

JUDICIAL COUNCIL MEETING

AGENDA

August 18, 2023

Meeting held through Webex
and in person

Matheson Courthouse
Large Conference Room A
450 S. State St.
Salt Lake City, Utah 84111

Chief Justice Matthew B. Durrant, Presiding

1. 12:30 p.m. Welcome & Approval of Minutes.Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 12:35 p.m. Chair's ReportChief Justice Matthew B. Durrant
(Information)
3. 12:40 p.m. State Court Administrator's Report.....Ron Gordon
(Information)
4. 12:50 p.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Budget and Fiscal Management Committee Judge Kara Pettit
Liaison Committee..... Justice Paige Petersen
Policy, Planning, and Technology Committee Judge Samuel Chiara
Bar Commission.....Margaret Plane, esq.
5. 01:00 p.m. Budget and Grants.....Karl Sweeney
(Tab 2 - Action) Alisha Johnson
6. 01:15 p.m. FY23 One-time Funds ReportBrody Arishita
(Tab 3 - Information) Ron Gordon
7. 02:00 p.m. Senior Judge Appointment.....Neira Siaperas
(Action)
8. 02:05 p.m. Old Business/New BusinessAll
(Discussion)
9. 02:15 p.m. Executive Session - There will be an executive session

10. 02:25 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.

- 1) Committee Appointments Committee on Judicial Outreach – Jace Willard
(Tab 4) Model Utah Civil Jury Instructions Comm

Tab 1

**JUDICIAL COUNCIL MEETING
Minutes**

July 27, 2023

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

9:00 a.m. – 1:11 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members:

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

Excused:

Hon. Keith Barnes
Hon. Samuel Chiara
Michael Drechsel
Sonia Sweeney

Guests:

Scott Allen, Law Clerk Supreme Court
Jonathan Adams, ORLGC
Matthew Barraza, Indigent Defense Commission
Cameron Carter, JPEC

AOC Staff:

Ron Gordon
Neira Siaperas
Shane Bahr
Brody Arishita
Alisha Johnson
Bryson King
Jessica Leavitt
Jordan Murray
Bart Olsen
Jim Peters
Jon Puente
Nick Stiles
Karl Sweeney
Melissa Taitano
Keisa Williams
Jeni Wood

Guests Cont.:

Commissioner Christine Durham, JPEC
Will Isenberg, Criminal Justice Institute
Shanna Jagers, JPEC
Maura McNamara, Criminal Justice Institute
Mary-Margaret Pingree, JPEC
Glen Proctor TCE Second District Court
Maja Valjnic, Criminal Justice Institute

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

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

Motion: Judge Paul Farr moved to approve the June 26, 2023, Judicial Council meeting minutes, as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant and Ron Gordon will meet with Governor Spencer Cox soon.

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

The official groundbreaking ceremony for the Manti Courthouse will be held on August 21. The new Davis County Courthouse feasibility study continues as they evaluate the possibility of combining three courthouses: one owned by the Courts; one that is leased; and one that will be leased to Davis County and partially torn down to make room for the new courthouse.

Some court personnel introduced JPEC's new Executive Director, Mary-Margaret Pingree to the Courts.

The Courts are trying to find a middle ground to help individuals with the financial burden associated with expungements now that legislation waiving the fees has expired. Mr. Gordon said they are hoping to see additional legislation on this to help people.

The Legislature created the Justice Court Task Force where Jim Peters is a member. Judge Farr will provide information to the Task Force of the Courts work.

The Annual CCJ/COSCA meeting will be held later this month. Shane Bahr will lead a team from the Courts to attend the "Effective Criminal Case Management in a Post-pandemic World: A Leadership Summit for Courts and their Communities CCJ/COSCA Western Region Conference".

4. COMMITTEE REPORTS:

Management Committee Report:

The work of the 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 discussed later in the meeting.

Bar Commission Report:

Margaret Plane said eliminating paper checks with Bar renewal licensing has resulted in saving staff a considerable amount of time. There are 279 people scheduled to take the Bar exam,

which now has a lower passing score. Andrea Donahue started with the Innovation Office. The Commission has authorized some updates to the Law and Justice System. Chief Justice Durrant said a commission is reviewing Bar exams.

5. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) REPORT: (Mary-Margaret Pingree, Commissioner Christine Durham, Shanna Jagers, Cameron Carter, and Angela McGuire)

Chief Justice Durrant welcomed Mary-Margaret Pingree as the new JPEC Executive Director, Commissioner Christine Durham, Shanna Jagers, Cameron Carter, and Angela McGuire. Commissioner Durham introduced Ms. Pingree as someone with excellent credentials in the public and private sectors.

In April JPEC presented evaluation inequities to the Council as addressed by their Jury Survey Subcommittee comprised of JPEC commissioners and judges. This is currently JPECs largest project. A proposal was made to normalize juror scores for district and justice court judges. While most judges received this proposal without concern, there was a small number of judges who expressed concern about JPECs intent with this proposal. The subcommittee is awaiting formal input from the Board of District Court Judges and waiting for a meeting with justice court judges.

Ms. Pingree stated that JPEC worked with University of Utah students to assess judicial evaluations associated with improved judicial quality. The data provided to the students was blind data to ensure no judges were identified and the students signed a non-disclosure agreement. Ms. Jagers reviewed the results of the study.

Strategic Objectives

- To collect and disseminate valid information about each judge's performance so that voters may make informed decisions about whether 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.

JPECs Evaluation Process for Midterm (third year) and retention (fifth year) evaluations

- Anonymous survey of attorneys, court staff, and jurors;
- Assessment of requirements met;
- Commission votes to approve or overcome result; and
- Evaluation results shared privately with judge

JPECs Evaluation Process for Retention (fifth year) evaluations only

- Judge decides whether to run for retention election and
- JPEC posts evaluation results on public website.

The study found a positive association between JPEC's evaluation results and improved judicial performance in the aggregate, over time, and across more than one evaluation cycle; on

average judges score between 4.25 – 4.75 (highest score possible is 5); judges improve their performance after receiving their midterm evaluation; average evaluation results have improved over time; prolonged participation in JPEC's evaluation process associated with improved performance across cycles; and while both sets of judges have higher average scores, judges appointed before 2008 began with and continue to have lower scores. They also 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.

Conclusions

- Performance – JPECs 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.
- Stepping Down – Evaluation results are positively associated when standing for retention.

The study recommended the following steps moving forward.

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

Judge James Gardner asked what will be done with JPEC's study. JPEC will discuss how best to distribute this information. Commissioner Durham said one outcome could be to provide the Council with this information to distribute as they see fit.

Judge Thomas Low asked if the jury scoring inequity could be contributing to good judges who do not have jury trials possibly perceiving deficiencies that are not there and stepping down. Commissioner Durham stated jurors typically rate judges very high, therefore judges who do not hold jury trials tend to have lower scores. This isn't an easy fix, but the subcommittee is working on this issue. JPEC is working on mathematical adjustments to ensure all judges are scored fairly and accommodations are made for those judges who do not have jury trials. Judge Michael DiReda said there was an initiative to remove juror category at one point, but this was abandoned because judges expressed concerns with removing the juror scores that are typically favorable to judges. He further noted that judges who have been working on settlement conferences may not be receiving credit for that work and wondered if JPEC would consider a category for those. Commissioner Durham was thankful for Judge DiReda bringing this to JPECs attention. She would like more information on this and what might be the value systems for assessing those skills.

Dr. Jennifer Yim asked Judge DiReda and Judge Reuben Renstrom to participate in a test phase adding pro se litigants in JPECs evaluation process. Commissioner Durham will research whether this is ongoing. She said some calendars can be as much as 90% pro se, which is a huge

part of a judge's work. Ms. Pingree believed this project is still active, but it may take a couple of years to come to fruition.

Chief Justice Durrant was impressed with the work of the students and thanked them for their interest. He thanked Ms. Pingree, Commissioner Durham, Ms. Jaggers, Mr. Carter, and Ms. McGuire.

6. **OPEN AND PUBLIC MEETINGS ACT TRAINING: (Bryson King)**

Chief Justice Durrant welcomed Bryson King. [UCJA Rule 2-103 Open and closed meetings](#) states "meetings of the Council are open to the public unless closed as provided in this rule." Mr. King stated that closed meetings are allowed for discussion of "character, competence, or physical or mental health of an individual or to discuss the deployment of security personnel or devices" among other reasons found in the rule. Mr. King reviewed the requirements of the AOC found in [UCJA Rule 2-104 Recording meetings](#).

Chief Justice Durrant thanked Mr. King.

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

Chief Justice Durrant welcomed Karl Sweeney and Alisha Johnson.

FY 2024 One-Time Turnover Savings

#		Funding Type	Actual 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

FY 2024 Ongoing Turnover Savings

#		Funding Type	Actual Amount YTD	Forecasted 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

Employee Wellness Resources

\$107,450 one-time funds

The Statewide Wellness Steering Committee recommended 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 judges and all court employees who are members of the Bar already have access to these resources). This may become an ongoing request later if it appears to be successful. Mr. Gordon noted that the utilization rate among Bar members is at least or higher than what was anticipated.

Motion: Judge Gardner moved to approve the Employee Wellness Resources request for \$107,450 one-time funds, as presented. Judge Farr seconded the motion, and it passed unanimously.

Jury and Witness Fees Line Item (JWI)

The JWI in the Court's budget is authorized under [Utah Code § 78B-1-117 Jurors and Witnesses -- State Payment for Jurors and Subpoenaed Persons -- Appropriations and Costs -- Expenses in Justice Court](#). 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 \$1.6 million 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 \$1.0 million to approximately \$2.6 million and funded \$2 million of non-lapsing one-time funds. This increased funding was more than adequate for FY 2019 through FY 2021.

In FY 2022, the Courts began to address the jury trials backlog due to COVID by increasing the number of remote hearings and even remote trials. Contract interpreters living in Utah began working in other states' court systems at higher pay. Due to the combination of increased contract interpreter hourly rates, increased contract interpreter hours, and filling 2 vacant positions, the JWI fund is now using more than \$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.

Ms. Johnson was uncertain as to what the juror fee payments currently are but thought the amount is approved through legislation. She believed the Liaison Committee should address this as a legislative request. Judge Low wondered if the Courts should request a higher payment for jurors. Michael Drechsel will work on a recommendation to the Legislature though not as a building block. Judge Low recommended adding this to the August budget meeting. Mr. Gordon will review this with the Liaison Committee before the August meeting. The Leagues of Cities and Counties may want to address this as this would affect justice courts financially.

Centralized Scheduler

\$20,000 one-time funds

Historically, interpreter coordinators in every district help schedule interpreters. Except for the Third District Court, 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 time. To ease the burden of coordination and to make the process more efficient, the Language Access Committee sought to centralize scheduling. Judges' clerks will know which interpreters are scheduled for each hearing. Judge Kara Pettit asked if this is an ongoing request. Mr. Puente said the initial request is for a trial one-year period to determine if the success of the process. Judge Farr asked if this includes justice courts. Mr. Puente said he will speak with Mr. Peters about this.

Motion: Judge Farr moved to approve the Centralized Scheduler request for \$20,000 one-time funds, as presented. Judge Chin seconded the motion, and it passed unanimously.

**Media Outreach Interpreter Recruiting
\$10,000 one-time funds**

Due to constraints in the JWI fund in FY 2024, the Language Access Committee requested funds to accomplish some needed support of the court interpreter program. Although they believe that there will be sufficient funds in the JWI fund to cover this request, to avoid the issues surrounding deficit spending in the JWI account, they sought funds which they expect to reimburse in the fourth quarter of 2024. These funds will only address the Spanish interpreter shortage. Mr. Puente stated that Utah's interpreter pay rate is comparable to the surrounding states. His opinion was that the lack of interpreters was mainly due to the pandemic leading to virtual hearings and not the pay. Some states offer 2 hours or more minimum pay for interpreters. Judge Chin felt payment for a minimum amount of time seemed unreasonable because some interpreters may only be present for 5 minutes during a hearing. Mr. Puente stated that this request may eventually become an ongoing request.

**Interpreter Trainer/Interpreter Certification Specialist
\$65,000 one-time funds**

The purpose of this request is to fund a contractor who will assist potential contract interpreters obtain a certification, which normally takes about one year assuming they pass every step the first time. This proposal may diminish the amount of time for certification if someone helps the applicant move through the process. This request may eventually become an ongoing request. Ms. Leavitt said there is a list on the [National Center for State Courts of 17 languages](#) that have certifications available. Mr. Sweeney commented that each request has a legislative request counterpart for ongoing funds.

Motion: Judge Low moved to approve the Media Outreach Interpreter Recruiting request for \$10,000 one-time funds and the Interpreter Trainer/Interpreter Certification Specialist request for \$65,000 one-time funds, as presented. Judge Chin seconded the motion, and it passed unanimously.

**Racial and Ethnic Disparity Data Project
\$30,000 one-time funds**

The OFA is partnering with Georgetown's Massive Data Institute. The Massive Data Institute (MDI) will analyze the Court's data for any racial and ethnic disparity. This request will cover the cost of services performed by the MDI. Judge Pettit clarified that the funds would be to pay the MDI to go through recordings to identify demographic and other information. Judge Chin asked what anticipated future costs could come from this. Mr. Puente responded that they are focusing on how to move forward and use internal resources gathered from this data. He said he wanted to make it clear that this study does not include the juvenile courts because they "really do have good racial and ethnic" data. He said the focus will be on pretrial, sentencing, and probation hearings. Mr. Puente will confirm that they would not have access to protected information such as presentence reports.

Motion: Judge Chin moved to approve the Racial and Ethnic Disparity Data Project request for \$30,000 one-time funds, as presented. Judge DiReda seconded the motion, and it passed unanimously.

ARPA Funds for Case Backlog \$300,000 transfer

The Courts have \$5,758,092.06 remaining ARPA funds: IT Access to Justice (\$4,928,880.02); Case Backlog (\$368,648.52); COVID Supplies (\$302,100); and Office of Innovation/Legal Sandbox (\$158,463.52). AOC Finance recommended the remaining \$300,000 in ARPA funds which have not been spent on COVID supplies be transferred to the case backlog ARPA fund in January 2023. The goal is to seek funding needed to lower the district court case backlog to its pre-COVID level – or another target as determined by court leadership. The 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 in ARPA funds has been expended, leaving \$471,058.62 ARPA funds to help reduce the case backlog. Finance will add \$90,000 of FY 2023 senior judge funding that has not been 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.

Case Backlog Analysis

The overall case backlog peaked for the state in FY 2021 Q3 at 12,874 cases. Progress at reducing the backlog has been slow, with the number only dropping to 12,677 in FY 2023 Q2 (almost 2 full years later). However, backlog reduction accelerated in FY 2023 Q3. Near the end of the FY 2023 Q3, case reduction continues, and the backlog number has dropped to 11,845. If the trend shown over the past quarter continues the backlog will reach its FY 2020 Q3 level in 18-24 months.

In addition to requesting one-time funding for Senior Judges to help reduce the backlog, the BDCJ intends to request new judges and/or commissioner positions based on the need indicated in the FY 2023 weighted caseload study. 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.

Motion: Judge Mortensen moved to approve transferring \$300,000 in ARPA funds from COVID supplies to case backlog, as presented. Judge Pettit seconded the motion, and it passed unanimously.

Utah Bar Foundation Grant

The Utah Bar Foundation awarded a \$10,000 grant to the Appellate Courts' Pilot Pro Bono Program to provide initial funding for the program. The aim of the program during the initial first 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 on staff and judges in

dealing with unrepresented parties. Providing counsel to unrepresented parties is expected to increase court efficiency. Additionally, this program will directly impact pro se parties on appeal as they could potentially receive a pro bono attorney. During the grant period much 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.

Motion: Judge Gardner moved to approve accepting the Utah Bar Foundation Grant, as presented. Judge Chin seconded the motion, and it passed unanimously.

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

8. CRIME AND JUSTICE INSTITUTE PRESENTATION: (Will Isenberg and Maja Vlajnic)

Chief Justice Durrant welcomed Will Isenberg and Maja Vlajnic. 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. They provide non-partisan analysis, research, technical assistance, program evaluation, and training to jurisdictions throughout the country. Prison admissions increased by 30% since JRI; however, the prison population decreased by 16% during the same period due to a drop in releases.

Trends in prison admissions

- Admissions are predominantly and increasingly male.
- Admissions are comprised mostly of white individuals but admissions for BIPOC are increasing at a faster rate than white individuals.
- Admissions are dropping for people under 35 years of age but growing for people over 35 years old.
- Class III felonies comprise most admissions, but Class I and II felony admissions are growing. Property offenses are a driver of prison admissions.
- Growing admissions for individuals assessed as intensive risk.
- There has been an increased prevalence of mental health needs in admissions from 857 in 2013 to 2,024 in 2021.

Research Question #1: Is Recidivism Increasing?

- Over half of all admissions have consistently recidivated.
- Parole technical violations drive admissions for recidivist populations.

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.
 - 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 have declined post JRI.
- Prison admissions for drug possession are down 51% since JRI.

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 are now serving misdemeanor time without any state reimbursement.
- There is limited misdemeanor supervision and support.

Research Question #3: What is Driving Community Supervision Revocations?

- Most parole violations are for violations and not for new offenses.
- Revocations from parole, especially for technical violations, increasingly drive prison admissions as new commitments and probation revocations decrease.

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.

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.
- 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

- Research Question #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.
- Research Question #2: Utah's jail populations have not experienced a significant population shift post-JRI.
- Research Question #3: Most returns to prison for parole violations are not for new offenses. Of those technical violations, the majority stem from substance-use related conduct.
- Research Question #4: Significant gaps exist across the state to intervene, divert, and support individuals with a behavioral health need.

Ms. Vlajnic believed that many of the mental health needs were not unique to Utah and that Utah has made great strides in addressing these issues. She said focusing on new crimes, recidivism rates compared to the pre-JRI world, individuals returning to prison for new offenses has decreased considerably. Judge Low wondered if jail overcrowding or quality of life in Utah was considered. Mr. Isenberg did not see any downsides to JRI, as measured by drug reclassifications resulting in a reduction of prison admissions. Judge Low asked if the length of stay increases were due to the seriousness of the cases. Ms. Vlajnic believed the level of offense played a role in the length of stay.

Judge Low noted that companies are being more diligent to seek prosecution for credit card fraud, which is currently a 3rd degree felony to possess but usually a misdemeanor to use it. He wondered if it was a good time to examine whether possession of a credit card should be a 3rd degree felony when it's use is almost always a Class B misdemeanor. Mr. Gordon will discuss this with the CCJJ.

CJI has presented this in close cooperation with CCJJ. Mr. Isenberg offered to present this to the Board of District Court Judges. Chief Justice Durrant thanked Mr. Isenberg and Ms. Vlajnic and found the data fascinating and extremely important.

9. 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 4-202.03. Records access.
- UCJA Rule 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 § [77-40a-403\(2\)\(b\) Retention and release of expunged records – Agencies](#) and Utah Code § [77-40a-404 Confirmation of expungement -- Access to expunged records by individuals](#), identifying individuals and entities who may access expunged records. Other amendments are non-substantive and intended to streamline the rules.
- UCJA Rule 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.

Motion: Judge Mortensen moved to approve UCJA Rules 4-202.03, 4-202.05, and 4-404, as presented with an effective date of November 1, 2023. Judge Chin seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Williams.

10. INDIGENT DEFENSE COMMISSION (IDC): (Matthew Barraza)

Chief Justice Durrant welcomed Matthew Barraza. The [IDC](#) was awarded \$7,400,000 in grant funding, which accounts for over 45% of rural indigent defense spending. The IDC has helped fund more than 100 attorney positions statewide. Mr. Barraza explained that they assist

parents in complying with reunification plans through the work of eight IDC-funded social workers throughout the state.

The Indigent Appellate Defense Division helps with criminal appeals from rural counties, child welfare appeals, and post-conviction relief. The Division includes a Chief Appellate Officer, five appellate attorneys, three child welfare appellate attorneys, law clerks, and a post-conviction attorney.

How IDC Obtains Data from Managing Defenders

Semi-annual reporting through System-Needs-Evaluation (SNE)

- What are the caseloads per attorney?
- Are the cases evenly distributed among attorneys?
- Is there a screening process for conflicts of interest?
- Is there a process for client complaints?
- Are attorneys meeting with clients before their court date?
- Are attorneys informing clients of their right to appeal?
- How often are defense resources used?

Mr. Barraza said there are resources to cover the cost of experts' testimonies.

Chief Justice Durrant thanked Mr. Barraza.

11. JUDICIAL COUNCIL FUNDING SUMMARY: (Ron Gordon and Neira Siaperas)

Chief Justice Durrant welcomed Ron Gordon and Neira Siaperas. During the August 2021 Annual Budget Meeting, the Council requested the AOC provide them with an annual spending summary of projects they funded. The summary will include ongoing turnover savings or carry forward funds, including what the Council allocated and how those funds were spent. Below is the report of how approved requests for FY 2022 ongoing turnover savings were used. Requests funded with FY 2023 fiscal note funds are also included. A report on the use of FY 2022 carry forward 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, the Courts provided an additional 6% salary increase to Clerks of Court for FY 2023 (in addition to the COLA for a total increase of 9.7%).

Public Outreach Coordinator - \$120,000

This position has made significant contributions to the work of the Judiciary. By funding this position, the Council signaled to community partners that the Courts are committed to advancing the mission of the Courts as well as continuing genuine engagement and developing mutual trust.

Partial Restoration of FY 2021 Budget Cuts - \$112,500

This funding provided a partial restoration to some the most critical portions of those cuts including training, office supplies, maintenance of motor pool vehicles, and professional and technical services of the \$653,000 budget cuts made to the Judiciary's FY 2021 budget by the Legislature.

District Court Law Clerk Attorney - \$95,850

The Fifth District Court used these funds to hire a much-needed additional law clerk attorney. With the addition of this position, the law clerk attorney position previously shared by the Fourth District and Fifth District Courts was divided so each district could have their own.

Associate General Counsel - \$150,000

The General Counsel's Office supports approximately 1,000 court employees and 239 judges. The 4 attorneys' staff 9 committees and are members of an additional 3. 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.

4 Judicial Assistants to Implement HB0143 - \$320,000

The 4 new JA positions from 2022 [HB0143 DUI Penalty Amendments](#) were combined with 3 JA positions from 2021 [HB0260 Criminal Justice Modifications](#) that became available on July 1, 2022. The 7 FTE positions were distributed to assist with collections, the increase in DUI cases, and [URCP Rule 100A Case Management of Domestic Relations Actions](#).

Pre-fund Portion of FY 2023 Annual Performance Raises - \$150,000

This helped fund the annual performance raises that are part of the new performance pay system in the Judiciary.

Pre-fund Portion of FY 2023 Hotspot Funds - \$82,000

This helped fund hotspot raises during FY 2023.

HR Compensation and Classification Manager - \$120,000

This position helped 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.

Judge Low and Judge Pettit appreciated Mr. Gordon's work and were impressed with the work of the Council. Mr. Gordon noted that this annual review helps the AOC recognize how the funds were spent and the accountability in using the money. Chief Justice Durrant thanked Mr. Gordon and Ms. Siaperas.

12. DOMESTIC COMMISSIONER ANNUAL EVALUATION AND RETENTION: (Shane Bahr)

Chief Justice Durrant welcomed Shane Bahr. The court commissioner evaluation and retention processes are governed by UCJA Rules [3-111 Performance evaluation of active senior judges and court commissioners](#) and [3-201 court commissioners](#). The Council is responsible for

recertifying court commissioners whose terms expire December 31. The following district court commissioners sought retention.

Name	Court	Term Start	Term End
Commissioner Catherine Conklin	Second District Court	01/01/20	12/31/23
Commissioner Joanna Sagers	Third District Court	01/01/20	12/31/23
Commissioner Christina Wilson	First and Second District Court	01/01/20	12/31/23

According to the information from the self-declaration form, surveys, and annual performance evaluations, all three commissioners meet the standard performance standards in the following areas: survey scores; judicial education records; self-declaration; no formal or informal sanctions; and performance evaluations. The commissioners seeking recertification do not have complaints pending before the Commissioner Conduct Commission.

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

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

Motion: Judge Low moved to recertify Commissioner Catherine Conklin, Commissioner Joanna Sagers, and Commissioner Christina Wilson. Judge DiReda seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Mr. Bahr.

13. SENIOR JUDGE REAPPOINTMENTS: (Neira Siaperas)

Chief Justice Durrant welcomed Neira Siaperas. UCJA Rules [11-201 Senior Judges](#) and [11-203 Senior Justice Court Judges](#) establish the qualifications, terms, authority, appointment, and assignment for senior judges. [UCJA Rule 3-111 Performance Evaluation of Active Senior Judges and Court Commissioners](#) establishes the criteria and standards for performance evaluations. There are currently 32 active and 23 inactive senior judges.

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

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 Frederic Oddone applied to change his status from an active senior judge to an inactive senior judge.

Active Senior Judges not seeking reappointment.

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

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

Motion: Judge Pettit that the Council make a preliminary finding under UCJA Rule 3-111 that the active senior judges have met the performance requirements and presumptively be certified conditioned on meeting the requirement of serving, if asked, of at least 2 calendar days during this calendar year. She moved to approve recommending to the Supreme Court that the following senior judges be reappointed: Judge Michael Allphin subject to accepting assignments in accordance with the rule by December 31, 2023; 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 Frederic Oddone; Judge Edwin Peterson; Judge Sandra Peuler; Judge Sterling Sainsbury; Judge Gary Stott; Judge James Taylor; Judge Thomas Willmore; Judge Arthur Christean; Judge Scott Cullimore subject to accepting assignments in accordance with the rule by December 31, 2023; Judge Ronald Powell; Judge Lee Bunnell; Judge Evan Hall; and Judge Jack Stevens. Judge Farr seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Ms. Siaperas.

14. OLD BUSINESS/NEW BUSINESS: (All)

No additional business was discussed.

15. EXECUTIVE SESSION

An executive session was held during agenda items #12 and #13.

16. CONSENT CALENDAR ITEMS

a) Committee Appointments: Appointment of Justice Jill Pohlman; Judge Todd Shaughnessy; Judge Monica Diaz; Judge Danalee Welch-O'Donnal; Tucker Samuels; Justice Michael Zimmerman; and Shawn Newall to the Office of Fairness and Accountability Committee. Appointment of Katsi Pena to the Committee on Judicial Outreach. Approved without comment.

17. ADJOURN

The meeting adjourned.

Tab 2

**Budget and Grants Agenda
for the August 18, 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

6. JWI Increase to 2 Hour MinimumJon Puente, Jessica Leavitt
7. JWI Higher Pay for Rural Assignments.....Jon Puente, Jessica Leavitt
3. Grants Quarterly Report (April-June 2023).....Jordan Murray
(Tab 3 – Information)

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 --)

THIS SCHEDULE HAS NOT BEEN UPDATED BECAUSE THERE HAS NOT BEEN A COMPLETE PAYROLL CYCLE SINCE THE BEGINNING OF THE YEAR. WE WILL HAVE UPDATED NUMBERS FOR THE SEPTEMBER BFMCM MEETING.



FY 2024 Ongoing Turnover Savings as of 8/11/2023

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
	Carried over Ongoing Savings - reported at 6-26-2023 Judicial Council Meeting	Internal Savings	(300,419)	(300,419)
	Add back: "Assistant Justice Court Administrator" request to be funded by JCTST funds	Internal Savings	74,000	74,000
	Sub-Total		(226,419)	(226,419)
	Turnover Savings generated from FY 2023 due to 2023 actions selecting benefits		63,258	63,258
	Carried over Ongoing Savings (from FY 2023)	Internal Savings	(163,161)	(163,161)
1	Ongoing Turnover Savings FY 2024 (forecast \$50,000 / month x 11 months remaining)	Internal Savings	56,393	606,393
	TOTAL SAVINGS		(106,768)	443,232
2	2024 Hot Spot Raises Authorized - renews annually until revoked		(38,502)	(200,000)
	2024 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	-
	TOTAL USES		(38,502)	(200,000)
Actual Turnover Savings for FY 2024 as of 07/06/2023			\$ (145,271)	\$ 243,232

Prior Report Totals (7/6/2023) \$ (173,219) \$ 226,781

- * Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
- * There are currently 23 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
- * Currently, 50.725 FTE are vacant.
- 1 We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
- 2 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 07/27/2023 (prior to the close of period 13 /

	<i>A</i> Judicial Council Approved Amount	<i>B</i> Actual FY 2022 Expended Amount	<i>C</i> Actual FY 2023 Expended Amount	<i>D</i> Actual FY 2024 Expended Amount	<i>E</i> Total Expended Amount (B + C + D)	<i>F</i> Balance Available (A - E)	Activity Code	Description
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	4,613,254.75	45,892.29	7,701,614.71	4,671,785.29	ITCV + ITC2	Projects will extend thru 12/31/24
Courts Case Backlog - Part I + II	2,302,100	707,963.11	1,007,135.35	17,836.29	1,732,934.75	569,165.25	BKLG	See detail below.
Legal Sandbox Response to COVID	324,500	-	171,636.48	5,600.00	177,236.48	147,263.52	LSCV	
TOTAL	15,000,000	3,750,430.78	5,792,026.58	69,328.58	9,611,785.94	5,388,214.06		

Expenditures added since last report: \$ 369,878.00

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

BKLG FY 2024 Details

FY 2024 Expenses as of PPE 07/07/2023

Personnel Expenses: \$ 17,784.21

Mileage Expenses: \$ 52.08

Sr. Judge Travel Expenses: \$ -

\$ 17,836.29

COVID Testing Kit purchase: \$ -

\$ 17,836.29

BKLG Run Rate Calculation

Usage for Last 3 Pay Periods

6/9/2023	6/23/2023	7/7/2023
\$ 37,902.88	\$ 63,130.73	\$ 43,423.93

Average last 3 Pay Periods: \$ 48,152.51

Balance Available (from table above): \$ 569,165.25

Remaining Pay Periods at Last 3 Average: 12

Anticipated Last Pay Period End Date: 12/22/2023

Prior report anticipated last pay period: 9/29/2023

Historical Trends (period 13/1 not yet closed)

IT Access to Justice Use - Last 3 Periods

Period 11	Period 12 / 13	Period 1
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\$ 232,066.22	\$ 748,449.25	\$ 45,892.29
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BKLG - Last 3 Periods

Period 11	Period 12 / 13	Period 1
\$ 98,356.91	\$ 177,182.98	\$ 17,836.29

Legal Sandbox - Last 3 Periods

Period 11	Period 12 / 13	Period 1
\$ 32,841.15	\$ 5,600.00	\$ 5,600.00

\$ 69,328.58

True Up for Period 12/13 \$ 300,549.42

TOTAL INCREASE FROM PRIOR: \$ 369,878.00

Tab 2



#	One-time Spending Plan Requests	Current Requests	Judicial Council Approved
		Amount	Amount
1	Employee Wellness Resources		\$ 107,450
2	JWI Centralized Scheduler		\$ 20,000
3	JWI Media Outreach Interpreter Recruiting		\$ 10,000
4	JWI Interpreter Trainer		\$ 65,000
5	OFA Racial and Ethnic Disparity Data Project		\$ 30,000
6	JWI Increase to 2 Hour Minimum	\$ 275,000	
7	JWI Higher Pay for Rural Assignments	\$ 147,500	
Current Month One-time Spending Requests		422,500	
Previously Approved 1x FY 2024 YE Spending Request			232,450

* 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.

6. FY 2024 YE Spending Request – Matching Competition - 2-Hour Minimum for Interpreters

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: 7/18/2023

Department or District: JWI Fund

Requested by: Language Access Committee, Jon Puente and
Jessica Leavitt

Request title: Matching Competition - 2-Hour Minimum for Interpreters

Amount requested: \$275,000 One-time funds

Purpose of funding request:

Contract court interpreters are normally paid from the JWI fund. They 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.

Due to constraints in the JWI fund in FY 2024 (which we are seeking to rectify for FY 2024 and 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 with our FY 2024 Legislative Request for \$800,000 in one-time JWI funds, 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 FY 2024 YE funds which we expect to reimburse in Q4 2024.

Currently the contract Interpreters know that they are in a very competitive economic environment where they can make more if they only accept virtual assignments since this allows them to accept assignments from other state court systems which often pay more than the Utah Courts.

Most other states have gone to two-hour minimums for contract interpreter assignments. In order to be competitive with other states, we are proposing Utah also implement a two-hour minimum. We believe increasing the 1-hour minimum rule to 2-hours will allow the Utah Courts to better compete with other states and may offer some degree of offsetting cost reduction in future years as we implement the new scheduling software and are able to effectively use the 2nd hour. We have not shown incremental efficiency for FY 2024 but will strive to reach it in FY 2025.

Based on Table 1 data (see below), we know that approximately 21,200 hours of court interpreter time is required annually. This request provides an additional 1-hour minimum pay to a new level of 2-hour minimum pay on a base of \$52.00 per hour to all levels of contract court interpreters. The financial impact was determined based on a sample of interpreter assignments filled in FY 2023. In our sample we found that approximately 25% of our total interpreter hours for FY 2023 are eligible for the 2-hour minimum pay rule.

6. FY 2024 YE Spending Request – Matching Competition - 2-Hour Minimum for Interpreters

The request cost is calculated as:

Sample: Hours Meeting 2-hour Minimum	68
Sample: Total Contractor Billed Hours	<u>273</u>
% of Sample Hours Meeting 2-hour Minimum	<u>24.9%</u> (a)
 FY 2023 Total Contract Interpreter Hours (Table 1)	21,200 (b)
Apply % of Sample Hours Eligible for 2-Hour Minimum Pay	<u>24.9%</u> (a)
Estimated Total Hours That Qualify for 2-Hour Minimum	5,281 (a)*(b)
x Hourly Rate of Certified Contract Interpreters	\$ <u>52</u>
Estimated Incremental Cost of Adding 2-Hour Minimum	<u>\$274,590</u>

We will test this concept on a sample population of interpreters to see how effective it is. Based on the test results, we will either continue with the program or drop it if it is not effective. We are optimistic of its success since certified contract interpreters have historically shown receptivity to these types of payments.

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

See above.

Alternative funding sources, if any:

Without supplemental funds from the Legislature, the JWI fund is not expected to have sufficient funds by the end of FY 2024 to fund this request. That is why we are adding a FY 2024 1x Legislative Funding request to this spending request. Starting with the forecast on Table 1 (which assumed status quo for FY 2024) here are the impacts of the FY 2024 YE requests on the JWI fund balance:

YE 2024 Ending Balance per Table 1 (status quo)	\$268,000
Total YE 2024 JWI 1x Requests - see footnote ¹	<u>(\$516,500)</u>
Forecasted Deficit in JWI Fund @ 6/30/2024	(\$248,500)
 Reserve for Contingent JWI Events in FY2024	<u>(\$550,000)</u>
	(\$798,500)
YE 2024 JWI 1x Legislative Request	<u>\$800,000</u>
	\$ 1,500

¹ Comprised of the following YE 2024 JWI requests –
JWI YE #2 Scheduling Software- \$20,000,
JWI YE #3 Media - \$10,000,
JWI YE #4 Contract Interpreter - \$65,000,
JWI YE #6 2-Hour Min - \$275,000,
JWI YE #7 Rural In-Person - \$146,500

6. FY 2024 YE Spending Request – Matching Competition - 2-Hour Minimum for Interpreters

Due to the volatile nature of demands on the JWI fund from contractors and our efforts to increase the supply of interpreter talent, we have included a contingency in our 2024 one-time supplemental request. This will offer us some degree of protection against overspending our available funds. Overspending is something to be avoided because it triggers 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.²

(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.³

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

We may have more difficulty in obtaining contract interpreters for in-court work.

² Link: <https://le.utah.gov/xcode/Title78B/Chapter1/78B-1-S117.html>

³ 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

6. FY 2024 YE Spending Request – Matching Competition - 2-Hour Minimum for Interpreters

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							

7. FY 2024 YE Spending Request – Higher Pay for Rural Assignments

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: 7/27/2023

Department or District: JWI Fund

Requested by: Language Access Committee, Jon Puente and
Jessica Leavitt

Request title: Higher Pay for Rural Assignments – In-Person

Amount requested: \$146,500 One-time funds

Purpose of funding request:

Contract court interpreters are normally paid from the JWI fund. They 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.

Due to constraints in the JWI fund in FY 2024 (which we are seeking to rectify for FY 2024 and 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 with our FY 2024 Legislative Request for \$800,000 in one-time JWI funds, 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 FY 2024 YE funds which we expect to reimburse in Q4 2024.

Currently the contract Interpreters know that they are in a very competitive economic environment where they can make more if they only accept virtual assignments since this allows them to accept assignments from other state court systems which often pay more than the Utah Courts.

Most other states pay for travel time to and from the court for contract interpreter assignments. In order to be competitive with other states, we are proposing Utah also pay for travel time for assignments in rural areas. These sites are most often not served with in-person translation services since the travel time is not paid. We believe paying for Travel Time at an increased rate of \$56 per hour (to go with mileage at .65 cents per mile, and limited lodging for overnight stays in St. George) will allow the Utah Courts to better compete with other states and may offer some degree of offsetting cost reduction in future years as we implement the new scheduling software and are able to effectively use the interpreter for a full day during their rural trips. We have not shown incremental efficiency for FY 2024 but will strive to reach it in FY 2025.

In addition to travel costs, as noted above, we want to offer \$4 per hour more per hour if interpreters accept assignments in “Rural” area courts (Rural being defined as Districts 5, 6, 7, and 8 courtrooms). Based on conversations with the rural TCEs as to desired the frequencies of in-person interpreter participation in hearings and trials (see Table 2), we’ve calculated a total estimated number of hours that non-local contract interpreters would be needed in rural area courts. This request provides an additional \$4 per hour pay for those hours for in-person assignments at Rural Area courts on a base of \$52.00 per hour.

7. FY 2024 YE Spending Request – Higher Pay for Rural Assignments

The financial impact was determined based on an estimated frequency (with TCE input) an interpreter is needed at our rural courts for assignments in FY 2024 using FY 2023 activity as a basis to go on.

The requested cost is calculated as:

Total Hours Spent in Court – Rural Area Courts	1,044
Multiply Times \$4 per hour incremental pay	<u>x \$4</u>
Estimated Incremental Cost of \$4/hr Increase	\$4,176 (a)
 Travel Time Hours for all trips to Rural Area Courts	 1,179
Travel Time Hourly pay at \$56 per hour	<u>x \$56</u>
Estimated Incremental Cost to pay Travel Time	\$66,035 (b)
 Miles Driven to and from Rural Area Courts	 78,372
Estimated pay of .65 cents per mile	<u>x .65</u>
Estimated Incremental Cost to pay Mileage	\$50,942 (c)
 Number of Trips Requiring Overnight Stay in St. George	 24
Forecasted Per Diem Rate at \$115 per night	<u>x \$115</u>
Estimated Incremental Cost to pay Lodging for St. George	\$25,320 (d)
 Summary:	
Incremental Cost of \$4 per hour Increase in Pay	\$ 4,176 (a)
Incremental Cost of Travel Time to Rural Courts at \$56/hr	\$66,035 (b)
Incremental Cost of Mileage at .65 cents per mile	\$50,942 (c)
Incremental Cost of Lodging for St. George only	<u>\$25,320 (d)</u>
 Total Cost of Incentive	 <u>\$146,473</u>

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

See above.

Alternative funding sources, if any:

Without supplemental funds from the Legislature, the JWI fund is not expected to have sufficient funds by the end of FY 2024 to fund this request. That is why we are adding a FY 2024 1x Legislative Funding request to this spending request. Starting with the forecast on Table 1 (which assumed status quo for FY 2024) here are the impacts of the FY 2024 YE requests on the JWI fund balance:

7. FY 2024 YE Spending Request – Higher Pay for Rural Assignments

YE 2024 Ending Balance per Table 1 (status quo)	\$268,000
Total YE 2024 JWI 1x Requests - see footnote ¹	(\$516,500)
Forecasted Deficit in JWI Fund @ 6/30/2024	(\$248,500)
 Reserve for Contingent JWI Events in FY 2024	 (\$550,000)
	(\$798,500)
YE 2024 JWI 1x Legislative Request	\$800,000
	\$ 1,500

Due to the volatile nature of demands on the JWI fund from contractors and our efforts to increase the supply of interpreter talent, we have included a contingency in our 2024 one-time supplemental request. This will offer us some degree of protection against overspending our available funds. Overspending is something to be avoided because it triggers 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.²
- (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.³

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

We may have more difficulty in obtaining contract interpreters for in-court work.

¹ Comprised of the following YE 2024 JWI requests –
 JWI YE #2 Scheduling Software- \$20,000,
 JWI YE #3 Media - \$10,000,
 JWI YE #4 Contract Interpreter - \$65,000,
 JWI YE #6 2-Hour Min - \$275,000,
 JWI YE #7 Rural In-Person - \$146,500

² Link: <https://le.utah.gov/xcode/Title78B/Chapter1/78B-1-S117.html>

³ 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

7. FY 2024 YE Spending Request – Higher Pay for Rural Assignments

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							

Table 2

District	City	Frequency Per Month	Frequency Per Year
District 5	St. George	2x	24
District 6		1x	12
District 7	Moab	4x	48
District 8	Duchesne	2x	24
District 8	Roosevelt	2x	24
District 8	Vernal	6x	72
	Total		204

Tab 3



UTAH STATE COURTS

COURT GRANTS REPORT

APRIL – JUNE 2023



ADMINISTRATIVE OFFICE OF THE COURTS
FINANCE DEPARTMENT

AUGUST 2023

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A. Grants Portfolio Summary

Active Grants

As of June 30th, 2023 the Administrative Office of the Courts maintains eight (8) active grants comprised of three (3) federally awarded grants and five (5) non-federally awarded grants.

New Grants

No new grants were awarded between April 1st and June 30th, 2023. However, one grant application is under grantor review, and one grant application proposal was approved for submission in this quarter (*see below*—"Grants Under Consideration").

Grants Under Consideration

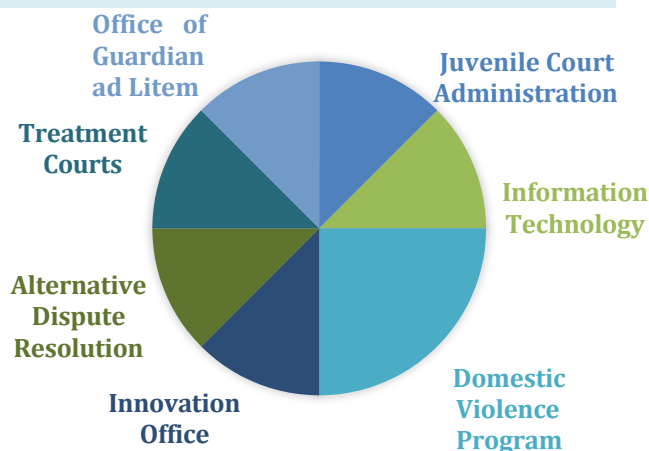
The National Center for State Courts' "Eviction Diversion Initiative" grant was approved for submission in March 2023 (*pending grantor response as of June 30, 2023*). One grant application proposal was approved for submission by the Budget & Fiscal Management Committee (BFMC) and Judicial Council between April 1st and June 30th, 2023:

- Utah Appellate Court's Pilot Pro Bono Program (*Utah Bar Foundation – \$10,000 / approved for submission May 2023*)

Grant Type, Count, & Distribution

Administering unit count and distribution among eight active grants:

- One (13%) Juvenile Court Administration;
- One (13%) Information Technology;
- Two (22%) Domestic Violence Program;
- One (13%) Innovation Office;
- One (13%) Alt. Dispute Resolution;
- One (13%) Guardian ad Litem;
- One (13%) Treatment Courts



Unit	Grant Title	F	NF	Grant Administering Unit
2957	State Court Improvement Program (CIP)			Juvenile Court Administration
2962	State Access & Visitation Program			Alternative Dispute Resolution
2972	Innovation Office ARPA Funds			Innovation Office
2935	Online Dispute Resolution Enhancements			Information Technology
2936	Stop Violence Against Women Act (VAWA)			Domestic Violence Program
2920	State Asset Forfeiture Grant (SAFG)			Treatment Courts
2967	Victims of Crime Act (VOCA)			Office of Guardian ad Litem
2999	Tribal Outreach Coordinator			Domestic Violence Program

Active Grants Total **3** **5**

Federal Award (F)
Non Federal Award (NF)

B. Updates from Grant Administering Units

Alternative Dispute Resolution

Grant: State Access & Visitation Program **Grantor:** Federal Administration for Children & Families
Unit: 2962

The Co-Parenting Mediation Program received 58 referrals between 04/01/2023 and 06/30/2023.

Domestic Violence Program

Grants: STOP Violence Against Women Act (VAWA) & subaward from the Domestic Violence Coalition (UDVC) **Grantors:** Utah Office for Victims of Crime and Utah Domestic Violence Coalition **Units:** 2936, 2999

The Domestic Violence Program (funded by the VAWA grant and the UDVC rural grant) completed the following activities during the quarter: provided training to judges, court staff, and stakeholders; we updated the protective order system in accordance with legislative changes and necessary form changes; worked with Utah's Native American Nations to address protective order issues and the Missing and Murdered Indigenous Women's Crisis; visited the DV Docket in Pulaski, Virginia to help build Utah's Domestic Violence (DV) Docket Pilot Program; conducted systems mapping on behalf of the Domestic Violence Offender Treatment Board; and received training on domestic violence best practices.

Additionally, the program assisted in rollout of the LAP ("lethality assessment protocol") response in courts; and worked with Utah's BCI (Bureau of Criminal Identification) and DPS (Department of Public Safety) to improve compliance rate for protective order data requirements.

Information Technology

Grant: Online Dispute Resolution (ODR) Assessment & Enhancements **Grantor:** The State Justice Institute **Unit:** 2935

This quarter completed the ODR grant provided by the State Justice Institute. Activities in this quarter included ongoing planning meetings and mockups for ODR/MyCase requirements sessions, the preparation of a programing release tentatively scheduled for September 30th, 2023, and scanning of code/screens for Americans with Disabilities Act (ADA) accessibility.

Juvenile Court Administration

Grant: Court Improvement Program (CIP) **Grantor:** Federal Administration for Children & Families **Unit:** 2957

The CIP has been very involved with work related to Utah's tribes, working closely with the court's Tribal Outreach Program Coordinator. In May, the CIP attended a collaboration meeting in Window Rock, Arizona between the Navajo Division of Social Services and the State of Utah. This was an opportunity to network and learn more about the Navajo Nation's government structure and social services departments. The CIP also recently received a final "Preliminary Examination of COVID- 19 Impacts on ICWA [Indian Child Welfare Act] Matters in Utah" report that was completed for us by NCJFCJ (National Council of Juvenile & Family Court Judges). Utah is the first to attempt to specifically focus on exploration of the pandemic's effects on ICWA and tribes. The CIP has also been developing a new webinar series that will begin in August as well as coordinating work on a new project related to making improvements in parent time in child welfare cases.

Utah Supreme Court

Grants: Innovation Office & Regulatory Sandbox **Grantors:** American Rescue Plan Act (ARPA) **Unit:** 2972

As of May 2023, the Office of Legal Services Innovation ("Office") has received 105 applications and there are currently 55 authorized entities participating in the sandbox. The Utah State Bar now houses the Office and directs its day-to-day operations including initial assessments of entity applications, entity data submissions, and enforcement actions.

Office of Guardian ad Litem

Grant: Victims of Crime Act (VOCA)
Grantor: Utah Office for Victims of Crime
Unit: 2967

Reimbursements were submitted for salary and fringe benefits for three volunteer coordinator staff positions: One part-time position in Utah County, and two full time positions - one in Salt Lake County and one in Davis County. The grant also funds their cell phones, volunteer training manuals and support for our website.

Thirteen new volunteers were trained as Court Appointed Special Advocates (CASAs) during this quarter. The grant-funded CASA Coordinators were able to assign these volunteers to 30 new child victims, making it a total of 231 children served this quarter. 157 volunteer advocates donated 2,209 hours during Q4 and this work was supported by the grant-funded volunteer coordinators.

This is the last quarter of VOCA grant funding for our office. We have been informed that there will be a direct appropriation from the state legislature for

the next fiscal year to cover the salaries of the CASA Coordinators.

Treatment Courts

Grant: State Asset Forfeiture Grant (SAFG)
Grantor: The Utah Commission on Criminal & Juvenile Justice **Unit:** 2920

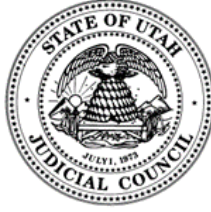
A total of 25 court staff attended the "Rise23" treatment court conference in Houston, Texas (June, 2023).

C. Grants Financial Summary

State Fiscal Year 2023						
Data as of June 30, 2023			Actual		Budget	
Unit	Grant Administering Unit	Grant Title	Expenditures (Fiscal Quarter)	Expenditures (LTD)	Award (Grant Total)	Balance
Federally Awarded						
2957	Juvenile Courts	Court Improvement Program (CIP) - Basic CIP Data & Collaboration (min. 30%)	\$ 84,969 \$ 50,675	\$ 223,296 \$ 152,472	\$ 440,918	\$ 65,150
2962	Alternative Dispute Resolution	State Access & Visitation Program	\$ 10,943	\$ 100,000	\$ 100,000	\$ -
2972	Innovation Office	American Rescue Plan Act (ARPA)	\$ 48,875	\$ 196,740	\$ 324,500	\$ 127,760
Subtotals Federal			\$ 195,462	\$ 672,508	\$ 865,418	\$ 192,910
Non-Federally Awarded						
2936	Domestic Violence Program	Violence Against Women Act (VAWA)	\$ 37,907	\$ 84,047	\$ 126,270	\$ 42,223
2920	Treatment Courts	State Asset Forfeiture Grant (SAFG)	\$ 6,265	\$ 6,265	\$ 25,000	\$ 18,735
2967	Guardian ad Litem	Victims of Crime Act (VOCA)	\$ 1,226	\$ 208,060	\$ 215,516	\$ 7,456
2935	Information Technology	Online Dispute Resolution (ODR) Enhancements	\$ 1,160	\$ 182,520	\$ 185,000	\$ 2,480
2999	Domestic Violence Program	Tribal Outreach Coordinator	\$ 12,814	\$ 95,736	\$ 233,350	\$ 137,614
Subtotals Non-Federal			\$ 59,372	\$ 576,628	\$ 785,136	\$ 208,508
TOTAL			\$ 254,834	\$ 1,249,136	\$ 1,650,554	\$ 401,418

*Note: NCSC Eviction Diversion Initiative and Utah Bar Foundation Pro Bono Pilot program grants are not present in the above table as they are pending grantor response as of June 30, 2023.

Tab 3



Administrative Office of the Courts

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

August 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 Carryforward Expenditures and FY23 One-time Expenditures 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 used. Last month, I provided a report on how FY22 Ongoing Turnover Savings and FY23 fiscal note funds were used. Below is a report on the use of FY22 carryforward funds and other Council-approved one-time expenditures during FY23. The dollar amounts reflect both the amount approved by the Judicial Council and the amount spent unless otherwise noted.

Appellate Courts

LAW CLERK COMMITMENT FULFILLMENT - \$11,000

This allowed the Supreme Court to honor a prior one-year commitment to a law clerk after a justice left the Court midterm and midyear. Because justices hire their own law clerks, without this funding, the Court would not have been able to continue paying the law clerk.

Education

IN-PERSON CONFERENCE AND EDUCATION TEAM TRAINING - \$168,500

The Education Department's ongoing budget is insufficient to cover the costs of the annual judicial conference and the annual court-level conferences. The Education team used these funds for the following purposes:

- support five in-person judicial conferences;
- send one Education team member to the Arbinger Institute Summit in Salt Lake City to become a certified facilitator;
- send three Education team members to the 2022 DevLearn Conference; and
- send one Education team member to the 2022 National Association of State Judicial Educators.

DIVERSITY, EQUITY, AND INCLUSION TRAINING - \$24,825 spent out of \$25,000 approved

The Education team offered 14 in-person DEI trainings, at least one in every district.

Facilities

SECOND DISTRICT A/V UPGRADES - \$40,000

This covered a portion of the costs of A/V upgrades in one courtroom in the Farmington courthouse and one courtroom in the Bountiful courthouse. Both courtrooms had antiquated equipment that did not permit the use of newer technologies.

THIRD DISTRICT PROBATION OFFICE A/V UPGRADES - \$61,509

This was the second half of the A/V upgrades in the Probation offices located in the Taylorsville State Office Building. This portion of the funding covered upgrades in two conference rooms and seven small meeting rooms.

FOURTH DISTRICT A/V UPGRADES - \$17,000

This covered a portion of the costs of A/V upgrades in two courtrooms in the Spanish Fork courthouse. Both courtrooms had antiquated equipment that did not permit the use of newer technologies.

FIFTH DISTRICT A/V UPGRADES - \$141,000

All courtrooms in the St. George courthouse received full A/V upgrades.

SEVENTH DISTRICT COURTHOUSE IMPROVEMENTS - \$8,840

The Seventh District installed storage cabinets in Price and a printer area in Moab, and purchased a couch for the staff area in Moab.

SUMMIT COURTHOUSE JURY DELIBERATION ROOM IMPROVEMENTS - \$150,000

These funds paid for the first phase of improvements to the jury deliberation room in Summit County. The Judicial Council another \$200,000 for the second phase of improvements. Work will be completed this fall. The project will convert a jury assembly room into a jury deliberation room with a separate entrance and restroom.

MATHESON COURTHOUSE CARPET REPLACEMENT - \$100,000

These funds paid for the third phase of carpet replacement in the Matheson Courthouse. All courtrooms in Matheson now have new carpet.

MATHESON ELECTRONIC DIRECTORIES - \$43,101

The Facilities Department installed new electronic directories in Matheson: three on the first floor and one on each of the other floors.

Information Technology***STATEWIDE ROUTERS - \$160,000***

IT installed 34 routers throughout the state to assist with efforts to improve network speeds and stability.

CISCO WIRELESS ACCESS POINTS - \$98,000

This funding was used to replace 125 wireless access points in courthouses throughout the state in an effort to improve coverage and security. During the project, IT identified an additional 45 wireless access points that needed replacement and covered those costs with their existing budget.

CISCO PORTAL UPGRADE - \$0 spent out of \$150,000 approved

This project will create a portal for streaming Webex hearings. That portal will allow the public to access virtual and hybrid hearings with minimal clerical management. IT continues to negotiate with Cisco and to work on design. No funds have been spent on the project at this time.

RETAIN CONTRACT DEVELOPERS - \$682,000

IT used these funds to contract for special projects that require unique skills, unique software, or partnerships with vendors, and for time-limited projects. During FY23, the IT contractors worked on the following projects: CORISWeb rewrite, system and database speed improvements, modernization of applications, CORISWeb minutes, Efiling improvements.

IT REPLACEMENT INVENTORY - \$250,000

IT purchased laptops, printers, PCs, monitors, scanners, and other hardware to be used as part of the five year replacement schedule for computer equipment.

BANDWIDTH INCREASES - \$60,000

IT increased bandwidth in 22 locations. The increases were necessary to support the increased use of remote and hybrid meetings as well as other operational needs.

IT STAFF AUGMENTATION - \$88,132 spent out of \$270,000 approved

IT used this funding to contract with third parties for tasks that would otherwise consume valuable time of IT employees. This allows IT employees to concentrate on higher priority tasks and provide better service for court employees and judicial officers. The full amount was not used because ARPA funds paid for some staff augmentation.

GOOGLE LICENSE RENEWAL - \$148,000

This funded a portion of the annual license renewal for the Google products. The total cost was \$257,000.

SENZING LICENSE RENEWAL - \$20,000

This funded the annual license renewal for Senzing, software that is used in our automatic expungement programming to accurately identify eligible cases.

ADOBE SIGN - \$260,000

This funded the annual license renewal for Adobe Sign, software used to improve signature process efficiencies and recordkeeping security.

REPLACEMENT OF FINANCE REVENUE SYSTEM - \$40,000

IT is developing a modernized finance management system for the Finance Department. The system will include automated services, new service modules, and self-service portals to record revenue and access financial reports. This is expected to be completed in September 2023.

WEBEX - \$38,000

This helped pay for additional functionality and support for Webex such as Webex Calling, Webex Events, and Webinar licenses for all users. The total cost for these upgrades was \$204,000.

FIREWALL REPLACEMENT - \$415,000

IT replaced external firewalls in Matheson and St. George. The total cost was \$697,000. IT paid the balance from its existing budget.

Justice Courts

JUSTICE COURT REFORM ANALYSIS PARTNER - \$25,000

The AOC contracted with the Kem C. Gardner Policy Institute for assistance in determining the fiscal impact of Justice Court Reform. The Institute gathered justice court expense data; determined the fiscal impact on justice courts from a possible reduction in case filings; and calculated the break-even points for justice courts among other things.

Juvenile Courts

INTERSTATE COMPACT FOR JUVENILES OPERATIONS - \$19,800 spent out of \$21,000 approved.

The Juvenile Courts administration team used these funds to pay for the annual dues to the Interstate Compact for Juveniles and extradition costs.

Office of Fairness and Accountability

SECOND LANGUAGE STIPEND - \$83,200

With these funds, the AOC was able to increase the secondary language stipend from \$50 per pay period to \$100 per pay period. This stipend is provided to court employees who assist with interpretation outside of court proceedings.

DIVORCE EDUCATION FOR CHILDREN - \$12,000

The AOC completed work on an educational website for teens of divorcing parents.

Personnel

ONBOARDING AND RECRUITMENT SOFTWARE - \$19,030

This funded the annual license renewal of software used to recruit and onboard employees.

EMPLOYEE INCENTIVE AWARDS - \$280,000

All districts and the AOC received a portion of this funding to award outstanding performance by employees on special projects.

EDUCATION ASSISTANCE PROGRAM - \$79,091 spent out of \$85,000 approved

This funding allowed the Judiciary to provide education assistance to 28 employees.

PUBLIC TRANSPORTATION REIMBURSEMENT - \$39,255 spent out of \$50,000 approved

This funding allowed the Judiciary to provide a public transportation benefit to an average of 74 employees monthly.

TIME-LIMITED LAW CLERKS - \$191,200

This funding provided salary and benefits for two district court law clerks.

PILOT PROGRAM - WELLNESS RESOURCES FOR JURORS - \$0 spent of \$35,000 approved

We continue to work on the details of this program so we have not yet spent these funds. The Judicial Council agreed to allow the funds to be used in FY24.

HOTSPOT BONUSES - \$245,553 spent of \$250,000 approved

The Judiciary uses these funds to recruit, retain, and recognize employees. 148 employees throughout the state received hotspot bonuses.

PERFORMANCE BONUSES (Q1/Q2) - \$450,000 spent of \$450,000 approved

The Judiciary provided performance-based bonuses to 619 employees throughout the state.

PERFORMANCE BONUSES (Q3/Q4) - \$450,000 spent of \$450,000 approved

The Judiciary provided performance-based bonuses to 596 employees throughout the state.

Self-Help Center & Law Library

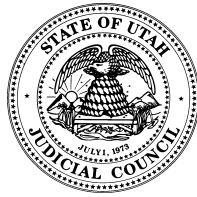
AMERICAN ASSOCIATION OF LAW LIBRARIES ANNUAL CONFERENCE - \$0 spent of \$845 approved

The Law Library received a grant that covered the costs associated with attending the conference.

ONLINE DISPUTE RESOLUTION PROGRAM DEVELOPMENT - \$39,600 spent of \$46,200 approved

These funds provided compensation to our contract ODR program coordinator (before we received funding from the Legislature for a full-time position) and incentives to our volunteer facilitators.

Tab 4



Administrative Office of the Courts

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

July 28, 2023

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

MEMORANDUM

TO: The Management Committee of the Judicial Council

FROM: Standing Committee on Model Utah Civil Jury Instructions
Jace Willard, Associate General Counsel

RE: New Appointment

New Appointment for Defense Counsel:

The Committee received four applications to fill the defense counsel seat that was vacated by Ms. Ruth Shapiro when she resigned from the Committee in April of this year. The applicants for this seat included Stewart Harman, Benjamin Mills, Mark Nickel, and Emily Nuwan. After discussion the Chair and Vice-Chair agreed they would recommend Mr. Harman to fill this position.

Mr. Harman is an experienced litigator and trial lawyer primarily representing civil defendants. He currently practices at Plant Christensen & Kanell, and has done so since 2006. He handles mainly insurance defense cases, including personal injury, construction defect, and municipal claims, as well as HOA, landlord-tenant, products liability, and complex civil litigation cases. Additionally, Mr. Harman currently serves as a member of the Committee's Subcommittee on Insurance.

The Chair and Vice-Chair have elected not to recommend an alternate from among the other applicants due to concerns about the short time in practice of both Mr. Mills and Ms. Nuwan (respectively, one and a half years and three years), the fact that Mr. Mills' firm (Snell & Wilmer) is already represented on the Committee, and that most of Mr. Nickel's concededly broad experience in defense litigation is outside of Utah (14 of 19 years). Thus, if the recommendation for Mr. Harman's appointment is not approved, the Chair and Vice-Chair respectfully propose reopening the application process.

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

The Committee looks forward to approval and any feedback from the Management Committee and Judicial Council as to the proposed new appointment.