

**JUDICIAL COUNCIL MEETING  
Minutes**

**August 18, 2023**

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

**1:30 p.m. – 2:34 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. Keith Barnes  
Hon. Samuel Chiara  
Hon. Thomas Low  
Hon. Kara Pettit  
Justice Paige Petersen  
Margaret Plane, esq.

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Michael Drechsel  
Sonia Sweeney  
Shane Bahr  
Jim Peters  
Nick Stiles  
Keisa Williams  
Brianna Eriksson  
Brody Arishita  
Todd Eaton  
Karl Sweeney  
Alisha Johnson  
Melissa Taitano  
Jordan Murray  
Bryson King

**Excused:**

**Guests:**

Mark Urry, TCE Fourth District Court

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

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

**Motion:** Justice Paige Petersen moved to approve the July 17, 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 reported that he and Ron Gordon had a meeting with Governor Cox to discuss last year’s legislative bill related to the judiciary, redistricting, and judicial selection process. The meeting was civil and both Governor Cox and Justice Durrant expressed their respective positions. While Chief Justice Durrant has no concerns that Governor Cox will be non-partisan in his judicial selections, there are no guarantees what future governors will do with the new discretion created by the bill.

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

Mr. Gordon thanked Karl Sweeney, Alisha Johnson, and the finance team for all of their work on the Annual Budget and Planning meeting. Mr. Gordon welcomed Administrative Assistant, Brianna Eriksson, and thanked her for her assistance. Given the information Mr. Gordon provided to the Judicial Council during the Annual Budget and Planning meeting in the morning, he had no further report to make.

**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:**

Justice Paige Petersen had nothing new to report.

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

Judge Samuel Chiara had nothing new to report.

**Bar Commission Report:**

Margaret Plane reported that Erik Christiansen is now the President of the Bar Commission. Ms. Plane reported that the Bar is currently providing the virtual summer convention Continuing Legal Education sessions that have been attended by roughly 3,700 Utah attorneys. A member of the Council asked Ms. Plane about the Annual Meeting at the Utah State Bar building and Ms. Plane responded that the event had decent attendance and there was a reception after the meeting with a live band and food trucks.

**5. BUDGET AND GRANTS: (Karl Sweeney, Alisha Johnson, Melissa Taitano, and Jordan Murray)**

Chief Justice Durrant welcomed Karl Sweeney, Alisha Johnson, and Melissa Taitano.



### 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)
	<b>Actual Turnover Savings for FY 2024 as of 07/06/2023</b>		<b>\$ (145,271)</b>	<b>\$ 243,232</b>

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.
- We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
- Authority was delegated from the Judicial Council to the State Court Administrator/Deputy in October 2022 to expend up to \$200,000 annually



### FY 2024 One Time Turnover Savings

Updated as of Pay Period Ending -- (0 out of 2,080 hours)

#		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
	<b>Total Potential One Time Savings</b>		<b>3,744,000.00</b>

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 BFMC MEETING.

ARPA funds remaining are \$5,388,214.06.



## FY 2024 Year End Requests and Forecasted Available One-time Funds - Period 1

Forecasted Available One-time Funds			# One-time Spending Plan Requests		Current Requests Amount	Judicial Council Approved Amount
Description	Funding Type	Amount				
<b>Sources of YE 2024 Funds</b>						
* Turnover Savings as of PPE - (including anticipated ARPA reimbursement)	Turnover Savings	-	1	Employee Wellness Resources	\$	107,450
** Turnover savings Estimate for the rest of the year (\$1,800 x 2080 pay hours)	Turnover Savings	3,744,000	2	JWI Centralized Scheduler	\$	20,000
(a) <b>Total Potential One Time Turnover Savings</b>		3,744,000	3	JWI Media Outreach Interpreter Recruiting	\$	10,000
Operational Savings From TCE / AOC Budgets	Internal Operating Savings	-	4	JWI Interpreter Trainer	\$	65,000
Reserve Balance (balance from FY 2023 Carryforward)	Judicial Council Reserve	30,988	5	OFA Racial and Ethnic Disparity Data Project	\$	30,000
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	-	6	JWI Increase to 2 Hour Minimum	\$	275,000
(b) <b>Total Operational Savings and Reserve</b>		30,988	7	JWI Higher Pay for Rural Assignments	\$	147,500
(c) <b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		3,774,988				
<b>Uses of YE 2023 Funds</b>						
(d) <b>Carryforward into FY 2024 (Request has been made to Legislature for \$3,200,000)</b>	Historical Carryforward	(3,200,000)				
<b>Total Potential One Time Savings = (c) + (d) less Carryforward</b>		574,988				
<b>Less: Judicial Council Requests Previously Approved</b>		(232,450)		<b>Current Month One-time Spending Requests</b>	422,500	
<b>Less: Judicial Council Current Month Spending Requests</b>		(422,500)		<b>Previously Approved 1x FY 2024 YE Spending Request</b>		232,450
<b>Remaining Forecasted Funds Available for FY 2024 YE Spending Requests</b>		(79,962)				

Updated 7/26/2023

\* 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.

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY24 are to be spent between July 1, 2023, and June 30, 2024; however current spending forecasts indicate the Courts will not fully expend the appropriations by June 30, 2024. The following are requests to the 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.

### Matching Competition - 2-Hour Minimum for Interpreters \$275,000 one-time funds

Contract court interpreters are typically paid from the Jury, Witness, Interpreter (“JWI”) fund. They provide a constitutionally required service in the judicial process. While interpreters are not court employees, they are language access professionals who are essential to ensuring due process for those with limited English proficiency. Currently, the contract interpreters know that they are in a very competitive economic environment where they can make more money 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, the Language Access Committee is proposing Utah also implement a two-hour minimum.

Due to constraints in the JWI fund, the Language and Access Committee funding request seeks to use 2024 year-end one-time funds to support the court interpreter program. Although it is believed that with the FY24 Legislative Request for \$800,000 in one-time JWI funds, there will be sufficient funds in the JWI fund at the end of FY24 to fund this request, to avoid deficit spending in the JWI account, the Language Access Committee requests FY24 year-end Court funds which they expect to reimburse in the fourth quarter of 2024.

### Higher Pay for Rural Assignments - In Person \$146,500 one-time finds

In addition to the two-hour minimum pay for interpreters, the Language Access Committee seeks one-time funding to pay for travel time to and from the court for contract interpreter assignments.

In order to be competitive with other states, the Language Access Committee is proposing to pay interpreters for travel time for assignments in rural areas. Rural sites are most often not served with in-person translation services since the travel time is not paid. The Language Access Committee believes 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 they implement the new scheduling software and are able to effectively use the interpreter for a full day during their rural trips. In addition to travel costs, as noted above, the Language Access Committee proposes that the interpreters be paid an additional \$4 per hour if interpreters accept assignments in “Rural” area courts. Rural is defined as Districts 5, 6, 7, and 8.

**Motion:** Judge Paul Farr moved to approve the two-hour minimum interpreter request for \$275,000 one-time funds, as presented, and the increased interpreter pay for in-person rural assignments request for \$146,5000, as presented. Judge Ryan Evershed seconded the motion, and it passed unanimously.

#### **Eviction Diversion Initiative Grant**

The National Center for State Courts awarded the Eviction Diversion Initiative grant, which was approved by the Judicial Council for submission in March 2023. The request to approve the acceptance of the funds will be brought forward at the Judicial Council’s September meeting.

#### **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 grant was approved by the Judicial Council in July 2023.

#### **Victims of Crime Act (VOCA)**

The fourth quarter of FY2023 was the last quarter of VOCA grant funding. Beginning in FY2024, there will be a direct appropriation from the state legislature to cover the salaries of the Court Appointed Special Advocate coordinators.

### **6. FY23 ONE-TIME FUNDS REPORT: (Ron Gordon and Brody Arishita)**

Chief Justice Durrant welcomed Ron Gordon and Brody Arishita. During the August 2021 Annual Budget Meeting, the Council requested the Administrative Office of the Court (AOC) provide them with an annual spending summary of projects they funded with one-time funds. Below is the report on the use of FY 2022 carry forward funds.

#### **In Person Conference and Team Training - \$168,500**

These funds supported five in-person statewide judicial conferences. It also allowed one education team member to attend the Arbinger Institute Summit in Salt Lake City and become a certified facilitator, one education team member to attend the Nation Association of State Judicial Educators conference, and allowed three education team members to attend the 2022 DevLearn conference.

**Employee Incentive Awards - \$280,000**

With these funds, all districts, and the AOC were able to award outstanding performance by employees on special projects.

**Education Assistance Program Funding - \$79,091**

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

**Public Transportation Reimbursement Program - \$39,255**

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

**Hot Spot Bonus Funding - \$245,533**

These funds allowed the judiciary to recruit, retain, and recognize employees. A total of 148 employees throughout the state received hotspot bonuses.

**Performance Bonuses - \$900,000**

With these funds, the judiciary provided performance bonuses to 619 employees throughout the state in quarters one and two, and to 596 employees throughout the state in quarters three and four.

**Courtroom Audio Systems Upgrades - \$80,000 (Judicial Council Allocation - \$17,000)**

With these funds, the IT Department was able to replace the courtroom audio system in both the juvenile and district courtrooms in the Spanish Fork courthouse.

**Bandwidth Increases - \$60,000**

With these funds, the IT department was able to increase network bandwidth for 22 court locations to support higher demand for internet speeds with hybrid meetings and growing operational needs.

**Cisco Routers - \$160,000**

With these funds, the IT department was able to update 34 routers to support increased bandwidth, a secondary internet service provider, and updated SD-WAN policies. Mr. Arishita explained this equipment is critical in improving network speeds and increasing stability in courthouses.

**Cisco Wireless Access Points - \$98,000**

With these funds, the IT department was able to replace 125 access points to improve wireless network coverage in buildings as well as improve security.

**IT Replacement Inventory - \$250,000**

These funds were used to purchase replacement laptops, printers, PCs, monitors, scanners, and miscellaneous hardware. The court is now on a five-year replacement schedule for computers, with a goal of reaching a three-year replacement schedule in the future.

**Annual Google License Renewal - \$257,000 (Judicial Council Allocation - \$148,000)**

These funds were used to pay for the annual Google license renewal.

**Annual Clean Slate Software Renewal - \$20,000**

These funds were used to pay for the annual Clean Slate software renewal.

**Annual Adobe Sign Software Renewal - \$260,000**

These funds were used to pay for the annual Adobe Sign software renewal.

**Development of a modernized finance management system - \$40,000**

These funds were used to develop a modernized finance management system for the Finance Department.

**Annual Webex License Renewal - \$204,000 (Judicial Council Allocation - \$38,000)**

These funds were used to pay for the annual Webex license renewal.

**Development of a portal for steaming Webex hearings - \$150,000**

These funds were used to develop a public portal to easily access hybrid/virtual hearings with minimal clerical management.

**Firewall Replacement - \$697,000 (Judicial Council Allocation - \$415,000)**

These funds were used to replace end-of-life primary external firewalls at Matheson Courthouse and St. George Courthouse, providing better security.

**Development IT Contactor Support - \$682,000**

With these funds, IT was able to contract special projects that require unique skills and software, creating partnerships with vendors for integration or time-limited projects.

**Operation Staff Augmentation - \$270,000 (\$88,132 allocated\*)**

This funding was made available to IT to utilize third-party services to complete tasks when IT lacked personnel. The funds help move IT projects along more quickly because IT is able to outsource tasks that would otherwise be completed by IT staff.

\*The full amount was not used because ARPA funds paid for some staff augmentation.

**7. SENIOR JUDGE APPOINTMENT (Neira Siaperas)**

Chief Justice Durrant welcomed Neira Siaperas. Ms. Siaperas recommended that the Council return to this agenda item following a closed session.

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

After the executive session,

**Motion:** Judge Michael DiReda moved to recommend Judge Randall Skanchy to the Supreme Court for appointment as the senior judge. Judge Kara Pettit seconded the motion and it passed unanimously.

**8. OLD BUSINESS/NEW BUSINESS: (All)**

Judge Mortensen discussed some concerns related to cases under advisement performance standards, noting a possible conflict with Utah Code of Judicial Administration Rule 3-101(3)(C)(i), which states “A trial court judge demonstrates satisfactory performance by holding...not more than an average of three cases per calendar year under advisement more than two months after submission with no more than half of the maximum exceptional cases in any one calendar year,” and Utah Code 78A-2-223, which states “a trial court judge shall decide all matters submitted for final determination within two months of submission unless circumstances causing the delay are beyond the judge's personal control.”

In addition to the conflicting direction between the rule and the statute, Judge Mortensen wondered if judicial officers are calculating the average of their cases per calendar year. Judge Mortensen will raise this issue with the Policy and Planning Committee for review.

**9. EXECUTIVE SESSION**

An executive session was held.

**10. ADJOURN**

The meeting adjourned.