorney or licensed paralegal practitioner for the person who submitted the record or for the person or governmental entity whose interests are protected by closure or for the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity or an individual who has a power of attorney from such person or governmental entity;

(4)(E) an individual with a release from the person who submitted the record or from the person or governmental entity whose interests are protected by closure or from the parent or guardian of the person if the person is an unemancipated minor or under a legal incapacity signed and notarized no more than 90 days before the date the request is made;

(4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to litigation in which the record is filed;

(4)(G) anyone by court order;

(4)(H) court personnel, but only to achieve the purpose for which the record was submitted;

(4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

(4)(J) a governmental entity with which the record is shared under Rule 4-202.10.

(5) Juvenile Court Social Records. The following may access a juvenile court social record:

- (5)(A) the subject of the record, if 18 years of age or over;
- (5)(B) a parent or guardian of the subject of the record if the subject is an unemancipated minor;
- (5)(C) an attorney or person with power of attorney for the subject of the record;
- (5)(D) a person with a notarized release from the subject of the record or the subject's legal representative dated no more than 90 days before the date the request is made;
- (5)(E) the subject of the record's therapists and evaluators;
- (5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;
- (5)(G) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;
- (5)(H) the Department of Human Services, school districts and vendors with whom they or the courts contract (who shall not permit further access to the record), but only for court business;
- (5)(I) court personnel, but only to achieve the purpose for which the record was submitted;
- (5)(J) a governmental entity with which the record is shared under Rule 4-202.10;
- (5)(K) the person who submitted the record;
- (5)(L) public or private individuals or agencies providing services to the subject of the record or to the subject's family, including services provided pursuant to a nonjudicial adjustment, if a probation officer determines that access is necessary to provide effective services; and
- (5)(M) anyone by court order.
- (5)(N) Juvenile court competency evaluations, psychological evaluations, psychiatric evaluations, psychosexual evaluations, sex behavior risk assessments, and other sensitive mental health and medical records may be accessed only by:
- (5)(N)(i) the subject of the record, if age 18 or over;
- (5)(N)(ii) an attorney or person with power of attorney for the subject of the record;
- (5)(N)(iii) a self-represented litigant, a prosecuting attorney, a defense attorney, a Guardian ad Litem, and an Attorney General involved in the litigation in which the record is filed;
- (5)(N)(iv) a governmental entity charged with custody, guardianship, protective supervision, probation or parole of the subject of the record including juvenile probation, Division of Child and Family Services and Juvenile Justice Services;
- (5)(N)(v) court personnel, but only to achieve the purpose for which the record was submitted;
- (5)(N)(vi) anyone by court order.

(5)(O) When records may be accessed only by court order, a juvenile court judge will permit access consistent with Rule 4-202.04 as required by due process of law in a manner that serves the best interest of the child.

(6) **Juvenile Court Legal Records.** The following may access a juvenile court legal record:

(6)(A) all who may access the juvenile court social record;

(6)(B) a law enforcement agency;

(6)(C) a children's justice center;

(6)(D) public or private individuals or agencies providing services to the subject of the record or to the subject's family;

(6)(E) the victim of a delinquent act may access the disposition order entered against the minor; and

(6)(F) the parent or guardian of the victim of a delinquent act may access the disposition order entered against the minor if the victim is an unemancipated minor or under legal incapacity.

(7) **Safeguarded Court Records.** The following may access a safeguarded record:

(7)(A) the subject of the record;

(7)(B) the person who submitted the record;

(7)(C) the attorney or licensed paralegal practitioner for a person who may access the record or an individual who has a written power of attorney from the person or the person's attorney or licensed paralegal practitioner;

(7)(D) an individual with a release from a person who may access the record signed and notarized no more than 90 days before the date the request is made;

(7)(E) anyone by court order;

(7)(F) court personnel, but only to achieve the purpose for which the record was submitted;

(7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05;

(7)(H) a governmental entity with which the record is shared under Rule 4-202.10; and

(7)(I) a person given access to the record in order for juvenile probation to fulfill a probation responsibility.

(8) Court personnel shall permit access to court records only by authorized persons. The court may order anyone who accesses a non-public record not to permit further access, the violation of which may be contempt of court.

(9) If a court or court employee in an official capacity is a party in a case, the records of the party and the party's attorney are subject to the rules of discovery and evidence to the same extent as any other party.

Effective: November 1, 2023

Rule 4-202.05. Request to access an administrative record; research; request to classify an administrative record; request to create an index.

Intent:

To establish the process for accessing an administrative court record, aggregate records and court records for the purpose of research.

Applicability:

This rule applies to court records associated with the administration of the judiciary, aggregate records and indexes, and requests to access non-public records for the purpose of research.

Statement of the Rule:

(1) Writing. ~~A request to access a public court record shall be presented in writing to the custodian of the record unless the custodian waives the requirement. A request to access a non-public court record to which a person is authorized access shall be presented in writing to the custodian of the record.~~ All requests under this rule must be presented in writing to the custodian of the record, unless the custodian waives the requirement. ~~written.~~ Requests shall contain the requester's name, email address, mailing address, daytime telephone number and a description of the record requested. If the record is a non-public record, the person making the request shall present identification.

(2) Private or protected records.

(2)(A) A request to access a private or protected court record, including aggregate records, to which the person is not authorized access shall be presented ~~in writing~~ to the state court administrator. The request shall ~~contain the requester's name, mailing address, daytime telephone number, a description of the record and~~ include a statement of facts, authority and argument in support of the request. If the state court administrator allows access, the state court administrator may impose any reasonable conditions to protect the interests favoring closure. The person making the request shall sign an agreement to be bound by the conditions.

(2)(B) Before allowing access to a private or protected record to someone not authorized access, the state court administrator shall mail-send notice of the request for access to any person whose interests are protected by closure and allow 10 business days for that person to submit a statement of facts, authority and argument in support of closure.

(2)(C) Research.

(2)(C)(i) The state court administrator may disclose non-public court records, including records associated with a case, ~~other than sealed records~~, for research purposes without the notice required in this rule if the state court administrator decides that the research is bona fide and cannot reasonably be completed without disclosure of the records, and the interests favoring the research are greater than or equal to the interests favoring closure. The state court administrator may not disclose sealed records unless the requester is authorized access under Rule 4-202.03.

(2)(C)(ii) If the state court administrator discloses non-public court records or a combination of public and non-public records ("records") for research purposes, the researcher shall sign a written statement acknowledging that violating the agreement may be grounds for criminal prosecution under Utah Code Section

63G-2-801. The agreement may include any reasonable condition to protect the interests favoring closure, including an agreement to:

(2)(C)(ii)(a) maintain the integrity, confidentiality and security of the records;

(2)(C)(ii)(b) return or destroy records from which a person can be identified as soon as the research has been completed;

(2)(C)(ii)(c) not include any individual's name or identifying information in any product of the research;

(2)(C)(ii)(d) where applicable, include a disclosure in any product resulting from the research that expunged records were used for research purposes;

(2)(C)(ii)(~~ee~~) not disclose the record, except for the purpose of auditing or evaluating the research and the auditor or evaluator agrees not to disclose the record;

(2)(C)(ii)(~~fd~~) use the record only for the described research;

(2)(C)(ii)(~~ge~~) indemnify the courts for any damages awarded as a result of injury caused by the research; and

(2)(C)(ii)(~~hf~~) if the research involves human subjects, comply with state and federal laws regulating research involving human subjects.

(2)(C)(iii) A request to access a court record under this rule is also governed by Rule 4-202.06 and Rule 4-202.07.

(3) **Requests to classify a record.** A request to classify a court record as private or protected shall be presented ~~in-writing~~ to the state court administrator. The request shall ~~contain-include~~ the relief sought and a statement of facts, authority and argument in support of the request. The state court administrator may deny access to the record until the determination is entered.

(4) **Factors.** In deciding whether to allow access to a court record or whether to classify a court record as private or protected, the decision maker may consider any relevant factor, interest or policy presented by the parties, including but not limited to the interests described in Rule 4-202.

(5) **Index.** A request to identify a data element as an index shall be presented ~~in-writing~~ to the state court administrator. The request shall ~~contain-include~~ the relief sought and a statement of facts, authority and argument in support of the request. The state court administrator shall present the request to the Management Committee, which shall consider the request in the same manner as provided for appeals in Rule 4-202.07.

Effective: ~~November~~April 1, 2023~~13~~

Rule 4-404. Jury selection and service.**Intent:**

To identify the source lists from which the master jury list is built.

To establish a uniform procedure for jury selection, qualification, and service.

To establish administrative responsibility for jury selection.

To ensure that jurors are well informed of the purpose and nature of the obligations of their service at each stage of the proceedings.

Applicability:

This rule shall apply to all trial courts.

Statement of the Rule:**(1) Master jury list and jury source lists; periodic review.**

(1)(A) The state court administrator shall maintain for each county a master jury list as defined by the Utah Code.

(1)(B) The master jury list for each county shall be a compilation of the following source lists:

(1)(B)(i) driver licenses and identification cards for citizens of the United States 18 years of age and older from the Drivers License Division of the Department of Public Safety; and

(1)(B)(ii) the official register of voters from the Elections Division of the Office of the Lt. Governor.

(1)(C) The Judicial Council may use additional source lists to improve the inclusiveness of the master jury list for a county.

(1)(D) At least twice per year the state court administrator shall obtain from the person responsible for maintaining each source list a new edition of the list reflecting any additions, deletions, and amendments to the list. The state court administrator shall renew the master jury list for each county by incorporating the new or changed information.

(1)(E) The master jury list shall contain the name, address, and date of birth for each person listed and any other identifying or demographic information deemed necessary by the state court administrator. The state court administrator shall maintain the master list on a data base accessible to the district courts and justice courts of the state.

(1)(F) The state court administrator shall compare the number of persons on each master jury list for a county with the population of the county 18 years of age and older as reported by the Economic and Demographic Data Projections published for the year by the Office of Planning and Budget. The state court administrator shall report the comparison to the Judicial Council at its October meeting during even numbered years. The sole purpose of this report is to improve, if necessary, the inclusiveness of the master jury list.

(2) Term of service and term of availability of jurors.

(2)(A) The following shall constitute satisfactory completion of a term of service of a juror:

(2)(A)(i) serving on a jury panel for one trial whether as a primary or alternate juror regardless of whether the jury is called upon to deliberate or return a verdict;

(2)(A)(ii) reporting once to the courthouse for potential service as a juror;

(2)(A)(iii) except for a juror living in a county of the fourth, fifth, or sixth class or a county of the third class with populations up to 75,000, complying with a summons as directed, even if not directed to report to the courthouse; or

(2)(A)(iii) expiration of the term of availability.

(2)(B) The term of availability of jurors shall be as follows, unless a shorter term is ordered by the court:

(2)(B)(i) one month for the trial courts of record in Salt Lake county;

(2)(B)(ii) three months for the trial courts of record in Davis, Utah, and Weber counties; and

(2)(B)(iii) six months for all other courts.

(3) Random selection procedures.

(3)(A) Random selection procedures shall be used in selecting persons from the master jury list for the qualified jury list.

(3)(B) Courts may depart from the principle of random selection in order to excuse or postpone a juror in accordance with statute or these rules and to remove jurors challenged for cause or peremptorily.

(4) Qualified jury list.

(4)(A) For each term of availability as defined above, the state court administrator shall provide, based on a random selection, to the court the number of jurors requested by that court. This shall be the list from which the court qualifies prospective jurors. The names of prospective jurors shall be delivered to the requesting court in the random order in which they were selected from the master jury list. The court shall maintain that random order through summons, assignment to panels, selection for voir dire, peremptory challenges, and final call to serve as a juror; or the court may rerandomize the names of jurors at any step.

(4)(B) For each term of availability the court should request no more than the number of prospective jurors reasonably calculated to permit the selection of a full jury panel with alternates if applicable for each trial scheduled or likely to be scheduled during the term. The number of prospective jurors requested should be based upon the size of the panel plus any alternates plus the total number of peremptory challenges plus the anticipated number of prospective jurors to be postponed, excused from service or removed for cause less the number of jurors postponed to that term.

(4)(C) The clerk of the court shall sendmail to each prospective juror a qualification form. The prospective juror shall file the answers to the questions with the clerk within ten days after it is received. The state court administrator shall develop a uniform form for

use by all courts. In addition to the information required by statute, the qualification form shall contain information regarding the length of service, and procedures and grounds for requesting an excuse or postponement.

(4)(D) If a prospective juror is unable to complete the answers, they may be completed by another person. The person completing the answers shall indicate that fact.

(4)(E) If the clerk determines that there is an omission, ambiguity, or error in the answers, the clerk shall return the form to the prospective juror with instructions to make the necessary addition, clarification, or correction and to file the answers with the clerk within ten days after it is received.

(4)(F) The clerk shall review all answers and record the prospective juror as qualified or disqualified as defined by statute.

(4)(G) The clerk shall notify the state court administrator of any determination that a prospective juror is not qualified to serve as a juror, and the state court administrator shall accordingly update the master jury list.

(4)(H) A prospective juror whose qualification form is returned by the email provider as "undeliverable" shall have a qualification form mailed to them. A prospective juror whose qualification form is returned by the United States Postal Service as "undeliverable," or "moved - left no forwarding address," or "addressee unknown," or other similar statement, shall not be pursued further by the clerk. The clerk shall notify the state court administrator who shall accordingly update the master jury list.

(4)(I) If a prospective juror fails to respond to the qualification questionnaire and the form is not returned by the U.S. Postal Service as undeliverable, the clerk shall mail the qualification form a second time with a notice that failure to answer the questions may result in a court order requiring the prospective juror to appear in person before the clerk to complete the qualification form. If a prospective juror fails to answer the questions after the second mailing, the qualification form and a summons may be delivered to the sheriff for personal service upon the prospective juror. The summons shall require the prospective juror to answer the questions and file them with the court within ten days or to appear before the clerk to prepare the form. Any prospective juror who fails to answer the questions or to appear as ordered shall be subject to the sanctions set forth in the Utah Code.

(5) Excuse or postponement from service.

(5)(A) No competent juror is exempt from service.

(5)(B) Persons on the qualified juror list may be excused from jury service, either before or after summons, for undue hardship, public necessity or because the person is incapable of jury service under the Utah Code. The court shall make reasonable accommodations for any prospective juror with a disability. Excuse from jury service satisfies the prospective juror's statutory service obligation.

(5)(C) A prospective juror may be postponed to later in the term or to a future term for good cause.

(5)(D) Without more, being enrolled as a full or part-time post-high school student is not sufficient grounds for excuse from service.

(5)(E) Disposition of a request for excuse from service or postponement may be made by the judge presiding at the trial to which panel the prospective juror is assigned, the presiding judge of the court, or the judge designated by the presiding judge for that purpose. The presiding judge may establish written standards by which the clerk may dispose of requests for excuse from service or postponement.

(6) Summons from the qualified jury list.

(6)(A) After consultation with the judges or the presiding judge of the court, the clerk shall determine the number of jurors needed for a particular day. The number of prospective jurors summoned should be based upon the number of panels, size of the panels, any alternates, the total number of peremptory challenges plus the anticipated number of prospective jurors to be postponed, excused from service or removed for cause. The clerk shall summon the smallest number of prospective jurors reasonably necessary to select a trial jury.

(6)(B) The judge may direct that additional jurors be summoned if, because of the notoriety of the case or other exceptional circumstances, the judge anticipates numerous challenges for cause.

(6)(C) Juror summons.

(6)(C)(i) The summons may be served by first class mail or email delivered to the address provided on the juror qualification form or by telephone.

(6)(C)(ii) ~~Mailed~~^{The} ~~summonses~~ shall be on a form approved by the state court administrator. The summons may direct the prospective juror to appear at a date, time, and place certain or may direct the prospective juror to telephone the court for further information. The summons shall direct the prospective juror to present the summons for payment. The summons may contain other information determined to be useful to a prospective juror.

(6)(C)(iii) If summons is made by telephone, the clerk shall follow the procedures of paragraph (9) of this rule.

(7) Assignment of qualified prospective jurors to panels. Qualified jurors may be assigned to panels in the random order in which they appear on the qualified jury list or may be selected in any other random order. If a prospective juror is removed from one panel, that prospective juror may be reassigned to another panel if the need exists and if there are no prospective jurors remaining unassigned.

(8) Selection of prospective jurors for voir dire. Qualified jurors may be selected for voir dire in the random order in which they appear on the qualified jury list, or may be selected in any other random order.

(9) Calling additional jurors. If there is an insufficient number of prospective jurors to fill all jury panels, the judge shall direct the clerk to summon from the qualified jury list such additional jurors as necessary. The clerk shall make every reasonable effort to contact the prospective jurors in the order listed on the qualified jury list. If after reasonable efforts the clerk fails to contact a juror, the clerk shall attempt to contact the next juror on the list. If the clerk is unable to obtain a sufficient number of jurors in a reasonable period of time, the court may use any lawful method for acquiring a jury.

Effective: November 1, 20~~23~~¹⁶

Tab 7



Administrative Office of the Courts

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

July 10, 2023

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

MEMORANDUM

TO: Judicial Council

FROM: Ron Gordon, State Court Administrator

RE: FY22 Ongoing Turnover Savings and FY23 Ongoing Fiscal Note Funds Report

During the [August 2021](#) Annual Budget Meeting, the AOC agreed to provide the Judicial Council with an annual spending summary of projects funded by the Council with ongoing turnover savings or carryforward funds, including what the Council allocated and how those funds were spent. Below is the report of how approved requests for FY22 Ongoing Turnover Savings were used. Requests funded with FY23 fiscal note funds are also included. A report on the use of FY22 carryforward funds will be provided to the Council in August.

Targeted Market Pay Adjustments - \$100,000

This provided salary increases to 14 employees whose salaries were considerably under market and who were at risk of leaving the judiciary. These funds helped us retain valuable talent.

Clerk of Court Salary Increase - \$59,000

With these funds, we provided an additional 6% salary increase to clerks of court for FY23 (in addition to the COLA for a total increase of 9.7%). This increase addressed the compression created by the significant salary increase for all clerical positions in FY23. The salary increase

was unexpected for clerks of court and very much appreciated by this hardworking group of employees.

Public Outreach Coordinator - \$120,000

The Public Outreach Coordinator has made significant contributions to the work of the Judiciary. A sampling of the work the Coordinator has completed within this past year includes:

- Coordinating the Courts' participation in over 15 community events, such as University Neighborhood Partners in the Park, Muslim Heritage Festival, Neighborhood House Summer Celebration, Utah Pride Festival, Ogden Juneteenth Celebration, Utah Asian Festival, Governor's Native American Summit, and Pacific Island Heritage Month Kickoff;
- Organizing over 50 school visits in which judicial officers visited K-12 students to discuss topics such as civics education, the role of the Judiciary, as well as careers in the law and the Judiciary;
- Organizing and participating in a variety of community conversations and presentations, such as the Pacific Island Knowledge 2 Action Resources' (PIK2AR) Community Health Worker Conversation and Mexican Consulate of Salt Lake City's Labor Rights Week;
- Collaborating with organizations such as the Utah State Bar and the Hinckley Institute of Politics to create opportunities for students to learn more about the Judiciary through events like Constitution Day and the Huntsman Seminar; and
- Hosting court tours.

By funding this position, the Judicial Council signaled to our community partners that the Courts are committed to advancing the mission of the Courts as well as continuing genuine engagement and developing mutual trust. When the position was funded some of these partners reached out to express their appreciation. Funding the position alone created an impact that has been felt on-going with the community.

Partial Restoration of FY21 Budget Cuts - \$112,500

This funding provided a partial restoration of the cuts made to the Judiciary's FY 21 budget by the Legislature. The Legislature cut our budget by \$653,000. This funding restored some the most critical portions of those cuts including training, office supplies, maintenance of motor pool vehicles, and professional and technical services.

District Court Law Clerk Attorney - \$95,850

The Fifth District used these funds to hire a much-needed additional law clerk attorney. With the addition of this position in the Fifth District, a law clerk attorney position previously shared by the Fourth District and Fifth District is now used exclusively by the Fourth District. So, this funding essentially added .5 FTE law clerk attorney to both the Fourth District and Fifth District.

Both districts report that the additional .5 FTE law clerk attorney has had a significant impact on their ability to meet the needs of their judges.

Associate General Counsel - \$150,000

The General Counsel's Office supports approximately 1030 court employees and 239 judges. Four attorneys staff 9 committees and are members of an additional three. Among other things, Office duties include: providing general legal advice and counsel; training on a variety of legal and ethical issues; contract negotiation, review, and drafting; ADA coordination for court patrons and attorneys; policy review and drafting; reviewing and processing court records requests; drafting formal legal opinions; litigation; EEOC complaints and Department of Justice investigations; and providing counsel on employee discipline and internal judicial conduct complaints.

On average, the Office receives 100 legal requests per month. That number does not include committee work or training sessions. Some requests can be resolved quickly, others take weeks or months of work and often involve coordination with other departments. Before receiving funding from the Judicial Council to hire a fourth attorney, each attorney was staffing 3 committees, participating as a member of 1 committee, and handling approximately 33 legal requests per month. With a fourth attorney, committee staffing duties have been reduced and each attorney is down to approximately 25 legal requests per month.

Not only has the reduction in workload improved retention and work-life balance, but the Office is now able to engage in projects that would not otherwise have been possible. These projects include:

- Create a Legal Department intranet webpage (with customized content)
 - FAQs and How-To articles: What to do if you get a subpoena; What to do if you get a records request; Etc.
 - Links to ethics opinions and training documents (Judicial & Employee)
 - Education
- Update Annotated Code of Judicial Conduct & Ethics Advisory Opinions
 - This is an incredibly useful source of information for judges and it has not been updated since 2015
 - Conduct a comprehensive review and add notations regarding outdated or related opinions
- Education
 - Review and update existing training materials
 - Identify gaps in training (e.g., ADA) and work with the Judicial Institute to develop curriculum

- General Counsel Opinions
 - General Counsel opinions going back to the mid-1990's are posted on the Intranet
 - Court employees (particularly the finance and audit departments) rely on those opinions, but the opinions are not monitored or updated by the General Counsel's Office
 - Review and either update or archive outdated opinions

4 Judicial Assistants to Implement HB 143 - \$320,000

The 4 new JA positions from 2022 HB 143 were combined with 3 JA positions from 2021 HB 260 that became available on July 1, 2022. The 7 FTE positions were distributed as follows to assist with collections, the increase in DUI cases, and Rule 100A.

1st District -	0.5 FTE
2nd District -	1.0 FTE
3rd District -	2.0 FTE
4th District -	1.0 FTE
5th District -	1.0 FTE
6th District -	0.5 FTE
7th District -	0.5 FTE
8th District -	0.5 FTE
Total	7.0 FTE

The impacts of HB 143 alone are significant. These JAs are assisting with the 2nd offense DUI charges that were previously class B misdemeanors and are now class A misdemeanors. That amounts to over 1000 new filings in the district courts.

Pre-fund Portion of FY 23 Annual Performance Raises - \$150,000

This helped fund the annual performance raises that are part of the new performance pay system in the Judiciary. The total amount allocated by the Council for performance raises with FY23 money for the FY24 year was \$635,000. 319 employees received increases from these funds. The average increase was \$.72/hour.

Pre-fund Portion of FY23 Hotspot Funds - \$82,000

This helped fund hotspot raises during FY23. The Judicial Council allocated a total of \$200,000 for hotspot raises. Those funds are used to address salary inequities unrelated to performance and to assist with recruiting and retaining top talent. During FY23, the hotspot funds provided increases for 33 employees, helping us to maintain a high quality workforce.

HR Compensation and Classification Manager - \$120,000

BACKGROUND

On June 27, 2022, the Judicial Council [approved](#) a [request](#) to fund a Manager position in the Human Resources Department to help address ongoing employee compensation and job classification functions and enable the Department to better support the mission of the Courts in other areas of need. The purpose of this document is to report good news back to the Judicial Council: results so far, continued plans, and anticipated future impacts.

RECRUITMENT & SELECTION OF HR MANAGER

The HR Department conducted a nationwide search for a qualified candidate experienced in job classification and employee compensation. The recruitment yielded an excellent pool of candidates from multiple states. On September 19, 2022, Tina Sweet was appointed to the position, bringing a wealth of skills and more than 20 years of experience with her from other Utah government agencies.

JOB CLASSIFICATION


The Judicial Branch uses about 140 different job classifications, or job families, to accomplish its work. All judicial branch employees work in positions classified to one of those 140 job descriptions. When the HR Manager began her work last September, only a tiny fraction of these job descriptions contained reliable knowledge, skills, and abilities (KSAs) required to perform the work. Nor was there any record benchmarking judicial branch jobs to the job market.

An excerpt from the Department's request last year to the Judicial Council stated, "Analyses to determine competitive employee compensation relating to the local job market begin with job classification." Later on, it continues with, "The job classification system and function at the judicial branch is broken. Job descriptions are woefully outdated and often reveal large flags between existing job descriptions and work actually performed. This results in similarly massive disconnects between the salary ranges of judicial branch jobs in comparison to the local job market, leading to widespread and systematic compensation dysfunction."

HR Manager Tina Sweet could see a daunting amount of work clearly cut out for her, and she dived in head first by organizing and prioritizing tasks, meeting extensively with district leadership and administrative office directors, and so forth - to get a better understanding of judicial branch job families and how they all work together. Only 10 months later, and to our knowledge for the first time in Utah's judicial branch HR history, the vast majority of the 140

job descriptions in use today have been analyzed and updated to HR industry standards including comprehensive records of required KSAs and benchmarks to local labor market data.

The screenshot below offers a glimpse into some of the work completed so far. It displays data extracted from jobdesc.utah.gov, excluding non judicial branch jobs by using the job category “Courts.” On the right, you will now see populated data under the “O*NET-SOC Code” field, which refers to the system used by the Bureau of Labor Statistics (BLS) organizing the work done in the United States by approximately 1,000 occupational categories. These data are among the key elements used by our executive and legislative branch partners to compare current employee salary rates and ranges with local labor market data. The data have historically been sufficiently compelling to help those agencies succeed in targeted compensation requests with the Legislature. But until recently, none of our job descriptions were benchmarked to local labor market data with O*NET SOC Codes, crippling similar efforts to secure targeted Legislative compensation funding.



division of

Human Resource Management

Job Description Search

Search By

Job descriptions can be looked up by entering a specific Job ID, Job Title and/or Job Category or O*NET-SOC code.

Job ID

- OR -

Job Title

Job Category

O*NET-SOC Code i

Viewing 1 - 141 of 141 Jobs

Sort By ▼

Job ID	Job Title	Salary Range	O*NET-SOC Code	
10018	Appellate Court Coordinator	\$23.54 - \$36.56	11-3131.00	>
10042	Juvenile Justice Education Program Coordinator	\$27.27 - \$40.97	11-9199.00	>
10245	Business Analyst	\$23.28 - \$40.07	15-2051.01	>
10436	Information Technology Supervisor	\$35.82 - \$58.32	15-2051.01	>
10440	Human Resource Manager	\$34.86 - \$56.05	11-3121.00	>
10452	IT Software Tester	\$23.28 - \$40.07	15-1253.00	>
10455	Finance Officer IV	\$26.70 - \$40.54	13-2051.00	>
10459	Network Engineer	\$33.08 - \$44.99	15-1299.08	>
10476	Business Analyst - Exempt	\$23.28 - \$40.07	15-2051.01	>
10478	Systems Administrator	\$33.08 - \$44.99	15-1244.00	>
10483	Justice Court Education Coordinator	\$27.27 - \$40.97	13-1151.00	>
10485	Marketing and Outreach Manager	\$29.11 - \$29.11		>
10504	Deputy Probation Officer	\$15.76 - \$29.40	21-1092.00	>
10506	Deputy Probation Officer Supervisor	\$21.83 - \$32.77	21-1092.00	>

Additionally, many worrisome problems the HR Department identified to the Judicial Council last year such as missing or inaccurate Fair Labor Standards Act (FLSA) exemption designations and largely absent identifications of essential/marginal tasks as recommended by the Equal

Employment Opportunity Commission (EEOC) have either been resolved already or are currently underway.

Furthermore, the HR Manager identified a glaring omission in nearly every judicial branch position description: only a tiny fraction had any record designating the position as career service or at-will, as required by [Rule 3-402\(3\)\(A\)](#). This required a large scale project of research and documentation to fix, but as of July 2023, all position descriptions are now in compliance with the rule. Not only is this important for rule compliance, but also for effective management of judicial branch staff due to important nuances between career service and at-will status. Employees can now even verify their own position's status on [published org charts](#) if they so desire - the position's working title includes "AW" for at-will and "CS" for career service.

STAKEHOLDER PARTNERSHIP

HR Manager Tina Sweet has also adeptly negotiated partnerships with key executive branch stakeholders in the State's Division of Human Resource Management (DHRM). This has resulted in a breakthrough achievement: for the first time, the judicial branch HR Department has gained access to statewide salary survey data sharing across all state agencies. This will undoubtedly prove to be critical to the success of future requests from the judicial branch to the legislature for targeted employee compensation.

LEADERSHIP TRAINING AND MANAGER TOOLS

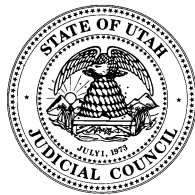
The HR Manager has also developed and refined manager education and position analysis tools such as those published [here](#). She also recently developed and delivered job classification & employee compensation training to managers in all Court levels. Information about the various compensation tools now available to managers have never been as transparently communicated or widely available as they now are [in this Compensation Tools for Supervisors](#) page.

FUTURE PLANS

This is only a summary of major milestones so far, rather than an exhaustive description. The HR Department still has a lot of work to do with salary ranges, local labor market data, and a practical sync of that data and logical organization structure. Plenty of need still exists for improved tools and education to management on compensation strategies and how they align with effective performance management. Business casing legitimate judicial branch needs with relevant data and compelling arguments getting closer to being ahead of needs rather than lagging woefully behind and working too often in crisis-mode are at the forefront of our attention as we move these efforts forward. We are grateful for the careful, meaningful consideration from the Judicial Council to fund this position and the continued support to improve employee morale.

Tab 8

Agenda



Administrative Office of the Courts

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

July 11, 2023

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

MEMORANDUM

TO: Judicial Council

FROM: Shane Bahr, District Court Administrator

RE: Certification of Court Commissioners

A. COURT COMMISSIONER REAPPOINTMENTS

The court commissioner evaluation and retention processes are governed by the following Utah Code of Judicial Administration rules:

- [Rule 3-111](#): governs court commissioner evaluations.
- [Rule 3-201](#): governs the retention of court commissioners.

The Judicial Council is responsible for recertifying court commissioners whose terms expire December 31. The following court commissioners are up for recertification and are seeking retention:

Court Commissioners:

Last_Name	First_Name	Salute	Court	Geographic Division	Term Start	Term End
Conklin	Catherine S.	Commissioner	District Court	Second Judicial District	1/1/2020	12/31/2023
Sagers	Joanna B.	Commissioner	District Court	Third Judicial District	1/1/2020	12/31/2023
Wilson	Christina	Commissioner	District Court	First and Second Judicial Districts	1/1/2020	12/31/2023

The Judicial Council shall determine whether the court commissioners meet the standard of performance as provided in Rule 3-111.

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

According to the information from the self-declaration form, surveys and annual performance evaluations, Commissioner Conklin, Commissioner Sagers, and Commissioner Wilson meet the standard performance standards in the following areas:

- Survey scores
- Judicial education records
- Self-declaration
- No formal or informal sanctions
- Performance evaluations

The commissioners seeking recertification do not have complaints pending before the Commissioner Conduct Commission and all public comments will be provided to the Judicial Council. The certification process is outlined in more detail below.

B. THE COMMISSIONER CERTIFICATION PROCESS

You may consider the information regarding each court commissioner in an executive session, but your decision of whether to certify must be made at a public hearing.

If a court commissioner meets all the certification standards, it is presumed that the Council will certify the individual for retention. If the court commissioner fails to meet all the standards, it is presumed you will not certify the individual. However, the Council has the discretion to overcome a presumption against certification upon a showing of good cause. Before declining to certify a commissioner, you must invite him or her to meet with you to present evidence and arguments of good cause. If you decline to certify a court commissioner, the person will not be retained after the end of his or her term of office.

Any court commissioner you certify will be sent to the judges of the commissioner's district for decision. Retention is automatic unless the judges decide not to retain.

C. PERFORMANCE STANDARDS FOR COMMISSIONERS

i. Attorney Survey of Court Commissioners

A satisfactory score for an attorney survey question is achieved when the ratio of favorable responses is 70% or greater. A court commissioner's performance is satisfactory if at least 75% of the questions have a satisfactory score; and the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

ii. Cases Under Advisement

A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the court commissioner for final determination. The Council shall measure satisfactory performance by the self-declaration of the court commissioner or by reviewing the records of the court.

A court commissioner in a trial court demonstrates satisfactory performance by holding:

- no more than three cases per calendar year under advisement more than 60 days after submission; and
- no case under advisement more than 180 days after submission.

iii. Education

Court commissioners must comply annually with judicial education standards, which is at least 30 hours of continuing education per year.

iv. Substantial Compliance with the Code of Judicial Conduct

A commissioner's performance is satisfactory if the commissioner's response in their self-declaration form demonstrate substantial compliance with the Code of Judicial Conduct, and if the Council's review of formal and informal sanctions leads you to conclude the commissioner is in substantial compliance with the Code of Judicial Conduct.

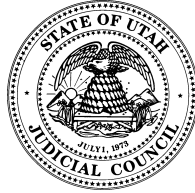
v. Physical and Mental Competence

If the response of the court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct, the commissioner's performance is satisfactory.

vi. Performance Evaluations of Commissioners

Performance evaluations are required annually for all court commissioners. The presiding judge is to provide a copy of each commissioner evaluation to the Judicial Council.

Tab 9



Administrative Office of the Courts

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

July 9, 2023

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

MEMORANDUM

TO: Judicial Council

FROM: Neira Siaperas, Deputy State Court Administrator

RE: Senior Judge Certification for Reappointment

Code of Judicial Administration Rules

The following Code of Judicial Administration rules are relevant to appointment and reappointment of senior judges:

[CJA Rule 11-201](#) Senior Judges and [CJA Rule 11-203](#) Senior Justice Court Judges establish the qualifications, terms, authority, appointment, and assignment for senior judges.

[CJA Rule 3-111](#) Performance Evaluation of Active Senior Judges and Court Commissioners establishes the criteria and standards for performance evaluations.

Active and Inactive Senior Judges

There are currently 32 active and 23 inactive senior judges.

Reappointments

Active Senior Judges seeking reappointment (courts of record)

Judge Michael Allphin; Judge Lynn Davis; Judge Glen Dawson; Judge Dennis Fuchs; Judge Michelle Heward; Judge Renee Jimenez; Judge Ernest Jones; Judge Thomas Kay; Judge Gordon Low; Judge Michael Lyon; Judge Edwin Peterson; Judge Sandra Peuler; Judge Sterling Sainsbury; Judge Gary Stott; Judge James Taylor; and Judge Thomas Willmore.

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efficient, and independent system for the advancement of justice under the law.**

Inactive Senior Judges seeking reappointment (courts of record)

Judge Arthur Christean.

Active Senior Judges seeking reappointment (Justice Court)

Judge Scott Cullimore and Judge Ronald Powell.

Inactive Senior Judges seeking reappointment (Justice Court)

Judge Lee Bunnell; Judge Evan Hall; and Judge Jack Stevens.

Change of Status

Judge Frederick Oddone has applied to change his status from an active to an inactive senior judge.

Active Senior Judges not seeking reappointment

Judge Kent Bachman and Judge Royal Hansen. have not applied for reappointment and their terms will expire on December 31, 2023.

Tab 10



Administrative Office of the Courts

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

June 30, 2023

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

MEMORANDUM

TO: Management Committee and Judicial Council

FROM: Jon Puente, Director OFA

RE: Standing Committee on Judicial Outreach

Currently, there is a vacancy on the Standing Committee on Judicial Outreach which was filled by the Public Outreach Coordinator in an Ex officio capacity accordance with Rule 1-205(1)(B)(vi). Valeria Jimenez was serving on the committee as the Public Outreach Coordinator, however she is no longer working for the courts. Katsi Peña has recently been hired as the new Public Outreach Coordinator and has agreed to be an Ex officio member on the committee.

On behalf of the Standing Committee on Judicial Outreach and the Chair, Judge Elizabeth Hruby-Mills, we would respectfully request the approval of Katsi Peña.

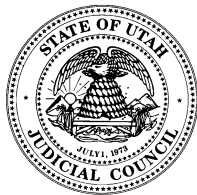
At this time the Judicial Outreach Committee is comprised of the following members:

- Judge Elizabeth Hruby-Mills, Chair, Third District Court
- Judge Bryan Memmott, Plain City Municipal Justice Court
- Krista Airam, Second District Juvenile Court TCE
- Melinda Bowen, Civic Community Representative
- Michael Anderson, Communication Representative
- Michelle Oldroyd, Utah State Bar
- Benjamin Carrier, Utah State Board of Education
- Judge Tupakk Renteria, Third District Juvenile Court
- Judge Amy Oliver, Bench-Media Subcommittee Chair, Utah Court of Appeals
- Judge Laura Scott, Divorce Education for Children Program Subcommittee Chair, Third District Court
- Judge Shauna Graves-Robertson, Community Relations Subcommittee Chair, Salt Lake County Justice Court
- Lauren Andersen, Director of Utah Judicial Institute
- Nathanael Player, Law Library Director

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

- Jonathan Puente, Ex officio member, Director of Office Fairness and Accountability
- Tania Mashburn, Ex officio member, Communications Director
- Anna Anderson, Ex officio member, Deputy District Attorney

The Judicial Outreach Committee is a standing committee that is tasked with fostering a greater role for judges in service to the community, providing leadership and resources for outreach, and improving public trust and confidence in the judiciary. The committee meets on a Friday every 3 months.



Administrative Office of the Courts

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

June 30, 2023

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

MEMORANDUM

TO: Management Committee and Judicial Council

FROM: Jon Puente, Director OFA

RE: Committee on Fairness and Accountability

On May 22th the Judicial Council ammneded Rule 1-205 expanding the Committee on Fairness and Accountability. The “Committee” was created to provide support and guidance to the Office of Fairness and Accountability, and to provide expertise and guidance to the Judicial Council regarding how to best support the work of the Office of Fairness and Accountability.

In accordance with the ammended Rule 1-205(1)(B)(xv), the Committee is adding the following

- one district court judge;
- one juvenile court judge;
- one justice court judge;
- one appellate judge;
- one representative of the community;
- the Director of Data and Research or designee;
- up to two additional qualified individuals.

On behalf of the Committee on Fairness and Accountability, we respectfully request the approval of the following for these vacancies.

- Justice Jill Pohlman, appellate judge
- Judge Todd Shaughnessy, district court judge
- Judge Monica Diaz, juvenile court judge
- Judge Danalee Welch-O'Donnal, justice court judge
- Tucker Samuelson, Director of Data and Research
- Justice Michael Zimmerman, qualified individual.

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

An email was sent out to our community partners announcing the community representative vacancy. Through this recruitment process, the OFA has the following three candidates to submit for consideration.

- Shawn Newell
- Gloria Arredondo
- Carlos Flores

Each of the candidates resumes is attached.

Currently the committee is comprised of

- Justice Paige Petersen (will be replaced by Justice Pohlman)
- Judge William Thorne
- Judge Tyrone Medly
- Judge Mary Noonan
- Bryson King
- Jonathan Puente



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SKILLS

- Business development
- Business planning
- Consulting
- Negotiation
- Business administration
- Staff management
- Project management
- Strategic planning
- Works well independently
- Project management skills
- Dependable and reliable
- Self-motivated
- Strong team player
- Complaint resolution
- Safety knowledge
- Good communication skills
- Supervisory experience
- Strong initiative
- Effective at multi-tasking

PROFESSIONAL SUMMARY

Forward-thinking executive with proven record of accomplishment. Driven and ambitious change manager dedicated to continuous business improvement focused on enhancing community, service, value and business.

WORK HISTORY

Waves Enterprises, LLC - President

Cottonwood Heights, UT • 01/2002 - Current

- Built and strengthened productive and valuable partnerships to drive collaboration and engagement.
- Aligned organizational objectives with company's mission, increasing growth by collaboratively developing integrated strategies.
- Developed and implemented new strategies and policies in collaboration with executive partners to establish and achieve long-term objectives, providing strong and sustainable organizational leadership.
- Fostered new relationships through participation in Community events and initiating communications with prospective clients via phone and email.
- Conducted research on emerging trends within communities and the State to develop new strategies.
- Met with clients to discuss campaign efficiency and presented illustrative reports, including performance metrics and analysis.
- Orchestrated positive media coverage and stakeholder relations as public face of Waves Enterprises.
- Managed all aspects of business, including activities, programs, marketing and advertising.

Industrial Supply Company - Vice President Of Business Development

Salt Lake City, Utah • 08/1985 - retired

- Exceeded sales quotas and increased profitability through effective sales strategy and business planning.
- Attracted new clientele and developed customer relationships by hosting product-focused events.
- Achieved sales goals and service targets by leveraging interpersonal communication skills and product knowledge to cultivate and secure new customer relationships.
- Sold products by developing relationships with network of varied professionals.
- Hired, supervised and coached employees on sales strategies to optimize performance.
- Maintained up-to-date knowledge of competitor products and pricing

EDUCATION

University of Utah

Salt Lake City, UT • 1986

Bachelor of Science: Sociology

Salt Lake Community College

Salt Lake City, UT • 1993

Associate of Science: Marketing Management

University of Phoenix

Salt Lake City, UT • 2006

Master of Arts: Business Management

Honorary Doctorate of Human Letters 2022

Certificates

Executive Leadership Certificate, University of Utah

Diversity and Inclusion Certificate, Cornell University

Inclusion and Ethical Leadership certificate, University of south Florida

Diversity and inclusion in The workplace certificate, university of south Florida

Workplace and Personal Wellness Certificate, University of South Florida

in market served.

- Provided recommendations to promote brand effectiveness and product benefits, resulting in securing long-term accounts in.
- Collaborated with upper management to implement continuous improvements and exceed team goals.
- Drove team and company profits by developing and strengthening relationships with industry partners and potential clients.
- Coordinated staff sales meetings to discuss developmental strategy, best practices and process improvements.
- Investigated and integrated new strategies to expand business operations and grow customer base.
- Enhanced profitability by developing pipelines utilizing marketing and sales strategies.
- Increased profits through providing excellent customer service, following established guidelines and auditing sales reports.
- Resolved problems with high-profile customers to maintain relationships and increase return customer base.
- Prepared sales presentations for clients showing success and credibility of products.
- Identified opportunities for growth and collaborated with sales teams to reach sales goal.
- Liaised with sales, marketing and management teams to develop solutions and accomplish shared objectives.
- Managed and motivated sales teams.
- Hired sales representatives.
- Built relationships with customers and community to establish long-term business growth.
- Engaged in product training, demonstrations, consumer awareness, branding and acquisition initiatives to raise awareness and revenues.
- Increased sales revenues and services by leveraging effective negotiating skills.
- Targeted prospects in other territories through careful research of competitor products, services and trends.
- Created and implemented new business opportunities by utilizing strategic networking strategies.

Industrial Supply Company - Vice President Of Sales

Salt Lake City, Utah • 01/2004 - 01/2016

- Increased sales revenues and services by leveraging effective negotiating skills.
- Marketed products to targeted audience at trade shows and events.
- Monitored sales team performance, analyzed sales data and reported information to area managers.
- Monitored trends in customer buying habits, market conditions and competitor actions to adjust strategies and achieve sales goals.
- Achieved sales goals and service targets by leveraging interpersonal communication skills and product knowledge to cultivate and secure new customer relationships.
- Forged and nurtured impactful relationships with customers to cultivate loyalty, boosting customer satisfaction ratings.
- Sold products by developing relationships with network of varied professionals.
- Trained new sales representatives on sales strategies and processes to reduce process gaps.
- Forecasted sales and set successful policies to achieve objectives.
- Increased monthly gross sales and exceeded goals for sales, revenue

and profit margins.

- Drove business success by maintaining and applying current knowledge of sales, promotions and policies, exchanges and practices.
- Increased profits through providing excellent customer service, following established guidelines and auditing sales reports.
- Exceeded sales quotas and increased profitability through effective sales strategy and business planning.
- Maintained up-to-date knowledge of products and performed competitor analysis.
- Engaged in product training, demonstrations, consumer awareness, branding and acquisition initiatives to raise awareness and revenues.
- Held one-on-one meetings with sales people to identify selling hurdles and offered insight into how best to remedy such issues.
- Built relationships with customers and community to establish long-term business growth.
- Coached and promoted high-achieving sales and account management employees to fill leadership positions with qualified staff and boost company growth.
- Accomplished sales goals and boosted revenue through product knowledge and customer relationship management.
- Communicated product quality and market comparisons by creating sales presentations.
- Encouraged cross-selling of additional products and services through relationship-building and acquired understanding of customer business needs.
- Collaborated with upper management to implement continuous improvements and exceed team goals.
- Targeted prospects in other territories through careful research of competitor products, services and trends.
- Maintained up-to-date knowledge of competitor products and pricing in market served.
- Collaborated with advertising group to ensure uniformity between advertising messages and retail incentives.
- Provided recommendations to promote brand effectiveness and product benefits, resulting in securing long-term accounts.
- Managed and motivated sales team to increase revenue.
- Identified opportunities for growth and collaborated with sales teams to reach sales goal.

Industrial Supply Company - Regional Sales Manager

Salt Lake City, UT • 01/2002 - 01/2004

- Achieved regional sales goals by completing audits, resolving problems, training staff members and completing action plans.
- Assessed each location's individual and team performances, analyzing data trends to determine best methods to improve sales results.
- Serviced accounts on regular basis to resolve concerns manage order fulfillment and promote new products and services.
- Established new accounts.
- Monitored weekly, monthly and quarterly achievement goals.
- Worked diligently to resolve unique and recurring complaints, promoting loyalty and enhancing operations.
- Coached and monitored employees to set productive goals and align operational practices while meeting and exceeding regional sales quotas.
- Delivered consistent and relevant feedback to sales personnel to

improve telephone and selling skills.

- Administered annual sales division budget.
- Made onsite sales calls to prospective customers to help close lucrative deals.
- Maintained long-term customer relationships to consistently increase sales.
- Enforced quality of products, service and customer support, ensuring comportment with cultural idiosyncrasies.
- Identified and pursued new business leads to expand customer base.
- Executed successful promotional events and trade shows.
- Identified new product opportunities and target customers.
- Attracted new clientele and developed customer relationships by hosting product-focused events.

Chicago Bears - Professional Athlete

Chicago, IL • 06/1983 - 05/1984

- Trained extensively 30 hours per week for upcoming competitions to perform at top-level.
- Managed time effectively while traveling for games, attending practice and going to classes.
- Applied discipline and sense of responsibility toward all team and personal activities.
- Attended all practices, meetings and workouts on time.
- Trained extensively and observed proper nutrition leading up to national-level fitness competitions.
- Practiced with team on schedule and trained alone to enhance athletic abilities and contributions to team success.
- Worked with coaches and trainers to understand and implement improvement strategies.
- Exhibited excellent teamwork and strong work ethic by promoting camaraderie.
- Promoted lifelong skills such as discipline and good sportsmanship.

ACCOMPLISHMENTS

I started and continue to grow a small business that focuses on community, individual and social inclusion.

Waves Enterprises, LLC conducts business and social activities with varied community and government entities. All this is done in an effort to help improve all communities in the State of Utah and across the country, where possible.

AFFILIATIONS

- VP Salt Lake Branch NAACP, Current
- Utah State Board of Education, 2018 - 2020
- Utah Manufacturers Association Board, 2018 to 2021
- Governor's Utah Martin Luther King, Jr Human Rights Commission, 2014 to 2020
- Ute Conference Football Officials Board, 2017
- Salt Lake Community College Board of Trustees and Alumni Council President, 2017 to Current
- Salt Lake Chamber Presidents Ambassador, 2018 to Current
- Salt Lake Community College Marketing PAC (Chair 2016 - 2017), 2017

to Current

- Salt Lake Community College Workforce and Economic Advisory Board (Chair 2016-2018), 2016 to 2021
 - Economic Development Corporation of Utah, Trustee, 2014- 2016
 - Utah Non-profit Association Board 2019-2022
 - Utah Supreme Court, Committee for Self-represented Parties, outreach chair, 2018- present
 - Utah State Bar Commission Board 2019 - present
 - Friends For sight Board
 - Utah Road Home Board
 - Utah Appellate Courts Nomination committee
 - Board of the Utah Office of Legal Services Innovation 2019 - 2022
 - US Civil Rights Advisory Committee for Utah 2022 Current
 - Utah State Board of Higher education - 2019- present
-
- Founder of the Utah Multicultural Civic Council
 - Winner of multiple State and National sales and marketing competition while representing Salt Lake Community College.
 - Volunteer for seventeen seasons, as a youth football coach and 10 years as a youth basketball coach.
 - Officiated high school football for 9 years and still officiate youth football and basketball.

Gloria Arredondo, Mexican author and artist. Women's rights advocate, social communicator, and passionate poet for truth. Holds a B.S. in Mechanical Engineering and minor in Chicano Studies.

RELEVANT POSITIONS

- 2021–present Vice president of Fundación Honoris Causa International Utah
- 2018–2020 Internacional Co-chair of the Domestic Violence Pilar for SHEROES United
- 2018 Human Rights Chair for LULAC (League of United Latin American Citizens)
- 2013–2021 Community Health Worker

LITERARY WORK

- Columnist for La Bala magazine (Utah) and Al Rojo News (New York); has written articles of social interest
- Author of Esencia, Elementos de Mujer, Memorias de un Sueño, (Memories of a Dream), Decir Basta (short book on domestic violence), and Fases Lunares de Glo; Esencia is also in audio format
- Poetry was published in the anthology Los 5 Elementos (international compilation of poetry)
- Biography was included in the New York Times best seller Self Made by Nely Galán (sponsored by the Adelante Movement)
- Speaker (wrote and read Lo Que Ella Escucha) at the 2018 International Monologue Week, New York
- Contributor, 2018 and 2021 anthologies Mujer Girasol (international anthologies of poetry by women who stand for equality and justice by ASORBAEX, Madrid, Spain)

- Contributor, 125th Anniversary of Utah Statehood Anthology, Utah Department of Heritage & Arts (now the Utah Department of Cultural & Community Engagement)
- Contributor, Silao de Mis Amores anthology
- Contributor, Silao Cuenta anthology
- Featured Writer, SLCC Student Writing and Reading Center's 2021 Latinx Heritage Celebration

AWARDS

- 2023 UCLR (Utah Coalition of La Raza), Cesar Chavez Peace and Justice Award
- 2022 Utah Council for Victims of Crimes, Crime Victim Service Award
- 2020 Timucua Arts Foundation, Encuentro Digital de Artistas Latinoamericanx
- 2020 Artes de México en Utah, Premio Sor Juana
- 2018 South Valley Services, Outstanding Advocate Award “Stop Violence”
- AIPEH (Asociación Internacional de Arte y Cultura Hispana), Capitulo Utah, Reconocimiento por la labor social como defensora de los derechos de la mujer, comunicadora social y difusión de la poesía erótica en Utah
- 2017 Salt Lake Domestic Violence Coalition, Peace on Earth Courage Award
- 2017 Unión Hispanomundial de Escritores (UHE) and AIPEH, Premio Mundial a la Excelencia Literaria y Cívica
- 2017 Consulado Mexicano en Orlando Florida, Reconocimiento por el Impulso en las Letras y el Arte
- 2016 Liga Unida de Ciudadanos Latinoamericanos Concilio 7250, Reconocimiento por Labor Social en Utah
- 2013 Coalición Contra la Violencia Intrafamiliar, Premio Coalición Contra la Violencia Intrafamiliar (CoLAVI)

Carlos Flores

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carlos.flores.salmeron@gmail.com

Education

University or College

Graduation August 2022

School/College of Social and Behavioral Science

BS/BA in Political Science

Salt Lake Community College

Graduation May 2018

Associates of Science in Political Science

Work Experience

Health Outreach Manager, Holy Cross Ministries/Salt Lake City/UT

2017 to Today

Emmie Gardner, (801) 599 3203 egardner@hcmutah.org

- Ensure that my team has the necessary tools and knowledge to successfully complete our goals and provide services related to the social determinants of health.
- Manage the Medical Debt Legal Advocate (MDLA) Project at HCM to ensure that people get access to legal advice in medical debt.
- Improve and grow on the different projects we have in my department and create new projects according to what the community's need is.
- Collaborate and build partnerships with other agencies around the state to make services more available for the community.

Shift Leader/Server, Black Bear Diner/Layton/UT

2019 to Today

Gustavo Ruiz, (801) 425 0102 layton@blackceardiner.com

- Manage shifts. Make sure all personnel stay on task.

Leadership/Honors/Activities

Please list any leadership, honors, or extracurricular activities below. For example:

- Medical Care Advisory Committee (MCAC) 2023

- Emerging Community Health Worker, 2019, Salt Lake County Health
- Utah CHW Certificate Workforce Program
- Bridging the Gap – Medical Interpreter

References

Emmie Gardner

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Holy Cross Ministries

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